

HOUSE OF REPRESENTATIVES—Monday, January 30, 1995

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. EWING].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
January 30, 1995.

I hereby designate the Honorable THOMAS W. EWING to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

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 leader limited to not to exceed 5 minutes.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER] for 5 minutes.

TIME TO END THE FREEBIE CULTURE

Mrs. SCHROEDER. Mr. Speaker, I come to the floor today to try and get some answers to a new policy that was announced today in the National Journal's Congressional Daily. In that daily, it says that the Speaker will now be allowing Members of Congress to sleep in their office. This is a new policy and I have a lot of questions as to what is transpiring.

We are now going through this period where we are seeing draconian cuts in all sorts of social service programs, and I find it a little interesting that at a time we are cutting out some of the poorest of the poor, we have now said that we have to extend compassion to Members of Congress because they are only making \$133,000 a year and cannot possibly afford to live in Washington, DC. At least people in my district would find that a little startling in they do not find that that is a poverty wage and are a little shocked by that discrepancy as to what is poor and what is not.

But the other thing that I keep wondering about as apparently we are en-

gaging in this new congressional slumber party, things that we do not know:

Is the House restaurant going to do room service? Are we going to rename the office buildings the House office buildings and dormitories? Does this qualify under the gift rule? Is this a gift from the Speaker to Members who use this? Will there be bed checks? Will staff be allowed to come or is this going to be income tested? Do you have to make at least as much as a Member to be this impoverished? Do we have to report this on our income tax?

Mr. Speaker, as you know, the Members in the last term decided that we would be taxed on our cars, where we park our cars, because that was the only fair thing to do and to treat ourselves like the private sector.

In the private sector, I assume that the IRS would tax us if we were given free room and board. So will the IRS tax us here? And since we are already paying taxes if we have an assigned parking place, what if we sleep in our car? Does that then come in under that? Or do we get a new IRS ruling?

I find this new announcement very confusing, and I hope that we get a clarification as to what all of this is going to entail as we start this new bunk-in-the-House program.

I also hope maybe it gets reconsidered, because I think the average American feels that if you are making what a Member of Congress makes, you can probably afford a little place around here.

Furthermore, most people are paying their staff a whole lot less and they are able to live in Washington, DC, so I do not think it quite passes the straight-faced test.

Mr. Speaker, I also am not too sure that it is the kind of image and decorum that we would like to show for this House and the respect that it has had for over 200 years. It is kind of amazing to me that for over 200 years we have gotten by without Members having to sleep in their office and, suddenly in 1995, things have gotten so tough for Members that this has to be extended.

But I think it also falls into part of the whole gift rule debate that we have been trying to have on this House floor. Suddenly we get this gift, and being able to have free housing here apparently, because the IRS has not spoken, but apparently we are going to be given this gift, but we still do not have time to deal with the gift rule as to what kind of gifts we can get from lobbyists.

Mr. Speaker, I think it is time to end the freebie culture. I think the Amer-

ican people think it is time to end the freebie culture. I think they thought it was time to end it last term when we passed it over and over again, and I hope that we could take time out to get to some of the real core issues before we see even more gifts being dispensed and more perks being dispensed to Members of Congress.

I find it amazing that a lot of people would get very upset about an ice bucket being delivered to different rooms and still not being upset about Members then converting them into an apartment.

Are people going to be able to bring families to the House? If you have your family in Washington, can you convert your office into kind of a family living quarters where they can all stay?

All of these things, I think come from this new pronouncement, and I hope that we get a clarification later in the day from the Speaker, because I find this a very, very interesting new proposal that will probably make wonderful material for new sitcoms. If I were a sitcom writer and I read this, I would think, "Wow. We've been waiting for 200 years for the Congress to do this." Can you imagine? "They eat together, they sleep together, they legislate together." But I do not think that is what I want as the image of this House, and I hope we get some more information on this very soon.

GIVE CREDIT WHERE CREDIT IS DUE

The SPEAKER pro tempore. 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, last year the Vice President of the United States, on a national news program, discussed health care reform and why the Democrats were not bothering to speak to the Republicans, and made the statement that "the Republicans didn't vote for Social Security, they didn't vote for Medicare, they're not going to vote for health care, so why should we bother talking to them?"

That refrain was picked up by the then-majority-party of the House, the Democrats, and we heard it on the floor time after time. The gentleman from California [Mr. HORN] dug up the actual facts, and he and I gave several speeches on that last year clarifying the situation, that in fact 83 percent of the House Republicans in 1935 voted for the Social Security Act, contrary to

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the statement made by the Vice President that none of them had.

Furthermore, 47 percent of Republicans voted for Medicare in 1965. And shame of all shames, more Republicans than Democrats voted for the Civil Rights Act of 1964. In fact, 81 percent of the Republicans in the House at that time voted for it, whereas only 62 percent of the Democrats did.

Mr. Speaker, why do I bring this issue up again? We disposed of it last year immediately after Congressman HORN and I made our comments. The refrain from the other side of the aisle disappeared. But last week once again it emerged as we were discussing Social Security mandates as they relate to the balanced budget amendment and the fear of some people that if we balance the budget, we will cut Social Security.

Once again the Republicans were cast in the role of having opposed Social Security when it originally passed. Comments made by the ranking member of the Committee on the Judiciary indicate that.

I would like to read just a few statements that were made in the CONGRESSIONAL RECORD last week in which the gentleman from Michigan, the ranking member of the Committee on the Judiciary, stated, "May I remind the gentleman," and he is referring to the gentleman from Illinois [Mr. HYDE], "that Social Security was a Democratic Social Security insurance policy." Furthermore, he goes on to say that it was opposed by the Republicans.

Once again, we have the same strawperson being resurrected to say that the Republicans opposed Social Security, when in fact the record clearly shows that 83 percent of the Republicans in 1935 voted for the Social Security Act.

Mr. Speaker, I hope that we do not have the old false information of last year resurrected again this year. Let us be sure that we deal with the facts. Let us give credit where credit is due.

I have a chart here which I would be happy to give to any Member of the other party who wants to review the facts, pointing out that in fact on such things as the Water Pollution Control Act of 1972, 93 percent of the Republicans voted for it. On the Clean Air Act Amendments of 1970, 99 percent of the Republicans voted for it. I have already given some of the other figures, particularly the Civil Rights Act, where more Republicans than Democrats voted for it.

I think it is clear that the Republicans are not Neanderthals as they are often characterized by Members of the other party. Let us give credit where credit is due. Let us stick with the facts. Let us stick with the actual record and recognize that we must work together to accomplish what is right and what is good for this country.

Mr. Speaker, I include for the RECORD the chart referred to in my remarks as follows:

VOTES CAST BY DEMOCRATS AND REPUBLICANS ON MAJOR PIECES OF LEGISLATION THIS CENTURY

	House Democrats supporting	House Republicans supporting	House vote
Social Security Act (1935)	196	183	372-33
Federal Highway Act (1956)	93	97	388-19
Civil Rights Act (1964)	62	81	290-130
Medicare (1965)	86	47	313-115
Clean Air Act Amendments (1970)	100	99	375-1
Water Pollution Control Act (1972)	99	93	380-14

¹ In percent.

² Source: Congressional Research Service.

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 gentleman from Michigan [Mr. BONIOR] is recognized during morning business for 5 minutes.

Mr. BONIOR. Mr. Speaker, before I begin my comments, I just want to respond to my good friend, and he is my good friend, the gentleman from Michigan [Mr. EHLERS], to say on the Social Security issue, we would not be raising it, except that the Speaker, who raised the issue, said he wants to do away with the CPI index as presently stated. If he does that and they refigure the CPI based upon what Mr. Greenspan and others have suggested, we are talking about a \$2,000 hit for Social Security recipients. There is no way around it.

I want the folks to be clear on that. If the Speaker and the gentleman from Texas [Mr. ARMEY] and the Republicans want to fool around with Social Security and the CPI index, it is going to cost seniors dollars.

Mr. Speaker, I rise today because we saw one more example of why we need an outside counsel to look into the Speaker's ethics problems. The Los Angeles Times ran a story this morning that raises disturbing new questions about GOPAC. GOPAC, of course, is a multi-million-dollar political action committee run by Mr. GINGRICH which at its very heart is part of the ethics complaint that is being filed against him.

Over the past 9 years, GOPAC has raised between \$10 million and \$20 million. Its contributors include people who have a direct interest in Federal legislation. Yet we do not know who contributed this money and we do not know how much was spent. We do not know this because GOPAC still refuses to disclose the names of its past contributors and its past expenses.

Let me just read a headline that was in the L.A. Times this morning. "Funding of Gingrich PAC Raises Questions. Key Corporate Donors Have Interests in Pending Federal Action. FEC Alleges Campaign Violations."

The L.A. Times story points out: "GOPAC" has collected contributions from wealthy individuals that far exceed annual Federal election limits."

It points out: "One Wisconsin couple gave over \$700,000 to GINGRICH's organization between 1985 and 1993, nearly twice what they could have donated directly to all Federal candidates."

Remember, Mr. Speaker, it was just last month that a top Gingrich ally when asked about GOPAC said that GOPAC was founded "as a way of getting around campaign finance disclosure laws."

We are not just talking about one or two campaigns here.

According to this morning's story in the L.A. Times, "GOPAC boasts that half of the 136 Republican lawmakers elected since 1990 actively used the group's training materials and followed its advice on how to attack Democratic opponents and use powerful issues."

It is not just who they gave to that is the problem, but why.

As the story points out, "The size of the contributions solely to GOPAC from corporate donors with important interests before the Federal Government raises questions about the prospects of preferential treatment."

When asked about GOPAC, the non-partisan director of the government watch dog group, Ellen Miller says, "GOPAC has clearly violated the spirit of laws which govern how much people can give to support politicians. The biggest concern is the fact that is all hidden."

Mr. Speaker, the American people have a right to know who is giving money to GOPAC and how it is being spent.

Clearly any person who has had dealings with GOPAC has a serious conflict of interest in this case. Yet last week we learned that 2 of the 5 members of the Committee on Ethics appointed by Mr. GINGRICH have had past dealings with GOPAC.

Mr. Speaker, this will not do. The only way that we are going to get to the bottom of this case is to have a professional, independent, nonpartisan, outside appointed counsel to come in here and investigate.

That is what this House had done in every high visible ethics case since 1979. It did it in the ABSCAM case, it did it in the Diggs case, it did it in the Hansen case, it did it in the St. Germain case, it did it in the case of the former Speaker and several others. In each case we have appointed a non-partisan outside counsel to investigate.

As Mr. GINGRICH said himself in 1988, "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. Clearly, this investigation has to meet higher standards of public accountability and integrity."

In fact, the new chair of the Committee on Ethics, the gentlewoman from

Connecticut [Mrs. JOHNSON], joined Mr. GINGRICH in his campaign for an outside counsel in 1988. The gentlewoman from Connecticut [Mrs. JOHNSON] was one of 71 Republican Members who joined Mr. GINGRICH in sending a letter to the Ethics Committee asking for an investigation of the former Speaker.

She is reported to have supported a call for a special counsel to carry out that investigation in 1988. Now she is backing away from it.

In conclusion, Mr. Speaker, let me just say, if past Ethics Committees were not fair or tough enough, why would this one be any different? The standard has been set, the precedent is there. It is time for an independent, nonpartisan outside counsel to come in and look at this issue.

GATT PROVISION REDUCES YEARS OF PATENT PROTECTION

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

Mr. ROHRBACHER. Mr. Speaker, before I get into the subject I had in mind this morning, I would like to just suggest that there has been a great double standard in this Congress for many, many years. Whenever conservative Republicans do anything, it is worthy of attack and all sorts of suspicion is being cast on whatever Republicans would do. Especially now that we are in control, we sense this double standard.

For example, NEWT GINGRICH's book deal comes under tremendous attack while the Vice President's book deal, which is not substantially different, ends up, "Well, that's just another book deal." Now we hear attacks on GOPAC, and the fact is that there are organizations around this city, environmental organizations, lawyer organizations, public employee union organizations which have the same sort of activities. But the focus has to be on GOPAC.

I would have to say there is a double standard being applied. I would just ask that when the public hears charges made by political figures, that it be taken into consideration that this is a political city and often charges are made for political reasons.

But what I have to discuss today is concerning a specific piece of legislation. Last year I vigorously opposed the GATT implementation legislation because in it was a provision that I and almost every inventor's organization in this country felt would drastically reduce the number of years of patent protection enjoyed by Americans.

This provision was not required by the GATT but was placed in the implementing legislation by powerful interests who would profit by ripping off American inventors and investors.

Read that Japanese and other multinational corporations as well as megadomestic corporations that use technology rather than create it.

Covering this legal larceny, the United States Patent Office and the administration aggressively argued that the changes proposed would not—repeat that—would not decrease patent protection. In fact, they brushed off criticism, claiming terms for most patents would be increased by this change in the law. They used the prestige of their office to lie to us and to dismiss the opposition as not worthy of serious consideration.

Well, now that GATT has been passed, a different tune is being heard. On January 16, the New York Times reported an enlightening statement made by Mike Kirk, Deputy Commissioner of the U.S. Patent and Trademark Office. Once the GATT implementation legislation goes into effect on June 8, Kirk now says that filing a patent after that day "could substantially shorten the term of patent." What? "Shorten the term of patent." This is the opposite of what Congress and the American people were being told before the GATT vote.

□ 1250

Somebody has been lying, which is known to happen when tens of billions of dollars are at stake.

These patent changes, unless corrected will mean billions of dollars in royalties that would be paid to American inventors and investors, will now stay in the bank accounts of foreign corporations. It means technology paid for and invented in the United States will in a few short years be available to our world competitors to use against us for free.

This crime against the American people can be prevented. I have introduced legislation that will restore American patent rights to the guaranteed 17-year term that was in place before passage of the GATT implementation legislation. This bill, H.R. 359 has over 108 cosponsors. These people are protectionist, free traders, pro-GATT, anti-GATT, liberals, conservatives, Democrats, and Republicans. But what ties us all together is our commitment to do what is right by the American people. H.R. 359 is on the side of the little guy versus the big guy.

We are protecting America's rights. When Americans invest something or they invest in new technology, foreign corporations should not be able to use it without paying royalties to use it to out-compete Americans.

This is the travesty that passed through GATT. It was hidden in GATT. Now we are trying to correct that with H.R. 359.

I ask my colleague in both parties to join me as cosponsors for H.R. 359 and set the law right to prevent another crime against the American people,

against American inventors and investors.

On the Senate side I am proud to announce that the majority leader, BOB DOLE, has cosponsored similar legislation which will now be known as the Dole-Rohrabacher bill.

APPOINTMENT OF OUTSIDE COUNSEL TO INVESTIGATE SPEAKER GINGRICH

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 5 minutes.

Ms. DELAURO. Mr. Speaker, the need for an outside counsel to investigate Speaker GINGRICH's financial empire grows stronger with each passing day.

Today there is an article in the Los Angeles Times which raises new questions about the Speaker's political fund raising organization, an organization known as GOPAC.

Earlier this month there were details of a secret meeting between the Speaker and Rupert Murdoch and that was leaked to the press. The meeting raised some questions because Mr. Murdoch has billions of dollars of business before the Congress, and at that same time there was a \$4.5 million book deal that was on the table.

The Speaker dismissed this meeting and its content or its import by saying that, "I never get involved in cases like this," but history in fact tells us otherwise. The Speaker has interceded on behalf of companies in the past, including writing a letter to Chief of Staff Leon Panetta asking the FDA to speed up the approval process of one of his pharmaceutical company's products. Lo and behold, the pharmaceutical company devoted \$30,000 or an amount thereabouts to the Progress in Freedom Foundation's conservative think tank organization that does in fact have ties to the Speaker.

Today's Los Angeles Times has an expose on GOPAC. It provides us with some really rather startling information. GOPAC, again a Republican fund-raising machine, has raised millions of dollars without telling us who the donors are. The amount raised, according to the Los Angeles Times, is much higher than that which is allowed by laws governing campaign fund-raising. One couple, it is reported, have given about \$715,000 over 8 years, and this was a quote from the L.A. Times, "nearly twice what they could have donated directly to all Federal candidates."

Despite claims to the contrary, GOPAC appears to be very involved in getting Republican candidates elected to the Congress. Again, according to the Los Angeles Times and I quote, "GOPAC boasts that half of the 136 elected Republicans since 1990 actively

used the group's training materials and followed its advice on how to attack Democrats."

Quoting the former GOPAC chairman, and I quote, "Of course we couldn't have captured the House without GOPAC." How can this be? We have been told, the American people have been told that GOPAC's multimillion dollar organization did not involve itself in more than 10 percent of the time in Federal election issues.

And the American people need to understand this: We have sent this complex issue to be investigated by the House Ethics Committee, where many of the Members could be recipients of help from the very group that they are in fact going to investigate.

Really never has there been a clearer case for investigation by a non-partisan, nonpartisan outside counsel. GOPAC has been too secretive with its finances. People need to know why. Why are the names of the contributors secret? Is it, as was suggested in the Los Angeles Times by the former GOPAC chair, because their donors say, and again I quote, "what if GOPAC did something wrong and I was associated with it?"

Let us open the books. Let us have an open and fair and honest review. Let us make the American public understand who are the contributors to GOPAC, what are their relationships with the U.S. Congress.

We need to have an outside counsel look at this. That is simple, very clear and open, and without any aforementioned judgment, but let us have a look at what this is all about.

RECESS

The SPEAKER pro tempore (Mr. EWING). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 57 minutes p.m.), the House stood in recess until 2 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

PRAYER

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

We remember in this our prayer, O gracious God, those who seek to serve people in their concerns and who endeavor to do Your will. We pray also for all those who are burdened by the pressures and tensions of daily living and who struggle where values are weighed and who are immersed in the complexities and priorities of justice. As people face these concerns we pray

that they will be comforted by Your presence and sustained by Your good spirit, this day and every day. 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.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Pennsylvania [Mr. MASCARA] come forward and lead the House in the Pledge of Allegiance.

Mr. MASCARA 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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S.1. An act to curb the practice of imposing unfunded Federal mandates on States and local governments, to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and for other purposes.

The message also announced that pursuant to Public Law 94-304, as amended by Public Law 99-7, the Chair, on behalf of the Vice President, appoints Mr. D'AMATO, to serve as co-chairman of the Commission on Security and Cooperation in Europe.

The message also announced that pursuant to Public Law 103-227, the Chair, on behalf of the Republican leader, appoints Mr. GREGG as a member of the National Education Goals Panel, vice Mr. COCHRAN.

The message also announced that pursuant to Senate Resolution 105, adopted April 13, 1989, as amended by Senate Resolution 280, adopted October 8, 1994, the Chair, on behalf of the minority leader, announced the following appointments and designations to the Senate Arms Control Observer Group: Mr. BYRD as minority administrative cochairman; and Mr. NUNN as cochairman for the minority.

REPUBLICAN CONTRACT WITH AMERICA

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

Mr. HAYWORTH. Mr. Speaker, our Contract With America states, on the first day of Congress, a Republican house will:

Force Congress to live under the same laws as everyone else, cut one-third of committee staff, and cut the congressional budget.

We have done that.

It goes on to state that in the first 100 days, we will vote on the following items: A balanced budget amendment—we have done this; unfunded mandates legislation; line-item veto; a new crime bill to stop violent criminals; welfare reform to encourage work, not dependence; family reinforcement to crack down on deadbeat dads and protect our children; tax cuts for families to lift government's burden from middle-income Americans; national security restoration to protect our freedoms; Senior Citizens; Equity Act to allow our seniors to work without Government penalty; Government regulation reforms; commonsense legal reform to end frivolous lawsuits; and congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

TRIBUTE TO THE WORLD CHAMPION SAN FRANCISCO 49ERS

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

Mr. MINETA. Mr. Speaker, I rise today to congratulate the World Champion San Francisco Forty-Niners on their victory in Super Bowl XXIX.

I am especially proud to say that the Forty-Niners' headquarters and practice facility is in the city of Santa Clara, in my district, and that all-pro tight end Brent Jones is a graduate of Santa Clara University.

All season, the Forty-Niners displayed a commitment to teamwork, sportsmanship, and community involvement. Yesterday, in Miami, their dedication paid off and the Forty-Niners proved that they are one of the greatest teams in NFL history.

Mr. Speaker, to Eddie DeBartolo, to Jerry Rice, to Steve Young, to George Seifert, and the rest of the Forty-Niners organization, I say "congratulations and thank you for a great season."

TRIBUTE TO CONGRESSMAN STEVE LARGENT

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

Mr. REGULA. Mr. Speaker, this past weekend one of our colleagues won yet another election; the gentleman from Oklahoma, Congressman STEVE LARGENT, received football's ultimate honor, election to the Pro Football Hall of Fame in Canton, OH, my home district.

Induction into the Hall of Fame is reserved for only the greatest ever to play the game, and STEVE won that honor in his first year of eligibility. He held six major career records at the time of his retirement. STEVE retired 5 years ago with the well-deserved reputation of playing cleanly and with integrity. As a freshman in Washington, our friend STEVE has already developed the same reputation in his new career. I congratulate him on the honor of his induction and look forward to his trip to the 16th District for induction ceremonies in July.

Mr. Speaker, I also want to honor the other four 1995 inductees: Kellen Winslow of the San Diego Chargers, Lee Roy Selmon for the Tampa Bay Buccaneers, the late Henry Jordan of the Green Bay Packers, and the late Jim Finks, general manager for Minnesota and Chicago during their treks to the Super Bowl. All are outstanding men who richly deserve this honor.

ANNOUNCEMENT ON AMENDMENTS TO LINE-ITEM VETO BILL (H.R. 2)

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

Mr. SOLOMON. Mr. Speaker, I wish to announce to House Members that the Rules Committee will meet this Wednesday to report an open rule for the consideration of H.R. 2, the Line-Item Veto Act of 1995.

The rule may include a provision giving priority in recognition to Members who have caused their amendments to be printed in the amendment section of the CONGRESSIONAL RECORD prior to their consideration—though this would not be mandatory.

Since the House is tentatively scheduled to begin consideration of the bill on Thursday of this week, Members wishing to have priority recognition may want to submit their amendments for printing in the RECORD no later than Wednesday. It is not necessary to submit your amendments to the Rules Committee or to testify.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted to an amendment in the nature of a substitute we will make in order that incorporates the changes recommended by the committees of jurisdiction. Amendments should be titled, "Submitted for printing under clause 6 of rule XXIII," signed by the Member, and submitted at the Speaker's table.

For the further convenience of Members, Mr. Speaker, I submit for printing the text of the amendment in the nature of a substitute at this point in the RECORD.

AMENDMENT IN THE NATURE OF A SUBSTITUTE

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Line Item Veto Act".

SEC. 2. LINE ITEM VETO AUTHORITY.

(a) IN GENERAL.—Notwithstanding the provisions of part B of title X of The Congressional Budget and Impoundment Control Act of 1974, and subject to the provisions of this section, the President may rescind all or part of any discretionary budget authority or veto any targeted tax benefit which is subject to the terms of this Act if the President—

(1) determines that—

(A) such rescission or veto would help reduce the Federal budget deficit;

(B) such rescission or veto will not impair any essential Government functions; and

(C) such rescission or veto will not harm the national interest; and

(2) notifies the Congress of such rescission or veto by a special message not later than ten calendar days (not including Sundays) after the date of enactment of an appropriation Act providing such budget authority or a revenue or reconciliation Act containing a targeted tax benefit.

(b) DEFICIT REDUCTION.—In each special message, the President may also propose to reduce the appropriate discretionary spending limit set forth in section 601(a)(2) of the Congressional Budget Act of 1974 by an amount that does not exceed the total amount of discretionary budget authority rescinded by that message.

(c) SEPARATE MESSAGES.—The President shall submit a separate special message for each appropriation Act and for each revenue or reconciliation Act under this paragraph.

SEC. 3. LINE ITEM VETO EFFECTIVE UNLESS DISAPPROVED.

(a)(1) Any amount of budget authority rescinded under this Act as set forth in a special message by the President shall be deemed canceled unless, during the period described in subsection (b), a rescission/receipts disapproval bill making available all of the amount rescinded is enacted into law.

(2) Any provision of law vetoed under this Act as set forth in a special message by the President shall be deemed repealed unless, during the period described in subsection (b), a rescission/receipts disapproval bill restoring that provision is enacted into law.

(b) The period referred to in subsection (a) is—

(1) a congressional review period of twenty calendar days of session, beginning on the first calendar day of session after the date of submission of the special message, during which Congress must complete action on the rescission/receipts disapproval bill and present such bill to the President for approval or disapproval;

(2) after the period provided in paragraph (1), an additional ten days (not including Sundays) during which the President may exercise his authority to sign or veto the rescission/receipts disapproval bill; and

(3) if the President vetoes the rescission/receipts disapproval bill during the period provided in paragraph (2), an additional five calendar days of session after the date of the veto.

(c) If a special message is transmitted by the President under this Act and the last ses-

sion of the Congress adjourns sine die before the expiration of the period described in subsection (b), the rescission or veto, as the case may be, shall not take effect. The message shall be deemed to have been retransmitted on the first Monday in February of the succeeding Congress and the review period referred to in subsection (b) (with respect to such message) shall run beginning after such first day.

SEC. 4. DEFINITIONS.

As used in this Act:

(1) The term "rescission/receipts disapproval bill" means a bill or joint resolution which only disapproves, in whole, rescissions of discretionary budget authority or only disapproves vetoes of targeted tax benefits in a special message transmitted by the President under this Act and—

(A) which does not have a preamble;

(B)(i) in the case of a special message regarding rescissions, the matter after the enacting clause of which is as follows: "That Congress disapproves each rescission of discretionary budget authority of the President as submitted by the President in a special message on _____", the blank space being filled in with the appropriate date and the public law to which the message relates; and

(ii) in the case of a special message regarding vetoes of targeted tax benefits, the matter after the enacting clause of which is as follows: "That Congress disapproves each veto of targeted tax benefits of the President as submitted by the President in a special message on _____", the blank space being filled in with the appropriate date and the public law to which the message relates;

(C) the title of which is as follows: "A bill disapproving the recommendations submitted by the President on _____", the blank space being filled in with the date of submission of the relevant special message and the public law to which the message relates.

(2) The term "calendar days of session" shall mean only those days on which both Houses of Congress are in session.

(3) The term "targeted tax benefit" means any provision of a revenue or reconciliation Act determined by the President to provide a Federal tax deduction, credit, exclusion, preference, or other concession to 100 or fewer beneficiaries. Any partnership, limited partnership, trust, or S corporation, and any subsidiary or affiliate of the same parent corporation, shall be deemed and counted as a single beneficiary regardless of the number of partners, limited partners, beneficiaries, shareholders, or affiliated corporate entities.

(4) The term "appropriation Act" means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations.

SEC. 5. CONGRESSIONAL CONSIDERATION OF LINE ITEM VEToes.

(a) PRESIDENTIAL SPECIAL MESSAGE.—Whenever the President rescinds any budget authority as provided in this Act or vetoes any provision of law as provided in this Act, the President shall transmit to both Houses of Congress a special message specifying—

(1) the amount of budget authority rescinded or the provision vetoed;

(2) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved;

(3) the reasons and justifications for the determination to rescind budget authority or veto any provision pursuant to this Act;

(4) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the rescission or veto; and

(5) all actions, circumstances, and considerations relating to or bearing upon the rescission or veto and the decision to effect the rescission or veto, and to the maximum extent practicable, the estimated effect of the rescission upon the objects, purposes, and programs for which the budget authority is provided.

(b) TRANSMISSION OF MESSAGES TO HOUSE AND SENATE.—

(1) Each special message transmitted under this Act shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each special message so transmitted shall be referred to the appropriate committees of the House of Representatives and the Senate. Each such message shall be printed as a document of each House.

(2) Any special message transmitted under this Act shall be printed in the first issue of the Federal Register published after such transmittal.

(c) INTRODUCTION OF RESCISSION/RECEIPTS DISAPPROVAL BILLS.—The procedures set forth in subsection (d) shall apply to any rescission/receipts disapproval bill introduced in the House of Representatives not later than the third calendar day of session beginning on the day after the date of submission of a special message by the President under section 3.

(d) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—(1) The committee of the House of Representatives to which a rescission/receipts disapproval bill is referred shall report it without amendment, and with or without recommendation, not later than the eighth calendar day of session after the date of its introduction. If the committee fails to report the bill within that period, it is in order to move that the House discharge the committee from further consideration of the bill. A motion to discharge may be made only by an individual favoring the bill (but only after the legislative day on which a Member announces to the House the Member's intention to do so). The motion is highly privileged. Debate thereon shall be limited to not more than one hour, the time to be divided in the House equally between a proponent and an opponent. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(2) After a rescission/receipts disapproval bill is reported or the committee has been discharged from further consideration, it is in order to move that the House resolve into the Committee of the Whole House on the State of the Union for consideration of the bill. All points of order against the bill and against consideration of the bill are waived. The motion is highly privileged. The previous question shall be considered as ordered on that motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. During consideration of the bill in the Committee of the Whole, the first reading of the bill shall be dispensed with. General debate shall proceed without intervening motion, shall be confined to the bill, and shall not exceed two hours equally divided and controlled by a proponent and an opponent of the bill. After general debate the Committee shall rise and report the bill to the House. The previous question shall be considered as ordered on

the bill to final passage without intervening motion. A motion to reconsider the vote on passage of the bill shall not be in order.

(3) Appeals from the decisions of the Chair relating to the application of the rules of the House of Representatives to the procedure relating to a bill described in subsection (a) shall be decided without debate.

(4) It shall not be in order to consider more than one bill described in subsection (c) or more than one motion to discharge described in paragraph (1) with respect to a particular special message.

(5) Consideration of any rescission/receipts disapproval bill under this subsection is governed by the rules of the House of Representatives except to the extent specifically provided by the provisions of this Act.

(e) CONSIDERATION IN THE SENATE.—

(1) Any rescission/receipts disapproval bill received in the Senate pursuant to the provisions of this Act.

(2) Debate in the Senate on any rescission/receipts disapproval bill and debatable motions and appeals in connection therewith, shall be limited to not more than ten hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(3) Debate in the Senate on any debatable motions or appeal in connection with such bill shall be limited to one hour, to be equally divided between, and controlled by the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from the time under their control on the passage of the bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(4) A motion to further limit debate is not debatable. A motion to recommit (except a motion to recommit with instructions to report back within a specified number of days not to exceed one, not counting any day on which the Senate is not in session) is not in order.

(f) POINTS OF ORDER.—

(1) It shall not be in order in the Senate to consider any rescission/receipts disapproval bill that relates to any matter other than the rescission of budget authority or veto of the provision of law transmitted by the President under this Act.

(2) It shall not be in order in the Senate to consider any amendment to a rescission/receipts disapproval bill.

(3) Paragraphs (1) and (2) may be waived or suspended in the Senate only by a vote of three-fifths of the members duly chosen and sworn.

SEC. 6. REPORTS OF THE GENERAL ACCOUNTING OFFICE.

Beginning on January 6, 1996, and at one-year intervals thereafter, the Comptroller General shall submit a report to each House of Congress which provides the following information:

(1) A list of each proposed Presidential rescission of discretionary budget authority and veto of a targeted tax benefit submitted through special messages for the fiscal year ending during the preceding calendar year, together with their dollar value, and an indication of whether each rescission of discretionary budget authority or veto of a targeted tax benefit was accepted or rejected by Congress.

(2) The total number of proposed Presidential rescissions of discretionary budget authority and vetoes of a targeted tax bene-

fit submitted through special messages for the fiscal year ending during the preceding calendar year, together with their total dollar value.

(3) The total number of Presidential rescissions of discretionary budget authority or vetoes of a targeted tax benefit submitted through special messages for the fiscal year ending during the preceding calendar year, together with their total dollar value.

(3) The total number of Presidential rescissions of discretionary budget authority or vetoes of a targeted tax benefit submitted through special messages for the fiscal year ending during the preceding calendar year and approved by Congress, together with their total dollar value.

(4) A list of rescissions of discretionary budget authority initiated by Congress for the fiscal year ending during the preceding calendar year, together with their dollar value, and an indication of whether each such rescission was accepted or rejected by Congress.

(5) The total number of rescissions of discretionary budget authority initiated and accepted by Congress for the fiscal year ending during the preceding calendar year, together with their total dollar value.

(6) A summary of the information provided by paragraphs (2), (3) and (5) for each of the ten fiscal years ending before the fiscal year during this calendar year.

PLEDGE TO ACCEPT NO GIFTS FROM LOBBYISTS

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

Mr. MASCARA. Mr. Speaker, I stand here today to urge my colleagues to take a pledge to accept no gifts from lobbyists and to quickly pass legislation making such a ban the law of the land. The American people are demanding that we break all ties with special interest lobbyists.

The first day of this session I voted with my Democratic colleagues to impose tough gift restrictions. Not one of my colleagues on the other side of the aisle voted for this measure. The President has asked us to voluntarily implement a gift ban. I have taken that pledge and ask my colleagues on the other side of the aisle to join with me in the gift ban pledge.

Mr. Speaker, the American people expect no less from us. Let us band together, both Democrats and Republicans, and pass the gift ban now.

THE CONTRACT WITH AMERICA BOOK

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

Mr. BALLENGER. Mr. Speaker, the one book that the Democrats are real scared of is the Contract With America. This book is No. 3 on the New York Times best seller list. It is so popular because it is the change the American people have been waiting for. It is the right thing to do, and it is what the Republicans are doing.

Mr. Speaker, I suggest that my colleagues from the other side of the aisle read this book because we are leading the change and they had better learn how to follow. This book changes Congress and the Democrats only want to change the subject.

NO MORE AID TO RUSSIA

(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, something does not make sense; Russia used to be our No. 1 enemy and now it must be our No. 1 friend because we give Russia billions of dollars every year now. Advisers come before Congress and tell us Russia has changed. They are now seeking a democratic participatory government that has compassion for human rights, and they walk around like Ronald Reagan and they make speeches like Abraham Lincoln and "Give Russia a chance."

Give me strength, Mr. Speaker, give me strength. What are we doing, giving Russia all this money, then they are using American hard-earned tax dollars to kill Russian people?

I am one Member who says, "Russia may talk. Russian leaders may talk like Thomas Jefferson, but they are acting like Josef Stalin."

I oppose any more money for Russia, especially blood money for Russia, and I think Congress should send that message over to these new freedom fighters.

AN UNFUNDED MANDATE COULD BANKRUPT AND CLOSE THE WATER TREATMENT FACILITY IN GRETNA, NE

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

Mr. CHRISTENSEN. Mr. Speaker, last year the city of Gretna, NE, a small town in my district in the eastern part of Nebraska, population a couple thousand, was ordered by the EPA to spend \$12,000 above and beyond their normal costs of \$2,000 for additional testing to determine if there were any synthetic compounds in their drinking water.

Mr. Speaker, the EPA qualifying limits for synthetic compounds were set so low that one person would have to consume hundreds of thousands of gallons of water in order to show any adverse effect.

The city of Gretna passed with flying colors, but if, by chance, one well had failed the test, the Gretna taxpayers would have faced over \$500,000 in additional costs. The entire annual operating budget for the Gretna water treatment facility is only \$100,000. To mandate unnecessary costs would have

bankrupt and closed the only water treatment facility that Gretna has.

Mr. Speaker, the EPA is a prime example of a big government gone bad. We must protect the taxpayers from these types of unfunded mandates before we break the backs of States, municipalities, and the taxpayers across this country.

INTRODUCTION OF THE WELFARE TO SELF-SUFFICIENCY ACT OF 1995

(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, today I rise to welcome the Governors of our great Nation who have come to Washington to discuss the problems that are overburdening our Government and our country. Their topic is welfare reform.

To that, Mr. Speaker, today I am introducing legislation that will give Americans a handup instead of a handout. The Welfare to Self-Sufficiency Act will end the quagmire that faces those now on welfare. No longer will men and women be trapped by a welfare system that does not reward work, promote the family, or instill personal responsibility. It will move people from dependence to independence, from a welfare check to a paycheck, and from a sense of hopelessness to one of opportunity.

Mr. Speaker, the President said the other evening that it is time to end welfare as we know it. Let us break this cycle and pass welfare reform legislation that will give every American an opportunity to become self-sufficient.

TRIBUTE TO RICHARD L. ROUDEBUSH, OUR DEPARTED COLLEAGUE

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

Mr. MYERS of Indiana. Mr. Speaker, I rise this afternoon with sorrow to announce the passing of a former Member of Congress and a good friend of many of us, Richard L. Roudebush.

Dick was a veteran of World War II. In 1953, Mr. Speaker, he was elected the State VFW Commander in the State of Indiana. In 1957 he served as National Commander in the Veterans of Foreign Wars. In 1961, he was elected to Congress where he served for 10 years.

Mr. Speaker, here he was known affectionately as "Mayor of the Cloakroom" because of his humor, good sense and friendliness. He sat often back in the corner here with about four or five other associates and always was a person who had something nice to say about everyone else here. While he served in the House, he can be remembered as a friend of the veterans. He also was a farmer himself, so he fought

for farmers' legislation. In the House he was one of the sponsors of legislation to establish June 14 as Flag Day, to be recognized as a national holiday. He also fought for many things for the veterans and for patriotism.

He served until 1971 in the House, and since that time he served, as in 1977 he was elected and selected to serve, as Administrator of the Veterans Administration where he served for 3 years.

He will be missed by many of us. He was a great friend. We will miss Dick Roudebush.

SLUMBER PARTIES IN THE HOUSE

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

Mrs. SCHROEDER. Mr. Speaker, our new Speaker GINGRICH certainly is not short of compassion.

My colleagues, when I got up this morning and read today's Congress Daily, I was absolutely amazed because, as of today, the House office buildings become the House boarding and office buildings. Yes, Members of Congress can have sleepovers in their office. Now I do not know if the House restaurant is going to be extending room service, or whether the IRS is going to tax us for this, or maybe we have to sleep in our cars, because we have been taxed on that. All these questions have not been answered, and we do not know if we can bring our families, and whether there will be hall monitors for all of that.

But the Speaker says he feels so very sorry that Members cannot live in Washington on \$133,000 a year, so he extended this privilege for the first time in over 200 years of the House's existence.

So here we go. I guess we can have a slumber party every night. It certainly is a new House.

CAMPAIGN REFORM

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

Mr. GOSS. Mr. Speaker, today I am introducing a bill which would accomplish real campaign reform. It addresses the true problems with the current system without costly, artificial, and probably unconstitutional provisions like spending limits or public financing. For example, to address the free mailing advantage incumbents enjoy, my bill would cut the franking allowance in half and ban all unsolicited mail 60 days before a primary and general election. Also, in order to get rid of the perceived edge that PAC's have over individual contributors, my bill would limit PAC campaign contributions to \$1,000. The President challenged Members to stop taking gifts from lobbyists—my bill would prohibit

lobbyist-paid travel for any Member or employee of the House of Representatives. Congress needs campaign reform—but we don't need to reinvent the wheel to achieve it. By applying a little common sense, we can do it. I urge my colleagues to look at my bill.

WHAT EVER HAPPENED TO OUR GIFT BAN?

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

Mr. WATT of North Carolina. Mr. Speaker, what ever happened to our gift ban? Last year the House voted two separate times to stop lobbyists from paying for Members' meals, entertainment and other "gimmees," but the Republicans in the other body stopped the gift ban in its tracks. On the first day of this Congress, Mr. Speaker, House Democrats moved to impose tough gift restrictions and royalty limits, but the effort failed with not a single Republican in support. In the meantime, the image of our Members continues to be battered by book deals and other appearances of impropriety.

