United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, THURSDAY, JANUARY 19, 1995 No. 11

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. DREIER].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
January 19, 1995.

I hereby designate the Honorable DAVID DREIER 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:

O gracious God, from whom comes every good gift, we give our thanks for all Your graces and all Your blessings. We specially offer our gratitude for the gift of Your creation which binds all people together in the spirit of unity. May our lives express that unity and may our work together serve people as to their need. Whatever our background, whatever our ideas or patterns, whatever our experience or culture, You have created each of us, O God, in Your image and we earnestly pray that by Your grace we will reflect that image as we do justice, love, mercy, and ever walk humbly with You. 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.

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

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

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 218, nays 187, not voting 29, as follows:

[Roll No. 20]

YEAS—218

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

NAYS—187

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Bevill
Bishop
Bonior
Borski
Brewster
Browder
Brown (CA)
Brown (OH)
Bryant (TX)
Cardin
Chenoweth
Clay
Clayton
Clyburn
Coble
Coleman
Collins (IL)
Condit
Costello
Coyne
Cramer
Crane
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fields (LA)
Filner
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gekas
Gephardt
Geren
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefley
Hilliard
Hinchey
Holden

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Printed on recycled paper containing 100% post consumer waste

Hoyer
Hunter
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rohrabacher
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Spence
Spratt
Stark
Stenholm
Studds
Stump
Stupak
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thompson
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn

NOT VOTING—29

Bono
Brown (FL)
Chapman
Chrysler
Collins (MI)
Conyers
Cremeans
Davis
Dornan
Flake
Gibbons
Hayes
Hayworth
Hefner
Kaptur
Lincoln
Lofgren
Meehan
Orton
Porter
Reynolds
Ros-Lehtinen
Scarborough
Schaefer
Slaughter
Souder
Stokes
Yates
Young (AK)

□ 1018

Messrs. DINGELL, MORAN, MCHALE, MONTGOMERY, BALDACCI, and PALLONE changed their vote from ''yea'' to ''nay.''

Mrs. MYRICK and Messrs. QUINN, MCHUGH and SOLOMON changed their vote from ''nay'' to ''yea.''

Mr. WILSON changed his vote from ''present'' to ''nay.''

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. DREIER). Would the gentleman from Kentucky [Mr. WHITFIELD] please come forward to lead us in the Pledge of Allegiance.

Mr. WHITFIELD 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.

POINT OF ORDER

Mr. FRANK of Massachusetts. Mr. Speaker, I make a point of order.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized.

Mr. FRANK of Massachusetts. Mr. Speaker, at the beginning of this session, the House adopted a new rule which says the CONGRESSIONAL RECORD shall be a substantially verbatim account of remarks made during the proceedings of the House, subject only to technical, grammatical, and typographical corrections authorized by the Member making the remarks involved.

In the CONGRESSIONAL RECORD that we received this morning, reflecting yesterday's proceedings, at page H301 in the transcript of the remarks of the Speaker pro tempore, the gentleman from Florida, there are two changes that were made between what he, in fact, said and what is in the RECORD.

The first change is as follows:

He said yesterday with regard to the statements of the gentlewoman from Florida about the book of the Speaker, ''It is the Speaker's opinion that innuendo and personal references to the Speaker's conduct are not in order.''

That has been altered and that does not appear verbatim in the CONGRESSIONAL RECORD. Instead, it says, ''It is the Speaker's opinion that innuendo and critical references to the Speaker's personal conduct are not in order.''

Additionally, later on in response to a parliamentary inquiry from the gentleman from Missouri, the Speaker pro tempore said, as I recollect it, ''it has been the Chair's ruling, and the precedents of the House support this, a higher level of respect is due to the Speaker.''

In the CONGRESSIONAL RECORD that has been changed to ''a proper level of respect.''

Now, I do not believe that changing ''personal'' to ''critical'' and ''proper'' to ''higher'' is either technical, grammatical, or typographical. Both make quite substantive changes. Indeed, Mr. Speaker, it seems to me that by the standard that the Speaker yesterday uttered, the gentlewoman from Florida was judged, but if you take today's standard of revised, illegitimately revised version that is in the RECORD, there would be no objection to what the gentlewoman from Florida said.

The SPEAKER pro tempore. The Chair might respond to the gentleman.

The Chair would recite from the manual that in accordance with existing accepted practices, the Speaker may make such technical or parliamentary insertions, or corrections in transcript as may be necessary to conform to rule, custom, or precedent. The Chair does not believe that any revision changed the meaning of the ruling.

The Chair would under the circumstances inform the House on behalf of the Parliamentarian that the new rule is as it might apply to the role of the Chair will be examined.

PARLIAMENTARY INQUIRIES

Mr. FRANK of Massachusetts. Mr. Speaker, I am puzzled, and I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized.

Mr. FRANK of Massachusetts. The Speaker cited previous references to the House rules and manual. That predates the rules change adopted this year. This is not simply a case of making a technical change in a ruling. We are talking also about substantive changes in the debate in the House.

The SPEAKER pro tempore. The Chair has made it very clear, the Chair would say to the gentleman.

Mr. FRANK of Massachusetts. No, the Chair has not.

The SPEAKER pro tempore. The Chair has made it clear that the Parliamentarian plans to examine this issue.

Mr. FRANK of Massachusetts. Mr. Speaker, I have a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized.

Mr. FRANK of Massachusetts. In the first instance, I thought the Speaker was the responsible ruler in this situation, while the Parliamentarian advised him.

The SPEAKER pro tempore. The gentleman is correct.

Mr. FRANK of Massachusetts. Second, I want to know, are you telling me that this new change in which you say that it has to be verbatim, in fact, does not mean that, because two very important changes were made in the transcript from yesterday to today?

The SPEAKER pro tempore. The Chair has informed the gentleman that this issue is going to be examined in consultation with the Parliamentarian.

Mr. DINGELL. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Michigan is recognized.

Mr. DINGELL. Can you inform this Member and the House of what the meaning of the reexamination is?

You are informing the House that the issue is going to be reexamined. Yesterday the Speaker then presiding made a ruling which now appears in the precedents of the House. It interpreted the precedents of the House. It related to the rights, the behaviors, the dignities of the Members, and it dictated the future course of conduct of Members of this body.

Is the Chair informing us that the rulings of the Chair yesterday stand, that the rulings of the Chair yesterday have been changed without approval by the House?

The SPEAKER pro tempore. If the Chair might respond to the gentleman.

Mr. DINGELL. I would like to persist in my parliamentary inquiry. Or that the rulings of the Chair of yesterday are going to be reexamined?

The SPEAKER pro tempore. The Chair must reiterate that the principles of decorum in debate relied on by the Chair yesterday with respect to words taken down are not new to the 104th Congress.

First, clause 1 of rule XIV establishes an absolute rule against engaging in personality in debate where the subject

of a Member's conduct is not the pending question.

Second, it is the long and settled practice of the House over many Congresses to enforce that standard by demands from the floor that words be taken down under rule XIV. Although the rule enables the Chair to take initiative to address breaches of order, the Chair normally defers to demands that words be taken down in the case of references to Members of the House. On occasion, however, the Chair has announced general standards of proper reference to Members, as was the case on June 15, 1988. There, in response to a series of 1-minute speeches and special order debates focusing on the conduct of the Speaker as the subject of an ethical complaint and on the motives of the Member who filed the complaint, the Chair stated as follows:

> Thus, the Chair would caution all Members not to use the 1-minute period or special orders, as has already happened, to discuss the conduct of Members of the House in a way that inevitably engages in personalities.

Third, longstanding precedents of the House provide that the stricture against personalities has been enforced collaterally with respect to criticism of the Speaker even when intervening debate has occurred. This separate treatment is recorded in volume 2 of Hinds' Precedents, at section 1248.

Finally, a complaint against the conduct of the Speaker is presented directly for the action of the House and not by way of debate on other matters. As Speaker Thomas B. Reed of Maine explained in 1897, criticism of past conduct of the presiding officer is out of order not because he is above criticism but, instead, because of the tendency of piecemeal criticism to impair the good order of the House.

Speaker Reed's rationale is recorded in volume 5 of Hinds' Precedents section 5188 from which the Chair now quotes as follows:

> The Chair submits to the House that allusions or criticisms of what the Chair did at some past time is certainly not in order not because the Chair is above criticism or above attack but for two reasons; first, because the Speaker is the Speaker of the House, and such attacks are not conducive to the good order of the House; and, second, because the Speaker cannot reply to them except in a very fragmentary fashion, and it is not desirable that he should reply to them. For these reasons, such attacks ought not be made.

Based on these precedents, the Chair was justified in concluding that the words challenged on yesterday were in their full context out of order as engaging in personalities.

The Chair will inform that the Chair is going to proceed with 1-minutes.

Mr. DINGELL. Mr. Speaker, with all due respect to the gentleman, the question has not been responded to.

I want to thank the Chair for his comments. I would like to restate my parliamentary inquiry.

The question to which I would appreciate the Chair addressing his attention is: Yesterday the words of the Speaker were definitively put. The House acted upon the words of the Speaker. The Members on this side of the aisle voted unanimously to take down the words and to take other actions against the gentlewoman who at that time held the well.

The Chair has noted, I believe correctly, as has the gentleman from Massachusetts, that the RECORD was changed overnight to change the words of the then-presiding officer of this body.

The words——

The SPEAKER pro tempore (Mr. DREIER). If the Chair could respond to the gentleman——

Mr. DINGELL. May I complete my parliamentary inquiry, please, Mr. Speaker?

The Chair made certain rulings; precedents were quoted; new precedents were created. Those new precedents which were created have defined again the rights of all Members of this body.

I am asking whether now the Chair is changing the precedents of the House, whether the change of the words indicates a change of the precedents of the House. What are the rights of the Members of this body with regard to rulings of the Chair?

The Chair made a ruling yesterday. That ruling and matters relative to it including the words of the Speaker in connection with those words have now been changed.

The SPEAKER pro tempore. Based on the precedents the Chair has just outlined, the Chair does not believe that the intent has in any way been altered.

Mr. DINGELL. I have not completed my parliamentary inquiry. I ask to complete my parliamentary inquiry. Am I going to be permitted to complete this or not?

The SPEAKER pro tempore. The gentleman from Massachusetts; the gentleman from Massachusetts.

Mr. DINGELL. I am asking that I be permitted to complete my parliamentary inquiry and get a ruling from the Chair, unless the Chair chooses not to respond.

The SPEAKER pro tempore. The Chair has ruled.

Mr. DINGELL. No, the Chair has not. Because you have not ruled on my parliamentary inquiry.

The SPEAKER pro tempore. The ruling of the Chair is that the RECORD that has been changed does not significantly change the intent that was behind that ruling——

Mr. DINGELL. Mr. Speaker, well then I have a further parliamentary inquiry.

Mr. FRANK of Massachusetts. Parliamentary inquiry.

The SPEAKER pro tempore. Based on the precedents that the Chair has provided.

Mr. DINGELL. I have a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Massachusetts is seeking a parliamentary inquiry. It is the prerogative of the Chair.

The gentleman from Massachusetts.

Mr. DINGELL. Am I going to be permitted to ask a parliamentary inquiry?

The SPEAKER pro tempore. The House will be in order.

The gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mine will be quick, and then he can get his in there.

My question is this: It has to do with the rule about changing. It is a two-part question.

Am I correct that the Speaker acknowledges that the CONGRESSIONAL RECORD was changed in ways that were not either grammatical, typographical or technical, changing from ''personal'' to ''critical'' and ''higher'' to ''proper,'' clearly substantive?

The second question is: Is the remedy for the violation of this rule that the Speaker talks to the Parliamentarian? I am all in favor of conversation, but I am surprised that a new rule as part of the Contract With America is breached and has as its remedy a conversation by the Speaker with the Parliamentarian.

The SPEAKER pro tempore. The interpretation of the Chair is that the modifications that were made based on the precedents that the Chair has just outlined have not changed the intent.

Mr. FRANK of Massachusetts. Does modification mean change?

Mr. WATT or North Carolina. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Speaker, in the Judiciary Committee a couple of weeks ago, we adopted a set of rules which provide that a hearing can be called only by the committee on 7 days' notice. We conducted a hearing that was not so called, and the chairman of that committee advised the committee that the word ''committee'' does not mean committee, it means chair instead and invited us to seek an opinion from the Parliamentarian which we did, and the Parliamentarian's opinion indicated that the word ''committee'' means, in fact, ''committee.''

My parliamentary inquiry is: Should we take this as an indication, in conjunction with yesterday, that we are going to make up the rules as we go along and make technical changes to suit the whims of the chairs of the committees and whoever is presiding over the House, or can we rely now on the rules as they are written?

The SPEAKER pro tempore. The Chair can rely on the rules that have been written, and we will proceed under the adopted rules of the House.

The gentleman from Michigan.

Mr. DINGELL. I appreciate the Chair recognizing me. I would like to continue with my parliamentary inquiry.

I hope the Chair will have the goodness to let me complete my inquiry before I am ruled out of order and required again to take my seat.

My question is: What is now the status of the original ruling by the previous occupant of the chair in connection with the matter of the 1-minutes yesterday and the remarks of the gentlewoman from Florida?

The SPEAKER pro tempore. It is not changed at all.

Mr. DINGELL. Have they been changed?

The SPEAKER pro tempore. If the Chair might respond to the gentleman's parliamentary inquiry——

Mr. DINGELL. May I complete my parliamentary inquiry?

The SPEAKER pro tempore. The gentleman has asked a question, the Chair wishes to respond to the gentleman's parliamentary inquiry.

Mr. DINGELL. May I complete my parliamentary inquiry?

The SPEAKER pro tempore. In response to the gentleman's parliamentary inquiry, the Chair has interpreted there will not be a change based on the precedents that have been established. The statement that appeared in the RECORD was not different than that that had been provided.

Mr. DINGELL. If there is no change, Mr. Speaker, then why were the words changed, and what is the impact of the change of the words?

The SPEAKER pro tempore. If the Chair might respond to the parliamentary inquiry, the revisions that were made were technical and not substantive. That is the ruling of the Chair.

The gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I am very puzzled when you tell me they are technical and not substantive.

Would you instruct your Members that you would recognize me and I am proceeding in regular order?

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized.

The House will be in order.

Mr. FRANK of Massachusetts. The question is this, and it is a very serious one: When you say that ''personal'' and ''critical'' are the same thing, we were talking about references to the Speaker. Is it the Chair's ruling that given the circumstances any personal reference to the Speaker will inevitably be critical?

The SPEAKER pro tempore. Based on the precedents that have been provided especially during the 1-minute session, which is what came up under Speaker Reed, it is very clear that these kinds of references are not in order.

Mr. FRANK of Massachusetts. Mr. Speaker, I am talking now that there are two separate questions here, the ruling which my friend from Michigan was pursuing, and the new rule which the Republicans brought to this House as part of the Contract that said you do not change the Congressional Record; that is subsequent to all of the precedents you are talking about. There are two questions: One, your right to change the ruling; but, two, separate, the one I am focusing on, your right to change words in the CONGRESSIONAL RECORD in ways that are neither typographical, grammatical or technical, and I submit that changing ''personal'' to ''critical,'' one more sentence, ''personal'' to ''critical,'' and ''higher'' to ''proper'' are none of those. My question is: Why are you ignoring your new rule and changing the words in the CONGRESSIONAL RECORD, because they look better?

The SPEAKER pro tempore. The Chair will announce that it is obvious that these kinds of modifications have been raised as a question, and in the future the Chair will continue to be extraordinarily sensitive in dealing with these matters.

At this point we will proceed with 1-minute speeches.

Mr. DURBIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Illinois.

Mr. DURBIN. Mr. Speaker, before we start the 1-minute speeches, I think it is important that we clarify this issue so that Members do not have the words taken down.

The SPEAKER pro tempore. The Chair has done that.

Mr. DURBIN. If the gentleman from Illinois might inquire of the Chair, relative to the ruling of yesterday as modified in today's CONGRESSIONAL RECORD, it is unclear to me as to how far Members can go in reference to any Member of the House including the Speaker in terms of things that they have done, things that they have said, things that have been written about them, and it is curious at this point as to how far we can go in the statements on our 1-minute speeches or in special orders without transgressing the stated rules of the House.

If I might, I would like to ask the Chair's position as to whether Members in statements on the floor can make any references to activities of Members which may raise ethical questions.

□ 1040

The SPEAKER pro tempore (Mr. DREIER). The Chair must reiterate that the principles of decorum in debate relied on by the Chair yesterday with respect to words taken down are not new to the 104th Congress.

First, clause 1 of rule 14 establishes an absolute rule against engaging in personality in debate where the subject of a Member's conduct is not the pending question.

Second, it is the long and settled practice of the House over many Congresses to enforce that standard by demands from the floor that words be taken down under rule 14. Although the rule enables the Chair to take initiative to address breaches of order, the Chair normally defers to demands that words be taken down in the case of references to Members of the House. On occasion, however, the Chair has announced general standards of proper reference to Members, as was the case on June 15, 1988. There, in response to a series of 1-minute speeches and special order debates focusing on the conduct of the Speaker as the subject of an ethical complaint and on the motives of the Member who filed the complaint, the Chair stated:

> Thus, the Chair would caution all Members not to use the 1-minute period or special orders, as has already happened, to discuss the conduct of Member of the House in a way that inevitably engages in personalities.

Third, longstanding precedents of the House provide that the stricture against personalities has been enforced collaterally with respect to criticism of the Speaker even when intervening debate has occurred. This separate treatment is recorded in volume 2 of Hinds' Precedents, at section 1248.

Finally, a complaint against the conduct of the Speaker is presented directly for the action of the House and not by way of debate on other matters. As Speaker Thomas B. Reed of Maine explained in 1897, criticism of past conduct of the Presiding Officer is out of order not because he is above criticism but, instead, because of the tendency of piecemeal criticism to impair the good order of the House. Speaker Reed's rationale is recorded in volume 5 of Hinds' Precedents, at section 5188, from which the Chair now quotes as follows:

> The Chair submits to the House that allusions of criticisms of what the Chair did at some past time is certainly not in order. Not because the Chair is above criticism or above attack, but for two reasons: First because the Speaker is the Speaker of the House, and such attacks are not conducive to the good order of the House; and, second, because the Speaker can not reply to them except in a very fragmentary fashion, and it is not desirable that he should reply to them. For these reasons such attacks ought not to be made.

Mr. DURBIN. If the Chair would yield for another parliamentary inquiry?

The SPEAKER pro tempore. On behalf of the Parliamentarian, the Chair apologizes to the House for any deviation that may have taken place from the new rule.

Mr. DURBIN. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. FRANK of Massachusetts. I have a unanimous-consent request. I would ask unanimous consent.

The SPEAKER pro tempore. The gentleman from Illinois is recognized.

Mr. DURBIN. I will yield to my friend from Massachusetts in a moment. But if I may say this, this Member and most Members have the highest regard for the professionalism of the House Parliamentarian and his staff, and I want to make that clear and a matter of public record. If an apology has been extended, from this Member's point of view it is certainly accepted because I believe their level of professionalism is respected by all. We clearly will have differences of opinion on rulings.

I just would like to ask two questions by parliamentary inquiry and then I will sit down. I thank the Chair for

rereading the ruling. It is improving every time he reads. But I would ask this question. Can a Member during the course of a 1-minute make any reference to an activity of another Member, including the Speaker, which has taken place outside this Chamber?

The SPEAKER pro tempore. Based on the precedents, only a factual reference can be made.

Mr. DURBIN. A factual reference can be made.

The SPEAKER pro tempore. Without any suggestions whatsoever of impropriety.

Mr. DURBIN. One further inquiry. Does this limitation in terms of reference to personal conduct beyond factual conduct apply to those who serve in Government and the executive branch as well as the legislative branch?

The SPEAKER pro tempore. It applies to the President of the United States.

Mr. DURBIN. Does it apply to anyone else serving in the executive branch?

The SPEAKER pro tempore. It applies to the President of the United States.

The gentleman from Michigan.

Mr. BONIOR. Parliamentary inquiry, Mr. Speaker, and this will be the final comment by me on this issue. We are eager to get on with the business of the House. But there are some very fundamental issues, as we have heard on the floor this morning, at stake here. We are being told that the Speaker is being placed above criticism and comments.

The SPEAKER pro tempore. The gentleman is incorrect in drawing that conclusion.

Mr. BONIOR. The issue that we have before us in basically closing down voices. The RECORD of this House is being changed arbitrarily, committee meetings are being shut down prematurely. Private meetings on major policies issues are being held outside this institution. Members are being gagged on the House floor.

The question I have, Mr. Speaker, is this going to be the policy of the new majority in the 104th Congress?

The SPEAKER pro tempore. Absolutely not. Absolutely not.

The gentleman has not stated a parliamentary inquiry.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The House will proceed with five 1-minutes per side.

CONTRACT WITH AMERICA

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

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

In the next 85 days we will vote on the following 10 items. One, a balanced-budget amendment and line-item veto. Two, a new crime bill to stop violent criminals. Three, welfare reform to encourage work, not dependence. Four, family reinforcement to crack down on deadbeat dads and protect our children. Five, tax cuts for families to lift Government's burden from middle-income Americans. Six, national security restoration to protect our freedoms. Seven, Senior Citizens Equity Act to allow our seniors to work without Government penalty. Eight, Government regulation and unfunded mandate reforms. Nine, common sense legal reform to end frivolous lawsuits. Ten, congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

DOUBLE STANDARD

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

Mr. DEFAZIO. Mr. Speaker, I do not believe that we can have two standards for speech, I do not believe that we can change the precedents and the rules of the House arbitrarily, and certainly in this Chamber we should not abridge the first amendment.

I just want to comment that I am not sure that most of our Members and most of the public can appreciate how serious a violation we think the Speaker has engaged in and how deeply we take this issue.

There are, I think, two different areas we have to look at to understand why we would charge this as a total betrayal of trust. Whether it is a total betrayal of trust because of his lack of judgment, or whether it is a total betrayal of trust because of deliberate actions I do not think we know yet.

Those are the words of now-Speaker GINGRICH regarding Speaker Wright on the floor of the House. He went on further to call Speaker Wright a collaborator and a quizzling, and all of these words were spoken after the ruling quoted by the Chair of June 15, 1988.

THE MORE WE KNOW

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

Mr. LEWIS of Georgia. Mr. Speaker, ''I understand you want to write a book. I own a publishing company you know.'' Could these words have been uttered in the Rayburn Room just off the House floor?

Mr. Speaker, the more we know, the more we have to wonder, what went on in the backrooms of the Capitol. Only a full airing of the facts will determine whether something illicit took place. Only an outside, independent, counsel can tell us for sure.

What was said? What was promised? What is the deal? What is in the contract? It is time that an independent counsel expose the truth.

Mr. Speaker, do the Republicans have a contract with America or a contract with Rupert Murdoch?

No one serves two masters, Mr. Speaker. No one serves two masters.

LET US BEGIN TO SOLVE THE SERIOUS ISSUES FACING OUR NATION

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

Mr. WHITFIELD. Mr. Speaker, the American people are looking to the 104th Congress more than any Congress in recent memory with hope and anticipation that we begin to solve the serious issues facing our Nation. Hard-working Americans from across the country have come to Washington to discuss tax relief for families, term limits, and unfunded mandates. Members of Congress have also traveled throughout their districts, their respective districts, talking about crime and welfare reform, a balanced budget amendment, and a tax policy that creates more jobs and better salaries.

But, Mr. Speaker, each day on C–SPAN we listen to some—not all, not even the majority, but some Members of the Democratic Party—and all we hear are attacks on our Speaker, attacks on what he teaches in his college course, attacks on what he writes, attacks on what he believes. If these senior Members of the opposing party spent more time working on substantive legislation and less time attacking our Speaker, this would be a better Congress.

DOING THE PUBLIC'S BUSINESS IN A TRULY OPEN AND PUBLIC FASHION

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

Mr. BECERRA. Mr. Speaker, 2 weeks ago America was told that this body was taking action to ensure that just about everything we do is done in full public view. No secrets and nowhere to hide—and that is exactly the way it should be.

But now, in an ironic twist, it appears that there is an effort by some to silence any and all discussion of the Speaker's potentially lucrative book deal.

The citizens of this country deserve to know what kind of financial arrangements have been made in this book deal and what has been discussed behind closed doors that may affect public policy.

There are a lot of things we do not know about the book deal. And that has to raise serious questions and concerns about possible improprieties and conflicts of interest.

But today's and yesterday's action on this floor—and today's rulings, the rulings handed down yesterday and today—have all but stopped us from engaging in an honest dialog on this matter.

It is a slap in the face to the public, and to this institution.

If the majority party is sincere about doing the public's business in a truly open and public fashion, I challenge the leadership to back up their words with action.

THE REAL ISSUES

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

Mr. BALLENGER. Mr. Speaker, what are the real issues facing Americans today? Nonexisting payments for book deals or House historians who are on the job for 1 day? I do not think they really care about that. Americans are concerned about the economy. They are concerned with how our Government affects their lives, they are concerned about their children's future. Republicans are ready to debate the real issues facing Americans today. We are ready to clean up Congress and that huge, overbloated Federal bureaucracy. We are ready to pass legislation that our constituents want, like a ban on unfunded mandates and a balanced budget amendment. I implore my colleagues from the other aisle to join with us in a bipartisan fashion to change Congress, not change the subject.

THE PUBLIC SHOULD NOT BE SHUT OUT OF THEIR HOUSE

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

Ms. DELAURO. Mr. Speaker, yesterday, my Republican colleagues set an unfortunate precedent by gagging debate on the House floor, and disallowed the airing of legitimate questions surrounding a Member's financial dealings.

Today, Republicans and the Heritage Foundation plan yet another closed door meeting with telecommunications executives to discuss future regulation of our public airwaves. The meeting is closed to Democrats, closed to the media, and closed to the public.

But, this is not the only way that the public may be shut out of their House. The Heritage Foundation has recommended to Republicans in Congress that they cut corners by charging admission to the U.S. Capitol. In fact, one Heritage Foundation scholar said this week of tourists who take guided tours of the Capitol, and I quote: ''They wear down the steps, they brush against the walls.''

Republicans should not be concerned about the American people wearing down the steps.

They should be concerned about how special-interest influence and book deals are wearing on the reputation of this institution.

THE 10TH AMENDMENT TO THE CONSTITUTION RE UNFUNDED MANDATES

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

Mr. KNOLLENBERG. Mr. Speaker, the 10th amendment states that powers not delegated to the Federal Government will be reserved to the States and the people—not the other way around.

However, the Federal Government has turned this amendment on its head by passing on to the States the costs of legislation it cannot afford. This costs States and taxpayers billions of dollars and countless hours in an effort to comply with extraneous regulation.

The States are being forced to sacrifice their own programs and priorities in order to comply with Federal regulations.

In my own State, we passed the Headlee amendment to the Michigan Constitution in 1978. This prevents the State from imposing mandates on local governments. This has worked to the advantage of the entire State; saving money and cutting burdensome regulation for local governments.

The proposed Federal Unfunded Mandate Reform Act will allow greater flexibility for State and local governments, more accountability for Congress and savings for the American taxpayers.

Mr. Speaker, if the Federal Government cannot pay for it, we should not force the costs on the States. It is time we take responsibility for our own actions.

BARBIE DOLL HAS MOVED TO MEXICO ALONG WITH 700 UNITED STATES JOBS

(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, while Congress plays politics with NEWT GINGRICH, last night's trade deficit showed a record of $10.5 billion. The 1994 trade deficit, Democrats, will hit a record $154 billion, which is equivalent to 3 million high-paying American jobs with benefits lost.

It has gotten so bad, Barbie Doll has moved to Mexico. Mattel Inc., from New York, is laying off 700 workers. They will make Barbie Dolls now in Mexico.

Mexico gets jobs, America gets pink slips, and Congress is debating NEWT GINGRICH and balanced budget amendments? Beam me up. There is no intelligent life left in the Congress of the United States.

Where is the trade program of the Democrat Party? We are failing the American workers, and that is why we are in the minority, quibbling over the Speaker.

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

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, it is with great pleasure that for the first time I call up House Resolution 38 and ask for its immediate consideration.

The clerk read the resolution, as follows:

H. RES. 38

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 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. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed two hours, with one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform and Oversight and one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Rules. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments recommended by the Committee on Government Reform and Oversight and the Committee on Rules, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered by title rather than by section. Each of the first four sections and each title shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1100

The SPEAKER pro tempore (Mr. GUNDERSON). The gentleman from California [Mr. DREIER] is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my very good

friend, the gentleman from South Boston [Mr. MOAKLEY], the distinguished ranking minority member of the committee, pending which I yield myself such time as I may consume.

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

Mr. DREIER. Mr. Speaker, today marks the beginning of a new era of open debate and deliberation in the House of Representatives. This is an open rule for H.R. 5, the Unfunded Mandate Reform Act of 1995. It is the first contract item after opening day to be considered by the full House, and the Rules Committee is keeping its commitment to open and fair debate.

Specifically, the rule provides for 2 hours of general debate divided equally between the chairmen and ranking minority members of the Committee on Government Reform and Oversight and the Committee on Rules.

The rule makes in order an amendment in the nature of a substitute printed in the report to accompany the rule as original text for amendment purposes. The substitute shall be read by title instead of section for amendment, with sections 1 through 4 and each title considered as read.

The Chairman of the Committee of the Whole may give priority in recognition to Members who have preprinted their amendments in the RECORD prior to their consideration, and such amendments shall be considered as read. Finally, the rule provides for one motion to recommit, with or without instructions.

Let me stress that this is more than an open rule. In fact, it is a wide-open rule. Any Member can be heard on any germane amendment to the bill at the appropriate time. Contrary to some speculation, there is no preprinting requirement.

Printing of amendments in the RECORD is an option that is encouraged, and I hope Members will pursue that option. To encourage Members to do so, the rule empowers the Chair to recognize, when two Members seek recognition at the same time, the Member whose amendment has been printed in the RECORD.

A number of my colleagues on the other side of the aisle have argued that this is a complicated bill that needs thorough consideration, and giving Members the option of making amendments available for their colleagues to read in advance will further that objective.

Well, who can argue with that? Apparently my Democrat colleagues on the Rules Committee did. They clamored for more deliberation and more openness, but when presented with a wide-open rule that allows any Member to offer amendments, many of which they say are necessary to improve the bill, they all voted against the rule.

Mr. Speaker, my friends on the minority who were formerly in the majority just cannot seem to shed the closed-door mentality developed over 40 years of iron-fisted rule. The Republican majority, however, is saying with this rule, ''Let's throw open the shades and debate this unfunded-mandates bill in full view of the American people.''

So the choice before us today is very clear, Mr. Speaker. A vote for this open rule is a vote for full debate, full participation, and full deliberation on a bill that has the overwhelming support of State and local government organizations and the American people. It is a bill that will make Congress more accountable by forcing the House and Senate to face the question not only of whether an unfunded mandate is necessary but how it is to be paid for.

In contrast, a vote against this wide-open rule is a vote to obstruct good-government legislation and to continue being reckless and unaccountable with decisions that affect State and local governments and their taxpayers.

Mr. Speaker, I urge my colleagues and even those who in the Rules Committee voted against this rule to, while we are considering it today, realize that it is wide open and will create the kind of deliberation that is absolutely essential. I hope they will vote with us.

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

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

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

Mr. MOAKLEY. Mr. Speaker, I am very happy to hear my dear friend from the Rules Committee, the gentleman from California [Mr. DREIER], talk about the openness of the rule.

This is a bill, Mr. Speaker, that did not have a hearing in the House of Representatives. There was no committee hearing. The Committee on Government Operations had some kind of a session, but they did not call it a hearing, and the only one that was allowed to testify was a nonmember of that committee. So there is a lot of openness here, but I do not know if we are opening doors in the right direction.

Mr. SOLOMON. Mr. Speaker, would my good friend yield to me?

Mr. MOAKLEY. I am glad to yield to my good friend, the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would say that one of my best friends, the gentleman from Massachusetts, knows that he was present at a lengthy hearing that he and I and other members of the Rules Committee held on this very important issue, particularly title III, which is the most significant part of the bill.

Mr. MOAKLEY. That is right.

Mr. SOLOMON. The gentleman recalls that?

Mr. MOAKLEY. I recall it very well, if I may reclaim my time, but I also recall hearing Members say that there was no official hearing and the only person they heard from—I am talking about the other committee, the Government Operations Committee—was a gentleman who is no longer on that committee.

Mr. SOLOMON. Mr. Speaker, would my good friend yield one more time?

Mr. MOAKLEY. I am glad to yield to the gentleman from New York.

Mr. SOLOMON. We want to move this legislation through, but the gentleman knows that informed him and I informed his chief of staff that they were welcome to have members of his party come and testify before our lengthy hearing and to bring any outside people that they wanted to. And the gentleman did bring, if he recalls, three members from private organizations to testify. But they could have had 15 or 20 and we would have been glad to spend the entire day on the hearing if they wanted to. But we brought in the people we wanted there.

Mr. Speaker, I thank the gentleman for yielding.

Mr. MOAKLEY. Mr. Speaker, I reclaim my time.

As I say, this is a noticeable improvement over the gag rule within the closed rule that we did on opening day, but I am still going to oppose the rule for the consideration of the unfunded-mandates bill.

I am very concerned about the careless way this bill has been thrown together, and I think on such an important bill the American people deserve to be assured that Congress knows what it is passing. After one Rules Committee hearing and with one Republican member testifying at a markup, I cannot say that we do.

Here is a bill that has an open rule on the floor, but it has been closed everywhere else. It has been closed to Democrats who want to have input in the committee structure, it has been closed to interested parties who wanted to ask questions, it has been closed to committees of secondary jurisdiction, and, Mr. Speaker, it has been closed to the American people. When people are asked about it, they say that we can handle that on the floor.

Mr. DREIER. Mr. Speaker, will the gentleman yield for just one quick observation?

Mr. MOAKLEY. I would like to finish my statement first.

Mr. DREIER. I am anxiously looking forward to my friend's statement, but I just wanted to state that I believe we accepted the amendment that the gentleman from Massachusetts offered, so I think it is a bit of a push to say that no Democrats had any input on this measure.

Mr. MOAKLEY. I am talking about the committee structure without the entire hearings.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding.

Mr. MOAKLEY. Mr. Speaker, I recognize the Republicans are in a bit of a hurry, but my town people expect a little more consideration when it comes to passing laws that affect them, and I am sure it is the same for other parts of the country, too. The congressional committees have more institutional

issue-based knowledge in their little fingers than we have here in the entire House.

□ 1110

However, the people who know best have been shut out of the process. They have been told to wait until we get to the floor, and ''You can amend it in any section,'' but I am afraid we are reverting back to the old days of Congress where a matter would come up on the floor, you would have to recess, go ad hoc, and try to determine what the answer is.

Mr. Speaker, all I want to let the people know is that the unfunded mandates bill is no small potatoes. It will affect every single American man, woman, and child. It will affect the quality of drinking water and the air that we breathe. It will affect the way asbestos and lead paint are removed from our schools. It will also affect the food we eat and the conditions in which we work.

I worry that overeager Republicans know not what they are passing. I think during the hearing it was brought out that there were questions that were still unanswered, but we will see how we can work it out. I just think this bill is much too important to put that type of criteria on it.

We have a duty to the people we represent to understand the far-reaching effects of the bills we pass, no matter who is in the majority. I am worried we do not know how this bill will really affect American families.

As I said in the Committee on Rules, I much prefer we sacrifice a little speed in the interests of protecting families. Mr. Speaker, I would urge my Republican colleagues in the new majority, let us be responsible. Rethinking the Federal-State partnership takes more than a few days or a couple of weeks. I hope that they will join me in opposing the rule.

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

Mr. DREIER. Mr. Speaker, it is a great privilege for me, since it is my first opportunity, to yield 2 minutes to the distinguished gentleman from Glens Falls, NY [Mr. SOLOMON], the new chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Claremont, CA, for yielding me this time.

Look out, here comes the beginning of the second Reagan revolution, Mr. Speaker. I am so excited I can hardly stand it. I rise in the strongest possible support for this rule and the Committee on Rules of the 104th Congress. Our first rule is, of course, as my good friend, the gentleman from California [Mr. DREIER], has said, a wide, wide open rule.

The rule before us today, which provides for the consideration of the Unfunded Mandates Reform Act, is yet another example of the Republican majority's commitment to congressional reform on this floor. We pledge to give our legislative proposals free and unfettered debate. We promise to allow Members of Congress, regardless of political party or ideological tilt, the right to offer amendments. Boy, that should please a lot of conservative Democrats over there. They have told me so.

Today we are proposing a rule which accomplishes precisely those two objectives: openness and fairness in this body.

Mr. Speaker, what gets me so excited is the bill itself. It is the first of many steps that will be taken by this new Republican majority to make it as difficult as possible—and Members had better listen up, because this is the intent—to make it as difficult as possible to saddle State and local governments and private business and industry with crippling unfunded mandates. These mandates force local governments to raise taxes to pay for them and force business and industry to comply with unnecessary rules and regulations and laws that sap the operating capital that would otherwise be used for expansion and growth to create jobs and prosperity in this country for the American people.

Mr. Speaker, there are Members of this House today, as I said before, and excuse me for getting so excited, this is the second beginning of the Reagan revolution that will shrink the size and power of this Federal Government. No longer will there be an arrogant attitude around here that says big brother, Federal Government, knows best. Mr. Speaker, those days are gone forever. Please support this legislation.

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

Mr. Speaker, I am pleased to hear the pledge of the gentleman from New York to allow wide open rules on all the contract items and to allow Members, regardless of party, the right to offer amendments.

Next week, Mr. Speaker, we are going to take up the balanced budget amendments. I am glad that the chairman has committed to doing that important bill under an open rule today.

As to the gentleman's surprise to my opposition to this rule, let me reiterate, I am glad it is an open rule. My opposition to the rule is not based on its openness, but on the fact that it was never considered, we have probably 75, 85 new Members who have never seen the bill. They say that we had the bill last year. That is not so. This is a completely different bill than we had before us.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. FROST].

Mr. FROST. Mr. Speaker, I would like to elaborate on the points raised by my colleague, the gentleman from Massachusetts [Mr. MOAKLEY]. In an attempt to control the unwieldy process of considering legislation in the House, the rules package presented by the Republicans on opening day contained a provision which prohibits the joint referral of legislation.

This reform is well-intentioned, and may ultimately serve an extremely useful purpose as the House goes about its business of making laws. This change in House procedures may very well reduce or eliminate the endless arguments and delays occasioned by multiple committees staking claim to legislative provisions which may or may not be part of their assigned jurisdiction.

However, Mr. Speaker, in the case of H.R. 5, in the rush to banish the old order, the Contract With America has created a truly regrettable legislative situation. This particular bill, as was pointed out by my colleague, the gentleman from Massachusetts, was primarily referred to the Committee on Government Reform and Oversight, with sequential and partial referral to the Committees on Budget, Judiciary, and Rules.

Of their four committees, only the Committee on Rules held a hearing on this most complex proposal. The Committee on Government Reform and Oversight was not permitted to consider this matter in a full and open way. Many questions were left unanswered.

Mr. Speaker, when it was signed by the Republican candidates for Congress last fall, the Contract With America explicitly stated that the election could result in a House with a new majority that will transform the way Congress works. The Contract With America also states that its goal is to restore accountability to Congress, and that the reforms embodied in the package are aimed at restoring the faith and trust of the American people in their Government.

Mr. Speaker, these goals are laudable and are certainly shared by Democratic Members. However, I cannot see how ramrodding this proposal through the primary committee of original jurisdiction, the old Government Operations Committee, where hearings were not held and where amendments were not permitted to be offered, satisfies the conditions set out in the Republicans' Contract With America.

Mr. Speaker, the Committee on Rules is the committee of the House charged with the responsibility of overseeing the rules and procedures of this body. I find it quite troublesome that the committee has seen fit to ignore the longstanding tradition of allowing individual committees to debate and deliberate.

The gentleman from Massachusetts [Mr. MOAKLEY] so correctly pointed out that it is in the committees of the House that the real work of the people's business is done. Sadly, in the case of H.R. 5, which has enormous and far-reaching implications in the lives of all Americans, the committees of the House were not permitted to do their jobs.

In closing, Mr. Speaker, I would like to respectfully disagree with the argument made by my Republican colleagues that this bill would be considered under an open rule and therefore the process has not been subverted.

Mr. Speaker, I urge opposition to the rule.

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

Mr. Speaker, I would respond to the gentleman by saying we are in fact considering this under a wide-open rule so the American people can view the entire proceedings that are taking place here in the House. Six times last year, six times, the Committee on Government Operations moved legislation directly to the floor without a single hearing. We are doing this under a full and open amendment process as it was done in the committee.

Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GOSS], chairman of the Subcommittee on Legislative Process of the Committee on Rules.

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

Mr. GOSS. Mr. Speaker, I thank the gentleman from greater Metropolitan San Dimas, CA [Mr. DREIER], who is the distinguished vice chairman of the Committee on Rules, for yielding me this time.

Mr. Speaker, I am very pleased to rise in support of this rule today, because this is the first rule that has actually been brought to the floor through what we would call the normal Committee on Rules process. Opening day is one process, and the only other legislation has been the suspension process.

Mr. Speaker, this is our first product, the first baby we are delivering. I am delighted that it is a wide open rule. It is a rule we are calling an open rule plus, because every Member is protected. I say that again. Every Member is protected. We have provided for an open debate and an open amendment process, and we have gone one step further and encouraged, encouraged, not required, not mandated, but encouraged Members to preprint their amendments.

□ 1120

The purpose of course for the voluntary process is to prompt Members to plan ahead, to develop their amendments fully. Other Members will have a chance to look at them and consider ideas from all our colleagues. It is called deliberative democracy for those who may not recognize it.

Having said, I want to take a moment to respond to criticism we heard Tuesday with regard to bringing the Congressional Compliance Act, better known as the Shays Act, to the floor under suspension of the rules. I notice there were some complaints about this. A few Members cried closed rule and some of the misguided media bought that argument.

As someone who has spent a good deal of time in the minority staring down the barrel of one closed rule after another in the 103d Congress, I would urge my colleagues to be careful about crying wolf on these matters.

If we look at the rules of the House, specifically rule XXVII which allows the Speaker to bring up bills under suspension, we will recall that this longstanding practice is meant to be used for bills that are noncontroversial. Given the 390-to-0 result of Tuesday's vote on the Shays bill, I think everybody could agree that we were dealing with one of the most noncontroversial bills in recent memory.

Of course everybody knows bills under Suspension Calendar are not amendable but must endure the extra burden of a two-thirds vote. I think we understand that.

Finally, I would like to say that we on the majority side understand the role of our colleagues in the minority in the Committee on Rules in defending the rights of the minority and we respect it very much. I know they have an especially difficult chore today finding fault with this wide open rule like the one we have on unfunded mandates—I hope it is the precedent for the future—especially one that really goes out of its way to encourage all Members to participate in orderly and planned-ahead debate.

I was somewhat surprised and dismayed that the minority went ahead and opposed this rule in committee. Voting unanimously against it in fact. I hope that my friends on that side of the aisle will recognize that this is an open rule that completely protects their rights and that ensures an orderly and unfettered debate on an issue that we care about.

I think this is the way rules should be in circumstances like this and I think we are one-for-one on open rules in the Committee on Rules.

To my good friend, the distinguished ranking member who has properly said that this is legislation that will affect all America, I agree. It will be a great improvement for all Americans.

Mr. MOAKLEY. Mr. Speaker, I yield 8 minutes to the gentleman from California [Mr. BEILENSON] who has been a very hardworking member of the Committee on Rules and probably has been the conscience of the Committee on Rules in many endeavors.

The SPEAKER pro tempore, (Mr. GUNDERSON). The gentleman from California is recognized for 8 minutes.

Mr. BEILENSON. I thank the gentleman from Massachusetts for yielding me the time.

Mr. Speaker, I rise in opposition to the rule for the same kinds of reasons that the gentleman from Massachusetts [Mr. MOAKLEY] set out so well just a few minutes ago. Not because there is anything terribly wrong or unfair about the rule itself. There is not. It is a fine rule. I want our friends on the other side of the aisle in the Committee on Rules to know that we believe and we agree with them that it is a fine rule.

Mr. DREIER. Would the gentleman yield on that point?

Mr. BEILENSON. No, I will not.

Mr. DREIER. I just wanted to ask why my friend voted against it if it is such a fine rule.

Mr. BEILENSON. I will explain in a moment if I am given the opportunity why I voted against the rule.

Mr. Speaker, there is nothing, as I just said, terribly wrong or unfair about the rule. That is not why we are opposed to it. But there is something terribly wrong about the way that this legislation is being brought before us here on the floor of the House of Representatives.

Mr. Speaker, we all recognize that unfunded Federal mandates have become a very serious concern to State and local governments as well as to the private sector. We are all eager to respond to that concern. But the bill that this rule makes in order is not the kind of reasonable, sound, well-thought-out response that our State and local partners or for that matter all Americans deserve. I therefore join with the gentleman from Massachusetts [Mr. MOAKLEY] and the gentleman from Texas [Mr. FROST] in urging that our colleagues vote no on the rule so that the bill will be returned to the committees of jurisdiction where it can be reviewed and reconsidered before it is brought to the floor for our consideration.

Our colleagues on the other side of the aisle have made much of the fact that they have produced an open rule for considering H.R. 5. They say that all of the issues we are concerned about in the bill can be raised through the amending process on the floor. That may sound fair and reasonable, but the fact is that the floor is not the appropriate place to write a bill. It is not the appropriate place to hammer out important legislative details. By the time a bill reaches the floor, we ought to be at a point where the matters to be decided by the entire membership of the House have been narrowed to a relatively few major issues which for whatever reason did not get satisfactorily resolved in committee. Otherwise, why have a committee system?

If we value our committee system at all, if we agree that the proper way for a legislative body of 435 Members to process complex, difficult legislation of the sort that this rule makes in order is to use our committees to do the hard and serious work involved in legislating, listening to a broad range of witnesses, delving into the details of a bill, debating alternatives and working out solutions that satisfy a majority of the Members who have some expertise in the subject matter, then we all should be seriously troubled if not outraged over the manner in which this bill is being moved through the legislative process.

H.R. 5 was, as Members have now heard, referred to four House committees. Only two of those committees

acted on the bill despite the fact that the legislation has important implications for matters under the jurisdiction of those that did not meet to consider it.

Of the two committees that acted on the bill, Government Reform and Oversight and Rules, only the Committee on Rules held a hearing and our hearing was brief. We heard from only three public witnesses.

What happened in the case of the Committee on Government Reform and Oversight is particularly egregious. Although Government Reform is the committee which has principal jurisdiction over the bill, not one hearing was held on it there. Groups and individuals that will be affected by this legislation had no opportunity to make their views known before the committee acted. The committee marked up the bill just 6 days after the bill had been introduced which limited the opportunity even of members of the committee to adequately review the bill, receive comments, develop alternatives and amendments. Proponents of the legislation have rationalized the shortcoming of the legislative process by saying that the Committee on Government Operations held a number of hearings on unfunded mandate legislation in the last Congress. But the bill the committee considered last year was significantly different from the one introduced and before us this year.

Furthermore, 31 out of 51, well over half of the members of the committee itself, did not serve on Committee on Government Operations last year, in the last Congress. For them, the hastily scheduled markup on a freshly introduced bill was their initiation to this complex major issue of unfunded mandates. Had our committees had more time to work with this bill, we might have had some of the answers that we ought to have before we move forward with the bill.

For example, does this bill prohibit consideration of reauthorization of laws that contain unfunded mandates currently in effect? It is apparently the intent of the sponsors to exclude existing mandates but it is not clear whether a minor change in a law would disqualify a reauthorization from being considered as such.

Which Federal activities are included in those which are to be prohibited under our rules? And which are exempted? The bill is not clear on that point.

Will this bill give public sector enterprises such as power generators and waste treatment facilities a competitive advantage over private sector counterparts and will that deter efforts to privatize existing governments activities that might be better handled and more efficiently handled by the private sector?

This bill provides a way for us to vote to waive the rule against legislation containing an unfunded mandate before a ruling is made on whether in fact it contains an unfunded mandate. How are we to decide whether to waive that rule when we do not even know if the legislation in fact contains an unfunded mandate or exactly how much that unfundedness is?

The list goes on and on. This is very problematic legislation and questions about the way it will work and the impact it will have will spill out over the next several days as Members will see as we consider amendment after amendment to this bill. The price we will pay for not having done a responsible job in this legislation in our committees, not having laid the groundwork there, will be protracted debate and an immense amount of confusion over the bill on the floor of the House of Representatives. Anyone watching these proceedings will surely question whether we have any clue at all as to what we are doing with this bill.

Mr. Speaker, we are well aware that the reason for the speedy consideration of the legislation is to enable our Republican friends to fulfill their Contract With America by getting all the bills listed in that document to the floor within 100 days. But as one of the witnesses at the Committee on Rules hearing said,

> It is ironic that a bill supposedly intended to assure that the impacts of congressional actions are fully understood should be moved forward so hastily that no time or opportunity exists for understanding or evaluating its own impacts.

Mr. Speaker, this process is troubling in the extreme. In fact, it is a disgrace. It is also an affront to the American people who have every right to expect us to proceed with care and thoughtfulness when we write major pieces of legislation.

Mr. Speaker, I truly believe the American people will forgive our Republican friends a little slippage in the timetable for acting on the Contract if the end result is better written, more fully understood legislation.

Let us take what we all know is the right and responsible course of action here. Let us send this bill back to the four committees of jurisdiction for hearings and proper consideration which could be done over just the next couple of weeks and then when we bring it up on the House floor we will have both a much better product and a much better idea of what we are voting on.

I urge my colleagues to vote ''no'' on the rule.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

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

Mr. DREIER. Mr. Speaker, we have an extraordinarily impressive cadre of new members of the Committee on Rules. I yield 2½ minutes to one of them, the gentleman from Tucker, GA [Mr. LINDER].

Mr. LINDER. I thank the gentleman for yielding me the time.

Mr. Speaker, while it is tempting to debate the contents of the unfunded mandate bill at this time, this debate is actually on the rule.

The debate we begin this morning shows that the new majority continues to keep its promises that we made to the American people. Two weeks ago we opened up the House and today we begin with free and open debate on H.R. 5, the Unfunded Mandate Reform Act and the rule attendant thereto.

As a member of the Committee on Rules, I want to comment on two specific aspects of this bill affected by the committee.

First I am pleased that every Member of the House has the opportunity to vote on a rule that we did not see very much of in recent years, an entirely open rule. During the past 2 years it was extremely rare for us to encounter many rules which allowed the House to engage in free and open debate. In fact it was not until May 1993 that we saw our first open rule in the 103d Congress.

Second, while the Congress has recognized the fiscal crisis that our State and local governments face in their attempts to absorb the costs of Federal mandates, Congress has been unable to find the will to curb its addiction to imposing these costly regulations. As a result, title III of this bill institutes new House enforcement procedures to terminate the casual practice of passing these unfunded mandates.

First, any bill reported by a committee containing intergovernmental or private sector mandates is subject to a point of order on the House floor unless the committee has published a CBO estimate. This is a straightforward, fiscally responsible reform. If a Member is not willing to find out how much a bill costs, then the bill cannot be considered.

Second, any bill, joint resolution, amendment or conference report which imposes mandates over $50 million on State and local governments is subject to a point of order on the House floor, unless the mandate is funded. This new rule plainly states that legislation exceeding the declared threshold and not paid for will not be considered.

And third, any rule waiving the point of order is also subject to a point of order. This special obstacle assures that the Rules Committee will not merely suspend the thoughtful deliberation and accountability that the bill is designed to enforce.

I am certain that federalism in America was not intended to mean that our Governors and State and local officials were elected simply to serve as administrators of expensive Federal programs. This legislation allows the Congress to move away from coercive federalism and permits the States to focus on State and local priorities. I strongly support the passage of H.R. 5

and I welcome the free and open debate.

Let me add that the Democrats arguing about the lack of a hearing are being disingenuous at best considering that in the last Congress, the Government Operations Committee never held a hearing or a markup on three bills that were brought to the House floor: H.R. 1578—Expedited Recission Act; H.R. 4907—Full Budget Disclosure Act, and House Concurrent Resolution 301—sense of Congress on entitlements.

I strongly urge my colleagues to support this open rule.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. HALL]. I referred to the gentleman from California, [Mr. BEILENSON], as the conscience, and I refer to the gentleman from Ohio as the heart and stomach when it comes to dealing with nutrition problems as it affects young people, and I am sure this is part of the reason that the gentleman is opposed to this rule.

Mr. HALL of Ohio. Mr. Speaker, I want to thank the gentleman from Massachusetts, [Mr. MOAKLEY], for his very kind words. I am very glad that we have an open rule here today. It is not the most straightforward open rule that one could have, but the rule does have a provision, as Members have heard, for according priority recognition for Members who have preprinted their amendments in the CONGRESSIONAL RECORD. In my opinion, and in the opinion of others, this is unnecessary to the rule and should not have been included.

I am also concerned over the way in which the bill is being brought to the floor. It is a major piece of legislation, and just fundamentally changes the procedures for handling future legislation. Yet it is being rammed through with no hearings and no opportunity from the committee that has jurisdiction, the committee, unlike the Rules Committee that in fact studies it and understands these kinds of things every day, for a positive input, much less explanation.

There are also major substantive problems with the direction of the bill, and while I know States and local communities are having a tough time, and for that reason there is a lot of good in this bill, I am concerned that not all of the provisions have been thought through.

I am particularly concerned about the impact of this bill on nutrition and poverty programs serving low-income people. When we considered this bill in the Rules Committee I repeatedly asked its authors if food and other services to the poor would be reduced, and I really could not get a good answer on it.

Therefore, Mr. Speaker, I will be offering an amendment to protect the very-low-income programs that were exempt from sequestration under the Gramm-Rudman Act of 1985, that we all agreed we thought was a good idea to exempt those. These are Child Nutrition, Food Stamps, Aid to Families with Dependent Children, Medicaid and Supplemental Security Insurance.

If changes are made in the programs down the road my amendment will make sure States will not be able to cut services to the poor. It will also continue our longstanding Federal commitment to these food and poverty programs by including them as unfunded mandates in this bill.

This bill without the mandates, without the amendment that I hope to put in, will hurt poor people if it passes without this amendment.

I would urge my colleagues to take a careful look at this bill. It is one which changes procedures for legislation coming down the pike, and since the Government Reform and Oversight Committee held no hearings, every Member of this body needs to scrutinize this bill to see exactly what effects it really will have not only on the country but on their districts.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes the gentlewoman from Columbus, OH [Ms. PRYCE], another able new member of the committee.

Ms. PRYCE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of this wide-open rule for the consideration of the Unfunded Mandate Reform Act.

An open rule for a bill as significant as H.R. 5 is a welcome change around here. In recent years, the House has increasingly operated under restrictive procedures which have prevented Members on both sides of the aisle from offering legitimate amendments. As Chairman SOLOMON has eloquently stated before, 70 percent of the rules granted by the Rules Committee during the 103d Congress were restrictive. Under the new Republican majority, and Mr. SOLOMON's able leadership, we will work to restore free and open debate to this institution.

As the November elections showed us, the American people want real reform. They want to see honesty and accountability return to this legislative process. By adopting an open rule for H.R. 5, we send a clear message that deliberative democracy is about to wake up in America after a long, long sleep and that we welcome differing points of view.

The time has come for Congress to take financial responsibility for the laws and rules it passes. Our current system of mandating is nothing less than an abuse of power by big Government—the ultimate arrogance in Washington DC.

Governors and mayors across the Nation are pleading with Congress to stop passing the buck when it comes to passing new Federal mandates. H.R. 5 is a reasonable, long-overdue response to the plight of State and local dealers who are forced to pay for expensive, one-size-fits-all Federal solutions to what are most often local problems in search of local solutions.

Mr. Speaker, I applaud the leadership for making unfunded mandate relief a top legislative priority in the 104th Congress. I support this bipartisan legislation and urge the House to adopt this wide-open rule.

□ 1140

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Miami, the gentleman from Florida [Mr. DIAZ-BALART], another new member of the committee.

Mr. DIAZ-BALART. Mr. Speaker, I am very proud of my party today.

After 40 years in opposition, being closed out time and time again with regard to the ability, that most essential ability on behalf of one's constituents, to introduce amendments and to speak in behalf of those amendments on this floor, and despite, in addition to that, the very substantial legislative agenda that we have contracted with the American people that we will pass within the first 100 days and the necessary time constraints that come together with that agenda, despite that, we bring the first piece of legislation to the floor today with an open rule process, with an open rule.

Now, it is not easy always to enter into dialog with the American people with regard to procedure, because it seems sometimes too technical. But the heart of democracy, Mr. Speaker, is procedure, just like the heart of due process of law is procedure, and the procedure that is at the heart of the fairness with which we are bringing forth this first piece of legislation today to the floor is called the open rule, the ability for all Members of this House, despite whether they are in the minority or majority, to bring forth whatever amendments they have on behalf of their constituents that they would like to be considered by their colleagues.

So I am proud of my party. I am proud of the fact that despite the fact that we do not have to, because we are in the majority, we, nevertheless, are giving the opposition the fairness that they denied us.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Colorado Springs, CO [Mr. HEFLEY].

Mr. HEFLEY. Mr. Speaker, the game works like this: Congress comes up with an idea which is supposed to help people, but Congress is broke, and so Congress passes a bill anyway and sends it off to the States and falls all over itself claiming credit for a job well done.

Meanwhile, State and local governments which had little or no input into the issue find this new law waiting on their doorstep delivered c.o.d. For them, the real work just began, deciphering the new rules and figuring out how to pay for them.

I served in the Colorado State Legislature, and I know the frustration felt by local and State officials.

Unfortunately for our Federal system, that frustration is growing. According to CBO, Federal regulations enacted between 1983 and 1990 cost State and local governments over $12 billion.

In the last Congress we considered at least 60 bills which contained some form of mandate. In my State of Colorado, a recent survey identified 195 Federal programs containing mandates for State and local governments.

These mandates consumed 12 percent of the total State budget. You know, I would encourage support for this rule. I cannot believe the arguments against an open rule.

Support it.

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

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

Mr. MOAKLEY. Mr. Speaker, I would like to address a question to the gentleman from California [Mr. DREIER].

We are talking about the openness of the rule.

The gentleman was talking about the openness of the rule. Everybody says wide openness.

Do we have a guarantee that debate will not be shut off on any amendments?

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

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

Mr. DREIER. I thank my friend for yielding.

Our plan here is to do something that often has not been done over the past several years. We plan to follow the rules of the House.

Mr. MOAKLEY. Which ones?

Mr. DREIER. We plan to follow all of the rules of the House. In so doing, we will go through the normal procedure of the 5-minute rule which is the way the open amendment process is handled.

Mr. MOAKLEY. Could the gentleman answer the question? I know he is going to follow all the rules. But will debate be shut off on any of the amendments?

Mr. DREIER. In response, if the gentleman would yield further, I would respond by simply saying we plan to comply with the rules of the House which do, in fact, allow for motions which can, in fact, bring an end to debate. That, as the gentleman knows, is a rule of the House, and so based on that, we plan to comply with the standing rules of the House which will be an unusual, near precedential development here.

Mr. MOAKLEY. Does the gentleman plan to use that rule of the House to cut off debate?

Mr. DREIER. If the gentleman would yield further, I have no plan whatsoever to cut off debate. I plan to follow the debate; if there are attempts made by Members on either side to simply be dilatory, to prevent the American people to be able to see their Representatives move through legislation which will address the issue of unfunded mandates, I would not be surprised if a motion like that would be offered.

Mr. MOAKLEY. Well, the gentleman can rest assured I have no intent of being dilatory.

Mr. DREIER. Well, we probably will not have any motion like that that would cut off debate.

Mr. MOAKLEY. Yes. But the problem is the lack of committee consideration. It was not the way the rule was handled. It was the way it came to the Committee on Rules where we had to amend the bill that came, because it had a duplication of sections. It came from the Government Ops Committee, so it just showed that it was not really gone over as extensively as it should have been at that time.

Can I ask, do you have any unfunded mandates in the Contract With America?

Mr. DREIER. If the gentleman would yield further, I suspect that, well, and I know that under this legislation, when this legislation is signed, anytime there is a possible unfunded mandate that would come forward under the Contract With America or any other legislation, we, in fact, in this institution will be accountable and will have to find that out. That determination has not yet been made.

It is quite possible. I do not believe that there are any unfunded mandates in the Contract With America, but if there are, the House will make that decision, and we will have a vote on it, if we can successfully move forward, report out this rule, and pass the legislation.

Mr. MOAKLEY. The gentleman is aware that this bill does not take effect until October 1995 and, therefore, your Contract With America will already be past in those 100 days.

Mr. DREIER. If the gentleman would yield, I would say, based on my very detailed analysis of the Contract With America, I concluded that I do not think there are any unfunded mandates in there.

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

Mr. MOAKLEY. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would be glad to read you the 10 points of the contract. It is so exciting to even read them.

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

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Glenwood Springs, CO [Mr. MCINNIS], another hard-working new member of the Committee on Rules.

Mr. MCINNIS. Mr. Speaker, I do appreciate the time that was yielded to me by my friend, the gentleman from California.

