

trict, from the Julia C. Hester House in Houston, TX. This House has a compelling obligation to insure that no child in this Nation goes to bed hungry.

It has become evident to me that Republicans care only about one thing: the time remaining in their contract.

I believe the American people want a humane country; they want a country that is good for children. They want our children to eat.

Do not cut school lunches; do not cut nutrition programs for our children.

ANOTHER REGULATION IN BILL CLINTON'S AMERICA

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

Mr. LINDER. Mr. Speaker, John Shuler, a Montana rancher, was fined \$4,000 in 1993 for violating the Endangered Species Act. What was Mr. Shuler's crime? He shot and killed a grizzly bear that charged him on his own property.

Welcome to Bill Clinton's America.

This is just another of the many examples of outrageous Federal regulations that are hurting American competitiveness and, more simply, ticking Americans off.

I think it is incredibly important to understand the regulatory mindset that is at work in this administration. It is a mindset that assumes the worst about our fellow Americans, whether they be businessmen, property owners, or workers.

But all that begins to change when we pass the Regulatory Transition Act, which will institute a moratorium on new regulations. This moratorium will allow us time to carefully consider the entire issue of Federal regulation and to pass laws that preserve important safeguards while repealing those regulations that are counterproductive. This is what Americans said they wanted on November 8. And this is what we will deliver.

STOP DECLARING WAR ON OUR KIDS

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

Mr. DURBIN. Mr. Speaker, the Gingrich Republicans are now calling for an end to our national program of free and low-cost school lunches. The message of the Gingrich Republicans to America's hungry children is clear: "Let them eat the Republican Contract."

It is sad that our Republican colleagues have not taken the time to meet with teachers, who will tell you that for many of our Nation's kids the school lunch is the only nutritious meal in their day, the only way to help a listless child get ready to learn. Why are the Gingrich Republicans gutting the school lunch program? So that

they can give tax breaks to the wealthy, a group well represented by the lobbyists in this town.

Well, America's kids need their lobbyists in Washington, too. America needs to give the Gingrich Republicans a clear message: Stop declaring war on our kids.

THE ENDANGERED SPECIES ACT

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

Mr. CALVERT. Mr. Speaker, in the last Congress, rats, bugs, and even weeds were more important than people. Certain bureaucrats have become so eager to list new species as endangered, they have lost sight of the intent of the Endangered Species Act and ignored human concerns.

The Stephens kangaroo rat, considered not only to be endangered, was partly responsible for the destruction of 29 homes in my district. In fall 1993, southern California was battling several wildfires. Because homeowners lived in critical habitat they were unable to obey California law and clear dry weeds and brush away from their homes. It was even illegal for the California Department of Forestry and Fire Protection to set controlled fires so that they could reduce the amount of combustible materials. The result: 29 homes destroyed.

Well, Mr. Speaker, yesterday we struck a blow to rats and scored a touchdown for the American people. The Combest-Condit amendment to H.R. 450 sets not only a moratorium to the Endangered Species Act, but is retroactive to November 20, 1994. This may not bring back the 29 homes in my district, but it will help the American people realize that this Congress thinks they are more important than rats, bugs, and weeds.

FUNDING FOR THE CORPORATION FOR PUBLIC BROADCASTING

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

Mr. LEWIS of Georgia. Mr. Speaker, I rise in strong opposition to cuts in funding for the Corporation for Public Broadcasting. There are those who say we should abolish public radio and sell public television to cable. To those of my colleagues, I say to you, there are people in our country who cannot afford to pay \$400 a year for cable. There are those who will be left out and left behind, those who will be left in the dark, left in silence.

I know what it is like growing up in rural America. I grew up on a small farm just outside Troy, AL, in the heart of the segregated South.

Radio was my window to the larger world. It was on the radio that I first heard the Reverend Martin Luther King, Jr. I heard his voice—the voice of

the civil rights movement—and it became my cause, my purpose and my mission for the next 30 years of my life. That voice changed my life and the lives of millions of Americans.

Today, public broadcasting reaches out across this country, bringing non-violent children's shows, news, and job training programs. It brings light and hope into every corner of this Nation. Some of my colleagues say we cannot afford public broadcasting. I say, can we afford to live without it?

REGULATORY TRANSITION ACT OF 1995

The SPEAKER pro tempore (Mr. DICKEY). Pursuant to House Resolution 93 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. 450.

□ 0929

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. 450) to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, February 23, 1995, the amendment offered by the gentleman from Louisiana [Mr. HAYES] had been disposed of and the bill was open for amendment at any point.

Three hours and thirty minutes remain for consideration of amendments under the 5-minute rule.

Are there further amendments to the bill?

□ 0930

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state his inquiry.

Mr. VOLKMER. My inquiry is, Mr. Chairman, concerning the amount of time that is still left, the total time still left on the bill.

The CHAIRMAN. Three hours and thirty minutes.

Mr. VOLKMER. Three hours and thirty minutes from this time?

The CHAIRMAN. The gentleman is correct.

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

Mr. Chairman, I yield to the gentleman from Florida [Mr. STEARNS] for purposes of a colloquy.

Mr. STEARNS. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. CLINGER] for this opportunity to have a colloquy with him, and this concerns an amendment that I would

tleman to perhaps give me an explanation I think that already exists in the Norton rule that passed. My amendment was basically to not apply to regulatory rulemaking action by the Department of Housing and Urban Development under section 919 of the Housing and Community Development Act of 1992 which clarifies regulations governing housing for older Americans and significant facilities and services.

My concern is that the deputy of HUD has come up with a self-certifying way for seniors to allow their housing facilities to be self-certified. It is very simple, two out of twelve criteria, and now they can self-certify, and no one will have to worry about suits by the Federal Government, by HUD.

This agreement has been worked out over a long period of time, and I think it is important that this agreement remain in place, and it is going to go forward in the next 60 days, so obviously I was concerned about that.

Mr. CLINGER. May I respond to the gentleman from Florida—

Mr. STEARNS. Yes.

Mr. CLINGER. By saying, "Yes, I think you're absolutely right. The amendment that was offered last evening by the gentlewoman from the District of Columbia, which picked up on language which is included in our unfunded mandates bill, clearly says that section 4a, 4a, should be the ones that would limit the ability or apply the moratorium, says those sections shall not apply to regulatory rulemaking, actually to enforce any statutory rights against discrimination on the basis of age, race, religion, gender, national origin or handicap or disability. I think the clear, my reading of that would be clearly that the regulations the gentleman is speaking of would be included in that. Beyond that, there is a further exemption that applies to regulations which are streamlining or actually reducing the burden of regulations on whatever segment of the population is affected by the regulations."

It seems to me that the regulations the gentleman is alluding to have that effect as well. They are actually easing the process, streamlining the process, for the elderly, so under either one of those exemptions I think that the gentleman would be, could be, assured that those regulations would be allowed to go forward.

Mr. STEARNS. Well, I would like to make part of the RECORD my amendment.

The amendment referred to is as follows:

Amendment offered by Mr. STEARNS of Florida:

At the end of section 5, add the following new subsection:

(c) RULES REGARDING HOUSING FOR OLDER PERSONS.—Section 3(a) or 4(a), or both, shall not apply to any regulatory rulemaking action by the Department of Housing and Urban Development under section 919 of the Housing and Community Development Act of 1992 clarifying regulations governing housing

for older persons and significant facilities and services.

Mr. Chairman, I will not offer the amendment, and I thank the gentleman from Pennsylvania [Mr. CLINGER] for his indulgence.

I would like to say in concluding comment that this new regulation is going to make it very simple for seniors to self-certify their housing facilities so they do not have to worry about suits, and frankly it will probably be easier for them in the long term, and I think that the gentleman is kind to make this clarification.

Mr. CLINGER. Mr. Chairman, I yield to the gentleman from New Mexico [Mr. SCHIFF] for purposes of a colloquy.

Mr. SCHIFF. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. CLINGER].

Mr. Chairman, it had been my intent to submit an amendment to this bill. I did submit one for publication in the CONGRESSIONAL RECORD for this morning, but after further discussion with my fellow committee members, Mr. Chairman, I believe it is not necessary to do so, and I, therefore, seek this colloquy with the chairman of the committee.

The situation I want to address is the Clean Air Act. More particularly, in my home town of Albuquerque, NM, several years ago, as a result of that act, the Environmental Protection Agency determined that we were a non-compliance area with respect to carbon monoxide emissions, and that began to turn a clock in terms of sanctions that would be imposed against the city of Albuquerque. However, after a period of time, while the EPA's own regulations were being developed in this regard, the city of Albuquerque, through strong efforts by the local government and by the community, resulted in our being in compliance with the carbon monoxide standards for the last 3 years in a row. I and other individuals brought this to the attention of the Environmental Protection Agency. The Environmental Protection Agency, to its credit, gave a new approach to this situation where areas that were once nonattainment areas had, by their own voluntary efforts, attained carbon monoxide levels that are acceptable under the Clean Air Act, and through a regulation that I believe was published during the time period we are now talking about they put in motion a system for nonattainment cities like Albuquerque to apply to be attainment cities.

Mr. Chairman, I want to stop for a second and commend the Environmental Protection Agency for taking a new look at a situation that is based upon new facts. I say with respect to all agencies, if there were more examples of commonsense approaches to situations, I do not think we would be here on the floor with this bill.

Now the point I want to get to, Mr. Chairman, and to the chairman of the committee, is in order to move from nonattainment to attainment the EPA will still have certain requirements

upon the city of Albuquerque, and further, even designating the city of Albuquerque, or any other newly attained city, may also be done by regulation. I was concerned that this bill might prevent the Environmental Protection Agency from moving nonattainment—

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

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

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

Mr. CLINGER. I yield to the gentleman from New Mexico.

Mr. SCHIFF. The point is I was concerned that this bill, if it becomes law, might prevent the Environmental Protection Agency from moving in a very good direction, which is lowering regulation by allowing cities that were nonattainment areas to become attainment areas. My view, however, is that although there are still regulations involved in moving to an attainment area, these regulations are less burdensome than being a nonattainment area and what a city has to go through under those circumstances, and I believe, therefore, this would be an exception under that portion of the bill which has an exclusion for any agency action that the head of the agency certifies is limited to repealing, narrowing or streamlining a rule, regulation, or administrative process, or otherwise reducing regulatory burdens, and it is my belief that under the bill this process would be excluded because the regulatory burdens on cities would be reduced as they move from nonattainment to attainment areas.

I would like to ask the gentleman from Pennsylvania [Mr. CLINGER] if he is in agreement with that position.

Mr. CLINGER. May I assure the gentleman from New Mexico that it would be my clear reading of this that the situation, as certain as you describe in regard to New Mexico, would be covered by this, the exclusion in 6b(3) or 3(b)(1) which I think exactly addresses the situation the gentleman is talking about. This is a case where we are actually removing sort of some of the regulatory red tape that has been imposed on the area. We are making it—we are streamlining the process, which is precisely what this exemption was designed to do, so I can assure the gentleman that I would agree with him that this provision would be exempt under the provision.

Mr. SCHIFF. I appreciate the comments of the gentleman from Pennsylvania.

Mr. Chairman, I will not offer my amendment, and I appreciate the time for this colloquy.

AMENDMENT OFFERED BY MR. TATE

Mr. TATE. 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. TATE: At the end of the bill add the following new section:
SEC. . DELAYING EFFECTIVE DATE OF RULES WITH RESPECT TO SMALL BUSINESSES.

(a) DELAY EFFECTIVENESS.—For any rule resulting from a regulatory rulemaking action that is suspended or prohibited by this Act, the effective date of the rule with respect to small business may not occur before six months after the end of the moratorium period.

(b) SMALL BUSINESS DEFINED.—In this section, the term "small business" means any business with 100 or fewer employees.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Washington [Mr. TATE] and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Washington [Mr. TATE].

Mr. TATE. Mr. Chairman, this amendment will provide 6 months of breathing room for small businesses, and those are the businesses that are the most sensitive to new regulations, those mom and pop grocery stores, those gas stations, those little stores that are in all our districts. For too long small businesses have had to navigate through the waters of Federal regulations and a sea of red tape.

The National Federation of Independent Business recently did a study, and they asked their members what were their biggest concerns, and one of their concerns was taxes. They are all concerned about taxes. One of their concerns was about increasing health care costs, but their biggest concern, the one that is the biggest struggle, is Federal regulations.

Mr. Chairman, regulations put a stranglehold on the necks of small business, and one more squeeze and many of these businesses will be choked out of business, and that is exactly what has been happening over the last several years. Since 1990, according to a recent study, over 2,000,000 jobs have been lost because of new regulations.

Bottom line:

The bureaucrats in DC do not need to tell the Americans how to run business. Small business already knows how to run business. They provide the vast majority of the new jobs out there, but the regulatory police seem to be more interested in paperwork, more interested in regulations, than new jobs. It is time to get government not only out of the cookie jar, but out of the kitchen. They need to quit tampering with the heart of Americans and our economy, that of small business.

So, please join with me and remove the big hand of government.

Mr. GENE GREEN of Texas. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Washington [Mr. TATE].

Mr. Chairman, Members, I support small business. In fact, for 23 years I worked and helped manage a small business of 13 to 20 employees, so I understand the frustration the gentleman from Washington [Mr. TATE] is experi-

encing with his amendment or expressing with his amendment. The concern I have though is that we could make it counterproductive.

Typically the regulations that we have from the Federal Government do not distinguish, and that may be the problem, but, for example, if we have a TV station in New York compared to a TV station in a small or medium market in Texas, may have less than 100 employees. Now that TV station may say, "We would like to have more than 6 months compared to that larger one." I think there is some concern that maybe our goal, and I had hoped to support the moratorium, because typically I like moratoriums, I like sunset provisions, because I think every Federal agency and regulation, just like every State regulation and agency, needs to be looked at over a period of time to make sure they are still responding to the need, but I think what we are seeing in this bill with the exceptions that we are adding and just a general confusion to private business, that we are going to actually increase the Federal paperwork for those small businesses.

For example, to my small business I was at, we had no more than 20 employees during the 20 years, and until the Federal Government let the economy go in the tank in the State of Texas in 1980, we went down to 13 employees. But we are going to see what about OSHA regulations when we come in? It is a printing company, for example, and we compete also with larger printing companies, so we are going to have different standards for a company that has over 100 employees as compared to their competitor who may be bidding on the same products that is less than 100. I think we are going to add confusion by adopting this amendment.

I know this amendment was considered in committee. In fact, I think I may have voiced it earlier or something. I say to the gentleman,

I know where you're coming from. I just wish there was a different way we could get to it because I do think small business needs to be treated differently, but I think by developing two different standards and ultimately setting two different effective dates we might be causing those small businesses more confusion than we're trying to help them, and again that comes from, one, having to live with some of those regulations, whether it be OSHA, or whether it be new EPA regulations, and our biggest concern in small business is so often we would get something from one of the national groups we were a member of, whether it be the U.S. Chamber or someone else, and we would get all panicky about it, and then all of a sudden we would find out, well, that may not be affecting us in our particular printing company.

So, Mr. Chairman, I know the gentleman's intentions are great, and I am just concerned that we may be causing more problems, not just with his amendment, but some of the amendments that we have considered, and some have been accepted by the majority, some have been voted on, and that

is why I rise in opposition to the amendment.

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

Mr. GENE GREEN of Texas. I yield to the gentleman from Washington.

Mr. TATE. Point of clarification.

We are not creating two sets of regulations. We are putting off the effective date for regulations for small businesses so that rulemaking agencies would not have to go through and do two different regulations for a business that is less than a hundred employees, and there are several examples, as the gentleman knows, in Federal law; for example, the family leave law exempts businesses under a certain level, and the Americans With Disabilities Act exempts businesses with 25 or less employees.

So, my concern is those businesses that are small, the printshop or whatever business have that opportunity to actually become a larger business if they can have this breathing room, this halt to Federal regulations, for at least 6 more months.

Mr. GENE GREEN of Texas. Reclaiming my time, Mr. Chairman, the small business I worked in was established in 1878, and it was never going to be a large business. So I do not know if even 6 months more would have helped us, but the gentleman is right. There are differences that we apply Federal law to and to safeguard small business, and the gentleman used a great example, the ADA and the Family Leave Act, and I have an amendment in a few minutes on family leave that will impact that and help us with that.

□ 0945

But again, what you are doing is just putting off 6 months for small business. You are not alleviating the regulations as much. You are maybe giving small businesses more time to comply. But I would hope that we would still see some differentiation through the agencies, and maybe we ought to look when we pass statutes, whether it be the EPA or anyone else, and again as an example is printing companies, or small dry cleaners, if you have experiences like I have in my district where because of the EPA regulations in our cities and States, those small dry cleaning operations have so few employees, yet they have to go through some of the things my chemical plants have to.

I sympathize and empathize with you, but I do not know whether the next 6 months would do anything but cause confusion.

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

Mr. TATE. Mr. Chairman, I yield 2 minutes to the fine gentleman from Illinois [Mr. WELLER].

Mr. WELLER. Mr. Chairman, I want to thank the gentleman from Washington for yielding me 2 minutes to rise in support of his amendment.

Mr. Chairman, I rise in unequivocal support for the amendment proposed

ment provides additional breathing room—regulatory relief to those businesses which need it the most, the little guys, namely those with 100 or fewer employees. Think of who this will help the most, the shoe repair shop down the street and the auto mechanic around the block.

America's smallest businesses are the ones hardest hit by the hefty regulations churned out by the Clinton administration's bureaucratic agencies in Washington. Businesses with 100 or fewer employees are those which are just beginning to grow. In an economy that is still struggling to recover we cannot afford to hamper those enterprises which provide the greatest opportunity for growth. It is these companies that create the largest number of jobs that are so badly needed in the district of each and every Member of this august body.

The Tate amendment merely gives these small enterprises an additional 6 months of relief from the red tape created in this town. This will allow your neighborhood grocer, farmer, and restaurateur, the little guys, to flourish. We can only succeed as a nation if we allow our community enterprises to bloom. I can think of no better present to give the little guys—the small businesses of our districts as we approach the season of spring.

I ask all my colleagues to pass this very important proposal, Mr. TATE's amendment to provide an additional 6-month hold on the burden of red tape hurting small businesses, the backbone of our economy. It is time that the people take back control of President Clinton's Big Government and look out for the little guys—small business.

Mr. TATE. Mr. Chairman, I yield 30 seconds to the gentlewoman from Washington [Mrs. SMITH].

Mrs. SMITH of Washington. Mr. Chairman, the gentleman from the State of Washington is right on. Small businesses are going out of business because of excess regulation. I want to talk about a couple from my district, Ron and Judy Wright. They wanted to go into business for themselves so they started a small business in Ethel, WA. You do not know where Ethel is, but they needed a grocery store.

One day the Wrights got a visit, and in came the regulators. A \$13,700 fine later they went out of business. What happened is they let a kid clean the store at night. All the kid did was clean the store, and this kid was older than I was I think when I got married.

This kid was not cleaning the knives, but there were knives stored there. So they fined them this much money. They went out of business, and they are still paying off the fine.

These kinds of people need more time. They are not bad people. They were working to feed their families, and they were penalized by a gutless government that really hurt this family. I encourage the passage of this amendment.

Mr. GENE GREEN of Texas. Mr. Chairman, I ask unanimous consent to reclaim my time.

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

There was no objection.

Mr. GENE GREEN of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me respond to some of the speakers. Again, I am very sympathetic to small business, because that is where for many years I earned my living. But a couple of the speakers just recently talked about President Clinton and big government.

The examples that I was using during the 1980's, it was not President Clinton's big government, it was the EPA under the Reagan and Bush administrations that was the one. I do not think President Clinton has any claim on big government. Big government did not start in 1992 and did not end November 8, 1994. It has been a problem for a number of years. To foist this off on President Clinton I think is wrong and even mean spirited.

Let me talk about the gentlewoman who talked about the young man that cleaned the store. In Houston, TX, a person cleaned the store of a small business. He was also locked in that store overnight because they did not trust him with a key. So obviously that was in violation of the Occupational Safety Act and also hopefully human decency. That person also died in a fire because they could not get out.

So there are reasons why we are concerned about this amendment, one, causing more confusion to small businesses, but also recognizing that those Federal regulations are sometimes there for a purpose. Even though it is a small businessman, I want them to be explained to me and I want them to be reasonable. But, again, putting a 6-month extension on it may help on a momentary basis, but hopefully we are not promising the moon and the stars when all we are giving them is 6 months' reprieve.

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

Mr. TATE. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. DUNCAN], the chairman of the Subcommittee on Aviation.

Mr. DUNCAN. Mr. Chairman, I rise in strong support of this amendment by the gentleman from Washington, and I thank him for yielding me this time.

Mr. Chairman, I did not know the gentleman was going to offer this amendment, and I had not originally intended to speak. But I can tell you that we have been driving small business out of existence in this country at a very alarming rate, and it has been primarily due to all the rules and regulations and redtape from the Federal Government. This bill does not remove any regulations, it simply puts a moratorium on for a few months, and this amendment is designed to help the

smallest of our businesses, the ones who need help the most.

I was a lawyer and a judge before I came to Congress, and yet I can tell you that there are so many millions of laws, rules, and regulations on the books in this country, that they have not designed a computer to keep up with all of them, much less a human being.

Many people in business are violating laws every day that they did not know were in existence. Phillip Howard has written a recent book called "The Death of Common Sense" about this ocean of regulations that we have.

What we really need, Mr. Chairman, is fewer laws and more common sense in this country, and this amendment helps that process.

Mr. TATE. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania [Mr. CLINGER], the Chairman of the Committee on Government Reform and Oversight.

Mr. CLINGER. Mr. Chairman I take this time to indicate we have had an opportunity to review the amendment. We think it is a good amendment. It does give additional protection to small business and clearly that is overdue and much needed. So we are pleased to support the gentleman's amendment.

Mr. TATE. Mr. Chairman, I yield such time as he may consume to the fine gentleman from Pennsylvania [Mr. FOX].

(Mr. FOX of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. FOX of Pennsylvania. Mr. Chairman, we are here not just as one party or another party, but as Republicans, Democrats, working together to help small business. What is great about that is through this Tate amendment we are going to be able to extend the moratorium for the further period so that small businesses that have the toughest time in making sure that they comply with regulations, that may not have the staff, will be able to do so. Onerous regulations that have come from the Federal Government plague our small businesses. They become job killers because they prey on small businesses, which are the backbone of our business community here in the United States.

