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House of Representatives

The House met at 9:30 a.m. and was called to order by the Speaker pro tempore [Mr. STEARNS].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
January 24, 1995.

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

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leaders limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Indiana [Mr. VISCLOSKY] for 5 minutes.

IN SUPPORT OF A BALANCED BUDGET AMENDMENT

Mr. VISCLOSKY. Mr. Speaker, I do not believe that the President and the Congress will find the collective courage necessary to balance the budget without a constitutional imperative. I, therefore, rise today in support of the Stenholm-Schaefer balanced budget amendment to the U.S. Constitution because I have run out of patience.

America has always been the land of opportunity. The assumption of a better life for each generation was one of the defining characteristics of our Nation. Throughout our history, people just like my grandparents have come here to build a better life for themselves and their children. Each generation's hard work paves the way so those who follow could travel farther down the road of prosperity.

Unfortunately, Mr. Speaker, in recent decades the economic policies of this country have caused us to lose our way. We have borrowed to achieve a false sense of prosperity today, leaving the bills for our children to pay tomorrow.

In 1992, our Government spent $290 billion more than it had. This means that in 1992 alone, $1,150 was borrowed from every single person in America. Over the past 20 years, the average budget deficit has grown from $36 billion in the seventies to $156 billion in the eighties, to the unprecedented $248 billion hole we have dug for ourselves in the 1990's.

This hole, our debt, is a money pit where we throw taxpayers' dollars. In fact, interest payments on the national debt, which is the accumulation of our deficits, now surpass the annual deficit. During the current fiscal year, the projected deficit of $176 billion will be significantly less than the $213 billion we must pay in interest. In other words, we are taking in more than enough money to pay for all the programs and activities of the Federal Government. We just do not have enough money to pay off our previous bills.

Previous budget deficits soak up our private savings and eat away at our economic well-being, resulting in reduced wage rates and fewer jobs, often hitting the highly paid manufacturing sector the hardest.

Economics professor Benjamin Friedman writes:

> At the deepest level, an economic policy that artificially boosts consumption at the expense of investment, dissipates assets, and runs up debt, flies in the face of essential moral values that have always motivated each generation's sense of obligation to those that follow. We are enjoying what appears to be a higher, more stable standard of living by selling our children's economic birthright.

I am absolutely convinced that the best thing we can do for today's men and women and for their children is to begin balancing the budget now. In the past I have steadfastly opposed amending the Constitution for this purpose, because it has always been within our power to balance the budget without a constitutional mandate. However, the trend of increasing budget deficits has demonstrated three administrations' and Congress' lack of resolve to make the tough decisions required to achieve a balanced budget.

The rhetoric I hear today does nothing to convince me that we will change our buy-now-and-pay-later ways. Many talk about balancing the budget, while also calling for increased defense spending and lower taxes. These are the same misguided economic policies that tripled our national debt during the past 12 years. Republican George Bush called it voodoo economics. Sadly, a constitutional amendment may be the only way to force us to reexamine our priorities, to balance the budget, and cease mortgaging our Nation's future.

In 1798 Thomas Jefferson said that if he could add one amendment to the Constitution, it would be to prohibit the Federal Government from borrowing money.

In a 1992 congressional hearing, Lawrence Tribe said:

> The Jeffersonian notion that today's populace should not be able to burden future generations with excessive debt, does seem to be the kind of fundamental value that is worthy of enshrinement in the Constitution.

Since I was elected to Congress, we have asked young men and women to give their lives to defend the ideals of our country. Compared to this, I do not

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believe that asking the people of our Nation to receive just a little bit less of an increase in the Government payments they receive is to great a sacrifice to guarantee the future of our country. The time has come to enshrine the fundamental value of a balanced budget in the Constitution, and to distribute short-term sacrifice fairly and equitably among Americans of all ages.

We must remember, however, that voting for a balanced budget amendment is the easy part. The amendment has overwhelming public support, and simply voting yes puts each of us on the right side of public opinion without having to make the tough choices that will put the budget into balance.

It would be a cruel hoax on the American people to pass a balanced budget amendment without beginning to actually balance the budget now. If we start our work today, the impact will be less painful and our decisions less difficult than if we continue to postpone tough decisions.

BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Missouri [Ms. MCCARTHY] is recognized during morning business for 1 minute.

Ms. MCCARTHY. Mr. Speaker, on Wednesday we will begin debate on a resolution to add an amendment to the Constitution to require a balanced budget.

The fiscal mismanagement that has existed at the Federal level has compelled this body to seek a constitutional remedy to our exploding debt problem. Over the years, attempts at statutory discipline have failed miserably. The succession of such failed statutory remedies—from Gramm-Rudman-Hollings in 1987 to the Budget Enforcement Act of 1990—liters the legislative landscape and affirms the need for a balanced budget amendment. It appears obvious that we need the discipline of a constitutional amendment to control Federal spending.

However, notwithstanding the need for the procedural discipline that a constitutional amendment will bring, we are fooling ourselves if we think the votes we will cast this week for the balanced budget amendment are the difficult votes. No, the truly tough votes will occur this spring and summer and in subsequent springs and summers when we turn to the budget and appropriations process. At that time we will see whether we are serious about cutting the deficit and whether we will make the sacrifices necessary to end the days of deficit spending.

During the course of last year's campaign I pledged support for the balanced budget amendment; I am committed to keep that promise. However, of equal importance will be my commitment to find ways to cut government spending without transferring that burden to the States or the elderly. Reducing government spending should be the goal of every Member in this body, but that goal has to be reached without shifting the costs to other levels of government or those least able to pay.

THE 84TH CONGRESS, AN AUSPICIOUS MARKER FOR A PROUD DEMOCRATIC LEGACY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Pennsylvania [Mr. FATTAH] is recognized during morning business for 4 minutes.

Mr. FATTAH. Mr. speaker, I am interested to hear that, from the point of view of some, the past 40 years of Democratic leadership in the Congress has been disastrous. The Democrats have squandered public resources, destroyed national institutions, and in general presided over the complete destruction of that ideal called the American Way of Life.

As I look back on those 40 years, a very different picture unfolds for me as the legacy of the Democratic Party. And since nothing is so liberating or enlightening as a simple statement of the truth, it would be useful for this body in general, and for my Democratic colleagues in particular, to review the historical reality, and from time to time, to remind ourselves what it has meant, and what it still means today, to be the Party of the people.

Let us start with 1955, Mr. Speaker—exactly 40 years ago. That was the 84th Congress, and even then Democrats were pursuing peace among nations, while building the physical, economic, and social infrastructure which this great nation requires to support the lives of its people.

Most significant among all the actions taken during the 84th Congress was the increase in the minimum wage from 75 cents to $1 per hour. It is important to mark that point in history—that in the very beginning of this much maligned 40 year period, the Democratically-controlled Congress took action to improve the lot of the broadest possible base of our society. This was not an action which benefited only a few of the wealthiest individuals—like a capital gains tax. This was an action which benefited the entire Nation, because it lifted the boats stuck at the bottom and set a new and higher minimum standard of living for all Americans. Far from destroying the American way of life, Mr. Speaker, Democrats have defined the American way of life and brought it within reach of us all.

To normalize relationships with potential international partners, working with the President, the 84th Congress ratified the Southeast Atlantic Treaty Organization, established peace with Austria, and liberated Germany from Allied occupation.

To secure the nation, they established the national reserves.

In order to stimulate economic development, they built four major dams which provided electricity to the upper Colorado River region.

In order to stimulate economic development, they built four major dams which provided electricity to the upper Colorado River region.

To stabilize the agriculture industry, they established the soil bank program which insulated farmers from fluctuations in farm prices.

To connect this vast Nation from sea to shining sea, the Democratic 84th Congress initiated a 41,000-mile interstate superhighway program, and established the user-fee-financed highway trust fund to help pay for it.

To protect the quality of our environment for future generations, they passed and funded the Water Pollution Control Act of 1956.

A simple assertion of the truth, Mr. Speaker. I cannot imagine a more auspicious marker for our proud Democratic legacy than that provided by the 84th Congress. A self-governing people cooperatively managing their society, meeting their immediate needs, and providing for their future through the processes of government.

From this podium during the coming year, I will demonstrate by such simple statements of the unvarnished truth, that the American way is the way of the Democratic Party. Democrats have served this Nation well. We must claim and proclaim and embrace it as our mission to carry this great, but not yet perfect Nation forward as one Nation, under God, with liberty and justice for all.

TWO PROVISIONS WHICH BELONG IN BUDGET LEGISLATION, NOT IN A BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Ohio [Mr. HOKE] is recognized during morning business for 5 minutes.

Mr. HOKE. Mr. Speaker, I want to speak this morning about the balanced budget amendment that we are going to begin consideration of either later today or tomorrow.

This body is going to consider a bill which has two very, very important features in it. The one is a three-fifths majority to raise the debt ceiling of the Federal Government, and the other is a three-fifths majority to increase taxes, both of which are needed and are absolutely good policy and should be enacted.

In addition, Mr. Speaker, there are other issues and there are other sections of the amendment that we are going to consider that really do not belong in a balanced budget amendment to the Constitution. The ones I am thinking of specifically have to do with, first of all, a requirement that the President of the United States submit to the Congress a budget that purports to be in balance, or that the Congress of the United States should adopt a budget that purports to be in balance.

Mr. Speaker, I want to talk about why those two ideas do not belong in the Constitution, because although, as well-intended as they are, as needed as they are with respect to the adoption of that kind of a balanced budget, the fact is that they belong in budget legislation and not in the Constitution.

In order to create a budget, when the President creates a budget, what he does, and when the Congress creates a budget through the Committee on the Budget, of which I am a member, what we do and what the President does is, he relies on the CBO, the Congressional Budget Office, or OMB, Office of Management and Budget, or Joint Tax Committee, to come up with projections about what we are going to spend, what we are going to receive in revenues, and then to make recommendations about what the budget should be based on those things.

The fact is that all of those projections made by OMB, CBO, or Joint Tax are, by definition, wrong. They must be wrong, unless by some incredible, extraordinary chance of luck they should be on the dollar.

However, what we are asking in this constitutional amendment, the way it is worded, is that the President and the Congress should determine in advance what will be in balance, what will not be in balance, what exactly every agency is going to spend, and how much money we are going to raise. It is impossible to do that.

What we do know absolutely is how much money the Government has borrowed and what the debt ceiling is. This is the absolute brick wall that will stop, except with a supermajority. Remember, this is not a complete stop sign. It is merely a hurdle you have to go over. It is a 60-percent hurdle in order to continue this binge of deficit spending we have been on, but it is a very, very important hurdle.

That requirement, that you must have a supermajority, a three-fifths majority in order to raise the debt ceiling, that is the linchpin of this constitutional amendment from the spending side, because what it means is that you cannot deficit spend without a three-fifths majority. That is the one that will work.

Bill Barr, former Attorney General under President Bush, has made that clear in his testimony. Dr. William Nescanin, former head of the Council of Economic Advisers under President Reagan, has made that point, and other judicial scholars and constitutionalists agree that it is the three-fifths supermajority to raise the debt ceiling which is the true linchpin that will finally at least create the resistance that Thomas Jefferson talked about in 1789 to borrowing money.

Jefferson said in 1789 he had one concern about this Constitution that he had been so instrumental in crafting and then adopting. His concern was that it did not create any resistance on the part of the Federal Government to borrowing money. That is what this constitutional amendment will do, it will create the resistance of a three-fifths majority to borrowing more money and increasing the debt service, or increasing the debt ceiling.

What I am urging today, Mr. Speaker, is as we consider this balanced budget amendment there will be, I hope, in order a substitute that I took to the Committee on Rules yesterday, that is in all parts identical to the bill that was reported out, and I urge that Members will support that substitute that will be on the floor.

FORMER REPRESENTATIVE GINGRICH WOULD URGE ETHICS INVESTIGATION OF PRESENT SPEAKER GINGRICH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Oregon [Mr. DEFAZIO] is recognized during morning business for 2 minutes.

Mr. DEFAZIO. Mr. Speaker, there are those on the other side of the aisle who make light of the pending investigation on ethics of Speaker GINGRICH. I believe they do so at their own peril, and in contradiction of the position taken by Representative GINGRICH in July 1988.

In July 1988, Speaker GINGRICH, or at that time Representative GINGRICH, waxed very eloquent in a press release regarding the duties and the burdens of the Speaker and the duties and burdens of the House in investigating the Speaker of the House, and the fact that it should not be done by peers in the House of Representatives but in fact by an outside counsel, because it is so important to assure the integrity of that office.

Now, Mr. Speaker, we are confronted with a situation where several Members, several Republican Members of the Ethics Committee, have past associations with GOPAC, the secret and multi-million-dollar slush fund which is the subject of the ethics complaint.

Here we are, we have members of the committee who have a conflict of interest, who should recuse themselves, but if they recuse themselves, only new members could be appointed by the Speaker, so the Speaker in effect would be appointing his own judge and jury.

There is only one way out of this for Speaker GINGRICH. That is for Speaker GINGRICH to take the advice of Representative NEWT GINGRICH in 1988 and appoint an outside counsel, so the American people can be assured that the integrity of this office is upheld and the integrity of the U.S. Congress is upheld without any possible assertion of undue influence.

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.

MESSAGE FROM THE SENATE

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

H. Con. Res. 16. Concurrent resolution providing for a joint session of Congress to receive a message from the President on the state of the Union.

□ 0950

CAN'T WE ALL JUST GET ALONG?

The SPEAKER pro tempore (Mr. STEARNS). Under the Speaker's announced policy of January 4, 1995, the gentleman from Michigan [Mr. EHLERS] is recognized during morning business for 5 minutes.

Mr. EHLERS. Mr. Speaker, I have given some thought to the events of the past week, the discussions and the debates. Through it all I am reminded of something I learned from my father years ago, and, that is, that great minds debate issues, average minds discuss events, and small minds talk about other people.

I have been dismayed that of all the many issues facing this Congress, particularly as we debate the Contract With America, that we find the other side, the minority party, concentrating on personal attacks on a Member of the Republican side.

Perhaps there is some basis for that, although I do not believe so. But the point I am making is, we have a number of major issues facing the Congress in the first 100 days and beyond. Furthermore, I believe the philosophy underlying the Contract With America deserves discussion and debate on behalf of the American people.

I believe it is important for us to engage in a dialog with the American people and discuss these issues with them, both Republicans and Democrats. I find it personally dismaying that so much emphasis during the 1-minute speeches and the 5-minute speeches has been concentrated on one particular person and one particular aspect of what that person has done.

I do not believe that this is behavior befitting the institution of the Congress. I believe that we have better things to do, we have more important things to do, and we have more important issues to discuss.

I urge my colleagues on both sides of the aisle to join in debating the issues that face this country, and the issues that are being presented to us daily on the floor.

There are certain things we can discuss during these 1-minute and 5-minute speeches which cannot or do not lend themselves very well to debate during the specific bills which are brought before the body. I think that we should take the opportunity during these 1-minute and 5-minute discussions to in fact debate the philosophy underlying this. I would also like to see more discussion about foreign relations

during these periods of time. We face very difficult issues and choices, particularly as it relates to the Russian involvement in Chechnya, the battle going on in Bosnia, the devaluation of the Mexican peso and the implications for us.

We do not need more rancorous debate about individuals and persons and their behavior. We need positive, constructive debate about the issues facing this Nation and what we as a Congress are going to propose to do about those problems.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. EHLERS. Just one moment, please.

Finally, I am reminded of the comments of Mr. Rodney King, whom I did not think I would ever quote on the floor of Congress, but give his famous statement, ''Can't we all just get along?''

Can't we all just get along for the good of the American people and for the purpose of debate in this body?

I would be pleased to yield the remainder of my time to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. I thank the gentleman for yielding.

Mr. Speaker, I appreciate the gentleman's speech because I think those of us on this side want to make sure the body moves forward, too. We are sent here to do the Nation's business. But I hope the gentleman read yesterday's Newsweek story because I think that is why some of us on this side are so concerned. I hope that the gentleman reads that because I think if he reads that, he too will join us in saying there are some serious questions here that need to be asked and need to be dealt with.

I would hope we could get these questions about the book deal outside of this arena, to independent counsel, or get it out of here so we could move on to those topics. But in the Newsweek yesterday, they came out and showed that this is not the first incident where Mr. Murdoch has been called into question. That in the last 10 years, there have been at least 6 suspicious book deals when he needed to get special privileges in other legislative bodies for his publishing empire. I think that raises some very serious questions that we should ask.

The gentleman is right, we should not debate them here, but should we not get them outside this body to an independent counsel somewhere to get this solved and raise the cloud?

I yield back to the gentleman. Would you not agree on that?

Mr. EHLERS. As I understand it, you are suggesting an investigation of Mr. Murdoch. But that is not what I have heard the discussion about during the past week.

Mrs. SCHROEDER. If I may reclaim my time, what I am asking is that we have an investigation of the Speaker's book deal with Mr. Murdoch.

Mr. EHLERS. Mr. Speaker, I yield to the gentleman from Georgia.

Mr. LINDER. I thank the gentleman for yielding. I appreciate your point. I do not take my advice on politics from——

The SPEAKER pro tempore. The gentleman's 5 minutes has expired.

Mr. LINDER. There should be an investigation of Mr. Murdoch. I appreciate your point.

WELFARE REFORM: BEYOND SLOGANS TO ACTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Connecticut [Mrs. KENNELLY] is recognized during morning business for 4 minutes.

Mrs. KENNELLY. Mr. Speaker, right now as we go forward on our work in this new Congress, there is no debate on whether we should reform welfare. That debate is over and both sides of the aisle agree that we should and the taxpayers have reached a consensus that the system does not work as we know it today. But saying that, it is not enough. It is time for all of us to understand that real reform is not a matter of finding the best slogans. In fact, it is a cruel hoax to the American people to say that we can do welfare reform easily. In fact, it is going to be very difficult to carry out welfare reform.

Today I would challenge my colleagues on both sides of the aisle to move beyond the slogans that we have adopted these last few months to get that message out and get down to the real work of doing welfare reform.

Let us begin to deal with the realities of what real reform will mean and come to grips with some of the most difficult issues.

Let me give some examples. Slogan 1: ''Those who refuse to accept responsibility should not receive a free ride.''

We all agree. But when I take a very good read of the contract, I see that if in fact a woman establishes the paternity of her child, gives the name of the father, gives the address of the father, and yet that paternity does not get legally established by the State organization or an agency that is dealing with this thing, that child will not receive any assistance.

The contract states that any child whose paternity is not established would be in fact ineligible for benefits. This would be in any case unless in fact paternity was established. Yet we know in real life that State agencies often take up to 6 months to establish paternity. We also know that there are those who have fathered children, leave the State, cannot be found and paternity cannot be established. That makes no difference. The child will not in fact receive any help.

Slogan 2: ''Welfare reform must aim at keeping families together.''

My heavens, that is exactly what all of us want. Without a family, it is very, very difficult to grow up and be able to take care of yourself in life. Yet we tell this as a fact. But if we look at the contract, we see very little reference other than that area about paternity about what responsibilities the father carries.

Therefore, many of us in this Congress want very deeply to have the welfare reform bill move along quickly, as rapidly as it can, being well-done, and have child support enforcement move along with it.

Child support enforcement is a necessary vehicle to go along with welfare reform so in fact two people, those two people that had the children, are involved in supporting that child and the taxpayer does not get left.

We know that if we do this, there is a much better chance that that child will grow up and be able to feel good about itself.

I think that we should continue to ask that those that are doing the welfare reform have child support enforcement happen at the same time.

Some say there are acceptable alternatives to letting the young, often immature mothers raise their children in inadequate surroundings with insufficient support. We all agree on that. But let us not also be fooled by the idea that everybody who has a child out of wedlock establishes an apartment and is on their own. Ninety percent of those people, those young women, live with a member of the family or a relative, with a mother, a father or a relative.

When we go beyond that, we have to be very careful that we do not let others fall through the cracks, and I mean fall through the cracks by not having adequate support that we all say we want. Not orphanages, of course not. But we certainly should look at group homes.

I will continue this later because there are other things we are trying to do that are simplistic. It is going to be hard to do welfare reform. We want to do it, but we should do it right.

REDUCTION URGED IN ROLE OF FEDERAL GOVERNMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from California [Mr. RADANOVICH] is recognized during morning business for 2 minutes.

Mr. RADANOVICH. Mr. Speaker, even though the State of the Union speech is still to come, given the advance reports of the President's remarks, I am not hesitant to comment.

Separate from any specific White House proposal, it is the general inside-the-beltway, business-as-usual approach that concerns me. That attitude doesn't just come from the White House; but it permeates both the public and private sectors of Washington.

I was elected, Mr. Speaker, to reduce the role of the Federal Government, to rid us of regulation, and to put an end

to Federal formulas for everything from cradle to grave.

What I expect to hear the President say later today will not make that happen. His message will speak of a lofty reinvention of government, when what we need is restructuring of government—from the bottom up.

A State of the Union Message is called for by the Constitution. So is the concept of limited powers to be exercised by the Federal Government, and a federation of States to exercise the bulk of government powers. The 10th amendment in the Bill of Rights says all those powers not allowed to Uncle Sam belong to the States or the people.

Our message to the administration must be ''before you get another taxpayer penny for the programs you propose, you must first satisfy us in Congress that you have constitutional authority to conduct it in the first place.''

SPEAKER'S BOOK DEAL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Texas, Mr. GENE GREEN, is recognized during morning business for 2 minutes.

Mr. GENE GREEN of Texas. Mr. Speaker, later in this session the House will consider the Personal Responsibility Act. Is it not time for the Speaker and all of us to take some personal responsibility for our own actions?

When the flap came up over what the Speaker's mother said to Connie Chung concerning the First Lady of our Nation, he turned the issue to Connie Chung and not what was said. When the issue came up on the $4.5 million book deal that was negotiated, the debate in the House was censored last week. And then over the weekend, our Speaker lashed out at the First Lady again and at a former Speaker. He repeated the charge that made him famous when he called former Speaker Jim Wright a crook. Never mind the fact that the former Speaker's book deal was worth $12,000 versus our current Speaker's $4.5 million deal. Even our most successful writer in this country does not command $4.5 million of up-front money. Or the fact that it was simply unprofessional, undignified, and impugned the character of a former Speaker when he is retired and gone and cannot defend himself.

Much has been written about our Speaker's book deal, particularly the meeting with Mr. Murdoch and political apparatus, GOPAC, The Progress and Freedom Foundation, et cetera.

The Capitol Hill newspaper Roll Call has written in the Speaker's eloquent words from 1988 about another book deal, an outside counsel on ethics should be brought in for a ''complete and thorough'' investigation. We have a saying in Texas, what goes around comes around.

I ask today as Representative GINGRICH did in 1988 that the outside counsel investigate these ethical matters and clear up these questions once and for all, because just like the Energizer bunny, this issue will keep on going and going and going until we put it to rest.

Mr. Speaker, I include the following for the RECORD:

AN OUTSIDE COUNSEL

Much has been made in the last week of Members' speech. Consider this choice of words: ''The rules normally applied by the Ethics Committee to an investigation of a typical Member are insufficient in an investigation of the Speaker of the House, a position which is third in line of succession to the Presidency and the second most powerful elected position in America. Clearly, this investigation has to meet a higher standard of public accountability and integrity.'' So wrote Rep. Newt Gingrich (R-Ga) in a July 28, 1988, press release calling for an outside counsel in the House ethics probe of then-Speaker Jim Wright (D-Texas).

Now, the shoe is on the other foot, and Democrats are clamoring for (in Gingrich's nearly decade-old words) a ''complete and thorough'' investigation of a variety of allegations against the new Speaker. Unfortunately but predictably, the situation has grown ugly. And, as witnesses on the House floor for two days last week, it is now creating a spectacle before the American public. Which is perhaps the best reason for an outside counsel.

But there are others. The charges against Gingrich range from conflicts of interest and use of office for personal gain in connection with his Harper-Collins book deal to improper use of funds from his tax-exempt outside groups.

Ironically, the book deal, which has drawn the most attention both from the media and Democrats, raises the less serious ethical questions. The facts: Gingrich agreed to and then canceled a $4.5 million advance for two books to be published by HarperCollins, the company owned by Rupert Murdock, who is currently lobbying to alter laws restricting foreign ownership of broadcast properties such as his Fox TV network. Despite urging from fellow Republicans to abandon the book deal, Gingrich holds onto it. Even though he's rejected the advance, he still could make millions from the book—partly depending upon how heavily HarperCollins promotes it, a decision ultimately in Murdoch's hands.

More serious are the allegations of the funding of Gingrich's college course, ''Renewing American Civilization,'' and the extensive connections between Gingrich's political action committee, GOPAC; his Congressional office; and his outside educational arm, the Progress & Freedom Foundation. It is these charges that are the subject of the ethics case now pending against him. The Speaker's elaborate political dynasty appears to be constructed in a manner in which he can conduct political activities while skirting contribution limits and disclosure laws. The entire structure must be probed.

We do not fully agree with what Gingrich said in 1988; an investigation of the Speaker should not be held to any higher standard than one of any other Member. Whether a Speaker should be held to a higher standard of conduct is a separate question. At the very least, he should set that standard, and as Gingrich himself said so eloquently in 1988, an outside counsel would offer the most ''complete and thorough'' investigation.

THE AMERICAN PEOPLE WANT REAL ISSUES DISCUSSED

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Florida [Mr. SCARBOROUGH] is recognized during morning business for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, I look forward to the President's speech tonight. Not because he is going to deliver a great speech, because he always does, and not because of the excitement I am going to feel as an average citizen who 1 year ago was knocking door to door in a grassroots campaign to get here, because I will be excited, and not because his speech will reflect undoubtedly the conservative revolution of the 1994 election, because it will.

I look forward to the President's speech tonight because I am really curious and genuinely want to know if there is a member of the old guard out there that actually has a new idea on where to take this country.

For the past 3 weeks, since I have been here, I have been hearing speeches about Connie Chung and book deals and Nazi historians and now Energizer bunnies, when the fact of the matter is all of those things are nothing more than a smokescreen to deflect attention away from the fact that we as Republicans are putting forward an aggressive agenda that America wants.

I am curious. What does the Connie Chung debate do for children in inner cities that are hungry? What is the Speaker's book deal going to do for the average citizen, middle-class citizen that is having trouble going from paycheck to paycheck paying their bills, trying to put aside a few dollars for their children's education, trying to put aside a few dollars for retirement? What does it do? It does absolutely nothing.

What does it do to answer the difficult questions that are going to be facing us on how we balance our budget, how we make this Federal Government do what average middle-class citizens have had to do forever, and, that is, balance their checkbooks. It does absolutely nothing.

I cannot believe that the party of F.D.R. and the party of Harry Truman and of J.F.K. and of Bobby Kennedy, I cannot believe they cannot come up here and speak to the issues that will affect this country and this land.

I understand about partisan politics. I understand that it certainly happened on both sides of the aisle. But I would ask Members of the Democratic Party to follow the example of the gentlewoman from Connecticut, who came up a few short minutes ago and actually discussed welfare reform and talked about why she believed the Republicans' version of welfare reform did not make sense. Did I agree with her? No. Did I get something out of her discussion, though? Yes. It is a starting point for us to debate the issues.

I am not overstating the issue when I say that there are children that are literally starving in our inner cities. I am not overstating the issue when I say you can go across this world to Third World countries and find Third World country citizens that are living better than many citizens in the South Bronx, that are living better than many of our citizens in South Central L.A., that are living better than many Americans across this country that go to bed every night fearing for their lives, wondering whether they will wake up in the morning alive, whether their children will wake up in the morning alive, what will happen to their children when they go to school, when they have to pass drug dealers to go to school and make the decision every step along the line. Do I play by the rules, do I play fair? What do I do?

Those are the questions that are supposed to be brought to the floor of this House. And when you talk about a book deal and compare it to Speaker Wright's book deal, what are you doing? Read the Washington Post. The Washington Post this week editorialized that the book deal was not the same as Speaker Wright's book deal, that it may have been bad politics but it was not inherently illegal, or improper, or unethical.

Mr. Speaker, it is time in 1995 for us to turn our eyes and ears and open our minds to the real issues that are facing this country? That as we are $4 trillion in debt, as our inner cities are crumbling, it is time to address the issues that really matter. That is what Americans demand of us and that is what we want.

RENEWED CALL FOR INDEPENDENT COUNSEL IN SPEAKER'S ETHICS CASE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Connecticut [Ms. DELAURO] is recognized during morning business for 2 minutes.

Ms. DELAURO. Mr. Speaker, I concur with my colleague who was up here a moment ago, that in fact what we are about here is the people's business and that we need to talk about the issues that affect middle-class families, working families every single day.

As a Democrat, I have done that in the 2 terms that I have been here and I submit to you this evening that the President will build on what he said several weeks ago on a middle-class Bill of Rights that will include a minimum wage.

I would like to find out from my colleagues if that is something that he will support because in fact people in this Nation are not looking at an increased higher standard, but that is an important issue.

Education and training. Not cutting Social Security for families. And when we look at the balanced budget and what that is going to do, when my friends on the other side of the aisle would not in fact exempt Social Security from the balanced budget amendment.

There is rhetoric and there probably is rhetoric on both sides. But let me tell you what is important and what my Republican colleagues do not want to talk about.

□ 1010

That is a need for an outside counsel to answer questions. That is what is being asked, answer questions about Speaker GINGRICH's financial empire.

The last 2 weeks have been filled with press revelations. We are not making these things up about this multi-billion-dollar book deal but, more importantly, about a private meeting with publishing magnet Rupert Murdoch. Any appearance of impropriety could have been voided if the contents of the book had been disclosed.

My colleague from Colorado talked about a Newsweek report. This week Americans read in Newsweek this is not the first time Rupert Murdoch has published a book by politicians, promoting them huge sums of money. In 1990 while seeking special rules to allow his Australian company to expand his empire in Great Britain Rupert Murdoch asked the help of the Thatcher government, and not long after Margaret Thatcher signed an eye-popping $5.4 million book deal. This appears to be a pattern for Mr. Murdoch.

We need to have an outside counsel take a look at it.

BALANCED BUDGET AMENDMENT EFFECTS

The SPEAKER pro tempore (Mr. STEARNS). Under the Speaker's announced policy of January 4, 1995, the gentleman from California [Mr. TUCKER] is recognized during morning business for 2 minutes.

Mr. TUCKER. Mr. Speaker, this is an interesting day today. We are not only going to hear from the President of the United States later on tonight, but we have heard from our colleagues on the other side of the aisle who have offered us some interesting accolades.

First, we heard one of our Republican colleagues quote Rodney King. As long as I live I did not think I would hear one of my illustrious conservative colleagues quote Rodney King, but I have heard it today. And as we say in South Central, ''Don't go there,'' because I do not think that he certainly understands the pain of a Rodney King.

Then we heard another one of my colleagues on the other side of the aisle, Mr. Speaker, indicate that he had some empathy for South Central and for South Bronx and for the people across this country who are wallowing in the inner cities. I do not know if he has ever been to South Central, but I represent some of South Central and let me say, Mr. Speaker, when you hear the voice of those people talk on the one hand about their concern about the people of South Central and on the other hand exempt Social Security from a consideration in the balanced budget amendment, then I say, Mr. Speaker, that my colleagues speaketh with forked tongue because, Mr. Speaker, the balanced budget amendment is going to cause a great deal of pain for people in the South Central and South Bronx and parts of inner cities all across this country.

Indeed, when we get down to the details of what a balanced budget amendment is going to mean, we have to be honest and we have to be truthful with the American people and let them know that the people who are speaking about their concerns for the poor are going to try to balance the budget on the backs of poor people. And this is where the real debate is going to come in, Mr. Speaker. How are we going to balance that budget?

They say they are going to exempt Social Security, but when BARNEY FRANK offered an amendment in the Committee on the Judiciary, they did not support that amendment. So we can see, Mr. Speaker, that they talk the talk, but they are not walking the walk.

The balanced budget amendment is a good idea. A lot of politicians like to stand in line and say so. This is the right thing and it is a constitutional amendment in its time, but it is not a time to take away the money of those who have been putting into Social Security all their lives.

THE SEARCH FOR A BALANCED BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from California [Mr. FILNER] is recognized during morning business for 2 minutes.

Mr. FILNER. Mr. Speaker, 2 years ago, a Democratic President and Congress passed a budget that cut the deficit by more than $600 billion over 5 years and produced real deficit reduction for 3 consecutive years—the first time this has happened since World War II.

The question today is: How should we build on this success? Should we now pass a balanced budget amendment to the Constitution?

Seeing the passionate fervor that was driving this amendment's sponsors, I began to ask my Republican colleagues the magic formula for achieving this budget miracle. With envy, I assumed my colleagues had already concocted the recipe for balancing our budget and were now simply applying the finishing touch: A constitutional requirement to do that which they had already devised.

My envy turned to curiosity. Like Roger Moore from the movie ''Roger and Me,'' I set out through the Halls of the Capitol searching for the magic budget plan. I checked in the offices, the cloak rooms, and the chambers. I

cornered my colleagues and begged them to show me the secret plan. But it soon became clear: There is no plan behind the balanced budget amendment.

''How can we say what we will do, if we cannot say how we will do it?'' The means are at least as important as the ends. Unless the end is simply the next reelection campaign.

Mr. Speaker, I cannot support an amendment that presents a bottom line without a plan to get us there. When faced with a constitutional requirement, how will the Congress feel about ensuring the construction of the vital international sewage treatment plant being built on the United States-Mexico border in my district? Or protecting seniors from drastic cuts in Social Security? Or retaining San Diego's status as a navy mega-port? Or funding vital infrastructure to handle United States-Mexico commerce? Or keeping our promise to our area's veterans?

We all want a balanced budget. But that budget should not destroy our economy or attack our children, our senior citizens, our veterans.

THE ENVIRONMENTAL CONSEQUENCES OF LAND TRANSFERS AFTER BASE CLOSURES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Guam [Mr. UNDERWOOD] is recognized during morning business for 2 minutes.

Mr. UNDERWOOD. Mr. Speaker, one of the many proposals floating around these days is the idea of eliminating the so-called nontraditional defense spending, which includes items such as the environmental cleanup of military bases. This is not only bad policy, but it is irresponsible. It will create not an unfunded mandate as much as an ''unfunded liability.''

As DOD closes numerous bases throughout the Nation, one of the biggest challenges that they face is how to transfer land to the local communities in the same condition in which they received it. However, environmental conditions on many of these facilities are abominable, and it will get worse if we put off cleanup for some unspecified date in the future. What is needed is more not less attention to the environmental concerns on these bases.

Gutting the funds for these programs sends the wrong message to our local communities. If this happens, local governments will be forced to pick up the tab for fixing a disaster that they had no part in creating in the first place.

Mr. Speaker, this is not the time to run away from our obligations. Instead, the Department of Defense should live up to their responsibility to clean up after themselves. By maintaining funding for ''nontraditional'' defense spending, this Congress can stand by our commitment to make our government more accountable to the people it serves, and that is the right thing to do in my book.

Earlier we have heard a discussion about trying to point to issues. Well, there are issues and there are issues.

But the seriousness of these issues cannot be addressed as long as the leadership of the institution is under a cloud—and it is the responsibility of the majority to clean it up and a legitimate right of the minority to point it out.

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 11 a.m.

Accordingly (at 10 o'clock and 18 minutes a.m.), the House stood in recess until 11 a.m.

□ 1100

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 11 a.m.

PRAYER

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

May the spirit of thanksgiving, O gracious God, be ever in our hearts and may the significance of gratitude be written in our souls. Of all the attributes and virtues to which we aspire, of all the merits and worthiness to which we yearn, may the appreciation of thanksgiving and gratitude be in our thoughts at the beginning of the day and in our words at eventide.

For these and all Your gifts to us, O God, we offer this prayer. Amen.

