HOUSE OF REPRESENTATIVES—*Wednesday, February 1, 1995*

The House met at 11 a.m.

PRAYER

The Reverend Wade A. Watts, Jerusalem Baptist Church, McAlester, OK, offered the following prayer:

Our Father in Heaven, we pray this morning for peace, freedom, justice, and equality for all throughout the entire world. We pray for these Congressmen. We pray that You would let them down in the deep secrets of Thy knowledge that they may render the right decision.

Give them the faith of Abraham, the wisdom of King Solomon, the courage of the Apostle Paul, and if it be so that strength shall fail them, we pray, Heavenly Father, that You will stand by.

If enemies shall increase and Satan's shots shall be multiplied, stay with them.

If temptation grows stronger and friends grow faint and weary, do not leave them alone. Throw that ever protecting arm of love around them and see that no hurt, harm, or danger come to them.

This is Your humble servant's feeble prayer. In Jesus' name we pray. 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. The gentleman from Oklahoma [Mr. BREWSTER] will lead the House in the Pledge of Allegiance.

Mr. BREWSTER 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.

WELCOME TO THE REVEREND WADE WATTS

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

Mr. BREWSTER. Mr. Speaker, I rise today to introduce Rev. Wade Watts of the McAlester, OK, Jerusalem Baptist Church.

Reverend Watts, who just gave today's opening prayer, is one of the most respected and well-known ministers in southeastern Oklahoma.

He has been the pastor of the Jerusalem Baptist Church for 22 years. He served on President Johnson's Advisory Commission on Civil Rights for 4 years, as well as the Oklahoma crime commission for 4 years.

Reverend Watts has also served 16 years as State president of the NAACP.

The reverend is also one of the few people in my district who can claim the privilege of knowing and working with the Reverend Martin Luther King, Jr., with whom he marched in Selma, AL.

Reverend Watts has experienced trouble and turmoil. In the early seventies the Ku Klux Klan burned down his church. The reverend's spirit was not defeated. Over the next several years Reverend Watts was successful in saving the State's imperial wizard from the hatred and anger of his group and converted him to Christianity.

I would also like to take this opportunity to recognize Reverend Watts' hometown State senator who accompanied him to Washington. Senator Gene Stipe of McAlester, who is with us today, is the longest serving member of the State legislature in Oklahoma history.

It is my honor, Mr. Speaker, to host and introduce Reverend Watts to the House of Representatives as today's Chaplain.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. UPTON). The Chair will announce that he will entertain 15 1-minutes from both sides today.

REPUBLICAN CONTRACT WITH AMERICA

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

Mr. HOKE. Mr. Speaker, our Contract With America states the following: On the first day of Congress, a Republican House will require Congress to live under the same laws as everyone else, cut one-third of committee staff, 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 and passed it; 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 to protect our children, tax cuts for families to lift Government's burden from middle-class, middle-income Americans, national security restoration to restore our freedoms, Senior Citizens' Equity Act to allow our seniors to work without Government penalty, Government regulation and unfunded mandate reforms, commonsense legal reforms to end frivolous lawsuits, and congressional term limits to make Congress a citizen legislation.

This is our Contract With America.

LEAVE INTEREST RATES ALONE

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

Mr. BONIOR. Mr. Speaker, the American people are sending a very simple message today: "Don't do it, Mr. Greenspan, don't raise interest rates. Every time you raise interest rates, working middle-class families get hurt."

Six times in the past 2 years interest rates have gone up. Those increases alone have added $24,000 to the price of a 30-year, $50,000 mortgage, $24,000 added to the cost of a home.

If we raise taxes that much, the American people would be in revolt. If we raise interest rates again, it would be like throwing a bucket of ice water on the U.S. economy, and its working families will be left out in the cold.

So do not do it, Mr. Greenspan. Leave interest rates alone.

WE ARE PART OF A GLOBAL ECONOMY

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

Mr. RICHARDSON. Mr. Speaker, President Clinton made a courageous move in bypassing the Congress on the Mexican peso issue. He had no choice.

Mexico was going down the tubes, and the votes in Congress for this unpopular initiative were just not there. He acted with proper authority, and in the end he made the right decision.

A stable Mexico is critical to American interests, and let us hope we do not have to revisit this Mexico issue again.

What are the lessons of this episode? Bipartisanship on the Mexican issue did not have its finest hour. In the end

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it looked like the package was being peddled in a bazaar.

We must do better on these critical national-security issues.

Second, we must remember that we are all part of a global economy, and that turmoil in a country, especially a friend like Mexico, affects us all.

WHY SHOULD MAIN STREET BAIL OUT WALL STREET?

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

Mr. FUNDERBURK. Mr. Speaker, this morning the Secretary of State and the Secretary of the Treasury canceled scheduled appearances before the International Relations Committee. This administration has a serious credibility problem. It has ignored the American people and done a deliberate end-run around the Congress. I do not care what obscure law the President cites for his authority. There is outrage in my district, and I suspect throughout the State of North Carolina.

We have rescued the Mexican economy several times since 1976. Each time we have done so, the Mexican Government has refused to reform itself.

Bailing out investors stuck with bad pesos is not the job of the taxpayer. Why should Main Street bail out Wall Street? What sort of message is sent when holders of high-yield securities are bailed out by the taxpayers?

When Mr. Rubin was chairman of Goldman, Sachs, his firm did not socialize domestic profits it earned when it was speculating. The same system that rewarded his old firm should work to penalize his former colleagues who gambled and lost.

I ask this administration to tell Main Street, Dunn, NC, it has to pay for Wall Street's mistakes and a corrupt regime in Mexico.

□ 1110

EFFECTS OF INTEREST RATE INCREASES

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

Mr. TRAFICANT. Mr. Speaker, in America the sun shines in from the PTA to the Halls of Congress. The American people have a front row seat.

But when it comes to the Federal Reserve Board, the American people cannot even buy a seat in the peanut gallery. Unbelievable; at this very moment the Fed behind closed doors is deciding whether or not to raise our interest rates. And the Fed says "Look, our business is too important for the American people to understand and what the American people don't know won't hurt them."

Unbelievable.

Mr. Speaker, while Congress cannot go to the bathroom without a camera team, the Federal Reserve Board conducts their business and Congress waits for Alan Greenspan to come out of some closed door with either thumbs up or thumbs down.

Mr. Speaker, I say it is very simple: Alan Greenspan is giving America the finger and Congress does not even know why.

STATE AND LOCAL GOVERNMENTS NEED RELIEF FROM UNFUNDED MANDATES

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

Mr. BALLENGER. Mr. Speaker, the Environmental Protection Agency is just one of the many Federal agencies that are stiffing local and State governments with bills they do not pay for.

For instance the EPA wants the city of Dallas, TX, to totally redesign its 4,500 mile long sewer system. This redesign would cost $3 billion. This figure equals roughly three times their yearly budget.

This is one of the many examples of an unfunded mandate. There are probably thousands more just like it.

Mr. Speaker, unfunded mandates must be reformed because they impose a crowding-out effect on State and local governments. Instead of funding the basics like fire and rescue, hospitals, highways, and law enforcement, local and State governments are forced to fund excessive, and sometimes exotic, Federal regulations. We must act now to curb these excesses and return to the Federal Government the principles of fiscal responsibility.

HYDROXYUREA IMPROVES QUALITY OF LIFE FOR SICKLE CELL SUFFERERS

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

Mr. HASTINGS of Florida. Mr. Speaker, I join with my chorus of colleagues who come here advocating against an increase in interest rates in this country.

But more importantly, I come today, to inform the House of a new scientific breakthrough that could mean relief for thousands of Americans. It was announced the day before yesterday that researchers at Johns Hopkins have found that the drug hydroxyurea can alleviate some of the painful symptoms associated with sickle cell anemia, such as incapacitating pain in the abdomen, joints, and back.

Sickle cell anemia affects people whose ancestors come from Africa, the Middle East, the Mediterranean basin, and India. Sickle cell affects 1 in 12 African-Americans. African-American males suffering from this disease live an average of 42 years and African-American women live an average of 46 years.

Although hydroxyurea, according to scientists, is not a cure for this deadly disease, it is an effective agent for improving the quality of life for those who suffer from sickle cell. I urge the FDA to quickly approve the use of hydroxyurea.

THE 10TH AMENDMENT SHUFFLE

(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, over the last 40 years, the Congress has perfected a new dance—the 10th amendment shuffle.

The music for this dance starts playing when the Congress runs out of Federal tax dollars to spend, but still has several key projects on their wish list.

Rather than sitting out a dance, Congress has instead sidestepped the 10th amendment and forces States and localities to pay for its projects and dance to its tune.

A classic shuffle is the motor-voter bill, an unfunded mandate estimated to cost States some $58 million.

Mr. Speaker, it will cost my State, Nebraska, over $700,000 to recruit more people to get registered on the voting files in a State which already has one of the highest voter registration rates in the Nation. It is time to pull Congress' dance cards and put an end to Federal unfunded mandates. H.R. 5 will do this. I urge my colleagues to support this and make sure we no longer have to live under the unfunded mandates that the Congress continues to send.

FALLOUT FROM INCREASED INTEREST RATES

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

Mr. DEFAZIO. Mr. Speaker, a new Federal policy brokered in secret, adopted without a single hearing, a single open public meeting and no vote.

A policy that will:

Increase this year's deficit by $2.5 billion?

Increase the cost of a mortgage on a $100,000 house by more than $500 a year—that makes a mockery of the puny income tax cuts we are talking about here.

Drive up the cost of everything bought on credit—from automobiles to winter clothes for the kids.

This is a policy specifically intended to drive up the rate of unemployment toward a target of 6 percent—that

means 3½ million more Americans out of work than under the old target of 4 percent.

Is this a new abuse heaped upon the American people by an insulated and arrogant Congress? No, this policy will be foisted on the American public by the secretive, arrogant, and insulated Federal Reserve Board, a small group of powerful bankers and economists who believe their control over our money supply is to be used to serve their friends and masters from Wall Street, not Main Street America.

Mr. Speaker, it is time to stop Alan Greenspan and his cronies before they kill the economy again.

HIGHWAY TRUST FUND AND AVIATION TRUST FUND

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

Mr. SHUSTER. Mr. Speaker, we Republicans quite properly emphasize our Contract With America. But our original Contract With America was signed in 1956, when President Eisenhower and the Congress created the Interstate Highway System and created the highway trust fund. This was a contract between the American traveling public and the Federal Government. The gas tax went into the highway trust fund solely to build highways. Later the airline ticket tax went into the aviation trust fund to help build airports.

But, Mr. Speaker, we have broken that contract. We shamelessly used the money dedicated for highway construction to hide the true size of the Federal Government deficit, which is dishonest and unethical. Three times in the past Republicans in this House voted overwhelmingly to remove these trust funds from the general trust fund budget, but we did not have a majority.

Now is the time to renew our 39-year-old Contract With America. Now is the time to take the transportation trust funds out of the general fund budget. This is a truth-in-budgeting issue. And truth, after all, is what contracts are all about.

FORTY YEARS

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

Mr. STUPAK. Mr. Speaker, during the past few weeks we have heard our colleagues on the other side of the aisle talk about dismantling many of the programs that Democrats formed during our 40-year service as the majority party.

I know some of my friends on this side do not want to hear this, but during the past 40 years, when Democrats controlled the House, programs were enacted that helped millions of people. A few examples on this long list include: the GI bill, Medicare, Medicaid, civil rights legislation, improved minimum wage standards so people can work and get off welfare, and student financial aid. When the other side discusses, with some disdain, about the Democrats' 40-year rule, remember, some great things did happen.

Today, on February 1, 1995, I would like to highlight a special day commemorating something that happened 40 years ago today: My wife, Laurie Olsen, was born. Today is Laurie's 40th birthday, and as she and I, along with her parents, Ken and Elaine Olsen, our sons, and many of our friends celebrate her first birthday under a Republican controlled Congress, let us not forget many of the important programs enacted during Laurie's first 40 years that have helped the American people.

Mr. Speaker, happy 40th birthday, Laurie.

CONSUMER PRODUCTS SAFETY COMMISSION: MOST SNOW BOARDING INJURIES RESULT FROM FALLING

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

Mr. HEFLEY. Mr. Speaker, those of us from the ski country, U.S.A. can rest a little easier right now because the U.S. Government is on the job. The U.S. Consumer Products Safety Commission has just released a report which concludes that most snow boarding accidents result from falling.

Wow. That is deep, Mr. Speaker. You put someone on a board, strap his feet to a board, put him on a slippery slope and let him go down the hill at 55 to 60 miles an hour and they might get hurt—but only if they fall.

This Christmas, Anna in my office tore up both knees skiing, and we have no idea how it happened or what caused it. Absolutely no idea.

Well, I am going to go back to her and I am going to tell her, "Anna, we figured it out, the Government helped. You hurt your knees because you fell."

Mr. Speaker, Americans are tired of Federal nursemaids wasting their money and insulting their intelligence. If I may quote my friend, Mr. TRAFICANT, "Unbelievable."

□ 1120

THE FOREIGN AID PACKAGE THAT WOULD NOT DIE

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

Ms. KAPTUR. Mr. Speaker, the administration announced yesterday that, because Congress was not acting quickly enough to throw good money after bad down that black hole that is the Mexican economy, it has used unprecedented Executive authority to extend billions of our taxpayers' money to bail out the Mexican peso and the Wall Street speculators who invested there without a vote of Congress. The last time Mexico devalued its currency was in 1988, just around the time of the Presidential election. Before that, Mexico devalued in 1982, again just around the time of the Presidential election, and now they did it again just after the Presidential election of 1994.

I say to my colleagues, "Some would like you to think that using Treasury's power to prop up the peso was a temporary fix, but they are wrong. This is not a currency problem. It is a problem of continuing mismanagement at the highest levels inside an emerging undemocratic country. The false security of Mexican oil is an illusion, too. That's already been pledged to past debts. If you're outraged like I am, come to room 2247 this afternoon, Members of Congress. Let's get the administration on the right track for a change."

WHAT ABOUT THE ELECTIONS?

(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, U.S. military occupation of Haiti continues, but mandate of the Haitian Parliament will end. The time line for new parliamentary elections has already slipped from last December to perhaps sometime in May. I ask, "But how can you build a democracy without a parliament, without a legislative branch, especially in Haiti, especially with President Aristide?" Unfortunately, Mr. Speaker, in 1991 he fell prey to the drive to consolidate power that has historically characterized Haitian politics, and he has failed to learn a very basic lesson of democracy, and that is that shared power makes for better governments, and it is vital for true democracy. Lack of progress on the elections in Haiti means President Aristide will be ruling Haiti without checks or balances.

Mr. Speaker, the time for free and fair elections in Haiti is now. We must bring our troops home today. Bring on Haitian elections now, and save both democracy in Haiti and American taxpayers' dollars.

CHANGE

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

Mr. GUTIERREZ. Mr. Speaker, we have heard my friends on the other side of the aisle talk a lot about change. That is good. This institution needs some change. But in the past 3 weeks, Mr. Speaker, the American people have found out what type of change many of my colleagues were really talking

about. We have discovered that new criteria exists for being able to speak the truth on the floor of the House. We found out when the subject is questionable dealings by powerful Members of the House leadership, speaking the truth on the floor of the people's House is often prohibited. But that is not the only change, Mr. Speaker.

We passed a Congressional Accountability Act that is far worse than what was passed by this House just last year because it did not eliminate a ban on gifts from lobbyists and allows Members to continue to use their frequent flyer miles for personal use. There are other changes, too. We are no longer talking about lobbying reform or campaign finance reform, the real critical changes that will truly make a difference in the way we conduct the people's business.

Yes, many of my friends marched into this institution waving a banner that said, "reform and change," but all we see today is the white flag.

END UNFUNDED MANDATES: STOP THE FEDERAL GOVERNMENT'S MEDDLING

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

Mrs. MYRICK. Mr. Speaker, as mayor of the booming city of Charlotte, NC, I experienced, firsthand, the absurdity of unfunded mandates.

We were forced to curtail services that our constituents had already paid taxes to support, in order to avoid being taxed twice for the same things.

American taxpayers are paying over 50 percent of every dollar they earn in taxes.

They view unfunded Federal mandates as Government inefficiency and double taxation.

We must pass H.R. 5—if for no other reason than because the American taxpayers demand it.

CHINA'S NEWT?

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

Mrs. SCHROEDER. Mr. Speaker, today in China they are celebrating the first day of the lunar new year, the Year of the Pig, and we now find out from the New Yorker magazine that a big multinational pig is trying to feed over there the same way that pig has been trying to feed on the U.S. Congress. I guess the question is: Is Beijing becoming more like Washington, or Washington becoming more like Beijing?

But what we learn today is Deng Xiaoping's daughter, Deng Maomao, also has a book contract with Mr. Murdoch. Mr. Murdoch seems to be wanting to try to get his TV station into China and has pulled all of the BBC news because it has much too much about human rights, which just really, really makes him upset, and has furthermore now cut this wonderful deal with Deng's daughter, who is supposed to be the closest to him, but of course there could not be any hanky-panky there.

So, if anyone now asks what is the similarity between our Speaker, Deng Xiaoping's daughter and Mrs. Thatcher, we now know. They all have Rupert Murdoch book deals.

WHY LIBERAL DEMOCRATS OPPOSE THE CONTRACT WITH AMERICA

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

Mr. HAYWORTH. Mr. Speaker, from the home office back in Scottsdale, AZ, the top 10 reasons liberal Democrats oppose our Contract With America:

No. 10: Ideas? We don't need your stinking ideas.

No. 9: Book envy.

No. 8: Would you Republicans shut up? We are watching the O.J. trial.

No. 7: Al Gore, what a guy!

No. 6: 'Tis better to have taxed and lost than never to have taxed at all.

No. 5: Never make a promise you might have to keep.

No. 4: Would rather follow the P.T. Barnum maxim, "Never give the taxpayer an even break."

No. 3: Profits? What are profits? Are they evil?

No. 2: Hey, what happened? We thought the status quo was pretty good.

And the No. 1 reason Democrats oppose our Contract With America:

Republicans, with our contract, are trying to change this Congress. Democrats would rather change the subject.

OPEN UP GOPAC'S BOOKS

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

Mr. BROWN of California. Mr. Speaker, if numbers such as $715,000, $324,000 or even $172,000 had shown up on my last FEC report, the Republican National Committee would demand an immediate investigation, and the Federal Election Commission would have already levied steep fines against me. In fact, my Republican colleagues likely would be calling for an ethics investigation and an independent counsel. I would like to assure my colleagues that dollar amounts of that magnitude did not show up on my FEC report. But I will tell my colleagues where they did show up: GOPAC.

According to the Los Angeles Times on January 30, 1995, GOPAC has received more than $2.8 million from just 10 contributors, but we will not see these dollar amounts on GOPAC's FEC reports. They refuse to disclose the information.

Mr. Speaker, in an era when the new Republican majority talks about an open Congress and opening up the political process, it seems to me it should live by its own words and open up GOPAC's books.

INTRODUCTION OF BREAST CANCER AND PROSTATE CANCER DETECTION BILLS

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

Mrs. VUCANOVICH. Mr. Speaker, what do 46,000 women and 240 men have in common this year? No, not an interest in the O.J. Simpson trial. These people are all expected to die from breast cancer in 1995. I have again introduced legislation to help lower income women by requiring State Medicaid plans to provide coverage of screening mammography.

I have also introduced legislation to provide annual mammography coverage for Medicare beneficiaries aged 65 and older. Current law permits coverage only every other year for this age group.

Coverage of early detection techniques should be provided for men as well. In 1995, an estimated 40,400 prostate cancer deaths are expected. That is why I have introduced bills to provide for Medicaid coverage and Medicare coverage, respectively, for prostate cancer screening tests—1995 is neither the year of the woman, nor the year of the man. It is the year when our citizens get what they asked for—that is, peace of mind and good health. I urge all of my colleagues to cosponsor these lifesaving bills.

□ 1130

FED'S THREATENED INTEREST RATE HIKE SEEN AS UNJUSTIFIED

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

Mr. VENTO. Mr. Speaker, today the Federal Reserve Board is meeting, and the speculation is that they are going to raise interest rates to tighten monetary policy by raising the discount rate gain. They have raised the discount rate six times in the last year. This will be the seventh increase, which has resulted already in over a 2½ percent, 250 basis point increase in the spread in terms of interest rates paid for by American consumers.

Of course, the fact is that the record indicates that this is simply not justified or necessary. Workers today are receiving very little increase in terms of compensation or wages, and the fact is that by not taking a raise, they are now going to in essence be faced with

increased costs because of interest rates.

Car sales are down; home sales are down. Many of the indices in the American economy indicate that inflation is under control and the economy is not overheating, but the Fed is losing the capacity to deal with the responsibility of monetary policy by raising rates and by tightening monetary policy when it is not necessary.

Mr. Speaker, I hope the Federal Reserve Board today is listening behind their closed doors as they make this decision. We need them to play an independent and an objective role, not to overmanipulate and steal defeat from the jaws of victory when we have an economy in which Americans are working.

STATES URGED TO JOIN THE HOUSE IN PASSING UNFUNDED MANDATES LEGISLATION

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

Mr. EHLERS. Mr. Speaker, this morning we expect to pass a bill dealing with unfunded mandates, and I will be voting for that bill. I do want to make it clear that I do have some reservations in environmental areas, but those can be addressed as we go along.

The main purpose of my comments today is to point out that we are only part of the problem, and I challenge the States of these great United States to follow our example and pass unfunded mandates bills within their own legislative bodies.

In the State of Michigan we required a constitutional amendment initiated by the citizens of the State to address this problem. Since I have worked at the county commission level, the State legislative level, and the Federal level, I can assure the Members that everyone tries to pass mandates down to the body below them and require them to pay the costs.

My challenge to the States is to follow Michigan's example—adopt a constitutional amendment as we did in Michigan and prohibit passing unfunded mandates down to cites, counties, townships, and other forms of government.

Mr. Speaker, I urge all the States to join us in this effort as we pass our unfunded mandates bill today.

INTEREST RATE HIKE COULD KILL JOBS, SLOW ECONOMY GROWTH

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

Ms. DELAURO. Mr. Speaker, the Federal Reserve Board is meeting to consider yet another hike in interest rates. Democrats are united in opposing this increase, because we believe it will have a detrimental impact on working middle class families across the country.

In 1994 the Fed raised interest rates six times. Those rate hikes were designed to slow economic growth and head off inflation. But another increase now could slow the economy right into a recession just as the economic recovery is reaching working families.

In my home State of Connecticut, where job growth continues to lag behind the rest of the country, another rise in interest rates could kill jobs and keep the economy recovery from ever reaching hardworking families.

Mr. Speaker, it is true that our economy is not at full health. But prescribing another interest rate hike as a cure is like prescribing brain surgery for a headache. It is unnecessary, and it could kill the patient.

MOVING ON

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

Mr. JONES. Mr. Speaker, today we will finish our debate on unfunded mandates. We are going to give our States and our local governments what they have asked for. Congress will stop mandating Federal programs it cannot pay for. Now it is time to move on.

Next on our agenda is the line item veto. This will provide another tool to cut spending and reduce the size of the Federal Government. Who knows, the power of the line-item veto might even stop a practice that has been around many years in Congress—porkbarrel projects.

Mr. Speaker, Republicans are committed to moving our Contract With America forward until it is completed. We have heard the people's mandate, and we will keep our promise to bring to the floor issues that produce real change. We are moving on to a future of a smaller, less costly, and more efficient government.

Mr. Speaker, I urge my Democrat colleagues to join with us to move forward with the people's demand for change.

THE TRUTH IS LOOSE

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

Mr. LEWIS of Georgia. Mr. Speaker, the Los Angeles Times succeeded in doing something this week that Speaker GINGRICH has refused to do for years—release the names of the contributors to his political machine, GOPAC.

The partial listing published by the Times shows that one couple gave GOPAC more than $715,000 while other contributors made more than $300,000 available apiece. But who and how many more contributors are there? There are many questions that remain unanswered.

That is why the chorus of respected voices calling for an outside counsel is getting louder and louder.

The New York Times, Roll Call, the respected public advocacy group, Public Citizen, former Special Counsel Richard Phelan, and Al Hunt of the conservative Wall Street Journal all agree: Only an outside counsel can put this matter to rest.

AMERICAN PEOPLE DEMAND CHANGE—LESS GOVERNMENT, LESS TAXES, LESS REGULATION

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

Mr. TATE. Mr. Speaker, to my Democrat friends across the aisle, I say, methinks thou doth protest too much.

I have heard for weeks personal attacks on our Republican leaders and delay tactics. I ask, is it because you have nothing else to say?

I know that losing power must be difficult to deal with. But the message last November was not more fighting, more finger pointing, and more personal attacks. It was less government, less taxes, and less regulations. We have defied the odds by passing a balanced budget amendment, and we will pass an unfunded mandates bill.

Mr. Speaker, the American people have said they want a change. The Democrats have tried their patience long enough.

FEDERAL RESERVE BOARD URGED TO FOREGO INTEREST RATE INCREASE

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

Mr. GEJDENSON. Mr. Speaker, the Fed Chairman tells us that senior citizens are benefiting by an overstatement of inflation in this country. The Fed Chairman told us there is a crisis in Mexico. It seems to me the Fed Chairman and his policy helped create the crisis in Mexico, and if he is correct about the fact that inflation is overstated in the indicators, then he ought not raise taxes and he ought not raise interest rates.

In my State and in my district in Connecticut, many people still want jobs that do not have them. A Fed policy that is based on creating more unemployed is an outrage in a country that is talking about putting people to work. You cannot sit there and tell us that you want welfare people to go to work and then raise interest rates so working people lose their jobs. If there ought to be jobs that are lost, they ought to be at the Fed. We ought to keep inflation not higher but lower so that more Americans go to work, so we can have a stronger economy and continue to reduce this deficit.

Mr. Speaker, the Fed policy goes against everything we have done to increase employment and cut the deficit. I say to the Chairman, "Don't raise interest rates anymore."

A DISPLAY OF COMITY IN THE REPUBLICAN CONFERENCE

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

Mr. KINGSTON. Mr. Speaker, this morning Speaker GINGRICH invited Vice President GORE to meet with the Republican Conference on the subject of reinventing the Government. He stood right here at this lectern on the Republican side and talked for nearly an hour about making Government customer-friendly and constituent-responsive. He talked about the old order and the new order. He talked about listening to employees and bringing them in on the decisionmaking. He talked about cutting redtape, reducing the bureaucracy, and changing the procurement process.

We on the Republican side found that we have much in common with the Vice President. We share much of his goal and his vision.

I congratulate Speaker GINGRICH on inviting the Vice President to engage in a bipartisan dialog. I hope that Members on both sides of the aisle can follow this example set by Speaker GINGRICH and the Vice President. I hope that the sniping ends. It is always easy to build yourself up at the expense of the institution, but I hope that we do what the Vice President and Speaker GINGRICH did today. We have much in common. We have much to accomplish, and we can do it together.

□ 1140

RAISING INTEREST RATES MAKES NO SENSE

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

Mr. BROWN of Ohio. Mr. Speaker, yesterday the President, with support of Republican leadership, proposed committing $20 billion to Mexico to prop up the peso. Today the Federal Reserve, behind closed doors, will decide whether or not to raise interest rates yet again.

Mr. Greenspan has lobbied Congress relentlessly in recent days on behalf of the Mexican bailout. But by raising interest rates again, Mr. Greenspan will contribute to a further weakening of the Mexican peso. By raising interest rates again, more importantly, Mr. Greenspan will make it harder for American families to pay for houses, to pay for cars, to pay for student loans. And by raising interest rates again Mr. Greenspan threatens to choke off the recovery. Higher rates will also make it harder to pay off the $20 billion the President and Republican leadership wants to send to Mexico.

Excuse me, Mr. Speaker, raising interest rates simply makes no sense.

OPPOSE MEXICAN BAILOUT

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

Mr. ROTH. Mr. Speaker, the American taxpayer and the people of Mexico have had a heavy load added to their backpack yesterday. The American taxpayers and others for the sixth time have bailed out Mexico now in the last 12 years. Remember the Baker plan and the Brady plan? They were supposed to have ended the Mexican debt crisis back in 1990.

This is a serious problem, and one of the reasons is this: In Mexico they are paying as high as 20 percent, 25 percent, as high as 51 percent on these bonds. How can these poor people possibly come out from under this heavy burden?

I hope that the people here in Congress will speak out and oppose this outrageous direct transfer of wealth from the pockets of the American taxpayers to the pockets not of the people of Mexico, but to the Mexican elite. They have more billionaires in Mexico per capita than any country in the world. They are taking their money out, putting it into our country, and we are taking the taxpayers' money and putting it into Mexico.

It does not make sense. This is a very bad deal for us. No wonder the American people are again singing the old ballad "16 Tons," "Another day older, and deeper in debt." I feel sorry for the American taxpayer and the poor people of Mexico.

NO GOVERNMENT BAILOUT FOR BAD INVESTMENTS IN MEXICO

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

Mr. SANDERS. Mr. Speaker, I rise in strong opposition to the $40 billion bailout of Mexico and in very strong opposition to President Clinton's effort to circumvent the congressional process. At a time when this country has a $200 billion deficit and when Members of Congress are proposing cutbacks in Social Security, Medicare, Medicaid, veterans programs, and nutritional programs for hungry children, it is absurd to put $40 billion of American taxpayers' money at risk in an unstable Mexican economy and an unstable Mexican political system.

If large banks and Wall Street investment houses want to purchase Mexican bonds at high interest rates, they have every right in the world to do so. But these big money interests do not have the right to be bailed out by Government when their investments turn sour.

UNFUNDED MANDATE REFORM ACT OF 1995

The SPEAKER pro tempore (Mr. UPTON). 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.

□ 1144

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5, to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates on the private sector, and for other purposes, with Mr. EMERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, January 31, 1995, the amendment offered by the gentleman from Virginia [Mr. MORAN] had been disposed of, and title III was open for amendment at any point.

Are there further amendments to title III?

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentlewoman will state it.

Mrs. COLLINS of Illinois. Mr. Chairman, we have four Members who wanted to offer their amendments. They are not here. I wonder if it is possible to reserve 5 or 10 minutes of their time?

The CHAIRMAN. The gentlewoman may move to strike the last word, and she would be recognized for 5 minutes, or any Member may move to strike the last word.

AMENDMENT OFFERED BY MR. MINETA

Mr. MINETA. Mr. Chairman, pursuant to the rule, I offer an amendment, amendment numbered 95.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MINETA: In section 301, at the end of the proposed section 421(4) of the Congressional Budget Act of 1974, add the following:

Such term shall not be construed to include a provision in legislation, statute, or regulation that preempts a State, local, or tribal government from enacting or enforcing a

law, regulating, or other provision having the force of law related to economic regulation, including limitations on revenues to such governments.

Mr. MINETA. Mr. Chairman, in general the bill before us is an attempt to limit the intrusiveness of the Federal Government into the business of State and local governments and private businesses. Many of us disagree with how the bill goes about meeting those objectives, but we do not disagree with the objectives themselves.

In the area of transportation, economic regulation in particular, I have been among the most consistent advocates of the economic deregulation of transportation. The gentleman from Pennsylvania is very familiar with my efforts as a deregulator, because he has been an important part of those efforts, and so have many Members on his side of the aisle.

In the past 15 years, we have largely deregulated the airlines, pipelines, trucking, and railroads. We have dramatically reduced the intrusiveness of government into the marketplace. And in every instance we have concluded that what we wanted to achieve was deregulation, not a substitute of State regulation for Federal regulation.

Deregulation means get government out of the issue. It does not mean close the Civil Aeronautics Board only to substitute 50 State Civil Aeronautics Boards.

In every one of these deregulation efforts, we have not only told the Federal Government to get out of economic regulation, we have told the States not to get into it. And that is the only way we can increase reliance on the marketplace.

This unfunded mandates bill would inadvertently apply to efforts to deregulate industries. H.R. 5 not only makes it more difficult to tell States what they have to do, it also makes it more difficult to tell States what they cannot do, including that they cannot regulate industries that we have just deregulated.

Mr. Chairman, this is not what the Members of this House intend for this bill to do. It is not what the Senate bill does. This is an unintended consequence that we ought to correct, and my amendment does that.

Let me give a specific example. Last August we brought to the floor legislation which very substantially deregulated the economic regulation of the trucking industry. Many of you thought of it as the Fed Ex bill, or the UPS bill, but it was in fact very broad deregulation legislation affecting most of the trucking industry. That bill would have been considered an unfunded mandate under H.R. 5 because it told the States they could not regulate those industries.

□ 1150

None of us considered that an unfunded mandate, but H.R. 5 does. That bill would have been required to have extensive analyses set out in H.R. 5, which quite probably would have meant we would not have had time to enact it in the closing weeks of the last Congress.

The same kinds of problems arise with regard to deregulation of pipelines, of railroads, and of other industries we are looking at for future deregulation.

These problems arise with respect to any clarifying bills we may need to do in the future, to preserve the deregulation of industries that we have already deregulated. This is not what the Members of this House intend for this bill to do.

I know that the track record so far on the Democratic amendments to this bill is not good. But I appeal to the manager of the bill that my amendment supports one of the underlying objectives of the bill, less government regulation.

Mr. Chairman, I urge the adoption of my amendment.

Mr. Chairman, I yield to the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Chairman, I thank the gentleman from California [Mr. MINETA], the ranking Democratic member on the Committee on Transportation and Infrastructure.

I am a former chairman of the Tennessee Public Service Commission, so I have seen how regulation works and it can work very efficiently and effectively. I also have seen examples where it has not worked, where it has cost consumers billions of dollars.

I might say about our legislation, that the gentleman from California [Mr. MINETA] and the gentleman from Pennsylvania [Mr. CLINGER] and the vast majority of the Members of the House of Representatives and the Senate all supported this last year, that it was to deregulate the trucking industry. But I do think what the gentleman from California [Mr. MINETA] has said is correct. This is an unintended consequence that we ought to correct.

I realize that the gentleman from Pennsylvania [Mr. CLINGER] and others have stated that they do not support amendments, but I hope they will make an exception to the rule.

The CHAIRMAN. The time of the gentleman from California [Mr. MINETA] has expired.

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

Mr. CLEMENT. I would hope that the gentleman from California [Mr. CONDIT] and the gentleman from Pennsylvania [Mr. CLINGER] and all of those of us that support H.R. 5—and I strongly support H.R. 5—I will vote for final passage, a lot of Democrats, lot of Republicans will join hands in a very bipartisan manner. I do not like unfunded mandates.

But this is not the intention of this particular amendment. Do not strangle us. Do not put us in a straitjacket. We very well are going to be looking at some other deregulation down the road. We have not finished that task. Surely we have had much that we can be proud of over the last 15 years, such as deregulation of airlines, pipelines, trucking, and railroads.

This is the beginning for the Committee on Transportation and Infrastructure. In order to ensure that businesses and industry have an opportunity to compete without all these rules and regulations, let us adopt the Mineta amendment and let us be bipartisan about it.

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

Mr. Chairman, I rise in reluctant opposition to the amendment of my friend from California, a mentor on the Committee on Public Works and Transportation. I know and appreciate and am sensitive to his concerns.

But I rise in opposition to the amendment because the amendment really broadly exempts Federal preemption of State law from the definition of mandates. This includes any Federal limitation on revenues that a State or local government can otherwise lawfully collect.

Mr. Chairman, I believe this amendment was drafted primarily in response to concerns raised by the railroad industry. The railroads' particularly concern is an inclusion in the bill of mandates that require States or local governments to forgo revenues might adversely affect a provision of law enacted in 1976 that prohibits States and local governments from discriminating against railroads in taxation.

The most important point to be made is the same point that has been made over and over again during the debate on this bill, and that is that this bill does not affect existing mandates.

The point of order this the bill creates applies only to bills brought to the House floor after October 1, 1995, which is the effective date of the legislation.

The real question, Mr. Chairman, is whether a similar preemption of State law in future bills that limits the ability of a State to collect an otherwise lawful tax should be subject to the procedures established by H.R. 5.

The State tax officials make a compelling case that Federal laws that restrict States and local governments from employing tax practices which would otherwise be legal under the U.S. Constitution have exactly the same impact as an expenditure mandate.

So I believe that the same procedure should be applied to these preemption provisions. If Congress believes and decides that the national interest requires placing restrictions on States' ability to raise lawful taxes, then it is not unreasonable to require a majority vote to waive that point of order.

So I must oppose the gentleman's amendment.

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

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

Mr. MINETA. Mr. Chairman as I have indicated, the Senate bill relative to their legislation on unfunded mandates does not contain this unintended consequence of making it more difficult to deregulate.

I would like to ask my very fine colleague from Pennsylvania, if I can get a commitment from the gentleman from Pennsylvania that he will revisit this issue in conference and attempt to keep this bill from making it harder to deregulate.

Mr. CLINGER. Mr. Chairman, let me assure the gentleman that that, as the gentleman says, that is a conferential issue. It is one that I will certainly be willing to revisit and to work with the gentleman. As I say, at this point I am not convinced that it is necessary but will be happy to revisit the matter in conference.

Mr. MINETA. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The CHAIRMAN. Are there other amendments to title III?

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. 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. SANDERS: Insert the following new paragraphs at the end of the proposed section 424(a) of the Congressional Budget Act of 1974:

"(5) CONSIDERATION OF COST SAVINGS FROM FEDERAL MANDATES.—For each bill or joint resolution of a public character reported by any committee that establishes, modifies, or repeals a Federal mandate, the Director shall prepare and submit to the committee a statement describing the cost savings that would accrue to the private and public sectors from such Federal mandate, including long and short term health care and environmental cost savings. Such statements shall include a quantitative assessment of such cost savings to the extent practicable.

"(6) CONSIDERATION OF BENEFITS OF FEDERAL MANDATES.—For each bill or joint resolution of a public character reported by any committee that establishes, modifies, or repeals a Federal mandate, the Director shall prepare and submit to the committee a statement describing the benefits of such Federal mandate, including benefits to human health, welfare, the environment, and the economy. Such statement shall include a quantitative assessment of such benefits to the extent practicable.

Mr. SANDERS. Mr. Chairman, I offer this amendment along with my colleagues, the gentleman from California [Mr. WAXMAN], the gentleman from Minnesota [Mr. VENTO], and the gentleman from California [Mr. FARR].

This amendment simply provides for full and unbiased information. It provides that the CBO include an estimate of long- and short-term health care and environmental cost savings and other benefits of unfunded mandates.

The bottom line is the Unfunded Mandates Reform Act threatens to dismantle many laws that protect the public health and the environment. This is because State and local governments need to heed these laws just like the private sector.

When we consider the merits of mandates like the Safe Drinking Water Act, OSHA, and bills regulating the disposal of medical waste, we should be aware of the costs imposed on local governments. That is absolutely appropriate. But we should also be equally aware of the cost savings, the cost savings expected from these mandates.

The true cost of a bill is the direct cost imposed minus the cost savings. This amendment ensures that the CBO estimate the true cost.

If this amendment is adopted, we will be less likely to discard preventative legislation that is cost effective in the long run.

Prevention is much cheaper than a cure. But prevention has a short-term direct cost. If this amendment is not adopted, we will only be informed of that short-term direct cost and will not be told about the expected cost savings.

Cost savings is not a small part of the equation. H.R. 5 threatens astronomical health care costs at a time when we want to save money. Today one in three of us will get cancer and, frankly, one in four of us will die of it. Over 60 different occupations are at a documented risk of cancer, including farmers, petrochemical workers, asbestos workers, plastics manufacturers, and radiation workers.

Under H.R. 5 it will be much harder to respond to this expensive and debilitating health care crisis and easier for shortsighted private industries to ignore it. We need access to real costs, including the long-term medical costs that will result if we fail to respond.

□ 1200

Lung cancer is the No. 1 cancer killer in America, yet H.R. 5 will hamstring us from imposing indoor air laws limiting tobacco smoke in workplaces and public places. The cost of imposing no-smoking areas is minuscule—minuscule in comparison to the cost of treating lung cancer. This amendment would clearly show the cost difference.

H.R. 5 also threatens, in my view, unacceptable environmental contamination and extremely expensive cleanup costs. Superfund sites littering the Nation are left festering because they are so expensive to clean up. It would have been more cost effective to prevent that contamination in the first place. We cannot foresee all future environmental problems. That is one reason we cannot say that current laws do an adequate job protecting us, but the CBO estimate of environmental cost savings will help us identify those cost-effective bills.

Fortunately, the Unfunded Mandates Reform Act does not apply to "emergency legislation," but how will we know when there is a health care or an environmental emergency? The best way is to adopt this amendment which would indicate when the savings strongly outweigh the short-term direct costs and a crisis is at hand.

This amendment also requires a CBO analysis of the benefits of the legislation. As I mentioned earlier, H.R. 5 could very well destroy our environmental and public safety laws. These laws not only save money, but they prevent needless deaths, pain, suffering and environmental degradation. These benefits should not be ignored.

This amendment provides for a CBO estimate of the benefits to human health, welfare, the environment, and the economy. Costs should not be viewed in a vacuum. Intelligent decisions require a cost-benefit analysis. If CBO provides information on costs, which is absolutely appropriate, and benefits, we would have access to a consistent and an unbiased cost-benefit analysis.

The CHAIRMAN. The time of the gentleman from Vermont [Mr. SANDERS] has expired.

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

Mr. SANDERS. Mr. Chairman, I fully support the current provisions that require a CBO estimate of the costs to State and local governments of unfunded mandates. That is very important. That is very important. But these estimates alone misrepresent the true cost of legislation and ignore its benefits. This amendment corrects that fatal flaw. This amendment helps us fulfill the laudable purposes spelled out in the Unfunded Mandates Reform Act.

Its purposes include, and I quote from the bill, "to end the imposition, in the absence of full consideration by Congress, of Federal mandates," and "to assist Congress in its consideration of the proposed legislation * * * by establishing a mechanism to bring such information to the attention of the Senate and House * * * and to promote informed and deliberate decisions by Congress."

If Members support these purposes, I urge Members to support this amendment.

The CBO will not always be able to provide a quantitative cost-benefit analysis. This amendment recognizes this limitation and only requires quantitative analyses when practicable, but when it is practicable, we need to be aware of all essential pieces of information. Uninformed decisions do not lead to cost-effective decisions. Let us save money and pass intelligent legislation that is not shortsighted.

I urge the Members to vote for this amendment, and vote for full and unbiased information.

Mr. CLINGER. Mr. Chairman, I rise in opposition to the gentleman's amendment, very briefly, just to state that I think that the role that the gentleman would have the CBO assume is not a role that they are clearly designed to do. Their role is to find out the cost of what things are and not really make policy decisions.

What the amendment would do is require CBO to become really a policy adviser or a policy evaluator. Requiring it to do cost-benefit analysis I think would really put it very close to policy advocacy.

I think the other thing that needs to be said about this is that the committee itself is charged in our bill with doing a cost-benefit analysis of the mandates.

I think finally it can be said that clearly the advocates for a particular mandate and the need to pass it through are certainly going to be pointing out the benefits of that. So I do not think we are losing sight of the benefit.

What we have had is we have only considered the benefits in the past. Now we are going to be required to consider the costs, and I think there is an equilibrium that did not exist before.

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

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

Mr. DREIER. I thank my friend for yielding. I would simply like to echo his statement about the congressional budget.

I am opposed to this amendment because it seems to me that we are looking at an additional $4½ million for the Congressional Budget Office, simply to address the question of cost, and this amendment goes beyond that, and I believe goes beyond even the purview of the Congressional Budget Office in dealing with issues like unfunded mandates.

It is for that reason I join with the distinguished chairman of the Government Reform and Oversight Committee in insisting that this amendment be defeated.

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

Mr. CLINGER. I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Chairman, just briefly, I think the gentleman from Vermont [Mr. SANDERS] makes a very sound point as to cost effectiveness, and the benefits of preventive care is one example. It is a consideration Congress ought to take into account on the floor and even in committee.

What CBO told us that they can do and they are required to do under this legislation, if we look at title III, a net savings analysis. In other words, they will look at quantifiable costs and benefits, but CBO, as my colleague stated, simply cannot do the more subjective analysis. Committees can do that. In fact they are required under this legislation to look at both the costs and benefits and that will then come to the floor.

The gentleman makes a good point, that the point of this legislation is to have an accountability and to have informed, deliberate debate on the floor of the House. The benefits will be analyzed by the committee. That information will be in the committee report, and the report will be part of the debate on the floor.

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

Mr. CLINGER. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I have no argument with my friend that it is important for us to know the costs of the legislation we are proposing, no argument about that. But I think my friends would also not deny that some legislation is cost effective. If one could make the case that by promoting *x* policy that cost us $1 million we save $10 million in increased health care costs, I am sure all three of the gentlemen would be in agreement that was a good piece of legislation.

Mr. CLINGER. I would agree with the gentleman.

Let me reclaim my time to say we just do not think that is an appropriate place to have that done. We think it is much more appropriate in the committees which consist of elected Members to make those kinds of policy decisions, because it really is a policy decision. So our only objection is the appropriate place is not the Congressional Budget Office, which, let us face it, are number crunchers.

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

Mr. Chairman, I rise in strong support of this amendment because I think it is absolutely appropriate that we research and identify the impacts of all congressional legislation. But H.R. 5, as it is drafted, would only give us half the picture. We need the whole picture to make well-reasoned decisions.

I would like to add, I am a small business owner and I cannot imagine any business doing a cost-benefit analysis that only looked at the cost and not at the benefits.

I would like to speak about a very tragic situation that we are currently experiencing in the Pacific Northwest, that is the demise of our legendary salmon runs. At one time 16 million fish returned to the Columbia River to spawn each year, and now they are only numbered in the thousands, and several species have been listed under the Endangered Species Act. And when we analyze recovery methods in order to bring back this great run, we need to clean up our polluted rivers, modify the hydroelectric system, we have to look at the whole cost of implementing these initiatives. But we also have to say what are the economic benefits that happen to the Northwest if we bring back our salmon.

There are some figures that I think are quite indicative of the problems if we do not look at both sides.

As recently as 1988, commercial and recreational salmon fisheries produced 62,000 jobs in my area, and they contributed over $1.25 billion annually to the economy. Much of that bounty was returned and will be returned to the region if we can recover our salmon runs. So surely this information is an integral part of the debate over whether and how much to increase salmon recovery efforts.

□ 1210

In my belief, it is only through a fair comparison between the costs and the benefits that we can assess the merits of new legislative mandates, and so I urge my colleagues to support this very reasonable and very businesslike amendment to the bill that is before us.

I urge support of the Sanders amendment.

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

Mr. Chairman, I rise in support of the amendment as a cosponsor. I support the amendment offered by the gentleman from Vermont [Mr. SANDERS].

I had a similar amendment in the RECORD, and I would hope that we would have the debate on this amendment. I think, considering all the talk about cost-benefit analysis in this bill, it is certainly fitting to request CBO do a cost-benefit analysis on Federal mandates that takes into account the long- and short-term savings and benefits of those future actions—the cost benefits as well as the costs to State and the National Government.

The fact of the matter is H.R. 5's provisions regarding CBO's cost estimates and future legislation concentrates only on the direct costs of bills without regard to the cost savings or benefits. Oftentimes the impact of the most significant legislation will not be realized for many years to come.

It would be flawed public policy to reject these proposals based upon short-term cost accounting without taking into consideration long-term benefits or savings.

As for an argument that this amendment places an unreasonable burden on CBO, I would submit the unreasonable at least significant burden already exists in the bill and that this amendment merely brings fairness and balance and integrity to the CBO role. Certainly the requirements in the proposed legislation are difficult for CBO to fulfill, the current requirements. But to analyze such in a vacuum is not responsible. If the CBO is going to be charged with the duty to crunch the

numbers for Federal mandates, then it logically follows they should be looking at the whole picture, both debit and credit sides of the spreadsheet, not just the debit.

This amendment calls for the CBO to quantitatively assess the savings from Federal mandate that generate health care and environmental costs of abatement, for example. These are legitimate savings. If a policy eliminates contamination of a city's drinking water supply that has physically harmed thousands of residents that constitutes a cost savings, then it must be taken into account. A system, for instance, that eliminates the microsporidium in Milwaukee's city water supply, Mr. Chairman, is one such example.

The amendment calls for the CBO to quantitatively assess benefits for Federal mandates to human health, welfare, the environment, and the economy. These, of course, are legitimate benefits. If a rail safety policy staves off a train accident that results in a spill of a highly hazardous industrial chemical into a waterway, that constitutes a real benefit, and must be taken into account.

The point is CBO should include cost savings and benefits in their cost estimates of the Federal mandates. This should not be left to the committee, since it is CBO's count that carries the weight in this bill. That is the intention. That is why there are going to be points of order raised on this floor and apparently addressed.

There must be integrity in the CBO's cost estimates, and this amendment provides such integrity.

The fact is, Mr. Chairman, through this debate we have heard about that this is only information. But what is becoming apparent today as we focus in on this, it is limited information, and I understand CBO information on the Federal Government side of the ledger; we have had that historically. We have not had points of order necessarily on the CBO estimate or scoring information or had special votes to deal with the information. But we have had that CBO information before the House, and benefit from such data.

This process in the proposed measure is untried and untested, what they are setting up now, and what is advanced in this legislation. There is not a model now to understand exactly how it will function.

What we have today, of course, are the figures that come out of the States which I would suggest are not accurate and generally, I think, carry more of an ideological concern about what the Federal Government may require with regards to motor-voter or other types of activities.

The fact is having objection information will be helpful. But I think it ought to be, as I said, not considered in a vacuum. It ought to consider both the benefits and the costs of that program or of not carrying forth such activity. We ought to know the costs of not doing it, if it is possible.

I understand this is a difficult responsibility being placed on CBO, Mr. Chairman, but it is no more difficult than some of the other aspects that are represented in this bill.

I think if we were to go forward without this, obviously, it will disadvantage those that may be trying to solve these broad problems which have, after all, been visited upon the Federal Government, left on our national doorstep, because throughout the 200 years of our Federal system many States, either through compacts or other exercises of powers, did not address those particular responsibilities.

This new federalism today, Mr. Chairman, I think is a curious way to resolve problems. But at the very least, if all we want is information here, I do not understand why the benefit value should be rejected out of hand as apparently it is by some of the advocates of this bill today.

Mr. Chairman, I urge support for the Sanders amendment.

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

Mr. Chairman, this amendment, the same supporters are the ones who voted to gut every other provision of this bill in terms of the type of legislative discretion we would have, who it applies to, who is exempted, and if we adopt this today, it will do the same thing.

The problem has been all along we have been full of benefits, as these bills come to the floor of the Congress of the United States, finding all the great benefits that are going to result if we pass this bill.

What we have failed to look at are what are the costs going to be. What are the costs going to be to the people who ultimately pay these? Because none of these items are for free. Instead of Congress funding them, we are sending them down to the localities.

This amendment changes the role of CBO from looking at the costs, of starting to weigh benefits. That is our job as Members. It will already be contained in the committee reports.

I think the bottom line is that the American people are tired of the trickle-down taxes that have resulted from our actions here as we look at the benefits which are presented, very ably, by authors of the different mandates, and they are contained very fully in the committee reports. But the costs are not contained, resulting in trickle-down taxes.

They are tired of cost-shifting from these mandates from the Federal income tax to local property taxes. They are tired of seeing local governments, which I have been involved with for 15 years before coming to this body, having to cut aid to schools, having to cut aid to, or having to close community centers, having to lay off police officers to fund mandates that emanate from here.

It is the costs we are concerned about. The benefits are readily contained already in committee reports. That is what has been driving this car from the inception.

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

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

Mr. SANDERS. Mr. Chairman, in all honesty, I really sincerely believe this should not be a political debate for this reason: Any sensible business person invests in the future. He or she purchases, say, new machinery, new technology. If the only part of the equation that one looked at was the million dollars one invested in new technology without looking at the cost savings that are coming down the road, that would be a very poor business person. I do not think we disagree on that.

Mr. DAVIS. We do not. CBO's role versus what is our role.

Mr. SANDERS. That is right. What you have proposed which makes sense is you want an objective analysis of the costs involved in a mandate. Fair enough. I agree with you. It seems to me what we want is an objective, nonpolitical analysis as best as they could do which certainly will not be perfect in terms of the benefits, as well.

So that they could come forward, not in a political way, not on a 16 to 13 committee vote; they say, "Look, if you invest $10 million, you are going to save $100 million in health care costs." Then you analyze that objectively as opposed to the partisanship which so often exists in committees.

Mr. DAVIS. I understand the gentleman's point. I think we need to get a handle on what the benefits are. I just do not think the CBO is the direction to go. As I looked at the committee reports on bills reported through, the benefits have been outlined fully. The benefits is what have been driving legislation emanating from Congress for the last 50 years, and the costs have really been hidden.

There is a balance here, but I think they are going to be clearly underscored in the reports, and we have that ability, the authors of these bills, as they move through in the authorizing committee, to lay out what the benefits are. It is not CBO's job. That is why I oppose the amendment. I think it defeats what we are trying to do.

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

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

Mr. VENTO. I have supported any number of exemptions to this bill, but I want to make it clear I have no objection to the information that is being asked for in this mandated bill. I do object to the unusual procedure that

would be implemented on this floor in terms of implementing the legislation.

I think in this case we could say the same thing. You say that information is already available through the committee process. Then if it is already available, why not incorporate it into the CBO?

It is not the intention here to undermine or undercut the legislation, simply to provide the perspective on a balanced basis of having both sides of the benefits that can be achieved and are achieved which there would be little argument about. If it is not possible to quantify that, then they would not be able to do that.

In fact, I suggest the gentleman's legislation under rules and regulations provisions, pages 16 through 22, has the same sort of language in it in terms of qualitative and quantitative analysis if it is possible.

Mr. DAVIS. I thank the gentleman. I think we just disagree about the best way to get to that.

I think the committee reports are going to amplify what the benefits are as they traditionally have done. That will be available to the Congress before they vote on it.

What this bill does for the first time is it brings accountability as to who is going to pay for it. That is why it is important. I think this amendment really defeats that purpose.

□ 1220

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

Mr. Chairman, I rise in support of this amendment as coauthor.

Mr. Chairman, I want to commend my colleagues, the gentleman from Vermont [Mr. SANDERS], the gentleman from California [Mr. WAXMAN], and the gentleman from Minnesota [Mr. VENTO], on their efforts toward bringing some balance to this bill.

I think that the authors of the bill ought to consider very carefully that this bill needs to be balanced out.

Mr. Chairman, in recent days this body has dealt with such heady issues as amendments to our U.S. Constitution.

Many of our colleagues lately have taken to reading the Federalist Papers.

In that vein, I would like to remind everyone of something the Preamble to the Constitution says, which is to "promote the general welfare" of the United States.

This bill does not promote the general welfare of the United States because it creates a system under which laws, designed to promote the general welfare, can be circumvented.

Mr. Chairman, every equation has two parts. The part before the equal sign and the part after it. If the purpose of this bill is to agree that we must measure the cost of legislation to the State and local governments—the part before the equal sign, then should we not also agree that we must measure the benefits of legislation to the people as well—the part after the equal sign?

This bill is weighted only on one side; the cost side. But in many cases, the benefits outweigh the costs. Unfortunately, the bill does not provide for that estimate to be made a part of the equation.

Under H.R. 5, city and State governments would be exempt from basic rules that now protect the health and well-being of hundreds of millions of Americans. For example:

City and county water utilities would be exempt from rules to disinfect their water.

When workers remove lead or asbestos from government buildings, they would be exempt from rules that they must follow careful procedures to limit toxic dust.

City-run garbage dumps would be exempt from requirements to use liners as necessary to limit water contamination and city garbage incinerators would be exempt from requirements to install equipment to limit toxic air pollution.

Unless we insist on measuring the benefits of a policy and not just the cost, many health, safety, and environmental protections will be lost to us.

Let me make the argument another way. This bill could mean the unraveling of the Clean Water Act. Despite the progress we have made since passage of the Clean Water Act, there were still over 2,600 beach closings in 1992 due to pollution and over 4,000 fish advisories or bans are in place around the country today. Under H.R. 5, instead of reducing beach closings or fish advisories, we will see more closed beaches and more fish advisories. We will be moving backward. Is that what we want?

Despite the progress we have made since passage of the Clean Air Act, over 70 million Americans still live in cities that violate air quality standards designed to protect human health. Under H.R. 5 those 70 million Americans may never get a breath of fresh air, ever. Is that what we want?

Despite the progress we have made since passage of the Safe Drinking Water Act, over 28 million Americans drank tapwater that violated health-based standards in 1991–92. Do you want to risk your family's or your neighbor's health because of this bill?

The benefit of policies enacted by this Congress must be weighed against the cost. It is only fair. It is part of the equation.

I ask everyone to support this amendment.

Let us not leave here just knowing the cost of everything and the value of nothing.

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

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

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, I want to associate myself with the gentleman's statement. The fact is that the suggestion was made that this bill is going to stop some of the unfunded mandates that are going on, that the bill somehow will reduce the cost to local governments. I would suggest to the Members on the floor and the committee that wrote this bill that this bill has nothing to do with stopping unfunded mandates. In other words, the presumption is if the costs are laid out before the Members, that we did not know what we were doing, and therefore we would reject the legislation out of hand. I would suggest under the bill that may be possible. It may be any time there is costs associated with anything that the Members will not consider it, along with some of the other concerns. But the issue here is to try to safeguard, putting in place the balance of what the benefits are in an objective way. If you have ever read committee reports lately you would find out that they are not always completely objective, at least with the minority and majority opinions. So they advance a heck of an argument or a position.

The fact is I have no concern about getting the information, the objective information. In fact, we know what we are doing.

The CHAIRMAN. The time of the gentleman from California [Mr. FARR] has expired.

(On request of Mr. VENTO and by unanimous consent, Mr. FARR was allowed to proceed for 1 additional minute.)

Mr. FARR. I yield further to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for continuing to yield.

Mr. Chairman, the implication is that the Congress somehow does not know what they are doing in terms of when we pass there and advancing certain benefits to the people we represent. The reason the national government or the Federal Government has taken on the role it has in past years is not because of some plot that exists or strategy in the halls of some political party. It is because the American public has sought and advanced those particular goals and policies.

So the information as far as I am concerned, its disclosure would be admirable. I would think this further disclosure of information with regard to benefits is absolutely essential to make fairer judgments. I would hope that the other side, whether it is in this amendment or in the decisions we make, would in fact consider them and safeguard that as a very important aspect of our role.

Mr. FARR. Mr. Chairman, I think at a time when we are putting emphasis on cost-benefits it is ironic that this bill puts all the emphasis on cost and none on the benefits.

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

Let me outline briefly what is in the legislation with regard to the balance that the gentleman from Minnesota [Mr. VENTO] referred to. It is simply unfair to say that the benefits are not to be considered; in fact, they are required to be considered.

To repeat, section 423 requires the committees to perform a cost-benefit analysis. Section 421(7)(c) requires CBO again to calculate not only the cost but also the net savings. Any cost analysis, including cost analysis of the threshold, has to be net savings to the local government. Section 202 says agencies must perform a cost-benefit analysis.

I would also say that all the examples listed by my colleague, the gentleman from California [Mr. FARR], are those under existing mandates and none of those are covered by this bill.

Mr. SANDERS. Mr. Chairman, I ask unanimous consent to speak for 2 additional minutes.

The CHAIRMAN. The gentleman from Vermont [Mr. SANDERS] has previously spoken. His request requires unanimous consent.

Is there objection to the request of the gentleman from Vermont?

There was no objection.

The CHAIRMAN. The gentleman from Vermont [Mr. SANDERS] is recognized for 2 minutes.

Mr. SANDERS. Mr. Chairman, let me conclude by just saying this: The truth is there is not a heck of a lot of difference of opinion on this issue.

The strength of the bill that is coming before us is it says, provide information, information, objective information to the Members of Congress so they can assess the benefits of a particular piece of legislation. If we spend a billion dollars and we get minimal results, it is a bad piece of legislation. If we spend $1 billion and we save $5 billion, you would not disagree with me that it is a good piece of legislation.

All that this amendment does is to try to make objective that process. If I present to you a bill and I say trust me this is going to save huge amounts of money, you are probably not going to trust me, you will think that I just want to get the amendment through for a dozen different reasons.

But if I say, "Hey, the objective CBO people who have done the costs associated with it have also done the benefits associated with it," I hope and expect that you would look at it and you would say, "You know what, it is a good investment for a billion dollars."

So what this does is it takes away the partisanship, it takes away the politics, and asks for an objective analysis so that all of us could make a good cost-benefit analysis. I would very much hope that my friends would support this legislation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont [Mr. SANDERS].

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

RECORDED VOTE

Mr. SANDERS. 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 152, noes 254, not voting 28, as follows:

[Roll No. 80]

AYES—152

Abercrombie	Gibbons	Oberstar
Ackerman	Gonzalez	Olver
Andrews	Gordon	Owens
Barrett (WI)	Green	Pallone
Bellenson	Gutierrez	Pastor
Bentsen	Hall (OH)	Payne (NJ)
Berman	Hamilton	Pelosi
Bishop	Hastings (FL)	Peterson (FL)
Bonior	Hilliard	Poshard
Borski	Hinchey	Rangel
Boucher	Holden	Reed
Brewster	Jackson-Lee	Reynolds
Brown (CA)	Jefferson	Richardson
Brown (FL)	Johnson (SD)	Rivers
Brown (OH)	Johnson, E. B.	Roemer
Bryant (TX)	Johnston	Roybal-Allard
Bunn	Kanjorski	Rush
Cardin	Kennedy (MA)	Sanders
Clay	Kennedy (RI)	Sawyer
Clayton	Kennelly	Schroeder
Clement	Kildee	Schumer
Clyburn	Klink	Scott
Collins (IL)	LaFalce	Serrano
Collins (MI)	Lantos	Skaggs
Conyers	Levin	Skelton
Costello	Lewis (GA)	Slaughter
Coyne	Lincoln	Spratt
Cramer	Lipinski	Stark
DeFazio	Lofgren	Studds
DeLauro	Lowey	Stupak
Dellums	Luther	Taylor (MS)
Deutsch	Maloney	Thompson
Dicks	Manton	Thornton
Dingell	Markey	Thurman
Doggett	Mascara	Torres
Doyle	Matsui	Torricelli
Edwards	McCarthy	Towns
Engel	McDermott	Traficant
Eshoo	McHale	Velazquez
Evans	McKinney	Vento
Farr	McNulty	Visclosky
Fattah	Meehan	Volkmer
Fields (LA)	Meek	Ward
Filner	Menendez	Waters
Flake	Miller (CA)	Watt (NC)
Foglietta	Mineta	Waxman
Ford	Mink	Williams
Frank (MA)	Moakley	Woolsey
Frost	Moran	Wyden
Furse	Nadler	Wynn
Gephardt	Neal	

NOES—254

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

NOT VOTING—28

Becerra	Hefner	Stockman
Bevill	Hostettler	Stokes
Bliley	Hoyer	Talent
Chapman	Istook	Tucker
Coleman	Mfume	Watts (OK)
Dixon	Mollohan	Wilson
Durbin	Obey	Wise
Fazio	Ortiz	Yates
Gejdenson	Sabo	
Gunderson	Sisisky	

□ 1249

The Clerk announced the following pair:

On this vote:

Mr. Fazio for, with Mr. Watts of Oklahoma against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. COLEMAN. Mr. Speaker, I was unavoidably detained by official business outside of the Chamber, and was therefore unable to

vote during rollcall No. 80. Had I been present I would have voted "aye."

PERSONAL EXPLANATION

Mr. MFUME. Mr. Speaker, I was, unfortunately, detained in my congressional district in Baltimore earlier today and thus forced to miss a record vote. Specifically, I was not present to record my vote on rollcall vote No. 80, the amendment offered by Mr. SANDERS of Vermont.

Had I been here I would have voted "yea."

AMENDMENT OFFERED BY MR. VOLKMER

Mr. VOLKMER. Mr. Chairman, I offer an amendment printed in the RECORD as amendment No. 25.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. VOLKMER: Amend Section 301 of H.R. 5 as reported as follows:

Page 23, line 25 strike "except—" and insert in lieu thereof "or"; and

Page 24 strike lines 1 through 6.

Mr. VOLKMER. Mr. Chairman, my amendment addresses the definition stage of the bill with regard to Federal intergovernmental mandates. Under that definition, a mandate is any provision in legislation, statute, or regulation that would impose an enforceable duty upon States, local governments, or tribal governments, except—and this is a very large exception—the exception is a condition of Federal assistance or a duty arising from participation in a voluntary Federal program except as provided in subparagraph B, where you have such things as AFDC and other entitlement programs that are not within the exception.

Now, what does that mean? That means basically, Mr. Chairman, that whenever we have a bill coming down, whether it is a Federal highway bill, I can put any mandate on that bill that this Congress or anybody else would like to put on it, and it does not have to do with Federal highways, it just means a condition of your getting your Federal highway funds that you are going to have to abide by if you want your Federal highway funds.

If we set up a grant program and the States necessarily are going to have to utilize that money in order to perform a certain function of government, and then we could put any type of mandate on that.

Now, that is going to be happening, for those of you that may be listening, that is going to be happening in a couple of weeks. You are going to have that type of mandate.

We had it last year in the crime bill. In the crime bill there is a provision for prison construction. In that provision, you have a requirement that you have a truth-in-sentencing provision in your State before you are eligible for one-half of those funds.

Now, how does that work? That means that if your State does not have a truth-in-sentencing provision law, then you do not get any of the money.

It also means that if you enact a truth-in-sentencing law, which I agree with as far as the States having that right to do it, I believe the States should have the right to have a truth-in-sentencing law, if they wish to do so, and if I was a State legislator I would push for it, and we in Missouri already have one, and I would like to talk about that in a few minutes, but I would like to talk about those States that do not have one.

If they enact one, what does that mean? That means their convicted felons, violent criminals, are going to have to spend at least 85 percent of their term, whatever they are given, in prison before they are released on parole, probation, or any other thing.

That means your State is going to have to expend a whole bunch of money for prisoners, and that is not even taken into account. We do not take that into account at all.

Later on when we get to the crime package, that is going to happen.

What happened to the State of Missouri? Like I said, we have what we thought was a truth-in-sentencing law, and we applied for funds under this provision. Our problem is we now consider a dangerous felon sufficient to serve 85 percent of their sentence. We do not say a violent criminal. We said a dangerous felon. And that is characterized by criminal intent and irreparable harm.