If we are looking for respect, let us pass the gift ban. Mr. Speaker, give our image a break. Let us pass a gift ban.

□ 1420

SPECIAL ORDERS

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

IKE SKELTON, 1995 MINUTEMAN OF THE YEAR

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

Mr. MONTGOMERY. Mr. Speaker, our colleague, IKE SKELTON, is the recipient of the 1995 Minuteman of the Year Award from the Reserve Officers Association. He was honored this past week at the ROA's midwinter meeting in Washington.

I want to share with my colleagues the speech IKE made in accepting this deserving award.

COMMENTS OF REPRESENTATIVE IKE SKELTON

There are magic, memorable moments within one's life, and being here with you this evening is truly one of them. I have neither the mastery of words nor the eloquence of diction to express my gratitude on receiving this honor. It is a particular thrill to join the ranks of colleagues such as Greg Laughlin, Daniel Inouye, Jack Murtha, Sam Nunn, Sonny Montgomery, Strom Thurmond, and others who have received this award.

Through the years, I have had many friends among the Reserves, particularly

those from Missouri, such as Capt. Mike Nolan. I feel a close kinship to those present.

I am indeed proud of the Reserve forces of our country. From the battle at Lexington, MA in 1775 to the Persian Gulf in 1991, where Bronze Star recipient Jim Ahrens from Lexington, MO served with distinction, reservists have been prepared and ready to heed our country's call to arms.

As we speak, there are over 13,000 American reservists serving in 34 countries, including 800 in Operation Uphold Democracy in Haiti; over 600 with Operation Deny Flight in Bosnia; and over 1,500 reservists supporting counter-drug operations along our borders.

This past November, two of my colleagues—Chet Edwards and Jim Chapman of Texas—and I visited NATO headquarters in Brussels, where we were told by Brig. Gen. John Dalleger, "If we didn't have the Guard and Reserve 'to spell us', we couldn't do our mission over the long haul." At the Aviano Air Base in Italy, whose mission is Operation Deny Flight, Col. Dick Brenner said, "We fly about 600 sorties a month. And Reserve air units are completely integral to our flight operations. They are darn good pilots, and I am proud to fly with them." In Zagreb, Croatia, where the U.S. Navy operates the field hospital, Col. Jack Fitzgerald of the UNPROFOR forces told us, "We operate a hospital for the United Nations protection force. Reservists contribute special skills we need to support the operation. They come from everywhere in the United States—Virginia, Missouri, Texas—everywhere." And it was an Army Reserve helicopter unit placing huge boulders along the Missouri River which successfully kept that river from cutting a new channel during the flood of 1993. In short, the Reserve forces of our country live up to the finest traditions of the words, "citizen soldiers."

Unfortunately, those who wear the uniform are not always appreciated. Historically, the gratitude of the public does not always extend to those whose duty it is to defend them. This is reflected by the words from Rudyard Kipling's 1890 poem "Tommy:" Then it's Tommy this, an' Tommy that, and "Tommy, 'ow's yer soul?"

But it's "Thin red line of 'eroes" when the drums begin to roll—

But appreciation or not, I know full well those who wear the American uniform will always do their duty.

Congressmen Edwards and Chapman and I also visited the Flanders Field American Cemetery in Waregem, Belgium. The village mayor came out to thank us for the American efforts on behalf of his country in two World Wars. We laid a wreath in memory of those 368 Americans who were killed in World War I. All of the men buried in that cemetery were soldiers of three National Guard divisions and one Army Reserve division. Citizen soldiers all. Four were from Missouri, and sadly, the crosses note that seven were killed in combat on November 11, 1918, just hours before the armistice.

During the wreath laying ceremony, a member of the cemetery staff read the poem that came out of that war, titled "In Flanders Fields." In the poem is the phrase "to you from falling hands we throw the torch, be yours to hold it high." The author, prophetically, was killed in battle later in the war, and through the poem spoke to succeeding generations of those who value freedom.

The memory of our visit to that American cemetery in Flanders shall long remain with me.

This is a dangerous world in which we live. The long twilight struggle, the bitter contest

against Communist expansion, has come to an end. With the fall of the Berlin Wall, and the implosion of the Soviet Union, a certain euphoria swept across our land, only to be replaced with the reality of Saddam Hussein and others whose values and designs are not the same as ours.

Few realize that during 1994, this country came close to armed conflict three times—in North Korea, Haiti, and Kuwait. The first two were diffused by the diplomacy of former President Jimmy Carter, and one was blocked by American forces being rushed to the Middle East once again. Conflicts and threats rage throughout the globe, and those involving our vital interests are of concern not only to those who wear American uniforms, but to every citizen of the United States.

Our country, historically, has made the mistake of disarming after every major conflict. This fact was decried by an Army major in 1923, when he noted "The regular cycle in the doing and undoing of measures for the national defense." He added, "We start in the making of adequate provisions and then turn abruptly in the opposite direction and abolish what has just been done." Maj. George C. Marshall's words are as applicable to today's military downsizing as they were 72 years ago.

We should not allow the post-cold-war era to be one where we slash our national security as we have done heretofore in our history. We should learn from the past, and heed the warning of General Marshall.

The protection of freedom and American vital interests is no small thing. A ready and able military is our national defense insurance policy. In time of conflict, it allows us to be successful. It gives strength to our international diplomacy. In other times, it prevents the clash of arms. Every American should understand these basic truths regarding national security.

In 1935, Winston Churchill warned his countrymen that, "wars come very suddenly." This warning is worth keeping in mind in 1995. In other words, the ordeal of the 20th century is not over.

In 1939, we were surprised by the signing of the non-aggression pact between the Soviet Union and Nazi Germany. The consequences were horrific.

In 1941, we were surprised by the attack of the Empire of Japan on United States naval forces at Pearl Harbor.

In 1946, we were surprised by the Iron Curtain and the cold war.

In 1950, we were surprised by the attack of North Korea against the South.

In 1961, we were surprised when the Berlin Wall went up.

In 1962, we were surprised when Khrushchev put missiles in Cuba.

In 1968, we were surprised by the Tet offensive by the North Vietnamese.

In 1979, we were surprised by the fall of the Shah of Iran.

In 1980, we were surprised by the attack of Iraq against Iran.

In 1990, we were surprised by the attack and occupation of Kuwait by Iraq.

And just last fall, we were surprised by the sudden movement of Iraq forces toward Kuwait.

Truly, this is an uncertain world. Unpredictable, like the patterns we see in the turning of a child's kaleidoscope. There are those in this audience who will once again hear the rattle of musketry, the crash of artillery, the roar of the jet engine, and the klaxon call to battle stations. No one seeks this, but until mankind finds a better way to

solve disputes and conflicts, this prediction will come to pass.

The late President Harry Truman, who, coincidentally had both Army National Guard and Reserve careers, had a sign on his desk that stated, "the buck stops here." The Constitution states, without any further explanation, that the President is the Commander in Chief of our military forces. By contrast, that document sets forth in detail in article one, section eight the duties of the Congress, as representatives of the American people, to raise and maintain the military, and set the regulations that govern it.

Thus, the same could be said of Congress regarding our national security duties, "the buck stops here." It is the job of the Congress to make sure that the Nation's insurance policy is paid in full and that we have an adequate, fully trained properly educated, well-equipped, and highly motivated military.

This Congress should heed the necessity to fully fund the Bottom-Up Review, which is designed to successfully fight two major regional conflicts nearly simultaneously; to maintain a high level of readiness; to give adequate pay raises to uniformed personnel; to allow our forces to have the quality of life they so well deserve; and to have continued modernization of equipment and weapons systems.

I say to you, Members of this distinguished organization: Your visits to Capitol Hill, and communications with Members of Congress, are extremely important. Never underestimate the impact of your presence as Congress debates our national defense policy. When the history of this new post-cold-war era is written, I hope the history books will say that the Americans in uniform stood tall and had the strong support of the Congress of the United States.

Let me share with you a magic, memorable moment from yesteryear. I remember it so clearly. I was 9 years of age, attending the fifth grade at Central School in Lexington. My father, a veteran of the First World War, trial lawyer, and well-known orator in Lafayette County, was invited to speak at the Armistice Day ceremonies at the Odessa High School, just a few miles from Lexington. That was November 11, 1941. He took me from my class and we drove to the Odessa High School, where I sat in the back of the student body, listening and watching the Armistice Day program. On the stage, students portraying soldiers were dressed in World War uniforms, and the beating of a bass drum simulated artillery fire.

Then my father gave his speech. He told of the freedoms of America, and how those in uniform had defended our country through the years. He also stated that there were those in that audience who might well have to defend our freedoms once again. How prophetic he was, for less than a month later, the Japanese attacked Pearl Harbor, and our Nation was engulfed in what became known as World War II. Two young men from that Odessa graduating class of May, 1942 were killed in action.

My father concluded his speech to the student body by reciting—

"In Flanders Fields the poppies blow
Between the crosses, row on row,
That mark our place; and in the sky
The larks, still bravely singing, fly
Scarce heard amid the guns below.

"We are the dead. Short days ago
We lived, felt dawn, saw sunset glow,
Loved and were loved, and now we lie,
In Flanders Fields.

"Take up our quarrel with the foe:

To you from failing hands we throw
The torch; be yours to hold it high.
If ye break faith with us who die
We shall not sleep, though poppies grow
In Flanders Fields."

Let those inscriptions on the crosses of Flanders Field be more than forgotten names. Let those men be remembered for their patriotism, courage, and dedication. Let those citizen soldiers who lie there ever cause us to remember that we, in our day and time, have the duty to hold high the touch of freedom in this dangerous and unstable world.

Thank you, and God bless you.

MEMORANDUM OF UNDERSTANDING

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

Mr. SHUSTER. Mr. Speaker, I submit for Members attention the following letter from myself and the chairman of the Committee on National Security, Mr. SPENCE, regarding jurisdiction.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,

Washington, DC, January 4, 1995

Hon. NEWT GINGRICH,
Speaker, House of Representatives, Washington,
DC.

DEAR MR. SPEAKER: As Chairmen of the Committee on Transportation and Infrastructure and the Committee on National Security, we wanted to advise you of our mutual agreement concerning the division of jurisdiction over the merchant marine due to the dissolution of the Committee on Merchant Marine and Fisheries. Rule X, clause 1(k) of the Rules of the House for the 104th Congress provides jurisdiction to the Committee on National Security over:

"(7) National security aspects of merchant marine, including financial assistance for the construction and operation of vessels, the maintenance of the U.S. shipbuilding and ship repair industrial base, cabotage, cargo preference, and merchant marine officers and seamen as these matters relate to the national security."

The new Rule X, clause 1(q) provides the Committee on Transportation and Infrastructure with jurisdiction over:

"(12) Measures relating to merchant marine, except for national security aspects of merchant marine."

This split in jurisdiction in what was previously entirely within the Committee on Merchant Marine and Fisheries is based on the fact that, while various aspects of the merchant marine and related activities are transportation matters that are handled in the executive branch by the Department of Transportation, certain aspects are so closely tied to national security that primary jurisdiction should be within the Committee on National Security. For example, the maintenance and control of the National Defense Reserve Fleet and the Ready Reserve Fleet would be within the jurisdiction of the Committee on National Security.

However, it may not be clear in all cases to which of the two Committees a particular bill should be referred. In general, matters relating to merchant marine activities will be referred to the National Security Committee if the national security aspects of the matter predominate over transportation and other merchant marine aspects.

While present programs of the Maritime Administration have both national security and transportation implications, we agree that primary jurisdiction over the annual authorization for the Maritime Administration would be in the Committee on National Security. Primary jurisdiction over the annual authorization for the Federal Maritime Commission would be in the Committee on Transportation and Infrastructure.

Shipbuilding is a subject that has a particularly strong connection with national security because of the implications for our defense industrial base. We agree that the National Shipbuilding Initiative, including the loan guarantee program under Title XI, would be within the primary jurisdiction of the Committee on National Security. In addition, the Congress likely will be requested to approve legislation to implement an international agreement to eliminate shipbuilding subsidies worldwide. While this is generally a laudable goal, the contents of this agreement must be examined in the context of its long-term effect on the shipbuilding industrial base. Of particular concern is the question of whether U.S.-based shipyards are disadvantaged by this agreement to the point that a transition from naval construction to commercial construction is impossible. We agree that, as between the Committees on National Security and Transportation and Infrastructure, primary jurisdiction over implementing legislation for this agreement should reside with the Committee on National Security.

Jurisdiction over the State and Federal Maritime Training Academies is granted in the rule specifically to the Committee on National Security. With respect to the provision in Rule X, clause 1(k)(9) concerning merchant marine officers and seamen, it is understood that measures whose predominant purpose is the maintenance of a well trained merchant mariner manpower pool capable of meeting sustainment and surge sealift requirements will be within the jurisdiction of the Committee on National Security. Shortages of qualified U.S. mariners to serve during the mobilization for Desert Storm highlighted the need to consider these problems from a national security standpoint.

Jurisdiction over the Coast Guard is provided to the Committee on Transportation and Infrastructure by Rule X, clause 1(q)(1). This confers upon the Transportation and Infrastructure Committee authority over all matters handled by the Coast Guard that were previously within the jurisdiction of the Merchant Marine and Fisheries Committee.

This letter may not address all merchant marine issues that will come before you. We will continue to work with you toward resolution of other issues as they arise.

Finally, it is understood that this agreement does not in any way alter or limit the jurisdiction of the Committee on Transportation and Infrastructure or of the Committee on National Security over matters discussed herein which were properly within the respective Committees' jurisdiction prior to the dissolution of the Committee on Merchant Marine and Fisheries.

Sincerely,

FLOYD D. SPENCE,
Chairman, Committee
on National Security.

BUD SHUSTER,
Chairman, Committee
on Transportation
and Infrastructure.

GOPAC AND ITS ROLE IN THE CAMPAIGN TO END THE FOOD AND DRUG ADMINISTRATION

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

Mr. DURBIN. Mr. Speaker, I thank the Chair for recognizing me for 1 hour under the special order of business of the House of Representatives.

Mr. Speaker, in 1984 our Speaker published a book entitled "Window of Opportunity." I would like to quote from Speaker GINGRICH's book in reference to political action committees, as follows:

As a citizen you need to keep track of your elected officials' promises and their actual behavior. I strongly favor PAC's because they tie candidates' promises to their performances by keeping records more effectively than do individuals. By linking their contributions to performance in areas of interest to the contributors, the PAC system encourages more people to be involved because it makes their contributions and their endorsement more effective.

Let me quote again from Speaker GINGRICH's book of 1984: "This proliferation of open publicly registered and publicly monitored support is in the best tradition of participatory democracy."

That observation is especially timely in light of two publications this weekend. On Sunday, in the Denver Post, there was a question raised about the Speaker's personal PAC, GOPAC, and links with the cable television industry.

Today in the Los Angeles Times is another article raising a question about the same PAC, GOPAC, which is Speaker GINGRICH's PAC, and why they have refused, those who are running the PAC and the Speaker, to make a full disclosure of all the contributors to the PAC. Some of the contributors to the \$7 million political action committee have been disclosed. For example, one Wisconsin couple, Terry and Mary Kohler, of Sheboygan, WI, have been disclosed as having contributed \$715,000 to Speaker GINGRICH's political action committee between 1985 and 1993. That is nearly twice the amount that they could have legally donated directly to all Federal candidates.

This \$7 million political action committee which the Speaker has not disclosed in detail also includes executives and lobbyists for seven companies regulated by the Food and Drug Administration. These executives, the seven that are named in the Los Angeles Times article, are among, in their words, "GOPAC's heavy hitters."

So, Mr. Speaker, we have an unusual situation here where the Speaker of the House in 1984 had called for public monitoring and public registration of those who were involved in political action committees and then, beginning

a year later, with the creation of GOPAC, the GOP Action Committee, there has been a refusal of that same Speaker to make this information known to the public.

Those who are listening might ask a very basic question. So what? What difference does it make? Why should the Speaker have to disclose the names of his contributors to this \$7 million political action committee and the expenses and disbursements that were made by that political action committee?

I think it gets back to a point the Speaker made in his book. This is a way to make sure that there is accountability and, in his words, "in the best tradition of participatory democracy."

Those who have been following the news lately know that the Speaker has not been unsparing in his criticism of the Food and Drug Administration. I have some familiarity with this agency. It is one which is funded by the subcommittee of the Committee on Appropriations which I chaired over the last 2 years. By Federal standards it is a pretty small agency. We appropriate about \$1 billion a year to the Food and Drug Administration and give them an awesome responsibility. We say to this small agency, "Make sure as best as humanly possible that every drug, every medical device, and many of the foods that come into the households of American families are not only safe to be used but in fact can be used for their stated purpose effectively."

That is a big task, and when you consider the giants of American industry that watch closely over this small agency, it is no wonder that from time to time they come under criticism. In fact, in years gone by much of that criticism has been warranted. The agency fell behind in drug approvals, in medical-device approvals, and in other areas of responsibility. I am happy to report, though, that over the last several years, under the leadership of Dr. Kessler, who is the only holdover from the Bush administration serving under President Clinton as the head of the Food and Drug Administration as well, remarkable progress has been made in the Food and Drug Administration. In fact, they have come up with a much more expedited schedule for the approval of drugs and medical devices, something which every American and every American family wants to see.

But despite this, some of the critics of the Food and Drug Administration are running advertisements now suggesting that we should turn out the lights and close the door on the Food and Drug Administration. They have suggested that it has too much power. In the words of one of their critics, they have been characterized as "thugs."

Stepping aside from this type of lurid rhetoric and looking at the fact, I

think that it is critically important that the Food and Drug Administration maintain its independence, not only for its credibility within its own industry but for its credibility in helping American industry. Let me give two specific examples of what I am talking about.

Most Americans can recall that not too long ago we had a scare when people discovered hypodermic syringes in the cans of Diet Pepsi. That was a little over a year ago. As a result of that scare, a couple of these syringes popped up across the United States and people were genuinely concerned about this product and its safety. As a result of that scare, Pepsi Cola stock plummeted in value because of the concern as to whether this scare might have some impact on their sales. In step, the Food and Drug Administration conducted a quick and thorough investigation, reported to the American people that it was a hoax that was being copycatted by others around the country, and within a very short period of time this scare was gone. Pepsi Cola stock started to rebound. People were buying the product without concern for its safety. Why? Because of the credibility of this independent Federal agency, an agency which is not beholden to anyone in industry but is only beholden to taxpayers and consumers.

Let me give a second example. In my part of the world, in the Midwestern United States, there is a distributor of frozen-food products known as Schwan Foods. This is an unusual operation to most other parts of the country because they usually drive refrigerated trucks around the Midwest and sell frozen foods door to door to their loyal subscribers. They sell everything from ice cream to frozen meats and all sorts of other frozen foods for homemakers in my part of the world.

A few months ago there was a scare over some of the ice cream which they sold which appeared contaminated. It hit all the newspapers. There was a genuine fear that Schwan's as a company would not be able to survive because of this disclosure. In came the Food and Drug Administration. They conducted an investigation of their operation. They found what they considered to be the cause of the problem and suggested to the Schwan food company what they could do to ameliorate the situation and to allay any fears of consumers. Their trucks are still on the road today. Schwan's is still doing business. It appears now the Food and Drug Administration has come in and added credibility to the situation and helped this company get back on its feet.

Despite these examples, we still have people calling for an end to the Food and Drug Administration. Some of them will be companies, which, quite frankly, do not like to see this type of

Government regulation, a regulation which requires that their advertising of their products be truthful, that what they say the products will do they can actually do, that they do not overstate their case, and that in fact doctors can prescribe a drug knowing that it is safe.

The Speaker has led the criticism, along with some very conservative groups, of the Food and Drug Administration and suggested at one point that we should even privatize the Food and Drug Administration. I think this is a valid policy debate which should take place. I for one oppose the idea of privatization of the Food and Drug Administration. I think as an independent Government agency they are doing a good job. They can certainly improve on it. All of us can improve on our performance. But I would hate to see an agency as important as the Food and Drug Administration go by the wayside.

The relevance of the FDA issue to the GOPAC issue is brought in clear focus by this Los Angeles Times piece. Why would the executives or lobbyists for seven companies regulated by FDA be major donors to the Speaker's political action committee and then the Speaker take the position that the Food and Drug Administration should be disbanded?

□ 1430

This is a legitimate inquiry. It could be the Speaker has good reason, and he can make that case known to the American people in detail. But at least now there is a suggestion that there may be a link between this political action committee and the political position taken by the Speaker.

I started in politics working for a fellow by the name of Paul Douglas, who was a Senator from Illinois who served between 1948 and 1966. He was my mentor and inspiration when it came to the question of ethics. I may serve in this body the remainder of this term and maybe longer. I will certainly never reach his level of ethical standards. He set one that very few people will ever be able to reach. But he was very, very mindful of the need to make full disclosure.

He used to say, "Sunshine is the best antiseptic. Put it all on the table." My friend, Senator PAUL SIMON from Illinois and I took him to heart. We make public disclosure each year far beyond the requirements of the Federal law. It does not guarantee that a public servant will be honest, but at least it shows we are prepared to open our books.

I think that is the best thing now for the Speaker to consider when it comes to GOPAC. Open the books. Let us see what is in there. Let us get it behind us. Let us make full disclosure, so any future debate over the Food and Drug Administration or any other agency is not tainted by the question of whether

contributions to the \$7 million political action committee had anything to do with the Republican agenda.

This is part of what I consider openness in Government. We have heard a lot said over the last 3 weeks about a new standard of openness coming from the Republican leadership in the House of Representatives. Let me say at the outset, and probably to the surprise of the Speaker and others, that I salute the Republicans for many of the changes they have made in this Institution. On the opening day of the session I voted for most of them, and I feel they were steps in the right direction, ending proxy voting, making committee hearings open to the public, something I had done in my own subcommittee for the last 2 years. I think that instills new confidence in what we are about here.

This House of Representatives, this Institution, needs to have more approval from the voters across America. Certainly openness in disclosure is a good step in that process. I think the same is true for political action committees. I think the same is certainly true for the Speaker's GOP action committee, GOPAC. Full disclosure will help to restore confidence not only in the Speaker's activities, but in this institution. What the Los Angeles Times said in its article today, what the Denver Post raised in its article yesterday, certainly leave a lot of people questioning what the agenda is from the Republican side and how it has been influenced.

We have a long way to go. I think disclosure as the Speaker called for in his 1984 book is a step in the right direction.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 5 p.m. today.

Accordingly (at 2 o'clock and 33 minutes p.m.) the House stood in recess until 5 p.m.

□ 1704

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. EHLERS) at 5 o'clock and 4 minutes p.m.

MESSAGES FROM THE PRESIDENT

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

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.

□ 1705

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 Friday, January 27, 1995, the amendment offered by the gentleman from Pennsylvania [Mr. MASCARA] had been disposed of, and section 4 was open for amendment at any point.

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

Mr. Chairman, we are about to start our fifth day of dealing with H.R. 5, the unfunded mandates legislation. By my calculations we have spent, thus far, about 15 hours, almost 16 hours, on amendments, 16 amendments to H.R. 5, and we are still on section 4. So we are averaging almost 60 minutes per amendment. Many of these are duplicative or very similar in nature.

Mr. Chairman, I am totally supportive of the open rule process which we have been operating under, but I think at this hour, at this point in time, if we continue with the 130 or so amendments that are still pending, we are talking about maybe 150 hours of deliberation to complete debate on all these amendments.

I think that most Members on both sides of the aisle are eager to get to consider some of the other issues that are in debate, or in controversy, on this legislation other than the exemption issue. So at this point, Mr. Chairman, I ask unanimous consent that debate on each amendment, and all amendments thereto, to section 4 and to titles I, II, and III be limited to 2 hours per title.

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

Mrs. COLLINS of Illinois. Reserving the right to object, Mr. Chairman, first of all we are told we are going to have an open rule, and we are trying to get through the amendments that we have here. I think we have done so rather expeditiously, if my colleagues will agree.

Mr. Chairman, I certainly appreciate the fact that the other side of the aisle

has been more than cordial and has not tried to throw up any roadblocks to that, and I hope they will not try to do that sort of thing right now.

I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. CLINGER. At this point, Mr. Chairman, I would then ask unanimous consent that debate on amendments to section 4, and this is the exemption section, be limited to 20 minutes, with the time to be equally divided on each amendment.

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

Mrs. COLLINS of Illinois. Reserving the right to object, Mr. Chairman, it seems to me that we are being offered a gag rule.

All we are asking for is a chance to explain our amendments and talk about them in depth. We did not have the opportunity when we were in committee, and I think now is the only time. As a matter of fact, when we tried to offer our amendments in committee, we were told to bring them to the floor. Now, that is what we are doing.

What do they want us to do; not bring them to the floor?

I object, Mr. Chairman.

Mr. CLINGER. Mr. Chairman, if the gentlewoman will yield, I am not saying that the amendments could not be brought to the floor and debated. I am just trying to get some, perhaps, limitation on debate time.

Mr. Chairman, in view of the fact that neither of my unanimous-consent requests was agreed to, I now move that debate on each amendment to section 4, and any amendment thereto, be limited to 10 minutes.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] moves that on all amendments to section 4, all debate thereto be limited to 10 minutes on either side.

□ 1710

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state it.

Mr. DINGELL. Mr. Chairman, is this motion subject to debate?

The CHAIRMAN. No, it is not.

The question is on the motion offered by the gentleman from Pennsylvania [Mr. CLINGER].

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

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

Mr. CHAIRMAN. Evidently a quorum is not present.

Pursuant to the provisions of clause 2, rule XXIII, the Chair announced that he will reduce to a minimum of 5 min-

utes 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 following Members responded to their names:

[Roll No. 56]

Abercrombie	Davis	Hayes
Ackerman	de la Garza	Hayworth
Allard	Deal	Hefley
Andrews	DeFazio	Heineman
Archer	DeLauro	Herger
Armey	DeLay	Hilliary
Bachus	Dellums	Hilliard
Baesler	Deutsch	Hinchey
Baker (CA)	Diaz-Balart	Hobson
Baker (LA)	Dickey	Hoekstra
Baldraci	Dicks	Hoke
Ballenger	Dingell	Holden
Barcia	Dixon	Horn
Barr	Doggett	Hostettler
Barrett (NE)	Doolittle	Houghton
Barrett (WI)	Dornan	Hoyer
Bartlett	Doyle	Hunter
Barton	Dreier	Hutchinson
Bateman	Duncan	Hyde
Becerra	Dunn	Inglis
Bellenson	Durbin	Istook
Bentsen	Edwards	Jackson-Lee
Bereuter	Ehlers	Jacobs
Berman	Ehrlich	Johnson (CT)
Bevill	Emerson	Johnson (SD)
Bilbray	Engel	Johnson, E. B.
Bilirakis	English	Johnson, Sam
Bishop	Ensign	Johnston
Bliley	Eshoo	Jones
Blute	Evans	Kanjorski
Boehkert	Everett	Kaptur
Boehner	Ewing	Kasich
Bonilla	Farr	Kelly
Bonior	Fattah	Kennedy (MA)
Bono	Fawell	Kennedy (RI)
Borski	Fazio	Kennelly
Brewster	Fields (LA)	Kildee
Browder	Fields (TX)	Kim
Brown (FL)	Filner	King
Brown (OH)	Flake	Kingston
Brownback	Flanagan	Klecza
Bryant (TN)	Foglietta	Klink
Bryant (TX)	Foley	Klug
Bunn	Forbes	Knollenberg
Bunning	Ford	Kolbe
Burr	Fowler	LaFalce
Burton	Fox	LaHood
Buyer	Franks (CT)	Lantos
Callahan	Franks (NJ)	Largent
Calvert	Frelinghuysen	Latham
Camp	Frisa	LaTourette
Canady	Frost	Laughlin
Cardin	Funderburk	Lazio
Castle	Furse	Leach
Chabot	Gallely	Levin
Chambliss	Ganske	Lewis (CA)
Chenoweth	Gedjenson	Lewis (GA)
Christensen	Gekas	Lewis (KY)
Chrysler	Gephardt	Lightfoot
Clay	Geren	Lincoln
Clayton	Gibbons	Linder
Clement	Gilchrest	Lipinski
Clinger	Gillmor	Livingston
Clyburn	Gilman	LoBlondo
Coble	Gonzalez	Loigren
Coburn	Goodlatte	Longley
Coleman	Goodling	Lowe
Collins (GA)	Gordon	Lucas
Collins (IL)	Goss	Luther
Collins (MI)	Graham	Maloney
Combest	Green	Manton
Conyers	Greenwood	Manzullo
Cooley	Gunderson	Markey
Costello	Gutierrez	Martinez
Cox	Gutknecht	Martini
Coyne	Hall (OH)	Mascara
Cramer	Hall (TX)	Matsui
Crane	Hamilton	McCarthy
Crapo	Hancock	McCollum
Creameans	Hansen	McCrery
Cubin	Harman	McDade
Cunningham	Hastings (FL)	McDermott
Danner	Hastings (WA)	McHale

McHugh	Portman	Stearns
McInnis	Poshard	Stenholm
McIntosh	Pryce	Stokes
McKeon	Quillen	Studds
McKinney	Quinn	Stump
McNulty	Radanovich	Stupak
Meehan	Rahall	Talent
Meek	Ramstad	Tanner
Menendez	Rangel	Tate
Metcalfe	Reed	Tauzin
Meyers	Regula	Taylor (MS)
Mfume	Reynolds	Tejeda
Mica	Richardson	Thomas
Miller (FL)	Rivers	Thompson
Mineta	Roberts	Thornberry
Minge	Roemer	Thornton
Mink	Rohrabacher	Thurman
Moakley	Ros-Lehtinen	Tiahrt
Molinari	Rose	Torkildsen
Montgomery	Roth	Torricelli
Moorhead	Roukema	Towns
Moran	Roybal-Allard	Trafcant
Morella	Royce	Upton
Murtha	Sabo	Velazquez
Myers	Salmon	Vento
Myrick	Sanford	Visclosky
Nadler	Sawyer	Volkmer
Nethercutt	Saxton	Vucanovich
Neumann	Scarborough	Waldholtz
Ney	Schaefer	Walker
Norwood	Schiff	Walsh
Nussle	Schroeder	Wamp
Oberstar	Schumer	Ward
Obey	Scott	Watt (NC)
Oliver	Sensenbrenner	Watts (OK)
Ortiz	Serrano	Waxman
Orton	Shadegg	Weldon (FL)
Owens	Shaw	Weller
Oxley	Shays	White
Packard	Shuster	Whitfield
Pallone	Siskis	Wicker
Parker	Skaggs	Wilson
Pastor	Skeen	Wise
Paxon	Skelton	Wolf
Payne (VA)	Slaughter	Wyden
Pelosi	Smith (MI)	Wynn
Peterson (FL)	Smith (NJ)	Yates
Peterson (MN)	Smith (TX)	Young (AK)
Petri	Smith (WA)	Young (FL)
Pickett	Solomon	Zeliff
Pombo	Souder	Zimmer
Pomeroy	Spence	
Porter	Spratt	

□ 1728

The CHAIRMAN (Mr. EMERSON). Four hundred and six 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 Pennsylvania [Mr. CLINGER] for a recorded vote.

The question before the Committee is the demand of the gentleman from Pennsylvania [Mr. CLINGER] to limit debate on all amendments to section 4 to 10 minutes, and all amendments thereto within that time limitation.

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentlewoman will state her parliamentary inquiry.

Mrs. COLLINS of Illinois. Mr. Chairman, it was my understanding that the motion was to limit debate on each amendment to section 4 to 5 minutes on each side.

The CHAIRMAN. And all amendments thereto.

Mrs. COLLINS of Illinois. Is that correct, Mr. Chairman, all amendments thereto in section 4 only, only in section 4?

The CHAIRMAN. Yes.
Mrs. COLLINS of Illinois. I thank the Chair.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 233, noes 181, not voting 20, as follows:

[Roll No. 57]

AYES—233

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

NOES—181

Abercrombie	Andrews	Baldacci
Ackerman	Baesler	Barcia

Barrett (WI)	Gonzalez	Oliver
Becerra	Gordon	Orton
Bellenson	Green	Owens
Bentsen	Gutierrez	Pallone
Berman	Hall (OH)	Pastor
Bevill	Hamilton	Payne (VA)
Bishop	Harman	Pelosi
Boniior	Hastings (FL)	Peterson (FL)
Borski	Hayes	Peterson (MN)
Brewster	Hilliard	Pickett
Browder	Hinchev	Pomeroy
Brown (FL)	Holden	Poshard
Brown (OH)	Hoyer	Rangel
Bryant (TX)	Jackson-Lee	Reed
Cardin	Jacobs	Reynolds
Chapman	Johnson (SD)	Richardson
Clay	Johnson, E. B.	Rivers
Clayton	Johnston	Roemer
Clement	Kanjorski	Rose
Clyburn	Kaptur	Roybal-Allard
Coleman	Kennedy (MA)	Sabo
Collins (IL)	Kennedy (RI)	Sawyer
Collins (MI)	Kennelly	Schroeder
Conyers	Kildee	Schumer
Costello	Klezcka	Scott
Coyne	Klink	Serrano
Cramer	LaFalce	Skaggs
Danner	Lantos	Skelton
DeFazio	Laughlin	Slaughter
DeLauro	Levin	Spratt
Dellums	Lewis (GA)	Stenholm
Deutsch	Lincoln	Stokes
Dicks	Lipinski	Studds
Dingell	Lofgren	Stupak
Dixon	Lowey	Tanner
Doggett	Luther	Tauzin
Dooley	Maloney	Taylor (MS)
Doyle	Mantou	Tejeda
Durbin	Markey	Thompson
Edwards	Martinez	Thornton
Engel	Mascara	Thurman
Eshoo	Matsui	Torres
Evans	McCarthy	Torricelli
Farr	McDermott	Towns
Fattah	McHale	Trafiacant
Fazio	McKinney	Velazquez
Fleah	Meehan	Vento
Fields (LA)	Meek	Visclosky
Flner	Menendez	Volkmer
Flake	Mfume	Ward
Foglietta	Mineta	Watt (NC)
Ford	Minge	Waxman
Frank (MA)	Mink	Wilson
Frost	Moakley	Wise
Furse	Moran	Wyden
Gedjenson	Murtha	Wynn
Gephardt	Nadler	Yates
Geren	Oberstar	
Gibbons	Obey	

NOT VOTING—20

Bass	Miller (CA)	Sanders
Boucher	Mollohan	Stark
Brown (CA)	Neal	Waters
Condit	Payne (NJ)	Weldon (PA)
Hastert	Riggs	Williams
Hefner	Rogers	Woolsey
Jefferson	Rush	

□ 1737

So the motion was agreed to.
The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. WOOLSEY. Mr. Chairman, due to a delay in my flight from California, I missed the quorum call and the motion to limit debate on the Unfunded Mandate Reform Act of 1995. Had this flight delay not prevented me from being here, I would have voted "no" on the motion to limit debate.

Mr. CLINGER. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Pennsylvania [Mr. CLINGER].

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

RECORDED VOTE

Mr. BONIOR. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.
The vote was taken by electronic device, and there were—ayes 237, noes 181, not voting 16, as follows:

[Roll No. 58]

AYES—237

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

NOES—181

Abercrombie	Andrews	Baldacci
Ackerman	Baesler	Barcia

Barrett (WI)	Gibbons	Obey
Becerra	Gonzalez	Oliver
Beilenson	Gordon	Ortiz
Bentsen	Green	Orton
Berman	Gutierrez	Owens
Bevill	Hamilton	Pallone
Blishop	Harman	Pastor
Bontor	Hastings (FL)	Payne (VA)
Borski	Hilliard	Pelosi
Brewster	Hinchey	Peterson (FL)
Browder	Holden	Peterson (MN)
Brown (FL)	Hoyer	Pickett
Brown (OH)	Jackson-Lee	Pomeroy
Bryant (TX)	Johnson (SD)	Poshard
Cardin	Johnson, E.B.	Rangel
Chapman	Johnston	Reed
Clay	Kanjorski	Reynolds
Clayton	Kaptur	Richardson
Clement	Kennedy (MA)	Rivers
Clyburn	Kennedy (RI)	Roemer
Coleman	Kennelly	Rose
Collins (IL)	Kildee	Roybal-Allard
Collins (MI)	Klecicka	Sabo
Condit	Klink	Sanders
Conyers	LaFalce	Sawyer
Costello	Lantos	Schroeder
Coyne	Laughlin	Schumer
Cramer	Levin	Scott
Danner	Lewis (GA)	Serrano
de la Garza	Lincoln	Siskiy
DeFazio	Lipinski	Skaggs
DeLauro	Lofgren	Slaughter
Dellums	Lowe	Stenholm
Deutsch	Luther	Studds
Dicks	Maloney	Stupak
Dingell	Manton	Tanner
Dixon	Markey	Tejeda
Doggett	Martinez	Thompson
Dooley	Mascara	Thornton
Doyle	Matsul	Thurman
Durbin	McCarthy	Torres
Edwards	McDermott	Towns
Engel	McHale	Trafficant
Eshoo	McKinney	Velazquez
Evans	McNulty	Vento
Farr	Meehan	Visclosky
Fattah	Meek	Volkmer
Fazio	Menendez	Ward
Fields (LA)	Mfume	Waters
Fliner	Miller (CA)	Watt (NC)
Flake	Mineta	Waxman
Foglietta	Minge	Wilson
Ford	Mink	Wise
Frank (MA)	Moakley	Woolsey
Frost	Montgomery	Wyden
Furse	Moran	Wynn
Geldenson	Murtha	Yates
Gephardt	Nadler	
Geren	Oberstar	

NOT VOTING—16

Bass	Mollohan	Stokes
Brown (CA)	Neal	Torricelli
Hastert	Payne (NJ)	Weldon (PA)
Hefner	Roberts	Williams
Hunter	Rush	
Jefferson	Stark	

Mr. ANDREWS changed his vote from "aye" to "no."

Mr. BLILEY changed his vote from "no" to "aye."

□ 1754

So the motion to rise was agreed to. The result of the vote was announced as above recorded.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HEFLEY) having assumed the chair, Mr. EMERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that the 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.

REQUEST FOR PERMISSION FOR COMMITTEE ON INTERNATIONAL RELATIONS TO SIT TODAY AND TOMORROW DURING 5-MINUTE RULE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be allowed to sit today and tomorrow during the 5-minute rule.

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

Mr. BONIOR. Reserving the right to object, Mr. Speaker, just a few minutes ago we voted in this Chamber to limit the debate on the unfunded mandated bill to amendments, 5 minutes on a side. This motion would allow the Committee on International Relations to go upstairs in the Rayburn Building and debate the defense bill and specifically the peacekeeping issue that is before it.

It makes no sense whatsoever to have a process where the Committee on International Relations is meeting in the Rayburn Building and we are voting ever 15 minutes on the House floor, 5 minutes on a side. It was your motion; it was not our motion. Members will not have a chance to warm their seats over there.

At some point the American people are going to ask, "Do you people really know how to run this institution?"

Continuing my reservation, Mr. Speaker, we have had a disturbing pattern occur on the floor of this institution. This is the fourth rule, unfunded mandates is the fourth rule that we have had. The first two were closed. The rules package on the compliance bill was closed. The rule on the balanced budget amendment was restrictive. And now we have an open rule but it is convenient to close it. It is convenient to close it so we are going to run roughshod over the minority and close the rule.