That is why the amendment of the gentleman from Washington [Mr. TATE] is important. It will extend the moratorium protection. That is why it is endorsed by National Federation of Independent Businesses, a well-esteemed organization that represents small businesses in our United States. I know from experience back home with Downey Hoster, who has Hoster Bindery, the regulations have really driven him to the point where he may not be able to be in business next year. Let us make sure we have him in business next year because he is able through the Tate amendment to keep his family working and to make sure that this in fact becomes a business-

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state it.

Mr. TATE. Mr. Chairman, who has the right to close debate?

The CHAIRMAN. The gentleman from Texas, as the minority manager, has the right to close.

Mr. GENE GREEN of Texas. Mr. Chairman, I reserve the right to close with what time I have left.

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

Mr. Chairman, we have heard a lot of debate here the last several minutes about why it is important we do something to help out small business. Once again I wanted to reiterate my remarks, that small business is the engine that drives America. They are the ones that create the new jobs. They are the ones that need the most relief. They are the ones that are the most sensitive to new Federal regulations, and we need to do the most that we can for them.

We have heard the horror stories of people being put out of business by new Federal regulations. It is time that we begin to help these people out. We need to provide help so they can create jobs. So that is what this amendment is all about, one 6-month period to allow them to have the opportunity to get out of underneath this huge Federal burden of new regulations.

That is why this amendment is important, and this is the kind of amendment that has bipartisan support from folks on both sides of the aisle, and this is the kind of amendment that you can go home and talk to the people at home and actually point to something that they can look at and say that they are better off because of this. They are better off because they do not have to live under these new Federal regulations. It is something you can point to and talk about, and something that every small businessman or woman will understand.

Mr. Chairman, I urge your support of this amendment.

Mr. GENE GREEN of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the opportunity to close. Let me say that what the amendment would do is put off for small business 6 months of regulation, so a business may be able to be in business another 6 months. But that is what we would be allowing them.

Let me say again I came out of small business, 23 years both working and helping manage it. Our job here in Washington is not only to try to remove the impediments of small business, but also to come up with regulations that small business can understand that it is important to. And let me give you some examples.

For example, the FCC does not issue one set of regulations for the TV sta-

tion in New York City and another set for a smaller business in Texas with less than 100 employees. Food safety regulations, do we differentiate between a meat and poultry processor with 99 employees compared to one with 101?

I think we are adding more confusion to small business. The small business that exists would sometimes be denied opportunities under this amendment. For example, the FCC spectrum allocation rules to be issued would deny employers with less than 100 employees the opportunity to bid on some of these FCC licenses.

Again, I understand the concern of the gentleman, and I philosophically support him, but with his amendment I think he may be causing more problems. Like a lot of things we see in the first 100 days, we are causing more problems for small business and people trying to create jobs than people trying to help him.

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

Mr. GENE GREEN of Texas. I yield to the gentleman from Montana.

Mr. WILLIAMS. Mr. Chairman, I appreciate the gentleman yielding and I will not take much of his closing time, but I do want to make this point. The Congress is 200 years old and has never written a regulation. Regulations are written by the executive branch of government, most of them in the past 20 years. I have been here 17 of those years. Four of those years we had a Democrat President writing regulations. The rest has been by Republican Presidents.

I do not want to get into the blame game, but I heard one gentleman talking about the Clinton administration turning out regulations. The Clinton administration is cutting regulations. There are fewer regulations than there were under past Republican Presidents. So while we do not need to get into the blame game, it does seem to me a lot of these new freshmen who are in fact writing these new laws, ought to at least take a look at the history of this place before they condemn the current administration incorrectly.

Mr. GENE GREEN of Texas. Mr. Chairman, reclaiming my time, let me say I think the gentleman has pointed out the correct concern. Again, we are not in the business of making blame; we are in the business of trying to make sure America works. I think by adopting this amendment we may end up very well having two sets of regulations, and that stack of regulations over there could actually get doubled because we would have some for 6 months and some for after 6 months. That is why I urge my colleagues to vote against the amendment.

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

Mr. GENE GREEN of Texas. I yield to the gentleman from Wisconsin.

Mr. ROTH. Mr. Chairman, I thank the gentleman for yielding. I mean this in the good spirit. This morning we had

some people get up and hold up paper dolls saying these poor kids need food and so on.

Mr. GENE GREEN of Texas. I will be glad to debate the nutrition program.

Mr. ROTH. I am leading into a relevant point. I had six town hall meetings on Saturday, just like you and others. I find out OSHA has now promulgated a new rule that if you build a home and you are higher than about 5-11, you have to encase the home in a net. And if you are putting on shingles, you have to wear like mountain climbing equipment.

□ 1000

And if they do not, they fine them \$1,000, the small builders.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. TATE].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 370, noes 45, answered "present" 1, not voting 18, as follows:

[Roll No. 167]

AYES—370

Ackerman	Christensen	Fazio
Allard	Chrysler	Fields (LA)
Archer	Clayton	Fields (TX)
Armey	Clement	Flake
Bachus	Clinger	Flanagan
Baesler	Clyburn	Foglietta
Baker (CA)	Coble	Foley
Baker (LA)	Coburn	Forbes
Baldacci	Coleman	Ford
Ballenger	Collins (GA)	Fowler
Barcia	Combest	Fox
Barr	Condit	Franks (CT)
Barrett (NE)	Cooley	Franks (NJ)
Bartlett	Costello	Frelinghuysen
Bass	Cox	Frisa
Bateman	Cramer	Frost
Bentsen	Crane	Funderburk
Bereuter	Crapo	Furse
Berman	Cremins	Gallegly
Bevill	Cubin	Ganske
Bilbray	Cunningham	Gekas
Bilirakis	Danner	Gephardt
Bishop	Davis	Geren
Bliley	de la Garza	Gilchrest
Blute	Deal	Gillmor
Boehlert	DeFazio	Gilman
Boehner	DeLauro	Goodlatte
Bonilla	DeLay	Goodling
Bonior	Deutsch	Gordon
Bono	Diaz-Balart	Goss
Borski	Dickey	Graham
Boucher	Dicks	Greenwood
Browder	Dixon	Gunderson
Brown (CA)	Doggett	Gutierrez
Brown (FL)	Dooley	Gutknecht
Brown (OH)	Doolittle	Hall (OH)
Brownback	Dornan	Hall (TX)
Bryant (TN)	Doyle	Hamilton
Bryant (TX)	Dreier	Hancock
Bunn	Duncan	Hansen
Bunning	Dunn	Harman
Burr	Edwards	Hastert
Burton	Ehrlich	Hastings (FL)
Buyer	Emerson	Hastings (WA)
Callahan	Engel	Hayes
Calvert	English	Hayworth
Camp	Ensign	Hefley
Canady	Eshoo	Hefner
Cardin	Evans	Heineman
Castle	Everett	Herger
Chabot	Ewing	Hobson
Chambliss	Fattah	Hoekstra
Chenoweth	Fawell	Hoke

Holden	Meehan	Schaefer
Horn	Menendez	Schiff
Hostettler	Metcalf	Schroeder
Houghton	Meyers	Schumer
Hoyer	Mica	Scott
Hunter	Miller (FL)	Seastrand
Hutchinson	Mineta	Sensenbrenner
Hyde	Minge	Serrano
Inglis	Moakley	Shadegg
Istook	Molinari	Shaw
Jackson-Lee	Mollohan	Shays
Jacobs	Montgomery	Shuster
Jefferson	Moorhead	Sisisky
Johnson (CT)	Moran	Skaggs
Johnson (SD)	Morella	Skeen
Johnson, Sam	Murtha	Skelton
Jones	Myers	Smith (MI)
Kaptur	Myrick	Smith (TX)
Kasich	Neal	Smith (WA)
Kelly	Nethercutt	Solomon
Kennedy (MA)	Neumann	Spence
Kennedy (RI)	Ney	Spratt
Kennelly	Norwood	Stearns
Kildee	Nussle	Stenholm
Kim	Oberstar	Stockman
King	Obey	Stump
Kingston	Orton	Stupak
Kleccka	Oxley	Talent
Klink	Packard	Tanner
Klug	Pallone	Tate
Knollenberg	Parker	Tauzin
Kolbe	Pastor	Taylor (MS)
LaHood	Paxon	Taylor (NC)
Lantos	Payne (VA)	Tejeda
Largent	Peterson (FL)	Thomas
Latham	Peterson (MN)	Thornberry
LaTourette	Petri	Thornton
Laughlin	Pickett	Thurman
Lazio	Pombo	Tiahrt
Leach	Pomeroy	Torkildsen
Levin	Porter	Torres
Lewis (CA)	Portman	Torricelli
Lewis (KY)	Poshard	Traficant
Lightfoot	Pryce	Upton
Lincoln	Quillen	Visclosky
Linder	Quinn	Volkmer
Lipinski	Radanovich	Waldholtz
Livingston	Rahall	Walker
LoBiondo	Ramstad	Walsh
Lofgren	Reed	Wamp
Longley	Regula	Ward
Lowey	Reynolds	Watts (OK)
Lucas	Richardson	Weldon (FL)
Luther	Riggs	Weldon (PA)
Maloney	Rivers	Weller
Manton	Roberts	White
Manzullo	Roemer	Whitefield
Markey	Rogers	Wicker
Martinez	Rohrabacher	Williams
Martini	Ros-Lehtinen	Wilson
Mascara	Rose	Wise
Matsui	Roth	Wolf
McCollum	Roukema	Woolsey
McCrery	Roybal-Allard	Wyden
McDade	Royce	Wynn
McDermott	Salmon	Young (AK)
McHugh	Sanders	Young (FL)
McInnis	Sanford	Zeliff
McIntosh	Sawyer	Zimmer
McKeon	Saxton	
McNulty	Scarborough	

NOES—45

Abercrombie	Hilliard	Payne (NJ)
Barrett (WI)	Hinchee	Pelosi
Beilenson	Johnson, E. B.	Rangel
Clay	Johnston	Sabo
Collins (IL)	Kanjorski	Slaughter
Collins (MI)	LaFalce	Stark
Conyers	Lewis (GA)	Stokes
Coyne	McHale	Studds
Dellums	McKinney	Thompson
Dingell	Mfume	Velazquez
Durbin	Miller (CA)	Vento
Filner	Mink	Waters
Frank (MA)	Nadler	Watt (NC)
Gejdenson	Olver	Waxman
Green	Owens	Yates

ANSWERED "PRESENT"—1

Souder

NOT VOTING—18

Andrews	Farr	Ortiz
Barton	Gibbons	Rush
Becerra	Gonzalez	Smith (NJ)
Brewster	Hilleary	Towns
Chapman	McCarthy	Tucker
Ehlers	Meek	Vucanovich

□ 1018

The Clerk announced the following pair:

On this vote:

Mr. Ortiz for, with Mr. Becerra against.

Messrs. GEJDENSON, COYNE, and OLVER, Ms. SLAUGHTER, and Mr. MFUME changed their vote from "aye" to "no."

Ms. WOOLSEY changed her vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

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

Mr. Chairman, I yield to the gentleman from Ohio [Mr. REGULA] for the purpose of entering into a colloquy.

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

Mr. Chairman, I appreciate the gentleman's willingness to allow the administration to exempt matters relating to the GATT negotiations from the moratorium, as addressed in the bill, and as amended by the gentleman from Indiana [Mr. BURTON].

As a member of the GATT task force and as a member of the Congressional Steel Caucus, I was an active participant in negotiating the Uruguay round agreements. I am concerned that the language could possibly result in extensive litigation, and given the overall Republican goal to reduce the amount of litigation that goes on in this Nation, I would hope we could address this.

We should reduce litigation, encourage streamlining of regulations, and promote the sound administration of our trade laws. Accordingly, I would hope that the gentleman agrees that the intent of the bill language and the amendments would exempt all matters relating to section 301, the anti-dumping and the countervailing duty laws.

Mr. CLINGER. Mr. Chairman, I would agree with the gentleman. I appreciate the gentleman for raising this very important issue. I want to assure him that I think the language would clearly allow this.

Mr. REGULA. I thank the gentleman for clarifying the intent of the language, Mr. Chairman.

AMENDMENT OFFERED BY MR. WISE

Mr. WISE. 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. WISE: At the end of section 5 (page—, after line—), add the following new subsection:

(c) AIRCRAFT, MINE, AND NUCLEAR SAFETY REGULATIONS.—Section 3(a) (or 4(a), or both, shall not apply to any of the following regulatory, rulemaking actions (or any such action relating thereto):

(1) AIRCRAFT SAFETY.—Any regulatory rulemaking action to improve aircraft safety, including such an action to improve the airworthiness of aircraft engines.

(2) MINE SAFETY.—Any regulatory rulemaking action by the Mine Safety and Health Administration that relates to reducing death, injury, or illnesses in mines, including such an action—

(A) to require better ventilation to avoid buildup of explosive methane gas, taken under section 101 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 811) and with respect to which notice of proposed rulemaking was published at 59 Federal Register 26356; or

(B) to restrict the use of diesel equipment to avoid coal mine fires, taken under that section and section 508 of that Act (30 U.S.C. 957) and with respect to which a notice of proposed rulemaking was published at 54 Federal Register 40960.

(2) NUCLEAR WASTE DISPOSAL.—Any regulatory rulemaking action to ensure that before beginning the disposal of radioactive waste, the Waste Isolation Pilot Plant in New Mexico complies with appropriate disposal standards, taken under the Waste Isolation Pilot Plant Land Withdrawal Act and with respect to which a proposed rule was published on January 30, 1995 (60 Fed. Reg. 5766).

The CHAIRMAN. Pursuant to the order of the House of February 23, the gentleman from West Virginia [Mr. WISE] and a Member opposed will each control 15 minutes.

The Chair recognizes the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, this is the safety amendment. The amendment offered by the gentleman from Pennsylvania [Mr. MASCARA] and myself deals with aircraft safety, deals with coal mine safety, and deals with nuclear waste disposal. There will be others speaking on other aspects. I'm going to talk about coal mine safety.

Many Members are going to fly home this afternoon, Mr. Chairman. Most of us have not been coal miners. Most of us are not involved in nuclear waste disposal. However, when we get on that commuter flight this afternoon, we should think about how we would feel getting on in a couple of months knowing that all safety regulations have been delayed, or could be delayed for at least 10 months on that commuter flight, so we should just put ourselves in that situation.

In order to appreciate the statistics, I want Members to think about what it is to be a coal miner. The first thing to do is mentally crawl under this desk. Crawl under this desk. That is about the size of the seam of coal Members may be working in.

When you crawl under this desk, put a blindfold on, because you don't have any light. When you crawl under this desk, make sure you stay pretty much on your back, because that is how you are going to be working.

When you crawl under this desk, remember that you are probably in a piece of moving equipment, in addition to that, so now you have an idea of the confines that you are working in. By the way, when you crawl under this desk, remember, you are a mile underground, and you can hear the shifting

above you as you work.

By the way, put on a coal mine helmet, put on the belts around you, put on the emergency breathing apparatus, and know that you may be cutting into a bed of methane, a pool of methane gas which can immediately kill you. That is what coal mining is about, one of the most hazardous occupations in the country.

In West Virginia last year 8 miners lost their lives. That is a significant improvement from the 20-some the year before, and the 20 before that, and the 78 who were killed in the Farmington disaster in the late 1960s. We are talking about one of the most hazardous occupations in this country, Mr. Chairman.

What our amendment would do is in three areas. First of all, it would permit the process to go forward in underground ventilation dealing with poisonous methane gas that causes coal mine explosions. It would say you cannot hold the process back, you cannot have a moratorium on promulgating these regulations and rules. Incidentally, both industry and labor have been working together to develop these.

It would also say that regulations can move forward with the usage of diesel equipment that can cause fire in coal mines. Finally, it would permit regulations to move forward dealing with the creation of a sampling standard for coal mine dust in which there were 100 indictments, convictions, and pleading guilty recently as a result of finding operators who were altering dust sampling standards.

I urge this body to move forward with this amendment. Mr. Chairman, I know some are going to say there is already a process there for imminent danger to health, but remember, you have to apply to the Office of Management and Budget, you have to seek a waiver, and then that can be contested in court.

Do you really want to fly, do you really want to work in a coal mine, do you want to do nuclear waste disposal, and know you have to wait 10 more months for safety?

Mr. CLINGER. Mr. Chairman, I rise in opposition to the gentleman's amendment, and I yield myself such time as I may consume.

Mr. Chairman, I would point out to the Members that these three amendments, which actually were considered separately in the committee, and all were considered at great length and were defeated, primarily because it is very clear, I think that all of these amendments would be allowed to be covered under one or the other of the exemptions that are provided in the bill as it exists, so this is a grouping of those three amendments which were considered and rejected in committee.

Clearly, on the aircraft safety and mine safety issues, Mr. Chairman, these would fall under the health and safety exemption, and this, of course, would require the head of OIRA to

make a determination that indeed these were so much related to imminent threat to the health or safety of the individual that they should be allowed to go forward.

As we discussed last evening with the gentleman from Mississippi with regard to the aircraft safety issues, it was very clear that that would be, I think, a very prime candidate for exclusion under that provision, as would the mine safety provision.

This may be exempt under health and safety, and it would depend again on an interpretation from OMB, but the bottom line is that these are all very worthy programs, but they think they would be covered under the existing exemptions.

□ 1030

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

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

Mr. MINETA. If the gentleman, our fine chairman, would yield for a question. Given that, I am wondering would the gentleman be amenable to an amendment reflecting what you have just indicated, under the aviation safety portion?

Mr. CLINGER. I simply would tell the gentleman from California, it is our view that it would be redundant; that in fact our view that it would be redundant; that in fact this is now covered by the exemption for health and safety.

Mr. MINETA. If the gentleman would further yield, if it is redundant, why would we not just go ahead and clarify it to that extent?

Mr. CLINGER. The primary reason for that, I would tell the gentleman, is once we begin to list, name and exempt various programs and segments, that establishes a higher category and it would make it more difficult for the director or OIRA to then allow others to go forward because they would not rise to the same level as the safety ones.

Mr. MINETA. If the gentleman would yield, is that not the fear that some of us have, that the basic underlying is so vague, that this is the reason that the Wise amendment really does clarify it?

Mr. CLINGER. Reclaiming my time, we believe that the exemption is clear enough and gives the director of OIRA the necessary flexibility to deal with these things on a case-by-case basis.

Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee [Mr. DUNCAN], the chairman of the Subcommittee on Aviation of the Committee on Transportation and Infrastructure.

Mr. DUNCAN. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. CLINGER] for yielding me the time.

I rise in opposition to this amendment, particularly as it applies to aviation. I know that this amendment is well-intentioned, but as the gentleman from Pennsylvania [Mr. CLINGER] has just so ably pointed out, it is simply not needed. The FAA has not requested this exemption. The National Trans-

portation Safety Board has not requested it. I have the privilege of serving as chairman of the Aviation Subcommittee. Not one person has come to our subcommittee nor has anyone written to us urging this exemption. No hearings have been held on this.

The bill already has exclusions, as the gentleman from Pennsylvania [Mr. CLINGER] has just pointed out, which provide for changes in our knowledge about safety needs and requirements if that becomes necessary. If some startling shortcoming on the part of an airline is discovered that causes a threat to passenger safety, a regulation can be promulgated that is excluded from this bill. If some new technological advancement is made that would improve air safety, a regulation requiring it can be written under this bill. All this bill does is try to put a halt to regulatory overkill.

Safety is the number one concern of all of us who have anything to do with the aviation industry. But too much of a good thing can be harmful. If we overregulate the airlines, prices go up and more people are forced onto our already overcrowded highways. Our streets are much more dangerous than our highways. Thus, if we overregulate even in regard to safety, we can end up killing people.

We have the best of aviation safety in the world. Can it get better? Sure. But the key is not more regulation and red tape. It is knowledge, skill and training and incentive and pressure to work harder and do a better job.

Like so many things here in Washington, this amendment sounds good on the surface but when you look further, it is simply not necessary and it could cause more harm than good. I urge defect of this amendment.

Mr. TAYLOR of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. DUNCAN. I yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. I thank the gentleman for yielding. In a way, I understand what you are saying. But we are indeed dealing with human lives. There was a crash in the Midwest of a commuter airline this winter. It came to the public's attention very graphically that the guidelines for safety for commuter lines are much, much lower than they are for the major carriers. Maybe that crash could have been prevented, and maybe those people would still be alive if the regulations that Secretary Pena is looking at right now implementing were put in place a little bit sooner. But they need to be put in place.

Maybe that crash could have been prevented. But it was a great eye-opener for the American people to find out that there are two different levels of safety, one that basically has not changed since the 1960's and one that is updated every day.

If I owned a regional airline and a new set of regulations came down or was proposed, I would say, "This is not

safety, this is financial. Your are causing me to spend more money. That has nothing to do with safety."

We know they are going to argue that, because they are a business. They want to maximize their profits and I do not blame them for that. Since we have a problem, that people just die, I really do not think it is much to ask that that in particular be addressed in this bill.

The chairman just yesterday said he was willing to do it on a technical basis. What is wrong with doing it formally so that this does not get held up in court, so that we can hopefully save some lives and that everybody is held to the same high level of safety that ought to be required? Because we are dealing with people's lives.

I will not get on a regional airline, because I know there is a difference. Do you not think the rest of the people in America ought to know that?

Mr. DUNCAN. Let me say this. The gentleman from Mississippi is a good friend of mine. I yield to no one or take second place to no one in concern for aviation safety and concern for human life. All of us are extremely concerned about human life, and I can assure the gentleman that the Aviation Subcommittee is going to do everything possible to ensure that commuter airlines and regional airlines are brought up to the same standards that apply to all other airlines. I understand that this very matter was discussed last night and there is nothing in this bill that would prohibit that from taking place.

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

Let me respond to the exception that people talk about. Yes, there is an exception that in cases of health or safety, you can go to the Office of Management and Budget, you go through a process if the director of OIRA approves, then supposedly you can have a waiver and go ahead.

There is a problem, though, and they have not talked about the problem. The problem is that those opposing you can go to court and tie this thing up for the length of the moratorium and beyond that. That is where this fatal flaw is. That is why you are fooling with safety, whether it is air safety, whether it is OSHA, whether it is MSHA, whether it is nuclear waste disposal.

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

Mr. WISE. I yield briefly to the gentleman from Pennsylvania.

Mr. CLINGER. If the gentleman would agree that anybody would have a right to take this matter to court, whether or not there was a moratorium. Am I correct in that? So we are not adding any additional responsibility?