What has happened under this definition we had last year in the crime bill and we are going to have in the new crime bill, we now are required to immediately build 5,633 additional beds in order to qualify for the funds that are coming from the taxpayers. Remember that, 5,633.

But guess what, folks? How much money are we going to get? We are only going to get enough money for 1,859 beds.

You talk about an unfunded mandate, it is either that or not build prisons. I thought we were up here to help States build prisons. We are actually going backward, folks. We are not going to be building them. The States are not going to be building them under this type of provision.

We do not just let the States, instead of even putting these conditions on grants, let the States use that money that comes from the taxpayers. That is where it comes from; it does not grow on trees; it does not come from the sky. It comes from taxpayers. And those are the same taxpayers that are sending money up here to send to State governments to send to local governments. And I believe those people should be able to determine if they are qualified, if they have a need for a correctional facility, and if we have the money to give to them, and it seems we do, why do we put these conditions that work just the opposite of what you want to do? Because that has happened in my State, to the chairman's State. Instead of giving us money for those 5,633 additional beds, we get money only for 1,859 beds.

Mr. Chairman, there are certain things as a person who stands here today that believes in States' rights that I have found in the past to be very onerous, what we have done even on the highway bills.

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

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

Mr. VOLKMER. Mr. Chairman, I believe the States should have a right to determine whether or not certain offenses, like DWI's, should be prosecuted and given certain penalties. I believe that the States should have the right to determine whether or not persons should ride down the highway with a motorcycle helmet or not. I believe States should have the right to determine whether or not you have seatbelt laws and all these other things.

But in the Congress, the Congress in the past has done all those things, plus others. And under this bill, you will continue to see it done. You are going to continue to see it done.

Mr. Chairman, I think we should really seriously consider if we want to continue to do that, if we want to continue to mandate policy decisions; it will not cost a lot of money, some of them will, but some of them do not, policy decisions, should the States have the decisionmaking power, or should we require it from here?

That is the reason I offer this, just to point out to the Members that sometimes those so-called mandates that are not under our definition mandates become as onerous as the mandates that are in this bill and that have to go through a process before they can be considered.

Mr. Chairman, that is the purpose of the amendment. I will announce to the House that I brought it up just for the purpose of discussion. I believe it is a matter that needs to be discussed here.

I do not plan to go ahead and ask for a vote on the amendment. When the discussion is completed, I will ask unanimous consent to withdraw the amendment. But I do believe we need to have a discussion.

□ 1300

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

First of all, I want to compliment the gentleman from Missouri for offering this issue for discussion in the format to which it has been offered. I think this is an important issue, both generally and specific, with respect to prisons. I have to say, first, that as a

general principle, if the amendment were to proceed, and I understood the gentleman has offered it really as a vehicle for discussing this issue, I would not support it, because I believe that the exemption we have provided for Federal grants from this bill is appropriate.

I think Congress ought to retain the right, regardless of which political philosophy or which political party might happen from time to time to be the majority, to have the power to say, we are setting aside a certain amount of money in grants. And if the State wants this grant money, the State may have to apply certain policies that we are trying to accomplish.

Now, whether individual policies are appropriate or not appropriate may be a secondary but important subject.

I am merely indicating, Mr. Chairman, that I think Congress has the right to say, with respect to grants, we have taken the political responsibility to raise this money and, therefore, we believe certain policy aims should be achieved by those States that wish to apply for it. States are not required to apply for it. And this is on any particular, any particular subject.

Now, the gentleman has more particularly focused on the coming crime bills that will shortly reach the House floor, I believe. And particularly to one bill which provides a further grant, I do not say "grant," I say "further grant," because there is already a provision in the existing crime bill that passed last year which has commonly been called truth in sentencing. That is a grant that would be used by States that would impose a minimum time served of 85 percent of a prison term by convicted felons. In terms of the bill actually proposed, not all felons but second convicted violent felons.

Now, the gentleman from Missouri raises a very good point about should Congress in the specific area of law enforcement, should Congress block grant money to States and local governments and say, here, you choose what you think best will serve your citizens in terms of law enforcement and crime prevention. Or, should Congress put certain requirements as it does in grants that are not in law enforcement?

Well, this is a very, very important issue that the gentleman from Missouri has raised, because the bill that passed in 1994, the crime bill, contains a myriad of requirements after every grant, whether it is for law enforcement officers or whether it is for prisons or whether it is for what are called the prevention programs, there are page after page after page of requirements for States and local governments to comply with in order to apply for these grants.

And the great bulk of these requirements would be eliminated in the bill that is proposed, that is in the Committee on the Judiciary right now.

The current bill that is pending would take the proposed funding for police, for law enforcement and for prevention programs essentially into a block grant that would give the States the choice, you choose how to best serve your citizens. I think this is important.

I think that once we recognize, as we should, that State and local governments is primarily responsible for fighting crime, particularly violent crime, that we should remove all these pages of restrictions that we put on these grants last year.

I would say that, speaking for myself, and the majority of Members either in the Committee on the Judiciary or on this floor may or may not agree, I think the one exception that we are proposing in the area of prison grants, and that is prison grants for States that adopt truth in sentencing, which I am sorry to say my own State of New Mexico is nowhere near, our State gives up to 50 percent off sentences for good time credit to murderers, but to encourage that policy, I think makes sense, because that is a more expensive policy.

Those States which adopt truth in sentencing, that is serving 85 percent of sentences, given the convicted criminals, either to a portion of convicted criminals or to all convicted criminals, are required to pay an extra expense, certainly an incarceration cost for that policy.

We think it makes sense to try to help those States that are pursuing that policy.

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

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

Mr. VOLKMER. Mr. Chairman, I just want to point out that I agree with the State of Missouri that has the truth in sentencing provision, except it does not meet exactly the Federal language that the gentleman used in the statute last year.

The CHAIRMAN. The time of the gentleman from New Mexico [Mr. SCHIFF] has expired.

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

Mr. VOLKMER. Mr. Chairman, if the gentleman will continue to yield, as a result, I have given you exactly what has happened. We, in Missouri, are building prisons from State funds, et cetera. In fact the Governor's budget that was just introduced in the legislature within the last couple weeks provides for an additional $27 million in our own funds to build more correctional facilities, which we know we are going to need.

It costs money to put people in penitentiaries. I think we have to recognize that.

Now, whenever we write this, surely in the future, if we have to, maybe we can work together and come up with some language, surely when we do it. If the State of New Mexico, in their wisdom, would pass a law that they thought met the requirement for 85 percent service in sentencing for violent criminals, surely if they passed it but because there is a little discrepancy in the wording that they do not get the full benefit that you actually mandated, they tell us from the Department of Justice that in order to get the money we have to build penitentiaries big enough for 5,633 beds. But they are only going to give us money for 1,859 beds.

Now, wait a minute. There is something wrong here. Even if we talk about matching funds, that is only about 25 percent. What is going on?

Mr. SCHIFF. Reclaiming my time, Mr. Chairman, I would say that it is our purpose in a grant program to assist States. I do not think we are necessarily agreeing to take over all costs of a given project. I think even, I believe the highway construction program even is a 90/10 percent division between the Federal Government and State governments. So I think that we are still following the same path.

If we assist the State of Missouri in approaching truth in sentencing——

Mr. VOLKMER. Would it not be better to say that we are going to require you, if you want this money, you are going to have to build 5,633 beds, and we will give you the money for around 4,000? Would that not be more in line with it than us giving you a little bit?

The CHAIRMAN. The time of the gentleman from New Mexico [Mr. SCHIFF] has again expired.

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

Mr. SCHIFF. Well, I would like to say that that is a matter then of funding. It is a matter of authorization. And I believe in truth in sentencing. I do not believe that every person convicted of a crime needs to be necessarily sentenced to prison. But I think those who are sent to prison should serve basically the sentence imposed by the judge, not only for the integrity of the criminal justice system but for public safety.

So I believe in the program. I would be willing to work with the gentleman in finding as much authorization and funding to support that, if we pass the bill.

Mr. VOLKMER. Mr. Chairman, if the gentleman will continue to yield, my last question, What is really the gentleman's intent? Do we want to build more prisons out there so that we can put these crooks away and keep them there where they should be, or do we want to make the States put an 85 percent truth-in-sentencing law? Which one?

Mr. SCHIFF. I think ultimately the proponents of the crime bill would like to see both.

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Mr. VOLKMER. I do not think the way it is worded and the way it is working that you are going to do both. That is my problem.

Mr. SCHIFF. I think in working with those States that have the philosophy of truth in sentencing, I think we can work toward that goal.

Mr. VOLKMER. In closing, I would like to say in Missouri's instance, for treating all the States that already have an 85 percent this way, it is not a very good feeling. You are making us come up with about 75 percent of the money.

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

Mr. SCHIFF. I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Chairman, let me just make a quick point at the risk of stopping this debate on the crime bill, which may solve all of our crime bill problems, let me get back to the amendment for a moment and say I think it is an extremely helpful amendment. I congratulate the gentleman for offering it. I think it focuses us on the very issue that this legislation is trying to address but goes even broader. And that is the question of conditional assistance from the Federal Government and voluntary programs.

The CHAIRMAN. The time of the gentleman from New Mexico [Mr. SCHIFF] has again expired.

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

Mr. PORTMAN. I, for one, would be very pleased to work with the gentleman, I know the majority side would, on trying to make sense out of some of these Federal requirements. There needs to be more flexibility. That is the point of the whole debate. The gentleman's amendment would go even further than the legislation does, of course. But I commend the gentleman for raising the issue.

Mr. VOLKMER. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

□ 1310

The CHAIRMAN. Are there any further amendments to title III?

Are there any other amendments to the bill?

AMENDMENT OFFERED BY MR. DOGGETT

Mr. DOGGETT. Mr. Chairman, I offer an amendment, amendment No. 76.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DOGGETT: At the end, add the following new title:

TITLE IV—SUNSET

SEC. 401. TERMINATION DATE.

This Act shall cease to be in effect on January 3, 2000.

Mr. DOGGETT. Mr. Chairman, I come from America's Sun Belt, with a strong belief in sunshine for our Government and a commitment to sunset for new Government initiatives, including even the most well-intentioned and appealing reforms, such as that provided us today by the distinguished authors of H.R. 5, a measure that I personally support.

Too often this Congress has embarked on ventures that were undoubtedly very well motivated by the very best of intentions, and they sounded great when they were presented in this Hall, but somewhere between the beltway and the back roads of America, somewhere between what was happening in this great building and the bureaucracies that implemented that legislation, a great new statutory scheme, beginning as a bright, beamy, sunshiny idea, left many people in America with simply a bad burn.

In Texas, when we get too much government sun, we have got a solution. I am not talking about an extra application of Coppertone. Rather, Mr. Chairman, we force periodic review of new government initiatives through a systematic sunset process. Government statutes simply should not have a claim to immortality.

In Texas, we believe that a periodic top-to-bottom reconsideration of new laws, agencies, and programs is healthy, it is good for the programs, it is good for those administering the programs, but most importantly, it is good for the people that have to pay the bill, the taxpayers.

We have found that through a periodic review process, the Texas Sunset Act, which I was the author of in the Texas State Senate, that we have been able to accomplish over 200 sunset reviews. We have repealed statutes, we have consolidated and abolished agencies, and the Texas Treasury is about $500 million the better off for it, which is a good bit of money, even in this town.

If a new proposal like the one that is advanced here today is so sound and so beneficial, and it has no harmful side effects, as its supporters have very forcefully advised us to be the case, then this measure can certainly stand in deep benefit from periodic review.

Therefore, this amendment, Mr. Chairman, places a 5-year life on this reform. By adopting the amendment today, we can guarantee ourselves a built-in opportunity to fix any unforeseen consequences of this major new reform.

Mr. Chairman, in listening to what my State and local officials have had to say very convincingly in support of H.R. 5, I am struck by how often they suggest that we would not have this unfunded mandate problem in the first place if the statutes approved in this Congress had had some limitation on their life.

If Congress had had a firm sunset process for new Government initiatives, we would not need an unfunded mandate bill, because we would have been able to review those initiatives and do something about them.

Therefore, what I try to accomplish through this amendment, Mr. Chairman, is to see that we do not repeat that same old mistake with today's reform proposal. Let us provide for its sunset today, right now, so we will be forced to come back to this Congress, reconsider the road we have taken, thinking that we are taking the right road, but perhaps seeing some diversion down the road as it is implemented, and see that we achieve all that the supporters have told us we can achieve, and avoid the evils that have been advanced by various detractors through the last several days of debate.

Mr. Chairman, the bill that we are debating is a complicated measure. It could dramatically alter how the Federal Government operates. I hope in some regards it does change the way the Federal Government operates, and for the better, but it also has the potential for some unanticipated harm.

Many Members have raised what seem to me to be legitimate questions about it. By adopting this sunset amendment, we can make sure that we really get what we are being promised in the course of this debate. Let us adopt the amendment, review the reforms, make sure they actually fulfill the author's promises, like this Congress should have done in the first place with unfunded mandates.

Mr. Chairman, I urge adoption of the amendment.

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

Mr. Chairman, we are doing some very simple and basic things with this legislation. We so often have gotten away from the intent here. We are increasing the level of accountability in this House.

We are not saying that an unfunded mandate cannot be imposed on State and local governments. Many of us here feel very strongly that that should not happen, but what this legislation does is, it simply says that if we are going to do it, we are going to have an up-or-down vote.

If that procedure fails, if that procedure fails, I do not believe we should wait until the year 2000, I do not believe we should wait until 1997, I do not believe we should wait beyond the first failure that comes from accountability to sunset this thing. I think we should actually bring it to an end then.

That is why I would argue that as we look at this issue, Mr. Chairman, we are in fact dealing with the concerns that conceivably could be raised with this amendment by making sure that Members of this House actually go on record facing these tough decisions, which heretofore have been slipped into

legislation, making us less than accountable.

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

Mr. DREIER. I am happy to yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Chairman, I think it is a fine argument. However, is it not essentially the same argument of anyone who has ever advanced a new initiative on this floor, when someone has suggested, let us review it? You say if something proves wrong, maybe we can review it in the future, but there is no mechanism within the gentleman's statute to ensure there is compelled review unless we have a sunset process.

I am for the gentleman's bill. I am probably for a number of these other bills. However, if we are putting this in on measures we are for as well as those we are against, we will compel review and refocusing of this Congress on the statutes it is passing, rather than just having more and more regulations.

Mr. DREIER. Reclaiming my time, Mr. Chairman, what I would say in response to that is very simply that every single piece of legislation that goes through the authorization process and comes down here will be faced with that kind of review, because we will be looking at those potential unfunded mandates. Points of order will be raised. We will be having debate on them right here on the House floor, so that review process to which my friend refers will go on regularly with this legislation.

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

Mr. DREIER. I am happy to yield to the gentleman from New Mexico.

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding.

I just want to point out that the gentleman from Texas [Mr. DOGGETT], who offers this amendment, said several times if we had sunset provisions we might not have an unfunded mandate problem now.

It is my understanding that the kind of sunset provisions that the gentleman from Texas [Mr. DOGGETT] talks about, and of which he is supportive, and which I am informed have worked for new programs and new initiatives set up to expand governmental power, here this is a motion, a bill, rather, that will reduce governmental power. I think in this particular case, a sunset provision is not appropriate.

Mr. DREIER. Mr. Chairman, I urge a "no" vote on this amendment.

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

Mr. Chairman, as the debate concludes, it is becoming painfully clear that this House is responding not to the needs of the country, but to the needs of doing a bunch of things in 100 days.

I was a small boy when the Democrats dealt with the 100 days of the New Deal. Those were important times. The country was going broke. A third of our population was out of work. Better than a third of the country was ill-housed, ill-clothed, and ill-fed, according to the President. Homes and farms were being foreclosed. Businesses were going down the drain. The suicide rate was up. They responded in 100 days.

However, there is nothing like that challenging the country at this time. What we are doing is rushing to pass an assortment of legislation ill-considered here, worse considered in committee. This legislation has never had hearings in the committee of jurisdiction.

We are responding to a demand which is viewed on that side of the aisle as being very important. However, we are not considering the basic responsibility that we as Members of this body have, and that is to legislate well.

□ 1320

It would be my hope that when the 100 days that we are dealing with now is recalled, it will be a time like the 100 days of the New Deal when people remembered it as a time of greatness, when the Congress responded well to a desperate challenge and to great concerns on the part of the people; not, not I say, as a period during which the Congress, in a prodigious rush, without the slightest attention to the details and the concerns that the people have, or the need to legislate well, would be properly addressed.

We witnessed not only this legislation brought to the floor without hearings, but we have watched attempts to change the rules of the House, so that the chairman of the committee can announce that hearings are going to be held on a particular piece of legislation, in 5 minutes, and be there or forfeit your chance to participate.

In our committee we were about to have hearings on a piece of legislation to address a major concern of my colleague, again on that side of the aisle, and we were going to deal with the problem of tort reform. But we are not going to hear from the Securities and Exchange Commission on the impact on investors, and indeed the proposal was going to absolve people who act with arrogant recklessness from any liability for suits under the securities laws. How is that to be justified? Or the widow who has lost a husband could not be the named complainant in a lawsuit to protest a wrong which was done to her. I think that is unwise.

We are now considering legislation to have risk assessment on a whole broad array of statutes not identified in the bill, and each of these statutes is different. No concern is being given to the impact of this one-size-fits-all piece of legislation, a bill which would treat food and drug orders, with regard to removal of things like blood contaminated with AIDS from the system of commerce in this country, the same as it would treat regulations relative to first-class mail.

I think that is an unwise course of action, and it is one that this Congress, in its responsibility to its people, and indeed in its responsibilities to itself, should avoid.

I just want my colleagues to know at the end of 100 days we are still going to be here, the country is still going to be here, the business of the Congress is still going to be before us. People are going to judge us by what we do and how well we do it, not whether we rush through to get a piece of legislation to this floor to pass it, to send it to the President's desk. That is not the test.

The test is are we legislating wisely and well? The laws we pass address the well-being of 270 million American people. They deal with their financial security, they deal with their health, they deal with the safety of their environment, they deal with things like nuclear safety, and food and drugs which will affect this generation and future generations. And they are going to impact, believe it or not, often times adversely upon the industry of this country, which thinks it is going to be benefited by some of these regulations.

Bad regulations are also bad for industry, but regulations which cannot be brought forward to address the legitimate concerns of industry are going to be banned or barred or mutilated by the process in which we are now engaged.

I would tell my colleagues that the process upon which we are engaged now is one which may look good at the end of 100 days, it may not look too good at election time next year, but it is going to look a lot worse when the cold light of history shines upon the efforts of this 100 days, when it is found that we proceeded carelessly when we passed legislation, when we did not consider the concerns and needs and future of the people.

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

Mr. Chairman, I think we just heard a very broad view of probably some of the problems that some of us see as excesses which could occur in consideration of the program for 100 days or the process of moving that legislation through without hearings and without detailed study and analysis.

We that have had an opportunity to serve in Congress more than one term, and I know I have colleagues on both the majority side and on our side, favor an opportunity to exercise what has been less than diligently exercised over the course of years, and that is the oversight review of the Congress.

None of us pretend to be the ultimate lawgivers, none of us pretend to have the expertise to know all of the unintended consequences of this legislation or other legislation.

We are in a march, in a move now over these next 100 days to make some startling changes.

The gentleman from California mentioned we can come back and change this bill if it does not work, we can come back and change other bills that my colleague from Texas and I and other Members of the majority intend to ask to be considered at the end of every bill, the provision to sunset.

I think the Congress can always come back and review and repass bills, but those of us who have been here for a number of terms know we never get around to it. The passage of a bill by its very nature constructs an interest group, a special interest group that becomes the promulgators of that bill and the continuers of that bill because they have a special interest in that bill.

We are fortunate enough to recognize the gift that we have before us today and start this process, and that is look at every piece of constructive legislation we put forth, say that if it is good legislation and it does not need anything a future Congress will have the intelligence to reenact and reauthorize that legislation.

On the other hand, if after a period of time there are inadequacies in the legislation, a future Congress will have the ability to amend and change, to make up for those inadequacies; or if, on the other hand, there is abuse or the legislation appears not to have solved the problem it was tended to solve it will automatically go to a timely death.

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

Mr. KANJORSKI. Certainly, I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Chairman, first I want to thank the gentleman for his leadership on this issue, because I know the gentleman worked hard on this in the committee, and for letting me as a brandnew member here on what is my first amendment participate with the gentleman on this.

Having only heard the presentation of amendments and other Government initiatives over C-SPAN myself prior to coming here, is not this call for more Government oversight on programs something that our colleagues on the other side of the aisle have demanded again and again and again when there were new initiatives?

Mr. KANJORSKI. The gentleman from Texas is absolutely correct. I have sat here for 10 years and I have talked with my friends on the other side. Sometimes the C-SPAN audience does not realize that indeed we are friends, but all of us talked over this legislation and we all know that there are pieces of legislation that we are embarrassed about that do not adequately accomplish what they were intended to accomplish, but the Congress never gets an opportunity to oversight or review and return to that legislation.

What will happen with the gentleman's amendment and my amendment here and the ones we intend to attach to future pieces of legislation, it will require the Congress to come back and face the reality of their legislation, to decide that they have to oversight it, to have hearings on it, or to reauthorize it or let it die.

Mr. DOGGETT. And if we just pick and choose, picking and applying sunset on Democratic initiatives or applying it on initiatives that we like and not to those that we do not like we will never get the process in place of having forced periodic review and real oversight, will we?

Mr. KANJORSKI. Absolutely not. Let me give an example, and I know the gentleman from Texas feels strongly on the wetlands legislation. I know a lot of my friends on the other side and I have seen inadequacies in the legislation, not in the intent but in the application of the legislation as it affects small business people, farmers, residents of our community, all, we have heard those woes. If the Congress got involved in studying those issues, if we took advantage of the modern era of electronics and could hold hearings in Washington, but have people around this country that are directly affected, not the interest groups, not the associations, not the lobbyists, but real, live people that are affected by this legislation, their few stories could set the pace for this Congress to understand the underlying logic to redress, come back and examine legislation.

Finally, I would say to the gentleman from Texas and my friends on the other side, do not fear sunset, do not fear sunset, do not fear bringing this to a forced review. America is an evolving nation. Over 200 years we grew from 3 million people to 260 million, from 13 States to 50 States. We have to take the time to review legislation that was even good at the time it was enacted but now may be obsolete.

I urge my colleagues on both sides of the aisle to take this as a nonpartisan amendment, and support the principle that we can take 5 years, 2½ Congresses and give that next Congress, the 107th Congress in its second session the opportunity to review what we do here to today.

□ 1330

Mr. SCHIFF. Mr. Chairman, I will not use my entire 5 minutes.

Mr. Chairman, two points: First of all, again, with respect to the amendment offered by the gentleman from Texas, I think sunset provisions make eminent sense where there is the creation of a new spending program by a level of government to review it to see if that spending program merits support in the future instead of becoming an entitlement program.

However, I think it does not fit a procedure by which we will be limiting the passing of certain bills. I think the two just do not fit together.

I would like to speak more generally on the last several comments I have heard and what the gist of them seems to me to be, Mr. Chairman, is that we are moving too fast, and we do not know all of the ramifications of bills we are considering.

You know, back on the first day of the 104th Congress, the first day, we made a number of changes in how this institution runs. Just one was to eliminate proxy voting where Members were absent from committees, but their votes were still cast just as if they were there, and just as if they had listened to the debate on amendments by committee chairmen who, with the use of those proxies, ruled the roost. You could ask for all the votes you wanted in committee, and you knew that if the Chair of that committee did not agree with you, no matter how the votes went, as a practical matter, on the floor of that committee you were going to lose the vote on the proxy vote, the use of the absent members' votes. That was a reform everyone knew was overdue.

We did not need to start from scratch as if we had never heard of proxy voting. We did not need to have hearings about it. I believe that particular reform passed unanimously or almost unanimously on the first day.

I think that is the situation we have today with unfunded mandates. This is not an unheard of problem. In fact, the Advisory Commission on Intergovernmental Relations, which we put in the bill as the monitoring agency on this issue, has for years brought this issue to the attention of Congress, all without any action by the previous Congresses.

The only difference here is that the 104th Congress, I believe, will take action with respect to this very serious problem.

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

Mr. Chairman, I rise to make a general comment. I heard a few minutes ago one of the Members make reference to this is as a 100-day agenda, and what we are doing here today is doing what is not necessarily good for the country in the long term, but we are pushing a 100-day agenda. I want to make it perfectly clear, and excuse me for taking issue with you on that statement, but this is not a 100-day agenda that we are working on today.

This is an issue that we have been coming to grips with for years. We have introduced unfunded mandate legislation years ago, not exactly the same legislation, but we have introduced a number of bills years ago, had hearings, formed caucuses. This is an agenda about unfunded mandates. This is not a Republican issue. This is not a Democratic issue. This is an issue about the American people, and we need to respond to it in that way, not that it is a 100-day issue.

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

Mr. CONDIT. I yield to the gentleman from Ohio.

Mr. PORTMAN. The gentleman and I were both on the committee last year, the Committee on Government Operations, when legislation substantially similar to this legislation was passed by a vote of 35 to 4 after 3 hearings in my subcommittee and hearings at the full-committee level. This is not a new issue.

Mr. CONDIT. Reclaiming my time, that is only the point I want to make. I am not speaking to the issue of the amendment.

I just simply want to say that some of us believe this is good for the country. We believe it is good for local government, for State government, for us to be forced to take accountability for our actions here, and we are not throwing in with anybody's agenda for 100 days. We are doing what we think is right, those of us who support the unfunded mandate legislation.

I want to make that perfectly clear to my side of the aisle. We are not throwing in with anybody's 100-day agenda. We are doing what is right, what we feel is right. It is consistent with what we have been doing not just the last couple of weeks but for the last few years.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. DOGGETT].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 145, noes 283, not voting 6, as follows:

[Roll No. 81]

AYES—145

Abercrombie
Ackerman
Barcia
Barrett (WI)
Bellenson
Bentsen
Berman
Bishop
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Bryant (TX)
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoekstra
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Neal
Oberstar
Obey
Olver
Owens
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Rahall
Rangel
Reed
Richardson
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Thompson
Thurman
Torricelli
Towns
Tucker
Velazquez
Vento
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wynn
Yates

NOES—283

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLay
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fazio
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 (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoke
Holden
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nadler
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Ramstad
Regula
Reynolds
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Torres
Traficant
Upton
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—6

Becerra
Chapman
Cooley
Houghton
Leach
Radanovich

□ 1352

Mr. HOLDEN and Mr. GORDON changed their vote from "aye" to "no."

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MORAN

Mr. MORAN. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. MORAN:

AMENDMENT NO. 21

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fiscal Accountability and Intergovernmental Reform Act" ("FAIR Act").

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds and declares:

(1) Federal legislation and regulatory requirements impose burdens on State and local resources to implement federally mandated programs without fully evaluating the costs to State and local governments associated with compliance with those requirements and often times without provisions of adequate federal financial assistance. These Federal legislative and regulatory initiatives—

(A) force State and local governments to utilize scarce public resources to comply with Federal mandates;

(B) prevent these resources from being available to meet local needs; and

(C) detract from the ability of State and local governments to establish local priorities for use of local public resources.

(2) Federal legislation and regulatory programs result in inefficient utilization of economic resources, thereby reducing the pool of resources available—

(A) to enhance productivity, and increase the quantity and quality of goods and services produced by the American economy; and

(B) to enhance international competitiveness.

(3) In implementing Congressional policy, Federal agencies should, consistent with the

requirements of Federal law, seek to implement statutory requirements, to the maximum extent feasible, in a manner which minimizes—

(A) the inefficient allocation of economic resources;

(B) the burden such requirements impose on use of local public resources by State and local governments; and

(C) the adverse economic effects of such regulations on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of American goods and services.

(b) PURPOSES.—The purposes of this act are:

(1) To assist Congress in consideration of proposed legislation establishing or revising Federal programs so as to assure that, to the maximum extent practicable, legislation enacted by Congress will—

(A) minimize the burden of such legislation on expenditure of scarce local public resources by State and local governments;

(B) minimize inefficient allocation of economic resources; and

(C) reduce the adverse effect of such legislation—

(i) on the ability of State and local governmental entities to use local public resources to meet local needs and to establish local priorities for local public resources, and

(ii) on allocation of economic resources, productivity, economic growth, full employment, creation of productive jobs, and international competitiveness.

(2) To require Federal agencies to exercise discretionary authority and to implement statutory requirements in a manner which is consistent with fulfillment of each agency's mission and with the requirements of other laws, minimizes the impact regulations and other major Federal actions affecting the economy have on—

(A) the ability of State and local governmental entities to use local public resources to meet local needs; and

(B) the allocation of economic resources, productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of American goods and services.

TITLE I—LEGISLATIVE REFORM

SEC. 101. REPORTS ON LEGISLATION.

(a) REPORT REQUIRED.—(1) Except as provided in paragraph (2), whenever a committee of either House reports a bill or resolution of a public character to its House which mandates unfunded requirements upon State or local governments or the private sector, the report accompanying that bill or resolution shall contain an analysis, prepared after consultation with the Director of the Congressional Budget Office, detailing the effect of the new requirements on—

(A) State and local government expenditures necessary to comply with Federal mandates:

(B) private businesses, including the economic resources required annually to comply with the legislation and implementing regulations; and

(C) economic growth and competitiveness.

(2) EXCEPTION.—The requirements of paragraph (1) shall not apply to any bill or resolution with respect to which the Director of the Congressional Budget Office certifies in writing to the Chairman of the Committee reporting the legislation that the estimated costs to State and local governments and the private sector of implementation of such legislation during the first three years will not exceed $50,000,000 in the aggregate and during the first five years will not exceed $100,000,000 in the aggregate. For this purpose, a year shall be a period of three hundred and sixty five consecutive days.

(b) DUTIES AND FUNCTIONS OF CONGRESSIONAL BUDGET OFFICE.—The Director of the Congressional Budget Office shall prepare for each bill or resolution of a public character reported by any committee of the House of Representatives or of the Senate, an economic analysis of the effects of such bill or resolution, satisfying the requirements of subsection (a). The analysis prepared by the Director of the Congressional Budget Office shall be included in the report accompanying such bill or resolution if timely submitted to such committee before such report is filed.

(c) LEGISLATION SUBJECT TO POINT OF ORDER.—Any bill or resolution shall be subject to a point of order against consideration of the bill by the House of Representatives or the Senate (as the case may be) if such bill or resolution is reported for consideration by the House of Representatives or the Senate unaccompanied by the analysis required by this section.

SEC. 102. EXERCISE OF RULEMAKING POWERS.

The provisions of this title are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

SEC. 103. EFFECTIVE DATE.

This title shall apply to any bill or resolution ordered reported by any committee of the House of Representatives or of the Senate after the date of enactment of this Act.

TITLE II—FEDERAL INTERGOVERNMENTAL RELATIONS

SEC. 201. GENERAL REQUIREMENTS.

The Congress authorizes and directs that, to the fullest extent practicable:

(1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the purposes of this Act;

(2) all agencies of the Federal Government shall, consistent with attainment of the requirements of Federal law, minimize—

(A) the burden which rules and other major Federal actions affecting the economy impose on State and local governments,

(B) the effect of rules and other major Federal actions affecting the economy on allocation of private economic resources, and

(C) the adverse effects of rules and other major Federal actions affecting the economy on productivity, economic growth, full employment, creation of productive, and international competitiveness of American goods and services; and

(3) in promulgating new rules, reviewing existing rules, developing legislative proposals, or initiating any other major Federal action identifies two or more alternatives which will satisfy the agency's statutory obligations, the agency shall—

(A) select the alternative which, on balance—

(i) imposes the least burden on expenditure of local public resources by State and local governments, and

(ii) has the least adverse effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of American goods or services; or

(B) provide a written statement—

(i) that the agency's failure to select such alternative is precluded by the requirements of Federal law; or

(ii) that the agency's failure to select such alternative is consistent with the purposes of this Act.

SEC. 202. INTERGOVERNMENTAL AND ECONOMIC IMPACT ASSESSMENT.

(a) REQUIREMENT.—Whenever an agency publishes a general notice of proposed rulemaking for any proposed rule, and before initiating any other major Federal action affecting the economy, the agency shall prepare and make available for public comment an Intergovernmental and Economic Impact Assessment. Such Assessment shall be published in the Federal Register at the time of the publication of general notice of proposed rulemaking for the rule or prior to implementing such other major agency action affecting the economy.

(b) CONTENT.—Each Intergovernmental and Economic Impact Assessment required under this section shall contain—

(1) a description of the reasons why action by the agency is being considered;

(2) a succinct statement of the objective of, and legal basis for, the proposed rule or other action; and

(3) a description and an estimate of the effect the proposed rule or other major Federal action will have on—

(A) expenditure of State or local public resources by State and local governments,

(B) allocation of economic resources, and

(C) productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of American goods and services.

(c) ALTERNATIVES CONSIDERED.—Each Intergovernmental and Economic Impact Assessment shall also contain a detailed description of any significant alternatives to the proposed rule or other major Federal action which would accomplish applicable statutory objectives while reducing—

(1) the need for expenditure of State or local public resources by State and local governments; and

(2) the potential adverse effects of such proposed rule or other major Federal action on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of American goods and services.

SEC. 203. INTERGOVERNMENTAL AND ECONOMIC IMPACT STATEMENT.

(a) REQUIREMENT.—Whe an agency promulgates a final rule or implements any other major Federal action affecting the economy, the agency shall prepare an Intergovernmental and Economic Impact Statement. Each Intergovernmental and Economic Impact Statement shall contain—

(1) a succinct statement of the need for, and the objectives of, such rule or other major Federal action;

(2) a summary of the issues raised by the public comments in response to the publication by the agency of the Economic Impact Assessment, a summary of the agency's evaluation of such issues, and a statement of any changes made in the proposed rule or other proposed action as a result of such comments;

(3) a description of each of the significant alternatives to the rule or other major Federal action affecting the economy, considered by the agency, which, consistent with fulfillment of agency statutory obligations, would—

(A) lessen the need for expenditure of State or local public resources by State and local governments; or

(B) reduce the potential adverse effects of such proposed rule or other major Federal action on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of American goods and services,

along with a statement of the reasons why each such alternatives was rejected by the agency; and

(4) an estimate of the effect the rule or other major Federal action will have on—

(A) expenditure of State or local public resources by State and local governments; and

(B) productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of American goods and services.

(b) AVAILABILITY.—The agency shall make copies of each Intergovernmental and Economic Impact Statement available to members of the public and shall publish in the Federal Register at the time of publication of any final rule or at the time of implementing any other major Federal action affecting the economy, a statement describing how the public may obtain copies of such Statement.

SEC. 204. EFFECT ON OTHER LAWS.

The requirements of this title shall not alter in any manner the substantive standards otherwise applicable to the implementation by an agency of statutory requirements or to the exercise by an agency of authority delegated by law.

SEC. 205. EFFECTIVE DATE AND EXEMPTION.

This title shall apply to any rule proposed, any final rule promulgated, and any other major Federal action affecting the economy implemented by any agency after the date of the enactment of this Act. This title shall not apply to any agency which is not an agency within the meaning of section 551(1) of title 5, United States Code.

Mr. MORAN. Mr. Chairman, this is the last amendment that we will offer to this bill. It is in the nature of a substitute.

Mr. Chairman, the vast majority of Members of this body recognize that it is imperative that we address the issue of unfunded mandates upon State and local governments and the private sector.

Speaking as a Democrat, I wish we had done this when we were in the majority. We should have, and in many ways we should be ashamed that we did not.

Mr. Chairman, I respect the proponents of this legislation. I agree with their intent. I think it is time that we profoundly alter the way we do business in Washington, that we accept accountability for our actions.

If we are going to pass legislation, we have to be able to prove in a compelling fashion that the cost of that legislation is less than the benefits that it will provide, and we have to respect that State and local governments have achieved a level of competence, and in fact have had that level of competence for decades now that may not have been there in the 1950's, and the 1960's, and early 1970's when we assumed so much control at the Federal level. We undermined their efforts. We undermined their ability to determine their own priorities, what was best for the demography and the geography, for the needs of their own jurisdictions.

This legislation is one of many that will in fact empower those State and local officials. It is the right thing to do. But I want this legislation to be enduring, to effect this profound change. My concern is that, if we are not careful, the remedy that we write might be worse than the malady that we cure.

For example, Mr. Chairman, this legislation will create new entitlement programs for virtually every domestic discretionary program that we enact on this floor. Now we could overturn them with a point of order, but the point is those that we approve, consistent with the intent of this legislation, must be fully funded. Entitlement programs are the principal reason we have the problem we have now, because they have crowded out Federal assistance to States and localities. That assistance is considered domestic discretionary assistance. That is now down to less than 20 percent of the budget. It is now really only about 12 percent, if we include everything.

That is the problem. States and localities do not have the money that they need to carry out their responsibilities, and we are going to create more entitlements with this legislation.

It will also create unequal treatment between the public and the private sector.

□ 1400

It will be very difficult to pass legislation that creates national standards or that in fact addresses constructively the deficit problems that we have.

For example, and I mentioned this last night, we probably need to raise the part B premium on Medicare. The way this legislation is worded, the 16 million public employees throughout the country that work for States and localities and all the various commissions, they could be exempt from having to increase their premium. Those employees in the private sector, the 100 million employees who work for private businesses, could not possibly be exempt. So not only would they pay their share, but they would have to make up for the fact that 16 million public employees did not have to pay their share. I do not think that is what we wanted to do.

In fact, there are reasons for national standards, and we can go back through history, all the way back to the Articles of Confederation when we gave complete latitude to States, and it did not work. We created a patchwork quilt of governance, and we had to repeal that.

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

(By unanimous consent, Mr. MORAN was allowed to proceed for 3 additional minutes.)

Mr. MORAN. I am very much concerned that as we encourage the private sector to compete with the public sector so we can ensure that we carry out our programs in the most efficient manner, that we can let the market work its natural process so that the public sector is not costing two and three times as much as it could be done for in the private sector for many activities, whether it be waste disposal, public utilities, or any number of other things, janitorial services, secretarial services.

All those activities are being privatized. States and localities ought to be able to privatize them, and private companies ought to be able to compete. They would not be able to compete under this legislation because we will have Federal standards applying completely to the private sector and States and localities would be exempt.

I am offering a substitute amendment which was introduced 3 years ago. As of last year we had 248 cosponsors. We stopped getting cosponsors at that point because it was clear that the vast majority of Members agreed. In fact, we had the support of the National League of Cities, the U.S. Conference of Mayors, the National Governors' Association, all of the State organizations, the National Conference of State Legislators, a long list of them. They all supported this.

They do not now, because the current legislation goes a step further. It creates an entitlement for every State and local grant, and it gives preferential treatment to the public sector over the private sector. Naturally, they do not support it. They want to get as much as they can.

I would suggest that this legislation, this substitute amendment, is the kind of moderate but profound change that will be enduring, that will not require that we fix it in 2 or 3 years. We know it does not go too far, but it does in the right direction. It will require that a point of order be raised on any legislation for which we have not obtained a complete fiscal impact analysis, not only of the public sector activities, but of what impact it has on the private sector.

It also enables any Member of this body to strike an unfunded Federal mandate from the legislation being proposed.

It has a judicial review section; it applies to the executive branch. It will require that the executive branch, when it issues regulations, to solicit from those groups affected what is the most efficient way of complying with the intent of the legislation. Take the ideas that are out there in States and localities and private businesses, incorporate those into your regulations, and

let us conduct business in the most efficient, effective, and responsible manner.

Mr. Chairman, I would urge the support of my colleagues.

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

Mr. Chairman, I would join my colleagues on both sides from applauding the gentleman from Virginia for the long hours and much dedication and hard work that he has devoted to mandate relief and to the FAIR Act.

It is unfortunate, as the gentleman has already indicated, in the last Congress the then-majority party did not choose to consider his bill or in fact any mandate relief bill, which we were all hopeful might have been accomplished, even though I think the FAIR bill had an enormous number of cosponsors and so forth.

However, this is a new day and a new opportunity to consider a bill which I think goes beyond what the FAIR bill does. I think it blends the benefits of the informational requirements, which are vital in the FAIR bill, with the added feature of accountability, which is, I think, the lack in this bill, is the factor accountability.

Also, I have to say the other failure that I personally find disturbing is there is no commission to accomplish the sorts of things that I hope to accomplish through the review of the ACIR.

While the gentleman and I agree on the need for mandate relief, and I think that is a very strongly held belief that we must give relief to State and local governments and the private sector, I must oppose this amendment because I do not believe FAIR is the best we can do.

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

Mr. Chairman, I rise in support of the substitute of the distinguished gentleman from Virginia [Mr. MORAN].

Clearly, we have to be much more sensitive to the costs that are imposed on the State and local governments as well as the private sector. I support very much the legislation in this amendment to rein in unnecessary Federal mandates. That is why I cosponsored it last year. I received almost 250 cosponsors.

Now we have before us the proposal to go beyond the Moran substitute and to adopt the contract proposal.

Might I say a word mostly to those who are for the Moran substitute but who are thinking of voting for the contract provision. I recognize very much that it is not easy to vote simply for the Moran substitute and then against the final proposal if the Moran substitute fails, as it is likely to do. But I want to speak from personal experience, if I might.

As I said, it is not easy when you favor reining in mandates to oppose the contract provision. But let me suggest what would happen. Because of its presumptions, because it so stacks the deck, because of the technical roadblocks that are set up, I think that a lot or some legislation that is in the national interest will probably never see the light of day.

Thirty years ago, when I was in the State legislature, I worked on special education legislation. I did so because I was initiated into the problem by somebody who worked with me on my campaign and had simply one request: That if I were elected, I would work on special education. In those days, half of the handicapped children in Michigan did not have a single hour of special education opportunity.

Well, an event occurred. We got moving on a bipartisan basis in Michigan 30 years ago, and we passed a major special education reform. There was a lot of resistance to its from general education, believe me. Most of the superintendents looked at it, I think, very provincially. But we passed it.

But what we could not enact was any form of mandatory special education within the State. And that meant still hundreds of students and in other States tens of thousands of students with a handicap who had no educational opportunity at all.

Some years later, the Federal Government passed the mandatory special education law. What it said was there was a national interest in all of the handicapped children in this country, wherever they lived, having a special education opportunity.

□ 1410

And there was some funding, but also what was created was a local-State-national partnership, when it came to handicapped children. If there had not been that shared effort, that partnership effort, in my judgment today tens of thousands of handicapped children today would be without an educational opportunity.

I am not for blind unfunded mandates. I am in favor of this substitute because I think it would slow us down and make us look, that it would not handcuff us when national leadership was necessary. The technical roadblocks are immense, the necessity to look at tens of thousands of units to see their impact when it comes, for example, to special education, tens of thousands and essentially the major advantage, the presumptions that are given to those who want to avoid national action.

What probably makes it worse is that this heightens the expectations of local units that they are going to have a free ride, that if there is a national interest, there cannot be a partnership of local-State-national entities. That is probably the worst impact of this.

So in a word, I very much favor the Moran substitute. I favor major reform.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. LEVIN] has expired.

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

Mr. LEVIN. I favor major reform. I think there has to be a major change. But I think this is an extreme change. What was true of special ed I think would have been true and would be true today in terms of clean air, in terms of clean water. I am not sure the Americans With Disabilities Act would have ever passed.

So let us be sensible. Let us have some kind of balance here.

I am for a highly reformed federalism, but not for the end of it. And I think that this bill, without this substitute, is a step backward several hundred years instead of forward to a new era where there is a true partnership.

So I just urge my colleagues, though the vote may be difficult, to vote their conscience and, indeed, vote their local interests, acknowledge at times there is a need for a merger, a melding of national, State, and local interests.

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

Mr. Chairman, first in response to my colleague from Michigan, very thoughtful comments on the issue of unfunded mandates, I know he is sincere about his interest in addressing the issue. I would say that the conclusion he draws is a very different one than many of us do. That is to say, we believe that having cost information, having a debate on the floor as to the funding issue and then having a vote up or down will not necessarily result in important issues like special education being passed, when appropriate.

The difference between the Moran bill and H.R. 5 before us is that it provides for that debate on the floor and it provides for that accountability, the vote up or down.

The cost concerns that the gentleman from Michigan [Mr. LEVIN] raised would be the same concerns in the Moran bill as an example. The cost-benefit analysis is in both pieces of legislation. I have to oppose the Moran amendment simply because it does not go far enough. And in doing so, I will once again commend the gentleman from Virginia and the gentleman from Pennsylvania [Mr. GOODLING] for all the work they have put into this.

As I have said earlier in this debate, it is the foundation of this bill, the cost part is extremely important. But I would also say that there is a crucial part missing. At the very least, if we think something is important enough to mandate from Congress, from the Federal level, we ought to be challenged as to paying for that mandate. That is all this bill says. And under the Moran substitute, we have the cost information, but Congress does not have

to face, confront that very crucial issue as to whether when we mandate, if it is important enough to mandate, is it not important enough for us to fund it. that is what this legislation gets to.

I would say that we have heard plenty of examples in these past 2 weeks of the horrors out there in terms of what the Federal Government is currently doing. It is nothing short of an abuse of power from Washington. When we have these kinds of examples out there, when we have good evidence of such a crisis, we ought to act.

I can just say, in summary, that cost information alone is not strong enough medicine for what clearly ails us.

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

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

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

I, too, would like to join reluctantly opposing this amendment.

We spent a great deal of time working with the Parliamentarian and in a bipartisan way struck an agreement with the former chairman of the Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY]. And that amendment deals with this entire issue of points of order, and I believe that the accountability that comes about with H.R. 5 is very adequately addressed.

We looked at this point-of-order question in a clearly bipartisan way, and it is my hope that the House will recognize that time and effort was spent doing just that and will, in fact, reject this substitute, which clearly repeals that bipartisan agreement.

Mr. PETE GEREN of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I, too, rise in reluctant opposition to the Moran amendment. But I want to take a moment to just note that the reason we are here today is because there has been a bipartisan effort under way for the last 3 or 4 years. And the gentleman from Virginia [Mr. MORAN] has been one of the real leaders in that effort.

He did so much to build the foundation for the bill that we consider today. I supported his bill last year. I support the bill under consideration today, because it does carry it one step further, a very important step further, in my opinion, to make sure that we embed in our law the principle that if it is important enough to pass it, it is important enough to pay for it. But we would not be here today, we would not have this bill ready, as it is, for consideration on the floor if it had not been for the leadership that the gentleman from Virginia [Mr. MORAN] has shown on this issue.

He has drawn on his experience in city government. He brought a wealth of understanding of this issue to the U.S. Congress. And he has contributed so much to the development of this legislation, to educating the Congress on the principles that underlie this legislation.

I want to thank the gentleman from Virginia [Mr. MORAN] for what he has done. Again, it is with great reluctance that I oppose this amendment, which by itself would have been a big step forward. In the last Congress it would have been as much as we could have gotten done.

The bill we have in front of us now does carry it to the next step. I support the bill in front of us for that reason.

Mr. Chairman, I yield to the gentleman from California [Mr. CONDIT], another person who has been such a leader in this bipartisan effort, worked with the gentleman from Virginia [Mr. MORAN], worked with the gentleman from Ohio [Mr. PORTMAN], the gentleman from Kansas [Mr. ROBERTS], in bringing this legislation to the floor.

Mr. CONDIT. Mr. Chairman, I too, rise, reluctantly opposed to the substitute amendment by the gentleman from Virginia [Mr. MORAN].

I want to tell my colleagues that the gentleman from Virginia [Mr. MORAN] is an example of a long-term effort, that he has not agreed to any 100-day agenda. He has been involved in this issue for a long period of time.

The gentleman from Texas [Mr. PETE GEREN] is absolutely correct. We would not be at this stage today had it not been for the efforts of the gentleman from Virginia [Mr. MORAN]. He has been a fighter for putting a stop to unfunded mandates, for us to deal with this in a responsible way.

We both got involved in this issue. He took a little different path than some of the rest of us, but I commend him and congratulate him for his effort and think that he is a reason that we are going to be, I believe, successful on the floor today on passage of this bill. I support H.R. 5. I think it is the right way to go.

With all due respect to the gentleman from Virginia [Mr. MORAN] I ask my colleagues not to support the substitute amendment. Let us move H.R. 5. It is, I think, a big step for us in putting a stop to unfunded mandates.

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

Mr. Chairman, I join many of my colleagues in the legislation which I believe is the most bipartisan of the two major bills before us, and that is the Moran legislation. I commend it to my colleagues as the real genuine bipartisan article.

I say that only because of the number of cosponsors on both sides. It is true that H.R. 5 has at least a tinge of bipartisanship to it. But if one looks at the cosponsorship that the Moran bill had, one finds that more than half the Members of the House had cosponsored the bipartisan effort of the gentleman from Virginia [Mr. MORAN], a Democrat, and the gentleman from Pennsylvania [Mr. GOODLING], a Republican.

□ 1420

About half of the Members of the Republican side had cosponsored the piece of legislation offered by the gentleman from Virginia [Mr. MORAN]. I believe it is more thoughtful, and I believe it is not captive to the baby and the bath water syndrome which I think drives H.R. 5.

Mr. Chairman, I want to say a word about the whole purpose here. I am, of course, speaking for myself in giving my own opinion. I do not believe the effort in H.R. 5 is as benign as it is upheld to be. Some say the sole purpose of it is to reduce the number of Federal requirements, or eliminate the number of Federal requirements that are there, unless there is money to back those requirements, and that is the sole purpose of it.

I believe that the architects of this H.R. 5, this particular unfunded mandate bill, have a much larger purpose. There is, I believe, this legislation joined with others, some of which is in the Contract With America, which, taken together, amount to a grand strategy, a strategy which I believe is aimed at removing the public from the opportunity to utilize their National Government for the purpose of embracing and enhancing those matters which are in the national interest.

Let me go back to the 1970's. David Stockman, who served, as Members will recall, as Budget Director under former President Ronald Reagan, confessed after leaving that position that the purpose of their economic plan was not what it was thought to be, and that was just to cut the budget. He said, "We had a grander strategy than that in mind. We were attempting to empty the Federal Treasury," and they were successful at doing exactly that in the 1980's.

Mr. Chairman, let us look at what happened beginning at about that time with regard to Federal mandates. Go back to the 1970's. One of the strictest, most voluminous mandates ever passed by the Congress of the United States was passed in the 1970's, the Clean Water Act.

My colleagues will recall that great rivers in America were catching on fire, spontaneous combustion, and the American people looked around and said, "Maybe the rivers are not quite clean enough in this country. Because rivers run through us, this cleaning of rivers will take a national strategy," so they correctly looked to the Congress of the United States to pass legislation to clean up America's major waterways. We passed major legislation to do that. It was a mandate, a rock-ribbed, ironclad mandate to clean up America's rivers.

However, we did something else back in the seventies. We passed the money to help the States and the communities, and yes, industry, to follow the mandates of that law. In fact, the amount of money passed amounted to the greatest public works program in the history of the United States, second only to the Interstate Highway System.

Now go to the time following the Reagan administration.

The CHAIRMAN. The time of the gentleman from Montana [Mr. WILLIAMS] has expired.

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

Mr. WILLIAMS. Mr. Chairman, following the beginning of what I think is this grand strategy to prevent the public from working their will through the national Congress, in the 1980's the Congress passed another water mandate. This one was the Safe Drinking Water Act, every bit as much of a mandate as was the earlier Clean Water Act.

Regulation after regulation, as with the Clean Water Act, followed the Safe Drinking Water Act. It was a mandate, ironclad, copper-riveted, placed on the localities and the States and the industry, but there was one difference. It was now in the 1980's, and the new grand strategy to make the Federal Government infantile was in place.

The Congress of the United States, because of the emptying of the Treasury, did not pass a penny in the initial goal, not a penny to help the localities carry out the Safe Drinking Water Act. That damaged my State of Montana and my communities out there in a terrible way.

I would ask the Members, have they heard complaints about the Safe Drinking Water Act? Absolutely, because this Congress did not have the will to pay for it. The Treasury had been drained.

Did Members hear complaints about the Clean Water Act? No. Why? Because the Congress had the will to spend the money to help the communities in the 1970's, as it did in the sixties and the fifties and the forties, but things changed pretty dramatically in those early eighties. The effort was drain the Treasury. The effort was to not pay for the mandates.

Now the effort is "Let us not have the mandates at all," so the strategy is coming full circle. I ask my colleagues to say no to it, and yes to the Moran amendment.

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

Mr. Chairman, I rise in strong support of the substitute of the gentleman from Virginia [Mr. MORAN]. Having served in the New York State Assembly for 12 years, I am opposed to unfunded mandates. However, I think that what we need to do in this Congress is not be blind, not pass laws which blanketly prohibit Congress from exercising the flexibility that it may need to exercise from time to time.

The substitute offered by the gentleman from Virginia [Mr. MORAN] simply says that Congress can consider legislation containing unfunded mandates. It does not mean Congress has to consider it. It does not mean that Congress will consider it. However, frankly, it means that Congress in the future can consider it.

What are we afraid of? Each of us comes here to represent our constituents, about 600,000 people. It seems to me that under the system we have in this country, the majority ought to rule. Prohibitions, blanket prohibitions that we try to shackle on future Congresses it seems to me are very, very dangerous precedents.

Yes, we must have mandates and we must be very careful that we fund these mandates. However, some future Congresses may look at this in another light. At a time when we are talking here of passing a balanced budget amendment, and at a time we are talking here coupling with it unfunded mandates, a complete prohibition on any kind of mandates, unless they are totally funded, the gentleman from Montana [Mr. WILLIAMS] is quite right. What we are really seeing here is a total prohibition on any kind of mandates from the Federal Government, because frankly, there will not be any money to do the kinds of things that some people know need to be done.

When we combine the two, it really brings us paralysis in terms of saying that the Federal Government needs to have a uniform policy throughout the country.

I do not think it is so terrible to have clean air and clean water and other things. My State of New York has a problem with acid rain. We cannot handle the problem ourselves. We need, frankly, a universal taking care of this problem. If there is a problem in Ohio and it affects New York, we cannot do it ourselves, so we need the Federal Government to intervene.

What really frightens me, Mr. Chairman, is that under the guise of unfunded mandates and under the guise of a balanced budget and under the guise of all these things we are rushing toward, we are going to give our children a dirtier environment, dirtier air, dirtier water. All the kinds of things that the Federal Government has done for so many years the Federal Government will not be able to do.

In the abstract, Mr. Chairman, of course we need to say that if we are going to mandate something, things ought to be paid for. However, let us not tie the hands of future Congresses to give them the flexibility to pass the programs that they see fit without being tied up in a straitjacket.

□ 1430

I want to commend the gentleman from Virginia. This is something that he has pushed for a long, long time. It adheres to the principle the fact that we ought to not have unfunded mandates, but it allows the future Congresses to have the flexibility that they need. One person—one vote.

If a future Congress wants to mandate something, they can. If they do not want to, they do not have to.

What are we afraid of? Let us have the flexibility.

The Moran amendment, as far as I am concerned, is the best of both worlds, and that is why I believe we ought to pass it.

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

Mr. ENGEL. I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Chairman, just briefly, I think the gentleman has made a strong statement in support of H.R. 5.

I would ask him if he is aware under H.R. 5 of the fact that in fact by majority vote Congress can at any time waive the point of order and go ahead and impose a mandate, go ahead and provide the costs or not mandate at all. Those options are all there.

Mr. ENGEL. The options may be there, but the threshold is much more difficult than what the gentleman from Virginia [Mr. MORAN] is proposing. That is why I think what he is saying is to give us maximum flexibility. Frankly, I do not understand why we are not all rallying around the Moran proposal.

Mr. PORTMAN. If the gentleman will yield further, I would just say again I think you made a strong statement in support of H.R. 5. The abstract concept that you said you supported, which is no-money/no-mandate, is in fact even stronger than H.R. 5. I would say all we are asking for is the cost information that is in the Moran bill, but then in addition to that, to have a debate on the floor on the funding issue and force Congress to be accountable to that issue.

Mr. ENGEL. Can I ask the gentleman why then he does not embrace the Moran bill, because I think what the gentleman from Virginia [Mr. MORAN] is doing is frankly giving you everything that you feel needs to be done.

Mr. PORTMAN. Let me be clear again. What the gentleman from Virginia [Mr. MORAN] does is the foundation for this legislation which is to provide the cost information, but we need to go further than the cost information and address the very issue which you addressed in the abstract, which is the question of funding. And that is what this legislation does.

Mr. ENGEL. But, I think what this legislation also does is, if something is not fully funded, it makes it very, very hard to do. Frankly, I am not afraid of unfunded mandates.

I am afraid that the ruse of unfunded mandates is going to be used to prevent Federal action on clean water, clean air, the environment, and all the things that I know we need. And that is why I think the gentleman's proposal makes infinite sense.

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

Mr. Chairman, it is indeed an honor and privilege to speak at this juncture of the debate with the Moran substitute before us at this hour. This is really the conclusion of years and years of work for people who were in the Congress before me and people who served with me in the past 2 years, and I want to just take a moment in this historic debate and its conclusion and thank a few people.

I want to thank the gentleman from Pennsylvania [Mr. CLINGER], the chairman. He has shown incredible leadership on this issue, not just today but over the years, in working in the past 2 years in the minority. Also the gentleman from Ohio [Mr. PORTMAN] who joined us in the last Congress and he took up the mantle of unfunded mandates and carried it through, and carried it through some tough times. My compliments to them.

Also the gentleman from New York [Mr. TOWNS], who formerly chaired our subcommittee. I served on that subcommittee. He helped us fight the battle to get unfunded mandates and the question before the Congress and before the country. To these gentleman and colleagues, I want to say thank you so much.

Also to the gentleman from California [Mr. CONDIT]. He and I worked on this issue, and this has indeed been a bipartisan issue. The gentleman from California [Mr. CONDIT] offered a measure much tougher than anything we see before us today. It was no-money-/no-mandate proposal.

And the gentleman from Louisiana, Mr. TAUZIN and the gentleman from Texas, Mr. PETE GEREN. We were called the unholy trinity, because we believed in moving forward with some action on unfunded mandates and property rights and risk assessment, issues that have long been swept under the rug and left behind the carpet.

The gentleman from New York [Mr. TOWNS], the gentleman from Pennsylvania [Mr. CLINGER], myself, and the gentleman from Ohio [Mr. PORTMAN], we all participated in hearings. This is not a new issue. It is an issue that people were not listening to or paying attention to the debate.

We conducted field hearings. I will never forget the field hearings in the district of the gentleman from Pennsylvania [Mr. CLINGER] where local officials came and said, "We can't take it anymore. It is cheaper for us to deliver bottled water than to comply with the regulations and mandates coming out of Washington. We have to make some common sense out of this mess."

We held field hearings in my district and we heard of local tax caps and State requirements for balanced budgets. Unfortunately here we passed on these matters to local governments. They said they couldn't take it anymore, but no one was listening.

Last year, ladies and gentleman, we pleaded and we begged and we asked for the opportunity to bring this legislation forward, and our words were not heard. We did not have the opportunity to bring this issue forward, and here we are today at the last hour and the last minute.

Mr. Chairman, this bill is not the final answer to unfunded mandates. It does not cure the problem, but it does set a standard. It does set some sense of responsibility and accountability for the process.

At this particular historic juncture, I wish to thank the gentleman from Virginia [Mr. MORAN]. I cannot support his substitute. Mr. MORAN has made some great contributions to this effort, not just today but over the history of this particular legislation.

I want to also thank our staff who have worked hard on both sides of the aisle and contributed to this effort and also this historic occasion.

With that, ladies and gentleman, again at this historic juncture, I oppose the Moran substitute. I have the biggest smile on my face of anyone in this Congress to see this long neglected legislation move forward in the next hour, and I compliment everyone who has been involved in its success.

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

Mr. Chairman, this has been a long and oftentimes wrenching debate that has occurred on this bill over the last couple of weeks and Members on both sides of the aisle clearly feel very strongly about it one way or another.

Let me preface my remarks by congratulating the gentleman from Pennsylvania [Mr. CLINGER], the chairman, for the manner in which he has managed this bill and the manner in which he has managed the debate, particularly on his side of the aisle, and I know I speak for Members on this side of the aisle when I say he has been thoughtful, deliberative and fair in that process and that has not gone unnoticed.

In the last Congress, the gentleman from Connecticut [Mr. SHAYS] and I and perhaps many others in addition to CHRIS SHAYS talked about this notion of unfunded mandates. People had varying ideas and approaches as to how it might be done. The fact that we are here today, I think, underlines the importance of this legislation to a lot of people.

But as has been said over and over and over again, many people want to make sure that we do this the right way, so that we do not have to revisit it and that we do it the right way so that we in fact do not do more harm than good.

Having said that, I stand in support of the Moran substitute. It is a clear and reasoned approach. It has less of a broad-brush application to it. It will slow us down and make us think as it should, and it allows for the uncertainty of the future.

The only thing certain, someone said, about the future is that it is, in fact, uncertain.

Many of us over the course of the last 2 weeks have tried to take advantage of the process in a constructive manner, to change, to modify and to make better the original bill. We have tried to exempt Medicare, we have tried to exempt certain children's programs. We tried to exempt programs for the disabled. We have asked for CBO estimates to make sure that financially the moneys and the fiscal impact were in fact correct.

We have attempted to make sure, if we could at least, that clean water and clean water standards in this country would not be affected, as well as a number of health issues.

Those of you who have watched the debate and those of you who have participated in the debate know that very little has changed in that regard and we have a bill somewhat different than the bill that was first before this body, but we have a bill that we still can improve on if in fact we adopt the Moran substitute.

I say that because I have heard from persons who want this in its current pure and clinical fashion, that the bill does allow for future Congresses to allow for mandates. Well, it does, if in fact the mandate is 100 percent fully funded.

We have already begun the process in this Congress of reducing the amount of money available for mandates, unfunded or otherwise. We are on the verge of a major debate on the merits of the balanced budget amendment, and there are proposals in at least six different committees of this body to reduce taxes.

□ 1440

When we couple those three things together, clearly, ladies and gentlemen, it is going to be very difficult at any point in the future to get a 100 percent fully funded mandate. It takes away when the ability of this Congress, in this Member's opinion, to be as effective as we must.

So the Moran substitute does not prevent unfunded mandates from being considered. To the contrary of what some have suggested, it allows for that and it allows for us to move forward without the 100 percent trigger that is involved. It simply says that future Congresses, if they so choose, may in fact consider at some later date passing an unfunded mandate, whereby you

have a partnership with the Federal Government, the State government and local governments to take care of an issue and/or a problem that besets the citizens of this country.

In my opinion, that allows for more flexibility, it certainly creates a greater air of sensibility and it allows for the notion of partnerships if at some point in time by a majority vote in this body they so choose to do so.

So I would ask Members on both sides of the aisle as we near the vote and the conclusion on this bill to consider again the Moran substitute which I think is the right and proper approach for us to take.

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

Mr. Chairman, let me begin by thanking the gentleman from Virginia [Mr. MORAN] for the outstanding job he has done in bringing us to this point, because if it had not been for him last year in terms of his talking about the importance of unfunded mandates, I do not really feel we would be here now. So, I would like to say to him he really kept the issue alive.

I would also like to say to the other side that this bill really is more the bill that we dealt with last year, the bill that the gentleman from Florida talked about, the hearings that we had all over this country, and basically what people were saying to us is that something has to be done, and I think this bill really addresses their concerns.

I know that others want to go even further, but I think that to go further is a mistake. I think we have been down that road before. I remember the catastrophic health care bill that we kept wanting to go further, and go further, and go further, and we went, and then all of a sudden we had to come back to undo what was done.

So, I can see that we are making the same mistake again.

So the gentleman from Virginia [Mr. MORAN] offers us an opportunity to do something different. First of all to address the problem in a very logical and sensible kind of way, not the draconian bill that is being proposed on the other side of the aisle, H.R. 5. I think we need to recognize that, and deal with it.

What we are saying, is people out there are saying we want to know how much it is going to cost and we need to know how much it is going to cost. To me that is a very practical way to deal with the problem and that to me is a solution to the problem. We heard it as we had hearings in Pennsylvania, as we had hearings in Florida, as we had hearings here in Washington, DC; people were saying to us that was their concern.

But what we are doing is taking it a step further and I think we are going to find that there are procedural barriers that are going to make it impossible for us to do the kind of thing we need to do.

I have heard the term bipartisan support. I think bipartisan support is good and I think we should have it whenever possible, and I think that this bill that the gentleman from Virginia [Mr. MORAN] is putting forth is truly the bipartisan bill. That is the Moran-Goodling bill of last time around. I think that is the bipartisan approach.

So, I would encourage my friends on both sides of the aisle to take a look at this legislation, because this really deals with the problem, it makes it possible for us to be able to legislate in a very timely fashion and do the kinds of things that need to be done. It eliminates the dumping that goes on from one State to another.

When I look in terms of what is happening in my own area in terms of incineration, how one area can create problems for another area and we cannot do anything about it because of the fact that we would have to come back and be able to examine it before we move forward, this legislation eliminates that kind of bottleneck, it makes it possible if one area is dumping on another area that we address that and deal with it right away.

So I think this makes a lot of sense if we really want to deal with the problem as we have heard it out there, as it comes from people throughout the area.

On this particular legislation, H.R. 5, let me set the record straight because I have heard about all kinds of hearings and all of that. Even if there were hearings they were held though in secrecy, because I do not know anything about them, and I have talked to Members who have been here even longer than I have been here and they do not know anything about it, I do not know anything about it, so it seems to me the hearings they are talking about did not take place; and being they did not take place, we did not talk to Governors of various States to find out their views and feelings, we did not talk to city council members to find out their views and feelings, we did not talk to county executives and we did not talk to legislators around the country to see in terms of their views and feelings about this legislation.

All of a sudden here we are rushing to push it through because of the fact we must do it before dark.

I would just like to say it is too important to move forward in that fashion. I would hope this would be an opportunity to correct the mistake that has been made. Support the Moran bill, because at least this is something on which we have had communication with people out there, we have talked to them about it. So I think this is an opportunity to stop us from making a major mistake by going further with H.R. 5, but coming back and supporting the Moran substitute which I think deals with the issue that is at hand.