We are concerned about the narrowing of voices in this institution and it is real. I am reserving my right to object, Mr. Speaker.

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

Mr. BONIOR. I will yield in a second, but let me just develop that for a second. We have had four rules; two of them have been closed; one of them has been restricted; and the one we are debating now has been restricted once again.

The Republicans on this side of the aisle have closed down our legislative service organizations so our women, the African-Americans, our Hispanics have had their voices shut. We have had the Democratic Study Group

moved off of the Hill; we have had public broadcasting attacks; we have had voices across this country and in this institution attacked; and we will not stand for a gag rule on this bill.

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

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

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding. Does the gentleman object to the unanimous consent request for the Committee on International Relations to continue its work on the measure before us? We are near the end of the completion of that debate and we should be able to wind it up either tonight or tomorrow.

I am merely trying to accommodate the Members on both sides of the aisle, and I would welcome the gentleman consenting to the request.

Mr. BONIOR. I appreciate my colleague's comments.

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

Mr. BONIOR. Mr. Speaker, further reserving my right to object, I yield to my friend, the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Speaker, I would say that the same pattern has developed in committee after committee, that we on the International Relations Committee are now discussing fundamental changes in our role in the United Nations and NATO. Time after time, as amendments are just barely brought forward, there is a motion that the majority carries to cut off debate.

And we are deciding whether we are going to be in the United Nations or out, whether we are going to expand NATO without full and proper debate. The same pattern is occurring in committee after committee.

Mr. GILMAN. If the gentleman will yield further, at this time, Mr. Speaker, I would—

Mr. SOLOMON. Regular order, and demand it now.

Mrs. COLLINS of Illinois. Mr. Speaker, I object; I object.

The SPEAKER pro tempore (Mr. HEFLEY). Regular order has been demanded. Do 10 Members stand to object?

Mr. GILMAN. Since we cannot have consent with regard to the request, Mr. Speaker.

The SPEAKER pro tempore. The request is withdrawn.

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.

□ 1800

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 arose earlier today, the motion to limit debate on each amendment to section 4, and any amendment thereto, to 10 minutes, offered by the gentleman from Pennsylvania [Mr. CLINGER], had been agreed to.

Are there further amendments to section 4?

MOTION TO RISE OFFERED BY MR. VOLKMER

Mr. VOLKMER. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Missouri [Mr. VOLKMER].

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

RECORDED VOTE

Mr. VOLKMER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 159, noes 266, not voting 9, as follows:

[Roll No. 59]

AYES—159

Abercrombie	Durbin	Liptinski
Ackerman	Edwards	Lofgren
Andrews	Engel	Lowe
Baesler	Eshoo	Luther
Baldacci	Evans	Maloney
Barcia	Farr	Manton
Becerra	Fattah	Markey
Bentsen	Fazio	Martinez
Berman	Fields (LA)	Mascara
Bevill	Flner	Matsui
Bishop	Flake	McCarthy
Boniior	Foglietta	McDermott
Borski	Ford	McHale
Boucher	Frank (MA)	McKinney
Brewster	Frost	Meehan
Brown (FL)	Furse	Meek
Brown (OH)	Gejdenson	Menendez
Bryant (TX)	Gephardt	Mfume
Cardin	Gonzalez	Miller (CA)
Chapman	Gutierrez	Mineta
Clay	Hall (OH)	Minge
Clayton	Hamilton	Mink
Clement	Hastings (FL)	Moakley
Clyburn	Hilliard	Mollohan
Coleman	Hinchee	Moran
Collins (IL)	Holden	Nadler
Collins (MI)	Jackson-Lee	Olver
Conyers	Jacobs	Ortiz
Costello	Johnson (SD)	Orton
Coyne	Johnston	Owens
Cramer	Kanjorski	Pallone
de la Garza	Kaptur	Pastor
DeFazio	Kennedy (MA)	Payne (NJ)
DeLauro	Kennedy (RI)	Pelosi
Dellums	Kennelly	Peterson (FL)
Deutsch	Kildee	Peterson (MN)
Dicks	LaFalce	Pomeroy
Dingell	Lantos	Poshard
Dixon	Levin	Rangel
Doggett	Lewis (GA)	Reed

Richardson	Slaughter	Velazquez
Rivers	Spratt	Visclosky
Roemer	Stark	Volkmer
Rose	Stokes	Ward
Roybal-Allard	Studds	Waters
Sabo	Stupak	Watt (NC)
Sanders	Tejeda	Waxman
Sawyer	Thompson	Williams
Schroeder	Thurman	Wise
Schumer	Torricelli	Woolsey
Scott	Towns	Wyden
Serrano	Trafcant	Wynn
Skaggs	Tucker	Yates

NOES—266

Allard	Fox	McHugh
Archer	Franks (CT)	McInnis
Armye	Franks (NJ)	McIntosh
Bachus	Frelinghuysen	McKeon
Baker (CA)	Frisa	McNulty
Baker (LA)	Funderburk	Metcalfe
Ballenger	Gallegly	Meyers
Barr	Ganske	Mica
Barrett (NE)	Gekas	Miller (FL)
Barrett (WI)	Geren	Molinari
Bartlett	Gibbons	Montgomery
Barton	Gilchrest	Moorhead
Bateman	Gillmor	Morella
Bellenson	Gilman	Murtha
Bereuter	Goodlatte	Myers
Bilbray	Goodling	Myrick
Bilirakis	Gordon	Nethercutt
Bliley	Goss	Neumann
Blute	Graham	Ney
Boehlert	Green	Norwood
Boehner	Greenwood	Nussle
Bonilla	Gunderson	Oberstar
Bono	Gutknecht	Obey
Browder	Hall (TX)	Oxley
Brownback	Hancock	Packard
Bryant (TN)	Hansen	Parker
Bunn	Harman	Paxon
Bunning	Hastings (WA)	Payne (VA)
Burr	Hayes	Petri
Burton	Hayworth	Pickett
Buyer	Hefley	Pombo
Callahan	Heineman	Porter
Calvert	Herger	Portman
Camp	Hilleary	Pryce
Canady	Hobson	Quillen
Castle	Hoekstra	Quinn
Chabot	Hoke	Radanovich
Chambliss	Horn	Rahall
Chenoweth	Hostettler	Ramstad
Christensen	Houghton	Regula
Chrysler	Hoyer	Reynolds
Clinger	Hunter	Riggs
Coble	Hutchinson	Roberts
Coburn	Hyde	Rogers
Collins (GA)	Inglis	Rohrabacher
Combest	Istook	Ros-Lehtinen
Condit	Johnson (CT)	Roth
Cooley	Johnson, E. B.	Roukema
Cox	Johnson, Sam	Royce
Crane	Jones	Salmon
Crapo	Kasich	Sanford
Creameans	Kelly	Saxton
Cubin	Kim	Scarborough
Cunningham	King	Schaefer
Danner	Kingston	Schiff
Davis	Kleczka	Seastrand
Deal	Klink	Sensenbrenner
DeLay	Klug	Shadegg
Diaz-Balart	Knollenberg	Shaw
Dickey	Koibe	Shays
Dooley	LaHood	Shuster
Doolittle	Largent	Sisisky
Dornan	Latham	Skeen
Doyle	LaTourette	Skelton
Dreier	Laughlin	Smith (MI)
Duncan	Lazio	Smith (NJ)
Dunn	Lewis (CA)	Smith (TX)
Ehlers	Lewis (KY)	Smith (WA)
Ehrlich	Lightfoot	Solomon
Emerson	Lincoln	Souder
English	Linder	Spence
Ensign	Livingston	Stearns
Everett	LoBiondo	Stenholm
Ewing	Longley	Stockman
Fawell	Lucas	Stump
Fields (TX)	Manzullo	Talent
Flanagan	Martini	Tanner
Foley	McCollum	Tate
Forbes	McCrery	Tauzin
Fowler	McDade	Taylor (MS)

Taylor (NC)	Vucanovich	Whitfield
Thomas	Waldholtz	Wicker
Thornberry	Walker	Wilson
Thornton	Walsh	Wolf
Tiahrt	Wamp	Young (AK)
Torkildsen	Watts (OK)	Young (FL)
Torres	Weldon (FL)	Zeliff
Upton	Weller	Zimmer
Vento	White	

NOT VOTING—9

Bass	Hefner	Neal
Brown (CA)	Jefferson	Rush
Hastert	Leach	Weldon (PA)

□ 1820

Mr. MINGE changed his vote from "no" to "aye."

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

□ 1820

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

Mr. Chairman and my colleagues, I rise to express my concern and my sense of frustration in regard to the procedure that is now being followed in reference to this debate, and I rise as the cochairman of the Unfunded Mandates Caucus. I am not a member of the committee of jurisdiction, but I rise with a deep-seated feeling that a great majority in this House wants to finish this bill, and I would hope that we could do that.

So, in discussing this matter, Mr. Chairman, I wanted to bring to the attention of my colleagues a draft memo that came to my office last January 11. It says, "From the Democrat leadership": You may want to change your faxes. It says, "First and foremost, our actions and statements must comport with and amplify our overall thematic characterizations of the Republican legislative agenda and congressional management. The arrogance and unfairness of the Republican approach during the markup has led to a shoddy product and one that may (though not all)" not all of your caucus, "and the members of our caucus believe contains unfair and unsound policies.

"Anger and consternation about this procedural abuse should be restated repeatedly, "—and goodness knows my colleagues have done that—" in the days leading up to the floor action by the leadership, using letters to the Speaker and complaining about the mistreatment of the minority, press conferences and discussions with key press people, floor statements, 1-minute, op-eds, and other communications and techniques."

Mr. Chairman, I know my colleagues' concerns. I know they are concerned about a gag rule and fairness. Lord knows I have been concerned during my tenure when I have been a member of the minority, more especially as a member of the House Administration Committee. I remember times when we were ruled out of order and we could not even speak. I remember one time when the doors were locked and we

could not even get in to conduct a hearing.

All of the debate, as of right now, is on establishing the purpose and the scope of the bill. Thirty amendments remain. Even if my colleagues do not offer amendments in the second degree, that is 5 hours of debate, 7½ hours of voting.

Now how long is long? We have not got to title I. That is the commission. That is where we go back over existing unfunded mandates and we take care of that, and that deserves debate.

Now title II is the regulatory section. Title III is the point of order section. We have not even got there yet.

The gentleman from Pennsylvania [Mr. BORSKI] has an amendment pending on clean water. We have eight. That is between seven and nine, eight amendments on clean water. The first amendment by Mr. TAYLOR was on clean water.

Now, Mr. Chairman, to date we have had 5 days, including 1 day of general debate, 20 hours, 168 amendments have been proposed, 16 amendments have been considered, and 2 amendments have been passed.

We need to settle this bill. The delay, the crisis, is throughout this country in regard to the city councils, and the school boards, and every business and every farm, every entity that we have out there suffering from unfunded mandates. The Senate has passed the bill, and I must tell my colleagues, which I share their concern about minority rights and the gag rule—my word, people: 30 more amendments, 7½ hours of voting, 5 hours and we are not even to the 3 titles. How long is long?

With all due respect, with all due respect, and I mean this very sincerely, people crawl out of train wrecks faster than you people consider bills.

Mr. ARMEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take 5 minutes as I announce to the Members of this body and their families that everybody should be prepared to remain here tonight in session until we complete this section of the bill irrespective of the number of votes, procedural or substantive. We will remain here tonight until we finish this section of the bill.

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

Mr. Chairman, I just want to point out that we are debating this piece of legislation. We are moving along very judiciously. We have had Members, as a matter of fact, who have several amendments; they have offered to put those amendments en bloc, as the other side very well knows. We have been cooperative in any way that we can.

The interesting thing about this is that we are going to rush to judgment about the amendments that we have. We have a gag rule that has been im-

posed upon us tonight. We find ourselves without the ability—we found ourselves without the ability in committee to offer amendments, and now we have the gag rule.

Now everybody is talking about, "Why don't we go on?" It is because we want to get this thing done, and we want to do it right. We want to be able to deliberate in the fashion that everybody is supposed to be accustomed to in this House of Representatives.

This is a deliberative body, not one that is not deliberative. I say to my colleagues, "When you can't deliberate in committee, you have to deliberate on the floor."

Further, this bill will not become effective until October 1995. If they were in such a hurry to get this done, why are they making the effective date 10 months from now?

It seems to me something is wrong with that kind of thinking, Mr. Chairman.

Mr. MFUME. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, with all due respect to the gentlemen on the other side of the aisle who raised the question about why we are moving the way we are, I want to go back to the comment made by the gentlewoman from Illinois: This is a deliberative body.

We have been on this bill 2 weeks. There is no national emergency that says that we have to finish this in another week. What they are are national imperatives that are reflected in the amendments by the people who have been duly represented from constituencies across this country.

Now, if in fact we are going to play games about how long we take to do a bill, then perhaps we ought to do as the distinguished gentleman from Texas said. Let us just go on ad infinitum. I mean that is why we are here anyway. It was not this side's decision to start at 5 p.m., and quite frankly, as my colleagues know, I hear the debate on both sides of the aisle regarding this. I think we ought to move forward, and I would sincerely appreciate if the minority would stop suggesting that Members in the minority should have no rights at all to offer amendments, or to debate those amendments, or to debate aspects of the bill.

Mr. Chairman, this is a process that has been going on long before any Member in this body ever got here, it will go on long afterward, and I would hope and expect that we could move forward with some sense of fairness and some sense of understanding that people on this side of the aisle have a right to offer amendments and have every right to expect that those amendments are going to be debated. The constituencies that sent them here expect that also.

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

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

Mr. VOLKMER. Mr. Chairman, it appeared to me to be quite obvious that, if the gentleman from Pennsylvania who made the earlier motion would now move that there be no limitation to amendments, that we could proceed with the amendments in order, and I do not think we would have any of this stuff, and we could get out of here a lot earlier than otherwise.

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

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

Mr. CLINGER. There is no limitation on amendments. All we have said is that there is a limitation on debate time.

Mr. VOLKMER. Ten minutes on each amendment. If the gentleman would withdraw that and make a motion that there would be no limitation on amendments, on time limits on amendments, then I think we—we have already spent over an hour and have not got through the first amendment.

□ 1830

Mr. SOLOMON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I know we are all trying to be as fair as we possibly can. With all sincerity, we put out an open rule on this bill because we did not want it to be a closed rule. We did not want to gag Members on either side of the aisle. Regardless of whether you are a Republican or Democrat, conservative or liberal, you are entitled to be heard. And in putting the open rule out, we have given you the opportunity to offer whatever amendments you want to. But there is a time constraint, and I will say to my good friend the gentleman from Maryland [Mr. MFUME], and he is a good friend, we have a contract to abide by. We are going to get these rules through this Congress.

With 5 days acting on the bill, significant amendments on both sides of the aisle can be offered to these four sections, and there has been ample opportunity. All we are saying now is we have to move on. We cannot continue another 5 days on this issue.

The suggestion was made to me that we go upstairs and put out a closed rule, because we have spent 5 days on this issue. And I personally opposed that. I do not think we should do that, because you should have ample opportunity to be heard.

But as we progress now, after 5 days, we are going to move on to title I probably at 2 o'clock in the morning, and then we will give ample debate on title I. But at some point you will have to limit debate on title I. We have to move through this bill because we have other important issues to come before us.

It does not matter that this bill has an effective date of next October. The fact is the American people want us to pass this bill. The Governors' Association, the school boards, as the gentleman from Kansas [Mr. ROBERTS] has mentioned, the local governments that I served in, they wanted to know that we are going to pass this before final action is taken on the balanced budget amendment.

All Members know that and are very much aware of that. So time is of the essence. We have to pass this bill, and we are going to do it one way or another. We will do it all with your cooperation.

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

Mr. SOLOMON. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I thank the gentleman for yielding. I would submit the debate that has gone on has been on both sides of the aisle here in terms of Republicans using their time. Furthermore, I would suggest my information was there was no discussion with the minority when the motion was made today with regard to limiting amendments and the time for amendments on title IV. There is no consultation here, there is no bipartisan effort to work on this bill; that is, both in the actions of the committee and on this House floor tonight. When you start at 5 p.m., who starts at 5 p.m. with their workday and expects to get their job done?

Mr. SOLOMON. Mr. Chairman, reclaiming my time, the gentleman knows for several days negotiations have been going on between myself, the manager of the bill, between the minority leader on your side, trying to get you to come up with the significant amendments and have you offer them, but we have not been able to get anyplace. We have been trying. But we are going to remain as open and fair and accountable as we can, but it is up to you. It is up to you. If you want to cooperate, we will stay that way. If you do not, again I have to remind you, we are going to put this bill through in the next 48 hours.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I understand guerrilla tactics. See, some of my good friends are smiling on that side of the aisle. I remember when we were in the minority. Sometimes there were closed rules and sometimes the rights of the minority—we were then the minority—were violated, and we had to do something. So I understand that. I understand that.

But our side has pledged and the Committee on Rules chairman has just stated that we wanted to be as fair as possible and have open rules. And toward that end, you have an open rule before you right now and there has

been debate going on ad infinitum on this particular piece of legislation.

But let me just tell you, I serve not only on the old Committee on Government Operations, but also the Committee on International Operations, the former Committee on Foreign Affairs, and it has been my observation, and I think the observation of everybody in the majority, that every single dilatory tactic that can be employed is being employed to slow down the progress on the Contract With America. It is very evident. And I think anybody who watches the deliberations of this body knows that every one of these tactics are being employed. Every one of these tactics are being employed, not because you have alternative ideas that are good for America but because you do not want the Contract With America, which is supported by probably 75 percent of Americans, to be heard on this floor. The American people need to know that, and they will know that, the people of this country will see that very, very clearly.

So I would just like to say to those of you who suffered in this last election and do not apparently have any ideas with which to do combat with the Contract With America that it would be in your interests to let open rules come down in an orderly manner, and conduct the business of this House. If you do not do that, we are going to get the Contract With America to this floor, and they are going to be voted on. If we have to stay here every night for months on end, we are going to get that done. And the American people, when they see the tactics you are employing to slow down what they wanted and what they elected us to do, it is going to cost you even more dearly in 1996.

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

Mr. BURTON of Indiana. I yield to the gentleman from Maryland.

Mr. MFUME. Mr. Chairman, I thank the gentleman from Indiana for yielding, and I appreciate his remarks and certainly appreciate the remarks of the gentleman from New York [Mr. SOLOMON]. I recognize that to a large extent his desire to not go back and close this rule is sincere, and I appreciate that. But we have engaged in a process of who can out-talk who, and we have not done one amendment.

When the other side won the vote to allow us to move ahead with the 10-minute procedure, that would have taken place, had not the gentleman from Kansas [Mr. ROBERTS] gotten up and began to read and suggest over here we were doing something. I would think after this maybe we could go into the next amendment.

Mr. BURTON of Indiana. Mr. Chairman, reclaiming my time, that was a great speech, but actions speak louder than words, and anybody watching these proceedings knows what you are doing.

The CHAIRMAN. Are there further substantive amendments to section 4?

AMENDMENTS OFFERED BY MR. BORSKI

Mr. BORSKI. Mr. Chairman, I offer two amendments which were printed in the RECORD as amendments numbered 35 and 36.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. BORSKI:

In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) establishes or enforces any condition or limitation on the addition into waters of the United States of pollutants that are—

(A) known to cause or can reasonably be anticipated to cause significant adverse acute human health effects; or

(B) known to cause or can reasonably be anticipated to cause in humans—

(i) cancer or teratogenic effects; or

(ii) serious or irreversible—

(I) reproductive dysfunctions;

(II) neurological disorders;

(III) heritable genetic mutations; or

(IV) other chronic health effects.

In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

"(8) establishes or enforces any condition or limitation on the addition into waters of the United States of pollutants that are—

"(A) known to cause or can reasonably be anticipated to cause significant adverse acute human health effects; or

"(B) known to cause or can reasonably be anticipated to cause in humans—

"(i) cancer or teratogenic effects; or

"(ii) serious or irreversible—

"(I) reproductive dysfunctions;

"(II) neurological disorders;

"(III) heritable genetic mutations; or

"(IV) other chronic health effects.

Mr. BORSKI. Mr. Chairman, I ask unanimous consent that the amendments be considered en bloc.

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

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BORSKI] is recognized for 5 minutes, and a Member opposed is recognized for 5 minutes.

□ 1840

Mr. BORSKI. Mr. Chairman, I believe unreasonable unfunded mandates should not be sent to local governments.

Congress should not require unfunded mandates without careful consideration and deliberation.

But there are issues—major and significant issues—on which the Federal Government has a truly legitimate role in setting nation-wide standards.

Mr. Chairman, the Clean Water Act has been one of the great successes of modern America in cleaning up our Nation's waters and in protecting the health of the American people.

Is it unreasonable for us to set limits and restrictions on the dumping of pollution in our Nation's waterways?

The Federal Government for more than two decades has paid part of the costs of cleaning up the waters.

It is true that we have set standards and only paid part of the cost. We have not paid all of the hundreds of billions of dollars needed to protect the American people. It has been a cost-sharing program.

The alternatives to Federal action to limit water pollution are unacceptable. Local governments could also set the standards necessary to protect human health and then pay 100 percent of the cost.

It would be cheaper for local governments to set standards that do not protect the health of the American people, but I do not believe that local governments officials would choose a policy that would not protect the health of their residents. However, if local governments might choose to set lower standards for water pollution to save money, shouldn't the Federal Government have some role in protecting human health?

My amendment would exempt any bill establishing limits on the addition of health-threatening pollutants into the waters.

These health effects would be only the most serious, such as cancer, birth and young infant defects, major reproductive problems, nerve system damage, and genetic damage.

Mr. Chairman, there is truly widespread support to reduce unfunded mandates but there is no evidence the American people want to increase the risk of the serious health problems caused by water pollution.

The Clean Water Act was passed in 1972 because of the urgent and immediate need to begin a national program of cleaning up our rivers, lakes, and streams.

We were faced with a national crisis of polluted waters that threatened the health of the American public.

The Clean Water Act has shown a solid record of achievement as we have successfully reduced pollution into the waters. The Environmental Protection Agency's water quality inventories show an ever-increasing percentage of waters that have achieved their clean-up goals.

I urge the Members of this House not to place the Clean Water Act—and the health of the American people—on the chopping block.

We should be cutting back on unfunded mandates but we should not destroy our ability to protect the health of the American people.

I appreciate the committee chairman's concern to keep this law as simple as possible. But that doesn't mean there shouldn't be any exceptions. The bill as reported by the Committee on Government Reform and Oversight already has seven exceptions.

Why do we have those seven exceptions that are already in the bill if we want no exceptions?

We have those exceptions because the authors of the bill believe those purposes are important enough that bills on those subjects should not be delayed with an additional point of order.

I am saying that laws concerning the control of water pollution that could have a serious and adverse impact on human health should also be exempted from this special new requirement.

We are creating two different rules for legislation on this House floor. Some bills face tougher requirements than others.

Mr. Chairman, my amendment attempts to get legislation protecting human health into the easier category for floor consideration that has already been established by the Government Reform and Oversight Committee.

We must act like legislators—Members of the United States House of Representatives—and stand behind legislation that will protect the health of the American people. I urge my colleagues to support my amendment to exempt water pollution laws that protect human health from this bill.

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

Mr. CLINGER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I represent Punxsatawney, PA, and in about 3 or 4 days we will be celebrating Groundhog Day. And some years ago there was a movie called Groundhog Day in which the same day was repeated over and over and over again.

Mr. Chairman, I would suggest there is an analogy here to what we have been doing in the Committee of the Whole, because a number of these amendments are in fact repetitive. We have dealt with at least one amendment having to do with the Clean Water Act and with its reauthorization, and that was earlier in our debate. There are at least eight more pending in that regard.

So, Mr. Chairman, I would call the attention of the Members, particularly on the other side of the aisle, to a statement by President Clinton made to the Governors just within the last 2 or 3 days in which he said,

We are strongly supporting the move to get unfunded mandates legislation passed in the Congress, and we are encouraged by the work that was done in the United States Senate where, as I remember, the bill passed 86 to 10. After a really open and honest discussion of all appropriate amendments, the legislation is now moving through the House.

I am not sure that he was aware how slowly it was moving. I think there are about 100 amendments pending, he said, but I think they will move through it in a fairly expeditious way, just as the Senate did.

So I would urge my colleagues on the other side of the aisle to heed the suggestion of their President to move this bill as expeditiously as possible. This, again, is an amendment that deals with

a very, very important piece of legislation. It deals with a very important issue. The only question is, does it rise to any higher level of concern than all of the other exemptions that we have been considering.

Again, this is not a retrospective look. It is only prospective. It will not affect anything that is presently on the books, nor should it. But it does say that if we are going to enact additional requirements under the Clean Water Act, then we should at least consider the cost to those who are going to be imposed upon.

Mr. Chairman, I would plead with the Members to defeat this amendment and recognize that the Governors, the county commissioners, all of our State and local officials are crying out for relief from unfunded mandates.

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

Mr. BORSKI. Mr. Chairman, I yield 45 seconds to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, I want to talk a little bit about the Portland metropolitan area which has a problem with combined sewer overflows and the cost of clean-up is estimated at \$1 billion. But Portland area residents, the State and the city governments are not urging us to roll back the Clean Water Act. In contrast to what heard today, public opinion poll after public opinion poll ranks clean water as the top priority for the northwest.

The answer does not lie in forsaking fundamental values. Instead we must update and reprioritize our budget priorities.

We should spend, in my opinion, less on cold war weapons and more on domestic priorities.

I support the Borski amendment.

Mr. CLINGER. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. Mr. Chairman, under this bill the Congress will still have the authority to pass the legislation that the gentleman from Pennsylvania wants. We still have that authority. We have not given that up at all. We will simply have the cost in front of us before we move ahead and, before we say to our localities that we are going to pass the bill to them and shift the tax burden from the progressive income tax to local property taxes, we are going to understand what that bill is. Before we say that this amendment is more important than local education projects, than local police protection, we are going to have a cost done so that this body can appropriately consider it.

We can still address the clean water that the gentleman is concerned about. This does not affect any existing mandate whatsoever. I think that needs to be clarified. We still have that flexibility, but we are going to know the cost first.

Mr. BORSKI. Mr. Chairman, I yield 45 seconds to the distinguished gentleman from California [Mr. MINETA],

who is wearing the pride of the Super Bowl victors on his shirt. I would remind the gentleman that the Eagles defeated the 49ers 40 to 8.

Mr. MINETA. Mr. Chairman, I rise in support of the Borski amendment. This amendment assures that we do not cripple our future efforts at protecting the basic rights of our constituents.

As we learned so dramatically in Milwaukee, when over 100 individuals died because of waterborne bacteria, pollutants in our water can have serious adverse health effects. If we support the Borski amendment, we will be able to respond to new and serious threats to human health.

If we do not adopt this amendment, government will be far less able to respond and will be far slower in responding to new and serious waterborne threats to human health.

To me, this is what the amendment is all about. Therefore, I urge my colleagues to support the Borski amendment.

Mr. Chairman, I am pleased to rise in support of Mr. BORSKI's amendment.

The Borski amendment assures that we do not cripple our future efforts at protecting the basic health rights of our constituents. As we learned so dramatically in Milwaukee when over 100 individuals died because of waterborne bacteria, pollutants in our water can have serious adverse health effects.

I congratulate my colleague for having the foresight to be willing to assure our ability to continue to protect our constituents from water pollution which may cause significant and serious health problems.

Both this floor and the Transportation Committee have been the scene of spirited debate over what is the proper level of protection of the environment. Although we Members may differ on how we answer that question, I do not believe that we have ever differed on the need to preserve basic human health from the most serious adverse effects of pollution.

The protection of human health should not be considered an unfunded mandate. In fact, one of the primary responsibilities of State and local government is to assure the protection of the health of their citizens. Fortunately, in the area of clean water, Congress has been funding the efforts of State and local governments in protecting citizens from pollution. Over \$60 billion has been provided to date and I fully expect funding to continue.

However, we should not be so foolish to believe that State and local governments would not take steps to protect human health but for the requirements of the Clean Water Act. For example, 100 years ago Chicago took steps as bold as to reverse the flow of the Chicago River in support of public health.

The world we live in is more complex than that which existed in the last century, we do not know what the next century will bring. If we support the Borski amendment, we will be able to respond to new and serious threats to human health. If we do not adopt this amendment, government will be far less able to respond, and will be far slower in responding, to new and serious waterborne threats to human health. That is what this amendment is all about.

I urge my colleagues to support the Borski amendment.

Mr. CLINGER. Mr. Chairman, may I inquire as to who has the right to close.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] has the right to close.

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

Mr. BORSKI. Mr. Chairman, I yield 45 seconds to the distinguished gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I am pleased the gentleman did not reference the Redskins' performance this year, but we are coming back.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Pennsylvania providing this legislation not apply to regulations protecting U.S. waters and pollutants of toxic waste.

Day after day after day, like groundhog day in that movie, we are having the Chesapeake Bay polluted, one of the greatest estuaries of this world. We need to stop it. The Federal Government has taken substantial steps toward that end.

I think it is appropriate to say in this instance, because of the critical nature of the problem that we confront with respect to the pollution of the Chesapeake Bay and other waterways of this Nation, that this is not the type of unfunded mandate, that, in fact, yes, it is costly to clean up our waste, but it is not so costly that the cost downstream and in the long run is not far greater.

□ 1850

Mr. Chairman, I think that is what the gentleman's amendment speaks to, and I rise in its support.

Mr. Chairman, do we need to curb the ease by which we pass unfunded mandates on to State and local governments? Yes we do.

However, it is important to recognize that there are many present mandates which the Federal Government imposes and which my constituents would not want abolished.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Pennsylvania providing that this legislation not apply to regulations protecting U.S. waters from pollutants and toxic waste.

The transformation of the Chesapeake Bay from its dismal state a decade ago into the more healthy estuary in the world is a perfect example of what the shortsighted impact of this legislation could be. We cannot move backward on the Chesapeake Bay.

We must guarantee that individual localities not be able to dump waste into waters and destroy the very environment that is enjoyed by people across the entire mid-Atlantic region and whose health our coastal economics depend upon.

It is imperative that the future impact of H.R. 5 not jeopardize the successes of several environmental, safety, and health standards that the American people depend upon and support.

Unfunded mandate legislation cannot and should not result in unintended consequences.

Mr. Chairman, we have a Contract With America. It is the contract that we have made together to provide protections and safeguards for our environment, our workers, and our health.

I agree with my colleagues who support this measure that we must more carefully judge the requirements we impose. However, in the rush to legislate we must ensure that we are not rushing to abdicate important protections that the American people want and expect.

Mr. BORSKI. Mr. Chairman, I would ask if I have any time remaining.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BORSKI] has 15 seconds remaining.

Mr. BORSKI. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, my amendment attempts to get legislation protecting human health in an easier category for floor consideration than has already been established by the Committee on Government Reform and Oversight.

I urge my colleagues to support my amendment to exempt water pollution laws to protect human health from this bill.

Mr. CLINGER. Mr. Chairman, I yield the balance of my time to the gentleman from New Mexico [Mr. SCHIFF], chairman of the committee.

The CHAIRMAN. The gentleman from New Mexico [Mr. SCHIFF] is recognized for 1½ minutes.

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

Mr. Chairman, I have here a copy of a water bill and sewer bill from the city of Albuquerque from this month that was sent to a constituent. For his sewer charge, it shows: base charge, \$13.08; unfunded Federal mandate to remove ammonia, \$12.15. In other words, a Federal requirement to remove one product from the sewer system is equal in cost, to the residents I represent, to their whole base charge for all of the other costs of running the sewer system.

Is it possible, Mr. Chairman, that in this or in other instances, upon a careful analysis, costs like this must be borne? I think the possibility certainly exists. I do agree with the other side, of course, on the importance of cleaning up our water, but who has measured this? Who has measured from the Federal Government whether in fact doubling the cost of the sewer rates to the residents of Albuquerque is, in fact, what is needed to keep this water at an appropriate level of toxic pollution control?

Mr. Chairman, my point is that this bill would require that kind of accounting, that kind of accountability, and that is why the gentleman's amendment should be rejected.

AMENDMENT OFFERED BY MR. VOLKMER TO THE AMENDMENTS EN BLOC OFFERED BY MR. BORSKI

Mr. VOLKMER. Mr. Chairman, I offer an amendment to the amendments.

The CHAIRMAN. The Clerk will designate the amendment.

Amendment offered by Mr. VOLKMER to the amendments en bloc offered by Mr. BORSKI:

At the end of the amendments add the following: "V. Reproductive disorders."

Mr. CHAIRMAN. There is no debate in order on this amendment.

The question is on the amendment offered by the gentleman from Missouri [Mr. VOLKMER] to the amendments offered by the gentleman from Pennsylvania [Mr. BORSKI].

The question was taken; and on a division (demanded by Mr. VOLKMER) there were—ayes 42, noes 78.

RECORDED VOTE

Mr. VOLKMER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

ANNOUNCEMENT BY THE CHAIRMAN

Mr. CHAIRMAN. The Chair announces that pursuant to clause 2(c), rule XXIII, he will reduce to 5 minutes any recorded vote on the amendments en bloc offered by the gentleman from Pennsylvania [Mr. BORSKI] following the vote on the amendment thereto offered by the gentleman from Missouri [Mr. VOLKMER]. This is a 15-minute vote.

The vote was taken by electronic device, and there were—ayes 114, noes 312, not voting 8, as follows:

[Roll No. 60]

AYES—114

Abercrombie	Hilliard	Payne (NJ)
Ackerman	Hinchey	Pelosi
Barcia	Hoyer	Rangel
Becerra	Jackson-Lee	Reed
Bentsen	Johnson (SD)	Reynolds
Bishop	Johnson, E. B.	Richardson
Bonior	Johnston	Rivers
Brown (FL)	Kanjorski	Rose
Brown (OH)	Kennedy (MA)	Roybal-Allard
Bryant (TX)	Kennedy (RI)	Rush
Clay	Kildee	Sabo
Clayton	Klink	Sanders
Clyburn	LaFalce	Schroeder
Coleman	Lantos	Schumer
Collins (MI)	Lewis (GA)	Scott
Conyers	Lipinski	Serrano
Coyne	Lofgren	Slaughter
Danner	Maloney	Stark
Dellums	Manton	Stokes
Deutsch	Markey	Studds
Dicks	Martinez	Stupak
Dingell	Mascara	Thompson
Dixon	Matsui	Thornton
Engel	McCarthy	Torres
Eshoo	McDermott	Torricelli
Evans	McKinney	Towns
Farr	Meehan	Tucker
Fazio	Meek	Velazquez
Fields (LA)	Mfume	Vento
Filner	Miller (CA)	Visclosky
Flake	Mineta	Volkmer
Frank (MA)	Mink	Ward
Furse	Mollohan	Waters
Gedjenson	Nadler	Watt (NC)
Gephardt	Ortiz	Wise
Gibbons	Owens	Woolsey
Green	Pallone	Wynn
Hastings (FL)	Pastor	Yates

NOES—312

Allard	Baldacci	Bateman
Andrews	Ballenger	Bellenson
Archer	Barr	Bereuter
Armey	Barrett (NE)	Berman
Bachus	Barrett (WI)	Bevill
Baesler	Bartlett	Bilbray
Baker (CA)	Barton	Bilirakis
Baker (LA)	Bass	Billey

Blute	Gordon	Obey
Boehlert	Goss	Olver
Boehner	Graham	Orton
Bonilla	Greenwood	Oxley
Bono	Gunderson	Packard
Borski	Gutierrez	Parker
Boucher	Gutknecht	Paxon
Brewster	Hall (OH)	Payne (VA)
Browder	Hall (TX)	Peterson (FL)
Brownback	Hamilton	Peterson (MN)
Bryant (TN)	Hancock	Petri
Bunn	Hansen	Pickett
Bunning	Hastings (WA)	Pombo
Burr	Hayes	Pomeroy
Burton	Hayworth	Porter
Buyer	Hefley	Portman
Callahan	Heineman	Poshard
Calvert	Herger	Pryce
Camp	Hilleary	Quillen
Canady	Hobson	Quinn
Cardin	Hoekstra	Radanovich
Castle	Hoke	Rahall
Chabot	Holden	Ramstad
Chambliss	Horn	Regula
Chapman	Hostettler	Riggs
Chenoweth	Houghton	Roberts
Christensen	Hunter	Roemer
Chrysler	Hutchinson	Rogers
Clement	Hyde	Rohrabacher
Clinger	Inglis	Ros-Lehtinen
Coble	Istook	Roth
Coburn	Jacobs	Roukema
Collins (GA)	Johnson (CT)	Royce
Collins (IL)	Johnson, Sam	Salmon
Combest	Jones	Sanford
Condit	Kaptur	Sawyer
Cooley	Kasich	Saxton
Costello	Kelly	Scarborough
Cox	Kennelly	Schaefer
Cramer	Kim	Schiff
Crane	King	Seastrand
Crapo	Kingston	Sensenbrenner
Creameans	Klecza	Shadegg
Cubin	Klug	Shaw
Cunningham	Knollenberg	Shays
Davis	Kolbe	Shuster
de la Garza	LaHood	Sisisky
Deal	Largent	Skaggs
DeFazio	Latham	Skeen
DeLauro	LaTourette	Skelton
DeLay	Laughlin	Smith (MI)
Diaz-Balart	Lazio	Smith (NJ)
Dickey	Levin	Smith (TX)
Doggett	Lewis (CA)	Smith (WA)
Doolittle	Lewis (KY)	Solomon
Dorman	Lightfoot	Souder
Doyle	Lincoln	Spence
Dreier	Linder	Spratt
Duncan	Livingston	Stearns
Dunn	LoBlondo	Stenholm
Durbin	Longley	Stockman
Edwards	Lowey	Stump
Ehlers	Lucas	Talent
Ehrlich	Luther	Tanner
Emerson	Manzullo	Tate
English	Martini	Tauzin
Ensign	McCollum	Taylor (MS)
Everett	McCrery	Taylor (NC)
Ewing	McDade	Tejeda
Fattah	McHale	Thomas
Fawell	McHugh	Thornberry
Fields (TX)	McInnis	Thurman
Flanagan	McIntosh	Tiahrt
Foglietta	McKeon	Torkildsen
Foley	McNulty	Trafficant
Forbes	Menendez	Upton
Ford	Metcalf	Vucanovich
Fowler	Meyers	Waldholtz
Fox	Mica	Walker
Franks (CT)	Miller (FL)	Walsh
Franks (NJ)	Minge	Wamp
Frelinghuysen	Moakley	Watts (OK)
Frisa	Mollinari	Waxman
Frost	Montgomery	Weldon (FL)
Funderburk	Moorehead	Weller
Galleghy	Moran	White
Ganske	Morella	Whitfield
Gekas	Murtha	Wicker
Geren	Myers	Williams
Gilchrest	Myrick	Wilson
Gillmor	Nethercutt	Wolf
Gilman	Neumann	Wyden
Gonzalez	Ney	Young (AK)
Goodlatte	Norwood	Young (FL)
Goodling	Nussle	Zelliff
	Oberstar	Zimmer

NOT VOTING—8

Brown (CA)	Hefner	Neal
Harman	Jefferson	Weldon (PA)
Hastert	Leach	

□ 1911

Mr. MORAN changed his vote from "aye" to "no."

Mr. HILLIARD changed his vote from "no" to "aye."