I used to be the majority leader in the Colorado State Legislature, and in that position, we always enjoyed the opportunity to have both Democrats and Republicans amend bills, as we continued to have debate on them on the House floor.

When I first came to the U.S. Congress, I was stunned to see that through the Committee on Rules many people, such as myself who were elected to represent States in this country, were prohibited from having debate or prohibited from having amendments on the House floor. Well, times they are a-changing. Now the first contract item that comes onto the House floor is going to come on with an open rule.

This issue, unfunded mandates, will certainly have many different types of amendments from Republicans and Democrats, but the issue here that the American people should recognize is that times have changed, and for the first time in a long time, we will have an open debate and a recorded vote for the American people.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. SABO], the former chairman of the Committee on the Budget.

□ 1150

Mr. SABO. Mr. Speaker, and Members, I rise in opposition to this rule. This year for the first time the Budget Committee was given legislative jurisdiction over legislation coming before the House. This bill was the first bill for which this committee received referral. The committee held no hearings, made no judgment, no examination of this legislation, despite the fact that much of what is in this bill has very direct impact on the budget and the Budget Committee.

There are expanded duties for the Director of the Congressional Budget Office. Whether the resources in this bill are sufficient for that office to do its duties we do not know. There are new and additional responsibilities for the Committee on the Budget to make estimates of the costs of mandates, a substantial new and different responsibility.

Again, the committee has had no hearings, no discussions on how we are going to handle that process.

The bill also makes reference to what the budget can or cannot do. What those references mean is not very clear from what the bill says. It indicates, and this goes far beyond the question of mandates, where I understand the bill says, in Minnesota, if we dumped our sewage on the Iowa border, that is not of national concern unless the Federal Government pays for it—I have a tough time understanding that. But the bill goes far beyond that. It, for instance, exempts Social Security. Does that mean Social Security retirement, Social Security disability, other portions of the Social Security Act? It has very specific language on changes in entitlements, and I know it does not apply until October 1.

Mr. Speaker, there are major questions as this bill relates to our budget process that were not heard.

Mr. MOAKLEY. Mr. Speaker, would the chair bring us up to date as to the time remaining?

The SPEAKER pro tempore (Mr. GUNDERSON). The gentleman from Massachusetts [Mr. MOAKLEY] has 4 minutes remaining, and the gentleman from California [Mr. DREIER] has 12 minutes remaining.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the distinguished chairman of the Committee on Economic and Educational Opportunities, the gentleman from Jacobus, PA, [Mr. GOODLING].

Mr. GOODLING. I thank the gentleman for yielding.

Mr. Speaker, please listen carefully because I have something very relevant to say. I want to make sure that we understand that H.R. 5 has no, I repeat, no effect on two important disability laws, the Individuals with Disabilities Education Act, [IDEA] and the Americans with Disabilities Act [ADA]. It has no effect whatsoever on both of those. As the CRS law division has confirmed, IDEA and ADA are exempted from coverage under this bill. And if you will read the Dear Colleague I sent out to you, you will discover the exact language, which, as a matter of fact, exempts both of those very, very important pieces of legislation from the act.

Mr. DREIER. Mr. Speaker, I am happy to yield 1 minute to a hard working Member, the gentlewoman from Bethesda, MD [Mrs. MORELLA].

(Mrs. MORELLA asked and was given permission to revise and extend her remarks.)

Mrs. MORELLA. I thank the gentleman for yielding.

Mr. Speaker, I join many of my colleagues today in expressing the need to address the issue of unfunded Federal mandates for State and local government. Every Member of this House, I believe, shares the view that State and local governments have been asked to assume an overwhelming burden of Federal mandates in recent years.

I do want to comment on some concerns I had. First of all, I am pleased that the Committee on Rules adopted an amendment similar to the one I offered in committee, clarifying that reauthorization of current bills will not be subject to the point of order as long as the aggregate costs to State and local governments are lower than they were in previous authorizations.

I think it is imperative we protect our current environmental, health, and other laws.

I want to point out, Mr. Speaker, that I am concerned with potential litigation resulting from the House version which has the judicial review provisions. I want to point out that I hope that CBO will provide its mandate cost estimates in a timely fashion and that its estimates will be accompanied by explanation of its methods.

I also want to point out that I believe it is imperative that environmental standards apply to both the public and private sectors. Uniform standards, I think, are critically important. I have said I will work with Mr. CLINGER and members of the committee to do that, and I support this rule.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to another hard-working member of the Committee on Rules, the gentlewoman from Salt Lake City, UT [Mrs. WALDHOLTZ].

Mrs. WALDHOLTZ. I thank the gentleman for yielding this time to me.

Mr. Speaker, as a new Member of this body and as a new member of the Committee on Rules, I am proud to rise in support of this wide-open rule for the consideration of this critical bill.

This rule shows our commitment to the principle that ideas and debate should not be smothered—should not be denied consideration or a fair hearing—and in this Congress, free speech will not be denied its Members.

Mr. Speaker, I rise to strongly support the underlying legislation for this bill. For too long this body has been able to substitute its judgment and priorities for the judgment and priorities of State Governors, legislatures, mayors, city councils, and county officials. The priorities of this body have too often not reflected the priorities of the people who sent us here.

Now, there has been a concern raised about the impact of this bill on poverty programs; programs for people in need. Let me tell you about what the lack of this bill has already done in my home State of Utah.

A few years ago the State of Utah had a surplus in its budget of over $25 million—money that we had decided to set aside for programs for the vulnerable elderly, for children, for education, to help people in need in our State. Yet before we could implement those plans, we were notified by the Federal Government that this body had decided to broaden the benefits it provided, without paying for them. And that $22 million had to be set aside by the State of Utah to meet the priorities of this body.

It is time that that practice stop, and this bill will raise the procedural barriers necessary to keep this body from substituting its judgment for the judgment of the people at home.

I urge my colleagues to support this rule.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to the gentlewoman from Bellvue, WA, a hard-working new member of the Committee on Ways and Means, Ms. DUNN.

Ms. DUNN of Washington. I thank the gentleman for yielding to me.

Mr. Speaker, I rise in support of this wide-open rule because, Mr. Speaker, there is not any portion of the Constitution that represents the commonsense approach that our new majority was elected to pursue more than the federalism of Article 10 of the Bill of Rights.

Article 10 reads as follows: ''The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively or to the people.''

H.R. 5 will restore the spirit of this amendment by restricting unfunded mandates and returning the decision-making power back to the local level so that they may determine which programs should be priorities for their communities.

Mr. Speaker, there has been no greater violation of the spirit of the 10th amendment than through the process of imposing unfunded Federal mandates on our States or local communities.

In my home State of Washington, towns with small budgets work hard just to keep their noses above water as they struggle to comply with the dictates handed down by overzealous lawmakers in Washington, DC.

For example, the mayor of Snoqualmie, a small town in my district, told me the city would be bankrupt if they are forced to comply with the Federal mandates included in the Safe Drinking Water Act.

Additionally, they will have to increase local water bills by 200 to 300 percent.

Mr. Speaker, the town of Carbonado, population 540, must find $800,000 to comply with this same legislation.

When will this kind of absurdity end? The American people have said the time is now. Let us pass this rule, debate this bill, and end the arrogance of Congress passing laws and then passing the tab on to the backs of State and local governments and eventually, of course, on to the people.

If the Federal Government cannot pay for it, we should not force the costs on to the States. That is just common sense.

□ 1200

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BECERRA].

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

Mr. BECERRA. Mr. Speaker, in this debate one point bears repeating. What we are really doing here is signing on the dotted line before reading the actual terms and conditions of the document. We are being told to do something in this House that no prudent family would do in its own home. The majority party is insisting that we race through this legislation, but, in doing so, the institution is closing its eyes to the many pitfalls and unanswered questions in this bill.

I ask, ''Who doesn't agree with the general idea that sparing State and local governments from costly, unreasonable mandates is the thing to do?'' We all agree, but the problem here is that this bill before us is filled with all sorts of unintended consequences.

Before we make final decisions, we ought to know in detail what this bill really means to America's people and its communities. Are we placing consumer protections in jeopardy?

What about measures that have safeguarded our environment, the Clean Water Act, our child protection laws, our laws protecting senior citizens against age discrimination? What will happen to these laws?

Before we get any work done on this bill, we should ask ourselves, Do we really know what it's all about?

I urge a ''no'' vote on this rule.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Pasco, WA [Mr. HASTINGS], another thoughtful new Member of the Congress.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, I rise in support of this rule and this legislation.

Former Senator John Sharp Williams, an admirer of Thomas Jefferson, once noted that, quote, my reading of history convinces me that most bad government has grown out of too much government, end quote. That is exactly the problem that we are attempting to correct with this legislation.

When I first began working in my family business years ago, the onslaught of Federal regulations on our local communities had just begun. Later, as a Washington State legislator, I saw firsthand how destructive these Federal mandates could be. Today the Federal Government has used this mandate loophole to radically expand the scope of Federal intrusion in the lives of all our Americans. Let me give my colleagues a couple of examples.

Federal regulations are forcing one county in my State to spend $142,000 to convert their traffic signs to the metric system. Never mind that nobody wants it. Never mind that those dollars could go to schools, or infrastructure. It is just an extra cost.

Mr. Speaker, I support this rule and this legislation.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Mariposa, CA [Mr. RADANOVICH], another of our new Members.

Mr. RADANOVICH. Mr. Speaker, when I first began public service as a member of a country planning commission, I carried into office what turned out to be a naive notion. I thought that our community's elected officials were free to do what they best believed served the citizenry. In some respects that was and is the case. However, what I failed to factor in was Uncle Sam's ability to determine what was best and to make us pay for it, like it or not. Imposing obligations on local government from distant beltway bureaucracies, but without Federal dollars to pay for them, is wrong, and H.R. 5 will right that.

Today we are considering a reform of the federal system itself and return to the relationship between the Federal Government and various State and local government agencies that reflects a partnership in the activity of governing. A relief from additional Federal mandates on State and local governments will take a long stride toward correcting the imbalance of this relationship. It becomes again our opportunity to continue the reform begun when this 104th Congress convened. Our opening day showed the way as we changed rule after rule improving the way the House does business. Now, by lifting the burden of unfunded mandates, we are changing the business that Congress does.

The Contract With America continues to be performed as we keep faith with the 10th amendment in the Constitution's Bill of Rights, reserving to the States and the people of all those public powers except those delegated to the Federal Government.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Appleton, WI [Mr. ROTH].

Mr. ROTH. Mr. Speaker, I wish I had more time because this is a very important subject, but I realize that we are the majority now.

Mr. Speaker, I wish I could bargain with the gentleman from California [Mr. DREIER] all the time. I say to the gentleman, ''Thank you very much. I appreciate it.''

Mr. Speaker, for too long our Congress is going on spending sprees at States' and local governments' expense, and this House has for years mandated project after project with little or no concern about who will foot the bill, and today we are finally coming to a recognition of that and doing something about it, and that is why this portion of the Contract With America is so important.

My good friend, the gentleman from California [Mr. DREIER], in yielding me the time had mentioned my hometown, Appleton, WI. I just want to point out that the U.S. Conference of Mayors has estimated what the impact has been of only 10 unfunded mandates on that community, on my community. It is over a million dollars a year to comply with just 10 of the mandates that Congress has passed. But do my colleagues realize that these bills are getting bigger and bigger every day?

Mr. Speaker, since 1990, 5 years ago, 4 years ago, Congress has enacted over 40 major statutes that impose new regulations and requirements on States, and Congress has passed more mandates in the last 5 years than in the previous two decades combined, and again I want to underline, Mr. Speaker and Members, that this is why this legislation is so essential in the Contract With America and for all of the Americans. It is time the Members of Congress become aware of the financial burdens that Federal legislation places on State and local governments. Every day American businesses, and households, and cities like Appleton, have to consider the impact their actions have on their own bottom lines. States and local governments must do so as well.

Mr. Speaker, that is why I ask everyone here to vote for this rule and also to vote on the bill.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Cincinnati, OH [Mr. PORTMAN], a very hard-working Member who was one of the many progenitors of this legislation.

Mr. PORTMAN. Mr. Speaker, I thank the gentleman from California [Mr. DREIER] for yielding this time to me, and I want to congratulate him, and also the chairman of the Committee on Rules, the gentleman from New York [Mr. SOLOMON], for this open rule. I think it is a great step forward. It is going to lead to a very interesting debate over the next few days. We will have plenty discussion on all the issues, and I look forward to it. I think the Committee on Rules also provided a good service to this country by refining some of the aspects of this legislation in its good hearing on the matter. A lot of the issues were debated, of course, extensively at that hearing.

I say to my colleagues, Let me just read you one letter I got a couple of weeks ago from Mark Schockman, a fire chief in my district. He wrote to tell me:

> Unfunded mandates are having strong impacts on our ability to provide emergency services to our customers and to your constituents, Congressman.

Well, unfortunately for my constituents, that is exactly what is going on. Mandates result in cuts in vital services, fire services, police services, and so on. They also result in increased taxes. These are property taxes, these are sales taxes, these are State income taxes. In a way it is taxation without representation. It is a critical issue. It is a crisis. We have got to have a new kind of federalism.

Again I applaud the Committee on Rules for having this open rule. I look forward to an open debate.

Mr. MOAKLEY. Mr. Speaker, I yield our remaining time to the gentlewoman from Illinois [Mrs. COLLINS] to close debate.

The SPEAKER pro tempore (Mr. GUNDERSON). The gentlewoman from Illinois [Mr. COLLINS] is recognized for 4 minutes.

□ 1210

(Mrs. COLLINS of Illinois asked and was given permission to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Speaker, as ranking member of the Committee on Government Reform and Oversight, I strongly oppose this rule because the legislative process under which H.R. 5 is being brought to the floor today has prevented our committee from having an adequate opportunity to meaningfully review the bill before it reached this point.

The concerns of the minority are discussed in our minority views in the committee's report on H.R. 5, and in general they all stem from one simple fact. The majority leadership is evidently attempting to railroad this bill through the House before there is

enough time to carefully review its contents.

First, the committee held no hearings. Those cited in the committee report were held in the 103d Congress and can in no way substitute for hearings in this Congress. The bill that the Committee on Government Reform and Oversight considered last week is considerably different from the one that the Committee on Government Operations reported out by a 35-to-4 bipartisan vote in the previous Congress. More importantly, we have many new members on our committee who had no opportunity to attend those hearings. In fact, 31 of the 51 current members did not even serve on the committee in the 103d Congress and, therefore, have no institutional knowledge of the legislative process through which that bill have traveled.

Second, the lightning speed of the consideration of H.R. 5 did not give our members adequate time to review the legislation. The printed copy of the bill that went to our members was not available until Friday, January 6. In short, our members had a weekend to read the bill and to prepare amendments.

Third, since our Committee on Government Reform and Oversight was designated the lead committee, I find it incomprehensible that we should have been given no opportunity to consider amendments to the heart of the bill, which is title III, dealing with congressional procedures in handling mandates. Instead, the only matters of consequence we were allowed to consider were the title I mandates study commission and the exclusions to the bill contained in section 4.

My fourth concern relates to the manner in which minority members were treated at the markup. In one case the previous question was ordered on an amendment by the minority that had not even been ready yet and the point of order was rejected.

In another case an amendment in the nature of a substitute was ruled out of order because we were told that only one amendment in the nature of a substitute could be offered to section 1 even if the previous amendment had been defeated.

Finally, there was a particularly troublesome breach of our rules when at the beginning of our markup the chairman recognized a member of the majority who is not a member of our committee to give a statement on the bill. This converted the markup to a hearing. However, we received no notice of the hearing and were granted no opportunity to ask questions under the 5-minute rule or to select minority witnesses.

Mr. Speaker, an open rule is only one element in guaranteeing an open and thoughtful debate on legislation. We have already seen in our committee how such procedures as calling the previous question have been used to preclude open and full debate.

Mr. Speaker, I, therefore, oppose this rule, and I urge my colleagues to do the same.

The SPEAKER pro tempore. The gentleman from California [Mr. DREIER] has 1 minute remaining.

Mr. DREIER. Mr. Speaker, I yield such time as he may consume to the gentleman from Rockwell, TX [Mr. HALL].

(Mr. HALL of Texas asked and was given permission to revise and extend his remarks.)

Mr. HALL of Texas. Mr. Speaker, I rise today in support of the rule for consideration of H.R. 5, the Unfunded Mandate Reform Act of 1995. This will be one of the most important issues to be deliberated in this historic, reform-minded Congress, and it is imperative that we entertain all views and hear all arguments before we cast our votes. I am satisfied that this rule will permit adequate debate and discussion of this legislation.

For too many years the Federal Government has been mandating policies to State and local governments and to the private sector without regard for the cost or the burdens of compliance. H.R. 5 will change that policy. No longer will we be able to pass laws without adequately funding their implementation. In addition, when Members of Congress know the financial and bureaucratic impact of a particular piece of legislation, hopefully we will be able to craft a more responsible and cost-effective approach to a particular problem.

This legislation will help make the Federal Government more accountable to those we serve. Issues that affect the health and safety of all Americans will continue to receive top priority by the Federal Government. Other programs that might affect one area or group more than another should be voluntary, with Federal assistance awarded proportionately, if available and if needed.

The time has come to get government off the backs of State and local governments and off the backs of the private sector. It is time for Congress to stop passing laws without knowing the consequences of our actions. H.R. 5 will help achieve these goals, and I welcome an open discussion of these issues.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, since the early 1980's the American people have been crying out for some sort of relief. Washington has been imposing on State and local governments and the private sector requirements that they comply with all kinds of constraints and requirements, and yet we do not provide the wherewithal for them to meet those requirements. It is absolutely ridiculous for us to continue passing those on.

This legislation has been studied for years and years and years. We have been trying to bring it up. It has been done under an open process in the committee, an open amendment process in the Rules Committee, and here on the House floor. We planned, when we reported this rule, to have the first measure, the Contract With America, be on the opening day considered under a wide-open rule.

Mr. Speaker, I urge my colleagues to vote in support of openness and in support of accountability. I ask my colleagues to vote for this rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

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

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

Mr. MOAKLEY. 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 350, nays 71, not voting 13, as follows:

[Roll No 21]

YEAS—350

Ackerman
Allard
Andrews
Archer
Armey
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Collins (GA)
Combest
Condit
Conyers
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Everett
Ewing
Fawell
Fields (LA)
Fields (TX)
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Johnston
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo

Lofgren	Payne (VA)	Souder
Longley	Peterson (FL)	Spence
Lucas	Peterson (MN)	Spratt
Luther	Petri	Stearns
Manton	Pickett	Stenholm
Manzullo	Pombo	Stockman
Martinez	Pomeroy	Studds
Martini	Porter	Stump
Mascara	Portman	Stupak
Matsui	Poshard	Talent
McCarthy	Pryce	Tanner
McCollum	Quillen	Tate
McCrery	Quinn	Tauzin
McDade	Radanovich	Taylor (MS)
McHale	Rahall	Taylor (NC)
McHugh	Ramstad	Tejeda
McInnis	Reed	Thomas
McIntosh	Regula	Thompson
McKeon	Richardson	Thornberry
Menendez	Riggs	Thornton
Metcalf	Rivers	Tiahrt
Meyers	Roberts	Torkildsen
Mica	Roemer	Torres
Miller (CA)	Rogers	Towns
Miller (FL)	Rohrabacher	Traficant
Minge	Roth	Tucker
Molinari	Roukema	Upton
Mollohan	Royce	Visclosky
Montgomery	Salmon	Volkmer
Moorhead	Sanford	Vucanovich
Moran	Sawyer	Waldholtz
Morella	Saxton	Walker
Murtha	Scarborough	Walsh
Myers	Schiff	Wamp
Myrick	Schroeder	Ward
Nadler	Schumer	Watts (OK)
Neal	Seastrand	Weldon (FL)
Nethercutt	Sensenbrenner	Weldon (PA)
Neumann	Shadegg	Weller
Ney	Shaw	White
Norwood	Shays	Whitfield
Nussle	Shuster	Wicker
Obey	Sisisky	Wilson
Ortiz	Skaggs	Wise
Orton	Skeen	Wolf
Oxley	Skelton	Wynn
Packard	Smith (MI)	Young (AK)
Pallone	Smith (NJ)	Young (FL)
Parker	Smith (TX)	Zeliff
Pastor	Smith (WA)	Zimmer
Paxon	Solomon	

NAYS—71

Abercrombie	Frank (MA)	Moakley
Baldacci	Frost	Oberstar
Becerra	Furse	Olver
Beilenson	Gejdenson	Owens
Bonior	Gutierrez	Payne (NJ)
Borski	Hall (OH)	Rangel
Brown (CA)	Hastings (FL)	Roybal-Allard
Brown (FL)	Hilliard	Rush
Cardin	Hinchey	Sabo
Clay	Johnson (SD)	Sanders
Coleman	Kanjorski	Scott
Collins (IL)	Klink	Serrano
Collins (MI)	LaFalce	Stark
Coyne	Lewis (GA)	Stokes
DeFazio	Lowey	Thurman
Dingell	Maloney	Torricelli
Dixon	Markey	Velazquez
Durbin	McDermott	Vento
Evans	McKinney	Waters
Farr	McNulty	Watt (NC)
Fattah	Meek	Williams
Fazio	Mfume	Woolsey
Filner	Mineta	Wyden
Foglietta	Mink	

NOT VOTING—13

Bachus	Pelosi	Slaughter
Chapman	Reynolds	Waxman
Flake	Ros-Lehtinen	Yates
Lincoln	Rose	
Meehan	Schaefer	

□ 1229

Ms. EDDIE BERNICE JOHNSON of Texas, and Messrs. CLYBURN, POMEROY, THOMPSON, and TORRES changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRIES

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

The SPEAKER pro tempore (Mr. GUNDERSON). The gentleman will state it.

Mr. KANJORSKI. Mr. Speaker, as I understand the new rule in clause 2(l)(2)(B) of rule XI, adopted on January 4 of this year as the new rules of the House, each committee report must accurately reflect all rollcall votes on amendments in committee; is that correct?

The SPEAKER pro tempore. The gentleman is correct.

Mr. KANJORSKI. Mr. Speaker, as a further parliamentary inquiry, the report accompanying H.R. 5, as reported from the Committee on Government Reform and Oversight, House Report 104–1, part 2, lists many rollcall votes on amendments. On amendment 6, the report states that the committee defeated the amendment by a rollcall vote of 14 yes and 22 no. However, the tally sheet shows 35 members voting ''aye'' and 1 member voting ''nay''.

Mr. Speaker, would a point of order under clause 2(l)(2)(B) of rule XI apply?

The SPEAKER pro tempore. In the opinion of the Chair, the gentleman is correct.

Mr. KANJORSKI. Mr. Speaker, if that were the case, it is clear that this bill could not proceed under its present rule; is that correct?

The SPEAKER pro tempore. The gentleman is correct, if it is an error on behalf of the committee. If it is a printing error. That would be a technical problem which would not be sustained in the point of order.

Mr. KANJORSKI. Mr. Speaker, I am not going to insist or raise a point of order. However, I bring this to the attention of the Chair and to my colleagues on the other side. Some of the hesitancy to proceed as quickly as we are proceeding on this bill and others that are part of the Contract With America is the fear on the minority side that this haste may bring waste, that speed may bring poor legislation.

There are many elements of the unfunded mandate bill which I think the long-term ramifications and the possibilities of working havoc on the judicial system and the regulations and rules presently existing in the United States could cause our constituents difficulty.

I would urge that the majority, in consideration of the fact that we are not going to use this tactic to delay this debate, take into consideration that their rules must be applied on a day-to-day basis, because the majority is responsible for having passed this rule.

Mrs. COLLINS of Illinois. Mr. Speaker, will the gentleman yield?

Mr. KANJORSKI. I yield to the gentlewoman from Illinois.

Mrs. COLLINS of Illinois. Mr. Speaker, I thank the gentleman for yielding to me. The gentleman is absolutely right. The speed with which we have had to consider this legislation has, as the gentleman has pointed out, created a number of problems that are evidenced right there. It seems to me if we would just slow down, get deliberate and full review of what we are trying to do here, these kinds of mistakes that the gentleman has pointed out will not happen, and I certainly think that the gentleman is absolutely right in pointing that out so that all of us can be aware of it. I thank him for doing so.

Mr. KANJORSKI. I thank the ranking member.

Mr. Speaker, may I just address the other side for a moment and say that we had a series of amendments. Many of them are very, very important. There is the possibility, as we move into the amendment phase of this bill, that there is going to be a move for cloture or limitation of debate. I hope we can have an agreement that, based on the new concept of an open rule, that the majority will not impose time restrictions on reasonable debate on the amendments to be offered.

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

Mr. KANJORSKI. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Speaker, let me reassure the gentleman from Pennsylvania that there is no intent to change the rule. The rule is a very open rule, and there is no intent at all to in any way proscribe or limit the ability of the minority to offer amendments.

I would point out to the gentleman from Pennsylvania that I am advised that indeed there is a printing error in the RECORD. The tally clearly shows what the vote was. There was a printing error in terms of identifying what that vote was. But this was a printing error and certainly in no way should be used to vitiate the procedure that we are undergoing right now.

Mr. KANJORSKI. I assume we can accept the chairman's word.

The SPEAKER pro tempore. The gentleman from Pennsylvania has been recognized for the purpose of a parliamentary inquiry. The gentleman may continue regarding the inquiry.

Mr. KANJORSKI. Mr. Speaker, I yield to the gentlewoman from the State of New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Speaker, this was my amendment, and it is a printing record error. The Republicans voted against exempting the most vulnerable citizens in our society, children, that cannot vote, cannot speak for themselves in the unfunded mandates bill. But it is a printing error. They did not vote for it.

□ 1240

Mr. KANJORSKI. Mr. Speaker, just in closing I would like to say that I think this side, the minority, in fact, wants to cooperate with the majority side and have reasonable debate and discussion, so whatever the bill that finally comes out of the House of Representatives, we as Members of this

Congress can be proud of it in its entirety.

The SPEAKER pro tempore (Mr. GUNDERSON). The Chair appreciates the parliamentary inquiry. The Speaker appreciates the cooperation on behalf of the entire House.

Mrs. COLLINS of Illinois. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman will state her parliamentary inquiry.

Mrs. COLLINS of Illinois. Mr. Speaker, I raise a parliamentary inquiry concerning consideration of the bill.

The SPEAKER pro tempore. Does the gentlewoman state a point of order or a parliamentary inquiry?

Mrs. COLLINS of Illinois. A parliamentary inquiry, Mr. Speaker.

Mr. Speaker, under clause 2(j)(1) of rule XI it states ''Whatever any hearing is conducted by any committee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the chairman by a majority of them before completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least 1 day of hearing thereon.''

Mr. Speaker, the Committee on Government Reform and Oversight is the committee of original jurisdiction on this bill. On January 10, the Committee on Government Reform and Oversight began its markup on H.R. 5.

Mr. DREIER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. There is a parliamentary inquiry before the House at the present time.

The Chair has asked the gentlewoman to suspend so we might have order and that the Chair will be able to hear the parliamentary inquiry.

Mrs. COLLINS of Illinois. After two opening statements, the chairman of the committee invited a member of the majority party who was not a member of the committee to testify before the committee. At the conclusion of his testimony, the witness thanked the chairman of the committee for holding the hearing.

Mr. Speaker, minority members of the committee protested in a timely fashion. No opportunity was given to Members on our side of the aisle to question the witness. Democrats requested that an additional formal hearing be conducted on this measure so that their witnesses could be called. That request was denied and the minority was told that the only procedure allowed would be to continue the full committee markup of the bill. Efforts on the part of the minority members to raise questions over possible violations of House rules were dismissed by the chairman.

Mr. Speaker, in my view, allowing a Member not on the committee to testify changed the meeting from a straight markup to a hearing.

It is true that in many committee markups the majority requests the presence of certain experts, usually administration officials or committee staff, to answer questions about the interpretation or effect of different proposals.

The Member's appearance before the committee, the Member who is not a member of the committee, was not like that. Questions were not put to him. He provided a statement and read his testimony in the way any witness testifies at any hearing.

Mr. Speaker, we do not protest the presence of Members not on the committee at the markup and hearing. Our complaint is that we were denied the opportunity to ask questions and to call our own witnesses, as we were entitled to do under the rules.

The only remedy, Mr. Speaker, is a point of order at this stage of deliberation.

Is it correct that I would be required to raise a point of order, Mr. Speaker, when the committee resolves itself into the Committee of the Whole?

The SPEAKER pro tempore. If the gentlewoman insists on her point of order, that point of order would be timely at this point in the process.

Mrs. COLLINS of Illinois. Thank you, Mr. Speaker. However, because, Mr. Speaker, I do not want to engage in any kind of dilatory tactics, such as I have heard before in the 103d Congress and previous Congresses, I will not insist upon a point of order at this time.

The SPEAKER pro tempore. Does the gentlewoman seek a response from the Chair regarding the inquiry?

Mrs. COLLINS of Illinois. Not at this time, Mr. Speaker. I think I have made my point.

UNFUNDED MANDATE REFORM ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 38 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 5.

□ 1244

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the 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, with Mr. EMERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 30 minutes, the gentlewoman from Illinois [Mrs. COLLINS] will be recognized for 30 minutes, the gentleman from California [Mr. DREIER] will be recognized for 30 minutes, and the gentleman from Massachusetts [Mr. MOAKLEY] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Chairman, I yield 5 minutes of my time to the gentleman from California [Mr. CONDIT], and I ask unanimous consent that he be allowed to manage that time. I also ask unanimous consent that the committees be recognized in order.

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

There was no objection.

Mr. DREIER. Mr. Chairman, I, too, ask unanimous consent that I be able to yield 5 minutes of our Committee on Rules time to the gentleman from California [Mr. CONDIT], and that he be able to control that time.

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

There was no objection.

Mr. MOAKLEY. Mr. Chairman, I ask unanimous consent to yield 5 minutes to the gentleman from California [Mr. CONDIT].

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

There was no objection.

Mr. CLINGER. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, some years ago a serial killer whose name I forget, there are so many these days, left a scribbled note at the scene of one of his murders which said, ''Stop me before I kill again.'' In effect, he was saying, ''I know what I am doing is wrong, but I am powerless to stop doing it.''

Mr. Chairman, so it is with unfunded mandates. Most of us in this House know what we are doing is wrong, that we are putting an increasingly intolerable burden on States and local governments in the private sector, but we seem incapable of stopping it. H.R. 5 is our way of saying, ''Stop us before we mandate again.''

In fact, this bill will not actually stop us from imposing additional unfunded mandates, but it will certainly slow the process, and will force each of us to go on record if we want to mandate action by State and local governments without providing the resources with which to pay for it.

It does not go nearly as far as some of us would like. No money, no mandate, would be our preference, but H.R. 5 is a reasonable compromise between divergent views, and one which has the support of the President and bipartisan support in both the House and Senate.

This bill begins to restore to State and local governments some measure of control and direction over their own affairs, control which the Federal Government has increasingly arrogated to itself over recent decades.

Here is what H.R. 5 will do. Title I establishes a 1-year commission to reevaluate existing mandates and to make recommendations to Congress and to the President as to whether some or all should be changed to ensure that they still make sense.

Title II requires Federal agencies to consult with State and local elected officials and to prepare statements on agency actions that will cost State and local governments or the private sector in excess of $100 million.

Title III applies to us. It ensures Congress is informed and accountable when it comes to considering an unfunded mandate in pending legislation. It requires that CBO score the cost of State and local governments as well as the private sector of any mandates in new legislation prior to floor consideration. Then, this title establishes a point of order on the floor against consideration of legislation imposing unfunded mandates over $50 million unless there is funding.

Here are some of the things this bill will not do, despite the rising chorus of naysayers who see the erosion of environmental and safety protections, if not the dissolution of the entire nation, with passage of this bill.

It will not have any effect on existing mandates designed to protect the environment, worker or consumer safety, or any other existing Federally mandated requirements. It has no, repeat no, retroactive effect. It will not, per se, create competitive inequities between public and private enterprise.

It will not preclude, and in fact is designed to ensure, an up-or-down vote on whether to impose an unfunded mandate.

Mr. Chairman, I am well aware that there are some in this body, a small minority, I believe, who strongly oppose any limitation on the power of the Federal Government to dictate to States and to local governments. Their view is based on the well-intentioned but in my opinion misguided belief that only the Federal Government can maintain essential standards and that permitting flexibility to States or local governments will erode services and the overall quality of life in the Nation as a whole.

There is an implicit assumption in this position that States and local governments cannot be trusted to protect the welfare of their citizens, despite the fact that the governments closest to their constituents are likely to be more responsive, not less, to environmental safety and other concerns.

The truth is that it has often been the Federal Government that has frustrated State and local efforts to deal with problems of all sorts.

Too often the Federal Government has mandated an inflexible solution and made the situation worse rather than better. The cumulative effect of these requirements, Mr. Chairman, is that communities and States have been forced to increase the burden on their citizens to pay for them, whether the mandates make sense or not.

□ 1250

H.R. 5 will force us to think twice and vote twice before passing a mandate that someone else has to fund.

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

Mr. MOAKLEY. Mr. Chairman, I yield myself such time as I may use.

Mr. Chairman, we take a lot of things for granted in this country. We take for granted that our drinking water will be free from germs and free from dirt. We take for granted the air we breathe will be reasonably clean. We take for granted that the food we buy in the supermarket meets certain quality standards. But once this unfunded mandate bill passes, we may have to stop taking these things for granted, at least on a Federal level.

Mr. Chairman, the people of my district know about dirty water and high water rates. We live next to the single largest water treatment project in the country, the Boston Harbor cleanup. Let me tell you, it is one thing to live next door to the harbor, but it would be another thing altogether to have dirty water coming out of our faucets all over the country.

I am concerned that families who want clean water and the workers who want to know that the places they work will be as safe as they possibly can be made.

Mr. Chairman, we have come a long way in this country from the days of contaminated drinking water and sweatshops. Let us not undo all the good we have done just because we are in a hurry to pass an unfunded mandate bill.

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

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

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

Mr. DREIER. Mr. Chairman, I want to start by complimenting the sponsors of this bipartisan legislation. Messrs. CLINGER, PORTMAN, CONDIT, and DAVIS have done a superb job. The four of them have worked diligently to produce a balanced bill that addresses the need to make Congress accountable when enacting unfunded mandates without unduly hamstringing the legislative process.

During a markup last Thursday the Committee on Rules adopted amendments to clarify that H.R. 5 does not apply to straight reauthorization bills, and to streamline the process when a point of order is made on the floor with respect to unfunded mandates.

H.R. 5 does not explicitly prohibit the enactment of future unfunded mandates. But it does make enacting such mandates procedurally challenging. That is because, for too long, Congress has been casually passing the buck by imposing enforceable mandates on State and local governments without commensurate funding to carry out those duties.

Frankly, I would like to see the bill go further by rolling back some existing unfunded mandates, such as the motor voter bill. Enforcement of that law will cost my State of California more than $35 million annually.

In addition, a number of Federal environmental laws and regulations imposed on local governments are paid for by taxes on homeowners in the form of impact fees. In California, these fees exceed $20,000 per new house. For every $1,000 added to the price of a home as a result of these mandates, 20,000 middle-income families are priced out of the market.

However, H.R. 5 is not the proper vehicle to retroactively resolve these onerous mandate problems. Congress will have the opportunity to modify or repeal existing unfunded mandates when the commission which is established under H.R. 5 conducts a thorough study and reports its findings to Congress early next year.

Many of my colleagues on the other side of the aisle are calling for more time to study this mandate relief bill, arguing that the measure is complicated and could hamstring the legislative process. That is the point of the legislation. As long as committees do not report bills containing unfunded mandates, H.R. 5 makes no changes in existing legislative procedures.

The bill is the result of years of negotiations with State and local government officials who have been calling for mandate relief since the early days of the Reagan administration.

Yet while Democrats were in control of Congress, their leadership chose to ignore the problem. In fact, in the 1980's, as Ronald Reagan sought to deny liberals in Congress carte blanche access to the tax code to finance their spending binge, they began instead to use State and local governments as unreimbursed instruments of their social welfare agenda.

Between 1980 and 1992, according to the Advisory Commission on Intergovernmental Relations, Congress enacted at least 63 Federal laws that contained mandates that affect State and local governments. These laws do not include the so-called motor-voter law and the Family Medical Leave Act, both enacted in 1993.

An October 1993 study by Price Waterhouse for the U.S. Conference of Mayors found that compliance with just 10 unfunded mandates cost the cities $6.5 billion in 1993 and a total of $54 billion proposed between 1994 and 1998.

Undaunted by the impact of these burdens, opponents fear that H.R. 5 will become a major obstacle to their efforts to nationalize the health care system, increase the minimum wage and impose new environmental cleanup costs on States and communities. They plan to offer amendments to exempt from the unfunded mandate prohibition entitlement programs such as welfare

and measures affecting public health and safety. These amendments would essentially gut the bill because the definitions of public health and safety are vague, and most unfunded mandates fall in these categories.

Nine weeks ago, the voters sent a message that they were tired of the unrestrained growth of governments at all levels that has occurred over the past decade while Congress was dragging its feet, paying lip service, scapegoating and passing the buck when it came to streamlining and reforming government.

The reality is that the new Congress cannot act fast enough to end unfunded mandates and reduce the size and scope of government. H.R. 5 takes a significant step in that direction. Combined with a balanced budget amendment, regulatory reform and tax cuts for working families, this legislation will transform Government and restore the confidence that the American people once had in this institution.

Mr. Chairman, I urge my colleagues to support H.R. 5.

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

Mrs. COLLINS of Illinois. Mr. Chairman, I yield myself such time as I may consume.

(Mr. COLLINS of Illinois asked and was given permission to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Chairman, as the ranking minority member of the Government Reform and Oversight Committee, let me begin by noting that the issue of unfunded mandates is not a Democratic or Republican issue.

It is fair to say that Members on this side of the aisle have a range of views on the mandates bill—from those who believe it should be stronger to those who would make it weaker.

In the previous Congress, under Democratic control, but the Committee on Government Operations and its counterpart in the Senate passed bipartisan legislation dealing with mandates. At the Government Operations Committee the vote was 35 to 4, including the support of our current chairman and our previous chairman, as well as the same group of State and local officials that support this bill.

Unfortunately, the bill that is before us this year is different from last year's bill. It is also different from the bill described in the Republican Contract With America. This bill was hatched in secret, with no public hearings. Even so, our goal during the floor consideration of H.R. 5 is not to kill it, but to perfect it, and it needs plenty of perfecting.

I intend to discuss this bill, not in the abstract terminology of unfunded mandates, but in the terms of the real world. We know, for example, that our constituents always agree that we should cut entitlements, but when we use the real world terms of Social Security and Medicare—the two largest entitlements—they say leave it alone.

Similarly, unfunded mandates just sound bad. However, I find that when we discuss examples of mandates—from cleaning up our drinking water to better airport security—I get a different response. Therefore, I think you will hear a good deal of debate about what should be covered by the bill, and what should not.

The authors of the bill have made those judgments. For example, they believe it is alright to have an unfunded mandate to the States to pay for national security, so they exempted those bills. Many on our side feel strongly that matters such as child immunizations and cleaning our air and water are just as important. We believe that in their haste to enact this bill, the Republican majority have overlooked these concerns.

We also must ask why this bill should not apply as soon as possible, rather than be delayed until October 1. That will be after the bills implementing the Republican contract, after the bills making huge spending reductions to the States, and after welfare reform and other bills have been considered. If we are serious about this legislation, it should apply now, not after the Republican agenda has been largely considered.

We also intend to raise the issue of the treatment of private and public enterprises. Under this bill, private companies, such as utilities and pipelines, would face more stringent laws than publicly owned enterprises. The question is, why shouldn't a municipal landfill be subject to the same rules as a private landfill? Are the people who live next to the public landfill less deserving of protection? Should the private company be at a competitive disadvantage?

None of these amendments is a killer amendment. They are, however, important perfecting amendments. In the end, the real debate about mandates is not just about their cost, but their effectiveness. Many of the most important mandates were supported by the States, because of the contribution they would make to the lives of their people. These were not mandates passed in the middle of the night. They were passed after years of hearings with the full participation of the States, and usually their strong support. Perhaps this is a reason why the authors exempted current mandates from this bill.

I suggest that before we go overboard on this issue, we look at our record on matters such as clean air and clean water. Have we been successful? You bet. Did the Federal Government help pay the tab? We sure did, with hundreds of billions of dollars. Did States and localities chip in? Yes, they did, and I think they got their money's worth.

Mr. Chairman, I look forward to this debate under an open rule. For those of us on the Government Reform and Oversight Committee, which was designated the lead committee on the bill, it will be our first and only opportunity to truly discuss these issues.

□ 1300

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

Mr. CONDIT. Mr. Chairman, I yield myself as much time as I may consume.

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

Mr. CONDIT. Mr. Chairman, today marks the culmination of years of work by both Democrats and Republicans to put accountability back in Congress. I want to pay special recognition to several Members, the gentleman from Pennsylvania [Mr. CLINGER], the gentleman from Texas [Mr. GEREN], the gentleman from Virginia [Mr. MORAN], the gentleman from Kansas [Mr. ROBERTS], and the gentleman from New York [Mr. TOWNS], and the entire group that made up the Unfunded Mandate Caucus that worked very, very hard to find a solution to this serious problem facing this country.

Our current system of mandating the cost of programs on to States and local governments is a good example of the abuse of power by Washington. Under the current system, we in Congress can pass what we call feel-good legislation. That is, legislation that lets us feel good. We get to feel good and pat ourselves on the back and say what a good job we have done, and at the same time we get to pass the cost on to State and local governments.

Today we are taking a great step in correcting that problem. Today we are putting some accountability back in this Federal Government which simply means if it is good enough for us to debate, it is good enough for us to pass, it ought to be good enough for us to come up with the money to pay for it. That is what we are doing today, Mr. Chairman, and I would encourage all of the Members who think they can make this a better piece of legislation, it is an open rule, they can come and offer amendments and they should do so.

But at the end of the next couple of days we are going to have a piece of legislation that we can be proud of and something that will help local governments and State governments across this country and we ought to be in support of.

Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. HAYES].

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

Mr. HAYES. The gentleman from California [Mr. CONDIT] and the gentlewoman from Florida [Mrs. THURMAN] deserve a great deal of special credit, even greater to the extent of what is now a majority in Congress because they fought this fight last year as a minority within a majority. Collectively we have on the floor today a bipartisan approach where the realities

of the impact of decades of lack of accountability by the Government to its citizens has risen a tide whereby a majority of the majority and a majority of the minority in that realization are finally going on the RECORD to tell some of the folks at home, to say somebody finally is hearing some of their messages.

While many would talk about the merits of mandates, I would just like to talk about instead the unintended consequences of legislation.

I think Newton's third law ought to apply to legislation, that every act of legislation has an equal or opposite greater reaction. What has happened over decades is we have told towns that have a part-time mayor and no attorney whatsoever to figure out the most complicated regulations devised by a battery of lawyers within Washington, DC, and given a limited amount of time in which to deal with both economic sanctions, penalties, and indeed laws that carry criminal penalties.

So the mayor of a small town in America knows he has a school with asbestos and somebody ought to do something about it, and it is him. He knows he has a Clean Water Act and he has never heard of a section 404 expansion of a public building to what is in wetlands, even though it looks dry to him. He knows he has a Safe Drinking Water Act with a mandate with a $250,000 cost, which in his town is bigger than his entire tax base and no Federal Government to help him because whatever funding is available is sucked up immediately, and no Federal Government to even answer the question of which to do first. Is it the asbestos before the drinking water? Is it the drinking water before the cleanup on wetlands, or is it the wetlands first before asbestos? No one knows.

In 2 days they expect our collective answer.

Mr. CONDIT. Mr. Chairman, I reserve the balance of my time.

Mr. CLINGER. Mr. Chairman, I am very pleased to yield 3 minutes to the gentleman from Ohio [Mr. PORTMAN], who is a prime sponsor and author of this bill.

Mr. PORTMAN. Mr. Chairman, I thank the chairman for yielding the time and want to congratulate him for getting the bill to the floor after years of effort to do so. It has been a true pleasure to work with him on this critical new mandate relief legislation that really initiates a new Federal-state-local partnership and a better understanding of the impact mandates have on the public and private sectors.

The goals of H.R. 5 are really very simple. First it gives Congress the information on the cost of mandates. Second, Congress must have an informed debate on the issue of mandates. It guarantees floor debate on the issue, and finally accountability. No significant unfunded mandate can now go through Congress without Members having to vote up or down in the public view.

Unbelievably, none of those three things currently apply. That is what this bill gives us.

It is important to note in the debate today, Members may hear some say otherwise, but it is important to note this is not a partisan issue outside the Beltway. In fact, we are here debating H.R. 5 today explicitly because State and local elected officials of both parties have come to us. The outcry has been bipartisan.

All Members have to do is pick up the Washington Post today and look at page A13. The headline reads ''Unfunded Mandates Top Cities' List of Problems.'' The unfunded mandate crisis is listed in the National League of Cities survey as the No. 1 issue ahead of crime, ahead of violence. The National League of Cities survey as the No. 1 issue ahead of crime, ahead of violence. The National League of Cities, the National Governors Association, the U.S. Conference of Mayors, the U.S. Conference of State Legislators, the National Association of Counties, and individual State and local government officials all across this country have enthusiastically endorsed this approach.

Governor George Voinovich from my own State of Ohio, in the most comprehensive and quantitative State report on burdens caused by mandates, put the problem this way:

> The recent explosion of unfunded Federal mandates—174 since the mid-1970's—tells us of a troubling dynamic that distorts governmental accountability. The guardians of the Federal Government have grown adept at a sort of budgetary sleight-of-hand that allows Washington to exert greater influence over other government subdivisions without providing corresponding Federal support.

He is right. Mandates preempt important State and local initiatives, stifle local innovations, force States and cities to reorder their budget priorities and to revamp their budgets. It has led to the total breakdown of the Federal-State-local relationship envisioned by the architect of our government.

Toward that end, the gentleman from California [Mr. CONDIT], a longtime champion of that issue, the gentleman from Virginia [Mr. DAVIS], the Gentleman from Pennsylvania [Mr. CLINGER] and myself have introduced H.R. 5 on the first day of this session. It is a carefully balanced approach. It is the result of lengthy consultations with State and local officials across this country, with the Congressional Budget Office, and yes, with the House and Senate Budget Committees, the Rules Committee, and with Members of Congress on both sides of the aisle, experts from the Congressional Research Service, regulators from Federal agencies and many, many others.

□ 1310

It is the result of having carefully thought about the alternatives of a balanced budget.

Again, to clarify, H.R. 5 is a good bill. I look forward to its passage in the next few days.

Mr. DREIER. Mr. Chairman, I yield 1 minute to the gentleman from Wilmington, DE [Mr. CASTLE], the former Governor of Delaware who understands full well the impact of unfunded mandates.

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding me this time, and I congratulate everybody who had anything to do with this legislation, but particularly those who worked sort of in the dark a year ago when nobody was supporting it. You have done a wonderful job.

If we can pass the balanced-budget amendment next week, if we can pass the unfunded mandate bill next week, this body will have started the reduction of spending and control unequaled since the beginning of this country.

I know, as a Governor of a State, when I put together our budget in Delaware, for a number of years 20 percent of it went into unfunded Federal mandates, some $300 million out of a budget of $1.4 billion.

Mayors, county executives and Governors are elected for a reason. They should put programs into place that will benefit their States, their counties and their towns, and they should not be told from here in Washington exactly what they should do and how it should be done. They should be given the choice of how to move forward.

We have seen restrictions with Medicaid costs, we have seen it with welfare requirements, Clean Water Act.

We need to get the complete picture. I believe if we can pass this legislation, we will have gotten there.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 3½ minutes to the gentleman from Minnesota [Mr. SABO], the ranking member of the Committee on the Budget.

Mr. SABO. I thank the gentlewoman for yielding me this time.

Mr. Chairman, I intend to vote no on this bill.

Let me just say as background, before I came to Congress I spent 18 years in the State legislature, 8 years heavily involved with putting State budgets together, with that primary responsibility in dealing with the relationship of the State to local units of government throughout our State. So I fully understand the impact; maybe not fully, I understand partially, because I do not know if any of us understand fully the impact of the relationship between one unit of government to another, and I understand there is a problem of mandates.

But what I fear is happening here is total overreaching. I find unbelievable that we could start as a basic premise of law, as a Federal Congress, to say to someone like me from Minnesota, at the top of the Mississippi, that if you want to dump your sewage into the Mississippi at the Iowa-Wisconsin border, it is of no relevance to the Federal Government unless the Federal Government pays the full bill. That is the concept of this legislation.

Second, we exempt the most obnoxious things we do except conditions of Federal assistance. Maybe that is appropriate when it is tied to the financial assistance, but we regularly tie in other policy unrelated to that basic program, more often by conservatives than by liberals. We try to tell the States how to structure their sentencing, because we are so much smarter than the State legislatures. That is not prohibited by this bill.

But I have a question to the chairman of the Government Oversight, as I project for us to meet the terms of the contract of a balanced budget amendment by 2002, the tax cut, simply freezing defense outlays, we will need to cut Medicare outlays by program changes by a minimum of $225 billion over the next 5 years, more than likely $250 to $275 billion; Medicare at least $115 billion, more than likely $125 to $150 billion.

Page 25, II, how would that apply as the Congress makes those cuts that are going to be required under the contract?

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

Mr. SABO. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. I have to ask the gentleman which version are you referring to?

Mr. SABO. Page 25, II.

Mr. CLINGER. This is in the amendment in the nature of a substitute?

Mr. SABO. No; no. The copy of the bill we have. It says, ''This bill applies to anything that would place caps on entitlement upon or otherwise decrease the Federal Government's responsibility to provide funding for States, local government or tribal governments under the program.''

Mr. CLINGER. I will be delighted to discuss the matter with the gentleman.

Mr. MOAKLEY. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT], the fighter for his district, for the laboring man and woman.

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

Mr. TRAFICANT. In 1978 Congress killed revenue sharing, $3 billion that returned some taxpayers' dollars back to the cities, counties and the States. Members of Congress called it pork.

Every 2 years since I have been in Congress, Congress has a new tax bill, and each of these new tax bills, the increases are bigger than the previous. Each tax increase is the biggest in American history.

We have given hundreds of billions of dollars of foreign aid since 1985. We have even given Russia $12 billion in foreign aid. Congress will bail out Mexico even though I oppose it. I can see that coming down the pike.

I support this bill. It is not enough, but it is a start. Because what Congress has said in the past, ''Yours is not to question why,'' to the States and the cities and the counties, ''yours is but to do or die.'' Let me tell you what they have done, Congress, they have died.

Look at our roads and bridges. Look at our cities. There are 25,000 murdered in America and one million high school graduates who cannot read. Our cities, States and counties have died. They did not have a vote on much of this business.

I want to commend the Republican Party for at least bringing the bill out with some openness so that Members of the Democrat side can offer at least amendments.

But I will say this: I think it is time to start returning, in addition, some of the tax dollars back to our cities, our counties and our States. I plan to introduce a very unpopular bill. The bill will say that we take $5 billion from the foreign aid account and transfer it to a reopened revenue sharing account for our cities and our States and our counties on a formula basis to use as they see fit.

Because the only choice you have given them is cut services or raise taxes, do or die, and they have died.

I support this bill, and I will continue to support open rules that come from the Republican side, and I commend them for such.

Mr. CONDIT. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. PAYNE].

(Mr. PAYNE of Virginia asked and was given permission to revise and extend his remarks.)

Mr. PAYNE of Virginia. Mr. Chairman, I want to thank my colleague for yielding me this time and to thank him for the excellent work that he has done on unfunded mandates.

Mr. Chairman, for the last 4 years I have cosponsored legislation that has required full disclosure of the cost of Federal regulation on our States and our localities, and I am pleased to see that today's legislation that I have cosponsored has formed the basis for H.R. 5.

For too long now, Congress and Federal regulators have imposed mandates on States and localities without considering the economic burden that goes along with these mandates.

H.R. 5 will require that the cost and benefits of all of these bills brought to the floor must be identified and, as possible, quantified and, as necessary, paid for.

I represent a large rural district in Virginia, and time and time again the towns and counties in my district have been forced to expend their valuable and their scarce resources to comply with mandates that often do not make sense and are often not designed for their smaller communities.

□ 1320

So I am particularly pleased that H.R. 5 recognizes and responds to the specific needs of small and rural towns, counties and cities.

H.R. 5 will require Federal regulators to notify and consult with the officials of small towns and counties before writing regulations that significantly affect them. This requirement means that, at last, rural communities will be able to present their unique circumstances to the Federal Government and be assured that these circumstances will be heard.

I believe H.R. 5 will help restore the needed balance in the relationship among the local, State, and Federal Governments.

I urge your support for H.R. 5.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Mrs. THURMAN].

(Mrs. THURMAN asked and was given permission to revise and extend her remarks.)

Mrs. THURMAN. I thank the gentlewoman for yielding this time to me.

Mr. Chairman, I rise today in strong support of ending the practice of the Federal Government placing unfunded mandates on our State and local governments and our businesses. Like other Members of this body, I have a background in State and local government. All of us who came here from State and local governments know first hand about the problems that have been created when the Federal Government issues orders, but no money to carry out the mandate. While serving as a member of the Florida Senate, I helped pass an unfunded mandate prohibition after considerable deliberation.

With that I must add my sense of regret about the process under which this bill is being considered. This is a very, very important and complex piece of legislation. As a member of the Government Reform and Oversight Committee, I had hoped that we would have held at least one hearing to examine all ramifications of H.R. 5, as we did with the line-item veto, but instead of hearings we proceeded directly to markup. While this bill is based on legislation that my colleague, the gentleman from California [Mr. CONDIT], introduced and I voted for during the previous Congress, there are significant changes that should have been discussed during this hearing.

Even more unfortunate is the fact that during the markup I know for myself that we asked questions that we were asking for clarification and that would have given us a better understanding of what potential harm this bill might cause. Most important, matters were not resolved during the markup.

The question of the impact of this bill on the private sector when the State or local entities opt out of Federal mandates remains unclear. Fortunately, an amendment was approved during markup to exempt social security from the provisions of this bill, which I supported. But we had some other amendments, Medicare, laws and regulations protecting the elderly, infants, children, pregnant women, other worker protection laws for workers.

I am also concerned about an issue raised by the gentleman from Mississippi [Mr. TAYLOR] regarding sewage treatment laws. I understand that he will offer an amendment to exclude from the bill laws relating to sewage treatment, and I intend to fully support him in his efforts.

In closing, let me once again express my strong support for ending unfunded Federal mandates.

Mr. CLINGER. Mr. Chairman, I am now very pleased to yield 3 minutes to another prime cosponsor of this legislation, one who has been a very active participant in the drafting of this legislation, the gentleman from Virginia [Mr. DAVIS].

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

Mr. DAVIS. I thank the chairman for yielding this time to me.

Mr. Chairman, I am proud to stand on the floor of the House today to support passage of H.R. 5. As one of four chief sponsors of this legislation, I have had the privilege of working with colleagues from both sides of the aisle to craft a bill that will finally require Congress to put a price tag on Federal programs that mandate State, local, and private sector action.

I may be a new Member of this body, but I am no stranger to the problem of unfunded mandates. For the past 15 years I have served on the front lines in the struggle against unfunded Federal mandates. As chairman of the county board of supervisors in Fairfax for 3 years and as a member of that board for 12 years, I have witnessed the hardship caused when local taxpayers must pay for the cost of Federal requirements before being allowed to allocate money to hire police officers and teachers and other needed programs.

Last year I testified before Congress on this issue in my capacity as cochairman of the National Association of Counties' unfunded mandates task force.

This bill is unanimously and strongly endorsed by not only NAC but also groups like the National Governors' Association, U.S. Conference of Mayors, and the National Council of City Legislatures, Council of State Governments, National League of Cities, and even the U.S. Chamber of Commerce. And the list goes on and on. These organizations recognize that the heart and soul of government is local government and that local tax dollars must be used to fund local priorities, not having priorities set from Washington, DC. This bill is both forward-looking and preventive in nature. This legislation does not touch any existing mandate and does not reduce any existing health or safety standard.

Further, this is not a debate about the pros or cons of any specific Federal mandate. Instead, this bill forces Congress to ask the following questions before voting for unfunded mandates: Who pays; what are the benefits relative to cost; what is the impact on local priorities; does local government have the appropriate flexibility to carry out mandates in the most appropriate fashion? Congress has passed 72 unfunded mandates in the last 9 years as compared to only 19 between 1970 and 1986.

In my county we compiled the costs of 10 of these and found that they cost $30 million annually.

The unfairness of the increasing number of Federal mandates is that State and local governments are left with no flexibility, they must either raise local taxes or cut local services like emergency medical care, fire fighting, education, and the like.

This legislation can be summarized by three words: priorities, honesty, and accountability. H.R. 5 discourages the Federal Government from forcing its priorities onto local governments without allocating the necessary Federal funds.

Next, this bill forces Congress to be honest with the American people about the programs and regulations that it creates. Taxpayers deserve to know the price of a program or regulation before they are forced to buy into it. For the first time this forces Congress to honestly determine the cost of mandates before imposing them on local taxpayers.

Finally, H.R. 5 is about accountability, making Members of Congress stand up and cast a recorded vote on all substantial mandates with full knowledge of their costs. This bill allows Congress to continue to enact legislation with mandates, but the financial consequences of the mandates will be premeditated and deliberate.

I ask support of the passage of this important and long overdue legislation.

Mr. DREIER. Mr. Chairman, I yield 1 minute to the gentleman from Monticello, IN [Mr. BUYER], a member of the Committee on Armed Services.

Mr. BUYER. I thank the gentleman for yielding this time to me.

Mr. Chairman, for far too long the Federal Government, I believe, has usurped the 10th amendment of the U.S. Constitution. That specific intent of our Founding Fathers was to recognize States rights. This usurpation has stifled the growth of not only the Nation's business because of the cost of compliance with many Federal mandates, but I am also very pleased that finally this body will recognize States rights and will insure that States and local communities are allowed to determine how best to resolve their problems. It must also be fully aware of the burdens it is placing on the business community and those in the public sector.

You see, many across this Nation, elected officials, local responsible leaders, have been called, challenged to solve many of many of the local problems, create economic growth and development and provide necessary services at minimal cost.

However, the Federal Government for years has been redefining the responsibilities of the local level as being held to comply with Federal regulations, forcing them to sift through the Federal bureaucracy to obtain grants and Federal assistance. The time is now to stop that. Let us pass this bill.

Mr. MOAKLEY. Mr. Chairman, I yield 5 minutes to the gentleman from the Commonwealth of Virginia [Mr. MORAN], formerly of the Commonwealth of Massachusetts.

Mr. MORAN. I thank the gentleman for yielding this time to me.

Mr. Chairman, we just heard from our good friend from Fairfax County, TOM DAVIS, who was my neighbor. He chaired the Fairfax County Board of Supervisors as I was mayor of Alexandria.

Like Tom, when I came to this Congress 4 years ago, my highest priority was to do something about unfunded mandates because they were unfair. The worst part about it was that the executive branch took a cookie cutter approach, one size fits all, regardless of the geography, demography, or cost.

They also did not seem to be willing to talk with us, to work things out, to exercise judgment.

So I authored what we call the FAIR Act, the Fiscal Accountability and Intergovernmental Reform.

We worked on it for 4 years. Virtually everyone on this bill was a cosponsor because in the last term we had 250 cosponsors. That bill had the support of every one of these local organizations that we have mentioned today, National League of Cities, Conference of State Legislatures, several of the larger ones, even the support of the U.S. Chamber of Commerce and virtually every business group.

□ 1330

It should have been passed last year. It is a source of great frustration that it was not. The principal reason that it was not is that we in the Democratic Party are responsible for most of the Federal legislation that has been passed over the last 40 years. Of course each one of those pieces of legislation created their own interest group who want to protect their own turf, and so it was impossible to get through their special-interest lobbying efforts to get a reasonable bill. Eighty percent of that bill that had such overwhelming support is in this bill. But it is the 20 percent that causes the problem, and the biggest problem is one of unintended consequences, so that is why I do not speak in an accusatory way of people that are supporting and sponsoring this bill. But I have to share my concerns.

The first concern is that it will completely limit the Committee on Appropriations from being able to exercise judgment. In fact, in the explanation for this bill in the National League of Cities' publication, which was just published, it says for any program over $50 million it creates an entitlement to

fully pay for the mandate. Now 75 percent of the Federal budget goes for existing traditional entitlements, Social Security, Medicare and the like, interest on the Federal debt, and Defense budgets, so we are only talking about 25 percent of the budget. For any new Federal program to get passed, it has to be fully funded by the Committee on Appropriations. We now have to deal with a pay-as-you-go requirement that there be new revenue raised to pay for any new initiative or other programs cut. It is exacerbated by a balanced-budget amendment that may very well pass within a week, and it is further exacerbated by the intended cuts of almost a trillion dollars over the next 7 years. So, we do not have the prerogatives to exercise judgment.