So I would like to yield back the balance of my time and encourage all of my friends and supporters to make certain that they support the Moran substitute. That is really the legislation that should be moved forward.

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

Mr. Chairman, I really apologize to the Members for prolonging this debate which I think has been getting better the longer it goes along, and I want to add my compliments to those already expressed by the managers on both sides.

I have a feeling, I have not participated in this debate because I do not have any particular expertise in this area, but I have a feeling that on both sides we may be committing some sins that we perhaps do not realize.

Unfunded mandates is a problem. A problem has arisen from the fact that the Federal Government has become increasingly unable to fund programs, no matter how good they were, and has gradually shifted that burden to the State and local governments, and they are increasingly unable to bear that burden also.

Most of the programs in an era of less limited funding probably would be accepted as legitimate expenditures by some level of government, and now no level of government has the capability to fund them.

Now what is the reason for this? Obviously one of them is we have been living on our credit cards far too long and we have run up this tremendous interest which will deprive us of what may be another $100 billion, $200 billion, or $300 billion of income at the Federal level that could have been used to fund these programs at the same time the States are increasingly strapped and overburdened by taxes and have put limits on what they can spend. California led the way with proposition 13 which capped property taxes, for example, reducing us from being the perhaps high-level spender of any of the States for education down amongst the lower, and we are regretting that at the present time.

Let us not deceive ourselves by thinking that this program is going to solve the problem of inadequate funding for the kinds of things that Government ought to do. We will need some more profound solution to that problem. A balanced budget, reduced interest costs is of course one of the things we need to do.

How soon are we going to do that? Nobody expects any major impact from a balanced budget amendment in less than 8 to 10 years, in all probability.

What we need to focus on are those areas of public service which we have allowed to grow unrestrained.

□ 1450

Health costs, for example, the most rapidly growing part of the budget: We

need to do something to bring that under control and off the backs of the Federal taxpayers in general, a more workable national insurance program of some kind, so that individuals can have access to insurance but could basically be responsible for the level of health care that they wanted to pay for themselves, and it would not be a formula sort of thing that keeps growing.

We need to do something about the welfare program, and it does not mean just cutting off welfare. It means creating a system in which we have opportunity and jobs for that vast class of people who are now deprived of the opportunity to participate in the economy. That will help us.

The unfunded-mandates bill will not solve these kinds of problems. They may give us a chance for some political cover while we begin to seriously deal with these problems, and this is what I would urge upon us as we proceed down the road here.

I think the Republicans in this case, through their contract, have touched the chord of a large part of the American people, not necessarily all, but a large part, and they, charged up with this mandate to do something about this, are moving ahead and obviously they do not want us on this side trying to perfect the great program that they have. And I can understand this.

But I would urge upon them, after they have tasted success with their program, and they are going to have successes, and many Democrats are going to support them including me on occasion, I think then we should begin to look seriously at these underlying problems of our society and develop some programs that will begin to address those in some very realistic fashion and help us then to really create the new society, the new culture, the new civilization, however we want to describe it that we should be doing to assert our position as the world's leading nation in terms of bringing opportunity, freedom, and democracy to the whole world.

I thank you for listening to me.

Mr. MORAN. Mr. Chairman, I ask unanimous consent to address the Committee for 3 additional minutes.

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

There was no objection.

Mr. MORAN. Mr. Chairman I just want to cast a few roses here, although let me start with a thorn and get this out of the way. The one thing that has been disappointing about this debate is the information that was handed to the Members on the vote last night that may have influenced some, says that, "The Moran amendment effectively exempts 90 percent of the laws Congress passes from the informational requirements of H.R. 5." That is not accurate.

I think my colleagues on the other side would agree that it does not exempt Congress from 90 percent of the legislation and the informational requirements.

I was disappointed that that is the sheet all the Members received on their way in to vote. It is true that it would delete the no money, no mandate provision, but I would hope that that not be the piece that is handed out for this vote or the subsequent vote, because it is misleading.

Now, having gotten over that, let me thank the chairman of the committee, and the gentleman from Ohio [Mr. PORTMAN], the gentleman from Virginia [Mr. DAVIS], the Members on my side who were strongly supportive of the version that is an alternative to the substitute we are about to vote on.

This has been a very constructive debate. I think that we are making history in the next two votes that we will take. I know we are going in the right direction. We have a disagreement in whether or not we are going too far in the underlying Republican version. But I do appreciate the attention that has been given this issue.

I particularly appreciate the constructive manner in which the sponsors of this bill have worked with us on the minority side, and I would hope that it would set a precedent for subsequent bills that come to this floor.

Now, let me just say one further word about the gentleman sitting in the chair throughout this entire debate. The gentleman from Missouri [Mr. EMERSON] has conducted this debate in such a fine and fair manner that he really deserves some recognition, I would hope maybe even a little applause. He has been absolutely indefatigable and exceptionally fair, and I thank him, and I know I speak for all of the Members on this side of the aisle in doing so, and I would certainly expect on the other side of the aisle.

I thank all of those who have participated in this debate for a very constructive dialog.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Virginia [Mr. MORAN].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 152, noes 278, not voting 4, as follows:

[Roll No 82]

AYES—152

Abercrombie
Ackerman
Barrett (WI)
Bellenson
Bentsen
Berman
Bishop
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
de la Garza
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson, E. B.
Johnston
Kanjorski
Kennedy (RI)
Kennelly
Kildee
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McDermott
McKinney
Meehan
Meek
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pomeroy
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Skaggs
Slaughter
Stark
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—278

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Deutsch
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 (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (MA)
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood

Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martinez
Martini
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
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

NOT VOTING—4

Becerra
Hunter
Kaptur
Scarborough

□ 1514

The Clerk announced the following pair:

On this vote:

Ms. Kaptur for, with Mr. Scarborough against.

Mr. DEUTSCH and Mr. KENNEDY of Massachusetts changed their vote from "aye" to "no."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Mrs. COLLINS of Illinois. Mr. Chairman, I move to strike the last word.

Mr. Chairman, before I begin on my remarks, I want to say right here and now, "During the course of the consideration of this bill, you, Mr. Chairman, have heard many of us on this side of the aisle raise the subject of procedural abuses in committee, as well as time limits on floor debates, which concerned us greatly. However I want to say something positive as well. I want to certainly commend the Chairman of the Committee of the Whole, the gentleman from Missouri [Mr. EMERSON] for his fairness and patience in presiding over this debate."

Let me also commend the chairman of our Committee on Government Reform and Oversight, the gentleman from Pennsylvania [Mr. CLINGER], for his hard work on this bill. He has certainly had his hands full recently, and, despite our very early shaky start, I have really enjoyed working with him and look forward to working with him in the future.

Now, Mr. Chairman, let me begin by saying that this bill is fatally flawed.

H.R. 5 places Congress in a straitjacket, and provides cover for those who want to roll back the progress we have made in this country to protect the health and safety of our citizens.

Viewed in isolation it may seem reasonable to many, but that is the wrong way to view it. This bill must be seen as a dot matrix, which when the lines are all connected, reveals a mean-spirited effort to abardon those who are most in need.

Over the past several days, we have taken the time to look at just what this so-called unfunded mandates bill does. As I said earlier in the debate, we needed to get beyond the term "unfunded mandates" and into the real world of what types of laws the Republican majority in this body apparently want to make difficult to pass. Well it became clear when we began the amending process that they firmly embraced the Senate Republican Task Force list of 10 worst Federal laws as a guide.

Many of us on this side of the aisle offered amendments to safeguard environmental laws that protect the public health and safety. We made every possible effort to protect the provisions of the Clean Air Act, the Clean Water Act, and the Safe Drinking Water Act, because these laws are supported by all Americans. They were passed, because the people wanted them. They protect us all from the pollution of our neighbors.

Similarly, we offered amendments to preserve laws protecting our most vulnerable citizens—those with disabilities and our children. Again the proponents of this legislation exhibited their disparate views by exempting from the unfunded mandate definition bills that relate to the implementation of international treaties, but not those which provide a better way of life for the disabled; by "requiring compliance with accounting and auditing procedures relating to grants and other money provided by the Federal Government," but ignoring savings inherent in disease prevention, that result from childhood immunization laws.

It was totally inconceivable to me that amendments we Democrats offered to ensure that we as a nation could proceed with establishing a database to track, first, deadbeat dads and, second, child molesters would be opposed by advocates of this legislation. I thought they would surely agree to such amendments. What harm would it do if we went on record in favor of that program and future programs to protect our children? None whatsoever; but, once again, the bill's supporters soundly defeated these child protection amendments.

What was their rationale for so doing? Well it was simply that if the Federal Government did not provide the funds, the State, local, or territorial governments did not have to keep a list of names of deadbeat dads and/or known child abusers or repeat child molesters.

We Democrats offered amendments that would have exempted from the definition of unfunded mandates laws designed to, first, protect child labor laws, second, protect the worker in the factory and, third, increase the minimum wage. Surely these were not the laws that even the Governors and mayors want to gut; but again the proponents acted in lockstep to defeat these amendments.

I have found it extremely interesting that in their zeal to please their Governors, county commissioners, and mayors, the authors have very carefully circumscribed restrictions on the quality of life our citizens have a right to expect to enjoy in the future. We hold ourselves out to be a compassionate nation; one that cares about its citizens, about its overall quality of life, about the underdog, about the least of us. Yet every single amendment offered to prevent new barriers from being raised against these very Americans was defeated by bloc voting.

Some on the other side of the aisle have suggested that the numerous amendments have been a stalling tactic; that the votes have been dilatory. Let me assure the Members that the issue was accountability. The voters in their districts will now know exactly what their Members have voted to protect, and what they have voted to not protect.

Perhaps the problems with this bill began when its authors chose to draft it in secret, and then refused to hold public hearings. Those hearings might have allowed ordinary Americans better known as the public, to discuss which laws they like and which ones they do not. The authors would have heard the voices of mothers concerned for and about their children, of senior citizens who fear that Medicare and Medicaid will not cover an illness, of workers wanting a safe workplace and a decent, living wage, a father who cared about safe drinking water for his family. Instead, we will never know who was in the room drafting those bills, but we know who was not there, whose voices were not allowed to be there.

As I have read this bill over the past several weeks, I can find almost no consideration given to the benefits from our laws—the benefits that I assume caused Congress to pass them. Every people program is subjected to rigorous cost estimates, but there are no estimates about the protections, the safety, and the improvements to the quality of life and to our economy these laws have brought to all Americans. Perhaps that, too, is because we

were never allowed to hear the voices of the people.

Throughout debate, the proponents of this bill, have said, "Don't worry. All it will take is a simple majority vote to pass those kinds of laws in the future by waiving a point of order. I doubt that this will be the case.

The subjects of the amendments we Democrats have offered are the exact laws that the Republican majority would like to kill. We know this to be true because the Senate Republican Regulatory Relief Task Force released a list of its so-called 10 worst Federal laws which include the Clean Air Act, the Superfund toxic waste cleanup law, wetlands law, the clean water law, food safety laws, the Safe Drinking Water Act, and Occupational Safety and Health Act. This bill, H.R. 5, the Unfunded Mandates Reform Act of 1995, is a first start at killing these laws.

In a matter of days we will begin debating a regulatory moratorium bill that takes aim at regulations under these laws. Then we will see laws to make agencies go through so many hoops and procedures that they can never take an action to protect the public health or safety. If all else fails, new laws will empower corporations to keep the Government tied up in court forever. This bill is the first step.

No, this bill, H.R. 5, is not really about unfunded mandates. It is about destroying laws that protect the average citizen. It is about raising barriers and debilitating the disenfranchised.

As we debate the remaining elements of the Republican contract, let us begin to face what is really going on. Taken as a whole, the contract is a program developed in secret with major corporations to gut the major protections for the average American. Today they will be called unfunded mandates; tomorrow they will be called regulatory burdens. At least the Republican Senate Task Force was honest about their goals. I believe the American people deserve to know the truth.

□ 1520

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

Mr. Chairman, very briefly, I would like to express my gratitude and appreciation to a number of people who have been involved in this now 7- or 8-day-long debate, which I think has been a very open, a very constructive debate, really the first debate that we have had on the new federalism.

I think what we are seeing is the beginning of a constructive dialog about what the relations of the various levels of government are going to be.

We do not pretend this is a perfect solution to what may be the new paradigm. But what we do suggest is the debate is necessary. We really have to get to the point where we are beginning to analyze which governments need to do what and which governments can do them best.

But in the process of the debate, I have got to recognize, first of all, as has already been indicated, you have done a superb job in chairing the committee during this sometimes contentious but, I think, always helpful and educational discussion we have had.

Second, I thank the gentleman from Ohio [Mr. PORTMAN], who is a prime author of this legislation, who has worked tirelessly to bring it to the point we are at now. And the gentleman from Virginia [Mr. DAVIS], who has been so effective as a very, very junior freshman Member and has hit the floor running and done a superb job. The gentleman from California, [Mr. CONDIT], the other sponsor, who has been a leader in this effort for many, many years before it really was an issue that was on anybody's radar screen. The gentleman from Virginia [Mr. MORAN], who has made some very constructive additions to this bill, some of which were not accepted. Also, the gentleman from New York [Mr. TOWNS], who worked on this matter in the past Congress. And the gentleman from Pennsylvania [Mr. GOODLING]. There are so many that I really am afraid I am going to overlook someone. They have all been outstanding.

□ 1530

There are three people that I want to specifically recognize. They are staff members who often are not heralded in these halls but who, in this case, I can vouch from personal experience deserve most of the credit for the fact that this bill has gotten to where we are today. This is Kristine Simmons, who is on my staff and the Committee on Government Reform and Oversight, and John Bridgeland, who is with the gentleman from Ohio [Mr. PORTMAN], and Steve Jones, who is with the gentleman from California [Mr. CONDIT].

They have done an absolutely superb job and worked incredible hours to work on this legislation. So my thanks to all of them for all the work that they have done.

Mr. Chairman, if you listen closely today you can hear State and local governments around the Nation breathing a sigh of relief. Today we are at last ready to vote on final passage of H.R. 5, a vote I think which is going to bring at least the beginning of an historic change in the way the Federal Government does business with its State and local counterparts. This bill will restore State and local governments to their true places as partners in our federal system.

Mr. Chairman, I express, again, my appreciation to the gentlewoman from Illinois [Mrs. COLLINS], the ranking minority member. It has been a pleasure to work with her on this matter. To all who participated in this really initial, most substantive and most important debate, I think I would reference the gentleman from California. This is an important debate. We are involved in very important issues here. This is history in the making. We do have differences, but I think the debate is what counts.

The resolution, I hope, will be passage of this bill.

If you listen closely, you can hear State and local governments around the Nation breathing a sigh of relief today. We at last are ready to vote on final passage of H.R. 5, a vote which will bring historic change in the way the Federal Government does business with its State and local counterparts. The Unfunded Mandate Reform Act will restore State and local governments to their true places as partners in our federal system.

Debate on this bill was rigorous and I want to congratulate many of my colleagues, on both sides of the aisle, for casting tough votes in the interest of stopping this mandate madness. Attempts to weaken this bill were rejected consistently and soundly, reflecting a majority opinion that imposing unfunded mandates without knowledge or funding is wrong and it must end.

I also would like to thank my colleagues who are not in support of the Unfunded Mandate Reform Act, for their contribution to the fair and open debate we have had during the 7 days of debate on this bill. It has been a spirited exchange, but a healthy one and I thank my colleagues.

As we prepare to vote on final passage, I ask each Member to consider the adverse impact the cost of mandates has had on your constituents. Ask yourself if it is fair to raise their local property taxes and to cut community services so the local government can afford programs we think are important. Ask yourself if your priorities are only important if a State or local government pays to carry them out.

This vote is about information and accountability. It is about changing Washington ways for the better. It is an affirmative statement that we will stop ourselves before we mandate again.

Please vote "yes" on final passage of H.R. 5.

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

Mr. Chairman, I will be brief. I rise in support of H.R. 5, the Unfunded Mandates Reform Act of 1995, of which I have been a strong supporter.

Since coming to Congress, I have had the opportunity to make decisions on a variety of good idea that Congress felt would help improve the lives of its citizens and help make Government work better. Of those ideas, the Motor Voter Act was a Federal mandate costing the State of Alabama $500,000 a year without the funding to comply with it.

The Safe Drinking Water Act, another bill with good intentions, requires local officials to test the water supply for 25 substances without regard to the region or the types of substances used there.

As a result, Alabama water systems had to test their water supply for pesticides used to protect pineapple crops.

Mr. Chairman, I look forward to the day when, before the Federal Government issues an expensive regulation, we will stop, look, and listen to how this will affect local officials.

I rise in support of H.R. 5, another good idea from Congress, but this one long, long overdue.

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

Mr. Chairman, I think this is a great day for State and local governments. It is a great day for taxpayers and a great day for a new accountability in Congress.

With this passage, we are going to take a giant step in returning local decisionmaking to local and State governments, to returning property taxes to local governments instead of being hijacked by Congress for programs that we in this body feel are more important than what the localities decide.

If we believe in a program in this Congress, we should believe in it enough to fund it, not pound our chest and pass the bill and then go ahead and pass the buck on to State and local governments and their taxpayers. When a government that sets the priorities does not find the money within its budget to fund those priorities, we get a completely different set of priorities than if a government that sets the priorities has to find the funds within their own organization and their own budgets.

What has happened over the past few years is a proliferation of unfunded mandates going down to State and local governments, layer after layer of unfunded mandates and a significant shifting of costs from a progressive income tax to regressive property taxes and sales taxes.

Another consequence is that although there are many fine programs mandated and imposed on local governments, many other fine programs that local governments intend end up having to close shelters, lay off police officers, cut day-care centers. And they have to achieve these to pay for the mandates that we fail to fund.

The numerous attempts to exclude and exempt certain areas from this bill, Medicare, Medicaid, health laws, programs for children, environmental laws, labor laws and the like, would have, taken together, gutted this bill, what we are trying to do here.

Besides, this bill still gives us the option of sending those mandates to the States but we will have the costs in front of us before we make those decisions and find out what kind of bill we are sending down to the State and local governments.

Mr. Chairman, I believe that their inclusion, if we had included those exemptions in this bill, it would have resulted in more imposition of costs on local governments and the end result, as one who has been in local government for 15 years, would be forcing our States and our cities and our counties to continue to close community centers, cut back on public safety, cut education, abandon health care centers, because we in Congress, by unfunded mandates, have redirected their local budgets in a way we felt was better, not often realizing that we forced the local governments to cut good programs so they could fund our programs.

I would also add, Mr. Chairman, there was no rush in passing this bill, even the other body, the most deliberative body in this country, managed to pass this 86 to 10 in a shorter period of time than it took us.

I just want to end by saying this has strong bipartisan support. I wanted to thank the gentleman from Pennsylvania [Mr. CLINGER] for shepherding this bill through committee and on the floor, my cosponsors, the gentleman from California [Mr. CONDIT], who has been working on this before I ever came to this body, the gentleman from Ohio [Mr. PORTMAN], who was instrumental in getting this included in the contract, the staffs and other Members, the gentleman from Virginia [Mr. MORAN], the gentleman from New York [Mr. TOWNS], and others who have been working on this for many years, and you, Mr. Chairman, for presiding over these proceedings.

This is a great day for State and local governments. I think we have taken a giant first step today, and I urge final passage.

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

Mr. Chairman, I simply want to refute the idea that this is simply a Republican contract issue. I want to pay tribute to the gentleman from California [Mr. CONDIT], who introduced an unfunded mandate bill in the last Congress and as a Democrat had the leadership to form the Unfunded Mandate Caucus in which many Democrats were members.

Also I want to read a short two sentences from a mayor in my district, a Democrat, who sent me this letter, dated October 27, 1993. In that letter the mayor of San Marcos, Mayor Kathy Morris toward the bottom of the first page said, "We want to make it clear that we usually have no quarrel with the intentions of laws enacted by Congress, such as assuring a healthy environment and enabling people with disabilities to participate fully in our society."

What concerns us is that the costs and tasks of these good intentions are all too often left for us to pay for and carry out. Adding to our frustration is the fact that these programs enacted by distant lawmakers in Washington can lay claim to our tax funds ahead of the needs and priorities of the people who elected us to address those needs." End of quote from the letter from Kathy Morris.

This simply states why this bill is needed and desired by the American people, and I urge its support.

□ 1540

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

Mr. Chairman, today is a historic day. It is a historic day. It is a historic piece of legislation, historic because it does redefine the relationship between the Federal Government and the State and local governments; historic because for the first time it ensures that Congress will have a separate and informed debate on the question of costs of mandates; and historic because it shows Congress' willingness to put the brakes on the mandate madness.

We had over 30 hours debate, Mr. Chairman, on one preliminary section of H.R. 5, and I have to admit that I joined many of my colleagues in wondering whether we would ever get through this legislation. I was concerned that what was truly a bipartisan issue outside this beltway had become a partisan issue, sadly partisan within this Chamber, but I have to say over the last 24 hours Congress has worked in a very constructive, bipartisan way on this legislation.

As an example, yesterday I believe we accepted nine amendments from the other side. I think they all improved and perfected this legislation. Mr. Chairman, I would thank the gentlewoman from Illinois [Mrs. COLLINS] and other Members on the minority side for working constructively with us throughout this whole process.

Mr. Chairman, I think what we have done now is that we have set the tone, perhaps, for dealing with other legislation that this Congress will consider over the next year. Although some have cast it as such, H.R. 5 was never about the merits or demerits of individual mandates. It is about having the cost information, it is about having an informed debate on the floor of the House, and yet, yes, it is about accountability, having a vote up-or-down on whether to impose a mandate without providing the money.

Mr. Chairman, let me just sum up by acknowledging a few of the many people that got us to where we are today. The first person I am going to mention I think will speak next. I consider him the spiritual leader on the unfunded mandate front, the gentleman from California [Mr. CONDIT].

He was the lone voice crying out in the wilderness over the last several years. He was talking about unfunded mandate reform when most people did not understand it or appreciate it. It has now come to the fore, and he is to be congratulated.

Senator DIRK KEMPTHORNE on the Senate side is the person who has aggressively pushed this bill on the Senate side, and he is responsible really for

the 86 to 10 vote, a very strong vote last week on essentially the same bill. He showed an extraordinary amount of bicameralism in working with the chairman, the gentleman from Pennsylvania [Mr. CLINGER], myself, and others to put together a tough bill.

Mr. Chairman, I would also like, of course, to commend the gentleman from Pennsylvania [Mr. CLINGER], the chairman. He has shown an impressive amount of grace under pressure. I would concur with the comments of the gentlewoman from Illinois [Mrs. COLLINS] and others as to the way he has conducted this debate.

Mr. Chairman, I would like to commend the freshman sponsor of this legislation, the gentleman from Virginia [Mr. DAVIS]. He has recently lived under the crippling effect of unfunded mandates, and I think he has shared his stories with us convincingly.

The gentleman from New York [Mr. TOWNS], I have to acknowledge Chairman TOWNS from last year's Congress. His subcommittee was the subcommittee that had hearings on this issue. The gentleman from New York [Mr. TOWNS], in the face of a lot of opposition from people who did not want mandate relief last year, had not only hearings but a markup on important legislation very similar to this legislation. We would not be here, I do not think, today if ED TOWNS had not done that.

Mr. Chairman, a subcommittee last year of the gentleman from New York [Mr. TOWNS], also included two leaders on our side of this issue, the gentleman from New Mexico [Mr. SCHIFF], who is here in the Chamber, and the gentleman from Florida [Mr. MICA] who were very important to getting us to this point.

The Committee on Rules was very helpful in this process. We took a good bill to the Committee on Rules. It became a better bill, thanks to the work of the chairman, the gentleman from New York [Mr. SOLOMON], the gentleman from California [Mr. DREIER], the ranking member, the gentleman from Massachusetts [Mr. MOAKLEY], and others who perfected and refined this legislation. They are to be thanked.

Governor Voinovich of Ohio has led this issue for the National Governors and for other elected officials over the years. He is unrelenting, he is focused, and again, I think it is crucial to thank him, because we probably would not be here without that pressure.

Finally, let me thank our State and local partners, every township trustee, every mayor, every Governor, every local, State elected official. They are the ones who have really advocated this. They are the reason we are here. Their Big Seven representatives here in Washington have been responsible for helping us craft this legislation over time.

All I can say, Mr. Chairman, is that we have acted today on their behalf, on behalf of the local and State elected officials, and on behalf of all our citizens, to craft a new partnership to enable us to better this country in a true partnership.

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

Mr. PORTMAN. I am happy to yield to my friend, the gentleman from California.

Mr. DREIER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, briefly, on behalf of the Committee on Rules, I would say that sharing jurisdiction on this legislation, we would like to extend our congratulations first to the gentleman from Missouri [Mr. EMERSON] and then to the chairman, the gentleman from Pennsylvania [Mr. CLINGER] and all who have played a role.

There is one particular item which really has not been discussed in a major way on this debate. That is the fact that as unfunded mandates are imposed on the State and local governments, many of the priorities which those local governments have established cannot be met because of the burden that they have been shouldering to pay for these mandates.

The city of Los Angeles has had an extraordinarily onerous responsibility which has jeopardized their desire to provide resources for police and fire and other public safety areas. It seems to me that cannot be forgotten.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. PORTMAN] has expired.

(At the request of Mr. DREIER and by unanimous consent, Mr. PORTMAN was allowed to proceed for 1 additional minute.)

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

Mr. PORTMAN. I yield to the gentleman from Kansas.

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

Mr. Chairman, I would like for all colleagues to return with me now as we return to the not so thrilling days of yesteryear, when out of the past came the thundering hoofbeats of one horse and one gentleman astride that horse; that is, the unfunded mandates horse. He was the Lone Ranger, and that is the gentleman from California [Mr. CONDIT].

He formed a group that was a lonely posse. There were several of us that were riding shotgun with him. We told him to be careful, just like Miss Kitty always tells me when I leave Dodge City, "Pat, be careful," but he was not careful. He forged ahead and he was aggressive. He told the Big Seven it was not really good enough. He did not get a lot of encouragement.

Mr. Chairman, I quite frankly did not think we could get this job done, but the gentleman from California [Mr. CONDIT] really persevered, so I want to pay him a great deal of tribute. I am allegedly the co-chairman of the Unfunded Mandates Caucus, but he was the foreman, and he did all the work, so I thank the gentleman from California [Mr. CONDIT].

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

Mr. Chairman, I know what we are about to do may be the political thing to do. It may be the popular thing to do. Many of us as Members of this body may be putting our fingers to the air to see which way the wind is blowing, and blowing in that direction.

However, let me say for this Member, Mr. Chairman, for this Member from Georgia, mandates are not necessarily bad, funded or unfunded. Mandates are as old as the Constitution, the Declaration of Independence, the Bill of Rights, even the scripture. Thank God.

When God gave Moses the Ten Commandments, he did not say, "Moses, take it, if it costs something or whether it is free." He said, "These are the Ten Commandments. Don't take it whether you feel like it, maybe. These are the Ten Commandments."

Let me remind some of my brothers from this side of the aisle and the other side, in another period in our history it took the Federal Government, the national government, to tell our country what to do, to do what was right.

People in Alabama, in Mississippi, in Georgia, 11 Southern States of the old Confederacy, were denied the right to vote 30 years ago, and it took the National Government to make it possible for all these people to register to vote, to become participants in the democratic process. That was a mandate, so what is wrong with mandates?

Mr. Chairman, I urge Members to vote against this bill. It may not be the popular thing to do, but it is the right thing to do.

Mr. GENE GREEN of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am proud to serve on the committee this year with the gentleman from Pennsylvania [Mr. CLINGER], the chairman, and our ranking member, the gentlewoman from Illinois [Mrs. COLLINS].

Mr. Chairman, let me tell the Members why it took so long to be on the floor. I know it was not our Chairman's responsibility, because he was given his marching orders to send this bill out. The reason we had to spend 2 weeks on this bill was because we did not get to have a public hearing in committee.

Members have heard that for this whole 2 weeks, any time any of the Members from the minority side were up here. Maybe we are learning that if we are going to take this kind of time on the floor, maybe it would be better if our committees actually spent time in hearing from interested citizens and people who are impacted by it.

Mr. Chairman, I am going to vote for the bill because I do not think the bill is that bad in its form. I just think because we took 2 weeks, though, the American people and each Member of this House needed to know what we were doing. We did.

We know that this bill will require us to have some type of cost estimates, and we will have to have a separate vote on a point of order if it is raised on over $100 million. That is not so terrible.

What we need to recognize, though, is what may come afterwards, because again, we are a Nation not of 50 individual States, and territories, in addition, we are one United States. We need to recognize that, that there are rules that all of us, whether we live in Texas, whether we live in New York or Hawaii, that we have to live under.

Mr. Chairman, we were deliberative on this. That is why we had so many amendments on this. We wanted to make sure people understood that the Clean Water Act, with all its problems, and the Clean Air Act, and I want to amend it, too, and do some things with it, with all its problems, it was still a compromise bill that was passed in 1990 and signed by President Bush.

Now it has caused problems we need to deal with, but it was still passed with bipartisan support because it was addressing a problem of clean air or clean water. Mr. Chairman, it has raised costs for our constituents, but like I said in the earlier debate, when I go to New York and visit the gentleman from New York [Mr. TOWNS], I would like to make sure that the water I turn on, I can drink, coming from Houston. I would like to make sure our Houston water is good enough for him to drink.

That is why, Mr. Chairman, the reason we took so long on this, and because we did, is because of the partisanshipness, not of the issue but because of the procedure.

□ 1550

I hope we have learned our lesson, that we need to spend the time in the committee and take that kind of time so we do not have to take 2 weeks or 435 Members. That is why we have committees.

Again I want to thank the gentleman from Pennsylvania [Mr. CLINGER], because he is a fair chairman, our ranking member is fair, but I think all our committees in the House can learn from the problem we experienced in this bill.

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

Mr. Chairman, I will be brief. Every individual that needs to be thanked has been thanked.

All the people who have participated in this from the gentleman from Pennsylvania [Mr. CLINGER], to the gentleman from New York [Mr. TOWNS], to the gentleman from Ohio [Mr. PORTMAN], to the gentleman from Virginia [Mr. DAVIS], to the gentleman from Virginia [Mr. MORAN], everybody has been thanked and properly so. They have all participated in this issue and they have been the reason we are here today. I personally want to thank them very much. I want to thank my colleagues on the Republican side for allowing me to participate in the development of this legislation. I appreciate that very much.

I do want to say, and I want to underline, that this is a bipartisan issue. No place in the country is this a partisan issue. You need to just be reminded for just a brief moment, the last couple of days of debate when the issues came up on the amendments, there were 60 to 70 Democrats who voted to keep this bill strong, to keep H.R. 5 in its current form. It is a bipartisan solution that we have come up with here today, and I think that we are to congratulate ourselves for working together in a bipartisan way.

I also want to acknowledge the unfunded mandate caucus. Those people hung together for the last couple of years, and they were a bunch of renegades on this issue. They hung together, they pushed and they fought to make sure that we got to where we are today and I want to thank them for that.

Mr. Chairman, this is simply about accountability. This is about us being accountable. This is about whether or not we will take responsibility for the legislation that we pass. That is all we are asking for today. We are not asking for anything extraordinary or radical. Just if you are willing to pass a piece of legislation, you take the accountability for it. That is fair. Most of the people throughout this country think that is fair. This is good for the country. This is good for local government. This is good for State government. I encourage all the Members here today to think about this carefully. Let us continue that trend of finding a bipartisan solution and vote "aye" for H.R. 5 today.

Mr. TORKILDSEN. Mr. Chairman, I rise today as a cosponsor and strong supporter of H.R. 5, the Unfunded Mandate Reform Act and applaud the efforts of all involved. This bill is similar to legislation I and other Members sponsored at the outset of the 103d Congress.

If an idea is good enough to mandate, then it should be good enough to pay for. For too long Congress has passed mandates, but not the bucks to State and local governments. Usually these unfunded mandates would come at the expense of local education and public safety programs.

In my home State of Massachusetts, many residents will soon face water and sewer rates in excess of $2,000 annually to pay for federally imposed unfunded mandates. We are not arguing with the need, on occasion, to mandate certain requirements. All we are asking is that they be paid for.

While everyone wants clean water, clean air, and other benefits, we must pursue these goals sensibly and in a way we can pay for.

While H.R. 5 will not rescind past mandates, but it will address future mandates. Just as the balanced budget amendment will force Congress to stop saddling future generations with debt, this act will force Congress to stop saddling State and local governments with de facto tax increases and local service cuts.

I strongly urge all my colleagues to support H.R. 5 and stop the destruction caused by unfunded mandates.

Mrs. MALONEY. Mr. Chairman, I rise to state my reluctant opposition to H.R. 5, the Unfunded Mandates Relief Act. I am reluctant to oppose H.R. 5 because I think that its basic purpose is sound and important. Almost everyone in this body agrees that something must be done about the increasing burdens that the Federal Government places upon the States and local governments.

Let there be no mistake—I support unfunded mandates reform legislation. I proudly voted for a well-crafted, bipartisan bill in the last Congress, and I voted for the substitute to H.R. 5 offered by Representative MORAN today. Those efforts were designed to allow Congress to make informed decisions about the burdens the Federal Government places on the States. They required the House to be fully informed about those costs before passing legislation.

It is unfortunate therefore that H.R. 5 has so many serious problems, starting with the abuse of the legislative process which brought this bill to the floor. It is ironic that this was the first bill to be reported out of the newly renamed Government Reform and Oversight Committee, for it did not receive 1 minute of hearings in that committee—a bad omen for the new era of openness called for by the Contract With America. The partisan power play which brought this bill to the floor is all the more disturbing given the fundamental ways in which it will affect the intrinsic nature of American government. A bill of this importance deserved better.

As it is written, H.R. 5 is an invitation to paralysis designed to prevent us from requiring the States to do anything unless we fully pay for it. Proponents of this bill argue that it allows us to impose mandates if, by a majority vote, we choose to do so. However, the same proponents would, I think, agree that this bill establishes the principle that the Federal Government should not impose mandates on the States unless it is prepared to pay every dime of the costs of the new requirements. That is not a proposition that I can agree with.

Many amendments were offered to this bill which would have added to the list of exemptions from this legislation. I offered one which would have exempted legislation to protect the health of children. I voted for others which would have exempted banking regulations, environmental legislation and bills to protect work-safety standards. Other amendments designed to protect private enterprise and to require an analysis of the benefits of specific bills as well as their costs, were offered and rejected.

Mr. Chairman, my concern is that the bill before us, however, well-intentioned, will roll

back the progress that the Federal Government has made in protecting the most fundamental rights of the American people. These include the right to breathe clean air, the right to drink pure water, the right to eat healthy food, and the right to work in a safe workplace.

Those are all national problems which require national solutions and national standards. Interstate problems are one example of this need. Air and water pollution know no boundaries. The smoke from incinerations blows easily from Ohio to New York. Sewage flows just a easily down the Mississippi from Missouri to Louisiana.

The Federal Government must also set standards of decency and compassion. It must stand against efforts by the States to cut off food stamps to needy children or reduce standards in nursing homes. Welfare reform is something everyone agrees needs to be done, but as a Federal legislator I would fight attempts by the States to abolish it. By imposing the point of order contained in this bill, H.R. 5 is a mandate for gridlock on these and other national priorities. Gridlock that the American people have rejected time and time again.

Mr. Speaker, I applaud the goals of this bill. But it is abundantly clear that H.R. 5 was hastily written—and badly written at that—and that it was forced out of committee and onto the floor with an authoritarian heavy hand more interested in partisan politics than good policy.

A reform bill should push forward, not set us back. By building on the bipartisan efforts of the last Congress, I believe that a good bill could have been presented to the Congress, one that helped, rather than potentially harmed, the people we were sent here to represent. It is unfortunate we did not have the opportunity to vote for that bill.

Mr. FRANKS of New Jersey. Mr. Chairman, today, I rise in strong support of H.R. 5, the Unfunded Mandate Reform Act of 1995. As a cosponsor of this legislation this Congress and last Congress, I commend Chairman CLINGER of the Government Reform and Oversight Committee for his leadership in bringing this bill to the floor in an expeditious manner. I also want to commend the distinguished gentleman from California [Mr. CONDIT], and my good friend from Ohio [Mr. PORTMAN], for their leadership and hard work on this issue.

Mr. Chairman, I support this legislation because it will slow the torrent of unfunded mandates Congress has passed onto State and local governments, causing local property taxes to rise. While any relief from unfunded mandates are welcome, I want to remind my colleagues that the protection from unfunded mandates contained in this bill are not ironclad. This bill does include a point of order against any new mandates over $50 million. However, since this relief is statutory, a future Congress can circumvent this legislation by simple majority. Therefore, today Congress is not closing the door to keep new unfunded mandates. Instead, today Congress is merely slowing, not stopping, the passage of new mandates.

Mr. Chairman, the only sure way to stop unfunded mandates is through a constitutional amendment. For this reason, I have reintroduced legislation (H.J. Res. 27) that would give State and local governments a constitutional guarantee against new, unfunded, Federal mandates. Without constitutional protection from unfunded mandates, I fear Congress will transfer programs to State and local governments in order to meet its obligation under the balanced budget amendment, instead of raising taxes or taking the preferable route of cutting spending.

Mr. Chairman, H.R. 5 is a necessary first step to protect local taxpayers. While I encourage my colleagues to vote for this important legislation, I urge my colleagues to finish the job by supporting House Joint Resolution 27, a joint resolution that would stop unfunded Federal mandates constitutionally.

Mr. STOKES. Mr. Chairman, I rise in strong opposition to H.R. 5, the Unfunded Mandate Reform Act of 1995. While I am keenly aware of the fact that many of our State and local governments face formidable financial constraints—not unlike those of our Federal Government—I am also extremely conscious of my duty as a Member of Congress to act in the best interest of the people I represent and the American public. We cannot and should not, in an attempt to decrease financial burdens placed on State and local governments, shirk our responsibility to act in the best interest of the American people. This flawed and hurried legislation will not only fail to resolve the financial difficulties of State and local governments, but will endanger the American public.

The bill before us today, the Unfunded Mandate Reform Act of 1995, will not only attempt to undo many of the important accomplishments of the U.S. Congress, but also seeks to undermine many of our most important efforts to improve the quality of life for all Americans.

The stated purpose of the Unfunded Mandates Reform Act is to limit Congress' ability to impose Federal mandates on State and local government. While I agree that Congress should be aware of the nature and extent of costs that may be imposed on State and local government, this proposed measure goes well beyond this legitimate objective of balancing the responsibilities placed on these governments. In fact, this bill is specifically designed to inhibit the will of the people by creating artificial obstacles to congressional support for programs the current majority has long sought to weaken if not totally eliminate, including laws that protect the environment, enhance voter participation, strengthen crime control, and heighten worker and citizen safety.

Mr. Chairman, this legislation is unprecedented in its scope. Few areas of Federal legislation will be unaffected by this measure, yet, with very little opportunity for open hearing, and with limited debate, this act has been placed before us. A measure of this kind requires detailed analysis of the impact it may have on the American people, but no such review has or will take place. In the current rush to force this bill to the floor of this House, the will of the American people will certainly be compromised.

H.R. 5 will have a devastating impact on the environment. As a Representative of the urban district of Cleveland, OH, I have first-hand witnessed the severity of the environmental problems this Nation and its inner cities now face. The quality of most urban air and water in this country is in dire need of immediate attention.

Mr. Chairman, without so-called unfunded mandates such as the Clean Water Act, the Clean Air Act, and the Endangered Species Act—all acts that represent significant steps towards remedying the effects of environmental devastation and injustice—the American people and all future generations will be harmed forever.

This bill will also significantly compromise citizen and worker safety. Last year, over 10,000 American workers died in the workplace. Another 70,000 were permanently disabled, and more than 100,000 contracted fatal occupational illnesses. H.R. 5 will greatly inhibit our ability to protect the American population from unsafe products, dangerous working conditions, and avoidable disasters. I cannot in good conscience endanger American workers by supporting this bill.

Furthermore, Mr. Chairman, this legislation will not only have a dramatic and disastrous impact on future legislation, it will also affect existing legislation. Bills that reauthorize existing laws, by enhancing standards, or by enhancing the scope of the original legislation, which results in an increase in costs for State and local government, will all be inhibited by unfunded mandates. Important measures placed in jeopardy by this proposed legislation include the Brady bill that mandates a waiting period prior to the purchase of a firearm; the Family Medical Leave Act that permits parents to take care of their sick children; and the National Voter Registration Act that would greatly enhance voter participation.

Perhaps the most negative impact of this proposed legislation will be on future legislation that may be considered by Congress. Any proposed legislation that is designed to protect workers and citizens from unnecessary injury, protect the environment, or end poverty, will be subject to exclusion under this bill.

Mr. Chairman, adding to the cynical approach employed by this legislation, I am sad to report that this law has been engineered to take effect on October 1 of this year, to ensure that the Republican Contract With America and the attempted rescissions of fiscal year 1995 appropriations, would not be subject to its requirements. This transparent effort to exempt Republican legislation is clearly unjust and further hinders the will of the American people.

Mr. Chairman, it is my belief that H.R. 5 and the circumstances under which it is presented in this House attempt to mislead the American people to believe that cookie cutter, simplistic solutions will cure what ails this Nation. Nothing could be further from the truth. As our Nation faces an epidemic of pollution, discrimination, and poverty, the solution to these problems will not be found in quick fixes like the Unfunded Mandate Reform Act. The American people elected us to act in their best interest, not compromise their welfare because Government refuses to have the courage to meet its obligations. I urge my colleagues to vote against this bill.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. UPTON) 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, pursuant to House Resolution 38, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MRS. COLLINS OF ILLINOIS

Mrs. COLLINS of Illinois. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. COLLINS of Illinois. Yes, in its present form, I am, Mr. Speaker.

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

The Clerk read as follows:

Mrs. COLLINS of Illinois moves to recommit the bill to the Committee on Government Reform and Oversight.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 360, noes 74, not voting 1, as follows:

[Roll No. 83]

AYES—360

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

NOES—74

Abercrombie
Beilenson
Bonior
Brown (CA)
Brown (FL)
Brown (OH)
Clay
Clayton
Collins (IL)
Collins (MI)
Conyers
Coyne
Dellums
Dingell
Engel
Evans
Farr
Fattah
Filner
Foglietta
Gejdenson
Gibbons
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Jefferson
Johnston
Kennedy (RI)
LaFalce
Levin
Lewis (GA)
Maloney
Martinez
Matsui
McDermott
McKinney
Meek
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Nadler
Oberstar
Owens
Pastor
Payne (NJ)
Pelosi
Rangel
Roybal-Allard
Rush
Sabo
Sanders
Schroeder
Scott
Serrano
Skaggs
Slaughter
Stark
Stokes
Thompson
Torres
Towns
Tucker
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Williams
Woolsey
Yates

NOT VOTING—1

Becerra

□ 1618

The SPEAKER pro tempore (during the voting). The Chair wants to announce that the reason we have gone beyond 17 minutes, as several Members have inquired about, is that the computer has broken down, and the staff is finishing making sure the vote is accurate. So on behalf of the computer, the Chair apologizes.

□ 1621

Mrs. CLAYTON changed her vote from "aye" to "no."

Mr. RICHARDSON, Ms. RIVERS, and Mr. BALLENGER changed their vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. CLINGER,. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1) 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, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Unfunded Mandate Reform Act of 1995".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to strengthen the partnership between the Federal Government and State, local, and tribal governments;

(2) to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate Federal funding, in a manner that may displace other essential State, local, and tribal governmental priorities;

(3) to assist Congress in its consideration of proposed legislation establishing or revising Federal programs containing Federal mandates affecting State, local, and tribal governments, and the private sector by—

(A) providing for the development of information about the nature and size of mandates in proposed legislation; and

(B) establishing a mechanism to bring such information to the attention of the Senate and the House of Representatives before the Senate and the House of Representatives vote on proposed legislation;

(4) to promote informed and deliberate decisions by Congress on the appropriateness of Federal mandates in any particular instance;

(5) to require that Congress consider whether to provide funding to assist State, local, and tribal governments in complying with Federal mandates, to require analyses of the impact of private sector mandates, and through the dissemination of that information provide informed and deliberate decisions by Congress and Federal agencies and retain competitive balance between the public and private sectors;

(6) to establish a point-of-order vote on the consideration in the Senate and House of Representatives of legislation containing significant Federal mandates; and

(7) to assist Federal agencies in their consideration of proposed regulations affecting State, local, and tribal governments, by—

(A) requiring that Federal agencies develop a process to enable the elected and other officials of State, local, and tribal governments to provide input when Federal agencies are developing regulations; and

(B) requiring that Federal agencies prepare and consider better estimates of the budgetary impact of regulations containing Federal mandates upon State, local, and tribal governments before adopting such regulations, and ensuring that small governments are given special consideration in that process.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the terms defined under section 408(h) of the Congressional Budget and Impoundment Control Act of 1974 (as added by section 101 of this Act) shall have the meanings as so defined; and

(2) the term "Director" means the Director of the Congressional Budget Office.

SEC. 4. EXCLUSIONS.

This Act shall not apply to any provision in a bill, joint resolution, amendment, motion, or conference report before Congress and any provision in a proposed or final Federal regulation that—

(1) enforces constitutional rights of individuals;

(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability;

(3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the United States Government;

(4) provides for emergency assistance or relief at the request of any State, local, or tribal government or any official of a State, local, or tribal government;

(5) is necessary for the national security or the ratification or implementation of international treaty obligations; or

(6) the President designates as emergency legislation and that the Congress so designates in statute.

SEC. 5. AGENCY ASSISTANCE.

Each agency shall provide to the Director such information and assistance as the Director may reasonably request to assist the Director in carrying out this Act.

TITLE I—LEGISLATIVE ACCOUNTABILITY AND REFORM

SEC. 101. LEGISLATIVE MANDATE ACCOUNTABILITY AND REFORM .

(a) IN GENERAL.—Title IV of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding at the end thereof the following new section:

"SEC. 408. LEGISLATIVE MANDATE ACCOUNTABILITY AND REFORM .

"(a) DUTIES OF CONGRESSIONAL COMMITTEES.—

"(1) IN GENERAL.—When a committee of authorization of the Senate or the House of Representatives reports a bill or joint resolution of public character that includes any Federal mandate, the report of the committee accompanying the bill or joint resolution shall contain the information required by paragraphs (3) and (4).

"(2) SUBMISSION OF BILLS TO THE DIRECTOR.—When a committee of authorization of the Senate or the House of Representatives orders reported a bill or joint resolution of a public character, the committee shall promptly provide the bill or joint resolution to the Director of the Congressional Budget Office and shall identify to the Director any Federal mandates contained in the bill or resolution.

"(3) REPORTS ON FEDERAL MANDATES.—Each report described under paragraph (1) shall contain—

"(A) an identification and description of any Federal mandates in the bill or joint resolution, including the direct costs to State, local, and tribal governments, and to the private sector, required to comply with the Federal mandates;

"(B) a qualitative, and if practicable, a quantitative assessment of costs and benefits anticipated from the Federal mandates (including the effects on health and safety and the protection of the natural environment); and

"(C) a statement of the degree to which a Federal mandate affects both the public and private sectors and the extent to which Federal payment of public sector costs or the modification or termination of the Federal mandate as provided under subsection (c)(1)(B) would affect the competitive balance between State, local, or tribal governments and privately owned businesses including a description of the actions, if any, taken by the committee to avoid any adverse impact on the private sector or the competitive balance between the public sector and the private sector.

"(4) INTERGOVERNMENTAL MANDATES.—If any of the Federal mandates in the bill or joint resolution are Federal intergovernmental mandates, the report required under paragraph (1) shall also contain—

"(A)(i) a statement of the amount, if any, of increase or decrease in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable for activities of State, local, or tribal governments subject to the Federal intergovernmental mandates;

"(ii) a statement of whether the committee intends that the Federal intergovernmental mandates be partly or entirely unfunded, and if so, the reasons for that intention; and

"(iii) if funded in whole or in part, a statement of whether and how the committee has created a mechanism to allocate the funding in a manner that is reasonably consistent with the expected direct costs among and between the respective levels of State, local, and tribal government; and

"(B) any existing sources of Federal assistance in addition to those identified in subparagraph (A) that may assist State, local, and tribal governments in meeting the direct costs of the Federal intergovernmental mandates.

"(5) PREEMPTION CLARIFICATION AND INFORMATION.—When a committee of authorization of the Senate or the House of Representatives reports a bill or joint resolution of public character, the committee report accompanying the bill or joint resolution shall contain, if relevant to the bill or joint resolution, an explicit statement on the extent to which the bill or joint resolution preempts any State, local, or tribal law, and, if so, an explanation of the reasons for such preemption.

"(6) PUBLICATION OF STATEMENT FROM THE DIRECTOR.—

"(A) Upon receiving a statement (including any supplemental statement) from the Director under subsection (b), a committee of the Senate or the House of Representatives shall publish the statement in the committee report accompanying the bill or joint resolution to which the statement relates if the statement is available at the time the report is printed.

"(B) If the statement is not published in the report, or if the bill or joint resolution to which the statement relates is expected to be considered by the Senate or the House of Representatives before the report is published, the committee shall cause the statement, or a summary thereof, to be published

in the Congressional Record in advance of floor consideration of the bill or joint resolution.

"(b) DUTIES OF THE DIRECTOR; STATEMENTS ON BILLS AND JOINT RESOLUTIONS OTHER THAN APPROPRIATIONS BILLS AND JOINT RESOLUTIONS.—

"(1) FEDERAL INTERGOVERNMENTAL MANDATES IN REPORTED BILLS AND RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committee of authorization of the Senate or the House of Representatives, the Director of the Congressional Budget Office shall prepare and submit to the committee a statement as follows:

"(A) If the Director estimates that the direct cost of all Federal intergovernmental mandates in the bill or joint resolution will equal or exceed $50,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal intergovernmental mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

"(B) The estimate required under subparagraph (A) shall include estimates (and brief explanations of the basis of the estimates) of—

"(i) the total amount of direct cost of complying with the Federal intergovernmental mandates in the bill or joint resolution, but no more than 10 years beyond the effective date of the mandate; and

"(ii) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable by State, local, or tribal governments for activities subject to the Federal intergovernmental mandates.

"(C) If the Director determines that it is not feasible to make a reasonable estimate that would be required under subparagraphs (A) and (B), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement. If such determination is made by the Director, a point of order shall lie only under subsection (c)(1)(A) and as if the requirement of subsection (c)(1)(A) had not been met.

"(2) FEDERAL PRIVATE SECTOR MANDATES IN REPORTED BILLS AND JOINT RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committee of authorization of the Senate or the House of Representatives, the Director of the Congressional Budget Office shall prepare and submit to the committee a statement as follows:

"(A) If the Director estimates that the direct cost of all Federal private sector mandates in the bill or joint resolution will equal or exceed $200,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal private sector mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

"(B) Estimates required under this paragraph shall include estimates (and a brief explanation of the basis of the estimates) of—

"(i) the total amount of direct costs of complying with the Federal private sector mandates in the bill or joint resolution, but no more than 10 years beyond the effective date of the mandate; and

"(ii) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution usable by the private sector for the activities subject to the Federal private sector mandates.

"(C) If the Director determines that it is not feasible to make a reasonable estimate that would be required under subparagraphs (A) and (B), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement.

"(3) LEGISLATION FALLING BELOW THE DIRECT COSTS THRESHOLDS.—If the Director estimates that the direct costs of a Federal mandate will not equal or exceed the thresholds specified in paragraphs (1) and (2), the Director shall so state and shall briefly explain the basis of the estimate.

"(4) AMENDED BILLS AND JOINT RESOLUTIONS; CONFERENCE REPORTS.—If a bill or joint resolution is passed in an amended form (including if passed by one House as an amendment in the nature of a substitute for the text of a bill or joint resolution from the other House) or is reported by a committee of conference in amended form, and the amended form contains a Federal mandate not previously considered by either House or which contains an increase in the direct cost of a previously considered Federal mandate, then the committee of conference shall ensure, to the greatest extent practicable, that the Director shall prepare a statement as provided in this paragraph or a supplemental statement for the bill or joint resolution in that amended form.

"(c) LEGISLATION SUBJECT TO POINT OF ORDER IN THE SENATE.—

"(1) IN GENERAL.—It shall not be in order in the Senate to consider—

"(A) any bill or joint resolution that is reported by a committee unless the committee has published a statement of the Director on the direct costs of Federal mandates in accordance with subsection (a)(6) before such consideration; and

"(B) any bill, joint resolution, amendment, motion, or conference report that would increase the direct costs of Federal intergovernmental mandates by an amount that causes the thresholds specified in subsection (b)(1)(A) to be exceeded, unless—

"(i) the bill, joint resolution, amendment, motion, or conference report provides direct spending authority for each fiscal year for the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report in an amount that is equal to the direct costs of such mandate;

"(ii) the bill, joint resolution, amendment, motion, or conference report provides an increase in receipts and an increase in direct spending authority for each fiscal year for the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report in an amount equal to the direct costs of such mandate; or

"(iii) the bill, joint resolution, amendment, motion, or conference report includes an authorization for appropriations in an amount equal to the direct costs of such mandate, and—

"(I) identifies a specific dollar amount of the direct costs of the mandate for each year or other period up to 10 years during which the mandate shall be in effect under the bill, joint resolution, amendment, motion or conference report, and such estimate is consistent with the estimate determined under paragraph (5) for each fiscal year; and

"(II) identifies any appropriation bill that is expected to provide for Federal funding of the direct cost referred to under subclause (III);

"(III)(aa) provides that if for any fiscal year the responsible Federal agency determines that there are insufficient appropriations to provide for the estimated direct costs of the mandate, the Federal agency shall (not later than 30 days after the beginning of the fiscal year) notify the appropriate authorizing committees of Congress of the determination and submit either—

"(1) a statement that the agency has determined, based on a re-estimate of the direct costs of a mandate, after consultation with State, local, and tribal governments, that the amount appropriated is sufficient to pay for the direct costs of the mandate; or

"(2) legislative recommendations for either implementing a less costly mandate or making the mandate ineffective for the fiscal year;

"(bb) provides expedited procedures for the consideration of the statement or legislative recommendations referred to in item (aa) by Congress not later than 30 days after the statement or recommendations are submitted to Congress; and

"(cc) provides that the mandate shall—

"(1) in the case of a statement referred to in item (aa)(1), cease to be effective 60 days after the statement is submitted unless Congress has approved the agency's determination by joint resolution during the 60-day period;

"(2) cease to be effective 60 days after the date the legislative recommendations of the responsible Federal agency are submitted to Congress under item (aa)(2) unless Congress provides otherwise by law; or

"(3) in the case of a mandate that has not yet taken effect, continue not to be effective unless Congress provides otherwise by law.

"(2) RULE OF CONSTRUCTION.—The provisions of paragraph (1)(B)(III) shall not be construed to prohibit or otherwise restrict a State, local, or tribal government from voluntarily electing to remain subject to the original Federal intergovernmental mandate, complying with the programmatic or financial responsibilities of the original Federal intergovernmental mandate and providing the funding necessary consistent with the costs of Federal agency assistance, monitoring, and enforcement.

"(3) COMMITTEE ON APPROPRIATIONS.—(A) Paragraph (1)—

"(i) shall not apply to any bill or resolution reported by the Committee on Appropriations of the Senate or the House of Representatives; but

"(ii) shall apply to—

"(I) any legislative provision increasing direct costs of a Federal intergovernmental mandate contained in any bill or resolution reported by such Committee;

"(II) any legislative provision increasing direct costs of a Federal intergovernmental mandate contained in any amendment offered to a bill or resolution reported by such Committee;

"(III) any legislative provision increasing direct costs of a Federal intergovernmental mandate in a conference report accompanying a bill or resolution reported by such Committee; and

"(IV) any legislative provision increasing direct costs of a Federal intergovernmental mandate contained in any amendments in disagreement between the two Houses to any

bill or resolution reported by such Committee.

"(B) Upon a point of order being made by any Senator against any provision listed in subparagraph (A)(ii), and the point of order being sustained by the Chair, such specific provision shall be deemed stricken from the bill, resolution, amendment, amendment in disagreement, or conference report and may not be offered as an amendment from the floor.

"(4) DETERMINATIONS OF APPLICABILITY TO PENDING LEGISLATION.—For purposes of this subsection, in the Senate, the presiding officer of the Senate shall consult with the Committee on Governmental Affairs, to the extent practicable, on questions concerning the applicability of this section to a pending bill, joint resolution, amendment, motion, or conference report.

"(5) DETERMINATIONS OF FEDERAL MANDATE LEVELS.—For purposes of this subsection, in the Senate, the levels of Federal mandates for a fiscal year shall be determined based on the estimates made by the Committee on the Budget.

"(d) ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.—It shall not be in order in the House of Representatives to consider a rule or order that waives the application of subsection (c) to a bill or joint resolution reported by a committee of authorization.

"(e) REQUESTS FROM SENATORS.—At the written request of a Senator, the Director shall, to the extent practicable, prepare an estimate of the direct costs of a Federal intergovernmental mandate contained in a bill, joint resolution, amendment, or motion of such Senator.

"(f) CLARIFICATION OF APPLICATION.—(1) This section applies to any bill, joint resolution, amendment, motion, or conference report that reauthorizes appropriations, or that amends existing authorizations of appropriations, to carry out any statute, or that otherwise amends any statute, only if enactment of the bill, joint resolution, amendment, motion, or conference report—

"(A) would result in a net reduction in or elimination of authorization of appropriations for Federal financial assistance that would be provided to State, local, or tribal governments for use for the purpose of complying with any Federal intergovernmental mandate, or to the private sector for use to comply with any Federal private sector mandate, and would not eliminate or reduce duties established by the Federal mandate by a corresponding amount; or

"(B) would result in a net increase in the aggregate amount of direct costs of Federal intergovernmental mandates or Federal private sector mandates otherwise than as described in subparagraph (A).

"(2)(A) For purposes of this section, the direct cost of the Federal mandates in a bill, joint resolution, amendment, motion, or conference report that reauthorizes appropriations, or that amends existing authorizations of appropriations, to carry out a statute, or that otherwise amends any statute, means the net increase, resulting from enactment of the bill, joint resolution, amendment, motion, or conference report, in the amount described under subparagraph (B)(i) over the amount described under subparagraph (B)(ii).

"(B) The amounts referred to under subparagraph (A) are—

"(i) the aggregate amount of direct costs of Federal mandates that would result under the statute if the bill, joint resolution, amendment, motion, or conference report is enacted; and

"(ii) the aggregate amount of direct costs of Federal mandates that would result under the statute if the bill, joint resolution, amendment, motion, or conference report were not enacted.

"(C) For purposes of this paragraph, in the case of legislation to extend authorization of appropriations, the authorization level that would be provided by the extension shall be compared to the auhorization level for the last year in which authorization of appropriations is already provided.

"(g) EXCLUSIONS.—This section shall not apply to any provision in a bill, joint resolution, amendment, motion, or conference report before Congress that—

"(1) enforces constitutional rights of individuals;

"(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability;

"(3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the United States Government;

"(4) provides for emergency assistance or relief at the request of any State, local, or tribal government or any official of a State, local, or tribal government;

"(5) is necessary for the national security or the ratification or implementation of international treaty obligations; or

"(6) the President designates as emergency legislation and that the Congress so designates in statute.

"(h) DEFINITIONS.—For purposes of this section:

"(1) The term 'Federal intergovernmental mandate' means—

"(A) any provision in legislation, statute, or regulation that—

"(i) would impose an enforceable duty upon State, local, or tribal governments, except—

"(I) a condition of Federal assistance; or

"(II) a duty arising from participation in a voluntary Federal program, except as provided in subparagraph (B)); or

"(ii) would reduce or eliminate the amount of authorization of appropriations for—

"(I) Federal financial assistance that would be provided to State, local, or tribal governments for the purpose of complying with any such previously imposed duty unless such duty is reduced or eliminated by a corresponding amount; or

"(II) the control of borders by the Federal Government; or reimbursement to State, local, or tribal governments for the net cost associated with illegal, deportable, and excludable aliens, including court-mandated expenses related to emergency health care, education or criminal justice; when such a reduction or elimination would result in increased net costs to State, local, or tribal governments in providing education or emergency health care to, or incarceration of, illegal aliens; except that this subclause shall not be in effect with respect to a State, local, or tribal government, to the extent that such government has not fully cooperated in the efforts of the Federal Government to locate, apprehend, and deport illegal aliens;

"(B) any provision in legislation, statute, or regulation that relates to a then-existing Federal program under which $500,000,000 or more is provided annually to State, local, and tribal governments under entitlement authority, if the provision—

"(i)(I) would increase the stringency of conditions of assistance to State, local, or tribal governments under the program; or

"(II) would place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding to State, local, or tribal governments under the program; and

"(ii) the State, local, or tribal governments that participate in the Federal program lack authority under that program to amend their financial or programmatic responsibilities to continue providing required services that are affected by the legislation, statute, or regulation.

"(2) The term 'Federal private sector mandate' means any provision in legislation, statute, or regulation that—

"(A) would impose an enforceable duty upon the private sector except—

"(i) a condition of Federal assistance; or

"(ii) a duty arising from participation in a voluntary Federal program; or

"(B) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that will be provided to the private sector for the purposes of ensuring compliance with such duty.

"(3) The term 'Federal mandate' means a Federal intergovernmental mandate or a Federal private sector mandate, as defined in paragraphs (1) and (2).

"(4) The terms 'Federal mandate direct costs' and 'direct costs'—

"(A)(i) in the case of a Federal intergovernmental mandate, mean the aggregate estimated amounts that all State, local, and tribal governments would be required to spend in order to comply with the Federal intergovernmental mandate; or

"(ii) in the case of a provision referred to in paragraph (1)(A)(ii), mean the amount of Federal financial assistance eliminated or reduced;

"(B) in the case of a Federal private sector mandate, mean the aggregate estimated amounts that the private sector will be required to spend in order to comply with the Federal private sector mandate;

"(C) shall not include—

"(i) estimated amounts that the State, local, and tribal governments (in the case of a Federal intergovernmental mandate) or the private sector (in the case of a Federal private sector mandate) would spend—

"(I) to comply with or carry out all applicable Federal, State, local, and tribal laws and regulations in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that Federal mandate; or

"(II) to comply with or carry out State, local, and tribal governmental programs, or private-sector business or other activities in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that mandate; or

"(ii) expenditures to the extent that such expenditures will be offset by any direct savings to the State, local, and tribal governments, or by the private sector, as a result of—

"(I) compliance with the Federal mandate; or

"(II) other changes in Federal law or regulation that are enacted or adopted in the same bill or joint resolution or proposed or final Federal regulation and that govern the same activity as is affected by the Federal mandate; and

"(D) shall be determined on the assumption that State, local, and tribal governments, and the private sector will take all reasonable steps necessary to mitigate the costs resulting from the Federal mandate, and will comply with applicable standards of practice and conduct established by recognized professional or trade associations. Reasonable steps to mitigate the costs shall not include increases in State, local, or tribal taxes or fees.

"(5) The term 'amount', with respect to an authorization of appropriations for Federal financial assistance, means the amount of budget authority for any Federal grant assistance program or any Federal program providing loan guarantees or direct loans.

"(6) The term 'private sector' means all persons or entitles in the United States, including individuals, partnerships, associations, corporations, and educational and nonprofit institutions, but shall not include State, local, or tribal governments.

"(7) The term 'local government' has the same meaning as in section 6501(6) of title 31, United States Code.

"(8) The term 'tribal government' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688; 43 U.S.C. 1601 et seq.) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians.

"(9) The term 'small government' means any small governmental jurisdictions defined in section 601(5) of title 5, United States Code, and any tribal government.

"(10) The term 'State' has the same meaning as in section 6501(9) of title 31, United State Code.

"(11) The term 'agency' has the meaning as defined in section 551(1) of title 5, United States Code, but does not include independent regulatory agencies, as defined in section 3502(10) of title 44, United States Code, or the Office of the Comptroller of the Currency or the Office of Thrift Supervision.

"(12) The term 'regulation' or 'rule' has the meaning of 'rule' as defined in section 601(2) of title 5, United States Code.

"(13) The term 'direct savings', when used with respect to the result of compliance with the Federal mandate—

"(A) in the case of a Federal intergovernmental mandate, means the aggregate estimated reduction in costs to any State, local, or tribal government as a result of compliance with the Federal intergovernmental mandate; and

"(B) in the case of a Federal private sector mandate, means the aggregate estimated reduction in costs to the private sector as a result of compliance with the Federal private sector mandate.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the item relating to section 407 the following new item:

"Sec. 408. Legislative mandate accountability and reform.".

SEC. 102. ASSISTANCE TO COMMITTEES AND STUDIES.

The Congressional Budget and Impoundment Control Act of 1974 is amended—

(1) in section 202—

(A) in subsection (c)—

(i) by redesignating paragraph (2) as paragraph (3); and

(ii) by inserting after paragraph (1) the following new paragraph:

"(2) At the request of any committee of the Senate or the House of Representatives, the Office shall, to the extent practicable, consult with and assist such committee in analyzing the budgetary or financial impact of any proposed legislation that may have—

"(A) a significant budgetary impact on State, local, or tribal governments; or

"(B) a significant financial impact on the private sector.";

(B) by amending subsection (h) to read as follows:

"(h) STUDIES.—

"(1) CONTINUING STUDIES.—The Director of the Congressional Budget Office shall conduct continuing studies to enhance comparisons of budget outlays, credit authority, and tax expenditures.

"(2) FEDERAL MANDATE STUDIES.—

"(A) At the request of any Chairman or ranking member of the minority of a Committee of the Senate or the House of Representatives, the Director shall, to the extent practicable, conduct a study of a Federal mandate legislative proposal.

"(B) In conducting a study on intergovernmental mandates under subparagraph (A), the Director shall—

"(i) solicit and consider information or comments from elected officials (including their designated representatives) of State, local, or tribal governments as may provide helpful information or comments;

"(ii) consider establishing advisory panels of elected officials or their designated representatives, of State, local, or tribal governments if the Director determines that such advisory panels would be helpful in performing responsibilities of the Director under this section; and

"(iii) if, and to the extent that the Director determines that accurate estimates are reasonably feasible, include estimates of—

"(I) the future direct cost of the Federal mandate to the extent that such costs significantly differ from or extend beyond the 5-year period after the mandate is first effective; and

"(II) any disproportionate budgetary effects of Federal mandates upon particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities, as appropriate.