Mr. WISE. Reclaiming my time, anyone, of course, can go to court but the problem here is that where you have already stopped the process, now you have gotten an exception, now you

have tied it up even further. So I believe what we have got is an exception or we do not have much of a remedy there.

Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. MASCARA], the cosponsor of the amendment.

Mr. MASCARA. I thank the gentleman for yielding me the time.

Mr. Chairman, I rise to urge my colleagues to support the amendment offered by myself and the gentleman from West Virginia [Mr. WISE]. It is not an exaggeration to say that this amendment is a matter of life and death. The amendment we offer would exempt aircraft, mine, and nuclear safety regulations from the regulatory moratorium that would be imposed under H.R. 450.

We do so because we know firsthand about one of the world's most dangerous occupations, working in the mines.

While in good times our communities have benefited economically from the mining industry, they have also experienced the tragedy of mining accidents and poor health that can result from years of breathing coal dust. Both of us have experienced the hours of waiting to find out if a neighbor or a friend survived a collapsed mine roof. In fact, earlier this week I supported the gentleman from Illinois who offered an amendment regarding the posting of hazardous conditions in the steel mills.

□ 1040

I said then that I had a father who died as a result of an accident in the steel mills. I also lost a grandfather, one who I never got to know, because he died in a mining accident in Belle Vernon, PA, so I do have an interest here. And it is rather ironic that I am here today, because my wife, Dolores, and I put a new headstone on my grandfather's grave in Belle Vernon, and it says, "Coal Miner." So I do have an interest in this particular piece of legislation.

It is no secret that the mining industry is very hazardous. Since the days of John L. Lewis, the Federal Government has worked with the United Mine Workers of America and the mining industry to make mines a safer place to work. As a part of this ongoing effort, Congress in the late 1970's established Mine Safety and Health Administration and charged it with administering a broad regulatory program to reduce injuries and illness in mines and pits. The regulatory efforts has paid off.

While annual coal mining deaths numbered more than 1,000 a year in the early part of this century, they decreased to 451 annually in the 1950's, to 141 in the 1970's, and to 76 per year during a 10-year period from 1982 to 1992.

But those of us who live in mining communities know that these records will not be maintained if regulations and laws are rescinded and diminished. Mine safety regulations need to be con-

stantly monitored, updated, and improved.

Currently the Mine Safety and Health Administration has two very important safety regulations in progress. One would require better ventilation in the mines to avoid a buildup of deadly methane gas. The other would restrict the use of diesel fuel equipment to avoid fatal mine fires. Both of these would be adversely affected if H.R. 450 is passed in its present form.

I urge my colleagues to vote for the Mascara-Wise amendment.

Mr. CLINGER. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana [Mr. MCINTOSH], coauthor of the legislation.

Mr. MCINTOSH. Mr. Chairman, I wanted to rise to address this amendment.

As we discussed about this issue in committee, it is very clear to me that these problems are addressed, once again, by our exception for health and safety, and once again, I would like to make clear to everybody the wording of this amendment which makes it clear if there is any regulation that is necessary to prevent a loss of life or severe injury to humans or loss of property, those regulations can go forward.

The administration has a very clear procedure under the bill for allowing those regulations to go forward.

When I was working with Vice President Quayle and very closely with OMB, we could have gotten this type of regulation exempted in a matter of 2 hours once it became clear that it met the criteria of saving a life or eliminating a threat to severe injury.

I think ultimately these regulations have the effect of weakening this general language, because once again we start listing particular programs; there may be an emergency or a health and safety threat that we do not think of in this body. If it is not listed, I am very worried that the bureaucracies will say, "Gosh, it is not on the list. I cannot issue my regulation," and then we will have inadvertently had the effect of making more safety threats not covered rather than fewer.

I think it is important to vote against this. Ultimately I think this amendment is a serious question about the competency of these agencies and OMB to do their job. If you think they cannot do their job, they cannot read this language, then this amendment might be necessary.

But if the Clinton administration can do its job, can read this legislation, then we do not need this amendment.

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

Mr. MCINTOSH. I yield to the gentleman from South Carolina.

Mr. SPRATT. The problem is the definition which says "imminent threat to health and safety." The Department of Energy cannot say there is going to be a substantial danger to human health causing severe illness or death

due to transuranic waste stored in Colorado, Idaho, Washington State, South Carolina, and Tennessee. They are not going to raise a red flag like that. They cannot say that. It is a danger, a chronic danger. It could endanger the water supply in these areas, for example. But it is not something likely to happen during this moratorium. Nevertheless, these regulations need to go into effect so that the disposal of this waste can finally be accomplished.

Mr. MCINTOSH. Let me make sure I am understanding the gentleman. The agency is unwilling to say those things?

Mr. SPRATT. The Department of Energy could not say that the waste, nuclear waste, transuranic waste, stored at INEL in Idaho, for example, constitutes an imminent threat to health or safety that is likely to cause serious illness or death during the moratorium, the very words of section 7 you have there on the chart. They are not going to say that. They cannot say it.

No. 2, they would not want to raise that kind of an alarm about the status of that waste disposal at these particular sites, some dozen or more across the country. Nevertheless, this is an urgent problem that needs to be dealt with.

Mr. MCINTOSH. Let me say if it is, in fact, the case that the regulation is necessary, the Department should step up to the plate and admit that. If it is not, then the question is: Why do we need these regulations if there is no imminent threat that is being addressed?

Mrs. COLLINS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MCINTOSH. I yield to the gentleman from Illinois.

Mrs. COLLINS of Illinois. Mr. Chairman, I thank the gentleman for yielding to me.

You know, I am concerned about airline safety, and I have here airworthiness directives that have been issued by the OMB, and what they say is that the moratorium could prevent these types of directives from being issued, because they may not be sufficiently imminent to qualify under H.R. 450, and here they talk about revision of manual to prohibit takeoff in certain icing conditions; they talk about tail cone release in McDonnell planes; they talk about inspection and repair of landing gear; talk about certain nuts and bolts that hold together parts of the wing flap and so forth and so on.

I think this is critically important. Let me tell you something else, these regulations have a real meaning.

Mr. MCINTOSH. Let me say categorically those regulations clearly fit this definition. If the Clinton administration does not understand that, we cannot trust them with the health and safety of this country. That is what is very clear to me.

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

I would just say we have seen a concerted action here by the administra-

tion to say they will not let any of these regulations go through. They would say that none of them would rise to the threat. I think there has been a sort of a concerted effort there to make that point that they would not let any of these things go through, which is certainly the reverse of what their attitude has been in the past.

Mrs. COLLINS of Illinois. Mr. Chairman, will the gentleman yield?

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

Mrs. COLLINS of Illinois. It is not the agency. It is this bill, what you have in this bill, that does not work. That is what the agency has said, that they are not qualified under that definition that is standing up on that easel right now, and you wrote the definition.

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

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

Mr. MCINTOSH. Let me say it is very clear to me in all of this that the problem is with the Clinton administration. They do not know how to protect health and safety. If they did, there would be no problem whatsoever.

Mrs. COLLINS of Illinois. If the gentleman yield, obviously, you do not know how to write a law.

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

Mr. WISE. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. MINETA].

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

Mr. MINETA. Mr. Chairman, I rise today to support the amendment introduced by my good friends and colleagues, Congressmen WISE and MASCARA. Any regulatory moratorium must take into consideration that certain Government regulatory actions and directives are essential to the public safety and must not be blocked or delayed by any attempt at across-the-board treatment of all regulatory actions. To treat all types of Federal regulations the same would be a tragic mistake that would have a significantly negative impact on safety.

The exception that currently exists to the regulatory moratorium proposed in the bill would require that an agency would have to establish that a regulation could not go into effect unless it would reasonably be expected to prevent death, serious illness, severe injury to humans, or substantial endangerment to private property during the period of the moratorium. I strongly believe that this exception is not adequate to protect airline passengers. Passengers need the protection of the Wise/Mascara amendment which would totally exempt rule-making action to improve aircraft safety, including such actions that would require the improvement of aircraft engines.

The Federal Aviation Administration must have the flexibility to act when

necessary to enhance and promote aviation safety. It must often issue Airworthiness Directives that respond to specific safety problems and sometimes must do so with great urgency. Some of the airworthiness directives that would be blocked or delayed by H.R. 450 are:

Revision to the Airplane Flight Manual used by all pilots, to provide pilots of certain Beech Models with special operating procedures during icing conditions;

Modification of the brake steering control unit on Airbus A320's; and

Inspection and repair of landing gear brakes prior to the brakes reaching an "unsafe level." This rule is prompted by an accident in which one of the affected aircraft was unable to stop on a wet runway.

These are just some of the directives the FAA has issued or expects to issue, which could be blocked or delayed under this bill, and that would have a negative impact on safety. Whether these directives could receive an exception to the moratorium is doubtful, since the standard articulated for obtaining an exception to the moratorium is vague at best. It would require speculation by the FAA that an accident would be "reasonably" likely to occur during the moratorium period if action were not taken. The FAA would also have to establish that the regulation or airworthiness directive in question would have prevented the potential accident. If the FAA were able to accurately predict when an accident will occur, the cause of the accident, and the adequate remedy that would have prevented the accident, then there would never be another accident. Certainly a laudable goal, but not one we have reached at this time.

Of particular significance today is the Administration's effort, with some Congressional prodding, to create a single standard of safety for airline operations, regardless of aircraft size. Many people do not realize that when they change planes from a major airline to a commuter airline, not just the aircraft changes, but sometimes the standard of safety applicable to the operation of the aircraft as well. This is completely unacceptable when so many people who do not live near a major or hub airport rely on small, commuter aircraft for travel. This distinction only seems to get attention when there has been an accident. But for years Congress has pushed past administrations to eliminate this arbitrary distinction. Now that this effort is underway, it would be completely unacceptable for it to be delayed. Must the FAA be forced to establish that another commuter accident will occur during the period of the moratorium when there have already been a number of commuter accidents that speak to the need for change? I would hope not.

Another important aviation initiative that, if it were included in the moratorium, would have a detrimental effect on the airline industry is the

current effort to standardize regulations between the United States and European Joint Aviation Authorities regarding flight operations and aircraft safety certification. The airline industry would be the direct beneficiary of this rule. It is estimated that both U.S. airlines and manufacturers would save between \$100 million and \$1 billion as a result of this standardization of important safety regulations. Any delay in the implementation of the standardization would require airlines to meet two differing sets of standards, wasting resources that may be better spent on improving the safety and competitiveness of the airline industry.

I strongly urge my colleagues to recognize the innate differences in different agency rulemakings and directives and not to impose a moratorium on all rulemakings that can only be excepted by meeting a vague and speculative standard. I urge my colleagues to support the Wise-Mascara amendment to H.R. 450. Don't, in the name of frustration with nonsafety regulations, put the lives of Americans at risk.

Mr. WISE. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. OBERSTAR].

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

Mr. OBERSTAR. Mr. Chairman, I rise more in sorrow than in anger, because it pains me to oppose my good friend, not to oppose him, but to oppose this language.

The gentleman from Pennsylvania and I worked side by side for many, many years on aviation safety. I have genuine concerns about this language. I honestly think it is poorly drafted.

I do not think that this is a matter of can an agency interpret it or not. This legislation will open the way for lawsuits to hamstring the FAA, which issues two airworthiness directives a day on average, over 400 last year, as many headed for rulemaking this year. Dozens of safety rules, flight and duty time for pilots in the works right now, something that we have worked on for many years, crew pairing, to avoid the problem of having inexperienced crew up front in aircraft.

□ 1050

The 16(g) seat retrofit rule to require strengthening of seats. All of us will recall the terrible crash at Sioux City of a DC-10. Some 110 lives were saved because those seats were strengthened. That rule is now being extended.

The aging-aircraft rule on which the gentleman and I worked for quite some time, we passed legislation to implement that legislation. FAA has a number of rulemakings concerning the aging aircraft.

The ATR rulemaking process is not complete. Now, I just want to ask my friend if at the conclusion of this he will entertain specific language to exclude aviation safety?

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

Mr. OBERSTAR. I yield to the gentleman for that purpose.

Mr. CLINGER. I thank the gentleman for yielding.

Mr. Chairman, it is our feeling on this side that would be unnecessary because it is redundant and it is indeed covered by this amendment. I would certainly support that.

Mr. OBERSTAR. Mr. Chairman, to legislate a regulatory moratorium upon the Federal Aviation Administration, which has vital safety responsibilities that affect the lives of everyone in this room and in this country, is not only dangerous, it is irresponsible.

My many years of experience in the safety arena caution me not to accept the argument that aviation safety would not be jeopardized because of the exception to the moratorium for regulations directed at an "imminent threat to health or safety." That language is much too vague to stand the test of lawsuits that will inevitably be filed by airlines, who will, as they have in the past, contest such regulations on economic grounds. To qualify for the exception in this bill, the FAA would have to establish that, absent the regulation or directive, it would be reasonable to expect death, or a serious illness, or severe injury to humans, or substantial endangerment to private property during the moratorium period. Aviation safety is not that precise, and let me explain.

Look at the past year in aviation. There were several major accidents, after 3 years relatively free of major fatal accidents. One of those accidents caused the FAA to temporarily place restrictions on the use of ATR aircraft, due to the preliminary results of an accident investigation which indicated that the de-icing equipment on the aircraft was inadequate to permit operation in known or predicted icing conditions. Following further investigation, the FAA ordered operational restrictions and testing, on ATR flights under certain weather conditions to permit greater use of the aircraft until such time as the aircraft could be retrofitted with altered de-icing equipment, also to be required by an FAA airworthiness directive.

The FAA acted promptly to address a known safety deficiency that had most likely caused one accident and killed many people. They also acted very quickly to relax the restrictions as soon as information became available to indicate that the aircraft could be flown safely in icing conditions when certain precautions were taken.

It is unclear to me how the FAA could have established, in the case of the ATR, that its actions were necessary to prevent severe injury, death, or the substantial destruction of property during a specified period, namely the period of the moratorium. The FAA would be derelict in its duty if it failed to act with all due speed to address a known safety deficiency. The FAA is not in the business of foreseeing into the future to anticipate whether a safety deficiency will result in a crash tomorrow, next week, or 10 years from now. Such a standard is completely inappropriate in the area of aviation safety.

For several years, I have been advocating a single standard of safety for commercial air carriers, regardless of the size of the aircraft. Currently, an arbitrary distinction with regard to the number of seats in an aircraft determines which safety standards are applicable to that flight. The importance of this issue has

been underscored by the recent rash of commuter accidents. I have been working with Secretary Peña and FAA Administrator Hinson to achieve a single standard of safety, and they have assured me that final regulations to achieve this goal will be published by the end of March. The flying public deserves no less. In fact, the public is usually shocked to learn that there is not a single standard of safety for commercial operations. The proposed moratorium would further delay, if not prevent, implementing the regulations necessary to achieve a single safety standard.

In order for this important safety initiative to be finalized, the FAA would have to take time away from its safety mission and somehow convincingly predict, not only when the next commuter accident would occur, but what the cause of that accident would be, and whether the accident could have been prevented by the regulation in question. The proposed requirement for an exception from the moratorium would seemingly necessitate the agency to make arbitrary speculations or resort to predicting the future. I do not think it is in the best interest of the public to have either option result in postponing important safety initiatives that have already gone through extensive public comment and cost benefit analysis.

I urge my colleagues to approve the Wise amendment and not tie the hands of an agency whose responsibility is regulating and controlling an anticipated 40 million flights this year alone. Vote "yes" on the Wise amendment.

Mr. SPRATT. Mr. Chairman, there is transuranic nuclear waste stored in temporary storage, stacked up at a dozen or more sites from Washington State at Hanford to INEL in Idaho to Rocky Flats in Colorado, down to the Savannah River site and over to Oak Ridge, probably a dozen sites altogether. There is also a permanent resting place for the permanent storage of this waste, built and completed. It is called the Waste Isolation Pilot Project, at Carlsbad, NM.

Here, 2,250 feet below ground, in a salt dome, is the Nation's first nuclear waste permanent depository. It took more than 5 years to pass the bill that authorized WIPP to begin receiving nuclear waste for testing purposes, to prove in a series of rigorous steps that this facility will be adequate for thousands of years to come, to seal off and safely contain this transuranic waste. But these tests at WIPP can go forward only if EPA regulations concerned with the disposal of nuclear wastes are finally implemented.

EPA, in the early 1980's issued regulations for this purpose. They were enjoined by the Federal circuit court. And when we passed WIPP several years ago, we directed EPA to issue a new set of regulations so that the tests could be completed. EPA finally complied.

But this regulatory moratorium, if passed, will suspend the effectiveness of these regulations, and that means that this testing at WIPP cannot go forward and that waste will remain in Washington State, in South Carolina and Oak Ridge, TN, INEL and Rocky

Flats, uselessly, with the facility hiring 1,500 people in Carlsbad, NM, unable to finally begin to accomplish the purpose for which it was designed.

This bill does not clearly exempt those regulations. That is because DOE, as I said, simply cannot say that this waste constitutes an imminent threat to health or safety that is likely to cause people to die during the period of the moratorium.

If we want to see this waste disposed of properly, we should vote for this amendment.

Mr. WISE. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois [Mrs. COLLINS], the ranking member of our committee.

(Mrs. COLLINS of Illinois asked and was given permission to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Chairman, I am deeply concerned about airline safety. It seems to me that what we have done here in this day and a half so far is that we have made exclusions for certain things.

For example, we have made exclusions for textile industry, for duck hunting. It seems to me we ought to also make exclusions for anything that helps human life.

Now, you know, when we leave here today and go home to our districts, we get on airplanes, and those airplanes now have fire-retardant fabrics on our seats and on the floors because of work that has been done when there was a need for it. There are regulations to cover that. There are lights along the aisles in case the top lights go out, so the people can see how to exit if they have to if there is smoke in the plane or something.

There are seatbelts on those planes because of rules and regulations put in place for the public safety. There also are maintenance requirements on the airplane that have to be checked before we can even board those airplanes.

It seems to me it makes good sense for us to include anything that helps public safety. Miners need to be safe in their work, we need to be safe, all of us need to be safe when we fly. We need safety from nuclear waste.

Vote for this amendment.

Mr. WISE. Mr. Chairman, before I yield to the next speaker, I would just add that the reason the Justice Department opposes this bill, and particularly the language about judicial review, is because it believes that in a letter written to at least one Member, "It will result in litigation each time a new rule is promulgated during the moratorium and thus continued delay."

Mr. Chairman, I yield the balance of my time to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. I thank the gentleman from West Virginia for yielding this time to me.

Mr. Chairman, in my district in Colorado, thousands of cubic yards of plutonium-laden wastes are in storage at the Rocky Flats nuclear weapons site,

within a metropolitan area of 2 million people.

We have a solution to that problem, as the gentleman from South Carolina [Mr. SPRATT] mentioned 1 minute ago, and that is the waste isolation pilot project in New Mexico.

The procedures for getting waste into the ground there were laid out in a bill that we passed 3 years ago. It requires EPA to issue regulations covering several different areas. One of those deals with the compliance criteria for waste disposal for nuclear materials.

EPA issued its proposed rule last month, and the 90-day comment period is running presently. But if this bill becomes law without the kind of exception the gentleman from West Virginia proposes, there is no way we can move to get WIPP open to start to solve this very daunting problem of the proper, safe disposal of these transuranic, plutonium-laden wastes in my district and in several other districts across the country.

That makes absolutely no sense, no sense whatsoever. If we do not adopt this amendment for this purpose and others, shame on us.

Mr. CLINGER. Mr. Chairman, I yield the balance of our time, 1½ minutes, to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. I thank the gentleman for yielding this time to me.

Mr. Chairman, I listened to this debate, and it is kind of *deja vu* all over again, as the great philosopher Yogi Berra once said, going back to the unfunded mandates legislation; we are trying to exempt this bill to death.

There are two major exemptions in this bill that apply to the issues that have been raised. On the airworthiness rules issued, if you take a look on page 3 of the committee report, it makes it very, very clear that within the Office of Management and Budget, all they need do is look at the routine administrative functions of the agencies which apply to these airworthiness rules, those apply, are exempted from this. Those are not in any way taken away by this action; those would continue. Those are not the kind of major rules that this act contemplates putting in the moratorium.

In terms of the other issues, the language stated by the gentleman from Indiana [Mr. MCINTOSH], very eloquently, on the chart in front makes it clear that during the period of this moratorium there is imminent threat to health or safety, and that has been defined as the existence of a condition or circumstance or practice reasonably expected to cause death, serious illness, or severe injury to humans or substantial endangerment to private property during the moratorium.

If this administration finds that that applies at that point, the administrative items would move forward, the regulations would move forward. If you have no confidence in this administration to make those kinds of calls, then perhaps you should vote for this amendment. But I think there is ample

leeway in this legislation to allow for that.

The CHAIRMAN. All time on this amendment has expired.

The question is on the amendment offered by the gentleman from West Virginia [Mr. WISE].

The question was taken, and the chairman announced that the noes appeared to have it.

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

The CHAIRMAN. Pursuant to the order of the House of Thursday, February 23, 1995, further proceedings on the amendment offered by the gentleman from West Virginia [Mr. WISE] will be postponed.

The point of no quorum is considered withdrawn.

□ 1100

AMENDMENT OFFERED BY MR. GENE GREEN OF TEXAS

Mr. GENE GREEN of Texas. 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. GENE GREEN of Texas: At the end of section 5 (page 4, after line 5), add the following new subsection:

(c) FAMILY AND MEDICAL LEAVE REGULATIONS.—Section 3(a) or 4(a), or both, shall not apply to any regulatory rulemaking action (or any such action relating thereto) to clarify requirements under the Family and Medical Leave Act of 1993 with respect to which a final rule was published on January 6, 1995 (60 Fed. Reg. 2180).

The CHAIRMAN. Pursuant to the order of the House of February 23, the gentleman from Texas [Mr. GENE GREEN] and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Texas [Mr. GENE GREEN].

Mr. GENE GREEN of Texas. Mr. Chairman, H.R. 450, as written, currently the regulations implementing the Family and Medical Leave Act of 1993, were caught under the net cast by this bill. As my colleagues have noted earlier in the debate, this bill makes no attempt to distinguish between good and bad regulations. My amendment would exempt these regulations currently under consideration for clarification of the Family and Medical Leave Act.

