

Frost	Markey	Rivers
Furse	Martinez	Roemer
Gejdenson	Mascara	Rose
Gephardt	Matsui	Roybal-Allard
Geren	McCarthy	Sabo
Gibbons	McDermott	Sanders
Gonzalez	McHale	Sawyer
Gordon	McKinney	Schroeder
Green	McNulty	Schumer
Gutierrez	Meehan	Scott
Hamilton	Meek	Serrano
Harman	Menendez	Sisisky
Hastings (FL)	Mfume	Skaggs
Hilliard	Miller (CA)	Slaughter
Hinchey	Mineta	Stenholm
Holden	Minge	Studds
Hoyer	Mink	Stupak
Jackson-Lee	Moakley	Tanner
Johnson (SD)	Montgomery	Tejeda
Johnson, E.B.	Moran	Thompson
Johnston	Murtha	Thornton
Kanjorski	Nadler	Thurman
Kaptur	Oberstar	Torres
Kennedy (MA)	Obey	Towns
Kennedy (RI)	Oliver	Traficant
Kennelly	Ortiz	Velazquez
Kildee	Orton	Vento
Klecza	Owens	Visclosky
Klink	Pallone	Volkmer
LaFalce	Pastor	Ward
Lantos	Payne (VA)	Waters
Laughlin	Pelosi	Watt (NC)
Levin	Peterson (FL)	Waxman
Lewis (GA)	Peterson (MN)	Wilson
Lincoln	Pickett	Wise
Lipinski	Pomeroy	Woolsey
Lofgren	Poshard	Wyden
Lowe	Rangel	Wynn
Luther	Reed	Yates
Maloney	Reynolds	
Manton	Richardson	

NOT VOTING—16

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

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

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

□ 1754

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

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HEFLEY) having assumed the chair, Mr. EMERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the Bill (H.R. 5) to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates on the private sector, and for other purposes, had come to no resolution thereon.

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

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

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

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

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

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

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

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

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

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

The Republicans on this side of the aisle have closed down our legislative service organizations so our women, the African-Americans, our Hispanics have had their voices shut. We have had the Democratic Study Group moved off of the Hill; we have had public broadcasting attacks; we have had voices across this country and in this institution attacked; and we will not stand for a gag rule on this bill.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The SPEAKER pro tempore. The request is withdrawn.

UNFUNDED MANDATE REFORM ACT OF 1995

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

□ 1800

IN THE COMMITTEE OF THE WHOLE

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

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole arose earlier today, the motion to limit debate on each amendment to section 4, and any

amendment thereto, to 10 minutes, offered by the gentleman from Pennsylvania [Mr. CLINGER], had been agreed to.

Are there further amendments to section 4?

MOTION TO RISE OFFERED BY MR. VOLKMER

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

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

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

RECORDED VOTE

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

A recorded vote was ordered.

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

[Roll No. 59]

AYES—159

Abercrombie	Frank (MA)	Olver
Ackerman	Frost	Ortiz
Andrews	Furse	Orton
Baesler	Gejdenson	Owens
Baldacci	Gephardt	Pallone
Barcia	Gonzalez	Pastor
Becerra	Gutierrez	Payne (NJ)
Bentsen	Hall (OH)	Pelosi
Berman	Hamilton	Peterson (FL)
Bevill	Hastings (FL)	Peterson (MN)
Bishop	Hilliard	Pomeroy
Bonior	Hinchey	Poshard
Borski	Holden	Rangel
Boucher	Jackson-Lee	Reed
Brewster	Jacobs	Richardson
Brown (FL)	Johnson (SD)	Rivers
Brown (OH)	Johnston	Roemer
Bryant (TX)	Kanjorski	Rose
Cardin	Kaptur	Roybal-Allard
Chapman	Kennedy (MA)	Sabo
Clay	Kennedy (RI)	Sanders
Clayton	Kennelly	Sawyer
Clement	Kildee	Schroeder
Clyburn	LaFalce	Schumer
Coleman	Lantos	Scott
Collins (IL)	Levin	Serrano
Collins (MI)	Lewis (GA)	Skaggs
Conyers	Lipinski	Slaughter
Costello	Lofgren	Spratt
Coyne	Lowey	Stark
Cramer	Luther	Stokes
de la Garza	Maloney	Studds
DeFazio	Manton	Stupak
DeLauro	Markey	Tejeda
Dellums	Martinez	Thompson
Deutsch	Mascara	Thurman
Dicks	Matsui	Torricelli
Dingell	McCarthy	Towns
Dixon	McDermott	Trafficant
Doggett	McHale	Tucker
Durbin	McKinney	Velazquez
Edwards	Meehan	Visclosky
Engel	Meek	Volkmer
Eshoo	Menendez	Ward
Evans	Mfume	Waters
Farr	Miller (CA)	Watt (NC)
Fattah	Mineta	Waxman
Fazio	Minge	Williams
Fields (LA)	Mink	Wise
Filner	Moakley	Woolsey
Flake	Mollohan	Wyden
Foglietta	Moran	Wynn
Ford	Nadler	Yates