The second problem is that it treats the private sector different than the public sector. The unintended consequences: there will be no more competition between the private sector and the public sector, and in fact all of our privatization efforts where we contract out to the private sector will no longer be available because the private sector will have to comply with laws and regulations, whereas the public sector will exercise the option of not complying because the reality is that there is no money to pay for any new initiative.

Now we are told that no program that currently exists when it is reauthorized applies to this. There has never been reauthorization that was identical to the existing authorization. We always expanded upon it. Every committee puts its mark upon it. We expand its scope, and we expand its costs, so it means every Federal program ultimately will fall under this unfunded-mandate legislation. Virtually everything will become optional to States and localities, and the unintended consequence is that unfunded mandates will be eliminated. But the biggest problem on States and localities is going to be unfunded burdens, and within 5 years I guarantee my colleagues those States and localities will be coming back to us to relieve the burdens that ultimately were created by this legislation.

Mr. CONDIT. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. TANNER].

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

Mr. TANNER. Mr. Chairman, we have been working on this approach for a long time, and my colleagues will hear and have heard a lot of rhetoric about what the approach will and will not do. Let me try, if I may, as a former member of the State legislature in Tennessee and after speaking with the president of the U.S. Mayors' Conference from my own State of Tennessee in Knoxville, Victor Ashe, let me try to say succinctly what this approach will do.

This bill is about having accurate information on the costs of a given statutory provision being considered and encouraging the Congress to consult with State and local government representatives about how best to address the Nation's problems. My colleagues, this is not going to cause or prevent something good, and needed, and necessary in this country from happening. It will encourage the Congress to consult with local, and State, and Federal, and municipal officials, county officials, and that, after all, is what we all desire. This is a federation of States, this country, and I think this is a huge step in the right direction to fulfill the American exercise in self-government.

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico [Mr. SCHIFF], the vice-chairman of the Committee on Government Reform and Oversight and a very active participant in the drafting of this legislation.

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I think it is time that the Congress of the United States became a more responsible institution. I think we took one step in that direction on the first day of the 104th Congress when we enacted a number of very needed reforms, including making the Congress susceptible to the laws that it passes upon everyone else, and other reforms. I think we are moving towards fiscal responsibility as I believe, ultimately in a bipartisan basis, we move toward a balanced budget. This bill, H.R. 5, which I support, moves us towards regulatory responsibility.

It has been pointed out already, and I am sure it will be pointed out further in this debate, that there are times when mandates from Congress that cover the Nation are necessary, and in those instances there is nothing in H.R. 5 that prevents the Congress from enacting such legislation. But this matter of imposing mandates on the States has gotten beyond the realm of responsibility, that without with regard to costs versus possible benefits, if any, almost any whim in Congress gets imposed upon the States because Congress has no responsibility for paying for that.

Now, for example, a number of rural communities in New Mexico, where I come from, say that amendments to the Clean Water Act threaten to bankrupt them because they are required under those amendments to test for substances that have never been found in the waters in their areas. Similarly in the city of Albuquerque, where I live, which has met Federal clean air standards for the last several years, nevertheless the Federal Environmental Protection Agency is going to require the city of Albuquerque to make expensive changes in how it tests for air quality and how it insures that automobiles do not exceed air quality standards. Now the point is, assuming the validity of Federal air quality standards, if any locality meets those standards, why should the Federal Government even further say, ''You have to do it at your own expense, make certain changes''?

H.R. 5 will make the Congress accountable. H.R. 5 will require us to identify mandates that we are imposing on State and local governments, and, if they are valid, we can still pass them, but we will have to do so on the record recognizing the cost first.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 1½ minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

(Mrs. CLAYTON asked and was given permission to revise and extend her remarks.)

□ 1340

Mrs. CLAYTON. Mr. Chairman, I speak as a former county chair of my board of supervisors and know the fact how unfunded mandates are indeed impacting the rural counties. But I think as we who may consider this bill need to raise some question, therefore we should not be blind supporters of a bill that may undergird the very things we think we support.

Therefore, I ask, Mr. Chairman, that safety in the workplace has been a priority of the Federal Government for more than half a century, since the enactment of the Fair Labors Standard Act of 1938. In 1970 the issue was treated squarely with the passage of the Occupational Safety and Health Act.

The Unfunded Mandate Act tends to threaten this. If indeed what you say is true, then I think you will indeed support my amendment when it comes forward to make sure that you say to the American people that you want to in fact protect children, you want to protect women.

I raise this issue because in North Carolina, some may remember there was a very serious fire, which in fact claimed the lives of more than 25 persons. Is the intent of this legislation to say that the Federal Government no longer has an interest in the safety of people? Is the intent of this legislation to say that the Federal Government is removing its responsibility in cooperation with States?

I would say to you that the cost to the State of meeting the minimum standards imposed by the Federal Government is really not that severe. They only pay for inspectors. Therefore, Mr. Chairman, I ask as we consider this, this is not a matter that should be rushed into unless we ensure to protect the American people.

Mr. GOSS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Kansas [Mr. ROBERTS], chairman of the Committee on Agriculture.

Mr. ROBERTS. Mr. Chairman, I thank the gentleman for yielding time.

Why would our colleagues GARY CONDIT and Mr. GEREN and Mr. MORAN, Mr. CLINGER, Mr. PORTMAN, and this

Member, and 100 Members of this Congress on both sides of the aisle, join together in a posse, if you will, and indicate that they would work very hard for some kind of bipartisan bill to deal with unfunded mandates and call ourselves the Unfunded Mandates Caucus?

I credit them in regards to their leadership, more especially Mr. CONDIT, who has persevered on this issue, and now we are about to achieve something that I think will be real progress.

I will tell you why: The cost of Federal regulations today is more than $400 billion annually. That is more than the deficit. The Federal Government now has 122,000 regulatory personnel. The Federal Register has grown from 55,000 pages to 70,000. And in 105 counties in Kansas, every county board meeting that meets, every time during their budget considerations half of their expenditures must go to some form of Federal mandate. Some may be needed, many more are not. And many are silly and counterproductive and destroy the one element, the one issue, that is most important of all, and that is the faith and confidence of the American people in their Government.

There are some that say we need more hearings. My word, we have had hearings for 3 years. Mr. CONDIT and I wrote the then majority leadership of the appropriate committee, asked for hearings, were denied, had a hearing, had a bill reported, does not do enough. This bill does.

I will tell you why hearings have been held. Every school board, every county board, every city council, every country commission, every cooperative board, every business up and down Main Street, every Member in this Congress has had to go to bat on behalf of a community or a county or an individual or a business.

Those hearings have been held. Let's pass this bill.

Mr. MOAKLEY. Mr. Chairman, I yield 3 minutes to the gentleman from New Mexico [Mr. RICHARDSON] who is the House of Representatives' at-large Ambassador to Korea.

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

Mr. RICHARDSON. Mr. Chairman, I rise to remind Members that we need to protect the ability of this body to respond to problems and crises that come up unexpectedly in our society. We cannot be bound by some bureaucrat who looks in his crystal ball and thinks he sees an unfunded mandate. For this institution to be bound that way is not only ridiculous but even blurs the separation of powers.

I appreciate the need to address the problems of unfunded mandates. But we have not been given the time to think through all the possible impacts of this legislation. In the past when we had problems in our meat-packing industry, we responded with appropriate regulations to make sure that minimum safety standards to protect both the workers and the public were created. Will we be able to do the same after this legislation?

When it became known that small children were being forced to work 12 to 14 hours a day in terrible conditions, Congress and the Federal Government responded with appropriate child labor laws to ensure that our children would not be treated like animals. Will we still be able to take this kind of action or will we be stopped by some bureaucrat.

When the public became alarmed about mine safety and subhuman working conditions for miners, Congress and the Federal Government responded with the Mine Safety Act. What would we do now?

Ironically, at a time when we are talking about less bureaucracy here in Washington, we are creating more to try to identify unfunded mandates not only for government but for the private sector. Bureaucrats doing lengthy analyses of whether there is an unfunded mandate in an amendment or a bill. With this expanded bureaucratic structure, we may not be able to overcome gag rules imposed by the imperfect foresight of a bureaucrat.

I hope our friends from the other side of the aisle will return our process for considering legislation to what it should be—a full and careful reading of the intended and unintended consequences of passing a bill.

Legislating should not be a guessing game. In the future weighing the merits of a bill could easily be reduced to a guessing game. Is there an unfunded mandate or isn't there? In many cases, we will be left to guessing because there will not be time to do much else.

I do not think that is what the American people want. They want an active voice in their Government. They want safeguards on drinking water and against pollution in the air, on the land, and in the water, if those are needed. Congress must be able to respond to the will of the people and not be gagged by a bureaucrat or anyone else. We do not want to be left in the embarrassing position of explaining to constituents how Members of Congress gave up their abilities to represent them to bureaucrats. I can assure you that is not what the American public wants.

Mr. Chairman, we agree that the Federal Government should be more accountable for the laws it passes. The Republicans are pushing a bill that says, in effect: if the Federal Government requires States to do something, it also has to pay for them to do it. That's not necessarily a bad thing. The Federal Government should be more accountable for its laws and regulations.

The little guy gets hurt. But the requirements we're talking about are things like clean air and clean water—crucial environmental protections. And in their rush they are completely ignoring who gets hurt—the little guy. The families who don't want polluted drinking water. The children who would have to breathe polluted air, because some think that a vague idea of "States rights" is more important.

Make no mistake: if this bill passes, we could be forced to completely abandon all efforts at clean air, clean water, safe foods, and so forth. The bill says: If the Federal Government doesn't pay 100 percent of the cost of some crucial protection, then we can't have that protection at all. That would mean the end of many of the most important Federal safety and environmental standards.

By rushing this legislation through without thinking it through, we could have unintended consequences that are devastating to families and children. How can we just ram through a bill that touches on all of the most important air, and water, and workplace safety, and even crime protection laws without taking a closer more careful look?

Democrats are fishing for amendments that will exempt the most important family safety protections from the "Uncle Sam pays for everything" provision. We're not going to allow struggling families to lose the clean air and clean water and environmental safety they demand and deserve, just to serve a handful of large companies. To rush this through without improving it is a grave mistake.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. CONDIT] and ask unanimous consent that he may further yield the time as he so chooses.

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

There was no objection.

Mr. CONDIT. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. DEAL].

Mr. DEAL. Mr. Chairman, I wish to thank the gentleman for yielding and for his leadership on my side of the aisle on this issue and to the chairman and to his party for allowing this issue to come to a vote.

I would like to speak briefly on the issue of accountability. It has been said that ignorance is bliss. Perhaps so, but for too long the bliss of this body has fostered the chaos of others. With the passage of this legislation, Congress will no longer have the excuse nor the luxury of irresponsibility, both of which are the handmaidens of ignorance. We will know what our legislation will cost and who will be expected to pay that cost.

This bill will not prevent needed legislation from passing, but it will require that the full effect of legislation, including the cost, be acknowledged by this body. No longer will Congress have the luxury of going to the candy store and sampling the wares and expecting somebody else to pay for our visit.

It may signal the end of an era of bliss based on ignorance and the beginning of a time of responsibility and accountability based on facts. All of us should welcome this new era.

□ 1350

Mr. CLINGER. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations.

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

Mr. GILMAN. Mr. Chairman, I rise today in support of H.R. 5, the Unfunded Mandate Reform Act of 1995. I commend the sponsors of the legislation, the gentleman from Ohio [Mr. PORTMAN], the gentleman from California [Mr. CONDIT], and the gentleman from Pennsylvania [Mr. CLINGER], who serves as chairman of our Committee on Government Reform and Oversight, for their efforts in bringing this important measure to the floor.

I support H.R. 5 because it effectively addresses congressional accountability. This body will no longer be able to casually approve legislation in Washington and send the bill home in the form of future increases in State and local taxes. This legislation will enable Members to more fully analyze the possible future consequences of new mandates by requiring the Congressional Budget Office to prepare cost estimates of proposed mandates in pending legislation. By approving this bill we will demonstrate to our Governors, mayors, and city officials that we will consider the budgetary burdens they face when they struggle to alter their budgets to respond to the cost of any additional Federal mandates.

Accordingly, Mr. Chairman, I urge our colleagues to forge a fairer partnership with our State and local governments by supporting this important measure.

Mr. Chairman, we must be acutely aware that many of these Federal mandates override existing State programs, thereby unintentionally tying the hands of State and local officials. The Federal Government must give deference and allow State and local bodies to use their unique knowledge of the specific local problems they face to formulate their own specific solutions. When this deference is not given, a well-intended piece of legislation can impose a burdensome requirement that mandates a less effective or more costly solution than measures previously instituted by State and local authorities.

For example, the General Accounting Office reported in April 1994, that in Alexandria, VA, local officials had instituted a program that used local taxicab companies to transport disabled persons door to door at city expense. However, after implementing a mandated requirement to modify local buses to permit access for the disabled, the city could no longer afford to provide the taxicab service. As a result, wheelchair bound residents now have to provide their own means of transport from bus stops that can be at a lengthy distance form their homes.

H.R. 5 will allow this body to avoid unintended ramifications of Federal legislation, similar to those consequences that adversely affected the handicapped residents of Alexandria, VA. To this end, I encourage my colleagues to support this much-needed measure.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 1½ minutes to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Chairman, I am reluctant to oppose H.R. 5, because I think that its basic purpose is sound and important. Gone are the days when Congress can heap miles of mandates upon State and local governments without regard to what these requirements cost.

Let there be no mistake, I support unfunded mandates reform legislation. Last year, I proudly voted for a well-crafted bill in Congress. But this bill has many serious problems.

My first problem is one of process. It is ironic that the very first bill to be reported out of the newly renamed Committee on Government Reform and Oversight was forced through the committee in a very heavy-handed way without a public hearing, even though this bill has the potential of affecting the basic environmental, health, and safety regulations afforded the American people. That is not Government reform, Mr. Chairman. It is simply a partisan power play.

But this debate should not be one about process. It should be about progress. Mr. Chairman, my concern is that the bill before us, however well-intentioned, will roll back the progress that the Federal Government has made in protecting the fundamental rights of the American people, the right to breathe clean air, drink pure water, eat healthy food, work in a safe workplace.

I am sympathetic to the need of States and localities to know how much they are required to pay to meet Federal mandates, but I cannot support a bill which would effectively remove the Federal Government as the safety net of last resort for the average American and one that was pushed through the process in a way that would have made Huey Long very proud.

Mr. BEILENSON. Mr. Chairman, for purposes of debate only, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN].

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN].

The CHAIRMAN. The gentleman from Illinois [Mr. DURBIN] is recognized for 3 minutes.

Mr. DURBIN. Mr. Chairman, this is not a routine or simple bill. This is a bill of vast significance.

The unfunded mandate bill, taken together with the balanced budget amendment, if both are passed and signed into law, will call for a significant reordering of priorities in government between Federal, State, and local branches.

Now, I do not at this point suggest that we will prevail on the minority side, but I hope that some of the amendments we offer will be considered by our friends in the Republican majority.

This bill, the unfunded mandate bill, is a basic and sound, good concept. I was happy to cosponsor legislation by the gentleman from Virginia [Mr. MORAN] addressing the same subject last year. But in this session of Congress, the Republicans have gone too far, too fast, and their approach is too extreme.

This bill comes to the floor without a public hearing. Consider the significance of this bill and the fact that we have not invited those who will deal with it to talk about its consequences.

As a result, in their haste to pass the bill, the Republicans have ignored many real health and safety problems they are going to create. The unfunded mandate bill in many ways puts the health and safety of our families at risk. This bill is about the water that flows in our streams and rivers. It is about the water our children drink and whether or not that water is going to be pure and safe. It is that basic. It is that simple.

By exempting State and local governments from so-called Federal mandates for clean drinking water, for clean water and clean air, we are, in fact, involved in a gamble, a gamble that States and localities will do the right thing.

My district is on the Mississippi River. We have virtually a third of the continental United States pouring into that river. States upstream and localities which decide that they are no longer bound by Federal standards may or may not live by those standards. If they do not, my constituents in Illinois will pay for that decision.

I think each and every one of us wants to go to bed at night confident that basic issues about safe drinking water, about nuclear waste disposal, about the safety of landfills, are consistent nationwide. If someone moves from one State to the next, they should have confidence that their family is still safe. Unfunded mandates can also hurt private business, holding them to higher standards than their government competitors. Now, is it not ironic, the first action of the new House under the Contract With America was to pass a rule applying all the laws that we have enacted to ourselves as they would apply to private citizens. And now the second act of Congress, with this legislation, is to enact a principle that State and local governments should be exempt from those same laws. I think that is fundamentally inconsistent. I would suggest to the Members of the House that this bill deserves thorough scrutiny before we give it our approval and passage on the floor.

Mr. GOSS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Knoxville, TN [Mr. DUNCAN].

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

Mr. DUNCAN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of this bill and urge its passage. I am pleased to be a cosponsor of this very important legislation. Every year since I have been in Washington, our outgoing Governor from Tennessee,

Governor McWherter, has visited with members of the Tennessee delegation and has said, Please, no more unfunded mandates.

Governor McWherter is a Democrat and a good friend of mine, but this is not a partisan issue. This legislation has broad bipartisan support.

Unfunded mandates are costing our State and local governments billions of dollars every year. In fact, a recent Price Waterhouse study for the U.S. Conference of Mayors estimated that just 10 selected mandates will cost our Nation's cities $54 billion over just the next 5 years.

My own hometown of Knoxville currently spends millions of its budget complying with Federal mandates, many millions. Mayor Daley of Chicago held a press conference about a year ago which was reported in the Washington Post and the lead paragraph estimated that unfunded mandates were costing State and local governments hundreds of billions of dollars a year and Mayor Daley said that unfunded mandates were costing his city of Chicago alone $160 million a year.

The State of California is forced to spend $8 billion a year annually as a result of unfunded Federal mandates.

In the meantime, local priorities like education and fighting crime are being forced to take a back seat to this other legislation. And local taxes are going up to pay for the cost of these mandates.

According to the Republican Governors Association, Congress has passed a total of 72 unfunded or insufficiently funded mandates just since 1986. At the same time overall Federal aid to States has declined from $47 billion in 1980 to $19.8 billion in 1990.

□ 1400

Mr. CONDIT. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. PARKER].

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

Mr. PARKER. Mr. Chairman, I rise in support of H.R. 5. It is not the intent of unfunded mandates reform to eliminate or scale back good programs that help people. The intent is simply to require the Federal Government to pay for the mandates it imposes on the States and municipalities.

This is not a difficult concept. It is totally logical. As individuals or a government it is irresponsible to attempt to do everything that may be good and helpful without regard to affordability. The fact is, individuals don't have such a luxury. Only government can do good works and let somebody else pay the cost.

Forcing cities and towns to raise local taxes to pay for federally imposed mandates to the point that taxpayers move away from the town is not helpful. Making local budget decisions in Washington by setting local spending priorities through the Federal regulatory process is absurd.

By the same token, forcing small businesses to close because they cannot afford the cost of compliance is equally pointless. While we are not addressing the private sector problem with mandates in this legislation, I hope we eventually will do so.

These are the issues at stake in unfunded mandate reform legislation. We need to insert reason into our legislative process and get back to reality.

I support many of the laws that the opponents of H.R. 5 say are at risk if a prohibition on unfunded mandates is passed. However, that support does not preclude my belief that we must be willing to pay for what we believe in. If Washington cannot afford to pay for these grand ideas that we come up with and consider to be so right, why do we think that States and municipalities can?

Mr. TOWNS. Mr. Chairman, I yield 2 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I want to say a word to the dads, the fathers out there who, like me, have daughters in college or in school at some level. In the late 1970s a mandate law, an unfunded mandate called Title IX, came into effect, and probably every Member of this Congress at that time heard from their colleges saying, ''Don't do it,'' their universities saying, ''It will cost too much.'' I heard from Montanans, particularly the male jocks, saying ''This is a terrible idea. Don't do it'', but we did it.

Today my daughters are on the playing fields in organized sports in the colleges of Montana, and our daughters are playing basketball, and our daughters are playing tennis, and our schools have to spend the kind of money on our daughters, at least to some degree, that they have to spend on our sons.

Mr. Chairman, I have read this carefully. Given the political pressure that came to us in the late seventies, Title IX, if this bill had been law, Title IX could never have passed this House, would never have gone into effect.

I like the fact that my daughter plays basketball. I like the fact that that was a mandate from the Federal Government, and no, I do not believe that the taxpayers of this country should be subsidizing the University of Montana just so my kid can play basketball. I think that is up to the taxpayers of the University of Montana.

Please, my colleagues, please be a little more thoughtful. Please go carefully with this. There are such things as basic rights, and if the States and the schools of this country cannot do it, the public, through their Federal Government, has a right to say under the Constitution of the United States ''You must do it and you must pay for it''.

Mr. CLINGER. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Florida [Mr. MICA], a very valued Member and chairman of the Subcommittee on Civil Service of the Committee on Government Reform and Oversight.

Mr. MICA. Mr. Chairman, during the 103d Congress I had the opportunity to serve on the House subcommittee that considered unfunded mandate legislation. Our subcommittee held hearings both in Washington and field hearings throughout the country. We heard local officials testify in Pennsylvania, for example, that it would be cheaper to deliver bottled water to local residents rather than comply with proposed new Federal mandates.

We heard that most local governments operate under restrictive mileage or tax caps, and are also required, unlike Congress, to balance their budgets. We clearly heard that Congress, through unfunded mandates, has pushed them to their financial limits.

In my congressional district, our subcommittee heard our Orlando mayor explain how Federal mandates required needlessly taking naturally occurring substances out of our drinking water at one point in the treatment process and then replacing them at another point, at a very high cost. Unfunded Federal mandates have now become the greatest single source of increases in local taxes.

The problem today, Mr. Chairman, is little different from the problem in 1776: taxation without the consent of local representation. Think about it. Today Congress has replaced the distant parliament passing edicts from afar. Today King William has replaced King George, signing off on more laws and rules and edicts. Today our State and local governments have replaced the former colonies. Today they are now mere puppets, with Washington pulling the strings and choreographing a costly dance.

Quite frankly, Mr. Chairman, some people in Washington like it that way. They would like to keep it that way. They still believe that Washington knows best. They want to keep central control, and they cannot believe that people beyond the beltway can actually think and act responsibly on their own.

For those and other reasons I urge the passage of this historic legislation.

Mr. Chairman, although some people here just don't get it, the people have rebelled.

Without firing a shot, they're thrown the old ways overboard. Why? Because Americans have been over-mandated, over-regulated, and over-taxed from Washington. They have clearly said they are ''mad-as-the-dickens'' and they're not going to take it anymore. That is clearly why we have this legislation before us.

For too long our Federal elected representatives have passed good-sounding and well-intended mandates to State and local governments.

Unfortunately, these ''edicts from on high'' have reached a new low.

Over 170 laws have been passed in the last two decades that have imposed billions upon billions of dollars in unfunded Federal mandates.

While this legislation may not stop all unfunded Federal mandates it will create speed bumps and stop signs for halting the enactment of unnecessary Washington edicts in the future.

To those who say this legislation will prohibit the Federal Government from mandating protection of our environment, public health or safety, I believe the term used ''out West'' would be appropriate here: ''That's a lot of Hefferdust.'' If a mandate is important enough for Congress to pass, then it is essential for Congress to fund.

Mr. BEILENSON. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. MILLER]

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Chairman, this legislation strikes at the very heart of the body of laws that bind us together as a progressive society, and with the highest standard of living in the world, the body of law that ensures that no matter where you live in this country, you can enjoy clean water; that no matter where you live in this country, local government and the private sector are working every day to improve the air that you breathe, so we no longer have to send our children indoors because it is too smoggy out. We no longer have to tell our senior citizens they cannot go out for a walk because the air quality is too bad, or we cannot drive to work because they do not want the automobiles on the road.

These are the laws that accomplished those successes. These are laws that said ''Yes, if you take money from the Federal Government, we are going to put onto you an obligation to educate the handicapped children of this Nation,'' because before that was the law, the handicapped children of this Nation could not get an education in the public school systems run by the States and localities that we now say are so ready to do the job.

But for that law, tens of thousands of handicapped children, because they have cerebral palsy, because they have Downs syndrome, would not be allowed in our public schools, but that is a Federal mandate. Yes, we pay part of the freight, but this law would say ''Unless the Federal Government presents 100 percent of it, no school district would be required to educate that handicapped child. Unless the Federal Government spends 100 percent of the money to clean up the local water supply, the local sewage treatment, the city would have no obligation.''

What happens along the Mississippi River in Indiana or Minnesota if they choose, or in Ohio, if they choose not to clean up the municipal sewage because the Federal Government will not pay 100 percent? That means the people in Mississippi and Louisiana have to inherit that sewage.

An unfunded mandate upstream is untreated sewage downstream. What does that mean to the fishermen, to the commercial enterprises, and to the tourist industry in those States? It means they suffer. That is why we have national laws.

When I was a young man you could smell San Francisco Bay before you could see it, but now we require all of the cities, not just the town that I live in, not just the oil industry, not just the chemical industry, but the cities upstream and downstream. Some of them, we had to take them to court to tell them to clean it up. Today San Francisco Bay is a tourist attraction. Commercial fishing is back. People can use it for recreation.

That is what these mandates have done. Yes, we have not paid 100 percent, but we have put billions and billions and billions of dollars into helping local communities make airports safe so they could become international airports, so people would have confidence in going to those cities. We have cleaned up their water and air. We have made it safe to drink. That is what this legislation is an assault on.

Mr. Chairman, the proponents of this legislation would have us believe this is a simple and straightforward initiative: Congress should mandate the States and local governments to do nothing that Congress is not willing to pay for in its entirety.

In fact, this legislation strikes at the very heart of the entire concept on which our Government is based. Government does have the responsibility to require that those in our societies—private individuals, businesses, and State and local governments—meet certain responsibilities.

Even the drafters of this legislation recognize that some mandates need not be paid for. They are ideologues of convenience. They do not require we pay for compliance with civil rights and disability laws. But they would compel funding for actions relating to public health and safety, protection of the environment, education of children, medical services to our elderly, safeguards to our workers.

And they would require that we pay only when that burden is imposed on entities of government. Private industry, many of which compete with State and local government in the provision of services, is accorded no relief. And those who work for Government, performing exactly the same services as those in the private sector, are potentially denied such basic protections as minimum wages, worker right to know about hazardous substances, and OSHA protections.

Never mind that the same State and local governments to whose aid we are rushing impose precisely the same unfunded mandates on lower levels of government.

So, I think this clearly demonstrates what is going on here: this is not about unfunded mandates: It is about undermining this Nation's environmental, education, health and labor laws, and wrapping the attack in the flag of unfunded mandates.

The last time we tried this deceptive tactic—cutting away at the basic role of Government in the name of cost savings—we tripled the national debt in 8 years.

But let me take issue with the very name of this concept—unfunded mandates.

Unfunded? Really?

We have spent tens of billions of dollars helping States and local communities meet these mandates by improving water systems, upgrading drinking water supplies, building and improving transportation systems, improving education programs, and on and on.

Have we funded every mandate fully? No. Should the Federal Government have to pay States and local communities to protect their employees, their environment and their public health and safety? Because let's remember: A lot of them were not protecting those people and those resources before the Federal mandates came along.

No, we haven't funded every dollar. But have we covered 50, 75, 90 percent of the cost of many of these projects? Time and time again.

And have we provided these same State and local governments with hundreds of billions of dollars to build, expand and improve highways, rapid transit and harbors and to respond to disasters—even when there was no Federal responsibility to provide a dollar? Have we provided money to assure that communities are safe from nuclear power plants and hazardous waste sites? Have we provided money to educate the handicapped, to train the jobless, and to house tens of millions of Americans?

I have little doubt that those who champion this legislation fully expect that its passage would have no effect on our willingness to fund their future actions in these areas. They are very wrong. Every State and community should be aware that the appetite of the Congress for funding local projects and programs that fail to meet a Federal standard of quality and protection and performance is going to be very minimal, particularly in light of the coming effort for a balanced budget amendment that would slash Federal spending radically.

So I think we should proceed with some caution here. If the States and local communities don't want the mandates, don't expect the Federal dollars either.

I find it somewhat ironic that in my own State of California, for example, the Governor has failed to come up with his promise of matching funds for the $5 billion in Federal disaster aid following last year's Northridge earthquake. Now he wants more Federal money for earthquake assistance; and he will want more still for the flooding, and he'll probably throw in a few billion dollars' worth of dams and other infrastructure from Federal taxpayers.

Yet he is one of the biggest proponents of this unfunded mandates legislation—and the same time that he forces unfunded mandates down the throat of every county and city in California.

We see that kind of hypocrisy in the legislation before us today.

In case you didn't read the fine print, this mandate ban neglects to include the dozens of new unfunded Federal mandates contained in the Republicans' Contract With America. Just the mandates in the welfare bill alone could bring the States to their knees. But all those new mandates are exempted, even though none of them have yet been enacted into law. So much for being honest with the American people.

Let's be very clear what this legislation is going to do to some of the most important laws this Congress has passed and has spent billions of dollars helping States and local communities implement.

Safe drinking water. We have upgraded the water supply across this Nation, virtually eliminating disease, contamination and danger. Much of that has been paid for by Federal dollars. Which local community would like to have taken on that task without Federal assistance? Which Americans want to put the future and the consistency of our safe drinking water at risk through this legislation?

Clean water. You used to be able to smell San Francisco Bay before you could see it. You used to need a battery of shots if you stuck your toe in the Potomac River. The sewage and waste water of 80 million Americans from a score of States flows out of the mouth of the Mississippi River, and for years contaminated the commercial fishing areas. A few years before the Clean Water Act was passed, the Cuyohoga River in Cleveland was burning. Want to go back to those days? You tell me which financially strapped city and State will take on that burden without Federal assistance?

Nuclear safety. Should nuclear power plants and generators of radioactive wastes—which exist in every large city and many small ones—be able to ignore Federal safety standards for operations and waste disposal?

Deadbeat parents. We are collecting hundreds of millions of dollars a year from parents who have ignored their financial responsibilities to their children, thanks to Federal law. Should we just abandon that program?

The list of inequities goes on and on. What happens to reauthorizations of existing laws? What if those reauthorizations are delayed for years by obstructive tactics in Congress. The answer is: We don't know. And the reason we are legislating in the dark here is because this complex bill, which would fundamentally alter the entire nature of Federal-State relations, was drafted in haste, denied public comment and public hearings, and marked up in a haphazard and manipulated process that made thoughtful review all but impossible.

Of course we should examine whether Federal funding of mandates has been adequate? In fact, that process was begun last year by Democratic members of the House.

But let us not rush to pass a deeply flawed, confusing, and deceptive bill, drafted behind closed doors and without adequate public review, a bill that misrepresents not only the need for mandates, but ignores the billions of dollars we have given to State and communities to help meet those mandates.

Mr. DREIER. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules.

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

Mr. SOLOMON. Mr. Chairman, I thank the gentleman for the privilege of rising in support of this bill that would put an end to unfunded mandates in this country.

Mr. Chairman, I thank the gentleman from California for yielding me this time.

Mr. Chairman, I rise in strong support of this crucial first item in the Contract With America—the Unfunded Mandate Reform Act of 1995.

After taking office just 2 short weeks ago, the Republican majority is bringing a bill to the floor to provide relief to our States and towns suffering from crippling unfunded mandates.

This bill will provide the first step in changing how we think about governing. The truth is Washington does not know best. Many of the towns and villages in upstate New York are nothing like large metropolitan areas. The uniform mandates imposed on these communities are the source of great resentment in my district.

The bill before us will make it extremely difficult for any Congress or any President to force, by rule, regulation or law, unfunded mandates that exceed $50 million on the public sector, and $100 million on the private sector.

The Unfunded Mandate Reform Act before us encourages the entire Federal structure to listen to State and local officials rather than turning a deaf ear and bludgeoning them with new mandates.

H.R. 5 will largely impact the procedures of Government—but what the bill represents is far more significant.

What it does represent is a fundamental shift of power in this country from Washington, DC, to the States—a ''new federalism'' of the sort described by Ronald Reagan.

As that great President once said, ''Today, federalism is one check that is out of balance as the diversity of the States has given way to the uniformity of Washington. Our task is to restore the constitutional symmetry between the central Government and the States and to reestablish the freedom and variety of federalism.''

Mr. Chairman, Ronald Reagan was right then. And it is even more right today. This unfunded mandates bill will restart the Reagan revolution by shrinking the size and power of the Federal Government, getting the Government off the backs and out of the pockets of the American people and allowing our country to prosper.

Mr. DREIER. Mr. Chairman, I yield 1 minute to the gentleman from El Cajon, CA [Mr. HUNTER].

□ 1410

Mr. HUNTER. I thank my friend for yielding me the time.

Mr. Chairman, so many of those who are against H.R. 5 have talked about regulatory empires as we in Washington would like them to be. I want to tell you about our regulatory empires as they really are.

I have an irrigation district in my district in southern California which waters about 500,000 acres of the Imperial Valley. The EPA discovered it a couple of years ago and they told our irrigation district that although less than one-half of 1 percent of their water goes to domestic users, and those are little ranch houses out in the boondocks, that they were going to have to build between $5,000 and $10,000 systems, filtration systems, for each and every one of those houses or spend up to $100 million building filtration plants in the surrounding communities.

We ultimately had to go to court and the court of appeals in California found that the EPA does not even have jurisdiction in this case.

Our regulatory kingdoms, following human nature, have tried to acquire power, and I would say that the regulations we see today are more about power than they are about safety. Let's pass H.R. 5.

Mr. CONDIT. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. PETERSON].

(Mr. PETERSON of Minnesota asked and was given permission to revise and extend his remarks.)

Mr. PETERSON of Minnesota. Mr. Chairman, I rise in strong support of H.R. 5.

As a member of the Unfunded Mandates Caucus and a supporter of Representative CONDIT's bill in the last Congress, I rise today in opposition to unfunded Federal mandates and in support of H.R. 5, the Unfunded Mandate Reform Act of 1995. This bill is not perfect but it is a good start. Personally, I feel it should be tougher and should completely eliminate the practice of unfunded Federal mandates. Every dollar spent on a Federal mandate is $1 less in local budgets to fight crime, improve education, or provide public services. Just ask the city of Moorhead in my district who was mandated to spend tens of thousands of dollars building sheds to protect sand and road salt from the ice and snow; and spent hundreds of dollars to lower a public urinal less than 1 inch. Mr. Speaker, these are blatantly wasteful mandates my communities have been told to comply with.

We all want clean air, clean water, safe food, and a safe working place; but let's achieve these goals in a sensible way and give our States and communities a voice in the process. Support H.R. 5 and put an end to unfunded Federal mandates.

Mr. CONDIT. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. TAUZIN]

Mr. TAUZIN. Mr. Chairman, I particularly want to thank my friend the gentleman from California [Mr. CONDIT] who has put in so many hours and so much time as one of our chief leaders in this effort to end unfunded mandates in this Congress and in this land.

It is important to know what this bill does and what it does not do. Let's talk about what it does not do first.

This bill does not end the responsibility of this Congress to pass mandates when they are important for the public health and safety or for other valid public policy reasons in this country. If it is a critical need in this country to stop pollutants from entering the Mississippi River, we have an obligation to pass mandates that that practice end, so that those of us who live at the bottom end are not infected with someone else's garbage. If it is an important and critical item in this Nation's agenda that every schoolchild with a handicap is specially educated in this country, we ought to make that a mandate in this country.

What this bill does not do is prevent us from doing those things. It simply says that when we here in Washington think we know better than the folks back home, so that we are going to mandate those things upon the Nation, we ought to have the courage of our beliefs. We ought to raise the money and we ought to pay for the mandates we produce.

Let me tell you what the bill also does not do contrary to some of the things you have heard up here today. It does not prevent us here in Washington from putting together programs to incentivize the States and localities to do good things that we do not necessarily think ought to be mandated.

We can, for example, put together programs that say if you want to share in a government program at a 50–50 level, a 90–10 level, a 70–30 level, we have got a program here you can participate in if you want to, and these are the conditions of participation. You can do that. We can continue to do that even with this bill passed.

What we cannot do after this bill passes is to say that you must participate, you must do it, and the only way for you to do it is to come up with a 30-percent match or 10-percent match. This bill ought to pass. We ought to have the courage of backing up what we believe with the money to carry it out. That is what ending unfunded mandates will do for America.

Mr. CLINGER. Mr. Chairman, I yield 1½ minutes to the gentleman from New Hampshire [Mr. ZELIFF], a very valued member of the committee and chairman of our Subcommittee on National Security, International Affairs and Criminal Justice.

Mr. ZELIFF. I thank the gentleman for yielding me the time.

Mr. Chairman, I too would like to congratulate Members on both sides of the aisle on this effort.

I support this important legislation to prevent Congress and the Federal bureaucracy from imposing unfunded Federal mandates on both States and local governments.

Unfunded mandates have been a sore point for years with States and local governments. States like New Hampshire have been left saddled with huge costs to carry out Washington's orders or grand ideas.

New Hampshire has 17 Superfund sites, 14 of which are in my district. The average cost is $30 million per site.

The Motor-Voter Act has placed a tremendous financial impact on our State which incidentally has a higher voting percentage than most States in the Nation.

The auto emissions mandate is causing untold misery and creating a financial burden on the people of New Hampshire.

My own State has put its money where its mouth is. It passed a constitutional amendment banning the State from passing unfunded State mandates onto our local towns and communities.

It is time for the Federal Government to follow New Hampshire's example and put its money where its mouth is. It is called accountability, Mr. Chairman. The Federal Government must take responsibility for its actions. We can no longer pass the program and keep the bucks.

What this legislation really does, Mr. Chairman, is to say to us that if we want to pass the program, we must also pass along the bucks to pay for the program.

I urge support of H.R. 5 and hope to see its passage.

Mr. DREIER. Mr. Chairman, I yield 1 minute to a new Member, the gentleman from Alfalfa, OR [Mr. COOLEY].

Mr. COOLEY. Mr. Chairman, I rise today as an advocate of the States, my district, and all Americans who have experienced the heavy hand of Federal Government mandates too long.

In the next 5 years alone, unfunded mandates will cost our Nation's counties 12.3 percent of their revenues and nearly $34 billion.

Today, however, we are attempting to turn back the tide of offering legislation that says no more to unfunded mandates.

While I support this bill wholeheartedly, I believe that this is only the first step in a long and trying process of rolling back supposed benefits that the Federal Government has imposed upon the States.

Tomorrow I will be offering amendments intended to strengthen H.R. 5. We all want clean water and we all want clean air and access to the handicapped and so on. However, we must have the responsibility to ask the question, ''At what cost?''

I urge my colleagues to carefully consider and support my amendments. Let's pass this bill and take an important step forward in freeing the States and the people from the heavy hand of the Federal Government.

Mr. BEILENSON. Mr. Chairman, I yield 2 minutes, for purposes of debate only, to the gentleman from Pennsylvania [Mr. FOGLIETTA].

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

Mr. FOGLIETTA. Mr. Chairman, I rise in opposition to this legislation and let me tell you the reasons why.

First, this bill does fundamental damage to the way the Constitution has designed our government. A mandate is a law. Congress was organized to pass laws dealing with national priorities. A no money/no mandate law would handcuff this Congress from doing what it was set up to do.

Second, there are many mandates where it is absolutely appropriate to impose costs on States and cities to meet national priorities. Health and environmental laws are the best example.

Since the governors and the majors are good at telling mandate horror stories, I well share one, too.

Several years ago in my region, the unhealthful, dangerous medical waste from one State was landing on the swimming beaches of the other.

The Congress passed a law to deal with this problem that said to one State, ''You must stop, you must desist, you must clean it up.'' Costs were imposed on the States and this was the right thing to do. The problem was cured. Mandates do work.

Third, it is flat wrong to say that the Federal Government does not pay its share. For Philadelphia, my city, using the calculation developed by the very League of Cities which so vigorously embraces this bill, the Federal Government sends in $18 for every dollar for Federal mandates. That is a pretty good ratio, even in these hard budget times. Thus, we do pay for mandates.

□ 1420

Fifth, I can think of no better example of an overreaching unfunded mandate than the Contract on America. The proposals to balance the budget and gut Federal aid to families with dependent children will send huge mandates back to the States—with no way to pay for them other than by huge State and city tax increases. Maybe that's why this law won't take effect until October, after we have completed considering this Contract on America.

Finally, I wanted to comment on some of the hypocrisy that surrounds so much of this debate. An example comes from one Governor who, with one breath, lectures us on the need for a balanced budget and on the other hand wants to cut taxes in his own State.

Mr. TOWNS. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. SPRATT].

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

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding the time.

Mr. Chairman, this is important legislation. It is time we passed it. Local governments that have limited tax bases have a right to resent it when they are imposed upon with mandates that are handed down to them from above, whether by State legislatures or from Congress. I know, I was a county attorney for 12 years before I came here.

The Members who originated this bill, and the reason it is here in the well as the second piece of legislation we consider in this Congress, are the gentleman from California [Mr. CONDIT] and the gentleman from Virginia [Mr. MORAN] who came from local government backgrounds and they know what it is all about.

A core concept of this bill, the Moran bill, is the idea of fiscal impact statements as a heads-up to all of us, including local and State government, when we are about to pass a bill and pass the buck, to make us think twice about what it is going to cost State and local governments before we pass it, and to

give them all a chance to object, demur, and raise questions about it.

Unfortunately, this bill is a different bill from the Moran bill which passed last year and our committee reported and would have brought to the floor soon in this session. It is a different bill, and we have not had time to peruse it, to read it closely. We did not have time because we did not have hearings in our committee.

If Members just peruse the bill they will find there are a lot of questions. Indeed the bill comes here because of railroading it to the floor, studded with question marks and caution flags.

For example, there will be a lot of Members out here as we move into the amendments raising questions not about the core concept, not resisting the bill, who will probably vote for passage like me, raising questions like public-private parity. My State, the State of South Carolina, generates electricity. It is a big power generator. Does this mean that in the future when we pass a renewal of the Clean Air Act that we cannot impose additional emission standards on the States, the generators of electricity, without paying for the scrubbers? And if it does mean that, it will not be long before private utilities will come to South Carolina and say hey, let us transfer to you this operation, you take title to it, we can then avoid these additional requirements.

These are the questions we will be raising to perfect the bill, make it workable legislation, not to defeat it.

Mr. CONDIT. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. BREWSTER].

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

Mr. BREWSTER. Mr. Chairman, I want to commend my friend, the gentleman from California [Mr. CONDIT] for his leadership on this issue now for almost 4 years. He has taken the strong lead in eliminating unfunded mandates.

I rise today in strong support of H.R. 5, the Unfunded Mandates Reform Act.

As a former State legislator in Oklahoma, I know first hand the devastating effects unfunded Federal mandates have upon State and local governments. Many times when I was in the State legislature, we had to come up with additional funding to pay for these mandates.

Most often, we would have to cut critical funding from education and other State programs to pay for these passed-down Federal regulations.

Not only did we have to pay for these mandates, but we had limited, if any, input into the development of these regulations.

Mr. Chairman, we cannot continue to pass down to our States and local governments the cost of compliance with Federal mandates. I urge my colleagues to vote for relief to our State and local governments by voting for H.R. 5.

Mr. CLINGER. Mr. Chairman, I am pleased to yield 2 minutes to my fellow Pennsylvanian, the gentleman from Pennsylvania [Mr. GOODLING], the chairman of the Committee on Economic and Educational Opportunities.

Mr. DREIER. Mr. Chairman, I too am glad to yield 1 minute to the gentleman from Jacobus, PA, chairman of the Committee on Economic and Educational Opportunities.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GOODLING] is recognized for 3 minutes.

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

Mr. GOODLING. Mr. Chairman, first of all I want to thank Chairman W.F. CLINGER from Pennsylvania, for using his large hands to carry this bill to the floor of the House today. This is a bill I have waited for for a long time and worked for a long time. It is very, very similar to the fair bill which was the Goodling-Moran bill 2 years ago with many, many signatures.

Let me tell Members how I got involved in this. When I came to the Congress of the United States I came as a former superintendent of schools. Congress had just sent us legislation were they said you will follow 100 percent of our mandates in relationship to special education of youngsters and we will send you 40 percent of the money. The unfortunate part about it was they did not send 40 percent of the money, they sent 8 percent of the money, which meant I had to come up with from all of the other departments all of the other money to handle this issue.

When I arrived here, the first bill that came to us in my committee was an asbestos removal. If that was the wrong way to construct schools, surely we should be doing something about it. But I said at the time, be sure to allow the school districts to take 1 percent of their Federal funds to do this job, or otherwise they will have no money to do it. And they said no, we will get appropriations. We did not get appropriations, we did not get appropriations for many years, and then got a few pennies later on.

The next bill that then came before us was we should do something about lead. Again, that is something that is very, very important and I said be sure that we send funds for them to do it, because they are now paying for the redoing of the asbestos, because it was done incorrectly the first time. And, no, they said we will get appropriations. Fortunately we were able to slow that process down.

Let me remind Members about two things in this bill. First of all, do not let anyone remove judicial review. If we remove judicial review we then have destroyed the bill. We are just smoke and mirrors, we are just kidding people out there.

Second, I hope my colleague on the committee from California was not saying that somehow or other we were going to do something about the youngsters who are covered under ADA and the youngsters who are covered under IDEA. This bill exempts ADA and IDEA. So do not let anybody sell that issue to you that somehow or other we are going to hurt handicapped and disadvantaged youngsters. That is positively false.

So I ask for Members' support of a bill that is overdue for a long, long time in the Congress of the United States.

Mr. Speaker, I rise today in support of H.R. 5, the Unfunded Mandate Reform Act of 1995. This legislation is similar to fair legislation Congressman JIM MORAN and I introduced in the 103d Congress.

H.R. 5 is a truly bipartisan bill that would make the U.S. Congress more accountable for its actions by curtailing the passage of unfunded Federal mandates.

The mandate madness and the arrogance of some in this institution over the past 20 years has caused States like Pennsylvania and local governments like the city of York, the boroughs of Gettysburg, and Carlisle and townships like Springettsbury in Pennsylvania increased headaches as they try to assess their obligations based upon their incoming tax revenues. Furthermore, unfunded mandates have had a dramatic effect on the private sector.

The idea behind this legislation is simple, the U.S. Congress must become more accountable for its actions which, in some cases, have an adverse effect on States, local governments, and small business.

For example, as a Member of the House Education and Labor Committee, I consistently fought against legislation that would impose burdensome mandates on States, local governments, and small businesses. As chairman of the new Committee on Economic and Educational Opportunities, I will continue to do the same.

In years past, my committee had jurisdiction over legislation to remove lead paint from the Nation's schools. I agreed with the sponsors that this is a high priority and that it should be done. However, the bill did not include provisions to pay for this legislation. It was understood that this legislation would be paid for through the appropriations process. I disagreed with this because I remember not too long ago that we proposed the same for asbestos removal and passed legislation providing for asbestos removal, but did not pass the dollars with the legislation.

I must stress the idea behind H.R. 5 is not to impede legislation, rather it is to force the Congress to seriously consider the impact of any new legislation before the legislation is passed. It is a policy that the Congress must adopt to stop giving lip service to the idea of true reform.

This legislation will improve the legislative process by requiring the CBO to study the impact on State, local governments, and the private sector of legislation reported out of committee for action on the House floor. This legislation would also require agencies, prior to the implementation of any rule or any other major Federal action affecting the economy, to perform an assessment of the economic impact of the proposed rule or action and seek public comment on the assessment. I understand there may be amendments to remove

this provision from the bill. If this bill is weakened by removing judicial review, Members will only be kidding the American public by telling them we are reforming the regulatory process. Without judicial review the regulatory process will not change.

This new requirement is one of the most important changes. Yes, Members of Congress have to become accountable, but so do the regulators. It is important that the regulators who decide how a law would be carried out consider the impacts of their decisions. They too should be fully accountable. Title II would modify the Administrative Procedure Act so that the regulators would have to assess the impacts of their actions on State, local governments, and the private sector. If they choose not to, their actions would be subject to judicial review.

I want to clarify that H.R. 5 has no effect on two important disability laws, the individuals with Disabilities Education Act [IDEA] and the Americans with Disabilities Act [ADA]. In recent weeks, many Members have received phone calls from worried parents that had been told that H.R. 5 would force the repeal of the IDEA and possibly, the ADA. As I described in a ''Dear Colleague'' that I had distributed, these phone calls were based on inaccurate information disseminated by a disability advocacy organization. I would urge Members to read the language of the bill pertaining to exemptions. As the CRS law division has confirmed, both IDEA and the ADA are exempted from coverage under this bill.

I believe this legislation has the key ingredients for passage. It sends the proper signal, and ideal good government mission which makes the Congress more accountable for its actions by studying the impacts of legislation before it is passed. This legislation has bipartisan support of Members in the House. I also believe this bill would signal an end to closed door agency policy decisions which hurt many States, local governments, and the private sector.

I would like to commend House Government Reform and Oversight Chairman BILL CLINGER, Congressman CONDIT, Congressman PORTMAN, and Congressman DAVIS for all their efforts in putting this legislation together. I believe this truly bipartisan legislation is long overdue and will work to see this legislation signed by the President.

Mr. DREIER. Mr. Chairman, I yield 1 minute to my friend, the gentleman from Frederick, MD [Mr. BARTLETT].

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Chairman, I rise in strong support of H.R. 5. This bill is a good start, it is not the full journey, but it is a good start.

The vigorous debate opposing this bill is more than a little interesting since this Congress has for many years exempted itself from essentially all of these mandates. As Members know, the cost of these unfunded Federal mandates is exorbitantly expensive, costing the American taxpayer all of his income between Tax free day, which last year was May 27, and Government free day, which last year was July 10. That is about 6 weeks of his time.

Just one other point I would like to make and that is that the only conscience in this country does not reside here in Washington. States and local jurisdictions are perfectly capable of regulating themselves in terms of their environment, their health and their welfare. They do not need Big Brother here dictating to them.

Mr. BEILENSON. Mr. Chairman, I yield half a minute to the distinguished gentleman from California [Mr. MINETA].

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

Mr. MINETA. Mr. Chairman, in so many areas this bill would make it harder for citizens and property owners to be protected from damaging acts by others. This is a bill which will make it harder, slower, and more costly for all of us to respond in the future to new threats to the public health and safety, no matter how great the consensus that we need to have.

Frankly, from my perspective, this is the wrong direction.

The idea that we should be concerned about unfunded mandates is not wrong. There is a temptation that the Federal Government will deal with its own budget problems by directing other levels of government to meet the public needs the Federal Government no longer can afford to meet.

Yet, we must also look carefully at how this problem has been misrepresented, and how the proposed fix often does not do what it is intended to do.

Many of the mandates we impose are essential to the public health and safety. We require cities to treat the sewage they dump in the river, and we do that for the protection of those who live downstream. We require local government which operate dumps to protect their neighbors from the toxins they allowed to be dumped at their site.

The Constitution itself is an unfunded mandate: we require States to respect the civil rights of our citizens without regard to whether the Federal Government pays the States for the costs they incur in complying with the Constitution.

The issue before us is how we can best respond to the issue of unfunded mandates. Many of us believe that where a mandate is justified to protect the public, we should often take more seriously than we have our Federal responsibility to contribute funding to costs of State and local government in meeting the needs of Americans who are, after all, citizens of State, local and Federal Government.

I have, for example, been a constant advocate for dramatically increased Federal funding for the costs cities bear in meeting Federal standards for treating the sewage they discharge into our rivers.

But what has happened instead is that many of those who now profess to be most concerned about unfunded mandates were those who most sought to reduce the funding to State and local governments to comply with these mandates, such as the sewage treatment requirements of the Clean Water Act.

They now argue that, having succeeded in drastically cutting the funding, we should now cut the mandate on the grounds that not enough funding is being provided.

Unfortunately, the end purpose of this exercise is not to treat our cities and States better, but to treat our citizens worse. Cutting the funding and then cutting the mandate is just a clever way to do what they wanted to do all along, which is remove requirements which protect people and their property from the effects of pollution by others.

As a former mayor myself, I regret that so many of my former colleagues now appear to be making a pact with the devil. Once this bill passes, the next step will be to cut much of the Federal funding which State and local governments get which is not tied to any Federal mandate—the unmandated funding such as the highway program, the transit program, the economic development program, and so on. In the end, cities and States will be worse off for having joined their tormentors.

The specific bill before us today has a number of very significant defects.

Most importantly, it has not been considered in a way which allows for the public to know what it does, to comment on it, and to have their views taken into account. The bill was rammed through the Government Reform and Oversight Committee with no hearings and no subcommittee consideration. The Budget Committee was discharged to prevent it from holding public hearings. The Rules Committee held one brief hearing.

The best way to assure that a bill contains mistakes and unintended consequences is to ram it through without opportunity for public scrutiny or comment.

The title of this bill should be changed to ''The Law of Unintended Consequences.'' After it is enacted, we will be discovering for years to come what it really does, and many of those surprises will not be pleasant.

For example, the way this bill is written, it would not only create a point of order against any bill which creates a new requirement on State or local government to protect the public if the costs of complying are not paid by the Federal Government, it would also create a point of order against most bills getting Government out of regulating the marketplace of most industries. This bill is described as reducing the intrusiveness of Government—but in the key area of economic regulation it would have the unintended consequence of doing exactly the opposite: making it more difficult to pass bills which reduce the intrusiveness of Government into the marketplace. If H.R. 5 had been law, a point of order would have been sustained against the Intrastate Trucking Deregulation Act we passed last year, against the railroad deregulation provisions of the 4R Act, and against pipeline deregulation legislation.

That is not what anyone intended this bill to do, but nevertheless that is exactly what the bill does. It is a mistake, and I will offer an amendment to correct that mistake.

This bill would make it far more cumbersome and time-consuming to put new airline safety and security measures in place. That is a mistake and it should be corrected.

In so many areas, this bill would make it harder for citizens and property owners to be protected from damaging acts by others.

The bottom line is, this bill would do two things.

First it would make government not leaner and more efficient, but slow and clumsy and inefficient, much more tied up in bureaucracy

as thousands of decisions, no matter how obvious, get wound up in piles of new bureaucratic analysis and reanalysis, whether needed or not. The bill increases spending on bureaucracy by $4.5 million per year, just to handle the increased paperwork which will result at the Congressional Budget Office. And the increased paperwork at CBO will be a drop in the bucket compared to the increased paperwork in the rest of Government. This bill should be called the Red-Tape and Bloated Government Act.

Second, it will make it more difficult for Congress to respond to real public needs in the future. A few years ago we lost an airliner over Lockerbie, Scotland, and the terrorism threat soared, both at home and abroad. We acted in Congress with a bill to require Federal agencies, airlines, and airports to promptly strengthen security. That bill, the Aviation Security Improvement Act of 1990, would be counted by H.R. 5 as creating an unfunded mandate. As a result, the 1990 Security Act would have been subject to a point of order, it would have been subjected to additional floor procedures, and it would have been subject to considerable delay while CBO and other congressional staffs prepared elaborate new analyses and estimates, even though we would all know that the bill needed to be passed.

This is a bill which will make it harder, slower, and more costly for us to respond in the future to new threats to the public health and safety, no matter how great the consensus that we need to act.

This is the wrong direction.

We ought to be transforming Government with the idea of making it as small as possible while still being able to address the public's real needs. Instead, we are making it bigger, slower, and clumsier, while also making it less able to meet the public's real needs. We've got it backwards.

This is the classic case of those who argue that Government can't work making sure that it won't work.

We may adopt amendments which make this bill a little better, or amendments which make it a little worse. But what we should be doing is starting over, thinking more carefully about the problem of unfunded mandates, how we got here, what needs fixing and how best to fix it, give all those involved a chance to come in and be heard, and then we should proceed with the greater certainty that we know what we are doing.

Instead, we are running blindly down the wrong path.

□ 1430

Mr. BEILENSON. Mr. Chairman, for purposes of debate, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman and Members, I rise in strong opposition to this legislation.

I think it is predicated on a false assumption, and that is one of confrontation rather than cooperation.

So often I think that the Federal Government, specifically the Congress, has become really criticized in a sense unfairly for the advancement of Federal and national policies that are in the public interest. I look at the suggested unfunded mandates and the cooperation that has occurred. So often, I think we are doing this to eliminate bureaucracy duplication.

The Minnesota Pollution Control Agency, indeed, carries out the responsibilities of the EPA within our State. It is more often a cooperative relationship rather than one of confrontation.

But the advocates of this have worked themselves into, I think, a false assumption and results. The upshot of this, I guess, looking at what the costs are of policies we passed, I thought was always something we were supposed to do. I have no objection or no criticism of that. I think we ought to look at it.

Very often, though, looking at the legislation and the application of it makes this policy far worse. For instance, very often the dollars that we pass are grants in aid. That is what the highway programs are. That is what many of our programs are, grants in aid. They are grants that carry along a specific type of Federal requirement. If you do not want the dollars, you do not take the grant.

The legislation is not clear how that would apply in terms of the mandates. I understand some of the mandates, where there is not the choice, we are talking about civil rights, we are talking about human rights and other issues, of course, there is the implication here that is not covered. Unfortunately, it is not clear to me and to many other Members of the House today.

I think it is a good idea probably to do the assessment. It is not clear what the impact of this legislation would be.

An an example, most of the Governors Association have been running around complaining about the crumb rubber problem. The crumb rubber problem, we used to have a solution to that in the Midwest. Someone had a dump of tires. They had a gallon of fuel oil and a match, and they solved the problem rather than putting it into roads.

Mr. CONDIT. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. STENHOLM].

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

Mr. STENHOLM. Mr. Chairman, over the last several decades it has become far too easy for the Federal Government to take credit for programs without having to foot the bill. Although many of these programs have had worthy goals, it has been irresponsible for us to set the priorities and expect State and local governments, school boards, and private businesses to raise their taxes or curtail their services to pay for programs we impose, particularly when our mandates have not made sense.

Now, the people are speaking, and today we have the opportunity by passing H.R. 5 to say we are hearing you.

I can think of no better example of what I am talking about than Brownwood, TX, a community in my district. When the people of Brownwood received their water and sewer bills, the exact amount of the bill which is due to Federal unfunded mandates is noted. In the copies that I insert in the RECORD today, that amount typically is 40 percent of the total: $264.91, $103.31 unfunded Federal mandates; $46.54, $18.15 unfunded mandates. And then when you have a note, ''Please understand this is killing the little people''; people living on fixed incomes who have to pay what their local leaders are saying do not make sense is what this is all about today.

I can list Mineral Wells, TX, $300,000 the school board had to pay for purposes of removing asbestos from the school when the best science available was telling us you are going to make the problem worse not better.

These are the reasons why we are here today.

Mr. TOWNS. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. DINGELL], the ranking member of the full committee.

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

Mr. DINGELL. Mr. Chairman, as example of bad procedure, we are asked to consider a bill that nobody in this Chamber knows, those consequences cannot be prophesied, because no hearings have been held.

What is this bill going to affect? It is going to affect the clean air laws, going to affect the clean water laws, going to affect the drinking water laws, going to affect every environmental statute, going to affect all the health and welfare statutes of this country.

Now, everybody would think that these poor unfortunate State and local governments have not gotten any money from the Federal Government. Look at the amount of money that the Federal Government gives to State and local units of government, something like $750 billion a year. We give them that.

Now, what is this going to do? It is going to make it harder to have real meaningful standards on clean air, on drinking water.

I sent to my good friend, the gentleman from California, as he knows, a copy of his remarks on the Clean Air Act in which he urged that we pass that legislation. I warned him it went too far. It is the law now.

It protects people in one State from the behavior of people in another, and the Drinking Water Act, if you live in New Orleans and somebody flushes the toilet in Minneapolis or Kansas City or in Sioux City or any other place upstream, they are going to enjoy what you had for dinner last night within a matter of a few weeks.

That is the reason we have a Federal law to deal with these problems that cannot be dealt with by the States.

Now, beyond that, there are a few other little concerns we ought to have here. States cannot protect their constituents and their citizens from the

misbehavior in other States. That is again why we pass these laws.

The Governors demanded it years ago when we first considered the Clean Air Act and we first considered the Clean Water Act, that we passed Federal standards and allow the States to enforce them, and the money to enforce those programs was canceled by the administration of Mr. Reagan, the patrol saint of this side of the aisle.

Mr. DREIER. Mr. Chairman, I yield myself 30 seconds to respond to my very good friend, the gentleman from Michigan [Mr. DINGELL], who did in fact include a statement that I made on May 24, in support of the Clean Air Act.

Nothing in this legislation dealing with unfunded mandates would repeal any of those items to which the gentleman from Michigan [Mr. DINGELL] has referred.

The fact of the matter is we are simply saying there should be accountability, and we should know what these things are going to cost. We do not have a goal of eliminating clean air standards. What we want to do is we want to be accountable for the cost of making sure that they happen.

Mr. Chairman, I yield 1 minute to my very good friend, the gentleman from Peterborough, NH [Mr. BASS].

Mr. BASS. Mr. Chairman, I thank the gentleman from California for yielding me this time.

Mr. Chairman, 10 years ago this year the New Hampshire Constitutional Convention passed a resolution which, in effect, prohibited unfunded State mandates. The people of New Hampshire approved that resolution in the fall of 1984.

It reads as follows, ''The State shall not mandate or assign any new, expanded or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures by the political subdivision unless such programs or responsibilities are fully funded by the State or unless such programs or responsibilities are approved for funding by a vote of the local legislative body or political subdivision.''