"(C) In conducting a study on private sector mandates under subparagraph (A), the Director shall provide estimates, if and to the extent that the Director determines that such estimates are reasonably feasible, of—

"(i) future costs of Federal private sector mandates to the extent that such mandates differ significantly from or extend beyond the 5-year time period referred to in subparagraph (B)(iii)(I);

"(ii) any disproportionate financial effects of Federal private sector mandates and of any Federal financial assistance in the bill or joint resolution upon any particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities; and

"(iii) the effect of Federal private sector mandates in the bill or joint resolution on the national economy, including the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services."; and

(2) in section 301(d) by adding at the end thereof the following new sentence: "Any Committee of the House of Representatives or the Senate that anticipates that the committee will consider any proposed legislation establishing, amending, or reauthorizing any Federal program likely to have a significant budgetary impact on any State, local, or tribal government, or likely to have a significant financial impact on the private sector, including any legislative proposal submitted by the executive branch likely to have such a budgetary or financial impact, shall include its views and estimates on that proposal to the Committee on the Budget of the applicable House.".

SEC. 103. COST OF REGULATIONS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that Federal agencies should review and evaluate planned regulations to ensure that the cost estimates provided by the Congressional Budget Office will be carefully considered as regulations are promulgated.

(b) STATEMENT OF COST.—At the written request of any Senator, the Director shall, to the extent practicable, prepare—

(1) an estimate of the costs of regulations implementing an Act containing a Federal mandate covered by section 408 of the Congressional Budget and Impoundment Control Act of 1974, as added by section 101(a) of this Act; and

(2) a comparison of the costs of such regulations with the cost estimate provided for such Act by the Congressional Budget Office.

(c) COOPERATION OF OFFICE OF MANAGEMENT AND BUDGET.—At the request of the Director of the Congressional Budget Office, the Director of the Office of Management and Budget shall provide data and cost estimates for regulations implementing an Act containing a Federal mandate covered by section 408 of the Congressional Budget and Impoundment Control Act of 1974, as added by section 101(a) of this Act.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Congressional Budget Office $4,500,000 for each of the fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002 to carry out the provisions of this Act.

SEC. 105. EXERCISE OF RULEMAKING POWERS.

The provisions of section 101 are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of such House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

SEC. 106. REPEAL OF CERTAIN ANALYSIS BY CONGRESSIONAL BUDGET OFFICE.

Section 403 of the Congressional Budget Act of 1974 is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) in paragraph (3) by striking "paragraphs (1) and (2)" and inserting "paragraph (1)"; and

(C) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(2) by striking "(a)"; and

(3) by striking subsections (b) and (c).

SEC. 107. CONSIDERATION FOR FEDERAL FUNDING.

Nothing in this Act shall preclude a State, local, or tribal government that already complies with all or part of the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report from consideration for Federal funding for the cost of the mandate, including the costs the State, local, or tribal government is currently paying and any additional costs necessary to meet the mandate.

SEC. 108. IMPACT ON LOCAL GOVERNMENTS.

(a) FINDINGS.—The Senate finds that—

(1) the Congress should be concerned about shifting costs from Federal to State and local authorities and should be equally concerned about the growing tendency of States to shift costs to local governments;

(2) cost shifting from States to local governments has, in many instances, forced local governments to raise property taxes or curtail sometimes essential services; and

(3) increases in local property taxes and cuts in essential services threaten the ability of many citizens to attain and maintain the American dream of owning a home in a safe, secure community.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Federal Government should not shift certain costs to the State, and States should end the practice of shifting costs to local governments, which forces many local governments to increase property taxes;

(2) States should end the imposition, in the absence of full consideration by their legislatures, of State issued mandates on local governments without adequate State funding, in a manner that may displace other essential government priorities; and

(3) one primary objective of this Act and other efforts to change the relationship among Federal, State, and local governments should be to reduce taxes and spending at all levels and to end the practice of shifting costs from one level of government to another with little or no benefit to taxpayers.

SEC. 109. EFFECTIVE DATE.

This title shall take effect on January 1, 1996 or on the date 90 days after appropriations are made available as authorized under section 104, whichever is earlier and shall apply to legislation considered on and after such date.

TITLE II—REGULATORY ACCOUNTABILITY AND REFORM

SEC. 201. REGULATORY PROCESS.

(a) IN GENERAL.—Each agency shall, to the extent permitted in law—

(1) assess the effects of Federal regulations on State, local, and tribal governments (other than to the extent that such regulations incorporate requirements specifically set forth in legislation), and the private sector, including specifically the availability of resources to carry out any Federal intergovernmental mandates in those regulations; and

(2) seek to minimize those burdens that uniquely or significantly affect such governmental entities, consistent with achieving statutory and regulatory objectives.

(b) STATE, LOCAL, AND TRIBAL GOVERNMENT INPUT.—Each agency shall, to the extent permitted in law, develop an effective process to permit elected officials (or their designated representatives) of State, local, and tribal governments to provide meaningful and timely input in the development of regulatory proposals containing significant Federal intergovernmental mandates. Such a process shall be consistent with all applicable laws.

(c) AGENCY PLAN.—

(1) EFFECTS ON STATE, LOCAL, AND TRIBAL GOVERNMENTS.—Before establishing any regulatory requirements that might significantly or uniquely affect small governments, agencies shall have developed a plan under which the agency shall—

(A) provide notice of the contemplated requirements to potentially affected small governments, if any;

(B) enable officials of affected small governments to provide input under subsection (b); and

(C) inform, educate, and advise small governments on compliance with the requirements.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to each agency to carry out the provisions of this section, and for no other purpose, such sums as are necessary.

SEC. 202. STATEMENTS TO ACCOMPANY SIGNIFICANT REGULATORY ACTIONS.

(a) IN GENERAL.—Before promulgating any final rule that includes any Federal intergovernmental mandate that may result in the expenditure by State, local, or tribal governments, and the private sector, in the aggregate, of $100,000,000 or more (adjusted annually for inflation by the Consumer Price Index) in any 1 year, and before promulgating any general notice of proposed rulemaking that is likely to result in promulgation of any such rule, the agency shall prepare a written statement containing—

(1) estimates by the agency, including the underlying analysis, of the anticipated costs to State, local, and tribal governments and the private sector of complying with the Federal intergovernmental mandate, and of the extent to which such costs may be paid with funds provided by the Federal Government or otherwise paid through Federal financial assistance;

(2) estimates by the agency, if and to the extent that the agency determines that accurate estimates are reasonably feasible, of—

(A) the future costs of the Federal intergovernmental mandate; and

(B) any disproportionate budgetary effects of the Federal intergovernmental mandate upon any particular regions of the Nation or particular State, local, or tribal governments, urban or rural or other types of communities;

(3) a qualitative, and if possible, a quantitative assessment of costs and benefits anticipated from the Federal intergovernmental mandate (such as the enhancement of health and safety and the protection of the natural environment);

(4) the effect of the Federal private sector mandate on the national economy, including the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services; and

(5)(A) a description of the extent of the agency's prior consultation with elected representatives (or their designated representatives) of the affected State, local, and tribal governments;

(B) a summary of the comments and concerns that were presented by State, local, or tribal governments either orally or in writing to the agency;

(C) a summary of the agency's evaluation of those comments and concerns; and

(D) the agency's position supporting the need to issue the regulation containing the Federal intergovernmental mandates (considering, among other things, the extent to which costs may or may not be paid with funds provided by the Federal Government).

(b) AGENCY STATEMENT; PRIVATE SECTOR MANDATES.—Notwithstanding any other provision of this Act, an agency statement prepared pursuant to subsection (a) shall also be prepared for a Federal private sector mandate that may result in the expenditure by State, local, tribal governments, or the private sector, in the aggregate, of $100,000,000 or more (adjusted annually for inflation by the Consumer Price Index) in any 1 year.

(c) PROMULGATION.—In promulgating a general notice of proposed rulemaking or a final rule for which a statement under subsection (a) is required, the agency shall include in the promulgation a summary of the information contained in the statement.

(d) PREPARATION IN CONJUNCTION WITH OTHER STATEMENT.—Any agency may prepare any statement required under subsection (a) in conjunction with or as a part of any other statement or analysis, provided that the statement or analysis satisfies the provisions of subsection (a).

SEC. 203. ASSISTANCE TO THE CONGRESSIONAL BUDGET OFFICE.

The Director of the Office of Management and Budget shall—

(1) collect from agencies the statements prepared under section 202; and

(2) periodically forward copies of such statements to the Director of the Congressional Budget Office on a reasonably timely basis after promulgation of the general notice of proposed rulemaking or of the final rule for which the statement was prepared.

SEC. 204. PILOT PROGRAM ON SMALL GOVERNMENT FLEXIBILITY.

(a) IN GENERAL.—The Director of the Office of Management and Budget, in consultation with Federal agencies, shall establish pilot programs in at least 2 agencies to test innovative, and more flexible regulatory approaches that—

(1) reduce reporting and compliance burdens on small governments; and

(2) meet overall statutory goals and objectives.

(b) PROGRAM FOCUS.—The pilot programs shall focus on rules in effect or proposed rules, or a combination thereof.

SEC. 205. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 60 days after the date of enactment.

TITLE III—REVIEW OF UNFUNDED FEDERAL MANDATES

SEC. 301. BASELINE STUDY OF COSTS AND BENEFITS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Advisory Commission on Intergovernmental Relations (hereafter in this title referred to as the "Advisory Commission"), in consultation with the Director, shall begin a study to examine the measurement and definition issues involved in calculating the total costs and benefits to State, local, and tribal governments of compliance with Federal law.

(b) CONSIDERATIONS.—The study required by this section shall consider—

(1) the feasibility of measuring indirect costs and benefits as well as direct costs and benefits of the Federal, State, local, and tribal relationship; and

(2) how to measure both the direct and indirect benefits of Federal financial assistance and tax benefits to State, local, and tribal governments.

SEC. 302. REPORT ON UNFUNDED FEDERAL MANDATES BY ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS.

(a) IN GENERAL.—The Advisory Commission on Intergovernmental Relations 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;

(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; and

(3) identify in each recommendation made under paragraph (2), to the extent practicable, the specific unfunded Federal mandates to which the recommendation applies.

(b) TREATMENT OF REQUIREMENTS FOR METRIC SYSTEMS OF MEASUREMENT.—

(1) TREATMENT.—For purposes of subsection (a) (1) and (2), the Commission shall consider requirements for metric systems of measurement to be Federal mandates.

(2) DEFINITION.—In this subsection, the term "requirements for metric systems of measurement" means requirements of the departments, agencies, and other entities of the Federal Government that State, local, and tribal governments utilize metric systems of measurement.

(c) 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.

(d) 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.

(e) FINAL REPORT.—Not later than 3 months after the date of the publication of the preliminary report under subsection (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 Governmental Affairs of the Senate, and to the President a final report on the findings, conclusions, and recommendations of the Commission under this section.

SEC. 303. SPECIAL AUTHORITIES OF ADVISORY COMMISSION.

(a) EXPERTS AND CONSULTANTS.—For purposes of carrying out this title, the Advisory Commission may procure temporary and intermittent services of experts or consultants under section 3109(b) of title 5, United States Code.

(b) DETAIL OF STAFF OF FEDERAL AGENCIES.—Upon request of the Executive Director of the Advisory Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Advisory Commission to assist it in carrying out this title.

(c) CONTRACT AUTHORITY.—The Advisory Commission may, subject to appropriations, contract with and compensate government and private persons (including agencies) for property and services used to carry out its duties under this title.

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Advisory Commission to carry out section 301 and section 302, $1,250,000 for each of fiscal years 1995 and 1996.

TITLE IV—JUDICIAL REVIEW

SEC. 401. JUDICIAL REVIEW.

(a) IN GENERAL.—Any statement or report prepared under this Act, and any compliance or noncompliance with the provisions of this Act, and any determination concerning the applicability of the provisions of this Act shall not be subject to judicial review.

(b) RULE OF CONSTRUCTION.—No provision of this Act or amendment made by this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any person in any administrative or judicial action. No ruling or determination made under the provisions of this Act or amendments made by this Act shall be considered by any court in determining the intent of Congress or for any other purpose.

MOTION OFFERED BY MR. CLINGER

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

The Clerk read as follows:

Mr. CLINGER moves to strike all after the enacting clause of S. 1 and insert the text of H.R. 5 as passed, as follows:

(The engrossed provisions of H.R. 5 were not available to be printed at time of publication.)

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

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An Act 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."

A motion to reconsider was laid on the table.

A similar House bill, H.R. 5, was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF S. 1, UNFUNDED MANDATE REFORM ACT OF 1995

Mr. CLINGER. Mr. Speaker, I ask unanimous consent that in the engrossment of the Senate bill (S. 1) the Clerk be authorized to make technical corrections in spelling, punctuation, section numbering, and cross-referencing and the insertion of appropriate headings.

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

There was no objection.

APPOINTMENT OF CONFEREES ON S. 1, UNFUNDED MANDATE REFORM ACT OF 1995

Mr. CLINGER. Mr. Speaker, I ask unanimous consent that the House insist on its House amendments to S. 1 and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none, and appoints the following conferees: Messrs. CLINGER, DREIER, PORTMAN, DAVIS, and CONDIT, Mrs. COLLINS of Illinois, Mr. TOWNS, and Mr. MOAKLEY.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2, THE LINE-ITEM VETO ACT

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 104–15) on the resolution (H. Res. 55) providing for the consideration of the bill (H.R. 2) to give the President item veto authority over appropriations acts and targeted tax benefits in revenue acts, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF H.R. 440, LAND CONVEYANCE IN BUTTE COUNTY, CA

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 53 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 53

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 440) to provide for the conveyance of lands to certain individuals in Butte County, California. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. Each section shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the

House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. UPTON). The gentleman from Georgia [Mr. LINDER] is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 53 is an open rule providing for the consideration of H.R. 440, legislation to resolve title disputes between Plumas National Forest and landowners in Butte County, CA.

This rule provides for 1 hour of general debate divided equally between the chairman and ranking minority member of the Resources Committee, after which any Member will have the opportunity to offer an amendment to the bill under the 5-minute rule. Finally, the rule provides one motion to recommit.

Mr. Speaker, House Resolution 53 allows for the consideration of H.R. 440, legislation designed to resolve longstanding boundary issues along the Plumas National Forest. Due to inaccurate boundary surveys, a number of landowners have about 30 acres of land in dispute. This bill will permit the Secretary of Agriculture to convey all right, title, and interest of the United States regarding the affected land back to the owners.

The gentleman from California [Mr. HERGER] has crafted a piece of legislation that will effectively clear up the title disputes between the Plumas National Forest and the landowners. His legislation was approved without amendment in the Committee on Resources, and I expect that it will easily pass the House as well.

I am pleased this bill will be considered under an open rule. In the 103d Congress, those of us in the minority had ample opportunity to express our distress about the number of months that passed between bills with open rules. As we complete 2 weeks of discussion on H.R. 5 under an open rule, I am now pleased to continue the practice of full deliberation in this Chamber by calling up another open rule today.

Let me respond to those who have argued that this legislation could have simply been considered under suspension of the rules. The suspension of the rules is an effective tool, but it is a legislative shortcut which requires the House to suspend its customary procedures and does not allow for amendments to be offered on the House floor.

Until the 94th Congress, motions to suspend were only in order on the first and third Monday of each month. As we all know, subsequent changes now allow motions to suspend on every single Monday and Tuesday. I worry that the abuse of this process gives the impression that the legislation in question has not undergone complete and open deliberation in the House.

While I admit that the suspension of the rules is an effective procedure to expedite legislation, I believe that the process of open rules and open debate will better restore the faith of the American people in this House. Therefore, the new majority of this House will remain steadfast in its efforts to transform the way Congress carries out its business and make every effort to engender open debate for all Members on the House floor.

Mr. Speaker, H.R. 440 was favorably reported out of the Committee on Resources by voice vote, as was the rule by the Rules Committee. I urge my colleagues to support this rule, and continue the spirit of openness and internal reform that has returned free and deliberative debate to its traditional role in this Chamber.

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

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman from Georgia for yielding the customary 30 minutes of debate time to me.

Mr. Speaker, my colleague, Mr. LINDER, has outlined very well the terms of the resolution. This is an open rule. I support the rule and urge my colleagues to do the same. Unfortunately, except for the unfunded mandates legislation the major pieces of legislation that have been considered on the House floor this year have had restricted rules. We would encourage the majority party to be as conscientious about providing open rules for the important pieces of legislation that we will have before us, I am sure, especially over the next couple of months.

□ 1630

In any event, Mr. Speaker, should there be any concerns at all about H.R. 440, which provides for the conveyance of about 30 acres of land in Butte County, CA, the rule does give ample opportunity for those concerns to be addressed. The bill is identical to a bill we passed last year by a voice vote under suspension of the rules.

Finally, Mr. Speaker, if I may, I would like to take this opportunity to commend the new chairman of the Committee on Resources, the gentleman from Alaska [Mr. YOUNG], and the new chairman of the Subcommittee on National Parks, the gentleman from Utah [Mr. HANSEN], for building on the good work of the last Congress in bringing this, and several other public lands bills, to the floor as expeditiously as possible.

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

Mr. LINDER. Mr. Speaker, we, too, have no further requests for time. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 400, THE ANAKTUVUK PASS LAND EXCHANGE AND WILDERNESS REDESIGNATION ACT OF 1995

Mr. McINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 52 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 52

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 400) to provide for the exchange of lands within Gates of the Arctic National Park and Preserve, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. Each section shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. (Mr. UPTON). The gentleman from Colorado [Mr. McINNIS] is recognized for 1 hour.

Mr. McINNIS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 52 is a very simple resolution. It is an open rule providing for 1 hour of general debate. After general debate, the bill shall be considered for amendment under the 5-minute rule. The rule provides one motion to recommit.

The open rule demonstrates that the new majority intends to honor its commitment to have a more fair and open legislative process, providing the House with an opportunity to review the bills, debate them, and yes, if necessary, to amend them.

The legislation is noncontroversial. It was reported out of the Committee

on Resources by a vote of 40 to 0 and is identical to H.R. 4746, which passed in the House during the 103d Congress by voice vote. It settles a longstanding dispute between the local residents of Anaktuvuk Pass and the Park Service over the use of all terrain vehicles [ATV] for access to subsistence resources. the Park Service contended that the ATV's injured the landscape. Both sides of this issue have reached an agreement on the lands which may be used for ATV access, and H.R. 400 will merely ratify the agreement the parties have reached. Without congressional approval, the agreement will become null and void.

Mr. Speaker, I urge my colleagues to support the rule, and the underlying legislation. I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend my colleagues on the other side of the aisle for bringing this bill to the floor under an open rule. I am a fan of open rules because I think the American people deserve full and fair debate on issues of importance, and issues on which there are areas of disagreement. I plan to support this rule on the floor.

However, I feel compelled to point out that at yesterday's Rules Committee hearing there appeared to be no opposition to this bill. A bill identical to this one was included in last year's omnibus public lands bill—H.R. 4746—which passed the House by voice vote on October 3, 1994. The current bill under consideration—H.R. 400—was favorably ordered reported from the Committee on Resources by a unanimous rollcall of 40 to 0 on January 18, 1995. There were also no witnesses in opposition to this bill before the Rules Committee. It would seem to me, therefore, that this bill could have been moved through the process in an expeditious way by simply suspending the rules or perhaps by asking unanimous consent.

Mr. Speaker, even though this bill is a noncontroversial one, it is nevertheless an important one for Alaska Native landowners and the people of Alaska. The bill provides for the exchange of lands within the Gates of the Arctic Park and Preserve. It also settles a longstanding and difficult dispute between the National Park Service and Alaska Native landowners over the use of all-terrain vehicles [ATV's] by the local residents of Anaktuvuk Pass.

As I indicated, we do have an open rule on this bill which I hope my colleagues will join me in supporting.

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

Mr. HALL of Ohio. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Speaker, what concerned me a little bit is listening to the debate on the previous rule, and I have not heard the debate on this mixup when I just walked in, but I was a little bit concerned, and some of us who may have that concern, it may not amount to anything for the future. But I just want to say that my concern is that these bills, which are noncontroversial, and like, as has been said, have been utilized on the Suspension Calendar, or even by unanimous consent, because there is no controversy; but to use a rule procedure in an open rule procedure leaves some of us to concern ourselves about the future, that since there was a statement made by the chairman of the Committee on Rules early on in this session that when we got rid of this 2-year cycle, when we looked back over the 2 years, that we would find that 70 percent of the bills were under an open rule.

Now what concerned me is that we are going to see little-bitty bills that are not of any controversial nature at all under open rules, and we can have a whole bunch of those, and then we see a very controversial bill come along that does not have an open rule, and then when we look at the average out and a percentage, the percentage is what the chairman said.

Now I am not saying that that is going to happen. I am just saying that is a concern of mine as the utilization of the rule process rather than using unanimous consent or rather than using suspensions, and only time will tell.

I do not plan to do anything today. I just want to alert the other side to my concern, and I see the chairman of the Committee on Rules is on his feet, and I would be glad to listen to him talk here, listen because that is the only concern I have. I am not here to offer any amendments or do anything like that, just to express the concern that I and, I think, several of our minority Members have as to what is going to happen in the future if we go along in this 2-year cycle.

Mr. McINNIS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the chairman of the committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Colorado [Mr. McINNIS] for yielding this time to me, and I could just say to my good friend from Missouri, as my colleagues know, he says, "Now I'm not saying this," and, "I'm not saying that," but it is the inference out there, and the gentleman knows that really does bother me.

But as my colleagues know, there are three reasons why these bills were scheduled, and I would just like to take a minute to tell the gentleman.

First our leadership, the Republican leadership, the gentleman from Georgia [Mr. GINGRICH], our Speaker, has committed to fewer suspensions since the process does prohibit amendments, and we all know that, and we have to keep in mind that there are, as my colleague knows, half of us here today that are new Members in the last 2 years, half of us, and those Members, if they want to offer amendments, we want to try to open up this process. We want to be as open and as fair and accountable as we possibly can.

□ 1640

We want to be open. We want to offer open rules whenever we can.

Second, to ensure that the suspension process is not abused, the leadership has erected more procedural requirements before a chairman can even request that a bill be considered under suspension, and that is very important.

Third, there are some measures which may be even non-controversial enough to consider by unanimous consent, not even on the suspension calendar. We have one of those. One of them was naming a building after one of the most respective Members of this body, Bob Lagomarsino. That ought to be brought up under unanimous consent, just to show we all agree. So we did not put out a rule on that. So we are being selective.

Last, we just went through a process on the unfunded mandate bill. There were 171 amendments offered in that bill. There were some stalling tactics involved, some dilatory tactics, which the gentleman knows, striking the enactment clause, moving to rise, things like that. But the House came back to its senses, there was good comity, and, because of that, we now will have a rule of the floor tomorrow morning on one of the most important issues coming before this body, the line-item veto, and it is being brought here under a completely open rule. So, Members, whether you are Republican or Democrat, conservative or liberal, you are going to be able to work your will on the floor of this House, which is very important to some Members, especially the more liberal Members perhaps, because they have concerns about it.

So let us not try to shoot down the sincerity on our part in offering these open amendments. We are going to do that as often as we possibly can. I just had to say that, Mr. Speaker.

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

Mr. Speaker, I would like to add a point. I appreciate the concern of the gentleman from Missouri. I must add since 1989, 10 natural resources bills have been killed on suspension. This is my first opportunity to get up here and present a rule like this, and I appreciate the fact that the chairman of the Committee on Rules has allocated an open rule. One, it offers protection and certainly the elements of being offered that the chairman of the committee has talked about. But it is also an opportunity for those of us who like these

open rules to get an opportunity to participate in this process, to participate.

So while I appreciate the gentleman's concern, I wanted to make those points.

Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, I do not mind that, if that is the way it is going to go, not only on these types of bills, but also the controversial bills. It is not this bill and not the next bill. If you want to do open rules, I could care less, because I know there is not going to be any amendment. I am more concerned about with regard to an open rule, the gentleman says line-item veto, we are going to have all kinds of crime bills, I would like to see open rules on those. I can add some amendments to those. I would like to see open rules on those. I can add some amendments to those. I would like to see those open rules. To me an open rule on those bills is a lot more important than an open rule on these bills. The bill of the gentleman from California [Mr. HERGER], nobody wants to touch that. It has been worked on, he has done a good job, and I think it should be passed. And I do not care if you put it under unanimous consent, or suspension, or an open rule, he is going to get his bill passed today. So I am not concerned about those. I am only concerned about the future.

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

Mr. Speaker, I certainly appreciate those comments, but I should say in closing that I have complete confidence in the chairman of the Committee on Rules and his decision on how the rules should be open.

Mr. Speaker, I urge my colleagues to support the rule.

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

Mr. MCINNIS. Mr. Speaker, I have no further requests for time. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 101, TAOS PUEBLO INDIANS OF NEW MEXICO LAND TRANSFER

Mrs. WALDHOLTZ. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 51 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 51

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 101) to transfer a parcel of land to the Taos Pueblo Indians of New Mexico. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. Each section shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

MODIFICATION OF HOUSE RESOLUTION 51 OFFERED BY MRS. WALDHOLTZ

Mrs. WALDHOLTZ. Mr. Speaker, I ask unanimous consent that the resolution be modified by the amendment I have placed at the desk. This amendment accords the customary treatment to the committee amendment in the nature of a substitute which was intended but inadvertently omitted from the resolution from the committee.

The Clerk read as follows:

Modification of House Resolution 51 offered by Mrs. WALDHOLTZ:

On page 2, beginning on line 5, strike "Each section shall be considered as read." and insert the following: "It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read.".

On page 2, line 9, insert before the last sentence of the resolution the following new sentence: "Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute.".

On page 2, line 12, insert before the period at the end of the last sentence of the resolution the following: "with or without instructions".

The SPEAKER. Is there objection to the request of the gentlewoman from Utah?

Mr. FROST. Mr. Speaker, reserving the right to object, it is not my intention to object, but I would ask the gentlewoman from Utah as to what occurred in this instance. Why is the majority coming forward at this point and asking that the rule be amended?

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

Mr. FROST. I yield to the gentlewoman from Utah.

Mrs. WALDHOLTZ. Mr. Speaker, this is to correct a technical error. The language the Clerk just read as the body of this amendment was intended to be included. It was not, by inadvertence. We understand there is no objection from the minority. We want to reflect how the committee wanted this to be considered.

Mr. FROST. Mr. Speaker, further reserving the right to object, do I gather this was something that occurred within the Committee on Rules? It was not something that occurred within the committee that originated the bill, but in the production of the rule inside the Committee on Rules?

Mrs. WALDHOLTZ. That is correct.

Mr. FROST. And it was by inadvertence on the part of the staff. We understand there has been some changeover in the staff and some of these things will happen as we all get up to speed.

Mrs. WALDHOLTZ. This was done solely by inadvertence. Our attempt is to reflect accurately the actions of the committee as we consider how this rule should be considered.

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

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Utah?

There was no objection.

The text of House Resolution 51, as modified, is as follows:

H. RES. 51

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 101) to transfer a parcel of land to the Taos Pueblo Indians of New Mexico. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

The SPEAKER pro tempore. The gentlewoman from Utah [Mrs. WALDHOLTZ] is recognized for 1 hour.

Mrs. WALDHOLTZ. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 51 is the rule providing for the consideration of H.R. 101, a bill to transfer a parcel of land to the Taos Pueblo Indians of New Mexico.

This is an open rule. It provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill will be considered for amendment under the 5-minute rule. Finally, the rule provides for one motion to recommit.

This rule provides, once again, for fair, open debate.

There has been some concern among some House Members as to why these bills are not simply brought up under suspension of the rules. As the chairman of the Committee on Rules, Mr. SOLOMON, has pointed out, our leadership is committed to bring fewer bills under suspension of the rules since that procedure does not allow for amendments.

Reflecting our commitment to an open, fair process, our leadership has made it more procedurally difficult for a committee chairman to request that a bill be considered under suspension. It's simply easier for them to ask for an open rule.

The chairman of the Resources Committee asked for an open rule on this bill. We agree with that request.

Some of our colleagues may claim that this rule is simply a ploy by the majority to increase the number of open rules, but that is simply not the case.

The Members of this House, and more important, the American people, deserve full and open debate on important legislation such as this.

This bill resolves a long-standing dispute over lands that are used for religious purposes by the Taos Pueblo Tribe.

Mr. Speaker, H.R. 101 transfers approximately 764 acres of Forest Service land within the Wheeler Peak Wilderness in New Mexico to the Department of Interior to be held in trust for the Taos Pueblo Indians as part of the Pueblo de Taos Reservation.

□ 1650

It returns to the tribe land known as the Bottleneck Tract, which contains the Path of Life Trail, considered sacred to the tribe. And the tribe has agreed to continue to manage this land as wilderness.

Maybe this bill may not seem important to those living in other parts of the country, but it is important to people living in my part of the country, the Western United States, and it is particularly important to the Taos Pueblo Tribe and the people of New Mexico. But it is also important, Mr. Speaker, to every American. Because this bill will remove barriers imposed by the Federal Government to the free exercise of religion by a religious minority.

The principles embodied in this bill deserve the respect of this House to openly debate and consider this legislation.

Action under suspension of the rules requires the cooperation of all Members in order to responsibly and timely pass the legislation. Unfortunately, that cooperation has so far not been a particular hallmark of the 104th Congress, and the best way to protect this important legislation, while keeping our commitment to an open and fair process, is to bring this legislation to the floor under an open rule.

I urge my colleagues to adopt this rule and to support the underlying legislation.

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

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

Mr. Speaker, House Resolution 51 is indeed an open rule providing for the consideration of H.R. 101, a bill to transfer a parcel of land to the Taos Pueblo Indians in New Mexico. However, Mr. Speaker, I would like to reiterate some questions raised during the consideration of the previous two rules today.

Given the fact that there is absolutely no controversy surrounding this legislation and the fact that it was reported from the Committee on Resources by voice vote, I do have to ask why H.R. 101 is not being considered on the suspension calendar or under unanimous consent.

Mr. Speaker, yesterday at the meeting of the Committee on Rules, our distinguished chairman stated that it is the policy of the Republican conference to limit the number of bills brought to the House on the suspension calendar, as was mentioned earlier today. The reason, he said, was simply because the consideration of bills on suspension prohibits the offering of amendments.

However, I must point out for the new Members of the House that ordinarily bills considered under suspension have been those that have been thoroughly vetted through the committee process. In past Congresses, it has been common practice to thoroughly examine and deliberate issues in committee and, in so doing, it has been found that often all disputed issues can be resolved, thus eliminating the need for lengthy debate and numerous amendments by the full House.

Mr. Speaker, the chairman of the Committee on Resources told the Committee on Rules yesterday that there is a large backlog of bills pending before his committee. Mr. Speaker, I share his desire to move these bills and would urge him and the Committee on Rules to consider using the suspension calendar to move noncontroversial legislation in the future. And I would observe also that, if I understand the procedures here today, that in fact any germane amendment will be in order when this bill comes up, that this is in fact an open rule, and that any germane amendment can be brought before the House.

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

Mrs. WALDHOLTZ. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Speaker, I thank the gentlewoman from Utah for yielding time to me. It is a distinct honor to come to the Congress with the gentlewoman and other like-minded reformers of this institution.

Mr. Speaker, I rise in strong support of this resolution, and I see my good friend from New Mexico, who authored this piece, because quite correctly of the concern of his constituents. And certainly while there are some matters of contention within the Committee on Resources, this is not one of them. I think it is exemplary that the gentleman from New Mexico brings forth this legislation, and I certainly rise to champion his cause and those of his constituents and look forward to some reciprocation down the line with other bills of regional interest that we may share.

I also look forward to full and open discussion in this House, in this people's House, on matters where perhaps we do not see eye to eye, for that is the purpose of this institution, to debate the questions of the day. And when we have common agreement, we should champion those moments as well. This is one such occasion, and I appreciate the opportunity to stand in strong support of this piece of legislation.

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

Let me close simply by saying that it has been often expressed by members of this committee and it is our deeply held belief that wherever possible we need to have open rules to allow for free, honest debate of important issues that come before this body. The rule for this particular piece of legislation is no different. It provides for open debate. And I believe, Mr. Speaker, that that is what the people of our country expect from this House, to provide for the opportunity for a free exchange of ideas while still moving the business of the people forward. I think this rule will do just that, and I urge its adoption.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANAKTUVUK PASS LAND EXCHANGE AND WILDERNESS REDESIGNATION ACT OF 1995

The SPEAKER pro tempore (Mr. UPTON). Pursuant to House Resolution 52 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union

for the consideration of the bill, H.R. 400.

□ 1656

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 400) to provide for the exchange of lands within Gates of the Arctic National Park and Preserve, and for other purposes, with Mr. HASTERT in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Alaska [Mr. YOUNG] will be recognized for 30 minutes, and the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

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

Mr. Chairman, I rise in strong support of H.R. 400, a bill to provide for a land exchange within Gates of the Arctic Park and Preserve. This noncontroversial legislation was reported January 18 by the Resources Committee by a vote of 40 to 0.

H.R. 400 was introduced January 4 and passed the committee, as I said, at our first full committee markup January 18. This bill is identical to H.R. 4746, which passed the House during the 103d Congress—it represents a true compromise. And I thank the former chairman, Mr. MILLER, and Mr. VENTO for their cooperation on this legislation.

The land exchange creates a deficit of 17,168 acres of wilderness in Gates of the Arctic Park. Therefore, the committee recommends the creation of 17,168 acres of wilderness outside the park, thus a no-net-loss-no-net-gain of wilderness.

This is a good bill. It settles a longstanding dispute between the local residents of Anaktuvuk Pass and the Park Service over the use of all-terrain vehicles [ATV's] for access to subsistence resources. Local residents use ATV's on parklands during the summer months. The Park Service contends that the ATV's harm the landscape. Both sides have reached agreement on the lands which may be used for ATV access and H.R. 400 ratifies that agreement.

I urge passage of this legislation.

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

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

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

Mr. RICHARDSON. Mr. Chairman, H.R. 400 is identical to legislation considered by the Committee on Resources and passed by the House on a voice vote in the last Congress. It is noncontroversial legislation and deserves support. It is based on a proposal submitted by the administration in June 1994, and it was subsequently modified to reflect an agreement worked out between the gentleman from Alaska [Mr. YOUNG], the gentleman from California [Mr. MILLER], and the gentleman from Minnesota [Mr. VENTO].

While that agreement is different from the administration's proposal for wilderness designation of BLM-managed lands in the Nigu River area, it is similar in that it would assure that the bill will not result in a net reduction of wilderness in the National Park System and would leave the remainder of this area in its current wilderness study status.

In addition, the boundaries provided in the bill by that agreement would emphasize protection of riparian areas along the Nigu River.

H.R. 400 would ratify an agreement among the National Park Service on behalf of the United States to Alaska native corporations and the municipal government of Anaktuvuk Pass, AK. Under the agreement, the United States would transfer to the native corporations certain Federal lands that are now managed as part of the gates of the Arctic National Park.

In exchange the native corporations and the municipal government would transfer to the United States certain lands and interests located within and adjacent to the national park.

The park lands involved in the exchange are also designated as wilderness. So legislation is required if they are to be transferred. Ratification of the agreement and removal of the national park lands from wilderness designation is accompanied by the designation as wilderness of other lands, including both lands from the gates of the Arctic National Park and BLM public lands in the Nigu River area that would be added to the adjacent Noatak National preserve.

□ 1700

This bill would settle a longstanding access issue in Alaska. That access question concerns ATV use of the area, a matter of considerable concern because of the impacts on park resources and values.

Mr. Speaker, the bill and the accompanying agreement, though, do not spell out the specific conditions and limitations of such ATV use. Instead, we are going to be relying on the parties to specify them in the conveyance documents, hopefully in a manner that solves conflicts between ATV use and park resources and values.

Likewise, there is some concern that no formal appraisals have or will be done on the lands and interests being conveyed. We are relying on the Interior Department's determination that the exchanges are in the public interest.

Mr. Chairman, while the bill reflects the congressional agreement that was previously worked out, I believe it should be noted that the administration favors the agreement as it was worked out originally between the Park Service, the Alaska Native corporations, and the local municipal government.

Again, Mr. Chairman, let me state that we support the bill, and commend the gentleman for his leadership on this issue.

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

Mr. MILLER of California. Mr. Chairman, I rise in support of this legislation, but I want to raise a couple of points with respect to the proposed land exchange. The EIS in this land exchange admits that no appraisals were prepared. Instead, a statement of value was prepared to assess the relative values of the interests proposed in the exchange. Since no appraisals were done, we have to rely on the assurances of the involved party that this is a good exchange, and we have no specific criteria on which to judge it.

Mr. Chairman, I raise this point of order not about this legislation, because this legislation has gone through the committee and was the subject of a lot of deliberations last year, and in fact then should have been passed last year. I raise this point of view on this matter to say that I think that having now passed the balanced budget amendment, that we must be more conscientious, both in the committee and on the floor of the House, in dealing with exchanges and with transfers and gifts of public property.

What we used to consider as a regular order around here may no longer be able to be the regular order, since we must now make sure that the taxpayers and the Government get all the moneys that they can in terms of the transfers of these properties with respect to asking for their market value, so those references can be used to help balance the budget. I will be raising this issue in the committee on other legislation that is scheduled to come before this House, and will raise it in the House in the event that we are not successful in the committee.

Mr. Chairman, I think that this exchange, and although this is the remnant of a previous exchange, this exchange points out some of the serious potential problems that can arise from exchanges in general. Those problems are especially acute to Alaska, since both ANESCA and ANILCA allow an equal exchange upon the finding of the Secretary that the exchanges are in the public interest.

Again, Mr. Chairman, this is the way we believe the Government business should have been done in the past, but

it raises concerns about whether or not we can continue to do that in the future, given the constraints we are going to have around here in trying to meet our obligations under the balanced budget amendment.

Mr. Chairman, in the grandfather of this exchange, the previous exchange which we are cleaning up after in this legislation, they found it was in fact not in the Government interest, according to GAO, and GAO recommended that the Congress direct the Secretary to develop and issue written procedures on land exchanges. At a minimum, procedures should require preparations of EIS's and EA's when appropriate, full public review, and a process for determining whether an exchange is in fact in the public interest, and not just a simple statement by the Secretary of the Interior that it is in fact in the public interest. Establishment of disclosure and fair market value on lands and interests should be exchanged. Land exchanges are not a panacea for solving all the problems. Very often they are very complex agreements that require careful review and analysis.

The Committee on Resources has dealt with many land exchanges over the years which have involved considerable work by the committee, and also have had to be rewritten, those exchanges, or modified to assure they were in fact in the public interest.

Instead of dealing with land exchanges on an ad hoc basis, we should have written and qualitative criteria to assess the public value of such exchanges.

I raise the point again not with respect to this legislation, but in terms of the future considerations of these matters before the committee.

Mr. Chairman, I have raised these in the past from time to time, but I think we have to be much more diligent in that effort now, given the fiscal constraints we are going to have in the budgetary considerations of exchanges and transfers and gifts of public assets and resources, whether it is to private parties or to other units of government within the United States.

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

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I can understand the statements of the gentleman from California, but I would hope that they should have been directed at legislation down the road, because we have to remember that Anaktuvuk Pass is a small, small village that was put inside of a park, with certain understandings that they could do certain things, and then told by the Park Service they could not do those things.

This is a village that is high in the mountains above the Arctic Circle, with living conditions there which a lot of people do not recognize. What we tried to do in this exchange was work out between these people and the parks themselves to have a true exchange. If we went through the process of EIS statements and appraisal value, this would never have happened. This is the way that we have worked individually with a unique situation.

As I mentioned, Mr. Chairman, this bill passed the last time. There is no money in this bill. In fact, if we really want an appraisal, I think Anaktuvuk Pass got shortchanged. I hope the gentleman refers to this later on down the road.

Mr. Chairman, this is a good piece of legislation.

It should be passed and it should become law today. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. RICHARDSON. Mr. Chairman, let me conclude by saying I support this bill. It is a good piece of legislation.

The CHAIRMAN. All time for general debate has expired. Pursuant to the rule, the bill shall be considered under the 5-minute rule by section, and each section shall be considered as read.

The Clerk will designate section 1.

The text of section 1 is as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anaktuvuk Pass Land Exchange and Wilderness Redesignation Act of 1995".

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The Alaska National Interest Lands Conservation Act (94 Stat. 2371), enacted on December 2, 1980, established Gates of the Arctic National Park and Preserve and Gates of the Arctic Wilderness. The village of Anaktuvuk Pass, located in the highlands of the central Brooks Range, is virtually surrounded by these national park and wilderness lands and is the only Native village located within the boundary of a National Park System unit in Alaska.

(2) Unlike most other Alaskan Native communities, the village of Anaktuvuk Pass is not located on a major river, lake, or coastline that can be used as a means of access. The residents of Anaktuvuk Pass have relied increasingly on snow machines in winter and all-terrain vehicles in summer as their primary means of access to pursue caribou and other subsistence resources.

(3) In a 1983 land exchange agreement, linear easements were reserved by the Inupiat Eskimo people for use of all-terrain vehicles across certain national park lands, mostly along stream and river banks. These linear easements proved unsatisfactory, because they provided inadequate access to subsistence resources while causing excessive environmental impact from concentrated use.

(4) The National Park Service and the Nunamiut Corporation initiated discussions in 1985 to address concerns over the use of all-terrain vehicles on park and wilderness land. These discussions resulted in an agreement, originally executed in 1992 and thereafter amended in 1993 and 1994, among the National Park Service, Nunamiut Corporation, the City of Anaktuvuk Pass, and Arctic Slope Regional Corporation. Full effectuation of this agreement, as amended, by its terms requires ratification by the Congress.

The CHAIRMAN. Are there any amendments to section 2?

If not, the Clerk will designate Section 3. The text of Section 3 is as follows:

SEC. 3. RATIFICATION OF AGREEMENT.

(a) RATIFICATION.—

(1) IN GENERAL.—The terms, conditions, procedures, covenants, reservations and other provisions set forth in the document entitled "Donation, Exchange of Lands and Interests in Lands and Wilderness Redesignation Agreement Among Arctic Slope Regional Corporation, Nunamiut Corporation, City of Anaktuvuk Pass and the United States of America" (hereinafter referred to in this Act as "the Agreement"), executed by the parties on December 17, 1992, as amended, are hereby incorporated in this Act, are ratified and confirmed, and set forth the obligations and commitments of the United States, Arctic Slope Regional Corporation, Nunamiut Corporation and the City of Anaktuvuk Pass, as a matter of Federal law.

(2) LAND ACQUISITION.—Lands acquired by the United States pursuant to the Agreement shall be administered by the Secretary of the Interior (hereinafter referred to as the "Secretary") as part of Gates of the Arctic National Park and Preserve, subject to the laws and regulations applicable thereto.

(b) MAPS.—The maps set forth as Exhibits C1, C2, and D through I to the Agreement depict the lands subject to the conveyances, retention of surface access rights, access easements and all-terrain vehicle easements. These lands are depicted in greater detail on a map entitled "Land Exchange Actions, Proposed Anaktuvuk Pass Land Exchange and Wilderness Redesignation, Gates of the Arctic National Park and Preserve", Map No. 185/80,039, dated April 1994, and on file at the Alaska Regional Office of the National Park Service and the offices of Gates of the Arctic National Park and Preserve in Fairbanks, Alaska. Written legal descriptions of these lands shall be prepared and made available in the above offices. In case of any discrepancies, Map No. 185/80,039 shall be controlling.

Mr. YOUNG of Alaska. Mr. Chairman, I ask unanimous consent that the remainder of the bill be printed in the RECORD, and open to amendment at any point.

Is there objection to the request of the gentleman from Alaska?

There was no objection.

The CHAIRMAN. The Clerk will designate the remainder of the bill.

The text of the remainder of the bill is as follows:

SEC. 4. NATIONAL PARK SYSTEM WILDERNESS.

(a) GATES OF THE ARCTIC WILDERNESS.—

(1) REDESIGNATION.—Section 701(2) of the Alaska National Interest Lands Conservation Act (94 Stat. 2371, 2417) establishing the Gates of the Arctic Wilderness is hereby amended with the addition of approximately 56,825 acres as wilderness and the rescission of approximately 73,993 acres as wilderness,

thus revising the Gates of the Arctic Wilderness to approximately 7,034,832 acres.

(2) MAP.—The lands redesignated by paragraph (1) are depicted on a map entitled "Wilderness Actions, Proposed Anaktuvuk Pass Land Exchange and Wilderness Redesignation, Gates of the Arctic National Park and Preserve", Map No. 185/80,040, dated April 1994, and on file at the Alaska Regional Office of the National Park Service and the office of Gates of the Arctic National Park and Preserve in Fairbanks, Alaska.

(b) NOATAK NATIONAL PRESERVE.—Section 201(8)(a) of the Alaska National Interest Land Conservation Act (94 Stat. 2380) is amended by—

(1) striking "approximately six million four hundred and sixty thousand acres" and inserting in lieu thereof "approximately 6,477,168 acres"; and

(2) inserting "and the map entitled 'Noatak National Preserve and Noatak Wilderness Addition' dated September 1994" after "July 1980".

(c) NOATAK WILDERNESS.—Section 701(7) of the Alaska National Interest Lands Conservation Act (94 Stat. 2417) is amended by striking "approximately five million eight hundred thousand acres" and inserting in lieu thereof "approximately 5,817,168 acres".

SEC. 5. CONFORMANCE WITH OTHER LAW.

(a) ALASKA NATIVE CLAIMS SETTLEMENT ACT.—All of the lands, or interests therein, conveyed to and received by Arctic Slope Regional Corporation or Nunamiut Corporation pursuant to the Agreement shall be deemed conveyed and received pursuant to exchanges under section 22(f) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601, 1621(f)). All of the lands or interests in lands conveyed pursuant to the Agreement shall be conveyed subject to valid existing rights.

(b) ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT.—Except to the extent specifically set forth in this Act or the Agreement, nothing in this Act or in the Agreement shall be construed to enlarge or diminish the rights, privileges, or obligations of any person, including specifically the preference for subsistence uses and access to subsistence resources provided under the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).

The CHAIRMAN. Are there any amendments to the bill?

If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. UPTON) having assumed the chair, Mr. HASTERT, 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. 400) to provide for the exchange of lands within Gates of the Arctic National Park and Preserve, and for other purposes, pursuant to House Resolution 52, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The CHAIRMAN. The question is on the passage of the bill.

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

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

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

The Sergeant at Arms will notify absent Members.

This vote will be a 15-minute vote.

the vote was taken by electronic device, and there were—yeas 427, nays 0, answered "present" 1, not voting 6, as follows:

[Roll No. 84]

YEAS—427

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

ANSWERED "PRESENT"—1

Coburn

NOT VOTING—6

Bartlett
Becerra
Clay
Hall (OH)
Murtha
Stark

□ 1728

Mr. ENGLISH of Pennsylvania changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 400, the bill just passed.

The SPEAKER pro tempore (Mr. UPTON). Is there objection to the request of the gentleman from Alaska?

There was no objection.

□ 1730

LAND CONVEYANCE IN BUTTE COUNTY, CA

The SPEAKER pro tempore (Mr. UPTON). Pursuant to House Resolution 53 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 440.

□ 1730

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 440) to provide for the conveyance of lands to certain individuals in Butte County, CA, with Mr. HASTERT in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Utah [Mr. HANSEN] will be recognized for 30 minutes, and the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

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

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

Mr. HANSEN. Mr. Chairman, H.R. 440 is essential in order to resolve serious hardships for land and homeowners in Butte County, CA, brought about by the mistaken actions of the Federal Government. The problem began in 1961, when a Forest Service survey on the Plumas National Forest did not locate the original survey corner established in 1869. Because the surveyor could not locate the marker, he erroneously established a new corner, which private landowners have subsequently used to establish future boundaries which also are erroneous. Ultimately, 16 landowners have been adversely effected. While this legislation is noncontroversial, it is extremely important to the landowners who have experienced a great amount of hardship and anxiety over this unfortunate situation.

H.R. 440 was drafted with the assistance of the Forest Service and Bureau of Land Management. The bill is designed to resolve boundary and land title issues between Federal and private lands. Surveys completed in 1992 have revealed that land for years thought to be privately owned was actually contained within the boundaries of the Plumas National Forest, and therefore owned by the Federal Government. These landowners have a substantial vested interest in this land which they purchased and believed to be their own.

This situation has resulted in the clouding of the title of approximately 30 acres of land for 16 individual landowners. H.R. 440 would rectify this matter by authorizing and directing the Secretary of Agriculture to convey all right, title and interest in the land in question to the claimants.

The proposed bill is specific in describing the affected property, the claimants who are entitled to relief, and the process to be followed in granting such relief. Also, the bill describes the process by which the boundary adjustments will be accomplished.

I believe that the approach taken by H.R. 440 is the only equitable solution to this matter. This legislation has no significant budget impact since the only cost involved to the Government will be the administration of the land conveyance. I know of no opposition to this legislation at the local or Federal level.

Again, Mr. Chairman, this legislation is very important to the landowners involved. These individuals have experienced significant and protracted hardship because of this problem. The sooner Congress takes action to remedy the situation, the sooner these people can get on with their lives. I thank my good friend, Mr. HERGER, for his diligence and I urge my colleagues to support H.R. 440.

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

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

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

Mr. RICHARDSON. Mr. Chairman, H.R. 440 is identical to legislation considered by the Resources Committee and passed by the House on a voice vote in the last Congress. The measure that would resolve title problems for 16 private landowners in Butte County, CA. These title problems, which involve about 30 acres of land, arose because of an incorrect boundary survey done by a private contractor for the Forest Service in the early 1960's. The bill would remove the clouds from the private land titles by providing for the conveyance of the involved lands to these private landowners without cost.

For the private landowners, H.R. 440 is a generous resolution of their title problems. Under the bill, the Federal Government will not only convey the land without cost, it will also pick up the tab for preparing the deeds and doing all surveys and markings.

Yes, there was an incorrect survey and yes, these private landowners had thought the lands in question were theirs. The fact is they are not. They are and always have been national forest lands. If this was a title problem between private parties, I seriously doubt that one party would say that the other parties could have the affected lands free and clear and not only that, but the first party would pay all the costs associated with the conveyances. That just doesn't happen in the private sector.

I bring these facts to the House's attention not out of any malice toward the bill but because so often on the floor we hear about property rights and takings. When it comes though to the Federal Government's property, as in this bill, we are asked to forget about that and be a benevolent landowner.

I sympathize with the affected private landowners. That is why I supported the bill in committee. I do hope that the next time we start debating property rights and takings, that Members will remember its not just a one-way street.

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

Mr. HANSEN. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. HERGER]. the author of this legislation.

Mr. HERGER. Mr. Chairman, I want to thank Chairman YOUNG, Subcommittee Chairman HANSEN, and members of the Resources Committee and Parks, Forests and Lands Subcommittee for bringing H.R. 440 to the House floor.

H.R. 440 is a noncontroversial bill that passed this House on the suspension calendar at the end of the 103d Congress. Due to insufficient time, the bill did not pass the Senate. The purpose of the bill is to clear the title of 16 parcels of land, totalling approximately 30 acres, in the Stephens Ridge area of Butte County, CA. Its passage would help resolve a pressing problem in my district.

In 1961 the Forest Service sanctioned a survey establishing the boundaries of the parcels in question.

In 1992 a BLM resurvey demonstrated that an error had been made in the 1961 survey, thereby placing a cloud on the title of the parcels.

By clearing title to these parcels, H.R. 440 provides much needed relief to the landowners, mostly senior citizens, who are affected by the BLM resurvey.

Mr. Chairman, these landowners purchased property in good faith reliance on the 1961 Forest Service survey. Now, some 30 years later, they have been told that they no longer hold clear title to their land. This technical correction of the problem is a fair solution for all concerned.

Mr. Chairman, the House of Representatives swiftly adopted this legislation during the last term. I invite my

colleagues to expeditiously approve this bill again today.

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

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

The CHAIRMAN. Pursuant to the rule, the bill shall be considered as read under the 5-minute rule by section, and each section shall be considered as read.

The Clerk will designate section 1.

The text of section 1 is as follows:

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

SECTION 1. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds and declares that—

(1) certain landowners in Butte County, California who own property adjacent to the Plumas National Forest have been adversely affected by certain erroneous surveys;

(2) these landowners have occupied or improved their property in good faith and in reliance on erroneous surveys of their properties that they believed were accurate; and

(3) the 1992 Bureau of Land Management dependent resurvey of the Plumas National Forest will correctly establish accurate boundaries between such forest and private lands.

(b) PURPOSE.—It is the purpose of this Act to authorize and direct the Secretary of Agriculture to convey, without consideration, certain lands in Butte County, California, to persons claiming to have been deprived of title to such lands.

Mr. HANSEN. Mr. Chairman, I ask unanimous consent that the bill be printed in the RECORD and open to amendment at any time.

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

There was no objection.

The text of the remainder of the bill is as follows:

SEC. 2. DEFINITIONS.

For the purpose of this Act—

(1) the term "affected lands" means those Federal lands located in the Plumas National Forest in Butte County, California, in sections 11, 12, 13, and 14, township 21 north, range 5 East, Mount Diablo Meridian, as described by the dependent resurvey by the Bureau of Land Management conducted in 1992, and subsequent Forest Service land line location surveys, including all adjoining parcels where the property line as identified by the 1992 BLM dependent resurvey and National Forest boundary lines before such dependent resurvey are not coincident;

(2) the term "claimant" means an owner of real property in Butte County, California, whose real property adjoins Plumas National Forest lands described in subsection (a), who claims to have been deprived by the United States of title to property as a result of previous erroneous surveys; and

(3) the term "Secretary" means the Secretary of Agriculture.

SEC. 3. CONVEYANCE OF LANDS.

Notwithstanding any other provision of law, the Secretary is authorized and directed to convey, without consideration, all right, title, and interest of the United States in an to affected lands as described in section 2(1), to any claimant or claimants, upon proper application from such claimant or claimants, as provided in section 4.

SEC. 4. TERMS AND CONDITIONS OF CONVEYANCE.

(a) NOTIFICATION.—Not later than 2 years after the date of enactment of this Act, claimants shall notify the Secretary, through the Forest Supervisor of the Plumas National Forest, writing of their claim to affected lands. Such claim shall be accomplished by—

(1) a description of the affected lands claimed;

(2) information relating to the claim of ownership of such lands; and

(3) such other information as the Secretary may require.

(b) ISSUANCE OF DEED.—(1) Upon a determination by the Secretary that issuance of a deed for affected lands is consistent with the purpose and requirements of this Act, the Secretary shall issue a quitclaim deed to such claimant for the parcel to be conveyed.

(2) Prior to the issuance of any such deed as provided in paragraph (1), the Secretary shall ensure that—

(A) the parcel or parcels to be conveyed have been surveyed in accordance with the Memorandum of Understanding between the Forest Service and the Bureau of Land Management, dated November 11, 1989;

(B) all new property lines established by such surveys have been monumented and marked; and

(C) all terms and conditions necessary to protect third party and Government Rights-of-Way or other interests are included in the deed.

(3) The Federal Government shall be responsible for all surveys and property line markings necessary to implement this subsection.

(c) NOTIFICATION TO BLM.—The Secretary shall submit to the Secretary of the Interior an authenticated copy of each deed issued pursuant to this Act no later than 30 days after the date such deed is issued.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as necessary to carry out the purposes of this Act.

The CHAIRMAN. Are there amendments to the bill? If there are none, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. UPTON) having assumed the chair, Mr. HASTERT, 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. 440) to provide for the conveyance of lands to certain individuals in Butte County, CA, he reported the bill back to the House.

□ 1740

The SPEAKER pro tempore (Mr. UPTON). Under the rule, the previous question is ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just passed.

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

There was no objection.

TAOS PUEBLO INDIANS OF NEW MEXICO LAND TRANSFER

The SPEAKER pro tempore. Pursuant to House Resolution 51 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 101.

□ 1741

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 101) to transfer a parcel of land to the Taos Pueblo Indians of New Mexico, with Mr. HASTERT in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Utah [Mr. HANSEN] will be recognized for 30 minutes, and the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

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

Mr. Chairman, I rise in support of H.R. 101, sponsored by Mr. RICHARDSON, which would transfer approximately 764 acres of the Wheeler Peak Wilderness, located in the Carson National Forest to the Secretary of the Interior to be held in trust for the Pueblo de Taos in New Mexico. This noncontroversial legislation would settle a long standing issue over these religiously sacred lands between the Pueblo de Taos and the administration.

H.R. 101 insures that these lands will continue to be managed as part of the Blue Lake Wilderness but the Pueblo will be able to control access in order to insure privacy during certain religious ceremonies. This area is sacred to the Pueblo and a sacred trail known as the Trail of Life crosses this area.

H.R. 101 was reported favorably by the Committee on Resources on January 18, 1995, by unanimous voice vote. This same measure passed the House during the 103d Congress but failed final passage in the waning hours of business. I commend the ranking member, Mr. RICHARDSON, for his hard work on this measure and I urge the Members of the House to support his effort.

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

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

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

Mr. RICHARDSON. Mr. Chairman, today is an important day for the Taos Pueblo people. Today, the House will again consider legislation to transfer a sacred tract of wilderness land back to the Taos Pueblo.

The so-called bottleneck tract of the Wheeler Peak Wilderness will be transferred by this bill to management by the Taos Pueblo as the final, missing part of the Blue Lake Wilderness.

In an age when Federal policies affecting the first Americans are becoming more and more controversial, H.R. 101 is a simple, noncontroversial solution to an age-old problem on which I hope we can all agree.

My legislation will return the last remaining land tract in the Blue Lake Wilderness to its rightful owners, the Taos Pueblo Indians.

In 1970, when President Nixon signed the original Blue Lake Wilderness authorizing legislation, the "bottleneck" tract was excluded.

At that time, the acreage was needed to create the adjacent Wheeler Peak Wilderness which would have fallen below the minimum acreage requirement necessary for wilderness creation.

Now, 25 years later, this tract is no longer needed to qualify the Wheeler Peak Wilderness for designation. Now, we have the opportunity to close the last chapter in a decades-long quest by the Taos Pueblo to gain the return of one of their most sacred sites.

The bottleneck tract has been used for hundreds of years by the Taos Pueblo people as a sacred religious area for ceremonies, pilgrimages and other private observances.

Unfortunately, as the area has not been included in the Blue Lake Wilderness, the Pueblo has been powerless to prevent public intrusions in the area during their sacred rituals.

With the transfer of the land to management as wilderness by the Pueblo, the bottleneck lands would be used for traditional purposes only, such as religious ceremonies, hunting, fishing, and as a source of water, forage for domestic livestock, wood, timber and other natural resources.

H.R. 101, which is similar to legislation which passed the House in the last Congress, is supported by the bipartisan New Mexico congressional delegation and a broad coalition of local and national environmental groups.

Identical legislation has been introduced in the Senate by Senators PETE DOMENICI, JEFF BINGAMAN, and BOB DOLE.

Mr. Chairman, it is time to bring final justice to the Taos Pueblo by returning this land to their management.

It is time to close one more sad chapter in the long history of U.S. Government relations with native American peoples.

It is time to pass H.R. 101 and enact it into law.

I call upon all of my colleagues to join me in supporting this important step forward for native American sovereignty.

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

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

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the bill is considered as an original bill for the purpose of amendment and is considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 101

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

SECTION 1. LAND TRANSFER.

(a) TRANSFER.—The parcel of land described in subsection (b) is hereby transferred without consideration to the Secretary of the Interior to be held in trust for the Pueblo de Taos. Such parcel shall be a part of the Pueblo de Taos Reservation and shall be managed in accordance with section 4 of the Act of May 31, 1933 (48 Stat. 108) (as amended, including as amended by Public Law 91-550 (84 Stat. 1437)).

(b) LAND DESCRIPTION.—The parcel of land referred to in subsection (a) is the land that is generally depicted on the map entitled "Lands transferred to the Pueblo of Taos—proposed" and dated September 1994, comprises 764.33 acres, and is situated within sections 25, 26, 35, and 36, Township 27 North, Range 14 East, New Mexico Principal Meridian, within the Wheeler Peak Wilderness, Carson National Forest, Taos County, New Mexico.

(c) CONFORMING BOUNDARY ADJUSTMENTS.—The boundaries of the Carson National Forest and the Wheeler Peak Wilderness are hereby adjusted to reflect the transfer made by subsection (a).

(d) RESOLUTION OF OUTSTANDING CLAIMS.—The Congress finds and declares that, as a result of the enactment of the Act, the Taos Pueblo has no unresolved equitable or legal claims against the United States on the lands to be held in trust and to become part of the Pueblo de Taos Reservation under this section.

The CHAIRMAN. Are there amendments to the bill?

Hearing none, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

Under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. UPTON) having assumed the chair, Mr. HASTERT, 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. 101) to transfer a parcel of land to the Taos Pueblo Indians of New Mexico, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members who wish to do so may have 5 legislative days to revise and extend their remarks on H.R. 101.

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

There was no objection.

PERMISSION FOR CERTAIN COMMITTEES TO SIT TOMORROW, THURSDAY, FEBRUARY 2, 1995 DURING 5-MINUTE RULE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit tomorrow while the House is meeting in the Committee of the Whole House under the 5-minute rule.

Economic and Educational Opportunities; Transportation and Infrastructure; Judiciary; Resources; Commerce; and International Relations.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

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

□ 1750

Mr. RICHARDSON. Reserving the right to object, Mr. Speaker, the gentleman is correct. The minority has been consulted, and we have no objection.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. UPTON). Is there objection to the request of the gentleman from Utah?

There was no objection.

ROBERT J. LAGOMARSINO VISITORS CENTER

Mr. GALLEGLY. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the joint resolution (H.J. Res. 50) to designate the visitors center at the Channel Islands National Park, CA, as the "Robert J. Lagomarsino Visitors Center."

The Clerk read the title of the joint resolution.

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

Mr. RICHARDSON. Mr. Speaker, reserving the right to object, I yield to the gentleman from California [Mr. GALLEGLY].

Mr. GALLEGLY. Mr. Speaker, I thank the gentleman from New Mexico [Mr. RICHARDSON] for yielding.

Mr. Speaker, I rise on behalf of House Joint Resolution 50, which will rename the visitor center at the Channel Islands National Park in California after my good friend and former colleague, Bob Lagomarsino.

When I was first elected to Congress in 1986, it was my privilege to represent the district just adjacent to Bob's. My experience in politics was limited to the Simi Valley City Council at that time, and Bob gave graciously of his time and counsel as I learned the ropes here in Washington.

Those who served with him will remember Bob as an insightful legislator and one of our hardest working Members. Although he has retired to his home in California, Bob continues to produce a quarterly newsletter and many of his friends and former colleagues continue to benefit from his valued advice.

During his long and distinguished career in public service—as a councilman, a mayor, State senator, and Congressman—Bob Lagomarsino paid particular attention to preserving our natural resources. In his role as ranking Republican on the National Parks Subcommittee, he provided leadership that was guided by a strong ethic of stewardship.

In his 19 years in Congress, Bob Lagomarsino stood for a lot of things, but probably no single issue was closer to his heart than the protection of the string of islands located just to the west of his district—the Channel Islands.

Bob earned the title, "Father of the Channel Islands National Park," by persuading his colleagues to designate the islands as a national park in 1980.

In light of this achievement, and his long record of service to his constituents and in this very Chamber, I feel it is appropriate that we honor him by giving this facility its rightful name—"The Robert J. Lagomarsino Visitor Center."

As a nearly lifelong resident of Ventura County, I am in a unique position to appreciate the wisdom of Bob's desire to preserve the islands and create this park.

The isolation of these islands and their unique geography have created an incredibly diverse natural environment. More than 800 species of plants and animals—including dozens of species of marine mammals—are found in the park, making this national treasure one of our most important ecosystems.

Without Bob Lagomarsino's leadership, it is doubtful that the Channel Islands would be a national park today.

This is a noncontroversial bill, which the Congressional Budget Office has found will have no budgetary impact. On January 18, it was reported by the House Committee on Resources by a voice vote.

Some of you may remember that in the 103d Congress, full Committee Chairman GEORGE MILLER and Parks Subcommittee Chairman BRUCE VENTO supported this proposal and agreed to move it forward. Although the legislation was passed by the House, it did not make it through the other body before the end of the year.

I would like to thank the gentleman from Alaska [Mr. YOUNG] and the gentleman from Utah [Mr. HANSEN] for acting so promptly this year to move this legislation through the House Committee on Resources. I urge my colleagues to give this bill unanimous support in recognition of Bob's outstanding record of environmental conservation.

I would like to note that my colleague form California, Mrs. FEINSTEIN, has introduced a similar bill in the other body and I look forward to quick passage there.

Hopefully, our moving the bill forward early in the 104th Congress will allow this legislation to be enacted quickly and give Bob the recognition he deserves.

Mr. RICHARDSON. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Alaska [Mr. YOUNG], the distinguished chairman of the Committee on Resources.

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman from New Mexico [Mr. RICHARDSON] for yielding, and this one is for Bob. They have one for the Gipper, but this one is for Bob.

Bob Lagomarsino, as the gentleman just mentioned, led this effort to establish the Channel Islands. I cannot think of a better tribute to a person who worked so hard, and so I wanted to thank those Members who lead this charge with him, and I want to thank them for working to bring this legislation to the floor.

Mr. RICHARDSON. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I thank the gentleman from New Mexico [Mr. RICHARDSON] for yielding, and I want to credit the gentleman from California [Mr. GALLEGLY] and others that have advanced this important recognition of a former colleague and, I might say, one that not only that we do hold in high esteem and great affection, but someone that has made contributions to the natural resources and to the National Park System of this Nation.

Of course most dear, I am sure, to Congressman Lagomarsino has been the designation of the Channel Islands, the wonderful resource that they represent to the people of this Nation. There are other spots in his area: The Sespe River, the Condor Wilderness, which he worked so diligently on, and many other things that passed even as he left, such as the in-lieu bill that passed in the last session, while he was not here. It was carried through, and basically I think from Alaska lands to many other issues Congressman Lagomarsino worked with many Members in a bipartisan basis, with Phil Burton, with my predecessor, John Seiberling, and myself, and through it all I think there was a common value, a common concern, in terms of leaving a legacy for the American people.