NOES—266

Allard	Beilenson	Bunn
Archer	Bereuter	Bunning
Armey	Bilbray	Burr
Bachus	Bilirakis	Burton
Baker (CA)	Bliley	Buyer
Baker (LA)	Blute	Callahan
Ballenger	Boehlert	Calvert
Barr	Boehner	Camp
Barrett (NE)	Bonilla	Canady
Barrett (WI)	Bono	Castle
Bartlett	Browder	Chabot
Barton	Brownback	Chambliss
Bateman	Bryant (TN)	Chenoweth

Christensen	Hoekstra	Porter
Chrysler	Hoke	Portman
Clinger	Horn	Pryce
Coble	Hostettler	Quillen
Coburn	Houghton	Quinn
Collins (GA)	Hoyer	Radanovich
Combest	Hunter	Rahall
Condit	Hutchinson	Ramstad
Cooley	Hyde	Regula
Cox	Inglis	Reynolds
Crane	Istook	Riggs
Crapo	Johnson (CT)	Roberts
Creameans	Johnson, E. B.	Rogers
Cubin	Johnson, Sam	Rohrabacher
Cunningham	Jones	Ros-Lehtinen
Danner	Kasich	Roth
Davis	Kelly	Roukema
Deal	Kim	Royce
DeLay	King	Salmon
Diaz-Balart	Kingston	Sanford
Dickey	Klecza	Saxton
Dooley	Klink	Scarborough
Doolittle	Klug	Schaefer
Dorman	Knollenberg	Schiff
Doyle	Kolbe	Seastrand
Dreier	LaHood	Sensenbrenner
Duncan	Largent	Shadegg
Dunn	Latham	Shaw
Ehlers	LaTourette	Shays
Ehrlich	Laughlin	Shuster
Emerson	Lazio	Sisisky
English	Lewis (CA)	Skeen
Ensign	Lewis (KY)	Skelton
Everett	Lightfoot	Smith (MI)
Ewing	Lincoln	Smith (NJ)
Fawell	Linder	Smith (TX)
Fields (TX)	Livingston	Smith (WA)
Flanagan	LoBiondo	Solomon
Foley	Longley	Souder
Forbes	Lucas	Spence
Fowler	Manzullo	Stearns
Fox	Martini	Stenholm
Franks (CT)	McCollum	Stockman
Franks (NJ)	McCrery	Stump
Frelinghuysen	McDade	Talent
Frisa	McHugh	Tanner
Funderburk	McInnis	Tate
Gallegly	McIntosh	Tauzin
Ganske	McKeon	Taylor (MS)
Gekas	McNulty	Taylor (NC)
Geren	Metcalf	Thomas
Gibbons	Meyers	Thornberry
Gilchrest	Mica	Thornton
Gillmor	Miller (FL)	Tiahrt
Gilman	Molinari	Torkildsen
Goodlatte	Montgomery	Torres
Goodling	Moorhead	Upton
Gordon	Morella	Vento
Goss	Murtha	Vucanovich
Graham	Myers	Waldholtz
Green	Myrick	Walker
Greenwood	Nethercutt	Walsh
Gunderson	Neumann	Wamp
Gutknecht	Ney	Watts (OK)
Hall (TX)	Norwood	Weldon (FL)
Hancock	Nussle	Weller
Hansen	Oberstar	White
Harman	Obey	Whitfield
Hastings (WA)	Oxley	Wicker
Hayes	Packard	Wilson
Hayworth	Parker	Wolf
Hefley	Paxon	Young (AK)
Heineman	Payne (VA)	Young (FL)
Herger	Petri	Zeliff
Hilleary	Pickett	Zimmer
Hobson	Pombo	

NOT VOTING—9

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

□ 1820

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

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

□ 1820

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

Mr. Chairman and my colleagues, I rise to express my concern and my sense of frustration in regard to the procedure that is now being followed in

reference to this debate, and I rise as the cochairman of the Unfunded Mandates Caucus. I am not a member of the committee of jurisdiction, but I rise with a deep-seated feeling that a great majority in this House wants to finish this bill, and I would hope that we could do that.