Mr. Chairman, what this resolution did was to impose for the first time in New Hampshire history real discipline on the legislature. It is high time that we impose that type of discipline here in Congress.

I urge support for H.R. 5.

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. BEREUTER].

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

Mr. BEREUTER. Mr. Chairman, this Member rises in strong support of H.R. 5, the Unfunded Mandate Reform Act. As a cosponsor of H.R. 5, this Member is pleased to see this important legislation receive such prompt consideration on the House Floor.

This Member commends the distinguished gentleman from Pennsylvania [Mr. CLINGER], the distinguished gentleman from Ohio [Mr. PORTMAN], the distinguished gentleman from California [Mr. CONDIT], and the distinguished gentleman from Virginia [Mr. DAVIS] for their introduction of this legislation.

Mr. Chairman, in recent decades Congress has dramatically increased the number of mandates it has imposed on States and local governments without providing adequate funding to fulfill the requirements. In other words, while Congress has passed the buck, it hasn't forwarded the bucks.

When I was first the community affairs director, Federal-State relations coordinator, and then State planning director for my home State in the late 1960's, on a daily basis I saw vivid examples of the senselessness and cost of a great many unfunded mandates visited upon local and State government, and I did what I could to push for reforms and changes. Since then the number of mandates and their costs and negative impacts have only increased, both by actions of an unheeding Congress and by the inflexibility and policymaking excesses of Federal bureaucrats.

Although there are numerous examples of burdensome unfunded mandates, this Member would like to highlight one that is particularly onerous for States and communities across the Nation. The statutory language of the Safe Drinking Water Act creates a one-size-fits-all national approach to testing and treating drinking water without taking local conditions into consideration.

Many of the current Safe Drinking Water Act testing and treatment requirements result in prohibitive costs without any real health benefit or increase in water quality. As a result, there is a growing financial crisis for small communities that becomes more evident each year as new testing and treatment deadlines are imposed. Some small communities expect to spend a third or even half of their budgets to comply with water testing requirements. It is clear that States and communities must be allowed to identify and focus on those contaminants which present an actual health risk in a particular area.

Without question, the safety of this nation's drinking water must be vigorously protected. However, it is essential that Congress allow States and local governments to achieve this goal in effective and efficient manner.

In addition to the growing problem with unfunded mandates. this Member also wishes to express his long-standing and continuing concern about the related issue of attaching strings to money to States from Federal trust funds, such as the highway trust fund. For instance, the surface transportation bill, which was signed into law in 1991, requires a State to spend a percentage of its Federal highway funds for highway safety programs if it, for example, has not enacted both a motorcycle helmet law and a safety belt use law.

Worthy objectives aside, this Member strongly opposes this mandate approach in limiting the States' ability to use their highway trust funds—paid for at the gasoline pumps by their citizens and by all Americans—as they choose for authorized activities and in accordance with legitimate standards, criteria, or regulations. Highway users in each State have paid into this fund through gas taxes and this Member believes that States should be allocated money from the highway trust funds without conditionally being applied for any legislative or bureaucratic objectives—be they noble or misguided.

Mr. Chairman, H.R. 5 forces Congress to consider the consequences of its actions and take greater responsibility for the laws it passes. This Member urges his colleagues to support this legislation as a necessary response to the menacing trend toward imposing unfunded mandates on States and local governments and the types of regulations we are levying on our localities.

☐ 1440

Mr. BEILENSON. Mr. Chairman, I yield myself the balance of our time.

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

Mr. BEILENSON. Mr. Chairman, I rise in opposition to H.R. 5.

Mr. Chairman, the issue of unfunded Federal mandates is one that needs to be addressed, and the Republican leadership deserves credit for making this issue a priority. President Clinton, too, deserves credit for addressing this issue. He issued an Executive order 2 years ago, shortly after taking office, that required Federal agencies to consult with State and local officials to assess the effects of regulations, including the cost of implementing them.

I am sure that most of us are in agreement with the fundamental objectives of this bill, which are to be better informed about and be more accountable for the costs that we are imposing on State and local governments as well as on the private sector when we act on legislation that has that effect. We are all aware that such unfunded Federal mandates have become a real and a serious problem for these governments, and we are eager to respond to that concern.

So I say again the Republican leadership is to be commended for giving this issue the attention it deserves here in the Congress. Frankly, our own party leadership in the last Congress was remiss, in my opinion and in the opinion of some of our colleagues on the Democratic side, in not moving legislation on this issue. Many of us regret that that was the case.

This legislation proposes several very constructive ways of focusing attention on the burden of unfunded mandates. I shall not enumerate them at this point.

Unfortunately, the bill does much more. Among those things is that it establishes a new rule which prohibits the House from considering legislation that contains an unfunded mandate on State and local governments of over $50 million annually. That is an average of only $1 million per State, and obviously could affect a very large number

of bills that would come before Congress in the very near future.

In effect, the bill could, in fact, stop Congress from considering any number of environmental, health, and safety bills, the Federal activities that appear to be the principal target or concern of this legislation, despite the fact that legislation in these areas, such as antipollution laws and employee safety and benefit laws, are overwhelmingly supported by most Americans.

Many of us are concerned that similar legislation would be extremely difficult to enact in the future if this bill becomes law.

We are concerned that passage of this legislation will result in requiring the Federal Government to shoulder the full cost of addressing State and local pollution, health, or safety problems. We are concerned that sensible and equitable cost-sharing will be impossible to enact in the future. We are concerned this bill does not include the value of the benefits of a proposed mandate in determining the cost of an unfunded mandate. A drinking water standard, for example, may lead to a reduction of mortality and morbidity that saves lives and reduces medical costs. Looking only at the cost side of the equation ignores the one reason Government has for existing—to produce benefits for its citizens.

Finally, we are concerned that H.R. 5 also ignores the direct economic benefits mentioned just a moment or two ago by the gentleman from Michigan [Mr. DINGELL] which are enjoyed by local governments and the private sector from Federal spending and activities. Federal resources, including land, are often provided to businesses and governments at rates below full market value. Furthermore, both governments and the private sector benefit from tax expenditures under existing law. Any unfunded mandates legislation should take these benefits into account when we estimate the overall burden of Federal mandates.

So, Mr. Chairman, if I may say so, this legislation is well intended. It is also at this point very imperfect. It needs a lot of work before it should be passed, and I hope very seriously that Members will take seriously the amendments proposed before us in the next few days, and not vote for this legislation unless we, in effect, make it very much better than it currently is.

Mr. Chairman, I rise in opposition to H.R. 5.

The issue of unfunded Federal mandates is one that needs to be addressed, and the Republican leadership deserves credit for making this issue a priority. President Clinton, too, deserves credit for addressing this issue; he issued an Executive order 2 years ago—shortly after taking office—requiring Federal agencies to consult with State and local officials to assess the effects of regulations, including the cost of implementing them.

I am sure that most of us are in agreement with the fundamental objective of this bill, which is to be better informed about, and more accountable for, the costs we are imposing on State and local governments, as well as the private sector, when we act on legislation that has that effect. We are all aware that such unfunded Federal mandates have become a real and serious problem for State and local governments, and we are eager to respond to that concern.

So, the Republican leadership is to be commended for giving the issue of unfunded Federal mandates the attention it deserves here in Congress. Frankly, our own party leadership in the last Congress was remiss in its responsibilities, by not moving legislation on this issue, and many of us regret that was the case.

This legislation proposes several very constructive ways of focusing attention on the burden of unfunded mandates: by requiring Federal agencies to prepare cost/benefit analyses of regulations expected to have a cost to states or the private sector of $100 million or more; by requiring agencies to consult with State and local officials in the development of significant regulatory proposals; by establishing a commission to study and report on existing Federal mandates; and by requiring the Congressional Budget Office to produce cost estimates on authorizing bills which contain mandates with an annual impact of at least $50 million on State and local governments or $100 million on the private sector, and by requiring that information to be contained in committee reports.

All of those provisions will help achieve a goal I believe we all share, to be better informed about the impact on State and local governments, as well as the private sector, of laws Congress enacted in the past, and of legislation we will be considering.

These provisions will help make us a more responsible and responsive legislative body, help ease the impact of national laws on other levels of government, and strengthen and improve the relationship between the Federal Government and our counterparts at the State and local level.

Unfortunately, however, this bill does much more than simply provide us with information about the costs of actions on State and local governments. It establishes a new rule which prohibits the House from considering legislation that contains an unfunded mandate on State and local governments of over $50 million annually. That is an average of only $1 million per State and, obviously, could affect a very large number of bills that will come before Congress in the near future.

In effect, the bill could stop Congress from considering any number of environmental, health, and safety bills—the Federal activities that appear to be the principal target, or concern, of this legislation—despite the fact that legislation in these areas, such as antipollution laws and employee safety and benefit laws, are overwhelmingly supported by most Americans.

Many of us are concerned that similar legislation will be extremely difficult to enact in the future, if this bill becomes law. We are concerned that passage of this legislation will result in requiring the Federal Government to shoulder the full cost of addressing State, and local pollution, health, or safety problems. We are concerned that sensible and equitable cost-sharing will be impossible to enact in the future. We are concerned that H.R. 5 does not include the value of the benefits of a proposed mandate in determining the cost of an unfunded mandate. A drinking water standard, for example, may lead to a reduction of mortality and morbidity that saves lives and reduces medical costs. Looking only at the cost side of the equation ignores the only reason government has for existing—to produce benefits for citizens.

And, we are concerned that H.R. 5 also ignores the direct economic benefits enjoyed by local governments and the private sector from Federal spending and activity. Federal resources, including land, are often provided to businesses and governments at rates below full market value. Furthermore, both governments and the private sector benefit from tax expenditures under existing law. Any unfunded mandates legislation should take these benefits into account when estimating the overall burden of Federal mandates.

Although it is true that the prohibition could be waived by a majority vote, a majority has to agree to break the House's rules to consider the bill. Since most of us take our rules seriously, it will be an uphill battle to persuade a majority to waive the rule against considering legislation containing an unfunded mandate, whatever the merit of the bill. It will make it harder to pass legislation to address problems we face now, as well as those that will emerge in the future. That, clearly, is the intent of some of the supporters of the bill.

Had this rule been in effect during the last 20 or 30 years, it seems unlikely that we would have been able to pass laws which have cleaned up our lakes, rivers, and coasts; made our drinking water safe; protected our air from more serious pollution; reduced the exposure of children to asbestos and lead, or any number of other laws which have vastly improved life for Americans, but which we tend to take for granted.

Moreover, because of the unusual procedure in which the waiver of this rule is provided for, a waiver could be debated and voted on before Members know whether in fact an unfunded mandate exists and, if so, how much it costs. Those two matters would not be ruled upon by the presiding officer until the House decided whether it wanted to waive its rules or not. How are Members to decide whether or not they want to allow an unfunded mandate if they do not know that it is such, or what it will cost?

This is a procedure which will unnecessarily tie up the legislative process and impinge upon our ability to act in response to national needs and concerns. The authors of the legislation have acknowledged this themselves by exempting from coverage several categories of laws which could be considered unfunded mandates: those which protect civil and Constitutional rights; which are used to determine whether States and local governments are using Federal money as intended; which provide for emergency assistance, or which are necessary for national security. They have also exempted appropriations bills, fearing that such a requirement will delay action on those bills, and they have postponed the effective date until October 1, well after action on the Contract With America bills is expected to be completed.

The prohibition on unfunded mandates could well have unintended consequences. It is unlikely that the sponsors wanted to give public-sector transit companies or waste-disposal agencies a competitive advantage over their private-sector counterparts, but this legislation could lead to exempting public operations from laws which cover private operations. Should that happen, it might well hinder efforts to privatize Government operations that could be run more efficiently by the private sector.

The rule also creates a very difficult situation for the House by putting us in a position where we may not be able to obtain the information we need to make a determination about whether we are violating a House rule. There is no clear definition of an unfunded Federal mandate, and we do not have a system in place to determine a mandate's cost.

We have a very capable Congressional Budget Office which will be charged with determining the cost of an unfunded mandate, but that agency currently has neither the resources nor the methodology they need to make accurate assessments about the cost of a unfunded mandate to State and local governments—and to the private sector, which they must also figure out how to do. The process of determining these costs is very complicated and time-consuming, and is based on a lot of guesswork. CBO ought to have some experience producing the estimates we want on unfunded mandates before we prohibit legislation on the basis of those estimates.

Mr. Chairman, there are some valuable provisions in this legislation, and I think that with a little more work and a little bit of compromise, we could come together in a bipartisan way on a bill which fulfills the objective we all want: more information and accountability on the impact of existing and future unfunded Federal mandates. I regret that we are not able to do that.

Unfortunately, for all the reasons I have just mentioned, and because of all the many, and important, questions being raised about this legislation for which there are no satisfactory answers, I oppose this legislation, and I urge my colleagues to do likewise.

Mr. CONDIT. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. PETE GEREN], who is one of the leaders in this effort.

Mr. PETE GEREN of Texas. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, over the next 10 days this House will consider and, I believe will pass, two of the most significant legislative initiatives to come before Congress in decades, two initiatives that will radically alter for the better the way Washington conducts it business: the balanced budget amendment; and the Unfunded Mandate Reform Act, H.R. 5.

Before us now is H.R. 5, the mandate bill, historic legislation that will put a halt to unfunded mandates that Washington dictates to State and local governments all across America.

Through these mandates, Washington is substituting its overbearing will for the rights and decisions of cities and local governments in their struggle to meet local challenges.

Mr. Chairman, there is no issue that better illustrates the arrogance and disconnect of Washington than does the proliferation of unfunded mandates. This must stop, and H.R. 5 will do that.

In simple terms, by adopting H.R. 5, we are saying that if a mandate is important enough to pass, it is important enough to pay for.

Despite what you will hear in the next few days, H.R. 5 will not block government from protecting the health and welfare of the American people. That is simply not true. This bill merely tells Congress, ''Put your money where your mouth is.'' More importantly, this bill reaffirms our respect for one of the founding principles of our country, the principle that the true genius of this country lies at the grassroots, in the diverse heartland of America, among 260 million freedom-loving Americans, and not in Washington, DC.

In closing, let me give credit where credit is due. ''Defeat is an orphan, while victory has a thousand fathers.'' Many people worked very hard on this issue, and without them we would not be here today. But the efforts of one person stands above all others, those of Congressman GARY CONDIT.

Mr. Chairman, there is an old country song that goes, ''I was country when country wasn't cool,'' Well, GARY CONDIT was fighting for unfunded mandates when it wasn't cool an when no one else was. For that, we and the American people all owe Mr. CONDIT a debt of gratitude.

Mr. Chairman, Washington holds no monopoly on courage, on wisdom, or on conscience. I urge all my colleagues to demonstrate their faith in the American people and support H.R. 5.

Mr. CLINGER. Mr. Chairman, I am now pleased to yield 2 minutes to a senior and very valued member of the Committee on Government Reform and Oversight, the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. I thank the gentleman for yielding this time to me.

Mr. Chairman, I have waited 7 years to have the opportunity to vote and to speak on an unfunded mandate bill. I just have to thank the authors of this legislation, Mr. CLINGER, Mr. PORTMAN, Mr. CONDIT, for their work over a number of years. Mr. DAVIS, who was here earlier. I thank them for the opportunity to vote on this bill, one I really believe in.

Mr. Chairman, why is it that Republican and Democrat governors throughout the country want this bill? Why is it that Republican and Democrat mayors want this bill? Why is it that our county executives throughout this country, Republicans and Democrat, want this bill? And a few in this Chamber do not? I do not understand it.

To me, it is extraordinarily fair.

My concept of an unfunded mandate bill did not reach the status of Mr. CONDIT, I thought. I thought at least knowledge to the private sector of what it was going to cost, knowledge to the public sector of what is was going to cost, was tremendously important for us to know when we voted out a bill; something that we have not had in the past. Mr. CONDIT wanted the most extreme deal, and you could make an argument for it. If you do not come up with the money, you do not have the mandate. This to me is a logical compromise between the two positions. Obviously, there are times for health reasons, for environmental reasons, that we have to mandate. But when we do, we had better be very conscious of that mandate. We need to know the cost, and we should come up with the money if we have a mandate, unless there are reasons not to.

If those cases, a point of order can come up if there is not the money or is not the disclosure. A Member can stand up and say, ''I make a motion to override the point of order,'' with a simple majority. Now, why would I want that here? For some of the reasons I am hearing on this side. It would be a conscious effort and an important one. I do not want New York City to pollute Long Island Sound. I do not have the ability in Connecticut to tell New York simply to stop. I do have the ability to come to the Federal Government and ask the Federal Government to tell New York to stop—no offense made to New York. Obviously, if New Jersey is polluting the air that comes into Connecticut, I want the ability under those cases, extraordinary cases, to override the point of order.

□ 1450

This is a very fair proposal. It is logical. I do not understand the objection to this legislation because of its fairness. I salute Democrats and Republicans for writing an extraordinarily fine bill.

Mr. DREIER. Mr. Chairman, I yield 1½ minutes to the gentleman from Springfield, OH [Mr. HOBSON].

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

Mr. HOBSON. Congratulations to all the sponsors of this most needed piece of legislation. The budgets of State and local governments have long been devastated by regulations and laws handed down from Congress without the funds to pay for them.

As a former State senator, I experienced firsthand the impact of these unfunded mandates when the priorities of Congress have superseded the budget priorities of Ohio. By 1998, cities and counties throughout my State will face

even greater burdens when unfunded mandates consume one-quarter of all local revenues.

Governor Voinovich of Ohio has dedicated the last 2 years to passing comprehensive mandate relief legislation as the National Governors Association's lead governor on federalism. His study of the impact of unfunded mandates concluded that mandates will cost Ohio $1.7 billion over 3 years.

Finally, to the great relief of States across the country, the new Republican leadership in Congress is determined to abolish these mandates with their friends on the other side of the aisle. As part of the Contract With America, the Unfunded Federal Mandate Reform Act will make Members of Congress accountable for supporting mandates. The passage of this legislation will be the first step to dramatically altering the relationship between Washington and local officials. More importantly, it will be a step toward honoring the tenth amendment of the constitution. Essentially power should be given back to where it belongs, to the people and their State governments.

Mr. TOWNS. Mr. Chairman, I yield such time as he may consume to the gentleman from Maine [Mr. BALDACCI].

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

Mr. BALDACCI. Mr. Chairman, Members of the House, I just want to speak in support of this legislation as a check on Congress as it conducts its business. It will provide reassurances to States and municipalities that, as we continue to make the difficult decisions required to get the Federal fiscal house in order, we will not do so by shifting those costs to States and municipalities. The American people should know that this legislation will not result in the rolling back of important laws and regulations that have made the air cleaner and the water to drink clearer, and I would just like to add my support to this particular legislation.

Mr. Chairman, as a former city councilor, State legislator and most importantly, as a small businessperson, I am concerned about the way in which the Federal Government has historically handled its fiscal responsibilities. Our staggering national debt and enormous annual deficits are alarming to me, and should be to all Americans. I think it is obvious that the Federal Government must get its fiscal house in order, and that process must begin today. As a new Member of Congress, I am determined to help ensure that this happens.

For more than 20 years, I have helped to manage my family's restaurant in Bangor, ME. I know how hard it is to make ends meet and to produce a balanced budget. For 4 years, I served on the Bangor City Council. Each year, we were the recipients of unfunded mandates. But each year, we were required to adopt a balanced budget. This was never an easy task, and difficult decisions had to be made. For 12 years, I served in the Maine State Senate. Again, every year we faced unfunded Federal mandates, but were required to adopt a balanced budget. Again, it was not an easy task and difficult decisions had to be made.

The American people have watched their State and local officials make tough choices and balance budgets. They are now demanding—and rightly so—that their Federal representatives do the same thing.

The question, of course, is how to achieve this goal. Many solutions have been proposed, some serious, some gimmicks. I am committed to supporting and working to enact proposals that cut Federal spending in a sensible way, without shifting those spending burdens to other segments of our society.

My support for cutting spending without shifting burdens to other segments of society is also why I support unfunded mandates reform. For too long, the Federal Government has enacted legislation setting standards that State and local governments must meet, without providing the money to achieve those standards.

This practice is partially responsible for the high State and local taxes many Americans now pay, and for the lack of funding available to pay for local priorities. This practice is irresponsible, and it must stop. If the Federal Government ceases passing off costs to States and municipalities, States and municipalities in turn will be able to slow the upward spiral of tax rates. Perhaps more importantly, these levels of government will be able to redirect resources that have been used to answer Federal mandates to instead address local priorities.

As a State legislator in Maine, I lived with a similar law. Article IX, section 21 of the Maine Constitution prohibits the State from imposing unfunded mandates on localities unless members of each house of the legislature voted to do so. That provision, like the legislation we are considering today, does not prohibit an unfunded mandate from being enacted. Rather, it requires informed consideration and making an explicit decision to pass costs along to another segment of society. It brings with it accountability.

Historically, the Federal Government has not considered in an organized, honest way the costs associated with various regulatory and legislative mandates that have been imposed on the States. Unfunded mandates reform will force us to do that. It will ensure that all Members have the opportunity to examine the fiscal implications legislation has for States and localities. It will ensure that we do not unwittingly, or covertly, pass along significant costs because it will require a point of order against legislation that does so.

It is only fair that Congress take responsibility in this way. I have seen this concept work at the State level, and I believe it can work at the Federal level as well.

I want to emphasize what it is that I do not support. Let me be clear: I do not favor the wholesale elimination of Federal laws. Many issues are national in scope, and will require attention and action at the Federal level. I simply believe that the Federal Government should stop passing off costs to other governmental entities.

Many of the laws about which the loudest complaints are heard are based on sound and just policy. We need to protect our environment and our precious natural resources. We need to protect the health and safety of America's workers. We need to provide safety nets for our Nation's neediest citizens and access to all aspects of life for persons with disabilities.

These are all important national objectives that have been previously addressed at the Federal level, and I will oppose any effort to eliminate these programs or to roll back the progress we have made in these areas.

The Federal Government has a responsibility to ensure that national goals are met by providing a much larger share of the resources necessary to do the job. To do so and, at the same time, to balance the Federal budget—paying down our national debt—requires making tough choices.

We must reduce Federal spending. But we must do so in a rational, carefully considered way. Our cause is not advanced by recklessly eliminating valuable Federal programs simply for the sake of slashing spending.

The legislation that is before us today is far from perfect. As we consider amendments over the next several days, I will support those that I believe clarify the bill's essential purposes: to establish the general rule that Congress should not impose Federal mandates without providing adequate funds to comply with such mandates.

This legislation will serve as a check on the Congress as it conducts it business. It will provide reassurance to States and municipalities that as we begin to make the difficult decisions required to get the Federal fiscal house in order, we won't do so by simply shifting costs to other levels of government. And the American people should know that this legislation will not result in the rolling back of important laws and regulations that have made the air they breathe cleaner; the water they drink clearer; their work environment safer; or their local library more accessible.

For more than 20 years, as a small businessman and a public servant, I have helped to craft and have supported balanced budgets. I am prepared to make the difficult—and sometimes unpopular—decisions required to balance the Federal budget. I am prepared to spend the next 2 years fighting to make sure that Maine people are well-served by an efficient, compassionate and stream-lined Federal Government that does not adopt policies that raise our income taxes; by a Federal Government that has its fiscal house in order.

The people of Maine have entrusted me with their confidence, and I intend to live up to their expectations. We face many challenges ahead, but working together I know we shall succeed.

Mr. DREIER. Mr. Chairman, I yield 2½ minutes to the gentleman from Lewisville, TX [Mr. ARMEY].

Mr. ARMEY. Mr. Chairman, I thank the gentleman from California [Mr. DREIER] for yielding this time to me.

Mr. Chairman, 2 days ago we passed the Congressional Accountability Act making Congress obey the same laws it imposes on everyone else. Next week we will pass, in a bipartisan fashion, the Unfunded Mandates Reform Act, which will effectively make Congress pay for the laws it imposes on everyone else. Together these two bills express the goals that inspire our entire Contract With America, the goals of reform, respect, and renewal; reform of this institution and of the way we conduct the people's business, respect for

the people who sent us here, and renewal of the Federal system of government bequeathed to us by our Founding Fathers. For too long Congress behaved as if it was booted and spurred to run roughshod over States and private citizens. Well, if our Contract With America was about anything, it is about teaching government, in the memorable words of President Reagan, to work with us, not over us; to stand by our side, not ride on our back.

Think of it. If we pass this bill, we will be doing the most surprising thing imaginable, limiting our own power. I ask my colleagues, ''How often do you read a headline that says, 'Congress denied itself today'? Or 'Our lawmakers exercised self-control?'' True leadership is knowing when to say no to yourself for the common good.

No matter how appealing the cause, no matter how tempting the mandate, we must be willing to exercise our legislative authority only when we are willing to pay the costs. Now we can make some reasonable exceptions of course for emergencies, for national security, for constitutional rights. These are proper exceptions to the rule. But these exceptions only prove the soundness of the rule, and that rule is Federal requirements should be paid for with Federal dollars.

This is not just good government. It is the right thing to do. It reflects a sound, moral principle the Founding Fathers took for granted.

Mr. Chairman, it is time that all of us that are blessed to serve in this historic building raise our right hands and solemnly proclaim:

''Henceforth we shall burden the States with unfunded mandates no more forever.''

Mr. CLINGER. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. LAZIO].

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

Mr. LAZIO. Mr. Chairman, I am proud to be a cosponsor of H.R. 5, the Unfunded Mandate Reform Act.

Having entered Congress a little over 2 years ago from a background as a county legislator, the issue of unfunded mandates is something with which I am very familiar.

Many of my constituents, however, might not realize the adverse effect unfunded mandates have had on their pocketbooks. Considering they pay some of the highest taxes in the county, they should know that their tax burden is not entirely the fault of State and local governments. Much of it can be blamed on past action by Congress.

Passage of H.R. 5 will force Congress to be responsible in its actions. It will force us to make judgments on legislation with full knowledge of the burden it will place on State and local governments. Introducing honesty and full disclosure will then require us to ask the question: Will we pay for out mandates, or will we continue to burden others with the costs?

This is a historic day in the House. At a time when we are asking everyone to make do with less from the Federal Government, we should not mandate them to do more. H.R. 5 will change the way we do business. It will make Congress accountable for the legislation it passes and require honesty when we legislate. This is what the people want, and the country will be better because of it.

Mr. Chairman, I am proud to be a cosponsor of the bill we are debating today—H.R. 5, the Unfunded Mandate Reform Act.

Having entered Congress 2 years ago from a background as a county legislator, the issue of unfunded mandates is something with which I am very familiar. Little did I know that a mere 2 years into my tenure, I could offer genuine relief to my former colleagues. I think the Unfunded Mandates Caucus can be proud of what we have accomplished in our short 2-year history.

Passage of H.R. 5 will force Congress to be responsible in its actions. It will force us to make judgments on legislation with full knowledge of the burden it will place on State and local governments. Introducing honesty and full disclosure will require us to ask the question: Will we pay for our mandates, or will we continue to burden others with the costs?

H.R. 5 will not mean the end to environmental legislation, it will not mean the end to civil rights legislation, and it will not mean the end to legislation to protect seniors and children. H.R. 5 will still allow us to pass these initiatives. However, we will just have to stop and consider all of the consequences before we pass them. Then, and only then will we be held fully accountable for our actions.

Many of my constituents on Long Island might not realize the adverse effect unfunded mandates have had on their pocketbooks. However, considering they pay some of the highest taxes in the country, they should know that their tax burden is not entirely the fault of State and local governments. Much of it can be blamed on past action by Congress.

Here is a good example of an unfunded mandate that the people of my district should know about. The Board of Elections in Suffolk County, our home county, is going to face a budgetary nightmare next year, all because of one bill recently passed by Congress—the infamous motor-voter bill.

The Suffolk County Board of Elections has been a model agency in recent years. It has cut costs, operated over the past 7 years without an increase in their operating budget, and was ready to operate in 1995 with $100,000 less than in 1994. Then, in 1993, the motor-voter bill was passed. It will cost the county $500,000 to implement in 1995, effectively wiping out their $100,000 savings, and it will cost over $1.5 million in 1996.

The people of Suffolk County are already plagued by high taxes. They are not ready to be further burdened by the motor-voter bill.

Many Federal mandates involve important programs that many of us might support in concept. But, if we are going to ask others to pay for them, we should give them more of a say in developing them, we should level with them about who is going to pay for them, and we should be ready to defend the costs.

Mr. Chairman, this is a historic day in the House. At a time when we are asking everyone to make do with less from the Federal Government, we should not mandate them to do more. H.R. 5 will drastically change the way we do business. It will make Congress accountable for the legislation it passes and require honesty when we legislate. This is what the people want, and the country will be better because of it.

Mr. TOWNS. Mr. Chairman, I yield 1 minute to the gentleman from Houston, TX [Mr. GENE GREEN].

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Chairman, I thank the gentleman from New York [Mr. TOWNS] for allowing me to address the House.

Mr. Chairman, as a 20-year member of the Texas Legislature, both in the House and Senate, I know about unfunded mandates, and I also oppose them, but I also know that the State mandates on the counties and cities and the counties and the cities mandate on their citizens without providing their funds to those citizens, even our schools mandate on their citizens without providing it, and my children went to public school, and they were mandated to buy a workbook even through we pay property taxes and State taxes, but they could not come to school if they did not pay for that workbook or the folder. So there are mandates from the Federal Government, from the State government, and from the local government, and this concept needs to go forward if it is going to pass here, too.

I support the concept of restricting unfunded mandates, but I am also concerned in hearing my other colleague from Texas talk about respect for this institution. How can we have respect for this institution when this bill did not have a public hearing during this session of Congress? I think we need to learn the full impact it will have on air pollution, nuclear wastes, and so I expect we will have a lot of amendments to try and clarify it.

I hope we have clean water in New York when I come to visit the gentleman because that way I would like to drink it, but I would also like to make sure we do not become a Divided States and continue to be a United States.

□ 1500

Mr. TOWNS. Mr. Chairman, I yield 1 minute to the gentlewoman from Washington, DC [Ms. NORTON].

(Ms. NORTON asked and was given permission to revise and extend her remarks.)

Ms. NORTON. Mr. Chairman, no district needs an unfunded mandate bill more than mine. We are close to insolvency in part because of mandates. Thoughtless mandates are a regressive tax. But we deserve better than this blunderbuss bill that throws out the baby with the bath water and then throws in the tub for good measure.

It is irresponsible to try to fix all mandates with one bill. This bill applies to everything from Medicaid, which is 80 percent funded, to crime bill measures like sexual predator, which are completely unfunded.

Yet the critical vote on every bill will be on costs. This bill is brimming with unintended consequences. It is not about mandates. The real subject has not been discussed here, and that is the appropriate role of Federalism in the 21st century. We need an unfunded mandate bill, but in the vernacular of the streets, this ain't it.

Mr. TOWNS. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Ms. VELÁZQUEZ].

(Ms. VELÁZQUEZ asked and was given permission to revise and extend her remarks.)

Ms. VELÁZQUEZ. Mr. Chairman, before the Republican Party began rewriting history, it was widely thought that the people had entrusted the Federal Government with a number of basic responsibilities. First among them was the protection of its citizens and residents. The Framers of the Constitution listed the promotion of the general welfare as a fundamental duty of the Federal Government.

I am proud to be a member of the party that bore that responsibility in the 40 years that it controlled this House. It introduced landmark legislation to promote the common good, such as the Clean Water Act, the Clean Air Act, the Safe Drinking Water Act, and the Lead Abatement Act.

I am frankly amazed that laws such as these are now singled out as evidence of a runaway government. Am I to understand that the American people are outraged that their children now drink cleaner water and breathe fresher air? Are my colleagues who support this measure being flooded by constituent mail because their kids no longer eat lead-based paint chips?

I urge my colleagues to uphold our constitutional duty to uphold the general welfare.

Mr. DREIER. Mr. Chairman, I am happy to yield 1 minute to my very hard-working friend, the gentleman from Indiana [Mr. BURTON].

Mr. BURTON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, this is a very good bill. It takes a giant step toward relieving the burdens that we have unduly placed on cities and States around this country. It is a great step in the right director.

There is, however, one part of the bill that I think needs addressing, and toward that end the gentleman from Indiana [Mr. MCINTOSH], the gentleman from Michigan [Mr. CHRYSLER], and myself have an amendment we are going to propose tomorrow which we think is very important. We want to make sure when we stop these unfunded mandates, that we do not give an advantage to the public sector over the private sector. So wherever there is an undue advantage given to the public sector because of this legislation over a private business that is in competition with the public business or public utility, we ought to make sure there is parity. We are going to propose this amendment tomorrow. We think it addresses this problem. If we do not get it passed tomorrow, I implore the chairman of the Committee on Government Operations to look at this legislation which we will introduce later on in the session.

Mr. Chairman, I hope you will take a hard look at that.

Mr. TOWNS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me say that this is an issue that I have been involved in now for some time, and I have a lot of respect for the chairman of the full committee, the gentleman from Pennsylvania [Mr. CLINGER].

We worked hard in the last Congress on H.R. 5128. But the bill that is before us is not the same bill that we proposed in the last Congress. It is a different bill.

The bill the last time, we had hearings all over. We had hearings in Pennsylvania, we had hearings in Florida, we had hearings here in Washington, DC, to get input coming from people that are involved in government. We had State elected officials coming, we had county elected officials coming. We had providers of service coming and talking to us about their concerns.

Now, that is the way that we should be involved. We should not all of a sudden go to bed one night and wake up one morning and say we are going to now put forth a bill, we are not going to talk to anybody, and we are going to push it, not knowing exactly what we are doing.

I do not think that is the Contract With America. I think they want to have input, they want to talk, and they want to make certain what we are doing is moving this country in the right direction. That is the view and that is the feeling I am getting.

As I try now to call around and get input and feelings from people that are going to be affected by what we are doing here, we do not have enough time to do it. The only way to do that would be to have hearings.

Now, I am just listening in terms of the fact that first of all, the dumping part. We should take some time and address that, to find out just what are we really doing here. We do not have to do this this way. This is not good government. We have too many unanswered questions here to move forward.

Now, I have been a supporter of this legislation all along. But I will be honest with you, what is before us now I cannot support, because to me it is not moving in the direction that I feel that the American people want us to move in. They do not want unfunded mandates, but they want to make certain what we are doing is not going to make the situation worse.

I am not sure. I have not had enough time to go over it. I have not had enough time to talk to people involved in terms of administering this program once we order it. There is a lot of questions here that nobody has been able to answer. And I think the only way you answer them is to talk to people.

We need to talk to experts out there. We have not talked to them. This is the kind of legislation that the magnitude of it requires a discussion. And I am disappointed over the fact that the people that are moving it forward, as I look now, 50 percent of the people that are on the committee this year were not on the committee last year.

It is a different bill. So I am hoping that tomorrow they would allow us to fix this bill. And if we cannot add amendments to fix it, I have to vote against it.

Mr. DREIER. Mr. Chairman, I am happy to yield 2 minutes to the gentleman from Omaha, NE [Mr. CHRISTENSEN], a new Member of the House, from the Committee on Ways and Means.

Mr. CHRISTENSEN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise to day in support of H.R. 5, the Unfunded Mandate Reform Act of 1995. This bill represents a bipartisan effort to address a very serious problem. For too many years the Federal Government has imposed a hidden tax on State and local governments in the form of unfunded mandates.

Unfunded mandates are Federal laws and regulations that impose costly duties on State and local governments, and without providing the money to pay for it.

In the past 10 years alone, Congress has passed 72 unfunded mandates, including mandates on clean air and water, toxic waste cleanup, asbestos and lead paint removal, and public access for the disabled. While there are no comprehensive estimates of the total cost of all unfunded mandates, one study estimates that just 10 of these 72 mandates cost over $72 billion a year.

H.R. 5 would put an end to Congress blindly imposing unfunded mandates on the States without regard to their cost. Specifically, H.R. 5 establishes a point of order against any future mandate which does not have a CBO cost estimate and creates a second point of order against any future mandate if Congress does not provide a way for paying for it.

Congress can by a majority vote waive these points of order. However, H.R. 5 will for the first time guarantee that Congress does not impose additional mandates on the States without a full and open debate on the cost and impact of these mandates.

In short, H.R. 5 is about responsibility and accountability. As Members of Congress, we have a responsibility to take action and to make sure this proposal passes so that the American people can once again have their representation speak for them in the U.S. House of Representatives.

□ 1510

Mr. CONDIT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, first of all, let me say a word of thanks to my colleagues on both sides of the aisle for allowing me the time that they did and for allowing us to speak in favor of H.R. 5. And for my colleagues who were here today to speak in favor of it, they would also like to give a word of appreciation to both sides of the aisle for that.

I look forward to the next couple days when we will debate the amendments to H.R. 5. I think that will be a positive and constructive thing for us to have that debate.

We will talk about what we have heard today, the threat to public health. Let me just make a quick comment. This bill is no threat to public health. This just simply says that if we think it is good enough to be a national policy, then it is good enough to fund. It does not remove the clean air standards. It does not remove clean water standards. It simply says that if we think it is good enough to legislate and mandate across the country, it is good enough to pay for.

The private sector thing, the gentleman from Indiana [Mr. BURTON] said he has an amendment, we should consider that amendment. But I hope those Members who brought up the private sector section will help us when we get to risk assessment and cost analysis. Risk assessment will correct the private sector problem, and we look forward to that support and help on this side of the aisle.

The unfortunate result of this whole process is that State and local governments must devote locally raised revenues or reduce local services in order to pay for the unfunded mandates that we impose on them.

H.R. 5 gets at the fundamental unfairness of this process and thus ushers in a new era in the Federal, State, local partnership. I emphasize partnership because State and local governments are not some ordinary special interest group as some in this body allege. They are, instead, individuals who are elected and held accountable by the very same citizens who have sent us here to do the public's business.

Contrary to what some have alleged, H.R. 5 is not about the merits or demerits of individual mandates. We all want clean air, clean and safe drinking water, and safe working conditions. There is not a single mayor, county supervisor, or Governor in this country who is not in favor of these goals.

Instead, H.R. 5 is about putting some control into a process that is out of control.

Under H.R. 5, we will, for the first time, get accurate and reliable information on the cost of unfunded mandates.

H.R. 5 will encourage Congress and the Federal Government to consult and work with State and local governments on how best to address the Nation's problems.

And finally, H.R. 5 is about accountability. H.R. 5 does not prohibit unfunded mandates from ever being passed by Congress. It merely says that if you are not going to pay for a new mandate, then come down to the floor and go on record for doing so.

Today, you will hear a lot of horror stories about how H.R. 5 will take us back to the dark days when we did not have adequate safeguards on environmental, health, and safety issues. Nothing could be further from the truth.

First, it is important to note that H.R. 5 is not retroactive. I stress that point—the bill is not retroactive. Therefore, it will not undercut or diminish existing health or safety standards.

Second, H.R. 5 will not apply to reauthorizations unless the reauthorizations include new mandates and then only the new mandates would be subject to the bill.

Third, H.R. 5 will not prohibit us from ever passing new unfunded mandates. Under the bill, a majority of the House or Senate can waive the point of order enforcing the funding requirements and impose a new unfunded mandate.

Fourth, H.R. 5 will not unfairly disadvantage the private sector at the expense of the public sector. I might add that the Chamber of Commerce, NFIB, the Homebuilders, and the National Association of Realtors enthusiastically support this bill.

In closing, I ask that all Members keep these points in mind. I welcome the healthy debate that I am sure will follow when we get to the proposed amendments. However, I would hope that all Members debate this bill on the merits and resist from using hyperbole and outright mischaracterizations in order to denigrate and distort this bill.

Mr. DREIER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, as we close this general debate before we proceed to the chairman of the Committee on Government Reform and Oversight, I would like to add one very important point to that that was raised by my friend, the gentleman from California [Mr. CONDIT].

As we look at this overall issue, it not only says that we have to make the decisions here that we are going to fund it, but it also says that we are going to be accountable.

What has happened in the past, tragically, is that the Congress has regularly snuck in these little provisions which have imposed an extraordinarily onerous regulatory burden on State and local governments and the private sector without providing any kind of funding. And none of us have been accountable because it has been snuck in there. So all this legislation says is, we have to make tough decisions and we have got to stand up, when those decisions are facing us, and say yea or nay. That is really what this legislation does.

If my colleagues look at State and local governments, they all the way across the board support this. Our Contract With America basically states that we want to reduce the size and scope of government and we want to move back to the State and local levels decisionmaking rather than having it centered inside the beltway.

That is exactly what this legislation will ultimately do, because I am convinced that our new majority will decide, when faced with these tough decisions, that unfunded mandates are not the way to go. It is not the way to be responsive to the American people. And I will strongly support H.R. 5 and congratulate all my friends who have worked so hard on this legislation.

Mr. CLINGER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I express my thanks to all who have participated in this debate. I think we have had a very wide-ranging debate and a number of issues have been raised. I look forward to the amendment process that will begin tomorrow.

I think there have been a number of perhaps misconceptions talked about here today that I would just briefly touch on. And it really has to be stressed. This is not a retroactive bill. It is not going to affect mandates that are on the books now. It will require a commission to look at existing mandates and determine if some of them have outlived their usefulness, but it in no way is going to abrogate any mandate that is on the books at the present time. Now is it going to prevent us or make it impossible for us to impose other mandates that we deem in our judgment to be necessary to pass without providing the necessary funds. But it does require us to at least consider the cost.

I think that has been the problem too often in the past. The fact that we now have 176 Federal mandates, we have never really been required to consider what is the cost that we are imposing on State and local governments.

There have been a couple of things that were raised here today that I think need to be corrected. It was suggested that perhaps the title IX requiring equality for women in sports programs, under title IX would have been affected. That is a civil rights bill. That is exempt under this bill. Another suggestion was that we would not be able to impose conditions on grants. That is clearly exempt. Any conditions of a grant of Federal funding is also exempt from this bill.

So that what we have, Mr. Chairman, I think, is a bill that clearly needs to be addressed. We will address it. I would agree that we have had a very full and wide-ranging debate here today. But it is not retroactive. It is only prospective in view and it really is only saying, let us consider what we are doing. What have we wrought, what have we imposed upon State and local governments that has made all of them universally crying for this legislation at the soonest possible moment.

Mr. HASTINGS of Washington. Mr. Chairman, former Senator John Sharp Williams, an admirer of Thomas Jefferson, once noted that: "My reading of history convinces me that most bad government has grown out of too much government." This is exactly the problem that we are attempting to address in today's debate.

When I first began working for my father's small business many years ago, the onslaught of Federal mandates on our local communities had only just begun. Later, as a Washington State legislator, I saw first hand how destructive Federal mandates could be. Today, the

Federal Government has used the mandate loophole to radically expand the scope of Federal intrusion into the lives of all Americans. Our constituents have paid the price in an ever-increasing State and local tax burden, and in unnecessary restrictions on our struggling regional economies.

The U.S. Constitution set up a clear delineation in powers between the State and Federal governments. The Founding Fathers wanted to make certain that the Federal Government would have limited power to infringe upon States rights, or to raid State coffers. But like an octopus, the Nation's bureaucracy has slowly but surely extended its power and influence, and in so doing has eroded many of the Constitution's fundamental provisions.

Let me give you a few examples.

Federal regulations are forcing one country in my home State of Washington to spend $142,000 to convert their traffic signs to the metric system. Never mind that almost none of my constituents have any interest in making the conversion. Never mind that the money might be better used to improve our schools, refurbish our infrastructure, or reduce our constituents' taxes. Never mind that the regulation defies common sense. My constituents are forced by the bureaucrats to comply with this unfunded mandate.

The Intermodal Surface Transportation Efficiency Act—passed by Congress in 1991—has forced my State to include recycled rubber in asphalt laid by federally funded highway construction projects. Never mind that engineers are divided on the wisdom of this program. And never mind that this Federal provision may well cost Washington State tens of millions of dollars. My constituents are forced to comply with this unfunded Federal mandate.

Unfunded mandates impose enormous costs on cities in my district as well. One, Kennewick—a city of approximately 40,000 residents—estimates that Federal mandates cost it more than $4 million a year. And nationwide, the U.S. Chamber of Commerce has estimated that the cost of complying with Federal mandates has gown to almost $600 billion.

Mr. Chairman, the people of this Nation spoke with one voice this past November. They want less Government, less regulation, and lower taxes. They also want a Government that is more responsive to local concerns.

They're exactly right. And the best way for us to combat the mandate plague is to make it more difficult for Congress to usurp the constitutional prerogatives of our State and local leaders. That is what this legislation would accomplish, and as a result, I urge an ''aye'' vote on this measure.

Ms. PRYCE. Mr. Chairman, I rise in support of H.R. 5, the Unfunded Mandate Reform Act of 1995.

Eight years ago, Gov. George Voinovich of the State of Ohio spelled out exactly why this legislation is so necessary. He said:

> Over the past 20 years, we have seen the expansion of the Federal Government into new, nontraditional domestic policy areas. We have experienced a tremendous increase in the proclivity of Washington both to preempt State and local authority and to mandate actions on State and local governments. The cumulative effect of a series of actions by the Congress, the Executive Branch, and the U.S. Supreme Court have caused some legal scholars to observe that while constitutional federalism is alive in scholarly treaties, it has expired as a practical political reality.

I support H.R. 5, Mr. Chairman, because it restores balance to the Federal, State, and local relationship envisioned by the Framers of the 10th amendment.

Under the current system of mandating, State and local leaders are forced to cut vital services and raise taxes. But worse yet, mandates deprive citizens and their elected representatives of one of the most fundamental responsibilities of good government: the ability to prioritize government services. The public is not well-served when Congress arrogantly passes on new mandates that force mayors to think twice about putting new police officers on the street or Governors to delay implementing needed reforms in education.

Without effective relief from unfunded mandates, Washington will soon bankrupt State and local governments. The State of Ohio has estimated that unfunded Federal mandates will cost the State more than $1.74 billion between 1992 and 1995. The city of Columbus, in my district, estimated that its total spending on 14 major mandates would be $1.6 billion between 1991 and the year 2000. By the year 2000, each Columbus family's share would be $850 per year.

These costs have a tremendous impact. In the past 5 years, education in Ohio has declined as a share of State spending nationally at a time when improving education is one of this country's highest priorities.

While many mandates are well-intentioned, they can also do more harm than good and have unintended results. A good example is the most recent Federal highway law which forces States to use scrap tires in highway pavement. No State transportation agency supported this idea, and many experts have serious concerns about the potentially harmful environmental effects of using scrap tires in pavement, but that did not deter Congress from passing the mandate.

The legislation before us reminds us of the two basic questions for all public officials: What should government do, and what level of government should do it?

Since no level of government—Federal, State, or local—has the luxury of unlimited financial resources, we should not judge public officials by how much they spend on solving a problem. They should be judged on their initiative and resourcefulness, and on what they can accomplish within their means.

H.R. 5 is a long overdue step toward correcting an abuse of power by Big Government in Washington and revitalizing the Federal-State-local partnership which forms the basis of our society. As a cosponsor of the bill, I urge its adoption without any weakening amendments.

Mr. BUYER. Mr. Chairman, as the recent elections have proven, the Washington-knows-best attitude can be no more. For too long the Federal Government has usurped the 10th amendment of the U.S. Constitution, the specific intent of our Founding Fathers. It has also stifled the growth of our Nation's businesses because of the cost of compliance with Federal mandates. It is time this body recognized States' rights and ensure States and local communities are allowed to determine how best to resolve their own problems. And, it must also be fully aware of burdens it is placing on the business community.

The people of my district have elected several ingenuitive and responsible leaders in cities like Plymouth, Lowell, DeMotte, Warsaw, Knox, Peru, Kokomo, and Marion, as well as others. These elected officials have been challenged to solve local problems, create economic growth and development, and provide necessary services at minimal costs. However, recently, the Federal Government has redefined their responsibilities into being able to comply with Federal regulations, sift through the Federal bureaucracy to obtain grants and financial assistance, and practice budgetary wizardry to fund these mandates along with all of the necessary local programs. By shifting costs to local communities and setting its agenda, unfunded Federal mandates breach the underlying principles of federalism which assume a working partnership and shared responsibilities between the Federal, State, and local governments.

Over the past few years, State and local officials in my district have continually pleaded for relief. Business leaders have explained that they are being forced to make decisions based on Federal regulations rather than the market economy. The Federal Government has not only tied the hands of these officials and business leaders, but, through mandates, it has determined the agenda and has set the priorities at all levels of government. In fact, both Cedar Lake and Monticello, cities in my district, have had to bear the cost of additional loans to address much needed sewer projects, which had been deferred due to the costs of compliance with Federal mandates.

Last week, I spent the day talking and listening with the members of the Indiana General Assembly. They want to work with the Federal Government, but they know all too well the Federal Government's help too often means more burdens, requirements, and budget outlays—the Safe Drinking Water Act, the Clean Air Act, the Motor Voter Act, and last year's crime bill to name a few. They explained that instead of being able to address the concerns and needs of their communities, they have become administrative servants of the Federal Government. They are constantly compelled to comply with mandates, rules, and regulations, which demand too much time and too many resources.

Business leaders have told me the same thing. They are forced to devote their time and additional employees to make sure they comply with Federal rules and regulations, rather than assisting customers and promoting growth and development. Some businesses have closed plants and eliminated jobs because of the cost of compliance with certain mandates. These Federal regulations have forced many producers to rely, in part, on foreign sources, rather than their own.

A small businessman in my district confessed to me that even though the growth of his business is such that he would be able to hire additional employees, he will manage with his current 46 employees. He explained that the Family and Medical Leave Act, which affects business of greater than 50 employees, would place too many costs and burdens on his business, even though he has already instituted a policy allowing for employee leave.

We have set an ambitious agenda to meet the demands of the American people. However, we would only be fooling ourselves and

conducting more business-as-usual if we were to pass the balanced budget amendment, increase defense spending, grant family and business tax cuts, and enact another crime bill without also passing the Unfunded Mandates Reform Act.

Congress, by passing this legislation, will finally show it is committed to not only limiting the heavy Federal arm, but also to being better informed in its decisionmaking and accountability, including being aware of the costs State and local governments and businesses would bear. This Congress should require cost estimates on mandates, funding to be identified in the legislation, agencies to do cost/benefit analyses of regulations, and, most importantly, input from those who would be affected by mandating legislation. This opportunity must be seized without further delay or weakening amendments.

Mr. GEJDENSON. Mr. Chairman, I rise in opposition to this piece of legislation. I want to make it clear from the outset that I believe the Federal Government must assist State and local governments in meeting financial obligations associated with legislation passed by Congress. I have been a consistent supporter of directing Federal resources to the local level to assist them in complying with Federal statutes. At the same time, I firmly believe that the Federal Government has an overriding obligation to protect the health, safety, and well-being of every American. This bill will greatly undermine the Federal Government's ability to provide equal protection to our citizens and will compromise 25 years of progress in environmental protection, civil rights, and many other areas.

I have several concerns about this bill. First, it establishes a new Federal advisory committee to conduct a review of all Federal requirements. For many years, my Republican colleagues have been arguing that we should not establish any new advisory committees and that we should eliminate many we already have. I would suggest that the existing Advisory Commission on Intergovernmental Relations [ACIR] is ideally suited to conduct such a review. A majority of its members are representatives of State, local and county governments and it also includes Members of Congress and executive branch officials. For the past 20 years the Commission has been studying the mandate issue and the interaction between various levels of government. Just last week ACIR released two reports addressing how to accurately calculate the costs of Federal requirements and how to define Federal mandates. I believe the Commission has the personnel and the expertise to examine the mandate issue. As a result, I will offer an amendment with the Mr. SCHIFF, Mr. MORAN, and Ms. MEEK to require the Advisory Commission on Intergovernmental Relations to conduct the review required by the bill. This is a common sense amendment that I urge my colleagues to support.

Second, the regulatory review requirements contained in title II of the bill are already required by Executive Orders 12866 and 12875 which President Clinton issued in the fall of 1993. In fact, the Office of Management and Budget [OMB] is currently developing a process to evaluate the effects of mandates and gather input from State and local governments. Title II merely duplicates requirements which already exist. Therefore, it is unnecessary.

Third, it is ironic that a bill seeking to reduce mandates on one entity would impose dramatic new mandates on others. This legislation requires the Director of the Congressional Budget Office [CBO] to review every bill or joint resolution reported by a committee. This review must determine whether the mandate will cost State and local governments more than $50 million or the private sector more than $100 million in any given fiscal year as well as determine whether additional Federal funds are provided to cover those costs. While the CBO is required to review certain legislation under current law, this particular measure places a massive new burden on this agency.

While I am concerned about the above, my main opposition to this bill stems from the effects it will have on the health, safety, welfare, and economic security of every American. Under this legislation, bills imposing certain requirements on States and local governments would be ruled out of order if they are projected to cost more than $50 million. Legislation exceeding this limit would only be protected from a point of order if it authorized funding to cover the full costs of the requirement or provided a mechanism for Federal agencies to reduce State compliance to some level equal to the funding contained in the bill. Moreover, in spite of assurances by supporters of this measure that it will only apply to future legislation, I remain very concerned that attempts could be made to use this bill to undermine existing legislation when it is reauthorized or amended. Furthermore, while the bill seeks to provide relief to local governments, it will disadvantage private sector enterprises which provide services similar to local governments.

Mr. Chairman, the underlying logic of this bill is deeply flawed. In essence, it assumes that State and local governments would not take steps to treat sewage or provide clean drinking water to their citizens or work to ensure access to public buildings for handicapped citizens in the absence of Federal standards. In addition, it argues that the Federal Government must pay the full costs of every action which results, even in some remote way, from a Federal requirement in order for States and localities to comply. I believe the shortcomings in this reasoning are transparent.

Obviously, States and municipalities will take, and do take, steps to protect the health and welfare of their citizens. Federal requirements, such as those set forth in the Clean Water and Safe Drinking Water Acts, are designed to ensure a minimum degree of protection for every American because all States do not invest equally in addressing problems. What proponents also fail to recognize is that many problems are regional or national in scope and the Federal Government is the only entity which can set standards or devise a course of action to address them. I believe the Clean Air Act and Civil Rights statutes are perfect examples of this reality.

Under these laws, and many others, the Federal Government has provided funding to assist the States in complying with the minimum standards. In fiscal year 1995, Congress appropriated nearly $3 billion to assist States in upgrading their water treatment infrastructure to help to ensure that every American, regardless of which State they live in, will have pure drinking water. These two statutes are only one example of Federal support flowing to the States. In fact, budget figures show that in fiscal year 1993 Federal outlays for grants to State and local governments totaled $155 billion and that figure was projected to increase to more than $169 billion in fiscal 1994. These transfers represent more than 3 percent of our gross domestic product [GDP].

If we apply H.R. 5 to the above example, States would not have to upgrade water treatment facilities if the total costs exceed the Federal contribution. This bill does not take into account the inherent responsibility of a State to carry out this activity or make any allowances for emergencies or vitally important projects. It merely sets up an arbitrary cutoff point that lets states off the hook if the Federal Government does not pay the full costs of what most would agree are shared responsibilities. Moreover, this bill rewards States that have not taken the initiative to address certain problems and penalizes those which have been leaders. H.R. 5 works to bring everyone down to the lowest common denominator. I believe my colleagues will agree that this is not a goal we should be shooting for in this body.

Finally, this bill will put many private sector businesses at a competitive disadvantage. While States will be exempt from Federal requirements if the costs are not fully covered, the same will not apply to businesses. This disparity could be devastating to any small business which provides services that local communities might also provide. For example, if a local government is exempt from complying with certain provisions of the Resource Conservation and Recovery Act [RCRA] relating to waste disposal, it could drive small waste haulers and private waste disposal firms out of business. The effect of this bill would be to establish different standards for hospitals, universities, and many other entities performing identical tasks based on whether they are owned by a State or private company. This distinction demonstrates how this bill works to merely shift responsibility to comply from the public to the private sector. Unfortunately, because this bill was not subject to any hearings this Congress, we do not fully understand the implications of this shift. This is especially disturbing in light of the fact that small business is the engine which drives economic growth in this country.

Mr. Chairman, this legislation is seriously flawed. It creates an unnecessary new bureaucracy and places unprecedented burdens on Federal agencies and the CBO. More importantly, it will work to reverse the progress we have made over the past 25 years in environmental protection, public health, worker rights, and equal protection for all Americans. It throws the notion of shared responsibility between the Federal and State governments completely out the window. In addition, it will place small businesses at a competitive disadvantage vis-a-vis State and local governments. In the final analysis, this bill will degrade the quality of life for all Americans. I urge my colleagues to reject this ill-conceived measure.

Mr. HAYES. Mr. Chairman, the premise behind H.R. 5, the Unfunded Mandates Reform Act, is fiscal responsibility.

I cosponsored this legislation with that objective in mind and because I am appalled by the Federal bureaucracy's arrogance with respect to suggesting federally conceived one-size-fits-all solutions to local problems without

regard to who must pay for them. If H.R. 5 truly represents a progressive step toward the Federal Government setting priorities in a fiscally prudent manner, then the bill itself should not end up being an unfunded mandate on the American taxpayer.

As the Chairman is well aware, title III of this bill authorizes $4.5 million for the Congressional Budget Office [CBO] to perform critical economic analysis of the impact that legislative proposals will have on State and local governments and the business community. Although a very worthwhile and necessary function, authorizing funding without offering specific offsets merely shifts responsibility to the appropriators, and with our budget already stretched to limits, questions of funding should no longer be left to chance. Once again, entrenched institutional ideals will postpone the hard decisions for a later date. It is this type of logic that has resulted in our national debt ballooning to $4.5 trillion.

House rules preclude me from offering an offsetting amendment at this time. Therefore, I plan on proposing an amendment to the House legislative branch appropriations bill which will direct a reduction in the official mail or ''franking'' account of $9 million. Under this amendment, Members of Congress would experience a further reduction in their free mail account to more than offset the costs authorized by this bill so that local and State governments and the private sector have all the pertinent economic information about the impact of proposed regulations and laws. If the 104th Congress really has the vision to deliver needed reforms in the way our Government does business, then actually providing relief from unfunded mandates as well as the Federal deficit is the very least we owe the American people.

Mr. GOSS. Mr. Chairman, our States, counties, cities, and towns have all experienced the frustration of unfunded Federal mandates in one form or another. As the first mayor of Sanibel, FL, and later as chairman of the Lee County Commission, I became much too familiar with the pressures that such one-size-fits-all mandates put on local budgets. It has become a very bad habit for the Federal Government to tell their State and local counterparts what to do, often spelling out how to do it, and usually doing so without consideration of the costs involved or the unique characteristics that make our localities differ from one another. I am gratified that today we are moving to reverse that trend and establish safeguards against such irresponsible Federal dictates in the future.

The Committee on Rules has original jurisdiction over the changes and additions to the House Rules contained in H.R. 5. We considered title III, after a very thorough and informative briefing by CRS and CBO, and after listening to a broad array of views during an extended committee hearing.

The nuts and bolts of the rules changes in this bill have been pretty well explained—it will be out of order for the House to consider legislation that creates a new unfunded mandate, above a certain, national trigger cost level, on States and local governments. This point of order can be waived by a majority vote if enough Members of this House feel that the need for the mandate is urgent. While this will not automatically stop all new mandates in their tracks, it will force the House to take the issue of the unfunded mandate specifically into consideration, casting an up or down vote, in full public view on the issue of whether to proceed with such a mandate or not. Accountability in short.

As a strong supporter of this bill, I nonetheless did have some concern over the possible unintended consequences it could have on existing environmental and public health laws. As initially drafted, it was unclear whether the cost of existing programs, such as the Clean Water Act, would be counted toward the $50 million trigger in this bill when such programs came up for reauthorization. While it's clear that the intention of this bill's authors was never to gut the provisions of every piece of environmental legislation, I am pleased that we were able to further clarify this point in the Rules Committee through an amendment to title III. That amendment makes it clear that only the incremental costs of new mandates will count toward the $50 million trigger. This keeps within the spirit of H.R. 5, in looking ahead to future mandates while a commission reviews all existing mandates.

Mr. Chairman, this is a good bill, complicated by the nature of the subject, but well thought out. A host of talented Members, State officials, and staff worked long hours to bring us to this point. Congressional action to reverse the trend on unfunded mandates is long overdue and vital to the financial stability of our State and local governments. For more accountability, for thriftier spending, for better Government—I urge my colleagues to support H.R. 5.

The CHAIRMAN. All time for general debate has expired.

Mr. CLINGER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. GOODLATTE] having assumed the chair, Mr. EMERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration 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 costs of Federal mandates on the private sector, and for other purposes, had come to no resolution thereon.

APPOINTMENT AS MEMBERS OF THE JOINT ECONOMIC COMMITTEE

The SPEAKER pro tempore. Pursuant to the provisions of 15 U.S.C. 1024(a), the Chair, without objection, appoints as members of the Joint Economic Committee the following members on the part of the House:

Mr. SAXTON of New Jersey.
Mr. EWING of Illinois;
Mr. QUINN of New York;
Mr. MANZULLO of Illinois;
Mr. SANFORD of South Carolina;
Mr. THORNBERRY of Texas;
Mr. STARK of California;
Mr. OBEY of Wisconsin;
Mr. HAMILTON of Indiana; and
Mr. MFUME of Maryland.

