

hurdle, it gives the House a moment to pause and consider the magnitude of its actions.

In fact, the point of order may be raised, voted upon, and passed by a comfortable margin without Congress turning aside from its consideration of such a sizable mandate. The heart of the matter, though, is that our bias will be against mandates. More importantly, we will indicate our intention by incorporating this into our procedures.

I seek the same protection for the private sector. If my amendment passes, private sector mandates that exceed \$100 million will be subject to this same point of order. We will then be forced to stop and consider our actions in light of the fairness we are trying to impart to the States by passing this bill.

We pride ourselves as a nation on our fairness. When I offer my amendment, I ask that you carefully consider the fairness of the bill as written. Will we erect a double standard or will we protect the private sector as well?

We started this process with the resolve to end unfunded mandates. Let us not lose that resolve by hesitating to protect the private sector in the same manner.

I thank the Speaker and yield back the balance of my time.

Mr. DAVIS. Thank you very much. Let me just ask the gentleman one question if I may. Is it not a fact that the same individuals that elect local and State officials are the same ones who elect us? Is that not correct?

Mr. COOLEY. That is correct.

Mr. DAVIS. Basically they are looking to us to fill different levels of government to work together in the most efficient way to try to take care of their concerns and their problems. And one of the problems it seems to me with the unfunded mandates is we have it all backward. The priorities are set from a group that are not paying for those priorities. That leads to a whole different and inefficient way of doing business than if you are setting the priorities and paying for them. Do you agree?

Mr. COOLEY. We have both served in legislature and in government prior to coming to Congress, and as State legislators and a State senator, we mandated many things which we were forced to pass on to the small communities which we were forced to pass on to the small communities which we knew would not be able to financially afford them. But we had to pass those down. Because in that process, if we didn't, the Federal Government, as you know through the mandate process, has a compromise system, and if you do not follow mandates, sometimes you are penalized by not receiving other returns on Federal funding. So the system is more a system I would say of blackmail than it is of cooperation and spirit, and it should be done in cooperation and spirit, and not in the system that forces people to do it when they

really truly want to, but maybe financially cannot, nor is it necessary.

Mr. DAVIS. I thank my distinguished colleague for those remarks. I just would at this point like to yield to the gentleman from Kentucky.

Mr. LEWIS of Kentucky. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 5, the Unfunded Mandates Reform Act.

Mr. Speaker, people across the country sent this institution a message last November. They said we are sick and tired of big Government telling us how to run our lives. I believe the Unfunded Mandate Reform Act is a vital step toward showing we heard what the people had to say and that we are doing something about it.

If we are serious about reducing the size and intrusiveness of the Federal Government, we should pass this bill. We have to stop passing the cost of our big ideas back to our State and local governments. I don't doubt that many of the unfunded mandates passed by this institution were well-intended.

The American people do need and they do deserve clean air, clean water, and a healthy environment. But it is well past time the Federal Government begins to get a little more honest about the cost of the laws we pass. Our mayors, our county judge executives, our Governors, have been pleading with us to quit passing the buck for many years now.

□ 1650

Yet the House of Representatives, the people's House, has all too often refused to listen. We need to remember that our actions have an impact on the folks back home. New laws and regulations cost money, and it is not our money we are spending. It is the people's money. And if we are going to spend the people's money, they deserve to know what it is for and why.

Mr. Speaker, it is time to clean up our act. If we need to pass new laws and regulations, let us be honest about their cost. Let us provide the money so that folks back home do not pay higher taxes and user fees. Let us show the leadership that the people sent us here to provide. Let us listen to the people.

Mr. DAVIS. Mr. Speaker, let me, if I could, just sum up for a minute. Mr. Speaker, I just note that one of the issues that came up today during the course of the debate, Members were saying, well, if one State dumped pollution into another State, the polluting State would not have to clean up unless Congress gave them a billion dollars and funded the mandate. That just is not so.

All we are asking for is a cost accounting to find out what the costs are of imposing these mandates onto the State and local government. Then we can get a clear picture, enter into a dialog with Senate and local governments so that we can act appropriately to make sure that the will of the people is carried out.