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

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

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

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

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

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

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

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

been considered, and 2 amendments have been passed.

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

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

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

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

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

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

The interesting thing about this is that we are going to rush to judgment about the amendments that we have. We have a gag rule that has been imposed upon us tonight. We find ourselves without the ability—we found ourselves without the ability in committee to offer amendments, and now we have the gag rule.

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

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

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

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

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

Mr. Chairman, with all due respect to the gentlemen on the other side of the aisle who raised the question about

why we are moving the way we are, I want to go back to the comment made by the gentlewoman from Illinois: This is a deliberative body.

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

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

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

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

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

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

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

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

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

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

□ 1830

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

Mr. Chairman, I know we are all trying to be as fair as we possibly can.

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

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

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

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

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

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

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

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

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

you start at 5 p.m., who starts at 5 p.m. with their workday and expects to get their job done?

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

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

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

But our side has pledged and the Committee on Rules chairman has just stated that we wanted to be as fair as possible and have open rules. And toward that end, you have an open rule before you right now and there has been debate going on ad infinitum on this particular piece of legislation.

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

So I would just like to say to those of you who suffered in this last election and do not apparently have any ideas with which to do combat with the Contract With America that it would be in your interests to let open rules come down in an orderly manner, and conduct the business of this House. If you do not do that, we are going to get the Contract With America to this floor, and they are going to be voted on. If we have to stay here every night for months on end, we are going to get

that done. And the American people, when they see the tactics you are employing to slow down what they wanted and what they elected us to do, it is going to cost you even more dearly in 1996.

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

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

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

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

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

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

AMENDMENTS OFFERED BY MR. BORSKI

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

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. BORSKI:

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

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

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

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

(i) cancer or teratogenic effects; or

(ii) serious or irreversible—

(I) reproductive dysfunctions;

(II) neurological disorders;

(III) heritable genetic mutations; or

(IV) other chronic health effects.

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

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

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

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

"(i) cancer or teratogenic effects; or

"(ii) serious or irreversible—

"(I) reproductive dysfunctions;

"(II) neurological disorders;

"(III) heritable genetic mutations; or

"(IV) other chronic health effects.

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

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

There was no objection.

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

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

□ 1840

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Chairman, I would suggest there is an analogy here to what we have been doing in the Committee of the

Whole, because a number of these amendments are in fact repetitive. We have dealt with at least one amendment having to do with the Clean Water Act and with its reauthorization, and that was earlier in our debate. There are at least eight more pending in that regard.

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

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

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

So I would urge my colleagues on the other side of the aisle to heed the suggestion of their President to move this bill as expeditiously as possible. This, again, is an amendment that deals with a very, very important piece of legislation. It deals with a very important issue. The only question is, does it rise to any higher level of concern than all of the other exemptions that we have been considering.

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

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

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

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

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

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

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

I support the Borski amendment.

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

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

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

Mr. BORSKI. Mr. Chairman, I yield 45 seconds to the distinguished gentleman from California [Mr. MINETA], who is wearing the pride of the Super Bowl victors on his shirt. I would remind the gentleman that the Eagles defeated the 49ers 40 to 8.

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

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

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

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

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

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

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

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

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

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

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

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

I urge my colleagues to support the Borski amendment.

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

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

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

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

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

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

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

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

□ 1850

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Chairman, I have here a copy of a water bill and sewer bill from the city of Albuquerque from this month that was sent to a constituent. For his sewer charge, it shows: base charge, \$13.08; unfunded Federal mandate to re-

move ammonia, \$12.15. In other words, a Federal requirement to remove one product from the sewer system is equal in cost, to the residents I represent, to their whole base charge for all of the other costs of running the sewer system.

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

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

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

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

The CHAIRMAN. The Clerk will designate the amendment.

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

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

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

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

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

RECORDED VOTE

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

A recorded vote was ordered.