There was no objection.

APPOINTMENT AS MEMBER OF THE HOUSE PAGE BOARD FOR THE 104TH CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable RICHARD A. GEPHARDT, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, January 19, 1995.

DEAR MR. SPEAKER: Pursuant to section 127 of Public Law 97–377, I hereby appoint the following Member of Congress to serve on the House of Representatives Page Board for the 104th Congress: Representative DALE KILDEE.

Sincerely,

RICHARD A. GEPHARDT.

EXTENSION OF AGREEMENT BETWEEN THE UNITED STATES AND ESTONIA CONCERNING FISHERIES OFF THE COASTS OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–21)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Resources and ordered to be printed:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.), I transmit herewith the Agreement between the Government of the United States of America and the Government of the Republic of Estonia Extending the Agreement of June 1, 1992, Concerning Fisheries Off the Coasts of the United States. The Agreement, which was effected by an exchange of notes at Tallinn on March 11 and May 12, 1994, extends the 1992 Agreement to June 30, 1996.

In light of the importance of our fisheries relationship with the Republic of Estonia, I urge that the Congress give favorable consideration to this Agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 19, 1995.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now entertain requests for 1-minute statements.

CONGRATULATIONS ALBION

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SMITH of Michigan. Mr. Chairman, as we conclude another football season, I say:

Move over, San Francisco. Step aside, San Diego Chargers.

The real football champion is not from California, but from Michigan—and more specifically, from Albion, MI.

Last month, Albion College captured the division III national championship by defeating Washington and Jefferson of Pennsylvania 38 to 15.

With a tradition of excellence in both academics and athletics, Albion's reputation is known throughout the Midwest. And the men who make up the Briton football team are scholar-athletes in the truest sense of the word.

So, let me take my hat off to Coach Schmidt and the Albion Britons for capping a perfect 13 and 0 season with a national championship.

On behalf of this Congress, congratulations Albion.

I enclose a report of the game as covered in the Pleiad:

Washington and Jefferson was the 2–1 favorite to win the Amos Alonzo Stagg Bowl. In the end, the margin of victory was more than 2–1. Only it was Albion College that became the National Collegiate Athletic Association Division III National Champions.

So much for expert opinions. The Britons' 38–15 victory over the Presidents was the most lopsided Stagg Bowl since 1986.

The victory boosted Albion's record to 13–0, clinching a perfect season. The Britons are one of four NCAA football squads in the nation with a perfect record . W&J finished its season with an 11–2 record.

Despite the clearcut victory, Saturday's game in Salem, Va., was marred by a slow start and racial taunts directed at Jeffrey Robinson, Mount Clemens senior and running back.

First, the Britons lost the coin toss and had to receive in the first half. Despite a 40-yard kickoff return by Todd Morris, Highland senior and fullback, Albion was unable to capitalize on its first two drives of the game. With 4:30 left in the first quarter, W&J's Vince Botti scored the game's first touchdown.

With 35 seconds left in the first quarter, however, Robinson broke a tackle and found a hole. He ran for 70 yards, scoring the Britons' first touchdown 12 seconds later.

Seventy-four seconds after that first touchdown, the Britons scored again when Jared Wood, Frankenmuth junior and outside linebacker, intercepted a pass and ran it back 29 yards for another touchdown—the first of two in the second quarter.

Scott Casteele, Vermontville senior and tight end, forced the Presidents to fumble on the ensuing kickoff. David Lefere, Jackson sophomore and free safety, then recovered the ball, leading to a 28-yard field goal by kicker Michael Zacha, Okemos sophomore.

The defense dominated, with big hits by Dennis Waclawski, Ada junior and defensive tackle; Robert Taylor, Grosse Ile senior and defensive end; and an interception by Timothy Schafer, Holt junior and cornerback.

With 1:08 left in the half, Robinson scored again, putting the Britons ahead 24–7 at the half.

The third quarter was dominated by the Briton defense, especially by James Davis, Gross Ile senior and outside linebacker. Davis had a hand in two sacks in the quarter, both on W&J third downs.

Albion added to its score yet again with 50 seconds left in the quarter, courtesy of a 2-yard reception by Christopher Barnett, Flint sophomore and wide receiver.

The fourth quarter belonged to Raymond Henke, Warren sophomore and cornerback, who batted down three W&J passes.

With 11:18 remaining, W&J running back Jake Williams crossed the goal line for a 12-yard touchdown run. W&J chose to go for the two-point conversion, and quarterback Jason Baer connected with Botti, bringing the score to 31–15.

With 57 seconds left to play, Robinson scored his third touchdown of the game—a 29-yard run. With the successful extra point kick by Zacha, the Britons clinched the national championship by a score of 38–15.

Albion's score was not the only impressive number of the game. Robinson rushed for 166 yards and three touchdowns. The team combined to rush for 254 yards, shutting down the Presidents' first-ranked defense against the run, which only allowed an average of 35.8 rushing yards per game.

Prior to Saturday's game, W&J had not given up more than 24 points since a 47–28 loss to Ithaca (N.Y.) in 1992.

The Britons accomplished all this despite the steady rain that persisted throughout the game, making the 45-degree temperature seem even colder and making the field even muddier.

□ 1520

With a tradition of excellence in both academics and athletics, Albion's reputation is known throughout the Midwest. The men who make up the Briton football team are scholar athletes in the truest tradition of the word, so let me take my hat off to Coach Smith and to the Albion Britons for capturing a perfect 13–1–0 loss season with the conclusion of the national championship. On behalf of this Congress, congratulations, Albion.

THE MARION MALLEY WALSH DRUNK DRIVING ACT OF 1995

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

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today to introduce a piece of legislation that is of particular importance to me: the Marion Malley Walsh Drunk Driving Act of 1995.

Marion Malley Walsh was a professional artist—a commercial fashion illustrator and successful pastel portrait painter—a mother and grandmother, who lived in Longmeadow, MA. On June 23, 1993, while driving with her sister Loretta to a family reunion on Lake George, Marion was killed by a drunk driver who was fleeing the scene of a hit-and-run accident.

Mr. Speaker, drunk driving is a problem that plagues our Nation. In 1992, 17,699 innocent people were killed in this country by drunk drivers. That's an average of one alcohol-related fatality every 30 minutes. Drunk driving crashes cost the U.S. health care system approximately $6 billion in 1993, and American businesses and workers approximately $25 billion in lost wages.

The Marion Malley Walsh Drunk Driving Act follows the lead that was set in Massachusetts and in a few other States—setting a zero-tolerance level for drivers under the age of 21, and lowering the legal alcohol limit to .08 percent.

States that do not comply with the Marion Malley Walsh Drunk Driving Act will still receive Federal highway moneys—only some of these funds will be earmarked for specific programs related to drunk driving.

Most importantly, however, the Marion Malley Walsh Drunk Driving Act doesn't cost the tax payers an additional dime—it can be done within our current system.

Mr. Speaker, in the memory of Marion Malley Walsh, and for her family and all the other families that grieve the loss of a loved one caused by a drunk driver, I urge my colleagues to support this important legislation.

SUPERBOWL ELATION MIXED WITH DETERMINATION TO BALANCE AMERICA'S BUDGET

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

Mrs. SEASTRAND. Mr. Speaker, this weekend I watched with joy as the San Francisco 49ers and the San Diego Chargers won their respective conference titles, and are destined for the Superbowl, but I must say that my happiness with an all-California Superbowl was overcome with amazement when I flipped the channel and saw Labor Secretary Reich say this last Sunday, and I quote, ''The President is against simply balancing the budget.''

Mr. Speaker, the American people demand that we cut spending and balance the budget. As a Member of this great body, that is exactly what I intend to do. I stand here today with renewed conviction in support of the balanced budget amendment. That includes a three-fifths majority to raise taxes.

There may be those who believe we can simply keep spending the American people's money. There may even be those who think that States and local governments should foot the bill through unfunded mandates.

I am not among those people. We just cannot continue to spend the money we do not have, and a tax limitation balanced budget amendment is a commitment to the American people who demand that the Federal Government get its financial house in order.

URGING SUPPORT FOR HOUSE RESOLUTION 28, A BIPARTISAN BALANCED BUDGET AMENDMENT

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

Mr. DOYLE. Mr. Speaker, I rise in support of the only bipartisan, bicameral balanced budget amendment. I speak of House Resolution 28 which I

am cosponsoring because I believe we cannot wait any longer to address this country's budget deficit. It was in March of last year, when I was simply a candidate for Congress, that this House last voted on a balanced budget amendment. The amendment failed then, but the deficit has not stopped growing. In fact, the national debt has increased by more than $160 billion since last March. Gross interest payments alone are costing us $315 million per day. Until we bring this problem under control these interest payments will continue to skyrocket, devouring larger and larger portions of the budget. This process has a devastating regressive effect on the rest of the budget because it severely hampers our ability to fund important discretionary programs.

Our interest payments this year alone will be 8 times higher than expenditures on education and 50 times higher than expenditures on job training. We cannot exacerbate this situation any further or we will completely cripple countless generations to come. For this reason, I urge my colleagues on both sides of the aisle to support the bipartisan balanced budget amendment, House Resolution 28.

DEFERRING SPECIAL ORDER ON WHITEWATER

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

Mr. BURTON of Indiana. Mr. Speaker, tonight I was going to take a 1-hour special order to talk about Whitewater, the Arkansas Development Financial Authority, and possible involvement by Members of the White House in these endeavors.

However, because of the parliamentary debate that has taken place on the floor today, and because I want to make sure I comply with parliamentary procedures, I have decided to defer my special order until next Wednesday, at which time I will go into that, and make sure we comply with our great Parliamentarian's rulings.

URGING SUPPORT FOR THE STENHOLM-SCHAEFER CONSENSUS BALANCED BUDGET AMENDMENT

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

Ms. MCCARTHY. Mr. Speaker, next week this House will take up several proposals to amend our Constitution to require a balanced Federal budget. I urge my colleagues to support the bipartisan consensus version of this amendment that will be offered by my colleagues, the gentleman from Texas, CHARLIE STENHOLM, and the gentleman from Colorado, DAN SCHAEFER.

This measure has several important features not found in competing proposals. it requires a balance of actual outlays against actual receipts. It would not include securities held by the Social Security trust fund when the fund is running a surplus. It requires the President to submit a complete budget plan that is in balance. it includes a thoughtful exemption requiring that the United States be engaged in military conflict before Congress could vote to waive its requirements.

Under current policies, according to the analytical prospectus volume of the budget of the United States, future generations are projected to face a lifetime net tax rate of 82 percent in order to pay the bills that we are leaving them. For these reasons, I urge my colleagues to support the Stenholm-Schaefer balanced budget amendment, as I am doing.

PASS UNFUNDED MANDATES LEGISLATION

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

Mr. EVERETT. Mr. Speaker, a headline in today's Washington Post reads ''Unfunded Mandates Top Cities' List of Problems.'' It sites a study by the National League of Cities that finds unfunded mandates is the issue local governments find most vexing.

It's time for Congress to put an end to this practice of trying to balance our books on the backs of State and local governments. If the Federal Government cannot pay for it, we will not force the costs on the States.

□ 1050

That is what our unfunded mandate legislation will accomplish. Republicans want to change the culture of Washington through unfunded mandates legislation and a balanced budget amendment.

We want a Government that works for the people, not against the people.

I urge my colleagues to supported unfunded mandates legislation. The time has come to change the culture of Washington.

The article to which I referred is as follows:

UNFUNDED MANDATES TOP CITIES' LIST OF PROBLEMS—OFFICALS SURVEYED ALSO CITE CRIME, VIOLENCE

(By John M. Goshko)

Halting increases in crime and violence, curbing costly federal requirements and creating more jobs are the biggest problems facing American towns and cities, according to the National League of Cities' annual survey of the issues preoccupying municipal officials.

The NLC, a bipartisan organization that represents state municipal leagues with a combined membership of 16,000 cities, based its findings on responses from 382 elected officials drawn from cities of 10,000 people or more. The findings of the survey, conducted before the November elections, closely paralleled many of the concerns that dominated campaigns and led to Republican control of Congress.

The survey found that unfunded mandates—laws or regulations imposed on cities without funding from federal or state governments—is the issue local governments find most vexing. The adverse impact of these mandates on cities with shrinking municipal financial resources was cited by 74.2 percent of respondents as a steadily worsening situation that Congress must address urgently.

Also of great concern to municipal officials is a panoply of public safety issues: youth crime (63.4 percent), school violence (52 percent), gangs (51.3 percent), drugs (48.4 percent) and violent crime (40.8 percent).

In proposing ways to deal with crime, respondents broke sharply with the tough measures proposed by House Speaker Newt Gingrich (R-Ga.) in his ''Contract With America.'' In accordance with GOP campaign promises, Congress is preparing to consider substantial revision of the omnibus crime bill, passed under President Clinton's sponsorship last summer, to divert funds from crime-prevention programs to prison construction.

The NLC survey asked respondents to measure the potential effectiveness of 20 different approaches to reducing crime. They expressed the least confidence in get-tough ideas such as more death penalties (8.1 percent), more prisons (8.4 percent), elimination of parole (9.9 percent) and stricter gun control (11.8 percent).

By contrast, 63.6 percent of respondents declared themselves in favor of strengthening family stability as the most effective deterrent to crime. They also gave high marks to job creation, after-school and recreational programs and early-childhood education such as Head Start as approaches to fighting crime.

''Municipal officials believe that last year's crime bill struck the right balance,'' said Donald J. Borut, NLC executive director. ''There is serious concern about the current efforts at revision under consideration in Congress. Last summer's bill has been in effect barely four months, and we believe it should be given a chance before attempts are made to tamper with it.''

Both Borut and Carolyn Long Banks, NLC president and an Atlanta city council member, stressed that the greatest concern in city governments is unfunded mandates. They praised Sen. Dirk Kempthorne (R-Idaho) for taking the lead on legislation that would curb Washington's power to impose mandates without funding them.

Banks noted that unfunded mandates take up almost 15 percent of Altanta's annual budget. She added that her city is being fined $9,000 a day for failing to comply with a federal law requiring construction of a system to handle storm and water runoff. It hasn't been done, she said, because the city doesn't have the money to meet federal specifications and because many residents don't want the requisite construction in their neighborhoods.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GOODLATTE). 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 Ohio [Mr. GILLMOR] is recognized for 5 minutes.

[Mr. GILLMOR 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 Florida [Mr. GOSS] is recognized for 5 minutes.

[Mr. GOSS 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 New York [Mr. OWENS] is recognized for 5 minutes.

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

□ 1530

SUPPORT H.R. 5, UNFUNDED MANDATE REFORM ACT

The SPEAKER pro tempore (Mr. GOODLATTE). Under a previous order of the House, the gentleman from New York [Mr. MARTINI] is recognized for 5 minutes.

Mr. MARTINI. Mr. Speaker, I rise today to revisit a topic that has been receiving a great deal of attention recently and to once again voice my strong support for the reforms endorsed by my colleagues in the Government Reform and Oversight Committee.

I refer in general to the issue of burdensome unfunded Federal mandates placed on States and localities, and specifically to H.R. 5, the Unfunded Mandate Reform Act of 1995, the bill our committee just passed and the one the House as a whole will consider this week. With the flow of Federal mandates that has flooded our local governments over the last 40 years, H.R. 5 will mark the high water point from which we will begin to bail our people out.

It appears as if the Members of Congress are finally coming to the realization that they do not legislate in a vacuum. They are beginning to see that many of their ''feel good'' laws and regulations actually impact local governments in very real and all too often unfortunately very negative ways.

Congress did not choose to pay for these regulations. Rather, it has for years forced somebody else to pick up the tab, namely States and localities.

This practice represents the height of fiscal irresponsibility and the old style of doing business that the Nation rejected in this last election. I firmly believe that it is exactly this kind of reform my constituents sent me here to address. They want Congress to be accountable to the people, and that is what I am determined to do.

The expensive nature of these mandates is well documented. In some instances, the prohibitive costs of Federal mandates exceed entire local Government budgets. And before complying with these regulations, municipalities must first provide the essential basic services like sanitation, law enforcement, and education, that properly fall under their jurisdiction. It is little wonder that the U.S. Conference of Mayors, the National Conference of State Legislatures, and the National Governors' Association are adamant in their support for this legislation.

My constituents are angry, Mr. Speaker, and it is not simply because the Federal Government taxes them too much. To be sure, cutting taxes is another important issue that this Chamber will address soon. My constituents are angry because their local property taxes are also too high, and continue rising as I speak. This upward swing in local taxes can be attributed in large part to unfunded mandates, and it is simply not fair. It is not fair to our constituents, who must shoulder the extra burden for programs of questionable value, and it is not fair to local officials, who act responsibly and are forced to hike their constituents' taxes despite their best efforts.

Mr. Speaker, I reiterate my support for H.R. 5, the Unfunded Mandates Reform Act of 1995. The voters spoke loudly and clearly on November 8. They demanded a smaller, smarter, and less costly Government. With the passage of this very important bill, this body will demonstrate to the American people that here in Congress we are beginning to solve our Nation's problems, not with the heavy hand of regulation, but with the responsible hand of partnership extended to our colleagues on the State and local level.

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

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

HONORING UMPIRE RON LUCIANO

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

Mr. HINCHEY. Mr. Speaker, I rise today to pay tribute to former major league umpire Ronald M. Luciano who passed away Wednesday at his home in Endicott, NY, at the age of 57.

One of the American League's top umpires throughout his 11-year career, Luciano was a respected and well-liked member of the baseball community. Luciano worked the 1974 World Series and the 1971, 1975, and 1978 American League Championships, an honor reserved for the league's best umpires.

Luciano retired from umpiring in 1980 to become a television commentator, as well as an author. His 1982 book, ''The Umpire Strikes Back'' was a best seller.

It is as one of the game's great ambassadors, however, that Luciano will be most remembered. Luciano brought a showmanship to the sport seldom seen from an umpire. Through his unique style, often comedic, Luciano helped sell our Nation's pastime to fans of all ages.

Even after he achieved national stature, Luciano remained an active member of the Broome County community. A devoted son and brother, Luciano returned to Endicott where he undertook a local business venture. Luciano was frequently spotted lending his support and expertise at Little League baseball games.

The citizens of Broome County will miss him as much for his community involvement as for what he did for baseball.

I hope my colleagues will join me today in paying tribute to Ron Luciano. His passing is a loss for both baseball and for a community to which he was such an integral member. I extend my sincerest condolences to his family.

DON'T RUSH THROUGH UNFUNDED MANDATE ACT

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

Mr. MASCARA. Mr. Speaker, as a former county commissioner of Washington County, PA, I know firsthand how the citizens of southwestern Pennsylvania have been victimized by unfunded mandates. Regularly, my fellow commissioners and I struggled to find ways to pay for regulations handed down by both the Federal and State governments. Some of these regulations were worthwhile. Others were not.

Despite their relative merits, all invariably resulted in the de facto taxation of my constituents. While I support legislation to rectify this situation, I am worried that H.R. 5, as supported by my colleagues on the other side of the aisle, will not adequately solve the problem.

During markup of H.R. 5 by the Committee on Government Reform and Oversight, on which I serve, it became clear that this bill could actually weaken current health and safety laws. None of us should support that outcome.

My colleagues on the other side of the aisle are making a big mistake by pushing through major legislation like the unfunded mandates bill in the first 100 days of this session by rushing this legislation without thinking it through.

Let's talk about it. Let's amend this bill and hopefully the House will support some of those amendments.

WORKPLACE SAFETY

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

Mrs. CLAYTON. Mr. Speaker, today we begin the debate on the issues surrounding H.R. 5, the Unfunded Mandate Reform Act. As we consider this matter, let us not be blind supporters of a bill that may threaten the well-being of Americans, a bill that seems to threaten to eliminate Federal standards for workplace safety. Mr. Speaker, safety in the workplace has been a priority for the Federal Government since 1938, when President Roosevelt signed into law the Fair Labor Standards Act.

Subsequently, in 1970, with the passage of the Occupational Safety and Health Act, this commitment to high standards for the safety of our workers was solidified. I believe that laws such as these should be exempt from the provisions set out in H.R. 5. In fact, the sponsors claim that the safety and health areas are excluded. As a former county official, I am very sensitive to, and well acquainted with the potential financial and administrative burdens that Federal unfunded mandates place on State governments. I strongly believe, however, that when giving thought to reducing those burdens, we do not sacrifice the rights of American workers.

Entities within the Sates, sometimes, because of other pressures and interests, fail to follow minimum standards of safety, and fail to adequately protect the public. That is why the Federal Government has historically exercised a role in the area of health and safety. I am reminded, for example, of the Hamlet fire that occurred in my home State of North Carolina in 1991. Two hundred people were at work that day in a chicken processing plant, mostly young women, trying to support families. Suddenly, a hydraulic hose broke, its oil catching fire when it hit an open flame used to boil oil to fry the chicken.

Twenty-five workers lost their lives. The owner was found guilty of manslaughter, and numerous safety violations were found. I am proud to say that after the fire my home State of North Carolina met the responsibility headon, doubling its number of OSHA inspectors and putting nine million more dollars of funding into the program to ensure that we met the Federal standards, that we protected the public.

It should not take a tragedy like the fire in North Carolina, however, to spur entities on in their responsibility. States can benefit from and these entities, public and private, and need Federal imposition of minimum health and safety standards. I intend to sponsor an amendment that will make clear that Federal workplace safety standards will not be abandoned by language that is overreaching and overly broad. If we pass the Unfunded Mandate Reform Act without making that principle clear, we may find that on worker health and safety issues we have turned the clock back more than half a century. Without an express and specific exemption for workplace safety laws, that step back in time is a real possibility. More importantly, it will become a real possibility as soon as the unfunded mandate law takes effect. That is because we are sure to be considering the basic workplace safety laws during this and future sessions.

It should not escape our attention, Mr. Speaker, that workplace safety laws were first adopted by the States. Massachusetts passed the first law in 1877. By 1890, 21 States had passed occupational safety and health laws, and by 1920 every State in the Union had enacted such a law. But these laws did not go far enough. These laws lacked the teeth to adequately protect the public and workers on the job. That is why the Federal Government stepped in.

Before the enactment of the Fair Labor Standards Act and, ultimately, the Occupational Safety and Health Act, there were an estimated 14,500 persons killed annually as a result of accidents on the job. Another 2.2 million workers were disabled on the job each year, causing the loss of some 250 million employee work days. And some 390,000 new cases of occupational diseases occurred on an annual basis. As a consequence of these deaths and injuries, more than $1.5 billion was wasted each year in lost wages, and the Nation lost an estimated $8 billion from its gross national product.

It is obvious, therefore, Mr. Speaker, that the issue of workplace safety is an issue which we in the Congress have a right, indeed a constitutional duty, to insure.

The cost to the States of meeting the minimum standards imposed by the Federal Government are not so severe as to abandon this very important principle. Indeed, the Federal Government pays for the workplace safety inspectors. But, the cost to the public if we abdicate our responsibility and surrender workplace safety protections can be quite severe.

Just ask the families and friends of those who died in the Hamlet fire. Just ask the loved ones of those whose lives were cut short or whose limbs were lost before we imposed minimum standards. Mr. Speaker, this is not a matter that should be rushed through and rubber stamped because some Members believe it is more important to make some point in 100 days than it is to save 100 lives. I hope every reasonable amendment will be considered as we seek to perfect this bill. The public is entitled to nothing less.

□ 1540

UNFUNDED MANDATES

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

Ms. JACKSON-LEE. Mr. Speaker, I come here today to talk about a very important issue that impacts the 17,000 towns and cities that I have had the honor of being involved with as a city council member but also as a member of the board of directors of the National League of Cities. We must protect our Nation's cities from any tendencies this governing body may have of shifting the cost of federally mandated programs to our lower levels of government. I have been there. I know what it means to balance the budget. As a former member of the Houston City Council, I can testify to those frustrations and the hard work they put in when we attempt to work with the needs of our community.

The local government must face the times when they have to have a strict budget and a budget that complies with the laws of that particular community. So there must be a need to understand the burden it puts on those local jurisdictions when Congress dictates legislation that they have to pay for.

My concerns over the issue of unfunded mandates arise particularly in light of current debates over the past decade of a balanced budget constitutional amendment. If the amendment is passed, Congress will be forced to tighten its financial belt, which is something that none of us would argue as unnecessary.

But at the same time, we all know that Congress will continue to make laws and many of these laws will undoubtedly carry with them the mandate of enforcement without the backing of the Federal check if we do not pass a protective law such as the one we are passing today on unfunded mandates.

However, I think there are concerns we raise on H.R. 5, and that is we all want to have clean water; we want to have safe food; and we want to have a fair working standard. So it is important that we must not overburden our local governments.

Yes, we must not overburden our local governments to pay for regulatory matters sent down from the Federal Government that are unfunded, but shall we outlaw regulations which are partially funded? Regulations which are important protective measures for our environment, health, and safety?

We do need to look at the issue of unfunded mandates, especially as they may pertain to the increased frequency expected to accompany a passed balanced budget amendment. We must also stop to realize that we cannot fully fund all of the measures that we need to pass, and that perhaps we can send them to the local governments at least partially funded rather than the current trend of sending them unfunded.

THE FREEDOM AND SELF-DETERMINATION FOR THE FORMER SOVIET UNION ACT

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

Mr. SOLOMON. Mr. Speaker, on Friday, I introduced H.R. 519, the Freedom and Self-Determination for the Former Soviet Union Act. It is so entitled because enactment of the bill into law would greatly help to reverse the trend in the former Soviet Union toward renewed Russian imperialism. That trend is being fueled by a Russocentric United States

foreign policy which appeases Russia's every move and ignores the legitimate security concerns of Russia's neighbors. A major aspect of that Russocentric policy is the massive and unconditional aid that we have been pumping into Russia for over 3 years. Continuing to give Russia this assistance despite her increasingly aggressive foreign policy, arms-control violations, statist economic policies, and now her brutal attack on Chechnya sends the message that we approve of these reactionary policies. We need to send the message that we don't approve and that is why I introduced this bill.

Mr. Speaker, no one disputes that a democratic, capitalist Russia that has shed the imperial mentality would be greatly in our interest. The question has always been how, or ever whether, we could help. I have long been skeptical as to even whether we could help, given the transmogrification of Russia at the hands of the Communists, her 1,000-year legacy of autocracy, statism and imperialism, her vast size, her traditional reclusiveness, and of course, the massive and irrefutable failure of foreign aid worldwide throughout the postwar era. However, given the gravity of the situation, even I was willing to support some aid to Russia after Yeltsin and Gaidar embarked on shock therapy in January 1992.

But Mr. Speaker, it is time for us to admit the reality that the reform effort in Russia has failed, and along with it, our aid program. Russia today is not the Russia of 1992 or even 1993, a country racing full speed ahead away from Communism and toward democracy, free markets, and a Western-oriented foreign policy. Today' Russia is one again reactionary.

Let's look at it objectively. Shock therapy was abandoned within weeks of its inception. A purge of economic liberals in the government began in April 1992 and was completed by January 1994. Today, the only liberal in the government is Anatoly Chubais, and he can't even get his subordinates to return his phone calls.

But isn't Yeltsin still a reformer? If so, why then after the ruble crash last September, did Yeltsin replace old thinkers at the Central Bank and Finance Ministry with, well, more old thinkers? The fact is, Mr. Speaker, there are no economic reformers and there is no economic reform in Russia. The history of pouring foreign aid into countries that are not serious about economic reform is a sad one, and it would be folly if we were to ignore this lesson now. When speaking of ways to balance the budget, this is truly a gimme spending cut.

But the story does not even end with the fact that Russia is a black hole and that we need to balance our budget. We must look at this from a foreign policy perspective. Indeed, the whole rationale for our aid program was that it would turn Russia into a better neighbor, right? Well, let's look at Russia's behavior since we started appropriating the billions of dollars.

Russia has vetoed NATO expansion and made implicit threats against Poland and other would-be members. Russia has attempted to subordinate NATO to the OSCE while simultaneously impeding OSCE efforts in Moldova and Nagorno-Karabakh. Russia illegally demobilized thousands of troops in Estonia and Latvia just prior to the troop withdrawal deadline last August. Russia illegally has begun the unilateral demarcation of the Russian-Estonian border. Russia routinely violates Lithuanian territory ferrying troops and arms to the Kaliningrad region. Russia continues to occupy Moldova with 10,000 troops and enough weaponry for a 200,000-man army. Russia used classic Soviet-style divide-and rule tactics to bring Georgia to heel, and is now preparing to occupy the country militarily. Russia helped depose the democratically elected President of Azerbaijan, Mr. Elchibey. Russia has blatantly interfered in the sovereign commercial affairs of Kazakhstan and Azerbaijan. Russia supports a reactionary Communist regime in Tajikstan which overthrew the legitimate government there in 1992. Recent Russian policies and statements reflect clearly a trend toward, indeed a near-obsession with, the re-integration of the CIS states into some form of Russian-dominated union.

And it goes beyond the former Soviet Union, Mr. Speaker. Russia continues to supply arms to Syria, Iran, and possibly, Serbia. Russia is diligently seeking to emasculate the sanctions against Iraq. Russia is providing economic aid and intelligence information to Castro. On to arms control, it has been known for a long time now that Russia is violating the 1972 Biological Weapons Convention and the 1989 MOU on chemical arms. She is also seeking to wiggle out of the CFE accords, due to take effect in November. As we pay Russia to destroy old and obsolete nuclear weapons, she continues work on a new generation of nukes. And what about intelligence activities? Russia has still not come clean on the Ames spy case and has even provided money to Rosario Ames.

I am nearly out of breath, but unfortunately, I am not done yet. Because I haven't even alluded to the awful events in Chechnya. No matter where one comes down on the question of Russia's territorial integrity, the methods of Russia in Chechnya can only be described as barbaric and despicable. They have razed a city to the ground with indiscriminate aerial attacks. They have wantonly killed woman, children, and the elderly. And finally, the fact that the overwhelming majority of Russian citizens opposed the invasion of Chechnya speaks volumes about the extent of democratization in Russia.

Mr. Speaker, in light of all this, how can we say with a straight face that Russia is a democracy? Is reformist? Is a strategic partner with the West? How can we say that our aid has done any good? How can we paint Russia as a deserving recipient of taxpayer largesse? How can we justify this to the people who sent us here on November 8?

I can't, and that is why I have introduced this legislation. My bill would immediately freeze all bilateral aid to Russia, including previously appropriated and obligated funds, pending Presidential certification to Congress that Russia has met 14 conditions. The conditions pertain to Russia foreign policy, arms control policy, economic policy, and intelligence activities. In order to receive aid, Russia would have to halt the violence in Chechnya, cease interfering in her neighbors affairs, comply with all arms control agreements, limit her intelligence activities to routine, nonadversarial information gathering, end arms sales to terrorist nations, stop aiding Castro, and re-initiate capitalist economic reform.

The bill would also require the executive branch to oppose all multilateral loans to Russia. Both the President and the GAO would also be required to submit reports to Congress concerning the money we have given Russia to date. The taxpayers have a right to know what happened to this money. There are exemptions in the bill for humanitarian aid, certain exchanges, NED programs, and disarmament funds.

Mr. Speaker, the Freedom and Self-Determination for the Former Soviet Union Act will send a powerful message to Russia that in exchange for American assistance, certain standards of behavior must be met. This will prop up, not undercut, Russian reformers. To date, they have had no good reason to say no to the reactionaries. This policy will help shore up the sovereignty and security of Russia's neighbors. This policy will increase the security of Americans by limiting Russian spying, ensuring Russian arms control compliance, and reducing Russian assistance to terrorist nations.

And if Russia doesn't comply and the aid is cut off forever, it is still a winning situation for everyone concerned. Cutting off aid permanently will enhance the prospects for Russian reform by removing the crutch that has obviated them of the need to make the tough but necessary economic decisions. More importantly, it will save American workers from wasting their money on a country that we cannot save, is doing so little to save itself and is doing so much harm to so many people.

UNFUNDED MANDATE REFORM ACT OF 1995

(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 have serious concerns regarding H.R. 5, the Unfunded Mandate Reform Act of 1995. While I am generally supportive of the need to ease the burden on State and local governments, I do not believe we should rush through legislation that effects our health, safety, and environmental standards without closer examination.

The Great Lakes region, for example, is a fragile ecosystem which depends on the cooperation of its surrounding States. Dumping of sewage or other toxins by one State or municipality significantly impacts the entire Great Lakes region. Pollution does not respect State, geographic or political boundaries. Who then pays for—let's say—airborne pollutants generated in one State, which land in and produce acid rain in neighboring States?

Northern Michigan is a pristine region whose inland lakes are dying from airborne pollutants originating in steel mills in cities such as Gary, IN, and Chicago, IL. Without any Federal safeguards or minimal national standards, which State will take the lead in stopping this air pollution that creates acid rain. And more importantly, which State would pay, Michigan, Indiana, or Illinois? These are questions that must be answered, not ignored in the haste, to create unfunded mandates legislation.

CONSEQUENCES OF FEDERAL SPENDING CUTS BROUGHT ABOUT BY REPUBLICAN CONTRACT WITH AMERICA

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

Mr. DURBIN. Mr. Speaker, 2 weeks ago the Republican majority leader, DICK ARMEY of Texas, was asked on one of the Sunday morning talk shows why the Republicans would not disclose to the American people what kind of cuts in Federal spending would come with the Republican Contract With America. The gentleman from Texas [Mr. ARMEY], who has a tendency to be very candid, to a fault at times, said he felt that the knees of the Members of Congress would buckle if they learned what kind of cuts are in store for us if we follow the Republican Contract With America.

Mr. ARMEY'S candor was criticized by some of his fellow Republicans, but frankly I think he was right on the mark. My office has just completed an analysis of the Republican Contract With America and the impact which it will have on my home State of Illinois. I would like those from this State to listen, but from other States to consider there will be similar impacts on their own home State if the Republican Contract With America is in fact enacted.

We took a look at just four or five areas that I think are critically important. First is in the area of health services for children and seniors. To reach the necessary 30-percent cut in Federal spending required by the Republican contract, Medicare and Medicaid funding in Illinois and across the Nation would be slashed in Illinois by $27 billion over 7 years. What it means is that literally thousands of poor families in my home State now under Medicaid, the government health insurance program for poor people, would become uninsured, and it means that many hospitals, particularly smaller and rural hospitals, which are greatly dependent on Medicare patients, would be forced to close their doors.

I have spoken to some of the hospital administrators. What I have just said is not an exaggeration. A 30-percent cut in Medicare would hurt seniors, it would close hospital doors in many of our rural areas and in many of our inner city areas.

The second area of real concern to me is in the area of education. My home State of Illinois would take a big hit from the Republican Contract With America. Under this contract, programs for disadvantaged students would take a 30-percent cut. Some may ask why kind of program is that. It is a program like chapter I, a special tutorial program that takes a child about to drop out or fall behind and puts them through special training to catch up with the class and stay in school.

These programs work. In my county of Sangamon County, IL and downstate Illinois we would lose with the Republican Contract With America $900,000 a year in Federal aid to education. Madison County nearby would lose $1.9 million. It would mean school administrators would have to either eliminate or cut back the programs or ask for increases in local property taxes, something I am sure we all agree is not popular and something we would not want to encourage.

Take a look at highway construction. A lot of States and localities are used to the Federal Government building highways and building bridges and rebuilding and repairing them and think nothing of it.

□ 1550

If the Republican Contract With America goes through and we see a 30-percent cut, we will see a dramatic downturn in the amount of money available for Illinois and other States for highway construction. Mass transit is the same. In the city of Chicago, the Republican Contract With America will raise the fares for Chicago workers using mass transit every day 15 cents a day. You say, ''Well, 15 cents a day is not much, two people working in a household. Add it up and then put it against the supposed tax break the Republicans are offering. There is not much there to show for it.''

When it comes to nutrition services, we can expect cuts in the WIC program, a program which serves 40 percent of the infants in America, brings the mothers in during their pregnancy, gives them nutrition information and good guidance for a healthy baby, then brings the mother and baby in after birth and says here is the way to get that baby off on the right foot, with immunizations, good nutrition, a healthy baby, something I think every American wants to see.

The Republican Contract With America will cut that program, will basically eliminate mothers and infants from the program. It follows as night follows day.

The same thing is true for Meals on Wheels. How many senior citizens do we know whose only contact with the outside world is Meals on Wheels? It drops by once a day to say hello, how are you doing, how are you feeling, do you need a helping hand. Those start to go away with this Republican vision of a new America.

In my area of the world, a lot of our farmers depend on Federal spending, not just for their feed grains programs but also for soil and water conservation. These programs help farmers to avoid runoff which can contaminate our water supplies and lead to real problems downstream.

As the Republicans' Contract for America cuts back on this kind of spending, we are literally taking a gamble and a chance with our own health in the future.

These are but four or five examples of what happens in the State of Illinois. This story is repeated many times.

So when Members of the Republicans majority come to the floor and glibly tell us unfunded mandates and balanced-budget amendments do not mean much but a brighter future, ask them for the details.

Our knees are not going to buckle, but we deserve the facts.

INTRODUCTION OF LEGISLATION TO REQUIRE THE PRESIDENT TO SUBMIT A BALANCED BUDGET

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

Mr. BENTSEN. Mr. Speaker, many have argued that we must amend our Constitution to stop us from spending more than we take in. But few, if any, have actually submitted a balanced budget.

I believe in a balanced budget, but I also believe in full and fair disclosure.

Today I am introducing a bill, H.R. 567, which would require the President to submit, and the Congress to consider, a balanced budget. Unlike bills which will be considered by the House next week, my bill would actually mandate the submission and the consideration of a balanced budget. The so-called balanced-budget amendment to the Constitution would not mandate such consideration and, in fact, provide a loophole that you could drive a beer truck through.

Both the Barton and Stenholm amendments would allow the Congress to waive the amendment in order to either raise taxes or sell debt to fund the deficit.

Neither amendment would take effect until 2002.

My bill would go into effect immediately for the next budget for fiscal year 1997.

How many billions might we save if we could achieve a balanced budget by fiscal year 1997 instead of 2002?

Finally, and most importantly, my bill would allow for the American people to enter into the debate on a balanced budget. Unlike others, my bill would provide for the presentation to the American people of the actual numbers, the cuts, to a balanced budget. The other bills only tell us to balance the budget and give us a waiver to avoid it. It does not tell us what an actual balanced budget looks like, and I do not believe that is prudent.

When the proponents of a balanced-budget amendment state the cuts necessary would ''make your knees buckle,'' then the people deserve to know what they are.

The President should submit a balanced budget. The American people should examine that budget, and the Congress should debate and vote on it.

Mr. Speaker, I am including at this point in the RECORD a copy of the bill which I am introducing, as follows:

H.R. —

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

TITLE I—AMENDMENT TO TITLE 31, UNITED STATES CODE

SEC. 101. SUBMISSION OF BALANCED BUDGET BY THE PRESIDENT.

Section 1105 of title 31, United States Code, is amended by inserting at the end the following new subsection:

''(g)(1) Except as provided by paragraph (2), any budget submitted to Congress pursuant to subsection (a) for the ensuing fiscal year shall not be in deficit.

''(2) For any fiscal year with respect to which the President determines that it is infeasible to submit a budget in compliance with paragraph (1), the President shall submit on the same day two budgets, one of which shall be in compliance with paragraph (1), together with written reasons in support of that determination.''.

TITLE II—AMENDMENT TO CONGRESSIONAL BUDGET ACT OF 1974

SEC. 201. REPORTING OF BALANCED BUDGET BY COMMITTEES ON THE BUDGET OF THE HOUSE OF REPRESENTATIVES AND SENATE.

Section 301 of the Congressional Budget Act of 1974 is amended by inserting at the end the following new subsection:

''(j) REPORTING OF BALANCED BUDGETS.—

''(1) Except as provided by paragraph (2), the concurrent resolution on the budget for a fiscal year referred to in subsection (a) as reported by the Committee on the Budget of each House shall not be in deficit.

''(2) For any fiscal year with respect to which the Committee on the Budget of either House determines that it is infeasible to report a concurrent resolution on the budget in compliance with paragraph (1) and includes written reasons in support of that determination in its report accompanying a concurrent resolution on the budget, the committee shall report two concurrent resolutions on the budget, one of which shall be in compliance with paragraph (1).

''(3) Each concurrent resolution on the budget reported by the Committee on the Budget of either House shall contain reconciliation directives described in section 310 necessary to effectuate the provisions and requirements of such resolution.''.

SEC. 202. PROCEDURE IN THE HOUSE OF REPRESENTATIVES.

Section 305(a) of the Congressional Budget Act of 1974 is amended by inserting at the end the following:

''(8)(A) If the Committee on Rules of the House of Representatives reports any rule or order providing for the consideration of any concurrent resolution on the budget for a fiscal year, then it shall also, within the same rule or order, provide for—

''(i) the consideration of the text of any concurrent resolution on the budget for that fiscal year reported by the Committee on the Budget of the House of Representatives pursuant to section 301(j); and

''(ii) the consideration of the text of each concurrent resolution on the budget as introduced by the Majority Leader pursuant to subparagraph (B);

and such rule or order shall assure that a separate vote occurs on each such budget.

''(B) The Majority Leader of the House of Representatives shall introduce a concurrent resolution on the budget reflecting, without substantive revision, each budget submitted by the President pursuant to section 1105(g) of title 31, United States Code, as soon as practical after its submission.''.

SEC. 203. PROCEDURE IN THE SENATE.

Section 305(b) of the Congressional Budget Act of 1974 is amended by inserting at the end the following:

''(7) Notwithstanding any other rule, it shall always be in order in the Senate to consider an amendment to a concurrent resolution on the budget for a fiscal year comprising the text of any budget submitted by the President for that fiscal year as described in section 1105(g)(1) of title 31, United States Code, and, whenever applicable, an amendment comprising the text of any other budget submitted by the President for that fiscal year as described in section 1105(g)(2) of title 31, United States Code.''.

TITLE III—EFFECTIVE DATE

SEC. 301. EFFECTIVE DATE.

This Act and the amendments made by it shall become effective for fiscal year 1997 budget submitted by the President as required by section 1105(a) of title 31, United States Code.

CHANGING THE DIRECTION OF GOVERNMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 60 minutes as the designee of the majority leader.

Mr. SCARBOROUGH. Mr. Speaker, it is truly an honor to have been elected to this great institution with an opportunity to make real changes this year, because I believe, like so many other colleagues on both sides of the aisle, that the American hour is upon us, that now is the time for us to decide once and for all which direction we are going to take this Government, whether we are going to follow the same failed policies that have hurt this country over the past 30 years where we turned to Government to answer every single problem we have in our towns and in our counties and in our States, or whether we, instead, turn back to those simple, basic premises that our Founding Fathers laid as the foundation of this great Republic.

James Madison wrote over 200 years ago as he was framing the Constitution, ''We have staked the very existence of the American civilization not upon the power of government but upon the capacity of each of us to govern ourselves, to control ourselves and sustain ourselves according to the Ten Commandments of God.''

And Thomas Jefferson wrote, ''Government that governs least governs best.''

And what does our 10th amendment say? It says all powers not specifically given to the Federal government are reserved by the States and the citizens.

Well, what has happened? Where have we gone in the past 40 years? We keep turning back to government.

I could not help but hear one of the previous speakers talking about all the horrible things that would happen if we actually dared to try to balance our budget, like children would starve, grandparents would be kicked out in the streets, locusts would descend upon Washington.

Let me tell you something, this is not the type of government that Thomas Jefferson and James Madison and George Washington and Benjamin Franklin and our Founding Fathers intended for this country. It was about individualism. It was about the power of communities and families working together, not looking to Washington to try to figure out every single problem, but to band together as a community and as a family and as a State.

But that was the whole idea of States' rights. That is what the Federalist Papers were all about, about the power of States to conduct a type of welfare reform or conduct a type of health care reform that they wanted to conduct instead of having one highly centralized government unit.

Is that not what we were trying to get away from when we had a Revolution over 200 years ago, to get away from King George III, to allow families, individuals and communities to once again decide their own destiny, instead of having the Federal Government that tells us what doctor we want to choose, how we want to protect our family, and now, with these other reforms, how we want to take care of education? It just does not make sense.

And you know what? A year ago I was sitting on the couch, and as a citizen, I got fed up, Mr. Speaker, and said enough is enough, I want to take part in this process; I do not care whether I win or lose, I want my voice to be heard, and I thought it was a unique story. I did not have a lot of money. I did not have a lot of traditional support. I just had ideas.

And I thought they were my ideas and my ideas alone until I came here and found out that 85 others had similar type ideas.

And what had happened was everybody started talking, whether it was on C–SPAN or on talk radio or on E-mail or through faxes; citizens in this country became empowered, and because of it, we were able to speak as one voice without lobbyists in our camp, without the traditional party power brokers on the local level in our camps. We were able to do it on ideas and ideas alone, and because of that, we have an unparalleled opportunity in the 104th Congress to make real changes and make real reforms.

It starts by balancing the Federal budget. It starts by doing what middle class families have had to do for 40 years, and for what State legislators have had to do for 40 years, but what this Federal Government has failed to do since 1969.

It is a very simple premise, and yet if you hear supply-side economics professors talk on one hand, it can make your head swim. If you hear Keynesian economics professors talk on the other side of the matter, you say, well, how do those numbers add up. What we are trying to do is have a very simple economic theory, and it goes like this: You only spend as much money as you take in. What is so radical about that

concept? Why is it that when we want to act the way middle class Americans act we are called the enemies of children, the enemies of education, the enemies of farmers, the enemies of grandparents, and the enemies of all things that are right, noble, and just?

□ 1600

I have got a 91-year-old grandmother who gets $350 per month. I do not want to kick her out into the streets. I am not going to vote to kick her out into the streets.

I have a 7-year-old boy in first grade, and I do not want to hurt his chances in higher education. But does that mean we need a Federal bureaucracy telling school teachers in Pensacola, FL, or in Maine or in Washington State how to teach our children? No, it does not. That is what this revolution was all about.

Make no mistake of it, the 1994 election was a revolution of sorts. Do not let them revise history in a few months, do not let them start convincing you that all of a sudden these mean Republicans have come into town, or these conservative reformers have come into town and all of a sudden want to do all these things that they did not promise.

It is about a real revolution. Yet in a few weeks, inside the beltway, all that we have heard is what we cannot do and what we will not do and why we continue to do it.

I am here with other members of the freshman class to tell you that it can be done and it will be done, but only with citizens' help.

Mr. Speaker, I yield now to the gentleman from Kansas to address the House.

Mr. TIAHRT. Mr. Speaker, when I read the Federalist Papers, which Speaker GINGRICH has recommended to each of us, I am challenged because the Federalist Papers remind each of us who have received the honor of representing the people that we have also received the responsibility of representing them.

I am reminded how revolutionary the concept of a constitutional Republic was to the people of that time. They were engaged in a great experiment, an experiment in democracy.

In a sense, we are undertaking a new experiment in democracy. This new experiment is not so much about new ideals, but about tried and tested truths. For too long Washington has dictated to the people that they should do how they should do it. This Washington-knows-best attitude has grown exponentially during the last 40 years. Tragically during the same period of time, deficits have grown and Government now clearly is out of control.

However, leave it to the American to understand when it is time to act. The Constitution was the wise course of action for our Founding Fathers, and we are thankful for their wisdom.

Today Americans realize it is time, again, to act, that our Government has gone mad and has to be stopped. It is time to stop, look and listen; stop passing programs we cannot afford, look at the States and their examples of balanced budgets and ingenious new programs, and, finally, to listen to the people.

The answers to our problems are not found here in the beltway but in the hearts and the minds of the people who sent us here.

Mr. Speaker, Madison tells us in Federalist 39 that, ''In order to ascertain the real character of the Government, it may be considered in relation to the foundation on which it is to be established.''

What is that foundation? Mr. Speaker, it is the people.

Mr. HAYWORTH. If the gentleman would yield, I must rise and take exception to an article I read in one of this Nation's leading weekly magazines where some of the mentality that has handcuffed us for the last 40 years continues to be propagated throughout the land. Now, one of the leading news magazines in this country, we talk about the dangers of what it phrased as hyper-democracy. The notion that somehow letters to the editor and appearing on talk radio and sending us faxes and sending us E-mail, somehow it is just too mind boggling; somehow it will muddy the water and somehow it will take America down the wrong road.

Mr. Speaker, how on Earth can it be that a government which derives its powers from the consent of the governed can ever be led astray by the input of the governed? Mr. Speaker, to the people of America, we thank you for the mandate of November 8 and we ask the people of America to stay in tune, stay in touch, and stay on top of this revolution.

Mr. TIAHRT. Mr. Speaker, there is no more clear message from the people of the Fourth District of Kansas than that it is time to give government back to the people. They want to be closer to the decisions that are made, they do not want to be spectators in democracy, they want to be players on the field of ideas.

The freshman class and the new Republican majority are asking the people of Kansas and all Americans to come join the team. If we are going to be truly revolutionary, we need their help.

Ronald Reagan reminded us that the power comes from God to the people and from the people to government.

Mr. Speaker, if we want to change the country and get government off people's backs, all Americans must become an active part of this new experiment. They need to write letters to local papers, they need to get in touch with talk radio shows, they need to recruit, educate, and tell their friends and neighbors to all get involved.

What we have been given is a sobering responsibility to once and for all change the way this Government does its business.

The people must make sure that the power they gave us is used for their good and not for our good.

Let us not forget the revolutionary nature of those visionary thinkers who established this wonderful experiment in democracy. We must remember that the people who sent us here are the foundation because all too often the people have not been the foundation but the target, the target in the crosshairs of big, oppressive Government. The reforms that we passed the first day were the good first step in the right direction. Now, joining together with the people, we will work together to end unfunded mandates, work to have a strong tax limitation component and a balanced budget amendment.

I will support limiting the ability to raise taxes and will fight to make it a reality. This is not a time to scale back our goals. Rarely have the people of the Fourth District of Kansas and this country spoken with greater clarity.

Kansans want their Government to be responsive to them, and they want each of us to rise above parochial interests and return the government back to the people.

Mr. SCARBOROUGH. I thank the gentleman from Kansas. I could not help but be reminded, after hearing the gentleman from Arizona, about the press' criticism of this revolution of sorts that took place this year. I could not help but be reminded of an article that I just saw this past week in the Washington Post Weekend section, when they were trying to explain the revolution that took place from coast to coast and explain this hyper-democracy. To describe the American people, this columnist wrote, ''We are nostalgic, we are susceptible, we are poorly informed, we are alienated, we are fearful, we are confused.''

Well, excuse me, Mr. Speaker, if I am not mistaken, the American people had more access to information on this campaign than they have ever had in the history of the Republic. Between the rise of talk radio and CNN and C-SPAN and other media outlets, this was a truly open political process. To write, as this columnist did, that this revolution happened because we are poorly informed, we are alienated, we are confused, is absolutely inexplicable.

It reminds me of what happened in the early 1980's when this Government, once before, tried to cut back the size and scope of the Federal Government. Before the first cuts were made, there was an article in Newsweek that had a picture of a poor, pathetic, hungry, dirty young girl. What was the headline? ''Reagan's poor.''

He had been President for a year, and already he was being saddled with this as being his fault because he was proposing cuts.

And what did we see over Christmas on the front pages of weekly magazines? Was it stories about how we can balance the budget, how we can put an

end to 40 years of madness, of tax and spend, tax and spend, tax and spend policy? No. It was a cartoon with a caption: ''The Gingrich that stole Christmas.''

Really original, really cute, but it had absolutely nothing to do with how we were going to handle the tasks in front of us. We have been hearing for the past few weeks Members on the other side of the aisle come before the Speaker and talk about everything but specific cuts and on the need to balance the budget.

□ 1610

We have heard complaints about the fact that we did not spell out every single penny we were going to cut from the budget for the next 40 years. We have heard references to GOPAC. We have heard references to the Historian and an article she wrote 10–15 years ago. We have heard references to NEWT's mom. We have heard references to everything but what is germane and central to this very important discussion, and I yield now, to go into this further about specific cuts, to the gentleman from Kansas [Mr. BROWNBACK].

Mr. BROWNBACK. Mr. Speaker, it is a pleasure to be able to address this body, and it is a pleasure to be able to be a new Member of this body. It reminds me of all the newness, that perhaps there also is something else new, that perhaps the new federalists, to take a phrase from the gentleman from Florida that was used before, that we are the new federalists coming into Washington with an idea of less government, with an idea that government is governing too much on the people, with the ideas that Thomas Jefferson put forward, that many of us, as quoted frequently and often before.

One of my favorite Jefferson quotes is him saying that the moments for great innovation in society are few and far between. I think we are at one of those great moments where society has spoken with such great clarity that they want much less government, that they want a reformed Congress, that they want a return to the basic values that built the country, values of work, values of family, a recognition of a higher moral authority. It seems to me that that is what the people said on November 8. They wanted to reduce the Federal Government, reform the Congress, return to basic values.

I think we were sent here to this new Congress not to make the Federal Government work and do more with less. We were sent here to make less government. Republicans did not seize the majority because the other party did a poor job of trying to run the country from Washington. We won because they tried to run the country from Washington, and you know this country is just too big, too diverse, and its people love freedom too much for that to work. In a free society government is the people's servant, not its master. You know today the U.S. Government employs more people than we do in the manufacturing sector all told. We have more people working for the Government than we do making tractors, and tires, and computers. That is just insane. The fact is there are more Government departments and agencies which I believe could be completely abolished without American citizens even knowing. In fact, the public would be better served if most of the decisions government makes were instead left up to individuals, and families, and communities. Government today collects more taxes, spends more moneys, and issues more regulations than ever before. We have never had so many laws, or agencies, or regulations. Even through the Reagan and Bush administrations not a single Cabinet-level agency was abolished. In fact, one was added.

The growth of government has been slowed, but it has not been stopped. It now must be reversed. We must question the entire existence of many of the bureaucracies. Merely trimming a branch from the tree will not be sufficient. I think we are going to need to work to pull out the whole tree, roots and branches, if necessary. With this approach we can certainly find enough savings to balance the Federal budget and return money to the taxpayers, which is what we should do, which is what the goal of the new federalists should be.

But the most important point in this new paradigm is that these cuts are not just about paying. They are about freedom. They are about opportunity for a new society. They are about a new relationship between the Federal Government and its people, and that is the vision that we need to deliver to the American people, that new vision, that new relationship, that less government dependence is more personal freedom and that freedom to express, to grow, is what has made America in the past. That is what will make America grow even greater into the future.

Mr. Speaker, remember always the Government actually produces nothing. Government cannot give until it takes away. We must never forget this central premise. We need to get the Federal Government off the back of the people and out of their pockets, and that should be a goal of the new federalists.

Mr. SCARBOROUGH. Mr. Speaker, I thank the gentleman from Kansas not only for his comments, especially about freedom, because during my campaign there was actually an opponent of mine that gave one of the finest speeches I think I have heard, and it was about freedom. He said what we need to do in Washington is make cuts in spending and regulations, not because we want to hurt people, but because it is about freedom, and then he reminded us what Americans have done over the years to fight for freedom, that it was freedom that we were fighting about at Iwo Jima, and it was freedom in Khe Sanh, and it was freedom over these 200 years, and it is that freedom now that we have to fight for, like the gentleman said, talking about those trees.

Mr. BROWNBACK. If the gentleman would yield back, my point with this is that so much of the time when we talk about cutting the Government we absolutely must do this, too. It is insane to run $200 billion annual deficits and put that on the backs of my children and grandchildren to come. That is wrong. That is morally wrong to do that. At this point in time in our history it is wrong.

But instead of focusing all the time, as we do so much of it on saying, ''OK, this cut is going to hit here, this one is going to hit there, it's going to hit here,'' what about all the liberation that takes place with that? What about all the freedom of the people? I think this has been an insidious relationship between the Government and its people over time, that it has grown and strengthened those bonds and surrounding us to the point that the Government has become our master and not our servant, and it is time to cut those shackles off. It is time in many cases to pull the whole tree up instead of saying we are going to cut the little branch off. Here it may be time, and it is time, I believe, to cut the hole and pull the whole tree up to give that freedom back. and let us talk about the freedom and the opportunity that that will yield to America and to this society and the growth that that is going to create, the entrepreneurial spirit that that will create for us instead of the, well, what is it going to do here and this for you? What about this particular program? What about that? That is the narrow. The bigger picture is much prettier.

Mr. SCARBOROUGH. If the gentleman would yield back, I cannot help but think about one particular agency in general, and I know, without getting into the specifics, I have wondered what has been happening with the Department of Education, a bureaucracy that has not been around for 200 years, but since its inception and since it achieved Cabinet-level position, look what has happened in our schools. Look what has happened to our young people. As our Speaker has been saying for so long, we live in a country where 12-year-olds are having babies, where 15-year-olds are shooting each other, where 17-year-olds are dying of AIDS, and where 18-year-olds graduate from high schools with diplomas they cannot even read. What has this Federal bureaucracy that was supposed to help our children done for us for all the money that has been poured into it over the years?

Mr. BROWNBACK. I think it is a legitimate question, one that we have not asked, one that needs to be asked, and I hope that we, as Members of this new 104th Congress, will be asking that very question of that agency and many others. What is it indeed that has occurred here, and should we continue it, or should it be stopped?

Mr. SCARBOROUGH. I thank the gentleman from Kansas, and I now yield to the gentleman from Michigan [Mr. CHRYSLER].

Mr. CHRYSLER. Mr. Speaker, on January 4 we witnessed an historical change here on the floor of the House of Representatives when Republicans took control after 40 years. On that day the distinguished gentleman from Missouri [Mr. GEPHARDT], the minority leader, passed the gavel and eloquently called for a new era of debate to begin.

□ 1620

Well, the freshman class was eager to engage in that debate. We passed nine bills the first day. I was proud to introduce the first one. And that included the Shays Act, which makes government live under the same laws as all the rest of Americans.

We are keeping our promises to the American people. And this week the debate will continue. We will vote on unfunded mandates, and I believe they will pass, and they are necessary.

The States need to be assured that the Federal Government does not balance its budget on the backs of the States, and that is what the unfunded mandate legislation is all about.

Next week we will vote on the balanced budget amendment with tax limitations. Over 80 percent of the American people support a balanced budget amendment. Inside the beltway, this is a great cause of concern. Back home in Michigan, we call it common sense.

In addition, many of us have sought to protect the American people from further tax increases by supporting the tax limitation amendment. The provision will ensure that Congress will not and cannot balance the budget on the backs of its citizens.

Such a provision would force lawmakers to balance the budget the same as millions of American families do every day. Hard working Americans do not have the benefit of spending more than they take in, and neither should their Federal Government.

We are looking pass the first 100 days, and certainly the distinguished gentleman from Kansas talked about the Department of Education. The Department of Energy would be another consideration, privatizing HUD and maybe the Department of Commerce. We need to rethink government at every single level. We will not lose our focus, because we work for you, the American people.

Mr. SCARBOROUGH. I thank the gentleman from Michigan. I would like to recognize and yield to the gentleman from Nebraska.

Mr. CHRISTENSEN. I thank the gentleman from Florida. You know, very soon we have the opportunity to stand and deliver to the American people. Recently we talked about the Contract With America, that we would bring to vote the 10 items within the Contract With America. And one of those items within that contract was the balanced budget amendment, something I campaigned for for a very long time.

But, Mr. Speaker, not just any kind of balanced budget amendment, a balanced budget amendment that has taxpayer protection as its centerpiece. The taxpayer protection I am talking about is the three-fifths super majority.

But what does that really mean? It means that it is going to take 290 votes to pass any future tax increase, 290. That is very important, you see, because currently it only takes 218 votes to pass a tax increase, a simple majority.

Now, some in this body would say don't handcuff the Federal Government by tying our hands so that they can't raise taxes when they run out of revenue and just make it very easy for them to go ahead and pass another tax increase. But, Mr. Speaker, that is exactly why we need the three-fifths super majority for future tax increases, so it is going to make it tough to raise taxes in the future, so that when they do run out of revenue they can't just turn to raising taxes on the backs of the American working man and woman. They are going to have to look at the other side. They are going to have to cut spending and look at other ideas to make the books balance.

One of the things that I have talked about for along time is that this Congress should operate like a business. They should balance the books like every business balances the books. They should run their budget like a hard working man and woman working together to balance the books of their own family.

You know, on November 8 the American people sent us a message. They said enough is enough. It is no longer big government. We are going to send in the conservatives. And we are here. But the protection that I am worried about is after we are gone. Some of us are going to move on to the private sector. Some of us are going to move on to other offices. Some of us are going to do other things. And what about the protection for the American taxpayer when the 104th freshman class is no longer here to speak for the American taxpayer? And that is why we need a three-fifths super majority.

You know, I have heard for a long time that liberals in this House have said that you just can't handcuff us. You cannot handcuff us. Well, Mr. Speaker, that is exactly what we need to do. We need not only to handcuff the people of this institution, but we need to throw away the key, so that no longer can they do it with a simple majority. Three-fifths is the magic number, 290 is the vote. Whether you are a business executive or a homemaker, we need your help more than ever. We need to energize the troops. We need to have you call on your Representatives, because we want to make it tough, because we wanted the books balanced, and we want a good, tough, strong balanced budget amendment.