THE JOURNAL

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

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

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

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

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 278, nays 135, not voting 21, as follows:

[Roll No. 30]

YEAS—278

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Boucher
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Coyne
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flake
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Johnston
Jones
Kaptur
Kasich
Kelly
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lofgren
Longley
Lucas
Luther
Manzullo
Martini
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Talent
Tanner
Tate
Tauzin
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torricelli
Tucker
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield

Wicker	Wise	Zeliff
Williams	Young (FL)	Zimmer

NAYS—135

Abercrombie	Hastings (FL)	Peterson (MN)
Ackerman	Hefley	Petri
Baesler	Hefner	Pickett
Baldacci	Hilliard	Pombo
Barcia	Hinchey	Pomeroy
Becerra	Hunter	Poshard
Boehlert	Jackson-Lee	Rahall
Bonior	Jacobs	Rangel
Borski	Jefferson	Reed
Browder	Johnson (SD)	Reynolds
Brown (CA)	Johnson, E. B.	Richardson
Brown (FL)	Kanjorski	Rivers
Brown (OH)	Klink	Roemer
Bryant (TX)	LaFalce	Rose
Clay	Lantos	Roybal-Allard
Clayton	Levin	Rush
Clyburn	Lewis (GA)	Sabo
Coleman	Lincoln	Sanders
Collins (IL)	Lipinski	Schroeder
Collins (MI)	Lowey	Schumer
Costello	Maloney	Serrano
Cramer	Manton	Skaggs
Crane	Martinez	Slaughter
DeFazio	Mascara	Stark
DeLauro	Matsui	Stupak
Dellums	McCarthy	Taylor (MS)
Deutsch	McDermott	Taylor (NC)
Dicks	McKinney	Tejeda
Doggett	Meek	Thompson
Doyle	Menendez	Torres
Durbin	Miller (CA)	Towns
Eshoo	Mineta	Traficant
Evans	Nadler	Velazquez
Farr	Neal	Vento
Fazio	Oberstar	Visclosky
Filner	Obey	Volkmer
Foglietta	Olver	Ward
Frank (MA)	Ortiz	Waters
Furse	Owens	Watt (NC)
Gejdenson	Pallone	Wolf
Gephardt	Pastor	Woolsey
Green	Payne (NJ)	Wyden
Gutierrez	Payne (VA)	Wynn
Hall (OH)	Pelosi	Yates
Harman	Peterson (FL)	Young (AK)

NOT VOTING—21

Bishop	Fattah	Mfume
Burr	Fields (LA)	Moakley
Chapman	Graham	Paxon
Conyers	Kennedy (MA)	Riggs
Cox	Kennedy (RI)	Torkildsen
de la Garza	Markey	Waxman
Engel	Meehan	Wilson

□ 1117

Mr. HALL of Ohio, Mrs. SCHROEDER, Mr. FOGLIETTA, and Mr. REED changed their vote from ''yea'' 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. SHAYS). Will the gentleman from Massachusetts [Mr. NEAL] come forward and lead the House in the Pledge of Allegiance.

Mr. NEAL of Massachusetts 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.

READING THE CONTRACT WITH AMERICA

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

Mr. BOEHNER. Mr. Speaker, our Contract With America states that on the first day of Congress the Republican House will force Congress to live under the same laws as everyone else, cut one third of the committee staffs, cut the congressional budget, and we have done that and many more changes on our opening day.

In the next 80 days, Mr. Speaker, we will vote on the following 10 items: a balanced budget amendment and line-item veto, a new crime bill to stop violent criminals, welfare reform to encourage work, not dependence, family reinforcement to crack down on deadbeat dads and to protect our children, tax cuts for families to lift government's burden from middle income Americans, national security restoration to protect our freedoms, Senior Citizens Equity Act to allow our seniors to work without penalty, government regulation and unfunded mandate reforms, commonsense legal reforms to end frivolous lawsuits, and congressional term limits to make Congress a citizen legislature once again.

My colleagues, this is our Contract With America.

□ 1125

VOTE ON PERMITTING COMMITTEES TO MEET DURING 5-MINUTE RULE SEEN AS WRONG AND UNDEMOCRATIC

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

Mr. GEPHARDT. Mr. Speaker, I rise today to voice my strong opposition to a motion that was forced through this House last night by the Republican majority. While this may seem like nothing more than a trivial, administrative matter, it speaks to the very heart of our purpose here as Representatives of the people in this country.

Last night the Republican majority pushed through a motion that said the committees of this House can meet to consider urgent legislation even while there is urgent legislation on the floor of the House.

In other words, Members of Congress have to be in two places at one time, and if that means we have to miss crucial votes, if that means that on some of those dangerous and potentially devastating proposals, the voices of our districts will be missing in action, then that is just too bad.

When we tried to object to a motion which is impractical, illogical, and just unfair, we were gagged. We were told that we only had 3 minutes to speak, and we were defeated by one of our closed, no-discussion, no-debate votes that have come to define the Republican Congress.

This is not just a partisan issue. I think Republican members should be as concerned and outraged as Democrats. What do we tell our constituents? That we wanted to fight to protect Social Security or Medicare but we missed the vote because we were running from one room to another, that we wanted to preserve clean air and clean water, but there was a scheduling conflict and we were missing in action?

I know the Republicans want this to be the Hundred Days That Shook the World, but we have an obligation to stand up for those who may be shaken.

This motion last night was wrong, it was undemocratic, and I call upon all of my colleagues to resist it and denounce it for what it is, a gag rule on the people of this House.

THE PEOPLE'S BUSINESS

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

Mr. HOKE. Mr. Speaker, we are here doing the people's business on a regular basis, and what we have just heard is a great hypocrisy coming from the other side of the aisle. The fact that I, in the 103d Congress, which is the only Congress I have had the privilege of being a party to——

Mr. ACKERMAN. Mr. Speaker, I request that the gentleman's words be taken down.

The SPEAKER pro tempore (Mr. SHAYS). The gentleman will please be seated.

□ 1128

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore (Mr. SHAYS). The gentleman will state his parliamentary inquiry.

Mr. VOLKMER. Mr. Speaker, do not the rules of the House forbid Members from impugning the motives of other Members?

The SPEAKER pro tempore. There is a point of order that the words be taken down. The gentleman will suspend. The Chair will not anticipate his ruling by a parliamentary inquiry. With due respect to this Chamber, the Chair is a new Member of the House at taking this chair, and ask for your indulgence and cooperation. This is a very serious situation, of which the chair will ask the Clerk to report the words.

Mr. HOKE. Mr. Speaker, I would ask unanimous consent to withdraw my previous words.

Mr. ACKERMAN. Mr. Speaker, reserving the right to object, I will not object, providing there is an apology to the previous speaker.

Mr. HOKE. Mr. Speaker, I request unanimous consent to remove the words that I spoke before.

Mr. ACKERMAN. Mr. Speaker, further reserving the right to object, if the gentleman apologizes for his words, which were directed at the previous speaker, I will not object.

Mr. HOKE. Mr. Speaker, I did not refer to anyone with my words, and, I will repeat, that I would ask unanimous consent to withdraw my words.

Mr. ACKERMAN. Mr. Speaker, further reserving the right to object, I request that the gentleman's words be read by the reporter.

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

The CLERK. ''Mr. Speaker, We are here doing the people's business on a regular basis, and what we have just heard is a great hypocrisy coming from the other side of the aisle. The fact that I, in the 103d Congress, which is the only Congress I have had the privilege of being a party to.''

Mr. VOLKMER. Mr. Speaker, I object.

Mr. ACKERMAN. Mr. Speaker, further reserving the right to object, the gentleman claims to have heard and therefore claims that it was spoken, a hypocrisy, by the previous speaker. If the gentleman does not apologize for those words, I will object to his withdrawing them.

Mr. HOKE. Mr. Speaker, I would like to apologize for the use of the word ''hypocrisy,'' and ask unanimous consent to remove those words.

Mr. ACKERMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there further objection to the request of the gentleman from Ohio [Mr. HOKE]?

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. HOKE] may proceed in order.

Mr. HOKE. Mr. Speaker, I think it is a great curiosity that the previous speaker, who presided over this body as the majority leader in the 103d Congress, knows full well that during that Congress we were under the 5-minute rule many, many, many times, and during that time we never, never once suspended under the 5-minute rule so that we would not be able to sit in committee. So I think it is a great curiosity that today we should hear that this is a complete undermining of all of the reforms that we are bringing forward, that we are somehow going back on the business of the people's House, when in fact that is the only way that this place was run during the 103d Congress. It was never run another way.

DO NOT GAG AMERICA

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

Mr. BONIOR. Mr. Speaker, I have here the fundamental contract with America, the Constitution of the United States. And the first amendment of that contract says that the Congress shall make no laws abridging the freedom of speech. But what is going on in this House in the past 2 weeks is a clear violation of the spirit of that contract.

Last night the Republican leader reneged on one of the first promises of reform and instituted a policy that will make it impossible—impossible—for Members of either party to be on the floor or to be in committee to debate important issues. This is just one, just one in a series of efforts by the Republican majority to shut down debate and gag the voices of the American people. Committees are being adjourned prematurely, the right to hearings is being refused, and minority Members are being denied the right to question witnesses.

Mr. Speaker, the Contract With America cannot be used as an excuse to gag America or shut down the Constitution, and we will not stand for it.

SEALY TIGERS WIN TEXAS CLASS 3A STATE FOOTBALL CHAMPIONSHIP TITLE

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

Mr. FIELDS of Texas. Mr. Speaker, I have a unique 1-minute in that this is a positive 1-minute.

Mr. Speaker, I want to take a moment today to salute the members of the Sealy High School Tigers football team, who recently won the Texas class 3A State football championship before a cheering crowd of 12,000 people in Houston's Astrodome.

Sealy defeated Atlanta, TX, to win its first State title since 1978. When this year's season was complete, Sealy had attained a 16 and 0 record, the best in school history. While the excellent coaching staff and the tenacious players themselves are responsible for this outstanding season, news reports indicate that Sealy had a secret weapon that its opponents lacked. Before each game, Sealy's football team listened to a motivational speech from the movie ''Patton.''

I am proud of the young men of this football team, and I know you, Mr. Speaker, will join with me in saluting the Sealy High School Tigers on their Class 3A State football championship title.

OBSERVE NORMAL RULES OF PARLIAMENTARY PROCEDURE

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

Mr. RICHARDSON. Mr. Speaker, last night something happened that has never happened in my 12 years as a Member of this body: The Republican majority totally shut out the minority for debate on a bill, unprecedented and incredible.

Mr. Speaker, speaking out against this incredible transgression is not obstructionism; it is called democracy, civility, the normal rules of parliamentary procedure.

□ 1140

If this type of gag rule continues, I can assure Members that the minority will not stand for this, and neither will the American people. If the majority thinks that a king and his court were elected to do anything they wanted, they will soon discover that the family friendly Congress will only be a dream.

BALANCING THE GOVERNMENT'S CHECKBOOK

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

Mr. EVERETT. Mr. Speaker, every month millions of Americans go through the same ritual. They take out their bank statement and the records they have kept and they balance their checkbook. It can be a difficult task, and occasionally the numbers just do not add up right. However, for the Federal Government, the numbers have not added up right for over a quarter of a century.

The rest of America understands what it is like to live within a budget. They understand that they cannot spend more money than they make.

Mr. Speaker, every American household must balance their checkbook. It is time the House balanced its checkbook. When the time comes, I hope my colleagues on both sides of the aisle will join me in voting yes for the balanced budget amendment and restoring a sense of reality to this House.

WHERE IN AMERICA IS FREE SPEECH IF NOT ON THE HOUSE FLOOR

(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, free speech, free debate, the free flow and exchange of ideas, has once again been denied the American people by the majority party.

Last night our Democratic leader asked to debate the majority leader. As is customary, 1 hour was set aside for debate. The new majority leader only granted our leader 3 minutes to debate, 3 minutes to debate.

Why will the majority not engage in debate on this floor? Why can we not debate the Democratic alternative to a balanced budget amendment? Why can we not debate the Democratic line-item veto, which was passed twice in the last session? Why will the majority not let America debate the Contract with America?

If there is no free speech, if there is no free debate, if there is no free exchange of ideas on this floor, then I must wonder where in this great Nation will the majority leader allow any free speech?

URGING THE PRESIDENT TO EMULATE GOVERNOR WHITMAN AND FIND A WILL AND A WAY TO REDUCE GOVERNMENT SPENDING

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

Mr. MARTINI. Mr. Speaker, tonight Gov. Christie Todd Whitman will give the response to the State of the Union Address. She was chosen because of her determination to work for a smaller, smarter, less costly government in New Jersey.

It has been said ''for democratic nations to be virtuous and prosperous, they require but the will to do it.'' Governor Whitman has displayed that will by her actions in making the tough decision. I can only hope tonight the President will come to Capitol Hill with that same determination to work with the new majority in Congress to once and for all transform the Federal Government.

Since January 4 the new Congress has demonstrated that type of will. This was apparent in the passage of the Congressional Accountability Act, as well as our willingness and determination to move forward to pass the Unfunded Mandates Reform Act and the balanced budget amendment.

Mr. Speaker, after the speeches are done tonight, what the American people will be looking for is not more talk, but rather for our President to cooperate and reaffirm the simple but effective lesson taught to us by Governor Whitman of New Jersey: Where there is a will, there is a way.

TIME TO PLACE FAIR VALUE ON THE PRESIDENT'S ACCOMPLISHMENTS

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

Mr. GUTIERREZ. Mr. Speaker, tonight our President will come to this Chamber to speak on the state of our Union. Many pundits have suggested that this is a time to re-evaluate our President. Let me suggest that perhaps it is time to place fair value on what he has accomplished.

In the storm of myths and misrepresentation, much of it from the other side of the aisle, we lose sight of real accomplishments that affect real people.

President Clinton, despite partisan opposition, fought for an earned income tax credit that brought tax relief to 40,000 families in my congressional district alone, and millions in this Nation.

President Clinton, despite partisan opposition, has achieved the largest deficit reduction plan in history, while still creating almost 6 million jobs.

President Clinton, despite partisan opposition, has expanded Head Start for the children of Chicago and America.

And President Clinton, despite partisan opposition, has battled to take guns off our streets and put more police officers on them so we can be safer.

Mr. Speaker, I urge President Clinton not to re-evaluate but to continue to work for working people.

WHILE REPUBLICANS TRY TO CHANGE GOVERNMENT, DEMOCRATS TRY TO CHANGE THE SUBJECT

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

Mr. BALLENGER. Mr. Speaker, the biggest bankruptcy in the world today is not occurring in Orange County or even in Mexico, but on the minority side of the aisle right here in this Chamber. With their petty parliamentary pranks, the Democrats are driving themselves into the intellectual bankrputcy.

However, while the Democrats are busy committing slow political suicide, Republicans are making good on their promises to the American people to pass an unfunded mandate bill and a balanced budget amendment to the Constitution.

I have news for my friends on the other side of the aisle. No amount of partisan sniping is going to distract us from doing the real work the American people sent us here to do.

After we finish blowing the dust off the 10th amendment the Democrats for years have ignored, by passing an unfunded mandates bill, we are going to pass a balanced budget amendment as an encore.

While we are trying to change the Government, the Democrats just want to change the subject.

CALLING FOR MEMBERS' ASSISTANCE REGARDING FEDERAL INVESTIGATION OF WEAVER FAMILY KILLINGS

(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, in 1992 Federal agents attacked the Weaver family in Idaho. They killed 14-year-old Sammy Weaver. They shot him in the back. They then shot an unarmed Mrs. Weaver and killed her, shooting her right between the eyes as she held her infant baby. They even killed the dog. Court documents now prove the FBI lied in court. Federal agents fired first. Weaver was entrapped into a gun violation.

Mr. Speaker, is this the Justice Department or is this the KGB? I always thought in America our Government does not shoot 14-year-olds in the back. Our Government does not shoot unarmed mothers while they hold their infant.

Mr. Speaker, I have asked for a Federal investigation of this matter, and both sides of the aisle need to provide some oversight to the agencies of our Justice Department. I would appreciate the Members' help.

THE REPUBLICAN MAJORITY CONTINUES TO PURSUE THE GOALS OF THE CONTRACT WITH AMERICA

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

Mr. CHABOT. Mr. Speaker, I have read a few news reports in recent days that suggest the Republicans are cooling on their commitment to the Contract With America. Let me just say, speaking for this newly elected Republican Congress, that just ain't so. Any reports that the Republican majority is backing away from the contract is wishful thinking on the part of those who support the status quo.

The fact is the new Republican majority is here to bring revolutionary change to the Congress. The Congressional Accountability Act has already been signed into law, making applicable to Congress laws from which Congress had exempted itself for years.

We will soon pass the bill to restrain unfunded mandates. Later this week or next we will take up and pass a balanced budget amendment containing, I fervently hope, a restriction on additional taxes. One by one we will work our way through the contract and fulfill our pledge to the American people.

Mr. Speaker, the Washington establishment and many of the guardians of the old order in this House may wish that the Republican majority failed, but we will not. The American people will not allow it to happen.

CONGRESS SHOULD STOP PARTISAN QUIBBLING AND PASS REFORMS SOUGHT BY THE AMERICAN PUBLIC

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

Mrs. SMITH of Washington. Mr. Speaker, I have been in this office now for 20 days, and I have been keeping a list of all of the things that are supposed to be kept in the budget, as the minority has listed day by day just about everything to be left in the budget.

Mr. Speaker, I think what I find is they did not get the message this last November. Balancing the budget and getting rid of the national debt was the No. 1 issue the American people sent us here to do. We cannot spend our way to recovery.

Let us talk about what people really want. They want a strong America, an America in the future that will be able to pay its debt, and not have an America that cannot take care of its children; an America that can take care or

paying the Social Security commitments that we have made to the elderly, not a bankrupt America that cannot take care of its commitments.

Mr. Speaker, what I say today is to do that, we have to pass a balanced budget amendment. We have to get done with the quibbling, the talking about unimportant things, and pass a balanced budget amendment with a three-fifths tax increase vote.

IN MEMORY OF ROSE FITZGERALD KENNEDY

(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 pay tribute to Rose Fitzgerald Kennedy, the matriarch of America's most celebrated political family, who passed away on Sunday surrounded by family and friends at her home in Hyannis Port, MA. She was 104. Her remarkable life spanned a century and saw great triumph and despair, but through it all Rose Kennedy always carried herself with the characteristic grace, style, and dignity that became her trademark.

Born in 1890, Rose Elizabeth Fitzgerald was introduced to politics at an early age by her father, the former Congressman and mayor of Boston, John F. ''Honeyfitz'' Fitzgerald. A gifted student who spoke several languages, she graduated from Convent of the Sacred Heart in Boston and at age 24 married businessman Joseph Patrick Kennedy.

In the next 18 years Joseph and Rose Kennedy had nine children. One would be elected President of the United States. Two served in the Senate. And another became Ambassador to Ireland. But with every great victory, there always seemed to be an even greater loss—in Dallas in 1963, and again in Los Angeles 5 years later.

It was during these times of great sorrow that Americans saw the strength of Rose Kennedy, the deep convictions, and the intense and unyielding dedication to her faith. In her quiet manner she inspired millions of Americans, and helped us overcome our collective grief.

She will be remembered as an outgoing daughter, a caring wife, a loving mother, grandmother, and great-grandmother. In the words of her son, John Kennedy, ''She was the glue that held the family together.'' She is being buried in Boston today. May she rest in peace.

CALL FOR REDUCED FEDERAL GOVERNMENT

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

Mr. BARR. Mr. Speaker, during the recently concluded campaign, which culminated in the landslide victory for myself and many other candidates all across this land, we heard a message loud and clear. That message was: less government, lower taxes, and less regulation.

Mr. Speaker, let us not engage as we have seen in recent days up here in the old Chinese torture of death by a thousand cuts, to engage in death by a thousand amendments.

We have heard that message. The message is, we the people of these United States want lower taxes, less Government, and less regulation. We will have the opportunity to stand tall before the American people this week and pass the unfunded mandates bill and pass a balanced budget amendment with a set of teeth in it; namely, the three-fifths majority to raise taxes.

This is what the people want. Let us give the people what they want, and they have spoken oh so eloquently. Let us take up that charge and do them proud.

CONTRACT WITH AMERICA DOES NOT ADD UP

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

Mr. TORRES. Mr. Speaker, much ado has been made about the Republican Contract With America, especially the pie in the sky balanced budget amendment.

This publicity stunt demonstrates the mastery of soundbites by Republicans. But it is obvious that they are not masters of another area, and, that is, arithmetic. The contract just does not add up.

When the Republicans led the minority party, they had noting to lose. They could proposes all sorts of empty, feel-good reforms because everybody knew they would not pass in this House. Even the great Houdini cannot cut taxes, increase defense spending, and balance the budget all at the same time.

But now you have the responsibility, my friends, to lead as the new majority. The bottom line on the budget is not whether you support it but how do you achieve it.

Mr. Speaker, President Clinton and the Democrats have worked hard to make the tough choices to cut the deficit and worked toward a balanced budget, all without a Republican vote.

Let us govern with integrity, not with gimmicks and soundbites.

SUPPORT OF H.R. 5 WOULD END UNFUNDED MANDATES

(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, this week the House will continue consideration of the second major piece of legislation outlined in the Contract With America, the prohibition of unfunded mandates.

The overwhelming feeling in Georgia's Eighth District is that this Federal Government has grown too large. How have the people come to this conclusion? They see the obvious overreaching in the form of higher taxes and increased regulation.

But, Mr. Speaker, they also see the more subtle signs of a bloated, arrogant bureaucracy; namely, the unfunded mandate.

Mr. Speaker, there was a time in this country when the understood role of our Federal Government was to work at the will of the States that created it. It is high time we return to that understanding and put back into practice the system of Government that our forefathers intended for this great Nation.

Mr. Speaker, I urge Members to show the American people we are committed to changing the way this Congress does business. Support H.R. 5 and put an end to unfunded mandates.

SUPPORT UNFUNDED MANDATE REFORM ACT AS AMENDED

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

Ms. MCCARTHY. Mr. Speaker, H.R. 5, the Unfunded Mandate Reform Act, creates a process that ensures and recognizes that the Federal Government should not pass its obligations down to the State and local governments without adequate funding for its mandates.

As a cosponsor of the legislation and a former State legislative leader, I am very sensitive to the potential financial and administrative burdens that Federal unfunded mandates place on State governments.

Mr. Speaker, I believe that during this bipartisan debate, one should consider the scope and cost of these unfunded mandates. In the State of Missouri, for example, an analysis of estimated costs of unfunded mandates reveals that for fiscal year 1994, the costs were $205 million, which represents a 57 percent increase since 1992.

The National Conference of State Legislatures finds that there are 172 Federal laws that require State and local governments to spend money on Federal mandate programs.

Further, estimated cost of unfunded mandates to States could be as high as $500 billion annually. Similarly, the cost to cities could be $54 billion over the next 4 years and counties across this country are spending close to $5 billion a year complying with 12 specific mandates.

H.R. 5 responds to the growing concerns about the number and the cost of Federal mandates imposed on States and local governments by ensuring careful congressional consideration before the enactment of new mandates.

I support a number of very good amendments introduced to strengthen H.R. 5 while still retaining the basic thrust and affirming

the determination to establish a new partnership with our States and local government.

The standards designed to protect the environment, as well as the health and safety of Americans in the Unfunded Mandates Reform Act are the first step in restoring the balance to our Federal system.

THE AMERICAN PEOPLE OPPOSE MEXICO BAILOUT

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

Mr. DUNCAN. Mr. Speaker, the American people do not want us to vote for a $40 billion bailout for Mexico.

We should listen to William Seidman, former head of the FDIC, who wrote in yesterday's Wall Street Journal, that a market judgment mistake was made by investors and lenders who did not properly evaluate the situation.

Mr. Seidman asked: ''Why should anyone be bailed out by the U.S. Government . . . for a business mistake?''

He said Mexico was like a kid in a candy store and simply did too much short term borrowing.

But, if we place too many conditions on Mexico, as we should to protect United States taxpayers, it will cause tremendous resentment among average Mexican citizens. Lawrence Kudlow, the economics editor for National Review summed it up best:

> * * * if the GOP goes along with the extravagant and unsound plan put forward by the Clinton administration, it should get ready for electoral backlash. Voters who want smaller and more frugal government at home, with a new emphasis on personal responsibility, expect no less in our policy dealings abroad. Broken Mexican promises on trade, money and free-market reforms should not be rewarded with a big government bailout. Sound money and sound fiscal policies are the only lasting answers.

MEXICO BAILOUT STRONGLY OPPOSED

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

Mr. SANDERS. Mr. Speaker, I rise in strong opposition to the $40 billion Mexican bailout which is supported by President Clinton, Speaker GINGRICH, and other congressional leaders.

Mr. Speaker, at a time when Members of Congress are proposing cutbacks in Social Security, Medicare, Medicaid, veterans' needs, nutrition programs for hungry children, grants and loans for middle-class college students, and the elimination of public broadcasting, I regard it as insane to put $40 billion of taxpayer money at risk through this loan guarantee project with Mexico.

Mr. Speaker, we have enough problems taking care of the needs of America without trying to run Mexico.

Mr. Speaker, if large banks and Wall Street investment houses want to purchase Mexican bonds at 19 percent interest rates, they have every right in the world to do so. But these great proponents of the free enterprise system who lecture us every day on the value of risk should not go running to Congress for a guarantee on their investments.

END UNFUNDED MANDATES

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

Mrs. SEASTRAND. Mr. Speaker, I had hoped to come to the floor today and vote for yet another essential part of the Contract With America, the limits on unfunded mandates. Since it appears that stall tactics are working, we will not be voting on this important provision today. But I felt it necessary to give a simple example of the term unfunded mandates.

An example is worth a thousand definitions. In my home State of California, the California Department of Finance estimates that one piece of legislation alone, the National Voter Registration Act, more commonly known as motor voter, will cost our State $3.8 billion alone in 1994 and 1995.

They further go on to point out that the cost to California in unfunded and underfunded mandates for 1993–94 and 1994–95 will cost more than $15 billion.

I know that might not seem like too much money to some that serve in this House. However, we should adhere to the words of the late Everett Dirksen who said, ''A billion here, a billion there and sooner or later we're talking about real money.''

□ 1200

A CHILDREN'S TALE

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

Ms. MCKINNEY. Mr. Speaker, since the Republicans have decided that in their so-called open house that Democrats are not allowed to say certain things, I would like to relate the following children's tale.

Once upon a time, there was a little piglet who spent most of his days rolling around in a filthy ditch, throwing mud and insults at the giraffes walking around outside. He was so good at doing this, he started an organization called GOPIG, which distributed tapes to his piggy friends teaching them how to use such words as ''sick,'' and ''grotesque'' to describe the giraffes.

One day, the piglet came out of his ditch and the giraffes began to chase after him. As he ran, the little piglet squealed and squealed that what they were doing was unfair and that he might get an infection.

Mr. Speaker, the moral of this story is, it is time for an outside counsel to put the book deal to rest once and for all.

MINIMUM PROGRESS

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

Mr. GUTKNECHT. Mr. Speaker, it is ironic that President Clinton will likely urge tonight that we raise the minimum wage as we debate unfunded mandate reform in the House.

This proposal is another unfunded mandate that will kill jobs and hurt productivity.

Does he believe that bigger government, better mandates, and more spending is what the American people really want?

Perhaps that is why he is opposed to a balanced budget amendment to the Constitution.

Mr. Speaker, Republicans disagree. We want to cut spending. We want to cut taxes. We will curtail unfunded Federal mandates. And we will change the way this Congress does business.

Tonight the President will reveal his plans for the next 2 years. Sadly, those plans will continue the same old tradition of big government and big spending. He may talk about the minimum wage, but that kind of talk, will lead to minimum progress.

VOTE AGAINST MEXICAN BAILOUT

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

Ms. KAPTUR. Mr. Speaker, if Members have not decided how to vote on the $40 billion Mexican bailout package, let me refer them to yesterday's U.S.A. Today business page which says that mutual fund speculators in emerging markets earned 66 percent yields on their investments since 1990. Would my colleagues not like to earn some of that money?

Then today on the Washington Post editorial page Robert Dunn, an economist at George Washington University advises against a $40 billion bailout of Wall Street by saying the proposed bailout is really a rescue package for investment bankers and mutual fund managers in New York and other financial centers who took huge risks in exchange for very high-interest rates in Mexico.

We now have a wonderful recipe for prosperity on Wall Street. When risky assets pay, keep the money and complain about high taxes; but when such high risk assets approach default, get the U.S. treasury and taxpayers to cover the losses.

Vote against the Mexican bailout.

AMNESIA BY THE DEMOCRATS

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

Mr. LAHOOD. Originally, Mr. Speaker, I was going to say something about

the balanced budget amendment, but I think amnesia has set in here in the House. I am absolutely amazed that the distinguished minority leader and distinguished minority whip would come to the House and castigate and chastise Republicans for the open rules that we have given them on unfunded mandates, over 150 amendments? Gosh, I can never remember when the Democrats were in charge that they ever had an open rule on a major piece of legislation.

Well, amnesia has been cured. The American people will now have debated a balanced budget amendment, unfunded mandates, term limits, line-item veto. We have been cured. We do have open rules, Members have not been gagged.

Get with it. We are in charge, and we will set the agenda.

BALANCED BUDGET AMENDMENTS

(Mr. WATT of North Carolina asked and was given permission to revise ad extend his remarks.)

Mr. WATT of North Carolina. Mr. Speaker, I first read it in the Washington Post and I had my doubts about it. Then I read it in the Farm Journal. This is a quote. ''We have to explain to people in advance what a balanced budget amendment is going to mean. I am for it, but you got to tell people you can't have it without giving something up.'' Our Senate majority leader, a Republican.

He needs to tell the people on this side in the House the same message. Unlike his Republican counterparts over here who steadfastly refuse to discuss the actual cost of the balanced budget amendment, claiming that if Americans knew the real costs, their knees would buckle.

The balanced budget amendment may be good political public relations. but it is not integrity and open government, which is what the Republicans say they want.

We have to be honest with the American people about the balanced budget amendment.

VOTE FOR UNFUNDED MANDATES BILL

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

Mr. CHRYSLER. Mr. Speaker, I rise today to urge the Members to vote for the Unfunded Mandates Reform Act. This measure would dramatically alleviate the devastating impact Federal mandates have levied on the States for decades. Additionally, we must protect the private sector from overbearing mandates and regulations. This measure will show the American people that this congress is providing real leadership and is sincere in this efforts to create a streamlined and more efficient and responsible Federal Government.

Coming from the great State of Michigan, one of America's strongest industrial and agricultural communities, I have seen how such mandates and Federal regulations often result in lost jobs or impede job creation.

The effects Federal mandates have on the private sector are no less devastating and should be analyzed on equal levels as those affecting States and local governments.

A BALANCED BUDGET YES, BUT NO THREE-FIFTHS

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

Mr. VOLKMER. Mr. Speaker, in this body as well as the other body we have people with different ideas. Ideas are what make legislation. We are seeing that with the unfunded mandate bill. That is all it is, a question of ideas. We are going to see it with the balanced budget amendment.

I have supported a balanced budget amendment since I have been here, 18 years. I have never supported however, in that time, the principle that you should have a three-fifths majority in order to increase revenues. I will never support a constitutional amendment that has that.

I believe in my principles. I just wonder how many freshmen Members on the other side of the aisle believe in their principle of a three-fifths majority and how many of them will actually stand by that principle, or how many of them will, just for expediency, decide that they want a balanced budget amendment and they do not care what is in it. I am just curious to see who really stands by their ideas.

STOP THE BICKERING

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

Mr. LEWIS of Kentucky. Mr. Speaker, tonight, as the President addresses the Nation, I urge my colleagues on the other side of the aisle to reflect on what they have done to reform the government.

Have they come out in support of a tax-limitation, balanced budget amendment?

Have they fought to reform unfunded mandates, have they embraced the Republican-led changes in the way the Congress does business?

Or have they fought the reforms put forth? Have they tried to filibuster, delay, and destroy the Contract With America?

Mr. Speaker, many House Democrats, guardians of the failed past, have come to the floor today and in the past weeks for one reason, to stop needed reform of this Congress.

They attack Republicans on irrelevant issues. They complain about fair procedures, they whine when we make necessary cuts.

The time has come to stop this silly bickering, this endless partisanship. Let us work together to complete the Contract With America and restore the people's faith in their Congress.

PARLIAMENTARY INQUIRY

Mr. VOLKMER. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore (Mr. SHAYS). The gentleman will state his parliamentary inquiry.

Mr. VOLKMER. Mr. Speaker, I did not say anything when the gentleman was in the well and just spoke, but as I said earlier, and I was asking about one of the previous speakers, the House rules do not permit the impugning of motives.

□ 1210

The SPEAKER pro tempore (Mr. SHAYS). Will the gentleman state his inquiry, please?

Mr. VOLKMER. The inquiry is, Do the House rules forbid the impugning of motives of the Members of the House, either party, anybody?

The SPEAKER pro tempore. The Chair would point out to the gentleman that personal motives are out of order. Political motives are not.

Mr. VOLKMER. All right. Fine.

SAVE SOCIAL SECURITY

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

Ms. JACKSON-LEE. Mr. Speaker, my constituents asked, as I came to the U.S. Congress, that we engage in deliberation and serious debates on the problems of the American people.

I have been reading in my office letters that have come, handwritten, notably by aged individuals, who asked me simply to save their Social Security.

I went home almost the very first week, not to tell people what I was going to do but to ask them what they would have the U.S. Congress do. In a hearing, one after another pleaded and begged that we would respond to the needs of those who needed Social Security.

Mr. Speaker, a balanced budget amendment that does not protect Social Security violates the rights of needy citizens across this Nation.

In recognition of this great tragedy, those of us on the Committee on the Judiciary offered an amendment, a simple bipartisan amendment, to save Social Security. This was soundly defeated by the Republican majority.

We have already heard over 100,000 million dollars will be taken out of Medicare and Medicaid. Texas will lose 35 percent of its benefits.

I simply ask that we own up to our responsibility and save Social Security.

PASS THE BALANCED BUDGET AMENDMENT

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

Mr. KINGSTON. Mr. Speaker, you know, each month, sometimes at the beginning of the month, sometimes at the end of the month, but surely during the course of the month, the American middle-class families must sit down and assess their finances, and as a result of these assessments, many new dresses and suits and weekends out and stereos and want-to-have type purchases yield to such mundane purchases as new dryers, new washing machines, automobile repairs, new roofs for the house, other type things like that.

The American middle class must do this, because their expenses cannot exceed their revenues. It is essential. It is common sense.

And now the U.S. Congress can join them in this effort. We have ignored this for too long. The last balanced budget was in 1969.

This week we can change everything by the passage of a balanced budget amendment. Let us pass it and do what middle-class America has to do each month.

A PICTURE SPEAKS A THOUSAND WORDS

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

Mr. LEWIS of Georgia. Mr. Speaker, I read with great sadness and sorrow in this morning's papers that the new chairman of the Rules Committee has replaced the portrait adorning that committee's wall.

The portrait that had hung on that site was of Claude Pepper, one of the most revered and respected Members ever to serve in this institution, a man long associated with protecting the rights and dignity of senior citizens.

The portrait that replaces it, one of Howard W. Smith, a man perhaps best remembered for his obstruction in passing the country's civil rights laws. A man who in his own words ''never accepted the colored race as a race of people who had equal intelligence and education and social attainments as the white people of the South.''

Mr. Speaker, it has been said that a picture speaks a thousand words. I know the gentleman from New York meant no offense, meant no harm. He should change his mind. Symbols in our society are important. We do not need angels on our walls, but certainly we can do better. Mr. Chairman, please take down that picture. Take it down now.

NO TIME TO STALL

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

Mr. GANSKE. Mr. Speaker, this is no time to stall. For 40 years the House leadership on this side of the aisle stalled reform from Congress. For 40 years the House leadership resisted passing a balanced budget amendment. They refused to reform our welfare system. They passed unfunded mandates on to the States.

And now there are those who are trying to put off reform again. That is why they use dilatory tactics to slow the legislative process. It is why they concentrate on issues that have nothing to do with changing this Congress. They wish to stall in order to deny the American people a real chance to change business as usual.

Well, Mr. Speaker, if the last election was any indication, this is no time to stall. I urge my colleagues on the other side of the aisle to stop stalling and to start working with us to reform this Congress.

THE BALANCED BUDGET AMENDMENT

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

Mrs. CLAYTON. Mr. Speaker, passage in its current form of the House joint resolution, the balanced budget amendment, would reshape the political landscape and impact the American people in ways that have never been felt before.

To avoid that result, I urge two changes: One, that we should not punish those who have given all of their lives—the aged; we should exempt Social Security from the balanced budget calculation.

Social Security is, indeed, the contract that the older Americans have with their country. That contract should not be breached. It should not be broken. It should not be modified, particularly for those who are in the sunset of their lives who have come to realize that this is their only hope for a quality of life.

Second, Mr. Speaker, we should tell the people what we will cut and what we will not. It is undemocratic to say that we are fiscally responsible and fail to tell the people what we will do.

America wants reform, but America wants reform knowing what they are doing.

WELCOMING THE PRESIDENT TO THE CONTRACT WITH AMERICA

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

Mr. WELDON of Florida. Mr. Speaker, in his campaign for the White House, President Clinton said that he favored tax relief for the middle class. Well, Republicans in the new Congress agree that the Federal Government taxes and spends too much and that taxpayers should have their tax burden reduced.

Through his Reinventing Government, President Clinton also supports efforts to reduce the size of Government. Republicans in the new Congress will work with the President to achieve a smaller, efficient Government.