I want to thank Bob Lagomarsino. I want to obviously rise in support of this and ask my colleagues to support it. He earned it, and I certainly am pleased that this is up on the floor today, and I thank my colleague, the gentleman from New Mexico [Mr. RICHARDSON] for yielding.

Mr. RICHARDSON. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I certainly do thank the gentleman, and I just want to rise and say how much I remember and deeply respect Bob Lagomarsino.

As my colleagues know, I served on the Committee on Foreign Affairs with Bob for many, many years all during the 1980's, and if there is any one Member of this Congress that is more responsible for helping Ronald Reagan put an end to the deadly atheistic spread of international communism throughout this world, it was Bob Lagomarsino. But one other thing we should make note of, and that is the fact for many years Bob Lagomarsino served on the task force and later as the chairman of that task force for Vietnam veterans missing in action in Southeast Asia, and Bob, more than anything else, traveled to Vietnam with me and others and did more to try to bring home the remains to try to resolve this terrible problem than anyone I know. So, we really respect the gentleman bringing this bill before us.

Mr. RICHARDSON. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

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

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of Joint Resolution 50, to designate the visitors center at the Channel Islands National Park in California as the "Robert J. Lagomarsino Visitors Center."

Mr. Speaker, I have known former Congressman Robert Lagomarsino for nearly 20 years and have tremendous

respect for the gentleman. I first met him when I was on the staff of the late Congressman Phil Burton of California in the 1970's. Congressman Burton and Congressman Lagomarsino taught me from the start how important and valuable a bipartisan approach to our resolving the Nation's problems here in Washington. These two gentleman have done much in Congress to help the U.S. territories. Together they helped bring in U.S. insular areas from neocolonialism to greater measurement of self-governance. Most of these territorial governments have made impressive progress toward financial self-sufficiency.

Another important principle the late Congressman Burton taught me was that the most important thing a Member of Congress has in this House is his word. When you make a commitment, you'd better keep it, or you won't be given the same amount of trust again. Congressman Lagomarsino was a true practitioner of this guiding principle and I knew I could always count on his support once he made a commitment.

Mr. Speaker, about 1 year after I was first elected to this House, a hurricane with 160-mile-per-hour winds struck my congressional district causing extensive damage. The only transportation between the outer islands and the main island of my district consisted of single-engine, passenger airplanes. These planes were unable to transport construction materials which were needed in the outer islands to rebuild after the hurricane.

Senator DANIEL INOUYE from the State of Hawaii was kind enough to provide $750,000 in that year's defense appropriation bill to refurbish a vessel obtained from another Federal agency. When the bill returned to the House, the money for this vessel was under partisan attack and I wasn't sure whether the funding would survive. The President did not support the bill. The Secretary of the Interior did not support, and even our own governor did not support the measure.

As part of his duties on the Subcommittee on Insular Affairs, Congressman Lagomarsino had been to American Samoa and knew, first-hand, how important surface transportation was to these outer islands. Much to my surprise, Congressman Lagomarsino came to the floor, broke the partisan attack, and spoke in support of funding for the vessel. I still believe that without his support, and the assistance of former Congressman John Rhodes of Arizona, my district would have lost that important funding. I have never forgotten the crucial support Congressman Lagomarsino provided that day, and I never will.

Mr. Speaker, another issue I worked on with Congressman Lagomarsino concerned stoppage of the rapacious practice of drift net fishing in the South Pacific. I spent my first 4 years in this House serving on the Foreign Affairs Committee with Bob Lagomarsino, and his statesmanlike service on that committee deserves special commendation.

Drift nets are commonly referred to as the walls of death. They are must that—invisible fishing nets up to 30-miles long, stretching the distance from Washington to Baltimore, that indiscriminately kill everything in the sea that is unfortunate enough to swim into its path. Some fishing companies prefer to use this method of fishing because it is very efficient.

The problem, Mr. Speaker, is that the nets ensnare any and all fish, dolphins, porpoises, and even whales which cannot pass through the small mesh. For air-breathing mammals, such as dolphins and whales, it is slow death by drowning.

To make this form of fishing even worse, many of the fish, and all of the mammals, were not considered desirable by the owners of the nets and their carcasses were simply cast overboard as trash. The worst part, Mr. Speaker, is when these drift nets are lost on the open seas by fishermen, not an uncommon occurrence, continue to drift the ocean for months, killing untold amounts of sealife.

Despite pressure from certain segments of the international community and the domestic fishing industry, Congressman Lagomarsino supported my legislation to ban this practice from the South Pacific, and led the bipartisan charge from his side of the Foreign Affairs Committee. We were successful in that endeavor and I cannot thank Bob Lagomarsino enough for is leadership.

Mr. Speaker, although I am not from California, I know Congressman Lagomarsino has played a key role in protecting the environmental interests of that great State, the United States of America, and the global community. Congressman Lagomarsino's efforts have directly contributed to the creation of the Channel Islands National Park, and I can think of nothing more fitting than naming the visitor's center at this national park in honor of this great American.

Mr. Speaker, in all candor and with sincerity, and on behalf of the people of American Samoa, I want to thank Chairman DON YOUNG, Chairman JIM HANSEN, our ranking Democratic members GEORGE MILLER and BILL RICHARDSON for their support of this legislation, and especially the chief sponsor of the bill, the distinguished chairman of the House Subcommittee on Native Americans and Insular Affairs, Congressman ELTON GALLEGLY of California.

Mr. Speaker, I urge my colleagues to support this legislation.

□ 1800

Mr. RICHARDSON. Mr. Speaker, further reserving the right to object, I yield to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Speaker, I certainly appreciate my colleague, the gentleman from New Mexico [Mr. RICHARDSON] allowing me a little time to rise with the many friends of Bob Lagomarsino and just express a few thoughts about the fantastic years of service I have experienced with Bob as well as his bride, Norma Lagomarsino. It was my privilege to work with Bob when he was a member of the State senate. The first time one ever met Bob in public affairs, it was hard not to realize he is a guy who recognized that public affairs is not driven by pure partisanship in most issues. He realized that working together we can solve all kinds of problems, and he came to Washington with that commitment. It does not surprise me to see this ovewhelming kind of groundswell of bipartisan recognition of his great service here.

Bob Lagomarsino was a Californian first and foremost. He focused on California issues through his public service. His leadership in the environmental community is well known by all those who pay attention to the problems and challenges that we face there.

He was also, however, a great leader in the field of foreign affairs. Bob is a man who recognized that America should be united when we leave our waterfront, and his leadership and voice, recognizing the importance of bipartisanship in that field, was most important.

Bob Lagomarsino is exactly the kind of American we need in the Halls of Congress. It is my privilege to rise among his former colleagues today to express my well wishes to him and Norma as they go forward in continuing public service.

I thank my colleague, the gentleman from California, ELTON GALLEGLY, for this effort and am pleased to join him in support of this legislation.

Mr. RICHARDSON. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. I thank the gentleman from New Mexico.

Mr. Speaker, I am indeed happy to join my colleagues in this very well deserved tribute to our former colleague, Bob Lagomarsino. As has been mentioned before, not only in the Committee on Interior, working with insular territories, and in the Committee on Foreign Affairs, that is the area that I worked very closely with him in our relationship with Mexico and many of the countries in Latin America, and his contribution was indeed a major contribution to the betterment of this country and our relations with them.

He was a man of various and sundry areas of knowledge and expertise, and I think that this visitors center will

really reflect what he has done, not only in the area of conservation of resources, but certainly in foreign affairs, and I am very happy to join my colleagues in this very well-deserved tribute to our former colleague.

Mr. RICHARDSON. Mr. Speaker, further reserving the right to object, I yield to the gentlewoman from California [Mrs. SEASTRAND], who now occupies Mr. Lagomarsino's seat.

Mrs. SEASTRAND. Mr. Speaker, I have the distinct privilege to support House Joint Resolution 50 concerning the Robert J. Lagomarsino Visitors Center while my district is the home of several dedicated public servants, including former President of the United States, Ronald Reagan, I also have the honor of representing much of the same area of another distinguished public servant, former Congressman Robert J. Lagomarsino. Bob Lagomarsino served the central coast, the State of California, and our Nation with distinction.

In Washington, Bob fought for serious congressional reforms. As a student of foreign affairs, he knew the importance of America's place on the world stage. However, he also understood the importance of the district he represented and its valuable resources. As a result, he successfully urged support for the Channel Islands National Park in Ventura County, CA.

To understand the importance of this effort, one has to appreciate the central coast of California and our history. It was just a quarter century ago, when the pristine, uncontaminated shores of Santa Barbara were spoiled with an oil slick, caused by an underwater oil well in the ocean, that covered our beaches and polluted our waters.

As a result of Bob Largomarsino's work, we can now view the central coast from the deep woods in the Los Padres National Forest to the mountain ranges that run down to our stunning coast with a sense of relief that the beauty surrounding the cliffs of the Santa Barbara coast with its sandy beaches, can no longer be harmed.

Mr. Speaker, I rise today in wholehearted support of the Robert J. Lagomarsino Visitors' Center designation and urge my colleagues to join me.

Mr. RICHARDSON. Mr. Speaker, further reserving the right to object, let me just conclude, since everything has been said about Bob Lagomarsino, I had the pleasure of serving with him also. He was a man of class, decency, an environmentalist, statesman with his role in foreign policy, a man of great integrity.

We miss him in this body, and this could be no better tribute.

Mr. Speaker, I want to once again commend my colleague, the gentleman from California [Mr. GALLEGLY], who I know probably had the strongest friendship of anyone with Mr. Lagomarsino.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from California [Mr. GALLEGLY].

Mr. GALLEGLY. I want to join all of my colleagues who joined today in recognizing Bob Lagomarsino.

Particularly I want to thank you, BILL. If we felt about so many more issues in this body on a bipartisan way the way we feel about Bob, we could get a lot more done around here.

I thank you very kindly for yielding, and urge the support of all of our Members on this issue.

Mr. CUNNINGHAM. Mr. Speaker, I rise in strong support of House Joint Resolution 50, to designate the visitors center at the Channel Islands National Park after our former colleague, Robert J. Lagomarsino. An an original cosponsor of the resolution, and a cosponsor of similar legislation in the 103d Congress, I commend my colleague from California, Mr. GALLEGLY, for his efforts.

This is a fitting way to honor Bob Lagomarsino. During his nine terms in the House, Bob worked tirelessly for the preservation of California's natural resources. Perhaps the centerpiece of this mission was his successful effort to establish the Channel Islands National Park in 1980. Bob Lagomarsino is a Republican in the finest tradition of Teddy Roosevelt, recognizing the importance of preserving our environment and working to include unique areas in the National Park System. Bob had a major influence on landmark environmental legislation including the Alaska Wilderness Act, the Strip Mine Control Act, and the Land and Water Conservation Act.

On a personal level, I miss Bob's presence in the House. He was a thoughtful, productive, and diligent representative for the people of his district and the State of California. Bob Lagomarsino was one of those nuts-and-bolts legislators who would take up the less publicized but still important causes. His efforts on working to improve the status of the territories, for example, got him little attention in the media or from his constituents. But, typically for Bob, he devoted countless hours to this issue. He worked in a bipartisan manner, never compromising his principles, but never grandstanding either.

We also remember Bob Lagomarsino's years of dedicated service in the foreign policy arena. Bob took a passionate interest in fighting the spread of communism and played a key role in making the Reagan doctrine a reality. His efforts in Central America, for example, put America on the side of freedom. At a time when it wasn't fashionable to talk about spreading democracy and liberty around the world, Bob Lagomarsino never shrunk from his belief in this country and what it represents.

Bob Lagomarsino's efforts to protect the Channel Islands before his service in the House of Representatives. While serving in the California Senate, Bob Lagomarsino introduced and passed legislation to make the Channel Islands off limits to oil drilling. When he arrived in Washington in 1974, he introduced legislation to establish the Channel Islands National Park. After years of effort, Congress passed Bob Lagomarsino's bill in 1980.

Even after the establishment of the national park, Bob's commitment to protecting the Channel Islands and the fragile California coast continued. He worked for a number of years to secure funding for the park. He expended great effort to convince major oil companies to end shipments of oil through the channel. He worked with the International Maritime Organization to have the Channel Islands designated as an "area to be avoided" by international shippers. He persuaded President Bush to withdraw leases for offshore oil in the channel. He authored an amendment to bring offshore oil operations under State and Federal clean air standards.

Mr. Speaker, the United States has benefitted greatly from the public service of Bob Lagomarsino. It is most appropriate that we honor that service with this resolution. Were it not for Bob's persistence and dedication, there would be no Channel Islands National Park. I think it is fitting and proper that Americans visiting this treasured part of California appreciate something of the man who made this park possible.

Again, I salute ELTON GALLEGLY for his work over the last few years on this legislation. I urge its adoption by the House.

Mr. UNDERWOOD. Mr. Chairman, I rise in support of the legislation brought forth by Chairman GALLEGLY to designate the visitor's center at the Channel Islands National park after a distinguished former member of this body, Mr. Robert J. Lagomarsino. I congratulate the chairman for recognizing Mr. Lagomarsino's many accomplishments.

Mr. Lagomarsino has been honored numerous times by various citizen groups, environmental organizations, and most importantly his constituents. his successes as a Member of Congress were eclipsed by his championing the protection of the Channel Islands, but also include many other valuable achievements for his constituency and the country. As ranking member of what was then the International and Insular Affairs Subcommittee, Mr. Lagomarsino was a friend to the territories and is still an advocate for our respective agendas.

I believe Mr. Lagomarsino's tireless work for his district, the territories, and for the Channel Islands National Park to be indicative of his desire to legislate responsibility and fairly for all people as well as for the environment. I think this legislation is a fitting tribute to the man whom Chairman GALLEGLY has called the father of the Channel Islands National Park.

Mr. RICHARDSON. Mr. Speaker, I withdraw the reservation of objection, and urge passage of the joint resolution.

□ 1810

The SPEAKER pro tempore (Mr. UPTON). Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 50

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The visitors center at the Channel Islands National Park, California, is designated as the "Robert J. Lagomarsino Visitors Center".

SEC. 2. LEGAL REFERENCES.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the visitors center referred to in section 1 is deemed to be a reference to the "Robert J. Lagomarsino Visitors Center".

The SPEAKER pro tempore. The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute: Strike all after the resolving clause and insert:

SECTION 1. DESIGNATION.

The visitor center at the Channel Islands National Park, California, is designated as the "Robert J. Lagomarsino Visitor Center".

SEC. 2. LEGAL REFERENCES.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the visitor center referred to in section 1 is deemed to be a reference to the "Robert J. Lagomarsino Visitor Center".

Mr. GALLEGLY (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the joint resolution was amended so as to read: "Joint resolution to designate the visitor center at the Channel Islands National Park, California, as the "Robert J. Lagomarsino Visitor Center.".

A motion to reconsider was laid on the table.

THINK HARD ABOUT MFN FOR CHINA

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

Mr. WOLF. Mr. Speaker, today's New York Times points out that the State Department released its 1995 report on human rights, and human rights has fallen behind in China.

We ought to be careful when we consider MFN later on this year, because there is slave labor in China making goods. In fact, I will bet there are members of Congress that are wearing clothing made by slave labor in China.

There is organ sales; for $30,000 you can get a slave labor person shot, and they will donate their kidney for you.

There is persecution of Christians whereby they are going in house churches. It goes on and on.

Lastly, members concerned about the economy, the trade imbalance with China is now $30 billion. When Tiananmen Square came, it was $6 billion, and now it is $30 billion.

I strongly urge every Member to get today's New York Times and read it, especially before we vote on MFN, because we should never give MFN to a nation that is persecuting its own people and destroying the Christian Church and plundering Tibet.

Mr. Speaker, yesterday, the State Department released its 1995 Report on Human Rights which said what human rights observers have been saying for the past 7 months, that the human rights situation in China has deteriorated since President Clinton renewed China's most-favored-nation status last May.

The report, as quoted in today's New York Times says,

> In 1994, there continued to be widespread and well-documented human rights abuses in China, in violation of internationally accepted norms, stemming both from the authorities' intolerance of dissent and the inadequacy of legal safeguards for freedom of speech, association and religion.

Even Assistant Secretary of State for East Asian and Pacific Affairs Winston Lord was forced to admit the same thing several weeks ago in light of all the harsh realities.

The Times article summarizes the report as follows:

> The report criticizes the Chinese Government for detention of perhaps thousands of "prisoners of conscience;" an inadequate accounting of those who are missing or detained after the 1989 pro-democracy demonstrations; and crackdown of journalists; the routine arrest of dissidents during foreign visits and requiring prisoners to work in labor camps.

The report notes that forced abortion and sterilization occurs, and accuses the Chinese Government of forcing prisoners to donate their organs for transplants. It also acknowledges the horrendous repression of dissent occurring in Tibet the tiny Himalayan country occupied by the Chinese for over three decades.

That is not all that has deteriorated. In 1989, the year of the Tiananmen Square tragedy, the United States trade deficit with China was $6 billion; now the trade deficit has exploded to $30 billion. That's a 500-percent increase. And what is worse is that American workers are forced to compete with products manufactured with slave labor.

On all fronts, our engagement policy with China is not working. It is not improving human rights and it is not improving the trade deficit. This year I hope the Congress will think long and hard about changing it.

NUTRITION

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

Mr. GENE GREEN of Texas. Mr. Speaker, today the Committee on Economic and Educational Opportunities held a hearing on the Contract With America, which deals with our nutrition programs. And a representative of the American School Food Service Association testified that if the Personal Responsibility Act were enacted as currently written, 40,000 out of the 93,000 school districts in the United States would stop serving school meals. That is breakfast and lunches for early—for children who get to school earlier. This, as we recall, was a bill that passed in 1946, in recognizing that children needed to have a lunch program and a breakfast program to make them ready for school.

During World War II we found a lot of our children were not up to the nutrition standards that we needed. So that is why 1946, this program started. The reasoning behind the dramatic elimination of those school meals programs is cost. And yet we are literally cutting off our nose to spite our face.

During this hearing today, "the local perspective," five of the six witnesses presented were community nutrition providers. A recent study by the U.S. Department of Agriculture estimated that this bill, if we pass it, would cost the state of Texas $15.1 billion in 1996 alone, representing a 30-percent cut in funding. Of all the States in the Nation, the State of Texas would be the one that would be cut the most. And the reason is, and I have an objective summary of that report that shows that that 1.1 billion would be cut because the State of Texas utilizes more food stamps than most other States. And yet in California, that would benefit to the tune of about $600 million under this proposal, $650 million to be exact, would benefit because they have a higher payment. They actually have less food stamp participation and yet they pay $593 per month on the average in food stamp households in AFDC, whereas in the State of Texas we only pay $174. So we are actually hurting the poorest of the poor by taking away that billion dollars from the poor in the State of Texas.

The formula punishes those States which depend on food stamps the most.

This not only covers nutrition sites in our schools, the breakfast program, and the lunch program. But it covers the senior program Meals on Wheels. In Harris County, we received $1.5 million in 1994. This roughly represented over a million hot meals for seniors. If we pass this bill, the cuts by the Personal Responsibility Act would mean 300,000 a year or 800 meals a day in Harris County alone would not be served.

Lowering the number of Meals on Wheels could add to the health cost of these seniors. By taking away the meals from the seniors, we would push them to more likely seek assistance in elderly care centers and thereby possibly even raising our hospital costs so more seniors would be taking advantage of Medicare.

These senior citizen centers provide more than just a hot meal at lunch. They provide also companionship. I have as many as 35 in my own district

that I visit, when we can get home on Fridays and Mondays, although this first hundred days we have not had much opportunity to do that, but staff who visit these centers make sure. In our district office we offer Social Security assistance and Medicare assistance and other assistance. But those seniors who go to those centers oftentimes have no one at home and that is the only hot meal that day.

Yet if we pass this proposal in the Contract With America or Contract on American, then we are going to cut these senior citizens from these hot meals, not just in Harris County or the State of Texas but throughout the country.

Another proposal that would be cut would be the Women, Infants and Children. Again using my frame of reference, in Houston and Harris County, the city of Houston is the one that actually funds it or provides it with the funding from the Federal Government. This amount of funding would represent in Harris County, Texas $13 million cut to the local grocers in Houston who benefit from the Women, Infants and Children Program.

The WIC Program, as we call it, is not an entitlement program. The program participants not only have financial needs but also nutritional needs. This helps with early childhood development. Those children, before they become eligible for public school, we can make sure of the nutrition that they need in their early years until they do get to public school.

Health costs could increase for these children from Medicaid and also provide it for our hospital districts, for example, our public hospital systems.

In a 1969 White House Conference on Food, Nutrition and Health, President Nixon said of the Federal responsibility for nutrition programs, "a child ill-fed is dull in curiosity, lower in stamina and distracted from learning."

We do not need to make these cuts in our programs.

□ 1820

THE AMERICAN PEOPLE DESERVE TO BE HEARD IN DECISIONS ON THE MEXICAN BAILOUT

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

Mr. WAMP. Mr. Speaker, I come today as a freshman Member of this body with a burden on my heart to speak to the American people about this crisis in Mexico. I think it points out that we have a crisis in Washington, because some people are still not listening to the American electorate. I think the people out here deserve to know some of what we are privy to know here in Washington, DC, relative to the Mexican bailout and the actions, in the last few hours, of the administration.

Today I was briefed at the Republican policy meeting by our Treasury Secretary, Robert Rubin. While I have a tremendous amount of admiration and respect for Mr. Rubin, I realize that he is in a very difficult situation because he was thrown into, as our new Treasury Secretary, this unfortunate situation in Mexico.

Mr. Speaker, many people in our conference, in the Republican Conference, believed for the last 2 weeks as the administration came to us, Mr. Greenspan, Mr. Rubin, and made their case for why we needed to consider a $40 billion bailout of Mexico's peso, we believed that Congress was the only way that they could come and tap into the resources necessary to try to achieve their objectives.

We did not believe, from the questions that we asked at the meetings which we attended, that the Stabilization Fund was even possible to tap into. We continued to believe that as the administration continued to work with our leadership for the last 2 weeks, and proposals were brought before us, that they had to come through Congress where the money is appropriated in this country to get even a little part of money, let alone 40 billion dollars' worth of money. The Stabilization Fund was off limits.

Today I asked Mr. Rubin, "Mr. Rubin, exactly when and why was the Stabilization Fund decision made to tap into this fund and to use an Executive order from the President to take this $20 billion?" He gave me three answers. I think the American people need to hear them.

First of all, he said he recognized that it was preferable to come to Congress for this money. I think it is preferable. That is an understatement. It is preferable to come to Congress for a $40 billion loan package to anybody, any time.

Second, he said "Until the International Monetary Fund, the IMF, raised their commitment from $7-someodd billion to $17.5 billion, using this fund was not an option because collectively it did not get to 40 billion dollars' worth of guarantees," which is what they needed in order to meet the problems in Mexico.

Third, Mr. Speaker, and most importantly, he said the crisis got out of hand. On Monday the crisis got out of hand and it required quick and decisive action. I tip my hat to him. Clearly this is quick and decisive action.

However, Mr. Speaker, let me make some points representing this freshman class that was just elected to the 104th Congress.

Many questions are left unanswered. Today, still no answers to these questions: How long is the term on this debt? Three years? Five years? How long?

Exactly how is it going to be repaid? Are these direct payments or are these loans? Again, today they could not give us a definitive answer.

What are the conditions that Mexico must meet in order to receive this financial commitment? Still left unanswered, yet through this Executive order, $20 billion is pulled from the Stabilization Fund.

Mr. Speaker, I have not been in Congress very long, but I was in the real estate business for a long time before I got to Congress. I can tell Members that if our Government was in the banking business—and I don't think we ought to be—if we were, we would have required a pro forma, a first mortgage, good credit history, on and on and on, none of which we got.

Mr. Speaker, this is a bad deal for the American people. I come to the floor today outraged for the American people that, first, they have overlooked the citizens of this country, who spoke loud and clear on November 8 that they are tired of the Government running off anywhere without them, that this is their House of Representatives, this is their Congress, this is their Government, this is their country.

Second, Mr. Speaker, the Congress has been circumvented in a major way, with billions and billions of dollars. I am a populist conservative freshman. I represent, I believe, the majority wishes of the Third District of Tennessee, and in fact, I believe this freshman class represents the heart of the American electorate. We are upset about this.

You know one reason they circumvented Congress? They knew they could not get this through this Congress because they ran into a wall called the freshman class of the 104th Congress, which I believe stood 80 or 90 percent against even talking about a multibillion-dollar bailout to Mexico.

Mr. Speaker, who is to say this is not going to happen again? We know that it is. It is high time, Mr. Speaker, that the American people have a voice in Washington, DC, on either end of Pennsylvania Avenue. It is time we listened to you. I am here to carry the torch for the American people.

THE PRESIDENT'S ACTION WITH REGARD TO THE MEXICAN ECONOMIC SITUATION

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

Mr. COLEMAN. Mr. Speaker, I rise to commend President Clinton's action today to help stabilize the Mexican economy by Executive order.

With the President pledging $20 billion in U.S. loan guarantees from the U.S. Exchange Stabilization Fund, a Democrat once again averts another major foreign policy crisis with no Republican help. This new plan which includes contributions from the International

Monetary Fund and other international organizations will stem the plunge of the peso which dropped to its all-time-low in value to close at 6.3 to the dollar yesterday.

As a strong supporter of NAFTA and the Mexican stabilization package, I am very gratified to see today's action because small businesses and retailers in my district and across the Southwest will benefit from a sound Mexican economy. In Texas, about 262,400 workers are employed producing products ultimately destined for Mexico.

Our national security interests were also at stake. If the Mexican situation was not resolved, there were estimates that undocumented immigration could have risen by more than 30 percent—or an additional one-half million economic refugees to our country this year. International observers were also monitoring our response to the Mexican crisis with great interest. The United States credibility was at stake.

What today's action also shows is that the leadership vacuum has been filled in this new year. The President stepped up to the plate and delivered on the question of what is good for our country. The Republican majority running the Congress has failed in its first major leadership test.

Remember NAFTA? Even though a majority of Democrats and the Democratic leadership opposed it last Congress, our party brought it up for a vote. I said back then and I will say now that you either lead, follow, or get out of the way. The Republicans, with their newfound power, seem to be dithering between following or getting out of the way. They certainly are not leading.

Just a few days ago, the esteemed Speaker said that he would not bring the Mexican stabilization package to a vote because of lack of support from Democrats. My question to him is: Since when does the opposition party have to deliver the requisite number of votes for a passage on a measure?

Does not the majority party have the prerogative to lead?

Many of the President's most outspoken critics seemed to be putting their Presidential ambitions before the good of the Nation. Yet how can we explain their change of heart with regards to Mexico? After all, were not these same Presidential aspirants supporters of NAFTA 2 years ago?

Many Republicans said after the President's State of the Union Address to let them act on what was best for the country. Well, the President has acted on an important national interest matter. And to the Republicans I say: Either lead, follow, or get out of the way.

CALLING FOR INCLUSION OF NATIONAL CHILD SUPPORT ENFORCEMENT IN WELFARE REFORM

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

Mr. MARTINEZ. Mr. Speaker, I rise today to call for the inclusion of a national child support enforcement program in any welfare reform proposal considered by this body.

Raising a family is no easy task. I don't think anyone here today would say differently. Parenting requires time, patience, sacrifice, love, and of course, money. And according to 1992 statistics, over 8½ million women are raising families alone.

Considering all that being a parent requires, it should come as no surprise that many of these women require assistance—assistance from friends, family, and from the Federal Government. For instance, of those 8½ million women currently raising families alone, over 3 million collect welfare. They collect welfare in order to provide their children with the food, shelter, clothing, and medical care they need to survive.

It's no secret that welfare costs the Federal Government a lot of money. As a matter of fact, it costs nearly $86 billion every year. It's also no secret that the Federal Government is looking for ways to decrease that amount.

Let's discuss the Personal Responsibility Act, the welfare reform proposal included in the Republican Contract With America. The proposal calls for all Americans to take charge of their lives and assume responsibility for themselves. Specifically, it calls for young mothers to give up their children and go to work. It calls for children to live away from their homes and their families. The bottom line is it calls for both mothers and children to get off welfare.

While this idea seems well and good, a particular and critical segment of the population is consistently absent from the picture and from the Personal Responsibility Act—the fathers. Where is it mentioned in the Personal Responsibility Act that fathers must provide for their children? Where does it say fathers need to go to work and contribute to their children's financial needs? Indeed, I see no reference to fathers in this proposal at all.

Did 8½ million women impregnate themselves? As far as I am aware, the last time a woman found herself with child without any help from the opposite sex was in the year 4 B.C.

So, if we agree that women cannot get pregnant alone, why should we insist that they alone take responsibility for the children that result. Why should the fathers be let off scot-free? The truth of the matter is, they shouldn't. And for several decades the Federal Government has helped ensure that fathers take responsibility for their children.

The child support enforcement program, established in 1975, helps millions of mothers every year identify, and collect child support from the fathers of their children. In 1993, the child support enforcement program collected $8.9 billion in child support from delinquent fathers through income withholding, income tax refund interception, property liens, and security bonds. That's $8.9 billion that didn't come from the Federal budget. And that's only the beginning.

Because tracking and collection across State lines is so difficult, $34 billion in potential child support is not collected each year. If we could establish a national program to work with State and local agencies to track and collect child support from delinquent fathers we could further take the responsibility off the Federal Government and put it where it belongs—on the parents—both parents.

Look, no government or government agency, be it Federal, State, or local can ensure that both parents provide their children with love and emotional support. No government can insist that both parents spend time with their children. However, the government, Federal, State, and local, can, by working together, ensure that both parents at the very least, fulfill their financial obligations to their children.

If we really want all Americans to take responsibility for themselves lets make sure we are talking about all Americans. Make fathers accountable. Make child support enforcement part of welfare reform.

CONCERNS REGARDING THE MEXICAN BAILOUT

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

Mr. MENENDEZ. Mr. Speaker, I got elected for the 13th district of New Jersey to voice on behalf of my citizens their concerns, and certainly it is on their behalf that I have taken to the well today to speak on them.

I want to state very clearly and very loudly for the record that I stand staunchly opposed to the unilateral action by the executive, in collaboration with the leadership of the House, to grant the Mexican Government an unprecedented bailout package worth billions of dollars. Not a single congressional voice nor a single American voter will be heard by virtue of the process that has taken place on this banker and speculator bailout bill.

Mr. Speaker, I think it is a travesty for justice. I know that some in the House were involved in negotiations, but overwhelmingly many were not, many who also represent hundreds of thousands of taxpayers in their congressional districts.

For those of us who did not support NAFTA, we spoke up about our concerns at that time, that Mexico was a developing economy, not a developed economy. We spoke up about our concerns about the value of the peso, and that in fact it was way beyond where it should be in terms of its exchange rate.

Sure enough, Mr. Speaker, after NAFTA and after the presidential elections in Mexico, we find that many of these things are coming true. So without creating the appropriate safeguards during the NAFTA debate and subsequently in its enactment, it is my belief that we created a speculative environment in which middle class investors, the mom-and-pop investors so vital to Wall Street brokers, were led to believe that investing some of their hard-earned life savings in mutual funds, in pension funds, investing in emerging Mexico was a safe bet, but billions of dollars later, we know it is not. In one week alone U.S. investors took over $12 billion out of the Mexican market.

I question, one of the things I would have liked to have seen is how much

money the middle class families across the country lose in the context of the investments in a speculative market that we helped create by virtue of how we portrayed the Mexican market.

Today, Mr. Speaker, in the Committee on International Relations testimony was heard on this issue. I would like to read from one of the witnesses, John Sweeney of the Heritage Foundation, not an institution that I normally quote, but which is of great interest to me, particularly in the context that they were supporters of NAFTA and free market ideas.

He said: "This new plan is an improvised hodgepodge that will not solve the structural causes of the Mexican crisis. This new bailout plan is bad policy, and it is bad politics."

We were told, Mr. Speaker, that in fact the original $40 billion loan guaranty was meant to overwhelm Mexico's problem.

□ 1830

Yet we see that this new package has now risen to between $47 billion and $50 billion. So I am concerned if $40 billion was meant to overwhelm Mexico's problem, why did we have to go to $47 billion or nearly $50 billion?

This witness went on to say, "The Mexican crisis needs a stronger free market cure than Mexico's ruling political, corporate and labor elites are willing to accept." He went on to criticize this action.

I think his last comment that I would like to make, he said, "Bailing out Mexico will tell governments in emerging markets that bad policies based on short-term political imperatives would be forgiven, and it would send private investors the message that bad investment decisions will be bailed out at U.S. taxpayer expense."

I think that that is the wrong message to send.

It is interesting to see in today's New York Times in the business section how now investors are looking at all emerging markets and their investments in those emerging markets and beginning to question those investments. Maybe they will come back to good old T-bills and blue chip stocks here in the United States.

I think it is important in this debate to continue to raise the questions of what type of speculative environments are we creating to put middle-class taxpayers at risk, and in doing so I would hope that we would continue to speak about this issue on the House floor.

TIME TO COME CLEAN ON BAILOUT OF MEXICO

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

Mr. BARR. Mr. Speaker, over the last 24-hour period, we have heard a litany of reasons in support of what the Clinton administration has done in its efforts to prop up the Mexican peso.

We have heard, for example, that the United States economy will suffer irreparable harm if the Mexican economy remains as weak as it is.

We have heard that illegal immigration will explode if the United States does not prop up the Mexican peso.

We have heard intimations that Mexico and other Latin countries will be unable to help continue to control certain undesirable activities such as drug trafficking and money laundering from and through Latin America.

We have heard that delayed action is worse than no action.

We have heard that other Central American countries will soon follow Mexico unless we act in behalf of Mexico.

We have heard that an untold number of jobs here in this country will be lost and money will be lost here in this country, including from perhaps some very important pension funds, if the United States does not act and prop up the Mexican peso.

If in fact, Mr. Speaker, the consequences that would befall the world economy and the United States economy were as dire as the administration is now saying they are, one might very legitimately ask, as I do, where were they when the groundwork was being laid for this crisis through either action or inaction on the part of the Mexican Government?

Where were they when we had before the U.S. Congress Committee on Banking and Financial Services just 1 short week ago asking the 3 top officials from this administration, Secretary Christopher, Secretary Rubin, and Chairman Greenspan to justify to us specifically and explicitly why at that time the administration was telling us that unless congressional action occurred, all of these dire consequences would befall.

We asked, for example, when these gentlemen were before the Banking Committee on which I have the honor of serving, what guarantees do we have? How will we know and how can we assure the American people that Mexico will not default on the loan guarantees that this administration was asking us in Congress to provide to them through legislation?

The only thing that these witnesses could tell us was, and I remember one witness explicitly stating this, we have a team of the finest lawyers in Government and we are sure that they will draft up a document that provides us those guarantees.

Well, Mr. Speaker, that does not leave me satisfied and that does not leave my constituents satisfied. They continue to ask some very important questions that are deeply troubling to me and to my constituents in the 7th District of Georgia.

What happens with that $20 billion, and many other billions of dollars that are now going to directly prop up a foreign currency? If and when, as many of us expect, the Mexican Government fails to take the steps, the hard steps that are necessary to ensure its continued viability and to ensure the rebounding of the peso, what will in fact happen to those moneys?

What will in fact happen, Mr. Speaker, for example, if in some other part of the world with regard to some other currency, the U.S. dollar, which is the currency that I care about and that the American people care about, runs into problems and we go to the Stabilization Fund and we find that the cupboard is bare? What then do we tell our constituents?

What do we tell our constituents down the road, Mr. Speaker, when the next country comes to us and says,

> Yes, we know you are having to ask your citizens to tighten their belts. We know you in America are having to make tough decisions to cut back governments and cut back guarantees in your own country. But you helped out Mexico. Now you must help us out.

These are things, Mr. Speaker, that I think the American people are legitimately asking of this administration which has yet to deliver to us in the Congress an executive order that sets out in black and white where it thinks it has the legal statutory authority to do what it did.

The questions, Mr. Speaker, far outnumber the answers that have been forthcoming. I think it is past due time for this administration to come forward, to come clean and to provide us the background information to let us know why did we get to this situation, what is truly happening, and why this action is necessary.

Mr. Speaker, I thank you for the time to address this very important problem for the people of this country.

LINE-ITEM VETO AND REMAINING CONTRACT WITH AMERICA ITEMS DESERVE BIPARTISAN SUPPORT

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

Mr. FOX of Pennsylvania. Mr. Speaker, today is a very special day, I believe, in the House of Representatives because here today we passed for the first time H.R. 5, which, in fact, will give us unfunded mandate relief. For too long our State, local and county governments have been forced to pay for the programs that Congress has foisted upon them without any input from the State, local, or county governments. As a result of our actions today, counties and local governments

will no longer be obligated to pay for programs we passed here in Congress. From now on, if we in Congress wish to pass a bill, we will have to pay for it at this time.

I was very happy to see, Mr. Speaker, this was a bipartisan effort. I suspect and hope that, along with the American people, that the other items in the Contract With America will have similar bipartisan support.

In reflecting on our recent weeks here in Washington in this 104th Congress, we have already seen a balanced budget amendment adopted, which will help get our fiscal House in order and help us reduce our deficit. We have also seen, as I said, the unfunded mandates bill being passed, and now the third part of the program, the line-item veto, is legislation we are about to embark upon, starting with discussions and debates tomorrow morning.

I am proud to be an original cosponsor of this important piece of reform legislation. In the past, Mr. Speaker, the President had no authority to remove specific items of pork-barrel legislation and now it will be possible for the President to remove waste without rejecting the entire budget package.

A line-item veto will also restore the proper balance between the President and the Congress. In the mid-1970's the Congress upset the balance when it changed the budget process and consciously undermined any President's ability to constrain the growth of Federal spending. Ever since these changes in the process occurred, Congress has been able to simply ignore the President's rescission requests.

The Republican-proposed line-item veto will force Congress to debate and vote upon the President's proposals. This will give the same kind of line-item veto most of our Nation's Governors have to remove wasteful spending which does appear in budgets.

Clearly a line-item veto alone will not solve the deficit problem overnight, but it will move us toward the fiscal responsibility this 104th Congress deserves and wants on behalf of the American people. It would enable the President to slash the pork that is in the budget, would help us to maintain the ability of Congress to disagree with the President, but the Congress would also restore spending cuts by the President if it thought the package of rescissions were inappropriate.

□ 1840

I believe that the line-item veto, when combined with the balanced budget amendment and now the unfunded mandates reform will go a long way in making sure that this Congress completes its Contract With America and helps us to economic recovery as every American wants.

WELFARE REFORM

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

Mrs. CLAYTON. Mr. Speaker, I support welfare reform. Reform, however, does not mean change for the sake of change. Reform means change for the sake of improvement. As we move to reform the welfare system, let us make sure that we make a better system, not just a different system. Some of our programs are working and working well. Nutrition programs have proven their worth.

This morning, the House Committee on Agriculture held its first hearing of the 104th Congress. The subject of the hearing was the Food Stamp Program. During the hearing, we heard of instances of fraud and abuse. The information received at the hearing may tempt some to call for the elimination of the Food Stamp Program. Such calls, however, would not take the good that the program does into account. The good far outweighs any problems that the program may experience.

The Food Stamp Program was instituted to confront hunger in America. Over 27 million people in the United States are served by the program—more than half of them, 51 percent—are children. Seven percent are elderly. In the State of North Carolina alone, over 627,000 people receive food stamp benefits—and—over half of that total, 323,552—are children.

In 1993, North Carolina received $512 million in food stamp funding. In my district, 74,370 hungry people benefit. However, with the cuts that have been proposed in nutrition programs, it is estimated that North Carolina will lose nearly 20 percent of its food stamp funding. That loss will mean the loss or reduction in benefits for almost 44,000 North Carolinians. Additionally, it is estimated that should the Food Stamp Program be converted to block grants, approximately 3,122 jobs will be lost in North Carolina alone—this means about $33.9 million in lost wages. This is just in my home State of North Carolina. Mr. Speaker, that is but one legacy of the balanced budget amendment and the contract on America. The people have a right to know. Unless we act to prevent it, there will be drastic cuts in funds for school meals and WIC as well.

This Nation is great, not because of its military might, although it is important to be strong militarily. We are great, not because of our success in diplomacy, although it is important to move effectively in the world arena. What makes us a great nation however, is the compassion we show for those who live in the shadows of life—the young, the old, the poor, and the disabled.

When history and the voters judge us, in the end, we will not be judged by how much we mindlessly cut. We will be judged by how much we truly cared. The school meals program gives to our young people the nutrition they need, the strength that is required, to make it through the school day. Last year we fed free and reduced price breakfast to more than 5 million children nationwide. The money we spent for that program, nationwide, is now threatened.

In North Carolina, 180,000 children were fed breakfast, free or at a reduced price last year. Those children may go hungry at school next year. That could be one of the legacies of the balanced budget amendment and the contract on America. The people have a right to know, and I intend to tell them. Similarly, the National School Lunch Program which served 13½ million children last year, will likely serve far fewer next year.

In North Carolina, money from the national program was spent to serve free or reduced priced lunches to some 379,000 children. The people have a right to know that those funds may be lost. The special supplemental program for women, infants, and children [WIC] is threatened. Important Federal funds were spent last year for 6 million WIC participants. Nearly $74 million of those funds were spent in North Carolina, servicing 169,000 WIC participants from my State.

After school programs, summer programs, violence prevention programs all may be slashed for years to come under the balanced budget amendment mandate and the contract on America. The people have not been told about these cuts, and they have a right to know. We face the creation of thousands, perhaps millions, of new orphans because we are threatening to cut the cord of life from those parents, struggling to make ends meet, and their children, innocent in every respect.

Mr. Speaker, I support welfare reform and I include the remainder of my speech in the RECORD at this point, as follows:

Yes, I support welfare reform. But, in the words of Susan B. Anthony, "Cautious, careful people, always casting about to preserve social standing, can never bring about reform." These are not times to be cautious and careful about government.

Yes, we need a smaller, more effective government. But, we also need a bold and visionary government—a government that changes with the times, but remains fundamentally unchanged—an instrument for the many, not just for the few.

PESO BAILOUT

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

Mr. HUNTER. Mr. Speaker, I also want to talk about the bailout, the new Clinton unilateral, nonparticipation by the legislative branch bailout. And I was just speaking with my friend the gentlewoman from Ohio, MARCY KAPTUR, who has really been a leader in

trade and leader on this issue, about what is happening to our country and what is happening to American workers. And I hope that there is a silver lining to the cloud of this bailout issue which hovers over Americans right now, which the President is attempting to dismiss with this use of the Exchange Stabilization Fund, if he is to bail out Mexico without requiring Congress to vote up or down.

The silver lining that I am looking for is a realization in this body, in the House of Representatives, of the fact that our blind adherence to free trade, that is leveling all borders, all tariffs between us and the rest of the world, regardless of the circumstances, regardless of whether or not they let us into their borders, regardless of the displacement of American workers, relying on the blind adherence on the Republican side and the Democrat side in some cases.

Let us talk a little bit about the peso bailout and some of the conservative Republicans who recently have testified in our forums.

Bill Seidman is a conservative Republican renowned economic leader, former chairman of the FSLIC, a guy who knows bailouts, and he made a couple of good points in his speech to our forum when he said, "Do not bail out Mexico."

First, he does believe in the free market and he could not understand why people who believe in a free market and who believed in NAFTA would now believe that somehow the politics and the economics of subsidies to Mexico now make sense.

He pointed out that Mexico has gone through in the last 10 or 20 years a number of devaluations, and they have not had these disastrous apocalyptic effects that all of the deep breathers tell us are going to happen now if we do not bail out Mexico with a $40-billion-plus package. Here is Bill Seidman, a renowned conservative economic expert relied on by this Nation in very difficult times saying we do not have to do it, let the market adjust it. He made a great statement. He said this issue should be resolved between Mexico and her creditors, let us resolve this between creditor and debtor.

□ 1850

Let us stay out of this as the United States of America. In listening to witness after witness on the Democrat side and the Republican side across the political spectrum coming up and testifying against the bailout, it occurred to me that this has revealed another aspect of national policy that should be looked at very closely.

If this is free trade, this is the result of free trade where a tiny nation economically like Mexico, which has approximately the economy the size of New Jersey's, can be in a position to pull the United States down because it has a downturn. Have our policymakers who have outlined a free-trade policy for the United States supposedly with a deep intellectual base really been right when the effect of their policy is to handcuff the United States to Third World nations in deep water that do not know how to swim? That is what we have done.

If we have lost our independence and if we now are committed to bail out every nation which becomes inextricably linked with our economic well-being through our trade policies, is that smart?

Regardless of whether or not you like the trend lines on the exports and the imports, is it right for us to give up our independence and link ourselves with these nations? Does that mean we are now going to link ourselves with Argentina, we are so linked that we now have to bail them out if they have a problem, or any of the other dozens and dozens of Third World nations which now will call on the United States to help bail them out because we have a substantial trade relationship?

Now, let me just conclude by giving one "I told you so" and "Let's look at this thing in the future," to all of my colleagues, my good friends, who supported NAFTA. The claim by the pro-NAFTA advocates on this floor was that Mexican workers were going to achieve a larger standard of living, go above that $1,900 per capita per year income, and they were going to get up there to the point where they were making enough money to buy large amounts of American consumer goods and increase our exports. This devaluation has decreased the capability to buy by about 30 percent. This proves that NAFTA was wrong.

OIL AS COLLATERAL

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

Ms. KAPTUR. Mr. Speaker, I want to compliment the previous speaker, the gentleman from California [Mr. HUNTER], who has been so much a part of our efforts to really open up international trade and explain the consequences to people in this country and abroad.

I rise tonight with a rather heavy heart because of the action of the Clinton administration. Our Government is not a monarchy. We are a nation of laws and of balance of powers between this legislative branch, which is the first branch that the Constitution mentions, and the action, in my opinion, by the Clinton administration in extending over $47 billion worth of credit from the taxpayers of this country is outside the constitutional boundaries of the executive branch.

Now, Wall Street today and their irresponsible money men are cheering, because they essentially have been bailed out along with their 24 billionaire friends in Mexico with this gift package from the taxpayers of the United States of America with no vote by Members of this Congress. Wall Street investors have every reason to be happy. They got their money back from you, the taxpayers, but the American people should know that they are at risk, because this deal is backed up by worthless paper certificates of oil serving as collateral.

Now, why do I say this? Does not oil have value? Under normal circumstances, it would. But the Mexican Government has long used its oil over and over, the same oil again, as collateral for debts they already owe.

Did you know that Mexico has already pledged its oil in the European bond market, the Euro-bond market, for upwards of $10 billion? The fact is Mexican oil no longer has any value for use as collateral on new debt, because it is pledged to old debt, and Mexico owes anywhere between, on the public debt it owes between $160 billion and $200 billion.

It would be almost better for Mexico to pledge jumping beans rather than to repledge their oil again.

In the RECORD tonight I have taken out of Moody's Manual a list of where Mexico's monopoly-owned, state-owned oil company, Pemex, has already pledged the assets of their oil company.

Suffice it to say, all the administration accomplished by conditioning new loans, these $47 billion worth of loans from our taxpayers, on Mexican oil was to put our taxpayers at the end of a very long line of creditors to that oil. Even adding up all the assets and production of Pemex, Mexico does not have enough oil revenue to cover the $47.5 billion worth of new loans.

In fact, the Houston Chronicle reports that Mexico will become a net oil importer by the turn of the century, because it is essentially producing half of the oil it produced a decade ago because of problems inside that oil company.

Now, add to that what Mexico's own officials have said. The Mexican Secretary of the Treasury said, "Our oil resources are not going to be used for guarantees." Well, if they are not, what is backing up the risk to the taxpayers of this country?

And Mexico's Energy Minister was quoted recently, and a direct quote again, "Our oil will not be mortgaged nor will it form any part of any loan guarantee."

Now, maybe the United States Ambassador to Mexico cannot read Spanish, but it is all there in the Mexican newspapers to be read by anyone.

Basically, my friends, by dodging Congress, our people have been sold a bill of goods that have no value by the administration in collaboration with the Government of Mexico. Now our

administration is scrambling to make this back-door deal look as legitimate as possible, but the fact remains the so-called collateral that Mexico is putting up for the $47.5 billion in loans is worthless and, in fact, experts have estimated the entire worth of Pemex at somewhere perhaps, if we are lucky, about $24 billion.

So ask yourself when you read the fine print and they say they are going to book sales of oil on the Federal Reserve of New York's books, who is cooking the books? We are not getting barrels of oil. We are getting pledges of collateral that has already been overpledged.

And if you really want to get cynical, and I will end with this statement, is it not interesting that this is not the first time this has happened? But in fact it happened right after the Presidential election of 1988, during that period when they were trying to prop up the value of the Mexican peso. It happened in 1982, and now they devalued the peso right after the Mexican election in 1994.

Let the record speak for itself.

COST EFFECTIVENESS IN WELFARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from California [Ms. WOOLSEY] is recognized for 60 minutes as the designee of the minority leader.

Ms. WOOLSEY. Mr. Speaker, over $5 billion in child support goes uncollected every year. This is a national disgrace that is punishing our children and bankrupting our welfare system.

Tonight I am pleased to be joined by many of my Democratic colleagues to call attention to this tragedy and to call on the 104th Congress to make child support collection a top priority as we work to reform the welfare system. Democrats have long recognized that holding both parents responsible for their children is the most cost-effective way to reduce the welfare rolls.

Why then, we ask, is there no mention of child support in the Republican's welfare reform bill? Why then did it take so much prodding to get the Republican leadership to even schedule a hearing on child support collection? Do they not know that getting family child support is one of the best ways to get them off welfare?

Mr. Speaker, I have known for over 25 years just how important child support is in preventing the need for welfare, because in 1968 I was a single working mother with three small children, ages 1, 3, and 5. Although I had a court order, I never received a penny in child support. In order to provide my children with the health care and child care they needed, I was forced to go on welfare to supplement my wages.

□ 1900

Today, Mr. Speaker, millions of families are forced to go on welfare for the same reason. In fact, 91 percent of first-time welfare recipients cite lack of financial support from a parent as the main reason they are on welfare.

Currently, The Federal Government pays over $1 billion a year to help almost 1,500 State and local agencies collect child support. This piecemeal approach results in failing State collection rates, some as low as 9 percent. Even more alarming is the fact that once a parent who owes support crosses State lines, as approximately one-third of them do, it becomes all but impossible to enforce collection.

Consequently, Mr. Speaker, less than $1 for every $10 owed in interstate child support is collected. When it comes to fixing our child support system, however, the Republican leadership seems content on sticking with the status quo, which means the taxpayers get stuck once again with a billion dollar bill for a system that barely works.

Democrats know that our families can no longer afford business as usual. We know that the failure to collect child support is not a State-by-State problem; it is a national crisis demanding a national solution.

It is time to revolutionize child support; it is time to revolutionize child support payment collection in order to make sure all of our children receive the support they need and deserve. That means strengthening paternity establishment laws, that means tough new penalties for parents who refuse to pay support, that means establishing a national registry of child support orders so we can track parents across State lines, and that means taking a serious look at proposals to increase interstate collection, including legislation to federalize the child support system.

Mr. Speaker, I welcome the Republican leadership's late arrival to the child support reform debate. Child support collection after all should not be an issue along party lines. Democrats, however, do not want minor changes to the system or tinkering around the edges; we want fundamental changes.

Mr. Speaker, in the United States if we had had a child support system in place like the ones Democrats have proposed, I might not have needed to go on welfare in the first place. Now we have the opportunity to make sure all families in situations like mine are not forced to go on welfare because they do not receive the support they need and deserve.

Mr. Speaker, I yield to gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. I thank the gentlewoman from California and certainly appreciate her efforts tonight in bringing a very important issue, important not only to Congress but to the debate that has been taking place in our State legislatures, has been taking place in all of the legislatures across this country. I can assure you that my district offices who generally deal with these issues on an everyday basis, this is one of the No. 1 issues we deal with in trying to help single parents find or restore back child enforcement or child support payments because of the concern that they have for their children.

If you allow me, I would like to take some time and read a statement that I have talking about what I see as some of the issues with some background and what I think we might be able to do, some things we might be able to do to help.

Mr. Speaker, the Child Support Enforcement Program as it exists today appears to be dysfunctional. Caseloads are impossibly high and Federal requirements for providing services to interested parties may be conflicting, counterproductive, and unrealistic. Portions of the program may even present the intended recipients with economic disincentives to cooperate. Meanwhile, birth and family separation statistics indicate a growing number of potential clients.

The statistics are staggering. One in four American families with children today are headed by women. In these single-parent families, the future of these children are directly linked to that of their mothers. Low standards of living are often the result of the high expense of raising children, lower salaries typically earned by women, and insufficient or nonexistent child support payments. Poor enforcement of child support orders greatly worsens the plight of these vulnerable children.

Even though there are efforts to strengthen child support enforcement, the current system has failed to ensure that children receive financial support from both parents. Repeated reports have shown that the potential for child support is approximately $48 billion per year. However, only $14 billion is actually paid.

For these reasons, a critical part of reforming the welfare system is improving this country's child support enforcement system. Improvements in the child support system will ensure that children can count on support from both parents and that the cost of public benefits can be reduced while working mothers' real income is raised.

A tough stance must be taken on nonpayment of child support. There are at least four areas that must be addressed. First, efforts to enhance noncustodial parent location and identification must be strengthened. Second, the process by which child support orders are established must be improved. Third, efforts to establish hospital-based paternity must be enforced. And fourth, child support enforcement must be made real by the passage of punitive measures for deadbeat parents.

Noncustodial parent location and identification would be enhanced by

having States maintain registries of child support orders. Moreover, the functions of the parent locator in the Department of Health and Human Services should be expanded. The interstate locator should be designated to link State-to-State child support order registers into an automated central system.

Hospital-based paternity should be established by ensuring that States have simple civil consent procedures for paternity establishment available at hospitals at the time of birth.

Moreover, benefits should be made contingent on paternity establishment. At this time, there is no reciprocal obligation for welfare recipients to help the Government locate the absent parent. The burden of certain parent locator information should be shifted to the applicant of welfare benefits. Of course, certain situations are unique and need to be taken into account, as when the parent cannot be found or if the mother fears harm to herself or her child.

These measures are not meant to be punitive but just responsible. Parents who willfully and fully comply with paternity establishment requirements should not be denied benefits. Nor should they be denied benefits if the State has not met its responsibilities and obligations in assisting with paternity establishment.

Finally, uncompromising punitive measures for deadbeat dads should be fully enforced. This should be done by withholding income from deadbeat dads for child support orders. We must establish procedures so that liens can be imposed against insurance settlements, gambling and lottery winnings, and other awards. Noncompliant fathers, who are delinquent in their support payments, should be required to enter a work program in which they work to pay off benefits meant to support their children.

Mr. Speaker, studies have proven it is not the inability to pay, but rather the refusal to pay that has plunged children into the depths of poverty. Most noncustodial parents are able-bodied and can contribute to the financial support of their children. Simply put, they do not pay because they know they can get away without paying. I offer my ideas as a tough yet fair approach in dealing with a problem that is keeping billions of dollars from children in our country.

I say again to the gentlewoman from California [Ms. WOOLSEY] that we appreciate her bringing this to our attention, and I think all the ideas that will be discussed will open up a debate that is necessary.

Ms. WOOLSEY. I thank the gentlewoman for her contribution, and I yield to the gentlewoman from Missouri [Ms. MCCARTHY].

Ms. MCCARTHY. I thank the gentlewoman for yielding to me.

Mr. Speaker, I rise as a member of the Welfare Reform Task Force to discuss the serious problem of child support enforcement in this country and to note the absence of meaningful child support enforcement provisions in the Personal Responsibility Act.

Mr. Speaker, every child has two parents. Raising a child is the obligation of both these parents. Unfortunately, in my own State of Missouri many parents are not meeting their financial obligations. According to Missouri's Division of Child Support Enforcement, $963 million is owed by noncustodial parents to over 500,000 children.

Because of these shocking figures, last year our State enacted reform legislation that stiffened compliance procedures for child support payments. I was proud to be a part the effort in Missouri to see these much-needed reforms enacted. It is my hope that many of these programs, such as the Parents Fair Share Program and the Savings Connection Program can be duplicated at the Federal level.

□ 1910

What is important to remember is that the failure of parents to make child support payments places children at risk. When child support payments are irregular or missed, the incidence of child poverty increases significantly. According to the Association for Children for Enforcement of Support, 50 percent of all white children growing up in a single parent household who do not receive support live at or below the poverty line, and 70 percent of all African-American children growing up in a single parent family live at or below poverty level.

For these reasons, Mr. Speaker, we at the Federal level have to take stronger action to ensure that parents meet their financial obligations to their children. While I am encouraged that the Family Reinforcement Act adds some provisions to strengthen child support orders, I do believe that stronger provisions need to be added during consideration of the bill. In fact, I believe attention should be given to the provisions in the bill introduced by the gentlewoman from Connecticut [Mrs. KENNELLY], which I am cosponsoring, which would deny Federal benefits to individuals owing child support and withhold business and drivers licenses from individuals owing child support. In addition, I will offer consideration of the State reform provisions enacted in Missouri and other States.

Mr. Speaker, this is not a partisan issue. I believe there is broad agreement that more needs to be done to ensure that child support payments are made. While we cannot force parents to spend time with their children, we certainly can place strict enforcement requirements on those mothers and fathers who abandon their children and fail to meet their financial obligations.

Mr. Speaker, I intend to work hard with the gentlewoman from California [Ms. WOOLSEY] and others to achieve bipartisan support to enact strong child support enforcement legislation this session.

Ms. WOOLSEY. Mr. Speaker, I yield to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Speaker, I thank the gentlewoman from California [Ms. Woolsey] for organizing this special order and for her hard work on the welfare reform task force of the Democratic Party and the Child Enforcement Act along with the gentlewoman from Connecticut [Mrs. KENNELLY].

Mr. Speaker, everyone knows that raising a child is the responsibility of both parents, so it is a national disgrace that we collect only 18 percent of all child support cases. Everyone knows that establishing paternity will increase accountability. So it is unacceptable that we identify only 18 percent of the AFDC children without a legal father. Everyone knows that increasing child support collection is very doable, so it is simply wrong that we collect only $14 billion out of a potential $48 billion every year. That is a $34 billion gap that could be collected and be part of the Federal Treasury.

Mr. Speaker, enforcing comprehensive child support should be high priority of Congress. We can and should expand the penalties for child support delinquency. We can and should simplify the procedures for establishing paternity. We can and should set up a national registry of child support orders. We can and should institute more performance-based incentives.

However, Mr. Speaker, I have looked, and I cannot find these provisions in the Contract With America.

Mr. Speaker, any welfare reform should also have reforms for child support enforcement. Improving the current child support systems is not only cost effective, but it will also enable many families to avoid welfare. Penalties such as denying professional, recreational, and drivers licenses to a delinquent deadbeat parent will cut down on teenage pregnancies and help increase enforcement. Penalties such as enforcing liens on real property and reporting delinquency to credit bureaus will send a strong message about responsibility. When these penalties are adequately enforced, a deadbeat parent will think twice about avoiding payments.

Those who are hurt most by deadbeat dads are our children. They are our most vulnerable citizens. They cannot vote, cannot speak for themselves, cannot spend millions of dollars lobbying Congress, yet one in every five children is poor. Even worse, one out of every two children in female-headed households are poor. These children need child support payments to literally put

food into their mouths, yet time after time these same children receive little or no support from their deadbeat parent. This financial abandonment creates untold hardships for our children and for the American public.

Child poverty has been linked to higher education and medical costs and to increased crime rates. According to the Children's Defense Fund, child poverty costs this Nation between $36 billion and $177 billion in reduced future worker productivity and employment. The deadbeat parent who has not paid their child support has not only neglected their legal responsibility to their child, but has also neglected their responsibility to their country.

We all know that the present child support system is in shambles. For many single parent families child support payments are irregular, late, missed, and often not paid at all. Those who do receive payments find them wholly inadequate. The average child support payment for a poor woman is only $5 per day. That is not even enough for a family meal at McDonald's. No wonder so many children are living in poverty.

Every day single parents struggle to provide needed food, clothing, shelter, and health care. Why should children be punished for the sins of their deadbeat parent? Why should the American public foot the bill for the irresponsible parent?

Already 17.6 million children live in single-parent homes. As more and more children live in single-parent homes, the need for stronger child support enforcement will only get worse.

Child support programs more than pay for themselves. For every $1 spent, $4 more are collected.

Child support instills responsibility. Child support prevents welfare. Child support raises children from poverty. Mr. Speaker, what are we waiting for? Let us address this issue now. Our country and our children deserve nothing less, and again I ask you to include this in the welfare reform package.

Ms. WOOLSEY. Mr. Speaker, I yield to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Speaker, I thank the gentlewoman from California [Ms. WOOLSEY] for her hard work and leadership on welfare reform and child support enforcement in particular.

Mr. Speaker, we all recognize that a child deserves the emotional support of both parents. Today, with close to 6 million children living in poverty, it is clear that children are in desperate need of financial support from both parents. The discussion on children in single-parent families has been primarily focused on welfare reform, specifically Aid to Families with Dependent Children. However, the issue of child support enforcement has curiously been absent in most of the discussion on family preservation and family support.

It has been reported that there is over $34 billion in uncollected child support payments. In fact, child support orders are established in only about half of children—for half of children who should receive them. And even for those who have support orders, only half receive the full payment. According to the Children's Defense Fund,

> The vast majority of children served by state child support enforcement agencies not only do not have full collections made on their behalf, but fail to have any collection made at all.

An estimated $7.4 billion of uncollected child support should go to poor children. In many, many cases, it is the lack of child support that forces families to go on to welfare to begin with.

Consider this, Mr. Speaker: With a child support payment and even a minimum wage job coupled with earned income tax credit and food stamps, that together could put a family on to the path of self-sufficiency. If we address the support services such as child care, health care, and transportation through welfare reform, the family can be self-sufficient. This has all the components of a plan that accomplishes the goal of lifting families out of poverty: work and responsibility.

In my State of Virginia, Mr. Speaker, we have implemented a strategy to aggressively go after noncustodial parents who choose to ignore their financial responsibility to their children. We have created a system to increase paternity establishment including providing in-hospital paternity acknowledgment, and we have decided that establishment of support orders will be a priority. Virginia is now considered a national model for this system of paternity establishment, and we have collected over $230 million in child support, including $40 million which was collected on behalf of children in AFDC families.

Much of the uncollected support involved out-of-State parents, so the need for national cooperation is obvious.

For some families, the receipt of a steady support payment is enough to lift children out of poverty or prevent them from needing AFDC benefits. A new initiative called A Child Support Assurance System accomplishes this task. Child support assurance guarantees a fixed amount of child support for each child as long as a child support order is in place.

Whatever the noncustodial parents pay goes toward that guarantee, so if the parent pays all of what is owed, there is only a little administrative expense. If only part is paid, the cost of the guarantee is probably less than AFDC would have been anyway.

Child support assurance removes the work disincentives that we so often hear about from welfare recipients. In a child support assurance system, the family receives the entire guarantee and does not have to worry about a reduction in their take home pay if they work. For example with a $250 guarantee, if you stay at home you receive $250. But if you work part time, make $300 a month you still get the entire $250 plus your earnings. If you work full time, you still get the entire $250 and get to keep your earnings. In fact, when you add in the earned income tax credit and the monthly child support assurance payment, work will always pay. Child support assurance demonstrations report that recipients are able to increase their work hours by 25 percent and increase their earnings by 25 percent. Without the child support assurance, many families will probably turn to welfare as a means of support.

Clearly, programs designed to lift children out of poverty must acknowledge that both parents have an obligation to support their children. Child support systems formalize this arrangement—when we aggressively pursue the noncustodial parent. A system of child support assurance not only recognizes the importance of this arrangement, but makes it easier for families to find their own way on the path to self-sufficiency.

As we consider welfare reform, Mr. Speaker, in conclusion, we must consider child support enforcement and innovations such as child support assurance. We can lift more families out of poverty and fulfill our goal of encouraging work and responsibility.

Ms. WOOLSEY. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. NEAL], with whom I cochair the Democratic welfare task force.

Mr. NEAL. Mr. Speaker, today is day 29 of the Contract With America. We have passed the quarter mark for the first 100 days. Until day 27, we heard nothing about child support being included in the contract.

Why was child support not included in the contract? How could such an important issue be ignored? I have carefully reviewed the Personal Responsibility Act and it includes no child support provisions.

On day 27, we heard that the Republicans will include child support enforcement provisions in the Personal Responsibility Act. We had to wait until day 27. Where were the child support provisions?

It is day 29 of the Contract With America. It is time for us to start talking about the details of child support enforcement. This will send the American people the message that we are serious about welfare reform. A tough child support system requires both parents to live up to their responsibilities.

How could we have welfare reform without child support enforcement provision? Child support is welfare prevention. For every $1 spent on administrative expenses, $4 is collected in child support. Paying child support is also the ultimate measure of personal responsibility.

The potential for child support collection is estimated at $48 billion per year. Only $14 billion is actually paid. This leaves an estimated collection gap of about $34 billion. This gap needs to be closed. Yet it was not until day 27 that the Republicans decided to address the issue of closing this $34 billion gap.

One in four children now lives in single parent homes. Without better child support enforcement, too many of these children will not have the support they need and deserve. In 1992, 17.6 million children lived in single parent homes. We need to improve these statistics now.

My home State of Massachusetts has been very successful with child support enforcement and would serve as a role model for the rest of the country. Massachusetts has increased its child support collection rate from 51 to 67 percent over a 3-year period. But Massachusetts is only one State, we must make an improvement on the Federal level.

Child support is one area in which State flexibility is not needed. States should be uniform on this issue. We should be able to collect child support awards across State lines.

Successful child support enforcement includes streamlining the paternity-establishment process. We should give States performance-based incentives for improving paternity-establishment rates.

Out-of-wedlock births have increased at an outrageous rate. In 1991, approximately 30 percent of all children born were born to unwed mothers. These children need to be given a fighting chance. Remember, there is no such thing as an illegitimate baby.

We need to collect awards that we owed. We need States to establish a central registry and centralized collection and disbursement capability.

We need to establish a national commission to study State guidelines and the desirability of uniform national guidelines.