Mr. SCARBOROUGH. I would like to ask the gentleman from Nebraska if he is persuaded by the arguments that he has been hearing about the reasons why we need to go ahead and cave in and not support this three-fifths majority for a tax increase in the balanced budget amendment.

It seems to me I have heard time and time again, you cannot support that, because it will never pass. It will never fly on the other side. The Senate will not pass that bill with a three-fifths majority requirement.

I say let them vote on it when it comes in front of them. I think any conservative, any fiscal conservative, whether he or she be a Democrat or a Republican, would be hard pressed to vote against a taxpayer protection plan like this three-fifths majority includes in it.

Mr. CHRISTENSEN. If the gentleman will yield, that is exactly what this is all about. I am not worried about what the other body is going to do. We have 230 votes on here. We have to find another 60 to make it 290.

Once we do that, the ball is in their court. But we have stood and delivered to the American taxpayer. That is what we were sent here to do: Stand up for the little guy, stand up for the hard-working man and woman who are out there fighting under the taxation and regulation of this Federal bureaucracy, who do not know what makes this country run.

This country was founded on free enterprise, on the principles of capitalism, and we need to return that power back to the people, and that is what they said to this Congressman from Omaha, NE, on November 8.

Mr. SCARBOROUGH. I would like to ask the gentleman from Nebraska one final question: Were you elected in Nebraska by your constituents because of your ability to read the minds of the Members of the Senate on how they would vote on particular bills?

Mr. CHRISTENSEN. If the gentleman from Florida would yield, I was elected from Omaha, NE, because I was going to come back here to Washington, DC, fight for the little guy, relieve some taxation from this body, so the American man and woman would have an opportunity to put money away on the weekend, to put money away at the end of the month, to put money away at the end of their years for their future retirement, to pay the bills, to send their kids to college, and that is exactly what this body is going to do. And I am proud to say I am a member of the conservative 104th class. And we are going to change the way this body does business, because we mean what we say, and we are looking forward to making it happen.

Mr. SCARBOROUGH. I thank the gentleman from Nebraska.

Now I would like to yield to the gentleman from Maine.

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

Mr. LONGLEY. It is interesting that 2 days ago, and I am almost embarrassed to bring this up, but the supreme court of the State of Maine heard arguments on a question of whether the Girl Scouts in the State would be required to pay State sales tax on their Girl Scout cookie sales. And in the course of the argument, the State tax assessor argued that learning responsibility of paying taxes was part of what it meant to be a Girl Scout, or, in effect that we have succumbed to the level in this country or at least in this State and in this country, where we are literally chasing 10-year-old girls around to collect sales tax.

The same problem is existing on the Federal level. It think it is bad enough and I heard this over and over again in my campaign, that we have reached the point where government was stooping to any length to get its hands on any extra nickel that it could from the taxpayers.

It is bad enough that government is taking the bite that it is taking, particularly out of wages. But it has reached the point where it is not only taking money out of our checks and taking money out of our lives, but trying to tell us what to do with the rest of it.

I am very interested to see a very important document, and I carried this in my campaign, a copy of the Constitution and Declaration of Independence. Over 200 years ago Thomas Jefferson said in very simple words, we hold these truths to be self-evident, that all men are created equal; that they are endowed by their creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness. But most important, to secure these rights, government are instituted among men, deriving their just powers from the consent of the governed.

Government was not meant to be our master. It was not even meant to be our partner. It was meant to be our servant. And with all the talk today about reinventing government, I think that the language perhaps has been misdirected. We need to get back to the basics. We do not need to reinvent anything.

□ 1630

The best wisdom that has ever been written about Government and the democratic system and the free enterprise system is contained right in words of this document. I think we need to get back to it.

I might add that I am also honored today to be part of a group of freshmen that is literally launching the first days of a new American Revolution. A couple of years ago there was talk about a gang of 7. I am very proud to be part of a gang of 73. Hopefully we can turn this country around, get the limits that we need on the growth of the Federal Government by forcing a balanced budget by the year 2002, and by insisting on a three-fifths majority rule as it relates to any future tax increases to make it more difficult for government to try to purchase its way or mandate its way out of the system through the taxes on the working people of this country.

Let us make it clear, in my campaign I campaigned on the fact that if I bought a pack of cigarettes, I pay three taxes. If I bought a can of beer, I would pay four taxes. But if I went out in this country and created a job, gave a working person work, I would pay or manage nine different taxes. Literally three times as many taxes as on the pack of cigarettes or twice as many taxes as on a can of beer.

When I look at those taxes, and let us talk about the minimum wage. There has been some talk about, a call for an increase. Yes, I would love to increase the take-home wages of working people. But when we look at what the Government has done at a minimum wage of $4.25 an hour, those nine taxes, five paid or managed by the employer, four paid by the employee, at the minimum wage they exceed 20 cents and, in many cases, approach 25 cents or more per dollar of wages. That is clearly exorbitant.

When you look at the totality of wages that we collect, the taxes that we collect in this country, the bulk of them are taken out of the wage base, out of the wages and pockets of working people. It is time that we got away from the politics of greed and envy and realized that we are all in this together. We have to deal with this together, and we have to deal with it by dealing with a government that is spending more than it takes in and does not show any signs of relinquishing.

I want to end on this note: I am very proud that today our Speaker, the majority leader, and the majority whip have addressed a letter to the President of the United States, pointing out that on, this past Sunday, and I will quote from the letter, that the Labor Secretary said ''the President is against simply balancing the budget.'' When there was another question about balancing the budget, the Labor Secretary said, ''your question assumes that the goal is to balance the budget.''

In the letter we point out to the President that this contradicts his 1992 vow to put forth a plan to balance the budget. And we are going on, and I am happy to endorse what our Speaker and leadership have said, we call on the President to be consistent with the likely approval of a constitutional amendment requiring a balanced budget by the year 2002. We call on him to submit a budget that would reach that objective and that would be consistent with his 1992 campaign pledge and that he disavow the comments made by his own labor secretary.

Finally, I want to address my comments to the American people. It is clear to me as a freshman Member of this body that the bias in Washington is in favor of increasing taxes. It is in favor of increasing control in Washington. We need to turn this government around. We need to reempower individuals and citizens. We need to reempower the private sector. We need to reempower local and State government. We need to put a collar on a Federal Government that is out of control. And it is only going to happen if the public demands it. It will not happen if you leave Washington to its own devices.

Again, I want to end on this one vote: Barely 2 weeks ago I stood on this floor with my 6-year-old daughter Sarah and my 10-year-old son Matt, and it was extremely troubling to me to realize, as I am sitting here about to take my oath of office as a U.S. Representative from Maine's First District that my 2 children, a 6-year-old and a 10-year-old, that we are literally spending money today in this country that my children are going to be forced to repay. And that is not only a burden on our own economy, it is a tremendous burden on the future and the opportunities that I hope that we can leave to my two children, my son and my daughter. I know that many parents feel the same way I do.

Sir, I appreciate the opportunity to address this body. I am happy to be part of the opening day, the first salvos in an effort to get this Federal Government to adopt a balanced budget amendment and to put a restriction on its ability to increase taxes.

Mr. SCARBOROUGH. Like you, I carried around a copy of the Constitution during my campaign, and I still do it today, simply because this is a second American Revolution that we are embarking upon. People have talked about the Contract With America for the past several months, and it is an extremely important document, but not only because of what it does today but what it is going to empower this body to do over the next 10, 20, 30, 40, 50 years. And that is, to continue taking us forward into a direction that will actually help us abide by the original Contract With America, which was that very Constitution that you and I and millions of other freedom-loving Americans carry around every day.

I thank the gentleman for his remarks.

Mr. LONGLEY. I just want to pick up on what you said, because this is the fundamental Contract With America. I think that we do not need, we do not have anything that we need to reinvent. We have a system of government that is the finest in the world, that has stood the test of 200 years of American history. We need to get back to the basics. It was a government based not only on a Constitution but the 10 Bill of Rights, including the 10th amendment, which is something that, again, this Government was based on local and State government, delegating responsibility to the lowest level, consistent with the need to achieve results.

Again, we have build up a Federal bureaucracy, a government in Washington that is consuming resources left and right, is drowning the country with not only red ink, but it is totally seizing the tax capacity of this country to the derogation of individuals in local and State government.

I just want to end on, add one other note. It only occurs to me, as you raised your question.

I am fortunate, in the early 1970's, my father, now deceased, served as Governor of Maine. He was an independent. And he was also one of the initial cochairs of the national effort to balance the budget.

The initial committee consisted of Gov. Dolph Briscoe, a Democrat from the State of Texas, a Republican, former Treasury Secretary William Simon of New York, and my father, independent Gov. James Longley of Maine. That was 18 years ago, 18 years, and we still have not dealt with the problem.

Again, I appreciate the opportunity to address this House.

Mr. SCARBOROUGH. Mr. Speaker, I yield to the gentleman from Arizona [Mr. SHADEGG].

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

Mr. SHADEGG. Mr. Speaker, I would like to begin by commending the gentleman from Florida for bringing this issue forward. Indeed, on November 8, the American people sent the first shot, I believe, of a new revolution, a revolution not to change America but to restore America, a revolution which will remind us and our children and our grandparents that America was built around the premises outlined in the Constitution, which the gentleman from Florida raised at the outset of this hour.

Those premises were that people relied upon themselves, could govern themselves best, that a central governmental authority like we had escaped in England was not the best way for men and women to govern themselves. But, rather, that we should have that government which governs least and that men and women of this country for the first time would be free to determine their own future, to succeed or to fail on their own ingenuity, their own energy, their own effort and their own drive and that there would be no guarantee from government other than that of equal opportunity.

We have drifted so far from that that it is difficult to even recognize the Government that we once began. The principles which were at the heart of that Government have become ignored regrettably here in this Capital City, and it is time that we returned to them.

You began this debate by reminding us of the words of the 10th amendment. I think it is worthy to reharken to those words on many occasions. That amendment of the Constitution says that only those powers delegated specifically to the Federal Government are for use and exercise by the Federal Government and that all other powers are reserved to the States and to the people respectively.

□ 1640

I submit it is time to begin to review not just some pieces of legislation that pass through this distinguished body, but every piece of legislation which passes through this distinguished body, on that standard. In fact, is it within the power of the Federal Government to legislate in the area, or is it, rather, reserved to the States or to the people?

When I ran for this office, I did so on a premise that it simply was not true that the people who occupy this hall and the one across the way, and the army of bureaucrats that they control, know better how to run the lives and the businesses of the citizens of the State of Arizona than those people in my district and in the State of Arizona, and, indeed, across America. I simply reject the premise that Washington, DC, is the font of all wisdom, and that we can manage every business and run every life better from the floor of this House than those individuals can do for themselves.

The simple truth is, that stands the premise of this country on its head. I trust the people of Arizona, the people of Florida, and the people of America to determine their own fate. Yes, we need laws. We need to deal with those issues which cannot be dealt with by the States or by individuals, but we have gone so far beyond that that it is hardly recognizable.

Let me talk, briefly, about an issue that has been touched upon here, and that is the issue of the balanced budget amendment, Mr. Speaker. It is absolutely essential and an essential element of the Contract with America that we pass a balanced budget amendment.

That is critical because we have discovered what Paul Harvey has warned us, and that is that self-government without self-discipline doesn't work. Regrettably, what has happened is that we have come to that point in America where at least all too often we have determined that we can vote ourselves benefits out of this body without ever having to pay for them.

Like you, I listened to the gentleman before this hour started talk about the dire consequences which would result if we simply enacted a provision requiring a balanced budget: that children would go without education in his particular school district, that schools would not have the resources they need; that the cities and towns in his particular district would not have the funds necessary.

That simply cannot be true, Mr. Speaker, because if that is true, then he is asking the people of some other part of America to subsidize the schools and the cities and the towns and the counties in his district.

The truth is there is no free lunch in America. If in fact there is a subsidy going to the schools or the towns and cities and counties in his district, that means that they would not have sufficient resources to run those schools, those cities, or those towns without getting money from Washington, DC. Then, in fact, he is asking America to subsidize his community. That is dead wrong.

The Federal Government cannot provide resources to one district that it does not first take from another. So the balanced budget itself is absolutely critical, and it is no more complicated than the principle you laid out at the outset, which deserves repeating, and that is that the American people can have and should only have the amount of government that they are willing to pay for.

However, there is a critical decision which will be made on the floor of this House within the next 10 days. That is will we pass a simple balanced budget amendment or will we pass an amendment with teeth.

I have been talking with the members of our class, and they are uniform in their belief that a simple balanced budget amendment is not sufficient; that indeed, it does not exact the degree of discipline which is needed in today's world, and that what we need, rather, is a super majority requirement to raise taxes.

Why is that? It is true because Government has discovered that we have anesthetized the taxpayer. We can take money out of their pocket through withholding and they never know it is there. So every time someone in this body dreams up a new idea for a new Government program or to solve somebody's problem, all we have to do is raise taxes just a little bit to pay for that good idea.

The burden has become excessive. It simply is not true that Government taxes too little. It is true that Government spends too much.

Let me relate a personal experience that I have. I have never served in a legislative body before having the privilege of joining this one, but I did have the privilege of serving as a part of a group of people who advised the Arizona legislature.

I sat in on countless meetings where citizens with good intentions came to a member of the Arizona legislature and said, ''Here is a serious problem. We need you to solve it.'' They played upon the emotions and the sympathies of those elected representatives, and of course their instinct was, ''yes, we should solve the problem.''

However, there was something missing in that dynamic. What was missing in that dynamic is that no one was there to represent the taxpayers who were to be asked to pay for that purportedly essential or necessary service.

It is time for structural reform as a part of this revolution. It is time that

we placed limits on the ability of Government to casually dip into the pockets of an already overtaxed citizenry. The way to do that is with a super majority requirement.

That is, if the citizens and taxpayers of America cannot be participants in that conversation where we are being asked to extend one more Government benefit, then make the structure of Government so that it is harder to raise taxes. Put them there by virtue of a structural change which would say ''We cannot raise taxes upon a simple majority. We must do it upon a super majority.''

On this floor within the next 10 days we will have an opportunity to vote for a requirement that says ''No future tax increase can be enacted without a 60 percent majority.'' I urge the people of America to get on their fax machines and their phones and to use their letters and any other communication device they have, buttonhole their Member of this Congress in the next 10 days, and tell them that they are not undertaxed but they are overtaxed; that we need a real reform, and that what we do not want is a balanced budget amendment which will lead to a balancing of the budget by an increase in taxes, but that what we need essentially in America is a balanced budget amendment which will lead to a balanced budget balanced on the basis of spending reductions.

This is a critical vote. It will occur within the next 10 days. I urge the American people, you are participants in this revolution.

Mr. SCARBOROUGH. I thank the gentleman for his comments. Again, from hearing him talk, I was once again reminded about the dire consequences that this Member who spoke earlier and others have been speaking about, talking about what would happen if we passed a balanced budget amendment, what would happen if we actually lived by the words of the Constitution.

I have to ask you, in your reading of the balanced budget amendment as it is, does it seem to be ideologically driven by conservatism or by liberals, or is it value-neutral and policy-neutral as far as just what the goal is, and that is, to spend as much money—only as much money as you take in?

I yield to the gentleman from Arizona.

Mr. SHADEGG. Mr. Speaker, the language of the draft which I hope will appear before us states a simple principle, and that is, first, we must balance the Federal budget and, second, future tax increases will require a super majority. It is built around the premise that I think Paul Harvey best elocutes, and that is simply that self-government without self-discipline won't work.

The sad truth is that what we are doing now is we are voting ourselves benefits, but passing the bill on to our children, our grandchildren, and our great grandchildren. However, more than that, because we are creating that debt, we are also creating an interest burden, which means we have fewer and fewer dollars to pay for today's services because we are paying the interest on the debt we are creating, because we simply refuse the discipline to say no to extra spending.

The super majority or three-fifths requirement would institutionalize that discipline which is so critically needed, so we do not continue the policies of tax and spend and tax and spend and tax and spend, to the point where we are today creating an underground economy where people no longer are willing to pay the onerous tax burden we are imposing on them because they simply understand they are not getting their dollar's worth.

Mr. SCARBOROUGH. Mr. Speaker, I thank the gentleman for his comments, and would now like to yield to the other member of the Arizona delegation.

Mr. HAYWORTH. I thank the gentleman from Florida. I would like to note what a personal thrill and high honor it is to stand alongside my friend and colleague from Arizona. We live in neighboring districts, and our people share similar thoughts and values.

Mr. Speaker, one of the things we have to remember was echoed in a previous remark by my good friend, the gentleman from Maine. It is that we are really not actively involved here in reinventing Government as much as we are involved in remembering what made this Government great, and what made it the last, best hope of mankind.

Though we may use the rhetoric of revolution, and indeed, after 40 years of maintaining an old order, it may seem revolutionary, Mr. Speaker, what we advocate is really not radical. Instead, it is reasonable.

In the remarks we have heard from the other side throughout the 104th Congress, there seems to be an important ingredient missing. It is this realization. The money talked about and the funds appropriated and the horror stories of alleged losses and decreases in funding that Members on the other side of the aisle would point to fails to understand this basic point. It is not the Federal Government's money. It is money that rightfully belongs in the wallets and the purses of the citizens of the United States.

□ 1650

They know best how to spend their hard-earned money. They know best how to care for their families. One size does not fit all.

Mr. Speaker, the answer is not found in government, but in ourselves.

Mr. SCARBOROUGH. I thank the gentleman from Arizona.

I must echo what he says, that the answers don't lie in Washington, and more importantly they don't lie on one side of the aisle.

This is a battle that is going to be taken up on both sides of the aisle.

I know on December 7, 1941, when Franklin Roosevelt stood before the House and Senate, as they declared war on Japan, it was a bipartisan effort. On that day, nobody cared whether you were a conservative or a liberal, or whether you were a Republican or a Democrat. They only cared that you were Americans. I can say this, that today, and as we approach this vote, it does not matter whether we are conservatives or liberals or Democrats or Republicans. The only thing that matters is that we begin treating our checkbook the way middle-class Americans treat their checkbook, and that we only pay what we have.

It is a very simple request that the American people have given us. I see the gentlewoman from Ohio, and I know that she, too, is concerned about this on the other side of the aisle. We have to remember that one party does not have all the answers. But we have got to start somewhere. I believe this three-fifths supermajority to raise taxes is a great way to start, because this year, more than any other year before us, we can make a difference.

The 104th Congress can bring about true reforms if both sides of the aisle will work together and if conservatives all across America will step forward and say, ''Enough is enough.''

I would like to end my remarks by quoting someone who said this in 1966, and the quote is inspirational and talks about American individualism, and what can happen when Americans get off their couches and dare to make a difference.

The quote goes like this:

> It is a revolutionary world we live in. It is young people who must take the lead. We've had thrust upon us a greater burden of responsibility than any other generation that has ever lived.
>
> ''There is,'' said an Italian philosopher, ''nothing more difficult to take in hand, more perilous to conduct, or more uncertain in its success than to take the lead in the introduction of a new order of things.''
>
> There is the belief there is nothing one man or one woman can do against the enormous array of the world's ills, against misery and ignorance, injustice and violence. Yet many of the world's great movements, of thought and action, have flowed from the work of a single man or woman.
>
> It is from numberless diverse acts of courage and belief that human history is shaped. Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring those ripples build a current which can sweep down the mightiest walls of oppression and resistance.

That is what has happened in 1994 and 1995. Centers of energy from the people across this country have stood up and individuals have dared to get off the couch and make a difference.

I would like to commend the late Senator Robert F. Kennedy for making that statement in 1966, and I think it is a fitting statement that we as Republicans and Democrats can take forward

as we dare to make a difference and reform this Congress that has needed reforming for so long.

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

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

FOREIGN TRADE POLICY RELATIVE TO BAILOUT OF MEXICO

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 60 minutes.

Ms. KAPTUR. Mr. Speaker, I listened with great interest to my colleagues on the importance of keeping our national accounts in order. I have come to this well over the last decade of my service in the Congress echoing those very same concerns, especially as it relates to our people's ability to earn decent incomes in America and to benefit their families through their hard work as well as through gain-sharing in the workplace, where people in our country work very hard, they should gain from the productivity that they have been a part of increasing, and, therefore, I am a great supporter of all types of programs, for employee stock ownership, for worker gain-sharing so that people in our country can become self-sufficient. For too long Washington has turned a cold ear to so much of what has been happening across our country in the streets and blocks of our neighborhoods.

This evening I come to the floor to talk about the connection between people's jobs and their incomes and our foreign trade policy, because one of the biggest budget-busting items that is likely to come before us next week has to do with the bailout of Mexico that will be put on the backs of our taxpayers, and of all things they want to put it off-budget, which means that as we consider this vote next week, and as I understand it, no hearings are going to be held in the House of Representatives on this issue. This bill is going to be moved only through the Committee on Rules at the will of the Speaker and will be brought here to the floor without any of the hearings that are normal procedure for a measure of this magnitude which already has cost our people over $18 billion—that's with a B—in lines of credit extended to Mexico, largely to hold up, to prop up the speculators on Wall Street who wanted to make big money in Mexico but now are not willing to eat their own losses, and we are told a bill is going to come here next week ringing in somewhere over 40 billion additional dollars, pledging the full faith and credit of the taxpayers of this country. Yet we cannot even have hearings in the subcommittees and full committees of jurisdiction in this Congress.

What is wrong? What are people afraid of? How can we even think about having a debate on a balanced budget amendment when we can exempt major expenditures such as the bailout of the Mexican peso and the Wall Street speculators who now want to reach into the pocketbooks of our people?

I want to put on the RECORD tonight that for 1994, last year, the latest bad news unfortunately has come in on our Nation's continuing trade hemorrhage with the world. This means we are still sucking in billions of dollars of imports more than we are exporting goods abroad. In fact, the 1994 ledger is dripping with even more red ink and more good jobs lost in our country.

In fact, just in the month of November, America had a trade deficit of 10.5 billion additional dollars—that means more imports coming in here than our exports going out—and just in that month alone, over 200,000 more jobs lost in America.

For those who listened to my remarks yesterday, yesterday morning, 7:30 in the morning, in Medina, NY, Fisher-Price/Mattel Co. gave the pink slip to 700 more workers in our country who were told, ''It's time to go home. Your jobs are moving to Mexico.''

□ 1700

Fisher-Price/Mattel does not make one Barbie doll in the United States. Yet they have millions and millions and millions of dollars of sales in our marketplace, and their product is not cheap, $29 to $200 for one of those little dolls. Each little girl in American owns between 8 and 12 of those today. They basically have shut down their production in this country.

The trade deficit is related to your job, my friends, because if you do not have production located in your community and you have essentially outsourced the real productive wealth of your community, you will have lower-wage jobs, you will have jobs without benefits, you will have part-time work, you will be downsized, you will be outsourced. Until you understand the connection between international trade, your job and your pocketbook, 1994 will be known as the year in which the United States suffered the worst trade deficit in history. And for every billion dollars of trade deficit we lose an additional 20,000 jobs in this country. So that means for 1994 over 3 million more good jobs slowly disappeared.

Probably, unless you live in these communities, you do not even know it happened. It is like death by pin pricks as companies shut their doors, like Mattel did yesterday in New York, and the list goes on and on and on.

Nineteen ninety-four will be remembered as the year that NAFTA was implemented, and that trade agreement really kicked in and continued to put the tourniquet around the workers of the United States. It was the year GATT was signed and we will continue to lose more jobs. And the year that we ran up over $155 billion more in trade deficits, more imports coming in here than exports going out.

It is hard to find anything made in America. In fact today I had a rather humorous experience if you want to think about it. People here in Washington are running around with little pins on that say Contract With America. But look at the button, it was made in Taiwan. I just shook my head. We do not even make buttons in this country anymore.

Over 3 million Americans could have been more productive in our country last year if the trade deficit had not been so bad. And, you know, the amazing thing about it, prices are not going down in our country; profits are going up, prices are going up. The only thing that is coming down is workers' wages and their buying power.

Something pretty fundamental is happening to the economic wealth, productive wealth of this country, and Washington better understand it, because it is at the nub of the unrest across our country.

The latest trade data that has come in has special significance as Congress considers a bailout of the Mexican peso. And it is really a bailout of the Wall Street speculators because our former trade advantage with Mexico, which is what they said we had to pass NAFTA for, because America would continue to make money off of that deal, as that trade deficit got worse last year, guess which country we began moving into the red side of the ledger with? Our third largest trading partner, Mexico.

In the month of October, for the first time in a generation, America accumulated a negative trade debt with Mexico. And in November the red ink quadrupled to over $370 million in the red, just in November.

America's trade advantage, my friends, with Mexico, has now disappeared. The advantage has disappeared in less than a year, and now Mexico has its hand out to us to prop up that country's debts that are owed to our Wall Street investors.

When the peso fell 40 percent in December in value, the United States is going to see a continued slide into red ink with Mexico as their exports and the prices of those exports become more attractive in our market and our goods down there become too expensive for them to purchase. Mark my words, the slide is slickening every single month.

Let me now tell you more about the biggest budget buster that this Congress is going to be asked to vote on next week, with no hearings in the committees of this Congress, which essentially means you as a people cannot know. And it is going to hit our taxpayers very, very hard, in the wallet, with the jobs that they will lose to a much cheaper wage environment. You are going to pay in higher interest rates; you are already paying in higher

interest rates because the market has discounted those losses. And you are going to pay in continuing obligations in increasing long-term debt that you will have to pay, because in effect what they are asking is for our people to become Mexico's insurance company, for the North American Free-Trade Agreement, NAFTA, sure is not free. We have lost a company a day to that nation since the agreement went into effect.

Most Americans did not realize that, when NAFTA passed, at its heart was an investment guarantee to the Wall Street speculators, the multinational corporations, and the megabanks that in fact you as taxpayers now have to back up.

If the gamblers went belly up in Mexico, the United States essentially had pledged your full faith and credit, and now the bills are coming due. Fifty-eight billion dollars for beginners.

In fact U.S. taxpayers are now going to pay dearly and not just in more lost jobs. That is bad enough. But without a vote of Congress, last week our U.S. Treasury and Federal Reserve opened our lines of credit to Mexico to the tune of $18 billion, your tax dollars, your deposits in the institutions of this country already sent to prop up the paper investments that the gamblers on Wall Street love to play with. And as far as the Government of Mexico is concerned, what this really amounts to is a new backdoor multibillion-dollar version of foreign aid, but they do not want to call it that, they do not really want you to see it as that, so they are using all kinds of fancy names, figuring most people have not gone to business school, most people do not have a degree in finance. So the $18 billion they extended they did not call what it really is, they called it a line of credit, they called it a swap.

Now they are coming up here next week with a bill they are going to call a guarantee, and backing up the guarantee will be fees. There will be a commitment fee, a basic fee, a supplemental fee. There are so many different fees, but essentially all it is putting debt on top of more debt on top of more debt on top of more debt with higher interest rates, and more debt with higher interest rates that you back up with your tax dollars.

No matter what you call it, you essentially are Mexico's insurance company. But ask yourself what is the collateral? What are your chances of getting your money back?

Last week the Clinton administration and the Federal Reserve started bailing out Mexico with that $18 billion of our currency through the U.S. Treasury, our Federal Reserve. It took no vote of Congress to do that, they do not have to come here for 6 months under the current law. Now the administration is asking us to guarantee this additional $40 billion in loans and there will be no hearings here in the Congress. Believe me, it is a bottomless pit.

The troubling fact about these speculators from Wall Street is they are the very same people who gave us junk bonds back in the 1980's, the very same people who put all of these leveraged buyouts together, who threw white collar workers, blue collar workers, pink collar workers out of work across America because these very same people were so greedy that they cashed out corporations, they bought companies, they dried up their pension funds, they diversified those holdings, they essentially bled out the wealth of this country, they put it in different nations around the world where there is no cheap labor and no democracy. And notice now they are sending those goods back here, and now they are trying to do the same thing as a result of this Mexican deal.

The troubling fact about being this kind of a banker, and I even hate to call it a banker, it is really a speculator form Wall Street, is that they can create money; I wish each of us could, even when there is no collateral to back it up. They have got powerful friends. Let me tell you, my friends, they have powerful friends in the Clinton administration, and they have very powerful friends inside this institution. They like to talk about free enterprise, and being beholden to the rules of the private sector.

□ 1710

But basically they are now coming and running to the Government because they are about to lose a big chunk of money. So when they have gotten in trouble, they have not followed the rules of the marketplace which is when you take a risk to that extent and you lose, you are big enough to eat the losses yourself and not come running to the taxpayers of our country.

The Clinton administration is doing this along with the top leadership of this institution and taking this unprecedented action and doing it very quickly so that you do not really understand it, so you cannot complain and really have input through your elected Representatives here because the value of Mexico's currency has fallen by so much.

Basically Mexico cannot pay its bills. It never has, and with the peso meltdown, keep this in mind, if you think about what is the collateral, its workers' wages have also been cut by 40 percent; the value of its people's savings accounts have been cut by 40 percent. Do you think they will be able to pay back what they owe us on top of all of the old debt that they still owe us?

And I see our colleague from Vermont has joined us, the gentleman from Vermont [Mr. SANDERS], and we are so happy to have him here this afternoon without question, and I know he has traveled the world, as I have; the pain of our people who have lost their jobs, the pain of our families who are worried about affording their mortgages and affording sending their children on to college, when they need help, they do not have the Secretary of the Treasury running around the corridors up here. They do not have the Speaker of the House running around the corridors for them. They do not have the Chairman of the Federal Reserve running around the corridors up here. They do not even return phone calls.

But for this particular deal where their friends, and I underline friends, on Wall Street stand to lose $40 billion and should eat their own losses, believe me, they have worn out the carpets of reception up here. We may have to have a little congressional expenditure to replace the mats that have been worn out over the last 2 weeks as these meetings have occurred behind closed doors.

Why should the Mexican people and the people of our country have to pay for the mistakes made by the Wall Street kingfishers and their friends around the world? Why?

I yield to the gentleman, and I am so happy to see him here tonight.

Mr. SANDERS. I want to thank the gentlewoman from Ohio [Ms. KAPTUR] for her leadership role in this whole issue.

You know, when we talk about the beltway mentality, and we talk about the degree to which Washington, DC, and the U.S. Congress are separated from the pain and the anguish of middle income America, I think you could not give a clearer example of that separation than this $40 billion bailout for Mexico.

Now, two things are happening at exactly the same time. The President and congressional leaders are talking about a $40 billion bailout. For a start, what we are hearing is that because we have a terrible deficit situation, it may be necessary to destroy our Social Security system upon which tens of millions of senior citizens exist. There is no question but that the Republican leadership has in mind massive cuts in Medicare, in Medicaid, massive cuts in nutrition programs for hungry children.

So on one hand, what we hear every single day on the floor of this House is we have a terrible deficit situation; therefore, we are going to have to cut back on the basic needs, the substance, the substantive needs of some of the most desperate people in this country, because of the deficit. Then in the same breath what we hear is, well, we have got to protect Wall Street who are making investments in Mexico, and, therefore, we are going to have to cosign a $40 billion loan guarantee. That is No. 1.

And the second line of rhetoric that we hear is that we are entering into an era of so-called personal responsibility. What we are saying to hungry children in America, we have 5 million kids who are hungry, we are saying, well, you know what, in the new United States of America do not expect the Federal Government to provide you with basic

nutrition, and we say to the elderly people who have paid into Social Security and Medicare for their whole lives, do not expect the Federal Government to stand with you in your time of need. Personal responsibility. You have got to do it on your own. Right? No free lunch.

But at exactly this same moment, we have investors who are interested in buying bonds from Mexico, bonds by the way which are paying 19- or 20-percent returns.

Ms. KAPTUR. One of the interesting points here is how people get hold of these bonds. You know, part of what Mexico owes is money that is owed on the old Brady bonds. For those of you who are TV junkies, maybe you know this, back in the 1980's, the early 1980's, there were all kinds of debt Mexico could not pay back. Then part of it was turned into these Brady bonds. The yield on Brady bonds was 40 percent.

Can you imagine, just think if you owned those bonds. So part of these are being rolled over as a part of this new debt that Mexico has to pay to its creditors.

Now, with this new group they are paying 20 percent at the moment, but, of course, it could go up. Would we not love for the depositors in our communities to be able to earn a 40-percent interest rate at their bank?

Mr. SANDERS. But what I get a kick out of is in this era of personal responsibility it is not enough that you may very well, and probably likely, will earn a 20-percent rate of return on your investment, but we are saying to these very brave investors, ''Well, if you do not make that 20 percent, if the Mexican economy does not improve, if by some chance they are not able to pay you back, do not worry about it, Uncle Sam and the taxpayers are here to bail you out.''

The irony, and I know you and I have discussed this earlier, the irony that some of the people that we are protecting are exactly the same people who have thrown American workers out on the street, taken their jobs to Mexico, now they are going back to these unemployed workers and saying, ''We want you to provide guarantees to the companies that are investing in Mexico today.''

To say that is absurd would be, I think, a massive understatement.

Ms. KAPTUR. If I might just reclaim a moment, last week I sent a letter along with several Members of Congress to our Secretary of the Treasury asking 14 very specific questions, since we are not going to have hearings here in Congress on this major bailout.

I will not read all 14 questions, but just the first two, asking him to, please, expeditiously reply to these questions. No. 1, in view of the fact that U.S. banks are earning historic profits, why is this U.S. Government intervention in the form of a currency swap and lines of credit, this was the $18 billion from last week, necessary? When the private sector gambles and loses, should not those losses be borne by the private sector? That is question one.

Question two is: To what specific banking and corporate interest does Mexico owe the $26 billion in outstanding obligations that come due this year, $10 billion due in this first quarter of the year, and $16 billion of which is allegedly owed to United States interests, the rest being owed to Japanese interests and German interests? Which means our people's tax dollars would have to pay for foreign creditors to Mexico. And how much in additional obligations come due in 1996 and 1997?

But the bottom line is specifically, not in general, to whom is it owed? Which Wall Street investment houses, which speculative investors that are out there in our country and elsewhere? If our people are going to pay this off, all we are asking is let us know who we owe the bills to.

Mr. SANDERS. You are absolutely right. And I think the point that has to be made over and over again is that at a time when America, for working people, is becoming a poorer and poorer country, at a time when the gap between the rich and the poor is growing wider, when so many middle-income people need help, what an absurdity, what an outrage that the U.S. Government today, the President and leaders of Congress are proposing not to stand with middle income people, not to stand with the poor or the working people, but they are going to provide $40 billion of loan guarantees to very, very profitable Wall Street investors.

And if that does not tell you who controls the U.S. Congress, then I think you may never know it.

I would hope very much that we can turn this process about.

I think, I say to the gentlewoman from Ohio [Ms. KAPTUR], it is going to come to the floor next week?

Ms. KAPTUR. That is what we are told, Friday, when everybody is worn out and wants to get home to meet with their constituents over the weekend. So they are going to bring the balanced budget amendments up early in the week, and all the discussion on that, so all the people will be all vented out by the end of the week. There will have been no hearings in the House. They will just slip it in here from the Committee on Rules.

□ 1720

Mr. SANDERS. I will just say to the American taxpayers that if you think that the best use of your money now is to guarantee loans to Mexico, money that is going to be made by large investment houses and big banks, why, then, you should call the President of the United States up, you should call your Member of Congress and, say, ''That is exactly how I want to see my tax dollars being spent. Go for it. We think it is a great idea.''

But if you are concerned about a $200 billion deficit, if you are concerned that there are people here in Congress who say that because of the deficit we have got to cut back on Medicare, on Medicaid, on nutrition programs for hungry kids, and you think that a $40 billion loan guarantee for Mexico is not how you want to see your tax dollars being spent, then I think also you should get on the phone, you should call up Speaker GINGRICH, you should call up my office, Ms. KAPTUR's office and the office of your Representative in Congress, your United States Senator.

Mr. Speaker, we can defeat this thing if millions of Americans stand up and say, ''No, let's get our priorities straight. We have other things to do with our tax dollars other than to bail out Mexico and protect investments from large banks and investment houses.''

So let us get our priorities straight, let us flood the U.S. Congress with calls, with letters, and say to the Members of this institution, ''No bailout for Mexico. Protect American taxpayers.''

Ms. KAPTUR. And not surprisingly, because this has happened before, but Mexico has many wealthy families, and they have billions of dollars' worth of deposits. Now, you might ask yourselves, where is that money? If you look back at 1991, there were two billionaires in Mexico, according to Fortune Magazine. Now there are over 2 dozen.

Where do they have their money? Do you know what happened back in the early 1980's when Mexico got into trouble before when it owed several billion dollars? There was between $40 and $60 billion dollars worth of money from citizens in Mexico deposited in United States banks, the very same banks that Mexico owed money to. So being very simple-minded, I said just let them take their money back home.

What happened in this particular situation—and it was carefully orchestrated—the smart money left Mexico before the peso meltdown. If you look at the trade figures for the last year, you will see one of the top three exports to Mexico from the United States after NAFTA has been in two or three interesting areas: art, antiques, and collectibles.

Now, who would buy art, antiques, and collectibles to hedge against a possible devaluation? So they took their money out of the country, brought into the country goods that will sell anywhere in the world. So part of our job should be to drive it back in the country rather than put the money out.

Mr. SANDERS. The gentlewoman is not suggesting that the patriotic billionaires in Mexico are not going to themselves reinvest in their own country? She is not suggesting that they might take their own money out of their own country and put that money into American banks so that the working people of the United States who are losing jobs because our jobs are being

taken to Mexico should bail out these investors and these big banks? The gentlewoman is not suggesting that, is she?

Ms. KAPTUR. This is why we asked the Secretary of Treasury which specific interests, which banks, which investment houses, which corporate interests are Mexico's creditors at this point. We would like to see who owns those firms. We would like to see who the depositors are, we like to understand who we are giving our money to, because it is likely, based on past history, that Mexico will default again and the taxpayers of the United States, the new insurance company to Mexico, will help to bail them out. We just would like to know who we are bailing out. Do you not think that the American people have the right to know?

Mr. SANDERS. I think that they might, given the fact that they are putting $40 billion on the line. I think what people throughout this country should appreciate is that very often when the President, any President, when the leaders of Congress want to get something done that benefits the wealthiest 1 or 2 percent and puts it to the average American, what they do is move very, very quickly, because their feeling is that the less information the average American has about the situation, the better they are able to pull off the swindle. I think that is exactly what we are seeing right now.

It is astounding to me that when some of us say, ''Let us do something about 5 million children in America who are hungry, provide help to them,'' there is never a sense of urgency. But when we talk about changing our trade policies so that we do not encourage American corporations to take our jobs to China or to Mexico or to poor Third World countries, there is never a sense of urgency. But suddenly, boy, are things flying around here—$40 billion, even in Washington, DC, is a lot of money.

Loan guarantees of $40 billion can rebuild communities from one end of America to the other, could put millions of American people back to work at decent wages.

Suddenly, however, for some reason, that discussion never takes place here. But now, because Wall Street and the investment houses want to make sure they are not going to lose any money on their Mexican investments, wham, like a bullet, is that process flying through here.

Ms. KAPTUR. What is really sad here is, if you look at the people who get appointed to our U.S. Treasury and to the Federal Reserve, not that they are not intelligent and hardworking Americans, but their mindset comes from, especially this group over the last several years, from the speculative Wall Street sector, which means that when they have been used to creating all this debt around the world, they are pretty well-heeled themselves, when they get appointed to a top Government position, they forget they are not just dealing with their own customers' funds anymore, they are dealing with taxpayers' public money. There is a difference.

I think one of the problems we have is that when you have this revolving door between Wall Street and some of the institutions of the people of the United States, sometimes I think people forget where they are and they start gambling with our peoples' money rather than the private investors' and speculators' and gamblers' money. There is a big difference.

Let me say to the gentleman from Vermont that I see the gentleman from Illinois [Mr. LIPINSKI] has joined us here. I am sure that both of these gentlemen face the same situation in their own districts. But I cannot get loans for my congressional district from the U.S. Treasury in order to clean up the toxic waterways in my community. They told us, ''Well, wait 5 years, wait 10 years, wait 15 years.'' I said, ''Wait a minute, I only get elected for 2 years. I cannot wait for 15. I came here to make it better.'' I cannot get money to build a new tower out at our airport field so that the airplanes do not crash into one another while landing because we have such an old tower that it is on the wrong side of the runway. Well, we cannot get that built. I cannot get a loan from the Treasury backed up by the taxpayers of the United States to do that. I cannot get money for an enterprise community in the center of our city because there was not enough to go around to every major city in Ohio. I could not get the attention of the Federal Reserve or the U.S. Treasury.

I cannot get more money out of this Government to add to the new police class being hired in my district, in my major city and many of the rural communities in my State that are trying to hire policemen, police officers, because of the drug problem. Do you know the transit route, the chief transit route to Toledo, OH, in terms of the drug trade, is direct from Mexico, comes up direct to our community. And I cannot get a loan from our Government to help us deal with the crime situation in our community.

So it gets pretty discouraging when you see the enthusiasm of these former Wall Street speculators down here helping their friends, but I cannot deliver as fast as I want to for the people of my home district, as hard as we try.

I want to acknowledge that we have been joined by Congressman BILL LIPINSKI, a most esteemed Member from the great city of Chicago, which I like to call the capital of the Midwest. I know how hard he has tried to help not only his own city but this entire Nation through his work here and his years of service. I yield to the gentleman.

Mr. LIPINSKI. I thank the gentlewoman for those very kind words and for the time that she is yielding to me in this special order.

It is always a pleasure also to be associated with the gentleman from Vermont [Mr. SANDERS] because certainly no one fights harder for the American working man than he does.

Mr. Speaker, it appears that the North American Free-Trade Agreement is anything but free. Let us look at the facts. Under NAFTA, thousands of Americans have been put out of work. Under NAFTA, the Sara Lee Corp. intends to cut 8,000 jobs during the next several months and move their operations to Mexico.

□ 1730

Under NAFTA, Honda, BMW, Volkswagen, Toyota, and Samsung all announced plans to build new or expanded production facilities in Mexico, not here in the United States of America Under NAFTA, United States automobile makers exported approximately 22,000 vehicles to Mexico. The United States however, imported 221,000 from Mexico, a huge imbalance in Mexico's favor. I ask, ''Can you imagine the jobs that would have been created here amongst the United States Auto Workers if the 221,000 vehicles that were manufactured in Mexico had been manufactured here in the United States?''

Ms. KAPTUR. Mr. Speaker, let me reclaim my time for a second.

I had somebody divide it out for me. What it works out to is that every 28 cars that come up from Mexico to the United States, we send down 2 cars, and in trucks it is even worse. For every 33 trucks that are built by these companies sent into our market, we send down there about a third of a truck. It is absolutely upside-down.

Mr. LIPINSKI. Certainly, and to me the No. 1 issue in last November's election was the fear, the concern, the insecurity that the American middle class has on their shrinking standard of living, not only for themselves, but for their family, for their youngsters, and here with NAFTA, with GATT, and now this $40 billion bailout, we are not only shipping out middle-class jobs, we are also now putting an additional burden on the middle class to subsidize another country.

To return to my prepared remarks, under NAFTA United States imports from Mexico have been increasing at a rate faster than United States exports to Mexico. This distinction is important because in order to create jobs, U.S. exports must be expanding faster than imports. This is not happening.

Under NAFTA the peso's value has dropped fantastically. This represents a dramatic wage cut for Mexican workers. Consequently United States exports to Mexico will slow while Mexico's exports to the United States will rise, wiping out what little trade advantage we had. Under NAFTA, Mexico is experiencing a severe financial crisis, and the American taxpayer is being asked to foot the bill. I say, ''Enough is enough.''

The Clinton administration wants to provide 40 billion in loan guarantees to

help Mexico. But as reported in yesterday's Washington Post, this multibillion-dollar bailout will only help United States speculators, those who have invested money in Mexican stocks and bonds and not contributed to Mexico's long-term economic stability. Any way you look at it, taxpayers are being forced to prop up the pesco and assume the financial risk of the investors.

Mr. Speaker, it is not their risk to take. We should be offering support for our citizens, but instead our Government chooses to help every other group except the American working man and woman.

Last week I joined my colleagues, two of which are here tonight, in introducing legislation to pull the United States out of NAFTA. Given the current circumstances, such action is indeed timely and long overdue. During the debate on NAFTA, supporters promised jobs and economic growth. I and others, however, warned that NAFTA would only hurt our trade position and cause an increase in the loss of American jobs. After a year of NAFTA, I think today's reality speaks for itself.

Mr. Speaker, repealing NAFTA is essential if we are to restore justice to the working people of America. This issue, to me, is an enormously important issue and goes right to the heart of the stability of this Nation, not only the middle class, but everyone in this Nation. We have to produce jobs in this country for all our citizens. We have to come up with what is a dirty word around here quite often, but a national industrial policy. We have to have Government, management, labor, the universities, working together to develop an economic strategy to put our people to work. If we do not, there is going to come a day when they are not going to be able to purchase these products from Mexico, from Japan, from Germany. This economy is going to go down the drain, and numerous other economies are going to go down the drain.

I am really very thankful for the opportunity to participate in this special order tonight, and both of you have my totally complete support in this effort to try to rebuild the American middle class and to try to create jobs in this Nation.

Ms. KAPTUR. I thank the gentleman from Illinois [Mr. LIPINSKI] for his heartfelt and enlightened statement, and I know that probably in Chicago, as is true in Toledo and Vermont, the fastest growing category of jobs are temporary jobs, part-time jobs, with no benefits. We have some restaurant work jobs being created. We have some health care jobs being created. In our factories what has happened is some people, because of the uptake in the auto industry, and I come from automotive America, we have been able to bring some people back into the plants. But we have not seen the kind of massive hiring that we would have expected with the kind of profits that are being made because people, extra people, are not being hired. What we are seeing is workers working 6 days a week. They have been doing this now for over 2 years, and they are making good money, but they are exhausted because they had a lot of overtime. But the benefits are not shared, and imagine if you can put 1,000 more people, 2,000 more people, to work in our plants, and we continue to see in our country declining buying power because essentially what these money traders are doing is they do not understand the difference between money and wealth and the fact that there is a difference between piling debt up and creating real investment that produces things, be it agricultural or industrial, that creates real wealth in our communities.

There is a book, I think, that has been written, ''Barbarians at the Gate,'' that talks about how these folks on Wall Street behave, and they think that money, and paper, and piling up this debt really means something, and they miss the most important question, and that is the wealth-producing capacity of our country, and we have about had it with their kind of thinking, trying to make money for the few, but not wealth for the many, and I know how hard the gentleman has worked in his capacity on the Committee on Public Works to try to improve the climate for business in America, our ports, seaports, airports, roadways, railroad beds, to try to make us the most efficient producer in the world, and I know the problems you have run into.

Imagine if your committee had had the chairman of the Federal Reserve and the head of the Treasury come in and say, ''OK, Chairman LIPINSKI, how about $40 billion in public works for America?''

I ask the gentleman, ''Wouldn't that have been a great feeling?''

Mr. LIPINSKI. Fantastic.

Mr. SANDERS. If I could just interrupt.

If the gentleman from Illinois [Mr. LIPINSKI] had made that request, they would have said, ''What are you smoking? Are you out of your mind? Forty billion dollars; we can't afford that.''

Right?

Mr. LIPINSKI. No question about it, no question about it.

Mr. SANDERS. But these guys come in a few weeks ago, and we are supposed to pass this thing with virtually no committee debate, I gather no committee debate whatsoever, bring it onto the floor of the House, because the big money people want to be protected. It is really quite incredible, and the other irony I would point out is the gentleman from Illinois [Mr. LIPINSKI] quite correctly talked about the impact of NAFTA 1 year later—loss of jobs, lessening of the trade balance.

□ 1740

Fourteen months ago when we were debating that issue here, who would have believed it, after hearing all that the proponents told us, right? It is going to improve the standard of living of Mexican workers. It is going to create untold jobs in America; 14 months come and go, and what we are talking about now is the collapse of the Mexican economy, the decline in the volume of the peso by 40 percent, and a $40 billion bailout. You know what gets me? Where are all the editorial writers? Every major newspaper in America told us what a great thing it would be. Remember that?

Mr. LIPINSKI. I remember it very, very well. No question about it.

Ms. KAPTUR. We should cut those articles out, all this was supposed to do for America, with the name of the author right there.

Mr. SANDERS. We were the crazy protectionists. At worse we were racist, anti-Mexico. Fourteen months have come and gone. Where are the editorial writers today telling us what a good deal NAFTA was? What they are telling us now, these same exact people, is well, excuse us, I guess we are going to have to pony up another $40 billion to protect Mexico.

Ms. KAPTUR. You know Congressman SANDERS, one thing I think we would all be interested in, I call the NAFTA deal and deals like it death by pin pricks, because you have companies shutting down like Mattel-Fisher Price did yesterday in Medina, NY. But the workers from Medina, NY, do not always let us know they have lost their jobs and their production has been outsourced. I think it is very hard to get this information. We collect some of it, but there are just hundreds and hundreds of small companies, some of them employing under 50 people around our country, that have shut down.

I am hoping if those citizens of our country who are listening who have been really put out of a job this past year, in fact some of them have had to go down to Mexico and train their replacement worker, I hope you will call our offices. I hope you will let us know who you are. We will be your voice here. We need to be your voice here. You do not have voices from Wall Street placed in high positions. You do not have people in some of the major financial instruments of this government who are your voice.

We can be your voice, if you will let us know who you are. Some of you who are in union shops, you are organized, you know how to get to us. Many of you are in nonunion shops, 85 percent of you. We need to know who you are. We will be your voice here in the Congress of the United States.

Mr. LIPINSKI. I wanted to say that I have nothing against people in this economy becoming millionaires, becoming billionaires. But I believe that it is really the duty and the responsibility of the executive branch of

government and the legislative branch of government to try to create an economy that improves the standing of living of all the citizens of this country. That should be our No. 1 priority, to improve the standard of living of everyone here.

We should see to it that there are some kind of checks and balances so that one segment of our society does not benefit more than another segment of our society, particularly when it seems to me that the laws we often pass and the trade treaties we often pass here benefit a much smaller segment of our society at the expense of one of the largest sections of our society, the middle class. I really believe that that should be the top priority, creating jobs in this country, as I say, not only for the middle class, but for everyone. If you can become a millionaire, wonderful. If you can become a billionaire, that is wonderful also. But we have to give the opportunity to people to continually improve their standards of living, continually improve their jobs, so that they can raise their family, educate their family, so they can buy homes, so they can buy automobiles. This is really what the American dream is about. Not a few people becoming billionaires or millionaires.

Ms. KAPTUR. If the gentleman will yield on that point, on the Food Stamp Program, which is not a popular, politically popular program, I think it is important in my district to put on the record, half the people in my northwest Ohio area who are on food stamps, half are working people. They are working families who earn such low wages with such low benefits because their jobs have essentially been cashed out, they have to be in the embarrassing position, and I have seen some of them, of applying for these food stamps, because they can no longer earn a living wage in the United States of America. Frankly, I think that should be unconstitutional. I think these people should be able to earn a decent wage.

I met a woman the other day, I went into one of the stores to buy like these muffins in the morning. I met a woman working three part-time jobs. She was a divorcee, and she must be putting in 60 or 70 hours a week just to support herself. It is sobering to meet these families, and there are millions of them across our country. They have very little voice here.

We have been joined by our distinguished colleague from the State of New York, from Buffalo, NY, Chairman JOHN LAFALCE, Committee on Small Business, chairman of subcommittees on the Committee on Banking, Finance and Urban Affairs, and someone who was right month and months ago and they would not listen to you, Chairman LAFALCE. They would not listen to you. And I hope that the citizens of Buffalo understand what kind of voice they have here in Washington, not just for themselves but for the Nation and the world.

There are few Members of this body that understand as much about finance, and I think you talked yourself until you were blue in the face to try to get provisions in the NAFTA accord to deal with this very crisis, and they would not do it. They tried to ride their tractors right over you. You probably still got skid marks on your spine. Yet you were right. As I said a little bit earlier, this is one of those instances where it hurts to have been right.

We welcome you this evening. I yield you time.

Mr. LAFALCE. Thank you very much. First of all, I want to congratulate the gentlewoman from Ohio for the tremendous leadership she has shown, not simply on this issue, but on all issues affecting the industrial manufacturing service sector within the United States, especially as international trade impacts on those issues and our domestic workers.

I have long been concerned with the problems of Mexico and the problems of the Mexican people. I remember well August 1982, when the debt crisis first erupted, and I engaged in a great many meetings at that time with the point man for the Reagan administration, Tim McNamara, who was also a fellow graduate of Villanova University, Deputy Secretary of the Treasury. I believed firmly at that time that we had a responsibility to help the Mexican people in Mexico. I believed firmly that we should engage in leadership on the issue of debt relief. And we pretty much ran up against deaf ears.

I remember in 1982 going to a meeting of the World Bank and the International Monetary Fund in Toronto in order to discuss these and so many other issues. Again, I remember the speech that President Reagan gave at the time. We must rely on the magic of the marketplace. Beryl Sprinkel was quite active in the Treasury Department too. He presented a good many difficulties in dealing with a human, considerate, responsible way with the problem.

In 1986 I was able to get two provisions in the omnibus trade bill that we passed at that time. One dealt with exchange rates, and one dealt with debt relief. Unfortunately, President Reagan vetoed that bill, and in vetoing the bill, he cited four specific provisions. Three of them were provisions that I had authored and it would be the exchange rate provision and the debt relief provision.

Fortunately, I was able to get those provisions back in the omnibus trade bill of 1988, and they then became the law of the land.

So I have a long history of concern for the problems of Mexico in extending debt relief to them, and for the whole question of sustainable exchange rates as they impact trade and the rights of capital and the rights of labor between and amongst trading countries of the world.

I was very dissatisfied with the approach taken by Secretary of the Treasury Jim Baker when he came up with the Baker plan. It was a half-hearted effort. It just did not go nearly far enough. And I remember when Nick Brady came in as Secretary of the Treasury, he called me into the office before the November 1988 election and said we are going to go way beyond Baker, but after the election, we will come up with something new.

□ 1750

We will come up with something new. This turned out to be the Brady plan, which basically was what I had called for in the 1988 legislation. I remember going down and talking with the leaders of the Central Bank in Mexico at the time, still there. I remember going down and talking with the chief debt negotiator, Angel Gurria, who is the foreign minister of Mexico. I remember being invited by the President-elect Salinas to attend his inauguration on December 1, 1988.

But then we came up with a lot of new ideas, too. Despite the fact that Mexico was a greatly underdeveloped country, we were going to treat it as a fully-developed country. And because we wanted to fulfill somebody's grand vision of a free-trade agreement for the Americas, we would enter into a free-trade agreement with Mexico, called NAFTA.

I had strongly favored the free-trade agreement with Canada, although even then I said we ought not to enter into that agreement without having provisions for exchange rates. Although I did not think that necessity of a provision for exchange rates was that imperative for Canada, because the swing in exchange rates, in currencies evaluations was not that great between the United States and Canada.

But with respect to Mexico, I said it was absolutely imperative. There were a number of other things that were absolutely imperative if we were to approve NAFTA and have a good agreement.

I used my Small Business Committee to have a good many hearings on some of those conditions that I thought had to be dealt with before we approved NAFTA. And so in 1992, I had hearings on the problems in Chiapas. I brought up so many of the human rights activists from Chiapas to discuss their problems. I said, these problems are festering and will soon erupt and NAFTA may make them erupt unless we do something about it beforehand.

Shortly after that, in early 1993, 2 years ago, I had a hearing on something that I thought was perhaps the most important issue that we had to deal with and could deal with within the NAFTA, and that was the issue of the valuation of the peso. I had a hearing entitled ''Whither Goest the Peso.''

We brought in some of the leading economists from around the world. And there was pretty much a general consensus at that time that the peso was overvalued by from 15 to 20 percent and that a devaluation was going to have to take place, not the trickle type of

devaluation that was taking place on a day-by-day basis, but something much more significant at some point in time. And the only question was when and how harmful such a devaluation would be.

I argued that it was imperative that we anticipate that problem, deal with it in advance. And so I sent many letters. I sent, first and foremost, a letter to President Clinton, but also to the Secretary of the Treasury, at least at that time, to the present Secretary of the Treasury, who was then Chairman of the National Economic Council, to the U.S. Trade Representative Mickey Kantor, to the head of the Business Roundtable's section on NAFTA, who at that time was the chairman of Eastern Kodak, Kay Whitmore.

I said, if NAFTA is going to pass, it ought to be a good NAFTA. It ought to be a NAFTA that protects American workers, and we cannot have a good NAFTA unless we have a provision dealing with exchange rates, something that will call for consultation, coordination, and corrective measures in the event of some type of devaluation.

Well, as the gentlewoman pointed out, my early warnings 2 years ago fell on absolute deaf ears. The problem is at that time the peso was about 3.2 to the dollar or 3,200 of the old pesos to the dollar. Of course, there had been a devaluation from 1982 to 1992 of 1,000, 2,000, 3,000 percent. We were not talking about modest devaluations. We were talking about volatile, extreme devaluation.

Let me just make this point. We have to be very careful before we go ahead and approve a $40 billion loan guarantee. The administration and the Congress, Democrat and Republican, are dedicated to doing this by next Friday without congressional hearings, without satisfactorily, without exposing this to the crucible of examination, cross-examination, public opinion.

We have to be very careful. Otherwise we are going to freeze that exchange rate in the vicinity of 5.5 or so to the dollar. And if we thought we were going to have difficulties at 3.2 pesos to the dollar, we will be unable to export to Mexico at 5.5. There will be a huge, tremendous incentive to establish American plants and other plants from around the globe in Mexico at that valuation, and this administration and this Congress does not seem concerned about it.

The only thing they seem concerned about is ensuring that there be a loan guarantee for a restructuring of the existing loans; a restructuring that in my judgment would be done without the guarantees, because the lenders have no option but to extend the maturities.

If a lender gives $100,000, the lender owes the borrower. If a lender gives $40 billion, the borrower owns the lender.

We ought to be very, very careful before we proceed. To do it without hearings, to do it without examination and cross-examination debases the democratic process.

What they are saying is, this is so important and so big that we cannot have hearings, we cannot have it tested in the crucible of public opinion, which is the committee hearing process process of the House of Representatives and the Senate. That does not wash, not in my district in any event.

Ms. KAPTUR. The gentleman should be the very first person to be a part of such a hearing, because there is no one in this body that knows more about the internal debt structure of Mexico. It is an outrage, it is an outrage to this Congress and to the new leadership in this place that they would try to muscle the minds, not just of the people here, but also of the American people and not permit them to know what this is all about when they have to foot the bill.

It is absolutely outrageous. You have, to me, a special right to be a part of those hearings. I think you would make a positive contribution to putting Mexico on a sounding footing toward the future.

I personally do not believe this is the way to do it, because you cannot have free trade without free countries. I think Mexico needs a good dose of democracy as a basis for economic growth in the future. I know the time of our special order has expired, and we thank all of those who have been a part of this this evening, especially the gentleman from New York [Mr. LAFALCE], the gentleman from Illinois [Mr. LIPINSKI], the gentleman from Vermont [Mr. SANDERS], those who joined us to inform the American people.

RULES OF PROCEDURE FOR THE COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES FOR THE 104TH CONGRESS

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

Mr. GOODLING. Mr. Speaker, pursuant to the requirement of clause (2)(a) of rule XI of the Rules of the House of Representatives, I submit herewith the rules of the Committee on Economic and Educational Opportunities for the 104th Congress and ask that they be printed in the RECORD at this point. These rules were adopted by the committee in open session on January 5, 1995.

RULES OF THE COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES

RULE 1. REGULAR AND SPECIAL MEETINGS: VICE CHAIRMAN

(a) Regular meetings of the committee shall be held on the second and fourth Tuesdays of each month at 9:30 a.m., while the Congress is in session. When the Chairman believes that the committee will not be considering any bill or resolution before the committee and that there is no other business to be transacted at a regular meeting, he will give each member of the committee, as far in advance of the day of the regular meeting as the circumstances make practicable, a written notice to that effect; and no committee meeting shall be held on that day.

(b) 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 purposes pursuant to that call of the Chairman.

(c) If at least three members of the committee desire that a special meeting of the committee be called by the Chairman, those members may file in the offices of the committee their written request to the Chairman for that special meeting. Immediately upon the filing of the request, the staff director of the committee shall notify the Chairman of the filing of the request. 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 members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the staff director of the committee shall notify all members of the committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

(d) All legislative meetings of the committee and its subcommittees shall be open to the public, including radio, television, and still photography coverage. No business meeting of the committee, other than regularly scheduled meetings, may be held without each member being given reasonable notice. Such meeting shall be called to order and presided over by the Chairman, or in the absence of the Chairman, by his designee.

(e)(1) The Chairman of the committee and of each of the subcommittees shall designate a vice chairman of the committee or subcommittee, as the case may be.

(2) The chairman of the committee or of a subcommittee, as appropriate, shall preside at meetings or hearings, or, in the absence of the chairman, the vice chairman shall preside.

RULE 1. QUESTIONING OF WITNESSES

Committee members may question witnesses only when they have been recognized by the Chairman for the purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member can be extended only with the unanimous consent of all members present. The questioning of witnesses in both committee and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority party member and all other members alternating between the majority and minority party in order of the member's appearance at the hearing. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority party members present and shall establish the order of recognition for questioning in such a manner as not to place the members of the majority party in a disadvantageous position.