So the amendment to the amendments was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Pennsylvania [Mr. BORSKI].

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

RECORDED VOTE

Mr. BORSKI. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 162, noes 263, not voting 9, as follows:

[Roll No. 61]

AYES—162

Abercrombie	Gonzalez	Olver
Ackerman	Gordon	Owens
Barcia	Green	Pallone
Barrett (WI)	Gutierrez	Pastor
Becerra	Hastings (FL)	Payne (NJ)
Bellenson	Hilliard	Pelosi
Bentsen	Hinchey	Pomeroy
Berman	Holden	Poshard
Bevill	Hoyer	Rahall
Bishop	Jackson-Lee	Rangel
Bonior	Jacobs	Reed
Borski	Johnson (SD)	Reynolds
Boucher	Johnson, E. B.	Richardson
Brown (FL)	Johnston	Rivers
Brown (OH)	Kanjorski	Rose
Bryant (TX)	Kaptur	Roybal-Allard
Cardin	Kennedy (RI)	Rush
Clay	Kennelly	Sabo
Clayton	Kildee	Sanders
Clement	Klecza	Sawyer
Clyburn	Klink	Schroeder
Coleman	LaFalce	Schumer
Collins (IL)	Lantos	Scott
Collins (MI)	Lewis (GA)	Serrano
Conyers	Lincoln	Skaggs
Costello	Lipinski	Slaughter
Coyne	Lofgren	Spratt
Danner	Lowey	Stark
DeFazio	Luther	Stokes
DeLauro	Maloney	Studds
Dellums	Manton	Stupak
Deutsch	Martinez	Taylor (MS)
Dicks	Mascara	Thompson
Dingell	Matsui	Thornton
Dixon	McCarthy	Thurman
Doggett	McDermott	Torres
Doyle	McHale	Torricelli
Durbin	McKinney	Towns
Engel	Meehan	Trafficant
Eshoo	Meek	Tucker
Evans	Menendez	Velazquez
Farr	Mfume	Vento
Fattah	Miller (CA)	Visclosky
Fazio	Mineta	Volkmer
Fields (LA)	Minge	Ward
Filner	Mink	Waters
Flake	Moakley	Watt (NC)
Foglietta	Mollohan	Waxman
Ford	Montgomery	Williams
Frost	Moran	Wise
Furse	Murtha	Woolsey
Gedjenson	Nadler	Wyden
Gephardt	Oberstar	Wynn
Gibbons	Obey	Yates

NOES—263

Allard	Frisa	Neumann
Andrews	Funderburk	Ney
Archer	Gallegly	Norwood
Army	Ganske	Nussle
Bachus	Gekas	Ortiz
Baesler	Geren	Orton
Baker (CA)	Gilchrest	Oxley
Baker (LA)	Gillmor	Packard
Baldacci	Gilman	Parker
Balinger	Goodlatte	Paxon
Barr	Goodling	Payne (VA)
Barrett (NE)	Goss	Peterson (FL)
Bartlett	Graham	Peterson (MN)
Barton	Greenwood	Petri
Bass	Gunderson	Pickett
Bateman	Gutknecht	Pombo
Bereuter	Hall (OH)	Porter
Billray	Hall (TX)	Portman
Billrakis	Hamilton	Pryce
Bliley	Hancock	Quillen
Blute	Hansen	Quinn
Boehler	Hastings (WA)	Radanovich
Boehner	Hayes	Ramstad
Bonilla	Hayworth	Regula
Bono	Hefley	Riggs
Brewster	Heineman	Roberts
Browder	Herger	Roemer
Brownback	Hilleary	Rogers
Bryant (TN)	Hobson	Rohrabacher
Bunn	Hoekstra	Ros-Lehtinen
Bunning	Hoke	Roth
Burr	Horn	Roukema
Buyer	Hostettler	Royce
Callahan	Houghton	Salmon
Calvert	Hunter	Sanford
Camp	Hutchinson	Saxton
Canady	Hyde	Scarborough
Castle	Inglis	Schaefer
Chabot	Istook	Schiff
Chambliss	Johnson (CT)	Seastrand
Chapman	Johnson, Sam	Sensenbrenner
Chenoweth	Jones	Shadegg
Christensen	Kasich	Shaw
Chrysler	Kelly	Shays
Clinger	Kennedy (MA)	Shuster
Coble	Kim	Siskiy
Coburn	King	Skeen
Collins (GA)	Kingston	Skelton
Combest	Klug	Smith (MI)
Condit	Knollenberg	Smith (NJ)
Cooley	Kolbe	Smith (TX)
Cox	LaHood	Smith (WA)
Cramer	Largent	Solomon
Crane	Latham	Souder
Crapo	LaTourette	Spence
Creameans	Laughlin	Stearns
Cubin	Lazio	Stenholm
Cunningham	Leach	Stockman
Davis	Levin	Stump
Deal	Lewis (CA)	Talent
DeLay	Lewis (KY)	Tanner
Diaz-Balart	Lightfoot	Tate
Dickey	Linder	Tauzin
Dooley	Livingston	Taylor (NC)
Doolittle	LoBlondo	Tejeda
Dornan	Longley	Thomas
Dreier	Lucas	Thornberry
Duncan	Manzullo	Tiahrt
Dunn	Markey	Torkildsen
Edwards	Martini	Upton
Ehlers	McCollum	Vucanovich
Ehrlich	McCreary	Waldholtz
Emerson	McDade	Walker
English	McHugh	Walsh
Ensign	McInnis	Wamp
Everett	McIntosh	Watts (OK)
Ewing	McKeon	Weldon (FL)
Fawell	McNulty	Weller
Fields (TX)	Metcalf	White
Flanagan	Meyers	Whitfield
Foley	Mica	Wicker
Forbes	Miller (FL)	Wilson
Fowler	Molinar	Wolf
Fox	Moorhead	Young (AK)
Frank (MA)	Morella	Young (FL)
Franks (CT)	Myers	Zelliff
Franks (NJ)	Myrick	Zimmer
Frelinghuysen	Nethercutt	

NOT VOTING—9

Brown (CA)	Harman	Jefferson
Burton	Hastert	Neal
de la Garza	Hefner	Weldon (PA)

□ 1919

Mr. MARKEY changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. HARMAN. Mr. Chairman, during rollcall vote Nos. 60 and 61 on H.R. 5, I was unavoidably detained. Had I been present I would have voted "nay" on both.

□ 1920

The CHAIRMAN. Are there further amendments to section 4?

AMENDMENTS OFFERED BY MR. CLAY

Mr. CLAY. Mr. Chairman, I offer two amendments, amendment No. 39 and amendment No. 41.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. CLAY: At the end of paragraph (6) of section 4 strike "or", at the end of paragraph (7) strike the period and insert "; or", and add after paragraph (7) the following:

(8) is necessary to protect children from hunger or homelessness.

In section 422 of the Congressional Budget Act of 1974, strike "or" at the end of paragraph (6), strike the period and insert "; or", at the end of paragraph (7), and add after paragraph (7) the following:

(8) is necessary to protect children from hunger or homelessness.

Mr. CLAY. Mr. Chairman, I ask unanimous consent that the amendments be considered en bloc.

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

There was no objection.

The CHAIRMAN. The gentleman from Missouri [Mr. CLAY] will be recognized for 5 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Chairman, I am pleased to offer these amendments along with the gentlewoman from Texas [Ms. JACKSON-LEE].

Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Chairman, I thank the gentleman for yielding me this time.

I am very proud today to offer this amendment today with my good friend and colleague from Missouri [Mr. CLAY].

As chairman of Houston's task force on homelessness, for many years I have worked on the issues of hunger and homelessness in the State of Texas. In my home city of Houston, we have over 10,000 homeless and many thousands of families who are perhaps only one paycheck away from losing their homes.

On any given night in this country, even though we have a roof over our

head, we will find 600,000 people are homeless in the United States. Ne'er-do-wells? I do not think so. People who want a chance or an opportunity, people who have been one paycheck away from maintaining their home and are now out on the street; these people have children. It is estimated that 10 times that number have been homeless at some time during the past 5 years. Clearly homelessness is increasing, impacting more and more lives.

I think it is important for this body to acknowledge that homelessness in the United States has reached epidemic proportions. We must, as Members of Congress and as private citizens, take time to look beyond our own experience so that we may fully understand the magnitude of the crisis.

The majority in this new Congress have said the community at large can handle this problem of homelessness. Oh, I truly appreciate charitable institutions in my district, but we all must break the cycle of homelessness. The Children's Defense Fund estimates over 5 million children go hungry at some point during the month, and over 6 million children live in severely inadequate housing. Clearly a child's nutritional, educational, and overall general health needs are all compromised when subjected to a life that shuffles them from shelter to shelter.

By ignoring the need for greater Federal involvement, we are placing more children at risk for abuse and neglect. The time is now, and I am very grateful to have joined with the gentleman from Missouri in order to effect a bipartisan effort in fashioning a program to address the issue of child hunger and homelessness that should not be eliminated through unfunded mandates.

Although I support abolishing unfunded mandates, I think we must protect our children. I urge my colleagues to seriously consider the ramifications this legislation will have on homeless children and their families.

Realize that literally 10,000 homeless are in the city of Houston; 1,500 of them are children; 150,000 are marginally homeless, doubling up, living with families, friends, and relatives; 30,000 are children; 250,000 are at risk of becoming homeless, living paycheck to paycheck. Any layoff, downsizing, or illness will affect them, and throw a family into a homeless condition. Without safeguards such as our amendment, we put at risk every program that is designed to help the homeless and near homeless to self-sufficiency. Remember, what we are looking forward to is unfunded mandates not to burden our cities, counties, and towns. Then we need to look forward to assisting those who are seeking independence to go from dependence in order to make sure we avoid the homeless cycle.

Mr. Chairman, I am proud to offer this amendment today with my friend and colleague from Missouri, Mr. CLAY. As chairman

of Houston's task force on homelessness, for many years I have worked on the issues of hunger and homelessness in the State of Texas. In my home city of Houston, we have over 10,000 homeless and many thousands of families who are perhaps only one paycheck away from losing their homes.

On any given night, as many as 600,000 people are homeless in the United States. It is also estimated that 10 times that number have been homeless at some time during the past 5 years. Clearly, homelessness is increasingly impacting more and more lives. For this Congress to acknowledge that homelessness in the United States has reached epidemic proportions is only a small step in the right direction. We must, as Members of Congress and as private citizens, take time to look beyond our own experiences so that we may fully understand the magnitude of their crisis.

The majority in this new Congress has said that the community at large can handle the problem of homelessness. I respectfully disagree with my colleagues on the other side of the aisle. As the chairperson of the task force on homelessness for the city of Houston, I have learned first hand that the Federal Government must play a greater role in breaking the cycle of poverty and homelessness. I have great admiration for the charitable institutions of my district. However, even with the good-heartedness of local communities, our cities cannot and should not be expected to respond to a problem of this magnitude.

More importantly, no longer can we overlook the fact that far too many children are affected by hunger and homelessness. The Children's Defense Fund estimates that over 5 million children go hungry at some point during the month, and over 6 million children live in severely inadequate housing. Clearly, a child's nutritional, educational, and overall general health needs are all compromised when subjected to a life that shuffles them from shelter to shelter. By ignoring the need for greater Federal involvement, we are placing more children at risk of abuse and neglect.

The time is now—we must work together in a bipartisan fashion in addressing the issue of child hunger and homelessness. We must work together to assist our communities in their efforts. We must work to provide a coordinated effort to create a system that will help move homeless people from the street, to transitional support, and then to permanent housing.

I urge my colleagues to seriously consider the ramifications that this legislation will have on homeless children and their families. Without safeguards such as our amendment, we put at risk every program that is designed to help the homeless and near homeless to self-sufficiency.

I look forward to working with my colleagues on this important issue and strongly urge their support for this amendment.

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

Mr. Chairman, I rise in opposition to the gentleman's amendments for the same reasons that I opposed the amendment by the gentleman from Vermont. [Mr. SANDERS], the gentleman from Pennsylvania [Mr. KANJORSKI], and the gentlewoman from

New York [Mrs. MALONEY], all of which dealt with some phase of children's concern.

So I must oppose the amendments.

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

Mr. CLAY. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. ROYBAL-ALLARD].

Ms. ROYBAL-ALLARD. Mr. Chairman, on any given night there are 9,000 hungry and homeless children in California.

I rise in strong support of the Jackson-Lee/Clay amendments.

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

Mr. Chairman, I am pleased to offer this amendment along with the gentlewoman from Texas [Ms. JACKSON-LEE]. Sponsors of the unfunded mandates bill wisely decided that certain laws and regulations are too vital to the national interest to be subjected to the cost-benefit and procedural hurdles mandated under this bill. The exclusions already in section 4 acknowledge that we should not engaged in cost-benefit analysis and procedural fights when it comes to civil rights, national emergencies, or international treaties.

Well I think America's children deserve the same protection from the cost-benefit analysis that lies at the heart of this bill. The Federal Government has the responsibility to ensure that the States protect America's children from malnutrition and homelessness. A point of order should not stand in the way of Federal laws that protect our children. America's children are at least as important as international treaties.

One out of four children in this country live in poverty. Millions of children go to bed at night hungry. Too many children have no home to go to. The problems generated by the way this society treats children cross State lines; there are national problems that require national solutions, as set forth in Federal laws. There are housing problems that demand Federal solutions. When we consider laws designed to protect our children from these harms, let us not subject those laws to the obstacles created by this legislation.

Mr. Chairman, I yield back the balance of my time.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in strong support of the Jackson-Lee/Clay amendment to H.R. 5 which will help ensure that the Unfunded Mandates Reform Act will not apply to, among other things, laws and regulations necessary to protect American children against the tragedy of hunger and homelessness.

In cities and rural areas throughout our Nation, millions of American men, women, and children go to sleep on our streets cold and hungry and without hope. It is estimated that twelve million children under age 18—one in five—go hungry each day. On any given night in Los Angeles County, there are up to 84,000

homeless people and, more tragically, 9,000 are children.

Chronic hunger and homelessness are among the greatest threats facing our Nation's children. At a time when they are in greatest need of adequate nutrition and shelter, hungry and homeless children are likely to have their physical and emotional growth and educational development permanently limited. If we doom the chance of American children to become productive workers by failing to invest in them and protect them now, we forge a dubious future for this Nation.

Since the 1970's, the Federal Government has recognized that it must play a major role in addressing homelessness and hunger for families and their children. We have recognized that we have a moral obligation of the highest order as the greatest democracy in the world to protect the most vulnerable members of our society—our children. Existing programs to supplement the nutritional needs of children are critically important to maintaining a safety net for children and their families.

At a time when we should be mounting an unrelenting attack on poverty in America, H.R. 5 threatens a massive retreat from the war on hunger and homelessness. The conditions of hunger and homelessness, and its resultant human suffering, are growing and pervasive problems that will only be exacerbated by the procedural barriers imposed by H.R. 5 and other provisions of the Republican contract with America.

Those who argue that the problem can be addressed through charitable groups are turning a deaf ear to the warnings of organizations such as Catholic Charities, one of the largest in the country, that clearly state they cannot shoulder this responsibility on their own.

We must not be so short sighted in our efforts to bring the Federal deficit under control to abandon our children and leave them without adequate nutrition or housing.

While the road to a total solution for hunger and homelessness is a long and difficult one, our responsibility as Members of Congress is clear: We must continue to protect American children from hunger and homelessness. The Jackson-Lee/Clay amendment is an important step in that direction.

Mr. CLINGER. Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED MS. JACKSON-LEE TO THE AMENDMENTS OFFERED BY MR. CLAY

Ms. JACKSON-LEE. Mr. Chairman, I offer an amendment to the amendments.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE to the amendments offered by Mr. CLAY: Page 1, line 1, insert "and adults" after "children."

The CHAIRMAN. The amendment to the amendments offered by the gentlewoman from Texas [Ms. JACKSON-LEE] is not debatable.

The question is on the amendment offered by the gentlewoman from Texas [Ms. JACKSON-LEE] to the amendments offered by the gentleman from Missouri [Mr. CLAY].

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

RECORDED VOTE

Ms. JACKSON-LEE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This is a 15-minute vote.

The Chair may reduce the next vote to 5 minutes.

The vote was taken by electronic device, and there were—ayes 142, noes 285, not voting 7, as follows:

[Roll No 62]

AYES—142

Abercrombie	Gephardt	Oberstar
Ackerman	Gibbons	Obey
Baldacci	Gonzalez	Oliver
Barrett (WI)	Green	Owens
Becerra	Gutierrez	Pallone
Bellenson	Hall (OH)	Pastor
Bentsen	Hastings (FL)	Payne (NJ)
Berman	Hilliard	Pelosi
Bishop	Hinchee	Poshard
Bonior	Holden	Rangel
Borski	Hoyer	Reed
Brown (FL)	Jackson-Lee	Reynolds
Brown (OH)	Jacobs	Richardson
Bryant (TX)	Jefferson	Rivers
Cardin	Johnson (SD)	Rose
Clay	Johnson, E. B.	Roybal-Allard
Clayton	Johnston	Rush
Clyburn	Kennedy (MA)	Sabo
Coleman	Kennedy (RI)	Sanders
Collins (IL)	Kennelly	Sawyer
Collins (MI)	Kildee	Schroeder
Conyers	Klecicka	Scott
Costello	LaFalce	Serrano
Coyne	Lantos	Slaughter
Danner	Laughlin	Stark
de la Garza	Levin	Stokes
DeFazio	Lewis (GA)	Studds
DeLauro	Lipinski	Stupak
Dellums	Lofgren	Thompson
Deutsch	Lowey	Torres
Dingell	Maloney	Towns
Dixon	Manton	Trafficant
Doggett	Markey	Tucker
Durbin	Martinez	Velazquez
Engel	Mascara	Vento
Eshoo	Matsui	Volkmer
Evans	McDermott	Ward
Fattah	McHale	Waters
Fazio	McKinney	Watt (NC)
Fields (LA)	Meehan	Waxman
Flner	Meek	Williams
Flake	Mfume	Wise
Foglietta	Miller (CA)	Woolsey
Ford	Mineta	Wyden
Frank (MA)	Mink	Wynn
Frost	Moakley	Yates
Furse	Mollohan	
Gedjenson	Nadler	

NOES—285

Allard	Browder	Cramer
Andrews	Brownback	Crane
Archer	Bryant (TN)	Crapo
Armey	Bunn	Cremins
Bachus	Bunning	Cubin
Baessler	Burr	Cunningham
Baker (CA)	Burton	Davis
Baker (LA)	Buyer	Deal
Balenger	Callahan	DeLay
Barcia	Calvert	Diaz-Balart
Barr	Camp	Dickey
Barrett (NE)	Canady	Dicks
Bartlett	Castle	Dooley
Barton	Chabot	Doolittle
Bass	Chambliss	Dornan
Bateman	Chapman	Doyle
Bereuter	Chenoweth	Dreier
Bevill	Christensen	Duncan
Bilbray	Chrysler	Dunn
Billirakis	Clement	Edwards
Billey	Clinger	Ehlers
Blute	Coble	Ehrlich
Boehlert	Coburn	Emerson
Boehner	Collins (GA)	English
Bonilla	Combest	Ensign
Bono	Condit	Everett
Boucher	Cooley	Ewing
Brewster	Cox	Fawell

Fields (TX)	Leach	Rohrbacher
Fianagan	Lewis (CA)	Ros-Lehtinen
Foley	Lewis (KY)	Roth
Forbes	Lightfoot	Roukema
Fowler	Lincoln	Royce
Fox	Linder	Salmon
Franks (CT)	Livingston	Sanford
Franks (NJ)	LoBlundo	Saxton
Frelinghuysen	Longley	Scarborough
Frisa	Lucas	Schaefer
Funderburk	Luther	Schiff
Gallegly	Manzullo	Schumer
Ganske	Martini	Seastrand
Gekas	McCarthy	Sensenbrenner
Geren	McCollum	Shadegg
Gilchrest	McCrery	Shaw
Gillmor	McDade	Shays
Goodlatte	McHugh	Shuster
Goodling	McInnis	Sisisky
Gordon	McIntosh	Skaggs
Goss	McKeon	Skeen
Graham	McNulty	Skelton
Greenwood	Menendez	Smith (MI)
Gunderson	Metcalf	Smith (NJ)
Gutknecht	Meyers	Smith (TX)
Hall (TX)	Mica	Smith (WA)
Hamilton	Miller (FL)	Solomon
Hancock	Minge	Souder
Hansen	Molinar	Spence
Harman	Montgomery	Spratt
Hastings (WA)	Moorhead	Stearns
Hayes	Moran	Stenholm
Hayworth	Morella	Stockman
Hefley	Murtha	Stump
Heineman	Myers	Talent
Hergert	Myrick	Tanner
Hilleary	Nethercutt	Tate
Hobson	Neumann	Tauzin
Hoekstra	Ney	Taylor (MS)
Hoke	Norwood	Taylor (NC)
Horn	Nussle	Tejeda
Hostettler	Ortiz	Thomas
Houghton	Orton	Thornberry
Hunter	Oxley	Thornton
Hutchinson	Packard	Thurman
Hyde	Parker	Tiahrt
Inglis	Paxon	Torkildsen
Istook	Payne (VA)	Torricelli
Johnson (CT)	Peterson (FL)	Upton
Johnson, Sam	Peterson (MN)	Visclosky
Jones	Petri	Vucanovich
Kanjorski	Pickett	Waldholtz
Kaptur	Pombo	Walker
Kasich	Pomeroy	Walsh
Kelly	Porter	Wamp
Kim	Portman	Watts (OK)
King	Pryce	Weldon (FL)
Kingston	Quillen	Weller
Klink	Quinn	White
Klug	Radanovich	Whitfield
Knollenberg	Rahall	Wicker
Kolbe	Ramstad	Wilson
LaHood	Regula	Wolf
Largent	Riggs	Young (AK)
Latham	Roberts	Young (FL)
LaTourrette	Roemer	Zeliff
Lazio	Rogers	Zimmer

NOT VOTING—7

Brown (CA)	Hastert	Weldon (PA)
Farr	Hefner	
Gilman	Neal	

□ 1946

Messrs. THORNTON, MCDADE, and BEVILL changed their vote from "aye" to "no."

Mr. BALDACCII changed his vote from "no" to "aye."

So the amendment to the amendments was rejected.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state it.

Mr. VOLKMER. If the gentleman from Missouri, myself, had an amendment to the amendment of the gen-

tleman from Missouri [Mr. CLAY], would it now be in order to offer that amendment to the amendment of the gentleman from Missouri?

The CHAIRMAN. A nondebatable amendment could be offered.

Mr. VOLKMER. Mr. Chairman, I do not plan to do it; I just wanted to be sure.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Missouri [Mr. CLAY].

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

RECORDED VOTE

Mr. CLAY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2(c) of rule XXIII this will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 151, noes 277, not voting 6, as follows:

[Roll No 63]

AYES—151

Abercrombie	Furse	Nadler
Ackerman	Gejdenson	Oberstar
Baldacci	Gephardt	Obey
Barcia	Gibbons	Oliver
Barrett (WI)	Gonzalez	Ortiz
Becerra	Green	Owens
Bellenson	Gutierrez	Pallone
Bentsen	Hall (OH)	Pastor
Berman	Hastings (FL)	Payne (NJ)
Bishop	Hilliard	Pelosi
Bonior	Hinchee	Poshard
Borski	Holden	Rangel
Boucher	Hoyer	Reed
Brown (FL)	Jackson-Lee	Reynolds
Brown (OH)	Jacobs	Richardson
Bryant (TX)	Jefferson	Rivers
Cardin	Johnson (SD)	Roemer
Clay	Johnson, E. B.	Roybal-Allard
Clayton	Johnston	Rush
Clement	Kennedy (MA)	Sabo
Clyburn	Kennedy (RI)	Sanders
Coleman	Kennelly	Sawyer
Collins (IL)	Kildee	Schroeder
Collins (MI)	Klecicka	Scott
Conyers	LaFalce	Serrano
Costello	Lantos	Slaughter
Coyne	Lantos	Stark
Danner	Levin	Stokes
de la Garza	Lewis (GA)	Studds
DeFazio	Lipinski	Stupak
Dellums	Lofgren	Thompson
Deutsch	Lowey	Torres
Dicks	Luther	Towns
Dingell	Maloney	Trafficant
Dixon	Manton	Tucker
Doggett	Markey	Velazquez
Durbin	Martinez	Vento
Engel	Mascara	Volkmer
Eshoo	Matsui	Ward
Evans	McCarthy	Waters
Farr	McDermott	Watt (NC)
Fattah	McHale	Waxman
Fazio	McKinney	Williams
Fields (LA)	Meehan	Wise
Flner	Meek	Woolsey
Flake	Menendez	Wyden
Foglietta	Mfume	Wynn
Ford	Miller (CA)	Yates
Frank (MA)	Mineta	
Frost	Mink	
	Moakley	
	Mollohan	

NOES—277

Allard	Baker (LA)	Bateman
Andrews	Balenger	Bereuter
Archer	Barr	Bevill
Armey	Barrett (NE)	Bilbray
Bachus	Bartlett	Billirakis
Baessler	Barton	Billey
Baker (CA)	Bass	Blute

Boehlert	Hamilton	Peterson (MN)
Boehner	Hancock	Petri
Bonilla	Hansen	Pickett
Bono	Harman	Pombo
Brewster	Hastings (WA)	Pomeroy
Browder	Hayes	Porter
Brownback	Hayworth	Portman
Bryant (TN)	Hefley	Pryce
Bunn	Heineman	Quillen
Bunning	Herger	Quinn
Burr	Hillery	Radanovich
Burton	Hobson	Rahall
Buyer	Hoekstra	Ramstad
Callahan	Hoke	Regula
Calvert	Horn	Riggs
Camp	Hostettler	Roberts
Canady	Hunter	Rogers
Castle	Hutchinson	Rohrabacher
Chabot	Hyde	Ros-Lehtinen
Chambliss	Inglis	Rose
Chapman	Istook	Roth
Chenoweth	Johnson (CT)	Roukema
Christensen	Johnson, Sam	Royce
Chrysler	Jones	Salmon
Clinger	Kanjorski	Sanford
Coble	Kaptur	Saxton
Coburn	Kasich	Scarborough
Collins (GA)	Kelly	Schaefer
Combest	Klim	Schiff
Condit	King	Schumer
Cooley	Kingston	Seastrand
Cox	Klink	Sensenbrenner
Cramer	Klug	Shadegg
Crane	Knollenberg	Shaw
Crapo	Kolbe	Shays
Creameans	LaHood	Shuster
Cubin	Largent	Siskisky
Cunningham	Latham	Skaggs
Davis	LaTourette	Skeen
Deal	Laughlin	Skelton
DeLay	Lazio	Smith (MI)
Diaz-Balart	Leach	Smith (NJ)
Dickey	Lewis (CA)	Smith (TX)
Dooley	Lewis (KY)	Smith (WA)
Doolittle	Lightfoot	Solomon
Dornan	Lincoln	Souder
Doyle	Linder	Spence
Dreier	Livingston	Spratt
Duncan	LoBiondo	Stearns
Dunn	Longley	Stenholm
Edwards	Lucas	Stockman
Ehlers	Manzullo	Stump
Ehrlich	Martini	Talent
Emerson	McCollum	Tanner
English	McCrery	Tate
Everett	McDade	Tauzin
Ewing	McHugh	Taylor (MS)
Fawell	McInnis	Taylor (NC)
Fields (TX)	McIntosh	Thomas
Flanagan	McKeon	Thornberry
Foley	McNulty	Thornton
Forbes	Metcalf	Thurman
Fowler	Meyers	Tiahrt
Fox	Mica	Torkildsen
Franks (CT)	Miller (FL)	Torrice
Franks (NJ)	Minge	Upton
Frelinghuysen	Mollinari	Vislosky
Frisa	Montgomery	Vucanovich
Funderburk	Moorhead	Waldholtz
Galleghy	Moran	Walker
Ganske	Morella	Walsh
Gekas	Murtha	Wamp
Geren	Myers	Watts (OK)
Gilchrest	Myrick	Weldon (FL)
Gillmor	Nethercutt	Weller
Gilman	Neumann	White
Goodlatte	Ney	Whitfield
Goodling	Norwood	Wicker
Gordon	Nussle	Wilson
Goss	Orton	Wolf
Graham	Oxley	Young (AK)
Greenwood	Packard	Young (FL)
Gunderson	Parker	Zeliff
Gutknecht	Paxon	Zimmer
Hall (TX)	Payne (VA)	
	Peterson (FL)	

NOT VOTING—6

Brown (CA)	Hefner	Neal
Hastert	Houghton	Weldon (PA)

□ 1954

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. CLAY

Mr. CLAY. Mr. Chairman, I offer two amendments, numbered 40 and 42, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. CLAY: At the end of paragraph (6) of section 4 strike "or", at the end of paragraph (7) strike the period and insert "; or", and add after paragraph (7) the following:

(8) is necessary to protect the health and safety of those, including children and discouraged workers, who, through no fault of their own, receive welfare assistance.

In section 422 of the Congressional Budget Act of 1974, strike "or" at the end of paragraph (6), strike the period and insert "; or", at the end of paragraph (7), and add after paragraph (7) the following:

(8) is necessary to protect the health and safety of those, including children and discouraged workers, who, through no fault of their own, receive welfare assistance.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri [Mr. CLAY] that the amendments numbered 40 and 42 be considered en bloc?

There was no objection.

The CHAIRMAN. The gentleman from Missouri [Mr. CLAY] will be recognized for 5 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 5 minutes.

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

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

Mr. Chairman, this amendment adds a much needed exemption to this bill. It provides that this act shall not apply to Federal laws or regulations that protect the health and welfare of children, discouraged workers, and others, who, through no fault of their own, need welfare assistance.

We as a nation have a duty to ensure that no one is left without the means to provide for the basic necessities of life. In a society as wealthy as ours, we have a moral responsibility to lend aid to the most vulnerable members of our society, including those who cannot find decent work for decent pay.

Our Nation's unemployment rate is approximately 5½ percent, and while that rate signifies better times for many, it still leaves almost 8 million unemployed. Hidden from that number are half a million others who no longer are counted as unemployed because they have given up hope of finding gainful employment. They have become discouraged workers.

There are tens of millions of others, including children, the aged, and the infirm, who cannot work. They don't have organized lobbyists pressing their case before Congress. They don't have the resources to contribute to political

campaigns. And, too often, when they are not being ignored and forgotten, they are being blamed for circumstances which are as much of our making as their own. The best way to protect these vulnerable members of our society from the onerous and cost-benefit provisions under this bill is to shield them from these provisions.

I disagree with those who claim that this welfare crisis is the fault of the poor. We have a minimum wage today that does not support a family of three above the poverty line. We have a fiscal policy that encourages unemployment to curb inflation. We have a trade policy that encourages the exporting of low skilled jobs.

Solving this crisis is the greatest challenge we face today.

Without my amendment, H.R. 5 will discourage the Congress from meeting its moral and constitutional responsibilities to "provide for the general welfare" of the poor, the infirm, and the helpless. While the Federal Government clearly has a large role in solving the welfare crisis, State and local governments have significant responsibilities as well. We, as elected Representatives to the national Government, are ultimately responsible for ensuring that governments at all levels meet their responsibilities to the weak and the poor.

Hubert Humphrey said "The moral test of government is how it treats those in the dawn of life—the children; those in the twilight of life—the old; those in the shadow of life—the sick and the handicapped." To adopt H.R. 5 without this amendment is to turn our backs on our highest responsibility.

Mr. Chairman, I urge adoption of the amendment.

Mr. CLINGER. Mr. Chairman, I must oppose this amendment for the reasons that have been repeated here so often this evening and over the last 5 days.

Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. PORTMAN].

□ 2000

Mr. PORTMAN. Mr. Chairman, it will not come as a surprise that I rise again to oppose yet another amendment excluding whole areas of the law from the very reasonable cost analysis provided in the legislation, H.R. 5.

It might be of interest to know this is the eighth amendment to section 4 relating to health, the fifth amendment relating to safety, and the seventh amendment relating to child welfare.

The reason these amendments went down, they were all voted down with solid bipartisan votes, the last one was 277 to 155, is that the bill before us in no way precludes Congress from acting responsibly in these areas to protect the very important national interests that are the subject of these amendments.

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

I have no further requests for time, Mr. Chairman. One of the reasons that those amendments have been going down is precisely what I said in my remarks, that the people that we are attempting to protect here do not have the benefit of lobbyists and other organizational protections on their side. It does not have to be that it is a bipartisan effort that is defeating this. It is a lack of compassion, in my opinion, on the part of some who do not realize the suffering of the people that we are trying to exempt.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

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

Just in closing, I would say that I think the reason that those amendments have gone down is not for the reason the gentleman stated but because the majority of this body recognized that all of the interest groups that have been the subject of these amendments are not going to be affected by this law adversely.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Missouri [Mr. CLAY]

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

RECORDED VOTE

Mr. CLAY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 138, noes 284, not voting 12, as follows:

[Roll No 64]

AYES—138

Abercrombie	Farr	Luther
Ackerman	Fattah	Maloney
Barcia	Fazio	Manton
Barrett (WI)	Fields (LA)	Markey
Becerra	Flner	Martinez
Bellenson	Flake	Mascara
Berman	Foglietta	Matsui
Bishop	Ford	McCarthy
Bonior	Frank (MA)	McDermott
Borski	Furse	McHale
Brown (FL)	Gejdenson	McKinney
Bryant (TX)	Gephardt	Meehan
Clay	Gibbons	Meek
Clayton	Gonzalez	Menendez
Clement	Green	Mfume
Clyburn	Gutierrez	Miller (CA)
Coleman	Hall (OH)	Mineta
Collins (IL)	Hastings (FL)	Mink
Collins (MI)	Hinchev	Moakley
Conyers	Jackson-Lee	Mollohan
Costello	Jacobs	Nadler
Coyne	Jefferson	Oberstar
Danner	Johnson, E.E.	Oliver
de la Garza	Johnston	Ortiz
DeFazio	Kanjorski	Owens
DeLauro	Kennedy (MA)	Pallone
Dellums	Kennedy (RI)	Pastor
Deutsch	Kennelly	Payne (NJ)
Dicks	Kildee	Pelosi
Dingell	Kiecicka	Poshard
Dixon	LaFalce	Rangel
Doyle	Lantos	Reed
Durbin	Levin	Reynolds
Edwards	Lewis (GA)	Richardson
Engel	Lipinski	Rivers
Eshoo	Lofgren	Rush
Evans	Lowey	Sabo

Sanders	Stupak	Volkmer
Sawyer	Tejeda	Ward
Schroeder	Thompson	Waters
Scott	Torres	Watt (NC)
Serrano	Towns	Williams
Slaughter	Trafiacnt	Woolsey
Stark	Tucker	Wyden
Stokes	Velazquez	Wynn
Studds	Vento	Yates

NOES—284

Allard	Foley	McHugh
Andrews	Forbes	McInnis
Archer	Fowler	McIntosh
Armey	Fox	McKeon
Bachus	Franks (CT)	McNulty
Baessler	Franks (NJ)	Metcalf
Baker (CA)	Frelinghuysen	Meyers
Baker (LA)	Frisa	Mica
Baldacci	Frost	Miller (FL)
Ballenger	Funderburk	Minge
Barr	Gallegly	Molnari
Barrett (NE)	Ganske	Montgomery
Bartlett	Gekas	Moorhead
Barton	Geren	Moran
Bass	Gilchrest	Morella
Bentsen	Gillmor	Murtha
Bereuter	Gilman	Myers
Bevill	Goodlatte	Myrick
Bilbray	Goodling	Nethercutt
Bilirakis	Gordon	Neumann
Bliley	Goss	Ney
Blute	Graham	Norwood
Boehlert	Greenwood	Nussle
Boehner	Gunderson	Obey
Bonilla	Gutknecht	Orton
Bono	Hall (TX)	Oxley
Boucher	Hamilton	Packard
Brewster	Hancock	Parker
Browder	Hansen	Paxon
Brown (OH)	Harman	Payne (VA)
Brownback	Hastings (WA)	Peterson (FL)
Bryant (TN)	Hayes	Peterson (MN)
Bunn	Hayworth	Petri
Bunning	Hefley	Pickett
Burr	Heineman	Pombo
Burton	Herger	Pomeroy
Buyer	Hillery	Porter
Callahan	Hobson	Portman
Calvert	Hoekstra	Pryce
Camp	Hoke	Quillen
Canady	Holden	Quinn
Cardin	Horn	Radanovich
Castle	Hostettler	Rahall
Chabot	Houghton	Ramstad
Chambless	Hunter	Regula
Chapman	Hutchinson	Riggs
Chenoweth	Hyde	Roberts
Christensen	Inglis	Roemer
Chrysler	Istook	Rogers
Clinger	Johnson (CT)	Rohrabacher
Coble	Johnson (SD)	Ros-Lehtinen
Coburn	Johnson, Sam	Rose
Collins (GA)	Jones	Roth
Combest	Kaptur	Roukema
Condit	Kasich	Royce
Cooley	Kelly	Salmon
Cox	Kim	Sanford
Cramer	King	Saxton
Crane	Kingston	Scarborough
Crapo	Klink	Schaefer
Cremeans	Klug	Schiff
Cunningham	Knollenberg	Schumer
Davis	Kolbe	Seastrand
Deal	LaHood	Sensenbrenner
DeLay	Largent	Shadegg
Diaz-Balart	Latham	Shaw
Dickey	LaTourette	Shays
Doggett	Laughlin	Shuster
Dooley	Lazio	Sisisky
Doolittle	Leach	Skaggs
Dorman	Lewis (CA)	Skeen
Dreier	Lewis (KY)	Skelton
Duncan	Lightfoot	Smith (MI)
Dunn	Lincoln	Smith (NJ)
Ehlers	Linder	Smith (TX)
Ehrlich	Livingston	Smith (WA)
Emerson	LoBiondo	Solomon
English	Longley	Souder
Ensign	Lucas	Spence
Everett	Manzullo	Spratt
Ewing	Martini	Stearns
Fawell	McCollum	Stenholm
Fields (TX)	McCreery	Stockman
Flanagan	McDade	Stump

Talent	Torkildsen	White
Tanner	Torriceili	Whitfield
Tate	Upton	Wicker
Tauzin	Visclosky	Wilson
Taylor (MS)	Vucanovich	Wise
Taylor (NC)	Waldholtz	Wolf
Thomas	Walker	Young (AK)
Thornberry	Walsh	Young (FL)
Thornton	Wamp	Zeliff
Thurman	Weldon (FL)	Zimmer
Tiahrt	Weller	

NOT VOTING—12

Bateman	Hefner	Roybal-Allard
Brown (CA)	Hilliard	Watts (OK)
Cubin	Hoyer	Waxman
Hastert	Neal	Weldon (PA)

□ 2017

Mr. WISE changed his vote from "aye" to "no."

So the amendments were rejected. The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to section 4?

PERSONAL EXPLANATION

Ms. ROYBAL-ALLARD. Mr. Chairman, I was unavoidably detained during rollcall No. 64. Had I been present I would have voted "aye."

AMENDMENTS OFFERED BY MR. CLAY

Mr. CLAY. Mr. Chairman, I offer two amendments which are numbered 43 and 44, and I ask unanimous consent that they be considered en bloc.

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

Mr. VOLKMER. Reserving the right to object, Mr. Chairman, and I do not plan to object, but I rise to ask the gentleman from Missouri [Mr. CLAY] to explain briefly why he is wishing to put these amendments en bloc, together.