ANNOUNCEMENT BY THE CHAIRMAN

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

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

[Roll No. 60]

AYES—114

Abercrombie	Coleman	Farr
Ackerman	Collins (MI)	Fazio
Barcia	Conyers	Fields (LA)
Becerra	Coyne	Filner
Bentsen	Danner	Flake
Bishop	Dellums	Frank (MA)
Bonior	Deutsch	Furse
Brown (FL)	Dicks	Gejdenson
Brown (OH)	Dingell	Gephardt
Bryant (TX)	Dixon	Gibbons
Clay	Engel	Green
Clayton	Eshoo	Hastings (FL)
Clyburn	Evans	Hilliard

Hinchey	Meehan	Schumer	Obey	Royce	Tate	LaFalce	Murtha	Slaughter
Hoyer	Meek	Scott	Olver	Salmon	Tauzin	Lantos	Nadler	Spratt
Jackson-Lee	Mfume	Serrano	Orton	Sanford	Taylor (MS)	Lewis (GA)	Oberstar	Stark
Johnson (SD)	Miller (CA)	Slaughter	Oxley	Sawyer	Taylor (NC)	Lincoln	Obey	Stokes
Johnson, E. B.	Mineta	Stark	Packard	Saxton	Tejeda	Lipinski	Olver	Studds
Johnston	Mink	Stokes	Parker	Scarborough	Thomas	Lofgren	Owens	Stupak
Kanjorski	Mollohan	Studds	Paxon	Schaefer	Thornberry	Lowe	Pallone	Taylor (MS)
Kennedy (MA)	Nadler	Stupak	Payne (VA)	Schiff	Thurman	Luther	Pastor	Thompson
Kennedy (RI)	Ortiz	Thompson	Peterson (FL)	Seastrand	Tiahrt	Maloney	Payne (NJ)	Thornton
Kildee	Owens	Thornton	Peterson (MN)	Sensenbrenner	Torkildsen	Manton	Pelosi	Thurman
Klink	Pallone	Torres	Petri	Shadegg	Traficant	Martinez	Pomeroy	Torres
LaFalce	Pastor	Torricelli	Pickett	Shaw	Upton	Mascara	Poshard	Torricelli
Lantos	Payne (NJ)	Towns	Pombo	Shays	Vucanovich	Matsui	Rahall	Towns
Lewis (GA)	Pelosi	Tucker	Pomeroy	Shuster	Waldholtz	McCarthy	Rangel	Traficant
Lipinski	Rangel	Velazquez	Porter	Sisisky	Walker	McDermott	Reed	Tucker
Lofgren	Reed	Vento	Portman	Skaggs	Walsh	McHale	Reynolds	Velazquez
Maloney	Reynolds	Visclosky	Poshard	Skeen	Wamp	McKinney	Richardson	Vento
Manton	Richardson	Volkmer	Pryce	Skelton	Watts (OK)	Meehan	Rivers	Visclosky
Markey	Rivers	Ward	Quillen	Smith (MI)	Waxman	Meek	Rose	Volkmer
Martinez	Rose	Waters	Quinn	Smith (NJ)	Weldon (FL)	Menendez	Roybal-Allard	Ward
Mascara	Roybal-Allard	Watt (NC)	Radanovich	Smith (TX)	Weller	Mfume	Rush	Waters
Matsui	Rush	Wise	Rahall	Smith (WA)	White	Miller (CA)	Sabo	Watt (NC)
McCarthy	Sabo	Woolsey	Ramstad	Solomon	Whitfield	Mineta	Sanders	Waxman
McDermott	Sanders	Wynn	Regula	Souder	Wicker	Minge	Sawyer	Williams
McKinney	Schroeder	Yates	Riggs	Spence	Williams	Mink	Schroeder	Wise
			Roberts	Spratt	Wilson	Moakley	Schumer	Woolsey
			Roemer	Stearns	Wolf	Mollohan	Scott	Wyden
			Rogers	Stenholm	Wyden	Montgomery	Serrano	Wynn
			Rohrabacher	Stockman	Young (AK)	Moran	Skaggs	Yates
			Ros-Lehtinen	Stump	Young (FL)			
			Roth	Talent	Zeliff			
			Roukema	Tanner	Zimmer			