The 1991 Intermodal Surface Transportation Efficiency Act, ISTEA, in-

cluded a provision requiring that highway asphalt in federally funded projects contain a certain percentage of recycled tire rubber, starting with 5 percent in 1994 and increasing incrementally to 20 percent by 1997 and beyond. Governors note that not a single State transportation department, nor the Federal Department of Transportation, nor any engineering trade association endorsed the rubberized asphalt provision when it was proposed here in this body.

They further point out that the requirement had no supportive evidence of any ostensible environmental benefits and potentially disrupts a common State practice of recycling asphalt by introducing an additive without testing its effects on the reclamation process and imposes a requirement that is terribly costly and inefficient.

That came from the Congress. The cost impact is most easily measured. States with effective tire-disposing programs found that disposing of used tires and asphalt was the most expensive method of disposal. The Ohio Department of Transportation, which normally pays \$38 per cubic yard of asphalt, discovered that the average cost per cubic yard of rubberized asphalt is \$108, almost three times the cost.

The Governor estimates that a 20-percent crumb rubber requirement will cost the State \$50 million annually.

My question to my colleagues during this debate has been, what are we afraid of? Are we afraid to cost out these new mandates, to be accountable for the costs that we allocate to State and local governments and they, in turn, pass on to their taxpayers at the local level? Or are we willing to stand up and say, there are going to be measures, many of them environmental measures, that in point of fact call for Federal interference and mandating these costs. But we are not too afraid to face up to these costs up front, to have a dialog with the localities that are being asked to pay for this and then work in the most efficient way we can possibly to clean up the environment and to do whatever health and safety or whatever mandate we feel is so required.

I think that is the issue that is going to be before this body over the next week. I look forward to continued dialog with my colleagues on this, and I think the American people are waiting for action.

RULES OF PROCEDURE FOR THE COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT FOR THE 104TH CONGRESS.

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

Mr. CLINGER. Mr. Speaker, pursuant to and in accordance with clause 2(a) of rule XI of the Rules of the House of Representatives, I

submit for publication in the CONGRESSIONAL RECORD a copy of the rules of the Government Reform and Oversight Committee for the 104th Congress as approved by the committee on January 10, 1995.

I. RULES OF THE COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT, U.S. HOUSE OF REPRESENTATIVES, 104TH CONGRESS

Rule XI, 1(a)(1) of the House of Representatives provides:

The Rules of the House are the rules of its committees and subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in committees and subcommittees.

Rule XI, 2(a) of the House of Representatives provides, in part:

Each standing committee of the House shall adopt written rules governing its procedures. * * *

In accordance with this, the Committee on Government Reform and Oversight, on January 10, 1995, adopted the rules of the committee:

RULE 1.—APPLICATION OF RULES

Except where the terms "full committee" and "subcommittee" are specifically referred to, the following rules shall apply to the Committee on Government Reform and Oversight and its subcommittees as well as to the respective chairmen.

[See House Rule XI, 1.]

RULE 2.—MEETINGS

The regular meetings of the full committee shall be held on the second Tuesday of each month at 10:00 a.m., unless when Congress has adjourned. The chairman is authorized to dispense with a regular meeting or to change the date thereof, and to call and convene additional meetings, when circumstances warrant. A special meeting of the committee may be requested by members of the committee following the provisions of House Rule XI, 2(c)(2). Subcommittees shall meet at the call of the subcommittee chairmen. Every member of the committee or the appropriate subcommittee, unless prevented by unusual circumstances, shall be provided with a memorandum at least three calendar days before each meeting or hearing explaining (1) the purpose of the meeting or hearing; and (2) the names, titles, background and reasons for appearance of any witnesses. The ranking minority member shall be responsible for providing the same information on witnesses whom the minority may request.

[See House Rule XI, 2(b).]

RULE 3.—QUORUMS

A majority of the members of the committee shall form a quorum, except that two members shall constitute a quorum for taking testimony and receiving evidence, and one-third of the members shall form a quorum for taking any action other than the reporting of a measure or recommendation. If the chairman is not present at any meeting of the committee or subcommittee, the ranking member of the majority party on the committee or subcommittee who is present shall preside at that meeting.