RULE 3. RECORDS AND ROLLCALLS

(a) Written records shall be kept of the proceedings of the committee and of each subcommittee, including a record of the votes on any question on which a rollcall is demanded. The result of each such rollcall vote shall be made available by the committee or subcommittee for inspection by the public at reasonable times in the offices of

the committee or subcommittee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member.

(b) In accordance with Rule XXXVI of the Rules of the House of Representatives, any official permanent record of the committee (including any record of a legislative, oversight, or other activity of the committee or any subcommittee) shall be made available for public use if such record has been in existence for 30 years, except that—

(1) any record that the committee (or a subcommittee) makes available for public use before such record is delivered to the Archivist under clause 2 of Rule XXXVI of the Rules of the House of Representatives shall be made available immediately, including any record described in subsection (a) of this Rule;

(2) any investigative record that contains personal data relating to a specific living individual (the disclosure of which would be an unwarranted invasion of personal privacy), any administrative record with respect to personnel, and any record with respect to a hearing closed pursuant to clause 2(g)(2) of Rule XI of the Rules of the House of Representatives shall be available if such record has been in existence for 50 years; or

(3) except as otherwise provided by order of the House, any record of the committee for which a time, schedule, or condition for availability is specified by order of the committee (entered during the Congress in which the record is made or acquired by the committee) shall be made available in accordance with the order of the committee.

(c) The official permanent records of the committee include noncurrent records of the committee (including subcommittees) delivered by the Clerk of the House of Representatives to the Archivist of the United States for preservation at the National Archives and Records Administration, which are the property of and remain subject to the rules and orders of the House of Representatives.

(d)(1) Any order of the committee with respect to any matter described in paragraph (2) of this subsection shall be adopted only if the notice requirements of committee Rule 18(d) have been met, a quorum of a majority of the members of the committee is present at the time of the vote, and a majority of those present and voting approve the adoption of the order, which shall be submitted to the Clerk of the House of Representatives, together with any accompanying report.

(2) This subsection applies to any order of the committee which—

(A) provides for the nonavailability of any record subject to subsection (b) of this rule for a period longer than the period otherwise applicable; or

(B) is subsequent to, and constitutes a later order under clause 4(b) of Rule XXXVI of the Rules of the House of Representatives, regarding a determination of the Clerk of the House of Representatives with respect to authorizing the Archivist of the United States to make available for public use the records delivered to the Archivist under clause 2 of Rule XXXVI of the Rules of the House of Representatives; or

(C) specifies a time, schedule, or condition for availability pursuant to subsection (b)(3) of this Rule.

RULE 4. STANDING SUBCOMMITTEES: SIZE AND JURISDICTION

(a) There shall be five standing subcommittees with the following jurisdictions:

Subcommittee on Early Childhood, Youth and Families.—Education from preschool through the high school level including, but not limited to, elementary and secondary education generally, school lunch and child nutrition, adult basic education (family literacy) and overseas dependent schools; all matters dealing with programs and services for the care and treatment of children, including the Head Start Act, the Juvenile Justice and Delinquency Prevention Act, and the Runaway Youth Act; all matters dealing with programs and services for the elderly, including nutrition programs and the Older Americans Act; special education programs including, but not limited to, alcohol and drug abuse, education of the disabled, environmental education, Office of Educational Research and Improvement, migrant and agricultural labor education, daycare, child adoption, child abuse and domestic violence; poverty programs, including the Community Services Block Grant Act and the Low Income Home Energy Assistance Program (LIHEAP); and programs related to the arts and humanities, museum services, and arts and artifacts indemnity.

Subcommittee on Postsecondary Education, Training and Life-Long Learning.—Education beyond the high school level including, but not limited to, higher education generally, training and apprenticeship (including the Job Training Partnership Act, the Full Employment and Balanced Growth Act displaced homemakers, Work Incentive Program, JOBS Program), vocational education, rehabilitation, professional development, and postsecondary student assistance; and domestic volunteer programs, library services and construction, the Robert A. Taft Institute, and the Institute for Peace.

Subcommittee on Workforce Protections.—Wages and hours of labor including, but not limited to, Davis-Bacon Act, Walsh-Healey Act, Fair Labor Standards Act (including child labor), workers' compensation generally, Longshore and Harbor Workers' Compensation Act, Federal Employees' Compensation Act, Migrant and Seasonal Agricultural Worker Protection Act, Service Contract Act, workers' health and safety including, but not limited to, occupational safety and health, mine health and safety, youth camp safety, and migrant and agricultural labor health and safety and the U.S. Employment Service.

Subcommittee on Employer-Employee Relations.—All matters dealing with relationships between employers and employees generally including, but not limited to, the National Labor Relations Act, Bureau of Labor Statistics, pension, health, and other employee benefits, including the Employee Retirement Income Security Act (ERISA); and all matters related to equal employment opportunity and civil rights in employment.

Subcommittee on Oversight and Investigations.—All matters related to oversight and investigations of activities of all Federal departments and agencies dealing with issues of education, human resources or workplace policy. This subcommittee will not have legislative jurisdiction and no bills or resolutions will be referred to it.

(b) The majority party members of the committee may provide for such temporary, ad hoc subcommittees as determined to be appropriate.

RULE 5. EX OFFICIO MEMBERSHIP

The Chairman of the committee and the ranking minority party member shall be ex officio members, but not voting members, of each subcommittee to which such Chairman or ranking minority party member has not been assigned.

RULE 6. SPECIAL ASSIGNMENT OF MEMBERS

To facilitate the oversight and other legislative and investigative activities of the committee, the Chairman of the committee may, at the request of a subcommittee chairman, make a temporary assignment of any member of the committee to such subcommittee for the purpose of enabling such member to participate in any public hearing, investigation, or study by such subcommittee to be held outside of Washington, DC. Any member of the committee may attend public hearings of any subcommittee and shall be afforded an opportunity by the subcommittee chairman to question witnesses.

RULE 7. SUBCOMMITTEE CHAIRMANSHIPS

The method for selection of chairmen of the subcommittees shall be at the discretion of the full committee Chairman, unless a majority of the majority party members of the full committee disapprove of the action of the Chairman.

RULE 8. SUBCOMMITTEE SCHEDULING

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, wherever possible. Available dates for subcommittee meetings during the session shall be assigned by the Chairman to the subcommittees as nearly as practicable in rotation and in accordance with their workloads. As for as practicable, the Chairman of the committee shall seek to assure that subcommittees are not scheduled to meet for markup or approval of any measure or matter when the committee is meeting to consider any measure or matter for markup or approval. No markups shall be scheduled simultaneously by the subcommittees.

RULE 9. SUBCOMMITTEE RULES

The rules of the committee shall be the rules of its subcommittees.

RULE 10. COMMITTEE STAFF

(a) The employees of the committee shall be appointed by the Chairman in consultation with subcommittee chairmen and other majority party members of the committee within the budget approved for such purposes by the committee.

(b) The staff appointed by the minority shall have their remuneration determined in such manner as the minority party members of the committee shall determine within the budget approved for such purposes by the committee.

RULE 11. SUPERVISION AND DUTIES OF COMMITTEE STAFF

The staff of the committee shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate authority as he determines appropriate. The staff appointed by the minority shall be under the general supervision and direction of the minority party members of the committee, who may delegate such authority as they determine appropriate. All committee staff shall be assigned to committee business and no other duties may be assigned to them.

RULE 12. HEARINGS PROCEDURE

(a) The Chairman, in the case of hearings to be conducted by the committee, and the appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or

matter at least one week before the commencement of that hearing unless the committee or subcommittee determines that there is good cause to begin such hearing at an earlier date. In the latter event, the Chairman or the subcommittee chairman, as the case may be, shall make such public announcement at the earliest possible date. To the extent practicable, the Chairman or the subcommittee chairman shall make public announcement of the final list of witnesses scheduled to testify at least 48 hours before the commencement of the hearing. The staff director of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) All hearings conducted by the committee or any subcommittee shall begin at 9:30 a.m. on the scheduled date and shall end at 12:15 p.m., unless there is good cause to schedule a hearing at a different time or to extend the length of the hearing. All opening statements at hearings conducted by the committee or any subcommittee will be made part of the permanent written record. Opening statements by members may not be presented orally, unless the Chairman of the committee or any subcommittee determine that one statement from the Chairman or his/her designee will be presented, in which case the ranking minority party member or his/her designee may also make a statement. If a witness scheduled to testify at any hearing of the Committee or any subcommittee is a constituent of a member of the committee or subcommittee, such member shall be entitled to introduce such witness at the hearing.

(c) To the extent practicable, each witness who is to appear before the committee or a subcommittee shall file with the staff director of the committee, at least 24 hours in advance of his/her appearance, a written statement of his proposed testimony, together with a brief summary thereof, and shall limit his oral presentation to a summary of his statement. The staff director of the committee shall promptly furnish to the staff director of the minority a copy of such testimony submitted to the committee pursuant to this rule.

(d) When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the Chairman by a majority of those minority party members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon. The minority party may waive this right by calling at least one witness during a committee hearing or subcommittee hearing.

RULE 13. MEETINGS—HEARINGS—QUORUMS

(a) Subcommittees are authorized to hold hearings, receive exhibits, hear witnesses, and report to the committee for final action, together with such recommendations as may be agreed upon by the subcommittee. No such meetings or hearings, however, shall be held outside of Washington, DC, or during a recess or adjournment of the House without the prior authorization of the committee Chairman. Where feasible and practicable, 14 days' notice will be given of such meeting or hearing.

(b) One-third of the members of the committee or subcommittee shall constitute a quorum for taking any action other than amending committee rules, closing a meeting from the public, reporting a measure or recommendation, or in the case of the committee authorizing a subpoena. For the enumerated actions, a majority of the committee or subcommittee shall constitute a quorum. Any two members shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(c) When a bill or resolution is being considered by the committee or a subcommittee, members shall provide the clerk in a timely manner a sufficient number of written copies of any amendment offered, so as to enable each member present to receive a copy thereof prior to taking action. A point of order may be made against any amendment not reduced to writing. A copy of each such amendment shall be maintained in the public records of the committee or subcommittee, as the case may be.

RULE 14. SUBPOENAS

A subpoena may be authorized and issued by the committee or subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members of the full committee voting, a majority being present. Authorized subpoenas shall be signed by the Chairman of the committee or by any member designated by the committee.

RULE 15. REPORTS OF SUBCOMMITTEES

(a) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the committee, the chairman of the subcommittee reporting the bill, resolution, or matter to the committee, or any member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the committee. It shall be the duty of the chairman of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

(b) In any event, the report, described in the proviso in subsection (d) of this rule, of any subcommittee on a measure which has been approved by the subcommittee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the staff director of the committee a written request, signed by a majority of the members of the subcommittee, for the reporting of that measure. Upon the filing of any such request, the staff director of the committee shall transmit immediately to the chairman of the subcommittee a notice of the filing of that request.

(c) All committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report:

''This report has not been officially adopted by the Committee on Economic and Educational Opportunities (or pertinent subcommittee thereof) and may not therefore necessarily reflect the views of its members.''

The minority party members of the committee or subcommittee shall have three calendar days, excluding weekends and holidays, to file, as part of the printed report, supplemental, minority, or additional views.

(d) Bills, resolutions, or other matters favorably reported by a subcommittee shall automatically be placed upon the agenda of the committee as of the time they are reported and shall be considered by the full committee in the order in which they were reported unless the committee shall by majority vote otherwise direct. No bill or resolution or other matter reported by a subcommittee shall be considered by the full committee unless it has been in the hands of all members at least 48 hours prior to such consideration. When a bill is reported from a subcommittee, such measure shall be accompanied by a section-by-section analysis; and, if the Chairman of the committee so requires (in response to a request from the ranking minority member of the committee or for other reasons), a comparison showing proposed changes in existing law.

(e) To the extent practicable, any report prepared pursuant to a committee or subcommittee study or investigation shall be available to members no later than 48 hours prior to consideration of any such report by the committee or subcommittee, as the case may be.

RULE 16. VOTES

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

(b) With respect to each rollcall vote on a motion to report any bill, resolution or matter of a public character, and on any amendment offered thereto, 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.

RULE 17. AUTHORIZATION FOR TRAVEL

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel to be paid from funds set aside for the full committee for any member or any staff member shall be paid only upon the prior authorization of the Chairman. Travel may be authorized by the Chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee or any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee. The Chairman shall review travel requests to assure the validity to committee business. Before such authorization is given, there shall be submitted to the Chairman in writing the following:

(1) the purpose of the travel;

(2) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made;

(3) the location of the event for which the travel is to be made; and

(4) the names of members and staff seeking authorization.

(b)(1) In the case of travel outside the United States of members and staff of the committee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the committee or pertinent subcommittees, prior authorization must be obtained from the Chairman, or, in the case of a subcommittee, from the subcommittee chairman and the Chairman. Before such authorization is given, there shall be submitted to the Chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States may be initiated by the Chairman or the chairman of a subcommittee (except that

individuals may submit a request to the Chairman for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the committee.

(3) The Chairman shall not approve a request involving travel outside the United States while the House is in session (except in the case of attendance at meetings and conferences or where circumstances warrant an exception).

(4) At the conclusion of nay hearing, investigation, study, meeting, or conference for which travel outside the United States has been authorized pursuant to this rule, each subcommittee (or members and staff attending meetings or conferences) shall submit a written report to the Chairman covering the activities of the subcommittee and containing the results of these activities and other pertinent observations or information gained as a result of such travel.

(c) Members and staff of the committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Oversight pertaining to such travel, including rules, procedures, and limitations prescribed by the Committee on House Oversight with respect to domestic and foreign expense allowances.

(d) Prior to the Chairman's authorization for any travel, the ranking minority party member shall be given a copy of the written request thereof.

RULE 18. REFERRAL OF BILLS, RESOLUTIONS, AND OTHER MATTERS

(a) The Chairman shall consult with subcommittee chairmen regarding referral of such bills, resolutions, and other matters which may be referred to the committee. Notice will be provided if a bill, resolution, or other matter is held at the full committee, otherwise referrals to appropriate subcommittees will be made within two weeks of referral to the committee.

(b) In the conduct of hearings and meetings of subcommittees sitting jointly, pursuant to subsection (a), for purposes of shared consideration of any bill or resolution, including marking up or reporting any such measure to the full committee—

(1) the rules otherwise applicable to all subcommittees shall likewise apply to joint subcommittee hearings and meetings for purposes of such shared consideration, and

(2) every member of each of such subcommittees shall for purposes of determining a quorum be counted individually in the aggregate total number of members of such subcommittees, and shall have equal voting rights as individual members during the shared consideration of any such bill or resolution, in the same manner as if the total memberships of such subcommittees were combined to constitute a single subcommittee.

(c) Referral to a subcommittee shall not be made until three days shall have elapsed after written notification of such proposed referral to all subcommittee chairmen, at which time such proposed referral shall be made unless one or more subcommittee chairmen shall have given written notice to the Chairman of the full committee and to the chairman of each subcommittee that he intends to question such proposed referral at the next regularly scheduled meeting of the committee, or at a special meeting of the committee called for that purpose, at which time referral shall be made by the majority members of the committee. All bills shall be referred under this rule to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the subcommittee. A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of the majority members of the committee for the committee's direct consideration or for reference to another subcommittee.

(d) All members of the committee shall be given at least 24 hours' notice prior to the direct consideration of any bill, resolution, or other matter by the committee; but this requirement may be waived upon determination, by a majority of the members voting, that emergency or urgent circumstances require immediate consideration thereof.

RULE 19. COMMITTEE REPORTS

(a) All committee reports on bills or resolutions shall comply with the provisions of clause 2 of Rule XI and clauses 3 and 7(a) of Rule XIII of the Rules of the House of Representatives.

(b) No such report shall be filed until copies of the proposed report have been available to all members at least 36 hours prior to such filing in the House. No material change shall be made in the report distributed to members unless agreed to by majority vote; but any member or members of the committee may file, as part of the printed report, individual, minority, or dissenting views, without regard to the preceding provisions of this rule.

(c) Such 36-hour period shall not conclude earlier than the end of the three-day period (provided under clause 2, paragraph (l)(5) of Rule XI of the Rules of the House of Representatives) after the committee approves a measure or matter if a member, at the time of such approval, gives notice of intention to file supplemental, minority, or additional views for inclusion as part of the printed report.

(d) The report on activities of the committee required under clause 1 of Rule XI of the Rules of the House of Representatives, shall include the following disclaimer in the document transmitting the report to the Clerk of the House:

''This report has not been officially adopted by the Committee on Economic and Educational Opportunities or any subcommittee thereof and therefore may not necessarily reflect the views of its members.''

Such disclaimer need not be included if the report was circulated to all members of the committee at least 10 days prior to its submission to the House and provision is made for the filing by any member, as part of the printed report, of individual, minority, or dissenting views.

RULE 20. MEASURES TO BE CONSIDERED UNDER SUSPENSION

A member of the committee may not seek to suspend the Rules of the House on any bill, resolution, or other matter which has been modified after such measure is ordered reported, unless notice of such action has been given to the Chairman and ranking minority member of the full committee.

RULE 21. BUDGET AND EXPENSES

(a) The Chairman in consultation with the majority party members of the committee shall, for each session of the Congress, prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, for necessary travel, investigation, and other expenses of the committee; and, after consultation with the minority party membership, the Chairman shall include amounts budgeted to the minority party members for staff personnel to be under the direction and supervision of the minority party, travel expenses of minority members and staff, and minority party office expenses. All travel expenses of minority party members and staff shall be paid for out of the amounts so set aside and budgeted. The Chairman shall take whatever action is necessary to have the budget as finally approved by the committee duly authorized by the House. After such budget shall have been adopted, no change shall be made in such budget unless approved by the committee. The Chairman or the chairman of any standing subcommittee may initiate necessary travel requests as provided in Rule 17 within the limits of their portion of the consolidated budget as approved by the House, and the Chairman may execute necessary vouchers therefor.

(b) Subject to the rules of the House of Representatives and procedures prescribed by the Committee on House Oversight, and with the prior authorization of the Chairman of the committee in each case, there may be expended in any one session of Congress for necessary travel expenses of witnesses attending hearings in Washington, DC:

(1) out of funds budgeted and set aside for each subcommittee, not to exceed $2,000 for expenses of witnesses attending hearings of each such subcommittee;

(2) out of funds budgeted for the full committee majority, not to exceed $2,000 for expenses of witnesses attending full committee hearings; and

(3) out of funds set aside to the minority party members,

(A) not to exceed, for each of the subcommittees, $2,000 for expenses of witnesses attending subcommittee hearings, and

(B) not to exceed $2,000 for expenses of witnesses attending full committee hearings.

(c) A full and detailed monthly report accounting for all expenditures of committee funds shall be maintained in the committee office, where it shall be available to each member of the committee. Such report shall show the amount and purpose of each expenditure, and the budget to which such expenditure is attributed.

RULE 22. APPOINTMENT OF CONFEREES AND NOTICE OF CONFERENCE MEETINGS

(a) Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman shall recommend to the Speaker as conferees the names of those members of the subcommittee which handled the legislation in the order of their seniority upon such subcommittee and such other committee members as the Chairman may designate with the approval of the majority party members. Recommendations of the Chairman to the Speaker shall provide a ratio of majority party members to minority party members no less favorable to the majority party than the ratio of majority members to minority party members on the full committee. In making assignments of minority party members as conferees, the Chairman shall consult with the ranking minority party member of the committee.

(b) After the appointment of conferees pursuant to clause 6(f) of Rule X of the Rules of the House of Representatives for matters within the jurisdiction of the committee, the Chairman shall notify all members appointed to the conference of meetings at least 48 hours before the commencement of the meeting. If such notice is not possible, then notice shall be given as soon as possible.

RULE 23. BROADCASTING OF COMMITTEE HEARINGS

(a) The general conduct of each hearing or meeting covered under authority of this clause and the personal behavior of committee members, staff, other government officials and personnel, witnesses, television, radio and press media personnel, and the general public at the hearing or other meeting, shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House.

(b) Persons undertaking to cover committee hearings or meetings under authority of this rule shall be governed by the following limitations:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpoena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This paragraph is supplemental to clause 2(k)(5) of Rule XI of the Rules of the House of Representatives, relating to the protection of the rights of witnesses.

(3) The number of television and still cameras permitted in a hearing or meeting room shall be determined in the discretion of the Chairman of the committee or subcommittee holding such hearing or meeting. The allocation among the television media of the positions of the number of television cameras permitted by the Chairman of the committee or subcommittee in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(5) Television cameras shall operate from fixed positions but shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) In the allocation of the number of still photographers permitted by the committee or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by the committee or subcommittee chairman for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee.

(1) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

RULE 24. CHANGES IN COMMITTEE RULES

A proposed change in these rules shall not be considered by the committee unless the text of such change has been in the hands of all members at least 48 hours prior to the meeting in which the matter is considered.

RULES OF THE U.S. HOUSE OF REPRESENTATIVES, 104TH CONGRESS—RULE XI, CLAUSE 2(K)

INVESTIGATIVE HEARING PROCEDURES

(k)(1) The chairman at an investigative hearing shall announce in the opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person,

(A) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of clause 2(g)(2) of this Rule, if by a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony, the committee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the committee shall proceed to receive such testimony in open session only if a majority of the members of the committee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

In either case the committee shall afford such person an opportunity voluntarily to appear as a witness, and receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (5), the chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

RULES OF PROCEDURE FOR THE COMMITTEE ON RESOURCES FOR THE 104th CONGRESS

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

Mr. YOUNG of Alaska Mr. Speaker, I submit for the RECORD the following Rules of the Committee on Resources for the 104th Congress:

RULES FOR THE COMMITTEE ON RESOURCES, U.S. HOUSE OF REPRESENTATIVES, 104TH CONGRESS, ADOPTED JANUARY 11, 1995

RULE 1. RULES OF THE HOUSE AND COMMITTEE

(a) Applicability of House Rules.—The Rules of the House of Representatives, so far as they are applicable, are the rules of the Committee and its Subcommittees.

(2) Each Subcommittee is part of the Committee and is subject to the authority, direction and rules of the Committee. References in these rules to ''Committee'' and ''Chairman'' shall apply to each Subcommittee and its Chairman wherever applicable.

(3) Rule XI of the Rules of the House of Representatives, which pertains entirely to Committee procedure, is incorporated and made a part of the rules of the Committee to the extent applicable.

(b) Oversight Plan.—Not later than February 15 of the first session of each Congress, the Committee shall adopt its oversight plans for that Congress in accordance with clause 2(d)(1) of Rule X of the Rules of the House of Representatives.

RULE 2. REGULAR, ADDITIONAL AND SPECIAL MEETINGS

(a) Regular Meetings.—The Committee shall meet at 11 a.m. on the first Wednesday of each month that Congress is in session, unless that meeting is canceled by the Chairman.

(b) Additional Meetings.—The Committee shall also meet at the call of the Chairman subject to advance notice to all Members of the Committee.

(c) Agenda of Regular and Additional Meetings.—An agenda of the business to be considered at a regular or additional meeting shall be delivered to the office of each Member of the Committee no later than forty-eight hours prior to such meeting. The requirements of this paragraph may be waived by a majority vote of the Committee.

(d) Special Meetings.—Special meetings shall be called and convened by the Chairman as provided in clause 2(c)(2) of Rule XI of the Rules of the House of Representatives.

(e) Agenda of Special Meetings.—An agenda of the business to be considered at a special meeting shall be delivered as provided in clause 2(c)(2) of Rule XI of the Rules of the House or Representatives.

(f) Party Conference or Caucus.—Any Committee meeting that conflicts with a party caucus, conference, or similar part meeting shall be rescheduled at the discretion of the Chairman, in consultation with the Ranking Minority Member.

(g) Vice Chairman.—The Chairman shall appoint a Vice Chairman of the Committee and of each Subcommittee. If the Chairman of the Committee or Subcommittee is not present at any meeting of the Committee or Subcommittee, as the case may be, the Vice Chairman shall preside. If the Vice Chairman is not present, the ranking Member of the Majority party on the Committee or Subcommittee who is present shall preside at that meeting.

(h) Prohibition on Sitting.—The Committee may not sit, without special leave, while the House of Representatives is reading a measure for amendment under the five-

minute rule. The Committee may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

(i) Addressing the Committee.—A Committee Member may address the Committee or a Subcommittee on any bill, motion, or other matter under consideration or may question a witness at a hearing only when recognized by the Chairman for that purpose. The time a Member may address the Committee or Subcommittee for any purpose or to question a witness shall be limited to five minutes, except that this time limit may be waived by the Chairman. A Member shall limit his or her remarks to the subject matter under consideration. The Chairman shall enforce the preceding provision.

(j) Proxies.—No vote in the Committee or Subcommittee may be cast by proxy.

(k) Postponement of Roll Call Votes.—At the beginning of any meeting of the Committee, the Chairman may announce that further proceedings will be postponed on any motions on which a recorded vote is ordered or on which the vote is objected to under Rule 5 until immediately preceding the conclusion of the meeting. In such instances, the Committee shall proceed with the consideration of the next regularly scheduled measure or matter until a all business is disposed of or until the Chairman announces that the question will be put on the matter deferred. The question on any postponed motion shall be put by the Chairman and shall be disposed of by the Committee, without further debate, as expeditiously as possible. If the Committee adjourns before the question is put and determined on any motion, then the first order of business at the next meeting shall be the disposition of the pending motion.

(l) Meetings to Begin Promptly.—Each meeting or hearing of the Committee shall begin promptly at the time stipulated in the public announcement of the meeting or hearing.

RULE 3. OPEN MEETINGS AND HEARINGS; BROADCASTING

(a) Open Meetings.—Each meeting for the transaction of business, including the markup of legislation, and each hearing of the Committee or a Subcommittee shall be open to the public, except as provided by clause 2(g) of Rule XI of the Rules of the House of Representatives.

(b) Broadcasting.—Whenever a meeting for the transaction of business, including the markup of legislation, or a hearing is open to the public, that meeting or hearing shall be open to coverage by television, radio, and still photography in accordance with clause 3 of Rule XI of the Rules of the House of Representatives.

RULE 4. SUBPOENAS AND OATHS

(a) Subpoenas.—The Committee may authorize and issue a subpoena under clause 2(m) of Rule XI and Rules of the House of Representatives, if authorized by a majority of the Members voting, a majority being present. In addition, the Chairman of the Committee may authorize and issue subpoenas under this authority during any period of time in which the House of Representatives has adjourned for more than three days. Subpoenas shall be signed by the Chairman of the Committee, or any Member of the Committee authorized by the Committee, and may be served by any person designated by the Chairman or Member.

(b) Oaths.—The Chairman of the Committee, the Chairman of any Subcommittee, or any Member designated by the Chairman, may administer oaths to any witness.

RULE 5. QUORUMS

(a) Quorum for Reporting.—Pursuant to clause 2(l)(2) of Rule XI of the Rules of the House of Representatives, no measure or recommendation shall be reported from the Committee unless a majority of the Members of the Committee are actually present.

(b) Quorum for Taking Testimony.—Testimony and evidence may be received at any meeting or hearing at which there are at least two Members of the Committee present.

(c) Working Quorum.—For the purpose of transacting business other than that described in paragraphs (a) and (b), one third of the Members shall constitute a quorum.

(d) Establishing a Quorum.—When a call of the roll is required to ascertain the presence of a quorum, the offices of all Members shall be notified and the Members shall have not less than 10 minutes to prove their attendance. The Chairman shall have the discretion to waive this requirement when a quorum is actually present or whenever a quorum is secured and may direct the Clerk to note the names of all Members present within the 10-minute period.

RULE 6. HEARING PROCEDURES

(a) Announcement.—The Chairman shall publicly announce the date, place, and subject matter of any hearing at least one week before the hearing unless the Chairman of the Committee or Subcommittee determines that there is good cause to begin the hearing at an earlier date. In this case, the Chairman shall publicly announce the hearing at the earliest possible date. The Clerk of the Committee shall promptly notify the Daily Digest Clerk of the Congressional Record and shall promptly enter the appropriate information into the Committee scheduling service of the House Information Systems as soon as possible after the public announcement is made.

(b) Written Statement; Oral Testimony.—Each witness who is to appear before the Committee or a Subcommittee shall file with the Clerk of the Committee or Subcommittee, at least two working days before the day of his or her appearance, a written statement of proposed testimony. Each witness shall limit his or her oral presentation to a five-minute summary of the written statement.

(c) Minority Witnesses.—When any hearing is conducted by the Committee or any Subcommittee upon any measure or matter, the Minority party Members on the Committee or Subcommittee shall be entitled, upon request to the Chairman by a majority of those Minority Members before the completion of the hearing, to call witnesses selected by the Minority to testify with respect to that measure or matter during at least one day of hearings thereon.

(d) Legislative Materials.—After announcement of a hearing, to the extent practicable, the Committee shall make available immediately to all Members of the Committee a concise summary of the subject matter (including legislative reports and other material) under consideration. In addition, the Chairman shall make available to the Members of the Committee any official reports from departments and agencies on the subject matter as they are received.

(e) Participation of Committee Members in Subcommittees.—All Members of the Committee may sit with any Subcommittee during any meeting and may participate in the meeting. However, a Member who is not a Member of the Subcommittee may not vote on any matter before the Subcommittee, be counted for purposes of establishing a quorum, or raise points of order.

(f) Opening Statements; Questioning of Witnesses.—(1) Opening statements by Members may not be presented orally, unless the Chairman determines that one statement from the Chairman or his designee will be presented, in which case the Ranking Minority Member or his designee may also make a statement. If a witness scheduled to testify at any hearing of the Committee is a constituent of a Member of the Committee, that Member shall be entitled to introduce the witness at the hearing.

(2) The questioning of witnesses in Committee and Subcommittee hearings shall be initiated by the Chairman, followed by the Ranking Minority Member and all other Members alternating between the Majority and Minority parties. In recognizing Members to question witnesses, the Chairman shall take into consideration the ratio of the Majority to Minority Members present and shall establish the order of recognition for questioning in a manner so as not to disadvantage the Members of the Majority or the Members of the Minority.

(g) Investigative Hearings.—Clause 2(k) of Rule XI of the Rules of the House of Representatives (relating to additional rules for investigative hearings) shall govern investigative hearings of the Committee and its Subcommittees.

RULE 7. FILING OF COMMITTEE REPORTS

(a) Duty of Chairman.—Whenever the Committee authorizes the favorable reporting of a measure from the Committee, the Chairman or his designee shall report the same to the House of Representatives and shall take all steps necessary to secure its passage without any additional authority needing to be set forth in the motion to report each individual measure.

(b) Additional Authority.—In appropriate cases, the authority set forth in paragraph (a) of this Rule shall extend to moving in accordance with the Rules of the House of Representatives that the House be resolved into the Committee of the Whole House on the State of the Union for the consideration of the measure; and to moving in accordance with the Rules of the House of Representatives for the disposition of a Senate measure that is substantially the same as the House measure as reported.

(c) Filing.—A report on a measure which has been approved by the Committee shall be filed within seven calendar days (exclusive of days on which the House of Representatives 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 the Members of the Committee, for the reporting of that measure. Upon the filing with the Committee Clerk of this request, the Clerk shall transmit immediately to the Chairman notice of the filing of that request.

(d) Content.—Any report by the Committee to the House of Representatives provided for by this Rule shall include the following:

(1) a statement of the purpose of the measure;

(2) a general background section describing the need for the measure;

(3) a section-by-section analysis of the measure as reported by the Committee, if the Chairman determines that one is helpful or necessary;

(4) a concise statement describing any changes in existing law made by the measure as reported by the Committee;

(5) a statement setting forth the legislative history of the measure, including the results and type of any vote on any amendment to the measure or on a motion to report the measure by the Committee or any Subcommittee, including the names of those Members voting for or against;

(6) the statements required by clause 2(l)(3) of Rule XI of the Rules of the House of Representatives;

(7) a detailed analytical statement whether the measure may have an inflationary impact on prices and costs in the operation of the national economy;

(8) a five-year estimate of the measure if enacted;

(9) a statement in accordance with section 5(b) of the Federal Advisory Committee Act;

(10) a statement of administration or departmental views on the measure; and

(11) any supplemental, additional or minority views filed pursuant to paragraph (e) of this Rule. Any report containing these views shall indicate so on its title page.

(e) Supplemental, Additional or Minority Views.—Any Member may, if notice is given at the time a bill or resolution is approved by the Committee, file supplemental, additional, or minority views. These views must be in writing and signed by each Member joining therein and be filed with the Committee Clerk not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) of the time the bill or resolution is approved by the Committee.

(f) Review by Members.—Each Member of the Committee shall be given an opportunity to review each proposed Committee report at least 24 hours before it is filed with the Clerk of the House of Representatives. Nothing in this paragraph extends the time allowed for filing supplemental, additional or minority views under paragraph (e).

RULE 8. RECOMMENDATION OF HOUSE-SENATE CONFEREES

(a) Recommendations.—Whenever it becomes necessary to appoint conferees on a particular measure, the Chairman shall recommend to the Speaker as conferees those Majority Members, as well as those Minority Members recommended to the Chairman by the Ranking Minority Member, primarily responsible for the measure.

(b) Ratio.—The ratio of Majority Members to Minority Members of conferences shall be no greater than the ratio on the Committee.

RULE 9. ESTABLISHMENT OF SUBCOMMITTEES; SIZE OF PARTY RATIOS

(a) Subcommittees and Size.—There shall be the following five standing Subcommittees of the Committee. These Subcommittees, with the following sizes and Majority/Minority ratios are:

(1) Subcommittee on National Parks, Forests and Lands (25 Members: 14 Majority, 11 Minority);

(2) Subcommittee on Fisheries, Wildlife and Oceans (14 Members: 8 Majority, 6 Minority);

(3) Subcommittee on Energy and Mineral Resources (14 Members: 8 Majority, 6 Minority);

(4) Subcommittee on Water and Power Resources (20 Members: 11 Majority, 9 Minority);

(5) Subcommittee on Native American and Insular Affairs (11 Members: 6 Majority, 5 Minority);

(b) Ex-officio Members.—The Chairman and Ranking Minority Member of the Committee may serve as ex-officio Members of each standing Subcommittee and have the right fully to participate in Subcommittee affairs except for the right to vote. Ex-officio Members shall not be counted in establishing the presence of a quorum.

RULE 10. JURISDICTION

(a) Subcommittees.—The jurisdiction of the Committee's five standing Subcommittees, including legislative, investigative, and oversight responsibilities, shall be as follows:

Subcommittee on National Parks, Forests and Lands

(1) Measures and matters related to the National Park System and all of its units.

(2) National Wild and Scenic Rivers System, National Trails System, national recreation areas, and other national units established for protection, conservation, preservation or recreational development administered by the Secretary of the Interior and the Secretary of Agriculture.

(3) Military parks, battlefields, cemeteries, and parks administered by the Secretary of the Interior within the District of Columbia.

(4) Except for Alaska, the National Wilderness Preservation System generally, and all matters regarding wilderness in the National Park System.

(5) Federal outdoor recreation plans, programs and administration including the Land and Water Conservation Fund.

(6) Plans and programs concerning non-Federal outdoor recreation and land use, including related plans and programs authorized by the Land and Water Conservation Fund Act of 1965 and the Outdoor Recreation Act of 1963.

(7) Preservation of prehistoric ruins and objects of interest on the public domain and other historic preservation programs and activities, including programs for international cooperation in the field of historic preservation.

(8) Matter concerning the following agencies and programs: Urban Parks and Recreation Recovery Program, Historic American Buildings Survey, Historic American Engineering Record, American Conservation Corps, and U.S. Holocaust Memorial.

(9) Except for pubic lands in Alaska, public lands generally, including measures or matters related to entry, easements, withdrawals, and grazing.

(10) Except in Alaska, forest reservations, including management thereof, created from the public domain.

(11) Forfeiture of land grants and alien ownership, including alien ownership of mineral lands.

(12) Federal reserved water rights on public lands and forest reserves.

(13) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

Subcommittee on Fisheries, Wildlife, and Oceans

(1) Fisheries management and fisheries research generally, including the management of all commercial and recreational fisheries, the Magnuson Fishery Conservation and Management Act, interjurisdictional fisheries, international fisheries agreements, aquaculture, seafood safety and fisheries promotion.

(2) Wildlife resources, including research, restoration, refuges and conservation.

(3) All matters pertaining to the protection of coastal and marine environments, including estuarine protection.

(4) Coastal barriers.

(5) Oceanography.

(6) Ocean engineering, including materials, technology and systems.

(7) Coastal zone management.

(8) Marine sanctuaries.

(9) U.N. Convention on the Law of the Sea.

(10) Sea Grant programs and marine extension services.

(11) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

Subcommittee on Energy and Mineral Resources

(1) All measures and matters concerning the U.S. Geological Survey.

(2) All measures and matters affecting geothermal resources.

(3) Conservation of United States uranium supply.

(4) Mining interests generally, including all matters involving mining regulation and enforcement, including the reclamation of mined lands, the environmental effects of mining, and the management of mineral receipts, mineral land laws and claims, long-range mineral programs and deep seabed mining.

(5) Mining schools, experimental stations and long-range mineral programs.

(6) Mineral resources on public lands.

(7) Conservation and development of oil and gas resources of the Outer Continental Shelf.

(8) Petroleum conservation on the public lands and conservation of the radium supply in the United States.

(9) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

Subcommittee on Water and Power Resources

(1) Generation and marketing of electric power from Federal water projects by Federally chartered or Federal regional power marketing authorities.

(2) All measures and matters concerning water resources planning conducted pursuant to the Water Resources Planning Act, water resource research and development programs, saline water research and development.

(3) Compacts relating to the use and apportionment of interstate waters, water rights, and major interbasin water or power movement programs.

(4) All measures and matters pertaining to irrigation and reclamation projects and other water resources development programs, including policies and procedures.

(5) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

Subcommittee on Native American and Insular Affairs

(1) Except for Native Alaskans, measures relating to the welfare of Native Americans, including management of Indian lands in general and special measures relating to claims which are paid out of Indian funds.

(2) Except for Native Alaskans, all matters regarding the relations of the United States with the Indians and the Indian tribes, including special oversight functions under clause 3(e) of Rule X of the Rules of the House of Representatives.

(3) All matters regarding Native Hawaiians.

(4) Except for Native Alaskans, all matters related to the Federal trust responsibility to Native Americans and the sovereignty of Native Americans.

(5) All matters regarding insular areas of the United States.

(6) All measures or matters regarding the Freely Associated States and Antarctica.

(7) Cooperative efforts to encourage, enhance and improve international programs for the protection of the environment and the conservation of natural resources within the jurisdiction of the Committee.

(8) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

(b) FULL COMMITTEE.—The following measures and matters shall be retained at Full Committee:

(1) Measures and matters concerning the transportation of natural gas from or within Alaska and disposition of oil transported by the trans-Alaska oil pipeline.

(2) Measures and matters relating to Alaska public lands, including forestry and forest management issues, and Federal reserved water rights.

(3) Environmental and habitat measures and matters of general applicability.

(4) All measures and matters relating to Native Alaskans.

(5) All measures and matters retained by the Full Committee under Rule 15.

RULE 11. TASK FORCES, SPECIAL OR SELECT SUBCOMMITTEES

(a) APPOINTMENT.—The Chairman of the Committee is authorized, after consultation with the Ranking Minority Member, to appoint Task Forces, or special or select Subcommittees, to carry out the duties and functions of the Committee.

(b) EX-OFFICIO MEMBERS.—The Chairman and Ranking Minority Member of the Committee shall serve as ex-officio Members of each Task Force, or special or select Subcommittee.

(c) PARTY RATIOS.—The ratio of Majority Members to Minority Members, excluding ex-officio Members, on each Task Force, special or select Subcommittee shall be as close as practicable to the ratio on the Full Committee.

(d) TEMPORARY RESIGNATION.—A Member can temporarily resign his or her position on a Subcommittee to serve on a Task Force, special or select Subcommittee without prejudice to the Member's seniority on the Subcommittee.

RULE 12. SUBCOMMITTEE CHAIRMEN

(a) SENIORITY.—The Majority Members of the Committee are entitled, in order of Full Committee seniority, to bid for the chairmanship of each standing Subcommittee. Any such bid shall be subject to approval by a majority of the Members of the Majority party of the Committee.

(b) TASK FORCES, SPECIAL OR SELECT SUBCOMMITTEES.—The Chairman of any Task Force, or special or select Subcommittee shall be appointed by the Chairman of the Committee.

RULE 13. RANKING MINORITY MEMBERS

The Ranking Minority Member shall select a Ranking Minority Member for each Task Force, or standing, special or select Subcommittee to be chosen by such procedures as the Minority may adopt.

RULE 14. POWERS AND DUTIES OF SUBCOMMITTEES

(a) MEET AND ACT.—Each Subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee on all matters within its jurisdiction.

(b) CONSULTATION.—Each Subcommittee Chairman shall consult with the Chairman of the Full Committee prior to setting dates for Subcommittee meetings with a view towards avoiding whenever possible conflicting Committee or Subcommittee meetings.

(c) OVERSIGHT.—(1) Each Subcommittee shall review and study, on a continuing basis the application, administration, execution and effectiveness of those statutes, or parts of statutes, the subject matter of which is within that Subcommittee's jurisdiction; and the organization, operation, and regulations of any Federal agency or entity having responsibilities in or for the administration of such statutes, to determine whether these statutes are being implemented and carried out in accordance with the intent of Congress.

(2) Each Subcommittee shall review and study any conditions or circumstances indicating the need of enacting new or supplemental legislation within the jurisdiction of the Subcommittee.

RULE 15. REFERRAL OF LEGISLATION TO SUBCOMMITTEE

(a) REFERRAL.—In accordance with Rule 10, every legislative measure or other matter referred to the Committee shall be referred to the Subcommittee of jurisdiction within two weeks of the date of its referral to the Committee, unless the Chairman, with the approval of a Majority Members of the Committee, orders that it be retained for consideration by the Full Committee or that it be referred to a select or special Subcommittee.

(b) RECALL BY NOTICE.—A legislative measure or other matter referred by the Chairman to a Subcommittee may be recalled from the Subcommittee for the purpose of direct consideration by the Full Committee, or for referral to another Subcommittee, provided Members of the Committee receive one week written notice of the recall and a majority of the Members of the Committee do not object.

(c) RECALL BY VOTE.—A legislative measure or other matter referred by the Chairman to a Subcommittee may be recalled from the Subcommittee at any time by majority vote of the Committee, a quorum being present, for direct consideration by the Full Committee or for referral to another Subcommittee.

RULE 16. COMMITTEE CONSIDERATION

(a) LAYOVER.—No measure or recommendation reported by a Subcommittee shall be considered by the Committee until two calendar days from the time of Subcommittee action.

(b) COPY OF BILL.—No bill shall be considered by the Committee unless a copy has been delivered to the office of each Member of the Committee requesting a copy, with a section-by-section explanation.

(c) WAIVER.—The requirements of paragraphs (a) and (b) may be waived by a majority vote of the Committee.

RULE 17. DISCLAIMER

All Committee or Subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the Committee or Subcommittee, as appropriate, shall contain the following disclaimer on the cover of the report:

''This report has not been officially adopted by the [Committee on Resources] [pertinent Subcommittee] and may not therefore necessarily reflect the views of its Members.''.

RULE 18. COMMITTEE RECORDS

(a) SEGREGATION OF RECORDS.—All Committee records shall be kept separate and distinct from the office records of individual Committee Members serving as Chairman or Ranking Minority Members. These records shall be the property of the House and all Members shall have access to them.

(b) AVAILABILITY.—The Committee shall make available to the public for review at reasonable times in the Committee office the following records:

(1) transcripts of public meetings and hearings, except those that are unrevised or unedited and intended solely for the use of the Committee;

(2) the result of each rollcall vote taken in the Committee, including a description of the amendment, motion, order or other proposition voted on;

(3) the name of each Committee Member voting for or against a proposition; and

(4) the name of each Member present but not voting.

(c) ARCHIVED RECORDS.—Records of the Committee which are deposited with the National Archives shall be made available pursuant to the Rules of the House of Representatives. The Chairman of the Committee shall notify the Ranking Minority Member of any decision to withhold a record pursuant to the Rules of the House of Representatives, and shall present the matter to the Committee upon written request of any Committee Member.

(d) RECORDS OF CLOSED MEETINGS.—Notwithstanding the other provisions of this Rule, no records of Committee meetings or hearings which were closed to the public pursuant to Rule 3 shall be released to the public unless the Committee votes to release those records in accordance with the procedure used to close the Committee meeting.

(e) CLASSIFIED MATERIALS.—All classified materials shall be maintained in an appropriately secured location and shall be released only to authorized persons for review, who shall not remove the material from the Committee offices without the written permission of the Chairman.

RULE 19. COMMITTEE BUDGET AND EXPENSES

(a) BUDGET.—At the beginning of each Congress, after consultation with the Chairman of each Subcommittee, the Chairman shall propose and present to the Committee for its approval a budget covering the funding required for staff, travel, and miscellaneous expenses. The budget shall include amounts required for all activities and programs of the Committee and the Subcommittees.

(b) EXPENSE RESOLUTION.—Upon approval by the Committee of each budget, the Chairman, acting pursuant to clause 5 of Rule XI of the Rules of the House of Representatives, shall prepare and introduce in the House a supporting expense resolution, and take all action necessary to bring about its approval by the Committee on House Oversight and by the House of Representatives.

(c) AMENDMENTS.—The Chairman shall report to the Committee any amendments to each expense resolution and any related changes in the budget.

(d) ADDITIONAL EXPENSES.—Authorization for the payment of additional or unforeseen Committee and Subcommittee expenses may be procured by one or more additional expense resolutions processed in the same manner as set out under this Rule.

(e) MONTHLY REPORTS.—Copies of each monthly report, prepared by the Chairman for the Committee on House Oversight, which shows expenditures made during the reporting period and cumulative for the year, anticipated expenditures for the projected Committee program, and detailed information on travel, shall be available to each Member.

RULE 20. COMMITTEE STAFF

(a) RULES AND POLICIES.—Committee staff Members are subject to the provisions of clause 6 of Rule XI of the Rules of the House of Representatives, as well as any written personnel policies as the Committee may from time to time adopt.

(b) MAJORITY AND NONPARTISAN STAFF.—The Chairman shall nominate for appointment by the Committee, determine the remuneration of, and may remove, the professional and clerical employees of the Committee not assigned to the Minority. The professional and clerical staff of the Committee not assigned to the Minority shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of these staff Members and delegate any authority as he determines appropriate.

(c) MINORITY STAFF.—The Ranking Minority Member of the Committee shall nominate for appointment by the Committee, determine the remuneration of, and may remove, the professional and clerical staff assigned to the Minority within the budget approved for those purposes. The professional and clerical staff assigned to the Minority shall be under the general supervision and direction of the Ranking Minority Member of the Committee who may delegate any authority as he determines appropriate.

(d) AVAILABILITY.—The skills and services of all Committee staff shall be available to all Members of the Committee.

RULE 21. COMMITTEE TRAVEL

In addition to any written travel policies as the Committee may from time to time adopt, all travel of Members and staff of the Committee or its Subcommittees, to hearings, meetings, conferences, investigations, including all foreign travel, must be authorized by the Full Committee Chairman prior to any public notice of the travel and prior to the actual travel. In the case of Minority staff, all travel shall first be approved by the Ranking Minority Member. Funds authorized for the Committee under clause 5 of Rule XI of the Rules of the House of Representatives are for expenses incurred in the Committee's activities within the United States.

RULE 22. CHANGES TO THE COMMITTEE RULES

The Rules of the Committee may be modified, amended, or repealed, by a majority vote of the Committee, provided that two legislative days written notice of the proposed change has been provided each Member of the Committee prior to the meeting date on which the changes are to be discussed and voted on.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

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

Mr. YATES (at the request of Mr. GEPHARDT), for Wednesday, January 18, and for the balance of the week, on account of 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 Mrs. CLAYTON) to revise and extend their remarks and include extraneous material:)

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

Mr. OWENS, for 5 minutes, today.

Mr. DURBIN, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

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

Mr. EHLERS, for 5 minutes each day, for today, January 20, and 21.

Mrs. SEASTRAND, for 5 minutes, today.

Mr. SOLOMON, for 5 minutes, today.

Mr. GOODLING, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BENTSEN, 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 Mrs. CLAYTON) and to include extraneous matter:)

Mr. BONIOR.

Mr. COLEMAN.

Mr. KANJORSKI.

Mr. LEVIN.

Mrs. LINCOLN.

Mr. DIXON in two instances.

Mr. ORTIZ.

Mr. UNDERWOOD.

Ms. ESHOO.

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

Mr. HUNTER.

Mr. PACKARD.

Mr. WALSH.

Mr. QUINN.

Mr. MOORHEAD.

Mrs. VUCANOVICH.

Mr. LAHOOD.

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

Mr. HILLIARD.

Mr. BEILENSON in two instances.

Mr. GOODLATTE.

Mr. YOUNG of Alaska.

Mr. WELDON of Pennsylvania.

Mr. WELLER.

Mr. STENHOLM.

Mr. TEJEDA.

Mrs. MEEK of Florida.

Mr. BARCIA.

Mr. LAFALCE.

Mr. ACKERMAN.

Mr. HOYER.

Mr. MANZULLO.

Mr. FRANKS of New Jersey.

Mr. BONILLA.

Mr. DEUTSCH.

Mr. DAVIS.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 5 o'clock and 59 minutes p.m.), the House adjourned until Friday, January 20, 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:

185. A letter from the Adjutant General, the Veterans of Foreign Wars of the United States, transmitting proceedings of the 95th national convention of the Veterans of Foreign Wars of the United States, held in Las Vegas, NV, August 21–26, 1994, pursuant to 36 U.S.C. 118; 44 U.S.C. 1332 (H. Doc. No. 104–20); to the Committee on National Security and ordered to be printed.

186. A letter from the Assistant Secretary for Indian Affairs, Department of the Interior, transmitting a proposed plan for the settlement of the claims of the confederated tribes of the Colville Reservation Tribe concerning their contributions to the production of hydropower by the Grand Coulee Dam; to the Committee on Resources.

187. A letter from the Secretary of Labor, transmitting the third biennial report on internationally recognized worker rights, pursuant to 19 U.S.C. 2465(c); to the Committee on Ways and Means.

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:

[Omitted From the Record of January 2, 1995]

Mr. GONZALEZ: Committee on Banking, Finance and Urban Affairs. Summary of activities of the Committee on Banking, Finance and Urban Affairs during the 103d Congress. (Rept. 103–892). Referred to the Committee of the Whole House on the State of the Union.

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. YOUNG of Alaska:

H.R. 566. A bill to authorize the Secretary of the Interior to consolidate the surface and subsurface estates of certain lands within three conservation system units on the Alaska Peninsula, and for other purposes; to the Committee on Resources.

By Mr. BENTSEN:

H.R. 567. A bill to require that the President transmit to Congress, that the congressional Budget Committees report, and that the Congress consider a balanced budget for each fiscal year; to the Committee on Government Reform and Oversight, and in addition to the Committees on the Budget, and Rules, 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. MURTHA:

H.R. 568. A bill to amend title 10, United States Code, to provide for improved treatment of future actuarial gains and losses to the Department of Defense military retirement fund; to the Committee on National Security.

By Mr. BEILENSON:

H.R. 569. A bill to provide for the separate administration of the Border Patrol and the Immigration and Naturalization Service; to the Committee on the Judiciary.

H.R. 570. A bill to provide for the improved enforcement of the employer sanctions law, and for other purposes; to the Committee on Ways and Means, 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. BONILLA (for himself, Mr. EDWARDS, Mr. POMBO, Mr. FIELDS of Texas, Mr. LAUGHLIN, Mr. COMBEST, Mr. PETE GEREN of Texas, Mr. SMITH of Texas, Mr. BREWSTER, Mr. DICKEY, Mr. MONTGOMERY, Mr. ROGERS, Mr. STENHOLM, Mr. ROYCE, Mr. PARKER, Mr. THORNBERRY, Mr. EVERETT, Mr. SAM JOHNSON of Texas, Mr. HUTCHINSON, Mr. CALVERT, Mr. BONO, Mr. CANADY of Florida, Mr. SHADEGG, Mr. CUNNINGHAM, and Mr. BALLENGER):

H.R. 571. A bill to amend the Endangered Species Act of 1973 to provide that no species may be determined to be an endangered species or threatened species, and no critical habitat may be designated, until that act is reauthorized; to the Committee on Resources.

By Mr. BROWN of Ohio (for himself, Mr. MINGE, Mr. GENE GREEN of Texas, Mr. FARR, Mr. DOYLE, Mrs. MALONEY, Mr. HINCHEY, Mr. MEEHAN, Mr. BARRETT of Wisconsin, Ms. KAPTUR, and Mr. BARCIA):

H.R. 572. A bill to provide for return of excess amounts from official allowances of Members of the House of Representatives to the Treasury for deficit reduction; to the Committee on House Oversight.

By Mr. CLEMENT:

H.R. 573. A bill to amend title II of the Social Security Act to provide for an improved benefit computation formula for workers who attain age 65 in or after 1982 and to whom applies the 15-year period of transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 (and related beneficiaries) and to provide prospectively for increases in their benefits accordingly; to the Committee on Ways and Means.

By Mr. COLEMAN:

H.R. 574. A bill to provide for the operation of laboratories to carry out certain public-health functions for the region along the international border with Mexico; to the Committee on Commerce.

By Mr. GOODLATTE:

H.R. 575. A bill to amend chapter 84 of title 5, United States Code, to provide that annuities for Members of Congress be computed under the same formula as applies to Federal employees generally, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. HAYES:R. 576. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for fuels produced from offshore deep-water projects; to the Committee on Ways and Means.

H.R. 577. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for the production of oil and gas from existing marginal oil and gas wells and from new oil and gas wells; to the Committee on Ways and Means.

H.R. 578. A bill to amend the Internal Revenue Code of 1986 to treat geological, geophysical, and surface casing costs like intangible drilling and development costs, and for other purposes; to the Committee on Ways and Means.

By Mr. HEFLEY (for himself, Mr. CRANE, and Mr. DOOLITTLE):

H.R. 579. A bill to amend the National Foundation on the Humanities and the Humanities Act of 1965 to abolish the National Endowment for the Arts and the National Council on the Humanities; to the Committee on Economic and Educational Opportunities.

By Mr. HEFLEY (for himself, Mr. PETE GEREN of Texas, Mr. BARTON of Texas, Mr. CONDIT, and Mr. SAM JOHNSON):

H.R. 580. A bill to amend title XVIII of the Social Security Act and title 10, United States Code, to allow the Secretary of Health and Human Services to reimburse the Military Health Services System for care provided to Medicare-eligible military retirees and their spouses in the Military Health Services System; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and National Security, 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. HOEKSTRA (for himself, Mr. EHLERS, Mr. UPTON, Mr. KNOLLENBERG, Mr. BARCIA, Mr. SMITH of Michigan, Mr. CAMP, and Mr. CHRYSLER):

H.R. 581. A bill to amend the Clean Air Act to permit areas not contributing to more than 35 percent of ozone concentrations to comply with marginal area requirements for purposes of ozone nonattainment; to the Committee on Commerce.

By Mr. KIM:

H.R. 582. A bill to amend the Internal Revenue Code of 1986 to revise the rules for determining the employment status of individuals as employees or independent contractors; to the Committee on Ways and Means.

By Mr. LEACH (for himself, Mr. MINGE, and Mrs. LINCOLN):

H.R. 583. A bill to direct the Secretary of the Interior to convey certain fish hatcheries to the States of Iowa, Minnesota, and Arkansas; to the Committee on Resources.

By Mr. LEACH:

H.R. 584. A bill to direct the Secretary of the Interior to convey a fish hatchery to the State of Iowa; to the Committee on Resources.

By Mrs. LINCOLN:

H.R. 585. A bill to amend title 37, United States Code, to prohibit the accrual of pay and allowances by members of the Armed Forces who are confined pending dismissal or a dishonorable or bad-conduct discharge; to the Committee on National Security.

By Mrs. MALONEY:

H.R. 586. A bill to amend part E of title IV of the Social Security Act to require States to administer qualifying examinations to all State employees with new authority to make decisions regarding child welfare services, to expedite the permanent placement of foster children, to facilitate the placement of foster children in permanent kinship care arrangements, and to require State agencies, in considering applications to adopt certain foster children, to give preference to applications of a foster parent or caretaker relative of the child; to the Committee on Ways and Means.

By Mr. MOORHEAD (for himself, Mr. BOUCHER, Mr. SENSENBRENNER, Mr. COBLE, Mr. FRANK of Massachusetts, Mr. GALLEGLY, Mr. GOODLATTE, Mr. GEKAS, Mr. BONO, Mr. CANADY of Florida, and Mr. HOKE):

H.R. 587. A bill to amend title 35, United States Code, with respect to patents on biotechnological processes; to the Committee on the Judiciary.

By Mr. NEAL of Massachusetts:

H.R. 588. A bill to amend title 23, United States Code, relating to drunk driving; to the Committee on Transportation and Infrastructure.

By Mr. OBERSTAR:

H.R. 589. A bill to improve the safety and convenience of air travel by establishing the Federal Aviation Administration as an independent Federal agency; to the Committee on Transportation and Infrastructure.

H.R. 590. A bill to amend title 49, United States Code, relating to air carrier safety; to the Committee on Transportation and Infrastructure.

By Mr. POSHARD:

H.R. 591. A bill to amend the Federal Election Campaign Act of 1971 to ban activities of political action committees in elections for Federal office and to reduce the limitation on contributions to candidates by persons other than multicandidate political committees; to the Committee on House Oversight.

By Mr. ROHRABACHER:

H.R. 592. A bill to amend the Immigration and Nationality Act to repeal the provision allowing adjustment of status of unlawful aliens in the United States; to the Committee on the Judiciary.

By Mr. ROHRABACHER (for himself, Mr. DOOLITTLE, Mr. MOORHEAD, Mr. MANZULLO, Mr. BURTON of Indiana, Mr. HASTERT, Mr. STUMP, Mr. MCCOLLUM, Mr. BLUTE, Mr. BARTLETT of Maryland, Mr. KING, Mr. KNOLLENBERG, Mr. ZIMMER, Mr. SENSENBRENNER, Mr. BUNNING of Kentucky, Mr. SPENCE, Mr. DORNAN, Mr. BUNN of Oregon, Mr. FORBES, Mr. MCHUGH, Mr. SMITH of New Jersey, Mr. FOX, Mr. HALL of Texas, Mr. ISTOOK, and Mr. SOLOMON):

H.R. 593. A bill to amend the Internal Revenue Code of 1986 to increase the dollar limitation on the one-time exclusion of gain from sale of a principal residence by individuals who have attained age 55, to increase the amount of the unified estate and gift tax credits, and to reduce the tax on capital gains; to the Committee on Ways and Means.

By Mr. SCHUMER:

H.R. 594. A bill to amend title 28, United States Code, with respect to photographing, recording, and broadcasting court proceedings; to the Committee on the Judiciary.

By Mr. TEJEDA:

H.R. 595. A bill to authorize the Secretary of the Army to convey certain excess real property located at Fort Sam Houston, TX; to the Committee on National Security, and in addition to the Committee on Veterans' Affairs, 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 Mrs. VUCANOVICH:

H.R. 596. A bill to require the identification of certain high-fire-risk Federal forest lands in the State of Nevada, the clearing of forest fuels in such areas, and the submission of a fire prevention plan and budget; to the Committee on Agriculture, and in addition to the Committee on Resources, 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. BEILENSON:

H.J. Res. 56. Joint resolution proposing an amendment to the Constitution of the United States to restrict the requirement of citizenship at birth by virtue of birth in the United States to persons with a legal resident mother or father; to the Committee on the Judiciary.

By Mr. DEUTSCH:

H.J. Res. 57. Joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. HOKE:

H.J. Res. 58. Joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. POSHARD:

H.J. Res. 59. Joint resolution proposing an amendment to the Constitution authorizing the President to disapprove or reduce an item of appropriations; to the Committee on the Judiciary.

H.J. Res. 60. Joint resolution proposing an amendment to the Constitution of the United States relating to a Federal balanced budget; to the Committee on the Judiciary.

By Mr. ANDREWS:

H. Res. 39. Resolution requiring the House of Representatives to take any legislation action necessary to verify the ratification of the equal rights amendment as a part of the Constitution, when the legislatures of an additional three States ratify the equal rights amendment; to the Committee on the Judiciary.

By Mr. BRYANT of Texas (for himself, Mr. BONIOR, Mr. FAZIO of California, Mr. OBEY, Mrs. SCHROEDER, Mr. MILLER of California, Mr. PETERSON of Florida, Mr. BARRETT of Wisconsin,

Ms. KAPTUR, Mr. DURBIN, Mr. MINGE, Ms. DELAURO, Mr. KANJORSKI, and Mr. SCHUMER):

H. Res. 40. Resolution to amend the Rules of the House of Representatives concerning the receipt of gifts from lobbyists and other persons and for other purposes; to the Committee on Standards of Official Conduct, and in addition to the Committee on Rules, 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.