NOES—312

Allard	DeFazio	Hostettler
Andrews	DeLauro	Houghton
Archer	DeLay	Hunter
Army	Diaz-Balart	Hutchinson
Bachus	Dickey	Hyde
Baesler	Doggett	Inglis
Baker (CA)	Dooley	Istook
Baker (LA)	Doolittle	Jacobs
Baldacci	Dornan	Johnson (CT)
Ballenger	Doyle	Johnson, Sam
Barr	Dreier	Jones
Barrett (NE)	Duncan	Kaptur
Barrett (WI)	Dunn	Kasich
Bartlett	Durbin	Kelly
Barton	Edwards	Kennelly
Bass	Ehlers	Kim
Bateman	Ehrlich	King
Beilenson	Emerson	Kingston
Bereuter	English	Klecza
Berman	Ensign	Klug
Bevill	Everett	Knollenberg
Bilbray	Ewing	Kolbe
Bilirakis	Fattah	LaHood
Bliley	Fawell	Largent
Blute	Fields (TX)	Latham
Boehlert	Flanagan	LaTourette
Boehner	Foglietta	Laughlin
Bonilla	Foley	Lazio
Bono	Forbes	Levin
Borski	Ford	Lewis (CA)
Boucher	Fowler	Lewis (KY)
Brewster	Fox	Lightfoot
Browder	Franks (CT)	Lincoln
Brownback	Franks (NJ)	Linder
Bryant (TN)	Frelinghuysen	Livingston
Bunn	Frisa	LoBiondo
Bunning	Frost	Longley
Burr	Funderburk	Lowe
Burton	Gallely	Lucas
Buyer	Ganske	Luther
Callahan	Gekas	Manzullo
Calvert	Geren	Martini
Camp	Gilchrest	McCollum
Canady	Gillmor	McCrery
Cardin	Gilman	McDade
Castle	Gonzalez	McHale
Chabot	Goodlatte	McHugh
Chambliss	Goodling	McInnis
Chapman	Gordon	McIntosh
Chenoweth	Goss	McKeon
Christensen	Graham	McNulty
Chrysler	Greenwood	Menendez
Clement	Gunderson	Metcalf
Clinger	Gutierrez	Meyers
Coble	Gutknecht	Mica
Coburn	Hall (OH)	Miller (FL)
Collins (GA)	Hall (TX)	Minge
Collins (IL)	Hamilton	Moakley
Combest	Hancock	Molinari
Condit	Hansen	Montgomery
Cooley	Hastings (WA)	Moorhead
Costello	Hayes	Moran
Cox	Hayworth	Morella
Cramer	Hefley	Murtha
Crane	Heineman	Myers
Crapo	Herger	Myrick
Cremeans	Hilleary	Nethercutt
Cubin	Hobson	Neumann
Cunningham	Hoekstra	Ney
Davis	Hoke	Norwood
de la Garza	Holden	Nussle
Deal	Horn	Oberstar

NOES—263

Allard	Dunn	Klug
Andrews	Edwards	Knollenberg
Archer	Ehlers	Kolbe
Army	Ehrlich	LaHood
Bachus	Emerson	Largent
Baesler	English	Latham
Baker (CA)	Ensign	LaTourette
Baker (LA)	Everett	Laughlin
Baldacci	Ewing	Lazio
Ballenger	Fawell	Leach
Barr	Fields (TX)	Levin
Barrett (NE)	Flanagan	Lewis (CA)
Bartlett	Foley	Lewis (KY)
Barton	Forbes	Lightfoot
Bass	Fowler	Linder
Bateman	Fox	Livingston
Bereuter	Frank (MA)	LoBiondo
Bilbray	Franks (CT)	Longley
Bilirakis	Franks (NJ)	Lucas
Bliley	Frelinghuysen	Manzullo
Blute	Frisa	Markley
Boehlert	Funderburk	Martini
Boehner	Gallely	McCollum
Bonilla	Ganske	McCrery
Bono	Gekas	McDade
Brewster	Geren	McHugh
Browder	Gilchrest	McInnis
Brownback	Gillmor	McIntosh
Bryant (TN)	Gilman	McKeon
Bunn	Goodlatte	McNulty
Bunning	Goodling	Metcalf
Burr	Goss	Meyers
Buyer	Graham	Mica
Callahan	Greenwood	Miller (FL)
Calvert	Gunderson	Molinari
Camp	Gutknecht	Moorhead
Canady	Hall (OH)	Morella
Castle	Hall (TX)	Myers
Chabot	Hamilton	Myrick
Chambliss	Hancock	Nethercutt
Chapman	Hansen	Neumann
Chenoweth	Hastings (WA)	Ney
Christensen	Hayes	Norwood
Chrysler	Hayworth	Nussle
Clinger	Hefley	Ortiz
Coble	Heineman	Orton
Coburn	Herger	Oxley
Collins (GA)	Hilleary	Packard
Collins (IL)	Hobson	Parker
Combest	Hoekstra	Paxon
Condit	Hoke	Payne (VA)
Cooley	Horn	Peterson (FL)
Costello	Hostettler	Peterson (MN)
Cox	Houghton	Petri
Cramer	Hunter	Pickett
Crane	Hutchinson	Pombo
Crapo	Hyde	Porter
Cremeans	Inglis	Portman
Cubin	Istook	Pryce
Cunningham	Johnson (CT)	Quillen
Davis	Johnson, Sam	Quinn
Deal	Jones	Radanovich
DeLay	Kasich	Ramstad
Diaz-Balart	Dooley	Regula
Dickey	Doolittle	Riggs
Dole	Dornan	Roberts
Dreier	Dreier	Roemer
Duncan	Kingston	Rogers