[See House Rule XI, 2(h).]

RULE 4.—COMMITTEE REPORTS

Bills and resolutions approved by the committee shall be reported by the chairman following House Rule XI, 2(l).

Every investigative report shall be approved by a majority vote of the committee at a meeting at which a quorum is present. Supplemental, minority, or additional views may be filed following House Rule XI, 2(l)(5). The time allowed for filing such views shall be three calendar days (excluding Saturdays,

Sundays, and legal holidays) unless the committee agrees to a different time, but agreement on a shorter time shall require the concurrence of each member seeking to file such views. A proposed report shall not be considered in subcommittee or full committee unless the proposed report has been available to the members of such subcommittee or full committee for at least three calendar days (excluding Saturdays, Sundays, and legal holidays) before the consideration of such proposed report in subcommittee or full committee. If hearings have been held on the matter reported upon, every reasonable effort shall be made to have such hearings available to the members of the subcommittee or full committee before the consideration of the proposed report in such subcommittee or full committee.

Only those reports approved by a majority vote of the committee may be ordered printed, unless otherwise required by the Rules of the House of Representatives.

RULE 5.—PROXY VOTES

In accordance with the Rules of the House of Representatives, members may not vote by proxy on any measure or matter before the committee or any subcommittee.

[See House Rule XI, 2(f).]

RULE 6.—ROLL CALLS

A roll call of the members may be had upon the request of any member upon approval of a one-fifth vote.

[See House Rule XI, 2(e).]

RULE 7.—RECORD OF COMMITTEE ACTIONS

The committee staff shall maintain in the committee offices a complete record of committee actions from the current Congress including a record of the rollcall votes taken at committee business meetings. The original records, or true copies thereof, as appropriate, shall be available for public inspection whenever the committee offices are open for public business. The staff shall assure that such original records are preserved with no unauthorized alteration, additions, or defacement.

[See House Rule XI, 2(e).]

RULE 8.—SUBCOMMITTEES; REFERRALS

There shall be seven subcommittees with appropriate party ratios that shall have fixed jurisdictions. Bills, resolutions, and other matters shall be referred by the chairman to subcommittees within two weeks for consideration or investigation in accordance with their fixed jurisdictions. Where the subject matter of the referral involves the jurisdiction of more than one subcommittee or does not fall within any previously assigned jurisdiction, the chairman shall refer the matter as he may deem advisable. Bills, resolutions, and other matters referred to subcommittees may be reassigned by the chairman when, in his judgment, the subcommittee is not able to complete its work or cannot reach agreement therein. In a subcommittee having an even number of members, if there is a tie vote with all members voting on any measure, the measure shall be placed on the agenda for full committee consideration as if it had been ordered reported by the subcommittee without recommendation. This provision shall not preclude further action on the measure by the subcommittee.

[See House Rule XI, 1(a)(2).]

RULE 9.—EX OFFICIO MEMBERS

The chairman and the ranking minority member of the committee shall be ex officio members of all subcommittees. They are authorized to vote on subcommittee matters; but, unless they are regular members of the subcommittee, they shall not be counted in determining a subcommittee quorum other than a quorum for taking testimony.

RULE 10.—STAFF

Except as otherwise provided by House Rule XI, 5 and 6, the chairman of the full committee shall have the authority to hire and discharge employees of the professional and clerical staff of the full committee and of subcommittees.

RULE 11.—STAFF DIRECTION

Except as otherwise provided by House Rule XI, 5 and 6, the staff of the committee shall be subject to the direction of the chairman of the full committee and shall perform such duties as he may assign.

RULE 12.—HEARING DATES AND WITNESSES

The chairman of the full committee will announce the date, place, and subject matter of all hearings at least one week before the commencement of any hearings, unless he determines that there is good cause to begin such hearings sooner. So that the chairman of the full committee may coordinate the committee facilities and hearing plans, each subcommittee chairman shall notify him of any hearing plans at least two weeks before the date of commencement of hearings, including the date, place, subject matter, and the names of witnesses, willing and unwilling, who would be called to testify, including, to the extent he is advised thereof, witnesses whom the minority members may request. The minority members shall supply the names of witnesses they intend to call to the chairman of the full committee or subcommittee at the earliest possible date. Witnesses appearing before the committee shall, so far as practicable, submit written statements at least 24 hours before their appearance.