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

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

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

Mr. Chairman, I would just say this is a very important amendment that would exempt the schoolchildren of this Nation, some 44,000 of them who are suffering from or endangered by asbestos.

Mr. VOLKMER. Mr. Chairman, further reserving the right to object, the gentleman has two amendments to two sections or titles of the bill.

□ 2020

Mr. CLAY. Yes, one of them is purely a technical amendment.

Mr. VOLKMER. But if the gentleman really wanted to delay this bill, he could not offer to put them together and could offer them separately as the bill progresses as other Members could have done who have put their amendments together; is that correct?

Mr. CLAY. That is correct. One of the reasons I might say to the gentleman that it is necessary for us to offer these amendments on the floor is that individuals who were going to offer them in committee were precluded from offering those amendments. There were no public hearings

on these and, as I understand, only one public witness was permitted to testify. That is why we are going through the procedure that we are going through, and Members of Congress who want to be heard on important issues like this have to and are forced to rely on these kinds of procedures.

Mr. VOLKMER. Mr. Chairman, with that understanding, and with the clear understanding that the gentleman by offering these amendments en bloc is not trying to delay the progress of this bill, I withdraw my reservation.

Mr. CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. CLAY: At the end of paragraph (6) of section 4 strike "or", at the end of paragraph (7) strike the period and insert "; or", and add after paragraph (7) the following: (8) is necessary to protect school children from exposure to dangerous conditions in schools, including exposure to asbestos and lead paint.

In section 422 of the Congressional Budget Act of 1974, strike "or" at the end of paragraph (6), strike the period and insert "; or", at the end of paragraph (7), and add after paragraph (7) the following: (8) is necessary to protect school children from exposure to dangerous conditions in schools, including exposure to asbestos and lead paint.

The CHAIRMAN. The gentleman from Missouri [Mr. CLAY] will be recognized for 5 minutes, and a Member opposed, the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Missouri [Mr. CLAY].

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

Mr. Chairman, this amendment exempts from the requirements of the unfunded mandates bill protections for children from exposure to environmental hazards in school.

We have heard an awful lot these past few days about concerns Members have about the future and especially about the future of our young people. We have been told that we have to reduce the deficit because if we do not, our children and grandchildren will bear a terrible price.

I think this concern about our young and their future is legitimate. The amendment I offer goes right to the heart of that concern.

This amendment is a children's protection amendment. It is based on the simplest of objectives, namely that our children within the classroom deserve the safest possible environment in which to learn. That means clean water to drink, clean air to breathe. It means not being exposed to asbestos, lead and radon. Exposure to these contaminants is making our children sick from one end of this Nation to the

other. As many as 15 million children attend more than 44,000 schools containing friable asbestos. Children who are exposed to asbestos on a daily basis are up to 10 times more likely to develop lung cancer and other diseases than an adult.

The terrible effects that lead exposure has on children have been well-documented. They are much more vulnerable to lead exposure than adults and lead-related losses of intellectual capacity is irreversible. Lead exposure can damage the brain and the central nervous system. It is estimated, Mr. Chairman, that 3 million children, one out of every six, have significant blood lead levels.

The Centers for Disease Control found that 67 percent of the children tested in Oakland schools were lead poisoned. Sixty percent of low-income children tested in Chicago were lead-poisoned. In Philadelphia, 29 percent of the children tested at inner-city hospital emergency rooms had blood levels that were 50 percent above the lead poisoning threshold. Six Midwestern States alone have close to 200,000 children who suffer from lead poisoning.

Finally, Mr. Chairman, my amendment addresses the issue of radon. This is a radioactive gas which has been linked to numerous lung cancer deaths. Young people are more susceptible than adults to the risks of cancer caused by radon, and the sad reality is that the source of much of this radon is in the public schools. Half of the schools recently surveyed by the EPA contained radon that exceeded acceptable levels.

Mr. Chairman, if that notorious butcher of Baghdad, Saddam Hussein, invaded our country and contaminated our schools with poisonous levels of lead, asbestos and radon, we would be up in arms. It is no less of a threat because it is happening unintentionally.

All unfunded mandates are not inherently bad. Some of them are worth standing up and fighting for. To me an unfunded mandate that rids our schools of poison is worth that fight.

Mr. Chairman, I urge my colleagues to stand up for children and our future and support this amendment.

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

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

I rise in opposition to this amendment as well. But I want to first of all express my appreciation to the other side and the gentleman for the expeditious way in which we handled the previous amendment without an amendment to the amendment and also to the gentleman for offering his amendments en bloc. I think that is very helpful.

But again I would oppose the amendment because of the reasons previously stated.

Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. Mr. Chairman, I thank my colleague from Pennsylvania for yielding me the time.

Mr. Chairman, first of all by defeating this amendment, we do not affect in any way the current law and current regulations affecting lead paint or asbestos. Those regulations, those rules, stay intact. This amendment does not even prohibit this House or this Congress from affecting future mandates and future laws governing these areas as well. We maintain that flexibility. All we do is we get those costs in front of us before we act, so that we can understand what the true costs of the regulations are going to be before we send the bills down to our State and local governments who are going to have to carry them out.

Let me give a couple of examples of how sometimes the best intentions from this body end up having the opposite effect that we intend by the time they filter down to the State and local governments who we are supposedly trying to work with and help.

On asbestos removal we had a project over in my county and it cost the county \$7 million in renovations of an old school because of the asbestos removal, that we had originally hoped to put up as a senior citizens activity center and a home for the elderly. But the costs became very, very high in stretching that out. In one case we were able to build the center. In the other we had to abandon our plans to build housing for seniors. We could not do it because the costs were so great that had been sent down to us.

Asbestos removal, unleaded paint, we will have the flexibility under this law to move ahead, but the unintended effects have been that we have put untold costs on localities, we have made construction of homeless shelters, senior housing, community centers too expensive in many cases because of these removal costs that we have put onto the localities. So in an adverse and unintended way, instead of protecting our children, it hampers local and State governments' ability to provide these services.

I have been in local government for 15 years, Mr. Chairman. This sounds great but I can tell you it holds so many unintended consequences that have the adverse effects that work contrary to how we want them to by the time it gets down to local governments.

I think this is an amendment that should be defeated.

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

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

Mr. Chairman, this amendment is important. Without the kind of protection that this amendment offers, while we will be debating points of order under the legislation, children will continue to be exposed to life-threatening conditions. Under the language of

this bill, we will not be able to reauthorize legislation to protect the children if we do not pass this kind of legislation without going through the dilatory kinds of things that are required and the time-consuming estimation of costs. We will not be able to reauthorize those protections that we now have in the law for children who are exposed to these kinds of contaminants.

I urge my colleagues to support the amendment.

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

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

Mr. VOLKMER. Mr. Chairman, in listening to the gentleman and the gentleman on the other side, I come to a conclusion that concerns me a great deal. That is, under the provisions of the bill which is said that if a reauthorization for one of these matters comes up and it costs a certain amount, that it is very likely that those people who are now voting against children and the handicapped and everybody else, that they probably would not vote in the future for those same people, and as a result you would not see anything. Is that your concern?

□ 2030

Mr. CLAY. I agree; that is my concern.

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

Mr. CLINGER. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, I rise in opposition to this amendment for the very clear reason that had this bill been in fact in force, the problems with asbestos removal as we know today would not be there. We have in fact come close to \$100 billion in the costs associated with asbestos removal.

There are some very significant studies now coming forth in the medical community that would say that we have in fact increased the risks to the children through our removal programs with asbestos rather than decreased their risks. As a physician, my concern is for the children in the schools and the results of that.

Mr. CLINGER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Missouri [Mr. CLAY].

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

RECORDED VOTE

Mr. CLAY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 127, noes 297, not voting 10, as follows:

[Roll No. 65]

AYES—127

Abercrombie
Ackerman
Barcia
Becerra
Bellenson
Bentsen
Berman
Bishop
Bontor
Borski
Brown (FL)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
de la Garza
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake

Foglietta
Ford
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hillard
Hinchey
Hoyer
Jackson-Lee
Jefferson
Johnson, E.B.
Johnston
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Manton
Markey
Martinez
Mascara
McDermott
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley

Nadler
Oberstar
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Rangel
Reynolds
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Slaughter
Stark
Stokes
Studds
Stupak
Thompson
Thornton
Torrice
Towns
Tucker
Velazquez
Vento
Volkmmer
Waters
Watt (NC)
Waxman
Williams
Woolsey
Wyden
Wynn
Yates

Kelly
Klim
King
Kingston
Klecza
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazo
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBlundo
Longley
Lucas
Maloney
Manzullo
Martini
Matsui
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Minge
Mollinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers

Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Olver
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
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
Skaggs
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
Torres
Traffant
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zelliff
Zimmer

NOES—297

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldaacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bereuter
Bevill
Bilbray
Billrakis
Bliley
Blute
Boehert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen

Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combust
Condit
Cooley
Cox
Cramer
Crane
Crapo
Creameans
Cubin
Cunningham
Danner
Davis
Deal
DeFazio
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
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa

Funderburk
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Gliman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastings (WA)
Hayes
Hayworth
Hefley
Helmen
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich

NOT VOTING—10

Bateman
Brown (CA)
Ganske
Hastert
Hefner
Luther
McCarthy
Neal
Ward
Weldon (PA)
Young (FL)
Zelliff
Zimmer

□ 2047

Messrs. MOLLOHAN, BALDACCI, and OLVER changed their vote from "aye" to "no."

So the amendments were rejected. The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to section 4?

PERSONAL EXPLANATION

Mr. WARD. Mr. Speaker, due to unavoidable circumstances, I missed rollcall vote No. 65—during consideration of H.R. 5, Unfunded Mandates Reform Act—on January 30, 1995. Had I been present, I would have voted "aye."

AMENDMENT OFFERED BY MS. JACKSON-LEE
Ms. JACKSON-LEE. 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 Ms. JACKSON-LEE: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) pertains to Medicaid.

The CHAIRMAN. The gentlewoman from Texas [Ms. JACKSON-LEE] will be recognized for 5 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 5 minutes in opposition.

The Chair recognizes the gentlewoman from Texas [Ms. JACKSON-LEE].

□ 2050

Ms. JACKSON-LEE. Mr. Chairman, I offer this amendment because for those who are the least among us, they have little voice sometimes in the halls of Congress. The Medicaid program fulfills a promise to provide much needed health services to over 20 million Americans. This is a promise that must be honored. Without question, we must reduce waste and inefficiency in this program. I support that. I want efficiency and no waste. But I fear that as we visit this legitimate concern this Congress will use a tactic of not fully funding the program as an excuse to extremely limit its scope and potential. In effect, such tactics could even serve to paralyze the program under the current unfunded mandates legislation.

Medicaid serves the crucial health needs of children, disabled adults, families and the elderly, all of whom may be indigent. I do not expect this to be a popular issue, yet it is one that cannot be ignored.

Many State Governors have voiced dissatisfaction with the Medicaid program. I want to work with them to make it better. I think their dissatisfaction stems from the frustration surrounding the inability to control the costs of health care and the continued increase in the number of people who are not covered by insurance.

What I fear though, is the notion that Medicaid could crumble under the tide of programs that are unable to be fully funded. The success of this program is directly tied to the idea of cost sharing between the Federal Government, States and localities. We cannot let the indigent down. It is not an unrealistic idea to expect the States to financially contribute to a program which serves the health needs of its citizens.

The States should realize that Medicaid is an investment into the value of the health of its people and Medicaid helps to serve the indigent. Healthier citizens translate into to more hours worked on the job, if able, more income generated and higher productivity rate.

In sum, everyone in the State becomes better served when the health of its residents, including the indigent, becomes a priority.

Let us today make the health of America's economically disadvantaged a national priority and vote in favor of the Jackson-Lee amendment to H.R. 5.

Mr. Chairman, the Medicaid program fulfills a promise to provide much needed services to

over 20 million Americans. This is a promise that must be honored. Without question, we must reduce waste inefficiency within this program. But I fear that as we visit this legitimate concern, this Congress will use the tactic of not fully funding the program as an excuse to extremely limit its scope and potential. In effect, such tactics could even serve to paralyze the program under the current unfunded mandates legislation. Medicaid serves the crucial health needs of indigent children, disabled citizens, indigent families and indigent elderly.

I do not expect this to be a popular issue, yet it is one that cannot be ignored. Many State Governors have voiced their dissatisfaction with the Medicaid program. I think their dissatisfaction stems from the frustrations surrounding the inability to control the costs of health care and the continual increase in the number of people who are not covered by insurance. I am not unsympathetic to their frustrations. What I fear, though, is the notion that Medicaid could crumble under the tide of programs that are unable to be fully funded.

The success of this program is directly tied to the idea of cost-sharing between the Federal Government and the States and localities. It is not an unrealistic idea to expect the States to financially contribute to a program which serves the needs of its citizens. The States should realize that Medicare is an investment into the value of the health of its people. Healthier citizens translates into more hours worked on the job, more income generated, and higher productivity rates. In sum, everyone in the State becomes better served when the health of its residents becomes a priority.

Let us today make the health of America's economically disadvantaged a national priority and vote in favor of the Jackson-Lee amendment to H.R. 5.

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

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

Mr. Chairman, I must rise in opposition to the gentlewoman's amendment. This is a sweeping amendment which would exempt all of Medicaid from any future consideration of what the costs might be.

But again I would stress it is not in any sense retroactive, will not affect Medicare or Medicaid as it exists today.

Mr. Chairman, I yield such time as he may consume to a Member who has had a great many dealings with this matter, the gentleman and former governor from Delaware, Mr. CASTLE.

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

Mr. Chairman, I have listened carefully to the argument of the gentlewoman from Texas. She makes, I think, some valid points. But the bottom line is that of all the unfunded mandates that probably are a source of a problem for the governors of the various States and some local officials, Medicaid probably tops the list. As the gentlewoman has stated so clearly, there is a great deal of dissatisfaction with this program as it comes from

Washington. There is huge inflexibility in the Medicaid program as you deal with the indigent, long-term care. There are a lot of problems that need to be addressed, that we are asked to address more than possibly could be. This is a shared program with the States depending on the wealth of the States. It is a budget breaker.

There is tremendous inflation built into Medicaid to begin with, probably more than any other Federal program that exists out there. In addition to that, you add the new coverage to it and you mandate it back to the States, and governors trying to put together their budgets have one after another gone broke dealing with this particular issue. The medical needs in particular differ by States. Some States need to take care of children because they are not doing a very good job. Other States have particular procedures they are concerned about. The States may be adjusting some of these procedures by a charity or some other way, and yet the Federal Government comes along and mandates that this is "what you must do." It adds to the cost unnecessarily. It is very much like the Safe Drinking Water Act and others which are getting to the point beyond the reasonable in the requests that we are making back to the States.

I think it also important to assert the arguments made all along here on the other amendments which we have heard. We are not going back and undoing anything at this point. In time of real need we could waive a point of order and enact measures if indeed other Medicaid procedures are found which are not yet discovered. But this is another unfunded mandate, this is a number one unfunded mandate out there, and this is probably the one that has triggered this bill as much as anything else. While we need to continue to work together as the gentlewoman from Texas has stated, the States and the Federal Government to provide medical care, unfunded mandates are not the answer.

I would urge defeat of this amendment.

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

Ms. JACKSON-LEE. Mr. Chairman, I yield 45 seconds to the gentleman from California [Ms. ROYBAL-ALLARD].

Ms. ROYBAL-ALLARD. Mr. Chairman, I thank the gentlewoman for yielding this time to me.

Mr. Chairman, I rise in strong support of the Jackson-Lee amendment. Medicaid is the Nation's safety net for our children and families throughout this country. One-half of all Medicaid recipients are children and three-fourths of Medicaid recipients are mothers of children who depend on Medicaid for important health services such as prenatal care.

Mr. Chairman, in 1994, Medicaid helped meet the medical care needs of

an estimated 34 million men, women, and children in this country. Protecting Medicaid is critical to low-income people in this country because without it they would be unable to receive necessary and critical health care.

Mr. Chairman, I ask my colleagues to support the Jackson-Lee amendment.

Ms. JACKSON-LEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I simply ask the question of my colleagues whether or not they have gone out into the nursing homes of this country and seen the elderly indigent not being able to represent themselves, needing Medicaid and Medicare in particular, and finding the frustration when some, without any family support, for the slightest of reasons have been denied their Medicaid benefits.

Mr. Chairman, I respect the gentleman from Delaware [Mr. CASTLE] and appreciate that sometimes we must fix a broken system. I welcome that. But I clearly think that as the States begin to address this issue of Medicaid they must look into the nursing homes of this Nation and look at the indigent elderly who have no one to speak on their behalf but this Congress who can protect a Medicaid system that can be fixed. I support fixing the Medicaid system, but I am clearly concerned about the potential of not having a system to protect the indigent elderly and the children in need, the indigent poor, as health care is something we have advocated in this Congress and yet today we are asking for those individuals to be abandoned.

Look into the Nation's nursing homes, look at the elderly indigent; they cannot speak for themselves. They need our support. They need the support of Medicaid for their health needs. I ask my colleagues to support the Jackson-Lee amendment.

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

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] has the right to close. If the gentleman from Texas [Ms. JACKSON-LEE] has further speakers, she should yield at this time.

Ms. JACKSON-LEE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, again I would offer to say that Medicaid serves now some 20 million Americans. The wide range of those constituents and those individuals cross all States in this country, and in particular it hits those who are least able to speak for themselves, the children and the elderly.

Mr. Chairman, I ask for support of this amendment.

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

I think we all agree that the Medicaid system is broken and certainly needs fixing. I think we are all committed to doing that. That is going to

happen, I think, because we have general recognition that there are egregious problems with the Medicaid system.

But 20 million people will continue to be served when this bill passes. We are not in any way affecting existing law with respect to Medicaid.

Mr. Chairman, I would again urge a no vote on this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentlewoman from Texas [Ms. JACKSON-LEE].

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

RECORDED VOTE

Ms. JACKSON-LEE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 131, noes 295, not voting 8, as follows:

[Roll No. 66]

AYES—131

Abercrombie
Ackerman
Becerra
Bellenson
Berman
Bishop
Bonior
Borski
Brown (FL)
Brown (OH)
Bryant (TX)
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
de la Garza
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson

Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hinchey
Hoyer
Jackson-Lee
Jefferson
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McKinney
Meehan
Meek
Mfume
Miller (CA)
Mineta
Mink
Moakley
Murtha
Nadler
Oberstar
Olver
Ortiz

Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Poshard
Rangel
Reed
Reynolds
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Schroeder
Schumer
Scott
Serrano
Slaughter
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Torres
Towns
Traffant
Tucker
Velazquez
Vento
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Woolsey
Wyden
Wynn
Yates

NOES—295

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia

Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bereuter
Bevill
Bilbray
Billrakis

Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)

Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Creameans
Cubin
Cunningham
Danner
Davis
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Doggett
Dooley
Doolittle
Dorman
Doyle
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
Gekas
Geren
Gilchrest
Gillmor
Gillman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastings (WA)
Hayes

Hayworth
Hefley
Helmenan
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Luther
Maloney
Manzullo
Martini
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinar
Mollohan
Montgomery
Moorhead
Moran
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Orton
Oxley
Packard
Parker

Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Roth
Roukema
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Siskis
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Torricelli
Upton
Viscosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—8

Bateman
Brown (CA)
Hastert

Hefner
Neal
Ros-Lehtinen

Solomon
Weldon (PA)

□ 2116

Mr. MOLLOHAN changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to section 4?

AMENDMENTS OFFERED BY MR. BECERRA

Mr. BECERRA. Mr. Chairman, I offer two amendments, numbered 28 and 29, and I ask unanimous consent to have the two amendments considered en bloc.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. BECERRA: At the end of paragraph (6) of section 4 strike "or", at the end of paragraph (7) strike the period and insert "; or", and add after paragraph (7) the following: (8) is necessary to protect children from exploitation in the workplace.

In section 422 of the Congressional Budget Act of 1974, strike "or" at the end of paragraph (6), strike the period and insert "; or" at the end of paragraph (7), and add after paragraph (7) the following:

(8) is necessary to protect children from exploitation in the workplace.

The CHAIRMAN. Is there objection to the request of the gentleman from California [Mr. BECERRA] that the amendments be considered en bloc?

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. BECERRA] is recognized for 5 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] is recognized for 5 minutes in opposition.

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

Mr. Chairman, we have been debating for quite some time amendments that would try to protect children from all sorts of calamity that may result from this unfunded mandate legislation unless we exempt certain laws and regulations from this particular bill's enforcement.

My amendments merely do the following: They would exempt laws that we currently have on our books that are there to protect our children who work right now. They are there to protect our labor laws that protect children from aggressive employers who would work them beyond the 8 hours. It is to protect them against employers who would have them working under conditions that would amount to what many would consider slave conditions. It is an effort to keep us from going back to the bad old days when we saw children doing the work of adults, not going to school, not having an opportunity to learn, and ultimately not being productive members of society once they became adults.

□ 2120

This is an effort to make sure that in passing reasonable unfunded mandates legislation, that we do protect our chil-

dren from enforcement of a law that I do not believe has the intention of denying children basic rights of protection. That unattended consequence of denying protections to our children in the workplace is something that we must fear in this legislation because as of now it does not provide those protections. So I would urge Members to consider this amendment closely and ultimately vote for it.

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

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

Mr. Chairman, I, again, rise in opposition to the gentleman's amendment for the same reason, which is that this should not be exempt anymore than any of these others should be exempt from consideration of what costs would be involved.

Mr. Chairman, I yield 1 minute and 30 seconds to a prime cosponsor of this legislation, the gentleman from California [Mr. CONDIT].

Mr. CONDIT. Mr. Chairman, I just rise to hopefully once again add a little perspective to this debate in the quick 1-minute time I have here.

This amendment I oppose and all amendments that come on this floor to weaken this bill I want Members to know, I oppose, and I am encouraging my colleagues to oppose. Not because we are against this amendment or a lot of the amendments that have been offered in terms of their substance. We think they are good programs, and we ought to have an opportunity to look at those programs in a more lengthy and substantive way.

We can do that with this bill, by the way. This bill does not say we cannot do these things. It just simply says that we have to pay for them if we mandate the costs on local and state government.

Once again, this bill is prospective. It does not do anything to these past programs. Does not mean we cannot do these good programs. It just says that we have to take the responsibility and accountability to pay for them. So let us not weaken this bill. Let us keep this bill strong. And let us defeat these amendments.

I want to say, if Members look at the tally up here tonight, there is a bipartisan support in defeat of these amendments. We have 60 to 70 Democrats voting with my colleagues, the Republicans, in defeating these amendments. This is a bipartisan effort.

Let me tell Members, we need to be at the business of putting a stop to unfunded mandates. We do not need to send out of this House a weak version. We need to have a strong bill. We can still do the kinds of things we want to do, but we just need to take the accountability and responsibility for them.

Let me tell Members, let us bring this thing to a close.

Mr. BECERRA. Mr. Chairman, I yield the balance of my time to the gentleman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding time to me and commend him for his leadership in bringing this very reasonable amendment to this legislation to the floor.

Indeed, the gentleman from California, [Mr. CONDIT] deserves a great deal of credit for his leadership in subjecting this legislation and the mandates, the unfunded mandates to the scrutiny which they are receiving by this House of Representatives.

And he has a chance for us to give him exactly what he wants, a stronger unfunded mandate bill. Stronger because it protects the rights of children. It makes children a first priority.

The gentleman from Pennsylvania, [Mr. CLINGER] in his remarks contended that he rose in opposition to this amendment "for the same reason as I have opposed all the others," the gentleman from Pennsylvania, [Mr. CLINGER] said, the distinguished gentleman from Pennsylvania. He said, it should not be exempt anymore, the children in the workplace should not be exempt any more than any other amendment should be exempted.

I say children should be our first priority. Let me read Members what this amendment says. The amendment says, and I read from the bill so they see where it fits in, "this act shall not apply to any provision in a Federal statute or a proposed or final Federal regulation that is necessary to protect children from exploitation in the workplace."

"That is necessary to protect children from exploitation in the workplace."

This is not preferred, better, this or that, is necessary to protect children in the workplace.

So, my colleagues, I urge support for the Becerra amendment, because exploitation of children in the work place is a real and present danger in our country. We, the United States of America, should be the leader on this issue. Indeed, the Governors themselves asked for Federal child labor protection laws. That is how they got on the books in the first place.

Child labor violations have been on the rise in our country each year. Work related injuries to children cause more than 100 deaths and 20,000 compensation claims. Children often skip school to work 12 hours a day as migrant farm workers or in sweatshops. Since 1983, there has been a 150 percent increase in reported child labor violations.

The unfunded mandate legislation takes away the mechanism for regulating and prohibiting these violations. The amendment of the gentleman from California [Mr. BECERRA] does indeed strengthen the legislation of the gentleman from California [Mr. CONDIT] the unfunded mandate bill. It does indeed improve it, because it says, no,

when it is necessary, as the amendment says, to protect children from exploitation in the workplace, then we the Congress of the United States will not, will not prohibit that from happening.

In the course of this debate on unfunded mandates there has been a great deal of discussion about the impact on children. And really, it is just always great to hear the Members rise to their feet to protect children in this body. But this one should not even be a debate because this legislation calls for what is necessary. It has been requested originally by the Governors. It would improve the legislation.

I commend the gentleman from California [Mr. BECERRA] for offering it.

Mr. CLINGER. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Chairman, all Members of this body, Republicans and Democrats alike, are concerned about the exploitation of children. Existing State and Federal laws provide protection and H.R. 5 will in no way abrogate those laws.

As a former prosecutor, I can tell my colleagues there are outstanding prevention programs like child lawyers, which address this issue, as well as those sponsored by the National DA's Association and the National Center for Missing and Exploited Children.

We want to protect children not only from problems that could happen in the workplace or in schools but from mandating them into oblivion.

The H.R. 5 unfunded mandates bill will give State and local governments the kind of relief they deserve and under that bill we will know up front the costs of any new program, and then the Congress can agree to pay for them instead of passing the buck onto other governments.

Mr. CLINGER. Mr. Chairman, I yield the balance of my time to the gentleman from Connecticut [Mr. SHAYS].

The CHAIRMAN. The gentleman from Connecticut [Mr. SHAYS] is recognized for 2½ minutes.

Mr. SHAYS. Mr. Chairman, I rise in support of any legislation that would prevent the exploitation of children. I also rise in support of the unfunded mandate bill and in opposition to this amendment. I rise in opposition to this amendment because it simply is not needed, because the concerns of the gentleman from California and the gentlewoman from California have been addressed.

□ 2130

This bill, the mandate bill, says very simply that there has to be an estimate of cost to the private sector and to the public sector. If there is not an estimate of cost, then a point of order can be raised.

If there is an estimate of cost, and it is over \$100 million for the private sec-

tor and \$50 million for the public sector, a point of order can be raised if no money is provided, but a simple majority can override the point of order. The same majority that is needed to pass the bill, the same simple majority, can also be the same simple majority that can override the point of order.

This amendment is not needed, Mr. Chairman, as were many of the amendments that preceded this. The concerns of the gentleman have been protected in this mandate bill.

The CHAIRMAN. All time has expired.

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

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

RECORDED VOTE

Mr. BECERRA. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This is a 15-minute vote.

The vote was taken by electronic device, and there were—ayes 156, noes 269, not voting 9, as follows:

[Roll No. 67]

AYES—156

- Abercrombie
- Ackerman
- Baldacci
- Barcelo
- Barrett (WI)
- Becerra
- Bellenson
- Bentsen
- Berman
- Bishop
- Bonior
- Borski
- Brown (FL)
- Brown (OH)
- Bryant (TX)
- Cardin
- Clay
- Clayton
- Clement
- Clyburn
- Coleman
- Collins (IL)
- Collins (MI)
- Conyers
- Coyne
- Danner
- de la Garza
- DeFazio
- DeLauro
- Dellums
- Deutsch
- Dicks
- Dingell
- Dixon
- Doggett
- Doyle
- Durbin
- Edwards
- Engel
- Eshoo
- Evans
- Farr
- Fattah
- Fazio
- Fields (LA)
- Filner
- Flake
- Foglietta
- Frost
- Frank (MA)
- Furse
- Gejdenson
- Gephardt
- Gibbons
- Gonzalez
- Gordon
- Green
- Gutierrez
- Hall (OH)
- Hastings (FL)
- Hilliard
- Hinchev
- Holden
- Hoyer
- Jackson-Lee
- Jacobs
- Jefferson
- Johnson, E. B.
- Johnston
- Kanjorski
- Kaptur
- Kennedy (MA)
- Kennedy (RI)
- Kennelly
- Kildee
- Kleccka
- LaFalce
- Lantos
- Levin
- Lewis (GA)
- Loftgren
- Lowey
- Luther
- Maloney
- Manton
- Markey
- Martinez
- Mascara
- Matsul
- McDermott
- McHale
- McKinney
- Meehan
- Meeke
- Menendez
- Mfume
- Miller (CA)
- Mineta
- Minge
- Mink
- Moakley
- Mollohan
- Murtha
- Nadler
- Oberstar
- Obey
- Olver
- Ortiz
- Owens
- Pallone
- Pastor
- Payne (NJ)
- Pelosi
- Pomeroy
- Rangel
- Reed
- Reynolds
- Richardson
- Rivers
- Rose
- Roybal-Allard
- Rush
- Sabo
- Sanders
- Sawyer
- Schroeder
- Schumer
- Scott
- Serrano
- Skaggs
- Slaughter
- Spratt
- Stark
- Stokes
- Studds
- Stupak
- Tejeda
- Thompson
- Thornton
- Torres
- Torricelli
- Towns
- Trafcant
- Tucker
- Velazquez
- Vento
- Visclosky
- Volkmer
- Ward
- Waters
- Watt (NC)
- Waxman
- Wise
- Woolsey
- Wyden
- Wynn

- Allard
- Andrews
- Archer
- Army
- Bachus
- Baessler
- Baker (CA)
- Baker (LA)
- Ballenger
- Barr
- Barrett (NE)
- Bartlett
- Barton
- Bass
- Bereuter
- Bevill
- Bilbray
- Billrakis
- 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
- Chenoweth
- Christensen
- Chrysler
- Clinger
- Coble
- Coburn
- Collins (GA)
- Combest
- Condit
- Cooley
- Costello
- Cox
- Cramer
- Crane
- Crapo
- Creameans
- 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
- Galleghy
- Ganske
- Gekas
- Geren
- Gilchrest
- Gillmor
- Gilman
- Goodlatte
- Goodling
- Goss
- Graham
- Greenwood
- Gunderson
- Gutknecht
- Hall (TX)
- Hamilton
- Hancock
- Hansen
- Harman
- Hastings (WA)
- Hayes
- Hayworth
- Hefley
- Helmenan
- Herger
- Hilleary
- Hobson
- Hoekstra
- Hoke
- Horn
- Hostettler
- Houghton
- Hunter
- Hutchinson
- Hyde
- Inglis
- Istook
- Johnson (CT)
- Johnson (SD)
- Johnson, Sam
- Jones
- Kasich
- Kelly
- Kim
- King
- Kingston
- Klink
- Klug
- Knollenberg
- Kolbe
- LaHood
- Largent
- Latham
- LaTourette
- Laughlin
- Lazio
- Leach
- Lewis (CA)
- Lewis (KY)
- Lightfoot
- Lincoln
- Linder
- Lipinski
- Livingston
- LoBiondo
- Longley
- Lucas
- Manzullo
- Martini
- McCarthy
- McCollum
- McCrery
- McDade
- McHugh
- McInnis
- McIntosh
- McKeon
- McNulty
- Metcalf
- Meyers
- Mica
- Miller (FL)
- Mollinari
- Montgomery
- Moorhead
- Moran
- Morella
- Myers
- Myrick
- Nethercutt
- Neumann
- Ney
- Norwood
- Nussle
- Orton
- Oxley
- Packard
- Parker
- Paxon
- Payne (VA)
- Peterson (FL)
- Peterson (MN)
- Petri
- Pickett
- Pombo
- Porter
- Portman
- Poshard
- Pryce
- Quillen
- Quinn
- Radanovich
- Rahall
- Ramstad
- Regula
- Riggs
- Roberts
- Roemer
- Rogers
- Rohrabacher
- Ros-Lehtinen
- Roth
- Roukema
- Royce
- Salmon
- Sanford
- Saxton
- Scarborough
- Schaefer
- Schiff
- Seastrand
- Sensenbrenner
- Shadegg
- Shaw
- Shays
- Shuster
- Slitsky
- Skeen
- Skelton
- Smith (MI)
- Smith (NJ)
- Smith (TX)
- Smith (WA)
- Solomon
- Souder
- Spence
- 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)
- Weller
- White
- Whitfield
- Wicker
- Wilson
- Wolf
- Young (AK)
- Young (FL)
- Zelliff
- Zimmer

NOT VOTING—9

Bateman	Hastert	Weldon (PA)
Brown (CA)	Hefner	Williams
Ford	Neal	Yates

□ 2146

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. KANJORSKI

Mr. KANJORSKI. Mr. Chairman, I offer an amendment No. 78, which has been printed in the RECORD pursuant to clause 6, rule XXIII.

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) pertains to Medicare.

Mr. CHAIRMAN. The gentleman from Pennsylvania [Mr. KANJORSKI] will be recognized for 5 minutes, and a Member in opposition, the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 5 minutes.

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

□ 2150

Mr. KANJORSKI. Mr. Chairman, in order to expedite the work of the House, I ask unanimous consent that it be considered en bloc with an identical amendment to section 301 of the bill which creates an identical section 422 of the Congressional Budget Act of 1974.

The CHAIRMAN. Would the gentleman indicate which numbered amendment he refers to?

Mr. KANJORSKI. Seventy-eight.

The CHAIRMAN. The Chair had reference to the other one.

Mr. KANJORSKI. I ask that this be considered as an identical amendment to the other action. In other words, I am trying to facilitate a single amendment to apply to all sections of the bill where appropriate.

The CHAIRMAN. The Clerk will report the second amendment.

The Clerk read as follows:

Amendment offered by Mr. KANJORSKI: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon in paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following: (8) pertains to Medicare.

Mr. KANJORSKI (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD, and that they be considered en bloc.

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

There was no objection.

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

Mr. Chairman, this is an important amendment. It was brought up at committee but not brought to a vote because at committee we ran the first amendment which was exempting Social Security, and that amendment received a vote of 39 yeases and 3 noes, and as a result is part of this bill as it appears on the floor. And now what I would like to do is have Medicare exempted as Social Security is exempted from the implications of this bill.

I am particularly asking that because we all know that the Medicare fund is in difficulty. As the bill is presently constituted, if we are called upon to increase taxes to shore up the Medicare fund, this bill will say to the States and municipalities that this is an unfunded mandate.

If on the one hand the Congress does not provide the funds or override the point of order, the increase in funding would not apply to the States and municipal governments across this land and they would not have to contribute to the Medicare fund, and that additional taxation necessary to bring the Medicare fund up to its actuarial soundness would thereby fall on the private sector of our economy.

In order to see that that does not happen, and further in order to see that each individual State or municipality could not ask for judicial review to hold up the promulgation of the rules and regulations, I ask that we now exempt Medicare as we have exempted Social Security so this question cannot arise.

Mr. Chairman, I think we all know why we should exempt Medicare, and I can only assume that we will have opposition on the other side, as we have had to every amendment thus far on the floor.

I am not going to prolong this debate other than the fact that I am suggesting this: What it appears to me tonight, and we have heard several statements from the majority that we are being dilatory and taking up the time of this Chamber in what appears on our side to be legitimate debate, but as it appears as each amendment has been offered I do not think we have had the benefit of even one Member of the majority breaking, so it is very clear that 230 votes reside on the majority side of the House, and they will be able to accomplish all of the legislation they have intact.

Mr. SOLOMON. Mr. Chairman, will my good friend yield on that point?

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

Mr. SOLOMON. Mr. Chairman, I think it is necessary to point out that maybe 230 Republicans did vote the same, but a great number of Democrats voted with us, and that is worth mentioning here. I think it says something about the November 8 election.

Mr. KANJORSKI. I do not want to suggest it is only, but we do have a

solid block that is clearly a majority. They are going to prevail.

Let me suggest maybe we can save a lot of frustration and time, and that is why do we not take the next 2 weeks on the entire Contract With America, bring it here on the floor. Why should we offer any amendments if they are not going to be considered as substantive and changing the legislation to perhaps meet the needs of the American people, but recognize the power of the majority, and it is all here and we have that majority, why do not we just run through the entire contract for America in 2 weeks, get that behind us, and then get to the substantive action?

I would like to suggest to my friends in the majority that they set aside, maybe beginning next week, a 10-day period, bring every piece of legislation that they have to the floor, let us put it up to a vote. And I would recommend to my friends on the Democratic side who may think they can make a substantial contribution that they can offer their substantial contribution as a matter of extension in the RECORD so the RECORD is quite clear where Members stand on these issues, but we move by this incredible piece of legislation that we are about to enact anyway, but probably are boring the devil out of people who may persevere and may be seeing this. But I think we are making a record that a deliberative body does not have to be deliberative once an election is held. If, in fact, we can come to the conclusion that the contract for America should be put into legislation, and passed as statute in its entirety, let us do it, let us save time. Maybe we can do it to all of the appropriations bills and maybe we can get out of here and adjourn by March 1 and let the Government operate.

Mr. Chairman, I yield back the balance of my time.

Mr. CLINGER. Mr. Chairman, I rise in opposition to the amendment, and I yield 1 minute to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I thank my friend for yielding me this time. I too have read the Contract With America. I want to tell my friend on the other side, while it did talk about doing all of this in 100 days, it did not mention 100 nights; and this may take more than 100 nights if we continually debate the same issue over and over again and again.

The issue is not the merits of a particular Federal program. You can bring to this floor an amendment that tries to exempt the most meritorious of Federal mandates. That is not the issue. That is not the issue at all.

The issue is whether or not in the future this Congress decides to continue mandating programs upon local governments and State governments, whether we believe in those mandates or not enough to fund them. And if we do not believe in them enough to fund

them, this legislation asked us to think seriously about whether we ought to mandate them in the first place. That is what this is all about.

The reason why my good friend GARY CONDIT rose to the floor tonight is, this has been his issue for some many years. And the reason why so many Democrats are rising in opposition to all of these amendments that address indeed good and meritorious programs is because to exempt these programs with the coverage of this act is to say in the future it is OK to continue mandating whatever program they think is important and necessary on State and local government and worry about somebody else raising the money to pay for them.

Let me tell you the taxpayers of America have had enough of this business of one government telling another government what to do and also instructing another government to raise their taxes to pay for it. That is wrong, it ought to end.

That is what this unfunded mandate bill will end and we ought to adopt it right tonight.

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

Mr. TAUZIN. If I have additional time, I am happy to yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, I think the gentleman from Louisiana has a good idea. Over the weekend I saw where the Governors unanimously agreed with the proposition we should bail out Mexico. I think since they think that is so great, my suggestion is let us not have the Congress take up that resolution, let us ask the 50 States to bail out Mexico.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAUZIN. My time has expired, but I will agree with the gentleman.

Mr. CLINGER. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, there is not anything in this bill that will prevent us from passing unfunded mandate legislation. Nothing in this bill prevent us from passing laws that will mandate costs on States that we do not pay for. The only difference is that 51 percent of us will have to vote to do that. But this bill is about accountability.