You see, Mr. Speaker, there really are areas of agreement. In our Contract With America, Republicans have promised to accomplish many of the things that the President says should be done. But there is one slight difference: Instead of just talking about these things, Republicans have and will continue to deliver on our promises. And, we welcome the President to our agenda of lower taxes and less government.

THE AMERICAN PEOPLE HAD BETTER PAY ATTENTION

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

Ms. WATERS. Mr. Speaker and Members, I am worried about this Congress, and the American people had better pay attention.

This Congress is rushing to pass a constitutional amendment to balance the budget, and most people do not have any idea how their lives are going to be impacted by this vote.

Did you understand the words of the Members who came before me when they talked about Social Security and the fact that it could be on the chopping block?

But let us not dwell on that, as bad as that could be. I want to talk about a children's program today. I want to talk about Head Start, that program which has proven to be an excellent program, that gives little children a head start, that gets them involved with education, that helps introduce them to books, that builds self-esteem. It is in rural communities. It is in urban communities. It is for the working class.

This is a program that could be cut, that could be eliminated.

American people, get involved and understand what is about to happen.

THE PRESIDENT SHOULD READ THE CONTRACT WITH AMERICA

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

Mr. RIGGS. Mr. Speaker, I have no doubt that the President's State of the Union Address tonight from the rostrum behind me will be a great speech. The President always gives a great speech.

But, Mr. Speaker, the President is a little late. The voters sent a clear message last November to Washington, ''Clean up your act and get your fiscal house in order.''

The voters elected a Republican majority to disassemble the big Government bureaucracy that the Democrats built up over the last 40 years.

Republicans are keeping their promise with the American people through the Contract With America, despite the delaying and occasionally obstructionist tactics we see on the other side of the aisle.

We are working to reduce the size and scope and cost of government.

Mr. Speaker, I would like to suggest to the President that for his State of the Union Address tonight he should just read the Contract With America. These are the issues concerning the people, and these are the issues they want to hear the President support tonight.

□ 1220

FREEDOM OF SPEECH STIFLED

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

Mr. KLINK. Mr. Speaker, for 24 years I was a journalist. I did stories on and about murderers, rapists, drug dealers, politicians that were in trouble, even police officers who had crossed the line. And I was threatened many times, told not to carry a story or threatened if I was to move forward.

Never in 24 years was my freedom of speech stifled until last night. And it did not happen in a dark alley, it happened on the floor of the U.S. House of Representatives. Only two Members of the minority side were allowed to speak last night about a very controversial issue, and they were only given 3 minutes.

Never in my time in the House have I seen this. 202 Members were told, ''You can't speak, you can't debate.''

In all those years when I was threatened, in all those years when someone tried to stop the debate, the free flow of ideas, I learned one thing about it: that they were afraid of the exposure of that idea. They did not want to have a debate. And when you are afraid of debate, it shows the weakness in your philosophy and a weakness of where you are coming from.

Ladies and gentlemen, I think we have got to continue pushing for our rights to at least have a debate on these issues, win or lose.

THE CHOICE IS CLEAR: SMALLER, MORE EFFICIENT, LESS COSTLY GOVERNMENT

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

Mr. WICKER. Mr. Speaker, in the last election people gave this Congress a specific mandate: they want a smaller, more efficient and less costly government. This week Members of this body will have the opportunity to begin fulfilling that mandate by voting ''yes'' on a balanced budget amendment.

I believe most Members would agree that this Government is too intrusive in our lives. By forcing ourselves to balance the budget, we can begin downsizing the Federal Government.

The choice is clear, and the American people know it. If you want smaller, more efficient, and less costly government, then you will vote for the balanced budget amendment with tax limitation provision. But if you want to maintain the status quo of intrusive, big-government solutions, then you will vote against this amendment.

I urge my colleagues to vote with the American people and for the balanced budget amendment.

LET US WORRY ABOUT THE BUDGET NOW, NOT IN 2002

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

Mr. MASCARA. Mr. Speaker, as a former county commissioner and an accountant, I know what it means to balance a budget. I have balanced 16 of them. I know what it means to make sure that the numbers add up correctly. It means sitting down and setting priorities, deciding whether to build bridges, build a jail, or to build new drains down Main Street. It means seeing if revenues equal the needed outlays, and it means doing something about it if they do not.

My colleagues on the other side of the aisle would like us to believe that the budget can be balanced by magic. They say if we pass a balanced budget amendment and it goes into effect in the year 2002, well, we will worry about it then somehow. I say we had better worry about it now. We have to start laying out a roadmap that will lead us to the balanced budget. We must let the American people know now what they are in for; namely, some very tough times and very difficult decisions. My friends on the other side of the aisle say we just cannot predict what will happen in 5 years. I have been predicting for years as a county commissioner what will happen 20 years later.

MORE ON UNFUNDED MANDATES

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

Mr. WELLER. Mr. Speaker, soon the House of Representatives will wrap up debate and vote on H.R. 5. But since debate on the floor began, it is clear the bill's opponents just do not get it. The supporters of unfunded mandates continue to argue that if there was no big brother, a Federal big brother, America's children would be subjected to all sorts of horrible things. They seem to be saying Washington cannot trust the State Governors and legislators with these responsibilities. Well, the taxpayers know better.

It is time to change that same mentality that has governed this town for the last 40 years. State Governors and elected officials were chosen, and the taxpayers are being belittled by Members of this body for those choices.

Apparently, the only people who know how to clean the water or take care of the children are those whose credentials are backed by the Federal bureaucracy. How unthoughtful to those State and local officials and to the voters who decided to change to a new way of thinking at both the State and Federal levels. It is time to give local officials a little credit and adopt the unfunded mandates legislation.

BOOKGATE

(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, we have heard a growing number of conflicting and disturbing reports over Bookgate, the Speaker's book deal. Here is the bottom line, though: If the Republicans want to close the books on this episode, it is time for them to open up the books to the book deal and accept the call for an independent counsel to investigate these mysterious dealings.

Some Republicans are hoping that this issue will quietly disappear. But, Mr. Speaker, it will not go away, for a simple reason: America does not know what there is to ''go away.''

As recently as last week, the Speaker and Republican leaders met with media moguls in this country, including tycoon Rupert Murdoch. Murdoch is pushing the Congress to eliminate the ban on foreign ownership of America's TV and newspaper companies. Murdoch's publishing company, by the way, was the one that gave the Speaker the $4.5 million book deal. Do not forget also that Murdoch and his lobbyists had a private meeting with the Speaker prior to the announcement of that lucrative book deal. Last week's meeting could have been just a friendly get-together, or there might have been a lot more to it than that.

It is time to, Mr. Speaker, open up the process and find out exactly what did happen.

PROCEEDINGS OF THE HOUSE

(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, the people of this country spoke last November. But it is apparent to anyone who is paying attention to what is going on in this House that the Democratic Party is doing everything they can to derail the Contract With America. They are proposing hundreds of amendments to slow down the process. All I want to say is that it is the

height of hypocrisy, the height of hypocrisy for the Democrats to come down here and complain about what the Republicans are doing after the way they have run this House for the last 40 years.

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

The SPEAKER pro tempore (Mr. SHAYS). The gentleman will be seated.

The Clerk will report the words.

□ 1230

The Clerk read as follows:

But it is apparent to anyone who is paying attention to what is going on that the Democratic Party is doing everything they can to derail the Contract With America. They are proposing hundreds of amendments to slow down the process. All I want to say is that it is the height of hypocrisy, the height of hypocrisy for the Democrats to come down here and complain about what the Republicans are doing after the way they have run this House for the last 40 years.

The SPEAKER pro tempore (Mr. SHAYS). The Chair is prepared to rule.

It would be out of order for the gentleman to make reference to a particular Member, but precedent suggests that reference to procedures, or amendments, or to parties is not out of order.

The House will proceed in regular order please.

PARLIAMENTARY INQUIRY

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

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

Mr. NADLER. The second half of the statement of the distinguished gentleman made reference to the hypocrisy of the Democrats. The context clearly indicated that it was the Democratic Members of the House that he was referring to. My parliamentary inquiry, therefore:

Since the rules prohibit the impugning of motives of Members of the House, and the gentleman impugned the motives of a group of Members of the House, just under half the Members of the House; so is it not permitted under the rules then to impugn the motives of an individual Member of the House, but to impugn the motives of a group of Members of the House is permitted?

The SPEAKER pro tempore. The Chair believes that collective political motivation can be discussed and it was not discernible that it was relating to any particular Member.

The House will proceed in regular order, please.

CALLING FOR A RENEWED COMMITMENT TO AMERICORPS

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

Mr. WARD. Mr. Speaker, I rise today in support of the President in his efforts to strengthen our communities and enable young Americans to further their education through the National Service Program, AmeriCorps.

As a former Peace Corps volunteer, I know the value of serving our community here in the United States as well as around the world.

Despite its short existence, President Clinton's National Service Program has already achieved remarkable results in terms of participation, serving our communities, and extending the invaluable benefits of higher education to tens of thousands of young Americans.

In my hometown of Louisville, the 22 volunteers of the ACME Program, which is affiliated with AmeriCorps, serves at-risk youths in local schools through safety and education programs. Also in Kentucky, AmeriCorps sponsors a housing and homeless program. This program seeks to provide affordable housing for those in need.

I believe that programs such as AmeriCorps can only make our Nation stronger and bring our people closer. Mr. Speaker, I call for a renewed commitment to AmeriCorps.

THE TIME TO DELIVER IS HERE

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

Mr. BROWNBACK. Mr. Speaker, I rise to address the body to comment about the elections on November 8 and the clear statement the American people spoke of at that point, which was to reduce the size, the scope, and the intrusiveness of the Federal Government. It has come that time to stand and deliver.

I call on the administration to put forward proposals looking at all Federal agencies for their continued work and their efforts in questioning whether or not we should reduce the Federal role in these areas, and I ask the administration to address that and to examine whole roles of agencies and programs. This body has been continually focused on the costs of these programs. I would ask the body to consider the responsibility of us to our children and the enormous deficit that has been put forth, the enormous debt that has been accumulated and what responsibility we have to the children of this country to free them of that debt.

Mr. Speaker, it is one thing to spend our children's inheritance. It is quite another to spend them in debt, as we have, and also the opportunity we have to free the society of these strains.

GET THE FACTS STRAIGHT

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

Mr. ABERCROMBIE. Mr. Speaker, to correct the record, I believe the gentleman from the 18th District of Illinois [Mr. LAHOOD] who surely is no rookie to the process here, perhaps unintentionally mischaracterized what has happened in terms of the history of the House. He said, if I understood him correctly, that no piece of major legislation has ever passed under open rules while the Democrat majority was in power.

As a member of the Committee on Armed Services and as a member of the Committee on Natural Resources, Mr. Speaker, I can tell my colleagues that the gentleman from California [Mr. DELLUMS] and the gentleman from California [Mr. MILLER] conducted every single piece of legislation under open rules. Every single hearing, including the budget hearings, were open. Every single Member of the then-minority who wanted to offer an amendment was able to do so, no matter how long, no matter how lengthy. That was the case.

Also, Mr. Speaker, I think it is a mischaracterization not to indicate to the American people and to new Members of the House here that time was equally divided always under the chairmanships of the gentleman from California [Mr. DELLUMS] and the gentleman from California [Mr. MILLER].

Get the facts straight, get the process right, and good legislation will follow.

□ 1240

U.S. INVENTORS THREATENED BY NEW REQUIREMENT OF GATT IMPLEMENTATION LEGISLATION

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

Mr. ROHRABACHER. Mr. Speaker, pardon me for talking about legislation for a few moments.

Mr. Speaker, I am asking my colleagues today to join with almost 100 Members of this body in cosponsoring H.R. 359. This legislation is aimed at preventing a crime against the American people. That crime was made possible by a provision, not required by GATT but snuck into the GATT implementation legislation, that will have the effect of decreasing the number of years of patent protection enjoyed by American citizens.

H.R. 359 ensures that Americans will have the 17 years of protection that has traditionally been our right. Almost 100 Republicans, Democrats, protectionists, free-traders, liberals, and conservatives have joined together to prevent this rip-off that could see billions of dollars that should go to American inventors and investors instead ending up in the bank accounts of foreign and multinational corporations.

Mr. Speaker, I ask the Members to please join in cosponsoring H.R. 359.

THE NEW ANTIFEMININE TRENCH INFECTION PILL

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

Mrs. SCHROEDER. Mr. Speaker, last week I addressed the House on the Speaker's college course about the sexes, and since then we have learned a lot more.

The Speaker at that time had made some comments about how men did so much better in trenches than women because men were like little piglets and liked to roll around and women got infections every 30 days.

Well, since then, the Defense Department has spoken, medical science has spoken, and all sorts of people have spoken, and they seem to be very contrary to what the Speaker has talked about.

But in the interim, from my district comes good news. Father Marshall Grouley has brought forth the new antifeminine trench infection pill, and I think this is going to be the answer for those who are still doubting unbelievers. He also notes there are some possible side effects for women taking this—that, No. 1, they might find sudden urges to roll around in trenches as piglets; No. 2, they may suddenly decide they have to hunt giraffes; and No. 3, they may have a compulsive need to sell a book.

MEXICAN BAILOUT SAID TO DEPEND ON HILL APPROVAL

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

Mr. DEFAZIO. Mr. Speaker, unlike the allegations of the earlier speaker, the gentleman from Indiana, I do not want to slow down the contract. I am eager to debate the contract on the floor. I would even like to debate it in the committee. I would even like to have an open process, as has been promised in committee and on the floor, and let the sunshine in. But we are going to have to remove some of the gag rules being imposed by the new Republican majority before we can do that.

But there is one thing I do want to stop dead. I want to stop dead the misbegotten bailout of the Mexican economy and those who have been speculating so lucratively in Mexico. It was proposed by President Clinton, but now it is being quietly manipulated through Congress behind closed doors by Speaker GINGRICH and Majority Leader DOLE.

Here is the headline in the Washington Times: ''Gingrich Sees Hill Approval of Mexican Bailout.''

If this bailout passes this body, it will be Speaker GINGRICH's version of a bailout, not President Clinton's. I ask the Members to defeat the bailout, no matter whose it is.

A REDEFINITION OF THE REPUBLICAN ROLE IN GOVERNMENT FOR THE LAST 40 YEARS

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

Mr. WILLIAMS. Mr. Speaker, I say to my colleagues that for 2½ months now Republicans have been engaged, as they were in 1-minutes this morning, in trying to convince either themselves or the Democrats or perhaps the American people that for the first time in 40 years the Republicans are in the majority in this Congress.

Well, during those 40 years, we had the following Republicans as President: Eisenhower, Nixon, Ford, Reagan, and Bush—all during those 40 years. For more than half of those 40 years Republicans were elected to the highest office in the land. And just taking former President Reagan, during three-fourths of his administration, Republicans controlled the United States Senate.

Mr. Speaker, my purpose here is to do nothing but to lay the facts out. Republicans have not been excluded from the Government for the past 40 years; they have run it for more than half of that time.

MEXICAN LOAN GUARANTEE PROGRAM REMAINS A WHITE HOUSE INITIATIVE

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

Mr. BEREUTER. Mr. President, the gentleman from Oregon has indicated that the Republican leadership in the House has some sort of an agenda to move forward the Mexican loan guarantee program. That is not factual. The Republican majority has a responsibility, which we are exercising, to listen to the President of the United States when he proposes a legislative initiative, and that is what the Republican majority has done.

Obviously, the President has not made his case well or sufficiently with respect to the Mexican loan guarantee for both minority and majority Members. The ball is back in your court, Mr. President; it is not a Republican initiative in the House.

A MESSAGE TO THE MAJORITY: ''DON'T TREAD ON ME''

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

Mr. WYNN. Mr. Speaker, it appears that the Republicans are already reversing their own reforms. First they say that committees should not meet on the floor during debates under the 5-minute rule because Members cannot effectively be in two places at the same time. Actually, they had a pretty good idea. Unfortunately, they decided to renege on it last night.

What they said is, ''Well, we're going to change the rules.'' I know they take offense at the parliamentary skirmishes that are going on right now, but when you change the rules and try to silence the Democrats, when you say, ''We'll take 58 minutes or 67 minutes and give you 3 minutes,'' we are not going to stand for it.

I think the message we want to transmit this morning is that there will be comity on this floor—not comedy, but comity—fairness and a sharing of the time, or else. I conclude with the words cited in the American Revolution, quite simply, ''Don't tread on me.''

THE TIME ALLOCATION ON YESTERDAY'S MOTION TO ALLOW COMMITTEES TO SIT DURING 5-MINUTE RULE

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

Mr. CRAPO. Mr. Speaker, I think it is important that the record be set straight. Twice today we have heard it alleged that yesterday the Republicans took 57 minutes and gave the Democrats 3 in debate. The fact is that the debate took 8 minutes. The Republicans happened to use 5 minutes, and the Democrats used 3 minutes.

Now, when we counted them up afterwards, it was not exactly balanced, and maybe it should have been. It certainly was not 57 to 3, and those kinds of facts need to be set straight.

THE ROLE OF FEDERAL REGULATION AS IT RELATES TO THE UNFUNDED MANDATES ISSUE

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

Mr. NADLER. Mr. Speaker, I rise to comment on some remarks from my distinguished colleague on the other side of the aisle, whose name I do not yet know.

He commented that opposition to the bill on unfunded mandates arises from distrust of the capability or wisdom of State governments, that they cannot make decisions and, therefore, we must make the decisions for them.

The fact is, Mr. Speaker, that in many cases the Federal Government must come to the aid and assistance of State and local governments because they are unable to protect themselves, either because rivers know no State boundaries and a polluter in one State causes pollution in a second, a third, and a fourth, and it demands Federal legislation to protect States because they cannot do it themselves, or, second, a State may wish to regulate an economic activity which harms its people but is told, ''You cannot regulate that activity because if you have that regulation, the large corporation will move and take its jobs and taxes to another State,'' not because the regulation is not a good and fair one but because they have the power to do so. The Federal Government must protect the States in that instance.

□ 1250

DO NOT DECLARE OPEN SEASON ON HYPOCRITS

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

Mr. KANJORSKI. Mr. Speaker, I come from the State of Pennsylvania, and we are famous for hunting. I know our chairman on the other side comes from an area not distant from mine, and some of our counties have more deer than people. In Pennsylvania when we have an over population of game, we declare an open hunting season. It seems we may have a lot of hypocrisy and a high population of hypocrits in the House. I hope that does not mean we are going to declare an open season.

INSIST ON OPPORTUNITY TO DELIBERATE

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

Mr. WISE. Mr. Speaker, I hope that the Chair and others understand what the concern of Democrats is today about last night. It is not about whether there were 3 minutes on one side and 5 minutes on the other. The concern is that on a very important motion that changed procedure and in fact abrogated the very reforms that were voted through this House on a bipartisan basis only a week earlier, that on that very important measure, the majority did something relatively unprecedented in my memory, which is instead of yielding as something routinely is done half the debate time on that motion to the other side, instead the majority made us grovel for 3 minutes, and it did not matter whether the majority was speaking for 5 or 50 minutes, the message was clear. Three minutes is all you get, wham, bang, and we are out of here, and you are rolled. Unfortunately, that is not going to wash.

I just want everybody to know, I do not mind voting on the Contract With America. I am not here to delay the Contract With America, but I am here to deliberate. So it is not delay that is at issue, it is whether we get to deliberate, and we are going to insist on that.

ARTIFICIAL DEADLINES

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

Mr. FRANK of Massachusetts. Mr. Speaker, first I wanted to correct a mistake which I made last night. I referred to prior rules which prohibited at the objection of any one Member the meeting of a committee while the 5-minute rule was in process. I had not mentioned, in fact I was incorrect in not mentioning, that had been changed in the last Congress. I want to correct that error of mine. But that does not change my unhappiness with this procedure, particularly now that proxy voting has been done away with.

I face a situation where as a member of the Committee on Banking, Finance and Urban Affairs, I may be asked to be at a hearing and perhaps a markup on the question of guaranteeing the Mexican debt and pushing for the kind of social and taxpayer safeguards I think are important. As a member of the Committee on the Judiciary, I want to be on the floor fully to participate in the balanced budget amendment.

What we are facing is an artificial deadline made as part of a campaign approach, and it is one thing to as part of a campaign approach, and it is one thing to try and meet that. It is quite another to degrade the legislative process to meet this arbitrary deadline. I hope the other side will stop doing that.

ON THE STATE OF THE UNION

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

Mr. WALKER. Mr. Speaker, in the midst of a good deal of pettiness that has taken place on the House floor today, my Republican colleagues and I look forward to welcoming the President of the United States to the Chamber tonight to deliver his view of the State of the Union. It is most beneficial at the beginning of the legislative year to hear what the President has to say about where we should be going as a Nation and what his program is for the upcoming year.

We would hope that the President would reference what the American people said in November in the way of approving a new Congress, because they said specifically at that time that the Contract With America was something that they believe should be a part of the national agenda.

So some of the way that I will measure and I think a number of my colleagues will measure the President's remarks tonight is how much of the agenda of the Contract With America does the President set forward in his speech this morning. Where is he willing to cooperate with us in moving the Nation ahead. We are hopeful that there will be a large area of cooperation between the President and this Congress so that we can in fact move a national agenda and get away from pettiness and partisanship.

DECLARATION OF NATIONAL EMERGENCY WITH RESPECT TO THREATENED DISRUPTION OF MIDDLE EAST PEACE PROCESS BY COMMISSION OF GRAVE ACTS OF VIOLENCE BY TERRORISTS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore [Mr. SHAYS] laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) and section 301 of the National Emergencies Act, 50 U.S.C. 1631, I hereby report that I have exercised my statutory authority to declare a national emergency with respect to the grave acts of violence committed by foreign terrorists that threaten to disrupt the Middle East peace process and to issue an Executive order that:

—Blocks all property, including bank deposits, of foreign persons or organizations designated in the Executive order or pursuant thereto, which is in the United States or in the control of United States persons, including their overseas branches; and

—Prohibits any transaction or dealing by United States persons in such property, including the making or receiving of any contribution of funds, goods, or services to or for the benefit of such designated persons.

I have designated in the Executive order 12 foreign organizations that threaten to use violence to disrupt the Middle East peace process. I have authorized the Secretary of State to designate additional foreign persons who have committed, or pose a significant risk of committing, acts of violence that have the purpose or effect of disrupting the Middle East peace process, or who assist in, sponsor, or provide financial, material or technical support for, or services in support of, such acts of violence. Such designations are to be made in coordination with the Secretary of the Treasury and the Attorney General.

The Secretary of the Treasury is further authorized to designate persons or entities that he determines, in coordination with the Secretary of State and the Attorney General, are owned or controlled by, or acting for or on behalf of, any of the foreign persons designated under this order. The Secretary of the Treasury is also authorized to issue regulations in exercise of my authorities under the International Emergency Economic Powers Act to implement these measures in consultation with the Secretary of State and the Attorney General and to coordinate such implementation with the Federal Bureau of Investigation. All Federal agencies are directed to take actions within their authority to carry out the provisions of the Executive order.

I am enclosing a copy of the Executive order that I have issued. The order was effective at 12:01 a.m., eastern standard time on January 24, 1995.

I have authorized these measures in response to recurrent acts of international terrorism that threaten to disrupt the Middle East peace process. They include such acts as the bomb attacks in Israel this past weekend and other recent attacks in Israel, attacks on government authorities in Egypt, threats against Palestinian authorities in the autonomous regions, and the bombing of the Jewish Mutual Association building in Buenos Aires, as well as the car bomb at the Israeli Embassy in London.

Achieving peace between Israel and its neighbors has long been a principal goal of American foreign policy. Resolving this conflict would eliminate a major source of instability in a part of the world in which we have critical interests, contribute to the security and well-being of Israel, and strengthen important bilateral relationships in the Arab world.

Attempts to disrupt the Middle East peace process through terrorism by groups opposed to peace have threatened and continue to threaten vital interests of the United States, thus constituting an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.

Terrorist groups engaging in such terrorist acts receive financial and material support for their efforts from persons in the Middle East and elsewhere who oppose that process. Individuals and groups in the United States, too, have been targets of fundraising efforts on behalf of terrorist organizations.

Fundraising for terrorism and use of the U.S. banking system for transfers on behalf of such organizations are inimical to American interests. Further, failure to take effective action against similar fundraising and transfers in foreign countries indicate the need for leadership by the United States on this subject. Thus, it is necessary to provide the tools to combat any financial support from the United States for such terrorist activities. The United States will use these actions on our part to impress on our allies in Europe and elsewhere the seriousness of the danger of terrorist funding threatening the Middle East peace process, and to encourage them to adopt appropriate and effective measures to cut off terrorist fundraising and the harboring of terrorist assets in their territories and by their nationals.

The measures we are taking demonstrate our determination to thwart acts of terrorism that threaten to disrupt the Middle East peace process by attacking any material or financial support for such acts that may emanate from the United States.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 23, 1995.*

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 further consideration of the bill, H.R. 5.

□ 1256

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 further 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. When the Committee of the Whole rose on Monday, January 23, 1995, the amendment offered by the gentleman from South Carolina [Mr. SPRATT] had been disposed of and section 4 was open for amendment at any point.

Are there further amendments to section 4?

Mr. CLINGER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as we prepare to return to the unfunded mandates bill or, as some would say, the Son of California Wilderness, I would remind our colleagues that we have now been on this bill for some measure of time, over 10 hours, on nine amendments. I would also point out there has been some discussion here this morning about the majority gagging of the minority. I would emphasize again this is an open rule, a truly open rule, something that we rarely saw in the 103d Congress.

Having said that, though, I think with the fact we have dealt with only nine amendments in over 10 hours and the fact that we have pages of amendments just to section 4 of the bill still pending, I would exhort my colleagues to recognize that there must be an end to this process at some point in time.

I think there are certain major issues that we need to deal with in this legislation. We have been dealing with only one of those major issues thus far, and that is the issue whether certain programs or statutes or dealings in the Federal Government should be exempt from a cost analysis of what they may cost.

That is one issue, and we have debated that at great length over a number of different issues. But I think we have fairly well resolved the fact that the majority has prevailed in saying very little should be exempt from the provisions of this law, except those things that would provide sort of technical reassurance that certain areas were in fact exempt under civil rights laws or whatever.

This is only one issue. We have other issues like, should the regulations issued by the Government be subject to judicial review, should the effective date be changed, and what do we do with public-private issues. These are all major issues.

So I would hope that we might be able to move this along. And in hopes that we might be able to do that, I ask unanimous consent that debate on all of the exemption amendments to section 4 of the bill be limited to 20 minutes, 10 minutes on each side.

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

Mrs. COLLINS of Illinois. Mr. Chairman, reserving the right to object, I reserve the right to object because I do not believe that such a request would be appropriate at this time.

□ 1300

Mr. Chairman, in the committee we had no hearings.

The previous question was ordered on an amendment that had not even been heard or read. We were told to hold off on amendments until we reached the floor. When we agreed not to make a point of order to the bill that would have delayed consideration, the chairman assured us that there is no intent at all to in any way proscribe or limit the ability of Members to offer amendments.

Further, when we went to the Committee on Rules, we were told that we were going to have open debate. Many Members on the other side of the aisle very proudly said, and have even said so today, that, ''We are now having open debate. There is going to be no closed rule.''

Mr. CLINGER. Mr. Chairman, I sense some resistance on the other side, and I withdraw my unanimous consent request.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] withdraws his request.

Are there further amendments to section 4?

AMENDMENTS OFFERED BY MR. BECERRA

Mr. BECERRA. Mr. Chairman, I offer amendments Nos. 30 and 31 at the desk, and I ask unanimous consent that they be considered en bloc.

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

There was no objection.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. BECERRA:

In section 4(2) insert ''age,'' before ''race''.

In the proposed section 422(2) of the Congressional Budget Act of 1974, insert ''age,'' before ''race''.

Mr. BECERRA. Mr. Chairman, I have spoken on this floor about my concerns with H.R. 5, the unfunded mandates legislation, for a number of reasons,

least of which, of course, is the fact that the State and local governments are taking on burdens.

More to the point, however, we do not take into account in H.R. 5 numerous provisions to protect those very States and local governments and neighborhood communities that we say we are about to protect through this particular legislation. One specific example to me, Mr. Chairman, which is very glaring, is that the legislation we have before us today does nothing to protect our American people against discrimination based on age.

Today we have before us H.R. 5, that says nothing about preserving the rights of people, based on their age, to work, to live freely, and I believe it is important that at least something like this be included in H.R. 5. The Federal laws prohibiting age discrimination provide protection for millions of older Americans from arbitrary and unjust discrimination.

As with all laws prohibiting discrimination, the laws prohibiting age discrimination set basic standards for fair treatment in a workplace and other areas of American society. The right to work free of age discrimination is a fundamental right.

However, age-based employment discrimination remains prevalent, despite the Age Discrimination in Employment Act, the ADEA. The problem is particularly severe for persons who have lost jobs in declining industries such as heavy manufacturing. I know in Los Angeles, Mr. Chairman, we have a lot of unemployed engineers and scientists who are getting on in age, and they are finding it very difficult to find jobs, even as qualified as they may be.

Mr. Chairman, once unemployed, older workers face sharply limited employment opportunities. Persons aged 45 to 64 are unemployed longer, on average, than younger workers in America, and they become what we term under the law discouraged workers. In other words, they are those who give up the job search because they feel it is futile.

Mr. Chairman, the arguments for preserving our important civil rights laws are the same regardless of whether the laws concern age, race, religion, or ethnicity. The authors of H.R. 5 have recognized that civil rights laws are deserving of special protection from any burdens that may impede their force and effect.

It is our job now, Mr. Chairman, to ensure the inclusion of age discrimination laws among those civil rights laws to be exempted from H.R. 5's impact.

Mr. Chairman, along with the amendment that I have, the gentleman from Pennsylvania [Mr. KANJORSKI], who has worked tremendously on these issues, also had an amendment. He has agreed, we have all agreed, to join together on this particular subject, along with the chairman of the committee, and I thank the chairman for having done that.

However, Mr. Chairman, I do want to make sure that I do acknowledge that the gentleman from Pennsylvania [Mr. KANJORSKI] graciously allowed me to go first on this particular amendment. He has worked tremendously on this as well.

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

Mr. BECERRA. Of course, Mr. Chairman, I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Chairman, I appreciate the gentleman yielding to me.

Mr. Chairman, as the gentleman said, this amendment would add age to the list of antidiscrimination statutes that would not be covered by H.R. 5. There are certainly no intent to exclude this. We certainly want to make sure that the antidiscrimination would apply to this measure. This particular amendment has already been accepted by the Senate, and I am pleased to accept the amendment.

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

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

Mr. DREIER. Mr. Chairman, I simply would like to compliment my friend, the gentleman from California [Mr. BECERRA] for noticing this and inserting this very important aspect on the issue of discrimination. I compliment him on his diligence in addressing this issue.

Mr. KANJORSKI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think this is a very important amendment, and we discussed it at the committee markup. However, it points up the very reason that we are here today and that we have been involved in 10 hours of debate, and we have 100-some-odd amendments, because this amendment should have been readily seen as valuable to this piece of legislation at the markup level. If it had, we would not have spent hours of staff time and hours of Members' time preparing for this occasion.

Mr. Chairman, I keep hearing, and I just want to refer to the chairman of the committee on the other side, who treats this piece of legislation as if it is only a procedural piece of legislation for a point of order.

However, Mr. Chairman, this bill has two particular sections, one affecting the right here on the floor to raise a point of order, and two, allowing citizens of any type for any reason to raise a legal question in a district court throughout America, challenging any rule or regulation by a Federal agency.

Mr. Chairman, it is just so clear, I think, by the acceptance of the Committee on Rules, that this should have been put in this bill early on, just as we were fortunate enough when the bill was originally drafted, and it did not have in it an exemption for Social Security, we were fortunate enough to win that single amendment of 40 or 50 amendments offered in committee markup. Social Security did win, I think, by a vote of 39 to 3.

Mr. Chairman, I am certain if we had had the opportunity to really sit down and with open minds discuss this legislation, not only this age discrimination amendment but several others that I offered today would have been part of the markup that came to the floor, thereby saving a great deal of debate time. What some Members of the House, and I will not say whether it was on the other side or on our side, seem to indicate is that there is some dilatory action here. However, if a person is over 65 years of age, and if we were not successful in having this amendment made today, their protection as an American citizen could be denied on the basis of the unfunded mandate legislation we are about to pass in this Chamber. That would be criminal to my constituents and criminal to the constituents throughout America.

Therefore, Mr. Chairman, I do want to say, joining with the gentleman from California [Mr. BECERRA], that I think we have contributed materially to the fairness of this legislation, so that when it is finally adopted by this House, and I have no suggestion it will not be, it will be overwhelmingly accepted, at least we know there will not be an allowance for age discrimination in this bill.

Mr. Chairman, further, I would just like to suggest that maybe we could have some cooperation with the chairman and the Majority on the other side to look a little bit more at these amendments that we are about to offer, to recognize that they are not prepared and offered here today to waste our time but are very germane, very important, and are very substantive.

For the legislation to pass this House in less than its best form, as we can provide it, says that this Congress is not ready to rise.

One further point, Mr. Chairman. The gentleman in the chair and I are probably the only Members of this body that were here in the last Republican leadership of the Congress of the United States. We do not pretend to have been Members at that time. We were lowly back bench pages, but we know that that 83d Congress was very successful because there was a tendency to have open debate, because there was not ducking of issues or questions as we have in this government, and it is not only in the 104th Congress, but it has happened in many past Congresses.

Mr. Chairman, what I hope we can eventually come out of this legislation with is recognizing that too often on this House floor we are passing laws that allow for the Secretaries of the executive branch of government to promulgate rules and regulations. It may be one paragraph of legislation and 10,000 pages of rules and regulations.

It is time that the Congress of the United States, and particularly the House of Representatives, takes back

its responsibility of oversight and investigation, so that we participate to a large extent in the type of regulations and rules we are going to be subjecting our constituents to, and not delegating that away to some unnamed, unknown bureaucrat, and then come back here and argue that we are hypocrites because we did not know what we were empowering some bureaucrat to do in the name of the Congress of the United States.

Mr. Chairman, I hope that we can proceed now with a few of these amendments and test them for their viability and for their substance and have them accepted.

□ 1310

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. KANJORSKI] has expired.

(At the request of Mr. VOLKMER and by unanimous consent, Mr. KANJORSKI was allowed to proceed for 3 additional minutes.)

Mr. KANJORSKI. I appreciate my friend from Missouri. I know how Missourians are eminently fair, no matter what side of the aisle they sit on and do not delay actions by the House.

I want to congratulate the gentleman from Pennsylvania [Mr. CLINGER], the chairman, that we have acceptance of this amendment and my friend who is cosponsor of this amendment. I think we are having a breakthrough here. I can say I hope over the next several amendments we offer that my friends on the other side recognize that these are not done to delay and pass time but are very substantive in nature and can have dire effects on the American people in the future.

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

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

Mr. VOLKMER. The gentleman has been in this body for a good many years and has operated very effectively as one of the best-respected Members of this House and his committees.

I understand from what you made during your presentation and since I am not a member of the committee and I was not there, I would just like to go back and take a little bit of the House time because I think it was very important because of things that are being said on this floor today, earlier in the 1-minutes, and I heard a gentleman out in the lobby doing an interview talking about delaying tactics.

I want to go back to that committee meeting and just find out how many—did the gentleman offer this amendment in committee?

Mr. KANJORSKI. Yes.

Mr. VOLKMER. Was this amendment debated in committee?

Mr. KANJORSKI. No.

Mr. VOLKMER. It was not debated? Just tell me what happened.

Mr. KANJORSKI. I had a series of four or five amendments that I thought were particularly important because of the possibility of regulations being propounded in the future that could be objected to in court. And since we could not get the judicial review section straightened out, we recognized we had to have certain exemptions.

The Chair had suggested that because he was under a calendar direction from the Speaker to proceed with the markup of the bill that we would have an opportunity between the markup and the floor time to consider these amendments. We tried to contact the majority leadership and the majority chairman and we were not successful in accomplishing that.

I heard of course yesterday for the first time that this particular amendment would be received. But our problem here was the speed at which the markup was made. No hearings were held. Some of those, myself, a new member of the committee, although having been in the House for 10 years now, was not aware of the process of this new committee, knew this legislation was important and felt that it was not proper for us to draft legislation on the House floor. That is what the committee system is all about.

Mr. VOLKMER. That is correct.

Mr. KANJORSKI. If we are to go about drafting legislation on the House floor, we could end up on this bill and many of the other substantive bills that the majority undoubtedly will be properly presenting to the House, spending weeks or months of what some people may consider delay time. But if you are over 65 years of age and you have been discriminated in your job and you go to sue your employer and he is able to walk into court and enjoin you from taking action, that is pretty substantive.