For those who may have forgotten, the Family and Medical Leave Act entitles employees of up to 12 weeks of unpaid job-protected leave in a 12-month period for specified family medical reasons. The Family and Medical Leave Act was passed in the 103d Congress, actually passed and effective on August of 1993, so about 18 months ago.

I cosponsored the bill and supported it on its final passage, and it passed overwhelmingly, 265 to 163 with 40 Members of the now-majority supporting it. Thirty-four of those still continue to serve in this body. The aim of

the regulations was to clarify for employers the intent of the act so that both employers and employees would understand both their rights and their responsibilities. Many businesses are affected by this regulation and would be unable to plan appropriately because of the uncertainty surrounding the moratorium. Again it has been 18 months since the act was passed, and by adding another 6 months causes even more confusion, not only to employees, but also to businesses, and it is a step process that we go through, the department is going through, and when the final process—and again it would benefit those businesses.

Accordingly, the Labor Department in the final rules were based on suggestions for more than 900 public comments received by the department during their 6-month public comment period, so part of that time delay in these regulations, because of the 6-month public comment that none of us want to see shortened. We want adequate time for the public, whether they are in business or individuals, to comment.

Mr. Chairman, it is extremely important that these commonsense and clarifying rules go through. Businesses have been attempting to comply with the requirements of the act, and the Department of Labor has been trying to work with them. The U.S. Chamber of Commerce, the Chicago Land Chamber of Commerce, and Nation's Bank are among those businesses and associations who provided input during this comment period. The regulations under consideration would be employee benefit plans, health insurance, maternal and child health, among other things.

Among the commonsense clarifications, the definition of serious health condition has been changed to clarify the circumstances under which a leave may be taken, and again this is something for the benefit of a manager of a business who needs that. As a result, the employees with chronic conditions or are pregnant are not required to see a health care provider during every absence every time a mother may be ill. She should not have to bring a doctor's excuse when it is obvious that she may be just experiencing short-term sickness. Unlike the regulations that are alleged to be full of red-tape, this regulation will reduce the confusion for those who need to comply with it.

I hope we have no interest in reopening the act just as we are beginning to see some real regulation to interpret it for its final implementation, and I would urge my colleagues to vote for the amendment.

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

Mr. CLINGER. Mr. Chairman, I claim the time in opposition to the gentleman's amendment.

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

Mr. DAVIS. Mr. Chairman, I just want to get a couple of clarifications.

As I understand it, if these final rules are not applicable, the current rules

would remain in effect during the moratorium period; correct?

Mr. GENE GREEN of Texas. Mr. Chairman, will the gentleman yield?

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

Mr. GENE GREEN of Texas. That is what I understand in the final rules of the clarifications that were requested by—for definitions, for example, for serious health condition.

Mr. DAVIS. OK.

My understanding during the committee debate is the Department of Labor would—the final rules are basically identical to what the interim rules are. There is a little bit of additional guidance, but that the rules are essentially the same.

Mr. GENE GREEN of Texas. Essentially the same, but again they are trying to define some of the terms so businesses and employees would have that as definitive instead of depending on the original rule.

Mr. DAVIS. It looks then as just that it would be guidance, and the rule would essentially stay the same; I thank the gentleman.

Mr. GENE GREEN of Texas. Mr. Chairman, I yield such time as he may consume to my colleague, the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, my colleagues, when the Family and Medical Leave Act passed this House, it started in my subcommittee, and I was the author of the amendment which exempted American small business from having to comply with the Family and Medical Leave Act. So I can associate myself with what the gentleman on that side, as well as the Members and the gentlemen on this side, are trying to accomplish here in removing from business regulatory burdens.

"But you're about to," I say to my colleagues, "make a mistake. Business has requested the new regulation be promulgated. The Department of Labor delayed for 6 months this new regulation at the request of business. Business needs a number of clarifications so that they can avoid increased costs of the Family and Medical Leave Act. You are denying them; that is, denying business, what business had requested."

The amendment offered by the gentleman from Texas is a probusiness amendment. He is asking us to allow the Department of Labor to do what business has asked be done. If this amendment is not accepted, the result is that business is going to pay more, not less, to comply with the Family and Medical Leave Act.

I say to my colleagues, "Now in your rush to do this, and to do it in a whole-cloth way with no exemptions, you are about to make a mistake here. The good news is the Senate will correct it and do it the way business wants."

Mr. CLINGER. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Chairman, let me just simply say that the gentle-

man's comments prove what I have been saying all along. The purpose of this moratorium is not to help business, but to help the American people who ultimately pay for all of these regulations, and that is why we need it enacted into law.

Mr. GENE GREEN of Texas. Mr. Chairman, I yield 1 minute and 30 seconds to the gentlewoman from Illinois [Mrs. COLLINS], the ranking member of our committee.

(Mrs. COLLINS of Illinois asked and was given permission to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Chairman, I support the gentleman's amendment.

The Family and Medical Leave Act is important to working families, and the clarifications made in the rule recently published in the Federal Register are important so that employers know what leave-rights workers have.

Many of us have had loved ones who have died or who have been stricken with serious illness. The Family and Medical Leave Act guarantees that working men and women may take time needed to care for a family member or perhaps the birth and care of a newborn child, without running the risk of losing their job.

Yet, the implementation of this commitment has not been easy. Confusion over what constitutes a chronic health condition, who can be considered a health care provider, and many other issues has meant that workers have not received benefits they deserve.

Business asked for clarifications in the regulation recently issued by the Department of Labor. They have now been issued, and we should not block their implementation under the moratorium in H.R. 450.

I support the gentleman's amendment and urge my colleagues to support it as well.

Mr. CLINGER. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Pennsylvania [Mr. GOODLING], the chairman of the Committee on Economic and Educational Opportunities.

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

Mr. Chairman, I think it is imperative to leave the legislation as it is. It is imperative, because you have a very divided community out there right now, so you have interim regulations that will continue. And I think during this interim period, there will be an opportunity to bring the community together. So I would encourage Members to keep the legislation just exactly as it is, allow these interim regulations to continue until you bring that community together, and we will have time to do that.

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

Mr. GENE GREEN of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say in response to both the gentleman from Indiana

[Mr. MCINTOSH], and my chairman of the Committee on Education and Economic Opportunities, again my concern is the delay because of the need for clarification on the rules, that if this is not exempted from the bill, we would see additional delay for businesses who need these definitions.

The definitions include health care provider, to include them so they would know what type of health care provider would actually be responsible for that. The other definition here is health condition, to clarify the circumstances for employees.

The bill that we are talking about has been amended already with certain exceptions. Again, we have a law that was passed in 1993 that businesses have already waited 18 months. Again, to be able to have some clarification, they should not have to wait again another 6 months.

Mr. Chairman, again, what we have is an effort to try and make sure government works, and that is what I think we are all here for. Again, a law that was passed in 1993 that we have a delay in the regulations, because of the 6-month time frame for the input from our constituents and our businesses, and yet because they may get caught up in this, and as my colleague from Montana said, the Senate will very well correct this.

I have some concern about the effective date of this act. In fact, I was hoping as a member of this committee I could support this. I went to the markup with the hope to be able to support it if we could have picked another date other than November 20. We should pick a date for a moratorium that is much later so people can plan and have some kind of idea on both their business decisions and everything else they do. This amendment would just address one small facet of it.

Obviously if we were able to make the deadline or the effective date of the act, instead of November 20, with whatever date we pass this, or some date even this year, businesses could make that decision. But without doing that and going back to November 20, it is necessitating the number of amendments we see to say okay, there are regulations that are so close to being in place that unless we exempt it, you are going to cause more confusion out there in the marketplace, and that is not what we need to do, and this Congress has caused more confusion for business.

That is why this amendment is needed, so we will continue with the efforts, so people will know how to enforce the Family and Medical Leave Act, because it did pass overwhelmingly here in 1993, and I hope that we could clarify it, and if not today, then maybe the other body will be able to do that.

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

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

Mr. Chairman, I would just say that we feel that this amendment is un-

necessary and might actually be counterproductive, because clearly there is existing dispute within the business community with regard to these regulations. So the fact we might be expediting at this point the promulgation of those regulations would perhaps not serve the business community well.

Just very briefly, the interim final rules will remain in effect throughout the moratorium, and those interim final rules are just about identical to the final rules that are being proposed. The Department of Labor believed that the interim rules were satisfactory. So I think that this is a solution without a problem. We think it is unnecessary, and it would not cause any great disruption so long as the interim rules remain in effect.

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

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

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

Mr. GENE GREEN of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of Thursday, February 23, 1995, further proceedings on the amendment offered by the gentleman from Texas [Mr. GENE GREEN] will be postponed.

Are there further amendments to H.R. 450?

AMENDMENT OFFERED BY MR. WAXMAN

Mr. WAXMAN. 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. WAXMAN: Amend section 6(3)(A) (page , beginning at line) to read as follows:

(A) IN GENERAL.—The term "regulatory rulemaking action" means the issuance of any substantive rule, interpretative rule, statement of agency policy, or notice of proposed rulemaking.

The CHAIRMAN. Pursuant to the order of the House of February 23, 1995, the gentleman from California [Mr. WAXMAN] and a Member opposed, each will control 10 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

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

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

Mr. WAXMAN. Mr. Chairman, the bill before us, H.R. 450, has an incredibly broad scope. I think most Members think that this legislation just freezes the issuance of final regulations. It does not. It also covers notices of inquiry, advance notice of proposed rulemaking, and, "any other action taken in the course of the process of rulemaking."

The purpose of my amendment is to narrow the scope, to cover just the issuance of final and proposed rules. The

amendment is necessary to save Federal resources.

The Federal Government has thousands of employees working on regulations. The effect of H.R. 450 would be to idle those employees. Without the amendment the taxpayers would be paying them to sit there and do nothing. The broad scope of H.R. 450 is not only wasteful; it is counterproductive.

The administration is trying to improve its regulations by meeting with affected industries, responding to comments, and developing innovative market-based approaches. These activities, which I would think everyone would support, would simply be halted in their tracks.

We are being very schizophrenic in our approach to regulations in this Congress. H.R. 9, which the House will consider next week, imposes so many new review requirements on agencies that the Environmental Protection Agency, for example, says it would be forced to hire an additional 1,000 employees in order to comply. But in today's legislation, we are doing just the opposite. We are telling EPA and all the other regulatory agencies to idle the people they have now on their employment rolls, stopping them from doing any work in preparation or consideration of regulations.

My amendment would limit the scope of H.R. 450 to put a moratorium on the issuance of the regulations, but allow during this moratorium period the agency people to meet with the interest groups so they can evaluate whether the regulations are needed or necessary to accomplish the goals set out in the statutes, or to solicit public comments. They ought to get the public input so that the regulations that they may well propose will be the most thoughtful; to hold public meetings so people, industry people and ordinary citizens, will have a chance to give their views.

The bill as it is now drafted would stop all of those activities from going forward. It makes no sense. We ought to just put a moratorium, if we are going to have one at all, on the final issuance of regulations, so that all the bad effects that we are hearing warnings about will not take place.

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

Mr. CLINGER. Mr. Chairman, I claim the time in opposition to the gentleman's amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] is recognized for 10 minutes.

Mr. CLINGER. I yield 3 minutes to the gentleman from Indiana [Mr. MCINTOSH], the author of the legislation.

Mr. MCINTOSH. Mr. Chairman, I would rise in opposition to this amendment and simply say there are a couple different problems that would be created by this. The first was an experience that we learned from the moratorium on regulations that President Bush put into effect in 1992, that many

of the regulations were held up from being published in the Federal Register, but the agencies continued to work on them to continue to draft the regulations, continue to have meetings, continue to do all of the processes other than print them.

□ 1120

And as a result, we saw a flood of new regulations at the end of the moratorium period. I do not think that is what the American people sent us here to do. Rather, what they want us to do is put a stop on burdensome regulations. And what we need to do is catch them at all stages and catch a lot of the activities and say, these are unnecessary and counterproductive.

Let me give one example from my time in working with Vice President Quayle's Competitiveness Council that caused us endless hours, numerous meetings and debates in order to fix a problem that should have been caught but that never appeared in the Federal Register as a notice of preliminary rulemaking, a proposed rule, or a final rule. That is the 1987 Wetlands Manual that suddenly dramatically expanded the scope of that program, took billions of dollars worth of private property by requiring people who did not have anything near a wetland to suddenly seek a permit from the Federal Government before they could use their property.

Everyone, environmentalists, farmers, developers, conservatives, agreed that that manual went too far. It was an example of regulatory overreach that had devastating consequences to the property owners in this country.

The problem was, no one in America knew about this change in the Federal regulations because it was never published. What we need to do is have a moratorium on sneak attacks like the 1987 Wetlands Manual to protect the American public from unnecessary, burdensome and counterproductive regulations.

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

Let me give examples of what we are talking about in the breadth, the scope of this legislation. There are Federal agencies appropriately working on important regulations. They are evaluating them. They would be stopped from even evaluating these proposals.

The Department of Transportation is looking at a regulation to protect drivers from head injuries. The Food and Drug Administration is looking at a regulation to protect children from iron poisoning from accidental ingestion of iron supplements, which is the leading cause of poisoning death in young children.

The Department of Justice is looking at a regulation to make parole more difficult for sex offenders. They are also looking at a regulation requiring drug testing of parolees, and regulation to require wealthy criminals to pay incarceration fees.

The Environmental Protection Agency is looking at approval of state implementation plans under the Clean Air Act. They would not be able to evaluate these plans, to get comments on these plans. The EPA and HUD are looking at regulation to protect children from lead poisoning. The Department of Energy is looking at regulations to promote energy efficiencies. These are regulations that people should want. Every Member should want these regulations. They are important for the health and well-being and security of the American people.

We want those regulations to be done wisely. To be done wisely, they ought to be able to get public comment. They ought to be able to evaluate the views of different organizations. They ought to be able to think through what they are doing so regulations will be sensible.

This proposal that we have, this moratorium, is just not sensible when it stops these kinds of activities from taking place.

I do not know what sneak attacks the gentleman from Indiana is talking about, but I do know that the Competitiveness Council, under Vice President Dan Quayle, acted in a superlegal way, extralegal way, when they tried to meet in secret with industry officials to try to then impose their will on their own Republican appointees in these agencies that were entrusted to develop the regulations pursuant to the laws passed by Congress and signed by the President of the United States, who at that time was President Bush and prior to him President Reagan.

This bill is a ham-handed, heavy-handed, one-size-fits-all approach on regulations. Whether they are good or bad, stop them, and not only stop the regulations from going forward but stop honest employed public employees from even thinking through what makes sense.

Have them sit there and do nothing. That to me is a big waste of taxpayers' funds. So I would urge support of this amendment to narrow the scope.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from Illinois [Mrs. COLLINS].

(Mrs. COLLINS of Illinois asked and was given permission to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I support the gentleman's amendment.

Even during a regulatory moratorium, the Federal Government's regulatory responsibilities do not stop.

H.R. 450's prohibition against Federal employees doing anything other than cost benefit analysis or risk assessment during the moratorium period is, therefore, highly irresponsible.

We are not suspending the application of laws to individuals and firms in this country. And we should not prevent Federal employees from carrying out responsibility we have given them under those laws.

Do we really want to prohibit Federal employees from giving guidance to those who remain subject to Federal regulation?

If we let risk assessment become our goal, rather than a tool to achieve our goal, the risk assessment itself can be harmful and an obstacle to serving the public interest. What happened in the early years of the AIDS outbreak is a good example. In the early 1980's, a few scientists proposed that AIDS could be transmitted to others through transfusions of blood from a person with the AIDS virus.

The Food and Drug Administration and the blood products industry thought there would be alarm and panic, if the public were warned of this possibility. Instead, they insisted they had to be absolutely sure before they could say anything publicly.

As a result, all kinds of risk assessments were done—comparison risks, substitution risks, as well as cost benefit analysis. For more than 2 years, the proposal that AIDS could be transmitted through transfusions was analyzed before evidence was so overwhelmingly conclusive, that the FDA and the blood products industry finally issued their warnings to the public.

During that 2-year period, tens of thousands of people were exposed to AIDS contaminated blood. Had the blood banks initiated their policies earlier to screen for AIDS-contaminated blood, countless lives could have been saved.

The lesson to be learned from the FDA's experience is that agencies need flexibility. A one-size-fits-all approach to risk assessment and cost benefit analysis can be harmful and contrary to the public interest. We need to be encouraging agencies to evaluate possibilities, but we do not want to insist that they only conduct risk assessment and cost benefit analysis when what they are looking for might be right in front of their eyes.

I think the gentleman's amendment ensures that Federal employees will have the flexibility to respond appropriately to the responsibilities they have.

I urge my colleagues to support the gentleman's amendment.

Mr. CLINGER. Mr. Chairman, for a response I yield 3 minutes to the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Chairman, let me suggest that if our worry here is that we have some number of the 130,000 Federal employees who spend their days writing regulations, who will not have anything to do because of this moratorium, that perhaps the American public would celebrate this fact. But we do owe a duty to the American public to spend our money wisely.

I would be willing to look, with the gentleman from Louisiana [Mr. LIVINGSTON], chairman of the Committee on Appropriations, at the possibility of a rescission that would allow a furlough of those employees so that the American people would not be paying them to cause further harm by regulating and would not be paying them to do nothing because the moratorium would prevent them from damaging the economy, adding more to the hidden tax on the American taxpayer and possibly even creating a regulatory rescission.

Mr. Chairman, I think it is important that we act now in order to prevent that.

I ask to include in my remarks a copy of an article by Murray Weidenbaum that discusses the nature of the regulatory recession and the danger that that poses for the economy.

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

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

Mr. WAXMAN. Next week we are going to consider H.R. 9. That bill would require the agencies to go through a tremendous number of steps before any regulation would come into a proposed form. They would have to do analysis of cost-benefit. They would have to do analysis of risk assessment.

Under the unfunded mandates bill we are going to ask them to evaluate not only the cost impact on State and local governments, but to look at what the impact will be on America's standing in international trade. These are analyses which are appropriate because we ought to get all the information that is valid before we have regulations that may have unintended consequences.

But one of the results of H.R. 9 is going to be that we are going to have to hire more Government employees to do all of those analyses. The gentleman wants to fire them now and then rehire them next year. That seems to me nonsensical.

Mr. MCINTOSH. Mr. Chairman, reclaiming my time, let me just say, I think perhaps what we need to do is hire people who would actually be honest about implementing those new criteria, to use good science, to use cost-benefit analysis, and, as the gentleman knows, the moratorium period goes until those new processes are put into place. So why should the American taxpayers pay for people to do nothing during the moratorium? Maybe we should give them a furlough, save the money, hire people back who will do risk assessment, will do cost-benefit analysis and, once again, restore the American people's confidence that we are not putting more burdens on them but, in fact, working for their benefit.

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

I would be happy to engage in a further colloquy with the gentleman from Indiana, because I do not think what he is saying makes sense. Is the problem the employees that work for the Government or the laws under which they operate?

I would assume that the gentleman thinks it is the laws under which they operate because he is proposing under H.R. 9 to require that they do more cost-benefit analysis and risk assessment, et cetera.

If they are not capable of doing it, are we going to fire all those employees and then hire new ones? That I think is probably going to be very costly. Do we know it is the public employees in this

country who are not sensible, or is it the laws that are not sensible?

Mr. Chairman, I yield to the gentleman from Indiana [Mr. MCINTOSH] to respond to these questions.

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

I believe that the fundamental problem in most of these cases is that the laws require the agencies to issue regulations that are costly, burdensome, and unnecessary; that in a certain number of cases, the agencies go beyond the laws and think up additional regulations, like the wetlands manual, that cost us more money than what the laws require, and add to an even greater burden under our regulatory process.

I think it is important that we go in and fix those laws. At this point, I am willing to explore with the chairman, the gentleman from Louisiana [Mr. LIVINGSTON], the possibility of saving the taxpayers some money if there are unnecessary Federal employees as a result of going back and fixing those problems.

Mr. WAXMAN. I am going to reclaim my time on that point. Mr. Chairman, that means fire all the people that are there that should be working on regulations, like a regulation to make parole more difficult for sex offenders, a regulation requiring drug testing for parolees, a regulation to require wealthy criminals to pay incarceration fees.

There are things that people who are career people at the Department of Justice are trying to implement because of the laws that we have adopted. To fire those people and then hire them back, when we tell them "Not only should you listen to these different groups, but you ought to go through extensive analyses even beyond that." I cannot see how that makes any sense.

If the gentleman really wants to fire people because he does not think there is enough work, why are we going to pass a bill that will require them to double the amount of people working on regulations?

I yield to the gentleman from Indiana to respond to that.

Mr. MCINTOSH. Mr. Chairman, let me say that any of the regulations necessary to enforce the criminal laws are exempt, and therefore could be worked on, and in fact should be worked on by people in the Justice Department and other agencies.

Mr. WAXMAN. The point I am making, Mr. Chairman, is that under H.R. 450, they would not be permitted to do the job for which we hired them, which is to look at the possibility of regulation to accomplish those purposes, because this moratorium would prevent during the moratorium period not just the issuance of the regulations, but even consideration of regulations.

Then when the bills are adopted to go into effect after the moratorium, H.R. 9, which would set up so many new analyses, we would need more employees. I cannot understand this. It seems to be a schizophrenic approach.

Mr. MCINTOSH. Mr. Chairman, if the gentleman will continue to yield, first of all, criminal laws and health and safety regulations are exempt. The employees would be able to work on the regulations which are exempt from the moratorium.

I would hope, certainly, that they would do so, rather than do something else that does not serve the interests of the American people.

However, there are a lot of regulatory activities. We have discovered one the other day in our committee where an agency was thinking about a guideline requiring that there be a hole in the bottom of a bucket. Those kinds of activities we do not need employees for.

Mr. WAXMAN. If I can reclaim my time, the hole in the bucket is something we have heard a lot about, but I have heard from the Department of Justice that they would have to stop their employees from working on these regulations to protect us from sex offenders. They would stop the Department of Transportation from working on regulations to protect drivers from head injuries. It seems to me that it does not make sense.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] has 4½ minutes remaining, and the time of the gentleman from California [Mr. WAXMAN] has expired.

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

In conclusion, Mr. Chairman, we have had this interesting dialog about how many employees would be needed and if they should be laid off, and so on. I think that obscures the principal point here, which are some of the points made by the gentleman from Indiana [Mr. MCINTOSH] earlier.

In the experience we have had with the moratorium under the Bush years, there was a tremendous bunching effect that took place, because the bureaucracy was allowed to function, and when the moratorium came off there was a spate of amendments, an enormous spate of amendments that came out, very hard to digest.