□ 2200

It will force us to write good law that says specifically whose responsibility is what and who is going to pay. I, for one, am going to be perfectly proud to stand on this floor and force States to pay 10 percent of a child-support system; absolutely, we pay 90, they pay 10, and we all benefit. I will vote to force States to pay 25 percent of water-treatment plant costs; absolutely a good deal.

But I ought to be voting for that. I ought to be accountable for that, and I

ought to go home and take the rap for that and argue with my folks about that being a square deal and a sound partnership.

Now, on Medicare, frankly, if the unfunded-mandate law had been in place, our Congress would not have been able to underfund Medicare payments to hospitals and physicians. Do you know who takes the rap because we do not fund Medicare? It is all of those little guys out there who pay their own health care premiums.

Their premiums in Connecticut are one-third higher because we underfund Medicaid and Medicare reimbursement rates. That is a disgrace.

All this bill will do is make us publicly accountable to say what is important, who is going to pay, and what portion we are going to take and what portion we are going to push on anybody else.

This is just honesty.

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

Mrs. JOHNSON of Connecticut. I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. I think the gentlewoman from Connecticut has clearly said what my amendment will do. Suppose, if you will, when Medicare has to be refunded, the point or order is over-come here. It is directed that the proper Federal agency promulgate rules and regulations to increase Medicare. It will go on all employers across America, but under this bill, if the States or any municipality in America disagrees with the promulgation of that rule or regulation, they will have because they have judicial review the capacity to go in and tie up that portion of the increased funding for Medicare for years in court, and what that would necessitate is to make the fund sound, that the increase would have to go out to the private employers of America to make up for those 3 million employees.

Mrs. JOHNSON of Connecticut. Reclaiming my time, if we write legislation as sloppily as we have been writing legislation in the last few years, you bet they will be in court and they will tie it up forever. But if we write precise law, that clarifies responsibilities on both sides, if we do our job well, then it will be perfectly clear who is to pay for what, and I for one will be proud to stand on that territory.

The CHAIRMAN. All time has expired.

The question is on the amendments 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 161, noes 266, not voting 7, as follows:

[Roll No. 68]

AYES—161

Abercrombie	Gephardt	Obey
Ackerman	Gibbons	Olver
Barcia	Gonzalez	Ortiz
Becerra	Gordon	Owens
Bellenson	Green	Pallone
Bentsen	Gutierrez	Pastor
Berman	Hall (OH)	Payne (NJ)
Bishop	Hastings (FL)	Pelosi
Bonior	Hilliard	Pomeroy
Borski	Hinchev	Poshary
Boucher	Holden	Rahall
Brown (CA)	Jackson-Lee	Rangel
Brown (FL)	Jefferson	Reed
Brown (OH)	Johnson (SD)	Reynolds
Bryant (TX)	Johnson, E.B.	Richardson
Clay	Johnston	Rivers
Clayton	Kanjorski	Roybal-Allard
Clement	Kaptur	Rush
Clyburn	Kennedy (MA)	Sabo
Coburn	Kennedy (RI)	Sanders
Coleman	Kennelly	Sawyer
Collins (IL)	Kildee	Schroeder
Collins (MI)	Klecza	Schumer
Conyers	Klink	Scott
Costello	LaFalce	Serrano
Coyne	Lantos	Skaggs
Danner	Levin	Slaughter
de la Garza	Lewis (GA)	Spratt
DeFazio	Lincoln	Stark
DeLauro	Lipinski	Stokes
Dellums	Loigren	Studds
Deutsch	Lowey	Stupak
Dicks	Luther	Tejeda
Dingell	Maloney	Thompson
Dixon	Manton	Thornton
Doggett	Markey	Thurman
Doyle	Martinez	Torres
Durbin	Mascara	Torricelli
Edwards	Matsui	Towns
Engel	McDermott	Trafficant
Eshoo	McKinney	Tucker
Evans	Meehan	Velazquez
Farr	Meek	Vento
Fattah	Menendez	Visclosky
Fazio	Mfume	Volkmer
Fields (LA)	Miller (CA)	Ward
Filner	Mineta	Waters
Flake	Mink	Watt (NC)
Foglietta	Moakley	Waxman
Ford	Mollohan	Wise
Frank (MA)	Moran	Woolsey
Frost	Murtha	Wyden
Furse	Nadler	Wynn
Gejdenson	Oberstar	

NOES—266

Allard	Calvert	Emerson
Andrews	Camp	English
Archer	Canady	Ensign
Armey	Cardin	Everett
Bachus	Castle	Ewing
Baesler	Chabot	Fawell
Baker (CA)	Chambliss	Fields (TX)
Baker (LA)	Chapman	Flanagan
Baldacci	Chenoweth	Foley
Balleger	Christensen	Forbes
Barr	Chrysler	Fowler
Barrett (NE)	Clinger	Fox
Barrett (WI)	Coble	Franks (CT)
Bartlett	Collins (GA)	Franks (NJ)
Barton	Combest	Frelinghuysen
Bass	Condit	Frisa
Bereuter	Cooley	Funderburk
Bevill	Cox	Gallely
Bilbray	Cramer	Ganske
Billrakis	Crane	Gekas
Bliley	Crapo	Geren
Blute	Cremeans	Gilchrest
Boehlert	Cubin	Gillmor
Boehner	Cunningham	Gilman
Bonilla	Davis	Goodlatte
Bono	Deal	Goodling
Brewster	DeLay	Goss
Browder	Diaz-Balart	Graham
Brownback	Dickey	Greenwood
Bryant (TN)	Doolittle	Gunderson
Bunn	Dornan	Gutknecht
Bunning	Dreier	Hall (TX)
Burr	Duncan	Hamilton
Burton	Dunn	Hancock
Buyer	Ehlers	Hansen
Callahan	Ehrlich	Harman

Hastings (WA)	McHugh	Scarborough
Hayes	McInnis	Schaefer
Hayworth	McIntosh	Schiff
Hefley	McKeon	Seastrand
Helmman	McNulty	Sensenbrenner
Herger	Metcalf	Shadegg
Hilleary	Meyers	Shaw
Hobson	Mica	Shays
Hoekstra	Miller (FL)	Shuster
Hoke	Minge	Sisisky
Horn	Molinar	Skeen
Hostettler	Montgomery	Skelton
Houghton	Moorhead	Smith (MI)
Hoyer	Morella	Smith (NJ)
Hunter	Myers	Smith (TX)
Hutchinson	Myrick	Smith (WA)
Hude	Nethercutt	Solomon
Inglis	Neumann	Souder
Istook	Ney	Spence
Jacobs	Norwood	Stearns
Johnson (CT)	Nussle	Stenholm
Johnson, Sam	Orton	Stockman
Jones	Oxley	Stump
Kasich	Packard	Talent
Kelly	Parker	Tanner
Kim	Paxon	Tate
King	Payne (VA)	Tauzin
Kingston	Peterson (FL)	Taylor (MS)
Klug	Peterson (MN)	Taylor (NC)
Knollenberg	Petri	Thomas
Kolbe	Pickett	Thornberry
LaHood	Pombo	Tiahrt
Largent	Porter	Torkildsen
Latham	Portman	Upton
LaTourette	Pryce	Vucanovich
Laughlin	Quillen	Waldholtz
Lazio	Quinn	Walker
Leach	Radanovich	Walsh
Lewis (CA)	Ramstad	Wamp
Lewis (KY)	Regula	Watts (OK)
Lightfoot	Riggs	Weldon (FL)
Linder	Roberts	Weldon (PA)
Livingston	Roemer	Weller
LoBlundo	Rogers	White
Longley	Rohrabacher	Whitfield
Lucas	Ros-Lehtinen	Wicker
Manzullo	Rose	Wilson
Martini	Roth	Wolf
McCarthy	Roukema	Young (AK)
McCollum	Royce	Young (FL)
McCreery	Salmon	Zeliff
McDade	Sanford	Zimmer
McHale	Saxton	

NOT VOTING—7

Bateman	Hefner	Yates
Dooley	Neal	
Hastert	Williams	

□ 2219

Mr. SPRATT changed his vote from "no" to "aye."
So the amendments were rejected.
The result of the vote was announced as above recorded.

□ 2220

The CHAIRMAN. Are there further amendments to section 4?

AMENDMENTS OFFERED BY MR. MARTINEZ

Mr. MARTINEZ. Mr. Chairman, I offer two amendments, numbered 93 and 19, which have been printed in the RECORD, 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. MARTINEZ:

In section 4, before "This Act" insert "(a) IN GENERAL.—", and at the end of the section add the following:

(b) REQUIREMENTS UNDER OTHER LAWS.— This Act shall not apply to any requirement in effect on December 31, 1994, under—

(1) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); or

(2) the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.).

In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, before "This part" insert "(a) IN GENERAL.—", and at the end of the section add the following:

(b) REQUIREMENTS UNDER OTHER LAWS.— This part shall not apply to any requirement in effect on December 31, 1994, under—

(1) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); or

(2) the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.).

The CHAIRMAN. The gentleman from California [Mr. MARTINEZ] will be recognized for 5 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 5 minutes in opposition.

The Chair recognizes the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Mr. Chairman, I rise not because I have a great hope for success but because I have great hope. The people on this side have raised a lot of concerns about what we are doing here. I have many of the same concerns for the thing that we are doing and the way we are doing it, not necessarily for the concept.

Mr. Chairman, I am one who comes from local government and have had to suffer under unfunded mandates. Let me tell my colleagues the reality of serving at a local level?

When you have to deal with budgets, especially in California after the devastation of Proposition 13, when you have a constrained budget like that, you have a tendency to want to do those things that you feel are of the highest priorities and of the greatest necessity to your constituency, and so if there are some things that should be done and are mandated by the Federal Government because of the responsibility of doing it, we would rather not do it, and if it were not mandated, we would not do it.

That is one of the concerns that I have, and the way we pass this legislation has not taken into consideration those things that deal with particular issues concerning people's civil rights, concerning the well-being of those people. Those protections and medications, I believe, far outweigh—the benefit far outweighs the cost. The problem is in many of those instances they are humane, compassionate things and responsible things to do, but there is no way to measure the benefit other than if we have a sense of compassion.

My amendment would specifically exempt from this legislation and any current or future requirement of this law anything that would nullify the protections of the health, and safety and well-being of senior citizens under two specific acts: The Older Americans Act and juveniles under the Juvenile Justice Delinquency Prevention Act.

Mr. Chairman, today, out of concern for my bill, I called the legislative counsel's office and asked for an opinion. I raised the questions that I just raised. I raised the question about the provisions to establish new points of order in H.R. 5. He told me, "As H.R. 5 stands now, when the measure comes up for reauthorization," and these two acts that I am referring to do come up for reauthorizations and, at some point in time, have to be adjusted in those reauthorizations. When he said that they would come up, they would be subject to a point of order if there would be a net increase in duties mandated by the legislation, or there is a net decrease in funding, or assistance, or if in any way that bill is changed, "What it does in effect," he said, "is that if the bill is changed in any way in any one part of the bill, the whole bill is open to that same point of order."

Now I understand that we can, by a simple majority, waive the point of order. The problem is that we allow for a lot of mischief to be done if we do not exempt these two things.

In the case of nutrition programs for children and a nutrition program for the older Americans in the Older Americans Act, these things have to be adjusted on a regular basis because of the cost of living increases. If we were to then adjust it, we would subject the whole act to the point of order.

Additionally, I have some concern for how we are going to determine that benefit of that particular cost. Like I said before, it is very hard to determine a cost, a benefit—rather it is very hard to establish what the value of a benefit of a compassion to act is versus the cost of it.

Mr. Chairman, let me tell my colleagues about the Older Americans Act. Not too long ago we passed the Older Americans Act off this floor without one dissenting vote. That means that almost every Member—well, in fact it means every Member in this legislature who was here at the time voted in the affirmative for the Older Americans Act, improving the conditions of that act. In there, there was an ombudsman. I doubt very much that that ombudsman could stand the scrutiny of this bill as we are passing it today, and we know what that ombudsman was for. It was to protect the frail and the elderly in the Older Americans Act.

For many years the frail and elderly have been abused in nursing homes where they are there for long-term care. Just last Friday ABC, the program "20-20," contained a piece on the continuing abuse that has taken place in care facilities across the Nation, and over the past 30 years this body, in the past 30 years this body, has developed a significant array of programs and protections for senior citizens. I, for one, would hate to see those damaged in any way. In 1992 that Older Americans

Act was signed into law by Bush, and, like I say, it went on without a dissenting vote.

I am equally concerned about, Mr. Chairman, the Juvenile Justice Delinquency Prevention Act. When I was chairman of the Human Resources Subcommittee we conducted a wide range of hearings all over the country. In fact we visited—at the request of the gentleman from Nebraska [Mr. BARRETT], my colleague on the other side—Nebraska, and held a hearing there.

Mr. Chairman, I rise tonight because I, like others on this side, have real concerns about what we are doing here. H.R. 5 is a concept that I generally support.

Having served as a councilman, mayor, and in the State legislature, I know how Federal mandates that are not accompanied by Federal funding can wreak havoc on already strained local budgets.

But there are some protections that are mandated by the Federal Government that are necessary for the protection of specific classes of people, and I believe that the costs of such protections are far outweighed by the benefit.

Specifically, my amendment would exempt from this legislation any current or future requirement that nullifies any rule or law that protects the health, safety, or well being of senior citizens under the Older Americans Act, and juveniles, under the Juvenile Justice and Delinquency Prevention Act.

Mr. Chairman, under the Older Americans Act, there is a mandate that States establish a State ombudsman to handle complaints about treatment of the elderly who are in long-term care in nursing homes.

The ombudsman is there to ensure that complaints of abuse and negligence are handled.

In the past, we have seen that they have been shrugged off, and frail elderly have been subjected to inhuman treatment.

Just last Friday, the ABC program "20/20" contained a piece on the continuing problem of elder abuse taking place in some long-term care facilities.

Over the past 30 years, this body has developed a significant array of programs and protections for senior citizens.

In 1992, in reauthorizing the Older Americans Act, an act that passed this Congress on its first vote on the floor without a dissenting vote, Congress added the ombudsman requirements.

While I am sure that this particular section would meet the terms of the legislation under consideration today, how do you fix the value of a humane compassionate act.

Mr. Chairman, I am equally sure that changes in the reauthorization will open it to a point of order at which time we will see a demise of this program and others like it.

Yet, most Members of Congress who considered that issue found it worthy of support and the 1992 amendments were approved by a wide margin and signed by President Bush in September 1992.

Mr. Chairman, similarly, in reauthorizing the Juvenile Justice and Delinquency Prevention Act in the 102d Congress, the Human Resources Subcommittee conducted a wide ranging series of hearings around the country

with respect to the needs of vulnerable children in the juvenile justice system, and especially those who are homeless or have run away from home.

In fact, we held a hearing in Nebraska at the request of my colleague, Mr. BARRETT, and we visited Boy's Town while we were in Nebraska * * * authorizing legislation were developed in consultation with community groups serving these vulnerable children, with local juvenile authorities with the Department of Justice's office of juvenile justice programs, with the National Association of Family Court Judges and others, knowledgeable in dealing with children at risk of delinquency or other problems.

Under the Juvenile Justice and Delinquency Prevention Act, States and localities are mandated to provide 'sight and sound' separation for juveniles in the justice system.

Prior to the imposition of that mandate, young children who were in the juvenile justice system—regardless of the reason for being there—were housed in the same facilities as hardened adult criminals and, we were told, subjected to abuse by those adult prisoners.

Very often, the reason a child is in custody is for his or her protection, in cases such as child abuse, desertion, or abandonment by a parent or guardian.

Such protective incarceration must be in a safe environment, and the additional costs to ensure that are certainly worth the effort.

In addition, certain activities and programs are required to be put in place to assist vulnerable children.

Whether the cost of those programs is a significant burden on the State or locality, and the extent to which those costs are not being met by Federal dollars allocated to those programs, is not the issue.

The question is, "Do we and the States have a moral obligation and a responsibility for these children?"

If we do, should we mandate specific actions?

I say the answer is yes.

Further, I would point out that the great majority of the juvenile justice cases are non-Federal cases, and, therefore, the expense is a State expense, not a Federal responsibility.

I believe that the need for protecting these vulnerable children is so great, and the potential for inaction is so significant, that specific exception to the terms of the unfunded mandate legislation should be modified to specifically exclude mandates under this particular legislation.

I would also point out that these mandates were not as strict as some would have us believe—because States were allowed to request waivers for implementation, and where it was shown that the State had justification for a waiver, such as in Nebraska, those waivers were granted.

I urge all of my colleagues, as we rush to judgment on the issue of unfunded mandates, to consider whether the specifics of a mandate are not such that the benefit to the specific population on whose behalf the mandate exists do not outweigh the need for lessening the restrictions on local and State government or on private concerns.

These are people without an effective voice at the ballot box or in the budget committees of State or local legislative bodies.

These are people, who, without federally mandated protections, will suffer the most in our society.

I urge an aye vote and yield back the balance of my time.

Mr. Chairman, I contacted the Legislative Council office regarding the concerns we raised about the provisions to establish new points of order, in H.R. 5.

As H.R. 5 stands now, when measures come up for reauthorization, they would be subject to a point of order if there is a net increase of duties mandated by the legislation, if there is a net decrease in the funding or assistance authorized for the legislation, and if they did not have the required CBO analysis. The legislation would not be subject to this point of order if it contains increased funding for the newly mandated duties. If the authorizing legislation passed with the increased funding, but the appropriations legislation did not contain the required funding, then the mandate would be reduced to match the provided funding.

In the case of children's nutrition programs and senior programs where we know there has to be increased funding to keep up with inflation, then if there is funding the act is subject to a point of order in fact. If any part of the legislation is adjusted in any way that does increase net duties or decrease net funding then the whole bill would be subject to a point of order, not just that particular section.

Additionally, there is some concern that the legislation that will be coming up for reauthorization has never been subject to a CBO cost analysis. This could be quite a time-consuming process for some of the major programs such as OAA.

Mr. CLINGER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California [Mr. MARTINEZ].

Mr. Chairman, the definition of Federal intergovernmental mandate contained in H.R. 5 would not apply to voluntary nonentitlement programs. Both of the programs which the gentleman seeks to exempt here are voluntary, nonentitlement programs.

Mr. Chairman, State participation in the Older Americans Act or in the Juvenile Justice and Delinquency Prevention Act, which the gentleman seeks to exempt, is voluntary, and funding for this program is provided through annual appropriations which are made on a discretionary basis. The bill that we have before us, H.R. 5, clearly defines a Federal intergovernmental mandate to mean a provision that, and I am quoting, would impose an enforceable duty upon States, local governments or private governments except, except, a condition of Federal assistance or duty arising from participation on a voluntary Federal program.

Mr. Chairman, specifically these two programs fall within that definition. Therefore, H.R. 5 does not apply to the Older Americans Act or the Juvenile Justice and Delinquency Act. The amendment is really rhetorical in nature, and I think it is misleading as to what the intent of this bill is.

Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. GOODLING], chairman of the Committee on Economic and Educational Opportunities.

Mr. GOODLING. Mr. Chairman, I, too, want to indicate that this amendment is not necessary because these programs are already exempt. I have worked with the gentleman who has offered the amendment this evening to perfect these programs and to enact these programs and certainly would not be here today trying to do anything to take away from the programs. They are voluntary on the basis of the State participation and, therefore, are not mandates as this legislation calls for.

□ 2230

I would not want the public to think that we are trying to do something in H.R. 5 that would erode protection for vulnerable populations. Therefore, I believe, and sincerely believe, that the amendment is unnecessary, because they are already protected.

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

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

Mr. MARTINEZ. I thank the gentleman for yielding.

Mr. Chairman, there are two particular things in each of those programs that I will remind the gentleman of that are unfunded mandates. One is a sight and sound separation of juveniles in adult lockups. Recently we passed that because there were young people being put in the same cell with and in the same area with, even at times people who had committed crimes against juveniles, and that is why they were in. Some of these juveniles were taken into custody because they were deserted by their parents, not necessarily because they did anything wrong.

The only thing I am telling the gentleman is there is an unfunded mandate within the juvenile justice delinquency program, and there is one within the Older Americans Act. The ombudsman was an unfunded mandate.

Mr. GOODLING. Mr. Chairman, reclaiming my time, our colloquy will make it clear they are not unfunded mandates and therefore will not be part of H.R. 5.

Mr. CLINGER. Mr. Chairman, in conclusion it is the opinion of this gentleman and the chairman of the committee that these would not be covered by H.R. 5. But if in fact there might be some exception that would cover them, they would still be subject to debate in terms of what are the costs we are imposing. We could well decide that we might want to pass that through without paying for it.

Mr. Chairman, yield back the balance of my time.

The CHAIRMAN. All time has expired.

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

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

RECORDED VOTE

Mr. MARTINEZ. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 126, noes 296, not voting 12, as follows:

[Roll No. 69]

AYES—126

Abercrombie	Gephardt	Nadler
Ackerman	Gibbons	Oberstar
Becerra	Gonzalez	Obey
Bellenson	Green	Olver
Bentsen	Gutierrez	Ortiz
Berman	Hall (OH)	Owens
Bishop	Hastings (FL)	Pallone
Bonior	Hilliard	Pastor
Borski	Hinchee	Payne (NJ)
Boucher	Holden	Pelosi
Brown (CA)	Jackson-Lee	Reed
Brown (FL)	Jefferson	Reynolds
Bryant (TX)	Johnson, E. B.	Richardson
Clay	Johnston	Rivers
Clayton	Kanjorski	Roybal-Allard
Clyburn	Kennedy (MA)	Rush
Coleman	Kennedy (RI)	Sabo
Collins (IL)	Kennelly	Sanders
Collins (MI)	Kildee	Schroeder
Conyers	Kleczka	Schumer
Coyne	Klink	Scott
de la Garza	LaFalce	Serrano
DeLauro	Lantos	Slaughter
Dellums	Lewis (GA)	Stark
Deutsch	Lofgren	Stokes
Dicks	Lowe	Tejeda
Dingell	Luther	Thompson
Dixon	Maloney	Thornton
Doggett	Manton	Torres
Doyle	Markey	Torrice
Engel	Martinez	Towns
Eshoo	Mascara	Trafficant
Evans	Matsui	Tucker
Farr	McDermott	Velazquez
Fattah	McKinney	Vento
Fazio	Meek	Ward
Fields (LA)	Menendez	Waters
Filner	Mfume	Watt (NC)
Flake	Miller (CA)	Waxman
Foglietta	Mineta	Woolsey
Ford	Mink	Wyden
Gejdenson	Moakley	Wynn

NOES—296

Allard	Bryant (TN)	Cubin
Andrews	Bunn	Cunningham
Archer	Bunning	Danner
Armey	Burr	Davis
Bachus	Burton	Deal
Baesler	Buyer	DeFazio
Baker (CA)	Callahan	DeLay
Baker (LA)	Calvert	Diaz-Balart
Baldacci	Camp	Dickey
Balenger	Canady	Dooley
Barcia	Cardin	Doolittle
Barr	Castle	Dornan
Barrett (NE)	Chabot	Dreier
Barrett (WI)	Chambliss	Duncan
Bartlett	Chapman	Dunn
Barton	Chenoweth	Durbin
Bass	Christensen	Edwards
Bereuter	Chrysler	Ehlers
Bevill	Clement	Ehrlich
Bilbray	Clinger	Emerson
Bilirakis	Coble	English
Bliley	Coburn	Ensign
Blute	Collins (GA)	Everett
Boehert	Combest	Ewing
Boehner	Condit	Fawell
Bonilla	Cooley	Fields (TX)
Bono	Costello	Flanagan
Brewster	Cramer	Foley
Browder	Crane	Forbes
Brown (OH)	Crapo	Fowler
Brownback	Cremeans	Fox

Frank (MA)	Lewis (KY)	Ros-Lehtinen
Franks (CT)	Lightfoot	Rose
Franks (NJ)	Lincoln	Roth
Frelinghuysen	Linder	Roukema
Frisa	Lipinski	Royce
Frost	Livingston	Salmon
Funderburk	LoBlundo	Sanford
Gallely	Longley	Sawyer
Ganske	Lucas	Saxton
Gekas	Manzullo	Scarborough
Geren	Martini	Schaefer
Gilchrest	McCarthy	Schiff
Gillmor	McCollum	Seastrand
Gilman	McCrery	Sensenbrenner
Goodlatte	McDade	Shadegg
Goodling	McHale	Shaw
Gordon	McHugh	Shays
Goss	McInnis	Shuster
Graham	McIntosh	Sisisky
Greenwood	McKeon	Skaggs
Gunderson	McNulty	Skeen
Gutknecht	Meehan	Skelton
Hall (TX)	Metcalfe	Smith (MI)
Hamilton	Meyers	Smith (NJ)
Hancock	Mica	Smith (TX)
Hansen	Miller (FL)	Smith (WA)
Harman	Minge	Solomon
Hastings (WA)	Molinari	Souder
Hayes	Mollohan	Spence
Hayworth	Montgomery	Spratt
Hefley	Moorhead	Stearns
Heineman	Moran	Stenholm
Hilleary	Morella	Stump
Hobson	Murtha	Stupak
Hoekstra	Myers	Talent
Hoke	Myrick	Tanner
Horn	Nethercutt	Tate
Hostettler	Neumann	Tauzin
Houghton	Ney	Taylor (MS)
Hoyer	Norwood	Taylor (NC)
Hunter	Nussle	Thomas
Hutchinson	Orton	Thornberry
Hyde	Oxley	Thurman
Inglis	Packard	Tiahrt
Istook	Parker	Torkildsen
Jacobs	Paxon	Upton
Johnson (CT)	Payne (VA)	Visclosky
Johnson (SD)	Peterson (FL)	Volkmer
Johnson, Sam	Peterson (MN)	Vucanovich
Jones	Petri	Waldholtz
Kaptur	Pickett	Walker
Kasich	Pombo	Walsh
Kelly	Pomeroy	Wamp
Kim	Porter	Watts (OK)
King	Portman	Weldon (FL)
Kingston	Poshard	Weldon (PA)
Klug	Pryce	Weller
Knollenberg	Quillen	White
Kolbe	Quinn	Whitfield
LaHood	Radanovich	Wicker
Largent	Rahall	Wilson
Latham	Ramstad	Wise
LaTourette	Regula	Wolf
Laughlin	Riggs	Young (AK)
Lazio	Roberts	Young (FL)
Leach	Roemer	Zeliff
Levin	Rogers	Zimmer
Lewis (CA)	Rohrabacher	

NOT VOTING—12

Bateman	Hefner	Stockman
Cox	Herger	Studds
Furse	Neal	Williams
Hastert	Rangel	Yates

□ 2247

Mr. GORDON changed his vote from "aye" to "no."

So the amendments were rejected.

The result of the vote was announced as above recorded.

□ 2250

AMENDMENT OFFERED BY MS. PELOSI

Ms. PELOSI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. PELOSI of California: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike

the period at the end of paragraph (7) and insert “; or”, and after paragraph (7) add the following new paragraph:

(8) establishes a minimum wage.

The CHAIRMAN. The gentlewoman from California [Ms. PELOSI] will be recognized for 5 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 5 minutes in opposition.

The Chair recognizes the gentlewoman from California [Ms. PELOSI].

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

Mr. Chairman, I have submitted this amendment for the consideration of our colleagues because I think it is very important. Even though the hour is late, and the debate has gone on a long time, and indeed, we have even addressed the minimum wage in the course of debating some other amendments en bloc, I think it is very important that the House speak to this issue.

What my amendment does, and I will read it, it says “This act shall not apply to any provision in a Federal statute or proposed for final Federal regulation that establishes a minimum wage.” That is what the amendment is.

The purpose of the amendment, Mr. Chairman, is to remove all doubt from where we go from here in establishing a minimum wage.

I will not go into, because the hour is late, all the reasons why we need an increase in the minimum wage and how low the purchasing power is. However, Mr. Chairman, I think it is important for Members to know that if this amendment does not pass, a situation will exist that includes the following.

Mr. Chairman, just to reiterate for a moment the purpose of this amendment, what this amendment does is to say that unfunded mandate legislation will not affect the establishment of a minimum wage. The purpose of the amendment is to remove all doubt that when this body addresses the subject of an increase in the minimum wage, there will not be an additional barrier to increasing that minimum wage.

If this legislation, the unfunded mandate legislation, passes without this amendment, the following situation will prevail: When we come to the floor with an increase in the minimum wage, it will be necessary for us to have a point of order called on the bill. We would have to have a majority to override the point of order, and therefore throw up a higher bar for an increase in the minimum wage.

Mr. Chairman, we are sent here to make tough decisions about how we legislate. We are not sent here to hide behind process.

The simple fact of the matter is that without this amendment, if the unfunded mandate legislation wins, which it appears to do, we can count; and if we strive to increase the minimum wage on this floor, and we do not win on the point of order, and so far we

have not had the votes to win on any of them, then the Federal Government cannot increase the minimum wage unless the Federal Government pays for the entire increase in the minimum wage, because it most certainly will exceed \$50 million, point No. 1.

Point No. 2 is that this is an inter-governmental mandate. That would mean that what I just described would apply to the public sector, but the private sector would not be affected by the legislation, so it would differentiate between the public and private sector, giving an increased burden to the private sector, something I do not think any of our colleagues want to do.

So, Mr. Chairman, I think this amendment is very important because it says in order to increase the minimum wage: First, we do not have the additional barrier of a point of order vote requiring a majority; and, second, we do not assume all of the cost of the increase in that minimum wage.

The working poor in our country deserve this opportunity. The minimum wage, people working full time, they make less than \$9,000 a year. We are all familiar with those figures. I just bring them to the floor to once again demonstrate: A, how necessary it is to raise the minimum wage; B, to not throw up any further obstacles to doing so; and, C, to not increase the cost to the Federal taxpayer for the increase in that minimum wage.

Right now today States have that responsibility. Some States, as Members know, including the State of New Jersey, which was pointed out by Governor Whitman, have a minimum wage of \$5.10 which they enforce. Therefore, why are we making it more difficult for the working poor in our country to earn a living wage by hiding behind process?

The fact, Mr. Chairman, is that last week we voted for one of the mandates. Almost every Republican except the gentleman from Alaska [Mr. YOUNG], and every Democrat voted for the amendment addressing age discrimination, so we did exempt already one amendment that was presented. I am sorry that we could not say children are a priority, too, in addition to the elderly. I hope that the working poor will be given a fair shot by this body as well.

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

Mr. Chairman, I rise in opposition to this amendment. The gentlewoman is right, Mr. Chairman, this issue has been discussed prior to this time, on the 23d, in the amendment proposed by the gentleman from Vermont [Mr. SANDERS] which included minimum wage along with occupational safety and others. We did fully debate the matter at that time for about 1 hour and 20 minutes, and the vote was 161 in favor and 263 opposed.

The only point I would make to the gentlewoman is that she did indicate

that we would not be able to do this under this existing legislation. There is nothing, nothing in this bill that would prevent us from in fact imposing the mandate without funding that.

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

Mr. CLINGER. I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Chairman I appreciate the gentleman yielding to me.

First of all, Mr. Chairman, I said we had debated on this issue as part of an en bloc amendment before. We did not vote on this particular minimum wage amendment alone, because I believe that there were Members in the body who did not want to support some of the other amendments.

Mr. CLINGER. I understand, Mr. Chairman.

Ms. PELOSI. It was in the interest of saving time that we rolled some of those amendments.

Mr. CLINGER. I understand. Reclaiming my time, Mr. Chairman, we will not this evening have a vote on this specific issue. The gentlewoman is right.

Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. PETE GEREN].

Mr. GEREN of Texas. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, the debate tonight is not about the merits of the programs that are the subject of these amendments. The debate is about a very simple principle, the principle that any program that is important enough to pass is important enough to pay for. On the last amendment I am pleased to report that 72 Democrats voted to uphold that principle.

Mr. Chairman, I urge my colleagues to vote no on this amendment, and continue to vote against unfunded mandates.

The CHAIRMAN. All the time has expired.

The question is on the amendment offered by the gentlewoman from California [Ms. PELOSI].

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

RECORDED VOTE

Mrs. COLLINS of Illinois. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This is a 15-minute vote.

The vote was taken by electronic device, and there were—ayes 159, noes 260, not voting 15, as follows:

[Roll No. 70]

AYES—159

Abercrombie	Berman	Brown (OH)
Ackerman	Bishop	Bryant (TX)
Barcia	Bonior	Cardin
Barrett (WI)	Borski	Clay
Becerra	Boucher	Clayton
Bellenson	Brown (CA)	Clement
Bentsen	Brown (FL)	Clyburn

Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Fliner
Flake
Foglietta
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hilliard
Hinchee
Holden
Hoyer
Jackson-Lee
Jacobs

Jefferson
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kliczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Matarese
Matsui
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Oberstar
Obey
Olver
Owens
Pallone

Pastor
Payne (NJ)
Pelosi
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stokes
Stupak
Thompson
Thornton
Thurman
Torres
Torrice
Townsend
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wise
Woolsey
Wyden
Wynn

Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCarthy
McColum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalfe
Meyers
Mica
Miller (FL)
Mollinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard

Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)

Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

(8) applies to life threatening public health and safety matters.

The CHAIRMAN. Is there objection to the unanimous consent request of the gentleman from Minnesota that the amendments be considered en bloc?

There was no objection.
The CHAIRMAN. The gentleman from Minnesota [Mr. VENTO] will be recognized for 5 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 5 minutes in opposition.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

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

Mr. Chairman, this is a relatively straightforward amendment. It applies to life-threatening public health and safety matters. I am certain that the Members of the House can enumerate many examples of life-threatening health and safety actions and laws that we might be called upon to consider in this House.

Second, of course, while the proponents of this bill have argued that this is entirely prospective, they are not looking at the entirety of the legislation they have before them because indeed on page 16 through page 22 it requires any new rules that are put out that come within the scope of the language. The point I am trying to make is that it is not just a matter of information on unfunded mandates. Much like the CBO process that we would go through today, I think there would be much less controversy and, in fact, I think I would laud the fact of having more information before the House on measures that we are considering.

Indeed, I think that very often we are subjected or are left with subjective information concerning unfunded mandates, much as we are with other issues about the impacts of legislation.

Unfortunately, we have no track record to guide us with regards to what the nature of the quality of that information will be on unfunded mandates. But this bill reaches far further than most bills we have considered.

For instance, although we require a CBO report, we have no separate vote on that with regards to authorizing legislation. And I might add, ironically this legislation completely exempts the appropriations measures from its consideration, Mr. Chairman, so there are many facets to this that concern me.

I think the issue with regard to the straightforward basis with regards to unfunded mandates is that whenever we have any matter that would be of any controversy we would be subjected to a process vote. That is to say that the vote would not come on the issue before us, but simply on the discussion or on the debate of an unfunded mandate clearly building a hurdle to the consideration of important legislation.

Here again I would point out that my amendment deals with life-threatening health and safety, Mr. Chairman.

NOES—260

Allard
Andrews
Archer
Army
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bevill
Bilbray
Billrakis
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
Cramer
Crane
Crapo
Creameans
Cubin
Cunningham
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
Gekas
Geren
Gilchrest

Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Ingalls
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette

NOT VOTING—15

Bateman
Cox
Furse
Gibbons
Hastert
Hefner
Johnson, E. B.
Montgomery
Neal
Roukema
Sistky
Stockman
Studds
Williams
Yates

□ 2314

Ms. HARMAN changed her vote from "no" to "aye."

So the amendment was rejected.
The result of the vote was announced as above recorded.

AMENDMENTS OFFERED BY MR. VENTO

Mr. VENTO. 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. VENTO: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and at the end add the following new paragraph:

(8) applies to life threatening public health and safety matters.

Mr. VENTO. Mr. Chairman, I offer an amendment numbered 161 with the amendment numbered 137. They are similar amendments in different sections of the bill. I ask unanimous consent they be considered en bloc.

The CHAIRMAN. The Clerk will designate the second amendment.

The text of the amendment is as follows:

Amendment offered by Mr. VENTO: 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:

Furthermore, of course, the legislation reaches into laws already enacted, puts in place a procedure whereas new rules or modifications have to be considered under the scope of this particular bill. So it does affect every law that affects life-threatening health and safety.

I would not enumerate. I could point out the safety laws that affect auto traffic, helmet laws, laws that affect health and safety such as water treatment systems in terms of microsporin or other micronisms which have in fact caused problems or the myriad of new problems we have had with infectious agents that have appeared on the scene sadly in the last many decades, Mr. Chairman.

□ 2320

I think this is a sensible amendment that speaks really to circumstances that should not be subjected to an extra vote, that should not be subjected to a whole new rule and regulation process as is outlined in this bill.

This bill is not just prospective. It is retroactive, affecting many of the rules and regulations and the laws we would pass.

Finally, Mr. Chairman, I think this cuts at the heart of what the Federal Government does in terms of reaching out. This legislation proposes to build in confrontation rather than building on cooperation, which I think should be the hallmark of the Federal system, the States and the National Government working together.

The fact of the matter is the Federal Government did not take these actions independently. Many of the States, many political subdivisions, had decades, hundreds of years, to deal with some of the problems they did not deal with through compacts, through their States, because they could not deal with them. We need a national policy.

Mr. Chairman and Members, one of the things that I think should come to our attention is we live in a country that has the strongest economy the world has ever seen. It has great advances in terms of culture and education and the sciences and has made great strides, greater than almost any other nation on the face of this Earth. We are taking that Government today, the Federal Government, that has been a part of that particular system and putting it at great risk. I know the greatness of this country is in the people of this country, Mr. Chairman, but I also understand that the governing structure that we have had has served us quite well.

I think we should be very careful in moving to make the modifications such as we see in this legislation and on an experimental basis. I think it is an experiment that may well go awry, and I think in the end cause great injustice and great harm to the people we represent.

Mr. Chairman, this is a good amendment. Eliminating health and safety is a sensible and common step, and a thread that has run through many of the amendments we have heard on this floor.

I hope we could vote for it and I think we could move on from this section of the bill.

Amidst the current fervor to pass the Unfunded Mandate Reform Act of 1995 (H.R. 5) important impacts—often passed off as just information that we should be mindful of—have been trivialized. The advocates are either naive or misinformed because this proposed law before the House will significantly impair the Federal Government's ability to govern. The traditional cooperative relationship between State, local and Federal Governments would be dramatically altered by the bill before us, replaced with confrontation and denial. This legislation will leave the Federal Government without the ability to enact laws to protect workers in the workplace, to stop pollution from transcending the boundaries of one State to pollute the air and water of another, to help the elderly receive proper care in nursing homes, and to protect the health and safety of the people and of this Nation. These are but a small sample of the changes inherent in the policy espoused by this measure.

H.R. 5 as now drafted will unravel decades of public policy that established common national standards and intergovernmental cooperation with regards to public health and safety and the environment. If enacted, State and local governments could no longer be obligated to follow national programs unless 100 percent of the funding is assured. That is the goal and most likely the result. Regardless of common sense and the benefits of these programs and policies for a local area they would be frustrated by the provision of this measure. In the absence of national standards, State and local governments will establish, or worse yet, not establish, their own health, safety and pollution standards possibly without even the consideration of their neighboring States. In short, the Federal Government would be hamstringing in its ability to respond to the needs of the people we represent, and subject them to an untested and unverified policy prescription. Now the proponents suggest that a single vote requirement would save the essence of this Federal-State fabric of law so carefully woven throughout our history. This belies the dynamics and impact of the required votes in the congressional process. Today it is difficult to pass a bill, tomorrow this measure's design is to make it far more difficult and darn near impossible to pass legislation steeped in controversy, as without doubt proposed life threatening law and policy would be. If it were simple, the States acting alone or collectively would have accomplished many of these policies—the fact is that Federal law and policy in such arena in by necessity, default, or denial by the States and political subdivisions.