We need to ensure fair award levels. Awards are generally set too low. If awards were modified to current guidelines, an additional $7.3 billion—22 percent of the gap—could be saved.

It is day 29 of the contract. Child support is finally starting to receive the recognition it deserves. Let's not stop now. We have to work together to close this $34 billion gap. Paying your child support is the ultimate measure of personal responsibility.

Ms. WOOLSEY. Mr. Speaker, I yield to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Speaker, I will just take 2 minutes to associate myself with the remarks that have been made before.

We are all in favor of welfare reform. We are all in favor of reforming any aspect of Government that certainly will save money and improve efficiency. There is no program in Government anywhere that could not benefit from reform, including the CIA and the aircraft procurement program that is going to purchase the F-22, spending billions of dollars. There are numerous programs that ought to be reformed, and welfare is certainly no exception.

The problem is, we do not want to have reform be merely a persecution of poor children and poor women. The fact that the majority party has chosen to trivialize child support enforcement and not deal with it up to now is shocking. I hope it will no longer be a partisan issue, that they will really get on board, and child support enforcement will become a major part of this reform process.

Let us have welfare reform, but let us do it thoroughly. Let us deal with the provision of jobs and job training for welfare mothers. Let us deal with the child support enforcement. Billions of dollars are at stake here. We have heard the citing of the kind of money that can be recovered, and there are simple steps that can be taken. The question is why have we waited so long. Why have all these decades gone by, and we have not gone out to collect the kind of money that should be collected from absent parents.

Let us get on board now and have thorough and complete welfare reform.

Ms. WOOLSEY. Mr. Speaker, I yield to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. I thank the gentlewoman for yielding.

Mr. Speaker, when parents evade their responsibilities, children suffer—and the taxpayers often get left with the bill.

To protect both children and taxpayers from the consequences of parental irresponsibility, we need to improve our child support enforcement system. We need to send a clear and unmistakable message: Both parents must provide for their children.

So today, I rise in strong support of bipartisan legislation introduced today by the Congressional Women's Caucus—legislation that will improve almost every aspect of our current child support enforcement system.

The Child Support Responsibility Act would extend much-needed help to custodial parents who, despite time-consuming, often expensive efforts, are still not able to enforce their child support orders across State lines.

Interstate cases account for about one-third of all child support awards. Because of differences in State law regarding enforcement, jurisdiction, and service of process, such cases are often among the most difficult. In fact, the General Accounting Office has reported, that 34 percent of mothers in interstate cases reported that they had never received a support payment in 1989. The figure for mothers in intrastate cases is just 19 percent.

Beyond that, the Office of Child Support Enforcement reports that interstate cases represent nearly one-third of IV-D child support cases with collections, but yield only 8 percent of collected support.

Mr. Speaker, we can do better. We can act on the recommendations of the U.S. Commission on Child Support Enforcement, take a comprehensive approach to solving these problems, and pass the Child Support Responsibility Act.

This bill would establish a central registry in each State of all child support orders issued in the State. It would make uniform the law governing the interaction among States in child support matters. It would set up a national registry of child support orders to assist States in locating absent parents and enforcing orders. And it would expand the penalties for delinquency.

Mr. Speaker, I know there are some who would rather not talk about this matter. They say you don't understand, I have reasons for not paying. But I would say to my colleagues, consider the plight undergone by the custodial parent and by the children when these child support payments are not made—and when there seems to be nowhere to turn.

Let me close with one last point.

All of us have heard the calls through the Halls of Congress for young mothers to be more responsible in regard to welfare reform. I completely agree. Shouldn't we also demand, equally loudly and clearly, that fathers be responsible.

Separation happens. Divorce happens. It's a fact of life. But the responsibility assumed by having a child continues. It is not temporary; it is permanent; it should not be easy to evade; and the children should not be left to bear the consequences.

There is a $34 billion child support enforcement gap. If we don't work harder to collect that money, millions of children will go without the support they deserve. In many cases, the taxpayers will have to pick up the bill for an absentee parent.

Let's put that responsibility back where it belongs. Let's ensure that parents—both custodial and noncustodial—live up to their responsibilities. And let's make sure our children get the support they need and deserve.

□ 1930

Ms. WOOLSEY. Mr. Speaker, I yield to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Speaker, somewhere in a school in Houston sits a child by the name of Mary. A teacher writes on the blackboard the word h-o-p-e. Ask Mary what does that word mean. Mary looks and looks again and the teacher points to the word h-o-p-e.

And Mary says to the teacher, "nothing, ma'am, nothing for me."

I say, Mr. Speaker, we should give young Mary hope, hope of survival, hope of being able to survive with a single parent, hope of being able to make it and to be successful. I think, Mr. Speaker, we can begin to give Mary hope by reforming our welfare system as one of the biggest challenges before Congress today. But I really think that we can reform the welfare system by doing comprehensive reform. And that includes child support enforcement.

Mr. Speaker, reforming our welfare system is one of the biggest challenges before the Congress today. I am here this evening to emphasize the point that real welfare reform is comprehensive reform—and this includes child support enforcement.

Unpaid child support hurts families across the Nation every day. Today, 63 percent of absent parents contribute no child support. Shockingly, it is estimated that the potential for child support collections is approximately $48 billion a year. However, only $14 billion is actually paid, leaving a collection gap of $34 billion.

Mr. Speaker, there are many obvious steps that this Congress can take to bring in some of this uncollected child support. First, we can begin by providing adequate funding for the National Child Support Enforcement Collection Agency so that they can enhance coordination for collections across State lines and improve Federal tracking of delinquent orders.

In addition, a comprehensive child support strategy is necessary to help custodial parents escape welfare and stay in the work force. A comprehensive child support strategy needs stronger requirements for paternity establishment. We need tough new penalties for those who refuse to pay, such as: wage withholding, suspension of drivers' and professional licenses, and property seizures.

Congress should also require all States to adopt the Uniform Interstate Family Support Act. My State of Texas was the second State to adopt UIFSA. The crux of UIFSA is "one order—one State" and it gives States the ability to serve wage withholding orders directly on an employer in another State.

States currently receive 66 percent Federal financial participation matching funds plus incentives for AFDC and some non-AFDC collections. This funding scheme hurts States like Texas because we have a low AFDC grant. We would like to see a higher Federal participation and more incentives in the form of increased funding for meeting certain performance goals. Bottom line—the program is currently underfunded both at the State and Federal level and cannot keep up with the growing caseload. Texas currently uses the States share of AFDC that we recover from absent parents as the State portion of the Federal funding scheme. Since the average welfare grant in Texas is $174 and in California it is $400, Texas recovers less and has less to use to pull down Federal dollars and therefore is less able to help families move off of welfare.

Mr. Speaker, child support is one of the real engines of welfare reform, as it requires parents to take financial responsibility for their children. As this Congress tackles the problem of welfare reform and works to move our families toward self-sufficiency and independence, let us be certain to include child support as an important component of this endeavor.

As this Congress tackles the problem of welfare reform and works to move families toward self-sufficiency and independence, let us again give little Mary hope. Let us be certain to include the child as an important component of this endeavor. Let us remember that child enforcement must be part of welfare reform.

Ms. WOOLSEY. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Speaker, I congratulate my colleague, the gentlewoman from California [Ms. WOOLSEY], for this opportunity to speak on such an important issue and compliment her in putting this together.

I want to refer to the experience that I had before I was elected to the Congress 2 years ago. I was the first assistant district attorney in Middlesex County, which is the largest county in Massachusetts. And in that position, I had an opportunity to look at the child support enforcement in Massachusetts and a person from the State revenue department came into my office and asked me to make that a priority within the district attorney's office. There had been a new statute that had been passed in Massachusetts for tougher, stricter enforcement, but a case had never been tried, a criminal case under that statute.

And I looked at the case of a person from Lowell, MA, someone by the name of Edward Orlando, who had gotten a divorce from his wife. And he had moved out and he moved to New York City where he set up an apartment with his girlfriend. And they lived on 52d street. And at the same time they lived in that very expensive section of New York City, he had a place in the Caribbean as well. The only problem is, Mr. Orlando left 11 children back in Massachusetts, 6 of whom were still living at home in Lowell.

Audrey Orlando faced some very difficult choices. She did not receive a single child support payment for over a year. By the time several years had gone by, Edward Orlando owed his wife $47,000 in back child support. The bank was foreclosing on the mortgage of that home on Billings Street in Lowell. Audrey Orlando was unable to collect the money, facing foreclosure because of a system that was broken down and could not work.

□ 1940

People who are not paying child support are able to go to other States and use the statutes against each other, pit one State against another, so the child enforcement officials are unable to collect that money.

I took that case in the DA's office and told Mrs. Orlando I would make it a priority. I was able to use the long-arm statute to reach out and find this defendant in New York. We brought him back to Massachusetts, but not before he was detained at Rikers Island for about a month as we set up to bring him back to Massachusetts.

This defendant was stunned that any prosecutor from anywhere would bring him back or hold him and detain him at Rikers Island, like a common criminal, $47,000 in back support. We brought him back to Massachusetts, where he stood trial.

I decided to make this case a priority. I personally prosecuted the case. The evidence was overwhelming. Although on paper Mr. Orlando, did not have any money, we found that his lifestyle was such that the evidence was overwhelming that he in fact was not meeting his legal and moral obligation.

After we finished the conclusion of the evidence and the conclusion of the final arguments, Mr. Orlando got up and pleaded guilty. He was sent to jail for 3 months, 3 months sentence, and was ordered to pay the child support.

Guess what happened after the 3 months? Mr. Orlando skipped out and still has not paid the child support. I still have in my office the case of Mrs. Orlando, trying to avoid being foreclosed on her home.

She is like thousands of other women across America who are stereotyped in some ways about being a welfare mother, because for a period of time she had to go on welfare. She works two jobs, 7 days a week, to try to keep those foreclosing on her home from kicking her and her family out of her home.

This case illustrates the problem that we have. We need a Federal system. If a person is convicted of a speeding ticket in one community or one State and goes to another State, we have a computer system to catch that person. It is unconscionable that we do not have a way to force people to pay child support.

There is a legal and moral responsibility here. Child support is not the residue of a bad marriage, it is an obligation that is legal and moral.

I might add, Mr. Speaker, in closing, 90 percent, by the way, of the money, of the $38 billion that is owed in this country in child support, are men who owe women. I can't help but believe that a court system all across America dominated by male judges and male personnel, and a Congress, frankly,

that is dominated by males, I can't help but think if 90 percent of the money owed were women who owed men, the system would have found a way to find a way to collect this money.

I thank the gentlewoman for yielding, and I hope that together this year we can finally set up a Federal system to make people meet their moral and legal obligation.

Ms. WOOLSEY. I yield to the gentleman from South Carolina [JIM CLYBURN].

Mr. CLYBURN. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, I rise this evening to address the important issue of child support enforcement. There can be no denying that there is a problem. It is estimated that each year over $34 billion of child support goes uncollected. My own State of South Carolina has a collection rate of just 24 percent of court-ordered child support payments. But there is more to the problem than an inability to collect payments.

For the many children whose paternity has not been established there can be no child support order. And in the relatively few cases where there is a court order, child support payments are rarely adjusted for inflation, and the amount averages less than $3,000 a year.

Each year only $14 billion of the estimated $48 billion owed in child support is collected. The $34 billion left uncollected is the difference between financial independence and living in poverty or on welfare for many single parent families.

In 1990, women headed 86 percent of the single parent families in this country, and single parent families headed by women are seven times as likely to live in poverty. Of the single parent families headed by women in 1990, almost 36 percent received some sort of governmental assistance.

The statistics make it clear. Ensuring the full collection of reasonable child support payments is one of the most effective means to prevent many of our Nation's children from living in poverty. Child support payments could enable many single parent families to leave welfare or prevent them from entering the system in the first place.

Yet, there is absolutely no mention of child support enforcement in the welfare reform bill included by the Republicans in their so called Contract With America. The Republicans claim that their bill will end dependency on welfare, eliminate out of wedlock births, and eradicate teenage pregnancy. They boast their bill will do all this, yet it leaves untapped the $34 billion of uncollected child support each year.

According to the Republican bill H.R. 4, children born to unwed mothers under the age of 18, or 21 if the State so desires, will be permanently ineligible for welfare benefits. According to H.R. 4, benefits will also be denied to children whose paternity has not been established or who were conceived by or born to mothers while they were receiving welfare.

Yet, while the Republican bill includes numerous provisions to exclude certain mothers and their children from receiving benefits, there are no provisions to crack down on deadbeat dads. The Republicans choose to focus on the failings of teenage mothers trying to raise their children on their own while making no attempt to punish fathers for abandoning their children. Mr. Speaker, it takes two.

What kind of family values would our Government promote if it were to deny aid to children born to unwed teenage mothers while allowing a father to shirk his obligations as proposed by the Republicans? What kind of mixed message would we send to our teenagers that a teenage mother will be forced to live in poverty without any assistance as she struggles to raise her child while the father bears none of the burden?

It is high time that we reformed child support enforcement in this country. Fathers must be identified, reasonable child support orders must be established, and child support payments must be collected.

Ms. WOOLSEY. I yield to the gentleman from Tennessee, Mr. HAROLD FORD, who is the ranking member of the Subcommittee on Human Resources of the Committee on Ways and Means.

Mr. FORD. Mr. Speaker, I rise and thank the gentlewoman from California [Ms. WOOLSEY] for requesting these special orders tonight on child support enforcement, and commend her for her leadership here in the Congress, and also for cochairing the task force on Welfare Reform.

Mr. Speaker, I was disturbed to read the other day what the Associated Press article is showing from the National Center for Children in Poverty. Six million children under the age of 6 were found to live in poverty in 1992.

I certainly would like to say to my colleagues, those of us who serve on the Subcommittee on Human Resources of the Committee on Ways and Means, the Personal Responsibility Act that excluded child support enforcement, we applaud and commend the chairman, CLAY SHAW, for now saying that he will include child support enforcement. But women in this Congress, both Democrats and Republicans alike, are making sure that we respond to this component of the welfare reform package.

Emphasis should be placed on reducing poverty by keeping families together, enforcing child support obligations, as well as promoting self-sufficiency, assisting with day care and transportation, and providing education, training, and work incentives that are needed.

Ignoring child support enforcement sends the wrong message in America. It says that a noncustodial parent who is one-half responsible for the birth of a child does not have any responsibility for that child at all. That is wrong, and hopefully we in the Committee on Ways and Means, and my colleagues in this House, will make sure that we join with the Governors of this Nation and say that a strong child support enforcement component of the welfare reform package will in fact be a part of this bill that we will bring to the Congress, hopefully in the first 100 days.

Ms. WOOLSEY. I yield to the gentleman from New York [Mr. NADLER].

□ 1950

CHILD SUPPORT ENFORCEMENT

Mr. NADLER. Mr. Speaker, I want to thank my colleague Representative LYNN WOOLSEY for organizing this special order to bring attention to the urgency and severity of the crisis of the noncollection of child support.

Mr. Speaker, before I came to this House I had considerable experience in this area. I am proud to have been the author during my 16 years in the New York State Assembly of 22 State laws that strengthened child support enforcement methods and of being a prime sponsor of the Child Support Standards Act which established guidelines for setting support awards. We enacted laws providing for interception of State income tax refunds, of stock dividend payments, and interest payments owed to defaulting parents. We mandated withholding child support automatically from the obligated payer's salary as soon as the support order was issued. We mandated child support defaults being included in all credit reports. We authorized the State to use every conceivable method to collect support owed on behalf of the custodial parents.

Still we failed. We increased collection rates substantially, but they were still woefully inadequate. Why?

Mostly for two reasons. First, establishing paternity was still very difficult. Second, because when obligated parents went to another State, as 30 percent do nationally, all our collection methods went out the window, and we had to resort to the very weak interstate enforcement system.

Clearly we need a national enforcement system that will strengthen the paternity establishment system and will put in place a uniform national child support collection system.

The Internal Revenue Service should be given the job of collecting child support and should be mandated to use all the force and powers it uses to collect taxes to collect child support.

Let the Federal Government set uniform minimum child support standards. Let the Federal Government pay

every custodial parent a basic child support benefit and then reimburse itself by collecting the money owed from the obligated parents. In this way we would put the obligation on the Government, not on the custodial parent, to chase after the noncustodial parent to collect the funds to reimburse itself. And the child, the children, would have assured support.

One thing should be made clear. This is not primarily a problem of the poor. Although mothers and children are often rendered poor by noncollection of support due, we are more often than not talking about middle class or even wealthy families.

Make no mistake. Without seriously addressing the collection of child support, there can be no real welfare reform.

That is why it is so shocking that the so-called Personal Responsibility Act barely deals with child support and seeks instead to punish poor mothers. Welfare reform must begin with child support enforcement measures. That would save the taxpayers money, make the lives of children and custodial parents much easier and teach the lesson that fathers too have responsibilities. Then we can reform the welfare system to deal with the much smaller problem that would then remain.

Mr. Speaker, I call on this Congress to take on the challenge of making child support orders real and enforced and so to improve the lives of millions of our children.

Again, I thank Congresswoman WOOLSEY for organizing this special order.

Ms. WOOLSEY. Mr. Speaker, I yield to the gentleman from Puerto Rico [Mr. ROMERO-BARCELÓ].

Mr. ROMERO-BARCELO. Mr. Speaker, today I join our colleagues in defense of our children.

For obvious reasons, children are in a defenseless position; they have little if any means by which to improve their standard of living. Since they do not vote, they have no political leverage. Therefore, government has a responsibility to watch over the well-being of children.

How can children have a bright future when they grow up in the darkness, lacking fulfillment of the basic needs so important in human development? How do we expect to have a better future for our Nation if we ignore the needs of our children today? Child support and its enforcement should be a top priority of welfare reform.

Almost everyone today would agree that the welfare system must be revamped and that meaningful reform is in order. Differences in opinion, however, arise on the methods and fine print necessary to achieve real changes that will help those in need to break the cycle of poverty or those who need a second change.

According to the information provided by the National Center for Children in Poverty, more than a quarter of American children under age 6 were living in poverty in 1992, though nearly three in five poor children had working parents. These figures represent a total of 25 percent of the population in that age group.

As the Representative of 3.7 million U.S. citizens in Puerto Rico which has some of the highest poverty statistics in the country, I know the urgency of a comprehensive child support strategy.

The Child Support Program records show that over $34 billion in accumulated unpaid support was due to over 16 million children in the United States at the end of 1989. The collection rate was 19 percent of the total amount due in child support cases. Unfortunately, the system fails to ensure that children receive adequate support from both parents. For most children born out of wedlock, a child support order is never awarded. Also, of all the child support orders, the full amount of child support is collected in only about one out of every two cases.

Single parent families struggle every day to provide needed food, clothing, shelter, and health care for their children. When child support payments are irregular, missed, or not paid at all, the incidence of child poverty drastically increases.

Fifty percent of all white children growing up in single parent households who do not receive child support live at or below the poverty level;

Sixty percent of all Hispanic children growing up in single parent households live at or below poverty levels;

Seventy percent of all African-American children growing up in single parent families live at or below the poverty level. Surely these figures demonstrate that decisive action is needed.

There are many things we can do to improve and enhance the current child support system. For example, we can require uniform procedures for dealing with interstate cases, which are currently the most difficult to pursue. We can improve tracking of delinquent parents through national reporting of child support orders and by establishing a Federal registry of child support orders.

Moreover, we need tough new penalties for those who refuse to pay, such as authorizing withholding part of wages and allow suspension of professional, occupational, and even drivers' licenses as a means of forcing the delinquent parent to comply with support payment orders.

If we do not take action on child support now, we will be requiring young mothers to be responsible, while we give fathers an exemption. The Personal Responsibility Act, H.R. 4, cuts young, single mothers from welfare, but it does nothing to improve child support enforcement.

By ignoring child support enforcement we are sending the wrong message. It says that the noncustodial parent who is 50 percent responsible for the child does not have any real responsibility to support his child. If more noncustodial parents are made to pay child support, welfare will not be necessary for many families.

Sensitivity has always been a characteristic of the American experience. In good times and bad, we have been a caring nation that values responsibilities to continue this tradition and make sure that children in America are protected.

Mr. HOYER. Mr. Speaker, America is experiencing a serious problem: Too many working and able-bodied parents are not taking responsibility for their children. The time has come to declare war on our current welfare system so that we can properly address the situation.

In every war, battles must be fought and won. One of the biggest battles we must fight is improving and reforming this Nation's child support enforcement problem.

The reasons for engaging in this battle are clear: 63 percent of the absent parents in this country do not pay child support. Approximately $35 billion is lost each year in uncollected child support payments. And in my own State of Maryland, absent parents defaulted on more than $325 million in court-ordered child support in 1993. Most importantly, we all must remember—the children suffer when child support is not paid.

As a nation and as a society we cannot afford a social safety net without expecting obligations and demanding responsibilities. For any type of welfare reform to be successful, individuals must accept the responsibility of working and providing for their families. In 1990, absent parents paid only $14 billion in child support. But if child support reflecting current ability to pay were established and enforced, single parents and their children would have received almost $48 billion. This translates into more money for food, shelter, clothing, and child care and a reduction in the Federal burden. We must send a clear signal that both parents who bring children into this world must take responsibility for supporting them.

That is why we need a tough, smart child support program which requires both mothers and fathers to live up to their responsibilities. We must target those individuals who believe they don't have to take care of their kids because their neighbors—hard-working, tax paying, responsible citizens—will. The buck must start and stop with the parents.

The children of this country need the billions in outstanding and uncollected child support. Payment of child support could save this country billions of dollars if we could move people off welfare and keep others from joining the rolls. The financial burden of supporting the children must once and for all shift from the government to the parents. If we can do this, we will be well on our way to winning our first battle in the war on welfare.

Any comprehensive welfare proposal must include child support enforcement. Yet, the Republican Contract With America does not. Are the Republicans saying to the nonpaying parents that they do not have to support their kids? If they are here to promote personal responsibility and do the people's business, this

critical area should have been included in the Personal Responsibility Act.

At the urging of Democrats, I am pleased Chairman SHAW has agreed to include this child support enforcement within the Personal Responsibility Act.

Ms. WOOLSEY. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. MARKEY].

The SPEAKER pro tempore. (Mr. HASTINGS of Washington). The time of the gentlewoman has expired.

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to extend my time by 3 minutes.

The SPEAKER pro tempore. That request cannot be extended in fairness to others that have had the 60-minute.

Under the rules, a single Member cannot control more than an hour. However, if another Member would like to yield time, that would be appropriate.

COST EFFECTIVENESS IN WELFARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. MARKEY] is recognized for 2 minutes.

Mr. MARKEY. I thank the Speaker very much, and I thank the Republican leadership who are at this point graciously allowing me to speak out of order.

Mr. Speaker, at this juncture, at the conclusion of the special order, we are invoking Mo Udall's old saying that everything has been said but not everybody has said it.

As we conclude this, I would just like to point out that one out of five children in the United States is poor. Poor. Fifteen million children live in single-parent homes, that is, where there is only one parent, and those children are five times as likely to be poor as children who live in families that have two parents.

□ 2000

That is a staggeringly large number, millions and millions of children who are in this condition.

Thirty-seven percent of the women who control these households get support from the men who father the children, but over 60 percent of these women get no help from the fathers.

Let me give some statistics. Nationwide each year $34 billion goes uncollected in child support from fathers, $34 billion. Contrast that with the total amount of money that every taxpayer in America is asked to contribute to help out these mothers. It is $23 billion.

So for all of the AFDC mothers and children in America, the total amount of money which is paid is $23 billion.

The fathers owe $34 billion. Taxpayers have every right to be outraged. Why should they dip into their pockets to pay for what fathers across this country should be responsible for kicking in every day? I don't think the average taxpayer would mind paying if they felt mothers and fathers actually needed it.

I hope we continue to discuss this subject in the future.

GENERAL LEAVE

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order this evening.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentlewoman from California?

There was no objection.

PROGRESS ON THE CONTRACT WITH AMERICA

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

Mr. HOKE. Mr. Speaker, I am looking forward to this special order that I have asked some of my colleagues to participate in, the gentleman from Ohio [Mr. PORTMAN], the gentleman from North Carolina [Mr. JONES], the gentleman from Georgia [Mr. KINGSTON], and what we want to do this evening is review some of the things we have already done in this Congress, review some of the things that have happened immediately preceding and some of the things that we expect to be doing.

I want to point out first of all that today we took a very important step on the road to recovering the confidence of the American people that began with the election last November. That is because what we did today is we passed a bill that will examine unfunded mandates to the States, and the gentleman from Ohio [Mr. PORTMAN] is going to discuss that in detail a little bit later. But we have been following this road map that was laid out in the Contract With America for getting more done, more quickly than even we could have imagined, and best of all this is the work that the people of America want us to do.

Let me give a fact on that, because a poll was released this past Monday by the Washington Post and ABC News which contains extremely good news for this House and good news for the American people. In only 3 months public confidence in Congress has actually doubled. That is the largest increase of its kind since the 20-year history of the poll that has been taken.

The majority of Americans now say that Congress can deal with the big issues facing our country, and we are dealing with the big issues just like we promised. Anyway, why has this happened? Why is there this rising confidence in what the American people can expect from Congress, and why is this cynicism starting to drop away?

Mr. KINGSTON. If the gentleman will yield. Just to repeat those numbers again, Congress went from about a 20-to-40-something-percent approval rating because for the first time in recent memory Congress is following through on campaign promises.

Mr. HOKE. Elected Members are actually keeping the promises that they made to the people, and the impact that that has on confidence in our institution is really immeasurable. But it is wonderful to see in this kind of polling result that actually people are able to express that yes, they have more confidence in the U.S. Congress' ability to solve the problems, the major problems that are facing our country.

Look at what we have done; and why is it we have done this? And in less than 30 days we have cut the fat out of Congress, we have reduced staff and committees and we have passed reforms that will make it the most open and fair public legislative assembly in the entire world.

Mr. JONES. Mr. Speaker, if the gentleman will yield, if I might add to that, what we did was we campaigned on the word "trust." We said to the voters, for many years you have not been able to put your trust in the Congress. We are giving you a written agenda, a contract, and we intend to stand by this contract.

To the gentleman from Ohio I would say I am pleased that when I go back to my State of North Carolina I am stopped in the grocery stores, I am stopped on the street, people that I really do not even remember their names because it has been so long since I have seen them telling me, "Keep on working, keep the focus. We are proud of what you are doing in Washington, DC. You are rebuilding the trust level that has been lost for so many years."

Mr. HOKE. I think one of the most remarkable things about this Contract With America is that it has created a road map for us that even we did not realize it was going to be so important to us in terms of keeping us focused on exactly what the American people wanted, what they expected and what we promised to deliver to them. And that is exactly how it has worked for us.

Mr. KINGSTON. If the gentleman will yield, I got a letter recently, and I assume I was one of 435 Members of Congress who got such a letter. It was not a constituent, it came from Ohio, or some other exotic spot that we had to study about in seventh grade geography, but it had the letters DWUSUWGTD. It says to a Member of Congress: I want you to put it on your desk and look at it every day. On the back of the letter it stands for: Do

what you said you were going to do. And my staff sees the sign every day, and I think that is in somewhat of a nutshell what the Contract With America is about. That is why it was in writing, that is why we signed it, and that is why we keep referring back to it.

Mr. HOKE. Let us tick off exactly what we have done so far. Cut the fat out of Congress, reduced committee staff by a third, cut the budget of Congress. We have made Congress subject to the same laws that everybody else in this country is subject to, and we passed last Thursday, I am extremely proud to say, a balanced budget amendment to the Constitution of the United States. And today, thanks to the very able stewardship of Congressmen CLINGER, DAVIS, and PORTMAN we passed the unfunded mandates bill ending the Government practice of spending States' money to finance our own mandates to them.

Mr. PORTMAN. If the gentleman will yield, we had an exciting day today. It was truly a landmark piece of legislation. It was a historic day for the House, the first time we have ever, ever, as a Congress done anything to stop these unfunded Federal mandates.

And it was bipartisan. The gentleman mentioned a few of the major sponsors of the bill. Another one is GARY CONDIT of California, a Democrat.

Mr. HOKE. Who gave an extraordinary speech on this floor a couple of days ago to rousing bipartisan applause.

Mr. PORTMAN. We had a vote today of 306 to 74 on this legislation. We worked on it for 2 weeks on the floor of the House, over 30 hours of debate. That means we got about 130 Democrats to support the bill today. This is despite again a lot of disagreement on the other side. We had health debate and we worked hard on this bill. None of this stuff is easy to do. You have to roll up your sleeves and really work at it.

But we got to the point of final passage after accepting a lot of amendments and perfecting the bill where a large bipartisans group of the Members of this House decided yes, it is time to step up to the plate and start being accountable for what we do for the States and localities.

Mr. HOKE. Maybe that is one of the reasons why in this same poll the majority of the American people say that "Republicans are breaking down legislative gridlock." As you can see, this clearly was a bipartisan effort.

What was the vote count again?

Mr. PORTMAN. The vote was 360 to 74. And I have to be honest, the first few days one wonders whether we were getting back into gridlock because we committed to have an open rule on this. This meant any Member of Congress could come to the floor of this House and file an amendment, and we had 174 of them filed, and then have a debate on that amendment, with no time limitation because everyone can speak for 5 minutes, and that can be expanded.

So it was a challenge and I have to tell you we spent 3 or 4 days on a very small part of the legislation that was even preliminary to the real meat of the bill, and I was concerned that we were getting into a mode that might be viewed as filibuster or too much dilatory tactics. But finally, after staying to midnight one night we broke through that and got into serious discussion of some of the outstanding issues.

Again if you roll up your sleeves and work at it you come up with a bill that makes sense. This bill is in the Contract With America, but on the House floor we improved it. It is even a better bill than it was.

Mr. HOKE. I thought the comity at the end of debate today and especially the kind words for the chairman by the gentlewoman from California, they were both well taken and they went an awfully long way toward building an even better spirit of working, although we were not working together in that case, but clearly working on something that was of importance to your constituents in a way that reflected well on this body as opposed to reflecting poorly.

□ 2010

I think the American people want to see us get the job done. The gentlewoman you are talking about did not vote for the bill. She did not agree with the premise of the bill. But as you say, in the end, in a spirit of comity, she talked about how the chairman had been fair, how we had an open process on the floor. That is what the American people want to see. They want to see an honest debate on the issues. If we have differences, they want to see us air those differences. But they want to get on with the business of managing this country.

Mr. HOKE. Could I ask you a question? I think there is a lot of misunderstanding about this bill. I think people think and there is a general understanding in the public somehow we will no longer be able to legislate anything that would cost the States money. Is that what the bill does?

Mr. PORTMAN. No. That is not what the bill does. The whole premise of the bill is if something is important enough for us to mandate at the Federal level, to tell the States and localities you have got to do it our way, we ought to be able to step up to the plate and provide funding for it. This bill says there has to be, for the first time ever, first time ever, we have never had this in Congress before, a cost analysis of what the legislation is going to cost.

How many times have you come up to the House floor and never had any idea what the cost is to State and local government of something you are going to vote on? Frankly, we have not had that information. That forces us to get that information.

Mr. KINGSTON. I heard a statistic this morning I thought that was interesting. There are 39,000 municipalities in this great country of ours. Eighty percent of them are populations below 10,000, and 48 percent have populations below 1,000. We sit up here in our inside-the-beltway ivory tower mandating all these ridiculous programs on them. They do not have the money to pay for them. They do not have the personnel. Inevitably they have to turn around and raise the taxes on all the constituents back home.

Mr. PORTMAN. They have two choices at the local level, and it is pretty obvious, if you think about it. One is to raise taxes at the local level, and that tends to be property taxes. Talk about regressive taxes. And the second is to cut services, the very services our constituents are saying they want more of, fire, police protection, personal security. That is what they do. These are the communities the gentleman is talking about that are going to have to go with one or two fewer police officers during a particular timeframe. That is not what we want to be doing to the people we represent and who are also represented by State and local officials who are having to live under these mandates increasingly.

Mr. HOKE. So you are saying it is going to require a cost analysis? Does anything else happen then?

Mr. PORTMAN. It requires a cost analysis so we will know what we are voting on. Then on the floor of the House, any Member of this House can stand up and raise what is called a point of order, which means it can stop the whole process if a new mandate is not funded. So you know what the cost is, and if some committee sends a bill to this floor that is not funded, in other words, it has a new requirement that is not funded, then any one of us or any other Member can stand up and say, "Point of order; this legislation needs to stop," and it stops right there, and you have a debate on the floor of the House about the unfunded mandate in that legislation.

Let us take an example, the motor-voter bill, the first bill that I had the privilege to consider here in the Congress when I walked in my first day. I had to vote up or down on motor voter. I kind of looked at it. Everybody wants to have more voter registration. But I did not think it made sense, because Ohio, as the gentleman from Ohio knows, has a good voter registration program. It is run at the State level, as all programs were until we passed this national bill. I was told by some members of the Governor's office here in Washington this was going to cost the State of Ohio several million dollars a year. Nobody was sure, because there

was not a good cost estimate. There was no Federal money to pay for it.

I voted against the bill on that basis. Now we are finding out many of these States, including California, are suing the Federal Government for precisely that reason. It is costing them a lot of money for voter registration.

Mr. HOKE. What is Ohio estimating it is going to cost them just to run the Motor-Voter Act?

Mr. PORTMAN. Twenty-nine million dollars is what the Governor is saying annually.

Mr. KINGSTON. It is $3 million in Georgia. It is interesting the party in power in Georgia was even against it, the same party as the White House and those who were pushing it here, so it is really not a partisan issue.

Mr. PORTMAN. It is not. That is an excellent point. Let me just for a moment, we talked about, you know, it takes a lot of hard work to get to this point. You have got to have a bipartisan group here in Congress to support and get behind it. This is not a partisan issue outside of this room really, and outside the Beltway.

One of the concerns I had with the debate on the House floor over the first few days is it appeared to be sadly a partisan debate. If you go out into the real world, if you talk to township trustees, you talk to county commissioners, mayors of these small towns the gentleman talks about, it is not a partisan issue; whether you are a Democrat, Republican, or independent, you are getting sick and tired of the Federal Government having a one-size-fits-all Federal requirement coming down on you with no money to pay for it.

Mr. HOKE. You know, I listened to the debate today. It sounded to me like some of the things coming from the other side that this bill, this unfunded-mandates bill, would repeal all of the legislation we passed, you know, since 1789. Is that the case?

Mr. PORTMAN. No. It is not. What this bill does is it looks prospectively. It looks to the future.

Mr. HOKE. So it has nothing to do with anything we passed in the past?

Mr. PORTMAN. No. It does not affect the Clean Air Act. It does not affect the Clean Water Act. Now, if those bills come up for reauthorization or there are new mandates attached to them, absolutely, it applies to that. The whole idea is we have got a critically, critically ill patient on our hands. There is a crisis out there. The first thing we do in an emergency room is stop the hemorrhaging, and that is what we are doing here, we are trying to stop the practice, to get Washington to get serious about this, and for the first time ever today we passed a bill to force Washington to do that. It was a historic day. It was part of our contract. It is us keeping our promise. It involved a lot of hard work. We have got to work with the Senate to come up with a compromise between the House and the Senate version, and we will be able to do that as we work with the Senate on this bill.

Mr. HOKE. If I can interrupt and ask you a question, because I agree with the gentleman that it is absolutely a critically important first step.

As you said, what you can raise with this is a point of order that stops all of the business on the floor with respect to a new mandate on the State, and debate then takes place as to whether or not that mandate should, well, as to how much it costs. We have to have a cost analysis of it, and then, at that point, does that mean that bill will no longer obtain or what happens?

Mr. PORTMAN. No. It does not. What happens then, if Congress chooses, Congress may, by a majority vote, waive that point of order. But it forces us to face the issue.

Mr. HOKE. Creates accountability?

Mr. PORTMAN. Exactly. You know, it is again, an up-or-down vote on this House floor because of our rules has historically been very difficult. Motor voter, again, a good example, there was never a debate on this floor as to whether there was an unfunded mandate. There was never any cost information to have an informed debate, and then there was no up-or-down vote on whether to impose the unfunded mandate.

What this bill does again for the first time is it says let us be accountable. If we are going to do this, let us step up to the plate and do it in the full view of the American people, the press, and so on.

That is why the Governors, the other State and local officials, mayors, county commissioners, and so on, supported this bill and worked with us to draft a bill that makes sense for them, and why even today they were here congratulating us on passing this bill. It was the No. 1 item for the National Conference of Mayors, No. 1 item for the National Governors' Association, and so on.

Mr. HOKE. Are there more Democrats or Republicans in the National Conference of Mayors?

Mr. PORTMAN. It has typically been the case that there are more Democrats. It is not a partisan issue again. We happen to have more Republic Governors than Democrats right now, but I can tell you that some of the Democrat Governors have been leading advocates on this issue to get Congress to get its requirements under control, and it is part of a much bigger picture, I have got to say to the gentleman from Ohio, and that is the whole issue of federalism: What is the role of the Federal Government?

We are finally getting to the point in this Congress where we are beginning to debate that issue in a serious way. It is going to come up with welfare reform, it is going to come up with health care reform if we get into that again later in the year: What should the role be of the Federal Government? Should we be dictating everything here from Washington, or should we be giving the States and localities more flexibility, more say in how they go about solving the problems of this great country?

Mr. KINGSTON. We are at this point 2 out of 10 on the contract?

Mr. HOKE. Actually, no. We are about 3 out of 10. We have congressional accountability, we have knocked down unfunded mandates, and we passed the balanced budget amendment.

Mr. KINGSTON. Does that bring us to crime on our discussion?

Mr. HOKE. Yes. I want to thank the gentleman from Ohio for spending the time. If I could ask the gentleman from Ohio one more question, because the gentleman has had and has been instrumental in pushing this unfunded-mandates bill through. If this is the first critical step, do you have anything to share with us as to what the next step is in this process?

Mr. PORTMAN. Well, I do. The next step in the process is there will be a year-long study of all existing mandates which would include the Clean Air Act, the Clean Water Act, and so on. There will be a report to the Congress a year from now, assuming this legislation is signed by the President and goes into law, and that report will go through all the existing mandates in a comprehensive way, and in a logical way, because you want to look at all the different pieces, and it will make recommendations that are very specific as to what we as a Congress should do legislatively to change existing statutes and existing mandates.

This is one reason again these State and local officials supported this legislation so strongly, because it gives us the ability to figure out what makes sense to be mandated from Washington and what does not.

Mr. HOKE. Find out how much it costs, not to eliminate it, not to repeal it, but to find out what it really costs, because certainly there are some programs that cost much more than they are worth, but we will never know that if we do not have a bona fide critical analysis of it.

Mr. PORTMAN. Absolutely.

Mr. HOKE. I thank you very much for spending your time with us.

It is a good way to segue into another area of extreme importance in the Contract With America that we are going to be getting to, and that has to do with crime and welfare as well. Maybe the gentleman from Georgia [Mr. KINGSTON] would like to talk a little bit about where we are going with this.

□ 2020

Mr. KINGSTON. It is interesting you put crime and welfare right on top of

each other because there is no question they are very related. The situation that we are in as a society is, we are not free if we cannot walk down the streets of America without having to look over our shoulder, without having the security guards, without discussing whether or not you can carry a gun to protect yourself. We are not free as long as there is the criminal, slime element on our streets.

The Clinton program basically was a Hug-a-Thug program. Their idea of getting tough on the criminal was having him foul out in midnight basketball. Our criminals need arraignment, not entertainment. They need to be in the big institution or pay restitution. I mean, that is just the bottom line. We need to have the truth in sentencing law that says "All right, if you are sentenced for 10 years you are not going to serve 3½ years, which is the 35 percent normal sentence; you are going to serve the full 10 years," or at least 9 years or 8 years. But currently it is just the revolving door, we bring them in, they have basketball, they have libraries, they have TV's. You cannot even make them work. Then we say: Why isn't it working? Why aren't our streets safe? We should say that we are going to put you in jail and you are going to stay there, and we will make you work while you are there.

Mr. HOKE. May I ask the gentleman a question? Could the gentleman run down again a couple of those things once more, those that rhyme, particularly?

Mr. KINGSTON. Well, you will have to buy the record.

Mr. HOKE. No hugs for thugs?

Mr. KINGSTON. No hugs for thugs. They need to be in an institution, which we call the big house back home, or pay restitution. I do not know what they call it on Ohio, but you need to have people in jail. They have broken the law. We have decided in society that certain people need to be insulated from others and they need to be in jail. They need to be in an institution or they need to be out on the streets paying restitution, if they have stolen money they need to pay back to the victims.

You know, we always forget the victims.

I had a constituent call me. The woman was at home bathing her 3-year-old and some slime kicked down the door and raped her, and the son-of-a-gun was caught—fortunately not because of that, but because of another crime, and incidentally he had raped three or four people—he was getting out of jail 5 years later. Now, how would you like to be that husband, that sister, that brother, knowing that creep was back out on the streets in your hometown? It is not right. That is what we have got to change. That is what the Contract with America tries to do.

Mr. JONES. I would like to add to the gentleman from Georgia's response to the gentleman from Ohio's inquiry.

During our campaign, the polling we did before we entered the race for Congress and during the race for Congress showed that crime and punishment was always among the top issues with the people. They believed that the Clinton crime package, if you will, that you made reference to, was too soft, that it did not do what needed to be done to protect the citizens.

Quite frankly, I think that is why our Contract with America, when we get on this issue, you will see the response from the American people will be just as strong today as it was when they elected the Republican majority. Because they want to see, they want to be protected; they have felt for so long, as the gentleman said, they have a locked-in mentality while those who should be locked in are out on the streets.

So I just wanted to add to the gentleman's comments that this part of our contract is extremely important. That is why we have been given this opportunity, because the majority of the past, which is now the minority party, did not do the job to protect the citizens of this country.

Mr. HOKE. Well, does the gentleman think that it has to do with the pendulum swing? If the pendulum has swung so far over to favoring criminals, favoring thugs, favoring those people that are abusing our society, that are abusing other people, and are simply antisocial that we have to move it back to the center? Is that not what is happening?

Mr. JONES. If I may just touch on what happened. It just so happened that yesterday the Governor of North Carolina, Jim Hunt, a Democrat, had a luncheon for all the Members of the Congress here in Washington, DC. He had sent us a letter 2 days before about a person in North Carolina who spent 13 years on death row. The individual had kidnapped three cheerleaders at a small college in North Carolina, three girls, put them in the trunk, took one out, raped her, and then killed her. He spent 13 years on death row through all these endless appeals.

That is why people are sick and tired of it. The Governor of North Carolina in his letter to us and also at the luncheon yesterday said that we need to end these endless appeals.

I think in our contract we are talking about a 2-year limit.

Mr. HOKE. Let me give both of the gentlemen some good news. I happen to have the honor of sitting on the Judiciary Committee, where today we marked up and passed out and reported out the reform of habeas corpus, which is the Latin phrase referring to the endless rounds of appeals that can go to the State court, to the Federal court, back to the State court, to the Federal court. We have limited and compressed that timeframe dramatically now so that you will not be able to go into endless round of appeals.

Mr. KINGSTON. Well, that is part of the process. The gentleman has alluded to it. That is the frustration that common, decent Americans have with the penal system when people are not serving their full sentence, who get endless appeals, they get to tie up courts. It really, in this country, has become a matter where they can tie them up forever and get away with whatever crime they committed.

You know there is another aspect of our crime reform bill that I think is very important: 22 percent of the prisoners in the Federal penitentiaries are illegal aliens, who are not American citizens, 22 percent. Again, they are getting all the amenities that you or I would only be able to get if we went to a good hotel room. Yet we cannot even deport them.

This changes that. We want to deport them. I believe that any kind of fooling with the trade bill, foreign aid bill, immigration; I would say "Look, you folks are welcome to our country legally any time you want." They come here illegally, then they are going home on a one-way ticket and "Don't send them back, we are going to bill you the costs back," through negotiation.

I think it is time that we start tightening up; we cannot afford to pay the bill for 22 percent of the non-Americans——

Mr. HOKE. It also goes a step further with respect to legal aliens. That is people in this country legally, but who commit violent felonies, criminals, they get convicted and do time. That then becomes an issue upon which they can be deported upon having done their time in jail. And this is a change in the law—if they are sentenced regardless of whether or not they actually do the time, if they are sentenced for 5 years or more for a felony, they can be deported for that and they also lose the privilege of ever becoming an American citizen.

These are important things because citizenship in this country is a privilege, and we should not be extending it to violent felons.

Another thing I wanted to ask the gentleman about with respect to the crime bill and the changes we are going to make: I believe there are three things that are absolutely necessary. I call them the three C's. For the criminal justice system to work as a deterrent, you have to catch, convict, and confine. And you have to do all of that in a compressed period of time. When you do that, then somebody who is contemplating criminal activity knows that when they commit a crime they are going to be caught and when they are convicted they are actually going to do time.

They are going to have to go to the big house, as the gentleman said. When that all happens in a compressed time period, then you will find the justice system works as a deterrent to stop people from committing crimes, because they know they are going to go to jail. We have done things in this contract that specifically go each area there.

First of all, we increased the number of police on the streets as a result of it. This is in a block grant way directly to the communities.

Mr. KINGSTON. And let the municipalities under this bill spend the money as they see fit. They may not need policemen, but they may need police cars. So this gives them that type of flexibility.

Mr. HOKE. The gentleman is exactly right.

Mr. KINGSTON. It is not the big brother telling them what to do.

Mr. HOKE. Exactly right, the gentleman is absolutely right.

Now, No. 2 is that with respect to conviction we have given the courts the ability to use evidence that may have previously been not allowed because of the exclusionary rule.

Mr. KINGSTON. So as I understand that, if you find the gun but for some reason the investigating officer did not have the warrant perfected, maybe some little technical wording problem, you cannot use the gun as evidence, which is ridiculous. This says if it is a good faith mistake you still can use this as evidence, the gun, hatchet, or whatever it is.

Mr. HOKE. That is exactly right. It is the good faith exclusion. What it says is that we are going to discipline the police officer, teach that person how to do it right. But if it was done in good faith and it did not impair the criminal's rights, then we are going to allow that evidence to be admitted. That is an important thing because that swings the pendulum back to punish criminals and to be on the side of victims.

□ 2030

Mr. JONES. May I ask the gentleman from Ohio a question?

During your debate on this bill, during the campaign, I heard numerous times people say, "I'm so tired of reading in the paper where a person incarcerated, serving time for a crime, is given the opportunity to file suit over some usually frivolous type issue, and we, the taxpayers, are paying for this."

Mr. HOKE. You mean prisoners who are——

Mr. JONES. Absolutely, those that are incarcerated.

Mr. HOKE. That is exactly right.

Well, we dealt with that today in the Committee on the Judiciary, as a matter of fact, specifically, and in fact there is an element of the bar that makes a full-time living in contacting prisoners and then using shotgun approach lawsuits to file for all kinds of ridiculous and frivolous things like, for example, the food is not good enough, we want better food, we want different kinds of silverware, we want towels that are not so scratchy. I am not making these things up, and the reason they do this is because the bar, the attorneys, can actually be reimbursed their fees, all of them, by the Federal Government when they bring these lawsuits, civil lawsuits, on behalf of prisoners.

What we have done is we have said that you can bring the lawsuits. We are not impairing a prisoner's right to bring lawsuits. But you can only be paid if you win, and you can only be paid on the part that you do win on.

Now it is a little bit technical; I understand that, but typically what happens is an attorney will file a lawsuit with 50, 60, 70 different complaints and hope that he or she is going to hit on one of them, and then they get paid for the entire lawsuit, all of the time that they supposedly put in. This changes that dramatically.

Mr. KINGSTON. That is another aspect. You mentioned it just briefly with your action in the Judiciary Committee today.

I am sick and tired, as I know my colleagues are, because of the police officers actually being treated like criminals by the lawyers when they get in these courtrooms. The police officers are the men and women who are out there on the line risking their lives, and remember they are not arresting people for the second or third time. They are arresting people under the current system for the eighth, ninth, or tenth time, and I ask, "How would you like to be a plainclothesman working the street in a dangerous neighborhood not knowing if the last guy you sent up the river is going to be bumping into you at the convenience store?" But that is the situation we are in now.

As my colleagues know, there is another aspect, and I know we need to move on to welfare reform. I wanted to mention this bill also authorizes $10 billion for new prison construction, and I would say, just like Tom Bodett, "We're going to leave the light on for them."

Mr. HOKE. Well, it is catch, convict, and confine. Catch extra police. Convict habeas corpus, or exclusionary rule reform. Confine $10 billion in prisons. And with that, a requirement that a prisoner must do 85 percent of his sentence time.

Mr. KINGSTON. As my colleagues know now, one of the root causes of the crime problem, the explosion of crime particularly in the inner city, is the breakdown of the family. The previous speaker mentioned that there were 15 million children being raised in single parent homes. Actually there is 15 million being raised in homes generally without fathers.

Now of the children on AFDC or basically on welfare, 92 percent live in a home where they do not have fathers, and that is homes really where small children are being raised by teenagers. We are talking 17-year-old mamas raising kids and often on top of going to high school, and sometimes a 17-year-old is raising two children. There was a study that said one of the biggest correlationships between crime in the neighborhood is an education. It is not poverty. It is just having fathers at home, and one of the key elements of the Contract With America's reform plan is to reunite that family saying that if you are under 18 years old, you have got to identify the father, and I will mention that a little bit more later, but also you got to stay at home with your own parent in order to get that welfare check, and I think that will help strengthen the family unit which has been broken down really because of Government policy.

Mr. HOKE. Well, I could not agree more, and I look forward to a very spirited debate on this because, as the gentleman knows, there is a great deal of feeling, certainly among my constituents, that we are a big part of the problem, having created this problem, that we have created financial incentives, or if "incentive" is too strong a word, at least we create the financial viability of the single parent family in this country, and there was no financial viability under the Great Society, until we abused a program that was devised for widows to be able to have—be able to provide for their own children in a widowed situation. We have taken that, and it has grown into this extraordinary bureaucracy that has brought much, much grief and much, and little happiness to our country.

Mr. KINGSTON. Here we are, 30 years later, $3 trillion later, and here is a definition of a trillion: "If you spent a hundred thousand dollars a minute 24 hours a day, it would take 19 years to get to one trillion."

We have spent $3 trillion starting with the Great Society under Lyndon Government-Can-Solve-Anything Johnson, and during that period of time the poverty level in 1965 was 14 percent. Today it is 14 percent.

So, Mr. Speaker, we have accomplished absolutely nothing except for the absolute destruction of inner city families.

Mr. HOKE. Well, as my colleague knows, the thing the people want, they never want to agree there are any correlations here, that they are causal things going on, but the fact is today two-thirds of all minority births are illegitimate. Twenty-five percent of all nonminority births are illegitimate.

Those are shocking, shocking numbers when you consider that——

Mr. KINGSTON. The national combined average is 30.1 percent.

Mr. HOKE. Thirty point one percent, and when you consider that in 1960 we were at less than a third of that.

Mr. KINGSTON. Twenty-nine out of 1,000 15- to 17-year-old girls will have a child illegitimately, and when we talk about that 30 percent level, we are not talking 30-year-old Murphy Browns who have a career, and income coming in. We are talking 18-year-olds. We are talking 14-year-olds who cannot care for themselves, much less the awesome burden of being a parent.

Mr. JONES. If I can just add briefly to this?

What we have had is a system; the Speaker has spoken of this so many times. We have had a system that has perpetuated this type of behavior. We have had a system that has through payments encouraged people to have children out of wedlock, and, as the Speaker has said so many times, we want to help people get off welfare. We want to help people become productive citizens. Welfare should not be a hammock.

Welfare should be a springboard.

Mr. HOKE. I heard PHIL GRAMM say it very well the other day. He said, "The problem with welfare is it's no longer a safety net. It's become a hammock."

The gentleman is absolutely right.

Mr. KINGSTON. The other thing about this, and there is a work requirement, too, but before we leave this single parent thing, what our society has said, what our Government welfare program has said, is, "You're a young girl, 17 or 18 years old, and you get pregnant. That's your baby, you're responsibility, and you're responsible to raise the baby, the child. You're on the hook for the next 21 years."

Now for the 17-year-old boy who is the father, "Don't worry about it."

Mr. HOKE. No accountability, no responsibility, no requirement that paternity be established. Are we changing that in the contract?

Mr. KINGSTON. We are changing it. You have to establish paternity. What we are saying to these alley-cat dads is, "Come on home. We are fixing to get serious. We are going to domesticate the alley cat."

That is what we need to do.

Mr. HOKE. And we have got some very strong, across-state-line laws that we are looking at to go after deadbeat dads as well.

Mr. KINGSTON. Absolutely, and there is a barrage of other laws that will go after deadbeat dads if the Republican Contract With America welfare plan gets passed because there are other laws that are contingent on this that will further make life hard on deadbeat dads and could include revoking drivers licenses and so forth. We are going to get the money from the dad, and we are going to bring him back in the formula.

Mr. HOKE. As my colleague knows, as I thought about welfare in the United States generally over the past couple of years, it strikes me that what we say to a young woman, a 16-, 17-, 18-year-old woman, is, "Look, we're going to make a deal with you. If you want to have a child, you can do that, and we are going to help you out with that child. We are going to help you with housing, we are going to help you with food, we are going to help you with day care if you want that, we are going to help you even with job training, and we're going to give you money as well so that you can provide for that child."

□ 2040

There are two conditions for this good deal we are going to give you. OK? No. 1 is you have to promise us that you will not get married. That is No. 1. Just promise you will not get married. No. 2, you have to promise us you are not going to get a job. Do not get a job, and in the meantime we will provide you also with health care in addition to all those things. But as long as you fulfill those two promises, then we are going to take care of you. You just cannot get married and cannot get a job.

Now, what is it we are saying to people? We are saying if they are in a single-parent family, they have much less of a chance of giving that child an even break in terms of being raised. Statistics do not lie on this. It is absolutely crystal clear in terms of outcomes that kids coming out of single-parent families have a tougher time, graduating, finishing school in time, not needing psychological counseling, et cetera, et cetera, et cetera, et cetera.

What is the other thing that we are doing? We are robbing that person of the fundamental dignity of having a job, of having work, of having self-reliance. It is a bad deal.

Mr. KINGSTON. What is also good about this program is there is a work requirement that they do try to get involved in some sort of work training, and dads again must participate in it. There is also another part of it which I would say is internal, and that is combining so many of these government bureaucracies, which simply duplicate what the other one is doing. What they want to do is not make people independent, but keep them dependent. They create a clientele. So they are all fighting for it. But if you suggest why do not we combine it and cut out some of the bureaucrats' jobs so we can get more food to the child in the classroom that is hungry so they can learn math better or science better and so forth, so they can break the cycle, then you have this resistance from the bureaucrats. But the contract goes after these programs and combines them.

Mr. HOKE. One of the things I am looking forward to with respect to our welfare reform is block granting this money to the States. There must be a State in this Union that will have the courage to actually eliminate welfare and require that its citizens reach out to help those people that need that help, require its citizens to go out and one-on-one adopt, be a part of, become completely bonded and a part of the needs of its community.

It seems to me that that will take tremendous courage on the part of a State. But when we do that, we will see a very real, a very different attitude, and a complete change in the way that that State deals with the problem of indigency, the problem of illegitimacy. And that will be the beginning of the restoration of a much more sane commonsense approach to dealing with these problems in a way that is deeply compassionate, that truly connects people with people, and that does not alienate us from each other as neighbors in our communities, and does not alienate us from our institutions as well.

Mr. JONES. If I can just add one situation that happened months and months ago before I even became a candidate for Congress, in my business I was calling on a manufacturing firm, and I will never forget the story the gentleman was telling me about a lady that lived in the housing project in this small county and small town. And one of the best workers that he had, every time he give her a raise, her rent went up. So she got to a point that she came back to him and said, "Why work? I am working harder, but I can't achieve because the government continues to raise my rent."

There has got to be some way to work out a system so that an individual that is trying to do better for themselves through work is somehow given an opportunity, for example, using this as an example, hold the rent down for a couple of years, and make that individual put money in a savings account and let that be monitored by local agencies.

But any time somebody tries to do better for themselves, many times through this archaic system that we have, they are being penalized. There are many people that want to get off welfare, but the system keeps holding them down. And that is what we are talking about in this contract. That is what you have been talking. We can change it, and we are going to change it.

Mr. KINGSTON. Gentleman, I need to leave you, and I know you are going to go on and talk about term limits and so many of the other good elements of the contract. I appreciate your time and the leadership both of you all have shown on these issues. Let us do it again sometime.

Mr. HOKE. I thank the gentleman from Georgia for participating and for being a part of this.

I want to just close with the idea of this block granting with one final thought, and that is that I think that

what we will find out is there is a tremendous amount of creativity in the States. There will be States that will try all kinds of different solutions to the welfare problem, and they will come up with many, many different programs and ways of dealing with it, and some States that may, as I have suggested, even eliminate certain programs, certain welfare programs, to others that will try a very different approach. And that is what we need.

We do not need a one-size-fits-all type of approach. We need to unleash the creativity, allow that creativity to erupt and to try different things that will truly work. We do not know what will work, we do not know what will not work, but we do know what is not working. By giving the States that kind of flexibility, we are going to get a heck of a lot more of an idea of a better direction to go in to solve that particular problem that is so very, very difficult.

I wonder if I could ask, Mr. JONES, if you could talk to me a little bit about the work that you have been involved in with term limits and where you expect that to go and how that fits into our Contract With America?

Mr. JONES. I thank the gentleman for this opportunity. It has been a great experience for a freshman. I have been here 4 weeks, and this has been an exciting day in many ways, passing an unfunded mandate, and a balanced budget amendment last week, and participating with you tonight and with the other two gentlemen.

In the area of reform, there is probably not anything more important than giving the people of America the opportunity to vote on term limits. Quite frankly, I was in the general assembly in North Carolina for 10 years. I have worked hard in the area of campaign finance reform, ethics, rewriting the lobbying laws for the lobbyists in the State of North Carolina, and I have got some background, so to speak, in this area. And I started years ago talking about the need for term limits.

If I can just for a moment cite a story. My father served in the U.S. Congress for 26 years. About 3 years ago, 4 years ago, I was talking to him in our hometown of Farmville, and I was telling him how I believe very strongly in term limits. Again, he served 26 years. And he said, "I did not do a very good job of raising you, if you feel that good about term limits."

Mr. HOKE. If I could ask you, was your father a Democrat or a Republican?

Mr. JONES. My father was a Democrat.

Mr. HOKE. Are you a Democrat or a Republican?

Mr. JONES. I am a Republican.

Mr. HOKE. So not only are you not a Democrat like your father, but you are also telling him you want to have terms limits. Were you a Democrat in the North Carolina House?

Mr. JONES. Right. I was. I developed the reputation of being the foremost advocate of reform in the North Carolina General Assembly, which I am very proud that I earned that reputation.

But I will tell you this, since you asked me about my father. He did know, and we talked about it before he became ill and he eventually died, that I would be changing my party affiliation. He stated he supported that decision and would state that publicly, but obviously he did not live long enough.

I listened to the people, and in our contract we listened to the people. Every issue we have talked about tonight, every issue, came from the fact that when we developed this contract, we listened to the people of America. These 10 bills in this contract are what the people of America want to see pass in the U.S. House of Representatives, and hopefully the U.S. Senate.

But I will tell you in the area of term limits, this is one of the utmost issues that the American people, every poll that I have seen, a minimum of 65 percent of the people in America say they want term limits, and quite frankly, as high as 75 percent say they want term limits.

We look at Tom Foley, the former Speaker of the House, and his people in his State wanted term limits. And he took his people to court, and I am glad he did, because we have a fine representative from Washington there.

But my point is so many States already, 22 I believe on their own, have passed term limits. The people of America want this Congress to give them the privilege to act on term limits. We know and you know that we need 290 votes on this House floor. Right now the best that we can figure that we have is 228. So if there are any citizens throughout America watching this tonight, I hope they will call their Congress person if they feel strongly that they, the people, would like to have the vote on term limits.

□ 2050

Quite frankly, we have three bills, two that have been filed, one is three terms, that is 2 years times three, 6 years, a 6-year term. The other is a 12-year term. That has been introduced, I believe, by the gentleman from Florida, [Mr. MCCOLLUM]. He believes that it should parallel with the Senate, that would have two terms, 6 years each, 12 years. Then I believe that the gentlewoman from Florida, [Mrs. FOWLER] will be offering an amendment on the floor that will speak to 8 years, four terms, four times two.

So we are going to have a choice. I just hope that we will give the people of the United States the same choice that we have here on the floor. And I hope, again, we think we have 228 people that have signed on or signed the pledge on the Republican side and the Democratic side. I hope we can get the 290 and get some form of term limits to the people.

Mr. HOKE. As a strong proponent and supporter and agitator for term limits for a long time, I think you are right on the money when you suggest that people ought to call their Representatives and lobby and make known their feelings about this issue. Because I am absolutely convinced that term limits, the combination of term limits, which will truly reform this institution, as well as the balanced budget amendment, which will reform the way that we spend money, that those two things form the cornerstones of making our Government completely and truly representative once more, of the American people.

Mr. JONES. Absolutely. If I could add this, because I think it is of interest, according to Stephen Moore of the Cato Institute, if term limits had been in effect in recent years, the balanced budget amendment would have passed in 1990. The Clinton and Bush tax increases would have failed. The Penny-Kasich spending cuts would have passed and the congressional pay raise of 1989 and 1992 would have been defeated. What happens is that we have a system that continues to perpetuate itself, perpetuate itself because it is based on seniority. And we both know that obviously an incumbent has an advantage, particularly when it comes to raising money. And I, quite frankly, think that if we give the people the opportunity to vote on term limits, we will have a better system that will be the system that the people of America want.

Obviously, if we give them the opportunity to vote and they do not pass in enough States to change the Constitution, then obviously the people have had the chance to speak on this issue. I think that is what the people want.

Mr. HOKE. I think you are absolutely right. I would actually urge people not to lose sight on this, especially people who generally are very happy with what is happening with the Contract With America, who feel really good about the direction that the Congress is going in. Some of those people who have moved this polling that says that Republicans are breaking down legislative gridlock and that the Republicans are bringing integrity and honor and confidence back to this institution, for Heaven's sake, it strikes me, do not get fooled into thinking that, therefore, we should not have term limits. It is essential to the viability of this institution and to the vitality of it going on.

I will tell you, I have got another bill that I have been very excited about with respect to term limits that actually changes the length of the term from 2 years to 4 years and then limits it to three 4-year terms. I believe strongly, as I have for a long time, that

the 2-year term, while clearly was introduced for specific reasons by our Founding Fathers, is outmoded in the 20th century and that, unfortunately, what it means is that we are only working 50 percent of the time, because essentially we are legislating for a year and then become more and more distracted with campaigns in the second year.

And that distraction is not just because the legislator wants it to be and is motivated to do that, but, in fact, that is when the sniping begins and when all of the negative stuff starts with respect to somebody trying to take your seat, and it really becomes a tremendous distraction.

Mr. JONES. May I ask when the gentleman filed the bill? I just heard about it today, and I thought it was a very exciting idea.

Mr. HOKE. The other thing is, if you look at the other legislatures around the world, the shortest one is 4 years in Western Europe. I think New Zealand might have 3 years, but most are 4- and 5-year terms. I think I like the idea of the symmetry with the Senate, and I think that it is very important toward moving toward becoming a citizen legislature.

Mr. JONES. If I might add to this, because I think the people that might be watching tonight need to know that probably the term limit issue will be debated in the committees probably in March, sometime in March. And they really, as you said yourself, people need to really let their elected Congress person know exactly how they feel on this issue.

Mr. HOKE. And in Ohio where we passed a law that would limit Members of Congress to four 2-year terms that I supported and I campaigned for and I voted for, I will have the opportunity to vote on the amendment of the gentlewoman From Florida [Mrs. FOWLER] with the four 2-year terms.

I think that you are right on the money when you say that people ought to really work hard on this, because it is critical to the citizen legislature that we all envision.

I would say one other thing, and that is that we often, we hear the phrase that power corrupts. And there is no question about it. Power does corrupt. But what I would suggest to you is that power corrupts relatively slowly and that the problem that we had with the fact that one party was in control for 40 years did not come about, we did not have a problem in the first 10 years or the first even 15 years necessarily, but the arrogance and the occupation that became endemic to this institution really began in the 1980's and continued through. And it seems to me that we cannot get lulled into thinking that anybody has—that there is some sort of a corner that one party has on purity or righteousness. The problem is when one party is in control for far too long.

Now, do not misunderstand me. There are philosophical differences that are very, very fundamental and basic to the way that the Democrats view the world and the way that Republicans do. And I think it is fair to say that Democrats have a great deal of confidence in the Government's ability to fix things, and Republicans have little confidence in that and a great deal of confidence in the ability of individuals and families and private institutions to fix things.

But I think it is also fair to say that I, for one, do not believe for a minute that any group that has power for 40 years straight is going to stay lily white. And I think that that is a problem that we have to address.

Was there anything you wanted to add to that?

Mr. JONES. Just one other point. Did we, in our reform package as it related to the rules, did we put a number of terms that a person could as chairman? I think it is important to remind the people that we have done this, 6 years, and also the Speaker, four terms, 8 years; is that correct?

Mr. HOKE. That is correct, yes. We have done that. We have limited the terms of committee chairs and of the Speaker, and we did that because we could do that in our own rules package. We actually did that in terms of ranking Members in 1992 at, frankly, the insistence of my class, which I feel very proud of.

Mr. JONES. Congratulations to your class.

Mr. HOKE. I really thank the gentleman from North Carolina, and I thank the gentlemen from Ohio and from Georgia for participating.

It has been a pleasure doing this with you. I think it has been very helpful to me to have your input. I really appreciate it. So I just want to say that.

I want to close by saying this, let us review the bidding on what we have done and where we are at with this Contract. On the first day of Congress—I want to review the bidding with respect to the notion that somehow this is the Republican Contract With America, because the truth is that this is not. This is an American Contract, and every single thing that we have done on this floor has gotten bipartisan support.

Let us review, on the very first day of the Congress, every single vote to reform the rules of the House received Democrat support, sometimes by as many as 203 Democrats, practically their entire caucus.

□ 2100

When we passed the congressional accountability law, a total of 171 Democrats supported our bill, 171 out of about 200 Democrats supported the bill. When we passed the Balanced Budget Amendment, 72 Democrats broke with their leadership to do the right thing. When we passed the unfunded mandates bill, another 130 Democrats sided with Republicans to give the American people what they wanted.