Mr. VOLKMER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am not going to take a long time on this amendment, but I think as the gentleman from Pennsylvania has said, it is one that is very, very important.

What my major concern is, is that for the last several days, at least today and yesterday, this gentleman heard Members of the opposite party talking about us on this side wanting to delay this bill, that the only reason that we have these amendments is just to delay the bill.

Mr. Chairman, I do not believe that is true. I think it is because this bill did not have the time in the committee, not because of what the chairman may have wanted done but because of the orders the chairman got from his leadership, and not sufficient time was given in committee.

This is a major piece of legislation affecting almost every law of the United States that has an impact on State or local government, and all future laws for sure, and the regulatory process, as well.

And yet the short time that it was given to Members in committee has resulted in the number of amendments that we have here before us.

It is not because anybody wants to delay the bill. It is because, as I said in my 1 minute today, legislation is made up of ideas. And the people who proposed this legislation had ideas of what they thought should be in the legislation, what the Federal relationship should be to State and local governments. No one else had any input into that legislation up to that time.

The first time that any other Member of this House had an opportunity to have an input into that legislation was in the committee. And when you got to the committee on this very far-reaching bill, and I am sure there are other amendments there, too, you did not have the time really to work on the amendments.

The bill had to come to the floor because the leadership has decided that this bill has to be passed before we do a balanced budget amendment. They put themselves in a straitjacket. It is a very, very, very poor way to legislate.

As one who has been in the legislative business for not 18 years but 10 years in the State body before I came here, this is one of the worst ways to legislate that I have ever seen in my 28 years.

What we have seen is the gentleman from Pennsylvania, the chairman, earlier wanted to shrink the time that Members would have to debate the other amendments that are just as important as this amendment.

It may be that the idea that is in those other amendments does not meet the criteria of the gentleman from Pennsylvania, the chairman of the committee, and therefore he will not accept them as he has accepted this one. But they are still just as important to the Member who is offering that amendment, just as the previous amendments that took 10 hours to do nine amendments, those were very important, Mr. Chairman.

Everyone in this House, all Members, should have the right to express their ideas as to legislation. They should not be told, ''No, you can't do that because we don't have time to do it.''

The legislation, even when passed, will not take effect until October 1, 1995. That is almost 9 more months.

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

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

Mr. CLINGER. May I say to the gentleman, it was not my intent to in any way try to shut off debate. I asked unanimous consent. The unanimous consent was rejected. But in no sense was I trying to shut off debate.

What I was trying to say is that one of the major issues in this debate is whether there should be any exemptions to the overall impact of the bill. I think we have debated that issue, that overriding issue very thoroughly and generally have rejected the idea that there should be exemptions granted. If we grant a series of exemptions, we might as well do away with the bill,

and I think there are some that perhaps would like to see that happen. But in no sense am I attempting to gag anybody or attempting to shut off debate.

This is an open rule, we intend to continue to operate under an open rule so the issue can be debated.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. VOLKMER] has expired.

(By unanimous consent, Mr. VOLKMER was allowed to proceed for 2 additional minutes.)

Mr. VOLKMER. Mr. Chairman, I would like to reiterate, and I think the gentleman from Pennsylvania, one of the cosponsors of the amendment, has really pointed out that this way of doing legislation is a very poor way of doing legislation. We should not do legislation on the floor of the House and deprive other Members of doing other things they could. The legislation should have been perfected and time should have been taken to perfect this legislation in committee and, therefore, we would not have all this time on the floor.

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

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

Mr. KANJORSKI. Mr. Chairman, I say to the gentleman from Missouri [Mr. VOLKMER], we could save a great deal of time if the other side would realize what our big worry is here and, that is, they do not address the question of judicial review. As long as judicial review is not addressed and we can infer that you have a right to appeal to a district court if you are dissatisfied with the application of this legislation, every regulatory rulemaking body of the U.S. Government that is not independent is subject to judicial review.

□ 1320

That is why it is so important to craft the exemptions in this bill. If it was just a procedural role of a point of order on this floor, we are going to lose that point of order anyway.

There is a majority and there is a minority. Our problem, we are arming every corporation and every individual who does not want to comply with a rule or regulation of a Federal agency or U.S. Government to stop the impact of that legislation by merely moving to file an injunction in Federal district court.

As I said in committee, if there ever was a piece of legislation that should have had the title of Lawyers Relief Act of 1995, it is this piece of legislation.

Mr. VOLKMER. I thank the gentleman from Pennsylvania.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California [Mr. BECERRA].

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

Mr. VOLKMER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to clause 2 of rule XXIII, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 31]

Abercrombie
Ackerman
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (TX)
Filner
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

□ 1339

The CHAIRMAN. Four hundred eleven Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Missouri [Mr. VOLKMER] for a recorded vote. This is a 5-minute vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 416, noes 1, not voting 17, as follows:

[Roll No. 32]

AYES—416

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Callahan
Calvert
Camp
Canady
Cardin
Castle

Chabot
Chambliss
Chapman
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn (WA)
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Martinez
Martini
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Studds
Stump
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Tanner
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Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
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Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
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Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

NOES—1

Young (AK)

NOT VOTING—17

Bachus
Bishop
Buyer
Chenoweth
Coble
Fields (LA)
Kennedy (MA)
Kennedy (RI)
Markey
Mascara
McIntosh
Meehan
Packard
Parker
Stockman
Torkildsen
Wilson

□ 1345

So the amendments were agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. COBLE. Mr. Chairman, I will take the lead from the gentleman from New York [Mr. ACKERMAN], and I will insert some civility. I am sure the Chair and my colleagues will be delighted to know that I was giving a speech at Fort Myer a few moments ago. I was unavoidably detained when the vote on the amendments offered by the gentleman from California [Mr. BECERRA], rollcall No. 32, was cast. Had I been present, Mr. Chairman, I would have voted ''aye.''

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it should be apparent to every Member of this body that the chairman of the committee who is handling this bill agreed to accept the amendment that was just voted upon, they agreed to accept it. And then they allowed the minority 20 minutes to debate it after having said they would accept it. Once again, they said they would accept the amendment, and then the minority called not only for a rollcall vote but also a quorum call. This is a deliberate attempt on the part of the minority to drag this debate out, to hold up the Contract With America, and the people across this country are not going to accept it. They are going to know it.

I do not want to belabor this and take the full 5 minutes, but I just want to say to my colleagues in the minority: If there is a need for a vote on an amendment, let us vote on it. I would just like to say to my colleagues, do not use these kind of tactics when we accept the amendment. If we accept the amendment, let us get on with the business of the House and the Contract With America. If you do not have anything to say, do not drag it out.

I would like to point out one more time the committee chairman and the committee said they would accept the amendment. There was no controversy about the amendment. There was no need for debate. There was no need for a vote. And yet they called not only one vote——

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

Mr. BURTON of Indiana. Briefly I would be happy to yield to my colleague.

Mr. KANJORSKI. I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman from Indiana [Mr. BURTON] has brought up a great point and it is a point I have been trying to make over several days now. If we had taken the time in committee to consider this, we could have considered that last amendment in a matter of 10 minutes, it could have been reported like the exemption for Social Security that I introduced in committee, which was accepted in 5 minutes, and we would have not only not delayed a half hour or 45 minutes here and 20 minutes in debate, but we also would not have delayed the times of our staffs and Members who have been waiting this week to prepare for this debate.

□ 1350

Mr. BURTON of Indiana. If I may reclaim my time, I would just like to say it has just been brought to my attention that the gentleman's amendment was not presented before the committee, but I would like to say, and I do not want to prolong this because we have to get on with the business of the House, if an amendment——

Mr. KANJORSKI. If the gentleman will yield for a correction——

Mr. BURTON of Indiana. I will not yield.

The CHAIRMAN. The gentleman from Indiana [Mr. BURTON] controls the time. He may or may not yield, as he chooses.

Mr. BURTON of Indiana. I would not yield. I would just like to say that if we accept the amendment, there is no necessity to waste the House's time on two votes that are not necessary to drag this thing out. The people of this country want us to get on with the Contract With America, and I wish the minority would let us do what the people of this country want, and I yield back the balance of my time.

Mr. ACKERMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it seems to me that on the first day that we convened this year we met until 2 o'clock in the morning and only had two votes. It seems to me that last night the majority party sought to limit the right of the minority to debate.

Is the gentleman now trying to limit our rights to vote?

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

Mr. ACKERMAN. I yield to the gentleman from West Virginia.

Mr. WISE. Mr. Chairman, I thank the gentleman from New York [Mr. ACKERMAN] for yielding because I think the gentleman raises a good point as we can sit around, and the interesting thing which the gentleman from Indiana has done is he has now gotten us fighting over what we were fighting over. But the interesting thing on this is that we were not permitted to have full discussion of the amendment, we were not permitted to have full discussion of the amendment that the gentleman from Pennsylvania offered in the committee. We were warned that this would be the problem.

Second is I understand the gentleman from Indiana's concern. Some of our side might have said in the last session of Congress that the gentleman from Indiana [Mr. BURTON] sometimes might have been—I would never have done that of course—might have been involved in some delaying tactics. It seemed to me that we were voting unnecessarily from time to time when the Republican, then the minority, wanted to make a point. The fact is we want to move ahead as well.

We are concerned about what happens tomorrow. We are concerned about what happens if we are being asked to sit, for instance, in the Committee on House Oversight on a line item veto at the same time we have the balanced budget amendment on the floor or if we are being asked to sit in a Committee on Banking and Financial Services hearing on the Mexican loan guarantees at the time that we have the balanced budget amendment on the floor. So there are legitimate concerns, and perhaps we are going to have to discuss about ways we express those concerns.

And finally, as I recall, it was the fact that we could not get a vote from the other side that forced us to go to a quorum call that then forced us to go on a vote. We could have shortcut this procedure if a few more on the other side would have been willing to rise.

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

Mr. ACKERMAN. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, for the new Members here on both sides of the aisle:

I can remember scores of times, scores of times, that amendments were accepted on this side offered by the now-distinguished chairman of the Committee on Rules, as one example, scores of times, and we accepted amendments, but they wanted to get votes on those amendments. They wanted to get votes on those amendments so they could score us so they could take it to the interest groups and say, ''See how they voted?''

Not one voice was raised in opposition to amendments on a voice vote, but they asked for rollcalls. That is the facet of this democracy. They wanted to have rollcall votes in committees. They wanted to have quorums present in committees. They wanted to make sure that everybody was present, no proxy voting.

Mr. Chairman, we understand that. Very frankly I think on proxy voting they probably were correct. But the fact of the matter is on our side of the aisle understand we think it to be somewhat ironic that a party that time after time after time asked for rollcall votes when there was not a dispute, when committee chairs were willing to take it, is not now really in a position to criticize those on this side of the aisle who seek to have rollcall votes so Americans can know whether we are voting with senior citizens, whether we are voting with children, whether we are voting with the environment, whether we are voting against hazardous waste in communities.

Mr. Chairman, we think those are legitimate votes, and they did as well, apparently until just recently.

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

The CHAIRMAN. The time of the gentleman from New York [Mr. ACKERMAN] has expired.

(By unanimous consent, Mr. ACKERMAN was allowed to proceed for 2 additional minutes.)

Mr. ACKERMAN. Mr. Chairman, I yield 1 of my 2 minutes to the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Chairman, I thank the gentleman from New York, and I will take only 1 minute.

Also for the new Members here: I hope you understand that the Committee of the Whole, which we are now in; we are not in the House, but we are in the Committee of the Whole. It is a committee, and we carry on the amending process in the Committee of the Whole.

I have sat through a number of weeks in which, for example, legislation from the Committee on Armed Services had hundreds of amendments that were presented here on the floor, and the question was: ''Why in the world didn't they deal with them in the committee?''

The fact of the matter is, I was told by their side, ''We are dealing with them in committee, the Committee of the Whole,'' and that is exactly what we are doing here.

I would tell my friend and colleague from Maryland that, if they are going to look for particular rollcall votes to begin to draw a line between the majority and minority so the American people will know where they are, we have had a lot of practice——

Mr. ABERCROMBIE. Will the gentleman yield for a correction?

Mr. THOMAS. Because the last rollcall vote was 416 to 1, and I fail to understand where the gentleman differentiates on a 416-to-1 rollcall vote.

Mr. ABERCROMBIE. Will the gentleman from New York yield?

Mr. ACKERMAN. Mr. Chairman, reclaiming my time, I would just like to ask that we return to some civility and comity, and I would like to remind——

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

The CHAIRMAN. The time of the gentleman from New York [Mr. ACKERMAN] has expired.

(By unanimous consent, Mr. ACKERMAN was allowed to proceed for 1 additional minute.)

Mr. ACKERMAN. Mr. Chairman, I remind my colleagues who were here at the time and the many of us that are also new, just picking a date from the Journal of September 21, and my colleagues could pick any page almost at random; at 12:45 the gentleman from Wisconsin [Mr. SENSENBRENNER] asked for a vote, a recorded vote. It was 390 to 1.

The gentleman from New York [Mr. SOLOMON] at 5:21; the vote was 425 to 1.

The gentleman from New York [Mr. SOLOMON] at 5:41; the vote was 426 to 1.

The gentleman from New York [Mr. SOLOMON] at 5:50; the vote was 423 to 2.

The gentleman from Indiana [Mr. BURTON] at 6:07; the vote was 422 to 4.

It goes on and on. Nobody sought——

Mr. ABERCROMBIE. Will the gentleman yield for a correction?

Mr. ACKERMAN. I am sure that there is an error in here. It could not have been——

Mr. ABERCROMBIE. Mr. Chairman, would the gentleman yield for a correction?

Mr. ACKERMAN. I yield to the gentleman from Hawaii.

The CHAIRMAN. The time of the gentleman from New York [Mr. ACKERMAN] has expired.

(On request of Mr. ABERCROMBIE and by unanimous consent, Mr. ACKERMAN was allowed to proceed for 2 additional minutes.)

Mr. ACKERMAN. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Chairman, again for the benefit of new Members, and it should not have to be for old Members:

As a member of the now-National Security Committee and the Armed Services Committee, can we at least have the record straight about someone who has conducted himself—I believe I can state factually on behalf of both sides of this aisle as, if not the fairest among the fairest chairmen that have ever presided over any committee, and that is the gentleman from California [Mr. DELLUMS]. Members, Republican and Democrat, will agree that when the gentleman from California [Mr. DELLUMS] became chairman, and I believe that if the gentleman from California [Mr. THOMAS] will check with the members of the Committee on Armed Services—the then-Committee on Armed Services, every single amendment, every single statement, every single request for time, was honored by the gentleman from California [Mr. DELLUMS], and to state that hundreds of amendments had to come to this floor because they are unable to be delivered or unable to be presented in the Committee on Armed Services is utterly

and totally false and against the factual record. Amendments came on this floor because the gentleman from California [Mr. DELLUMS] and the majority recognized the opportunity and, in fact, the obligation of the minority to offer amendments under an open rule.

I say to my colleagues, ''If you would do the same, you would do well to follow Mr. DELLUMS' example instead of trying to lecture us on history''——

Mr. ACKERMAN. In conclusion, Mr. Chairman, I just ask that we please observe some sense of civility in this House. We understand the mathematics. We understand that they have a majority. It may be very wide, but it is very narrow, but they have a majority, and under the old math or new math we understand what the vote is going to be.

I say to my colleagues, ''Will you let me just offer this to you? With the majority, please, don't be afraid to debate your ideas, please don't be afraid to allow us our say, and don't be afraid to allow us to record the votes.''

The CHAIRMAN. The time of the gentleman from New York [Mr. ACKERMAN] has expired.

(By unanimous consent, Mr. ACKERMAN was allowed to proceed for 1 additional minute.)

Mr. ACKERMAN. Mr. Chairman, I would like to yield half my time to the gentleman from Pennsylvania [Mr. CLINGER].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] is recognized for 30 seconds.

Mr. CLINGER. Mr. Chairman, as a point of clarification and to sort of correct the record here:

Every amendment that was offered was considered by the committee. All of section 4 was open for amendment in committee. So, every amendment that was offered, every Member had an opportunity to offer amendments to those sections of this bill which were in the jurisdiction of the Committee on Government Reform and Oversight so there was no limitation on the ability to offer this amendment. This amendment was not offered; I think the gentleman from Pennsylvania would agree. This amendment was not offered in the committee——

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

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

Mr. KANJORSKI. Mr. Chairman, so that the record is correct, if the Chair recalls, we had a list of seven or eight amendments which we thought were extremely important to be considered. We went under—because the committee was trying to mark up the bill that day and get it ready to come to the floor, we had one vote on the Social Security amendment, which passed 39 to 3, if I recall, and the other amendments, at my request, were packaged so that we could work with the majority to see if they could be included in the bill as an en bloc amendment when it came to the floor to facilitate——

The CHAIRMAN. The time of the gentleman from New York [Mr. ACKERMAN] has expired.

AMENDMENT OFFERED BY MR. KANJORSKI

Mr. KANJORSKI. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KANJORSKI: 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.

Mr. KANJORSKI. Mr. Chairman, I would urge all the Members of the House to perhaps remain on the floor. This is a very important amendment that both the gentlewoman from New York [Ms. SLAUGHTER], my colleague on the committee, and I had put in a package to offer at the full committee markup.

□ 1440

Mr. Chairman, at the end of the 103d Congress, this Congress adopted the crime bill, as we all know. A major part of the crime bill called for the creation of a database that would record sex offenders in all 50 States so that that information could be readily available to local police and State police of the various municipalities and States in these United States.

It is my understanding that the Justice Department has not promulgated the rules and regulations pursuant to that bill as of this moment, and that potentially that database will not be able to be constructed for several reasons, one of which is that it does not comport with the statement of standards required in this bill. Further, if we get over that objection, that it was previously passed legislation which had not yet had promulgated rules, we run into the problem that for every sex crime in the United States that would come under that jurisdiction, if the sex offender was discovered because of that database, it would give him a cause of action under the judicial review of this bill to allow him to charge that he is improperly charged because of information developed illegally against him and to set aside the regulations as they pertain to him.

Now, I know that the Members of the minority party have long been well recognized for the fact that they want to do away with vicious sexual crimes in this country. We also know that in order to protect our citizens and protect the privacy of many citizens and the safety of most of our families, our wives and our children, it is essential that we are able to disseminate multiple sex offenders by having some database exist in this country. If we pass this unfunded mandate as it is presently constructed and written, it will not allow for this database information to go forward.

I think that it is this type of exemption that should have been considered at the level of the committee in markup, and in a matter of 15 or 20 minutes the reasonableness and the rationality would have been clearly understood by both the majority and the minority.

This is our last attempt to have that database secure so that it can be implemented by proper rules and regulations and not to give every sex offender in this country the opportunity to vitiate his criminal conviction.

So I urge all my colleagues to take one step back.

This is just good, sane legislation. Let us allow an exemption here for the database that we had originally anticipated and all voted for in the crime bill of the 103d Congress.

Mr. Chairman, I now yield to the cosponsor of the amendment and a member of the committee on the minority side, the honorable gentlewoman from New York [Ms. SLAUGHTER].

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman from Pennsylvania [Mr. KANJORSKI] has already made a very compelling argument about the crime that is committee against a victim twice by allowing the perpetrator to have an edge in court. I would like to speak about the personal side. First, I am not trying to stall this bill. I know it is going to pass. The votes are there, but I do not want it to pass until I have a chance to speak for the victims of rape, or children, and women.

The national statistics show us that rapists are 10 times more likely to repeat their crimes than any other offender. The American people have felt outrage, and expressed it many times, over sensational cases where the sexual predators were released in their communities and neither the police nor the community knew they were there. Polly Klaas in California and Megan Kanka in New Jersey are two recent examples of young children allegedly abused and murdered by released sex offenders.

In my home town of Rochester, NY, Arthur Shawcross went on a rampage of serial rape and murder while he was on parole for having murdered two young children.

Mr. Chairman, the parole board in the State of New York lost track of Mr. Shawcross, and not even the police investigating his crimes knew about his past or where he was.

Communities across the Nation have similar horror stories. Last year this database on sexual predators was passed with heavy support on both sides of the aisle. Senator FEINSTEIN introduced the bill in the Senate where it passed.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. KANJORSKI] has expired.

Ms. SLAUGHTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, why do we want to collect this information nationally? We know a lot of things about sexual predators. One thing is that we cannot treat them as other criminals, that they are very apt to be repeat offenders. We know they cross State lines.

We had the full support of all the police agencies in the country. They feel in the cases of Polly Klaas and Megan Kanka that had they had prior record information at their fingertips, they might have been able to save Polly Klaas who was alive when the police stopped the car she was allegedly in.

□ 1410

One of the things I would like to say to the people of the country is when we talk about the unfunded mandate it is as though they were a four-letter swear word. Unfunded mandates has a ring to it of something almost repugnant. In truth this bill really says that the Federal Government cannot pass any legislation if we are not going to give all the money the legislation requires; that States and local governments will no longer be required to make any contribution of their own.

That means we could no longer pass bills as we have over the history of the United States such as mine safety. There we said that the people who go down in the coal mines of the United States, the most dangerous job, to meet our energy requirements, they should be able to be safe in that work and certain conditions had to be met so that their lives were more likely to be kept out of danger. We did the same thing with child labor laws, when we said OK, maybe little fingers are wonderful in the textile mills and to clean out the machines, but American children should not be exposed to that kind of hazard. And we said the same thing about children in the coal mines.

The same thing happened when we said American children are all going to be educated. These are all called unfunded mandates; as are airline safety, highway safety, and clean water. We are going to have to reauthorize clean water. It is going to come under this law after it is passed.

What we are saying is if the Federal Government does not spend enough money to provide clean water for every family in the United States, that bill's requirements will be repealed or action will be optional. So you may have clean water if you want to in Virginia, but you do not have to have it in Alabama.

Is that what people in the country are looking for with the unfunded mandates? Do they want to let sexual predators go? Do they want to let the polluters go ahead and pollute? We must not lose this opportunity to do everything we can to stop that menace, that horror, of sexual predators preying on the children of the United States. I would venture that there is not a single district represented in Congress that has not had a case where someone has come in from across the State line or someone has been released with a prior record as long as your arm, and yet unless we act other people will be victimized either with rape or with death. Do we have to learn this lesson over and over again?

In this day of communications is it too much to ask that State and local governments help to provide this information, and, yes, help to pay for it? Because, believe me, in the long haul, if you really want to bring this down to dollars and cents and not to human dignity and lives, if you want to just put it down to dollars, it is obviously going to be cheaper for us to prevent these kinds of things than to go through the costs of the court cases and trials we will have to suffer.

Let me close with one example where this could have made an incredible difference. Two years ago investigators in the State of Virginia were puzzled because there was a maintenance man on the loose who raped 18 women, all with the same modus operandi. He got access to the apartments by claiming to be a repairman

Tragically, that man, Eugene Dozier, had already been convicted for a string of rapes in New York State in which he used the very same tactics, and he was released from prison in New York and moved right down into Northern Virginia. If we had had the nationwide data base, law enforcement in Northern Virginia could have gone right to his door.

What kind of a thing is it that we are saying is too much? What is it that makes that so expensive that we cannot continue to do that so we can try to keep people safe? Well, I am sure that anybody in this country who has been victimized or lost someone would tell you that it is not too much. And when we talk of unfunded mandates, we have got to remember that what we are doing is providing for the health and the safety and, yes, indeed, saving the lives of many of our people.

I urge that this be exempted from the unfunded mandate bill.

Mr. DAVIS. Mr. Chairman, I rise on behalf of the committee to oppose this bill and move to strike the last word.

Mr. Chairman, for reasons that we have opposed other amendments to this section, we would oppose this amendment at all. I think we are all against rape or all against child molestation, and as a father of three, I do not want to have sexual predators go free either. But I will tell you what, there is nothing in this bill that prohibits this data base from going forward and that is going to cripple our efforts in these areas.

Mr. Chairman, I am just becoming increasingly frustrated at the pace and content of the debate on this Unfunded Mandate Reform Act. Over the past several days there has been large amount of disinformation on the bill coming out from its opponents and many mischaracterizations about the competence of State and local governments to fulfill their duties in a number of areas.

The American people know that all knowledge and competency does not reside in Washington, DC, in the Congress. In fact, if you look around, some of the most dynamic and innovative programs for the homeless, for the hungry, for protecting the environment, fighting sexual predators and child molestation, are emanating from local and State governments.

The federalist system has traditionally challenged State and local systems to experiment and invent new programs and policies to meet the needs of the citizens. Other levels of the government have a great opportunity to gain insights to benefit from these experiments and from these programs. But there is a certain arrogance in believing that Congress and only Congress has the knowledge of what laws and programs should become public policy. This arrogance is intensified when Congress does not have the guts to put our money where our mouth is. That is, to pass the bill, and then we pass the buck on to States and localities to fund what we feel are the priorities.

I keep hearing the argument that Congress is only trying to help and assist State and local governments to provide functions that it otherwise could not. But that is ridiculous. In this particular case the big seven, including the National Governors Association, National Conference of Mayors, National League of Cities, National Association of Counties, and a number of private sector entities, including the U.S. Chamber of Commerce, support this bill and oppose this amendment, because they recognize these amendments are basically gutting the bill.

I served in local governments for 15 years prior to any election to this body. What I think Members need to understand is that local and State officials want the same things that Members of this body want. But we were increasingly frustrated at the local level by having the Federal Government take a larger share of our local dollars from our local efforts to cut crime, to sexual predators, to fight the whole crime area, to improve the environment, to house the homeless and feed the hungry, because we had to take those dollars and pay for mandates Congress thought were most important, but not important enough to send the dollars to go with it.

As I see exemption after exemption proposed in from the other side of the aisle, it is important to put these amendments into perspective and into context. A core of Members have consistently supported exempting from this bill not just sexual predators in this case in those actions, but also the Clean Air Act, wastewater treatment,

aviation and airport security, licensing, construction, and operation of nuclear reactors, disposal of nuclear waste and toxic substances, health of individuals with disabilities, child labor and minimum wages, and OSHA. You put these together, there is no bill. There is no bill if you put that altogether, and this bill would have no teeth at all. Taking these amendments together, the proposals would in fact, the bill would become worthless.

Mr. FOX of Pennsylvania. Mr. Chairman, will the gentleman yield?

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

Mr. FOX of Pennsylvania. Mr. Chairman, the programs, as the gentleman from Virginia [Mr. DAVIS] pointed out eloquently, are all worthy. As a former assistant district attorney in Pennsylvania, I can tell you a national data base is certainly a program worthy of being explored and worthy of being adopted, but at the right time. What we have before the House right now is a bill, H.R. 5, which will provide the cost analysis of what it is going to be for imposing a mandate that we have put on State and local governments. And H.R. 5 is why we are here in the House today.

Those are all worthy programs, as the gentleman from Virginia [Mr. DAVIS] discussed. But before we vote them up or down, we need H.R. 5 passed, to make sure this House does not pass on to States and local government any bill, any cost, without knowing what it is going to cost ahead of time, and this House approving it.

Mr. DAVIS. Mr. Chairman, reclaiming my time, let me try to sum up, if I may. Keeping these items in the bill does not mean Congress will pass no more laws on these matters or even any unfunded mandates. What it does is nothing in this act nullifies any existing law or regulation. But in this case, child molestation laws and regulations, they can still move forward on a prospective, and any act that is currently, of course, in effect, is not affected. But we will either pay for it or know what the costs we are putting on to our States and localities will be before we can proceed and have all of that information in front of us.

The real issue is not the relative merit of any single mandate; the issue is who should pay, and if Congress does not pay, what will the costs be to those with whom we are passing the bill. What is wrong with obtaining the cost to the States and localities before we act. What are we afraid of?

The CHAIRMAN. The time of the gentleman from Virginia [Mr. DAVIS] has expired.

(By unanimous consent, Mr. DAVIS was allowed to proceed for 1 additional minute.)

Mr. DAVIS. Mr. Chairman, if a mandate is required and we believe the costs should be allocated to someone else, why not vote on it? Why not overrule a point of order and take some responsibility for our actions as we send that dollar down to the States and localities.

□ 1420

Let us remember this: unfunded mandates are basically a cost shift from a progressive income tax to more regressive property taxes. I believe it is in everyone's interest to know these costs before we pass them onto States and localities in taxes.

Ms. SLAUGHTER. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. I yield to the gentlewoman from New York.

Ms. SLAUGHTER. Mr. Chairman, I thank the gentleman for yielding to me.

Did I hear the gentleman say that if this bill passes, that we could still go ahead and pass unfunded mandates?

Mr. DAVIS. Of course. We have the flexibility under this act to go ahead with that, but we would have the costs in front of us. And we would have to affirmatively waive the point of order.

Ms. SLAUGHTER. Does the bill not say that if we do pass an unfunded mandate, it is optional?

Mr. DAVIS. What would happen with the bill is——

Ms. SLAUGHTER. If the State says, ''I don't want to cooperate with you and this river that runs between my border and yours and I am going to pollute my side and I am sorry about that.''

The CHAIRMAN. The time of the gentleman from Virginia [Mr. DAVIS] has again expired.

(By unanimous consent, Mr. DAVIS was allowed to proceed for 1 additional minute.)

Mr. DAVIS. We would still have that option, but we would have the costs in front of us and identified before we could act on that instead of being automatic. This is not a no-money-no-mandates bill. There may be an amendment offered to that later. This would simply put those costs in front of us, and we would have to affirmatively vote to waive the point of order before we could go forward with an unfunded mandate.

Ms. SLAUGHTER. The point I am trying to make, Mr. Chairman, is, what in the world would be the point of passing one if everybody could opt out of it?

Mr. DAVIS. They do not have an option of opting out of this. We have the same authority we would, but the costs would be identified up front. We would have to affirmatively waive that point of order. The responsibility would still lie with the counties.

Mrs. COLLINS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I fully support this amendment. I find it absolutely incomprehensible that we would debate a bill of such significance as this that clearly exempts such provisions as compliance with the county and auditing practices or procedures but failed miserably by not exempting the requirement that State and local governments participate in establishing and maintaining a national data base for the identification of child molesters and child abusers and other persons convicted of sex crimes and persons under a restraining order and those who fail to pay child support.

Anyone who supports tougher measures against crime and anyone who supports reforms in welfare would just have to support this amendment or an amendment just like it. It just makes good sense to do so.

Far more frequently than I or any of us want to know, the media constantly brings us the heart-rending news of some little boy or some little girl who has been sexually abused or has been even ravaged or has been, even worse, been killed by some sex predator. Even when they are not killed, they are frequently mentally and physically abused in horrible fashions.

Serial rapists and repeat offenders who sexually abuse women are equally perpetrators of various heinous crimes. We just have to know who these criminals are. That is all we are saying. We have to know who these people are.

Without this amendment in H.R. 5, we cannot—if we had this amendment, we would be able to have a data base so that we could know who they are. Without it, we would allow States to refuse to maintain data that would enable us to track these very criminals, thereby undermining efforts of other States to keep track of individuals in our neighborhoods who may threaten our women and children.

Why, for example, should the kids, the little kids who live in the State of Illinois, not be secure as the kids who live in, say, Michigan or Iowa that is contiguous to our State? Because that State is doing less than it should to fight these terrible crimes by creating a data base. Or to let us know through a reciprocal agreement or the sort of thing with the data base who these people are who injure our little kids.

In Illinois we will have a stalker law which attempts to address the plight of women who are helpless against individuals who terrorize and intimidate them. If other States are not required to track these individuals who are under restraining orders, then the Illinois law is far less effective. It just seems to me, Mr. Chairman, that a data base of this kind is something that we simply must have, and not to have it would be doing the human thing that Americans do.

All of us here, most of us here are mothers and fathers or grandfathers and what have you. If anything were to happen to one of our children or one of our friends or one of our grandchildren, we would certainly want to know who those who have done this to other children or who are likely to move across a State border and do the same thing to another child. How can we in good conscience not support this amendment?

Mr. Chairman, I support this amendment to exempt laws and regulations which require State and local governments to participate in the establishment of national data bases to identify child molesters and abusers, as well as sex offenders, individuals under restraining order, and persons who have failed to pay child support payments.

Far from empowering States, without this amendment, H.R. 5 could actually lessen the ability of a State to protect itself from these kinds of crimes.

Almost everyone agrees that enforcing the payments of child support is one of the most important elements of true welfare reform. But without a national database, those who try to avoid child support responsibilities, or who molest a child or rape a woman can just move to another State and keep on committing these crimes. In this sense, failing to pass this amendment, could cost the States, and the Federal Government millions in unnecessary welfare payments.

I urge you to support this amendment.

Mr. KANJORSKI. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. I do not know if the gentleman from Virginia [Mr. DAVIS] is still on the floor. I wanted to direct something to him.

I think, Mr. Chairman, if I may, this amendment really structures what the issue that the minority and myself have been trying to make now for several days, and maybe I could have a colloguy with the chairman of the committee, so that we could get an understanding of where the problem is.

Mr. Chairman, as I read the legislation, there is no section denying judicial review, is that correct?

Mr. CLINGER. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. No section denying judicial review, that is correct.

Mr. KANJORSKI. Mr. Chairman, if the gentlewoman will continue to yield, so that by inference it is open and common practice, when a Federal statute is in play, judicial review usually lies as a matter of jurisdiction in the Federal court; is that not correct?

Mr. CLINGER. Mr. Chairman, that is correct.

Mr. KANJORSKI. So we have no exemption. We have no denial of judicial review here. So anyone subjected under this bill has a right to go to a Federal district court to raise the question of whether the rule or regulation that they are being charged under or arrested under, whether or not that stands.

Now, what we are addressing ourselves to here is the question of section 221, the regulatory process. The criminal bill was passed last year. In that bill it authorized the Attorney General and the Justice Department to promulgate rules and regulation to bring about the intentions of that legislation, of which was to establish a national database.

They have not promulgated those rules and regulations.

First question, that because it follows this legislation it could be contended in a judicial review process that they acted contrary to this legislation because it was promulgating a rule and regulation after the enactment of this act.

If that were the case, any information derived from that database would be challengeable as having interfered with the privacy or the rights of that criminal defendant and could have breached his constitutional protection under the law.

The CHAIRMAN. The time of the gentlewoman from Illinois [Mrs. COLLINS] has expired.

(By unanimous consent, Mrs. COLLINS of Illinois was allowed to proceed for 3 additional minutes.)

Mr. KANJORSKI. Mr. Chairman, if the gentlewoman will continue to yield, what the majority has not paid attention to is because we have not denied judicial review, section 202 sets forth a statement that is required to accompany every promulgation of every rule and regulation by every Federal agency of the U.S. Government. If the Justice Department then promulgates these rules and regulations, even though to the best of their ability they comply with the litany of tests, of costs and all the other matters, it still does not deny every defendant, after a full trial, to go into court and enjoin to reverse his conviction because of the violation of the Justice Department in promulgating the rules and regulations and creating the database that caused his original detention or arrest.

We do not want that to happen. Every criminal sex offender in this country will be able to say 2 years, 3 years from now after this database is created that I was caught and my privacy was invaded or my constitutional right was denied me and my statutory protection under this act, unfunded mandate act, was not properly carried out in the promulgation of rules and regulations by the Justice Department that are laid in great detail.

We, by inference, by not denying judicial review, allow judicial review to occur in that area.

What we are saying is, why do we want to raise that tremendous question out there? Why can we not just—this is a very limited part.

I want to say, there are 50 States in the Union, thousands of counties, and 32,000 municipalities. Unless we get compliance of every one of those units of government, this database is useless. We are not going to have voluntarily, as the gentleman from Virginia [Mr. DAVIS] suggested in his debate, every element of government.

There are communities in the United States that could care less about the crime problem of Washington, DC, Virginia, New York, Pennsylvania, or Illinois. There are many municipalities in the country that—and I will tell Members, I have dealt with some of the officials—when they get a vicious sex offender, it is a lot cheaper for them to take him down to the bus station, buy his ticket and ship him out of town than to go through the trial, prosecution and incarceration of that offender.

I have got counties in my State that because they prosecute the sex offender from New York in Pennsylvania, they incur the liability of incarceration, health care and every other factor that applies to that person. It is much cheaper for them to pay him to get out of town.

Now, I wash that were not the case, but that is the reality.

All we are asking for is, why do we not write this legislation in such a way with a small exemption that no sex offender in the future could ever raise that defense, could ever go into a Federal court to get an injunction or could ever raise any violations of his constitutional rights propagated on the fact that some regulatory agency did not comply with what some future court may consider the act intended.

□ 1430

The CHAIRMAN. The time of the gentlewoman from Illinois [Mrs. COLLINS] has expired.

(By unanimous consent, Mrs. COLLINS of Illinois was allowed to proceed for 2 additional minutes.)

Mrs. COLLINS of Illinois. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Chairman, the way we avoid that problem is merely by exempting out this position in the bill.