But, the unintended consequences of H.R. 5 are worsened by the quick pace at which it is being pushed, and the lack of deliberation and proper consideration by the House today and the Congress. This bill has reached the floor of the House without one hearing being held on its merit, intent, or consequence. This is a

very significant piece of legislation and should be considered with careful analysis—but politics and instant gratification seem to be the order of the day and the demand by the majority Republicans in this House.

For these reasons, I am offering an amendment to H.R. 5 to address one of the problems that has been both overlooked and continues to be ignored by the proponents of this bill. My amendment will exempt legislation applying to "life threatening" public health and safety matters. I have carefully chosen this language, "life threatening," which addresses health and safety matters of the utmost significance. "Life threatening" is very specific—it means that which endangers one's life.

Surely the Federal Government, the Congress, must be able to fulfill its obligation to protect "life threatening" health and safety matters of the people we represent without being subject to the limitations inherent in this proposal. Look at the list of exceptions already in this bill: President declared emergency, individuals constitutional rights, discrimination laws, accounting and auditing procedures, and national security. Certainly "life threatening" health and safety matters could and should be a recognized exception.

This amendment will ensure that the Members of this chamber will be able to carry out the responsibility that our constituents have entrusted to us. I strongly urge my colleagues to support this amendment.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has expired.

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

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

Mr. Chairman, I rise in opposition to the amendment, which is truly a gutting amendment.

I think all of the measures we have had considered as possible exemptions under this bill throughout the last 5 days could easily be considered encompassed within the parameters of this particular amendment. It is a much broader amendment than anything we have dealt with thus far. I think it would truly gut the essence of the bill, because it could be argued it could be exempting everything out from under the coverage of this bill.

Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. CONDIT].

Mr. CONDIT. Mr. Chairman, I rise in opposition to the amendment, with all due respect to my colleague from Minnesota.

This amendment, above all the amendments we have heard here this evening, will destroy this bill, and once again, this bill is about accountability. It is about if we want to do the kinds of things that the gentleman from Minnesota wants to do, it is fine and well, and I probably would support many of those things.

This just puts some accountability in it and simply says if we are going to do these things, then we ought to figure out a way to pay for it.

I would urge, once again, all of my colleagues, my Democratic colleagues who have been so faithful in opposing these amendments, to oppose this amendment.

We have one more after this, and then we move hopefully to the next section of the bill. I ask for a no vote on the amendment.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in strong support of the Vento amendment to H.R. 5 which will ensure that the Unfunded Mandates Reform Act will not apply to laws and regulations that involve life-threatening public health and safety measures.

The amendment clearly recognizes the Federal Government's steadfast responsibility in protecting the health and safety of the American public. If we ignore this responsibility, the result will be devastating.

If the act passes without the Vento amendment, landfills, incinerators, hazardous waste dumps, toxic waste storage facilities, and manufacturers could pollute our air and our water unchecked by oversight of the Federal Government. This rampant pollution will have a severe negative impact on the health of the American public.

Children, the elderly and those with weakened immune systems are especially vulnerable to diseases caused by environmental pollution.

Many respiratory diseases and several forms of cancer are directly attributable to environmental causes.

These polluting facilities are disproportionately likely to be located in low-income and minority communities.

Currently, dust from a concrete recycling plant in the city of Huntington Park in my district is polluting that community's air and water.

Both the local rate of respiratory infection and of asthma in children have risen alarmingly since the plant began operation.

The citizens of that community are now turning to the government for assistance and protection against this threat to their health.

The industry assumption is that people living in these communities are politically weak and so consumed by the daily grind of making a living that they will not have the resources to organize against these facilities, as people in upper income communities tend to do.

Unfortunately, this assumption is firmly grounded in the reality of many communities throughout our country.

The Federal Government must not abandon its role in protecting the health of all Americans, particularly the most vulnerable in our country.

As Representatives of our respective communities, we have a clear obligation to protect the health and safety of the American people.

If we abandon it now, we may cause damage to future generations before our mistake can be corrected.

I urge the passage of the Vento amendment.

Mr. CLINGER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Minnesota [Mr. VENTO].

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

RECORDED VOTE

Mr. VENTO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 109, noes 308, not voting 17, as follows:

[Roll No. 71]

AYES—109

Abercrombie	Ford	Mink
Ackerman	Gejdenson	Moakley
Barcia	Gephardt	Nadler
Barrett (WI)	Green	Oberstar
Becerra	Gutierrez	Obey
Bellenson	Hall (OH)	Owens
Berman	Hastings (FL)	Payne (NJ)
Bishop	Hilliard	Pelosi
Bonior	Hinchee	Pomeroy
Brown (CA)	Jackson-Lee	Rangel
Brown (FL)	Jacobs	Reed
Bryant (TX)	Jefferson	Reynolds
Cardin	Johnston	Rivers
Clay	Kennedy (MA)	Roybal-Allard
Clayton	Kennedy (RI)	Rush
Clyburn	Kennelly	Sabo
Collins (IL)	Kildee	Sanders
Collins (MI)	Klecza	Schroeder
Conyers	LaFalce	Scott
Coyne	Lantos	Slaughter
DeLauro	Levin	Stark
Dellums	Lewis (GA)	Stokes
Deusch	Lofgren	Stupak
Dicks	Lowey	Thompson
Dingell	Maloney	Torres
Dixon	Manton	Towns
Doyle	Markey	Tucker
Engel	Mascara	Velazquez
Eshoo	Matsui	Vento
Evans	McDermott	Ward
Farr	McKinney	Waters
Fattah	Meehan	Watt (NC)
Fazio	Meehan	Waxman
Fields (LA)	Mfume	Woolsey
Filner	Miller (CA)	Wynn
Flake	Mineta	
Foglietta	Minge	

NOES—308

Allard	Chambliss	Ewing
Andrews	Chapman	Fawell
Archer	Chenoweth	Fields (TX)
Armey	Christensen	Flanagan
Bachus	Chrysler	Foley
Baessler	Clement	Forbes
Baker (CA)	Clinger	Fowler
Baker (LA)	Coble	Fox
Baldacci	Coburn	Frank (MA)
Ballenger	Coleman	Franks (CT)
Barr	Collins (GA)	Franks (NJ)
Barrett (NE)	Combest	Frelinghuysen
Bartlett	Condit	Frisa
Barton	Cooley	Frost
Bass	Costello	Funderburk
Bentsen	Cramer	Gallely
Bereuter	Crane	Ganske
Bevill	Crapo	Gekas
Bilbray	Creameans	Geren
Billrakis	Cubin	Gilchrest
Bliley	Cunningham	Gillmor
Blute	Danner	Gilman
Boehlert	Davis	Gonzalez
Boehner	de la Garza	Goodlatte
Bonilla	Deal	Goodling
Bono	DeFazio	Gordon
Borski	DeLay	Goss
Boucher	Diaz-Balart	Graham
Brewster	Dickey	Greenwood
Browder	Doggett	Gunderson
Brown (OH)	Dooley	Gutknecht
Brownback	Doolittle	Hall (TX)
Bryant (TN)	Dornan	Hamilton
Bunn	Dreier	Hancock
Bunning	Duncan	Hansen
Burr	Dunn	Harman
Burton	Durbin	Hastings (WA)
Buyer	Edwards	Hayes
Callahan	Ehlers	Hayworth
Calvert	Ehrlich	Hefley
Camp	Emerson	Heineman
Canady	English	Herger
Castle	Ensign	Hilleary
Chabot	Everett	Hobson

Hoekstra	Meyers	Sensenbrenner
Hoke	Mica	Shadegg
Holden	Miller (FL)	Shaw
Horn	Mollinari	Shays
Hostettler	Mollohan	Shuster
Houghton	Moorhead	Skaags
Hoyer	Moran	Skeen
Hunter	Morella	Skelton
Hutchinson	Murtha	Smith (MI)
Hyde	Myers	Smith (NJ)
Inglis	Myrick	Smith (TX)
Istook	Nethercutt	Smith (WA)
Johnson (CT)	Neumann	Solomon
Johnson (SD)	Ney	Souder
Johnson, Sam	Norwood	Spence
Jones	Nussle	Spratt
Kanjorski	Oliver	Stearns
Kaptur	Ortiz	Stenholm
Kasich	Orton	Stockman
Kelly	Oxley	Stump
Kim	Packard	Talent
King	Pallone	Tanner
Kingston	Parker	Tate
Klink	Pastor	Tauzin
Klug	Paxon	Taylor (MS)
Knollenberg	Payne (VA)	Taylor (NC)
Kolbe	Peterson (FL)	Tejeda
LaHood	Peterson (MN)	Thomas
Largent	Petri	Thornberry
Latham	Pickett	Thornton
LaTourette	Pombo	Thurman
Laughlin	Porter	Tiahrt
Lazlo	Portman	Torkildsen
Leach	Posthard	Torrice
Lewis (CA)	Pryce	Trafficant
Lewis (KY)	Quillen	Upton
Lightfoot	Quinn	Visclosky
Lincoln	Radanovich	Volkmer
Linder	Rahall	Vucanovich
Lipinski	Ramstad	Waldholtz
Livingston	Regula	Walker
LoBlondo	Richardson	Walsh
Longley	Riggs	Wamp
Lucas	Roberts	Watts (OK)
Luther	Roemer	Weldon (FL)
Manzullo	Rogers	Weldon (PA)
Martini	Rohrabacher	Weller
McCarthy	Ros-Lehtinen	White
McCullum	Roth	Whitfield
McCrery	Royce	Wicker
McDade	Salmon	Wilson
McHale	Sanford	Wise
McHugh	Sawyer	Wolf
McInnis	Saxton	Wyden
McIntosh	Scarborough	Young (AK)
McKeon	Schaefer	Young (FL)
McNulty	Schiff	Zeliff
Menendez	Schumer	Zimmer
Metcalfe	Seastrand	

NOT VOTING—17

Bateman	Johnson, E.B.	Serrano
Cox	Martinez	Sisisky
Furse	Montgomery	Studds
Gibbons	Neal	Williams
Hastert	Rose	Yates
Hefner	Roukema	

□ 2339

So the amendments were rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HASTERT. Mr. Chairman, because of a serious fire at my father's home in Illinois, I was unable to return to Washington earlier today and missed a series of votes. Had I been present I would have voted: Present on rollcall No. 56; "yes" on rollcall No. 57; "yes" on rollcall No. 58; "no" on rollcall No. 59; "no" on rollcall No. 60; "no" on rollcall No. 61; "no" on Rollcall 62; "no" on rollcall No. 63; "no" on rollcall No. 64; "no" on rollcall No. 65; "no" on rollcall No. 66; "no" on rollcall No. 67; "no" on rollcall No. 68; "no" on rollcall No. 69; "no" on rollcall No. 70; and "no" on rollcall No. 71.

The CHAIRMAN. Are there further amendments to section 4?

PERSONAL EXPLANATION

AMENDMENTS OFFERED BY MR. FIELDS OF LOUISIANA

Mr. FIELDS of Louisiana. Mr. Chairman, I offer two amendments, numbered 151 and 152, which were printed in the RECORD, and I ask unanimous consent that they be considered en bloc.

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

There was no objection.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. FIELDS of Louisiana: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) establishes standards for the education or safety of students in elementary or secondary public schools.

In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

"(8) establishes standards for the education or safety of students in elementary or secondary public schools.

The CHAIRMAN. The gentleman from Louisiana [Mr. FIELDS] will be recognized for 5 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 5 minutes in opposition.

The Chair recognizes the gentleman from Louisiana [Mr. FIELDS].

Mr. FIELDS of Louisiana. Mr. Chairman, this amendment simply provides for an exemption to be made by any Federal statute or regulation which establishes standards or standards for safety for students in elementary and secondary education. Today I offer this amendment out of concern for many children in our country who walk into unsafe schools on a day-to-day basis. There are schools in this country that do not have the proper tools for writing, much less the proper conditions to ensure their safety. We need to work hard to bring the standard of safety in our educational system across the country, bring it up to par with the rest of the world. Today our students are falling behind. We must look within our system and find ways to improve our Nation as a whole. State by State, Mr. Chairman, we need to ensure that our children are receiving the best possible education, and the buildings in which they learn must be safe.

Thousands of schools open each day, Mr. Chairman, without proper ventilation, without air conditioning during the heat of summer, without heat during the middle of winter. Thousands of schools, Mr. Chairman, open with leaking ceilings. Many of them have lead

paint. Many schools in our Nation, Mr. Chairman and Members of the Congress, have asbestos. I urge that the Members of this body adopt this amendment because our schools are in bad, bad shape all across America. Our jails are in better condition than our schools.

This is a good amendment. I commend it to the rest of the body, and I urge its adoption.

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

Mr. CLINGER. Mr. Chairman, let me, first of all, say I am sure I speak for all of my colleagues on both sides of the aisle in congratulating the gentleman from Louisiana [Mr. FIELDS] on the birth of his son.

So, Mr. Chairman, it is with reluctance that I must rise with opposition to the gentleman's amendment, knowing, as I do, that he will have a son in school in not too many years, but again I have to say that this amendment, as most of the amendments we have seen before, really must not be exempt because it would not allow us to have the kind of cost adjustments, cost considerations, that we have.

Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi [Mr. PARKER].

Mr. PARKER. Mr. Chairman, I hesitate to rise in opposition to the amendment offered by the gentleman from Louisiana [Mr. FIELDS], my good friend, and being one of the more diplomatic Members of the House of Representatives, I feel compelled to say that I have watched for a long time around this body when the Republicans were in the minority. I used to watch the Republicans bring forth amendments, and I could see the commercial coming out, and all of a sudden we see the same thing on the Democratic side, my side. I think that this type of situation in which we find ourselves hurts this body, and I think the American people look upon us, and they say, "You are not doing what you should be doing."

I personally want a clean unfunded mandates bill. I think it is what we need, and I believe the American people have let us know that time and time again. Join with me in defeating this amendment.

Mr. FIELDS of Louisiana. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from the State of Florida [Mr. HASTINGS].

Mr. HASTINGS. Mr. Chairman, I would like to say to the distinguished gentleman from Pennsylvania that I, too, join him in congratulating the gentleman from Louisiana [Mr. FIELDS] for he and his wife having a son, but I would urge the gentleman from Pennsylvania to recognize, as another gentleman from Pennsylvania said, that what we need for his son is safe schools, and that is what this measure is about. To ask for regulations and

standards for our children is not asking much.

Unfunded mandates? The Republicans say the American people want us to pass this bill. I say, cheer, if you will. The American people, can't possibly want rat-infested schools, asbestos-laden schools, leaky roofs, broken windows, drug-ridden schools, broken toilets, water fountains that don't work and scared children and teachers.

When we voted to exempt the older Americans from discrimination, it was because we were afraid of their votes, and here we have a situation where we are asking to exempt children, and, as my colleagues know, they do not vote, so they find themselves in the position of not wanting to support it.

Let me go a step further because somebody in this building needs to clear the air on this Contract With America. Let me tell my colleagues what elementary contract law says: Black's Dictionary says an agreement between two or more parties for the doing or not doing something specified is a contract.

I say to my colleagues, the American people, whoever you all keep talking about, or the mandate that you claim that you got 20 percent of 39 percent of, is not a mandate in the sense of what the American people want, and for my Democratic colleagues who have been about the business of being bipartisan, I commend you and respect you for your bipartisan efforts, but I remind you that it should be a two-way street.

Let me tell my colleagues something: People, you have the votes in the House to pass the legislation that you want unilaterally, but don't you go around saying that my constituents signed on to your contract. They did not.

And let me also make it clear, let me make it clear for everybody in here, that the Republicans do not know all of what the American people want, and the Democrats do not either.

Mr. FIELDS of Louisiana. Mr. Chairman, I yield back the balance of my time.

Mr. CLINGER. Mr. Chairman, I, too, yield back the balance of my time.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Louisiana [Mr. FIELDS].

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

RECORDED VOTE

Mr. FIELDS of Louisiana. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were yeas 135, yeas 282, not voting 17, as follows:

[Roll No. 72]

AYES—135

Abercrombie	Becerra	Berman
Ackerman	Bellenson	Bishop
Barcla	Bentsen	Bonior

Borski
Brown (CA)
Brown (FL)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez

Green
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klink
LaFalce
Lantos
Lewis (GA)
Lipinski
Lofgren
Lowe
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDermott
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Nadler

Oberstar
Oliver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Poshard
Rangel
Reed
Reynolds
Richardson
Rivers
Rush
Rohrabacher
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Slaughter
Stark
Stokes
Thompson
Thornton
Torres
Torrice
Towns
Traffant
Tucker
Velazquez
Vento
Volkmmer
Ward
Waters
Watt (NC)
Waxman
Woolsey
Wyden
Wynn

NOES—282

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Balducci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bereuter
Bevill
Bilbray
Biltrakis
Billey
Blute
Boehert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brown (OH)
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
Cramer
Crane
Crapo
Creameans
Cubin
Cunningham
Davis
de la Garza
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
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling

Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (VA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin

Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBlundo
Longley
Lucas
Manullo
Martini
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinar
Mollohan
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Ortiz
Orton
Oxley
Packard

Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skaggs
Skates
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)

Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Upton
Viscosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—17

Bateman
Cox
Furse
Gibbons
Hall (OH)
Hefner

Johnson, E. B.
Martinez
Montgomery
Neal
Roberts
Rose

Roukema
Sisisky
Studds
Williams
Yates

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So the amendments were rejected.
The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to section 4?

The Clerk will designate title I.
The text of title I is as follows:

TITLE I—REVIEW OF UNFUNDED FEDERAL MANDATES

SEC. 101. ESTABLISHMENT.

There is established a commission which shall be known as the "Commission on Unfunded Federal Mandates" (in this title referred to as the "Commission").

SEC. 102. REPORT ON UNFUNDED FEDERAL MANDATES BY THE COMMISSION.

(a) IN GENERAL.—The Commission shall in accordance with this section—

(1) Investigate and review the role of unfunded Federal mandates in intergovernmental relations and their impact on State, local, tribal, and Federal government objectives and responsibilities; and

(2) make recommendations to the President and the Congress regarding—

(A) allowing flexibility for State, local, and tribal governments in complying with specific unfunded Federal mandates for which terms of compliance are unnecessarily rigid or complex;

(B) reconciling any 2 or more unfunded Federal mandates which impose contradictory or inconsistent requirements;

(C) terminating unfunded Federal mandates which are duplicative, obsolete, or lacking in practical utility;

(D) suspending, on a temporary basis, unfunded Federal mandates which are not vital to public health and safety and which compound the fiscal difficulties of State, local, and tribal governments, including recommendations for triggering such suspension;

(E) consolidating or simplifying unfunded Federal mandates, or the planning or reporting requirements of such mandates, in order to reduce duplication and facilitate compliance by State, local, and tribal governments with those mandates; and

(F) establishing common Federal definitions or standards to be used by State, local, and tribal governments in complying with unfunded Federal mandates that use different definitions or standards for the same terms or principles.

(3) IDENTIFICATION OF RELEVANT UNFUNDED FEDERAL MANDATES.—Each recommendation under paragraph (2) shall, to the extent practicable, identify the specific unfunded Federal mandates to which the recommendation applies.

(b) CRITERIA.—

(1) IN GENERAL.—The Commission shall establish criteria for making recommendations under subsection (a).

(2) ISSUANCE OF PROPOSED CRITERIA.—The Commission shall issue proposed criteria under this subsection not later than 60 days after the date of the enactment of this Act, and thereafter provide a period of 30 days for submission by the public of comments on the proposed criteria.

(3) FINAL CRITERIA.—Not later than 45 days after the date of issuance of proposed criteria, the Commission shall—

(A) consider comments on the proposed criteria received under paragraph (2);

(B) adopt and incorporate in final criteria any recommendations submitted in those comments that the Commission determines will aid the Commission in carrying out its duties under this section; and

(C) issue final criteria under this subsection.

(c) PRELIMINARY REPORT.—

(1) IN GENERAL.—Not later than 9 months after the date of the enactment of this Act, the Commission shall—

(A) prepare and publish a preliminary report on its activities under this title, including preliminary recommendations pursuant to subsection (a);

(B) publish in the Federal Register a notice of availability of the preliminary report; and

(C) provide copies of the preliminary report to the public upon request.

(2) PUBLIC HEARINGS.—The Commission shall hold public hearings on the preliminary recommendations contained in the preliminary report of the Commission under this subsection.

(d) FINAL REPORT.—Not later than 3 months after the date of the publication of the preliminary report under section (c), the Commission shall submit to the Congress, including the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Government Affairs of the Senate, and to the President a final report on the findings, conclusions, and recommendations of the Commission under this section.

SEC. 103. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 9 members appointed from individuals who possess extensive leadership experience in and knowledge of State, local, and tribal governments and intergovernmental relations, including State and local elected officials, as follows:

(1) 3 members appointed by the Speaker of the House of Representatives, in consultation with the minority leader of the House of Representatives.

(2) 3 members appointed by the majority leader of the Senate, in consultation with the minority leader of the Senate.

(3) 3 members appointed by the President.

(b) **WAIVER OF LIMITATION ON EXECUTIVE SCHEDULE POSITIONS.**—Appointments may be made under this section without regard to section 5311(b) of title 5, United States Code.

(c) **Terms.**—

(1) **IN GENERAL.**—Each member of the Commission shall be appointed for the life of the Commission.

(2) **VACANCIES.**—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d) **BASIC PAY.**—

(1) **RATES OF PAY.**—Members of the Commission shall serve without pay.

(2) **PROHIBITION OF COMPENSATION OF FEDERAL EMPLOYEES.**—Members of the Commission who are full-time officers or employees of the United States may not receive additional pay, allowances, or benefits by reason of their service on the Commission.

(e) **TRAVEL EXPENSES.**—Each member of the Commission may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(f) **CHAIRPERSON.**—The President shall designate a member of the Commission as Chairperson at the time of the appointment of that member.

(g) **MEETINGS.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the Commission shall meet at the call of the Chairperson or a majority of its members.

(2) **FIRST MEETING.**—The Commission shall convene its first meeting by not later than 45 days after the date of the completion of appointment of the members of the Commission.

(3) **QUORUM.**—A majority of members of the Commission shall constitute a quorum but a lesser number may hold hearings.

SEC. 104. DIRECTOR AND STAFF OF COMMISSION EXPERTS AND CONSULTANTS.

(a) **DIRECTOR.**—The Commission shall have a Director who shall be appointed by the Commission. The Director shall be paid at a level not to exceed the rate of basic pay payable for level IV of the Executive Schedule.

(b) **STAFF.**—With the approval of the Commission, and without regard to section 5311(b) of title 5, United States Code, the Director may appoint and fix the pay of such staff as is sufficient to enable the Commission to carry out its duties.

(c) **APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.**—The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate payable under section 5376 of title 5, United States Code.

(d) **EXPERTS AND CONSULTANTS.**—The Commission may procure temporary and intermittent services of experts or consultants under section 3109(b) of title 5, United States Code.

(e) **STAFF OF FEDERAL AGENCIES.**—Upon request of the Director, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of

that department or agency to the Commission to assist it in carrying out its duties under this title.

SEC. 105. POWER OF COMMISSION.

(a) **HEARINGS AND SESSIONS.**—The Commission may, for the purpose of carrying out this title, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(b) **POWERS OF MEMBERS AND AGENTS.**—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) **OBTAINING OFFICIAL DATA.**—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this title, except information—

(1) which is specifically exempted from disclosure by law; or

(2) which that department or agency determines will disclose—

(A) matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States.

(B) information relating to trade secrets or financial or commercial information pertaining specifically to a given person if the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(C) personnel or medical data or similar data the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

unless the portions containing such matters, information, or data have been excised.

Upon request of the Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(d) **MAILS.**—The Commission may use the United States mail in the same manner and under the same conditions as other departments and agencies of the United States.

(e) **ADMINISTRATIVE SUPPORT SERVICES.**—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its duties under this title.

(f) **CONTRACT AUTHORITY.**—The Commission may, subject to appropriations, contract with and compensate government and private agencies or persons for property and services used to carry out its duties under this title.

SEC. 106. TERMINATION.

The Commission shall terminate 90 days after submitting its final report pursuant to section 102(d).

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Commission \$1,000,000 to carry out this title.

SEC. 108. DEFINITION.

As used in this title, the term "Federal mandate" means any provision in statute or regulation or any Federal court ruling that imposes an enforceable duty upon States, local governments, or tribal governments including a condition of Federal assistance or a duty arising from participation in a voluntary Federal program.

SEC. 109. EFFECTIVE DATE.

This title shall take effect 60 days after the date of the enactment of this Act.

Mr. POMBO. Mr. Chairman, I am pleased to see that the Unfunded Mandates Reform Act we are debating today is moving steadily toward passage in the House of Representatives. This measure, H.R. 5, is long overdue. For too many years, the Federal Government has been forcing regulations down the throats of State and local government officials without providing them with the necessary resources to pay for them.

To give an idea of how outrageous this practice has become, the Environmental Protection Agency's own figures state that its rules and regulations cost this Nation \$140 billion last year—that is 2.2 percent of our entire gross domestic product. Let me remind my colleagues that this represents the cost of mandates from just one single agency of the Federal Government. The successful passage of H.R. 5 will once-and-for-all end this outrageous, and arrogant, Federal Government practice.

While I am disappointed that some in this House have tried to slow down the progress of H.R. 5, I am confident that the overwhelming bipartisan support it enjoys will enable us to make good on our promise with the American people. H.R. 5 is a top priority for those of us who have signed the Contract With America—and we intend to deliver.

Mr. Chairman, we are not the only ones who have been eagerly waiting for this legislation. State and local officials around the country are so disgusted with the Federal Government's penchant for establishing new programs without paying for them, they established an official Unfunded Mandates Day to make their concerns felt here in Washington. They have done this because it is the simple fact that the burden of paying for unfunded mandates is minimizing the effectiveness of State and local governments to provide even the most basic local services. Let me make one thing clear—we have heard their voices, and are dedicated to making a real difference.

What good do unfunded mandates serve if they require city officials to seriously consider buying and passing out bottled water to residents rather than comply with the strict Federal water testing requirements set forth in the Safe Drinking Water Act? How effective is requiring a city to spend over \$250,000 over 3 years to remove petroleum-contaminated soil so that an asphalt parking lot could be put on top of it—when asphalt is a petroleum-based product? Mandates like these serve no one—except the Federal bureaucrats, of course.

Once again, Mr. Chairman, I would like to express my strong support for the Unfunded Mandates Reform Act and urge its passage in the House of Representatives as well as the other body. We owe the American people nothing less.

Mr. MCKEON. Mr. Chairman, legislative mandates made by the Federal Government have placed a significant financial burden on communities in California. The city of Los Angeles estimates that Federal mandates will cost approximately \$2.2 billion over 5 years (1993–94 through 1997–98). In recent years, many Federal mandates have been placed on cities like Los Angeles without Federal funding required for implementing and enforcing these mandates.

Despite the attention to this issue, these Federal mandates have not subsided. The National Committee on Uniform Traffic Control Devices is currently in the process of recommending improvements in traffic-control devices, including street signs, to the Federal Highway Administration. In its present form, the National Committee's proposal recommends new Federal guidelines that would require communities to:

First, increase the size of the street sign lettering from 4 inches to 6 inches high; and second, modify street name signs to be reflective or illuminated.

The proposed guidelines do not contain any provisions for cities to fund these changes.

The city's department of transportation has reviewed this proposal and believes that the suggested requirements are extreme and unnecessary. The cost to change the more than 150,000 street name signs in the city would be approximately \$10 to \$15 million.

Without financial assistance, the city of Los Angeles is not in a position to comply with the proposed new guidelines for street signs. Furthermore, in an urban area such as Los Angeles, many intersections are sufficiently illuminated and often feature additional identifying signs for drivers of motor vehicles.

While this is one small example of a much larger problem, it is indicative of the costly Federal mandates imposed on local governments. With this in mind, I respectfully urge House Members to support H.R. 5, the Unfunded Mandates Reform Act of 1995.

Mr. MARTINI. Mr. Chairman, I rise this evening to congratulate my colleagues for passing H.R. 5, the Unfunded Mandates Reform Act of 1995.

Monday in my hometown of Clifton, NJ I met with local officials to talk about the importance of this legislation. Most of us know how difficult it is to be a local official, I can tell you I know first hand. I have had to deal with unfunded mandates first hand.

As we dealt with this bill on the House floor, the burden of unfunded Federal mandates did not go away. Local governments are still toiling under their yoke, losing money by the minute in manpower and paperwork complying with one-size-fits-all regulations from Congress.

Take my home State of New Jersey for example. Just recently we avoided what would have amounted to one of the most costly mandates in the country. As a commuter State, New Jersey was faced with drastic measures to slow the growth of automobile emissions in order to comply with one of the most infamous unfunded mandates on the books, the Clean Air Act.

In order to meet the rigorous standards of the act, the Environmental Protection Agency informed New Jersey that it must use a new, unproven testing system. The State itself was not supposed to have any input on the testing method, but rather meekly submit to the commands of the EPA.

What did this do to New Jersey drivers? Well, it simply set up a system in which they could not win. First, they would have to take an emissions test that almost every car was expected to fail. Then, they would have to pay \$300 to \$400 each to repair their cars only to take the test again. Fortunately, the State was

able to head off EPA sanctions at the last moment and avoid the imposition of such a test.

I will give another example. As I stated before, I came to Washington as a former local official, on both the municipal and county levels. On the county level, I met with special frustration when confronted with unfunded Federal mandates.

As the Passaic County Freeholder Board moved to restructure a government that, just like everywhere else, had its inefficiencies, we were continually confounded by obligations placed on us by Washington. I led the fight to reorganize the county health administration, and a little initiative and persistence paid off: I was able to shave \$107,000 from that department's budget. Due to similar efforts from my fellow Freeholders, we were able to reduce county spending by 7 percent in 1993.

But, as you may have already guessed, the Passaic County taxpayers could not directly reap the rewards of the frugal actions of the Freeholder Board. In 1993, we were actually forced to raise taxes. That part of our county budget that was mandated from above went up 10 percent, even faster than we could cut discretionary spending.

I am sure many of my colleagues have had similarly frustrating experiences. Stories like these have to stop, and I believe they soon will.

With the passage of H.R. 5, this House took a major step in the right direction. But the fight against unfunded mandates is far from over. You see, H.R. 5 is first and foremost an accountability measure.

There is nothing in this bill that says Congress may never pass another unfunded Federal mandate again, it only makes sure that Congress knows exactly how much its legislation costs. Because of this we have to remain vigilant over the next 2 years and continue in the spirit of H.R. 5 by refusing to pass the buck down the line.

I congratulate this body as a whole, my colleagues on the Government Reform and Oversight Committee, and especially the distinguished chairman of the committee, Mr. CLINGER, for their strong leadership on this vital issue. You have all done your country a great service today.

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. EHLERS) 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.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 607

Mr. RAMSTAD. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 607.

The Speaker pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

PERSONAL EXPLANATION

Mr. FIELDS of Louisiana. Mr. Speaker, last week I missed a series of votes because, on January 22, at 7:14 p.m., my wife gave birth to our first child, Cleo Brandon Fields, who weighed 7 lbs., 1 oz. and was 20 inches long.

Had I been present, I would have voted "yes" on rollcall votes 25 through 28, 32 and 33, 35, 36, 40, 43 through 48, and 50 through 55. I would have voted "no" on rollcall votes 29, 30, 37, 38, 39, 41, 49, and 51.

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CONGRATULATIONS TO THE FAMILY OF CLEO FIELDS OF LOUISIANA ON THE BIRTH OF THEIR FIRST CHILD

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

Mr. ARMEY. Mr. Speaker, let me preface my comments by offering my congratulations to the gentleman from Louisiana [Mr. FIELDS] and his wife on the birth of their first child. I hope it is every bit as much a joy in their life as mine was and is in my life.

PERMISSION FOR CERTAIN COMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the following committees, and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule: The Committee on Economic and Educational Opportunities, the Committee on Transportation and Infrastructure, the Committee on National Security, the Committee on Science, the Committee on the Judiciary, the Committee on Resources, the Committee on International Relations, and the Committee on Small Business.

Mr. Speaker, it is my understanding that the minority has been consulted and that there is no objection to these requests.

Mr. BONIOR. Reserving the right to object, Mr. Speaker, I will not object. I rise to suggest that this is a reasonable request that my friend, the gentleman from Texas [Mr. ARMEY], has made this evening. We were given adequate time to consult with the ranking members of each of the various committees he has just read off to the body.

Mr. Chairman, the ranking members of those committees have no objection to the request, and the request does not contain a blanket waiver of the rule, but it specifies the particular committees that would be affected, and it is only for one day. We want to reassure the majority that we want to work with their leadership to make this institution work better, and as long as we are notified in advance so we can check with our appropriate people, and they think it is a request that will move this institution forward, we will not object.

With that, Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection./

REPORT ON DEVELOPMENTS CONCERNING NATIONAL EMERGENCY WITH RESPECT TO LIBYA DECLARED IN EXECUTIVE ORDER NO. 12543 OF JANUARY 7, 1986—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. Doc. No. 104-24)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

I hereby report to the Congress on the developments since my last report of July 18, 1994, concerning the national emergency with respect to Libya that was declared in Executive Order No. 12543 of January 7, 1986. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c); section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c); and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c).

1. On December 22, 1994, I renewed for another year the national emergency with respect to Libya pursuant to IEEPA. This renewal extended the current comprehensive financial and trade embargo against Libya in effect since 1986. Under these sanctions, all trade with Libya is prohibited, and all assets owned or controlled by the Libyan government in the United States or in the possession or control of U.S. persons are blocked.

2. There has been one amendment to the Libyan Sanctions Regulations, 31 C.F.R. Part 550 (the "Regulations"), administered by the Office of Foreign Assets Control (FAC) of the Department of the Treasury, since my last report on July 18, 1994. The amendment (59 Fed. Reg. 51106, October 7, 1994) iden-

tified Arab Hellenic Bank (AHB), an Athens-based financial institution, 4 other entities, and 10 individuals as Specially Designated Nationals (SDNs) of Libya. (In addition to the recent SDN action against AHB, the Greek central bank has recently announced that AHB's banking license has been revoked.) Included among the individuals are three Italian shareholders in Oillinvest (Netherlands) B.V., who increased their positions in the Libyan government-controlled firm shortly before United Nations Security Council Resolution (UNSCR) 883 directed a freeze on certain Libyan assets owned or controlled by the Government or public authorities of Libya.

Pursuant to section 550.304(a) of the Regulations, FAC has determined that these entities and individuals designated as SDNs are owned or controlled by, or acting or purporting to act directly or indirectly on behalf of, the Government of Libya, or are agencies, instrumentalities, or entities of that government. By virtue of this determination, all property and interests in property of these entities or persons that are in the United States or in the possession or control of U.S. persons are blocked. Further, U.S. persons are prohibited from engaging in transactions with these individuals or entities unless the transactions are licensed by FAC. The designations were made in consultation with the Department of State and announced by FAC in notices issued on June 17 and July 22 and 25, 1994. A copy of the amendment is attached to this report.

3. During the current 6-month period, FAC made numerous decisions with respect to applications for licenses to engage in transactions under the Regulations, issuing 136 licensing determinations—both approvals and denials. Consistent with FAC's ongoing scrutiny of banking transactions, the largest category of license approvals (73) concerned requests by non-Libyan persons or entities to unblock bank accounts initially blocked because of an apparent Government of Libya interest. The largest category of denials (41) was for banking transactions in which FAC found a Government of Libya interest. Three licenses were issued authorizing intellectual property protection in Libya.

In addition, FAC issued eight determinations with respect to applications from attorneys to receive fees and reimbursement of expenses for provision of legal services to the Government of Libya in connection with wrongful death civil actions arising from the Pan Am 103 bombing. Civil suits have been filed in the U.S. District Court for the District of Columbia and in the Southern District of New York. Representation of the Government of Libya when named as a defendant in or otherwise made a party to domestic U.S. legal proceedings is authorized by

section 550.517(b)(2) of the Regulations under certain conditions.

4. During the current 6-month period, FAC continued to emphasize to the international banking community in the United States the importance of identifying and blocking payments made by or on behalf of Libya. The FAC worked closely with the banks to implement new interdiction software systems to identify such payments. As a result, during the reporting period, more than 210 transactions involving Libya, totaling more than \$14.8 million, were blocked. As of December 9, 1994, 13 of these transactions had been licensed to be released, leaving a net amount of more than \$14.5 million blocked.

Since my last report, FAC collected 15 civil monetary penalties totaling more than \$76,000 for violations of the U.S. sanctions against Libya. Nine of the violations involved the failure of banks to block funds transfers to Libyan-owned or -controlled banks. Two other penalties were received for corporate export violations. Four additional penalties were paid by U.S. citizens engaging in Libyan oilfield-related transactions while another 76 cases of similar violations are in active penalty processing.

In October 1994, two U.S. businessmen, two U.S. corporations, and several foreign corporations were indicted by a Federal grand jury in Connecticut on three counts of violating the Regulations and IEEPA for their roles in the illegal exportation of U.S. origin fuel pumps to Libya. Various enforcement actions carried over from previous reporting periods have continued to be aggressively pursued. The FAC has continued its efforts under the Operation Roadblock initiative. This ongoing program seeks to identify U.S. persons who travel to and/or work in Libya in violation of U.S. law.

Several new investigations of potentially significant violations of the Libyan sanctions have been initiated by FAC and cooperating U.S. law enforcement agencies, primarily the U.S. Customs Service. Many of these cases are believed to involve complex conspiracies to circumvent the various prohibitions of the Libyan sanctions, as well as the utilization of international diversionary shipping routes to and from Libya. The FAC has continued to work closely with the Departments of State and Justice to identify U.S. persons who enter into contracts or agreements with the Government of Libya, or other third-country parties, to lobby United States Government officials or to engage in public relations work on behalf of the Government of Libya without FAC authorization. In addition, during the period FAC hosted or attended several bilateral and multilateral meetings with foreign sanctions authorities, as well as with private foreign institutions, to consult on issues

of mutual interest and to encourage strict adherence to the U.N.-mandated sanctions.

5. The expenses incurred by the Federal Government in the 6-month period from July 7, 1994, through January 6, 1995, that are directly attributable to the exercise of powers and authorities conferred by the declaration of the Libyan national emergency are estimated at approximately \$1.4 million. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the Office of the General Counsel, and the U.S. Customs Service), the Department of State, and the Department of Commerce.

6. The policies and actions of the Government of Libya continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. In adopting UNSCR 883 in November 1993, the Security Council determined that the continued failure of the Government of Libya to demonstrate by concrete actions its renunciation of terrorism, and in particular its continued failure to respond fully and effectively to the requests and decisions of the Security Council in UNSCRs 731 and 748, concerning the bombing of the Pan Am 103 and UTA 772 flights, constituted a threat to international peace and security. The United States continues to believe that still stronger international measures than those mandated by UNSCR 883, possibly including a worldwide oil embargo, should be imposed if Libya continues to defy the will of the international community as expressed in UNSCR 731. We remain determined to ensure that the perpetrators of the terrorist acts against Pan Am 103 and UTA 772 are brought to justice. The families of the victims in the murderous Lockerbie bombing and other acts of Libyan terrorism deserve nothing less. I shall continue to exercise the powers at my disposal to apply economic sanctions against Libya fully and effectively, so long as those measures are appropriate, and will continue to report periodically to the Congress on significant developments as required by law.