NOT VOTING—8

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

□ 1911

Mr. MORAN changed his vote from “aye” to “no.”

Mr. HILLIARD changed his vote from “no” to “aye.”

So the amendment to the amendments was rejected.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

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

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

[Roll No. 61]

AYES—162

Abercrombie	Costello	Furse
Ackerman	Coyne	Gedenson
Barcia	Danner	Gephardt
Barrett (WI)	DeFazio	Gibbons
Becerra	DeLauro	Gonzalez
Beilenson	Dellums	Gordon
Bentsen	Deutsch	Green
Berman	Dicks	Gutierrez
Bevill	Dingell	Hastings (FL)
Bishop	Dixon	Hilliard
Bonior	Doggett	Hinchey
Borski	Doyle	Holden
Boucher	Durbin	Hoyer
Brown (FL)	Engel	Jackson-Lee
Brown (OH)	Eshoo	Jacobs
Bryant (TX)	Evans	Johnson (SD)
Cardin	Farr	Johnson, E. B.
Clay	Fattah	Johnston
Clayton	Fazio	Kanjorski
Clement	Fields (LA)	Kaptur
Clyburn	Filner	Kennedy (RI)
Coleman	Flake	Kennelly
Collins (IL)	Foglietta	Kildee
Collins (MI)	Ford	Klecza
Conyers	Frost	Klink

Rohrabacher	Smith (MI)	Torkildsen
Ros-Lehtinen	Smith (NJ)	Upton
Roth	Smith (TX)	Vucanovich
Roukema	Smith (WA)	Waldholtz
Royce	Solomon	Walker
Salmon	Souder	Walsh
Sanford	Spence	Wamp
Saxton	Stearns	Watts (OK)
Scarborough	Stenholm	Weldon (FL)
Schaefer	Stockman	Weller
Schiff	Stump	White
Seastrand	Talent	Whitfield
Sensenbrenner	Tanner	Wicker
Shadegg	Tate	Wilson
Shaw	Tauzin	Wolf
Shays	Taylor (NC)	Young (AK)
Shuster	Tejeda	Young (FL)
Sisisky	Thomas	Zeliff
Skeen	Thornberry	Zimmer
Skelton	Tiahrt	

NOT VOTING—9

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

□ 1919

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

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

□ 1920

The CHAIRMAN. Are there further amendments to section 4?

AMENDMENTS OFFERED BY MR. CLAY

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

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

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

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

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

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

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

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

There was no objection.

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

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

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

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

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

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

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

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

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

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

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

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

Realize that literally 10,000 homeless are in the city of Houston; 1,500 of them are children; 150,000 are marginally homeless, doubling up, living with families, friends, and relatives; 30,000 are children; 250,000 are at risk of becoming homeless, living paycheck to

paycheck. Any layoff, downsizing, or illness will affect them, and throw a family into a homeless condition. Without safeguards such as our amendment, we put at risk every program that is designed to help the homeless and near homeless to self-sufficiency. Remember, what we are looking forward to is unfunded mandates not to burden our cities, counties, and towns. Then we need to look forward to assisting those who are seeking independence to go from dependence in order to make sure we avoid the homeless cycle.

Mr. Chairman, I am proud to offer this amendment today with my friend and colleague from Missouri, Mr. CLAY. As chairman of Houston's task force on homelessness, for many years I have worked on the issues of hunger and homelessness in the State of Texas. In my home city of Houston, we have over 10,000 homeless and many thousands of families who are perhaps only one paycheck away from losing their homes.

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

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

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

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

I urge my colleagues to seriously consider the ramifications that this legislation will have on homeless children and their families. Without safeguards such as our amendment, we