It goes back to what we earlier argued, Mr. Chairman. If in committee we had had the opportunity to call the Attorney General, or their representative, or law enforcement officials across this country, we could have found and created a provision that would have protected the database and the ability to prosecute sexual criminals.

Now we have put that all in question, and some jurisdictions of this country, just as we had with the motor-voter legislation, will take an action in court to deny their duty to comply with the information required for the database.

Mr. Chairman, I think that is foolish. This Congress wants to work right. We are going to, and we will try on this side to support unfunded mandates from being improperly imparted on the States and the municipalities of this country, but let us do it right. This is our only chance.

If we miss it and for some reason the conference committee does not cover it, it will be the law of this land and all of us here today, regardless of how we vote on this amendment, are going to be guilty of the fact that sex offenders, and rapists, and murderers involving sex crimes will be free in the land, because we failed to take the opportunity and the rationality and the reasonableness to make sure this legislation says what we intend it to say.

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

Mrs. COLLINS of Illinois. Mr. Chairman, I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Chairman, in response to the concerns of the gentleman from Pennsylvania [Mr. KANJORSKI], let us back up a minute and talk about what the real subject of the debate is.

No. 1, Mr. Chairman, there is no point of order against the database. I think that should be made clear.

Mrs. COLLINS of Illinois. Mr. Chairman, reclaiming my time, I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, we are not talking about the point of order provisions.

The CHAIRMAN. The time of the gentlewoman from Illinois [Mrs. COLLINS] has expired.

(By unanimous consent, Mrs. COLLINS of Illinois was allowed to proceed for 1 additional minute.)

Mrs. COLLINS of Illinois. Mr. Chairman, I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, we are not talking about the point of order. The point of order question is a procedural question in the House in passing legislation. Section 201 is the regulatory power.

Mr. PORTMAN. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Chairman, just to be very clear, I would say to the gentleman from Pennsylvania [Mr. KANJORSKI], because the gentlewoman from New York [Ms. SLAUGHTER] raised this point earlier, this is not a question of applying this legislation in terms of the point of order to the existing statute which is in place, which in turn has the promulgation of the database. We are talking about the Federal agency action. That comes in title II of this legislation.

Let me be very clear, Mr. Chairman. We mentioned this last night in the debate. If in fact the database is going to be subject to the very limited requirements in title II of this legislation, that means necessarily that such regulations are already subject to the Presidential Executive order issued by President Clinton on October 4, 1993.

I just counted up the words a little while ago. The Clinton Executive order is 6,020 words. It is far broader, far more extensive, far more comprehensive than anything in title II.

The CHAIRMAN. The time of the gentlewoman from Illinois [Mrs. COLLINS] has expired.

(By unanimous consent, Mrs. COLLINS of Illinois was allowed to proceed for 3 additional minutes.)

Mr. PORTMAN. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Chairman, that is far more extensive than anything in title II to this legislation.

Let us be clear. Anything in this regulation and the database may or may not be covered by this. It has to be over $100 million to be covered by title II, but any regulation that could possibly be covered by title II, which again is far less broad than the executive order, and in fact it is 925 words versus over 6,000 words, would be subject to the existing Executive order.

Mr. Chairman, then the question becomes should the database, as an example, if it were in fact covered under either the Executive order or title II, and it is necessarily under the Executive order currently in place, if it is going to be covered by title II, should the agency, in this case the Department of Justice, as I understand it, be required to comply with the Clinton Executive order?

Let me ask the gentleman a question. Is the gentleman from Pennsylvania [Mr. KANJORSKI] saying that the Executive order is not appropriate? This asks for a written statement of the costs and expenses. Is that not appropriate?

Mr. KANJORSKI. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, if I may respond, if the Attorney General determines that the Executive order in some way impacts upon the promulgation of these rules and regulations, it takes one man with one pen 1 minute to vitiate that. If we pass a statute, and we have points of order that could be raised in future legislation——

Mr. PORTMAN. Mr. Chairman, reclaiming my time, I think that is precisely why we need to have it in statute. I thought there was an agreement in this body, a consensus that the costs and benefits of legislation ought to be known, and in addition, that when new regulations were promulgated that agencies ought to have a requirement, as the Executive order provides, and in fact it goes much further than our bill, that the agency provide an assessment of what the costs are going to be. That is all we are asking here.

Mrs. COLLINS of Illinois. Reclaiming my time, Mr. Chairman, I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, I do not care how excellent the administration operates or the executive agency operates. Every individual American, if we do not deny the right of judicial review, will have the opportunity to go into court and raise all these legal issues after the conviction of a criminal.

Mr. PORTMAN. Mr. Chairman, every individual has that right now.

Mr. KANJORSKI. No, Mr. Chairman.

Mr. PORTMAN. Absolutely. Anyone can challenge an agency action, absolutely.

Mrs. COLLINS of Illinois. Reclaiming my time, Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Chairman, every individual cannot challenge whether or not the estimate of costs of an unfunded mandate were complied with, whether the future costs of the mandate have disproportionate effects on State and local government budgets. That is not the law today. That is not what a felon can do in determining whether or not his name can reside in a database in the Justice Department.

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

Mr. KANJORSKI. I yield to the gentleman form Ohio.

Mr. PORTMAN. Mr. Chairman, the gentleman's statement was that the agency action cannot be challenged. It indeed can be challenged. What this does is put into statute the written assessment of the cost of agency action.

Mr. KANJORSKI. No. No.

Mr. PORTMAN. I do not know why you would not want that to be enforced. The fact is the Executive order currently in place goes well beyond what we are asking for in this legislation. If it is routinely waived, then——

Mrs. COLLINS of Illinois. Mr. Chairman, I reclaim my time, and I yield to the gentleman from Pennsylvania [Mr. KANJORSKI] to answer the question.

Mr. KANJORSKI. Mr. Chairman, what it does is, it gives every convicted sex offender in this country another bite at the apple, when we are talking about the court system that we have.

The CHAIRMAN. The time of the gentlewoman from Illinois [Mrs. COLLINS] has expired.

Mr. PORTMAN. Mr. Chairman, I move to strike the requisite number of words.

Just a brief response, Mr. Chairman, to the gentleman from Pennsylvania [Mr. KANJORSKI], if he could remain standing, to his question.

Mr. Chairman, this new legislation would provide in statute some, not all, of the requirements that are currently in the Clinton executive order with regard to what the agencies are required to do in terms of saying what the costs of new regulations will be to State and local government and to the private sector.

Mr. Chairman, it has a $100 million threshold. In other words, anything under $100 million would not be subject to these requirements. The gentleman's concern is that judicial review would somehow cause additional rights to individuals to raise a concern about this.

This is not going to result in a stay of the regulation. The regulations will go forward. The database will go forward, should in fact somebody challenge the fact that a written statement of the cost to State and local government was not compiled.

Mr. Chairman, all we are trying to do in this legislation is to put some teeth in the existing standards, and the standards we have even relaxed, so the

agencies actually carry out this very important responsibility.

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

Mr. PORTMAN. I am happy to yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, as I read section 202, that is not true. Any rules or regulations not presently promulgated fall under this act. It is not like for all present existing rules and regulations, these are yet unpromulgated rules and regulations.

Therefore, the crime bill, having the rules and regulations in the database not having been established and the rules promulgated, they fall subject to this act, and what we are doing in statute now is requiring a standard that has to be complied with. Whether it is complied with——

Mr. PORTMAN. Mr. Chairman, reclaiming my time, the gentleman may have misunderstood me. I am not saying that prospective regulations would not come under this very limited title II of the bill. Absolutely, they should. That is the whole point, is to get a written assessment of the cost of new regulation.

What I said, and where the gentleman perhaps misunderstood me, was that does not stay the promulgation of new regulations. All it says is we want to have written costs of benefits.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. DINGELL. Mr. Chairman, I have listened to this debate for several days. One of the things that has become increasingly clear to me as I rise in support of the amendment is the failure to follow the orderly rules and procedures of this House, the failure to have hearings on this legislation, the excessive haste in which this matter is brought to the floor, the unwillingness of my colleagues on this side of the aisle to consider amendments, or indeed, to have a fair analysis made on the House floor of what this legislation in fact does to a wide spectrum of laws enacted by this Congress by overwhelming votes. This makes a prophet and a correct prophet of my colleague on this side of the aisle who made the observation if we were to adopt the amendments on the environment, on health, on crime, on the problems of the aged, on the problems of the young, on clean water, on air, on health, that there would be no point in passing this bill.

□ 1440

I think that Member has pointed very sagely the course that should be taken here. Here we are finding that because of inattention in the processing of this legislation in committee, failure to have hearings, failure to get testimony of witnesses and experts, failure to properly analyze, we now are jeopardizing one of the provisions of the crime bill in the last Congress which was enthusiastically supported by all. That is, a register of serious criminals who have engaged in sexual activities prohibited by law against innocent and defenseless women and children. That leaves us in position to add another reason for voting against this bill.

What are the other defects that this debate has shown? The defects that this debate has shown are that the unfunded mandates in the area of clean air which were adopted at the request of all the governors and all the States and local units of government who came forward and demanded that we follow the traditional pattern and practice that we have had in this country, whereby the Federal Government lays down standards and the States enforce those standards on clean air, to protect people in other States, to protect the health and the well-being of all the people, and to follow the practice that was set up back in the 1950's before the governors came in and they said we want the Federal Government to lay down standards, so that we can then enforce them by delegation of that responsibility.

The governors were concerned because the Federal Government had all of a sudden realized that if you flush a toilet in Minneapolis, or Kansas City, or Denver or in other places, that that is going to impact somebody in New Orleans at the mouth of the Mississippi River.

And here is where we begin to understand that we had to do things like this so that we could keep intact the Federal system. I never heard a word of complaint from governors when we were passing the Clean Air Act or any of the drinking water legislation or any of the clean water legislation, that we were imposing unfair and improper burdens upon them. They all came in and they said, ''You are doing something which is necessary for the protection of the environment and to protect the citizens in one State against wrongdoings in another place.''

All of a sudden we have come to this great sensitivity on unfunded mandates on the States. We are not paying heed to the fact that the Federal Government gives the States about $750 billion a year and that in many of the programs about which we are hearing complaints, that there are major grants to States and local units of government. States are going to get large sums of money for construction of prisons under the crime bill. Local units of government are going to get large sums of money to hire police.

We never hear a word about that. But we hear great complaints about the unfunded mandates that are going to be imposed. What and why? To do something that every citizen in this country except the criminals want to be done, and, that is, to address the problems of not knowing who these people are that travel about committing crimes in a repetitive fashion. These are repeaters. These are serial killers, serial rapists. All we want to do is know who they are.

The mandate killing that we are doing here would not only prevent the administration from promulgating the regulations but would afford those criminal wrongdoers the opportunity to persist and to defend themselves with a new procedural defense.

I say the amendment is a good one, the bill is a bad one. Vote against the bill. Vote for the amendment.

Mr. SCHIFF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if I understand the amendment offered by the gentleman from Pennsylvania correctly, he is suggesting that we make an exemption in this bill if the Federal Government requires data bases to keep track of sex offenders, and if that is not the case and if judicial review is allowed of agency actions, then the argument is that every sex offender will go to court and prevent this legislation from taking place, or stop any regulation from taking place.

First of all, I want to say again that our bill goes to a cost accounting, and a cost accounting it seems to me is not going to be very subject to challenge from any part.

But let me specifically talk about this issue of a data base and sex offenders. In the first place, as we put this issue in the crime bill at the present time, it is the requirement for Sates to have a data base to identify sex offenders, so that they can exchange information.

As I recall, as a member of the Committee on the Judiciary, it is a condition of a grant, and it is not an unfunded mandate, it is to participate in the grant programs that we set up in the bill for the States which they can elect to participate in or not to participate in as they choose. There is no requirement for States to participate in federal grant programs.

More important on this particular issue is the issue of standing to file any kind of lawsuit seeking judicial review in Federal court. Not everyone can go into court and raise a question of judicial review of the propriety of every act of Congress or even every act of a State legislature or every regulation. There must be the standing to go into court to show among other things how the person aggrieved or the institution aggrieved is affected by the argument that the regulation was not adopted in compliance with the law.

In this particular case, we require State and local government, particularly state Government, to maintain this data base. We do not require citizens as individuals to maintain this data base.

I submit that the only bodies that could even try to bring about a challenge in judicial review, which I do not think would be successful, anyway, given the limited requirements we put on agencies just to identify costs, but I submit the only ones that would have

standing before a Federal court would be the States themselves and not every individual and therefore not every sex offender who does not want such legislation to take effect.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I find myself in an usual position of rising in opposition to this amendment and in the process to point out the irrationality of the underlying bill and what is happening in this body.

I was one of the few people in this body who actually spoke against this provision in the crime bill when it was inserted. I think the provision is unconstitutional. It is counter everything that our criminal laws have stood for in this country, the presumption of innocence. It is counter the notion that I learned all the way through law school and in 22 years of practice that once a person has served his or her time, they have done the time, they should be given a new start, and I expressed this concern.

So I have consistently been of the position that this provision in the crime bill is unconstitutional.

But what is happening here on this bill is irrationality. There is a marching in lockstep without regard to the public policy consequences of what is being done. Even people who are on the opposite side of me philosophically on this issue and want to keep this bill intact do not want to amend it even when it makes good sense from a public policy perspective and in support of their own position, and that is unforgivable. We should not be here just kind of marching, keeping every amendment from going forward.

I think we ought to defeat this amendment, because I think the speakers before are absolutely right. People who now believe this provision to be unconstitutional are going to have another day in court to come and assert that right which they ought to have.

My colleagues on the other side of the aisle in order to keep any amendments from going forward on this bill, even though they do not want that right to happen, do not want that right to be real, are marching lockstep just to show their muscle on this issue.

□ 1450

I am telling Members that it does not make sense. In all respects, this probably should be the endorsement of a no vote that gets this passed, but I tell Members, I think the provision in the underlying bill was unconstitutional and I think we ought to stand up and vote against it and I intend to vote with you.

Mr. KINGSTON. Mr. Chairman, I move to strike requisite number of words.

Mr. Chairman, I have been impressed with the brilliance of the lawyers on both sides of the House on this, and I must admit while I am impressed with the brilliance, I am not a lawyer myself and have gotten a little bit muddled down in some of the jargon here. So I would like to engage in a colloquy with my friend, the gentleman from New Mexico [Mr. SCHIFF].

Let me ask, if I was a rapist in the State of Georgia, which I represent, and I moved to California, right now am I tracked on a database?

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

Mr. KINGSTON. I yield to the gentleman from New Mexico.

Mr. SCHIFF. Mr. Chairman, right now the answer to the gentleman's question is no.

Mr. KINGSTON. If I understand the gentleman from Pennsylvania [Mr. KANJORSKI], if I move from Georgia to California as a rapist, under the crime bill then very soon, when everything is promulgated and the rules are in place, I will be tracked, is that correct?

Mr. SCHIFF. If the States and local government choose to participate in the programs offered in the crime bill, and for their part, among other things, establish a database as required by the conditions for grants, yes, tracking of sex offenders across the country will begin.

Mr. KINGSTON. One final question. If this bill passes, and I as a rapist move from Georgia to California, under this bill, when it becomes law, will I still be tracked, with or without the amendment?

Mr. SCHIFF. In my judgment, the gentleman will continue to be tracked without the amendment. The judicial review, in my opinion, would not be successful in any event, because the regulatory limitation is very limited. But there would be no standing by anyone but a State or local government to bring a challenge in the first place. So you would still be tracked even without this amendment.

Mr. KINGSTON. I appreciate the learned gentleman's advice on that.

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

Mr. KINGSTON. Yes; I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, I thank my friend on the other side who is an excellent lawyer. He will agree, however, the rapist in California, after the entire prosecution goes through and everything is done, will have a cause of action to go into the Federal District Court to set aside his arrest or conviction based on the fact that he was found in a database that was improperly constituted, because they did not comply with the standards set forth in this act, and if anyone should determine that to be a fact, he will be released.

Mr. KINGSTON. Let me reclaim my time and yield to the gentleman from New Mexico. What I was really trying to do, ladies and gentlemen, is not get bogged down in legalese at this point, but bring it back home to the crime victims. And if I am hearing correctly, the crime victims will still be able with this amendment to have their offender tracked, is that correct?

Mr. SCHIFF. If the gentleman will yield to me, we will still have the offender tracked.

If I can respond to the question of the gentleman from Pennsylvania, that is now stretching things beyond, in my judgment, beyond a reasonable argument here. At the very least we are not raising issues of a constitutional level, which anybody could use to set aside their conviction because an institution might have been set up outside of regulatory compliance which led to their conviction.

I was a prosecutor for 14 years and as a defense attorney for 2 years, I am entirely confident there is no basis to that argument.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I would simply want to inquire of the gentleman, if you support this or you do not support it, do you want to leave this question up in the air or do you want it resolved? Because if you want it resolved, then the only way too resolve it is to pass the amendment. Now if you want it up in the air, as I do, then you should vote with me, and leave it unresolved, so that, as the gentleman from New Mexico [Mr. SCHIFF] knows, every criminal defendant will take every opportunity they can to raise any conceivable constitutional or legalese right they can. So if we want to resolve it, then I would think we would want to vote ''yes'' on this amendment. If we want to leave it mushy and up in the air and unresolved, then I would say Members ought to be voting against this amendment.

Mr. KINGSTON. If I can reclaim my time, it sounds to me as if we have mush one side and maybe mush on the other. But in terms of certainty, the gentleman just said if I voted for the amendment then I would have some uncertainty, whereas the gentleman over here, the 14-year veteran prosecutor, says that there would be no certainty or less uncertainty.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. KINGSTON] has expired.

(By unanimous consent, Mr. KINGSTON was allowed to proceed for 1 additional minute.)

Mr. KINGSTON. Again, just to do my duty to the constituents back home, particularly victims of crime, what I am concerned about, if a rapist moves from Georgia to California under current law, he is not tracked. Under the crime bill, he will be tracked. And under this bill, without that amendment, he will still be tracked. We may need to come back, as we always have to, and revisit something down the road.

But I do not think that this legislation will diminish the fact that that

rapist would be tracked moving from California to Georgia.

Mr. PETE GEREN of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to make one clarification. This rapist that is the subject of this discussion is not the subject of a criminal prosecution at the point we are discussing. We are talking about someone who has already been prosecuted, already been adjudged guilty of the crime and who has moved to California. So all of this concern about this person being able to interject this bill into his defense in a criminal prosecution is really totally off the point. This has nothing to do with the prosecution. The prosecution would have already happened. This person would have been found guilty. And we are merely talking about keeping track of him as he moves around the country posing a continuing threat to children around the country.

So for those who have any concern at all that the bill as written without this amendment would somehow jeopardize the successful prosecution, really have been led down a path that is not the subject of this bill.

I oppose this amendment, and believe strongly that we will continue to be able to have this tracking system in place with the bill as written.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. KANJORSKI].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. KANJORSKI. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 172, noes 255, not voting 7, as follows:

[Roll No. 33]

AYES—172

Abercrombie
Ackerman
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Taylor (MS)
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Waxman
Whitfield
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—255

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
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
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—7

Bishop
Cardin
Fields (LA)
Kennedy (MA)
Kennedy (RI)
Pomeroy
Wilson

☐ 1516

Mr. MCKEON and Mr. YOUNG of Alaska changed their vote from ''aye'' to ''no.''

Ms. HARMAN changed her vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. POMEROY. Mr. Chairman, I was unable to be present today for rollcall vote No. 33. During this vote, I was at a meeting at the Pentagon. Had I been present, I would have voted ''yea.''

AMENDMENTS OFFERED BY MRS. MALONEY

Mrs. MALONEY. Mr. Chairman, I offer two amendments.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mrs. MALONEY: 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.

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.

Mrs. MALONEY. Mr. Chairman, I asked unanimous consent that my amendments be considered en bloc.

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

There was no objection.

Mrs. MALONEY. Mr. Chairman, my amendments would add to the list of exemptions, children. Surely if we are exempting seniors and social security, we should give the same support protection to our children.

I regret, Mr. Chairman, that a bill of this magnitude was not given one single public hearing before being rammed through the Committee on Government Reform and Oversight.

Few people in this Chamber today would dispute the need to provide for relief from unfunded Federal mandates to our cities and States, but instead of taking a scalpel to this problem, we are attacking it with a meat cleaver.

□ 1520

No one knows exactly what the consequences may be, particularly for our most vulnerable citizens, our children. Mr. Chairman, it makes no sense to exempt auditing and accounting procedures, treaties like NAFTA, and special emergency legislation such as flood relief, and not provide an exemption for children. Our children cannot vote, cannot speak for themselves, cannot spend millions of dollars to lobby Congress. Maybe that is why our children are in such a deepening crisis.

According to the Children's Defense Fund, every day in America three children die from child abuse, 9 children are murdered, 43 children are either murdered or injured by guns, 207 children are arrested for violent crimes. In 1992, 2.9 million children were reported as abused and neglected. We will debate this legislation at least for 3 days, and during that time 10 children under the age of 5 will die of abuse and neglect. Despite this urgent crisis, Mr. Chairman, this House is about to pass legislation that could make it much more difficult to address the severe health and safety threats facing our children. How much more must our children suffer until we decide that the costs of assisting them should enjoy the same exemption as accounting?

Mr. Chairman, my amendment would rectify this deficiency by adding legislation and regulation directly affecting the health and safety of children to the list of exempted categories. Are children not as worthy of protection as accountants, treaties, and flood relief as a national emergency? In our haste to pass a bill within an arbitrary time without an exemption for children and not knowing the ramifications of the impact of this legislation on children we could seriously jeopardize the health and safety of millions of American children.

Mr. Chairman, a Member of the other body referred to this bill as an experiment. Do we really have the right to make our children the guinea pigs of that experiment? I do not think so. The health, safety and general welfare of our children should be a national priority. I urge my colleagues to adopt this amendment.

Mr. CLINGER. Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from New York [Mrs. MALONEY].

Here again, Mr. Chairman, the proponent of the amendment is asking for an exemption basically to deny the House information about the costs of what we are proposing to do. It seems to me that many of these proposed exemptions, and this being another in a long line of exemptions that we have been dealing with over these many days, are based on the false assumption that States and localities somehow care less about kids and know less about what is best for our children than does the Federal Government, and yet I would say that the record that we have before us over the many, many years that we have had Federal programs in effect to protect the health and safety of children, nearly 15 million American children continue to live in poverty, which is a 6 percent increase since 1979.

So, with such a record, Mr. Chairman, I am not convinced that the Federal Government knows better, or indeed as well, when it comes to the welfare of our children as might be done by localities. H.R. 5 is going to force Congress to know what the costs are that we might impose on States and localities. If these costs are high enough, I can only hope that Congress will stop to ask itself whether what we are proposing to do is going to be better for the children of the communities, towns and cities of our country than what the communities might do themselves.

Maybe we should give thought to the fact that communities know pretty well what to do with their own children and not have the Federal Government always telling them what they must do without telling them what to do it with.

Mrs. MALONEY. Mr. Chairman, I would like to respond to the statement of the gentleman from Pennsylvania [Mr. CLINGER] very briefly.

The CHAIRMAN. The time of the gentlewoman from New York [Mrs. MALONEY] has expired.

(By unanimous consent, Mrs. MALONEY was allowed to proceed for 1 additional minute.)

Mrs. MALONEY. Mr. Chairman, I agree very much that we should know the costs of mandates and programs. I voted for a bill last year in the committee that required a cost analysis for every single program. But if the gentleman is so certain that the waivers and the procedural hurdles that one must overcome are flawless, then why did the authors of this bill find it necessary to create any exemptions at all? Obviously the authors are not so sure that the waiver will work for national security, auditing and accounting, emergency legislation, and Social Security.

Mr. Chairman, I am just asking that children, our most vulnerable resource that cannot vote, cannot speak for themselves, be added to this list of exemptions.

Mr. WAXMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to point out that what the gentlewoman from New York [Mrs. MALONEY] is saying is absolutely correct. What higher priority should we have in this country than our children? And we should not put any more barriers in the way of trying to work at both a cooperative level with the Federal Government, and the State and local governments, and nonprofit organizations, to serve those kids particularly who are coming from poor homes, and there are exemptions in this legislation, and I cannot see why any of those exemptions are more deserving than having one for the children of this Nation.

So, Mr. Chairman, I want to commend the gentlewoman from New York for this amendment. I think it is a wise one, and I urge all of my colleagues to support it.

Mrs. CLAYTON. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentlewoman from North Carolina.

Mrs. CLAYTON. Mr. Chairman, I also want to add my support that if we give exemptions, and we cannot find the rationale for giving exemptions to our children, and we can still find reason where we can get accountability of the costs—now it simply says that for children, those we hold precious, we will find a way to support them and not have them subject to a point of order. I think it says something about us, we as a Nation, when we fail to not respond when there are not politics concerned.

We just responded to senior citizens. I am a card-carrying member. Why did we respond? Because they vote.

Children do not vote. They are vulnerable. My colleagues know that. They are the most vulnerable of our population and need more help.

The general welfare of our country is indeed dependent on us helping our children. I urge my colleagues to consider supporting this amendment.

Mr. WAXMAN. Reclaiming my time, Mr. Chairman, we have heard over and over again that we will have a chance to vote on these issues after we get this analysis of the cost. But my colleagues know what will happen is a lot of people will say, ''I'd like to be for this program for kids, but I can't vote for an unfunded mandate. I'd like to be for an increase in the minimum wage, but I can't vote for an unfunded mandate. I'd like to be for environmental protection, but I can't vote for an unfunded mandate.''

Mr. Chairman, we are going to hear that over and over again. It is going to be a way for people to hide their true feelings and act as if they are really for protecting kids when in fact what they are doing is not willing to put their votes really up front.

So, I rise in support of the amendment offered by the gentlewoman from New York [Mrs. MALONEY], and I urge all my colleagues to vote for it.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the requisite number of words, and I rise in very strong support of the amendment offered by the gentlewoman from New York [Mrs. MALONEY].

Mr. Chairman, I must say to my colleagues that I think, as Americans look at this, they would think this is the most commonsense thing we could do because, as we look at every American kitchen table, I do not care what State it is in, and I do not care what background the family has, but take every American kitchen table where the family is gathered around trying to figure out how to make those budget dollars do what they have to do. When things are tough, the one thing every

American family agrees on is to hold the children harmless as long as possible.

Mr. Chairman, no one puts the children out there first and says, ''Gee, things are tough so we won't take them to the doctor, and we won't give them their immunization, and we won't feed them, and we won't give them milk, and we won't do any of these things,'' and yet over, and over, and over again in this body we do it just in reverse. It is part of why the American people cannot understand what is wrong.

□ 1530

We do it just in reverse. The first ones out of the budget are kids. They are always first out of the budget because they do not vote. They do not vote. They do not have political action committees. They cannot go to $5,000-a-head dinners. They cannot do books. They cannot do anything, except count on us, who should understand they are the most important natural resource this country has.

Our most important natural resource is not coal and it is not oil and it is not any of those. It is our children. And there is no question, we all know the statistics. We get terrible grades on this. I do not want to see States standing up and saying we are not going to do anything about the kids because the Federal Government will not do totally everything for the kids. And the Federal Government says we are not going to do anything for the kids because the States will not do anything for the kids. That should not even be on the table when it comes to these issues.

I must say for so long I have always wished, my great dream was that there was a group that had once a year an accountability thing on who is for kids and who is just kidding by how they vote. This ought to be the number one thing. If you are really kidding about kids, then, of course, vote no, because that is really what you are doing. You are giving one more excuse.

No one in this Chamber, no one I have ever known in the history of my being in politics, has ever run against children. W. C. Fields could not get elected. We all know how important they are. We all know how we think family values are the rock of this place.

So let us look at the most essential family value which every family groups around the children, and does not use any excuses to shortchange them until they have absolutely no other alternative. That is what we are talking about here. We are talking about kids' health.

My goodness, what are they going to do if they come into a family that cannot afford health care for them? It is not their fault. You do not get to pick when you are laying in that little bed in the hospital. You do not get to say there is the parent I want. It has already been preselected, and should your health care depend on that? This is talking about eating, this is talking about education, and this is also talking about taxpayers.

So whatever we do here, it is the best thing we can invest in, because we get it back over and over and over again.

So if for once we could just stop thinking that we are in the most powerful capital of the most powerful nation where we all want to be on power trips, and do the right thing, do the kind of trip every family does when they trip in to try to make their checkbook balance at the end of the month, and for crying out loud, hold America's children harmless. Hold them harmless in every State, hold them harmless nationally, and say no more excuses.

I hope this body votes for this amendment. I cannot believe that we all voted to protect the elderly, which of course we should do, and then, if we run and throw our children overboard, what we are really saying is we are only going to vote to protect those who will vote to protect us.

Well, our children will not vote to protect us when they get to be electoral age if we are going to be so quick to throw them over.

So I salute the gentlewoman from New York for her courageous amendment. I really am glad she is here. And I hope we do another good thing here today. We voted to help those in the sunset of their life. This is in the sunrise. Please vote ''yes.''

Ms. VELÁZQUEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we in Washington have witnessed a stark display of hypocrisy over the last 2 days. Yesterday a few blocks from here 45,000 so-called pro-life demonstrators marched against reproductive freedom. They demanded the protection of fetal life from conception to birth. Many Members of this body offered their support.

Today, Congress debates a Federal responsibility of the highest order, the duty to protect the child from birth to the grave. Where are the marchers? All gone home. And what of my colleagues? Will each of them who spoke in support of yesterday's demonstration rise today in support of this amendment? Is the protection of the child of lesser value than the alleged right of the fetus?

I believe that the protection of the child after birth is a national priority of the highest order. It is a sacred duty above all others. This amendment will ensure that it remains so. It will allow the Federal Government to continue to enact and enforce legitimate child protection measures without undue restraint. It deserves the support of every Member of Congress, pro-life and pro-choice alike.

Lead exposure is one important area where the Federal Government has moved to protect our kids. It is also an area where women need to act again. The problem is particularly apparent in my home State of New York.

In New York, 65 percent of the housing stock was built prior to 1965 when lead paint was used extensively. Thirty years later, more than 30,000 kids were identified with high levels of lead in their blood. Another 1.5 million children under the age of 6 were potentially at risk of exposure. Lead remains a serious threat to our children's health.

Many of these same children face another grave risk, exposure to asbestos. Again, we have enacted legislation and regulations to combat the problem. Again, the problem continues. On at least two occasions in recent years, children in my district and elsewhere in New York were exposed to asbestos dust in their schools, years before the city had contracted for the removal of asbestos from school buildings. Little follow-up ensued. As a result, cracks developed in ceilings and walls, sending chips and dust into classrooms. Some areas had to be closed off. Other schools had to be shut down.

Both of these examples illustrate the fact that the protection of our children is an ongoing responsibility as science develops the scope of toxic contamination unfolds.

It was only a few years ago that we understood that substances like lead and asbestos were dangerous. Today we realize just how much danger they present. The process for controlling dangerous substances is likewise an evolving one. Standards for asbestos and lead protection and removal adopted only a few years ago may tomorrow prove to be inadequate. New regulations may need to be enacted.

The lesson here is that we as servants of the people must be able to enact any measure necessary to protect our kids in their school and in their homes. This bill jeopardizes this ability. Its procedural hurdles and points of order create delay and gridlock where none can be justified.

Is the drum beat of unfunded mandates so loud that it drums out the cries of children in need? Who here will stand up today and state for the record that the cost of saving lives is too high? Have we as a nation sunk so low?

I urge my colleagues to uphold our most sacred duty, and exempt child protection laws and regulation from this bill.

Mr. SHAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is an open debate. If we had been debating this in past years we probably would have been done by now and had two or three amendments and would be on to some other issue. I think it is important we are going through this process. But as I count the amendments, I know that we had a debate on the clean water, and we wanted to exempt that. We then wanted to exempt the clean air, and had very impassioned reasons why we should do that. The we wanted to exempt airport aviation security. Then we wanted to exempt child labor laws and the minimum wage, and so on.

Then we wanted to exempt nuclear reactors and nuclear waste. Then we wanted to exempt toxic, hazardous, or radioactive substances.

□ 1540

Then we wanted to exempt the national data base for tracking child molesters and now we want to exempt issues dealing with children.

I am convinced we will have voted on every exemption and if every one had passed, we would not have a bill.

Now, I do think children are very important. And for some to make the assumption that when we would pass a bill that we would not come up with the money to pay for it suggests to me that we must not think children are important. If we think they are important, we will come up with the money to pay for it. If we do not think we can come up with the money to pay for it but we think it is a mandate that is required, then we will logically make a motion to overrule the point of order, because we think children are important.

We are debating this bill today because Republican and Democratic Governors and Republican and Democratic mayors and Republican and Democratic legislatures throughout the country have said, ''You have got to stop putting mandates without knowing the cost. And in some cases, you simply have got to stop doing the mandates, even if you know the cost.

In my judgment this bill is extraordinarily fair. It strikes me as a situation that we need to just wake up from. And I just hope that we do not go through the process of continuing to ask ourselves to exempt ourselves from this mandate bill, because we will have no bill left.

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

Mr. SHAYS. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding.

This amendment is not about protecting children. This amendment is about protecting the rights of so many here who want to take away the rights of parents and local governments and State governments to have their own input into how children should be cared for. We all believe in protecting the rights of children. But when we make a decision in one place about what we are going to do and in another place about how we are going to pay for it, that is a very bad way to handle things. And it takes away rights of people who care the most about children, and that is their parents.

I thank the gentleman for yielding to me. I urge the defeat of this amendment.

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

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

Mr. WAXMAN. Mr. Chairman, I just want to make the point that if we really cared about children, we would be spending more money on children now. The gentleman indicated he thought it was a high priority, and we will want to spend money. Yet we do not fund health care for all kids who are poor. We do not fund adequate immunizations for them. The fastest growing poverty group in this country are children. We are not doing what we should be doing now.

Mr. SHAYS. I get the gist of my colleague's comments. I think it is very well taken. There are people who feel passionate on this issue, and we do not spend the money. That is very true.

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

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

Mr. BECERRA. Mr. Chairman, the gentleman raised the point that this would not protect children but it would actually provide those of us in Congress with the ability to somehow obstruct families from caring for their children.

I have the amendment before me. I am trying to figure out where the gentleman takes from this particular amendment all those things that he ascribed to it.

All this amendment says is that along with the other nine exemptions that we currently provide in the bill, including Social Security being exempted, including civil rights laws that protect against age discrimination, that protect against racial discrimination, ethnic discrimination, we have no provision, and this is the entirety of the amendment, that says we would exempt as well those provisions which provide for the protection of the health of children.

Mr. SHAYS. Reclaiming my time, Mr. Chairman, the answer to the question is very simply that we have consistently, in the course of the last few days, had amendments offered to exempt more and more categories. There is no need to have any exemption because we have a very simple process. A simple majority allows the will of this Chamber to override a point of order even if money has not been appropriated to provide for the legislation that as been argued on the other side.

Miss COLLINS of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Maloney amendment to H.R. 5. This amendment will rectify a glaring oversight on the part of the drafters of this legislation. This amendment will protect children who are among our most vulnerable citizens.

Mr. Chairman, I have traveled throughout this world, and I have not seen the kind of love and devotion that the Japanese, the Chinese, the Russians, Europeans, Africans give to their children. I have not seen that same kind of reverence and devotion right here in America. Instead I hear Members talking about balancing the budget.

I have not seen Members love the children in this House, Mr. Chairman. Instead, I hear them talk about the rights of States and parents for children.

We must not pass legislation that will put the health of children and babies, both inside and outside of the womb, at risk. H.R. 5 currently exempts bills that secure constitutional rights, prevents discrimination, ensure national security, implement treaties and provide for the auditing or accounting of Federal funds. Surely the health of our children is just as important as the aforementioned.

We must protect our children. They have no voice, no vote. So we must speak out for them and keep their well-being at the forefront as we cast our votes.

I hear Members saying that there are so many exemptions. There are so many amendments. Maybe it is because H.R. 5 is flawed. It needs to be cleaned up. Sometimes I would like the Members across the aisle to know that we should take the moral high ground, not the low ground, not gravel. They are talking about cutting the budget, cutting the deficit. Let us talk about saving kids. Let us talk about doing our duties as the custodians of the United States of America by protecting the people.

You say Clean Air Act, that is an amendment. Yes. Because if you do not have it, you do not breathe. Think about it.

You talk about exempting the old people. Yes, you are supposed to exempt them. If you had moral fiber in your body, they would have been in the bill in the first place, same thing as discrimination, same thing as children.

There are 4 million children growing up in American communities that cannot assure them the childhood and the hopes to which all American kids are entitled. Therefore, it is our obligation to protect our children.

Otherwise, we run the risk of dismantling our status in this world as a superpower. But most importantly, ensuring a strong and productive future for America.