WILLIAM J. CLINTON,
THE WHITE HOUSE, January 30, 1995.

REPORT OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES REGARDING ADMINISTRATION OF RADIATION CONTROL FOR HEALTH AND SAFETY ACT OF 1968 DURING CALENDAR YEAR 1993—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee

on Commerce and ordered to be printed:

To the Congress of the United States:

In accordance with section 540 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360qq) (previously section 360D of the Public Health Service Act), I am submitting the report of the Department of Health and Human Services regarding the administration of the Radiation Control for Health and Safety Act of 1968 during calendar year 1993.

The report recommends the repeal of section 540 of the Federal Food, Drug, and Cosmetic Act that requires the completion of this annual report. All the information found in this report is available to the Congress on a more immediate basis through the Center for Devices and Radiological Health technical reports, the Radiological Health Bulletin, and other publicly available sources. This annual report serves little useful purpose and diverts Agency resources from more productive activities.

WILLIAM J. CLINTON,
THE WHITE HOUSE, January 30, 1995.

ANNUAL REPORT OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR FISCAL YEAR 1993—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking and Financial Services and ordered to be printed:

To the Congress of the United States:

In accordance with the requirements of section 809 of the Housing and Community Development Act of 1974, as amended (12 U.S.C. 1701j-2(j)), I transmit herewith the annual report of the National Institute of Building Sciences for fiscal year 1993.

WILLIAM J. CLINTON,
THE WHITE HOUSE, January 30, 1995.

RULES OF PROCEDURE FOR THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE FOR THE 104TH CONGRESS

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

Mr. SHUSTER. Mr. Speaker, pursuant to clause 2(a) of House rule XI, I submit a copy of the Rules of the Committee on Transportation and Infrastructure.

RULES OF THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
RULE I.—GENERAL PROVISIONS

(a) Applicability of House Rules.—(1) The Rules of the House are the rules of the Committee and its subcommittees so far as appli-

cable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are non-debatable motions of high privilege in the Committee and its subcommittees.

(2) Each subcommittee is part of the Committee, and is subject to the authority and direction of the Committee and its rules so far as applicable.

(3) Rule XI of the Rules of the House, which pertains entirely to Committee procedure, is incorporated and made a part of the rules of the Committee to the extent applicable.

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

(c) Authority to Print.—The Committee is authorized to have printed and bound testimony and other data presented at hearings held by the Committee. All costs of stenographic services and transcripts in connection with any meeting or hearing of the Committee shall be paid from the contingent fund of the House.

(d) Activities Report.—(1) The Committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the Committee under Rules X and XI of the Rules of the House during the Congress ending on January 3 of such year.

(2) Such report shall include separate sections summarizing the legislative and oversight activities of the Committee during that Congress.

(3) The oversight section of such report shall include a summary of the oversight plans submitted by the Committee pursuant to clause 2(d) of Rule X of the Rules of the House, a summary of the actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by the Committee, and any recommendations made or actions taken thereon.

(e) Publication of Rules.—The Committee's rules shall be published in the Congressional Record not later than 30 days after the Committee is elected in each odd-numbered year.

RULE II.—REGULAR, ADDITIONAL AND SPECIAL MEETINGS

(a) Regular Meetings.—Regular meetings of the Committee shall be held on the first Wednesday of every month to transact its business unless such day is a holiday, or Congress is in recess or is adjourned, in which case the Chairman shall determine the regular meeting day of the Committee for that month. The Chairman shall give each member of the Committee, as far in advance of the day of the regular meeting as the circumstances make practicable, a written notice of such meeting and the matters to be considered at such meeting. If the Chairman believes that the Committee will not be considering any bill or resolution before the full Committee and that there is no other business to be transacted at a regular meeting, the meeting may be canceled or it may be deferred until such time as, in the judgment of the Chairman, there may be matters which require the Committee's consideration. This paragraph shall not apply to meetings of any subcommittee.

(b) Additional Meetings.—The Chairman may call and convene, as he or she 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 the call of the Chairman.

(c) **Special Meetings.**—If at least three members of the Committee desire that a special meeting of the Committee be called by the Chairman, those members may file in the offices of the Committee their written request to the Chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the Committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour thereof, and the measures or matter to be considered at that special meeting. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the Committee shall notify all members of the Committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

(d) **Vice Chairman.**—The Chairman shall appoint a vice chairman of the Committee and of each subcommittee. If the Chairman of the Committee or subcommittee is not present at any meeting of the Committee or subcommittee, as the case may be, the vice chairman shall preside. If the vice chairman is not present, the ranking member of the majority party on the Committee or subcommittee who is present shall preside at that meeting.

(e) **Prohibition on Sitting During 5-Minute Rule.**—The Committee may not sit, without special leave, while the House is reading a measure for amendment under the 5-minute rule. The Committee may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

(f) **Addressing the Committee.**—A Committee member may address the Committee or a subcommittee on any bill, motion, or other matter under consideration or may question a witness at a hearing only when recognized by the Chairman for that purpose. The time a member may address the Committee or subcommittee for any such purpose or to question a witness shall be limited to 5 minutes, except that this time limit may be waived by the Chairman, and a member shall be limited in his or her remarks to the subject matter under consideration. The Chairman shall enforce the preceding sentence.

(g) **Meetings to Begin Promptly.**—Each meeting or hearing of the Committee shall begin promptly at the time so stipulated in the public announcement of the meeting or hearing.

RULE III.—OPEN MEETINGS AND HEARINGS; BROADCASTING

(a) **Open meetings.**—Each meeting for the transaction of business, including the markup of legislation, and each hearing of the Committee or a subcommittee shall be open to the public, except as provided by clause 2(g) of Rule XI of the Rules of the House.

(b) **Broadcasting.**—Whenever a meeting for the transaction of business, including the

markup of legislation, or a hearing is open to the public, that meeting or hearing shall be open to coverage by television, radio, and still photography in accordance with clause 3 of Rule XI of the Rules of the House.

RULE IV.—RECORDS AND ROLL CALLS

(a) **Keeping of Records.**—The Committee shall keep a complete record of all Committee action which shall include—

(1) in the case of any meeting or hearing transcripts, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical and typographical corrections authorized by the person making the remarks involved, and

(2) a record of the votes on any question on which a roll call is demanded.

The result of each such roll call vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting. A record vote may be demanded by one-fifth of the members present.

(b) **Property of the House.**—All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as Chairman of the Committee; and such records shall be the property of the House and all Members of the House shall have access thereto.

(c) **Availability of Archived Records.**—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule XXXVI of the Rules of the House. The Chairman shall notify the ranking minority member of the Committee of any decision, pursuant to clause 3(b)(3) or clause 4(b) of such rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

RULE V.—POWER TO SIT AND ACT; SUBPOENA POWER

(a) **Authority to Sit and Act.**—For the purpose of carrying out any of its functions and duties under Rules X and XI of the Rules of the House, the Committee and each of its subcommittees, is authorized (subject to paragraph (b)(1) of this Rule)—

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

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents,

as it deems necessary. The Chairman of the Committee, or any member designated by the Chairman, may administer oaths to any witness.

(b) **Issuance of Subpoenas.**—(1) A subpoena may be issued by the Committee or subcommittee under paragraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. Such authorized subpoenas shall be signed by the Chairman of the Committee or by any member designated by the Committee. If a spe-

cific request for a subpoena has not been previously rejected by either the Committee or subcommittee, the Chairman of the Committee, after consultation with the ranking minority member of the Committee, may authorize and issue a subpoena under paragraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, and such subpoena shall for all purposes be deemed a subpoena issued by the Committee. As soon as practicable after a subpoena is issued under this Rule, the Chairman shall notify all members of the Committee of such action.

(2) Compliance with any subpoena issued by the Committee or subcommittee under paragraph (a)(2) may be enforced only as authorized or directed by the House.

(c) **Expenses of Subpoenaed Witnesses.**—Each witness who has been subpoenaed, upon the completion of his or her testimony before the Committee or any subcommittee, may report to the offices of the Committee, and there sign appropriate vouchers for travel allowances and attendance fees. If hearings are held in cities other than Washington, DC, the witness may contact the counsel of the Committee, or his or her representative, before leaving the hearing room.

RULE VI.—QUORUMS

(a) **Working Quorum.**—One-third of the members of the Committee or a subcommittee shall constitute a quorum for taking any action other than the closing of a meeting pursuant to clauses 2(g) and 2(k)(5) of Rule XI of the Rules of the House, the authorizing of a subpoena pursuant to paragraph (b) of Committee Rule V, the reporting of a measure or recommendation pursuant to paragraph (b)(1) of Committee Rule VIII, and the actions described in paragraphs (b), (c) and (d) of this Rule.

(b) **Quorum for Reporting.**—A majority of the members of the Committee or a subcommittee shall constitute a quorum for the reporting of a measure or recommendation.

(c) **Approval of Certain Matters.**—A majority of the members of the Committee or a subcommittee shall constitute a quorum for approval of a resolution concerning any of the following actions:

(1) A prospectus for construction, alteration, purchase or acquisition of a public building or the lease of space as required by section 7 of the Public Buildings Act of 1959.

(2) Survey investigation of a proposed project for navigation, flood control, and other purposes by the Corps of Engineers (section 4 of the Rivers and Harbors Act of March 4, 1913, 33 U.S.C. 542).

(3) Construction of a water resources development project by the Corps of Engineers with an estimated Federal cost not exceeding \$15,000,000 (section 201 of the Flood Control Act of 1965).

(4) Deletion of water quality storage in a Federal reservoir project where the benefits attributable to water quality are 15 percent or more but not greater than 25 percent of the total project benefits (section 65 of the Water Resources Development Act of 1974).

(5) Authorization of a Natural Resources Conservation Service watershed project involving any single structure of more than 4,000 acre feet of total capacity (section 2 of P.L. 566, 83rd Congress).

(d) **Quorum for Taking Testimony.**—Two members of the Committee or subcommittee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

RULE VII.—HEARING PROCEDURES

(a) **Announcement.**—The Chairman, in the case of a hearing to be conducted by the

Committee, and the appropriate subcommittee Chairman, in the case of a hearing to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of such hearing at least one week before the hearing unless the Committee determines that there is good cause to begin the hearing at an earlier date. In the latter event the Chairman or the subcommittee chairman, as the case may be, shall make such public announcement at the earliest possible date. The clerk of the Committee shall promptly notify the Daily Digest Clerk of the Congressional Record and shall promptly enter the appropriate information into the Committee scheduling service of the House Information Systems as soon as possible after such public announcement is made.

(b) Written Statement; Oral Testimony.—So far as practicable, each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee or subcommittee, at least 2 working days before the day of his or her appearance, a written statement of proposed testimony and shall limit his or her oral presentation to a summary of the written statement.

(c) Minority Witnesses.—When any hearing is conducted by the Committee or any subcommittee upon any measure or matter, the minority party members on the Committee or subcommittee shall be entitled, upon request to the Chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(d) Summary of Subject Matter.—Upon announcement of a hearing, to the extent practicable, the Committee shall make available immediately to all members of the Committee a concise summary of the subject matter (including legislative reports and other material) under consideration. In addition, upon announcement of a hearing and subsequently as they are received, the Chairman shall make available to the members of the Committee any official reports from departments and agencies on such matter.

(e) Participation of Committee Members in Subcommittees.—All members of the Committee may sit with any subcommittee during any hearing or deliberations and may participate in such hearing or deliberations, but a member who is not a member of the subcommittee may not vote on any matter before such subcommittee.

(f) Questioning of Witnesses.—The questioning of witnesses in Committee and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority member and all other members alternating between the majority and minority parties. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority nor the members of the minority. The Chairman may accomplish this by recognizing two majority members for each minority member recognized.

(g) Investigative Hearings.—(1) Clause 2(k) of Rule XI of the Rules of the House (relating to additional rules for investigative hearings) applies to investigative hearings of the Committee and its subcommittees.

(2) A subcommittee may not begin a major investigation without approval of a majority of such subcommittee.

RULE VIII.—PROCEDURES FOR REPORTING BILLS AND RESOLUTIONS

(a) Filing of Reports.—(1) The Chairman of the Committee shall report promptly to the House any measure or matter approved by the Committee and take necessary steps to bring the measure or matter to a vote.

(2) The report of the Committee on a measure or matter which has been approved by the Committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the Committee a written request, signed by a majority of the members of the Committee, for the reporting of that measure or matter. Upon the filing of any such request, the clerk of the Committee shall transmit immediately to the Chairman of the Committee notice of the filing of that request.

(b) Quorum; Roll Call Votes.—(1) No measure, matter or recommendation shall be reported from the Committee unless a majority of the Committee was actually present.

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

(c) Required Matters.—The report of the Committee on a measure or matter which has been approved by the Committee shall include the items required to be included by clause 2(1)(3) of Rule XI and clause 7 of Rule XIII of the Rules of the House.

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

(e) Additional Views.—If, at the time of approval of any measure or matter by the Committee, any member of the Committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views in accordance with clause 2(1)(5) of Rule XI of the Rules of the House.

(f)(1) Approval of Committee Views.—All Committee and subcommittee prints, reports, documents, or other materials, not otherwise provided for under this Rule, that purport to express publicly the views of the Committee or any of its subcommittees or members of the Committee or its subcommittees shall be approved by the Committee or the subcommittee prior to printing and distribution and any member shall be given an opportunity to have views included as part of such material prior to printing, release and distribution in accordance with subparagraph (e) of this rule.

(2) A Committee or subcommittee document containing views other than those of members of the Committee or subcommittee shall not be published without approval of the Committee or subcommittee.

RULE IX.—OVERSIGHT

(a) Purpose.—The Committee shall carry out oversight responsibilities as provided in this Rule in order to assist the House in—

(1) its analysis, appraisal, and evaluation of (A) the application, administration, execution, and effectiveness of the laws enacted by the Congress, or (B) conditions and circumstances which may indicate the neces-

sity or desirability of enacting new or additional legislation, and

(2) its formulation, consideration, and enactment of such modifications or changes in those laws, and of such additional legislation, as may be necessary or appropriate.

(b) Oversight Plan.—Not later than February 15 of the first session of each Congress, the Committee shall adopt its oversight plans for that Congress in accordance with clause 2(d)(1) of Rule X of the Rules of the House.

(c) Review of Laws and Programs.—The Committee and the appropriate legislative subcommittees shall cooperatively review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the Committee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, the Committee and the appropriate legislative subcommittees shall cooperatively review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the Committee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of the Committee.

(d) Review of Tax Policies.—The Committee and the appropriate legislative subcommittees shall cooperatively review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within the jurisdiction of the Committee.

RULE X.—REVIEW OF CONTINUING PROGRAMS; BUDGET ACT PROVISIONS

(a) Ensuring Annual Appropriations.—The Committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. For the purposes of this paragraph, a Government agency includes the organizational units of government listed in clause 7(d) of Rule XIII of the Rules of the House.

(b) Review of Multi-year Appropriations.—The Committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefore would be made annually.

(c) Views and Estimates.—The Committee shall, on or before February 25 of each year, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions, and (2) an estimate of the total amount of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

(d) Budget Allocations.—As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to by the Committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocations made to it in the joint explanatory statement accompanying the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 or section 602 (in the case of fiscal years 1991 through 1995) of the Congressional Budget Act of 1974.

(e) Reconciliation.—Whenever the Committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process, it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

RULE XI.—COMMITTEE BUDGETS

(a) Biennial Budget.—The Chairman, in consultation with the chairman of each subcommittee, the majority members of the Committee and the minority members of the Committee, shall, for each Congress, prepare a consolidated Committee budget. Such budget shall include necessary amounts for staff personnel, necessary travel, investigation, and other expenses of the Committee.

(b) Additional Expenses.—Authorization for the payment of additional or unforeseen Committee expenses may be procured by one or more additional expense resolutions processed in the same manner as set out herein.

(c) Travel Requests.—The Chairman or any chairman of a subcommittee may initiate necessary travel requests as provided in Committee Rule XIII within the limits of the consolidated budget as approved by the House and the Chairman may execute necessary vouchers thereof.

(d) Monthly Reports.—Once monthly, the Chairman shall submit to the Committee on House Oversight, in writing, a full and detailed accounting of all expenditures made during the period since the last such accounting from the amount budgeted to the Committee. Such report shall show the amount and purpose of such expenditure and the budget to which such expenditure is attributed. A copy of such monthly report shall be available in the Committee office for review by members of the Committee.

RULE XII.—COMMITTEE STAFF

(a) Appointment by Chairman.—The Chairman shall appoint and determine the remuneration of, and may remove, the professional and clerical employees of the Committee not assigned to the minority. The professional and clerical staff of the Committee not assigned to the minority shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he or she determines appropriate.

(b) Appointment by Ranking Minority Member.—The ranking minority member of the Committee shall appoint and determine the remuneration of, and may remove, the professional and clerical staff assigned to the minority within the budget approved for such purposes; except, that no minority staff person shall be compensated at a rate which exceeds that paid his or her majority party staff counterpart. The professional and clerical staff assigned to the minority shall be under the general supervision and direction

of the ranking minority member of the Committee who may delegate such authority as he or she determines appropriate.

(c) Intention Regarding Staff.—It is intended that the skills and experience of all members of the Committee staff shall be available to all members of the Committee.

RULE XIII.—TRAVEL OF MEMBERS AND STAFF

(a) Approval.—Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of Committee members and staff. Travel to be reimbursed from funds set aside for the Committee for any member or any staff member shall be paid only upon the prior authorization of the Chairman. Travel shall be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the Committee or any subcommittee and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the Chairman in writing the following:

- (1) the purpose of the travel;
- (2) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made;
- (3) the location of the event for which the travel is to be made;
- (4) the names of members and staff seeking authorization.

(b) Subcommittee Travel.—In the case of travel of members and staff of a subcommittee to hearings, meetings, conferences, and investigations involving activities or subject matter under the legislative assignment of such subcommittee, prior authorization must be obtained from the subcommittee chairman and the Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the chairman of such subcommittee in writing setting forth those items enumerated in subparagraphs (1), (2), (3), and (4) of paragraph (a) and that there has been a compliance where applicable with Committee Rule VII.

(c) Travel Outside the United States.—(1) In the case of travel outside the United States of members and staff of the Committee or of a subcommittee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the Committee or pertinent subcommittee, prior authorization must be obtained from the Chairman, or, in the case of a subcommittee from the subcommittee chairman and the Chairman. Before such authorization is given there shall be submitted to the Chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

- (A) the purpose of the travel;
- (B) the dates during which the travel will occur;
- (C) the names of the countries to be visited and the length of time to be spent in each;
- (D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of Committee jurisdiction involved; and
- (E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States may be initiated by the Chairman or the chairman of a subcommittee (except that

individuals may submit a request to the Chairman for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the Committee.

(3) At the conclusion of any hearing, investigation, study, meeting or conference for which travel has been authorized pursuant to this rule, each staff member involved in such travel shall submit a written report to the Chairman covering the activities and other pertinent observations or information gained as a result of such travel.

(d) Applicability of Laws, Rules, Policies.—Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Oversight pertaining to such travel, and by the travel policy of the Committee as set forth in the Committee Travel Manual.

RULE XIV.—ESTABLISHMENT OF SUBCOMMITTEES; SIZE AND PARTY RATIOS; CONFERENCE COMMITTEES

(a) Establishment.—There shall be 6 standing subcommittees. These subcommittees, with the following sizes (including delegates) and majority/minority ratios are:

- (1) Subcommittee on Aviation (29 Members: 16 majority, 13 minority)
- (2) Subcommittee on Coast Guard and Maritime Transportation (12 Members: 7 majority, 5 minority)
- (3) Subcommittee on Public Buildings and Economic Development (11 Members: 6 majority, 5 minority)
- (4) Subcommittee on Railroads (16 Members: 9 majority, 7 minority)
- (5) Subcommittee on Surface Transportation (38 Members: 21 majority, 17 minority)
- (6) Subcommittee on Water Resources and Environment (29 Members: 16 majority, 13 minority).

(b) Ex Officio Members.—The Chairman and ranking minority member of the Committee shall serve as ex officio voting members on each subcommittee.

(c) Ratios.—On each subcommittee there shall be a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the ratio for the full Committee. In calculating the ratio of majority party members to minority party members, there shall be included the ex officio members of the subcommittees.

(d) Conferees.—The Chairman of the Committee shall recommend to the Speaker as conferees the names of those members (1) of the majority party selected by the Chairman and (2) of the minority party selected by the ranking minority member of the Committee. Recommendations of conferees to the Speaker shall provide a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the ratio for the Committee.

RULE XV.—POWERS AND DUTIES OF SUBCOMMITTEES

(a) Authority to Sit.—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 chairmen 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.

(b) Disclaimer.—All Committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the Committee

or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report:

"This report has not been officially adopted by the Committee on (or pertinent subcommittee thereof) and may not therefore necessarily reflect the views of its members."

(c) Consideration by Committee.—Each bill, resolution, or other matter favorably reported by a subcommittee shall automatically be placed upon the agenda of the Committee. Any such matter reported by a subcommittee shall not be considered by the Committee unless it has been delivered to the offices of all members of the Committee at least 48 hours before the meeting, unless the Chairman determines that the matter is of such urgency that it should be given early consideration. Where practicable, such matters shall be accompanied by a comparison with present law and a section-by-section analysis.

RULE XVII.—REFERRAL OF LEGISLATION TO SUBCOMMITTEES

(a) General Requirement.—Except where the Chairman of the Committee determines, in consultation with the majority members of the Committee, that consideration is to be by the full Committee, each bill, resolution, investigation, or other matter which relates to a subject listed under the jurisdiction of any subcommittee established in Rule XIV referred to or initiated by the full Committee shall be referred by the Chairman to all subcommittees of appropriate jurisdiction within two weeks. All bills shall be referred to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the subcommittee.

(b) Recall from Subcommittee.—A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of the majority members of the Committee for the Committee's direct consideration or for reference to another subcommittee.

(c) Multiple Referrals.—In carrying out this Rule with respect to any matter, the Chairman may refer the matter simultaneously to two or more subcommittees for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any subcommittee after the first), or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different subcommittee, or make such other provisions as he or she considers appropriate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HASTERT (at the request of Mr. ARMEY) for today until 11:45 p.m., on account of personal reasons.

Mr. BATEMAN (at the request of Mr. ARMEY) for today from 8 p.m., on account of illness.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. GEPHARDT) for today after 10:50 p.m., on account of illness.

SPECIAL ORDERS GRANTED

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

(The following Member (at the request of Mr. SKAGGS) to revise and extend his remarks and include extraneous material:)

Mr. MONTGOMERY, for 5 minutes, today.

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

Mr. DORNAN, for 5 minutes, today.

Mr. SHUSTER, for 5 minutes, today.

Mr. CHABOT, for 5 minutes, today.

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

Mr. HORN, for 5 minutes, on January 31.

Mr. FOX of Pennsylvania, for 5 minutes, on January 31.

EXTENSION OF REMARKS

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

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

Mr. ACKERMAN.

Mr. LAFALCE.

Mr. RANGEL.

Mr. MINETA.

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

Mr. CLINGER.

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

Mr. ACKERMAN.

Mr. LIPINSKI.

Mr. TRAFICANT.

Mr. MOAKLEY.

Mr. STENHOLM.

Mr. RANGEL.

Mr. ORTON.

Mr. BREWSTER.

Mrs. LOWEY.

Ms. JACKSON-LEE.

Mr. DICKS.

Mr. FARR.

Mr. SERRANO.

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

Mr. GILMAN in two instances.

Mr. HORN.

Mr. GUNDERSON.

Mr. MCKEON.

Mr. QUINN.

Mr. MANZULLO.

Mr. KINGSTON.

Mr. MARTINI.

Mr. MCINNIS.

SENATE ENROLLED BILL SIGNED

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

S. 273. An act to amend section 61h-6 of title 2, United States Code.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 12 o'clock and 15 minutes a.m.), under its previous order, the House adjourned until today, Tuesday, January 31, 1995, at 9:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

227. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-302, "Technical Amendments Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

228. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. 10-331, "Child Support Enforcement Temporary Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

229. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-332, "Youth Initiatives Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

230. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-333, "District of Columbia Board of Education Sale, Renovation, Lease-back, and Repurchase of Franklin School Temporary Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

231. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-334, "Dedication and Designation of Woodcrest Drive, S.E., S.O. 92-125, Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

232. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-335, "Day Care Policy Temporary Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

233. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-336, "Early Intervention Services Sliding Fee Scale Establishment Temporary Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

234. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-337, "Closing of a Public Alley in Square 2837, S.O. 92-195, Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

235. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-338, "Clean Fuel Fleet Vehicle Program and Alternative Fuels Incentives Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

236. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-340, "Medicaid Benefits Protection Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

237. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-341, "Respiratory Care Practice amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

238. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-342, "Moratorium on the Issuance of New Retailer's Licenses Class B Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

239. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-343, "Qualified Massage Therapists Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

240. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-344, "Armory Board Interim Authority Temporary Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

241. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-345, "Prevention of the Spread of the Human Immunodeficiency Virus and Acquired Immunodeficiency Syndrome Temporary Amendment Act of 1994," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

242. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-346, "Public Assistance and Day Care Policy Temporary Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

243. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-347, "Closing of a Public Alley in Square 120, S.O. 91-8, Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

244. A letter from the Deputy Under Secretary of Defense for Environmental Security, transmitting a report on the Environmental Education Opportunities Program, pursuant to 10 U.S.C. 2701 note; jointly, to the Committees on National Security and Economic and Educational Opportunities.

245. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the agreement providing that relations between the United States and Palau be conducted in accordance with the Vienna Convention on Diplomatic Relations, pursuant to Public Law 101-219, section 110(a); jointly, to the Committees on International Relations and Resources.

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. CLINGER: Committee on Government Reform and Oversight. H.R. 2. A bill to give the President item-veto authority over appropriation acts and targeted tax benefits in revenue acts; with amendments (Rept. 104-11, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. WYDEN (for himself, Mr. DINGELL, and Mr. MARKEY):

H.R. 725. A bill to amend the Securities Exchange Act of 1934 to impose additional fraud detection and disclosure obligations on auditors of public companies; to the Committee on Commerce.

By Mr. ORTON:

H.R. 726. A bill to amend the Internal Revenue Code of 1986 to provide assistance to first-time homebuyers; to the Committee on Ways and Means.

By Mr. GONZALEZ (for himself and Mr. SCHUMER):

H.R. 727. A bill to amend the Federal Deposit Insurance Act to regulate the retail sale of nondeposit investment products by insured depository institutions to prevent customer confusion about the uninsured nature of the products, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. MCCOLLUM:

H.R. 728. A bill to control crime by providing law enforcement block grants; to the Committee on the Judiciary.

H.R. 729. A bill to control crime by a more effective death penalty; to the Committee on the Judiciary.

By Mr. GILMAN:

H.R. 730. A bill to amend title 18, United States Code, with respect to the extraterritorial jurisdiction of the United States over nuclear terrorism; to the Committee on the Judiciary.

By Mr. FARR (for himself, Mr. DELLUMS, and Mr. HORN):

H.R. 731. A bill to require the Secretary of the Army to convey certain real property at Fort Ord, CA, to the city of Seaside, CA, in order to foster the economic development of the city, which has been adversely impacted by the closure of Fort Ord; to the Committee on National Security.

By Mr. GOSS:

H.R. 732. A bill to amend the Federal Election Campaign Act of 1971 to reform House of Representatives campaign finance laws, and for other purposes; to the Committee on House Oversight, and in addition to the Committees on Government Reform and Oversight, and Commerce, 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. JACOBS (for himself and Mr. CAMP):

H.R. 733. A bill to amend the Internal Revenue Code of 1986 to make permanent the section 170(e)(5) rules pertaining to gifts of publicly-traded stock to certain private foundations, and for other purposes; to the Committee on Ways and Means.

H.R. 734. A bill to amend the Internal Revenue Code of 1986 to provide an exemption from income tax for certain common investment funds; to the Committee on Ways and Means.

By Mr. LAFALCE:

H.R. 735. A bill to establish a national commission to oversee and regulate major league and minor league baseball, to promote the interests of consumers, local communities and taxpayers, to recommend modification of the antitrust exemption for major league baseball, and for other purposes; to the Committee on Commerce, and in addition to the

Committees on Economic and Educational Opportunities, and 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. LINDER (for himself, Mr. ROBERTS, and Mr. FUNDERBURK):

H.R. 736. A bill to delay enforcement of the National Voter Registration Act of 1993 until such time as Congress appropriates funds to implement such act; to the Committee on House Oversight.

By Ms. LOWEY:

H.R. 737. A bill to amend the Internal Revenue Code of 1986 to provide that the treatment of tenant-stockholders in cooperative housing corporations also shall apply to stockholders of corporations that only own the land on which the residences are located; to the Committee on Ways and Means.

By Mr. ROHRBACHER:

H.R. 738. A bill to amend the Federal Election Campaign Act of 1971 to provide for partial removal of limitations on contributions to candidates whose opponents exceed personal contribution limitations in an election; to the Committee on House Oversight.

By Mr. ROTH (for himself, Mr. PACKARD, Mr. DOOLITTLE, Mr. BARTLETT of Maryland, Mr. PARKER, Mr. BURTON of Indiana, Mr. COBLE, Mr. ARCHER, Mr. CALLAHAN, Mr. BUNNING of Kentucky, Mr. GOODLATTE, Mr. STUMP, Mr. INGLIS of South Carolina, Mr. ROGERS, Mr. SENSENBRENNER, Mr. LIPINSKI, Mr. HANCOCK, Mr. ROYCE, Mr. HUTCHINSON, Mr. NEY, Mr. FORBES, Mr. SOLOMON, Mr. KINGSTON, Mr. ROHRBACHER, Mr. OXLEY, and Mr. KING):

H.R. 739. A bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States; to the Committee on Economic and Educational Opportunities.

By Mr. SKEEN (for himself and Mr. SCHIFF):

H.R. 740. A bill to confer jurisdiction on the U.S. Court of Federal Claims with respect to land claims of Pueblo of Isleta Indian tribe; to the Committee on the Judiciary.

By Mr. VOLKMER:

H.R. 741. A bill to amend title IV of the Social Security Act by reforming the Aid to Families with Dependent Children Program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Economic and Educational Opportunities, Agriculture, Banking and Financial Services, the Judiciary, and Commerce, 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. DICKS:

H.R. 742. A bill to amend the Federal Advisory Committee Act to limit the application of that act to meetings between Federal offices or employees and representatives of State, county, and local governments and Indian tribes, and to limit the application of that act to activities of the Department of the Interior related to consultations of the Department with Indian tribal organizations with respect to the management of funds held in trust by the United States for Indian tribes; to the Committee on Government Reform and Oversight.

By Mr. GUNDERSON (for himself, Mr. FAWELL, Mr. GOODLING, Mr. HOEKSTRA, Mr. PETRI, Mrs. ROUKEMA, Mr. BALLENGER, Mr. BARRETT of Nebraska, Mr. TALENT, Mr.

CHRISTENSEN, Mr. EMERSON, Mr. BE-REUTER, Mr. BOEHNER, Mr. HOKE, Mr. LINDER, Mr. PORTER, Mr. PORTMAN, Mr. STENHOLM, and Mr. HAYES):

H.R. 743. A bill to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes; to the Committee on Economic and Educational Opportunities.

By Mr. PICKETT:

H.R. 744. A bill to limit State taxation of certain pension income, and for other purposes; to the Committee on the Judiciary.

H.R. 745. A bill to amend the Immigration and Nationality Act to provide for special immigrant status for NATO civilian employees in the same manner as for employees of international organizations; to the Committee on the Judiciary.

H.R. 746. A bill to amend the Internal Revenue Code of 1986 to restore and make permanent the exclusion for employer-provided educational assistance; to the Committee on Ways and Means.

By Mr. RANGEL (for himself, Mr. HOUGHTON, Mr. CRANE, Mr. MATSUI, Mr. SHAW, and Mr. HERGER):

H.R. 747. A bill to amend the Internal Revenue Code of 1986 to provide for the deduction of partnership investment expenses under the minimum tax; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts (for himself, Ms. NORTON, and Mr. TORRICELLI):

H. Res. 49. Resolution expressing the sense of the House of Representatives relating to the eradication of slavery where it exists throughout the world; to the Committee on International Relations.

By Mr. MINETA (for himself, Mr. MOORHEAD, and Mr. CONYERS):

H. Res. 50. Resolution expressing the sense of the House of Representatives concerning the current negotiations between the United States and the People's Republic of China on the issue of intellectual property rights protection; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

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

- H.R. 28: Mr. BALLENGER.
- H.R. 46: Mr. FORBES, Mr. COMBEST, Mr. PACKARD, Mr. BARRETT of Nebraska, Mr. HOUGHTON, Mr. GOODLATTE, Mr. HANCOCK, and Mr. ACKERMAN.
- H.R. 58: Mr. SOLOMON.
- H.R. 70: Mr. PARKER, Mr. STUDDS, and Mr. MCKEON.

- H.R. 77: Mr. MILLER of Florida.
- H.R. 78: Mrs. CHENOWETH.
- H.R. 104: Mr. WELLER.
- H.R. 127: Mr. HAMILTON, Ms. LOFGREN, Mr. STUDDS, Mr. CHAPMAN, Mr. BACHUS, Mr. BORSKI, Mr. BURTON of Indiana, Mr. LIPINSKI, Mr. ROTH, Mr. GUNDERSON, and Mr. WALSH.
- H.R. 142: Mr. PAXON and Mr. POMBO.
- H.R. 219: Mr. MCKEON.
- H.R. 230: Mr. CALVERT.
- H.R. 250: Ms. PELOSI, Mr. LIPINSKI, Ms. NORTON, Mr. SERRANO, Ms. WATERS, Ms. VELÁZQUEZ, Mr. WYNN, Mr. JOHNSTON of Florida, Ms. WOOLSEY, Mr. ROMERO-BARCELO, Mr. FLAKE, Mr. MCDERMOTT, Ms. LOFGREN, and Mr. STARK. H.R. 325: Mr. BARRETT of Wisconsin.

H.R. 326: Mr. BACHUS, Mr. FLANAGAN, and Mr. CALVERT.

H.R. 353: Ms. FURSE, Mr. SANDERS, and Mr. GUTIERREZ.

H.R. 354: Mr. BACHUS.

H.R. 357: Mr. BEREUTER, Ms. ROYBAL-AL-LARD, Mr. JACOBS, Mr. JOHNSTON of Florida, Mr. TORRES, Ms. WOOLSEY, Mr. LIPINSKI, Mr. FARR, Mr. BROWN of California, Mr. EVANS, Ms. FURSE, Mr. MINGE, Mr. ENGLISH of Pennsylvania, Ms. DANNER, and Mr. MINETA.

H.R. 384: Mr. RANGEL and Ms. PELOSI.

H.R. 387: Mr. CHAPMAN, Mr. GILLMOR, Mrs. THURMAN, and Mr. JACOBS.

H.R. 444: Mr. STUDDS, Mr. MORAN, Mr. MEEHAN, Mrs. KENNELLY, Ms. PELOSI, Mr. YATES, Mr. JOHNSTON of Florida, Mr. WYNN, Mr. CLAY, Mr. KENNEDY of Rhode Island, Mr. GONZALEZ, Mr. ACKERMAN, Mr. CARDIN, Mr. BERMAN, Mr. MOAKLEY, Mr. FRANK of Massachusetts, Mr. MCDERMOTT, Mr. COYNE, Mr. ABERCROMBIE, Mr. BORSKI, Mr. FARR, Mr. MILLER of California, Mr. GEJDENSON, Mr. DOGGETT, Mr. VENTO, Mr. BELENSON, Mr. ENGEL, Ms. WOOLSEY, Mr. SERRANO, Mr. EVANS, Mr. MENENDEZ, Mrs. MORELLA, and Ms. LOWEY.

H.R. 450: Mr. PACKARD and Mr. RIGGS.

H.R. 480: Mr. LAUGHLIN.

H.R. 519: Mr. CANADY.

H.R. 561: Mr. TORRES.

H.R. 579: Mr. HANCOCK, Mr. SOLOMON, and Mr. NEUMANN.

H.R. 582: Mr. SENSENBRENNER and Mr. BARTLETT of Maryland.

H.R. 587: Ms. DANNER, Mr. ROHRBACHER, Mr. EVANS, Mr. BRYANT of Texas, Mr. KLUG, and Mr. MCHALE.

H.R. 605: Mr. MCKEON and Mr. DORNAN.

H.R. 619: Mr. SANDERS, Mr. TORRES, Mr. WATT of North Carolina, Mr. VENTO, and Mr. BERMAN.

H.R. 620: Mr. SANDERS, Mr. TORRES, Mr. WATT of North Carolina, and Mr. VENTO.

H.R. 631: Mr. COLLINS of Georgia, Mr. HEINEMAN, Mr. BONO, Mr. GENE GREEN of Texas, Mr. ZELIFF, Mr. BARTLETT of Maryland, and Mr. BURTON of Indiana.

H.R. 660: Mr. DEUTSCH and Mr. JOHNSTON of Florida.

H.R. 663: Mr. GILCREST, Mr. STEARNS, and Mr. JONES.

H.R. 682: Mr. DOOLITTLE.

H.R. 696: Mr. FORBES, Mr. MANZULLO, Ms. DANNER, Mr. FROST, Mr. MINGE, Mr. MCHALE, Mr. CLYBURN, Mr. GILLMOR, Mr. FUNDERBURK, Mr. FOLEY, Mr. LONGLEY, Mr. TRAFICANT, Mr. PARKER, and Mrs. KELLY.

H.R. 697: Mr. LEWIS of California, Mr. BARRETT of Nebraska, Mr. LEVIN, Mr. BARTLETT of Maryland, Mr. BREWSTER, and Mr. TAYLOR of North Carolina.

H. Res. 30: Mr. MARTINEZ, Mr. CANADY, Mr. EVANS, Ms. HARMAN, Mr. LAHOOD, Mrs. SEASTRAND, Mrs. MINK of Hawaii, Ms. MOLINARI, Mrs. CLAYTON, Mr. MCHALE, Mr. GILLMOR, Ms. PRYCE, Mr. SERRANO, Mr. STEARNS, Mr. BACHUS, Mr. ENGLISH of Pennsylvania, Mr. PALLONE, Ms. DUNN of Washington, and Mr. KING.

H. Res. 40: Mr. BALDACCI, Mr. BECERRA, Mr. DOGGETT, Ms. ESHOO, Mr. GUTIERREZ, Mrs. KENNELLY, Ms. LOFGREN, Mr. MASCARA, Mr. OLVER, Mr. REYNOLDS, Ms. RIVERS, Mr. WARD, Mr. WISE, and Ms. WOOLSEY.

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. 607: Mr. RAMSTAD.

AMENDMENTS

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

H.R. 5

OFFERED BY: MR. ROEMER

AMENDMENT NO. 172: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) pertains to the immunization of children against vaccine-preventable diseases.

H.R. 5

OFFERED BY: MR. ROEMER

AMENDMENT NO. 173: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

"(8) pertains to the immunization of children against vaccine-preventable diseases.