[See House Rules XI, 2 (g)(3), (g)(4), (j) and (k).]

RULE 13.—OPEN MEETINGS

Meetings for the transaction of business and hearings of the committee shall be open to the public or closed in accordance with Rule XI of the House of Representatives.

[See House Rules XI, 2 (g) and (k).]

RULE 14.—FIVE-MINUTE RULE

A committee member may question a witness only when recognized by the chairman for that purpose. In accordance with House Rule XI, 2(j)(2), each committee member may request up to five minutes to question a witness until each member who so desires has had such opportunity. Until all such requests have been satisfied, the chairman shall, so far as practicable, recognize alternately based on seniority of those majority and minority members present at the time the hearing was called to order and others based on their arrival at the hearing. After that, additional time may be extended at the direction of the chairman.

RULE 15.—INVESTIGATIVE HEARINGS; PROCEDURE

Investigative hearings shall be conducted according to the procedures in House Rule XI, 2(k). All questions put to witnesses before the committee shall be relevant to the subject matter before the committee for consideration, and the chairman shall rule on the relevance of any questions put to the witness.

RULE 16.—STENOGRAPHIC RECORD

A stenographic record of all testimony shall be kept of public hearings and shall be made available on such conditions as the chairman may prescribe.

RULE 17.—TV, RADIO, AND PHOTOGRAPHS

An open meeting or hearing of the committee or a subcommittee may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, unless closed subject to the provisions of House Rule XI, 3.

RULE 18.—ADDITIONAL DUTIES OF CHAIRMAN

The chairman of the full committee shall:

(a) Make available to other committees the findings and recommendations resulting from the investigations of the committee or its subcommittees as required by House Rule X, 4(c)(2);

(b) Direct such review and studies on the impact or probable impact of tax policies affecting subjects within the committee's jurisdiction as required by House Rule X, 2(c);

(c) Submit to the Committee on the Budget views and estimates required by House Rule X, 4(g), and to file reports with the House as required by the Congressional Budget Act;

(d) Authorize and issue subpoenas as provided in House Rule XI, clause 2(m), in the conduct of any investigation or activity or series of investigations or activities within the jurisdiction of the committee; and

(e) Prepare, after consultation with subcommittee chairmen and the minority, a budget for the committee which shall include an adequate budget for the subcommittees to discharge their responsibilities.

(f) Make any necessary technical and conforming changes to legislation reported by the committee upon unanimous consent.

RULES OF PROCEDURE FOR THE COMMITTEE ON HOUSE OVERSIGHT FOR THE 104TH CONGRESS

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

Mr. THOMAS. Mr. Speaker, pursuant to and in accordance with clause 2(a) of rule XI of the Rules of the House of Representatives, I submit for publication in the CONGRESSIONAL RECORD a copy of the rules of the Committee on House Oversight for the 104th Congress as approved by the committee on January 11, 1994.

RULES OF PROCEDURE OF THE COMMITTEE ON HOUSE OVERSIGHT, ONE HUNDRED FOURTH CONGRESS

RULE NO. 1—GENERAL PROVISIONS

(a) The Rules of the House are the rules of the committee so far as applicable, except that a motion to recess from day to day is a motion of high privilege in committees.

(b) The committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under House Rule X and (subject to the adoption of expense resolutions as required by House Rule XI, clause 5) to incur expenses (including travel expenses) in connection therewith.

(c) The committee is authorized to have printed and bound testimony and other data presented at hearings held by the committee, and to distribute such information by electronic means; information distributed by electronic means shall also be printed. All costs of stenographic services and transcripts in connection with any meeting or hearing of the committee shall be paid from the appropriate House account.

(d) The committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the committee under House Rules X and XI during the Congress ending at noon on January 3 of such year.

(e) The committee's rules shall be published in the Congressional Record not later than 30 days after the Congress convenes in each odd-numbered year.