Take the high ground. Take the moral ground. Protect our children, yours and mine. That is what we are here for. That is what we are about.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in very strong support of the amendment of the gentlewoman from New York [Mrs. MALONEY] to protect the children. I support the Maloney amendment because it makes children a national priority.

Listening to the debate yesterday and today, we have had a number of initiatives which have addressed children and the priority we give them in our society. And let us just say right out that I think we can all agree and stipulate that every single Member of this body on both sides of the aisle

cares very deeply about the children of our country.

So this is not about what we care about. It is how we make decisions and come down on the side of supporting children.

We have often heard quoted in this body and in our country the famous statement of President Kennedy that child are our greatest resource and our best hope for the future. They are, indeed. And so it is not only about the compassion and the love and care we feel for children that this amendment is important, but it is about our country that this amendment is important to the future of our country, as President Kennedy so eloquently stated.

None of us would be here and our country would not be the great country that it is today, if generations before us did not decide in favor of future preference, that we will say that our highest priority is the next generation, that we spend and invest in our children as our families each did, that we in this society have done and that we must continue to do.

□ 1550

Mr. Chairman, while I supported the Clean Air Act amendment, the clean water, safe drinking water, et cetera, because they are all very important, and in fact, very important to the children of our country, I believe I can say without any hesitation the amendment of the gentlewoman from New York [Mrs. MALONEY] today is the most important amendment that we will have to deal with in this unfunded mandates legislation, because it says that the first dollar we spend should be on children.

Yes, we all have sympathy for the localities, the Democratic Governors and Republican Governors and mayors, but all levels of government must share in the responsibility for preparing our children for their futures and investing in their health and well-being. Every level of government has that strong responsibility.

Mr. Chairman, I believe that the amendment of the gentlewoman from New York [Mrs. MALONEY] should take precedence over everything else in the bill, all the exemptions that are already listed and any other consideration that the Governors and the mayors may present, because it says who we are as a society, that we believe in future preference, that we understand that we have a responsibility to these children, and that we understand that our country depends on us honoring that responsibility.

Mr. Chairman, other countries have social programs that are different from here and they provide a great deal more for children right off the bat, without any question, and no debate. We have the debate on this issue. They will be watching what we do. The country will be watching what we do here today.

More importantly, Mr. Chairman, the children are listening. The children are listening. Let there be no doubt in their minds about their importance as individuals and their importance as resources to the future of our country.

Mr. Chairman, our colleagues on the Republican side have the votes. They may win this vote today and defeat the Maloney amendment, although I hope not, because as I say, I recognize and respect the regard and concern that they have for children as well.

They may win the vote, but they must not win the debate about what is the most important resource to our country and what should be the very first dollar that we spend. I have repeated that a couple of times, Mr. Chairman, because I want to reinforce and make the point.

Mr. Chairman, I serve on the Subcommittee on Labor-Health and Human Services-Education of the Committee on Appropriations. We certainly do not do enough for the children of our country. We jokingly say it is a committee where it is, lamb eat lamb, because every single program is very important to the children of our country.

We do not have enough money to spread around. Therefore, we must say that as much as we possibly can will be spent on the children at the national, at the State, and at the local levels. That is why this amendment is so important, because it says in recognition of the fact that unfunded mandates may be a problem to them, and in recognition that resources are limited, in recognition of all of that, children come first.

Mr. TOWNS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me begin by first thanking the gentlewoman from New York [Mrs. MALONEY] for this very fine amendment. I think it is the kind of amendment that would make this bill better.

Also, Mr. Chairman, let me just sort of respond to my friend, the gentleman from the State of Connecticut [Mr. SHAYS], who indicated that we keep asking for exemptions. There is a reason why we keep asking for exemptions.

The reason we keep asking for exemptions is that this bill did not have any hearings. Therefore, there are a lot of things that we feel need to be corrected. There should have been some input. Some questions should have been asked along the way.

I have been here 13 years. I have been here 13 years. I can never recall a piece of legislation of this magnitude to come before this body without having one public hearing, and then want to know as to why we want to ask for exemptions, why do we want to ask for amendments.

It is very obvious that we want to strengthen it, we want to make it better, we want to get as much input into it as possible, because we are talking about the lives of people.

We voted earlier, and we were able to exempt the senior citizens. I think that was a very wise vote. I think that those of the Members that made that vote, it was an important vote and they should have done it. However, I also would like to say that here is another one that we need to vote in favor of, because the children are extremely important.

Mr. Chairman, if we want to save money, this could be referred to as the save money amendment, because when we look at the problems that we have with children in terms of their health, if we do not have some protection for them, they will end up in emergency rooms, they will end up with all kinds of problems, and it will cost us more in the long run than it would to correct it now.

If someone is going to say, ''What about a point of order,'' think about the amount of children that will die while we are waiting for a point of order. I think that the time has come for us to wake up and to address this problem and address it now.

Mr. Chairman, we are sending the wrong message out there. I do not think that we should be guilty of doing that. I think unfunded mandates give us an opportunity to correct a lot of things that are going wrong.

Mr. Chairman, some people want to increase the defense budget. If we do not protect our children, who are we going to draft? Who are we going to put in the military? Who is going to go? I think we need to make certain that we have a healthy population, and we need to do that with our children.

Mr. Chairman, let me just say to my friends on the other side, yes, they said to me earlier that they have the votes, and they are right, they probably have the votes. However, let me say, they could win the battle but they will lose the war if they do not move to protect the children of this Nation. I say that is important.

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

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

Mr. DREIER. Mr. Chairman, I thank my good friend from Brooklyn for yielding me this time.

Mr. Chairman, I simply will respond by saying that at the outset of the gentleman's remarks, and I should also say that we are all very sympathetic to the plight and the challenges children face, but at the outset of my friend's remarks he said there were no hearings held on this whatsoever.

I know there are many new Members of Congress who were not able to benefit from the very extensive hearings that were held in the 103d Congress, but there is a sense that no hearings were held in this 104th Congress, which is 3 weeks old tomorrow. We in the Committee on Rules had a briefing, a lengthy briefing, and hearings. We heard from a wide range of Members and groups.

I would simply say to my friend that to argue there were no hearings whatsoever held on this issue is incorrect, and not the kind of assessment of the deliberation that has just for years gone into that process.

Mr. TOWNS. Reclaiming my time, Mr. Chairman, in the 103d Congress, yes, there were hearings, but this bill is not the bill that was brought in the 104th Congress.

Mr. DREIER. Mr. Chairman, we had hearings in the 104th Congress, too.

Mr. TOWNS. Mr. Chairman, it is my time. Let me say to the gentleman, so that he will be aware of the fact, more than 50 percent of the people that serve on the committee now are brand new. They were not even on the committee in the last Congress.

I am saying to the gentleman that these are the new Members in the Congress, this is not the same bill that was dealt with last year, so therefore, for the gentleman to say that we had hearings on this bill, that is not accurate. This is a new bill. It was not the bill last year.

Let me just say to the gentleman, further, the bill last year was sponsored by me so I know what the bill said versus that this bill says. I am saying to the gentleman that his Contract With America does not mean that he should ignore input coming from America. I think if that is the contract the gentleman had, he had better divorce himself from it.

Mr. DREIER. Mr. Chairman, we are not saying that at all.

Ms. JACKSON-LEE. Mr. Chairman, I move to strike the requisite number of words.

(Ms. JACKSON-LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Chairman, I do not think this is really a debate on the issue of unfunded mandates. We all are cognizant and aware of the issues that have come forth from our local governments.

However, I do rise now to support the amendment of the gentlewoman from New York [Mrs. MALONEY] because I think she has raised an issue that all of us have faced firsthand, we have faced it with our neighbors, our constituents, the sadness of mothers who are trying to raise their children alone, simply trying to make a way.

Across this Nation we are hearing that voices are being raised for us to be children-friendly. State and local governments struggle with funding for children's programs. Children suffer from violence against them and violence among them. Our children need to be protected.

Mr. Chairman, I have struggled with this issue on a local basis when we have fought at city hall to try and find monies to immunize our children, when we fought at city hall to determine do we borrow from Peter to pay Paul, when we try to make sure that we tend to children in our well-care programs that are over the age of 5. Time and time again we have had to turn away children and say: ''No, you cannot come into our clinics, we do not have enough money to serve you.'' It is important that we work with the Federal Government when it comes to protecting children.

□ 1600

There is no shame in that. Why have commercial advertisements across this Nation with television stations telling us be aware of your children, be friendly to your children and we in the U.S. Government cannot protect them?

I think about the woman named Delores in my community, living in the many housing developments, raising five children, attempting to survive on any kind of benefits she may get. Not lounging around, not taking welfare because she just wants to take it but trying to raise five children, trying to make sure they are healthy, trying to make sure that they are strong and yet we do not provide the extra ''mph,'' if you will, to protect the children of this country, to help that mother preserve her home, to help that mother keep that home together.

I simply say that we need involvement. We need to protect our children. We need to support the amendments of the gentlewoman from New York which simply say our children must be protected.

I ask this House to rise to the level of serving all the people and support our children.

Ms. LOFGREN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like also to support the amendment before us today to look after the interests of children.

I have been a Member of this body for not very many days and I have heard a lot in the last few weeks about the 100-day deadline. But I would like to talk today not about 100 days from now, but 20 years from now, and the things that we do today, how it will affect the world that we live in and our children live in 20 years from now.

All of us who are parents, and I think that includes most of us in this House of Representatives, love our children and I know that is true of all of the Members here, whether they are voting in favor of this amendment or not in favor of this amendment. We know that our children are the most precious things that there are in the world, and our own families, and I think at some level as parents and as community members, we know that all of the children in the country really carry the future of our country in their small hands.

I think if we look at what our economic competitors are doing around the world, not just what should we do, what do we feel we should do but economically what we should do as a country, we know that our competitors are literally betting the farm on the next generation. They are throwing everything they have got to make sure that their future work force is going to be topnotch and they are going to be competitive and they hope will be the next generation work force.

I have been prepared to offer in the Committee on the Judiciary an amendment to the balanced budget amendment that would have exempted investments in childhood education, in childhood health for the same reasons I am supporting this amendment. If we do not make these long-term investments and remove every impediment there is to investing in the young people in this country, then we are not going to have a good country in the future and we are not going to have an educated work force, we are not going to have a healthy work force, we will not have a good country. I know that I care about that and I know that every Member of this House cares about that.

I would therefore urge adoption of this amendment.

Mrs. SMITH of Washington. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am amazed at how emotional this issue has become. I have been involved in, you might say, politics for years, and I thought this was a pretty generic, reasonable bill coming from a State government. The bill just says establish and consider the cost you require of local governments. That is pretty simple.

Let us review in general what the bill does. It is not retroactive. You would think by the conversation on the floor today that it went back and wiped out all the protections for children, for the elderly, and for our communities. It is not retroactive. It requires cost information.

I have a history of being a budget person. I also have been involved in budgets and politics. The best thing you do for the people is find out what it costs. If you ignore those costs, they are still there, and they come out somewhere else.

It requires informed debate, what we have all been talking about. I am amazed at how many people stand up and say they have been gagged and then talk for 5 minutes. It just says informed debate on the question of funding, and that debate is required, so that we do not wake up 1 day and find out Washington State ends up with a multibillion-dollar cost that this Congress passed. And it requires separate votes on imposing unfunded mandates to local governments. That is not so difficult. It seems to me that that makes some sense.

This bill is about taking the high ground, telling the truth, all the truth up front, debating it, deciding what it is and working with real figures, not emotions.

This is about truth, a reasonable bill about accountability and good government, and I think it is time we stop playing around the corners of this and say, ''States, we are going to be honest with you and we have every intention

of passing this accountability bill that just tells the truth.''

Ms. BROWN of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of the Maloney amendment. I have strong concerns about the negative impact the unfunded mandate bill will have on children, the Nation's most valuable resource.

As a Florida State representative for 10 years, I am personally aware that States and local government need flexibility and are facing increasing fiscal constraints. We must not eliminate the government historical role of protecting all citizens, especially children and the elderly.

What has worked well is a partnership between all branches of government, at the Federal, State and local level. One branch cannot do it alone. Without these partnerships, we jeopardize clean water, clean air, and food safety. The results will be high levels of cancer from toxic air and polluted waters.

Without these partnerships, we jeopardize the welfare of our children. The rate for childhood shots for some children is only 30 percent. Some Third World countries have higher rates.

In the rush to pass a bill, Congress has endangered the health of our children. Let us not rush to pass an imperfect bill that would destroy a partnership and hurt those who most need our help.

Mr. MARTINEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to respond to the gentlewoman from Washington and maybe to a lot of other Members on the other side of the aisle who are not aware of something, where they say this is not retrospective and that it is only going to take into consideration new laws as we do this cost analysis or cost versus benefit.

Let me make you very aware of something, that almost every bill needs to be reauthorized, and all the programs. So the Juvenile Justice Delinquency Prevention Act, and minority programs we passed, those programs in the crime bill, will all have to be reauthorized at some point in time, and when we go to reauthorization, we are going to then determine that a study has to be done in order to determine if the benefits outweigh the costs in what we are mandating to the States.

Let me tell you something. It is very hard to measure the benefit of a compassionate act or responsible act. It is very hard to determine just what benefit you get from feeding children, hungry children, so they can learn. Not until those children have grown into adults and have shown the benefit by being taxpaying citizens of this country can you measure the benefit of that nutrition program in that school.

There is no way on God's good earth that you can do that. So I am afraid that when you start measuring the benefit versus the cost in many of these program, it gives easy justification to those people who would consider cost above the necessary thing to do to ensure that our young people are given and afforded every opportunity to succeed in these United States.

let me tell you something. There is no issue that more defines us as a people or us as parties than what we do regarding the children of our country. Earlier someone said these are our future and I have never heard a politician who has not at one time or another uttered that phrase, ''Our children are our future.''

Well, are they really if we are going to consider what it costs to feed them nutritional lunches? Are we going to measure what it costs to mandate that in States, in jail situations when a lot of times these children are put there for their own protection because they were abandoned by a parent or a guardian or because they are there because they were abused, and say, ''We're not going to mandate that States separate those from sight and sound of the adult population because the benefit doesn't outweigh the cost''?

That is the problem we have with this legislation, is that we are protecting right now those laws that exist because we are saying it is not going to affect any of those laws.

I guarantee you it will affect those laws as we move forward to reauthorization and that is something we really ought to consider, especially as it concerns the children of this country.

□ 1610

Mr. DAVIS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, very briefly, I want to clear up some comments that were just made for the record. First of all, nothing in this bill cancels any current mandate or prevents us from passing future unfunded mandates. We would of course have to cost these out if they were over $50 million across the rest of the country, and we could then decide, recognizing those costs that we would pass on the State and local governments, whether we would want to fund that mandate or impose an unfunded mandate on those other jurisdictions.

Also this bill does not apply to authorizations, unless in that reauthorization there is a new mandate over $50 million that will be passed on to State and Federal governments or a reduction in funding for existing mandates.

I just want to set the record straight on that, Mr. Chairman.

Mr. BECERRA. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. BECERRA. Mr. Chairman, I feel compelled to come here and respond to some things my colleagues from the other side of the aisle have said. I read this bill and I read the amendment, and to those on the other side of the aisle who say that this bill is adequately written, that as it is written it will protect children, my response to them is, if it does that, then what is the problem with accepting an amendment that just makes it implicitly clear.

If the response is, well, we do not need it because it is already there, then I turn to the actual bill itself and I see that the bill must not have been drafted that well, because there are at least seven different distinctions made and explicit references made for exemptions to this bill to make sure that those exemptions are identified as being protected.

In the case of Social Security we see it here under subsection 7. We see it for emergency legislation that the President might pass. We see it for national security. We see it for emergency assistance to State and local governments in the cases, for example, of a natural disaster. We see it in the case of our constitutional rights.

If this is such a well-drafted bill, why do we explicitly ensure our constitutional rights are protected? I would think that would be automatic.

There is also an exemption for our statutory rights that prohibits discrimination. If that is there, clearly there are needs for exemptions and we have to stop fooling ourselves and admit to that.

Then I turn to the amendment and I read the amendment and I look at the actual text of the amendment and it is one phrase. So what it would do is, add one additional phrase to those seven exemptions I listed, and all it does is say we would exempt as well any laws or regulations that provide for the protection of the health of children. Simple. But yet we have objections to that.

Why do we have objections? In response to what the gentlewoman said a few moments ago about how this bill would provide for informed and deliberate debate, H.R. 5 takes care of that. We have had years of informed and deliberate debate, but on many occasions when we have had a chance in this House to support Head Start for children, we have not done so, at least not everybody. Some of us have supported it. I am today prepared to support Head Start. I know some of my colleagues from the other side of the aisle, though, would not.

We have had an opportunity to provide full funding for immunization of our children in this country and I know Members of the other side of the aisle have not done so and have not done so at a time when at this stage of this country's development less than 60 percent of this Nation's children are immunized, and in some cases, in poor areas, you are talking about less than 30 percent of the children in this country immunized.

Remember, that unimmunized child will ultimately cost that local government and the neighborhoods more money because, when that child does

become infected or sick, chances are it will cost a lot more to heal that child.

So we have no protections and we cannot count on what someone will do prospectively. We need to know now, and if we do care about children, if we do wish to protect them, then add a simple amendment to this bill that would do so.

I find it ironic. We have the Republicans in this House who have proposed a Contract With America, I say a contract on America, and they say that they will increase by billions of dollars military spending, they will increase the deficit by cutting taxes on the wealthiest of Americans, and somehow with all of that they will still find a way to balance the budget to the tune of $1.2 trillion.

We will have to find cuts. We cannot cut entitlement programs, so we have to go to discretionary programs. What kind of discretionary programs? That is where we find all of the children's programs, discretionary cuts to the tune of around something like 30 percent. Head Start, immunization, child nutrition programs at our schools, health care for children, 30 percent, folks, across-the-board in some cases, unless, of course, the Republicans are willing to tell us how they would otherwise cut.

So why are we concerned, and why do we want to have explicit language that says you will protect the health of a child? Because there is no guarantee and this is not the time to play with the lives of our children.

Now just about an hour or two ago we voted on an amendment that would protect seniors or elderly, our older Americans from discrimination based on age. There was only one single vote out of this House of 435 Members, one single vote against that amendment. There was no problem explicitly exempting seniors from age discrimination and specifying it in this bill.

But now we talk about kids. There is a clear distinction between someone who is a minor and someone who is a senior. Most of us get elected by seniors, and it is unfortunate that we find that we cannot protect a child here, and in some cases you have to wonder why.

One of my colleagues from California on the other side of the aisle said we have sympathy for what you are doing and for the kids. The kids do not want sympathy. They do not want any of our sympathy. They want a fighting chance to grow up and succeed and let them prove themselves, but let us do our part in having them do that. Let us help the children, help, not hurt our children.

Pass the Maloney amendment.

Mrs. MEEK of Florida. Mr. Chairman I move to strike the requisite number of words.

Mr. Chairman, I rise to support the Maloney amendment and to call the conscience of this group to the needs of children in our society and to know that any bill that has not really researched this in its fullest, I would just like to have a few minutes to talk about some reality therapy that we must think about. That we can sit here and pass any number of bills and write any number of amendments, but to my knowledge, no one has researched not only the fiscal impact and the cost of lives and societal causes that this bill is going to get us into if we do not look at what happens to children in this country.

We hear a lot of rhetoric regarding save the children, save the oceans, save the rivers, but I am here today to say to each of my colleagues that of all of the assets this country has, our children are our most important assets. So the Maloney amendment is just trying to prick the conscience of this group to look at the children.

Look at what this bill does. I am on the Committee on Government Reform and Oversight. I am a new member. I came to that committee with all kinds of gung-ho enthusiasm. But I have yet to be able to analyze or look at or to research or look at what we are doing in that committee.

What we are doing in that committee is going to have far-reaching impacts on the lives of the citizens of this country, and these are the children that we are talking about today. These are the children that are going to pull each of us down if we do not do what is right for them up front.

We talk about criminality. If we do not look at what is happening to our children, if we do not look into our communities and find out how can we help the health of the children, how can we get them immunized, how can we get them educated, how can we help them become better citizens?

I want to tell my colleagues something: If we do not look at unfunded mandates in such a way as to tear it down to the smallest community and to the smallest child and even to the unborn children, we are going to leave something out.

This amendment that my colleague, the gentlewoman from New York [Mrs. MALONEY], has put up here today is not anything meant to cripple the bill. It is something meant to supplement the bill and to put in something that is so very important, and I really encourage my colleagues on the other side of the aisle to look at this just as they did the amendment for the aging and elderly.

□ 1620

The children are just as important as elderly people, and we have left them out, so that is what the gentlewoman from New York [Mrs. MALONEY] is trying to do.

Because of these hearings, we do not know how poorly this bill will work, but by any standard, we have not researched this bill, and we have not looked at the impact of it.

Now, a lot of children in this country are not as fortunate as some of our Members would have you think, and you do not need to read a magazine to find it out. You just need to go into some of the homes in both urban and suburban and both rural and otherwise to see these children. We rank in such a dismal category in terms of infant mortality. With all of the scientific discoveries we have made, we are 19th in countries in infant mortality. Our children are dying before the first year of life is over.

So you mean to tell me you are not going to look at this in terms of do you think any State legislature is going to do it? I spent 14 years in the State legislature, and I see what is happening here. There is a terrible syndrome happening here.

What is going to happen is after the contract is passed, after the 100 days, we are going to push all of this down to the State level. You are going to get some block grants or any kind of whatever configuration you want to call it, geometric, whatever it is; you are going to lump all the money in one big pile and ship it to the States, and that relieves you of the responsibility of saying to these mothers, people throughout this country, ''We do not care that much about you enough to look at the impact of these amendments and bills that we are writing now.''

You know what the States are going to do with that. They are getting their committees and their priorities that come first, where the most of the voters are. That is what they will fund first. It does not take a Ph.D. to figure that out, Mr. Chairman, as to what they are going to do with the money.

So the children will probably be left out, because it will not be the top priority of every State legislature. I know, I have been there.

A lot of people have not been on the street where these people are, where these people have children who are not being cared for.

I beg you to realize that one-quarter of the children born in this country are born in poverty. Think about it. They are not born with a silver spoon in their mouths.

So when you think about where the money is going when it leaves here to the State, to people who do not really realize where our problems are. One of every six children under the age of 6 is not covered, Mr. Chairman, by health insurance.

The CHAIRMAN. The time of the gentlewoman from Florida [Mrs. MEEK] has expired.

(By unanimous consent, Mrs. MEEK of Florida was allowed to proceed for 1 additional minute.)

Mrs. MEEK of Florida. Mr. Chairman, I want to go back to say vote for the Maloney amendment, because it does, it helps us keep intact this safety net which has been placed there for the people who deserve it the most, our children. They are our future, and we cannot come to this floor and forget them.

The CHAIRMAN. The question is on the amendments offered by the gentlewoman from New York [Mrs. MALONEY].

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

Mr. DAVIS. Mr. Chairman, I demand a recorded vote.

Mrs. MALONEY. I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

Members will record their presence by electronic device.

Mrs. MALONEY. I withdraw my point of order.

The CHAIRMAN. The gentlewoman cannot withdraw her point of order at this juncture.

Mrs. MALONEY. I request a recorded vote, a rollcall vote.

The CHAIRMAN. The Chair has already stated that a quorum is not present.

Mrs. MALONEY. I withdraw it.

The CHAIRMAN. Members will record their presence by electronic device.

Any recorded vote that is ordered after the quorum call will be a 5-minute vote.

The following Members responded to their names:

[Roll No. 34]

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Bishop
Fields (LA)
Frank (MA)
Frost
Kennedy (MA)
Kennedy (RI)
Neal
Oxley
Stark
Wilson

□ 1644

The CHAIRMAN. Four hundred twenty-four Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Virginia [Mr. DAVIS] for a recorded vote.

Pursuant to clause 2 of rule XXIII, this will be a 5-minute vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 161, noes 261, not voting 12, as follows:

[Roll No. 35]

AYES—161

Abercrombie
Ackerman
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Murtha
Nadler
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Woolsey
Wyden
Wynn
Yates

NOES—261

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dooley

Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Moran
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Bishop
Fields (LA)
Hoyer
Kennedy (MA)
Kennedy (RI)
Lazio
McIntosh
Neal
Oxley
Stark
Wilson
Wise

□ 1648

So the amendments were rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to section 4?

AMENDMENTS OFFERED BY MR. OWENS

Mr. OWENS. Mr. Chairman, I offer two amendments, numbered 4 and 5, printed in the RECORD. and ask unanimous consent that they be considered en bloc.

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

There was no objection.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. OWENS: 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 inset ''; or'', and at the end add the following new paragraph:

''(8) provides for protection of the health of individuals with disabilities.

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:

(8) provides for protection of the health of individuals with disabilities.

Mr. OWENS. Mr. Chairman, my first amendment excludes from the unfunded mandates legislation any statute or regulation that acts to protect the health of individuals with disabilities. My second amendment applies the same protection for individuals with disabilities in relation to the Congressional Budget Act provisions in the same legislation.

Mr. Chairman, there is a high level of anxiety in the community of people with disabilities about this piece of legislation. Forty-nine million people have disabilities, and the number continues to grow because any one of us could be a candidate, and certainly as people get older, they end up in large numbers in the category of people with disabilities.

Mr. Chairman, people with disabilities have a high level of anxiety for good reason. They feel that they have been targeted in this legislation, that they are a particular target because for years now there have been expressions of concern about the high cost at the local level of programs for people with disabilities, particularly the program IDEA, Individuals With Disabilities Education Act, better known to you as special education. That program has been targeted, and there are constant complaints from mayors and Governors, from school administrators and school board members about its high costs.

There are other programs related to the Americans With Disabilities Act which provide civil rights for people with disabilities. But those civil rights sometimes have costs attached to them, especially in the area of public accommodations and transportation. It costs money to meet the requirements of the ADA bill. For that reason, they feel that they are particularly targeted here, and they would be the victims of this legislation.

This is an opportunity for us to clarify what we mean when we say that people's civil rights will not be affected. ADA, Americans With Disabilities Act, did elevate the rights of people with disabilities to the same level as other civil rights. It is a fact that they have some economic requirements attached to them that makes for a lot of confusion. There are many cases right now in litigation. The Equal Employment Opportunity Commission has a large number of cases related to people with disabilities because of this gray area.

Here is an opportunity to clarify and let it be known whether this act is particularly targeted at people with disabilities.

Traditionally, State and local governments have been hostile or indifferent to these people with disabilities, and the Federal Government has had to lead the way. In the case of vocational education and vocational rehabilitation, we have led the way. In the area of special education, it took the Federal Government's mandate to provide for children who needed education who had disabilities. The Federal Government has had to lead the way. The States have always complained. So if the mandate is taken away, they have good reason to believe they may be victimized.

In the area of health, individuals with disabilities chronically experience problems in remaining employed, and therefore they have fewer resources and have a higher number who are taken care of by Medicaid. Many of the 49 million Americans with disabilities are dependent on Medicaid. If we pass the unfunded mandates and that results in cuts in Medicaid, Medicaid services would be on the chopping block. Inpatient services or outpatient hospital services, physician services, the case would have to be made as to which of those are cut. If such services are cut, the parents of children with disabilities would not be able to gain access to needed services which allows them to keep their children at home, instead of an institution, which is much cheaper to all of us.

Another Medicaid service jeopardized by this legislation would be the early periodic screening diagnostic and treatment, which allows for low income children up to age 21 vital health screening, gives them vital health screening to prevent the possibility of long-term disabilities. Cuts in this program which will result from the passage of this legislation would especially be harmful to children with disabilities.

I do not want to repeat all the arguments that have been argued already for other children, but children with disabilities have a particular problem. Of course, this particular amendment covers more than just children; it is all people with disabilities, including adults.

We tried very hard last year to pass health care legislation that might have made my amendments unnecessary. But since the obstructionists prevailed, the pharmaceutical industry, the insurance industry, the medical industry, Harry and Louise, all of those prevailed; we did not get a health care bill which would provide for the needs of people with disabilities. It is important that we in this legislation make certain that they are not victimized unnecessarily.

Mr. Chairman, many of the organizations of people with disabilities also support this vitally needed legislation.

The CHAIRMAN. The time of the gentleman from New York [Mr. OWENS] has expired.

(By unanimous consent, Mr. OWENS was allowed to proceed for 2 additional minutes.)

Mr. OWENS. Mr. Chairman, among the organizations that have supported this legislation and feel they are in jeopardy are many organizations that have had bipartisan support in the past. In fact, the Americans With Disabilities Act had strong bipartisan support. Our great worry is that that bipartisan support will no longer be there.

In the former Committee on Education and Labor, now called the Committee on Economic and Educational Opportunities, the one committee that dealt with the interests of the people with disabilities all in one place, found that it was broken up and the various functions related to people with disabilities were spread through three different committees.

□ 1700

We considered that a dangerous and hostile sign of the kind of things that are about to happen. Many of the signers of the Contract With America have indicated that they think that President Bush signed the Americans With Disabilities Act in a weak moment. In fact, one of the signers of the Contract With America has stated that the President signed that bill in a weak moment, and they want to undo the kind of rights that are provided in the legislation for people with disabilities.

So it is very important that a clarification is gained here. I hope that all of the numerous Members on both sides of the aisle who do support programs for people with disabilities will vote for this amendment and send a message to the people with disabilities that they still have friends on both sides of the aisle, that they are not being targeted, that they will not have their programs taken away because they do require funding at the local level.

The special education, for example, the Federal Government promised that they would fund it 40 percent and they only fund about 7 or 8 percent. There have been complaints about that since it began. So we need an indication with this vote that people with disabilities will not suffer needlessly, that when we say civil rights statutes are exempt, we mean that programs for people with disabilities, including the programs which directly affect their health and their children's health, are also exempt from this, these mandate requirements.

Mr. CLINGER. Mr. Chairman, I rise in opposition to the amendment just very briefly to say, Mr. Chairman, that I think the gentleman is correct, that Members on both sides of the aisle have great concern for the disabled in this country. The Americans With Disabilities Act, which the gentleman referred to and which is now law, is unaffected by this legislation in any way, shape or manner. This is not in any sense a retroactive bill. The Americans With Disabilities Act, which I must say there are some who would like to amend because it in fact has imposed some rather heavy burdens on our States and local communities to comply with the act in terms of retrofitting various things to comply with the act, but that is not the point.

The point is that this is not going to in any way reach back into the Americans With Disabilities Act to affect the rights of the disabled, nor will it preclude us from in any way passing through a mandate for the benefit of the disabled in the future.

All we say is that this area should not be anymore exempt from consideration of the cost that is being imposed than any other area. And for that reason, Mr. Chairman, I must oppose the amendment.

Mrs. COLLINS of Illinois. Mr. Chairman, I move to strike the last word.

Mr. Chairman, people with disabilities represent the most vulnerable and poorest group in America. People with disabilities are disproportionately minorities and have the most health problems. Yet disabilities touch us all. One in three Americans has a family member that has a disability. I myself had a family member that had a disability and know firsthand the kinds of other health problems that can be created when one has a disability and that might be directly caused by that particular disability.

Conditions for people with disabilities varies greatly from State to State and the people with disabilities therefore have looked to the Federal Government to help them to improve their quality of life and to make the quality of life equal for people who live in Michigan, or Illinois, or New York, or Mississippi, or Colorado, or any other State, giving them an equal opportunity to have, if you will, the kind of help that they certainly deserve to have.

One example, for example, is when we have all gone through and seen these ramps on the side of curbs so that people with disabilities who have to use wheelchairs are able to get about, to do things that we take for granted because we can walk, for example. We have also cases where it is absolutely essential that we provide for people who have lost their eyesight, who have certain kinds of disabilities. We want people not just in one State to have those provisions made for them. We want people in all the States to have those provisions for them so that every person who has a loss of eyesight can equally enjoy the quality of life no matter where they happen to live or in which communities they happen to live. With so many States entering into experiments in the Medicaid Program, the health centers of people with disabilities is certainly at great risk.

The move toward managed care as a device to control costs in Illinois and other States increases the likelihood that people with disabilities will end up in appropriate care settings with disastrous consequences. Studies show clearly that managed care does not work well for people with disabilities who often require specialized medical care on a very routine basis.

Without this exclusion, H.R. 5 could prevent the Federal Government from the insurance that Medicaid programs in the States are appropriate to the needs of the people with varying disabilities. We wisely chose to exclude antidiscrimination laws, including those that protect people with disabilities, from this bill, but what good is it, if there is an exclusion for the disabled, if we by some same action undermine their rights to decent health.

It just does not make any kind of sense at all, Mr. Chairman.

Mr. SCOTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Owens amendment to exempt from the impact of the unfunded mandates legislation any provisions designed to maintain the health of individuals with disabilities. This is not only the compassionate thing to do, it is also the sensible and fiscal thing to do.

As a direct result of the advancement in medicine, many individuals with disabilities are able to maintain an independent life as productive, contributing citizens.

The absence of medical care for such individuals is, therefore, not simply a health problem but one of loss of general functionality as well.

To take away health care for most of us means that we have to prioritize resources. For individuals with disabilities, there are no other priorities. They must have health care for anything else to exist.

Moreover, it also means that we will have to pay a lot more for other support costs once the independence of an individual with disabilities is lost.

What this amendment says, Mr. Chairman, is that we should not treat individuals in totally different circumstances as if they were the same. Without this amendment, individuals with disabilities would be dramatically affected.

As the gentleman from New York has indicated, Congress has passed many bills affecting the rights and independence of individuals with disabilities and without this amendment, it would be virtually impossible for Congress to take any action to protect this vulnerable group in the future.

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

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

Mr. OWENS. Mr. Chairman, I would like to clarify the fact that this amendment is primarily about health, mandates which affect the health of people with disabilities. But I deliberately included other matters because

the gray area there is always there for people with disabilities.

Their health is affected if they cannot get proper transportation and the ADA gives them the right to transportation, which has to be provided by local governments. And many local governments have refused to take the steps to provide the necessary transportation.

There are numerous areas which are gray, which have led to a great deal of litigation about the civil rights that are supposed to be protected under this statute, which always, not always, but usually affect the health and the welfare directly of people with disabilities. So it cannot be separated. The gray areas are such that it would be, a great service would be rendered by, in this legislation, passing this amendment and clarifying once and for all the fact that anything affecting people's health, people with disabilities' health, is also part of the overall protection that is provided for people with disabilities.

Mr. PAYNE of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of the amendment offered by my colleague, the gentleman from New York [Mr. OWENS]. Mr. OWENS, who shepherded the ADA legislation and the IDEA legislation last year, did a commendable job in attempting to preserve the rights of people who are handicapped.

I heard one of the colleagues on the other side say it was a heavy burden on our poor States and our local government. It was a heavy burden on our transportation companies that they had to make way for people with a handicap to have their civil rights so that they could go to work, to be productive citizens, so that they could live a quality of life that we who are fortunate enough to be unencumbered with a handicap have.

I think that it is relatively callous when we look at the burden that is imposed because we are attempting to make the quality of life more livable for other individuals. These amendments are essential to many individuals in this nation who suffer from disabilities. Individuals with disabilities experience more problems with retaining employment. They have more problems and more expense and fewer resources, in many instances, when they attempt to get to their places of employment than most Americans have.

□ 1710

Many of the 49 million Americans with disabilities are dependent on Medicaid for their basic health care. If this unfunded mandates legislation is passed without these amendments, and we also have entitlement caps, then the list of mandated health services in the current Medicaid Program would have to be cut in relation to the decreasing amount of funds in State governments.

Moreover, Mr. Chairman, if these services are cut, parents of children with disabilities will not be able to gain access to needed services which enable them to keep their children at home. Instead, these parents will be forced to place their children in institutions, institutional settings, thereby promoting more dependency rather than independent living.

Mr. Chairman, I though one of the contract's provisions was to make people more independent, to make them more self-reliant, but by some of these moves, we will make people more interdependent on the system, not more independent.

Mr. Chairman, last year we made a concerted effort to pass health care legislation that might have made these amendments unnecessary, as the gentleman from New York [Mr. OWENS] mentioned. However, since we could not accomplish this effort, it is now more important than ever before that we support these amendments, so that we do not take away what little access to health care individuals with disabilities currently have.

Mr. CONDIT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to reemphasize what we are doing here today. We are here, Mr. Chairman, to pass an unfunded mandate bill that puts a stop to federally unfunded mandates. All the amendments we have heard on the floor today would not be impacted by this. This is prospective. The ADA, the amendment we are talking about right now in civil rights, everything is prospective. Civil rights is exempted.

What we are doing here today is talking about accountability again. Let me tell the Members, we have heard a lot of amendments. Most of them really I think are portrayed incorrectly, but the majority of the Members in this House are getting it, because when we count the votes today and yesterday, the majority of Members in this House are voting down these amendments. They clearly understand that local government is watching what we are doing. We are putting some accountability in this House.