I think the other key point to make here is that clearly, those regulations that qualify for one of the many exemptions, for health and safety, for routine activities, for criminal activities, and so forth, those are going to go forward. The machinery will work to allow those to go forward.

The purpose of the moratorium is to prevent the crafting of addition regulations before we have had an opportunity to review the whole regulatory process. This is the whole point of what we are trying to accomplish here.

To allow those preparatory activities to go forward leading up to the promulgation of a rule really obviates the whole purpose of what we are trying to accomplish, which is to review the entire process of formulating these regulations.

Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. GUTKNECHT].

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

Mr. Chairman, this fundamentally is a debate, as I said in committee, between those who believe that the regulatory glass is half empty, and those who believe, on our side, that the glass is already filled to overflowing.

We have heard examples on both sides. We have heard these anecdotes about the holes in the bucket and so forth. The real question I think the American people are asking is do we really need 130,000 bureaucrats creating more rules. I think most Americans would agree that we do not.

We had someone from OSHA in to speak to the committee earlier in the session. I asked what they thought their role was, and what Americans wanted from the regulatory process.

Her answer was very simple. She said she thought what America wanted was more efficient and effective regulation. I said "I'm sorry, but I think, speaking on behalf of middle America, what America really wants is more reasonable regulation."

I really do not think this amendment is necessary. I think what America wants is more reasonable regulation. We do not need 460,000 pages of new rules. We do not need 100 million words.

The CHAIRMAN. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from California [Mr. WAXMAN].

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

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

The CHAIRMAN. Pursuant to the order of the House of February 23, 1995, further proceedings on the amendment offered by the gentleman from California [Mr. WAXMAN] will be postponed.

Mr. MILLER of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this morning there was a colloquy concerning regulations that were of great concern to people in my district. I want to clarify where we stand on these regulations.

My congressional district in Florida has the largest number of senior citizens of any district in the country. In Sarasota, Sun City, Port Charlotte, Bradenton, FL, we have thousands and thousands of retirees that have moved down from Indiana, Ohio, Michigan, and such, and moved into retirement communities that are designed for people over age 55.

They move there because of a way of life, a lifestyle they want. Now the Federal Government is developing regulations to threaten this lifestyle that is so, so important to these retirees.

It has been the policy that if there were 80 percent of the people over age 55, that satisfied the requirement; a nice, simple quota that took care of it.

These people could live the life they moved to Florida for.

However, in an 1988 fair housing law they decided to change it in Congress. Now we have the regulations that are threatening my seniors in my district.

What the regulation did was say "We want to have significant facilities and services that are specifically designed for people over age 55." They use the words "significant" and "specific," and have great room for the bureaucrats to have a great time.

They came up with regulations last summer, the proposed regulations. The proposed regulations were a disaster. They were going to require nursing homes in mobile home parks, congregate meals or something. Luckily, the people from HUD went out and had field hearings and actually saw what senior communities are all about.

They said "Yes, now we realize we made a mistake." They came out and they are in the process now of introducing new regulations. The new regulations have gone from 60 pages to 29 pages. That is great, it is a big improvement. My concern is going to be on why we even had the regulations in the law in the first place.

These are the latest regulations that are getting ready to be imposed on my seniors in their communities. These are things, these are 100-unit mobile home parks. You have to have at least 10 of the following in facilities and services, 5 out of this category, and things.

We can do it ourselves, you can check them off. If there is bingo, you check a check. If you have fashion shows, that is a check. A monthly calendar of events, that is a check. A Ping-Pong table gives you a check. You can check it off and meet the requirements.

Great. But how do you enforce it? Do you have the HUD police come down, and if your Ping-Pong table has been broken, what is the enforcement mechanism? Why do you have to get in their lives and bug these people? They do not like it.

Luckily, luckily, we have introduced legislation last year, the gentleman from Florida [Mr. SHAW] introduced it, and it is in our Contract With America, so by April 7, hopefully, we will remove this offending section, which is significant facilities, specifically designed.

The problem is it would be nice to stop the regulations. Since it has a quota, my understanding is that under the Norton amendment, that this would be allowed to be covered. If these regulations are not put into effect, we can hold until we can get legislation to correct that area.

□ 1140

Mr. Chairman, this is a case of regulatory overkill, threatening a way of life that we do not need to do that.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would just like to make some general comments.

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

Mr. SMITH of Michigan. I yield to the gentleman from Pennsylvania.

Mr. FATTAH. Mr. Chairman, I thought that there was an order to the proceedings that would have had me recognized next.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

PARLIAMENTARY INQUIRIES

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

The CHAIRMAN. The gentlewoman will please state it.

Mrs. COLLINS of Illinois. Mr. Chairman, the gentleman was on his feet before the Chair called for the gentleman.

The CHAIRMAN. The Chair has recognized the gentleman from Michigan for 5 minutes.

Mrs. COLLINS of Illinois. A further parliamentary inquiry.

The CHAIRMAN. Please state it.

Mrs. COLLINS of Illinois. Is it not parliamentary procedure that if a gentleman is on his feet before anybody else is on his feet, that he is indeed called upon to be recognized by the Chair?

The CHAIRMAN. The Chair recognized the gentleman from Michigan.

Mrs. COLLINS of Illinois. The Chair did not answer my question. I have a further parliamentary inquiry.

The CHAIRMAN. The gentlewoman from Illinois will state her inquiry.

Mrs. COLLINS of Illinois. Mr. Chairman, I would like to have an answer to my question, please. Is it not the parliamentary procedure that if a gentleman is on his feet seeking recognition before anybody else stands, he is to be recognized?

The CHAIRMAN. It is within the discretion of the Chair to recognize the Members.

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

The CHAIRMAN. The gentleman from Missouri will state it.

Mr. VOLKMER. Has it not been the custom of the House or the history of the House that if a Member from the Republican Party, or any party, has spoken, a Member next to be recognized would be a Member from the other party in comity, and not two Members from the same party, especially when one Member is standing?

The CHAIRMAN. It is ultimately the discretion of the Chair to recognize Members.

Mr. VOLKMER. I know that, but I asked about the custom of the House, and the history of this House.

The CHAIRMAN. It is the discretion of the Chair to recognize Members.

Mr. VOLKMER. I recognize that.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Chairman, I will try to be brief.

I wanted to share some of my experience of being one of the nine OSHA

commissioners in Michigan. On that commission, there were four members on the commission representing labor, there were four members representing business. The four representing business were all safety engineers. I was a commissioner representing the public at-large.

The directions before that commission were to examine all of the procedures for health in the Department of Labor for worksite safety and think of all of the things you can think of to improve safety for workers. The safety engineers and the representatives from labor continually, every meeting, thought of more and more regulations.

I suggest to the Members that think that regulations are not a serious impairment to business and ultimately to jobs and wages in this country should take some time not only reading the regulations, but examining the way those regulations are implemented. Depending on how good a night sleep certain inspectors have, depending on whether their wife or husband bawled them out before they left for work because they are underpaid most of the time depends on their interpretation of the rules, and they can become very demanding in the preciseness of the way those regulations are written, all the way from the quality of wood in a ladder to the exact height to the half inch of where light switches are placed.

Let me conclude by saying that I would have enjoyed bringing down the regulations that were passed this last year, but I had knee surgery a couple of months ago and those 65,000 pages were a little heavy.

I would just again ask all of the Members that are not aware of the real implementation of all of the regulations that we pass in every State and at the national level to take some time reviewing those individuals, those persons, those businesses that are forced to be inspected and live under those regulations. We are taking away jobs. The estimated cost by the Vice President is over \$400 billion every year that is passed on to all of the consumers in this country. It is a dangerous situation. It is important that we move on to reexamine all of the regulations that we impose on the people of this country, and a good start is the moratorium.

Mr. Chairman, I rise today to remind my colleagues of the economic danger our Nation faces if we don't stop the tidal wave of regulations that Congress and the President have imposed. I would have carried down to the floor a copy of just last year's regulations as an example of our exploding Government, but I couldn't carry all 65,000 pages.

Every day, we endanger more jobs in this country through overregulation. According to a 1993 study cited by the Vice President's report on Reinventing Government, the private sector has to spend at least \$430 billion annually to comply with Federal requirements—that's 9 percent of GDP. The price of products we buy, from health care to shoelaces, are increased by that \$430 billion.

As we look for ways to help Americans, let's make sure we don't help them right out of their jobs. Job loss is the result of the suffocating burden of these regulations which have been piled on businesses. This overregulation hits businesses like a wrecking ball, demolishing the hopes of American workers and entrepreneurs. Economic growth is key in ensuring a bright future for America, so I encourage my colleagues to defeat this amendment and support this bill to reduce regulations.

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

The CHAIRMAN. The gentleman is recognized for 5 minutes.

PARLIAMENTARY INQUIRY

Mr. FATTAH. Mr. Chairman, I would like to first start by asking a parliamentary inquiry.

Is it not true as a member of the committee that I would have recognition on the floor in priority order to other Members of the House that are not members of the committee?

The CHAIRMAN. The gentleman is correct. The Chair would ordinarily accord priority.

Mr. FATTAH. Could the Chair then enlighten this Member and the House as to the ruling previously on the motion to strike the last word?

The CHAIRMAN. The Chair was advised that there was an understanding among Members that two pro forma amendments would be recognized prior to recognizing the gentleman from Pennsylvania.

Mr. FATTAH. The Chair was misinformed. There was an understanding that there would be one pro forma amendment, and that is the nature of the confusion. But I am trying to clarify since this has been a tradition of the House that in the future that with this tradition of honoring some civility on both sides, this would not be in the normal conduct of business that this matter would happen in that way. That is why I am entertaining this parliamentary inquiry.

The CHAIRMAN. The Chair regrets the misunderstanding.

Mr. FATTAH. I thank the Chair.

AMENDMENT OFFERED BY MR. FATTAH

Mr. FATTAH. Mr. Chairman, under the unanimous-consent agreement, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FATTAH: At the end of section 5 add the following new subsection:

(c) SPECIFIC RULEMAKING RELATING TO THE TELEMARKETING AND CONSUMER FRAUD AND ABUSE PREVENTION ACT.—Section 3(a) or 4(a), or both, shall not apply to any regulatory rulemaking action to implement the Telemarketing and Consumer Fraud and Abuse Prevention Act, Public Law 103-297.

The CHAIRMAN. Pursuant to the order of the House of February 23, the gentleman from Pennsylvania [Mr. FATTAH] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

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

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

Mr. Chairman, this should not be a controversial amendment. It exempts from the moratorium the proposed regulations of the Federal Trade Commission to implement the Telemarketing and Consumer Fraud and Abuse Act of 1994.

Republicans strongly supported this bill when it passed last summer. For example, the gentleman from California [Mr. MOORHEAD] said that the telemarketing fraud hurts both consumers and what he called legitimate honest telemarketers. He went on to say,

I know that many of our State attorneys general are strongly supportive of this legislation precisely of the enhanced enforcement tools it will make available to them.

The gentleman from Ohio [Mr. OXLEY] said last summer:

It is doubly important that we crack down on deception and fraud—not only to prevent injury to consumers but also to avoid further harm to legitimate businesses.

He argued that the bill will vastly reduce the ability of fly-by-night telemarketing scam operators to use State lines as a basis for potential legal sanctuary.

With this strong bipartisan support, the bill passed the House in the last Congress by a vote of 411 to 3 and passed the Senate by a voice vote. Numerous congressional hearings over a 7-year period have shown that telemarketing fraud was costing Americans \$40 billion a year and that the elderly and small businesses are the principal victims.

The hearings also showed that new legal tools were needed to stop this rip-off. The law directs the FTC to issue its final regulations by August 16, 1995. Then the law in a novel approach authorizes State attorneys general as well as the FTC to enforce these Federal regulations.

H.R. 450 would seemingly bring a screeching halt to last year's bipartisan effort to stop telemarketing fraud.

□ 1150

H.R. 450 prohibits the FTC from issuing a final rule by the statutory deadline of August 16 and even prohibits the FTC from going ahead with analyzing public comments and holding a public hearing on its proposed rule. Section 6(3)(A) of H.R. 450 makes it clear that the moratorium applies both to the issuing of a rule and to any other action taken in the course of the process of rulemaking.

This amendment is supported by the Consumer Federation of America, which notes that "Consumers, particularly senior citizens, often have been the targets for these fraudulent schemes."

Mr. Chairman, the last Congress spoke clearly and decisively on how to stop telemarketing fraud. There is no

reason for us to put their work on hold, and I urge support for my amendment.

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

Mr. CLINGER. Mr. Chairman, I claim the time in opposition to the gentleman's amendment, and I yield myself such time as I may consume.

Mr. Chairman, I would indicate in terms of the fraud provisions involved in this particular regulation, it is clearly exempt under the bill because any regulation that is necessary for the enforcement of criminal laws is specifically exempted from the provisions of this bill.

Mr. Chairman, I yield such time as he might consume to the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Chairman, does the author have a question?

Mr. FATTAH. Mr. Chairman, if the gentleman will yield, I have a quick question on the issue of them being exempted. These are not criminal issues, these are civil issues, so it would seem to me they do not fall under the exemption. But I would ask the gentleman from Indiana, who is an expert on H.R. 450, if he could enlighten me.

Mr. MCINTOSH. It is my understanding that the portions that would go to criminal activity which fraud is, would be exempt.

In looking at the regulations a little bit further, since the gentleman brought this issue to our attention and I appreciate his working in this area, there are some significant problems with the proposed rule that the agency has put forward in this area of provisions that go beyond the statute, that authorize the rulemaking, expanding the definition of telemarketing to pick up what some people are concerned are legitimate buys activities. That type of expansive rulemaking provision would not fit under the exemption for criminal law.

If it is a civil provision, then the gentleman is correct, it would not be.

Mr. FATTAH. If the gentleman will yield, this is a civil matter, and the statute did not make this part of the U.S. Criminal Code at all, so this is entirely civil issues that do not fall under the exemption as it is presently written.

Mr. MCINTOSH. The gentleman is correct if it is a civil matter and not a criminal matter, then it would not fit under that exemption.

Mr. FATTAH. I thank the gentleman.

Mr. MCINTOSH. Nonetheless, I would recommend that the body vote against this amendment because of the nature of these proposed rules which have come out on February 14 that are very expansive and could be very burdensome for legitimate business activity. I think it would be wise for us to continue the moratorium on those rules and allow the agencies and relevant bodies in Congress to take a look at the issue and determine that we are not imposing an unnecessary burden.

Mr. FATTAH. Mr. Chairman, if the gentleman will yield further?

Mr. MCINTOSH. Let me yield back my time.

Mr. FATTAH. Fifteen seconds please, only to say that I appreciate the gentleman's candor in indicating that it does not fall under the exemption. I do understand the gentleman's sincere belief, however, that nonetheless it should be opposed. I would hope those who voted in favor, neither you nor I was a Member of the 103d Congress where it passed 411 to 3, which I indicated, would support the action to deal with this issue, and I thank the gentleman from yielding.

Mr. MCINTOSH. Certainly.

Mr. Chairman, may I inquire how much time we have remaining?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] has 2 minutes remaining and the gentleman from Pennsylvania [Mr. FATTAH] has 2 minutes remaining.

Mr. FATTAH. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Illinois [Mrs. COLLINS], the ranking member of the committee.

(Mrs. COLLINS of Illinois asked and was given permission to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I wish to express my support for the Fattah amendment that would exclude telemarketing and consumer fraud regulations from the moratorium.

Annually, Americans lose approximately \$40 billion as a result of telemarketing scams. In response, last year we passed the Telemarketing and Consumer Fraud and Abuse Prevention Act of 1994. This bill enjoyed broad bipartisan support, passing the House by a vote of 411 to 3.

Pursuant to this act, the Federal Trade Commission has already issued proposed regulations to curtail telemarketing fraud, and is currently seeking public comment.

However, H.R. 450 would prevent the FTC from moving forward to implement these important regulations.

I cannot understand why the Members who supported this legislation last year would now wish to effectively nullify it during this moratorium period. Far too many individuals are defrauded each year through telemarketing scams. In failing to exclude these regulations, we create a windfall for the crooks preying on unwary citizens. Once again it will be open season for anyone who concocts a scheme to cheat our citizens.

What are we supposed to tell our constituents who have been victimized by these schemes? Should we tell them that last year we thought that telemarketing fraud was a problem warranting legislation, but that this year we decided that it was not really a big problem, or that at least it was not problem enough to exclude it from the moratorium?

If we do not adopt this amendment then these are questions that we all should be prepared to answer. I urge my colleagues to express support for the law that we overwhelmingly adopted in the last Congress, and therefore ask that they support the gentleman's amendment.

Mr. CLINGER. How much time is remaining on each side, Mr. Chairman?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] has 2 minutes remaining, and the gentleman from Pennsylvania [Mr. FATTAH], the sponsor of the amendment, has 2 minutes remaining.

Mr. CLINGER. I have the right to close, is that correct?

The CHAIRMAN. The chairman of the committee has the right to close.

Mr. FATTAH. Mr. Chairman, I yield myself such time as I may consume, and I do not intend to take up the House's time much further with this. I would like to indicate that telemarketing fraud affects all of our constituents across this country and both small businesses and senior citizens have been the victims of up to the tune of some \$40 billion. This has been a matter considered in congressional hearings over a 7-year period. The Congress in both its Houses and by action of the President's signature acted last year.

The gentleman from Pennsylvania, the chairman of this committee, indicated in his initial remarks that he felt that this fell within the exemption. It has now been clarified by the sponsor of H.R. 450 that these regulations do not fall within that exemption and therefore it is up to us as to whether or not we want to make it clear that we want fraud, as it is being so prevalently displayed in the telemarketing field, ended in this country as soon as possible by voting in favor of my amendment and I would encourage all of my colleagues on both sides of the aisle to give favorable consideration to this amendment.

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

Mr. CLINGER. Mr. Chairman, I yield the balance of our time to the gentleman from Oklahoma [Mr. ISTOOK].

The CHAIRMAN. The gentleman from Oklahoma [Mr. ISTOOK] is recognized for 2 minutes.

Mr. ISTOOK. Mr. Chairman, the difficulty with this as with so many other things is that the Federal Trade Commission appears to be using a blunderbuss or even a cannon in cases where what they actually need is a fly swatter.

The legislation which originally prompted the FTC to come with regulations was supported by the Direct Marketing Association which represents over a million, in fact about 1.6 million telemarketers in this country.

The FTC, rather than going after the bad apples among them has said that they want to put regulations that restrict the entire industry. For example, one of the things in there they say is, well, if you have anything that you have not fulfilled under a prior agreement, then you cannot make any new contact with your client.

Mr. Chairman, for example, I know of a company that employs a great number of people in Oklahoma, that has been operating for decades, that uses

telemarketing to sell magazine subscriptions. They could not call to say do you want to renew your subscription until after it has already expired under what the FTC is trying to do.

I see no reason to exempt the FTC from the application of the moratorium that is necessary to get a handle on regulations in this country, because they have shown they have the mindset that is all too typical, the mindset that it is going to take some time to get straightened out, to get squared away, so they focus on the people who are involved in fraud instead of saying our answer is to make everybody change their behavior instead of punishing the people who are out to defraud, to deceive, to commit a scam. That is the difficulty.

That is why I rise in opposition to the amendment that is proposed by the gentleman from Pennsylvania.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Pennsylvania [Mr. FATTAH].

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

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

The CHAIRMAN. Pursuant to the order of the House of Thursday, February 23, 1995, further proceedings on the amendment offered by the gentleman from Pennsylvania [Mr. FATTAH] will be postponed.

AMENDMENT OFFERED BY MR. VOLKMER

Mr. VOLKMER. 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. VOLKMER: At the end of Section 5, add the following new subsection:

“(c) SPECIAL RULEMAKING.—Section 3(a) or 4(a), or both, shall not apply to a regulatory rulemaking action by the Secretary of Agriculture pursuant to the Sheep Promotion, Research and Information Act of 1994 (P.L. 103-407).”

The CHAIRMAN. Pursuant to the order of the House of February 23, 1995, the gentleman from Missouri [Mr. VOLKMER] and a Member opposed, each will control 5 minutes.

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

Mr. VOLKMER. Mr. Chairman, in view of the fact that we have approximately 1 hour left and this is the last amendment that has been noticed at this time I ask unanimous consent that debate on this amendment be extended 5 minutes more on each side.

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

Mrs. COLLINS of Illinois. Reserving the right to object, Mr. Chairman, I would hate to object to the gentleman's amendment, but we have to because even though this amendment is under the unanimous-consent agree-

ment, there are other Members who have amendments that they want to offer, and although I respect the gentleman greatly I would have to object in order to protect their amendments.

The CHAIRMAN. Objection is heard.

□ 1200

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

Mr. Chairman, Members of the House, this is a very simple amendment. It would exempt from the moratorium the present rulemaking process that is ongoing in the Department of Agriculture pursuant to the Sheep Promotion Research and Information Act that we passed last year.

This act was necessary because several years ago this Congress, at the behest of the gentleman from Texas, who is now the majority leader, leading the fight, did away with the wool and mohair program that we had that helped our sheep producers throughout this country. As a result, that act, that promotion, that law will expire January 1, 1994.

Knowing that, some of us who have sheep producers in our districts, working with the sheep industry came up with an idea of them to have their own program financed by themselves as a Sheep Promotion, Research, and Information Act. That act passed this Congress without difficulty.

The USDA is now in the process of implementing that by regulation. If not exempted, if it is not specifically exempted, and I say that because I just this morning talked to the gentleman from Kansas, who is the chairman of the Committee on Agriculture, and he now agrees with me, even though he did not think so last night; he now agrees with me that this provision will not be able to be implemented by USDA. The regulation will have to come to a halt, and these sheep producers who want to do something for themselves without any cost to the Government will not be able to do so and, as a result, come January 1, you are going to have nothing there for them.

What has happened to the sheep industry since we have pretty well abandoned them out there by the Government taking the action repealing their existing program in the past? We have seen a demise of approximately 18 percent. We are continuing to see a downflow.

All they are asking is that they be given an opportunity to help themselves, not for government to help them, but to help themselves.

I have a letter from the American Sheep Industry Association.

We sincerely appreciate your effort to show that inclusion of the sheep promotion program in the regulatory moratorium would only hurt the producers of lamb and wool who ask for the implementation. There is absolutely no cost to the Federal Government. The cost of the referendum and all oversight costs are paid by the sheep industry.