RULE NO. 2—REGULAR AND SPECIAL MEETINGS

(a) The regular meeting date of the Committee on House Oversight shall be the second Wednesday of every month when the House is in session in accordance with Clause 2(b) of House Rule XI. Additional meetings may be called by the chairman as he may deem necessary or at the request of a majority of the members of the committee in accordance with Clause 2(c) of House Rule XI. The determination of the business to be considered at each meeting shall be made by the chairman subject to Clause 2(c) of House Rule XI. A regularly scheduled meeting need not be held if there is no business to be considered.

(b) If the chairman of the committee is not present at any meeting of the committee, or at the discretion of the chairman, the vice chairman of the committee shall preside at the meeting. If the chairman and vice chairman of the committee are not present at any meeting of the committee, the ranking member of the majority party who is present shall preside at the meeting.

RULE NO. 3—OPEN MEETING

As required by Clause 2(g), of House Rule XI, each meeting for the transaction of business, including the markup of legislation, of the committee, shall be open to the public except when the committee, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person, or otherwise would violate any law or rule of the House: *Provided, however*, That no person other than members of the committee, and such congressional staff and such departmental representatives as they may authorize, shall be present in any business or markup session which has been closed to the public.

RULE NO. 4—RECORDS AND ROLLCALLS

(a) The result of each rollcall vote in any meeting of the committee shall be transmitted for publication in the Congressional Record as soon as possible, but in no case later than two legislative days following such rollcall vote, and shall be made available for inspection by the public at reasonable times at the committee offices, including a description of the amendment, motion, order or other proposition; the name of each member voting for and against; and the members present but not voting.

(b) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as chairman of the committee; and such records shall be the property of the House and all members of the House shall have access thereto.

(c) House records of the committee which are at the National Archives shall be made available pursuant to House Rule XXXVI. The chairman of the committee shall notify the ranking minority party member of any decision to withhold a record pursuant to the rule, and shall present the matter to the committee upon written request of any committee member.

RULE NO. 5—PROXIES

No vote by any member in the committee may be cast by proxy.

RULE NO. 6—POWER TO SIT AND ACT; SUBPOENA POWER

(a) For the purpose of carrying out any of its functions and duties under House Rules X and XI, the committee, is authorized (subject to subparagraph (b)(1) of this paragraph)—

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

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents; as it deems necessary. The chairman of the committee, or any member designated by the chairman, may administer oaths of any witness.

(b)(1) A subpoena may be authorized and issued by the committee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. The power to authorize and issue subpoenas under subparagraph (a)(2) may be delegated to the chairman of the committee pursuant to such rules and under such limitations as the committee may prescribe. Authorized subpoenas shall be signed by the chairman of the committee or by any member designated by the committee.

(2) Compliance with any subpoena issued by the committee may be enforced only as authorized or directed by the House.

RULE NO. 7—QUORUMS

No measure or recommendation shall be reported to the House unless a majority of the committee is actually present. For the purposes of taking any action other than reporting any measure, issuance of a subpoena, closing meetings, promulgating committee orders, or changing the rules of the committee, the quorum shall be one-third of the members of the committee. For purposes of taking testimony and receiving evidence, two members shall constitute a quorum.

RULE NO. 8—AMENDMENTS

Any amendment offered to any pending legislation before the committee must be made available in written form when requested by any member of the committee. If such amendment is not available in written form when requested, the chair will allow an appropriate period of time for the provision thereof.

RULE NO. 9—HEARING PROCEDURES

(a) The chairman, in the case of hearings to be conducted by the committee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least 1 week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date. In the latter event the chairman shall make such public announcement at the earliest possible date. The clerk 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) Unless excused by the chairman, each witness who is to appear before the committee shall file with the clerk of the committee, at least 48 hours in advance of his or her appearance, a written statement of his or her proposed testimony and shall limit his or her oral presentation to a summary of his or her statement.

(c) When any hearing is conducted by the 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 those minority 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 hearings thereon.

(d) Committee members may question witnesses only when they have been recognized by the chairman for that purpose, and only