The things that the Members advocate are good and I am supportive of that, but let me say, if we want to do those things, all we are saying is if they are good enough for us to debate, good enough for us to talk about, good enough for us to pass, then they are good enough for us to pay for. That is simply what we are doing here today.

All the things we are debating right now sound good, are good, in my opinion, but they have little to do with the unfunded mandate bill because most of this is about prospective legislative. The civil rights has been exempted.

Mr. Chairman, it is a great debate to have, I guess, but let us remember what we are doing. We are trying to put some accountability in the House. We are trying to get people to say if they are for something and they feel that strong about it, take the accountability and responsibility to pay for it.

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

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

Mr. OWENS. Mr. Chairman, is the gentleman aware of the fact that there is a well-documented history of the State and local governments being indifferent and even hostile toward the needs of people with disabilities? If the Federal Government had not moved, most of these people would never have been helped at all.

Mr. CONDIT. I understand there have been times that local government has been slow to respond to things, and the Federal Government frankly has not been perfect in responding to certain things as well, but I have much more faith than some of these people who have come to this floor, with local governments.

We have heard stories that ''We would not have cleaned up sanitation facilities, we would not have built curb cuts.'' We act as though local government officials have no incentive. They represent the same people we represent. They are trying to do good for their people as well.

Mr. Chairman, I think it is a disservice for us to come here and suggest that they have no incentive to do the right thing for their people. Yes, they are slow. I can tell you why they are slow today, because they do not have much money. They are just about like we are. They are that far from the poorhouse.

What we need to do, Mr. Chairman, is be cooperative and work with them and not put unfunded mandates on them. If we think it is a good idea, then let us just pay for it. Let us help them out, because I think their agenda is the same as my agenda, to do what is right for the American people, to do what is right for their constituents.

If Members have never sat in a city hall chamber at a city council meeting, they do not know what the heat is, because the people come down there and they want things done. They want their wastewater treatment clean. They want their drinking water safe. They want clear air, and they let you know it, and they let you know it on Monday night at the city council meeting. Therefore, I think that local government is more responsible than we are giving them credit for here today.

All I am saying, Mr. Chairman, let us put some perspective on this. We are talking about accountability here. We are talking about if we think it is good enough for us to debate, pass, then it is good enough for us to pay for. That is it. That is what we are doing here. Mr. Chairman, I just want us to focus on that.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York [Mr. OWENS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OWENS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 17-minute vote.

The vote was taken by electronic device, and there were—ayes 149, noes 275, not voting, 10 as follows:

[Roll No 36]

AYES—149

Abercrombie
Ackerman
Baldacci
Barcia
Becerra
Beilenson
Bentsen
Berman
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson, E. B.
Johnston
Kaptur
Kennelly
Kildee
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Murtha
Nadler
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Skaggs
Slaughter
Stark
Stokes
Studds
Stupak
Thompson
Thornton
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—275

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Moran
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Bilirakis
Bishop
Chenoweth
Fields (LA)
Gekas
Kennedy (MA)
Kennedy (RI)
Neal
Wilson
Young (AK)

□ 1733

Mr. SCHUMER changed his vote from ''aye'' to ''no.''

So the amendments were rejected.

The result of the vote was announced as above recorded.

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. COMBEST] 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 cost of Federal mandates on the private sector, and for other purposes had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. CON. RES. 17, RELATING TO TREATMENT OF SOCIAL SECURITY UNDER CONSTITUTIONAL AMENDMENT REQUIRING A BALANCED BUDGET AND HOUSE JOINT RESOLUTION 1, PROPOSING BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–4) on the resolution (H. Res. 44) providing for consideration of the concurrent resolution (H. Con. Res. 17) relating to the treatment of Social Security under any Constitutional amendment requiring a balanced budget and providing for consideration of the joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that tonight when the two Houses meet in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance which is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2

Miss COLLINS of Michigan. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2. I was erroneously listed as supporting this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

COMMENDING SAMOAN NFL PLAYERS

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

Mr. FALEOMAVAEGA. Mr. Speaker, on the positive side, I want to offer my congratulations and commendations on behalf of some 150,000 citizens of our country whose roots are found in a group of islands in the South Pacific—the Samoan Islands—a special recognition of five outstanding Samoan football players in the National Football League who recently participated in the final two games that were televised nationally two Sundays ago.

Mr. Speaker and my colleagues, these Samoan NFL players are—Mr. Suilagi Palelei, defensive end with the Pittsburgh Steelers, and also with the Pittsburgh Steelers is defensive lineman Ta'asē Faumui. There is also offensive tackle Mark Tuinei of the Dallas Cowboys and offensive guard Jesse Sapolu of the San Francisco 49ers. And last but not least, Mr. Junior Seau, middle linebacker for the San Diego Chargers.

Mr. Speaker, I also want to call to the attention of our colleagues three of the above gentlemen have been selected as members of the NFL All-Pro Team this year: Mr. Seau, Mr. Sapolu, and Mr. Tuinei.

I also want to commend Mr. Alfred Pupunu, tight end of the San Diego Chargers—who hails from the Polynesian Island Kingdom of Tonga.

Mr. Speaker, because Mr. Jesse Sapolu and Mr. Junior Seau are both going to be playing their hearts out in this week's Super Bowl game—I can only say, may the best team win.

Mr. Speaker, I include for the RECORD two articles from the New York Times:

SEAU VERY GOOD WITH ONE GOOD ARM

(By Timothy W. Smith)

PITTSBURGH, Jan. 15.—As he stepped onto a podium for a post-game interview session, Chargers linebacker Junior Seau rolled his left shoulder slightly and then winced. The grimace was quickly replaced by a smile when someone asked how he felt about his first Super Bowl trip.

''I can't tell you, to tell you the truth,'' Seau said. ''It's a time where you go through hills and valleys in the course of 60 minutes. At the end of the game, it comes down to that last play. You don't know whether to cry or yell or smile. All I know is we're going to the Super Bowl.''

Since the New England game on Nov. 20, Seau has been playing with a pinched nerve in his neck that has deadened his left arm. He has played the last eight games with one good arm, and early on against the Steelers here this afternoon it looked as if Seau was going to single-handedly deliver the Chargers a victory.

On the 13 plays on Pittsburgh's opening drive for a touchdown, Seau was involved in 5 of the tackles—3 of them solo, including one in which he stopped running back Barry Foster for no gain on a screen pass. For the game Seau finished with 16 tackles (12 solo) and one pass defense.

''I've never seen him play a better game,'' said Chargers free safety Stanley Richards. ''I've seen him make more tackles, but I've never seen him make more big plays. He was all over the field today. It felt good being out there with Junior Seau today.

''He had in his mind that there was no reason we were going to lose this football game. You could see the intensity and the fire he had from the start of the game.''

The Chargers came in with a defensive game plan of stacking eight people at the line of scrimmage to stop Pittsburgh's rushing attack, which led the league with an average of 136.6 yards a game. They were successful in that regard, holding the Steelers to 66 yards rushing.

Seau played a pivotal role in helping the Chargers' defense keep the Steelers off balance. With his speed and athleticism, Seau was able to blitz and drop back into pass coverage. And when the Steelers did try to run sweeps around the corner, Seau was there to greet the runners.

''I felt the Steelers altered their game plan to pass more,'' he said. ''Once you see that from a smash-mouth football team, you know that they're doing something different that they're not used to.''

On the Steelers' final offensive drive, which started at their 17 with 5 minutes 13 seconds to play and was down to the Chargers' 9 at the 2-minute warning, Seau tried to convince San Diego defensive coordinator Bill Arnsparger to be more aggressive and attack Pittsburgh quarterback Neil O'Donnell. That would have meant the Chargers would have had to switch out of their zone coverage and into man. Arnsparger held firm and stuck with the zone.

The Chargers' defense yield a 7-yard reception by the fullback John L. Williams, but produced two deflected passes by linebacker Dennis Gibson, and the last one on fourth-and-goal from the 3 sealed the victory.

''I have to give him credit for sticking to that,'' Seau said. ''Playing zone, if they caught the ball, we would have someone to tackle them. And that's exactly how we did it.

Seau, who aggravated his injury again in the second quarter, has one more game to play before he can rest the pinched nerve and get the feeling back in his left arm.

''It's pain, but after what happened here, it's worthwhile,'' he said. ''You never play this game 100 percent healthy and you should never expect to.''

SEAU'S GUILT AND PAIN ARE STILL FRESH

(By Tom Friend)

SAN DIEGO, Jan 12.—His neck burns like a forest fire, and his left arm sleeps on the job. Junior Seau can tackle you with his pinched nerve, but he cannot maim you.

He needs a month off, ultrasound around the clock and more days at the beach with Dennis Hopper. He needs to listen to his mother and send his uniform on vacation. He needs a new Sunday activity, such as stopping off to see his brother in jail. He needs bad directions to Three Rivers Stadium.

But he will not miss Sunday's American Football Conference title game for the world, or for his mom. She has asked him to quit this contact sport since grade school, but he tells her this contact sport paid for her new house, her new car and the beds her children never had growing up. That quiets her down. He tells her there is no harm in a little numbness he can't feel it anyway.

Junior Seau, in a nutshell, is the San Diego Charger defense, and he has a private pact with himself: play or die.

The linebacker is motivated by the thought of a Super Bowl, the thought of his guilt and the thought of his father still doing custodial work. Against the Steelers on Sunday, he will drape a town over his head and seem inconsolable. But underneath that veil, where no one else can travel, he will be pumping himself up in a personal ceremony that allows him to play over the speed limit.

''I have got to sell out,'' he said today.

His avenue to this defining championship game has had many potholes. The home he knew as a child, the one that lacked bedrooms, stirred his original hunger and was an important frame of reference. His roommates were a brother, a car and a dishwasher.

''We didn't know any different,'' Seau said. ''We thought everybody slept in the garage.''

They resided in a poor Samoan section of Oceanside, Calif., and jobs were to be hunted, cherished. Every Seau son—all three of them—were to contribute to the family pot, although Junior sparred with his father over the work edict. It was Junior's preference to play high school sports—where no one else could run as fast or leap as high—but it took much explaining at home. Tiania Seau was a stern taskmaster someone Junior was afraid to cross. He know if he was not going to share in the bread-winning, he had better do some winning elsewhere.

''I wanted to preform well for my mom and dad, because in high school. I didn't have a job,'' Seau said. ''My brothers, they worked at Pizza Hut or places like that, but sports, that was my way of giving back.''

Either out of guilt, or natural-born ability—or both—Seau became the area's premier football and basketball player. Nothing could deter him. Literally 48 hours after undergoing abdominal surgery, he bled through his basketball uniform and still led his team to the high school championship.

Seau's parents, sensing their son's commitment, began attending games with the entire family. Junior had enough uncles, aunts and cousins to fill the bleachers, and they chipped in to make him perhaps the first high school athlete with incentive clauses.

''For an interception, they gave him $10 and for a sack, $10'' said one of his high school coaches, Bill Christopher. ''One day, they paid up, and he had a wad of bills that could choke a horse.''

After sitting out his freshman season at Southern Cal because of Proposition 48—''If you know Junior, that's worse than taking a hammer to his head,'' Christopher said—Seau was obsessed with paying his family back, tenfold. And once he signed a first-round contract with his hometown Chargers five years ago, he retired the childhood shact he grew up in.

''Bought them a house and car with the first check,'' he said.

But his father still would not quite his custodial job at the local high school; Seau decided then he would never turn complacent, either.

On the second snap of his first preseason game, he was ejected for fighting the Raiders' Steve Wisnieski, and he was feared from that moment on.

The Pro Bowl because his annual vacation stop, he sponsored a clothing line called''Say Ow,'' and he became the Chargers' only media darling. On the ''Tonight Show'' this season, he bench-pressed Jay Leno and said,''Jay was heaver than I thought.' He also filmed a sneaker commercial on the Santa Monica Pier and Dennis Hopper and called it ''the highlight of my career.;

The lowlight had to be the day his brother Tony was arrested and charged with attempted murder. Tony, younger and less focused, jointed a gang after struggling in Junior's shadow. After shooting his way into a house and nearly killing a man with a baseball bat, he is serving 10 years in prison. It alternately frightens Junior and validates him.

''We're allowed to visit him once a week, and I try to get there as much as possible,'' Seau said. ''But we're in season now, and Sundays are his visiting hours. And You know what I'm doing Sundays.''

But on one particular Sunday, six weeks ago, Seau pinched a nerve in his neck, apparently on one of his team-high 155 tackles. His left arm has deadened sporadically, since,

and he has essentially been a one armed linebacker. Football experts have said he should sit out, should move into a whirlpool turned up to top speed. But if he could move his neck freely, he would shake it a thousand times no. Because of the guilt, because of a workaholic father.

''I play out of fear,'' he said. ''Fear of failure.''

The stark result, of course, is that he may be a target on Sunday—for the first time in his career.

''The Steelers have to decide whether or not they're going to attack me with my one arm or run away from me,'' Seau said. ''It's a big challenge for me.''

And what would it take for him to sit it out?

''Break my legs, he said.

□ 1740

RECESS

The SPEAKER pro tempore (Mr. COMBEST). The Chair declares the House in recess until approximately 8:40 p.m. for the purpose of a joint session to receive a communication from the President of the United States.

Accordingly (at 5 o'clock and 40 minutes p.m.), the House stood in recess until approximately 8:40 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 8 o'clock and 40 minutes p.m.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 16 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The Speaker of the House presided.

The Assistant to the Sergeant at Arms, Mr. Richard Wilson, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber:

The gentleman from Texas [Mr. ARMEY];
The gentleman from Texas [Mr. DELAY];
The gentleman from Ohio [Mr. BOEHNER];
The gentleman from California [Mr. COX];
The gentleman from Arkansas [Mr. DICKEY];
The gentleman from Arkansas [Mr. HUTCHINSON];
The gentleman from Missouri [Mr. GEPHARDT];
The gentleman from Michigan [Mr. BONIOR];
The gentleman from California [Mr. FAZIO];
The gentlewoman from Connecticut [Mrs. KENNELLY];
The gentleman from Arkansas [Mr. THORNTON]; and
The gentlewoman from Arkansas [Mrs. LINCOLN].

The VICE PRESIDENT. The President of the Senate at the direction of that body, appoints the following Senators as a committee on the part of the Senate to escort the President of the United States into the Chamber:

The Senator from Kansas [Mr. DOLE];
The Senator from Mississippi [Mr. LOTT];
The Senator from Mississippi [Mr. COCHRAN];
The Senator from Florida [Mr. MACK];
The Senator from Oklahoma [Mr. NICKLES];
The Senator from New York [Mr. D'AMATO];
The Senator from South Carolina [Mr. THURMOND];
The Senator from Oklahoma [Mr. INHOFE];
The Senator from Tennessee [Mr. THOMPSON];
The Senator from South Dakota [Mr. DASCHLE];
The Senator from Kentucky [Mr. FORD];
The Senator from Maryland [Mr. MIKULSKI];
The Senator from Massachusetts [Mr. KERRY];
The Senator from West Virginia [Mr. ROCKEFELLER];
The Senator from Louisiana [Mr. BREAUX];
The Senator from Nevada [Mr. REID];
The Senator from Nebraska [Mr. KERREY]; and
The Senator from North Dakota [Mr. DORGAN].

The Assistant to the Sergeant at Arms announced the Ambassadors, Ministers, and Charge d'Affaires of foreign governments.

The Ambassadors, Ministers, and Charge d'Affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Assistant to the Sergeant at Arms announced the Chief Justice of the United States and the Associate Justices of the Supreme Court.

The Chief Justice of the United States and the Associate Justices of the Supreme Court entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

The Assistant to the Sergeant at Arms announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 9 o'clock and 8 minutes p.m., the Sergeant at Arms, Hon. Bill Livingood, announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, I have the high privilege and the distinct honor of presenting to you the President of the United States.

[Applause, the Members rising.]

THE STATE OF THE UNION ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The PRESIDENT. Mr. President, Mr. Speaker, Members of the 104 this Congress, my fellow Americans. Again we are here in the sanctuary of democracy and once again our democracy has spoken. So let me begin by congratulating all of you here in the 104th Congress and congratulating you, Mr. Speaker. If we agree on nothing else tonight, we must agree that the American people certainly voted for change in 1992 and in 1994. As I look out at you, I know how some of you must have felt in 1992. I must say that in both years, we did not hear America singing, we heard America shouting. And now all of us, Republicans and Democrats alike, must say we hear you. We will work together to earn the jobs you have given us. We are the keepers of the sacred trust, and we must be faithful to it in this new and very demanding era.

Over 200 years ago our founders changed the entire course of human history by joining together to create a new country based on a single powerful idea: We hold these truths to be self-evident, that all men are created equal, endowed by their creator with certain inalienable rights, and among these are life, liberty, and the pursuit of happiness.

It has fallen to every generation since then to preserve that idea, the American idea, and to deepen and expand its meaning in new and different times, to Lincoln and to his Congress, to preserve the union and to end slavery; to Theodore Roosevelt and Woodrow Wilson to restrain the abuses and excesses of the Industrial Revolution, and to exert our leadership in the world; to Franklin Roosevelt, to fight the failure and pain of the Great Depression and to win our country's great struggle against fascism; and to all our presidents since, to fight the Cold War. Especially I recall two, who struggled to fight that Cold War in partnership with Congresses where the majority was of a different party. To Harry Truman, who summoned us to unparalleled prosperity at home and who built the architecture of the Cold War, and to Ronald Reagan, who we wish well tonight and who exhorted us to carry on until the twilight struggle against communism was won.

In another time of change and challenge, I had the honor to be the first President to be elected in the post-Cold War era, an era marked by the global economy, the information revolution, unparalleled change and opportunity and in security for the American people.

I came to this hallowed Chamber two years ago on a mission, to restore the American dream for all our people and to make sure that we move into the 21st Century still the strongest force for freedom and democracy in the entire world. I was determined then to tackle the tough problems too long ignored. In this effort I am frank to say

that I have made my mistakes, and I have learned again the importance of humility in all human endeavor. But I am also proud to say tonight that our country is stronger than it was two years ago.

Record numbers of Americans are succeeding in the new global economy. We are at peace and we are a force for peace and freedom throughout the world. We have almost 6 million new jobs since I became president, and we have the lowest combined rate of unemployment and inflation in 25 years. Our businesses are more productive, and here we have worked to bring the deficit down, to expand trade, to put more police on our streets, to give our citizens more of the tools they need to get an education and to rebuild their own communities.

But the rising tide is not lifting all boats. While our Nation is enjoying peace and prosperity, too many of our people are still working harder and harder for less and less. While our businesses are restructuring and growing more productive and competitive, too many of our people still cannot be sure of having a job next year or even next month. And far more than our material riches are threatened, things far more precious to us: Our children, our families, our values. Our civil life is suffering in America today. Citizens are working together less and shouting at each other more. The common bounds of community which have been the great strength of our country from its very beginning are badly frayed.

What are we to do about it? More than 60 years ago at the dawn of another new era, President Roosevelt told our Nation new conditions impose new requirements on government and those who conduct government. And from that simple proposition, he shaped a New Deal, which helped to restore our Nation to prosperity and defined the relationship between our people and their government for half a century. That approach worked in its time, but we today, we face a very different time and very different conditions.

We are moving from an industrial age built on gears and sweat, to an information age demanding skills and learning and flexibility. Our government, once the champion of national purpose, is now seen by many as simply a captive of narrow interests, putting more burdens on our citizens rather than equipping them to get ahead. The values that used to hold us altogether seem to be coming apart.

So tonight we must forge a new social compact to meet the challenges of this time. As we enter a new era, we need a new set of understandings, not just with government, but, even more important, with one another, as Americans.

That is what I want to talk with you about tonight. I call it the New Covenant. But it is grounded in a very, very old idea, that all Americans have not just a right, but a solemn responsibility to rise as far as their God-given talents and determination can take them, and to give something back to their communities and their country in return. Opportunity and responsibility, they go hand in hand. We can't have one without the other, and our national community can't hold together without both.

Our New Covenant is a new set of understandings for how we can equip our people to meet the challenges of the new economy, how we can change the way our government works to fit a different time, and, above all, how we can repair the damaged bonds in our society and come together behind our common purpose. We must have dramatic change in our economy, our government, and ourselves.

My fellow Americans, without regard to party, let us rise to the occasion. Let us put aside partisanship and pettiness and pride. As we embark on this new course, let us put our country first, remembering that regardless of party label, we are all Americans, and let the final test of everything we do be a simple one: Is it good for the American people?

Let me begin by saying that we cannot ask Americans to be better citizens if we are not better servants. You made a good start by passing that law which applies to Congress all the laws you put on the private sector, and I was proud to sign that yesterday. But we have a lot more to do before people really trust the way things work around here. Three times as many lobbyists are in the streets and corridors of Washington as were here 20 years ago. The American people look at their Capitol and they see a city where the well-connected and the well-protected can work the system. But the interests of ordinary citizens are often left out.

As the new Congress opened its doors, lobbyists were still doing business as usual. The gifts, the trips, all the things that people are concerned about haven't stopped. Twice this month you missed opportunities to stop these practices. I know there were other considerations in those votes, but I want to use something I have heard my Republican friends say from time to time, there doesn't have to be a law for everything. So tonight, I ask you to just stop taking the lobbyists' perks. Just stop.

We don't have to wait for legislation to pass to send a strong signal to the American people that things are really changing. But I also hope you will send me the strongest possible lobby reform bill, and I will sign that too. We should require lobbyists to tell the people for whom they work, what they are spending, what they wanted. We should also curb the role of big money in elections by capping the costs of campaigns and limiting the influence of PAC's.

As I have said for three years, we should work to open the airwaves so that they can be an instrument of democracy, not a weapon of destruction, by giving free TV time to candidates for public office. When the last Congress killed political reform last year, it was reported in the press that the lobbyists actually stood in the halls of this sacred building and cheered. This year, let's give the folks at home something to cheer about.

More important, I think we all agree that we have to change the way the government works. Let's make it smaller and less costly and smarter, leaner.

I just told the Speaker the equal time doctrine is alive and well.

The New Covenant approach to governing is as different from the old bureaucratic way as the computer is from the manual typewriter. The old way of governing around here protected organized interests. We should look out for the interests of ordinary people. The old way divided us by interests, constituency or class. The New Covenant way should unite us behind a common vision of what is best for our country. The old way dispensed services through large top-down inflexible bureaucracies. The New Covenant way should shift these resources and decision making from bureaucrats to citizens, injecting choice and competition and individual responsibility into national policy.

The old way of governing around here actually seemed to reward failure. The New Covenant way should have built-in incentives to reward success. The old way was centralized here in Washington. The New Covenant way must take hold in the communities all across America, and we should help them to do that.

Our job here is to expand opportunity, not bureaucracy, to empower people to make the most of their own lives, and to enhance our security here at home and abroad.

We must not ask government to do what we should do for ourselves. We should rely on government as a partner to help us to do more for ourselves and for each other.

I hope very much that as we debate these specific and exciting matters, we can go beyond the sterile discussion between the illusion that there is somehow a program for every problem on the one hand, and the other illusion that the government is the source of every problem we have. Our job is to get rid of yesterday's government so that our own people can meet today's and tomorrow's needs, and we ought to do it together.

You know, for years before I became President, I heard others say they would cut government and how bad it was. But not much happened. We actually did it. We cut over one-quarter of a trillion dollars in spending, more than 300 domestic programs, more than 100,000 positions from the Federal bureaucracy in the last two years alone. Based on decisions already made, we will have cut a total of more than a quarter of a million positions from the Federal Government, making it the

smallest it has been since John Kennedy was President by the time I come here again next year.

Under the leadership of Vice President GORE, our initiatives have already saved taxpayers $63 billion. The age of the 500 dollar hammer and the ashtray you can break on David Letterman is gone. Deadwood programs like mohair subsidies are gone. We have streamlined the Agriculture Department by reducing it by more than twelve hundred offices. We have slashed the small business loan form from an inch thick to a single page. We have thrown away the government's 10,000 page personnel manual. And the government is working better in important ways. FEMA, the Federal Emergency Management Agency, has gone from being a disaster to helping people in disasters.

You can ask the farmers in the Middle West who fought the flood there or the people in California who dealt with floods and earthquakes and fires, and they will tell you that.

Government workers working hand in hand with private business rebuilt Southern California's fractured freeways in record time and under budget. And because the Federal Government moved fast, all but one of the 5,600 schools damaged in the earthquake are back in business.

Now, there are a lot of other things that I could talk about. I want to just mention one, because it will be discussed here in the next few weeks. The university administrators all across the country have told me that they are saving weeks and weeks of bureaucratic time now because of our Direct College Loan Program, which makes college loans cheaper and more affordable with better repayment terms for students, costs the government less, and cuts out paperwork and bureaucracy for the government and for the universities. We shouldn't cap that program. We should give every college in America the opportunity to be a part of it.

Previous government programs gathered dust. The reinventing government report is getting results. And we are not through. There is going to be a second round of reinventing government. We propose to cut $130 billion in spending by shrinking departments, extending our freeze on domestic spending, cutting 60 public housing programs down to three, and rid of over 100 programs we do not need, like the Interstate Commerce Commission and the Helium Reserve Program.

And we are working on getting rid of unnecessary regulations and making them more sensible. The programs and regulations that have outlived their usefulness should go. We have to cut yesterday's government to help solve tomorrow's problems, and we need to get government closer to the people it is meant to serve. We need to help move programs down to the point where states and communities and private citizens in the private sector can do a better job. If they can do it, we ought to let them do it. We should get out of the way and let them do what they can do better.

Taking power away from Federal bureaucracies and giving it back to communities and individuals is something everyone should be able to be for. It is time for Congress to stop passing on to the states the cost of decisions we make here in Washington.

I know there are still serious differences over the details of the unfunded mandates legislation, but I want to work with you to make sure we pass a reasonable bill which will protect the national interests and give justified relief where we need to give it.

For years Congress concealed in the budget scores pet spending projects. Last year was no different. There was $1 million to study stress in plants, and $12 million for a tick removal program that didn't work. It is hard to remove ticks. Those of us who have them know. But I will tell you something, if you will give me the line item veto, I will remove some of that unnecessary spending. But I think we should all remember, and almost all of us would agree, that government still has important responsibilities. Our young people, we should think of this when we cut, our young people hold our future in their hands, we still owe a debt to our veterans, and our senior citizens have made us what we are.

Now, my budget cuts a lot, but it protects education, veterans, Social Security and Medicare, and I hope you will do the same thing. You should. I hope you will.

And when we give more flexibility to the states, let us remember that there are certain fundamental national needs that should be addressed in every state, north and south, east and west. Immunization against childhood disease, school lunches in all our schools, Head Start, medical care and nutrition for pregnant women and infants, all these things are in the national interest.

I applaud your desire to get rid of costly and unnecessary regulations. But when we deregulate, let's remember what national action in the national interest has given us: Safer food for our families, safer toys for our children, safer nursing homes for our parents, safer cars and highways, and safer workplaces, cleaner air and cleaner water. Do we need common sense and fairness in our regulations? You bet we do. But we can have common sense and still provide for safe drinking water. We can have fairness and still clean up toxic dumps, and we ought to do it.

Should we cut the deficit more? Well, of course we should. But we can bring it down in a way that still protects our economic recovery and does not unduly punish people who should not be punished, but instead should be helped.

I know many of you in this Chamber support the balanced budget amendment. I certainly want to balance the budget. Our administration has done more to bring the budget down and to save money than any in a very, very long time.

If you believe passing this amendment is the right thing to do, then you have to be straight with the American people. They have a right to know what you are going to cut, what taxes you are going to raise, how it is going to affect them.

We should be doing things in the open around here. For example, everybody ought to know if this proposal is going to endanger Social Security. I would oppose that, and I think most Americans would.

Nothing has done more to undermine our sense of common responsibility than our failed welfare system. This is one of the problems we have to face here in Washington in our New Covenant. It rewards welfare over work. It undermines family values. It lets millions of parents get away without paying their child support. It keeps a minority, but a significant minority, of the people on welfare trapped on it for a very long time.

I have worked on this problem for a long time, nearly 15 years now. As a governor I had the honor of working with the Reagan Administration to write the last welfare reform bill back in 1988. In the last two years we have made a good start at continuing the work of welfare reform. Our administration gave two dozen states the right to slash through Federal rules and regulations to reform their own welfare systems and to try to promote work and responsibility over welfare and dependency. Last year I introduced the most sweeping welfare reform plan ever presented by an administration.

We have to make welfare what it was meant to be, a second chance, not a way of life. We have to help those on welfare move to work as quickly as possible, to provide child care and teach them skills, if that is what they need, for up to two years. But after that, there ought to be a simple hard rule. Anyone who can work must go to work. If a parent isn't paying child support, they should be forced to pay. We should have their driver's licenses, track them across state lines, and make them work off what they owe. That is what we should do. Governments do not raise children, people do, and the parents must take responsibility for the children they bring into this world.

I want to work with you, with all of you, to pass welfare reform. But our goal must be to liberate people and lift them up from dependence to independence, from welfare to work, from mere child bearing to responsible parenting. Our goal should not be to punish them because they happen to be poor. We should require work and mutual responsibility.

But we shouldn't cut people off just because they are poor, they are young, or even because they are unmarried. We should promote responsibility by requiring young mothers to live at

home with their parents or in other supervised settings, by requiring them to finish school. But we shouldn't put them and their children out on the street.

I know all the arguments pro and con, and I have read and thought about this for a long time. I still don't think we can in good conscience punish poor children for the mistakes of their parents.

My fellow Americans, every single survey shows that all the American people care about this, without regard to party or race or region. So let this be the year we end welfare as we know it.

But also let this be the year that we are all able to stop using this issue to divide America. No one is more eager to end welfare. I may be the only President who has actually had the opportunity to sit in a welfare office, who has actually spent hours and hours talking to people on welfare. And I am telling you, the people who are trapped on it know it doesn't work. They also want to get off.

So we can promote together education and work and good parenting. I have no problem with punishing bad behavior, or the refusal to be a worker or a student or a responsible parent. I just don't want to punish poverty and past mistakes. All of us have made our mistakes, and none of us can change our yesterdays. But every one of us can change our tomorrows. And America's best example of that may be Lynn Woolsey, who worked her way off welfare to become a Congresswoman from the State of California.

I know the Members of this Congress are concerned about crime, as are all the citizens of our country. I remind you that last year we passed a very tough crime bill, longer sentences, three-strikes-and-you're-out, almost 60 new capital punishment offenses, more prisons, more prevention, 100,000 more police. And we paid for it all by reducing the size of the Federal bureaucracy and giving the money back to local communities to lower the crime rate.

There may be other things we can do to be tougher on crime, to be smarter with crime, to help to lower that rate further. Well, if there are, let's talk about them and let's do them. But let's not go back on the things that we did last year that we know work, that we know work because the local law enforcement officers tell us that we did the right thing, because local community leaders who have worked for years and years to lower the crime rate tell us that they work.

Let's look at the experience of our cities and our rural areas where the crime rate has gone down and ask the people who did it how they did it. And if what we did last year supports the decline in the crime rate, and I am convinced that it does, let's not go back on it. Let's stick with it, implement it. We have got four more hard years of work to do to do that.

I don't want to destroy the good atmosphere in the room or in the country tonight, but I have to mention one issue that divided this body greatly last year. The last Congress also passed the Brady Bill, and in the crime bill the ban on 19 assault weapons. I don't think it is a secret to anybody in this room that several members of the last Congress who voted for that aren't here tonight because they voted for it. And I know, therefore, that some of you who are here because they voted for it are under enormous pressure to repeal it.

I just have to tell you how I feel about it. The Members of Congress who voted for that bill and I would never do anything to infringe on the right to keep and bear arms to hunt and to engage in other appropriate sporting activities. I have done it since I was a boy and I am going to keep right on doing it until I can't do it anymore.

But a lot of people laid down their seats in Congress so that police officers and kids wouldn't have to lay down their lives under a hail of assault weapon attack. And I will not let that be repealed.

I would like to talk about a couple of other issues we have to deal with. I want us to cut more spending, but I hope we won't cut government programs that help to prepare us for the new economy, promote responsibility and are organized from the grassroots up and not by Federal bureaucracy. The very best example of this is the National Service Corps of America. It passed with strong bipartisan support, and now there are 20,000 Americans, more than ever served in one year in the Peace Corps, working all over this country, helping people person-to-person in local grassroots volunteer groups, solving problems, and in the process earning some money for their education.

This is citizenship at its best. It is good for the AmeriCorps members, but it is good for the rest of us too. It is the essence of the New Covenant, and we shouldn't stop it.

All Americans, not only in the states most heavily affected, but in every place in this country, are rightly disturbed by the large numbers of illegal aliens entering our country. The jobs they hold might otherwise be held by citizens or legal immigrants. The public service they use impose burdens on our taxpayers.

That is why our administration has moved aggressively to secure our borders more by hiring a record number of new border guards, by deporting twice as many criminal aliens as ever before, by cracking down on illegal hiring, and by barring welfare benefits to illegal aliens.

In the budget I will present to you, we will try to do more to speed the deportation of illegal aliens who are arrested for crimes, to better identify illegal aliens in the workplace as recommended by the commission headed by former Congresswoman Barbara Jordan.

We are a nation of immigrants, but we are also a nation of laws. It is wrong and ultimately self-defeating for a nation of immigrants to permit the kind of abuse of our immigration laws we have seen in recent years, and we must do more to stop it.

The most important job of our government in this new era is to empower the American people to succeed in the global economy. America has always been a land of opportunity, a land where if you work hard, you can get ahead. We have become a great middle class country. Middle class values sustain us. We must expand that middle class and shrink the under class even as we do everything we can to support the millions of Americans who are already successful in the new economy.

America is once again the world's strongest economic power, almost 6 million new jobs in the last two years, exports booming, inflation down, high wage jobs are coming back. A record number of American entrepreneurs are living the American dream. If we want it to stay that way, those who work and lift our Nation must have more of its benefits. Today too many of those people are being left out. They are working harder for less, they have less security, less income, less certainty that they can even afford a vacation, much less college for their kids or retirement for themselves.

We cannot let this continue. If we don't act, our economy will probably do what it has been doing since about 1978, when the income growth began to go to those at the very top of our economic scale, and the people in the vast middle got very little growth, and people who worked like crazy but were on the bottom end fell even further and further behind in the years afterward no matter how hard they worked.

We have got to have a government that can be a real partner in making this new economy work for all of our people, a government that helps each and every one of us to get an education and to have the opportunity to renew our skills. That is why we worked so hard to increase educational opportunities in the last two years, from Head Start, to public schools, to apprenticeships for young people who don't go to college, to making college loans more available and more affordable. That is the first thing we have to do. We have got to do something to empower people to improve their skills.

The second thing we ought to do is to help people raise their incomes immediately by lowering their taxes. We took the first step in 1993 with a working family tax cut for 15 million families with incomes under $27,000, a tax cut that this year will average about $1,000 a family, and we also gave tax reductions to most small and new businesses. Before we could do more than that, we first had to bring down the deficit we inherited and we had to get economic growth up.

Now we have done both, and now we can cut taxes in a more comprehensive way. But tax cuts should reinforce and promote our first obligation, to empower our citizens through education and training to make the most of their own lives. The spotlight should shine on those who make the right choices for themselves, their families, and their communities.

I have proposed a Middle Class Bill of Rights, which should properly be called the Bill of Rights and Responsibilities, because its provisions only benefit those who are working to educate and raise their children and to educate themselves. It will therefore give needed tax relief and raise incomes in both the short run and the long run in a way that benefits all of us.

There are four provisions. First, a tax deduction for all education and training after high school. If you think about it, we permit businesses to deduct their investment. We permit individuals to deduct interest on their home mortgages. But today an education is even more important to the economic well-being of our whole country than even those things are. We should do everything we can to encourage it, and I hope you will support it.

Second, we ought to cut taxes $500 for families with children under 13.

Third, we ought to foster more savings and personal responsibility by permitting people to establish an independent retirement account and withdraw from it tax-free for the cost of education, health care, first-time home buying, or the care of a parent.

And, fourth, we should pass a GI Bill for America's workers. We propose to collapse nearly 70 Federal programs and not give the money to the states, but give the money directly to the American people, or vouchers to them, so that they, if they are laid off or if they are working for a very low wage, can get a voucher worth $2,600 a year for up to two years to go to their local community colleges or wherever else they want to get the skills they need to improve their lives. Let's empower people in this way. Move it from the government directly to the workers of America.