ADDITIONAL SPONSORS

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

H.R. 2: Ms. PRYCE.

H.R. 5: Mr. ALLARD, Mr. COBLE, and Mr. LEWIS of California.

H.R. 28: Mr. WALSH, Mr. ROYCE, Mr. HANCOCK, and Mr. HUTCHINSON.

H.R. 38: Mr. BEVILL, Mrs. FOWLER, Ms. FURSE, Mr. BARCIA of Michigan, Mr. COLEMAN, Mr. HEFLEY, Mr. RAHALL, Mr. TEJEDA, Mr. LEWIS of California, Mr. ACKERMAN, Mr. BLUTE, and Mr. HEFNER.

H.R. 46: Mr. WALKER, Mr. FOX, Mr. ENGLISH of Pennsylvania, Mr. HOLDEN, Mr. SOLOMON, Mr. BUNNING of Kentucky, Mr. HANSEN, Mr. BARTLETT of Maryland, Mr. ROHRABACHER, Mr. DAVIS, Mr. KNOLLENBERG, Mr. BAKER of Louisiana, Mr. PICKETT, and Mr. NEUMANN.

H.R. 56: Mrs. FOWLER, Mr. FOX, Mrs. VUCANOVICH, Mr. COBURN, Mr. SKEEN, Ms. MOLINARI, Mr. CHABOT, Mr. TATE, Mr. INGLIS of South Carolina, and Mr. MCHUGH.

H.R. 62: Mr. HAYES, Mr. BONILLA, Mr. HERGER, Mr. KNOLLENBERG, Mr. SKEEN, Mr. LEWIS of California, Mr. GALLEGLY, Mr. SMITH of Texas, and Mr. WALSH.

H.R. 65: Mr. ENGLISH of Pennsylvania, Mr. EMERSON, Mr. CHAPMAN, Mr. SANDERS, Mr. WOLF, Mr. FROST, Mr. FILNER, Mr. BARTLETT of Maryland, and Mr. SCHIFF.

H.R. 76: Mr. NEUMANN.

H.R. 77: Mr. BALLENGER and Mr. NEUMANN.

H.R. 78: Mr. FIELDS of Texas and Mr. WAMP.

H.R. 95: Mr. DOOLEY, Mr. FROST, Mr. WYNN, Mr. HEFNER, Mr. GEJDENSON, Ms. VELÁZQUEZ, Mr. ENGLISH of Pennsylvania, Mr. POMEROY, Mr. TORRES, Ms. DANNER, Mr. DELLUMS, and Mr. FATTAH.

H.R. 103: Mr. SCHUMER, Mr. STEARNS, Mrs. MEEK of Florida, and MR. SCHIFF.

H.R. 107: Mr. ENGLISH of Pennsylvania and Mr. SANDERS.

H.R. 109: Mr. EMERSON, Mr. FROST, Mr. KNOLLENBERG, Mr. BAKER of California, Mr. SANDERS, Mr. BALLENGER, and Mr. FRANK of Massachusetts.

H.R. 139: Mr. SAXTON.

H.R. 142: Mr. KING, Mr. HANCOCK, and Mr. EMERSON.

H.R. 218: Mr. HANCOCK and Mr. LIGHTFOOT.

H.R. 230: Mr. LIPINSKI.

H.R. 303: Mr. ENGLISH of Pennsylvania, Mr. EMERSON, Mr. CHAPMAN, Mr. SANDERS, Mr. FROST, Mr. FILNER, and Mr. SCHIFF.

H.R. 325: Mr. BILBRAY, Mr. CASTLE, Mr. FOX, Mr. BONO, Mr. SENSENBRENNER, Mr. EMERSON, Mr. PORTMAN, Mr. CONDIT, and Mr. ROBERTS.

H.R. 326: Mr. DELAY, Mr. BEREUTER, Mr. DREIER, Mr. DOOLITTLE, Mr. Miller of Florida, Mr. LARGENT, Mr. HASTERT, Mr. ROHRABACHER, Mr. MCKEON, Mr. ROYCE, Mr. BILBRAY, Mr. HANSEN, Mr. SKEEN, Mr. WICKER, Mr. BONO, Mr. PORTER, and Mr. BAKER of California.

H.R. 335: Mr. BREWSTER, Mr. MCNULTY, Mr. FROST, Mr. MCHUGH, Ms. DANNER, Mr. FILNER, Mr. MANZULLO, Mr. RAHALL, Mrs. RIVERS, Mr. OLVER, Mr. UNDERWOOD, Mr. WICKER, Mr. FORBES, Mr. GANSKE, Mr. ROYCE, Mr. SAWYER, and Mr. PETE GEREN of Texas.

H.R. 353: Mr. WILLIAMS, Mr. TORRES, Mr. BEILENSON, Mr. LIPINSKI, Mr. MANTON, Mr. WALSH, Mr. BARRETT of Nebraska, Mrs. MALONEY, and Mr. WILSON.

H.R. 359: Mr. FATTAH, Mr. TALENT, Mr. POSHARD, and Mr. BARCIA of Michigan.

H.R. 367: Mr. BEILENSON, Mr. CLAY, Mr. DELLUMS, Mr. FARR, Mr. FATTAH, Mr. FOGLIETTA, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. HINCHEY, Mr. MCDERMOTT, Ms. MCKINNEY, Mr. MILLER of California, Mr. OLVER, Mr. OWENS, Ms. PELOSI, Mr. SABO, Mr. STARK, Mr. TORRES, and Mr. UNDERWOOD.

H.R. 386: Mr. HILLIARD.

H.R. 390: Mr. ENGLISH of Pennsylvania, Mr. DOOLITTLE, Mr. HEFLEY, Mr. BAKER of California, Mr. BARTLETT of Maryland, Ms. MOLINARI, and Mr. WISE.

H.R. 394: Mr. CUNNINGHAM, Mr. HANCOCK, Mr. ROYCE, and Mr. SANFORD.

H.R. 404: Mr. GREENWOOD.

H.R. 463: Mr. BEREUTER and Mr. FRANK of Massachusetts.

H.R. 464: Mr. HAYES, Mr. TALENT, Mr. WAMP, and Mr. BARTON of Texas.

H.R. 489: Mr. COMBEST, Mr. WELLER, Mr. ROYCE, Mr. DOOLITTLE, Mr. PACKARD, Mr. STUMP, Mr. HERGER, and Mr. GOODLATTE.

H.R. 490: Mr. SAM JOHNSON, Mr. PACKARD, Mr. HOSTETTLER, and Mr. HERGER.

H.R. 493: Mr. WYNN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HILLIARD, and Mr. ACKERMAN.

H.R. 494: Mr. CLYBURN, Mr. HILLIARD, Mr. FLAKE, and Mr. DELLUMS.

H.R. 502: Mr. BAKER of Louisiana and Mr. MCCOLLUM.

H.R. 513: Mr. GALLEGLY.

H.R. 519: Mr. SAXTON, Mr. HANCOCK, and Mr. SHADEGG.

H.R. 555: Mr. ENGEL and Mr. FILNER.

H.J. Res. 3: Mr. PETERSON of Minnesota.

H.J. Res. 48: Mr. SALMON, Mr. BALLENGER, Mr. COLLINS of Georgia, Ms. DUNN of Washington, Mr. STEARNS, Mr. QUINN, Mr. LINDER, Ms. PRYCE, Mr. BARTLETT of Maryland, Mr. JONES, Mr. LIGHTFOOT, and Mr. ROGERS.

H. Res. 30: Mr. BLUTE, Mr. ZIMMER, Mr. FILNER, Mr. ROHRABACHER, Mr. DOOLEY, Mr. MOORHEAD, Mr. SPENCE, Mr. GREENWOOD, Ms. FURSE, Mr. YATES, and Mr. RAMSTAD.

AMENDMENTS

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

H.R. 5

OFFERED BY: MR. ALLARD

AMENDMENT NO. 26: In section 202(a), in the matter preceding paragraph (1), strike ''prepare a written statement containing—'' and insert ''prepare and submit to Congress a written statement identifying the provision of Federal law under which the rule is being promulgated and containing—''.

At the end of section 202 add the following:

(d) LIMITATION ON EFFECTIVENESS OF CERTAIN RULES.—A rule that includes any Federal intergovernmental mandate that may result in the expenditure by States, local governments, or tribal governments, of $50,000,000, in the aggregate, 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: MR. BARTLETT OF MARYLAND

AMENDMENT NO. 27: At the end of section 102(a)(2) insert:

''(G) the process by which States are required to adopt and enforce implementation plans to achieve emission and pollution standards under the Clean Air Act and determine if this process is based on the most unbiased science data available.

At the end of section 102(a)(2)(E), strike ''and''.

In section 102(a)(2)(F), strike the period and insert ''; and''.

H.R. 5

OFFERED BY: MR. BECERRA

AMENDMENT NO. 28: At the end of paragraph (6) of section 4 strike ''or'', at the end of paragraph (7) strike the period and insert ''; or'', and add after paragraph (7) the following:

(8) is necessary to protect children from exploitation in the workplace.

H.R. 5

OFFERED BY: MR. BECERRA

AMENDMENT NO. 29: In section 422 of the Congressional Budget Act of 1974, strike ''or'' at the end of paragraph (6), strike the period and insert ''; or'' at the end of paragraph (7), and add after paragraph (7) the following:

(8) is necessary to protect children from exploitation in the workplace.

H.R. 5

OFFERED BY: MR. BECERRA

AMENDMENT NO. 30: In section 4(2) insert ''age,'' before ''race''.

H.R. 5

OFFERED BY: MR. BECERRA

AMENDMENT NO. 31: In the proposed section 422(2) of the Congressional Budget Act of 1974, insert ''age,'' before ''race''.

H.R. 5

OFFERED BY: MR. BEILENSON

AMENDMENT NO. 32: In the proposed section 421(a)(4)(ii) of the Congressional Budget Act of 1974 insert ''or the amount of appropriations'' after ''appropriations''.

In the heading for the proposed section 424(a) of the Congressional Budget Act of 1974, strike ''OTHER THAN APPROPRIATIONS BILLS AND JOINT RESOLUTIONS''.

In paragraphs (1) and (2) of the proposed section 424(a) of the Congressional Budget Act of 1974, strike ''of authorization''.

In the proposed section 425(b) of the Congressional Budget Act of 1974, insert ''(2)'' after ''(a)''.

H.R. 5

OFFERED BY: MR. BEILENSON

AMENDMENT NO. 33: Amend section 425 of the Congressional Budget Act of 1974 to read as follows:

SEC. 425. POINT OF ORDER.

(a) IN GENERAL.—It shall not be in order in the House of Representatives or the Senate to consider any bill or joint resolution that is reported by a committee unless the committee has published the statement of the Director pursuant to section 424(a) prior to such consideration, except that this paragraph shall not apply to any supplemental statement prepared by the Director under section 424(a)(4).

(b) LIMITATION ON APPLICATION TO APPROPRIATIONS BILLS.—Subsection (a) shall not apply to a bill that is reported by the Committee on Appropriations or an amendment thereto.

Strike the proposed section 426 of the Congressional Budget Act of 1974 and strike the reference to such section in the amendment made by section 304.

H.R. 5

OFFERED BY: MR. BEILENSON

AMENDMENT NO. 34: At the end of title III add the following:

SEC. 307. SUNSET.

The amendments made by this title shall have no legal effect after the date of the final adjournment of the one hundred and fourth Congress and effective on that date such amendments are repealed.

H.R. 5

OFFERED BY: MR. BORSKI

AMENDMENT NO. 35: 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) establishes or enforces any condition or limitation on the addition into waters of the United States of pollutants that are—

(A) known to cause or can reasonably be anticipated to cause significant adverse acute human health effects; or

(B) known to cause or can reasonably be anticipated to cause in humans—

(i) cancer or teratogenic effects; or

(ii) serious or irreversible—

(I) reproductive dysfunctions;

(II) neurological disorders;

(III) heritable genetic mutations; or

(IV) other chronic health effects.

H.R. 5

OFFERED BY: MR. BORSKI

AMENDMENT NO. 36: 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) establishes or enforces any condition or limitation on the addition into waters of the United States of pollutants that are—

''(A) known to cause or can reasonably be anticipated to cause significant adverse acute human health effects; or

''(B) known to cause or can reasonably be anticipated to cause in humans—

''(i) cancer or teratogenic effects; or

''(ii) serious or irreversible—

''(I) reproductive dysfunctions;

''(II) neurological disorders;

''(III) heritable genetic mutations; or

''(IV) other chronic health effects.

H.R. 5

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 37: In section 301(2), in the matter proposed to be added as a new Part B to title IV of the Congressional Budget Act of 1974, strike the closing quotation marks at the end and after that add the following new section:

''SEC. 426. UNIFORM APPLICATION.

''If a bill, joint resolution, amendment, motion, or conference report contains a Federal private sector mandate and a Federal intergovernmental mandate that would, if enacted, impose identical duties on both State and local governments and on the private sector, then, in such cases in which the Federal private sector mandate applies to private sector entities which are competing directly or indirectly with States, local governments, or tribal governments for the purpose of providing substantially similar goods or services to the public, this part shall apply to the Federal private sector mandate in that measure or matter in the same manner and to the same extent as it does to the Federal intergovernmental mandate.''.

H.R. 5

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 38: In section 301(2), in the matter proposed to be added as a new section 424(a)(2)(A) to the Congressional Budget Act of 1974, strike ''$100,000,000'' and insert ''$50,000,000''.

H.R. 5

OFFERED BY: MR. CLAY

AMENDMENT NO. 39: At the end of paragraph (6) of section 4 strike ''or'', at the end of paragraph (7) strike the period and insert ''; or'', and add after paragraph (7) the following:

(8) is necessary to protect children from hunger or homelessness.

H.R. 5

OFFERED BY: MR. CLAY

AMENDMENT NO. 40: At the end of paragraph (6) of section 4 strike ''or'', at the end of paragraph (7) strike the period and insert ''; or'', and add after paragraph (7) the following:

(8) is necessary to protect the health and safety of those, including children and discouraged workers, who, through no fault of their own, receive welfare assistance.

H.R. 5

OFFERED BY: MR. CLAY

AMENDMENT NO. 41: In section 422 of the Congressional Budget Act of 1974, strike ''or'' at the end of paragraph (6), strike the period and insert ''; or'', at the end of paragraph (7), and add after paragraph (7) the following:

(8) is necessary to protect children from hunger or homelessness.

H.R. 5

OFFERED BY: MR. CLAY

AMENDMENT NO. 42: In section 422 of the Congressional Budget Act of 1974, strike ''or'' at the end of paragraph (6), strike the period and insert ''; or'', at the end of paragraph (7), and add after paragraph (7) the following:

(8) is necessary to protect the health and safety of those, including children and discouraged workers, who, through no fault of their own, receive welfare assistance.

H.R. 5

OFFERED BY: MR. CLAY

AMENDMENT NO. 43: At the end of paragraph (6) of section 4 strike ''or'', at the end of paragraph (7) strike the period and insert ''; or'', and add after paragraph (7) the following:

(8) is necessary to protect school children from exposure to dangerous conditions in schools, including exposure to asbestos and lead paint.

H.R. 5

OFFERED BY: MR. CLAY

AMENDMENT NO. 44: In section 422 of the Congressional Budget Act of 1974, strike ''or'' at the end of paragraph (6), strike the period and insert ''; or'', at the end of paragraph (7), and add after paragraph (7) the following:

(8) is necessary to protect school children from exposure to dangerous conditions in schools, including exposure to asbestos and lead paint.

H.R. 5

OFFERED BY: MR. CLAY

AMENDMENT NO. 45: In the proposed section 421(4) of the Congressional Budget Act of 1974, strike the period at the end of subparagraph (B) and insert a comma and insert after and below subparagraph (B) the following:

except that such term does not include a provision in any bill, joint resolution, motion, amendment, or conference report that would apply in the same manner to both the activities, facilities, or services of State, local, or tribal governments and the private sector.

H.R. 5

OFFERED BY: MR. CLAY

AMENDMENT NO. 46: In section 4 strike ''or'' at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and add after paragraph (7) the following:

(8) would apply in the same manner to both the activities, facilities, or services of State, local, or tribal governments and the private sector.

H.R. 5

OFFERED BY: MR. CLAY

AMENDMENT NO. 47: In section 4 strike ''or'' at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and add after paragraph (7) the following:

(8) would amend the Fair Labor Standards Act of 1938, the Act of March 3, 1931 (known as the Davis-Bacon Act), the Service Contract Act of 1965, the Family and Medical Leave Act of 1993, the Occupational Safety and Health Act of 1970, the Employee Polygraph Protection Act of 1988, or the Age Discrimination in Employment Act of 1967.

H.R. 5

OFFERED BY: MR. CLAY

AMENDMENT NO. 48: In the proposed section 421(4) of the Congressional Budget Act of 1974, strike the period at the end of subparagraph (B) and insert a comma and insert after and below subparagraph (B) the following:

except that such term does not include a provision in any bill, joint resolution, motion, amendment, or conference report that would amend the Fair Labor Standards Act of 1938, the Act of March 3, 1931 (known as the Davis-Bacon Act), the Service Contract Act of 1965, the Family and Medical Leave Act of 1993, the Occupational Safety and Health Act of 1970, the Employee Polygraph Protection Act of 1988, or the Age Discrimination in Employment Act of 1967.

H.R. 5

OFFERED BY: MR. CLAY

AMENDMENT NO. 49: At the end of paragraph (6) of section 4 strike ''or'', at the end of paragraph (7) strike the period and insert ''; or'', and add after paragraph (7) the following:

(8) is necessary to protect the health, safety or welfare of children, pregnant women, and the elderly.

H.R. 5

OFFERED BY: MR. CLAY

AMENDMENT NO. 50: In section 422 of the Congressional Budget Act of 1974, strike ''or'' at the end of paragraph (6), strike the period and insert ''; or'' at the end of paragraph (7), and add after paragraph (7) the following:

(8) is necessary to protect the health, safety or welfare of children, pregnant women, and the elderly.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 51: In section 306, strike ''October 1, 1995'' and insert ''at the end of the 10-day period beginning on the date of the enactment of this Act''.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 52; In section 301, in the text proposed to be added as section 425 of the Congressional Budget Act of 1974, strike subsection (b) (and redesignate the subsequent subsections accordingly).

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 53: 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) pertains to title XIV of the Public Health Service Act (42 U.S.C. 300f et seq.),

commonly referred to as the ''Safe Drinking Water Act''.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 54: 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) pertains to title XIV of the Public Health Service Act (42 U.S.C. 300f et seq.), commonly referred to as the 'Safe Drinking Water Act'.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 55: 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) pertains to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), commonly referred to as the ''Clean Water Act''.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 56: 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) pertains to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) commonly referred to as the 'Clean Water Act'.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 57: 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) pertains to the Clean Air Act.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 58: 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) pertains to the Clean Air Act.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 59: In section 4(5), before the semicolon at the end insert the following: '', or provides for protection of the health or safety of infants or children''.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 60: In section 301, in the proposed section 422(5) of the Congressional Budget Act of 1974, before the semicolon at the end insert the following: '', or provides for protection of the health or safety of infants or children''.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 61: 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) provides for protection of the health or safety of infants or children.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 62: 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) provides for protection of the health or safety of infants or children.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 63: In section 301, in the proposed section 425(d) of the Congressional Budget Act of 1974, after ''Chairman'' each place it appears insert ''and ranking minority party member''.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 64: After section 4, insert the following new section:

SEC. . JUDICIAL REVIEW.

(a) IN GENERAL.—Any statement or report prepared under this Act, any compliance or noncompliance with the provisions of this Act, and any determination concerning the applicability of the provisions of this Act shall not be subject to judicial review.

(b) RULE OF CONSTRUCTION.—No provision of this Act and no amendment made by this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any person in any administrative or judicial action. No ruling or determination made under the provisions of this Act and no amendment made by this Act shall be considered by any court in determining the intent of Congress or for any other purpose.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 65: 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) provides for protection of the health of infants, children, pregnant women, or the elderly.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 66: 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) provides for protection of the health of infants, children, pregnant women, or the elderly.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 67: 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) provides for the protection of public health, safety, or the environment.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 68: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike ''or'' after the semicolon in paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and after paragraph (7) add the following new paragraph:

''(8) provides for the protection of public health, safety, or the environment.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 69: 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) provides for aviation security or airport security.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 70: 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) provides for aviation security or airport security.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 71: In section 301, in the proposed section 421(4)(A)(ii) of the Congressional Budget Act of 1974, after ''amount of'' insert ''appropriations or''.

H.R. 5

OFFERED BY: MR. COOLEY

AMENDMENT NO. 72: In section 425(a) of the Congressional Budget Act of 1974, strike ''or'' at the end of paragraph (1), strike the period at the end of paragraph (2) and insert ''; or'', and add after paragraph (2) the following:

''(3) any bill, joint resolution, amendment, motion, or conference report that contains a Federal private sector mandate having direct costs that exceed the threshold specified in section 424(a)(2)(A), or that would cause the direct costs of any other Federal private sector mandate to exceed the threshold specified in section 424(a)(2)(A), unless—

''(A) the bill, joint resolution, amendment, motion, or conference report provides new budget authority or new entitlement authority in the House of Representatives or direct spending authority in the Senate for each fiscal year for the Federal private sector mandate included in the bill, joint resolution, amendment, motion, or conference report in an amount that equals or exceeds the estimated direct costs of such mandate;

''(B) the bill, joint resolution, amendment, motion, or conference report provides an increase in receipts or a decrease in new budget authority or new entitlement authority in the House of Representatives or direct spending authority in the Senate and an increase in new budget authority or new entitlement authority in the House of Representatives or an increase direct spending authority for each fiscal year for the Federal private sector mandate included in the bill, joint resolution, amendment, motion, or conference report in an amount that equals or exceeds the estimated direct costs of such mandate; or

''(C) the bill, joint resolution, amendment, motion, or conference report provides that such mandate shall be effective for any fiscal year only if all direct costs of such mandate in the fiscal year are provided in appropriations Acts, and in the case of such a mandate contained in the bill, joint resolution, amendment, motion, or conference report, the mandate is repealed effective on the first day of any fiscal year for which all direct costs of such mandate are not provided in appropriations Acts.

H.R. 5

OFFERED BY: MR. GENE GREEN OF TEXAS

AMENDMENT NO. 73: 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) regulates the licensing, construction, or operation of nuclear reactors or the disposal of nuclear waste.

H.R. 5

OFFERED BY: MR. HAYES

AMENDMENT NO. 74: In section 202(a), in the matter preceding paragraph (1), after ''$100,000,000 (adjusted annually for inflation)'' insert ''or a net elimination of 10,000 jobs''.

H.R. 5

OFFERED BY: MR. HAYES

AMENDMENT NO. 75: In section 301, in the matter proposed as section 424(a)(2)(A) of the Congressional Budget Act of 1974, after ''$100,000,000 (adjusted annually for inflation)'' insert ''or a net elimination of 10,000 jobs''.

H.R. 5

OFFERED BY: MR. KANJORSKI

AMENDMENT NO. 76: At the end, add the following new title:

TITLE IV—SUNSET

SEC. 401. TERMINATION DATE.

This Act shall cease to be in effect on January 3, 2000.

H.R. 5

OFFERED BY: MR. KANJORSKI

AMENDMENT NO. 77: In section 301(2), in the matter proposed to be added as a new section 425 to the Congressional Budget Act of 1974, at the end add the following new subsection:

''(f) LIMITATION ON APPLICATION IF DIRECTOR FAILS TO PRODUCE TIMELY REPORT.—Subsection (a) shall not apply to a bill, joint resolution, amendment, motion, or conference report if the Director has 30 calendar days in which to review that measure or matter and does not issue a statement pursuant to section 424(a).

H.R. 5

OFFERED BY: MR. KANJORSKI

AMENDMENT NO. 78: 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) pertains to Medicare.

H.R. 5

OFFERED BY: MR. KANJORSKI

AMENDMENT NO. 79: 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) requires State governments and local governments to participate in establishing and maintaining a national database for the identification of child molesters, child abusers, persons convicted of sex crimes, persons under a restraining order, or persons who have failed to pay child support.

H.R. 5

OFFERED BY: MR. KANJORSKI

AMENDMENT NO. 80: In section 103(a), in the matter preceding paragraph (1), strike ''9'' and insert ''8''.

In section 103(a), strike paragraphs (1), (2), and (3) and insert the following new paragraphs:

(1) 2 members appointed by the Speaker of the House of Representatives.

(2) 1 member appointed by the minority leader of the House of Representatives.

(3) 2 members appointed by the majority leader of the Senate.

(4) 1 member appointed by the minority leader of the Senate.

(5) 2 members appointed by the President.

H.R. 5

OFFERED BY: MR. KANJORSKI

AMENDMENT NO. 81: In section 4(2), after ''national origin,'' insert ''age,''.

H.R. 5

OFFERED BY: MR. KANJORSKI

AMENDMENT NO. 82: In section 301, in the matter proposed as section 422(2) of the Congressional Budget Act of 1974, after ''national origin,'' insert ''age,''.

H.R. 5

OFFERED BY: MR. KANJORSKI

AMENDMENT NO. 83: 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) pertains to child support or alimony.

H.R. 5

OFFERED BY: MR. KANJORSKI

AMENDMENT NO. 84: 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) pertains to investor protection, the safe and sound operation of financial markets, federally insured depository institutions and credit unions (as those terms are defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813) or section 101 of the Federal Credit Union Act (12 U.S.C. 1752), respectively), or the deposit insurance funds that insure the deposits or member accounts in those depository institutions or credit unions.

H.R. 5

OFFERED BY: MR. LATOURETTE

AMENDMENT NO. 85:

SEC. 205. CLARIFICATION OF MANDATE ISSUE AS TO GREAT LAKES WATER QUALITY GUIDANCE.

Section (c)(2)(C) of the Federal Water Pollution Control Act (33 U.S.C. Section 1268(c)(2) is amended by adding at the end thereof the following new sentence:

''For purposes of this subparagraph, the requirement that the States adopt programs 'consistent with' the Great Lakes guidance shall mean that the States are required to take the guidance into account in adopting their programs for waters within the Great Lakes System, but are in no event required to adopt programs that are identical or substantially identical to the provisions in the guidance.''

H.R. 5

OFFERED BY: MR. LEVIN

AMENDMENT NO. 86: 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) relates to study, control, deterring, preventing, prohibition, or other mitigation of child pornography.

H.R. 5

OFFERED BY: MR. LEVIN

AMENDMENT NO. 87: 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) relates to study, control, deterring, preventing, prohibition, or other mitigation of child pornography.

H.R. 5

OFFERED BY: MS. LOFGREN

AMENDMENT NO. 88: In section 2(7), before the semicolon insert the following: '', and that Congress shall not impose any Federal mandate on a State (including a requirement to pay matching amounts) unless the State is prohibited under Federal law from requiring, without consent of a local government, that the local government perform the activities that constitute compliance with the mandate''.

H.R. 5

OFFERED BY: MS. LOFGREN

AMENDMENT NO. 89: In section 102(a)(1), before the semicolon insert the following: '', including by investigating and reviewing the extent to which States require local governments, without their consent, to perform duties imposed on State governments by unfunded Federal mandates (including any duty to pay a matching amount as a condition of Federal assistance)''.

H.R. 5

OFFERED BY: MS. LOFGREN

AMENDMENT NO. 90: In section 301, at the end and immediately below the matter proposed as section 421(4)(B) of the Congressional Budget Act of 1974, add the following:

Subparagraph (A)(i) (I) and (II) shall not apply to a condition or duty, respectively, unless each State that is subject to the condition or duty is prohibited under Federal law from requiring, without the consent of a local government, that the local government perform the activities that constitute fulfillment of the condition or performance of the duty.

H.R. 5

OFFERED BY: MRS. MALONEY

AMENDMENT NO. 91: In section 301(2), in the matter proposed to be added as a new section 422 to 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 at the end add the following new paragraph:

''(8) provides for the protection of the health of children.

H.R. 5

OFFERED BY: MRS. MALONEY

AMENDMENT NO. 92: 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 at the end add the following new paragraph:

(8) provides for the protection of the health of children.

H.R. 5

OFFERED BY: MR. MARTINEZ

AMENDMENT NO. 93: In section 4, before ''This Act'' insert ''(a) IN GENERAL.—'', and at the end of the section add the following:

(b) REQUIREMENTS UNDER OTHER LAWS.—This Act 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: MR. MASCARA

AMENDMENT NO. 94: 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) requires compliance with section 402(a)(27) of the Social Security Act, any provision of part D of title IV of the Social Security Act, or any other Federal law relating

to establishment or enforcement of child support obligations.

H.R. 5

OFFERED BY: MR. MINETA

AMENDMENT NO. 95: In section 301, at the end of the proposed section 421(4) of the Congressional Budget Act of 1974, add the following:

Such term shall not be construed to include a provision in legislation, statute, or regulation that preempts a State, local, or tribal government from enacting or enforcing a law, regulating, or other provision having the force of law related to economic regulation, including limitations on revenues to such governments.

H.R. 5

OFFERED BY: MRS. MINK OF HAWAII

AMENDMENT NO. 96: In section 301, in the matter proposed as section 421(4)(A)(i)(II) of the Congressional Budget Act of 1974, strike ''except as provided in subparagraph (B)''.

In section 301, in the matter proposed as section 421(4) of the Congressional Budget Act of 1974, strike subparagraph (B).

In Section 301, in the matter proposed as 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 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. MOAKLEY

AMENDMENT NO. 97: In the proposed section 425 of the Congressional Budget Act of 1974, strike subsection (d).

H.R. 5

OFFERED BY: MR. MOAKLEY

AMENDMENT NO. 98: In the proposed section 426 of the Congressional Budget Act of 1974, strike ''10 minutes'' and insert ''30 minutes''.

H.R. 5

OFFERED BY: MR. MORAN

AMENDMENT NO. 99: In the proposed section 421(4) of the Congressional Budget Act of 1974, add after and below subparagraph (B) the following:

A mandate which would apply an enforceable mandate equally on State, local, or tribal governments and the private sector shall not, for purposes of section 425(a)(2), be considered a Federal intergovernmental mandate.

H.R. 5

OFFERED BY: MS. NORTON

AMENDMENT NO. 100: 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) establishes or enforces an obligation to pay child support.

In section 301, in 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) establishes or enforces an obligation to pay child support.

H.R. 5

OFFERED BY: MR. OBERSTAR

AMENDMENT NO. 101: 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) requires actions to further aviation safety or aviation security.

H.R. 5

OFFSERED BY: MR. OBERSTAR

AMENDMENT NO. 102: 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) requires actions to further aviation safety or aviation security.

H.R. 5

OFFERED BY: MR. PETERSON OF FLORIDA

AMENDMENT NO. 103: At the end of title II, add the following:

SEC. . PROHIBITION ON USE OF FEDERAL AMOUNTS TO PROVIDE ASSISTANCE OR PAY CLAIMS RELATING TO FAILURE TO COMPLY WITH FEDERAL MANDATES.

Notwithstanding any other law, amounts provided by the Federal Government may not be used to—

(1) provide any assistance with respect to any injury incurred as a result of a failure by a State, local government, or tribal government to comply with a Federal mandate; or

(2) pay any claim arising from such a failure.

H.R. 5

OFFERED BY: MR. PETERSON OF MINNESOTA

AMENDMENT NO. 104: In section 301, in the proposed section 424(a)(1)(A) of the Congressional Budget Act of 1974, strike ''$50,000,000'' and insert ''$25,000,000''.

In section 301, 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. PORTMAN

AMENDMENT NO. 105: In section 301, in the proposed section 423(b)(2) of the Congressional Budget Act of 1974, amend subparagraph (C) to read as follows:

''(C) a statement of—

''(i) the degree to which the Federal mandate affects each of the public and private sectors, including a description of the actions, if any, taken by the committee to avoid any adverse impact on the private sector or on the competitive balance between the public sector and the private sector; and

''(ii) in the case of a Federal mandate that is a Federal intergovernmental mandate, the extent to which limiting or eliminating the Federal intergovernmental mandate or Federal payment of direct costs of the Federal intergovernmental mandate (if applicable) would affect the competitive balance between States, local governments, or tribal governments and the private sector.

H.R. 5

OFFERED BY: MS. PRYCE

AMENDMENT NO. 106: At the end of title II insert the following:

SEC. 206. ANNUAL STATEMENTS TO CONGRESS ON AGENCY COMPLIANCE WITH REQUIREMENTS OF TITLE.

Not later than one year after the effective date of title III and annually thereafter, the Director of the Office of Management and Budget shall submit to Congress, including the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate, written statements detailing the compliance with the requirements of sections 201 and 202 by each agency during the period reported on.

H.R. 5

OFFERED BY: MR. SANDERS

AMENDMENT NO. 107: 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) establishes a minimum labor standard, including any prohibition of child labor, establishment of a minimum wage, or establishment of minimum standards for occupational safety.

H.R. 5

OFFERED BY: MR. SANDERS

AMENDMENT NO. 108: 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) establishes a minimum labor standard, including any prohibition of child labor, establishment of a minimum wage, or establishment of minimum standards for occupational safety.

H.R. 5

OFFERED BY: MR. SANDERS

AMENDMENT NO. 109: Insert the following new paragraphs at the end of the proposed section 424(a) of the Congressional Budget Act of 1974:

''(5) CONSIDERATION OF COST SAVINGS FROM FEDERAL MANDATES.—For each bill or joint resolution of a public character reported by any committee that establishes, modifies, or repeals a Federal mandate, the Director shall prepare and submit to the committee a statement describing the cost savings that would accrue to the private and public sectors from such Federal mandate, including long and short term health care cost savings. Such statement shall include a quantitative assessment of such cost savings to the extent practicable.

''(6) CONSIDERATION OF BENEFITS OF FEDERAL MANDATES.—For each bill or joint resolution of a public character reported by any committee that establishes, modifies, or repeals a Federal mandate, the Director shall prepare and submit to the committee a statement describing the benefits of such Federal mandate, including benefits to human health, welfare, and the environment. Such statement shall include a quantitative assessment of such benefits to the extent practicable.

H.R. 5

OFFERED BY: MR. SANDERS

AMENDMENT NO. 110: Insert the following new paragraph at the end of the proposed section 424(a) of the Congressional Budget Act of 1974:

''(5) CONSIDERATION OF COST SAVINGS FROM FEDERAL MANDATES.—For each bill or joint resolution of a public character reported by any committee that establishes, modifies, or repeals a Federal mandate, the Director shall prepare and submit to the committee a statement describing the cost savings that would accrue to the private and public sectors from such Federal mandate, including long and short term health care cost savings. Such statement shall include a quantitative assessment of such cost savings to the extent practicable.

H.R. 5

Offered By: Mr. Schiff

AMENDMENT NO. 111: Amend title I to read as follows:

TITLE I—REVIEW OF UNFUNDED FEDERAL MANDATES

SEC. 101. REPORT ON UNFUNDED FEDERAL MANDATES BY ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS.

(A) IN GENERAL.—The Advisory Commission shall in accordance with this section—

(1) investigate and review the role of unfunded Federal mandates in intergovernmental relations and their impact on State, local, tribal, and Federal Government objectives and responsibilities; and

(2) make recommendations to the President and the Congress regarding—

(A) allowing flexibility for State, local, and tribal governments in complying with specific unfunded Federal mandates for which terms of compliance are unnecessarily rigid or complex;

(B) reconciling any 2 or more unfunded Federal mandates which impose contradictory or inconsistent requirements;

(C) terminating unfunded Federal mandates which are duplicative, obsolete, or lacking in practical utility;

(D) suspending, on a temporary basis, unfunded Federal mandates which are not vital to public health and safety and which compound the fiscal difficulties of State, local, and tribal governments, including recommendations for triggering such suspension;

(E) consolidating or simplifying unfunded Federal mandates, or the planning or reporting requirements of such mandates, in order to reduce duplication and facilitate compliance by State, local, and tribal governments with those mandates; and

(F) establishing common Federal definitions or standards to be used by State, local, and tribal governments in complying with unfunded Federal mandates that use different definitions or standards for the same terms or principles.

Each recommendation under paragraph (2) shall, to the extent practicable, identify the specific unfunded Federal mandates to which the recommendation applies.

(b) CRITERIA.—

(1) IN GENERAL.—The Advisory Commission shall establish criteria for making recommendations under subsection (a).

(2) ISSUANCE OF PROPOSED CRITERIA.—The Advisory Commission shall issue proposed criteria under this subsection not later than 60 days after the date of the enactment of this Act, and thereafter provide a period of 30 days for submission by the public of comments on the proposed criteria.

(3) FINAL CRITERIA.—Not later than 45 days after the date of issuance of proposed criteria, the Advisory Commission shall—

(A) consider comments on the proposed criteria received under paragraph (2);

(B) adopt and incorporate in final criteria any recommendations submitted in those comments that the Advisory Commission determines will aid the Advisory Commission in carrying out its duties under this section; and

(C) issue final criteria under this subsection.

(c) PRELIMINARY REPORT.—

(1) IN GENERAL.—Not later than 9 months after the date of the enactment of this Act, the Advisory Commission shall—

(A) prepare and publish a preliminary report on its activities under this title, including preliminary recommendations pursuant to subsection (a);

(B) publish in the Federal Register a notice of availability of the preliminary report; and

(C) provide copies of the preliminary report to the public upon request.

(2) PUBLIC HEARINGS.—The Advisory Commission shall hold public hearings on the preliminary recommendations contained in the preliminary report of the Advisory Commission under this subsection.

(d) FINAL REPORT.—Not later than 3 months after the date of the publication of the preliminary report under subsection (c), the Advisory Commission shall submit to the Congress, including the committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate, and to the President a final report on the findings, conclusions, and recommendations of the Advisory Commission under this section.

SEC. 102. SPECIAL AUTHORITIES OF ADVISORY COMMISSION.

(a) EXPERTS AND CONSULTANTS.—The Advisory Commission may procure temporary and intermittent services of experts or consultants under section 3109(b) of title 5, United States Code.

(b) STAFF OF FEDERAL AGENCIES.—Upon request of the Executive Director of the Advisory Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Advisory Commission to assist it in carrying out its duties under this title.

(c) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Advisory Commission, the Administrator of General Services shall provide to the Advisory Commission, on a reimbursable basis, the administrative support services necessary for the Advisory Commission to carry out its duties under this title.

(d) CONTRACT AUTHORITY.—The Advisory Commission may, subject to appropriations, contract with and compensate Government and private agencies or persons for property and services used to carry out its duties under this title.

SEC. 103. DEFINITION.

In this title:

(1) ADVISORY COMMISSION.—The term ''Advisory Commission'' means the Advisory Commission on Intergovernmental Relations.

(2) FEDERAL MANDATE.—The term ''Federal mandate'' means any provision in statute or regulation that imposes an enforceable duty upon States, local governments, or tribal governments including a condition of Federal assistance or a duty arising from participation in a voluntary Federal program.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 112: Section 4 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

(8) pertains to air pollution abatement or control.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 113: Section 4 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

(8) pertains to air pollution abatement or control.

The proposed section 422 of the Congressional Budget Act of 1974 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

''(8) pertains to air pollution abatement or control.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 114: Section 4 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

(8) pertains to the abatement or control of hazardous air pollutants.

The proposed section 422 of the Congressional Budget Act of 1974 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

''(8) pertains to the abatement or control of hazardous air pollutants.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 115: The proposed section 422 of the Congressional Budget Act of 1974 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

''(8) pertains to air pollution abatement or control.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 116: Section 4 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

(8) pertains to attaining and maintaining national ambient air quality standards.

The proposed section 422 of the Congressional Budget Act of 1974 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

''(8) pertains to attaining and maintaining national ambient air quality standards.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 117: Section 4 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

(8) pertains to attaining and maintaining national ambient air quality standards.

The proposed section 422 of the Congressional Budget Act of 1974 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

''(8) pertains to attaining and maintaining national ambient air quality standards.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 118: Section 4 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

(8) pertains to attaining and maintaining national ambient air quality standards.

The proposed section 422 of the Congressional Budget Act of 1974 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

''(8) pertains to attaining and maintaining national ambient air quality standards.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 119: The proposed section 422 of the Congressional Budget Act of 1974 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

''(8) pertains to atmospheric acid deposition control.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 120: Section 4 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

(8) pertains to atmospheric acid deposition control.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 121: Section 4 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

(8) pertains to atmospheric acid deposition control.

The proposed section 422 of the Congressional Budget Act of 1974 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

''(8) pertains to atmospheric acid deposition control.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 122: Section 4 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

(8) pertains to abatement or control of motor vehicle emissions.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 123: The proposed section 422 of the Congressional Budget Act of 1974 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

''(8) pertains to abatement or control of motor vehicle emissions.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 124: Section 4 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

(8) pertains to abatement or control of motor vehicle emissions.

The proposed section 422 of the Congressional Budget Act of 1974 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

''(8) pertains to abatement or control of motor vehicle emissions.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 125: Section 4 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

(8) pertains to the abatement and control of emissions from stationary sources of air pollution.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 126: the proposed section 422 of the Congressional Budget Act of 1974 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

''(8) pertains to the abatement and control of emissions from stationary sources of air pollution.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 127: Section 4 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

(8) pertains to the abatement and control of emissions from stationary sources of air pollution.

The proposed section 422 of the Congressional Budget Act of 1974 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

''(8) pertains to the abatement and control of emissions from stationary sources of air pollution.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 128: Section 4 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

(8) pertains to the abatement or control of hazardous air pollutants.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 129: The proposed section 422 of the Congressional Budget Act of 1974 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

''(8) pertains to the abatement or control of hazardous air pollutants.

H.R. 5

OFFERED BY: MR. SPRATT

AMENDMENT NO. 130: 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) regulates the generation, transportation, storage, or disposal of toxic, hazardous, or radio-active substances.

H.R. 5

OFFERED BY: MR. TAYLOR OF MISSISSIPPI

AMENDMENT NO. 131: 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) provides for protection of public health through effluent limitations (as that term is defined in section 502(11) of the Federal Water Pollution Control Act (33 U.S.C. 1362(11)).

H.R. 5

OFFERED BY: MR. TAYLOR OF MISSISSIPPI

AMENDMENT NO. 132: 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) provides for protection of public health through effluent limitations (as that term is defined in section 502(11) of the Federal Water Pollution Control Act (33 U.S.C. 1362(11)).

H.R. 5

OFFERED BY: MR. TOWNS

AMENDMENT NO. 133: 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) regulates the conduct of States, local governments, or tribal governments with respect to matters that significantly impact the health or safety of residents of other States, local governments, or tribal governments, respectively.

H.R. 5

OFFERED BY: MR. TOWNS

AMENDMENT NO. 134: 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) regulates the conduct of States, local governments, or tribal governments with respect to matters that significantly impact the health or safety of residents of other States, local governments, or tribal governments, respectively.

H.R. 5

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 135: In section 103(a), after ''elected officials'' insert ''and officials representing working men and women''.

H.R. 5

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 136: In section 202(a), after ''productive jobs,'' insert ''worker benefits and pensions,''.

H.R. 5

OFFERED BY: MR. VENTO

AMENDMENT NO. 137: 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 at the end add the following new paragraph:

(8) applies to life threatening public health and safety matters.

H.R. 5

OFFERED BY: MR. VENTO

AMENDMENT NO. 138: In section 301(2), in the matter proposed to be added as a new section 424(a)(1) to the Congressional Budget Act of 1974, at the end add the following new subparagraph:

''(C) The estimate required by subparagraph (A) shall include a cost-benefit analysis comparing the direct cost of complying with the Federal intergovernmental mandates in the bill or joint resolution with the social costs (such as environmental or public health costs) of not implementing such mandates.

H.R. 5

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 139: At the end of paragraph (6) of section 4 strike ''or'', at the end of paragraph (7) strike the period and insert

''; or'', and add after paragraph (7) the following:

(8) establishes or enforces standards for protecting or enhancing human health, welfare, or the environment that apply to State, local, and tribal governments in the same manner as such standards apply to the private sector.

H.R. 5

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 140: Amend section 201(b) to—

(1) strike ''AND TRIBAL GOVERNMENT'' in the subsection heading and insert ''TRIBAL GOVERNMENT, AND CONCERNED CITIZENS'', and

(2) strike ''and tribal governments'' and insert ''tribal governments, and concerned citizens''.

H.R. 5

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 141: Add at the end of title II the following:

SEC. 206. JUDICIAL REVIEW.

(a) AVOIDING BURDENSOME LITIGATION.—Any statement or report prepared under this title, any compliance or noncompliance with this title, and any determination concerning the applicability of the provisions of this title shall not be subject to judicial review.

(b) AGENCY COMPLIANCE.—The Advisory Commission On Intergovernmental Relations shall evaluate agency compliance with this title. Within 2 years of the date of the enactment of this Act, the Commission shall submit to the committees of the House of Representatives and the Senate with jurisdiction its report on such compliance together with any recommendations for enhancing compliance.

H.R. 5

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 142: In the proposed section 421(a)(4)(ii) of the Congressional Budget Act of 1974 insert ''or the amount of appropriations'' after ''appropriations''.

In the heading for the proposed section 424(a) of the Congressional Budget Act of 1974, strike ''OTHER THAN APPROPRIATIONS BILLS AND JOINT RESOLUTIONS''.

In paragraphs (1) and (2) of the proposed section 424(a) of the Congressional Budget Act of 1974, strike ''of authorization''.

In the proposed section 425(b) of the Congressional Budget Act of 1974, insert ''(2)'' after ''(a)''.

H.R. 5

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 143: In the proposed section 421(4) of the Congressional Budget Act of 1974, add the following new sentence at the end of the section:

Clause (i)(I) of subparagraph (B) shall not apply to provisions that are designed to protect the health or safety of individuals receiving benefits under the Federal program.

H.R. 5

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 144: In the proposed section 421(4) of the Congressional Budget Act of 1974, add the following new sentence at the end of the section:

Clause (i)(I) of subparagraph (B) shall not apply to provisions that are designed to prevent fraud or abuse or to increase fiscal accountability of the program administered by the States, local governments, or tribal governments receiving assistance.

H.R. 5

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 145 Insert the following new paragraph at the end of the proposed section 424(a) of the Congressional Budget Act of 1974:

''(5) CONSIDERATION OF BENEFITS OF FEDERAL MANDATES.—For each bill or joint resolution of a public character reported by any committee that establishes, modifies, or repeals a Federal mandate, the director shall prepare and submit to the committee a statement describing the benefits of such Federal mandate, including benefits to human health, welfare, and the environment. Such statement shall include a quantitative assessment of such benefits to the extent practicable.

H.R. 5

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 146: Add the following at the end of the proposed section 424(a)(1) of the Congressional Budget Act of 1974:

''(C) If the Director determines that it is not feasible to make a reasonable estimate that would be required under subparagraphs (A) and (B), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement.

Add the following at the end of the proposed section 424(a) of the Congressional Budget Act.

''(5) CONFIDENCE OF DIRECTOR.—In the statement the Director is required to submit to a committee, the Director shall include a statement of the confidence the Director has in the reliability of the cost estimates included in the statement.

H.R. 5

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 147: Add at the end of the proposed section 424(a) of the Congressional Budget Act of 1974 the following:

''(5) In the statement that the Director is required to submit to a committee of the Congress, the Director shall include an analysis of the potential that full Federal funding of any Federal intergovernmental mandate will lead to wasteful State, local, or tribal government spending or investment of such funding and recommendations for preventing any such wasteful spending or investment.

H.R. 5

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 148: In section 4(2) insert ''familial status,'' after ''race,''.

H.R. 5

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 149: In section 422(2) of the Congressional Budget Act of 1974, insert ''familial status,'' after ''race,''.

H.R. 5

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 150: In section 422 of the Congressional Budget Act of 1974, strike ''or'' at the end of paragraph (6), strike the period and insert ''; or'' at the end of paragraph (7), and add after paragraph (7) the following:

''(8) establishes or enforces standards for protecting or enhancing human health, welfare, or the environment that apply to State, local, and tribal governments in the same manner as such standards apply to the private sector.

H.J. RES. 1

OFFERED BY: MR. ALLARD

AMENDMENT NO. 6: Strike all after the enacting 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. Except as provided by this Article, beginning with the fiscal year 1997 or for the first fiscal year beginning after ratification, whichever is later, the President shall submit a budget of revenues and outlays to Congress, and Congress shall adopt a budget that reduces the deficit existing the year prior to ratification of this Article by not less than 16.7 percent per year in order to balance the budget within 6 fiscal years.

''SECTION 2. Except as provided by this Article, beginning with the 7th year beginning after ratification and for every year thereafter, budgeted outlays shall not exceed budgeted revenues.

''SECTION 3. Beginning with the 7th year after ratification, the actual revenues shall exceed actual outlays in order to provide for the reduction of the gross Federal debt which is outstanding at the end of the 6th year after ratification.

''The amount of such reduction will be equal to the amount required to amortize the debt over the next 24 years, in order to repay the entire debt by the end of the 30th year after ratification.

''SECTION 4. Congress may waive the provisions of this Article (except for section 5) for any fiscal year in which a declaration of war is in effect.

''SECTION 5. No bill to increase revenues shall become law unless approved by a majority of the total membership of each House of Congress by a roll call vote.

''SECTION 6. Congress shall review actual revenues on a quarterly basis and adjust appropriations to assure compliance with this Article.

''SECTION 7. For purposes of this Article, revenues shall include all revenues of the United States excluding borrowing and outlays shall include all outlays of the United States excluding repayment of debt principal.''.

H.J. RES. 1

OFFERED BY: MR. FRANKS OF NEW JERSEY

AMENDMENT NO. 7: Strike all after the enacting 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. Actual outlays shall include the cost to a State of any requirement imposed by Federal law upon a State that is not paid for by the Federal Government, and the cost to a State of complying with any condition imposed by Federal law on the receipt by a State of appropriated funds other than a condition directly and substantially related to the purpose of the appropriation. For the purposes of this section, Federal law does not include an obligation imposed by this Constitution or a law intended to enforce that obligation, nor does it include any

law enacted before Congress submits this Article to the States.

''SECTION 3. 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 4. 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 5. 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.

''SECTION 6. 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 7. All votes taken by the House of Representatives or the Senate under this Article shall be rollcall votes.

''SECTION 8. Congress shall enforce and implement this Article by appropriate legislation.

''SECTION 9. This Article shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later.''.

H. J. RES. 1

OFFERED BY: MR. HOKE

AMENDMENT NO. 8: 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. Congress may not increase the limit on the debt of the United States held by the public without the approval of three-fifths of the whole number of each House of Congress.

''SECTION 2. No bill to increase tax revenue shall become law unless approved by three-fifths of the whole number of each House of Congress.

''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. Congress shall enforce and implement this Article by appropriate legislation.

''SECTION 5. This Article shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later.''.

H. J. RES. 1

OFFERED BY: MR. HOKE

AMENDMENT NO. 9: Strike sections 1, 3, 5, and 7 (and redesignate accordingly).

H.J. RES. 1

OFFERED BY: MR. ISTOOK

AMENDMENT NO. 10: 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, adapt 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. No bill to increase receipts shall become law unless approved by a three-fifths majority of the whole number of each House of Congress.

''SECTION 3. 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 4. 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 5. 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.

''SECTION 6. The amount of Federal public debt as of the first day of the second fiscal year beginning after the ratification of this Article 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 7. All votes taken by the House of Representatives or the Senate under this Article shall be roll-call votes.

''SECTION 8. Congress shall enforce and implement this Article by appropriate legislation.

''SECTION 9. This Article (except section 2) shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later.

''SECTION 10. Section 2 shall take effect upon the date of ratification of this Article and shall be in effect only until the close of fiscal year 2004 or for the fourth fiscal year beginning after its ratification, whichever is later.''.

H. J. RES. 1

OFFERED BY: MR. ISTOOK

AMENDMENT NO. 11: 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 to the States for ratification:

''ARTICLE —

''SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

''SECTION 2. No bill to increase receipts shall become law unless approved by a three-fifths majority of the whole number of each House of Congress.

''SECTION 3. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

''SECTION 4. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

''SECTION 5. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

''SECTION 6. The 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 is engaged in military conflict which causes 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 7. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

''SECTION 8. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

''SECTION 9. This Article (except section 2) shall take effect for the fiscal year 2002 or for the second fiscal year beginning after is ratification, whichever is later.

''SECTION 10. Section 2 shall take effect upon the date of ratification of this Article and shall be in effect only until the close of fiscal year 2004 or for the fourth fiscal year beginning after its ratification, whichever is later.''.

H.J. RES. 1

OFFERED BY: MR. OBEY

AMENDMENT NO. 12: 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. Total outlays of the United States for any fiscal year shall not exceed total receipts to the United States for that year.

''SECTION 2. The 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 of Congress, that becomes law. If real economic growth has been or will be negative for two consecutive quarters, Congress may by law, passed by a majority of the whole number of each House of Congress, waive this article for the current and next fiscal year.

''SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays shall not exceed total receipts.

''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. The receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall not be counted as receipts or outlays for purposes of this article.

''SECTION 5. Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

''SECTION 6. This section and section 5 of this article shall take effect upon ratification. All other sections of this article shall take effect beginning in the fiscal year 2002 or the second fiscal year beginning after its ratification, whichever is later.''.

H.J. RES. 1

OFFERED BY: MR. SCHIFF

AMENDMENT NO. 13: 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. For any fiscal year for which this Article is in effect, receipts and outlays for any trust fund of the United States shall be subject to the provisions of this article in the same manner as total receipts and total outlays of the United States (except that if a trust fund has an accumulated surplus from prior years, then that surplus may be counted as a receipt for purposes of the statement required by section 1 for the fiscal year to which the statement applies), including the requirement of section 3 insofar as it affects any trust fund.

''SECTION 3. No bill to increase tax revenue shall become law unless approved by a three-fifths majority of the whole number of each House of Congress.

''SECTION 4. 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 5. 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 6. 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.

''SECTION 7. 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 8. All votes taken by the House of Representatives or the Senate under this Article shall be rollcall votes.

''SECTION 9. Congress shall enforce and implement this Article by appropriate legislation.

''SECTION 10. This Article shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later.''.

H.J. RES. 1

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 14: 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. Congress shall provide that total operating expenditures of the United States Government for any fiscal year shall not exceed total operating receipts, except in a fiscal year for which Congress shall have determined that a condition of national security emergency or national economic emergency exists.

''SECTION 2. Not later than eight months prior to the start of a fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for such fiscal year in which total operating expenditures do not exceed total receipts.

''SECTION 3. Congress shall have the power to enforce and implement this article by appropriate legislation.

''SECTION 4. Section 3 of this article shall take effect upon ratification. Other sections of this article shall take effect with respect to fiscal year 2002 or the third fiscal year beginning after ratification, whichever is later.

H.J. RES. 1

OFFERED BY: MR. SMITH OF MICHIGAN

AMENDMENT NO. 15: 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. Except as provided in this article, total outlays of the United States Government shall be limited as follows:

''(1) Total outlays in any fiscal year shall not increase by a percentage greater than the percentage increase in nominal gross domestic product in the last calendar year ending prior to the beginning of such fiscal year.

''(2) Total outlays in any fiscal year shall not exceed the ratio of the outlays in the fiscal year at the time of submission of this proposed amendment to the States to gross domestic product in the last calendar year ending prior to the fiscal year at the time of submission to the States, times gross domestic product in the last calendar year ending prior to the fiscal year for which this limitation is being calculated.

''(3) If inflation for the last calendar year ending prior to the beginning of any fiscal year is more than 3 percent, the permissible percentage increase in total outlays for that fiscal year shall be reduced by one-fourth of the excess of inflation over 3 percent.

''SECTION 2. 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, both on-budget and off-budget, except those for the repayment of debt principal. Inflation shall be measured by the difference between the percentage increase in nominal gross domestic product and the percentage increase in real gross domestic product. Total outlays shall include the cost to any State or local government of engaging in any activity or service mandated by any law of the United States beyond that required by existing law or this Constitution at the time of the submission of this proposed amendment to the States, unless an appropriation is made and disbursed to pay that State or local government for such cost.

''SECTION 3. When, for any fiscal year, total receipts received by the United States exceed total outlays, the surplus shall be used to reduce the public debt of the United States until such debt is eliminated.

''SECTION 4. 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 5. Following the declaration of an emergency by the President, Congress may authorize, by a two-thirds vote of both Houses, a specified amount of emergency outlays in excess of the limit for the current fiscal year.

''SECTION 6. For each of the first 4 fiscal years after ratification of this article, total grants to States and local governments shall not be a smaller fraction of total outlays than the average of the 3 fiscal years prior to the ratification of this article.

''SECTION 7. This article may be enforced by one or more Members of the Congress, or by the President, in an action brought in the United States District Court for the District of Columbia, and by no other persons. The action shall name as defendant the Treasurer of the United States, who shall have authority over outlays by any unit or agency of the Government of the United States when required by a court order enforcing the provisions of this article. The order of the court shall not specify the particular outlays to be made or reduced. Changes in outlays necessary to comply with the order of the court shall be made no later than the end of the first full fiscal year following the court order.''.

H.J. RES. 1

OFFERED BY: MR. SMITH OF MICHIGAN

AMENDMENT NO. 16. 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. No bill to increase tax revenue shall become law unless approved by a three-fifths majority of the whole number of each House of Congress.

''SECTION 3. 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 4. 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 5. 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 outlays shall include the cost to any State or local government of engaging in any activity or service mandated by any law of the United States beyond that required by existing law or this Constitution at the time of the submission of this proposed amendment to the States, unless an appropriation is made and disbursed to pay that State or local government for such cost.

''SECTION 6. 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 7. All votes taken by the House of Representatives or the Senate under this Article shall be roll-call votes.

''SECTION 8. Congress shall enforce and implement this Article by appropriate legislation.

''SECTION 9. This Article shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later.''.

H.J. RES. 1

OFFERED BY: MR. STUPAK OF MICHIGAN

AMENDMENT NO. 17: 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 proposal 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.''.

H.J. RES. 1

OFFERED BY: MR. THORNTON

AMENDMENT NO. 18: 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 7 years after the date of its submission for ratification:

''ARTICLE —

''SECTION 1. Total outlays of the operating fund of the United States for any fiscal year shall not exceed total receipts to those funds for that fiscal year plus any operating fund balances carried over from previous fiscal years.

''SECTION 2. The Congress may waive the provisions of this article for any fiscal year by a declaration of national urgency by the President that is approved by a majority vote of both Houses of the Congress.

''SECTION 3. Not later than the first Monday in February in each calendar year, the President shall transmit to the Congress a proposed budget for the United States Government for the fiscal year beginning in that calendar year in which the total outlays of the operating fund of the United States for that fiscal year shall not exceed total receipts to those funds for that fiscal year.

''SECTION 4. Total receipts of the operating funds shall exclude those derived from net borrowing. Total outlays of the operating funds of the United States shall exclude those for repayment of debt principal and for capital and developmental investments that provide demonstrable long-term economic returns but shall include an annual debt servicing charge. The receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund together with outlays for benefits earned by veterans of military service shall not be counted as receipts or outlays for purposes of this article.

''SECTION 5. This article shall be implemented and enforced only in accordance with appropriate legislation enacted by Congress, which may rely on estimates of outlays and receipts.

''SECTION 6. This section and section 5 of this article shall take effect upon ratification. All other sections of this article shall take effect beginning with fiscal year 2001 or the second fiscal year beginning after its ratification, whichever is later.''.

H.J. RES. 1

OFFERED BY: MS. WATERS

AMENDMENT NO. 19: 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. No bill to increase tax revenue or that would have the effect of increasing receipts (including attributable interest) of the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund, or any successor funds, or outlays for disbursements of the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund, or any successor funds shall become law unless approved by a three-fifths majority of the whole number of each House of Congress.''.

''SECTION 3. 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 4. 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 5. 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.

''SECTION 6. 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 7. All votes taken by the House of Representatives or the Senate under this Article shall be rollcall votes.

''SECTION 8. Congress shall enforce and implement this Article by appropriate legislation.

''SECTION 9. This Article shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later.''.

H.J. RES. 1

OFFERED BY: MS. WATERS

AMENDMENT NO. 20: 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. No bill to increase tax revenue shall become law unless approved by a three-fifths majority of the whole number of each House of Congress.

''SECTION 3. 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 4. 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 5. 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.

''SECTION 6. Total receipts of the operating funds shall exclude those derived from net borrowing. Total outlays of the operating funds of the United States shall exclude those for the repayment of debt principal and for capital investments in criminal justice, personal security, and fire prevention, but shall include an annual debt servicing charge.

''SECTION 7. 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 8. All votes taken by the House of Representatives or the Senate under this Article shall be roll-call votes.

''SECTION 9. Congress shall enforce and implement this Article by appropriate legislation.

''SECTION 10. This Article shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later.''.

H.J. RES. 1

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 21: 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. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year. Total outlays shall include all outlays of the United States Government except those for repayment of debt principal. Total receipts shall include all receipts of the United States Government except those derived from borrowing.

''SECTION 2. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

''SECTION 3. Congress may waive the provisions of this article for any fiscal year by majority of the whole number of each House by a recorded vote.

''SECTION 4. Congress shall have power to enforce this article by appropriate legislation.

''SECTION 5. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.''.