Given the degree of bipartisan support that our Contract has received, the American people may well wonder why it has taken so many years to get these badly needed reforms passed, and the answer is very simple. For years the way too liberal, way too powerful, way out of touch leadership of this Congress, of the Democrat Party, throttled these bills and kept them from the floor, from even being considered.

In their power and in their arrogance, the Democrat leaders not only ignored the wishes of their own party, but more importantly, they forgot about the needs of the American people. We have not, and we are not going to. This is a Contract With America, it is a Contract For America, and it has finally given America the Government that it wants and it needs.

Mr. Speaker, this Contract is right on target. This Contract is right on track.

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

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

Mr. WALKER. Mr. Speaker, in accordance with Rule XI 2.(a) of the Rules of the House of Representatives, I am hereby submitting the Rules of the Committee on Science for the 104th Congress.

GENERAL

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

COMMITTEE MEETINGS

TIME AND PLACE

2. Unless dispensed with by the Chairman, the meetings of the committee shall be held on the 2nd and 4th Wednesday of each month the House is in session at 10:00 a.m. and at such other times and in such places as the Chairman may designate.

3. The Chairman of the committee may convene as 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.

4. The committee shall make public announcement of the date, time, place and subject matter of any of its hearings at least one week before the commencement of the hearing. If the Chairman with the concurrence of the Ranking Minority Member, determines there is good cause to begin the hearing sooner, or if the committee so determines by majority vote, a quorum being

present for the transaction of business, the Chairman shall make the announcement at the earliest possible date. Any announcement made under this Rule shall be promptly published in the Daily Digest, and promptly entered into the scheduling service of the House Information Systems.

5. The committee may not sit, without special leave, while the House is reading a measure for amendment under the five minute rule.

VICE CHAIRMAN TO PRESIDE IN ABSENCE OF CHAIRMAN

6. The Member of the majority party of the committee or subcommittee thereof designated by the Chairman of the Full Committee shall be Vice Chairman of the committee or subcommittee as the case may be, and shall preside at any meeting during the temporary absence of the Chairman. If the Chairman and Vice Chairman of the committee or subcommittee are not present at any meeting of the committee, or subcommittee, the Ranking Member of the majority party on the committee who is present shall preside.

ORDER OF BUSINESS

7. The order of business and procedure of the committee and the subjects of inquiries or investigations will be decided by the Chairman, subject always to an appeal to the committee.

MEMBERSHIP

8. A majority of the majority Members of the committee shall determine an appropriate ratio of majority to minority Members of each subcommittee and shall authorize the Chairman to negotiate that ratio with the minority party; Provided, however, that party representation on each subcommittee (including any ex-officio Members) shall be no less favorable to the majority party than the ratio for the Full Committee. Provided, further, that 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 Full Committee.

SPECIAL MEETINGS

9. Rule XI 2(c) of the Rules of the House of Representatives is hereby incorporated by reference (Special Meetings).

COMMITTEE PROCEDURES

QUORUM

10. (a) One-third of the Members of the committee shall constitute a quorum for all purposes except as provided in paragraphs (b) and (c) of this Rule.

(b) A majority of the Members of the committee shall constitute a quorum in order to: (1) report or table any legislation, measure, or matter; (2) close committee meetings or hearings pursuant to Rules 18 and 19; and (3) authorize the issuance of subpoenas pursuant to Rule 32.

(c) Two Members of the committee shall constitute a quorum for taking testimony and receiving evidence, which, unless waived by the Chairman of the Full Committee after consultation with the Ranking Minority Member of the Full Committee, shall include at least one Member from each of the majority and minority parties.

PROXIES

11. No Member may authorize a vote by proxy with respect to any measure or matter before the committee.

WITNESSES

12. The committee shall, insofar as is practicable, require each witness who is to appear before it to file twenty-four (24) hours in advance with the committee (in advance of his or her appearance) a written statement of the proposed testimony and to limit the oral presentation to a five-minute summary of his or her statement, provided that additional time may be granted by the Chairman when appropriate.

13. Whenever any hearing is conducted by the committee on any measure or matter, the minority Members of the committee shall be entitled, upon request to the Chairman by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon.

INVESTIGATIVE HEARING PROCEDURES

14. Rule XI 2(k) of the Rules of the House of Representatives is hereby incorporated by reference (rights of witnesses under subpoena).

SUBJECT MATTER

15. Bills and other substantive matters may be taken up for consideration only when called by the Chairman of the committee or by a majority vote of a quorum of the committee, except those matters which are the subject of special-call meetings outlined in Rule 9.

16. No private bill will be reported by the committee if there are two or more dissenting votes. Private bills so rejected by the committee will not be reconsidered during the same Congress unless new evidence sufficient to justify a new hearing has been presented to the committee.

17. (a) It shall not be in order for the committee to consider any new or original measure or matter unless written notice of the date, place and subject matter of consideration and to the extent practicable, a written copy of the measure or matter to be considered, has been available in the office of each Member of the committee for at least 48 hours in advance of consideration, excluding Saturdays, Sundays and legal holidays.

(b) Notwithstanding paragraph (a) of this Rule, consideration of any legislative measure or matter by the committee shall be in order by vote of two-thirds of the Members present, provided that a majority of the committee is present.

OPEN MEETINGS

18. Each meeting for the transaction of business, including the markup of legislation, of the committee shall be open to the public, including to radio, television, and still photography coverage, except when the committee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public because disclosure of matters to be considered would endanger national security, would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House. No person other than members of the committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This Rule does not apply to open committee hearings which are provided for by Rule 19 contained herein.

19. Each hearing conducted by the committee shall be open to the public including to radio, television, and still photography coverage except when the committee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person, or otherwise would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, and Rule 9, a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony:

(1) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate Rule XI 2(k)(5) of the Rules of the House of Representatives; or

(2) may vote to close the hearing, as provided in Rule XI 2(k)(5) of the Rules of the House of Representatives.

No Member may be excluded from nonparticipatory attendance at any hearing of any committee or subcommittee, unless the House of Representatives shall by majority vote authorize a particular committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this Rule for closing hearings to the public: *Provided, however*, That the committee or subcommittee may by the same procedure vote to close one subsequent day of the hearing.

(3) Whenever a hearing or meeting conducted by the committee is open to the public, these proceedings shall be open to coverage by television, radio, and still photography, except as provided in Rule XI 3(f)(2) of the House of Representatives. The Chairman shall not be able to limit the number of television, or still cameras to fewer than two representatives from each medium (except for legitimate space or safety considerations in which case pool coverage shall be authorized).

REQUESTS FOR ROLLCALL VOTES AT FULL COMMITTEE

20. A rollcall vote of the Members may be had at the request of three or more Members or, in the apparent absence of a quorum, by any one Member.

AUTOMATIC ROLLCALL VOTE FOR AMENDMENTS WHICH AFFECT THE USE OF FEDERAL RESOURCES

21. (a) A rollcall vote shall be automatic on any amendment which specifies the use of federal resources in addition to, or more explicitly (inclusively or exclusively) than that specified in the underlying text of the measure being considered.

(b) No legislative report filed by the committee on any measure or matter reported by the committee shall contain language which has the effect of specifying the use of federal resources more explicitly (inclusively or exclusively) than that specified in the measure or matter as ordered reported, unless such language has been approved by the committee during a meeting or otherwise in writing by a majority of the Members.

COMMITTEE RECORDS

22. (a) The committee shall keep a complete record of all committee action which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each rollcall 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.

(b) 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 of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the Rule, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination on the written request of any Member of the committee.

PUBLICATION OF COMMITTEE HEARINGS AND MARKUPS

23. The transcripts of those hearings conducted by the committee which are decided to be printed shall be published in verbatim form, with the material requested for the record inserted at that place requested, or at the end of the record, as appropriate. Any requests by those Members, staff or witnesses to correct any errors other than errors in transcription, or disputed errors in transcription, shall be appended to the record, and the appropriate place where the change is requested will be footnoted. Prior to approval by the Chairman of hearings conducted jointly with another congressional committee, a memorandum of understanding shall be prepared which incorporates an agreement for the publication of the verbatim transcript. Transcripts of markups shall be recorded and published in the same manner as hearings before the committee and shall be included as part of the legislative report unless waived by the Chairman.

OPENING STATEMENTS; 5-MINUTE RULE

24. Insofar as is practicable, the Chairman, after consultation with the Ranking Minority Member, shall limit the total time of opening statements by Members to no more than 10 minutes, the time to be divided equally among Members present desiring to make an opening statement. The time any one Member may address the committee on any bill, motion or other matter under consideration by the committee or the time allowed for the questioning of a witness at hearings before the committee will be limited to five minutes, and then only when the Member has been recognized by the Chairman, except that this time limit may be waived by the Chairman or acting Chairman. The rule of germaneness will be enforced by the Chairman.

REQUESTS FOR WRITTEN MOTIONS

25. Any legislative or non-procedural motion made at a regular or special meeting of the committee and which is entertained by the Chairman shall be presented in writing upon the demand of any Member present and a copy made available to each Member present.

SUBCOMMITTEES

STRUCTURE AND JURISDICTION

26. The committee shall have the following standing subcommittees with the jurisdiction indicated.

(1) SUBCOMMITTEE ON BASIC RESEARCH.—Legislative jurisdiction and general and special oversight and investigative authority on all matters relating to science policy including: Office of Science and Technology Policy; all scientific research, and scientific and engineering resources (including human resources), math, science and engineering education; intergovernmental mechanisms for research, development, and demonstration and cross-cutting programs; international scientific cooperation; National Science Foundation; university research policy, including infrastructure, overhead and partnerships; science scholarships; government-owned, contractor-operated non-military laboratories; computer, communications and information science; earthquake and fire research programs; research and development relating to health, biomedical, and nutritional programs; to the extent appropriate, agricultural, geological, biological and life sciences research; and the Office of Technology Assessment.

(2) SUBCOMMITTEE ON ENERGY AND ENVIRONMENT.—Legislative jurisdiction and general and special oversight and investigative authority on all matters relating to energy and environmental research, development, and demonstration including: Department of Energy research, development, and demonstration programs; federally owned and operated non-military energy laboratories; energy supply research and development activities; nuclear and other advanced energy technologies; general science and research activities; uranium supply, enrichment, and waste management activities as appropriate; fossil energy research and development; clean coal technology; energy conservation research and development; science and risk assessment activities of the Federal Government; Environmental Protection Agency research and development programs; and National Oceanic and Atmospheric Administration, including all activities related to weather, weather services, climate, and the atmosphere, and marine fisheries, and oceanic research.

(3) SUBCOMMITTEE ON SPACE AND AERONAUTICS.—Legislative jurisdiction and general and special oversight and investigative authority on all matters relating to astronautical and aeronautical research and development including: national space policy, including access to space; sub-orbital access and applications; National Aeronautics and Space Administration and its contractor and government-operated laboratories; space commercialization including the commercial space activities relating to the Department of Transportation and the Department of Commerce; exploration and use of outer space; international space cooperation; National Space Council; space applications, space communications and related matters; and earth remote sensing policy.

(4) SUBCOMMITTEE ON TECHNOLOGY.—Legislative jurisdiction and general and special oversight and investigative authority on all matters relating to competitiveness including: standards and standardization of measurement; the National Institute of Standards and Technology; the National Technical Information Service; competitiveness, including small business competitiveness; tax, antitrust, regulatory and other legal and governmental policies as they relate to technological development and commercialization; technology transfer; patent and intellectual property policy; international technology trade; research, development, and demonstration activities of the Department of Transportation; civil aviation research, development, and demonstration; research, development, and demonstration programs of the Federal Aviation Administration; surface and water transportation research, development, and demonstration programs; materials research, development, and demonstration and policy; and biotechnology policy.

REFERRAL OF LEGISLATION

27. The Chairman shall refer all legislation and other matters referred to the committee to the subcommittee or subcommittees of appropriate jurisdiction within two weeks unless, the Chairman deems consideration is to be by the Full Committee. Subcommittee chairmen may make requests for referral of specific matters to their subcommittee within the two week period if they believe subcommittee jurisdictions so warrant.

EX OFFICIO MEMBERS

28. The Chairman and Ranking Minority Member shall serve as ex officio Members of all subcommittees and shall have the right to vote and be counted as part of the quorum and ratios on all matters before the subcommittee.

PROCEDURES

29. Unless waived by the Chairman, no subcommittee shall meet for markup or approval when any other subcommittee of the committee or the Full Committee is meeting to consider any measure or matter for markup or approval.

30. Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the committee on all matters referred to it. Each subcommittee shall conduct legislative, investigative, and general oversight, inquires for the future and forecasting, and budget impact studies on matters within their respective jurisdictions. Subcommittee chairmen shall set meeting dates after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

31. Any Member of the committee may have the privilege of sitting with any subcommittee during its hearings or deliberations and may participate in such hearings or deliberations, but no such Member who is not a Member of the subcommittee shall vote on any matter before such subcommittee, except as provided in Rule 28.

32. During any subcommittee proceeding for markup or approval, a rollcall vote may be had at the request of one or more Members of that subcommittee.

POWER TO SIT AND ACT; SUBPOENA POWER

33. The committee and each of its subcommittees may exercise the powers provided under Rule XI 2(m) of the Rules of the House of Representatives, which is hereby incorporated by reference (power to sit and act; subpoena power).

NATIONAL SECURITY INFORMATION

34. All national security information bearing a classification of secret or higher which has been received by the committee or a subcommittee shall be deemed to have been received in Executive Session and shall be given appropriate safekeeping. The Chairman of the Full Committee may establish such regulations and procedures as in his judgment are necessary to safeguard classified information under the control of the committee. Such procedures, shall, however, ensure access to this information by any Member of the committee, or any other Member of the House of Representatives who has requested the opportunity to review such material.

SENSITIVE OR CONFIDENTIAL INFORMATION RECEIVED PURSUANT TO SUBPOENA

35. Unless otherwise determined by the committee or subcommittee, certain information received by the committee or subcommittee pursuant to a subpoena not made part of the record at an open hearing shall be deemed to have been received in Executive Session when the Chairman of the Full Committee, in his judgment, deems that in view

of all the circumstances, such as the sensitivity of the information or the confidential nature of the information, such action is appropriate.

REPORTS

SUBSTANCE OF LEGISLATIVE REPORTS

36. The report of the committee on a measure which has been approved by the committee shall include the following, to be provided by the committee:

(1) the oversight findings and recommendations required pursuant to Rule X 2(b)(1) of the Rules of the House of Representatives, separately set out and identified [Rule XI 2(l)(3)(A)];

(2) the statement required by section 308(a) of the Congressional Budget Act of 1974, separately set out and identified, if the measure provides new budget authority or new or increased tax expenditures as specified in [Rule XI 2(l)(3)(B)];

(3) a detailed, analytical statement as to whether that enactment of such bill or joint resolution into law may have an inflationary impact on the national economy [Rule XI 2(l)(4)];

(4) with respect to each rollcall 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;

(5) the estimate and comparison prepared by the committee under Rule XIII 7(a) of the Rules of the House of Representatives, unless the estimate and comparison prepared by the Director of the Congressional Budget Office prepared under subparagraph 2 of this Rule 34 has been timely submitted prior to the filing of the report and included in the report [Rule XIII 7(d)];

(6) in the case of a bill or joint resolution which repeals or amends any statute or part thereof, the text of the statute or part thereof which is proposed to be repealed, and a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended [Rule XIII 3]; and

(7) a transcript of the markup of the measure or matter unless waived under Rule 22.

37. (a) The report of the committee on a measure which has been approved by the committee shall further include the following, to be provided by sources other than the committee:

(1) the estimate and comparison prepared by the Director of the Congressional Budget Office required under section 403 of the Congressional Budget Act of 1974, separately set out and identified, whenever the Director (if timely, and submitted prior to the filing of the report) has submitted such estimate and comparison of the committee [Rule XI 2(l)(3)(C)];

(2) a summary of the oversight findings and recommendations made by the Committee on Government Reform and Oversight under Rule X 2(b)(2) of the Rules of the House of Representatives, separately set out and identified [Rule XI 2(l)(3)(D)].

(b) Notwithstanding paragraph (a) of this Rule, if the committee has not received prior to the filing of the report the material required under paragraph (a) of this Rule, then it shall include a statement to that effect in the report on the measure.

MINORITY AND ADDITIONAL VIEWS

38. 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 3 calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that Member, with the clerk of the committee. All such views so filed by one or more Members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which shall include all supplemental, minority, or additional views, which have been submitted by the time of the filing of the report, and shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under paragraph (a) of Rule 35) are included as part of the report. However, this rule does not preclude (1) the immediate filing or printing of a committee report unless timely requested for the opportunity to file supplemental, minority, or additional views has been made as provided by this Rule or (2) the filing by the committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

39. The Chairman of the committee or subcommittee, as appropriate, shall advise Members of the day and hour when the time for submitting views relative to any given report elapses. No supplemental, minority, or additional views shall be accepted for inclusion in the report if submitted after the announced time has elapsed unless the Chairman of the committee or subcommittee, as appropriate, decides to extend the time for submission of views beyond 3 days, in which case he shall communicate such fact to Members, including the revised day and hour for submissions to be received, without delay.

CONSIDERATION OF SUBCOMMITTEE REPORTS

40. Reports and recommendations of a subcommittee shall not be considered by the Full Committee until after the intervention of 48 hours, excluding Saturdays, Sundays and legal holidays, from the time the report is submitted and printed hearings thereon shall be made available, if feasible, to the Members, except that this rule may be waived at the discretion of the Chairman.

TIMING AND FILING OF COMMITTEE REPORTS

41. It shall be the duty of the Chairman to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken the necessary steps to bring the matter to a vote.

42. The report of the committee on a measure which has been approved by the committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by the majority of the Members of the committee, for the reporting of that measure. 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.

43. (a) Any document published by the committee as a House Report, other than a report of the committee on a measure which has been approved by the committee, shall be approved by the committee at a meeting, and Members shall have the same opportunity to submit views as provided for in Rule 38.

(b) Subject to paragraphs (c) and (d), the Chairman may approve the publication of any document as a committee print which in his discretion he determines to be useful for the information of the committee.

(c) Any document to be published as a committee print which purports to express the views, findings, conclusions, or recommendations of the committee or any of its subcommittees must be approved by the Full Committee or its subcommittees, as applicable, in a meeting or otherwise in writing by a majority of the Members, and such Members shall have the right to submit supplemental, minority, or additional views for inclusion in the print within at least 48 hours after such approval.

(d) Any document to be published as a committee print other than a document described in paragraph (c) of this Rule: (1) shall include on its cover the following statement: "This document has been printed for informational purposes only and does not represent either findings or recommendations adopted by this Committee;" and (2) shall not be published following the sine die adjournment of a Congress, unless approved by the Chairman of the Full Committee after consultation with the Ranking Minority Member of the Full Committee.

NOTIFICATION TO APPROPRIATIONS COMMITTEE

44. No later than May 15 of each year, the Chairman shall report to the Chairman of the Committee on Appropriations any departments, agencies, or programs under the jurisdiction of the Committee on Science for which no authorization exists for the next fiscal year. The Chairman shall further report to the Chairman of the Committee on Appropriations when authorizations are subsequently enacted prior to enactment of the relevant annual appropriations bill.

OVERSIGHT

45. Not later than February 15 of the first session of a Congress, the Committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Oversight and the Committee on Government Reform and Oversight, in accordance with the provisions of clause 2(d) of Rule X of the House of Representatives.

46. The Chairman of the committee, or of any subcommittee, shall not undertake any investigation in the name of the committee without formal approval by the Chairman of the committee after consultation with the Ranking Minority Member of the Full Committee.

LEGISLATIVE AND OVERSIGHT JURISDICTION OF THE COMMITTEE ON SCIENCE

"RULE X. ESTABLISHMENT AND JURISDICTION OF STANDING COMMITTEES

"The Committees and Their Jurisdiction.

"1. There shall be in the House the following standing committees, each of which shall have the jurisdiction and related functions assigned to it by this clause and clauses 2, 3, and 4; and all bills, resolutions, and other matters relating to subjects within the jurisdiction of any standing committee as listed in this clause shall (in accordance with and subject to clause 5) be referred to such committees, as follows:

* * * * *

"(N) COMMITTEE ON SCIENCE

"(1) All energy research, development, and demonstration, and projects therefor, and all federally owned or operated nonmilitary energy laboratories.

"(2) Astronautical research and development, including resources, personnel, equipment, and facilities.

"(3) Civil aviation research and development.

"(4) Environmental research and development.

"(5) Marine research.

"(6) Measures relating to the commercial application of energy technology.

"(7) National Institute of Standards and Technology, standardization of weights and measures and the metric system.

"(8) National Aeronautics and Space Administration.

"(9) National Space Council.

"(10) National Science Foundation.

"(11) National Weather Service.

"(12) Outer space, including exploration and control thereof.

"(13) Science Scholarships.

"(14) Scientific research, development, and demonstration, and projects therefor.

"In addition to its legislative jurisdiction under the preceding provisions of this paragraph (and its general oversight function under clause 2(b)(1)), the committee shall have the special oversight function provided for in clause 3(f) with respect to all nonmilitary research and development."

SPECIAL OVERSIGHT FUNCTIONS

3. (f) The Committee on Science shall have the function of reviewing and studying, on a continuing basis, all laws, programs, and Government activities dealing with or involving nonmilitary research and development.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BARTLETT of Maryland (at the request of Mr. ARMEY) for today after 5 p.m., on account of attending a family funeral.

SPECIAL ORDERS GRANTED

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

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

Mr. FOX of Pennsylvania, for 5 minutes, today.

Mr. DREIER, for 5 minutes, today.

Mr. MARTINI, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

Mr. WAMP, for 5 minutes, today.

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

Mr. LIPINSKI, for 5 minutes, today.

Mr. MENENDEZ, for 5 minutes, today.

Mr. GENE GREEN of Texas, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. NADLER, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. COLEMAN, for 5 minutes, today.

Mr. MARTINEZ, for 5 minutes, today.

Mrs. THURMAN, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. MARKEY, for 2 minutes, today.

EXTENSION OF REMARKS

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

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

Mr. SKELTON in two instances.

Mr. HAMILTON in two instances.

Mrs. KENNELLY.

Mr. ROEMER.

Mrs. MALONEY.

Ms. MCCARTHY.

Mr. WARD.

Mr. MOAKLEY.

Mr. WAXMAN.

Mr. COLEMAN.

Mrs. MEEK of Florida.

Mr. MFUME.

Mr. DOYLE.

Ms. VELÁZQUEZ.

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

Mr. BURTON of Indiana in two instances.

Mr. GILMAN in two instances.

Mr. SOLOMON.

Mr. WOLF.

Mr. RADANOVICH.

Mr. COMBEST.

Mr. CLINGER.

Mr. PACKARD.

Mr. DAVIS.

Mr. SMITH of New Jersey.

Mr. FRANKS of New Jersey.

Mr. FORBES.

Mr. CRANE.

Mr. KINGSTON.

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

Mr. LEWIS of Georgia.

Mr. CAMP.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 9 o'clock and 1 minute p.m.), the House adjourned until tomorrow, Thursday, February 2, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

246. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report of those foreign military sales customers with approved cash flow financing in excess of $100 million as of October 1, 1994, pursuant to 22 U.S.C. 2765(a); to the Committee on International Relations.

247. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-348, "Charitable Gift of Life Insurance Proceeds Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

248. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-349, "Business Regulatory Reform Commission Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

249. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-350, "District Employee Benefits Free Clinic Extension Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

250. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-351, "District of Columbia Retirement Board Judicial Appointment Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

251. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-352, "Lie Detector Tests for Pre-Employment Investigations Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

252. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-353, "District of Columbia Board of Education Sale, Renovation, Lease-back, and Repurchase of Franklin School Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

253. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-354, "Child Support Enforcement Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

254. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-355, "National Museum of Women in the Arts Equitable Real Property Tax Relief Act of 1994,"pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

255. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-356, "Shiloh Baptist Church Equitable Real Property Tax Relief Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

256. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-357, "Southwest Community House Association, Inc., Equitable Real Property Tax Relief Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

257. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-358, "District of Columbia Board of Education Fees for Select Adult, Community, and Continuing Education Courses Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

258. A letter from the Chairman, Council of the District of Columbia, transmitting a

copy of D.C. Act 10-359, "Greater Mount Zion Baptist Church Equitable Real Property Tax Relief Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

259. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-360, "Paternity Establishment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

260. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-361, "Budget Spending Reduction Temporary Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

261. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-365, "Councilmembers' Salary Freeze Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

262. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-367, "Parks Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

263. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-368, "Parental Responsibility Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

264. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-369, "Court-Appointed Special Advocate Program Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

265. A letter from the Comptroller General of the United States, transmitting a copy of his report for fiscal year 1994 on each instance a Federal agency did not fully implement recommendations made by the GAO in connection with a bid protest decided during the fiscal year, pursuant to 31 U.S.C. 3554(e)(2); to the Committee on Government Reform and Oversight.

266. A letter from the Comptroller General of the United States, General Accounting Office, transmitting the list of all reports issued or released in December 1994, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

267. A letter from the Administrator, Bonneville Power Administration, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

268. A letter from the Chairman, U.S. International Trade Commission, transmitting the 80th quarterly report on trade between the United States and China, the successor states to the former Soviet Union, and other title IV countries during July-September 1994, pursuant to 19 U.S.C. 2440; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

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Mr. GOSS: Committee on Rules. House Resolution 55. Resolution providing for the consideration of the bill (H.R. 2) to give the President item veto authority over appropriation acts and targeted tax benefits in revenue acts (Rept. 104-15). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. CALLAHAN (for himself, Mr. EVERETT, and Mr. STUMP):

H.R. 766. A bill to amend the Congressional Budget Act of 1974 to provide for a 2-year—biennial—budgeting cycle, and for other purposes; to the Committee on the Budget, and in addition to the Committees on Government Reform and Oversight, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLINGER (for himself and Mr. WISE):

H.R. 767. A bill to improve budgetary information by requiring that the unified budget presented by the President contain an operating budget and a capital budget, distinguish between Federal funds and trust funds, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLYBURN:

H.R. 768. A bill to create a liveable wage by the year 2000; to the Committee on Economic and Educational Opportunities.

By Mr. GILLMOR (for himself, Mr. SOLOMON, Mr. CANADY, Mr. ROHRABACHER, Mr. QUINN, Mr. BEREUTER, Mr. BILIRAKIS, Mr. LIVINGSTON, Mr. BACHUS, Ms. PRYCE, Mr. MCHUGH, Ms. DANNER, Mr. MANZULLO, Mr. SCHAEFER, Mr. EMERSON, Mr. LIPINSKI, Mr. HASTERT, Mr. CALVERT, Mr. DOOLITTLE, Mr. BLUTE, Mr. KING, Mr. KNOLLENBERG, Mr. SENSENBRENNER, Mr. WALSH, Mr. DEUTSCH, Mr. PACKARD, Mr. ZIMMER, Mrs. VUCANOVICH, and Mr. HANCOCK):

H.R. 769. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of, and the deduction of contributions to, education savings accounts; to the Committee on Ways and Means.

By Mr. HERGER (for himself and Mr. RIGGS):

H.R. 770. A bill to declare a State of Emergency on Federal lands within the State of California for the immediate reduction in forest fuels for the prevention of catastrophic wildfire; to the Committee on Resources, and in addition to the Committee on Agriculture, 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. HOYER (for himself, Mr. WELDON of Pennsylvania, and Mr. BOEHLERT):

H.R. 771. A bill to save lives, prevent injuries, and protect property through improved State and local fire safety education; to the Committee on Science.

By Ms. MCKINNEY (for herself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BARRETT of Wisconsin, Mr. BERMAN, Mr. BISHOP, Ms. BROWN of Florida, Mr. CLAY, Mrs. CLAYTON, Mr. CLYBURN, Mr. COLEMAN, Ms. COLLINS of Michigan, Mrs. COLLINS of Illinois, Mr. CONDIT, Mr. CONYERS, Mr. DEFAZIO, Mr. DELLUMS, Mr. DURBIN, Mr. ENGEL, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FATTAH, Mr. FIELDS of Louisiana, Mr. FILNER, Mr. FLAKE, Mr. FOGLIETTA, Mr. FORD, Ms. FURSE, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HEFNER, Mr. HINCHEY, Mr. HILLIARD, Ms. JACKSON-LEE, Mr. JOHNSTON of Florida, Mr. KENNEDY of Massachusetts, Mr. LEACH, Mr. LEWIS of Georgia, Mrs. MALONEY, Mr. MARKEY, Mr. MCDERMOTT, Mrs. MEEK of Florida, Mr. MILLER of California, Mr. MINGE, Mrs. MINK of Hawaii, Mrs. MORELLA, Mr. NADLER, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. OWENS, Mr. PASTOR, Mr. PALLONE, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. PETERSON of Minnesota, Mr. RANGEL, Mr. REED, Ms. RIVERS, Mr. RUSH, Mr. SANDERS, Mr. SAWYER, Mrs. SCHROEDER, Mr. SCOTT, Mr. SERRANO, Ms. SLAUGHTER, Mr. STARK, Mr. THOMPSON, Mr. TORRES, Mr. TUCKER, Mr. UNDERWOOD, Ms. VELAZQUEZ, Mr. VENTO, Ms. WATERS, Mr. WATT of North Carolina, Mr. WILLIAMS, Ms. WOOLSEY, Mr. WYDEN, and Mr. WYNN):

H.R. 772. A bill to prohibit U.S. military assistance and arms transfers to foreign governments that are undemocratic, do not adequately protect human rights, are engaged in acts of armed aggression, or are not fully participating in the United Nations Register of Conventional Arms; to the Committee on International Relations.

By Mrs. MEYERS of Kansas (for herself, Mr. PORTMAN, Mr. SCHIFF, Mr. MCHUGH, Mr. ROHRABACHER, Ms. MOLINARI, Ms. DANNER, Mr. ACKERMAN, Ms. ESHOO, Mr. OLVER, Mr. VISCLOSKY, Mr. MANTON, Mr. JOHNSTON of Florida, Mr. WELDON of Pennsylvania, Mr. ZIMMER, Mr. SAWYER, Mr. YATES, Mr. BRYANT of Texas, Mr. VENTO, Mr. BARRETT of Wisconsin, Mrs. KELLY, Mr. DINGELL, Mr. BROWN of Ohio, and Mr. PORTER):

H.R. 773. A bill to reform the concession policies of the National Park Service, and for other purposes; to the Committee on Resources.

By Mrs. MEYERS of Kansas (for herself, Mr. ROBERTS, Mr. TIAHRT, Mr. BROWNBACK, Mr. ROHRABACHER, Mr. VISCLOSKY, Ms. MCCARTHY, Mr. SKELTON, Mr. HANCOCK, Mr. KNOLLENBERG, Mrs. SEASTRAND, Mr. LONGLEY, Mr. JACOBS, Mr. PETRI, and Ms. DANNER):

H.R. 774. A bill to amend the International Air Transportation Competition Act of 1979; to the Committee on Transportation and Infrastructure.

By Mr. MORAN:

H.R. 775. A bill to abolish the Board of Review of the Metropolitan Washington Airports Authority, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. TORKILDSEN:

H.R. 776. A bill to protect the reproductive rights of women, and for other purposes; to the Committee on the Judiciary.

By Mrs. VUCANOVICH:

H.R. 777. A bill to amend title XIX of the Social Security Act to require State Medicaid plans to provide coverage of screening mammography; to the Committee on Commerce.

By Mrs. VUCANOVICH (for herself and Mr. ENSIGN):

H.R. 778. A bill to amend title XVIII of the Social Security Act to provide for coverage of an annual screening mammography under part B of the Medicare program for women age 65 or older; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. VUCANOVICH:

H.R. 779. A bill to amend title XVIII of the Social Security Act to provide for coverage of prostate cancer screening tests under part B of the Medicare program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 780. A bill to amend title XIX of the Social Security Act to provide for coverage of prostate cancer screening tests under the Medicaid program; to the Committee on Commerce.

By Mr. WELDON of Pennsylvania (for himself and Mr. ANDREWS):

H.R. 781. A bill to allow State and local governments to design their own programs for moving welfare recipients from dependency to economic self-sufficiency, and to allow low-income individuals to use personal savings as a foundation for achieving independence; to the Committee on Ways and Means, and in addition to the Committees on Agriculture, Economic and Educational Opportunities, Banking and Financial Services, 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. WOLF:

H.R. 782. A bill to amend title 18 of the United States Code to allow members of employee associations to represent their views before the U.S. Government; to the Committee on the Judiciary.

By Mr. CAMP (for himself, Mr. Payne of Virginia, Mr. THOMAS, Mr. BUNNING of Kentucky, Mr. HOUGHTON, Mr. HERGER, Mr. MCCRERY, Mr. HANCOCK, Mr. ENGLISH of Pennsylvania, Mr. BREWSTER, Mr. BLILEY, Mr. KNOLLENBERG, Mrs. MEYERS of Kansas, Mr. DOOLEY, Mr. BARCIA, Mr. CONYERS, Mr. GORDON, Mr. DICKEY, Mr. WILSON, Mr. BAESLER, Mr. HUTCHINSON, Mr. BARRETT of Nebraska, Mr. CANADY, Mr. HANSEN, Mr. EHLERS, Mr. PARKER, Ms. DANNER, Mr. COMBEST, Mr. MINGE, Mr. KLUG, Mr. CHRYSLER, Mr. SISISKY, Mr. EDWARDS, Mr. HAMILTON, and Mr. WOLF):

H.R. 783. A bill to amend the Internal Revenue Code of 1986 to prevent the reclassification of certain dues paid to tax-exempt agricultural or horticultural organizations; to the Committee on Ways and Means.

By Mr. COX of California (for himself, Mr. ANDREWS, Mr. ARMEY, Mr. BAKER of Louisiana, Mr. BILBRAY, Mr. BURTON of Indiana, Mr. CANADY, Mr. CHRYSLER, Mr. CRAMER, Mr. DOOLITTLE, Mr. DORNAN, Mr. DREIER, Mr. HERGER, Mr. HUTCHINSON, Mr. KING, Mr. MANZULLO, Mr. MOORHEAD, Mr. PARKER, Mr. ROHRABACHER, Mr. SENSENBRENNER, and Mr. SOLOMON):

H.R. 784. A bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself, Mrs. ROUKEMA, Mrs. KENNELLY, Mrs. MORELLA, Ms. LOWEY, Mrs. SCHROEDER, Ms. NORTON, Ms. RIVERS, Mrs. MEEK of Florida, Ms. HARMAN, Ms. DUNN of Washington, Mr. GREENWOOD, Ms. PELOSI, Ms. KAPTUR, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. DELAURO, Ms. PRYCE, Ms. MOLINARI, Mrs. CLAYTON, and Ms. WOOLSEY):

H.R. 785. A bill to improve and strengthen the child support collection system; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, National Security, Government Reform and Oversight, International Relations, Economic and Educational Opportunities, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia (for himself, Mr. CLAY, Mr. STOKES, Mr. FRAZER, Mr. REYNOLDS, Mr. FROST, Mr. TUCKER, Mr. TRAFICANT, Mrs. COLLINS of Illinois, Mr. FATTAH, Mr. BROWN of California, Mr. OLVER, Mr. HINCHEY, Mr. CLYBURN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BARRETT of Wisconsin, Mr. FILNER, Mr. UNDERWOOD, Mr. TORRES, Mr. HILLIARD, Mrs. MEEK of Florida, Mr. ENGEL, Mrs. MINK of Hawaii, Mr. PETE GEREN of Texas, Mr. TEJEDA, Mr. TOWNS, Mr. RANGEL, Ms. MCKINNEY, Mrs. CLAYTON, Mr. WATT of North Carolina, Mr. THOMPSON, Ms. RIVERS, Mr. BONIOR, Mr. OWENS, Mr. DELLUMS, Mr. FIELDS of Louisiana, Mr. JEFFERSON, Mr. RUSH, Ms. NORTON, Mr. WYNN, Mr. HASTINGS of Florida, Mr. SCOTT, Mr. FLAKE, Ms. JACKSON-LEE, Mr. DIXON, Mr. BISHOP, Ms. BROWN of Florida, Mr. CONYERS, Mr. FORD, Mr. MFUME, Mr. PAYNE of New Jersey, Ms. WATERS, and Mr. WATTS of Oklahoma):

H.R. 786. A bill to authorize the establishment of the National African-American Museum within the Smithsonian Institution; to the Committee on House Oversight, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCNULTY:

H.R. 787. A bill to prohibit discrimination by the States on the basis of nonresidency in the licensing of dental health care professionals, and for other purposes; to the Committee on Commerce.

By Mr. ROYCE (for himself, Mr. WATTS of Oklahoma, Mr. EMERSON, Mr. SAXTON, Mr. STEARNS, Mr. CHRISTENSEN, Mrs. SMITH of Washington, Ms. DUNN of Washington, Mr. SOLOMON, Mr. GALLEGLY, Mr. ROTH, Mr. SENSENBRENNER, Mr. MILLER of Florida, Mr. BURTON, Mr. HEINEMAN, Mr. BACHUS, Mr. ROGERS, Mr. TIAHRT, Mr. LONGLEY, Mr. DOOLITTLE, Mr. KNOLLENBERG, Mr. FIELDS of Texas, Mr. THORNBERRY, Mr. MYERS of Indiana, Mr. CALVERT, Mr. BUNN of Oregon, Mr. HUNTER, Mr. HASTINGS of Washington, Mr. GEKAS, Mr. LEWIS of Kentucky, Mr. CANADY, Mr. FOX, Mr. BURR, Mr. MCHUGH, Mr. BRYANT of Tennessee, Mr. JONES, Mr. WELLER, Mr. WELDON of Pennsylvania, and Mr. DORNAN):

H.R. 788. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to prohibit the consideration of retroactive tax increases; to the Committee on Rules.

By Mr. SENSENBRENNER:

H.R. 789. A bill to amend title 17, United States Code, with respect to the licensing of music, and for other purposes; to the Committee on the Judiciary.

By Mr. TAUZIN (for himself, Mr. FIELDS of Texas, Mr. BACHUS, Mr. BAKER of Louisiana, Mr. BALLENGER, Mr. BARCIA, Mr. BARRETT of Nebraska, Mr. BONILLA, Mr. BONO, Mr. BREWSTER, Mr. BUNNING of Kentucky, Mr. CALLAHAN, Mr. CALVERT, Mr. COBLE, Mr. COBURN, Mr. COMBEST, Mr. CONDIT, Mr. COX, Mr. CUNNINGHAM, Ms. DANNER, Mr. DICKEY, Mr. DOOLEY, Mr. DOOLITTLE, Mr. DORNAN, Ms. DUNN of Washington, Mr. EDWARDS, Mr. EMERSON, Mr. GEKAS, Mr. PETE GEREN of Texas, Mr. GILLMOR, Mr. GOODLATTE, Mr. HALL of Texas, Mr. HANCOCK, Mr. HASTERT, Mr. HASTINGS of Washington, Mr. HAYES, Mr. HEFLEY, Mr. HERGER, Mr. HOEKSTRA, Mr. HOKE, Mr. HOLDEN, Mr. HOUGHTON, Mr. HUNTER, Mr. HUTCHINSON, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mr. SAM JOHNSON, Mr. KING, Mr. KNOLLENBERG, Mrs. LINCOLN, Mr. LAUGHLIN, Mr. LEWIS of California, Mr. LEWIS of Kentucky, Mr. LIGHTFOOT, Mr. LIVINGSTON, Mr. MCCOLLUM, Mr. MCCRERY, Mr. MCHUGH, Mr. MCKEON, Mr. MILLER of Florida, Mr. MONTGOMERY, Mr. MOORHEAD, Mr. ORTIZ, Mr. OXLEY, Mr. PACKARD, Mr. PARKER, Mr. PAXON, Mr. PICKETT, Mr. POMBO, Mr. ROBERTS, Mr. ROHRABACHER, Mr. ROYCE, Mr. SENSENBRENNER, Mr. SKEEN, Mr. SKELTON, Mr. SOLOMON, Mr. SOUDER, Mr. STENHOLM, Mr. STUMP, Mr. TALENT, Mr. TAYLOR of North Carolina, and Mr. WILSON):

H.R. 790. A bill to require certain Federal agencies to protect the rights of private property owners; to the Committee on the Judiciary, and in addition to the Committees on Resources, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER:

H. Con. Res. 21. Concurrent resolution expressing the sense of the Congress concerning the trafficking of Burmese women and girls into Thailand for the purposes of forced prostitution; to the Committee on International Relations.

By Mr. WELDON of Pennsylvania:

H. Res. 56. Resolution to amend the Rules of the House of Representatives to require the Committee on Ways and Means to include in committee reports the identity, sponsor, and revenue cost of single-taxpayer relief provisions contained in reported bills; to the Committee on Rules.

ADDITIONAL SPONSORS

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

H.R. 6: Mr. FIELDS of Texas.

H.R. 9: Mrs. SEASTRAND, Mr. ROBERTS, Mr. POMBO, Mr. CRANE, and Mr. FIELDS of Texas.

H.R. 11: Mr. BROWNBACK, Mr. MCKEON, and Mr. FIELDS of Texas.

H.R. 22: Mr. KING.

H.R. 23: Mr. ENGLISH of Pennsylvania, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HILLIARD, Mr. HASTINGS of Florida, and Ms. LOWEY.

H.R. 24: Mr. GILLMOR.

H.R. 28: Mr. SOLOMON.

H.R. 76: Mr. SERRANO, Mr. DOOLEY, and Mr. SANDERS.

H.R. 101: Mr. SCHIFF and Mr. SKEEN.

H.R. 104: Mrs. KELLY, Ms. DUNN of Washington, and Mr. GENE GREEN of Texas.

H.R. 127: Mr. TORRICELLI, Mr. MCHALE, Mrs. LINCOLN, Ms. MCKINNEY, Mr. JACOBS, and Mr. CRAPO.

H.R. 130: Mr. COX.

H.R. 209: Mr. ARMEY, Mr. NEUMANN, and Mr. HOSTETTLER.

H.R. 214: Mr. SAM JOHNSON and Mr. FLANAGAN.

H.R. 218: Mr. HUTCHINSON.

H.R. 244: Mr. WELDON of Pennsylvania, Mr. OLVER, Mr. FROST, Mr. EVANS, Mr. MINGE, Mr. NADLER, Mr. SHAYS, Mr. BROWN of California, and Mr. NEY.

H.R. 325: Mr. WELDON of Florida and Mr. RIGGS.

H.R. 353: Mr. SHAYS and Mr. TORRICELLI.

H.R. 359: Mr. HOBSON, Mr. LEACH, and Ms. WATERS.

H.R. 370: Mr. FLANAGAN, Mr. WELDON of Florida, and Mr. INGLIS of South Carolina.

H.R. 390: Mr. CANADY, Mr. MCDADE, Mr. HOEKSTRA, Mr. HUTCHINSON, Ms. DELAURO, Mr. TORKILDSEN, Mr. STARK, Mr. TALENT, Mr. SPRATT, Mr. PETRI, Mr. GEPHARDT, Mr. KILDEE, Mr. NEY, Mr. FOLEY, Mr. NEAL of Massachusetts, Mr. BONILLA, Mr. BEREUTER, Ms. FURSE, Mr. ALLARD, Mr. SAXTON, Ms. PRYCE, Ms. NORTON, and Mr. KOLBE.

H.R. 427: Mr. SAM JOHNSON and Mr. BUNN of Oregon.

H.R. 445: Ms. MCCARTHY, Mr. UNDERWOOD, Mr. KILDEE, Ms. MCKINNEY, Mr. THORNTON, Ms. DANNER, Mr. TORRES, Mr. LAFALCE, and Mrs. MALONEY.

H.R. 470: Mr. KING, Mr. WELDON of Pennsylvania, Mr. ACKERMAN, and Mrs. MALONEY.

H.R. 485: Mr. DORNAN.

H.R. 525: Mr. ROYCE, Mr. DOOLITTLE, Mr. PACKARD, and Mr. CHRYSLER.

H.R. 564: Mr. BORSKI.

H.R. 574: Mr. BRYANT of Texas.

H.R. 588: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 592: Mr. GENE GREEN of Texas and Mr. HUNTER.

H.R. 660: Mrs. THURMAN.

H.R. 663: Mr. WAMP, Mr. LOBIONDO, and Mr. EMERSON.

H.R. 681: Mr. PALLONE and Mrs. LINCOLN.

H.R. 692: Mr. HAMILTON, Mr. SOLOMON, Mr. BEREUTER, Mr. ENGLISH of Pennsylvania, Mr. PETE GEREN of Texas, and Mr. BOUCHER.

H.R. 696: Mr. TALENT, Mr. FOX, Mr. ROYCE, Mr. METCALF, Mr. SAXTON, and Mr. DORNAN.

H.J. Res. 3: Mr. MCCRERY.

H.J. Res. 48: Mr. BUNN of Oregon, Mrs. VUCANOVICH, and Mr. MCHUGH.

AMENDMENTS

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

H.R. 2

OFFERED BY: MR. CLINGER

AMENDMENT NO. 10: In section 2(a), strike "discretionary budget authority" and insert "the dollar amount of any discretionary budget authority specified in an appropriation Act or an accompanying committee report or joint explanatory statement accompanying a conference report on that Act".

H.R. 2

OFFERED BY: MR. DEAL OF GEORGIA

AMENDMENT NO. 11: At the end, add the following new section:

SEC. 7. JUDICIAL REVIEW.

(a) EXPEDITED REVIEW.—

(1) Any Member of Congress may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that any provision of this Act violates the Constitution.

(2) A copy of any complaint in an action brought under paragraph (1) shall be promptly delivered to the Secretary of the Senate and the Clerk of the House of Representatives, and each House of Congress shall have the right to intervene in such action.

(3) Any action brought under paragraph (1) shall be heard and determined by a three-judge court in accordance with section 2284 of title 28, United States Code.

Nothing in this section or in any other law shall infringe upon the right of the House of Representatives to intervene in an action brought under paragraph (1) without the necessity of adopting a resolution to authorize such intervention.

(b) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under paragraph (1) of subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after such order is entered; and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under paragraph (1) of subsection (a) shall be issued by a single Justice of the Supreme Court.

(c) EXPEDITED CONSIDERATION.—It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

H.R. 2

OFFERED BY: MR. EDWARDS

AMENDMENT NO. 12: At the end of section 2, insert the following:

(d) EXCEPTION.—The President may not include in a special message a rescission of an amount of less than $50,000,000 that was appropriated for a program, project, or activity within the national defense budget function (function 050).

H.R. 2

OFFERED BY: MR. KASICH

AMENDMENT NO. 13: In section 2(a), after "discretionary budget authority" insert "or veto all or part of any provision of law increasing direct spending authority".

In section 2(a)(2), after "such budget authority" insert "or an Act providing such direct spending authority, or".

In section 2(c), strike "and" and insert ", for each Act making direct spending,".

In section 4(1), after "targeted tax benefits" insert "and vetoes of all or part of any provision of law increasing direct spending authority".

In section 4(1)(B), strike "and" at the end of subdivision (i) and at the end add the following:

(iii) in the case of a special message regarding vetoes of all or part of any provision of law increasing direct spending authority, the matter after the enacting clause of which is as follows: "That Congress disapproves each veto of direct spending 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

At the end of section 4, add the following new paragraph:

(5) The term "direct spending authority" has the meaning given the term "direct spending" by section 205(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985 except that it does not include Social Security.

In paragraph (1) of section 6, insert "and veto of a provision of law increasing direct spending" after "tax benefit" the first place it appears.

In paragraph (1) of section 6, insert "or veto of a provision of law increasing direct spending" after "tax benefit" the second place it appears.

In paragraph (2) of section 6, insert "and vetoes of a provision of law increasing direct spending" after "tax benefit".

In paragraph (3) of section 6, insert "or vetoes of a provision of law increasing direct spending" after "tax benefit".

Strike "rescission/receipts" each place it appears and insert "rescission/direct spending/receipts".

H.R. 2

OFFERED BY: MRS. LOWEY

AMENDMENT NO. 14: The first sentence of section 5(d)(1) is amended by striking "without amendment" and inserting "without amendments except amendments to strike any rescission or rescissions of budget authority".

Section 5(d)(2) is amended by striking the eighth and ninth sentences and inserting the following:

No amendment to the bill is in order except amendments to strike any rescission or rescissions of budget authority. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion.

In section 3(a)(1), strike "all of".

H.R. 2

OFFERED BY: MR. OBEY

AMENDMENT NO. 15: At the end of section 2, add the following new subsection:

(d) SPECIAL RULE FOR FY 1995 Appropriation Measures.—Notwithstanding subsection (a)(2), in the case of any unobligated discretionary budget authority provided by any appropriation Act for fiscal year 1995, the President may rescind all or part of that discretionary budget authority under the terms of this Act if the President notifies the Congress of such rescission by a special message not later than ten calendar days (not including Sundays) after the date of enactment of this Act.

H.R. 2

OFFERED BY: MR. OBEY

AMENDMENT NO. 16: Section 2(a)(2) is amended by inserting "(or in the case of any appropriation Act for fiscal year 1995, 200 calendar days (not including Sundays))" after "appropriation Act".

H.R. 2

OFFERED BY: MR. ORTON

AMENDMENT NO. 17: At the end of section 4, add the following new paragraph:

(5) The term "discretionary budget authority" includes authority to enter into contracts under which the United States is obligated to make outlays, the budget authority for which is not provided in advance by appropriations Acts.

Paragraph (4) of section 4 is amended by adding at the end the following new sentence: "The term also includes any Act that provides the authority described in paragraph (5).".

H.R. 2

OFFERED BY: MS. PELOSI

AMENDMENT NO. 18: Section 2 is amended by adding at the end the following new subsection:

(d) LIMITATION.—No special message submitted by the President under this section may change any prohibition or limitation of discretionary budget authority set forth in any appropriation Act.

H.R. 2

OFFERED BY: MS. SLAUGHTER

AMENDMENT NO. 19: Strike 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 within any revenue bill 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 twenty calendar days (not including Saturdays, Sundays, or holidays) after the date of enactment of a regular or supplemental appropriation act or a joint resolution making continuing appropriations providing such budget authority or a revenue bill containing a targeted tax benefit.

The President shall submit a separate rescission message for each appropriation bill and for each revenue bill 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 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 session 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 day 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—

(A) only disapproves a rescission of budget authority, in whole, rescinded, or

(B) only disapproves a veto of any provision of law that would decrease receipts,

in a special message transmitted by the President under this Act.

(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 which has the practical effect of providing a benefit in the form of a differential treatment to a particular taxpayer or a limited class of taxpayers, whether or not such provision is limited by its terms to a particular taxpayer or a class of taxpayers. Such term does not include any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status.

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 factions, 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) REFERRAL OF RESCISSION/RECEIPTS DISAPPROVAL BILLS.—Any rescission/receipts disapproval bill introduced with respect to a special message shall be referred to the appropriate committees of the House of Representatives or the Senate, as the case may be.

(d) CONSIDERATION IN THE SENATE.—

(1) Any rescission/receipts disapproval bill received in the Senate from the House shall be considered 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.

(e) POINTS OF ORDER.—

(1) It shall not be in order in the Senate or the House of Representatives 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 or the House of Representatives 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.

H.R. 2

OFFERED BY: MR. SPRATT

AMENDMENT NO. 20: In section 2(a), insert "or tax incentive" after "tax benefit" the first place it appears.

At the end of Section 4, insert the following new paragraph:

(5) The term "tax incentive" means any deduction, credit, preference, or exemption from gross income, or any deferral of tax liability, causing tax revenues to be forgone as inducement for taxpayers to pursue or forbear from certain actions or activities.

H.R. 2

OFFERED BY: MR. STENHOLM

AMENDMENT NO. 21: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

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

TITLE I—LINE ITEM VETO

SEC. 101. 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.

(d) SPECIAL RULE.—For any rescission of budget authority, the President may either submit a special message under this section or under section 1012 of the Impoundment Control Act of 1974. Funds proposed to be rescinded under this section may not be proposed to be rescinded under section 1012 of that Act.

SEC. 102. LINE ITEM VETO EFFECTIVE UNLESS DISAPPROVED.

(a)(1) Any amount of budget authority rescinded under section 101 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 section 101 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 section 101 and the last session 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. 103. DEFINITIONS.

As used in this title:

(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; and

(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. 104. CONGRESSIONAL CONSIDERATION OF LINE ITEM VETOES.

(a) PRESIDENTIAL SPECIAL MESSAGE.—Whenever the President rescinds any budget authority as provided in section 101 or vetoes any provision of law as provided in 101, 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 section 101;

(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 section 101 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 section 101 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 101.

(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 title.

(e) CONSIDERATION IN THE SENATE.—

(1) Any rescission/receipts disapproval bill received in the Senate from the House shall be considered in the Senate pursuant to the provisions of this title.

(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 section 101.

(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. 105. 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 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.

SEC. 106. JUDICIAL REVIEW.

(a) EXPEDITED REVIEW.—

(1) Any Member of Congress may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that any provision of this title violates the Constitution.

(2) A copy of any complaint in an action brought under paragraph (1) shall be promptly delivered to the Secretary of the Senate and the Clerk of the House of Representatives, and each House of Congress shall have the right to intervene in such action.

(3) Any action brought under paragraph (1) shall be heard and determined by a three-judge court in accordance with section 2284 of title 28, United States Code.

Nothing in this section or in any other law shall infringe upon the right of the House of Representatives to intervene in an action brought under paragraph (1) without the necessity of adopting a resolution to authorize such intervention.

(b) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under paragraph (1) of subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after such order is entered; and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under paragraph (1) of subsection (a) shall be issued by a single Justice of the Supreme Court.

(c) EXPEDITED CONSIDERATION.—It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

TITLE II—EXPEDITED CONSIDERATION OF PROPOSED RESCISSIONS AND TARGETED TAX BENEFITS

SEC. 201. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS AND TARGETED TAX BENEFITS.

(a) IN GENERAL.—Section 1012 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 683) is amended to read as follows:

"EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS

"SEC. 1012. (a) PROPOSED RESCISSION OF BUDGET AUTHORITY OR REPEAL OF TARGETED TAX BENEFITS.—The President may propose, at the time and in the manner provided in subsection (b), the rescission of any budget authority provided in an appropriation Act or repeal of any targeted tax benefit provided in any revenue Act. If the President proposes a rescission of budget authority, he 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 amount of the proposed rescission. Funds made available for obligation under this procedure may not be proposed for rescission again under this section.

"(b) TRANSMITTAL OF SPECIAL MESSAGE.—

"(1) The President may transmit to Congress a special message proposing to rescind amounts of budget authority or to repeal any targeted tax benefit and include with that special message a draft bill that, if enacted, would only rescind that budget authority or repeal that targeted tax benefit unless the President also proposes a reduction in the appropriate discretionary spending limit set forth in section 601(a)(2) of the Congressional Budget Act of 1974. That bill shall clearly identify the amount of budget authority that is proposed to be rescinded for each program, project, or activity to which that budget authority relates or the targeted tax benefit proposed to be repealed, as the case may be. A targeted tax benefit may only be proposed to be repealed under this section during the 10-legislative-day period commencing on the day after the date of enactment of the provision proposed to be repealed.

"(2) In the case of an appropriation Act that includes accounts within the jurisdiction of more than one subcommittee of the Committee on Appropriations, the President in proposing to rescind budget authority under this section shall send a separate special message and accompanying draft bill for accounts within the jurisdiction of each such subcommittee.

"(3) Each special message shall specify, with respect to the budget authority proposed to be rescinded, the following—

"(A) the amount of budget authority which he proposes to be rescinded;

"(B) 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;

"(C) the reasons why the budget authority should be rescinded;

"(D) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed rescission;

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

Each special message shall specify, with respect to the proposed repeal of targeted tax benefits, the information required by subparagraphs (C), (D), and (E), as it relates to the proposed repeal; and

"(F) a reduction in the appropriate discretionary spending limit set forth in section

601(a)(2) of the Congressional Budget Act of 1974, if proposed by the President.

(4) For any rescission of budget authority, the President may either submit a special message under this section or under section 101 of the Line Item Veto Act. Funds proposed to be rescinded under this section may not be proposed to be rescinded under section 101 of that Act.

"(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

"(1)(A) Before the close of the second legislative day of the House of Representatives after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of the House of Representatives shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence, then, on the third legislative day of the House of Representatives after the date of receipt of that special message, any Member of that House may introduce the bill.

"(B) The bill shall be referred to the Committee on Appropriations or the Committee on Ways and Means of the House of Representatives, as applicable. The committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of that House after the date of receipt of that special message. If that committee fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

"(C) During consideration under this paragraph, any Member of the House of Representatives may move to strike any proposed rescission or rescissions of budget authority or any proposed repeal of a targeted tax benefit, as applicable, if supported by 49 other Members.

"(D) A vote on final passage of the bill shall be taken in the House of Representatives on or before the close of the 10th legislative day of that House after the date of the introduction of the bill in that House. If the bill is passed, the Clerk of the House of Representatives shall cause the bill to be engrossed, certified, and transmitted to the Senate within one calendar day of the day on which the bill is passed.

"(2)(A) A motion in the House of Representatives to proceed to the consideration of a bill under this section shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the House of Representatives on a bill under this section shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this section or to move to reconsider the vote by which the bill is agreed to or disagreed to.

"(C) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

"(D) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a bill under this section shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any rescission bill introduced pursuant to the provisions of this section under a suspension of the rules or under a special rule.

"(3)(A) A bill transmitted to the Senate pursuant to paragraph (1)(D) shall be referred to its Committee on Appropriations or Committee on Finance, as applicable. That committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of the Senate after it receives the bill. A committee failing to report the bill within such period shall be automatically discharged from consideration of the bill, and the bill shall be placed upon the appropriate calendar.

"(B) During consideration under this paragraph, any Member of the Senate may move to strike any proposed rescission or rescissions of budget authority or any proposed repeal of a targeted tax benefit, as applicable, if supported by 14 other Members.

"(4)(A) A motion in the Senate to proceed to the consideration of a bill under this section shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the Senate on a bill under this section, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (C)), shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(C) Debate in the Senate on any debatable motion or appeal in connection with a bill under this section shall be limited to not more than 1 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 time under their control on the passage of a bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(D) A motion in the Senate to further limit debate on a bill under this section is not debatable. A motion to recommit a bill under this section is not in order.

"(d) AMENDMENTS AND DIVISIONS PROHIBITED.—Except as otherwise provided by this section, no amendment to a bill considered under this section shall be in order in either the House of Representatives or the Senate. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole) or in the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House to suspend the application of this subsection by unanimous consent.

"(e) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.—(1) Any amount of budget authority proposed to be rescinded in a special message transmitted to Congress under subsection (b) shall be made available for obligation on the day after the date on which either House rejects the bill transmitted with that special message.

"(2) Any targeted tax benefit proposed to be repealed under this section as set forth in a special message transmitted by the President shall not be deemed repealed unless the bill transmitted with that special message is enacted into law.

"(f) DEFINITIONS.—For purposes of this section—

"(1) the term 'appropriation Act' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations;

"(2) the term 'legislative day' means, with respect to either House of Congress, any day of 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; and

"(4) the term 'beneficiary' means any taxpayer or any corporation, partnership, institution, organization, item of property, State, or civil subdivision within one or more States. 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.".

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking "and 1017" and inserting "1012, and 1017"; and

(2) in subsection (d), by striking "section 1017" and inserting "sections 1012 and 1017"; and

(c) CONFORMING AMENDMENTS.—

(1) Section 1011 of the Congressional Budget Act of 1974 (2 U.S.C. 682(5)) is amended by repealing paragraphs (3) and (5) and by redesignating paragraph (4) as paragraph (3).

(2) Section 1014 of such Act (2 U.S.C. 685) is amended—

(A) in subsection (b)(1), by striking "or the reservation"; and

(B) in subsection (e)(1), by striking "or a reservation" and by striking "or each such reservation".

(3) Section 1015(a) of such Act (2 U.S.C. 686) is amended by striking "is to establish a reserve or", by striking "the establishment of such a reserve or", and by striking "reserve or" each other place it appears.

(4) Section 1017 of such Act (2 U.S.C. 687) is amended—

(A) in subsection (a), by striking "rescission bill introduced with respect to a special message or";

(B) in subsection (b)(1), by striking "rescission bill or", by striking "bill or" the second place it appears, by striking "rescission bill with respect to the same special message or", and by striking ", and the case may be,";

(C) in subsection (b)(2), by striking "bill or" each place it appears;

(D) in subsection (c), by striking "rescission" each place it appears and by striking "bill or" each place it appears;

(E) in subsection (d)(1), by striking "rescission bill or" and by striking ", and all amendments thereto (in the case of a rescission bill)";

(F) in subsection (d)(2)—

(i) by striking the first sentence;

(ii) by amending the second sentence to read as follows: "Debate on any debatable motion or appeal in connection with an impoundment resolution shall be limited to 1

hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event that the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee.";

(iii) by striking the third sentence; and

(iv) in the fourth sentence, by striking "rescission bill or" and by striking "amendment, debatable motion," and by inserting "debatable motion";

(G) in paragraph (d)(3), by striking the second and third sentences; and

(H) by striking paragraphs (4), (5), (6), and (7) of paragraph (d).

(d) CLERICAL AMENDMENTS.—The item relating to section 1012 in the table of sections for subpart B of title X of the Congressional Budget and Impoundment Control Act of 1974 is amended to read as follows:

"Sec. 1012. Expedited consideration of certain proposed rescissions and targeted tax benefits.".

H.R. 2

OFFERED BY: MR. STENHOLM

AMENDMENT NO. 22: After section 1, add the following new center heading:

TITLE I—LINE ITEM VETO

Redesignate sections 2 through 6 as sections 101 through 105, respectively, and redesignate all cross-references accordingly.

At the end of section 101 (as redesignated), add the following new subsection:

(d) SPECIAL RULE.—For any rescission of budget authority, the President may either submit a special message under this section or under section 1012 of the Impoundment Control Act of 1974. Funds proposed to be rescinded under this section may not be proposed to be rescinded under section 1012 of that Act.

In sections 101 through 104, strike "this Act" each place it appears and insert "this title".

At the end, add the following:

SEC. 106. JUDICIAL REVIEW.

(a) EXPEDITED REVIEW.—

(1) Any Member of Congress may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that any provision of this title violates the Constitution.

(2) A copy of any complaint in an action brought under paragraph (1) shall be promptly delivered to the Secretary of the Senate and the Clerk of the House of Representatives, and each House of Congress shall have the right to intervene in such action.

(3) Any action brought under paragraph (1) shall be heard and determined by a three-judge court in accordance with section 2284 of title 28, United States Code.

Nothing in this section or in any other law shall infringe upon the right of the House of Representatives to intervene in an action brought under paragraph (1) without the necessity of adopting a resolution to authorize such intervention.

(b) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under paragraph (1) of subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after such order is entered; and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under paragraph (1) of subsection (a) shall be issued by a single Justice of the Supreme Court.

(c) EXPEDITED CONSIDERATION.—It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

TITLE II—EXPEDITED CONSIDERATION OF PROPOSED RESCISSIONS AND TARGETED TAX BENEFITS

SEC. 201. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS AND TARGETED TAX BENEFITS.

(a) IN GENERAL.—Section 1012 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 683) is amended to read as follows:

"EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS

"SEC. 1012. (a) PROPOSED RESCISSION OF BUDGET AUTHORITY OR REPEAL OF TARGETED TAX BENEFITS.—The President may propose, at the time and in the manner provided in subsection (b), the rescission of any budget authority provided in an appropriation Act or repeal of any targeted tax benefit provided in any revenue Act. If the President proposes a rescission of budget authority, he 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 amount of the proposed rescission. Funds made available for obligation under this procedure may not be proposed for rescission again under this section.

"(b) TRANSMITTAL OF SPECIAL MESSAGE.—

"(1) The President may transmit to Congress a special message proposing to rescind amounts of budget authority or to repeal any targeted tax benefit and include with that special message a draft bill that, if enacted, would only rescind that budget authority or repeal that targeted tax benefit unless the President also proposes a reduction in the appropriate discretionary spending limit set forth in section 601(a)(2) of the Congressional Budget Act of 1974. That bill shall clearly identify the amount of budget authority that is proposed to be rescinded for each program, project, or activity to which that budget authority relates or the targeted tax benefit proposed to be repealed, as the case may be. A targeted tax benefit may only be proposed to be repealed under this section during the 10-legislative-day period commencing on the day after the date of enactment of the provision proposed to be repealed.

"(2) In the case of an appropriation Act that includes accounts within the jurisdiction of more than one subcommittee of the Committee on Appropriations, the President in proposing to rescind budget authority under this section shall send a separate special message and accompanying draft bill for accounts within the jurisdiction of each such subcommittee.

"(3) Each special message shall specify, with respect to the budget authority proposed to be rescinded, the following—

"(A) the amount of budget authority which he proposes to be rescinded;

"(B) 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;

"(C) the reasons why the budget authority should be rescinded;

"(D) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed rescission;

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

Each special message shall specify, with respect to the proposed repeal of targeted tax benefits, the information required by subparagraphs (C), (D), and (E), as it relates to the proposed repeal; and

"(F) a reduction in the appropriate discretionary spending limit set forth in section 601(a)(2) of the Congressional Budget Act of 1974, if proposed by the President.

(4) For any rescission of budget authority, the President may either submit a special message under this section or under section 101 of the Line Item Veto Act. Funds proposed to be rescinded under this section may not be proposed to be rescinded under section 101 of that Act.

"(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

"(1)(A) Before the close of the second legislative day of the House of Representatives after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of the House of Representatives shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence, then, on the third legislative day of the House of Representatives after the date of receipt of that special message, any Member of that House may introduce the bill.

"(B) The bill shall be referred to the Committee on Appropriations or the Committee on Ways and Means of the House of Representatives, as applicable. The committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of that House after the date of receipt of that special message. If that committee fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

"(C) During consideration under this paragraph, any Member of the House of Representatives may move to strike any proposed rescission or rescissions of budget authority or any proposed repeal of a targeted tax benefit, as applicable, if supported by 49 other Members.