Any one of us can call for a tax cut, but I won't accept one that explodes the deficit or puts our recovery at risk. We ought to pay for our tax cuts fairly and honestly. Just two years ago it was an open question whether we would find the strength to cut the deficit. Thanks to the courage of the people who were here then, many of whom didn't return, we did cut the deficit. We began to do what others said would not be done. We cut the deficit by over $600 billion, about $10,000 for every family in this country. It is coming down three years in a row for the first time since Mr. Truman was president, and I don't think anybody in America wants us to let it explode again.

In the budget I will send you, the Middle Class Bill of Rights is fully paid for by budget cuts in bureaucracy, cuts in programs, cuts in special interest subsidies. And the spending cuts will more than double the tax cuts. My budget pays for the Middle Class Bill of Rights without any cuts in Medicare, and I will oppose any attempts to pay for tax cuts with Medicare cuts. That is not the right thing to do.

I know that a lot of you have your own ideas about tax relief, and some of them I find quite interesting. I really want to work with all of you. My test for our proposals will be, will it create jobs and raise incomes, will it strengthen our families and support our children, is it paid for, will it build a middle class and shrink the under class? If it does, I will support it. But if it doesn't, I won't.

The goal of building the middle class and strengthening the under class is also why I believe that you should raise the minimum wage. It rewards work. Two-and-a-half million Americans, two-and-a-half million Americans, often women with children, are working out there today for four and a quarter an hour. In terms of real buying power, by next year that minimum wage will be at a 40 year low. That is not my idea of how the new economy ought to work.

Now, I have studied the arguments and the evidence for and against a minimum wage increase. I believe the weight of the evidence is that a modest increase does not cost jobs, and may even lure people back into the job market. But the most important thing is, you can't make a living on $4.25 an hour, especially if you have children, even with the working family's tax cut we passed last year.

In the past the minimum wage has been a bipartisan issue, and I think it should be again. So I want to challenge you to have honest hearings on this, to get together to find a way to make the minimum wage a living wage.

Members of Congress have been here less than a month, but by the end of the week, 28 days into the new year, every Member of Congress will have earned as much in Congressional salary as a minimum wage worker makes all year long.

Everybody else here, including the President, has something else that too many Americans do without, and that is health care. Now, last year we almost came to blows over health care. But we didn't do anything. And the cold hard fact is that since last year, since I was here, another 1.1 million Americans in working families have lost their health care, and the cold hard fact is that many millions more, most of them farmers and small business people and self-employed people have seen their premiums skyrocket, their co-payments, deductibles go up. There is a whole bunch of people in this country that in the statistics have health insurance, but really what they have got is a piece of paper that says they won't lose their home if they get sick.

Now, I still believe our country has got to move toward providing health security for every American family. But I know that last year, as the evidence indicates, we bit off more than we could chew. So I am asking you that we work together. Let's do it step by step. Let's do whatever we have to do to get something done. Let's at least pass meaningful insurance reform, so that no American risks losing coverage for facing skyrocketing prices, that nobody loses their coverage because they face high prices or unavailable insurance when they change jobs, or lose a job, or a family member gets sick.

I want to work together with all of you who have an interest in this, with the Democrats who worked on it last time, with the Republican leaders like Senator DOLE, who has a long time commitment to welfare reform and made some constructive proposals in this area last year.

We ought to make sure that self-employed people and small businesses can buy insurance at more affordable rates through voluntary purchasing pools. We ought to help families provide long-term care for a sick parent or disabled child. We can work to help workers who lose their jobs at least keep their health insurance coverage for a year while they look for work.

We can find a way. It may take sometime, but we can find a way to make sure that our children have health care.

I think everybody in this room, without regard to party, can be proud of the fact that our country was rated as having the world's most productive economy for the first time in nearly a decade, but we can't be proud of the fact that we are the only wealthy country in the world that has a smaller percentage of the work force and their children with health insurance today than we did 10 years ago, the last time we were the most productive economy in the world.

So, let's work together on this. It is too important for politics as usual.

Much of what the American people are thinking about tonight is what we have already talked about. A lot of people think that the security concerns of American today are entirely internal to our borders. They relate to the security of our jobs and our homes and our incomes and our children, our streets, our health, in protecting those borders.

Now that the Cold War has passed, it is tempting to believe that all the security issues, with the possible exception of trade, reside here at home. But it is not so. Our security still depends upon our continued world leadership for peace and freedom and democracy. We still can't be strong at home unless we are strong abroad.

The financial crisis in Mexico is a case in point. I know it is not popular to say it tonight, but we have to act, not for the Mexican people, but for the sake of the millions of Americans

whose livelihoods are tied to Mexico's well-being. If we want to secure American jobs, preserve American exports, safeguard America's borders, then we must pass the stabilization program and help to put Mexico back on track.

Now, let me repeat, it is not a loan, it is not foreign aid, it is not a bailout. We will be given a guarantee like cosigning a note with good collateral that will cover our risk. This legislation is the right thing for America. That is why the bipartisan leadership has supported it, and I hope you in Congress will pass it quickly. It is in our interest, and we can explain it to the American people, because we are going to do it in the right way.

You know, tonight this is the first State of the Union address ever delivered since the beginning of the Cold War when not a single Russian missile is pointed at the children of America. And along with the Russians we are on our way to destroying the missiles and bombers that carry 9,000 nuclear warheads. We have come so far so fast in this post-Cold War world that it is easy to take the decline of a nuclear threat for granted, but it is still there and we aren't finished yet.

This year I will ask the Senate to include START II, which will eliminate weapons that carry 5,000 more warheads. The United States will lead the charge to extend indefinitely the Nuclear Non-proliferation Treaty, to enact a comprehensive nuclear test ban, and to eliminate chemical weapons. To stop and roll back North Korea's potentially deadly nuclear program, we will continue to implement the agreement we have reached with that nation. It is smart, it is tough, it is a deal based on continuing inspection, with safeguards for our allies and ourselves.

This year I will submit to Congress comprehensive legislation to strengthen our hand in combatting terrorists, whether they strike at home or abroad. The cowards who bombed the World Trade Center found out this country will hunt down terrorists and bring them to justice.

Just this week another horrendous terrorist act in Israel killed 19 and injured scores more. On behalf of the American people and all of you, I send our deepest sympathy to the families of the victims. I know that in the face of such evil, it is hard for the people in the Middle East to go forward, where the terrorists represent the past, not the future. We must and we will pursue a comprehensive peace between Israel and all of her neighbors in the Middle East.

Accordingly, last night I signed an Executive Order that will block the assets in the United States of terrorist organizations that threaten to disrupt the peace process and prohibits financial transactions with these groups. Tonight I call on all our allies and peace loving nations throughout the world to join us with renewed fervor in a global effort to combat terrorism. We cannot permit the future to be marred by terror and fear and paralysis.

From the day I took the oath of office, I pledged that our Nation would maintain the best equipped, best trained, and best prepared military on Earth. We have, and they are. They have managed the dramatic downsizing of our forces after the Cold War with remarkable skill and spirit. But to make sure our military is ready for action and to provide the pay and quality of life the military and their families deserve, I am asking the Congress to add $25 billion in defense spending over the next six years.

I have visited many bases at home and around the world since I became President. Tonight I repeat that request with renewed conviction. We ask a very great deal of our Armed Forces. Now that they are smaller in number, we ask more of them. They go out more often, to more different places, and stay longer. They are called to service in many, many ways. And we must give them and their families what the times demand and what they have earned.

Just think about what our troops have done in the last year, showing America at its best, helping to save hundreds of thousands of people in Rwanda, moving with lightning speed to head off another threat to Kuwait, giving freedom and democracy back to the people of Haiti.

We have proudly supported peace and prosperity and freedom from South Africa to Northern Ireland, from Central and Eastern Europe to Asia, from Latin America to the Middle East. All of these endeavors are good in those places. But they make our future more confident and more secure.

Well, my fellow Americans, that is my agenda for America's future. Expanding opportunity, not bureaucracy, enhancing security at home and abroad, empowering our people to make the most of their own lives. It is ambitious and achievable, but it is not enough. We even need more than new ideas for changing the world or equipping Americans to compete in the new economy, more than a government that is smaller, smarter and wiser, more than all the changes we can make in government and in the private sector from the outside in.

Our fortunes and our prosperity also depend upon our ability to answer some questions from within, the values and voices that speak to our hearts as well as our heads, voices that tell us we have to do more to accept responsibility for ourselves and our families, for our communities, and, yes, for our fellow citizens.

We see our families and our communities all over this country coming apart, and we feel the common ground shifting from under us. The PTA, the town hall meeting, the ballpark, it is hard for a lot of over worked parents to find the time and space for those things that strengthen the bonds of trust and cooperation. Too many of our children don't even have parents and grandparents who can give them those experiences that they need to build their own character, their sense of identity. We all know that what we hear in this Chamber can make a difference on those things, that the real differences will be made by our fellow citizens, where they work and where they live. And they will be made almost without regard to party. When I used to go to the softball park in Little Rock to watch my daughter's league and people would come up to me, fathers and mothers, and talk to me, I can honestly say I had no idea whether 90 percent of them were Republicans or Democrats.

When I visited the relief centers after the floods in California, in Northern California last week, a woman came up to me and did something that very few of you would do. She hugged me and said, ''Mr. President, I am a Republican, but I am glad you're here.''

Now, why? We can't wait for disasters to act the way we used to act everyday, because as we move into this next century, everybody matters. We don't have a person to waste, and a lot of people are losing a lot of chances to do better. That means that we need a New Covenant for everybody. For our corporate and business leaders, we are going to work here to keep bringing the deficit down, to expand markets, to support their success in every possible way. But they have an obligation when they are doing well to keep jobs in our communities and give their workers a fair share of the prosperity they generate.

For the people in the entertainment industry in this country, we applaud your creativity and your worldwide success, and we support your freedom of expression. But you do have a responsibility to assess the impact of your work and to understand the damage that comes from the incessant, repetitive, mindless violence and irresponsible conduct that permeates the media all the time.

We have got to ask our community leaders and all kinds of organizations to help us stop our most serious social problem, the epidemic of teen pregnancies and births where there is no marriage. I have sent to Congress a plan that targets schools all over this country with anti-pregnancy programs that work. But government can only do so much. Tonight I call on parents and leaders all across this country to join together in a national campaign against teen pregnancy to make a difference. We can do this, and we must.

And I would like to say a special word to our religious leaders. You know, I am proud of the fact that the United States has more houses of worship per capita than any other country in the world. These people who lead our houses of worship can ignite their congregations to carry their faith into action, can reach out to all of our children, to all of the people in distress, to those who have been savaged by the

breakdown of all we hold dear, because so much of what must be done must come from the inside out, and our religious leaders and their congregations can make all the difference. They have a role in the New Covenant as well. There must be more responsibility for all of our citizens.

You know, it takes a lot of people to help all the kids in trouble stay off the streets and in school. It takes a lot of people to build the Habitat for Humanity houses that the Speaker celebrates on his lapel pin. It takes a lot of people to provide the people power for all the civic organizations in this country that made our communities mean so much to most of us when we were kids. It takes every parent to teach the children the difference between right and wrong and to encourage them to learn and grow, and to say no to the wrong things, but also to believe that they can be whatever they want to be.

I know it is hard when you are working harder for less, when you are under great stress to do these things. A lot of our people don't have the time or the emotional strength they think to do the work of citizenship.

Most of us in politics haven't helped very much. For years we mostly treated citizens like they were consumers or spectators, sort of political couch potatoes who were supposed to watch the TV ads either promising something for nothing or playing on their fears and frustrations, and more and more of our citizens now get most of their information in very negative and aggressive ways that are hardly conducive to honest and open conversations. But the truth is, we have got to stop seeing each other as enemies just because we have different views.

If you go back to the beginning of this country, the great strength of America as de Tocqueville pointed out when he came here a long time ago, has always been our ability to associate with people who were different from ourselves, and to work together to find common ground. And in this day everybody has a responsibility to do more of that. We simply cannot wait for a tornado, a fire, or a flood to behave like Americans ought to behave in dealing with one another.

I want to finish up here by pointing out some folks that are up with the First Lady that represent what I am trying to talk about, citizens. I have no idea what their party affiliation is or who they voted for in the last elections. But they represent what we ought to be doing.

Cindy Perry teaches second graders to read in AmeriCorps in rural Kentucky. She gains when she gives. She is a mother of four. She says that her service inspired her to get her high school equivalency last year. She was married when she was a teenager—stand up, Cindy—she was married when she was a teenager, she had four children, but she had time to serve other people, to get her high school equivalency, and she is going to use her AmeriCorps money to go back to college.

Stephen Bishop is the police chief of Kansas City. He has been a national leader—stand up, Stephen—he has been a national leader in using more police in community policing, and he has worked with AmeriCorps to do it, and the crime rate in Kansas City has gone down as a result of what he did.

Corporal Gregory Depestre went to Haiti as part of his adopted country's force to help secure democracy in his native land: And I might add, we must be the only country in the world that could have gone to Haiti and taken Haitian Americans there who could speak the language and talk to the people, and he was one of them, and we are proud of him.

The next two folks I have had the honor of meeting and getting to know a little bit. The Reverend John and the Reverend Diana Cherry of the A.M.E. Zion Church in Temple Hills, Maryland. I would like to ask them to stand. I want to tell you about them. In the early eighties they left government service and formed a church in a small living room in a small house in the early eighties. Today that church as 17,000 members. It is one of the three or four biggest churches in the entire United States. It grows by 200 a month. They do it together, and the special focus of their ministry is keeping families together.

Two things they did make a big impression on me. I visited their church once, and I learned they were building a new sanctuary closer to the Washington, D.C. line in a higher crime, higher drug rate area, because they thought it was part of their ministry to change the lives of the people who needed them.

The second thing I want to say is that once Reverend Cherry was at a meeting at the White House with some other religious leaders, and he left early to go back to his church to minister to 150 couples that he had brought back to his church from all over America to convince them to come back together to save their marriages and to raise their kids. This is the kind of work that citizens are doing in America. We need more of it, and it ought to be lifted up and supported.

The last person I want to introduce is Jack Lucas from Hattiesburg, Mississippi. Jack, would you stand up?

Fifty years ago, in the sands of Iwo Jima, Jack Lucas taught and learned the lessons of citizenship. On February 20th, 1945, he and three of his buddies encountered the enemy and two grenades at their feet. Jack Lucas threw himself on both of them.

In that moment, he saved the lives of his companions and miraculously, in the next instant a medic saved his life. He gained a foothold for freedom, and at the age of 17, just a year older than his grandson—who is up here with him today, and his son, who is a West Point graduate and a veteran—at 17, Jack Lucas became the youngest marine in history and the youngest soldier in this century to win the Congressional Medal of Honor.

All these years later, yesterday, here is what he said about that day: ''It didn't matter where you were from or who you were. You relied on one another. You did it for your country.''

We all gain when we give, and we reap what we sow. That's at the heart of this New Covenant: Responsibility, opportunity, and citizenship. More than stale chapters in some remote civic book, they are still the virtue by which we can fulfill ourselves and reach our God-given potential and be like them, and also to fulfill the eternal promise of this country, the enduring dream from that first and most sacred covenant.

I believe every person in this country still believes that we are created equal, and given by our Creator the right to life, liberty and the pursuit of happiness.

This is a very, very great country, and our best days are still to come.

Thank you, and God bless you.

[Applause, the Members rising.]

At 10 o'clock and 35 minutes p.m., the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Assistant to the Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Chief Justice of the United States and the Associate Justices of the Supreme Court.

The Ambassadors, Ministers, and Charge d'Affaires of foreign governments.

JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint session of the two houses now dissolved.

Accordingly, at 10 o'clock and 40 minutes p.m., the joint session of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

MESSAGE OF THE PRESIDENT REFERRED TO THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Mr. SOLOMON. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

The motion was agreed to.

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

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

Mr. HYDE. Mr. Speaker, pursuant to clause 2(a) of rule XI of the Rules of the House, I submit for publication in the CONGRESSIONAL RECORD, the Rules of Procedure for the 104th Congress adopted by the House Committee on the Judiciary on January 5, 1995.

U.S. HOUSE OF REPRESENTATIVES, COMMITTEE ON THE JUDICIARY, RULES OF PROCEDURE, ONE HUNDRED FOURTH CONGRESS, ADOPTED JANUARY 5, 1995

RULE I

The Rules of the House of Representatives are the rules of the Committee on the Judiciary and its subcommittees with the following specific additions thereto.

RULE II. COMMITTEE MEETINGS

(a) The regular meeting day of the Committee on the Judiciary for the conduct of its business shall be on Tuesday of each week while the House is in session.

(b) Alternative meeting dates and additional meetings may be called by the Chairman and a regular meeting of the Committee may be dispensed with when, in the judgment of the Chairman, there is no need therefor.

(c) At least 24 hours (excluding Saturdays, Sundays and legal holidays when the House is not in session) before each scheduled Committee or subcommittee meeting, each Member of the Committee or subcommittee shall be furnished a list of the bill(s) and subject(s) to be considered and/or acted upon at the meeting. Bills or subjects not listed shall be subject to a point of order unless their consideration is agreed to by a two-thirds vote of the Committee or subcommittee.

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

(e) Committee and subcommittee meetings for the transaction of business shall be open to the public except when the Committee or subcommittee determines by majority vote to close the meeting 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.

(f) Every motion made to the Committee and entertained by the Chairman shall be reduced to writing upon demand of any Member, and a copy made available to each Member present.

(g) For purposes of taking any action at a meeting of the full Committee or any subcommittee thereof, other than taking testimony or receiving evidence, a quorum shall be constituted by the presence of not less than one-third of the Members of the Committee or subcommittee, except that a full majority of the Members of the Committee or subcommittee shall constitute a quorum for purposes of reporting a measure or recommendation from the Committee or subcommittee, closing a meeting to the public, or authorizing the issuance of a subpoena.

(h) A complete transcript shall be made of any full Committee meetings, or any portion thereof, upon the request of any Member of the Committee made before the close of business of the preceding day, excluding Saturdays, Sundays, and legal holidays when the House is not in session.

RULE III. HEARINGS

(a) The Committee or any subcommittee shall make public announcement of the date, place and subject matter of any hearing to be conducted by it on any measure or matter at least one week before the commencement of that hearing, unless the Committee or subcommittee before which such hearing is scheduled determines that there is good cause to begin such hearing at an earlier date, in which event it shall make public announcement at the earliest possible date.

(b) Committee and subcommittee hearings shall be open to the public except when the Committee or subcommittee determines by majority vote to close the meeting 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.

(c) For purposes of taking testimony and receiving evidence before the Committee or any subcommittee, a quorum shall be constituted by the presence of two Members.

(d) In the course of any hearing each Member shall be allowed five minutes for the interrogation of a witness until such time as each Member who so desires has had an opportunity to question the witness.

RULE IV. BROADCASTING

Any meeting or hearing of the Committee or any of its subcommittees that is open to the public shall be open to coverage by television, radio, and still photography in accordance with the provisions of clause 3 of House rule XI.

RULE V. STANDING SUBCOMMITTEES

(a) The full Committee shall have jurisdiction over the following subject matters: antitrust, tort liability issues, including medical malpractice and product liability, and such other legislative or oversight matters as determined by the Chairman.

(b) There shall be five standing subcommittees of the Committee on the Judiciary, with jurisdictions as follows:

(1) Subcommittee on Courts and Intellectual Property: copyright, patent and trademark law, administration of U.S. courts, Federal Rules of Evidence, Civil and Appellate Procedure, judicial ethics, other appropriate matters as referred by the Chairman, and relevant oversight.

(2) Subcommittee on the Constitution: constitutional amendments, constitutional rights, federal civil rights laws, ethics in government, other appropriate matters as referred by the Chairman, and relevant oversight.

(3) Subcommittee on Commercial and Administrative Law: bankruptcy and commercial law, bankruptcy judgeships, administrative law, state taxation affecting interstate commerce, interstate compacts, other appropriate matters as referred by the Chairman, and relevant oversight.

(4) Subcommittee on Crime: Federal Criminal Code, drug enforcement, sentencing, parole and pardons, Federal Rules of Criminal Procedure, prisons, other appropriate matters as referred by the Chairman, and relevant oversight.

(5) Subcommittee on Immigration and Claims: immigration and naturalization, admission of refugees, treaties, conventions and international agreements, claims against the United States, federal charters of incorporation private immigration and claims bills, other appropriate matters as referred by the Chairman, and relevant oversight.

(c) The Chairman of the Committee and the ranking Minority Member thereof shall be ex officio Members, but not voting Members, of each subcommittee to which such Chairman or ranking Minority has not been assigned by resolution of the Committee. Ex officio Members shall not be counted as present for purposes of constituting a quorum at any hearing or meeting of such subcommittee.

RULE VI. POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it or under its jurisdiction. Subcommittee chairman shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.

RULE VII. NON-LEGISLATIVE REPORTS

No report of the Committee or subcommittee which does not accompany a measure or matter for consideration by the House shall be published unless all Members of the Committee or subcommittee issuing the report shall have been apprised of such report and given the opportunity to give notice of intention to file supplemental, additional, or dissenting views as part of the report. In no case shall the time in which to file such views be less than three calendar days (excluding Saturdays, Sundays and legal holidays when the House is not in session).

RULE VIII. COMMITTEE RECORDS

The records of the Committee at the National Archives and Records Administration shall be made available for public use according to the Rules of the House. The Chairman shall notify the ranking Minority Member of any decision to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any Member of the Committee.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FIELDS of Louisiana (at the request of Mr. GEPHARDT) for today on account of personal business.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TORKILDSEN (at the request of Mr. ARMEY) until 3 p.m. today, on account of attending the funeral of Mrs. Rose Fitzgerald Kennedy.

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 Member (at the request of Mr. WISE) to revise and extend her remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

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

Mr. CHAMBLISS, for 5 minutes, on January 27.

Mr. WELLER, for 5 minutes, on January 26.

Mr. BROWNBACK, for 5 minutes, on January 25.

EXTENSION OF REMARKS

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

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

Mr. WYDEN.
Mr. RUSH in two instances.
Mrs. LINCOLN.
Mr. PASTOR.
Mr. KANJORSKI.
Mr. OBERSTAR.
Mr. CARDIN.
Mr. HOLDEN.
Mr. TRAFICANT in two instances.
Mr. BONIOR.
Mr. MURTHA.
Ms. MCCARTHY.
Mr. POMEROY.
Mr. LANTOS.
Ms. RIVERS.
Ms. SLAUGHTER.

(The following Members (at the request of Mrs. WALDHOLTZ) and to include extraneous matter.)

Mr. FIELDS of Texas.
Mrs. VUCANOVICH.
Mr. GILMAN.
Mr. CRAPO.
Mr. ARCHER, in two instances.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 10 o'clock and 41 minutes p.m.) the House adjourned until tomorrow, Wednesday, January 25, 1995, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

190. A letter from the Under Secretary of Defense—Comptroller, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Army, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

191. A letter from the Under Secretary of Defense—Comptroller, transmitting a report of a violation of the Anti-Deficiency Act which occurred at the U.S. Army Troop Support Command, St. Louis, MO, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

192. A letter from the President and Chairman, Export-Import Bank of the United States; transmitting the annual report on its operations for fiscal year 1994, pursuant to 12 U.S.C. 635g(a); to the Committee on Banking and Financial Services.

193. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the administration's report entitled, ''Annual Report to Congress—Progress on Superfund Implementation in Fiscal Year 1994,'' pursuant to 45 U.S.C. 9651; to the Committee on Commerce.

194. A letter from the Chairman, Board of Governors of the U.S. Postal Service, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1994, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. SOLOMON: Committee on Rules. House Resolution 44. Resolution providing for consideration of the concurrent resolution (H. Con. Res. 17) relating to the treatment of Social Security under any constitutional amendment requiring a balanced budget and providing for consideration of the joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States (Rept. 104–4). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. WYDEN (for himself, Mr. MATSUI, and Mr. SPRATT):

H.R. 645. A bill to amend the International Revenue Code of 1986 to provide for nonrecognition of gain on the sale of eligible small business stock if the proceeds of the sale are reinvested in other eligible small business stock; to the Committee on Ways and Means.

By Mr. WYDEN:

H.R. 646. A bill to amend the Internal Revenue Code of 1986 to index the basis of certain capital assets for purposes of determining gain or loss; to the Committee on Ways and Means.

H.R. 647. A bill to amend the Internal Revenue Code of 1986 to provide incentives for awards to an employee under a performance-based reward plan and to direct the Administrator of the Small Business Administration to establish a program to promote implementation of performance-based reward plans and employee decisionmaking participation programs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Economic and Educational Opportunities, and Small Business, 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.

H.R. 648. A bill to improve small business export assistance; to the Committee on International Relations.

By Mrs. LINCOLN:

H.R. 649. A bill to authorize the collection of fees for expenses for triploid grass carp certification inspections, and for other purposes; to the Committee on Resources.

By Mr. GILMAN:

H.R. 650. A bill to amend the Immigration and Nationality Act concerning exclusion from the United States on the basis of membership in a terrorist organization; to the Committee on the Judiciary.

By Mr. ANDREWS (for himself, Mr. WELDON of Pennsylvania, and Mr. HOYER):

H.R. 651. A bill to direct the President to establish a commission for making recommendations to improve the Federal emergency management system; to the Committee on Transportation and Infrastructure.

By Mr. BATEMAN:

H.R. 652. A bill to authorize the Secretary of the Interior to provide a grant to the board of directors of the George Washington Boyhood Home Foundation for the Stabilization, preservation, and interpretation of the archeological resources and visual integrity of Ferry Farm, boyhood home of George Washington, America's first President; to the Committee on Resources.

By Mr. ENGEL:

H.R. 653. A bill to designate the U.S. courthouse under construction in White Plains, NY, as the ''Thurgood Marshall United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. HOLDEN:

H.R. 654. A bill to provide for the conversion of the assistance for the Tamaqua Highrise housing project in Tamaqua, PA, from a leased housing contract to tenant-based assistance; to the Committee on Banking and Financial Services.

By Mr. WALKER:

H.R. 655. A bill to authorize the hydrogen research, development, and demonstration programs of the Department of Energy, and for other purposes; to the Committee on Science.

By Mr. KING:

H.R. 656. A bill to authorize the Secretary of Housing and Urban Development to make organizations controlled by individuals who promote prejudice or bias based on race, religion, or ethnicity ineligible for assistance under programs administered by the Secretary, and for other purposes; to the Committee on Banking and Financial Services.

By Mrs. LINCOLN:

H.R. 657. A bill to extend the deadline under the Federal Power Act applicable to the construction of three hydroelectric projects in the State of Arkansas; to the Committee on Commerce.

By Mr. MCDERMOTT (for himself, Mrs. MORELLA, Mr. MINETA, Mrs. MINK of Hawaii, Ms. PELOSI, and Mr. MATSUI):

H.R. 658. A bill to amend the Civil Rights Act of 1991 with respect to the application of such act; to the Committee on Economic and Educational Opportunities, 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. OBERSTAR:

H.R. 659. A bill to amend title 18, United States Code, to permit Federal firearms licensees to conduct firearms business with other such licensees at out-of-State gun shows; to the Committee on the Judiciary.

By Mr. SHAW (for himself, Mr. BONO, Mr. CALVERT, Mr. GOSS, Mr. LEWIS of California, Mr. CANADY, Mr. GALLEGLY, Mr. BILIRAKIS, Mr. EMERSON, Mr. CUNNINGHAM, Mr. HASTINGS of Florida, Mr. MILLER of Florida, and Mrs. SCHROEDER):

H.R. 660. A bill to amend the Fair Housing Act to modify the exemption from certain familial status discrimination prohibitions granted to housing for older persons; to the Committee on the Judiciary.

By Mr. THORNTON:

H.R. 661. A bill to amend the Internal Revenue Code of 1986 to provide additional safeguards to protect taxpayer rights; to the Committee on Ways and Means.

By Mrs. VUCANOVICH (for herself and Mr. ENSIGN):

H.R. 662. A bill to amend the Internal Revenue Code of 1986 to repeal the 50 percent limitation on the amount of business meal and entertainment expenses which are deductible; to the Committee on Ways and Means.

By Mr. ZIMMER (for himself, Mr. STUMP, Mrs. MYRICK, and Mr. ROHRABACHER):

H.R. 663. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to prevent luxurious conditions in prisons; to the Committee on the Judiciary.

By Mr. PALLONE:

H.R. 664. A bill to amend chapter 5122 of title 42, United States Code, to ensure Federal disaster assistance eligibility for certain nonprofit facilities; to the Committee on Transportation and Infrastructure.

By Mr. FIELDS of Texas:

H.J. Res. 63. Joint resolution proposing an amendment to the Constitution of the United States to provide that Federal judges be reconfirmed by the Senate every 10 years; to the Committee on the Judiciary.

By Mr. SANDERS (for himself, Mr. DEFAZIO, and Mr. MILLER of California):

H. Con. Res. 18. Concurrent resolution expressing the sense of the Congress that United States investors, lenders, and corporations should assume the full measure of risk and responsibility for their investments and loans in Mexico since the devaluation of the peso on December 21, 1994, and that loan guarantees that are backed by the full faith and credit of the United States and that could result in any direct or indirect financial obligation on the part of United States taxpayers should not be provided to the Mexican Government; to the Committee on Banking and Financial Services.

ADDITIONAL SPONSORS

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

H.R. 3: Mr. NORWOOD, Mr. BURTON of Indiana, Mr. MOORHEAD, Mr. CUNNINGHAM, Mrs. VUCANOVICH, Mr. WALKER, Mr. SAM JOHNSON, Mr. CONDIT, Mr. COLLINS of Georgia, Mr. ROBERTS, Mr. BRYANT of Tennessee, Mr. TALENT, and Mr. PETERSON of Minnesota.

H.R. 11: Mr. DREIER, Mr. DELAY, Mr. POMBO, Mr. PETERSON of Minnesota, and Mr. SALMON.

H.R. 24: Mr. FOX.

H.R. 26: Mr. DEFAZIO and Mr. ZELIFF.

H.R. 43: Mr. ACKERMAN, Mr. BARRETT of Wisconsin, Mr. DEUTSCH, Mr. EVANS, Mr. FATTAH, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LOWEY, Mr. MINETA, Mrs. MORELLA, Mr. NADLER, Ms. PELOSI, and Mr. RANGEL.

H.R. 58: Mr. WELLER.

H.R. 70: Mr. TAUZIN and Mr. BALLENGER.

H.R. 78: Mrs. MYRICK.

H.R. 104: Mr. FIELDS of Texas and Mr. LIGHTFOOT.

H.R. 110: Mr. LIPINSKI.

H.R. 117: Mr. BONO and Mr. SENSENBRENNER.

H.R. 123: Mr. YOUNG of Florida, Mr. POMBO, Mr. JONES, Mr. FUNDERBURK, and Mr. SMITH of Texas.

H.R. 127: Mr. HUTCHINSON, Mr. VENTO, Mr. MCDERMOTT, and Mr. FRANK of Massachusetts.

H.R. 139: Mr. GENE GREEN of Texas.

H.R. 142: Mr. FOX.

H.R. 218: Mr. TEJEDA, Mr. METCALF, Mr. HEINEMAN, Mrs. THURMAN, and Mr. EMERSON.

H.R. 221: Mr. BORSKI, Mr. LIPINSKI, Mr. MENENDEZ, Mr. UNDERWOOD, Mr. SCOTT, Mr. MARTINEZ, Mr. EVANS, Mrs. MINK of Hawaii, Ms. DELAURO, and Ms. KAPTUR.

H.R. 230: Mr. INGLIS of South Carolina.

H.R. 259: Mr. BONO.

H.R. 260: Mr. EMERSON and Mr. GALLEGLY.

H.R. 305: Ms. PELOSI, Mr. TOWNS, Mr. MCHUGH, Mr. ROHRABACHER, Mr. FATTAH, Mr. CANADY, Mr. SAXTON, Mr. BARTLETT of Maryland, Mr. LIPINSKI, Ms. MOLINARI, Mr. GEJDENSON, Mr. BEILENSON, Mr. PACKARD, Mr. KLUG, Mr. POMBO, Mr. EVANS, Mr. FILNER, and Mr. FOX.

H.R. 353: Mrs. MEYERS of Kansas and Mr. YATES.

H.R. 354: Mr. KNOLLENBERG, Mr. MANZULLO, Mr. LIPINSKI, and Mr. ROHRABACHER.

H.R. 359: Mr. THORNTON, Mr. HAYWORTH, Mr. EWING, Mr. DAVIS, Mr. HYDE, Mr. TIAHRT, Mr. DOYLE, Mr. WILLIAMS, and Mr. HEFLEY.

H.R. 370: Mr. CHRYSLER, Mr. PAXON, Mr. BILBRAY, Mr. EMERSON, and Mr. SMITH of Texas.

H.R. 372: Mr. EVERETT and Mr. HEFLEY.

H.R. 373: Mr. EVERETT, Mr. LIGHTFOOT, Mr. MYERS of Indiana, and Mr. HEFLEY.

H.R. 375: Mr. EVERETT and Mr. HEFLEY.

H.R. 394: Mr. SAXTON, Mr. LATOURETTE, Mr. BILBRAY, and Mr. KOLBE.

H.R. 436: Mr. BONILLA, Mr. BEREUTER, and Mr. PAXON.

H.R. 447: Mr. SERRANO, Mr. BARTLETT of Maryland, Mr. DINGELL, Mr. ENGLISH of Pennsylvania, Mr. MURTHA, Mr. HUNTER, Mr. BROWN of Ohio, Mr. TOWNS, Mr. SABO, Mr. FROST, Mr. BARRETT of Wisconsin, Mr. LAUGHLIN, Mr. SCOTT, Mr. BREWSTER, Mr. PARKER, Ms. PELOSI, Mr. VISCLOSKY, Mr. LIPINSKI, Mr. GUNDERSON, Mr. MOAKLEY, Mr. FAZIO of California, Mr. WILSON, Mr. JOHNSON of South Dakota, Mr. EVANS, Mr. DEFAZIO, and Mr. CHAPMAN.

H.R. 464: Mr. SCARBOROUGH, Mr. BUNN of Oregon, Mr. HOSTETTLER, Mr. SOUDER, and Mrs. VUCANOVICH.

H.R. 482: Mr. HEFLEY, Mr. KINGSTON, Mr. NEY, and Mr. PACKARD.

H.R. 491: Mr. STEARNS, Mr. ROYCE, Mrs. MYRICK, Mr. BLUTE, Mr. SMITH of New Jersey, and Mr. HAYES.

H.R. 502: Mr. HALL of Texas, Mr. BILBRAY, Mr. HYDE, Mr. PAXON, Mr. WALKER, Mr. LIPINSKI, Mr. LEWIS of California, Mr. HERGER, Mr. PACKARD, Mr. BAKER of California, and Mrs. VUCANOVICH.

H.R. 519: Mr. FOX, Mr. STEARNS, and Mr. ZELIFF.

H.R. 521: Mr. SMITH of New Jersey.

H.R. 522: Mr. SMITH of New Jersey.

H.R. 523: Mr. SMITH of New Jersey.

H.R. 588: Mr. MEEHAN, Mr. MCDERMOTT, and Mr. ENGLISH of Pennsylvania.

H.J. Res. 2: Mr. HAYES, Mrs. MEYERS of Kansas, Mr. WALKER, Mr. DEUTSCH, Mr. COBURN, and Mr. GOODLING.

H.J. Res. 3: Mr. MCINTOSH.

H.J. Res. 5: Mr. HAYES and Mr. MINGE.

H.J. Res. 14: Mr. FOLEY.

H.J. Res. 16: Mr. MONTGOMERY.

H.J. Res. 28: Mr. MCINNIS.

H.J. Res. 48: Mr. WATTS of Oklahoma, Mr. SAXTON, Mr. PACKARD, Mr. CHRYSLER, Mr. GUNDERSON, Mr. WELLER, and Mr. LUCAS.

H.J. Res. 53: Mr. SAWYER and Ms. WATERS.

H.J. Res. 55: Mr. POMEROY and Mr. GENE GREEN of Texas.

H. Con. Res. 17: Mr. FOX.

H. Res. 33: Mr. SERRANO and Mr. BARRETT of Wisconsin.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 2: Ms. COLLINS of Michigan.

AMENDMENTS

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

H.R. 5

OFFERED BY: MR. MOAKLEY

AMENDMENT NO. 167: In the proposed section 426 of the Congressional Budget Act of 1974, strike ''10 minutes'' and insert ''20 minutes''.

H.R. 5

OFFERED BY: MR. OXLEY

AMENDMENT NO. 168:

SECTION 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 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.J. RES. 1

OFFERED BY: MR. FATTAH

AMENDMENT NO. 47: At the end of section 4 add the following:

''The provisions of this Article may also be waived for any fiscal year in which the United States experiences a disaster from natural causes or from causes resulting from the decay of the nation's physical, fiscal, or social infrastructure and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.''