Now, I realize, Mr. Chairman, members of the committee, that this little thing is not much different as far as exemption than the amendment early on yesterday morning by the gentleman from Indiana [Mr. BURTON] which was accepted by the other side, and was passed without any vote in this body, but because HAROLD VOLKMER is offering this amendment, because the gentleman from Missouri is offering the amendment, there is no question that they are not going to accept it.

We have been trying to work with them to see the light, to see that this is not going to undo their whole bill. It is just going to help a bunch of sheep producers, hard-working American people, paying taxes. Of course, they cannot pay as much under this bill. They are going to pay less, because we are going to lose a whole bunch more, and I do not understand why. They are not going to hurt me by defeating this amendment. They are only going to hurt a bunch of hard-working American people.

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

Mr. CLINGER. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Chairman, let me say I appreciate the effort to make clear that we can allow those regulations to go forward.

It is the opinion of the committee and the authors of this legislation that a specific amendment is not necessary to allow those regulations to go forward. Yesterday the gentleman from Kansas [Mr. ROBERTS] and the gentleman from Texas [Mr. DE LA GARZA] entered into a colloquy that made it clear that we could allow marketing orders and other routine administrative regulations the Department of Agriculture has to go forward.

This particular program, I realize, presents a unique issue, because the law was changed last year to allow a voluntary checkoff program for sheep and replaced an earlier act of Congress that was a Government-run program.

It is our understanding that this type of regulation would be exempt under section 6(3)(b)(i) that provides for regulations that are streamlining. Since this program would be administered by the Department as a checkoff from the private sector, it would be streamlining and reduce the burden and, therefore, be eligible to go forward under the exemptions under the law.

For that reason, I would recommend that we vote against this amendment.

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

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

Mr. VOLKMER. What law school is the gentleman a graduate of?

Mr. MCINTOSH. I graduated from the University of Chicago Law School.

Mr. VOLKMER. Fine. That is what I thought.

Mr. MCINTOSH. I am quite proud of that. I studied under Justice Scalia, who was a professor at the time, and I am very pleased with the legal education of that institution.

Mr. VOLKMER. Mr. Chairman, I yield myself the balance of my time.

I would like to point out to the House that even though the gentleman from Indiana says that it is exempt under the present law, I can find no other person in this body, including the chairman of the House Committee on Agriculture, that agrees with him. All the general staff of the USDA, the attorneys there, and even though I am only a graduate of the University of Missouri Law School and not the Chicago Law School, I do not know what kind of law they teach up there, but reading the law and reading what proposed regulations there are leads me to believe the gentleman from Indiana just does not know how to read the law.

And I appreciate he just does not want any amendment that is offered by the gentleman from Missouri to pass, but that is kind of mean-spirited. That is not hurting the gentleman from Missouri. You are only hurting sheep producers out there who are hard-working American people who want to do something for themselves, by themselves, but they have to have a regulation that is passed pursuant to an act by the Government.

The gentleman is trying to fool the House. The gentleman from Indiana is trying to fool the House. He says that it is exempt under that provision for streamlining. This does not have anything to do with streamlining, the gentleman from Indiana, one solitary thing. You better go back to law school. It has nothing to do with streamlining. It has to do with exempting a new law.

There has been no law on the books that has to do with a sheep promotion and research project whatsoever. Therefore, folks, do not be fooled. If you do not accept this amendment, then you are telling those sheep producers out there not only in my district but throughout the West and other parts of this country that you do not want them. The gentleman from Indiana is telling them that you do not want them to have this sheep promotion program, that they will benefit themselves with their own money, not with Government money, not with Government doing anything about it.

It is mean-spirited. It is John Bircher type of legislation.

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

Mr. Chairman, I think this is not about mean-spiritedness. It is obviously about a difference of opinion as to the exemptions and what they allow and do not allow.

The gentleman from Missouri feels that his program, the mohair program, would not be permitted to be exempt. I think there is an honest difference of opinion about that.

I think you are right, that the colloquy that was held yesterday between myself and the gentleman from Texas [Mr. DE LA GARZA], we thought at the time, would have covered that, because it did cover a number of things on a routine basis. That was clearly perhaps not included within the parameters of that colloquy, which is why we have worked with the gentleman, worked with the gentleman's staff over the morning to try to address that and have come to the conclusion that the exemption that would apply in this instance, the gentleman does not agree, but the exemption that would apply here is that this is a streamlining, this is in fact making things easier for the sheepherders and the people who are involved in this program. It is taking away a burden that they have on them.

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

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

Mr. VOLKMER. Did not the gentleman from Kansas, the chairman of the Committee on Agriculture, say or tell you words to the effect that he agreed that this amendment was necessary this morning?

Mr. CLINGER. I would tell the gentleman he did not tell me he thought it was necessary. He suggested that perhaps that it might be something that could be accepted. We are just saying we do not think it is necessary, because, in fact, it would be exempt under the streamlining provision.

□ 1210

So I would urge a vote against the amendment, unfortunately against the amendment, and yield back the balance of my time.

Mr. BONILLA. Mr. Chairman, I rise in support of the amendment by Mr. VOLKMER. Last October, the 103d Congress passed the Sheep Research and Promotion Act. This program could establish a national check-off program to provide funds for promotion, research, and information programs that will benefit sheep and wool growers.

This bill has been promulgated into rules that will enable the Department of Agriculture to implement the check-off program. This proposed self-help program was designed to allow promotion activities to begin when current authority expires January 1, 1996.

A delay in the rulemaking process will leave the U.S. sheep industry without a much needed national promotion program for sheep and sheep product promotion, research and information.

I want to emphasize that the check-off imposes no cost to the Government; the sheep industry check-off reimburses the cost of referendum, administration and compliance. This new program is needed to promote equity and fairness for American ranchers and help them compete in the global market.

Again, this rulemaking has absolutely no cost to the Federal Government. The cost of the referendum and all oversight costs are paid by the sheep industry.

This check-off is similar to the 18 other commodity check-offs. The sheep industry should have an opportunity to vote on a self-

help promotion similar to other agriculture industries like cotton, beef, and pork.

During the last Congress we passed a bill that phases out the Wool Act this December. The new check-off program would kick in on January 1, 1996. The moratorium places this program in jeopardy.

The death of the act means ranchers have to find a new way to do business so they can still provide for their families. This self-help program will allow then to help themselves promote their products.

More than 350,000 Americans in small communities depend on income generated by the sheep industry. Wool sales contributed approximately \$70 million to rural communities in 1992, and the sheep industry contributes about \$2 billion to the GNP.

The sheep industry is a vital cog in my district's economic engine. The 23d District of Texas has 86 percent of the sheep which produced 86 percent of the wool over the past 2 years in Texas. I am proud of this industry and proud of what they do to help the rural and Texas economy. This program is another tool to assist in building up and maintaining a strong domestic industry.

I ask my colleagues to support the Volkmer amendment.

The CHAIRMAN. All time on this amendment has expired.

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

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

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

The CHAIRMAN. Pursuant to the order of the House of Thursday, February 23, 1995, further proceedings on the amendment offered by the gentleman from Missouri [Mr. VOLKMER] will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the order of the House of Thursday, February 23, 1995, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: The amendment offered by the gentleman from West Virginia, Mr. WISE, the amendment offered by the gentleman from Texas, Mr. GENE GREEN, the amendment offered by the gentleman from California, Mr. WAXMAN, the amendment offered by the gentleman from Pennsylvania, Mr. FATTAH, and the amendment offered by the gentleman from Missouri, Mr. VOLKMER.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. WISE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from West Virginia [Mr. WISE] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

Mr. WISE. Mr. Chairman, I renew my demand, for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 194, noes 228, not voting 12, as follows:

[Roll No. 168]

AYES—194

Abercrombie	Geran	Obey
Ackerman	Gordon	Olver
Baesler	Green	Orton
Baldacci	Gutierrez	Owens
Barcia	Hall (OH)	Pallone
Barrett (WI)	Hall (TX)	Pastor
Beilenson	Hamilton	Payne (NJ)
Bentsen	Harman	Payne (VA)
Berman	Hastings (FL)	Pelosi
Bevill	Hayes	Peterson (FL)
Bishop	Hefner	Peterson (MN)
Bonior	Hilliard	Pomeroy
Borski	Hinchev	Poshard
Boucher	Holden	Rahall
Browder	Hoyer	Rangel
Brown (CA)	Jackson-Lee	Reed
Brown (FL)	Jacobs	Reynolds
Brown (OH)	Jefferson	Richardson
Bryant (TX)	Johnson (SD)	Rivers
Cardin	Johnson, E. B.	Roemer
Chapman	Johnston	Rogers
Chenoweth	Kanjorski	Rose
Clay	Kaptur	Roybal-Allard
Clayton	Kennedy (MA)	Sabo
Clement	Kennedy (RI)	Sanders
Clyburn	Kennelly	Sawyer
Coleman	Kildee	Schroeder
Collins (IL)	Klecicka	Schumer
Collins (MI)	Klink	Scott
Condit	LaFalce	Serrano
Conyers	Lantos	Skaggs
Costello	Laughlin	Skelton
Coyne	Levin	Slaughter
Cramer	Lewis (GA)	Spratt
Crapo	Lincoln	Stark
Danner	Lipinski	Stenholm
de la Garza	Lofgren	Stokes
Deal	Lowe	Studds
DeFazio	Luther	Stupak
DeLauro	Maloney	Tanner
Dellums	Manton	Tauzin
Deutsch	Markey	Taylor (MS)
Dicks	Martinez	Tejeda
Dingell	Mascara	Thompson
Dixon	Matsui	Thornton
Doggett	McDermott	Thurman
Dooley	McHale	Torres
Doyle	McKinney	Torricelli
Durbin	McNulty	Traficant
Edwards	Meehan	Tucker
Engel	Menendez	Velazquez
Eshoo	Mfume	Vento
Evans	Miller (CA)	Visclosky
Farr	Mineta	Volkmer
Fattah	Minge	Ward
Fazio	Mink	Waters
Fields (LA)	Moakley	Watt (NC)
Filner	Mollohan	Waxman
Foglietta	Montgomery	Williams
Ford	Moran	Wise
Frank (MA)	Murtha	Woolsey
Frost	Nadler	Wyden
Furse	Neal	Wynn
Gejdenson	Ney	Yates
Gephardt	Oberstar	

NOES—228

Allard	Bonilla	Clinger
Archer	Bono	Coble
Army	Brewster	Coburn
Bachus	Brownback	Collins (GA)
Baker (CA)	Bryant (TN)	Combest
Baker (LA)	Bunn	Cooley
Ballenger	Bunning	Cox
Barr	Burr	Crane
Barrett (NE)	Burton	Creameans
Bartlett	Buyer	Cubin
Bass	Callahan	Cunningham
Bateman	Calvert	Davis
Bereuter	Camp	DeLay
Bilbray	Canady	Diaz-Balart
Bilirakis	Castle	Dickey
Bliley	Chabot	Doolittle
Blute	Chambliss	Dorman
Boehrlert	Christensen	Dreier
Boehner	Chrysler	Duncan

Dunn	Kelly	Regula
Ehrlich	Kim	Riggs
Emerson	King	Roberts
English	Kingston	Rohrabacher
Ensign	Klug	Ros-Lehtinen
Everett	Knollenberg	Roth
Ewing	Kolbe	Roukema
Fawell	LaHood	Royce
Fields (TX)	Largent	Salmon
Flake	Latham	Sanford
Flanagan	LaTourrette	Saxton
Foley	Lazio	Scarborough
Forbes	Leach	Schaefer
Fowler	Lewis (CA)	Schiff
Fox	Lewis (KY)	Seastrand
Franks (CT)	Lightfoot	Sensenbrenner
Franks (NJ)	Linder	Shadegg
Frelinghuysen	Livingston	Shaw
Frisa	LoBiondo	Shays
Funderburk	Longley	Shuster
Gallegly	Lucas	Sisisky
Ganske	Manzullo	Skeen
Gekas	Martini	Smith (MI)
Gilchrest	McCollum	Smith (TX)
Gillmor	McCrery	Smith (WA)
Gilman	McDade	Solomon
Goodlatte	McHugh	Souder
Goodling	McInnis	Spence
Goss	McIntosh	Stearns
Graham	McKeon	Stockman
Greenwood	Metcalf	Stump
Gunderson	Meyers	Talent
Gutknecht	Mica	Tate
Hancock	Miller (FL)	Taylor (NC)
Hansen	Molinar	Thomas
Hastert	Moorhead	Thornberry
Hastings (WA)	Morella	Tiahrt
Hayworth	Myers	Torkildsen
Hefley	Myrick	Upton
Heineman	Nethercutt	Vucanovich
Herger	Neumann	Waldholtz
Hilleary	Norwood	Walker
Hobson	Nussle	Walsh
Hoekstra	Oxley	Wamp
Hoke	Packard	Watts (OK)
Horn	Parker	Weldon (FL)
Hostettler	Paxon	Weldon (PA)
Houghton	Petri	Weller
Hunter	Pickett	White
Hutchinson	Pombo	Whitfield
Hyde	Porter	Wicker
Inglis	Portman	Wilson
Istook	Pryce	Wolf
Johnson (CT)	Quillen	Young (AK)
Johnson, Sam	Quinn	Young (FL)
Jones	Radanovich	Zeliff
Kasich	Ramstad	Zimmer

NOT VOTING—12

Andrews	Gibbons	Ortiz
Barton	Gonzalez	Rush
Becerra	McCarthy	Smith (NJ)
Ehlers	Meek	Towns

□ 1229

The Clerk announced the following pair:

On this vote:

Mr. Becerra for, with Mr. Ortiz against.

Mrs. CHENOWETH and Mr. OLVER changed their vote from "no" to "aye." So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the order of the House of Thursday, February 23, 1995, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further consideration.

AMENDMENT OFFERED BY MR. GENE GREEN OF TEXAS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas, Mr. GENE GREEN, on which further proceedings were

postponed and on which the nays prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

Mrs. COLLINS of Illinois. 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 177, noes 241, not voting 16, as follows:

[Roll No. 169]

AYES—177

Abercrombie	Gutierrez	Oberstar
Ackerman	Hall (OH)	Obey
Baesler	Harman	Olver
Baldacci	Hastings (FL)	Owens
Barcia	Hefner	Pallone
Barrett (WI)	Hilliard	Pastor
Beilenson	Hinchev	Payne (NJ)
Bentsen	Holden	Pelosi
Berman	Horn	Peterson (FL)
Bishop	Hoyer	Pomeroy
Boehrlert	Hyde	Poshard
Bonior	Jackson-Lee	Quinn
Borski	Jacobs	Rahall
Boucher	Jefferson	Rangel
Brown (CA)	Johnson (CT)	Reed
Brown (FL)	Johnson (SD)	Reynolds
Brown (OH)	Johnson, E. B.	Richardson
Bryant (TX)	Johnston	Rivers
Cardin	Kanjorski	Roemer
Chapman	Kaptur	Rose
Clay	Kennedy (MA)	Roukema
Clayton	Kennedy (RI)	Roybal-Allard
Clement	Kennelly	Sabo
Clyburn	Kildee	Sanders
Coleman	Klecicka	Sawyer
Collins (IL)	Klink	Schroeder
Collins (MI)	LaFalce	Schumer
Conyers	Lantos	Scott
Coyne	Levin	Serrano
Danner	Lewis (GA)	Skaggs
de la Garza	Lincoln	Slaughter
DeFazio	Lipinski	Spratt
DeLauro	Lofgren	Stark
Dellums	Lowe	Stokes
Deutsch	Luther	Studds
Dicks	Maloney	Stupak
Dingell	Manton	Taylor (MS)
Dixon	Markey	Tejeda
Dooley	Martinez	Thompson
Doyle	Mascara	Thornton
Durbin	Matsui	Thurman
Engel	McDermott	Torres
Eshoo	McHale	Torricelli
Evans	McKinney	Traficant
Farr	McNulty	Tucker
Fattah	Meehan	Velazquez
Fazio	Menendez	Vento
Fields (LA)	Mfume	Visclosky
Filner	Miller (CA)	Volkmer
Flake	Mineta	Ward
Foglietta	Minge	Watt (NC)
Frank (MA)	Mink	Waxman
Frost	Moakley	Williams
Furse	Mollohan	Wilson
Gejdenson	Moran	Wise
Gephardt	Morella	Woolsey
Gillmor	Murtha	Wyden
Gordon	Nadler	Wynn
Green	Neal	Yates

NOES—241

Archer	Bliley	Calvert
Army	Blute	Camp
Bachus	Boehner	Canady
Baker (CA)	Bonilla	Castle
Baker (LA)	Bono	Chabot
Ballenger	Brewster	Chambliss
Barr	Browder	Chenoweth
Barrett (NE)	Brownback	Christensen
Bartlett	Bryant (TN)	Chryslers
Bass	Bunn	Clinger
Bateman	Bunning	Coble
Bereuter	Burr	Coburn
Bevill	Burton	Collins (GA)
Bilbray	Buyer	Combest
Bilirakis	Callahan	Condit

Cooley	Houghton	Quillen
Cox	Hunter	Radanovich
Cramer	Hutchinson	Ramstad
Crane	Inglis	Regula
Crapo	Istook	Riggs
Cremeans	Johnson, Sam	Roberts
Cubin	Jones	Rogers
Cunningham	Kasich	Rohrabacher
Davis	Kelly	Ros-Lehtinen
Deal	Kim	Roth
DeLay	King	Royce
Diaz-Balart	Kingston	Salmon
Dickey	Klug	Sanford
Doolittle	Knollenberg	Saxton
Dornan	Kolbe	Scarborough
Dreier	LaHood	Schaefer
Duncan	Largent	Schiff
Dunn	Latham	Seastrand
Ehrlich	LaTourette	Sensenbrenner
Emerson	Laughlin	Shadegg
English	Lazio	Shaw
Ensign	Leach	Shays
Everett	Lewis (CA)	Shuster
Ewing	Lewis (KY)	Sisisky
Fawell	Lightfoot	Skeen
Fields (TX)	Linder	Skelton
Flanagan	Livingston	Smith (MI)
Foley	LoBiondo	Smith (TX)
Forbes	Longley	Smith (WA)
Ford	Lucas	Solomon
Fowler	Manzullo	Souder
Fox	Martini	Spence
Franks (CT)	McCollum	Stearns
Franks (NJ)	McCrery	Stenholm
Frelinghuysen	McDade	Stockman
Frisa	McHugh	Stump
Funderburk	McInnis	Talent
Galleghy	McIntosh	Tanner
Ganske	McKeon	Tate
Gekas	Metcalf	Tauzin
Geren	Meyers	Taylor (NC)
Gilchrist	Mica	Thomas
Gilman	Miller (FL)	Thornberry
Goodlatte	Molinari	Tiahrt
Goodling	Montgomery	Torkildsen
Goss	Moorhead	Upton
Graham	Myers	Vucanovich
Greenwood	Myrick	Waldholtz
Gunderson	Nethercutt	Walker
Gutknecht	Neumann	Walsh
Hall (TX)	Ney	Wamp
Hamilton	Norwood	Waters
Hancock	Nussle	Watts (OK)
Hansen	Orton	Weldon (FL)
Hastert	Oxley	Weldon (PA)
Hastings (WA)	Packard	Weller
Hayes	Parker	White
Hayworth	Paxon	Whitfield
Hefley	Payne (VA)	Wicker
Heineman	Peterson (MN)	Wolf
Herger	Petri	Young (AK)
Hilleary	Pickett	Young (FL)
Hobson	Pombo	Zeliff
Hoekstra	Porter	Zimmer
Hoke	Portman	
Hostettler	Pryce	

NOT VOTING—16

Allard	Edwards	Ortiz
Andrews	Ehlers	Rush
Barton	Gibbons	Smith (NJ)
Becerra	Gonzalez	Towns
Costello	McCarthy	
Doggett	Meek	

□ 1237

The Clerk announced the following pairs:

On this vote:

Mr. Costello for, with Mr. Barton against.
Mr. Becerra for, with Mr. Ortiz against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1240

AMENDMENT OFFERED BY MR. WAXMAN

The CHAIRMAN. The pending business is the demand of the gentleman from California [Mr. WAXMAN] for a recorded vote on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from California [Mr. WAXMAN] for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 145, noes 271, not voting 18, as follows:

[Roll No. 170]

AYES—145

Abercrombie	Gutierrez	Obey
Ackerman	Hall (OH)	Olver
Baldacci	Hastings (FL)	Orton
Barcia	Hilliard	Owens
Barrett (WI)	Hinchey	Pallone
Beilenson	Holden	Pastor
Bentsen	Hoyer	Payne (NJ)
Berman	Jackson-Lee	Pelosi
Bishop	Jacobs	Pomeroy
Bonior	Jefferson	Rahall
Borski	Johnson, E. B.	Rangel
Boucher	Johnston	Reed
Brown (CA)	Kanjorski	Reynolds
Brown (FL)	Kennedy (MA)	Richardson
Brown (OH)	Kennedy (RI)	Rivers
Bryant (TX)	Kennelly	Roybal-Allard
Cardin	Kildee	Sabo
Clay	Klink	Sanders
Clayton	LaFalce	Sawyer
Clyburn	Lantos	Schroeder
Collins (IL)	Levin	Schumer
Collins (MI)	Lewis (GA)	Scott
Conyers	Lofgren	Serrano
Coyne	Lowey	Skaggs
de la Garza	Luther	Slaughter
DeLauro	Maloney	Spratt
Dellums	Manton	Stark
Deutsch	Markey	Stokes
Dicks	Martinez	Studds
Dingell	Mascara	Stupak
Dixon	Matsui	Thompson
Doggett	McDermott	Torres
Doyle	McHale	Trafficant
Engel	McKinney	Tucker
Evans	Meehan	Velazquez
Farr	Menendez	Vento
Fattah	Mfume	Volkmer
Fazio	Miller (CA)	Ward
Fields (LA)	Mineta	Waters
Filner	Minge	Watt (NC)
Flake	Mink	Waxman
Foglietta	Moakley	Williams
Ford	Mollohan	Wise
Frank (MA)	Moran	Woolsey
Frost	Morella	Wyden
Furse	Murtha	Wynn
Gejdenson	Nadler	Yates
Gephardt	Neal	
Green	Oberstar	

NOES—271

Allard	Bunn	Crane
Archer	Bunning	Crapo
Armey	Burr	Cremeans
Bachus	Burton	Cubin
Baesler	Buyer	Cunningham
Baker (CA)	Callahan	Danner
Baker (LA)	Calvert	Davis
Ballenger	Camp	Deal
Barr	Canady	DeFazio
Barrett (NE)	Castle	DeLay
Bartlett	Chabot	Diaz-Balart
Bass	Chambliss	Dickey
Bateman	Chapman	Dooley
Bereuter	Christensen	Doolittle
Bevill	Chrysler	Dornan
Bilbray	Clement	Dreier
Bilirakis	Clinger	Duncan
Bliley	Coble	Dunn
Blute	Coburn	Edwards
Boehlert	Coleman	Ehrlich
Bonilla	Collins (GA)	Emerson
Bono	Combest	English
Brewster	Condit	Everett
Browder	Cooley	Ewing
Brownback	Cox	Fawell
Bryant (TN)	Cramer	

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

NOT VOTING—18

Andrews	Durbin	Meek
Barton	Ehlers	Miller (FL)
Becerra	Eshoo	Ortiz
Boehner	Gibbons	Rush
Chenoweth	Gonzalez	Torricelli
Costello	McCarthy	Towns

□ 1245

The Clerk announced the following pairs:

On this vote:

Mr. Costello for, with Mr. Barton against.
Mr. Becerra for, with Mr. Ortiz against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FATTAH

The CHAIRMAN. The pending business is the demand of the gentleman from Pennsylvania [Mr. FATTAH] for a recorded vote on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Pennsylvania [Mr. FATTAH] for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 168, noes 254, not voting 12, as follows:

[Roll No. 171]

AYES—168

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

NOES—254

Allard	Browder	Cooley
Archer	Brownback	Cox
Armey	Bryant (TN)	Cramer
Bachus	Bunn	Crane
Baesler	Bunning	Crapo
Baker (CA)	Burr	Creameans
Baker (LA)	Burton	Cubin
Ballenger	Buyer	Cunningham
Barr	Callahan	Davis
Barrett (NE)	Calvert	Deal
Bartlett	Camp	DeLay
Bass	Canady	Diaz-Balart
Bateman	Castle	Dickey
Bereuter	Chabot	Dooley
Bilbray	Chambliss	Doolittle
Bilirakis	Chenoweth	Dornan
Bliley	Christensen	Dreier
Blute	Chrysler	Duncan
Boehlert	Clinger	Dunn
Boehner	Coble	Ehrlich
Bonilla	Coburn	Emerson
Bono	Collins (GA)	English
Brewster	Combest	Ensign
	Condit	Everett

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

NOT VOTING—12

Andrews	Ehlers	Meek
Barton	Gibbons	Ortiz
Becerra	Gonzalez	Rush
Costello	McCarthy	Smith (WA)

□ 1253

The Clerk announced the following pairs:

On this vote:

Mr. Costello for, with Mr. Barton against.
Mr. Becerra for, with Mr. Ortiz against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. VOLKMER

The CHAIRMAN. The pending business is the demand of the gentleman from Missouri [Mr. VOLKMER] for a recorded vote on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The clerk redesignated the amendment.

RECORDED VOTE

Mr. VOLKMER. A recorded vote has been demanded on the amendment offered by the gentleman from Missouri [Mr. VOLKMER].

A recorded vote was ordered.
The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 168, noes 253, not voting 13, as follows:

[Roll No. 172]

AYES—168

Abercrombie	Flake	Olver
Ackerman	Foglietta	Owens
Baesler	Ford	Parker
Baldacci	Frank (MA)	Pastor
Barcia	Gejdenson	Payne (NJ)
Barrett (WI)	Gephardt	Pelosi
Bartlett	Geren	Peterson (FL)
Beilenson	Gordon	Peterson (MN)
Bentsen	Gutierrez	Pombo
Berman	Hall (TX)	Pomeroy
Bevill	Hastings (FL)	Poshard
Bishop	Hayes	Rahall
Bonilla	Hefner	Rangel
Bonior	Hilliard	Reed
Borski	Hinchee	Reynolds
Boucher	Holden	Richardson
Brewster	Hoyer	Rivers
Browder	Jackson-Lee	Rose
Brown (CA)	Jefferson	Roybal-Allard
Brown (FL)	Johnson (SD)	Sabo
Brown (OH)	Johnson, E. B.	Sanders
Bryant (TX)	Kaptur	Sawyer
Cardin	Kennedy (MA)	Schroeder
Chapman	Kennedy (RI)	Scott
Clay	Kildee	Serrano
Clayton	Klink	Skaggs
Clement	LaFalce	Skelton
Clyburn	Lantos	Slaughter
Coleman	Laughlin	Stark
Collins (IL)	Lewis (GA)	Stenholm
Collins (MI)	Lincoln	Stokes
Condit	Lipinski	Studds
Conyers	Lowey	Stupak
Coyne	Maloney	Tauzin
Danner	Manton	Tejeda
de la Garza	Markey	Thomas
DeFazio	Martinez	Thompson
Dellums	Mascara	Thornton
Deutsch	Matsui	Thurman
Dicks	McDermott	Torres
Dingell	McKinney	Torricelli
Dixon	Meehan	Towns
Doggett	Mfume	Traficant
Doyle	Miller (CA)	Tucker
Durbin	Mineta	Velazquez
Edwards	Minge	Vento
Engel	Mink	Volkmer
Eshoo	Moakley	Ward
Evans	Mollohan	Waters
Farr	Montgomery	Watt (NC)
Fattah	Moran	Waxman
Fazio	Murtha	Williams
Fields (LA)	Nadler	Wise
Filner	Neal	Woolsey
	Oberstar	Wynn
	Obey	Yates

NOES—253

Allard	Chabot	Ensign
Archer	Chambliss	Eshoo
Armey	Chenoweth	Everett
Bachus	Christensen	Ewing
Baker (CA)	Chrysler	Fawell
Baker (LA)	Clinger	Fields (TX)
Ballenger	Coble	Flanagan
Barrett (NE)	Coburn	Foley
Bass	Collins (GA)	Forbes
Bateman	Combest	Fowler
Bereuter	Cooley	Fox
Bilbray	Cox	Franks (CT)
Bilirakis	Crane	Franks (NJ)
Bliley	Crapo	Frelinghuysen
Blute	Creameans	Frisa
Boehlert	Cunningham	Frost
Boehner	Davis	Funderburk
Bono	Deal	Furse
Brownback	DeLauro	Gallegly
Bryant (TN)	DeLay	Ganske
Bunn	Diaz-Balart	Gekas
Bunning	Dickey	Gilchrest
Burr	Doolittle	Gillmor
Burton	Dornan	Gilman
Buyer	Dreier	Goodlatte
Callahan	Duncan	Goodling
Calvert	Dunn	Goss
Camp	Ehrlich	Graham
Canady	Emerson	Green
Castle	English	Greenwood

Gunderson	Longley	Saxton
Gutknecht	Lucas	Scarborough
Hall (OH)	Manzullo	Schaefer
Hamilton	Martini	Schiff
Hancock	McCollum	Schumer
Hansen	McCreery	Seastrand
Harman	McDade	Sensenbrenner
Hastert	McHale	Shadegg
Hastings (WA)	McHugh	Shaw
Hayworth	McInnis	Shays
Hefley	McIntosh	Shuster
Heineman	McKeon	Sisisky
Herger	McNulty	Skeen
Hilleary	Menendez	Smith (MI)
Hobson	Metcalf	Smith (NJ)
Hoekstra	Meyers	Smith (TX)
Hoke	Mica	Smith (WA)
Horn	Miller (FL)	Solomon
Hostettler	Molinari	Souder
Houghton	Moorhead	Spence
Hunter	Morella	Spratt
Hutchinson	Myers	Stearns
Hyde	Myrick	Stockman
Inglis	Nethercutt	Stump
Istook	Neumann	Talent
Jacobs	Ney	Tanner
Johnson (CT)	Norwood	Tate
Johnson, Sam	Nussle	Taylor (MS)
Johnston	Orton	Taylor (NC)
Jones	Oxley	Thornberry
Kanjorski	Packard	Tiahrt
Kasich	Pallone	Torkildsen
Kelly	Paxon	Upton
Kennelly	Payne (VA)	Visclosky
Kim	Petri	Vucanovich
King	Pickett	Waldholtz
Kingston	Porter	Walker
Klecza	Portman	Walsh
Klug	Pryce	Wamp
Knollenberg	Quillen	Watts (OK)
Kolbe	Quinn	Weldon (FL)
LaHood	Radanovich	Weldon (PA)
Largent	Ramstad	Weller
Latham	Regula	White
LaTourette	Riggs	Whitfield
Lazio	Roberts	Wicker
Leach	Roemer	Wilson
Levin	Rogers	Wolf
Lewis (CA)	Rohrabacher	Wyden
Lewis (KY)	Ros-Lehtinen	Young (AK)
Lightfoot	Roth	Young (FL)
Linder	Roukema	Zeliff
Livingston	Royce	Zimmer
LoBiondo	Salmon	
Lofgren	Sanford	

NOT VOTING—13

Andrews	Ehlers	Meek
Barr	Gibbons	Ortiz
Barton	Gonzalez	Rush
Becerra	Luther	
Costello	McCarthy	

□ 1300

The Clerk announced the following pairs:

On this vote:

Mr. Costello for, with Mr. Barton against.
Mr. Becerra for, with Mr. Ortiz against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. FAZIO. Mr. Chairman, I rise in support of H.R. 450, the Regulatory Transition Act of 1995. While this bill in its current form is not without its flaws, I am supporting the bill in response to the frustration my constituents are feeling about regulatory burdens.

H.R. 450 imposes a moratorium on the implementation of new Federal regulations issued between November 20, 1994, and December 31, 1995, except those which address an imminent threat to health or safety. But rather than being a blind, across-the-board slashing of regulations, this legislation also exempts regulations that are subject to court-mandated deadlines or are essential for enforcement of criminal laws.

The bill's provisions will not apply to rule-making actions in the case of certain emergencies. An emergency exemption would be granted when seen as necessary because of

"the existence of any condition, circumstances, or practice reasonably expected to cause death, serious illness, or severe injury to humans, or substantial endangerment to private property, during the moratorium period," or necessary for "the enforcement of criminal laws."

The bill's regulatory rulemaking section excludes rulemaking actions that are limited to repealing, narrowing, or streamlining a rule, regulation, or administrative process or otherwise reducing regulatory burdens. It also makes exception for rulemakings related to military or foreign affairs functions, to any statutes implementing an international trade agreement, and to agency management, personal, public property, loans, grants, benefits, or contracts. As a safeguard, a senior official within the executive branch must certify that the regulation meets the standards for exception and exclusion before a regulation qualifies.

Mr. Chairman, I am not one given to casting votes for their symbolic value. My constituents have placed their trust in me to be their voice on these issues. My vote here on the floor of the House of Representatives is a great honor and tremendous responsibility—one that I take very seriously. I am voting for final passage of H.R. 450 in support of the community leaders, small businessowners, and individual citizens in my district who have expressed their frustration with regulatory burdens.

Mr. BONIOR. Mr. Chairman, I believe we do need to reform many of our regulations. Some are arbitrary, unnecessary, and even counter-productive, but any blanket approach that stops all regulations is a serious error that will turn back the clock. The American people do not want to overturn regulations that protect their health, safety, and our environment.

For example, this moratorium bill will suspend vital regulations that protect our Great Lakes—the world's largest fresh water system and a critical economic and environmental resource. The bill suspends regulations that control ballast water discharges from foreign ships who sail up the Hudson River into the Great Lakes.

In the Great Lakes, we know a thing or two about ballast water. In 1988, we discovered a new species native to the Caspian Sea known as the zebra mussel. The zebra mussel was introduced into our Great Lakes by a foreign ship's irresponsible ballast water discharge. The zebra mussel has clogged water intake pipes, polluted our beaches, and is causing irrevocable harm to an environment that existed for tens of thousands of years.

In 1990, we passed legislation to prevent further infestations from ballast water. On December 30, 1994 these regulations were applied to the Hudson River which connects to the Great Lakes, because we realized that the program was useless unless it was inclusive. This moratorium suspends those regulations and many others that affect the health and safety of the American public.

This legislation says to the people in the 10th district of Michigan, and to everyone along the Great Lakes: We don't care about the water you drink, we don't care about the pollution of your beaches, and we don't care about the most important recreational and economic resource you have.

To the families in Harrison Township who had to smell nothing but dead fish and seaweed last summer these regulations mean a lot. The presence of the zebra mussel is a

threat to the Great Lakes and the quality of life for all of us who live near them. The people of Michigan want to help find solutions to specific problems—they do not support an irresponsible blanket moratorium from Washington. For these reasons and others, I oppose this indiscriminate approach.

Mr. TATE. Mr. Chairman, earlier today, I offered an amendment to grant an extra 6 months of regulatory relief for small business. The amendment received overwhelming support, showing that the Members of this body are dedicated to helping America's small businessowners provide jobs and economic opportunity in their communities.

I would like to submit for the RECORD, letters of support for my amendment from the National Federation of Independent Business and the National Association of Homebuilders. These organizations represent key members of the small business community, and I thank them for their support.

FEBRUARY 17, 1995.

Hon. RANDY TATE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE TATE: On behalf of the over 600,000 members of the National Federation of Independent Business (NFIB), I am writing to express our strong support for your proposed amendment to H.R. 450, the Regulatory Transition Act, to extend the moratorium on regulations for small business.

Federal regulations is an overwhelming burden on America's small businesses and costs millions of dollars in lost productivity and thousands of jobs each year. Your amendment calls for six more months of regulatory relief for businesses with 100 employees or less. If your amendment passes, federal regulations promulgated between November 20 and the effective date of the Act would not apply to businesses with 100 employees or less, until June 30, 1996. In addition, it would also prohibit the promulgation of new federal regulations from the effective date of the Act and June 30, 1996. If your amendment passes, small business owners throughout this country will be able to continue to do what they can do best—create good paying jobs and generate economic growth.

Over the years, NFIB surveys have indicated that the burden of federal regulations is the fastest growing problem for small business. Most recently, in a 1994 Small Business Economic Trends survey, federal regulations were identified as one of the top two problems jeopardizing the survival of many small businesses. Regulatory relief is a top priority for NFIB's members, and clearly, your amendment goes a long way to protect small businesses from burdensome and unnecessary government regulation.

I want to commend you and thank you again for your efforts on behalf of all small business owners in this country.

Sincerely,

JOHN J. MOTLEY III,
Vice President, Federal
Governmental Relations.

—
NATIONAL ASSOCIATION OF
HOME BUILDERS,
Washington, DC, February 22, 1995.

DEAR REPRESENTATIVE: It is my current understanding that on Friday, February 24, Congressman Randy Tate is expected to offer a House floor amendment to H.R. 450, the Regulatory Transition Act ("the Act"), that would provide an additional six months of Federal regulatory relief under the bill for small businesses of 100 employees or less. On

behalf of the 180,000 member firms of the National Association of Home Builders (NAHB), I strongly urge you to support this important amendment.

Too often, the common notion of a home builder tends to be that of a "high-volume" constructor, someone with the perceived ability to spread production and regulatory costs across many projects. In contrast, the majority of NAHB member firms are truly small businesses, primarily engaged in home-remodeling and the construction of single family homes. Indeed, over half of our builder members produce fewer than 10 homes per year and close to 75 percent build 25 or fewer homes.

Unfortunately, the housing industry is one of the—if not the most—heavily regulated sectors of the American economy. The compliance costs generated by so many unnecessary and duplicative Federal rules are inevitably passed along as an indirect tax on the housing consumer—depriving many potential first-time home buyers of the American Dream of home ownership.

The Tate amendment provides that Federal regulations promulgated between November 20 and the effective date of the Act will not apply to businesses with 100 employees or less until June 30, 1996. Additionally, it would also prohibit the promulgation of new Federal rules from the effective date of the Act through June 30, 1996.

Passage of the Tate amendment will relieve small builders from any added regulatory burden until such time as the Congress and Administration thoroughly review the current regulatory process. In short, a "Yes" vote on the Tate amendment is a vote for the delivery of quality, affordable housing by the small firms that produce such a large percentage of our nation's private housing stock. Your consideration of the views expressed in this letter is greatly appreciated.

Best regards,

JAMES R. IRVINE.

Mr. HAYES. Mr. Chairman, I rise in support of a bipartisan amendment which I have co-sponsored, along with Congressmen CONDIT, COMBEST, LAMAR SMITH, CHET EDWARDS, and BONILLA. This amendment would provide the necessary assurance that proposed designations of any species or critical habitat will indeed coincide with the reauthorization of the Endangered Species Act.

In my home State of Louisiana, the U.S. Fish and Wildlife Service has proposed, under section 3 of the Endangered Species Act, to designate a critical habitat for the Louisiana black bear. This critical habitat would cover over 10 percent of our land mass, much of which is not the natural habitat of the bear, thus potentially impacting private landowners, along with hunters and fishermen who utilize these private lands, with little benefit toward the preservation of the bear. Both the property owners and the users have worked voluntarily toward the conservation of the bear.

The U.S. Fish and Wildlife Service asserts that most activities on private lands will not be affected by the designation, unless such actions are subject to Federal permitting requirements. The Service has made particular reference to section 404 permits of the Clean Water Act administered by the U.S. Army Corps of Engineers—corps. While the U.S. Fish and Wildlife has indicated that no permit requirements would be added because of the designation, they fail to recognize that the topography of Louisiana is such that much of our property is subject to the section 404 permitting process.

The bill before us, H.R. 450, would delay the proposed critical habitat until after the end of 1995. With the institution of a regulatory moratorium, all critical habitat designations will be scrutinized carefully before the final rules are issued.

The bipartisan amendment simply would extend the moratorium on such designations until Congress addresses the problems with the current program. In this way, we can ensure that the rights and best interests of not only landowners but also the bear and all endangered species are appropriately protected.

Mrs. COLLINS of Illinois. Mr. Chairman, the Norton amendment, as amended by the McIntosh amendment, contained both unnecessary and inflammatory language. While the amendment excluded civil rights regulations from the moratorium, it also stated that any preferences based on age, race, gender, national origin, handicap, or disability status, would be subject to the moratorium.

While I commend my colleagues for voting to protect the civil rights of Americans, I believe that the language added to the amendment that would subject preferences to the moratorium, will later be used for divisive and political purposes. My fear is that many Republicans will try to assert that all who voted in favor of the Norton amendment, also voted to do away with preferences. I do not believe this to be the case. However, to guard against that likely claim, I voted "present."

Mr. BENTSEN. Mr. Chairman, I rise in opposition to H.R. 450, the Regulatory Moratorium Act. I had hoped to offer an amendment earlier today to exempt the SEC from this moratorium. But the Republican leadership and the House Rules Committee did not provide sufficient time for me and other Members to offer our amendments on this important piece of legislation.

Yesterday, the House voted to provide an exemption for those laws prohibiting discrimination. The House even provided an exemption to ensure bird hunters can hunt this season. Yet we will not consider an exemption for the individual investors who have placed their savings and their future in mutual funds. Unfortunately, these middle-class investors are not guaranteed the same protections as bird hunters. This is wrong.

With many more Americans investing in securities, the need for the SEC to protect these assets is crucial. In fact, Chairman Levitt of the SEC has sent me a letter strongly requesting this exemption. I consider it hypocritical that other banking regulators were exempted from this moratorium, while the SEC was not.

This moratorium is another example of reckless legislating by the Republican majority. We must make Government more accountable and more efficient, but that does not mean passing a moratorium that threatens the protection of small investors. If this moratorium is a runaway train, I want to make sure middle-class savers aren't tied to the tracks. My amendment would have guaranteed that money market accounts and other SEC regulations that Americans depend upon would have been protected.

For these reasons, I will oppose the Regulatory Moratorium Act.

SECURITIES AND EXCHANGE
COMMISSION,

Washington, DC, February 23, 1995.

Hon. WILLIAM F. CLINGER,
Chairman, Committee on Government Reform
and Oversight, Rayburn House Office
Building, House of Representatives, Wash-
ington, DC.

DEAR MR. CHAIRMAN: The Securities and Exchange Commission supports an amendment that will be offered in connection with consideration of H.R. 450, the "Regulatory Transition Act of 1995" that would exempt SEC rules from the provisions of H.R. 450.

A number of important SEC rules could be delayed or suspended by H.R. 450. The bill could suspend the SEC's rule providing for three-day settlement of securities trades, requiring a transition back to five-day settlement; the bill could also affect rules to simplify the process of obtaining unlisted trading privileges (UTP) for a security listed on another exchange. In addition, the bill could suspend the SEC's new municipal disclosure rules that are designed to fill serious gaps in the information available regarding these securities. The moratorium could also suspend work on rules to improve disclosure by corporate issuers and mutual funds regarding derivatives and other risks.

These and other SEC rules are necessary to protect investors and the securities markets. The amendment to H.R. 450 to exempt SEC rules is thus necessary and appropriate, and I respectfully request your support.

Sincerely yours,

ARTHUR LEVITT.

Mr. RICHARDSON. Mr. Speaker, because of the restrictive rule I was unable to offer an important amendment to H.R. 450 that would have benefited native American tribes across the Nation. I hope to work with my colleagues in conference and in the Senate to include these important provisions. My amendment to section 6(3)(B) of H.R. 450, as reported, would exempt negotiated rulemaking relating to Indian contracts, grants, cooperative agreements, compacts, and annual funding agreements authorized under the Indian Self-Determination and Education Assistance Act from the moratorium on rulemaking.

Last year, Congress passed Public Law 103-413 which directed the Departments of the Interior and Health and Human Services to enter into negotiated rulemaking with Indian tribes in order to promulgate regulations governing Indian Self-Determination Act, "638", contracts and self-governance compacts.

The reason Congress took action is because for 6 years the Departments ignored the congressional directives contained in 1988 amendments to the Indian Self-Determination Act. The 1988 amendments were intended to permit greater tribal self-determination by simplifying the contracting process and by reducing needless layers of Federal bureaucracy. The Departments, however, never promulgated any regulations to implement those policies.

Public Law 103-413 streamlines the 638 contracting and self-governance compacting processes and repeals unnecessary Federal regulations, thus reaffirming the policies embodied in the 1988 amendments.

A moratorium on all rulemaking as provided in H.R. 450 would negate the purpose and effect of the mandates of Congress in Public Law 103-413. Tribes worked tirelessly for 7 years to ensure that the bureaucracy would not impede their efforts to achieve self-determination. But, H.R. 450 would inadvertently undercut all of their achievements as well as

the congressional policy of fostering tribal self-determination.

The amendment offered is consistent with the policy driving H.R. 450—to reduce excessive and unnecessary regulatory burdens—and will help tribes in their struggle to reduce the Federal bureaucracy by taking over functions that they, not Washington, can better handle.

AMENDMENT TO H.R. 450, AS REPORTED, OFFERED BY MR. RICHARDSON OF NEW MEXICO, SUBMITTED FOR PRINTING UNDER CLAUSE 6, RULE 23

In Section 6(3)(B), strike “or” at the end of clause (iv), strike the period at the end of clause (v) and insert “; or”, and insert after clause (v) the following:

“(vi) any agency action that is taken by an agency to meet the negotiated rulemaking requirements of Pub. L. No. 103-413, the Indian Self-Determination Act Amendments of 1994.”

Mr. JOHNSON of South Dakota. Mr. Chairman, I rise to express my support, for now, for this deeply flawed legislation, with the understanding that I will not be able to support the conference report which will return from the Senate unless this legislation is significantly improved by the Senate or by the conference committee. I am concerned that the legislation as it stands could cause confusion and an enormous amount of litigation. It is also possible that the current language, if contained in the final version of this bill, could interfere with a wide range of needed agricultural rulemaking involving beef, sheep, hogs, and soybeans in particular. I also have a real concern that the existing language would interfere with rulemaking needed on behalf of the ethanol fuels industry.

In short, I want to send a message that I believe that Federal rulemaking has too often been heavy-handed, rigid, and cost-inefficient. I am hopeful that this legislation can be modified as it progresses through the legislative process so that its shortcomings are corrected. Nonetheless, I want to make it very clear that I will not be able to vote for this bill when and if it returns to us from the Senate unless the existing language problems are corrected.

Mr. RICHARDSON. Mr. Chairman, because of the restrictive rules under the Republican majority, I was prohibited from offering the amendment described below. I hope to work with my colleagues in the Senate and in conference to include these important provisions.

As my colleagues know from my earlier comments on this bill, this regulatory moratorium legislation is a bad idea multiplied by a power of 10.

By simply freezing all regulations—the good with the bad—it does more than throw the baby out with the bathwater: it throws out the whole nursery.

As the ranking Democrat on the Subcommittee on National Parks, Forests and Lands, I am very concerned about the effect of this misguided legislation on the ability of Federal land management agencies to carry out their significant historical statutory responsibilities.

My amendment would exempt the Bureau of Land Management, the Forest Service, the Fish and Wildlife Service, and the National Park Service from the provisions of this act that would severely limit their ability to implement national standards for the rational use of protected Federal land.

Without my amendment, this bill is a glaring example of using a meat cleaver when a scalpel would have been more appropriate.

In its rush to judgment on this legislation, Congress is rushing to battle on regulations that in many cases are useful and necessary.

As an example, Mr. Chairman, allow me to cite some of the many useful Fish and Wildlife Service, National Park Service and Bureau of Indian Affairs regulations currently under consideration which would be held hostage by this legislation: Regulations to reclassify the bald eagle as no longer endangered; regulations affecting the establishment of manatee protection areas in two national wildlife refuges in Florida; regulations affecting establishment of the Marine Mammal Protection Act; regulations affecting a wide range of activities in Alaska, including: Cabin management regulations on national wildlife refuges; vessel management in Glacier Bay; Alaska fishing regulations for Glacier Bay National Park; regulations affecting solid waste disposal sites in the National Park System; Regulations setting minimum academic standards for the basic education of Indian children and national criteria for dormitory situations under the jurisdiction of the Bureau of Indian Affairs.

Precious national landmarks like Yellowstone, Yosemite, and the Grand Canyon deserve preservation for future generations. It would be folly to do otherwise.

Without my amendment, the National Park Service and the other Federal land management agencies will have their hands tied: they will be barred from promulgating regulations that benefit the public and promote responsible Federal land management activities.

Mr. Chairman, the American people spoke loudly and clearly in November that they wanted Government to be more responsive to their concerns.

They did not say they wanted government to be bottled up by artificial delays to implement necessary and reasonable regulations.

In fact, a recent Time magazine poll found that 88 percent of Americans consider environmental protection either “one of the most important” or “very important” issues facing the Nation at this time.

Mr. Chairman, this is a reasonable amendment.

I ask my colleagues to support this responsible attempt to moderate what is otherwise a radical assault on the ability of the Federal Government to protect the public from harm and preserve the environment and natural resources from further damage.

The preservation of the Nation’s heritage should not be shunted aside by attempts to scale back even the reasonable regulations of the Federal Government.

AMENDMENT TO H.R. 450, AS REPORTED, OFFERED BY MR. RICHARDSON OF NEW MEXICO

At the end of the bill add the following new section:

SEC. . RULES OF FEDERAL LAND MANAGEMENT AGENCIES NOT AFFECTED.

Nothing in this Act shall affect the ability of the Federal land management agencies (including the Bureau of Land Management, the United States Forest Service, the United States Fish and Wildlife Service, and the National Park Service) to promulgate and implement rules affecting use of or action on Federal lands within the boundaries of authorized units of the national conservation system.

The CHAIRMAN. Pursuant to House Resolution 93, all time for the consideration of amendments has expired. No further amendments are in order.

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. WALKER) having assumed the chair, Mr. LAHOOD, 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. 450) to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes, pursuant to House Resolution 93, 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 in the Committee of the Whole? If not, the question is on the amendment.

The question was taken; and on a division (demanded by Mr. CLINGER) there were—ayes 132, noes 91.

So 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, I am, in its present form, 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 H.R. 450 to the Committee on Government Reform and Oversight with instructions to report the same back to the House forthwith with the following amendment:

At the end of section 5, add the following new subsection:

(c) DRINKING WATER SAFETY.—Section 3(a) or 4(a), or both, shall not apply to any regulatory rulemaking action begun by the Administrator of the Environmental Protection Agency before the date of the enactment of this Act that relates to control of microbial and disinfection by-product risks in drinking water supplies.

Mrs. COLLINS of Illinois. Mr. Speaker, the motion I am making is to recommit the bill to the Committee on Government Reform and Oversight with instructions to report it back to the House.

Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Speaker, the motion to recommit probably could not be more simple. It deals with the most simple element known to mankind, water. More specifically, it deals with the basic safety of our Nation's drinking water.

Mr. Speaker, I come from Milwaukee where 3 years ago over 400,000 people fell sick as a result of the parasite Cryptosporidium. Over 100 deaths were attributed directly or indirectly to this and 400,000 people in my community fell ill as a result of this parasite.

The people in my community have dealt with this tragedy, we have moved forward, we have cleaned up our water supply, and now the issue is whether the Federal Government has a responsibility or a role to play in helping other communities avoid the tragedy that befell Milwaukee.

The EPA has responded and is moving forward orderly to promulgate rules to deal with the drinking water supply in our Nation.

I was talking to a friend of mine last night, and he said, "Isn't it hypocritical for Congress to care more about duck hunting season than our drinking supply?" And I said, "No, no, no, you don't understand the new Congress. I'll tell you what the new Congress is all about. If you're a duck in this country, you better be on guard. If you're a goose, you better be on guard. But if you're a young person who died from E. coli like the young person we heard about yesterday, or if you suffer from cryptosporidium, you also should be on guard. Because this Congress has decided that we don't care about our drinking water supply in this Nation."

And he said, "But why can't Congress create an exception for drinking water?"

I said, "It's not one of the priorities. Duck hunting's a priority. But safe drinking water is not a priority in this country."

□ 1310

I think that that is the message that the American people should get from this debate.

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

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

Mr. BENTSEN. Mr. Speaker, I thank the gentleman for yielding. Unfortunately, the new House does not believe in protecting small investors because they refuse to consider an amendment which would have exempted the Securities and Exchange Commission which they asked to be exempted from this, so small investors, when more Americans today are investing in mutual funds than putting their money in banks we are going to shut down the SEC with this legislation. So I think the gentleman can add that to his list.

Mr. BARRETT of Wisconsin. Again, the basic point here is quite simple. I think we did the right thing yesterday

in passing an exemption for duck hunting season. I think the duck hunting season should go forward in this country, but I also believe very strongly that the Federal Government has a role, and it is a good role, to make sure that our Nation's drinking water is safe.

Mrs. COLLINS of Illinois. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Speaker, this motion to recommit is simple and straightforward. H.R. 450 should make clear that regulations governing the basic safety of our Nation's drinking water are exempted from the moratorium.

Last night we voted to exempt duck hunting. At the very least we should vote to exempt water quality and testing for the safety of our citizens from this moratorium.

The parasite Cryptosporidium is in our water. As my colleague, Mr. BARRETT, noted, however, 40 people died in Milwaukee recently and over 400,000 became ill.

Recently Cryptosporidium has been detected in New York City's water supply and no one yet knows how widespread the danger is in New York City and in other cities across this country. This bill would halt efforts to find out.

Cryptosporidium is not taking a moratorium. Parasites do not take a moratorium and public safety should not take a moratorium. Vote for the motion.

Mrs. COLLINS of Illinois. Mr. Speaker, I yield the remainder of my time to the other gentlewoman from New York [Ms. SLAUGHTER], the only bacteriologist in the House of Representatives.

Ms. SLAUGHTER. Mr. Speaker, I know that no Member of the House of Representatives wants to be responsible for the fact that we have stopped the new regulations on food inspection on meat and poultry. I know the fact that 4,000 or 5,000 people will die each year because of that is not anything that Members want. But this morning we have to talk about Cryptosporidium. We cannot avoid the water. Maybe you are a vegetarian and you are not going to eat the meat, but remember when we came back to Washington last year, those of us who served here, and found that the entire water supply in the City of Washington and Northern Virginia had been shutdown and there was no bottled water to be had and people were worried about the hospitals and babies and we did not know how long this was going to last.

We simply cannot avoid it. It makes no sense from any standpoint, legislatively or from the standpoint of public health that we would stop the regulations being put forth when we find Cryptosporidium in the water supply of the United States. A Third World country would do it; can't we?

I urge Members to vote for this motion to recommit so we can right this wrong.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] is recognized for 5 minutes.

Mr. CLINGER. Mr. Speaker, I yield myself 1 minute just to say I think the ducks have been getting a bum rap here frankly because we did indeed provide an exemption because there was no exemption in this bill to cover the migratory bird situation.

There is an exemption, however in this bill to provide for the sorts of things that are covered by this motion to recommit. The elements that have been mentioned here are threats to health and safety. When we talk about microbiology and disinfection of products, this would come under health and safety, and therefore, there was no need to provide a specific exemption for these things because they can be covered under that.

Beyond that, however, the environmental regulations, some of them have been the most onerous and need to be carefully reviewed and looked at in this process in the moratorium.

Mr. Speaker, I yield to the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Speaker, the reason that we need this bill is not because of some Trojan Horse for health and safety. We have fully protected health and safety. As the Members of this body have seen time and time again, this exemption right here will allow the administration to take any rulemaking necessary to protect health and safety. Perhaps they are not competent enough to do so.

But the real issue in this bill, Mr. Speaker, is are we on the side of the American people and against the army of bureaucrats who produced this avalanche of new regulations in just 1 year under the Clinton administration?

I say to Members this Republican Congress is going to stand up and put an end to the hidden tax and regulations and stand up for the American people.

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

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

Mr. THOMAS. Is there a moratorium on snakes in this resolution?

Mr. MCINTOSH. Mr. Speaker, it is vitally important that we proceed with this moratorium on regulations so that a year from now we do not see another pile of new burdensome Federal regulations that impose a hidden tax on the American middle class, costing every family in this country \$6,000 each year, higher car prices, higher food prices, jobs being sent overseas.

There is an article in the Wall Street Journal that points out that if we do not act now to stop this avalanche of new regulations we could have a regulatory recession in this country. It is time to vote yes for a moratorium, put an end to burdensome unnecessary regulations and stand up for the American people and not on the side of the army of bureaucrats here in Washington.

Mr. CLINGER. Mr. Speaker, I yield to the gentleman from Alabama [Mr. BACHUS].

Mr. BACHUS. Mr. Speaker, a proposed EPA regulation would allow companies to continue to produce carbon tetrachlorides for export for feed stock use. Without this regulation these companies would be severely limited and could lose foreign customers.

It is my opinion and belief that this proposed regulation is covered under the exemption from the moratorium for rules that repeal, narrow, streamline or otherwise reduce a regulatory burden, and I wanted the chairman's opinion.

□ 1320

Mr. CLINGER. I would agree with the belief and opinion of the gentleman from Alabama [Mr. BACHUS].

Mr. BACHUS. Mr. Chairman, I thank the gentleman. I think the chairman, the gentleman from Indiana [Mr. MCINTOSH], is in agreement with this opinion?

Mr. MCINTOSH. If the gentleman will yield, yes, Mr. Speaker, I am.

Mr. CLINGER. Mr. Chairman, I yield the remainder of my time to the gentleman from Maryland [Mr. EHRLICH].

Mr. EHRLICH. Mr. Speaker, for the purposes of the motion to recommit the bill, I have a question for the gentleman from Indiana [Mr. MCINTOSH].

Has the gentleman had a chance to read the Federal implementation plan for California that EPA has promulgated under the Clean Air Act which I have in front of me?

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

Mr. EHRLICH. I yield to the gentleman from Indiana.

Mr. MCINTOSH. No. I have not been able to read through the 1,700 pages of this regulation, but I understand that it would virtually shut down the economy of southern California, close down a third of the flights at LAX, put an end to barbecues in the backyard.

Mr. EHRLICH. Barbecues in the backyard?

Mr. MCINTOSH. All in the name of supposed benefits.

So, Mr. Speaker, I understand this regulation which would be stopped by our moratorium would do great damage to the economy of California.

Mr. EHRLICH. Mr. Subcommittee Chairman, it seems to me this FIP is a good example of why the regulatory moratorium is needed, so that we can assess just exactly what agencies are doing and whether they are going beyond what Congress originally intended.

Mr. CLINGER. Mr. Speaker, I urge a "no" vote on the motion to recommit, and a vote in favor of the bill.

The SPEAKER pro tempore (Mr. WALKER). 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 question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mrs. COLLINS of Illinois. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 172, noes 250, not voting 12, as follows:

[Roll No. 173]

AYES—172

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

NOES—250

Allard	Brewster	Collins (GA)
Archer	Browder	Combest
Armey	Brownback	Condit
Bachus	Bryant (TN)	Cooley
Baesler	Bunn	Cox
Baker (CA)	Bunning	Cramer
Baker (LA)	Burr	Crane
Ballenger	Burton	Crapo
Barcia	Buyer	Cremeans
Barr	Callahan	Cubin
Barrett (NE)	Calvert	Cunningham
Bartlett	Camp	Davis
Bass	Canady	Deal
Bateman	Castle	DeLay
Bereuter	Chabot	Diaz-Balart
Bilbray	Chambliss	Dickey
Bilirakis	Chenoweth	Dooley
Bliley	Christensen	Doolittle
Blute	Chrysler	Dornan
Boehner	Clinger	Dreier
Bonilla	Coble	Duncan
Bono	Coburn	Dunn

Edwards	King	Roberts
Ehrlich	Kingston	Roemer
Emerson	Klug	Rogers
English	Knollenberg	Rohrabacher
Ensign	Kolbe	Ros-Lehtinen
Everett	LaHood	Roth
Ewing	Largent	Royce
Fawell	Latham	Salmon
Fields (TX)	LaTourette	Sanford
Flanagan	Laughlin	Saxton
Foley	Lazio	Scarborough
Forbes	Leach	Schaefer
Fowler	Lewis (CA)	Schiff
Fox	Lewis (KY)	Seastrand
Franks (CT)	Lightfoot	Sensenbrenner
Franks (NJ)	Linder	Shadegg
Frelinghuysen	Livingston	Shaw
Frisa	LoBiondo	Shays
Funderburk	Longley	Shuster
Galleghy	Lucas	Sisisky
Ganske	Manzullo	Skeen
Gekas	Martini	Smith (MI)
Geren	McCollum	Smith (NJ)
Gilchrest	McCrery	Smith (TX)
Gillmor	McDade	Smith (WA)
Gilman	McHugh	Solomon
Goodlatte	McInnis	Souder
Goodling	McIntosh	Spence
Goss	McKeon	Stearns
Graham	Metcalf	Stenholm
Greenwood	Meyers	Stockman
Gunderson	Mica	Stump
Gutknecht	Miller (FL)	Talent
Hall (TX)	Molinari	Tate
Hamilton	Montgomery	Tauzin
Hancock	Moorhead	Taylor (MS)
Hansen	Myers	Taylor (NC)
Hastert	Myrick	Thomas
Hastings (WA)	Nethercutt	Thornberry
Hayes	Neumann	Tiahrt
Hayworth	Ney	Torkildsen
Hefley	Norwood	Upton
Heineman	Nussle	Vucanovich
Herger	Orton	Waldholtz
Hilleary	Oxley	Walker
Hobson	Packard	Walsh
Hoekstra	Parker	Wamp
Hoke	Paxon	Watts (OK)
Horn	Payne (VA)	Weldon (FL)
Hostettler	Peterson (MN)	Weldon (PA)
Houghton	Petri	Weller
Hunter	Pickett	White
Hutchinson	Pombo	Whitfield
Hyde	Porter	Wicker
Inglis	Portman	Wilson
Istook	Pryce	Wolf
Johnson (CT)	Quillen	Young (AK)
Johnson, Sam	Quinn	Young (FL)
Jones	Radanovich	Zeliff
Kasich	Ramstad	Zimmer
Kelly	Regula	
Kim	Riggs	

NOT VOTING—12

Andrews	Ehlers	McCarthy
Barton	Gibbons	Meek
Becerra	Gonzalez	Ortiz
Costello	Kaptur	Rush

□ 1337

The Clerk announced the following pairs:

On this vote:

Mr. Costello for, with Mr. Barton against.
Mr. Becerra for, with Mr. Ortiz against.

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. WALKER). 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 276, noes 146, not voting 13, as follows:

[Roll No. 174]

AYES—276

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

NOES—146

Abercrombie	Baldacci	Beilenson
Ackerman	Barrett (WI)	Bentsen

Berman	Hilliard	Owens
Bishop	Hinchee	Pallone
Boehlert	Holden	Pastor
Bonior	Hoyer	Payne (NJ)
Borski	Jackson-Lee	Pelosi
Boucher	Jefferson	Rahall
Brown (CA)	Johnson, E. B.	Rangel
Brown (FL)	Johnston	Reed
Brown (OH)	Kanjorski	Reynolds
Bryant (TX)	Kennedy (MA)	Richardson
Cardin	Kennedy (RI)	Rivers
Clay	Kennelly	Roybal-Allard
Clayton	Kildee	Sabo
Clyburn	Klecza	Sanders
Coleman	Klink	Sawyer
Collins (IL)	LaFalce	Schroeder
Collins (MI)	Lantos	Schumer
Conyers	Levin	Scott
Coyne	Lewis (GA)	Serrano
DeFazio	Lofgren	Skaggs
DeLauro	Lowey	Slaughter
Dellums	Luther	Spratt
Dicks	Maloney	Stark
Dingell	Manton	Stokes
Dixon	Markey	Studds
Doggett	Martinez	Stupak
Doyle	Mascara	Thompson
Durbin	Matsui	Thornton
Engel	McDermott	Torres
Eshoo	McHale	Torricelli
Evans	McKinney	Towns
Farr	Meehan	Tucker
Fattah	Menendez	Velazquez
Fields (LA)	Mfume	Vento
Filner	Miller (CA)	Visclosky
Flake	Mineta	Volkmer
Foglietta	Mink	Ward
Ford	Moakley	Waters
Frank (MA)	Mollohan	Watt (NC)
Frost	Moran	Waxman
Furse	Morella	Williams
Gejdenson	Murtha	Wise
Gephardt	Nadler	Woolsey
Green	Neal	Wyden
Gutierrez	Neuberger	Wynn
Hall (OH)	Obey	Yates
Hastings (FL)	Olver	

NOT VOTING—13

Andrews	Ehlers	Moorhead
Barton	Gibbons	Ortiz
Becerra	Gonzalez	Rush
Costello	McCarthy	
Deutsch	Meek	

□ 1358

The Clerk announced the following pairs:

On this vote:

Mr. Barton for, with Mr. Costello against.
Mr. Moorhead for, with Mr. Deutsch against.

Mr. Ortiz for, with Mr. Becerra against.

Mr. NEAL of Massachusetts and Mr. MEEHAN changed their vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FATTAH. Mr. Chairman, on a number of votes I was unavoidably detained and not available on the floor, I ask that the RECORD reflect how I would have voted on those.

On vote No. 160, I would have voted "yes." Vote No. 161, the Slaughter amendment, I would have voted "yes." Vote 162, the Spratt amendment, "yes." The Waxman amendment, vote No. 163, "yes." And the Collins amendment, 164, "yes." And on the Norton amendment, 165, I would have voted "present."

I ask that the RECORD reflect these votes.

AUTHORIZING THE CLERK TO MAKE A CERTAIN CORRECTION IN ENGROSSMENT OF H.R. 450

Mr. MINETA. Mr. Speaker, I ask unanimous consent that the Clerk be directed to make the following correction in the engrossment of the bill, H.R. 450.

The SPEAKER. The Clerk will report the correction.

The Clerk read as follows:

"In Section 6(4), in the second sentence, after "nor does it include," insert the following new clarifying words: "any action taken in connection with the safety of aviation or"."

□ 1400

Mr. MINETA. Mr. Speaker, this request has been cleared with the full committee and subcommittee chairmen of the Committee on Government Reform and Oversight and of the Committee on Transportation and Infrastructure.

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

There was no objection.

AUTHORIZING THE CLERK TO MAKE FURTHER CORRECTIONS IN ENGROSSMENT OF H.R. 450, REGULATORY TRANSITION ACT OF 1995

Mr. CLINGER. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 450, the Clerk be authorized to correct section numbers, section headings, cross references, punctuation, and indentation, and to make any other technical and conforming change necessary to reflect the actions of the House.

The SPEAKER pro tempore (Mr. BATEMAN). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

COMMENDATION TO STAFF MEMBERS

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

Mr. CLINGER. Mr. Speaker, I want to commend the staff members who worked so very hard on this legislation. On our side, Judy Blanchard from my staff; and Mildred Weber. They have been invaluable in moving this legislation.

GENERAL LEAVE

Mr. CLINGER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 450, the bill just passed.

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

There was no objection.