"(D) A vote on final passage of the bill shall be taken in the House of Representatives on or before the close of the 10th legislative day of that House after the date of the introduction of the bill in that House. If the bill is passed, the Clerk of the House of Representatives shall cause the bill to be engrossed, certified, and transmitted to the Senate within one calendar day of the day on which the bill is passed.

"(2)(A) A motion in the House of Representatives to proceed to the consideration of a bill under this section shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the House of Representatives on a bill under this section shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this section or to move to reconsider the vote by which the bill is agreed to or disagreed to.

"(C) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

"(D) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a bill under this section shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any rescission bill introduced pursuant to the provisions of this section under a suspension of the rules or under a special rule.

"(3)(A) A bill transmitted to the Senate pursuant to paragraph (1)(D) shall be referred to its Committee on Appropriations or Committee on Finance, as applicable. That committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of the Senate after it receives the bill. A committee failing to report the bill within such period shall be automatically discharged from consideration of the bill, and the bill shall be placed upon the appropriate calendar.

"(B) During consideration under this paragraph, any Member of the Senate may move to strike any proposed rescission or rescissions of budget authority or any proposed repeal of a targeted tax benefit, as applicable, if supported by 14 other Members.

"(4)(A) A motion in the Senate to proceed to the consideration of a bill under this section shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the Senate on a bill under this section, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (C)), shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(C) Debate in the Senate on any debatable motion or appeal in connection with a bill under this section shall be limited to not more than 1 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 time under their control on the passage of a bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(D) A motion in the Senate to further limit debate on a bill under this section is not debatable. A motion to recommit a bill under this section is not in order.

"(d) AMENDMENTS AND DIVISIONS PROHIBITED.—Except as otherwise provided by this section, no amendment to a bill considered under this section shall be in order in either the House of Representatives or the Senate. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole) or in the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House to suspend the application of this subsection by unanimous consent.

"(e) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.—(1) Any amount of budget authority proposed to be rescinded in a special message transmitted to Congress under subsection (b) shall be made available for obligation on the day after the date on which either House rejects the bill transmitted with that special message.

"(2) Any targeted tax benefit proposed to be repealed under this section as set forth in a special message transmitted by the President shall not be deemed repealed unless the bill transmitted with that special message is enacted into law.

"(f) DEFINITIONS.—For purposes of this section—

"(1) the term 'appropriation Act' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations;

"(2) the term 'legislative day' means, with respect to either House of Congress, any day of session; and

"(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 'beneficiary' means any taxpayer or any corporation, partnership, institution, organization, item of property, State, or civil subdivision within one or more States. 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.".

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking "and 1017" and inserting "1012, and 1017"; and

(2) in subsection (d), by striking "section 1017" and inserting "sections 1012 and 1017"; and

(c) CONFORMING AMENDMENTS.—

(1) Section 1011 of the Congressional Budget Act of 1974 (2 U.S.C. 682(5)) is amended by repealing paragraphs (3) and (5) and by redesignating paragraph (4) as paragraph (3).

(2) Section 1014 of such Act (2 U.S.C. 685) is amended—

(A) in subsection (b)(1), by striking "or the reservation"; and

(B) in subsection (e)(1), by striking "or a reservation" and by striking "or each such reservation".

(3) Section 1015(a) of such Act (2 U.S.C. 686) is amended by striking "is to establish a reserve or", by striking "the establishment of such a reserve or", and by striking "reserve or" each other place it appears.

(4) Section 1017 of such Act (2 U.S.C. 687) is amended—

(A) in subsection (a), by striking "rescission bill introduced with respect to a special message or";

(B) in subsection (b)(1), by striking "rescission bill or", by striking "bill or" the second place it appears, by striking "rescission bill with respect to the same special message or", and by striking ", and the case may be,";

(C) in subsection (b)(2), by striking "bill or" each place it appears;

(D) in subsection (c), by striking "rescission" each place it appears and by striking "bill or" each place it appears;

(E) in subsection (d)(1), by striking "rescission bill or" and by striking ", and all amendments thereto (in the case of a rescission bill)";

(F) in subsection (d)(2)—

(i) by striking the first sentence;

(ii) by amending the second sentence to read as follows: "Debate on any debatable motion or appeal in connection with an impoundment resolution shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event that the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee.";

(iii) by striking the third sentence; and

(iv) in the fourth sentence, by striking "rescission bill or" and by striking "amendment, debatable motion," and by inserting "debatable motion";

(G) in paragraph (d)(3), by striking the second and third sentences; and

(H) by striking paragraphs (4), (5), (6), and (7) of paragraph (d).

(d) CLERICAL AMENDMENTS.—The item relating to section 1012 in the table of sections for subpart B of title X of the Congressional Budget and Impoundment Control Act of 1974 is amended to read as follows:

"Sec. 1012. Expedited consideration of certain proposed rescissions and targeted tax benefits.".

H.R. 2

OFFERED BY: MR. STENHOLM

AMENDMENT NO. 23: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

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

TITLE I—LINE ITEM VETO

SEC. 101. 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.

(d) SPECIAL RULE.—For any rescission of budget authority, the President may either submit a special message under this section or under section 1012 of the Impoundment Control Act of 1974. Funds proposed to be rescinded under this section may not be proposed to be rescinded under section 1012 of that Act.

SEC. 102. LINE ITEM VETO EFFECTIVE UNLESS DISAPPROVED.

(a)(1) Any amount of budget authority rescinded under section 101 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 section 101 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 section 101 and the last session 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. 103. DEFINITIONS.

As used in this title:

(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; and

(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. 104. CONGRESSIONAL CONSIDERATION OF LINE ITEM VETOES.

(a) PRESIDENTIAL SPECIAL MESSAGE.—Whenever the President rescinds any budget authority as provided in section 101 or vetoes any provision of law as provided in 101, 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 section 101;

(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 section 101 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 section 101 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 101.

(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 title.

(e) CONSIDERATION IN THE SENATE.—

(1) Any rescission/receipts disapproval bill received in the Senate from the House shall be considered in the Senate pursuant to the provisions of this title.

(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 section 101.

(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. 105. 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 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.

TITLE II—EXPEDITED CONSIDERATION OF PROPOSED RESCISSIONS AND TARGETED TAX BENEFITS

SEC. 201. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS AND TARGETED TAX BENEFITS.

(a) IN GENERAL.—Section 1012 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 683) is amended to read as follows:

"EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS

"SEC. 1012. (a) PROPOSED RESCISSION OF BUDGET AUTHORITY OR REPEAL OF TARGETED TAX BENEFITS.—The President may propose, at the time and in the manner provided in subsection (b), the rescission of any budget authority provided in an appropriation Act or repeal of any targeted tax benefit provided in any revenue Act. If the President proposes a rescission of budget authority, he 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 amount of the proposed rescission. Funds made available for obligation under this procedure may not be proposed for rescission again under this section.

"(b) TRANSMITTAL OF SPECIAL MESSAGE.—

"(1) The President may transmit to Congress a special message proposing to rescind amounts of budget authority or to repeal any targeted tax benefit and include with that special message a draft bill that, if enacted, would only rescind that budget authority or repeal that targeted tax benefit unless the President also proposes a reduction in the appropriate discretionary spending limit set forth in section 601(a)(2) of the Congressional Budget Act of 1974. That bill shall clearly identify the amount of budget authority that is proposed to be rescinded for each program, project, or activity to which that budget authority relates or the targeted tax benefit proposed to be repealed, as the case may be. A targeted tax benefit may only be proposed to be repealed under this section during the 10-legislative-day period commencing on the day after the date of enactment of the provision proposed to be repealed.

"(2) In the case of an appropriation Act that includes accounts within the jurisdiction of more than one subcommittee of the Committee on Appropriations, the President in proposing to rescind budget authority under this section shall send a separate special message and accompanying draft bill for accounts within the jurisdiction of each such subcommittee.

"(3) Each special message shall specify, with respect to the budget authority proposed to be rescinded, the following—

"(A) the amount of budget authority which he proposes to be rescinded;

"(B) 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;

"(C) the reasons why the budget authority should be rescinded;

"(D) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed rescission;

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

Each special message shall specify, with respect to the proposed repeal of targeted tax benefits, the information required by subparagraphs (C), (D), and (E), as it relates to the proposed repeal; and

"(F) a reduction in the appropriate discretionary spending limit set forth in section 601(a)(2) of the Congressional Budget Act of 1974, if proposed by the President.

(4) For any rescission of budget authority, the President may either submit a special message under this section or under section 101 of the Line Item Veto Act. Funds proposed to be rescinded under this section may not be proposed to be rescinded under section 101 of that Act.

"(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

"(1)(A) Before the close of the second legislative day of the House of Representatives after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of the House of Representatives shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence, then, on the third legislative day of the House of Representatives after the date of receipt of that special message, any Member of that House may introduce the bill.

"(B) The bill shall be referred to the Committee on Appropriations or the Committee on Ways and Means of the House of Representatives, as applicable. The committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of that House after the date of receipt of that special message. If that committee fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

"(C) During consideration under this paragraph, any Member of the House of Representatives may move to strike any proposed rescission or rescissions of budget authority or any proposed repeal of a targeted tax benefit, as applicable, if supported by 49 other Members.

"(D) A vote on final passage of the bill shall be taken in the House of Representatives on or before the close of the 10th legislative day of that House after the date of the introduction of the bill in that House. If the bill is passed, the Clerk of the House of Representatives shall cause the bill to be engrossed, certified, and transmitted to the Senate within one calendar day of the day on which the bill is passed.

"(2)(A) A motion in the House of Representatives to proceed to the consideration of a bill under this section shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the House of Representatives on a bill under this section shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this section or to move to reconsider the vote by which the bill is agreed to or disagreed to.

"(C) Appeals from decisions of the Chair relating to the application of the Rules of

the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

"(D) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a bill under this section shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any rescission bill introduced pursuant to the provisions of this section under a suspension of the rules or under a special rule.

"(3)(A) A bill transmitted to the Senate pursuant to paragraph (1)(D) shall be referred to its Committee on Appropriations or Committee on Finance, as applicable. That committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of the Senate after it receives the bill. A committee failing to report the bill within such period shall be automatically discharged from consideration of the bill, and the bill shall be placed upon the appropriate calendar.

"(B) During consideration under this paragraph, any Member of the Senate may move to strike any proposed rescission or rescissions of budget authority or any proposed repeal of a targeted tax benefit, as applicable, if supported by 14 other Members.

"(4)(A) A motion in the Senate to proceed to the consideration of a bill under this section shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the Senate on a bill under this section, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (C)), shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(C) Debate in the Senate on any debatable motion or appeal in connection with a bill under this section shall be limited to not more than 1 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 time under their control on the passage of a bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(D) A motion in the Senate to further limit debate on a bill under this section is not debatable. A motion to recommit a bill under this section is not in order.

"(d) AMENDMENTS AND DIVISIONS PROHIBITED.—Except as otherwise provided by this section, no amendment to a bill considered under this section shall be in order in either the House of Representatives or the Senate. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole) or in the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House to suspend the application of this subsection by unanimous consent.

"(e) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.—(1) Any amount of budget authority proposed to be rescinded in a special message transmitted to Congress under subsection (b) shall be made available for obligation on the day after the date on which either House rejects the bill transmitted with that special message.

"(2) Any targeted tax benefit proposed to be repealed under this section as set forth in a special message transmitted by the President shall not be deemed repealed unless the bill transmitted with that special message is enacted into law.

"(f) DEFINITIONS.—For purposes of this section—

"(1) the term 'appropriation Act' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations;

"(2) the term 'legislative day' means, with respect to either House of Congress, any day of 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; and

"(4) the term 'beneficiary' means any taxpayer or any corporation, partnership, institution, organization, item of property, State, or civil subdivision within one or more States. 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.".

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking "and 1017" and inserting "1012, and 1017"; and

(2) in subsection (d), by striking "section 1017" and inserting "sections 1012 and 1017"; and

(c) CONFORMING AMENDMENTS.—

(1) Section 1011 of the Congressional Budget Act of 1974 (2 U.S.C. 682(5)) is amended by repealing paragraphs (3) and (5) and by redesignating paragraph (4) as paragraph (3).

(2) Section 1014 of such Act (2 U.S.C. 685) is amended—

(A) in subsection (b)(1), by striking "or the reservation"; and

(B) in subsection (e)(1), by striking "or a reservation" and by striking "or each such reservation".

(3) Section 1015(a) of such Act (2 U.S.C. 686) is amended by striking "is to establish a reserve or", by striking "the establishment of such a reserve or", and by striking "reserve or" each other place it appears.

(4) Section 1017 of such Act (2 U.S.C. 687) is amended—

(A) in subsection (a), by striking "rescission bill introduced with respect to a special message or";

(B) in subsection (b)(1), by striking "rescission bill or", by striking "bill or" the second place it appears, by striking "rescission bill with respect to the same special message or", and by striking ", and the case may be,";

(C) in subsection (b)(2), by striking "bill or" each place it appears;

(D) in subsection (c), by striking "rescission" each place it appears and by striking "bill or" each place it appears;

(E) in subsection (d)(1), by striking "rescission bill or" and by striking ", and all amendments thereto (in the case of a rescission bill)";

(F) in subsection (d)(2)—

(i) by striking the first sentence;

(ii) by amending the second sentence to read as follows: "Debate on any debatable motion or appeal in connection with an impoundment resolution shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event that the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee.";

(iii) by striking the third sentence; and

(iv) in the fourth sentence, by striking "rescission bill or" and by striking "amendment, debatable motion," and by inserting "debatable motion";

(G) in paragraph (d)(3), by striking the second and third sentences; and

(H) by striking paragraphs (4), (5), (6), and (7) of paragraph (d).

(d) CLERICAL AMENDMENTS.—The item relating to section 1012 in the table of sections for subpart B of title X of the Congressional Budget and Impoundment Control Act of 1974 is amended to read as follows:

"Sec. 1012. Expedited consideration of certain proposed rescissions and targeted tax benefits.".

H.R. 2

OFFERED BY: MR. STENHOLM

AMENDMENT NO. 24: After section 1, add the following new center heading:

TITLE I—LINE ITEM VETO

Redesignate sections 2 through 6 as sections 101 through 105, respectively, and redesignate all cross-references accordingly.

At the end of section 101 (as redesignated), add the following new subsection:

(d) SPECIAL RULE.—For any rescission of budget authority, the President may either submit a special message under this section or under section 1012 of the Impoundment Control Act of 1974. Funds proposed to be rescinded under this section may not be proposed to be rescinded under section 1012 of that Act.

In sections 101 through 104, strike "this Act" each place it appears and insert "this title".

At the end, add the following:

TITLE II—EXPEDITED CONSIDERATION OF PROPOSED RESCISSIONS AND TARGETED TAX BENEFITS

SEC. 201. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS AND TARGETED TAX BENEFITS.

(a) IN GENERAL.—Section 1012 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 683) is amended to read as follows:

"EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS

"SEC. 1012. (a) PROPOSED RESCISSION OF BUDGET AUTHORITY OR REPEAL OF TARGETED TAX BENEFITS.—The President may propose, at the time and in the manner provided in subsection (b), the rescission of any budget authority provided in an appropriation Act or repeal of any targeted tax benefit provided in any revenue Act. If the President proposes a rescission of budget authority, he 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 amount of the proposed rescission.

Funds made available for obligation under this procedure may not be proposed for rescission again under this section.

"(b) TRANSMITTAL OF SPECIAL MESSAGE.—

"(1) The President may transmit to Congress a special message proposing to rescind amounts of budget authority or to repeal any targeted tax benefit and include with that special message a draft bill that, if enacted, would only rescind that budget authority or repeal that targeted tax benefit unless the President also proposes a reduction in the appropriate discretionary spending limit set forth in section 601(a)(2) of the Congressional Budget Act of 1974. That bill shall clearly identify the amount of budget authority that is proposed to be rescinded for each program, project, or activity to which that budget authority relates or the targeted tax benefit proposed to be repealed, as the case may be. A targeted tax benefit may only be proposed to be repealed under this section during the 10-legislative-day period commencing on the day after the date of enactment of the provision proposed to be repealed.

"(2) In the case of an appropriation Act that includes accounts within the jurisdiction of more than one subcommittee of the Committee on Appropriations, the President in proposing to rescind budget authority under this section shall send a separate special message and accompanying draft bill for accounts within the jurisdiction of each such subcommittee.

"(3) Each special message shall specify, with respect to the budget authority proposed to be rescinded, the following—

"(A) the amount of budget authority which he proposes to be rescinded;

"(B) 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;

"(C) the reasons why the budget authority should be rescinded;

"(D) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed rescission;

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

Each special message shall specify, with respect to the proposed repeal of targeted tax benefits, the information required by subparagraphs (C), (D), and (E), as it relates to the proposed repeal; and

"(F) a reduction in the appropriate discretionary spending limit set forth in section 601(a)(2) of the Congressional Budget Act of 1974, if proposed by the President.

(4) For any rescission of budget authority, the President may either submit a special message under this section or under section 101 of the Line Item Veto Act. Funds proposed to be rescinded under this section may not be proposed to be rescinded under section 101 of that Act.

"(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

"(1)(A) Before the close of the second legislative day of the House of Representatives after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of the House of Representatives shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence, then, on the third legislative day of the House of Representatives after the date of receipt of that special message, any Member of that House may introduce the bill.

"(B) The bill shall be referred to the Committee on Appropriations or the Committee on Ways and Means of the House of Representatives, as applicable. The committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of that House after the date of receipt of that special message. If that committee fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

"(C) During consideration under this paragraph, any Member of the House of Representatives may move to strike any proposed rescission or rescissions of budget authority or any proposed repeal of a targeted tax benefit, as applicable, if supported by 49 other Members.

"(D) A vote on final passage of the bill shall be taken in the House of Representatives on or before the close of the 10th legislative day of that House after the date of the introduction of the bill in that House. If the bill is passed, the Clerk of the House of Representatives shall cause the bill to be engrossed, certified, and transmitted to the Senate within one calendar day of the day on which the bill is passed.

"(2)(A) A motion in the House of Representatives to proceed to the consideration of a bill under this section shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the House of Representatives on a bill under this section shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this section or to move to reconsider the vote by which the bill is agreed to or disagreed to.

"(C) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

"(D) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a bill under this section shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any rescission bill introduced pursuant to the provisions of this section under a suspension of the rules or under a special rule.

"(3)(A) A bill transmitted to the Senate pursuant to paragraph (1)(D) shall be referred to its Committee on Appropriations or Committee on Finance, as applicable. That committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of the Senate after it receives the bill. A committee failing to report the bill within such period shall be automatically discharged from consideration of the bill, and the bill shall be placed upon the appropriate calendar.

"(B) During consideration under this paragraph, any Member of the Senate may move to strike any proposed rescission or rescissions of budget authority or any proposed repeal of a targeted tax benefit, as applicable, if supported by 14 other Members.

"(4)(A) A motion in the Senate to proceed to the consideration of a bill under this section shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the Senate on a bill under this section, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (C)), shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(C) Debate in the Senate on any debatable motion or appeal in connection with a bill under this section shall be limited to not more than 1 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 time under their control on the passage of a bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(D) A motion in the Senate to further limit debate on a bill under this section is not debatable. A motion to recommit a bill under this section is not in order.

"(d) AMENDMENTS AND DIVISIONS PROHIBITED.—Except as otherwise provided by this section, no amendment to a bill considered under this section shall be in order in either the House of Representatives or the Senate. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole) or in the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House to suspend the application of this subsection by unanimous consent.

"(e) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.—(1) Any amount of budget authority proposed to be rescinded in a special message transmitted to Congress under subsection (b) shall be made available for obligation on the day after the date on which either House rejects the bill transmitted with that special message.

"(2) Any targeted tax benefit proposed to be repealed under this section as set forth in a special message transmitted by the President shall not be deemed repealed unless the bill transmitted with that special message is enacted into law.

"(f) DEFINITIONS.—For purposes of this section—

"(1) the term 'appropriation Act' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations;

"(2) the term 'legislative day' means, with respect to either House of Congress, any day of session; and

"(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 'beneficiary' means any taxpayer or any corporation, partnership, institution, organization, item of property, State, or civil subdivision within one or more States. 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.".

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking "and 1017" and inserting "1012, and 1017"; and

(2) in subsection (d), by striking "section 1017" and inserting "sections 1012 and 1017"; and

(c) CONFORMING AMENDMENTS.—

(1) Section 1011 of the Congressional Budget Act of 1974 (2 U.S.C. 682(5)) is amended by repealing paragraphs (3) and (5) and by redesignating paragraph (4) as paragraph (3).

(2) Section 1014 of such Act (2 U.S.C. 685) is amended—

(A) in subsection (b)(1), by striking "or the reservation"; and

(B) in subsection (e)(1), by striking "or a reservation" and by striking "or each such reservation".

(3) Section 1015(a) of such Act (2 U.S.C. 686) is amended by striking "is to establish a reserve or", by striking "the establishment of such a reserve or", and by striking "reserve or" each other place it appears.

(4) Section 1017 of such Act (2 U.S.C. 687) is amended—

(A) in subsection (a), by striking "rescission bill introduced with respect to a special message or";

(B) in subsection (b)(1), by striking "rescission bill or", by striking "bill or" the second place it appears, by striking "rescission bill with respect to the same special message or", and by striking ", and the case may be,";

(C) in subsection (b)(2), by striking "bill or" each place it appears;

(D) in subsection (c), by striking "rescission" each place it appears and by striking "bill or" each place it appears;

(E) in subsection (d)(1), by striking "rescission bill or" and by striking ", and all amendments thereto (in the case of a rescission bill)";

(F) in subsection (d)(2)—

(i) by striking the first sentence;

(ii) by amending the second sentence to read as follows: "Debate on any debatable motion or appeal in connection with an impoundment resolution shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event that the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee.";

(iii) by striking the third sentence; and

(iv) in the fourth sentence, by striking "rescission bill or" and by striking "amendment, debatable motion," and by inserting "debatable motion";

(G) in paragraph (d)(3), by striking the second and third sentences; and

(H) by striking paragraphs (4), (5), (6), and (7) of paragraph (d).

(d) CLERICAL AMENDMENTS.—The item relating to section 1012 in the table of sections for subpart B of title X of the Congressional Budget and Impoundment Control Act of 1974 is amended to read as follows:

"Sec. 1012. Expedited consideration of certain proposed rescissions and targeted tax benefits.".

H.R. 2

OFFERED BY MR. STENHOLM

AMENDMENT NO. 25: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

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

TITLE I—LINE ITEM VETO

SEC. 101. 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.

(d) SPECIAL RULE.—For any rescission of budget authority, the President may either submit a special message under this section or under section 1012 of the Impoundment Control Act of 1974. Funds proposed to be rescinded under this section may not be proposed to be rescinded under section 1012 of that Act.

SEC. 102. LINE ITEM VETO EFFECTIVE UNLESS DISAPPROVED.

(a)(1) Any amount of budget authority rescinded under section 101 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 section 101 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 section 101 and the last session 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. 103. DEFINITIONS.

As used in this title:

(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; and

(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. 104. CONGRESSIONAL CONSIDERATION OF LINE ITEM VETOES.

(a) PRESIDENTIAL SPECIAL MESSAGE.—Whenever the President rescinds any budget authority as provided in section 101 or vetoes any provision of law as provided in 101, 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 section 101;

(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 section 101 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 section 101 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 101.

(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 title.

(e) CONSIDERATION IN THE SENATE.—

(1) Any rescission/receipts disapproval bill received in the Senate from the House shall be considered in the Senate pursuant to the provisions of this title.

(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 section 101.

(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. 105. 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 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.

SEC. 106. JUDICIAL REVIEW.

(a) EXPEDITED REVIEW.—

(1) Any Member of Congress may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that any provision of this title violates the Constitution.

(2) A copy of any complaint in an action brought under paragraph (1) shall be promptly delivered to the Secretary of the Senate and the Clerk of the House of Representatives, and each House of Congress shall have the right to intervene in such action.

(3) Any action brought under paragraph (1) shall be heard and determined by a three-judge court in accordance with section 2284 of title 28, United States Code.

Nothing in this section or in any other law shall infringe upon the right of the House of Representatives to intervene in an action brought under paragraph (1) without the necessity of adopting a resolution to authorize such intervention.

(b) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under paragraph (1) of subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after such order is entered; and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under paragraph (1) of subsection (a) shall be issued by a single Justice of the Supreme Court.

(c) EXPEDITED CONSIDERATION.—It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

TITLE II—EXPEDITED CONSIDERATION OF PROPOSED RESCISSIONS AND TARGETED TAX BENEFITS

SEC. 201. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS AND TARGETED TAX BENEFITS.

(a) IN GENERAL.—Section 1012 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 683) is amended to read as follows:

"EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS

"SEC. 1012. (a) PROPOSED RESCISSION OF BUDGET AUTHORITY OR REPEAL OF TARGETED TAX BENEFITS.—The President may propose, at the time and in the manner provided in subsection (b), the rescission of any budget authority provided in an appropriation Act or repeal of any targeted tax benefit provided in any revenue Act. If the President proposes a rescission of budget authority, he 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 amount of the proposed rescission. Funds made available for obligation under this procedure may not be proposed for rescission again under this section.

"(b) TRANSMITTAL OF SPECIAL MESSAGE.—

"(1) The President may transmit to Congress a special message proposing to rescind amounts of budget authority or to repeal any targeted tax benefit and include with that special message a draft bill that, if enacted, would only rescind that budget authority or repeal that targeted tax benefit. That bill shall clearly identify the amount of budget authority that is proposed to be rescinded for each program, project, or activity to which that budget authority relates or the targeted tax benefit proposed to be repealed, as the case may be. A targeted tax benefit may only be proposed to be repealed under this section during the 10-legislative-day period commencing on the day after the date of enactment of the provision proposed to be repealed.

"(2) In the case of an appropriation Act that includes accounts within the jurisdiction of more than one subcommittee of the Committee on Appropriations, the President in proposing to rescind budget authority under this section shall send a separate special message and accompanying draft bill for accounts within the jurisdiction of each such subcommittee.

"(3) Each special message shall specify, with respect to the budget authority proposed to be rescinded, the following—

"(A) the amount of budget authority which he proposes to be rescinded;

"(B) 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;

"(C) the reasons why the budget authority should be rescinded;

"(D) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed rescission;

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

Each special message shall specify, with respect to the proposed repeal of targeted tax benefits, the information required by subparagraphs (C), (D), and (E), as it relates to the proposed repeal.

(4) For any rescission of budget authority, the President may either submit a special message under this section or under section 101 of the Line Item Veto Act. Funds proposed to be rescinded under this section may not be proposed to be rescinded under section 101 of that Act.

"(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

"(1)(A) Before the close of the second legislative day of the House of Representatives after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of the House of Representatives shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence, then, on the third legislative day of the House of Representatives after the date of receipt of that special message, any Member of that House may introduce the bill.

"(B) The bill shall be referred to the Committee on Appropriations or the Committee on Ways and Means of the House of Representatives, as applicable. The committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of that House after the date of receipt of that special message. If that committee fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

"(C) During consideration under this paragraph, any Member of the House of Representatives may move to strike any proposed rescission or rescissions of budget authority or any proposed repeal of a targeted tax benefit, as applicable, if supported by 49 other Members.

"(D) A vote on final passage of the bill shall be taken in the House of Representatives on or before the close of the 10th legislative day of that House after the date of the introduction of the bill in that House. If the bill is passed, the Clerk of the House of Representatives shall cause the bill to be engrossed, certified, and transmitted to the Senate within one calendar day of the day on which the bill is passed.

"(2)(A) A motion in the House of Representatives to proceed to the consideration of a bill under this section shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the House of Representatives on a bill under this section shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this section or to move to reconsider the vote by which the bill is agreed to or disagreed to.

"(C) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

"(D) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a bill under this section shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any rescission bill introduced pursuant to the provisions of this section under a suspension of the rules or under a special rule.

"(3)(A) A bill transmitted to the Senate pursuant to paragraph (1)(D) shall be referred to its Committee on Appropriations or Committee on Finance, as applicable. That committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of the Senate after it receives the bill. A committee failing to report the bill within such period shall be automatically discharged from consideration of the bill, and the bill shall be placed upon the appropriate calendar.

"(B) During consideration under this paragraph, any Member of the Senate may move to strike any proposed rescission or rescissions of budget authority or any proposed repeal of a targeted tax benefit, as applicable, if supported by 14 other Members.

"(4)(A) A motion in the Senate to proceed to the consideration of a bill under this section shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the Senate on a bill under this section, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (C)), shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(C) Debate in the Senate on any debatable motion or appeal in connection with a bill under this section shall be limited to not more than 1 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 time under their control on the passage of a bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(D) A motion in the Senate to further limit debate on a bill under this section is not debatable. A motion to recommit a bill under this section is not in order.

"(d) AMENDMENTS AND DIVISIONS PROHIBITED.—Except as otherwise provided by this section, no amendment to a bill considered under this section shall be in order in either the House of Representatives or the Senate. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole) or in the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House to suspend the application of this subsection by unanimous consent.

"(e) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.—(1) Any amount of budget authority proposed to be rescinded in a special message transmitted to Congress under subsection (b) shall be made available for obligation on the day after the date on which either House rejects the bill transmitted with that special message.

"(2) Any targeted tax benefit proposed to be repealed under this section as set forth in a special message transmitted by the President shall not be deemed repealed unless the bill transmitted with that special message is enacted into law.

"(f) DEFINITIONS.—For purposes of this section—

"(1) the term 'appropriation Act' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations;

"(2) the term legislative day means, with respect to either House of Congress, any day of 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; and

"(4) the term 'beneficiary' means any taxpayer or any corporation, partnership, institution, organization, item of property, State, or civil subdivision within one or more States. 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.".

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking "and 1017" and inserting "1012, and 1017"; and

(2) in subsection (d), by striking "section 1017" and inserting "sections 1012 and 1017"; and

(c) CONFORMING AMENDMENTS.—

(1) Section 1011 of the Congressional Budget Act of 1974 (2 U.S.C. 682(5)) is amended by repealing paragraphs (3) and (5) and by redesignating paragraph (4) as paragraph (3).

(2) Section 1014 of such Act (2 U.S.C. 685) is amended—

(A) in subsection (b)(1), by striking "or the reservation"; and

(B) in subsection (e)(1), by striking "or a reservation" and by striking "or each such reservation".

(3) Section 1015(a) of such Act (2 U.S.C. 686) is amended by striking "is to establish a reserve or", by striking "the establishment of such a reserve or", and by striking "reserve or" each other place it appears.

(4) Section 1017 of such Act (2 U.S.C. 687) is amended—

(A) in subsection (a), by striking "rescission bill introduced with respect to a special message or";

(B) in subsection (b)(1), by striking "rescission bill or", by striking "bill or" the second place it appears, by striking "rescission bill with respect to the same special message or", and by striking ", and the case may be,";

(C) in subsection (b)(2), by striking "bill or" each place it appears;

(D) in subsection (c), by striking "rescission" each place it appears and by striking "bill or" each place it appears;

(E) in subsection (d)(1), by striking "rescission bill or" and by striking ", and all amendments thereto (in the case of a rescission bill)";

(F) in subsection (d)(2)—

(i) by striking the first sentence;

(ii) by amending the second sentence to read as follows: "Debate on any debatable motion or appeal in connection with an impoundment resolution shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event that the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee.";

(iii) by striking the third sentence; and

(iv) in the fourth sentence, by striking "rescission bill or" and by striking "amendment, debatable motion," and by inserting "debatable motion";

(G) in paragraph (d)(3), by striking the second and third sentences; and

(H) by striking paragraphs (4), (5), (6), and (7) of paragraph (d).

(d) CLERICAL AMENDMENTS.—The item relating to section 1012 in the table of sections for subpart B of title X of the Congressional Budget and Impoundment Control Act of 1974 is amended to read as follows:

"Sec. 1012. Expedited consideration of certain proposed rescissions and targeted tax benefits.".

H.R. 2

OFFERED BY: MR. STENHOLM

AMENDMENT NO. 26:

After section 1, add the following new center heading:

TITLE I—LINE ITEM VETO

Redesignate sections 2 through 6 as sections 101 through 105, respectively, and redesignate all cross-references accordingly.

At the end of section 101 (as redesignated), add the following new subsection:

(d) SPECIAL RULE.—For any rescission of budget authority, the President may either submit a special message under this section or under section 1012 of the Impoundment Control Act of 1974. Funds proposed to be rescinded under this section may not be proposed to be rescinded under section 1012 of that Act.

In sections 101 through 104, strike "this Act" each place it appears and insert "this title".

At the end, add the following:

SEC. 106. JUDICIAL REVIEW.

(a) EXPEDITED REVIEW.—

(1) Any Member of Congress may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that any provision of this title violates the Constitution.

(2) A copy of any complaint in an action brought under paragraph (1) shall be promptly delivered to the Secretary of the Senate and the Clerk of the House of Representatives, and each House of Congress shall have the right to intervene in such action.

(3) Any action brought under paragraph (1) shall be heard and determined by a three-judge court in accordance with section 2284 of title 28, United States Code.

Nothing in this section or in any other law shall infringe upon the right of the House of Representatives to intervene in an action brought under paragraph (1) without the necessity of adopting a resolution to authorize such intervention.

(b) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under paragraph (1) of subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after such order is entered; and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under paragraph (1) of subsection (a) shall be issued by a single Justice of the Supreme Court.

(c) EXPEDITED CONSIDERATION.—It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

TITLE II—EXPEDITED CONSIDERATION OF PROPOSED RESCISSIONS AND TARGETED TAX BENEFITS

SEC. 201. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS AND TARGETED TAX BENEFITS.

(a) IN GENERAL.—Section 1012 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 683) is amended to read as follows:

"EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS

"SEC. 1012. (a) PROPOSED RESCISSION OF BUDGET AUTHORITY OR REPEAL OF TARGETED TAX BENEFITS.—The President may propose, at the time and in the manner provided in subsection (b), the rescission of any budget authority provided in an appropriation Act or repeal of any targeted tax benefit provided in any revenue Act. If the President proposes a rescission of budget authority, he 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 amount of the proposed rescission. Funds made available for obligation under this procedure may not be proposed for rescission again under this section.

"(b) TRANSMITTAL OF SPECIAL MESSAGE.—

"(1) The President may transmit to Congress a special message proposing to rescind amounts of budget authority or to repeal any targeted tax benefit and include with that special message a draft bill that, if enacted, would only rescind that budget authority or repeal that targeted tax benefit. That bill shall clearly identify the amount of budget authority that is proposed to be rescinded for each program, project, or activity to which that budget authority relates or the targeted tax benefit proposed to be repealed, as the case may be. A targeted tax benefit may only be proposed to be repealed under this section during the 10-legislative-day period commencing on the day after the date of enactment of the provision proposed to be repealed.

"(2) In the case of an appropriation Act that includes accounts within the jurisdiction of more than one subcommittee of the Committee on Appropriations, the President in proposing to rescind budget authority under this section shall send a separate special message and accompanying draft bill for accounts within the jurisdiction of each such subcommittee.

"(3) Each special message shall specify, with respect to the budget authority proposed to be rescinded, the following—

"(A) the amount of budget authority which he proposes to be rescinded;

"(B) 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;

"(C) the reasons why the budget authority should be rescinded;

"(D) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed rescission;

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

Each special message shall specify, with respect to the proposed repeal of targeted tax benefits, the information required by subparagraphs (C), (D), and (E), as it relates to the proposed repeal.

(4) For any rescission of budget authority, the President may either submit a special message under this section or under section 101 of the Line Item Veto Act. Funds proposed to be rescinded under this section may not be proposed to be rescinded under section 101 of that Act.

"(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

"(1)(A) Before the close of the second legislative day of the House of Representatives after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of the House of Representatives shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence, then, on the third legislative day of the House of Representatives after the date of receipt of that special message, any Member of that House may introduce the bill.

"(B) The bill shall be referred to the Committee on Appropriations or the Committee on Ways and Means of the House of Representatives, as applicable. The committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of that House after the date of receipt of that special message. If that committee fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

"(C) During consideration under this paragraph, any Member of the House of Representatives may move to strike any proposed rescission or rescissions of budget authority or any proposed repeal of a targeted tax benefit, as applicable, if supported by 49 other Members.

"(D) A vote on final passage of the bill shall be taken in the House of Representatives on or before the close of the 10th legislative day of that House after the date of the introduction of the bill in that House. If the bill is passed, the Clerk of the House of Representatives shall cause the bill to be engrossed, certified, and transmitted to the Senate within one calendar day of the day on which the bill is passed.

"(2)(A) A motion in the House of Representatives to proceed to the consideration of a bill under this section shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the House of Representatives on a bill under this section shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this section or to move to reconsider the vote by which the bill is agreed to or disagreed to.

"(C) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

"(D) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a bill under this section shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any rescission bill introduced pursuant to the provisions of this section under a suspension of the rules or under a special rule.

"(3)(A) A bill transmitted to the Senate pursuant to paragraph (1)(D) shall be referred to its Committee on Appropriations or Committee on Finance, as applicable. That committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of the Senate after it receives the bill. A committee failing to report the bill within such period shall be automatically discharged from consideration of the bill, and the bill shall be placed upon the appropriate calendar.

"(B) During consideration under this paragraph, any Member of the Senate may move to strike any proposed rescission or rescissions of budget authority or any proposed repeal of a targeted tax benefit, as applicable, if supported by 14 other Members.

"(4)(A) A motion in the Senate to proceed to the consideration of a bill under this section shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the Senate on a bill under this section, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (C)), shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(C) Debate in the Senate on any debatable motion or appeal in connection with a bill under this section shall be limited to not more than 1 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 time under their control on the passage of a bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(D) A motion in the Senate to further limit debate on a bill under this section is not debatable. A motion to recommit a bill under this section is not in order.

"(d) AMENDMENTS AND DIVISIONS PROHIBITED.—Except as otherwise provided by this section, no amendment to a bill considered under this section shall be in order in either the House of Representatives or the Senate. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole) or in the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House to suspend the application of this subsection by unanimous consent.

"(e) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.—(1) Any amount of budget authority proposed to be rescinded in a special message transmitted to Congress under subsection (b) shall be made available for obligation on the day after the date on which either House rejects the bill transmitted with that special message.

"(2) Any targeted tax benefit proposed to be repealed under this section as set forth in a special message transmitted by the President shall not be deemed repealed unless the bill transmitted with that special message is enacted into law.

"(f) DEFINITIONS.—For purposes of this section—

"(1) the term 'appropriation Act' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations;

"(2) the term 'legislative day' means, with respect to either House of Congress, any day of session; and

"(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 'beneficiary' means any taxpayer or any corporation, partnership, institution, organization, item of property, State, or civil subdivision within one or more States. 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.".

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking "and 1017" and inserting "1012, and 1017"; and

(2) in subsection (d), by striking "section 1017" and inserting "sections 1012 and 1017"; and

(c) CONFORMING AMENDMENTS.—

(1) Section 1011 of the Congressional Budget Act of 1974 (2 U.S.C. 682(5)) is amended by repealing paragraphs (3) and (5) and by redesignating paragraph (4) as paragraph (3).

(2) Section 1014 of such Act (2 U.S.C. 685) is amended—

(A) in subsection (b)(1), by striking "or the reservation"; and

(B) in subsection (e)(1), by striking "or a reservation" and by striking "or each such reservation".

(3) Section 1015(a) of such Act (2 U.S.C. 686) is amended by striking "is to establish a reserve or", by striking "the establishment of such a reserve or", and by striking "reserve or" each other place it appears.

(4) Section 1017 of such Act (2 U.S.C. 687) is amended—

(A) in subsection (a), by striking "rescission bill introduced with respect to a special message or";

(B) in subsection (b)(1), by striking "rescission bill or", by striking "bill or" the second

place it appears, by striking "rescission bill with respect to the same special message or", and by striking ", and the case may be,";

(C) in subsection (b)(2), by striking "bill or" each place it appears;

(D) in subsection (c), by striking "rescission" each place it appears and by striking "bill or" each place it appears;

(E) in subsection (d)(1), by striking "rescission bill or" and by striking ", and all amendments thereto (in the case of a rescission bill)";

(F) in subsection (d)(2)—

(i) by striking the first sentence;

(ii) by amending the second sentence to read as follows: "Debate on any debatable motion or appeal in connection with an impoundment resolution shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event that the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee.";

(iii) by striking the third sentence; and

(iv) in the fourth sentence, by striking "rescission bill or" and by striking "amendment, debatable motion," and by inserting "debatable motion";

(G) in paragraph (d)(3), by striking the second and third sentences; and

(H) by striking paragraphs (4), (5), (6), and (7) of paragraph (d).

(d) CLERICAL AMENDMENTS.—The item relating to section 1012 in the table of sections for subpart B of title X of the Congressional Budget and Impoundment Control Act of 1974 is amended to read as follows:

"Sec. 1012. Expedited consideration of certain proposed rescissions and targeted tax benefits.".

H.R. 2

OFFERED BY: MR. STENHOLM

AMENDMENT NO. 27: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

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

TITLE I—LINE ITEM VETO

SEC. 101. 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.

(d) SPECIAL RULE.—For any rescission of budget authority, the President may either submit a special message under this section or under section 1012 of the Impoundment Control Act of 1974. Funds proposed to be rescinded under this section may not be proposed to be rescinded under section 1012 of that Act.

SEC. 102. LINE ITEM VETO EFFECTIVE UNLESS DISAPPROVED.

(a)(1) Any amount of budget authority rescinded under section 101 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 section 101 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 section 101 and the last session 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. 103. DEFINITIONS.

As used in this title:

(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; and

(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. 104. CONGRESSIONAL CONSIDERATION OF LINE ITEM VETOES.

(a) PRESIDENTIAL SPECIAL MESSAGE.—Whenever the President rescinds any budget authority as provided in section 101 or vetoes any provision of law as provided in 101, 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 section 101;

(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 section 101 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 section 101 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 101.

(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 title.

(e) CONSIDERATION IN THE SENATE.—

(1) Any rescission/receipts disapproval bill received in the Senate from the House shall be considered in the Senate pursuant to the provisions of this title.

(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 section 101.

(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. 105. 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 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.

TITLE II—EXPEDITED CONSIDERATION OF PROPOSED RESCISSIONS AND TARGETED TAX BENEFITS

SEC. 201. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS AND TARGETED TAX BENEFITS.

(a) IN GENERAL.—Section 1012 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 683) is amended to read as follows:

"EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS

"SEC. 1012. (a) PROPOSED RESCISSION OF BUDGET AUTHORITY OR REPEAL OF TARGETED TAX BENEFITS.—The President may propose, at the time and in the manner provided in subsection (b), the rescission of any budget authority provided in an appropriation Act or repeal of any targeted tax benefit provided in any revenue Act. If the President proposes a rescission of budget authority, he 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 amount of the proposed rescission. Funds made available for obligation under this procedure may not be proposed for rescission again under this section.

"(b) TRANSMITTAL OF SPECIAL MESSAGE.—

"(1) The President may transmit to Congress a special message proposing to rescind amounts of budget authority or to repeal any targeted tax benefit and include with that special message a draft bill that, if enacted, would only rescind that budget authority or repeal that targeted tax benefit. That bill shall clearly identify the amount of budget authority that is proposed to be rescinded for each program, project, or activity to which that budget authority relates or the targeted tax benefit proposed to be repealed, as the case may be. A targeted tax benefit may only be proposed to be repealed under this section during the 10-legislative-day period commencing on the day after the date of enactment of the provision proposed to be repealed.

"(2) In the case of an appropriation Act that includes accounts within the jurisdiction of more than one subcommittee of the Committee on Appropriations, the President in proposing to rescind budget authority under this section shall send a separate special message and accompanying draft bill for accounts within the jurisdiction of each such subcommittee.

"(3) Each special message shall specify, with respect to the budget authority proposed to be rescinded, the following—

"(A) the amount of budget authority which he proposes to be rescinded;

"(B) 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;

"(C) the reasons why the budget authority should be rescinded;

"(D) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed rescission;

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

Each special message shall specify, with respect to the proposed repeal of targeted tax

benefits, the information required by subparagraphs (C), (D), and (E), as it relates to the proposed repeal;

(4) For any rescission of budget authority, the President may either submit a special message under this section or under section 101 of the Line Item Veto Act. Funds proposed to be rescinded under this section may not be proposed to be rescinded under section 101 of that Act.

"(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

"(1)(A) Before the close of the second legislative day of the House of Representatives after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of the House of Representatives shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence, then, on the third legislative day of the House of Representatives after the date of receipt of that special message, any Member of that House may introduce the bill.

"(B) The bill shall be referred to the Committee on Appropriations or the Committee on Ways and Means of the House of Representatives, as applicable. The committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of that House after the date of receipt of that special message. If that committee fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

"(C) During consideration under this paragraph, any Member of the House of Representatives may move to strike any proposed rescission or rescissions of budget authority or any proposed repeal of a targeted tax benefit, as applicable, if supported by 49 other Members.

"(D) A vote on final passage of the bill shall be taken in the House of Representatives on or before the close of the 10th legislative day of that House after the date of the introduction of the bill in that House. If the bill is passed, the Clerk of the House of Representatives shall cause the bill to be engrossed, certified, and transmitted to the Senate within one calendar day of the day on which the bill is passed.

"(2)(A) A motion in the House of Representatives to proceed to the consideration of a bill under this section shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the House of Representatives on a bill under this section shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this section or to move to reconsider the vote by which the bill is agreed to or disagreed to.

"(C) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

"(D) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a bill under this section shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any rescission bill introduced pursuant to the provisions of this section under a suspension of the rules or under a special rule.

"(3)(A) A bill transmitted to the Senate pursuant to paragraph (1)(D) shall be referred to its Committee on Appropriations or Committee on Finance, as applicable. That committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of the Senate after it receives the bill. A committee failing to report the bill within such period shall be automatically discharged from consideration of the bill, and the bill shall be placed upon the appropriate calendar.

"(B) During consideration under this paragraph, any Member of the Senate may move to strike any proposed rescission or rescissions of budget authority or any proposed repeal of a targeted tax benefit, as applicable, if supported by 14 other Members.

"(4)(A) A motion in the Senate to proceed to the consideration of a bill under this section shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the Senate on a bill under this section, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (C)), shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(C) Debate in the Senate on any debatable motion or appeal in connection with a bill under this section shall be limited to not more than 1 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 time under their control on the passage of a bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(D) A motion in the Senate to further limit debate on a bill under this section is not debatable. A motion to recommit a bill under this section is not in order.

"(d) AMENDMENTS AND DIVISIONS PROHIBITED.—Except as otherwise provided by this section, no amendment to a bill considered under this section shall be in order in either the House of Representatives or the Senate. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole) or in the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House to suspend the application of this subsection by unanimous consent.

"(e) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.—(1) Any amount of budget authority proposed to be rescinded in a special message transmitted to Congress under subsection (b) shall be made available for obligation on the day after the date on which either House rejects the bill transmitted with that special message.

"(2) Any targeted tax benefit proposed to be repealed under this section as set forth in a special message transmitted by the President shall not be deemed repealed unless the bill transmitted with that special message is enacted into law.

"(f) DEFINITIONS.—For purposes of this section—

"(1) the term 'appropriation Act' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations;

"(2) the term 'legislative day' means, with respect to either House of Congress, any day of 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; and

"(4) the term 'beneficiary' means any taxpayer or any corporation, partnership, institution, organization, item of property, State, or civil subdivision within one or more States. 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.".

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking "and 1017" and inserting "1012, and 1017"; and

(2) in subsection (d), by striking "section 1017" and inserting "sections 1012 and 1017"; and

(c) CONFORMING AMENDMENTS.—

(1) Section 1011 of the Congressional Budget Act of 1974 (2 U.S.C. 682(5)) is amended by repealing paragraphs (3) and (5) and by redesignating paragraph (4) as paragraph (3).

(2) Section 1014 of such Act (2 U.S.C. 685) is amended—

(A) in subsection (b)(1), by striking "or the reservation"; and

(B) in subsection (e)(1), by striking "or a reservation" and by striking "or each such reservation".

(3) Section 1015(a) of such Act (2 U.S.C. 686) is amended by striking "is to establish a reserve or", by striking "the establishment of such a reserve or", and by striking "reserve or" each other place it appears.

(4) Section 1017 of such Act (2 U.S.C. 687) is amended—

(A) in subsection (a), by striking "rescission bill introduced with respect to a special message or";

(B) in subsection (b)(1), by striking "rescission bill or", by striking "bill or" the second place it appears, by striking "rescission bill with respect to the same special message or", and by striking ", and the case may be,";

(C) in subsection (b)(2), by striking "bill or" each place it appears;

(D) in subsection (c), by striking "rescission" each place it appears and by striking "bill or" each place it appears;

(E) in subsection (d)(1), by striking "rescission bill or" and by striking ", and all amendments thereto (in the case of a rescission bill)";

(F) in subsection (d)(2)—

(i) by striking the first sentence;

(ii) by amending the second sentence to read as follows: "Debate on any debatable motion or appeal in connection with an impoundment resolution shall be limited to 1

hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event that the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee.";

(iii) by striking the third sentence; and

(iv) in the fourth sentence, by striking "rescission bill or" and by striking "amendment, debatable motion," and by inserting "debatable motion";

(G) in paragraph (d)(3), by striking the second and third sentences; and

(H) by striking paragraphs (4), (5), (6), and (7) of paragraph (d).

(d) CLERICAL AMENDMENTS.—The item relating to section 1012 in the table of sections for subpart B of title X of the Congressional Budget and Impoundment Control Act of 1974 is amended to read as follows:

"Sec. 1012. Expedited consideration of certain proposed rescissions and targeted tax benefits.".

H.R. 2

OFFERED BY: MR. STENHOLM

AMENDMENT NO. 28: After section 1, add the following new center heading:

TITLE I—LINE ITEM VETO

Redesignate sections 2 through 6 as sections 101 through 105, respectively, and redesignate all cross-references accordingly.

At the end of section 101 (as redesignated), add the following new subsection:

(d) SPECIAL RULE.—For any rescission of budget authority, the President may either submit a special message under this section or under section 1012 of the Impoundment Control Act of 1974. Funds proposed to be rescinded under this section may not be proposed to be rescinded under section 1012 of that Act.

In sections 101 through 104, strike "this Act" each place it appears and insert "this title".

At the end, add the following:

TITLE II—EXPEDITED CONSIDERATION OF PROPOSED RESCISSIONS AND TARGETED TAX BENEFITS

SEC. 201. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS AND TARGETED TAX BENEFITS.

(a) IN GENERAL.—Section 1012 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 683) is amended to read as follows:

"EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS

"SEC. 1012. (a) PROPOSED RESCISSION OF BUDGET AUTHORITY OR REPEAL OF TARGETED TAX BENEFITS.—The President may propose, at the time and in the manner provided in subsection (b), the rescission of any budget authority provided in an appropriation Act or repeal of any targeted tax benefit provided in any revenue Act. If the President proposes a rescission of budget authority, he 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 amount of the proposed rescission. Funds made available for obligation under this procedure may not be proposed for rescission again under this section.

"(b) TRANSMITTAL OF SPECIAL MESSAGE.—

"(1) The President may transmit to Congress a special message proposing to rescind amounts of budget authority or to repeal any targeted tax benefit and include with that special message a draft bill that, if enacted, would only rescind that budget authority or repeal that targeted tax benefit. That bill shall clearly identify the amount of budget authority that is proposed to be rescinded for each program, project, or activity to which that budget authority relates or the targeted tax benefit proposed to be repealed, as the case may be. A targeted tax benefit may only be proposed to be repealed under this section during the 10-legislative-day period commencing on the day after the date of enactment of the provision proposed to be repealed.

"(2) In the case of an appropriation Act that includes accounts within the jurisdiction of more than one subcommittee of the Committee on Appropriations, the President in proposing to rescind budget authority under this section shall send a separate special message and accompanying draft bill for accounts within the jurisdiction of each such subcommittee.

"(3) Each special message shall specify, with respect to the budget authority proposed to be rescinded, the following—

"(A) the amount of budget authority which he proposes to be rescinded;

"(B) 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;

"(C) the reasons why the budget authority should be rescinded;

"(D) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed rescission;

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

Each special message shall specify, with respect to the proposed repeal of targeted tax benefits, the information required by subparagraphs (C), (D), and (E), as it relates to the proposed repeal.

(4) For any rescission of budget authority, the President may either submit a special message under this section or under section 101 of the Line Item Veto Act. Funds proposed to be rescinded under this section may not be proposed to be rescinded under section 101 of that Act.

"(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

"(1)(A) Before the close of the second legislative day of the House of Representatives after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of the House of Representatives shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence, then, on the third legislative day of the House of Representatives after the date of receipt of that special message, any Member of that House may introduce the bill.

"(B) The bill shall be referred to the Committee on Appropriations or the Committee on Ways and Means of the House of Representatives, as applicable. The committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of that House after the date of receipt of that special message. If that committee fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

"(C) During consideration under this paragraph, any Member of the House of Representatives may move to strike any proposed rescission or rescissions of budget authority or any proposed repeal of a targeted tax benefit, as applicable, if supported by 49 other Members.

"(D) A vote on final passage of the bill shall be taken in the House of Representatives on or before the close of the 10th legislative day of that House after the date of the introduction of the bill in that House. If the bill is passed, the Clerk of the House of Representatives shall cause the bill to be engrossed, certified, and transmitted to the Senate within one calendar day of the day on which the bill is passed.

"(2)(A) A motion in the House of Representatives to proceed to the consideration of a bill under this section shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the House of Representatives on a bill under this section shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this section or to move to reconsider the vote by which the bill is agreed to or disagreed to.

"(C) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

"(D) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a bill under this section shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any rescission bill introduced pursuant to the provisions of this section under a suspension of the rules or under a special rule.

"(3)(A) A bill transmitted to the Senate pursuant to paragraph (1)(D) shall be referred to its Committee on Appropriations or Committee on Finance, as applicable. That committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of the Senate after it receives the bill. A committee failing to report the bill within such period shall be automatically discharged from consideration of the bill, and the bill shall be placed upon the appropriate calendar.

"(B) During consideration under this paragraph, any Member of the Senate may move to strike any proposed rescission or rescissions of budget authority or any proposed repeal of a targeted tax benefit, as applicable, if supported by 14 other Members.

"(4)(A) A motion in the Senate to proceed to the consideration of a bill under this section shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the Senate on a bill under this section, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (C)), shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(C) Debate in the Senate on any debatable motion or appeal in connection with a bill under this section shall be limited to not more than 1 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 time under their control on the passage of a bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(D) A motion in the Senate to further limit debate on a bill under this section is not debatable. A motion to recommit a bill under this section is not in order.

"(d) AMENDMENTS AND DIVISIONS PROHIBITED.—Except as otherwise provided by this section, no amendment to a bill considered under this section shall be in order in either the House of Representatives or the Senate. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole) or in the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House to suspend the application of this subsection by unanimous consent.

"(e) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.—(1) Any amount of budget authority proposed to be rescinded in a special message transmitted to Congress under subsection (b) shall be made available for obligation on the day after the date on which either House rejects the bill transmitted with that special message.

"(2) Any targeted tax benefit proposed to be repealed under this section as set forth in a special message transmitted by the President shall not be deemed repealed unless the bill transmitted with that special message is enacted into law.

"(f) DEFINITIONS.—For purposes of this section—

"(1) the term 'appropriation Act' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations;

"(2) the term 'legislative day' means, with respect to either House of Congress, any day of session; and

"(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 'beneficiary' means any taxpayer or any corporation, partnership, institution, organization, item of property, State, or civil subdivision within one or more States. 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.".

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking "and 1017" and inserting "1012, and 1017"; and

(2) in subsection (d), by striking "section 1017" and inserting "sections 1012 and 1017"; and

(c) CONFORMING AMENDMENTS.—

(1) Section 1011 of the Congressional Budget Act of 1974 (2 U.S.C. 682(5)) is amended by repealing paragraphs (3) and (5) and by redesignating paragraph (4) as paragraph (3).

(2) Section 1014 of such Act (2 U.S.C. 685) is amended—

(A) in subsection (b)(1), by striking "or the reservation"; and

(B) in subsection (e)(1), by striking "or a reservation" and by striking "or each such reservation".

(3) Section 1015(a) of such Act (2 U.S.C. 686) is amended by striking "is to establish a reserve or", by striking "the establishment of such a reserve or", and by striking "reserve or" each other place it appears.

(4) Section 1017 of such Act (2 U.S.C. 687) is amended—

(A) in subsection (a), by striking "rescission bill introduced with respect to a special message or";

(B) in subsection (b)(1), by striking "rescission bill or", by striking "bill or" the second place it appears, by striking "rescission bill with respect to the same special message or", and by striking ", and the case may be,";

(C) in subsection (b)(2), by striking "bill or" each place it appears;

(D) in subsection (c), by striking "rescission" each place it appears and by striking "bill or" each place it appears;

(E) in subsection (d)(1), by striking "rescission bill or" and by striking ", and all amendments thereto (in the case of a rescission bill)";

(F) in subsection (d)(2)—

(i) by striking the first sentence;

(ii) by amending the second sentence to read as follows: "Debate on any debatable motion or appeal in connection with an impoundment resolution shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event that the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee.";

(iii) by striking the third sentence; and

(iv) in the fourth sentence, by striking "rescission bill or" and by striking "amendment, debatable motion," and by inserting "debatable motion";

(G) in paragraph (d)(3), by striking the second and third sentences; and

(H) by striking paragraphs (4), (5), (6), and (7) of paragraph (d).

(d) CLERICAL AMENDMENTS.—The item relating to section 1012 in the table of sections for subpart B of title X of the Congressional Budget and Impoundment Control Act of 1974 is amended to read as follows:

"Sec. 1012. Expedited consideration of certain proposed rescissions and targeted tax benefits.".

H.R. 2

OFFERED BY: MS. WATERS

AMENDMENT NO. 29: The first sentence of paragraph (3) of section 4 is amended by inserting "or which the President determines would yield at least 50 percent of its benefit to the top 10 percent of income earners" before the period.

H.R. 2

OFFERED BY: MS. WATERS

AMENDMENT NO. 30: The first sentence of paragraph (3) of section 4 is amended by inserting "or which the President determines would yield at least 20 percent of its benefit to the top 1 percent of income earners" before the period.

H.R. 2

OFFERED BY: MR. WISE

AMENDMENT NO. 31: Strike all after the enacting clause and insert the following:

SECTION 1. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS AND TARGETED TAX BENEFITS.

(a) IN GENERAL.—Section 1012 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 683) is amended to read as follows:

"EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS

"SEC. 1012. (a) PROPOSED RESCISSION OF BUDGET AUTHORITY OR REPEAL OF TARGETED TAX BENEFITS.—The President may propose, at the time and in the manner provided in subsection (b), the rescission of any budget authority provided in an appropriation Act or repeal of any targeted tax benefit provided in any revenue Act. If the President proposes a rescission of budget authority, he 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 amount of the proposed rescission. Funds made available for obligation under this procedure may not be proposed for rescission again under this section.

"(b) TRANSMITTAL OF SPECIAL MESSAGE.—

"(1) The President may transmit to Congress a special message proposing to rescind amounts of budget authority or to repeal any targeted tax benefit and include with that special message a draft bill that, if enacted, would only rescind that budget authority or repeal that targeted tax benefit unless the President also proposes a reduction in the appropriate discretionary spending limit set forth in section 601(a)(2) of the Congressional Budget Act of 1974. That bill shall clearly identify the amount of budget authority that is proposed to be rescinded for each program, project, or activity to which that budget authority relates or the targeted tax benefit proposed to be repealed, as the case may be. A targeted tax benefit may only be proposed to be repealed under this section during the 10-legislative-day period commencing on the day after the date of enactment of the provision proposed to be repealed.

"(2) In the case of an appropriation Act that includes accounts within the jurisdiction of more than one subcommittee of the Committee on Appropriations, the President in proposing to rescind budget authority under this section shall send a separate special message and accompanying draft bill for accounts within the jurisdiction of each such subcommittee.

"(3) Each special message shall specify, with respect to the budget authority proposed to be rescinded, the following—

"(A) the amount of budget authority which he proposes to be rescinded;

"(B) 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;

"(C) the reasons why the budget authority should be rescinded;

"(D) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed rescission;

"(E) all facts, circumstances, and considerations relating to or bearing upon the proposed rescission and the decision to effect the proposed rescission, and to the maximum extent practicable, the estimated effect of the proposed rescission upon the objects, purposes, and programs for which the budget authority is provided; and

"(F) a reduction in the appropriate discretionary spending limit set forth in section 601(a)(2) of the Congressional Budget Act of 1974, if proposed by the President.

Each special message shall specify, with respect to the proposed repeal of targeted tax benefits, the information required by subparagraphs (C), (D), and (E), as it relates to the proposed repeal.

"(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

"(1)(A) Before the close of the second legislative day of the House of Representatives after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of the House of Representatives shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence, then, on the third legislative day of the House of Representatives after the date of receipt of that special message, any Member of that House may introduce the bill.

"(B) The bill shall be referred to the Committee on Appropriations or the Committee on Ways and Means of the House of Representatives, as applicable. The committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of that House after the date of receipt of that special message. If that committee fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

"(C) During consideration under this paragraph, any Member of the House of Representatives may move to strike any proposed rescission or rescissions of budget authority or any proposed repeal of a targeted tax benefit, as applicable, if supported by 49 other Members.

"(D) A vote on final passage of the bill shall be taken in the House of Representatives on or before the close of the 10th legislative day of that House after the date of the introduction of the bill in that House. If the bill is passed, the Clerk of the House of Representatives shall cause the bill to be engrossed, certified, and transmitted to the Senate within one calendar day of the day on which the bill is passed.

"(2)(A) A motion in the House of Representatives to proceed to the consideration of a bill under this section shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the House of Representatives on a bill under this section shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this section or to move to reconsider the vote by which the bill is agreed to or disagreed to.

"(C) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

"(D) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a bill under this section shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any rescission bill introduced pursuant to the provisions of this section under a suspension of the rules or under a special rule.

"(3)(A) A bill transmitted to the Senate pursuant to paragraph (1)(D) shall be referred to its Committee on Appropriations or Committee on Finance, as applicable. That committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of the Senate after it receives the bill. A committee failing to report the bill within such period shall be automatically discharged from consideration of the bill, and the bill shall be placed upon the appropriate calendar.

"(B) During consideration under this paragraph, any Member of the Senate may move to strike any proposed rescission or rescissions of budget authority or any proposed repeal of a targeted tax benefit, as applicable, if supported by 14 other Members.

"(4)(A) A motion in the Senate to proceed to the consideration of a bill under this section shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the Senate on a bill under this section, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (C)), shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(C) Debate in the Senate on any debatable motion or appeal in connection with a bill under this section shall be limited to not more than 1 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 time under their control on the passage of a bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(D) A motion in the Senate to further limit debate on a bill under this section is not debatable. A motion to recommit a bill under this section is not in order.

"(d) AMENDMENTS AND DIVISIONS PROHIBITED.—Except as otherwise provided by this section, no amendment to a bill considered under this section shall be in order in either the House of Representatives or the Senate. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole) or in the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House to suspend the application of this subsection by unanimous consent.

"(e) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.—(1) Any amount of budget authority proposed to be rescinded in a special message transmitted to Congress under subsection (b) shall be made available for obligation on the day after the date on which either House rejects the bill transmitted with that special message.

"(2) Any targeted tax benefit proposed to be repealed under this section as set forth in a special message transmitted by the President shall not be deemed repealed unless the bill transmitted with that special message is enacted into law.

"(f) DEFINITIONS.—For purposes of this section—

"(1) the term 'appropriation Act' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations;

"(2) the term 'legislative day' means, with respect to either House of Congress, any day of session; and

"(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".

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking "and 1017" and inserting "1012, and 1017"; and

(2) in subsection (d), by striking "section 1017" and inserting "sections 1012 and 1017"; and

(c) CONFORMING AMENDMENTS.—

(1) Section 1011 of the Congressional Budget Act of 1974 (2 U.S.C. 682(5)) is amended by repealing paragraphs (3) and (5) and by redesignating paragraph (4) as paragraph (3).

(2) Section 1014 of such Act (2 U.S.C. 685) is amended—

(A) in subsection (b)(1), by striking "or the reservation"; and

(B) in subsection (e)(1), by striking "or a reservation" and by striking "or each such reservation".

(3) Section 1015(a) of such Act (2 U.S.C. 686) is amended by striking "is to establish a reserve or", by striking "the establishment of such a reserve or", and by striking "reserve or" each other place it appears.

(4) Section 1017 of such Act (2 U.S.C. 687) is amended—

(A) in subsection (a), by striking "rescission bill introduced with respect to a special message or";

(B) in subsection (b)(1), by striking "rescission bill or", by striking "bill or" the second place it appears, by striking "rescission bill with respect to the same special message or", and by striking ", and the case may be,";

(C) in subsection (b)(2), by striking "bill or" each place it appears;

(D) in subsection (c), by striking "rescission" each place it appears and by striking "bill or" each place it appears;

(E) in subsection (d)(1), by striking "rescission bill or" and by striking ", and all amendments thereto (in the case of a rescission bill)";

(F) in subsection (d)(2)—

(i) by striking the first sentence;

(ii) by amending the second sentence to read as follows: "Debate on any debatable motion or appeal in connection with an impoundment resolution shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event that the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee.";

(iii) by striking the third sentence; and

(iv) in the fourth sentence, by striking "rescission bill or" and by striking "amendment, debatable motion," and by inserting "debatable motion";

(G) in paragraph (d)(3), by striking the second and third sentences; and

(H) by striking paragraphs (4), (5), (6), and (7) of paragraph (d).

(d) CLERICAL AMENDMENTS.—The item relating to section 1012 in the table of sections for subpart B of title X of the Congressional Budget and Impoundment Control Act of 1974 is amended to read as follows:

"Sec. 1012. Expedited consideration of certain proposed rescissions and targeted tax benefits.".

H.R. 2

OFFERED BY: MR. ZIMMER

AMENDMENT NO. 32: Section 5(d)(2) is amended by striking the eighth and ninth sentences and inserting the following:

No amendment to the bill is in order except amendments to strike any rescission or rescissions of budget authority. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion.