energy security we have built up with the Strategic Petroleum Reserve.

Mr. Speaker, the provisions contained in H.R. 2472 will help the United States preserve its energy security. It is a good bill, and I endorse its adoption wholeheartedly.

Finally, there are several conservation-related programs contained in EPCA which were discussed at the subcommittee hearing that are not included in this bill that we are considering today, but we do have a bill coming up that would extend these programs as well. I intend to work with the interested parties to mark up that bill and reauthorize those programs in the near future.

Mr. Speaker, before I reserve the balance of my time, I would like to thank my good friend, the gentleman from Texas (Mr. HALL), for his continual support on this issue. I know that coming from the State of Texas it is very important to him.

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

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

I will be brief because, as usual, the gentleman from Colorado (Mr. DAN SCHAEFER) has done a good job of laying out the reasons for supporting H.R. 2472. It simply reauthorizes the key sections of the Energy Policy and Conservation Act. The underlying House bill was handled in a bipartisan manner in the Committee on Commerce and passed on a voice vote.

Actually, the changes that are made herein are supported by both industry and the administration, of course supported by the subcommittee and the committee. I know of no objection to this legislation.

Last winter's instability in the Middle East pretty well underscored how quickly circumstances can change. It was a volatile situation that served as a reminder of the need for the United States to be energy independent.

This will ensure that the United States and the industry will be able to fulfill their duties in any oil-related emergency. For that reason I thank the gentleman from Virginia (Mr. BLILEY) and the gentleman from Colorado (Mr. DAN SCHAEFER) for bringing this important bill to the House floor. It is important to our country's economic and energy security, and I am pleased to support this legislation.

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

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Colorado (Mr. DAN SCHAEFER) that the House suspend the rules and concur in the Senate amendment to the House amendment to the Senate amendment to the bill, H.R. 2472.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment to the House amendment to the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

MANDATES INFORMATION ACT OF 1998

The SPEAKER pro tempore (Mr. KNOLLENBERG). Pursuant to House Resolution 426 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. 3534.

□ 1606

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. 3534) to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes, with Mr. SHIMKUS (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, May 13, 1998, the amendment offered by the gentleman from Virginia (Mr. DAVIS) had been disposed of, and the bill was open for amendment at any point.

Are there further amendments to the bill?

Mr. MOAKLEY. Mr. Chairman, I move to strike the last word, and I rise to offer an amendment to H.R. 3534, the Unfunded Mandates Information Act of 1997.

Mr. Chairman, this amendment would strike from the bill language which was added in committee at the last minute by the gentleman from California (Mr. DREIER) to exempt tax revenue from the private sector point of order. The Dreier language ignores the spirit of this bill, which is to force Congress to think twice before we impose any burden on private companies.

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

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

Mr. DREIER. Mr. Chairman, I would like to inquire, is the amendment pending?

Mr. MOAKLEY. Mr. Chairman, I intend to offer the amendment. I have not offered the amendment.

Mr. DREIER. I thank the gentleman.

Mr. MOAKLEY. I thank the gentleman for noticing.

Mr. Chairman, the point of order triggers a debate and a vote on the question of consideration. It makes Congress take notice and make informed decisions about whether or not to proceed. The Dreier amendment changes the whole picture. It says we should ignore real costs to private companies and individuals as long as that revenue generated is fully spent in tax or tariff reductions. A tax on coal deserves debate on its own, but if it is coupled with a tax break for ethanol, it suddenly is not worth Congress' attention.

The Dreier language says that we have to know how the revenue was spent before we know whether a tax or a tariff is a burden. Consider what that means to excise taxes like taxes on gas and tobacco, where many people believe that the revenue generated should be dedicated only to certain spending programs. If a measure increases gas taxes and requires that the money be spent on highway repair only, the measure would be subject to an unfunded mandate point of order.

However, Mr. Chairman, if the same gas tax increase is completely offset by a provision to allow billionaires to avoid some kind of Federal tax liability, then the point of order just would not apply.

Consider also a tobacco bill, which we may be considering some day, that raises cigarette taxes and spends that money to prevent teenage smoking or on health care costs and health care research or on aid to the tobacco farmer, that bill will be subject to a point of order. But, Mr. Chairman, under the Dreier language, if that tobacco revenue is given away in tax cuts rather than these programs I just enumerated, then the point of order just does not apply.

I believe this approach is uneven. I believe it is arbitrary. It goes against the fundamental purpose of the bill, which is to make Congress reconsider whether it wants to impose any private sector burdens.

Therefore, Mr. Chairman, I urge my colleagues to support my amendment that I am about to file and strike this language to the bill and return it to the original intent of the sponsors.

Mr. DREIER. Mr. Chairman, I move to strike the last word. I would like to engage my colleague, if I could, with a question. Is there an amendment that we are considering here?

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

Mr. DREIER. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Chairman, there is an amendment at the desk.

Mr. DREIER. I do not have anything to say, Mr. Chairman, until I know what it is.

Mr. MOAKLEY. Mr. Chairman, if the amendment is there, maybe the Clerk could read the amendment.

Mr. DREIER. Mr. Chairman, I guess the gentleman will be recognized then in support of his amendment and I would like to be heard in opposition to it.

AMENDMENT OFFERED BY MR. MOAKLEY

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

The Clerk read as follows:

Amendment offered by Mr. MOAKLEY:

On page 5, line 13, strike ''(3)'' and all that follows through line 5, page 6.

Mr. MOAKLEY. Mr. Chairman, I know I just gave a vivid explanation of

the amendment. I do not want to subject the House to it again. I know that the gentleman from California (Mr. DREIER) has good enough memory to remember what I said so we can address my amendment now.

□ 1615

Mr. DREIER. Mr. Speaker, I rise in opposition to the amendment, not surprisingly, and I have a prepared statement which I know the gentleman from Massachusetts (Mr. MOAKLEY) will understand very clearly.

Mr. Chairman, I oppose the Moakley amendment because it seeks to perpetuate a set of budget rules that have, for the past decade, dramatically shifted Federal policy in the direction of more Washington spending programs at the expense of tax relief for working families.

At a time when the Federal Government is raising $500 billion more in revenue than was projected in the Balanced Budget Act, it is unconscionable our colleagues in the minority would attempt to further rig the rule so that those revenues which belong to hard-working families can be used to tax and spend our way out of a balanced budget.

H.R. 3534 provides that if a measure contains private sector mandates exceeding $100 million, consideration of the measure may be subject to a point of order. An exception is made for legislation containing tax or tariff provisions which cause the $100 million threshold to be exceeded but result in an overall net reduction of tax or tariff revenue over a 5-year period, provided that the bill does not include other nonrevenue-related Federal private sector mandates that exceed that $100 million threshold. If a bill contains tax or tariff provisions which result in a net increase in revenues, or it contains nonrevenue related mandates, a point of order may still apply.

This language is necessary, Mr. Chairman, because in the universe of private sector mandates, our budget rules discriminate against tax cuts by requiring that they be paid for by increases in other tax revenues or reductions in mandatory spending. In other words, our budget rules require us to impose mandates on the private sector as a condition of providing tax relief to the American people.

In addition, given the dynamic effects of tax rate changes, I find it hard to believe that anyone would suggest that tax rate reductions that may actually raise revenue, such as the capital gains tax cut, we all know it has been a revenue raiser, should be treated as private sector mandates and subject to a point of order. Mr. Chairman, I find it ludicrous, but that is exactly what would happen if the Moakley amendment were to prevail.

Mr. Chairman, I also want to respond to some inaccuracies in the administration's policy statement on this bill. It states, and I quote,

> The administration is especially concerned about the amendment added to the bill that would establish a point of order on the use of user fees and revenues.

Mr. Chairman, someone did not read the amendment that was adopted in the Committee on Rules that I offered because the point of order was always in the bill. The amendment that I authored in the Committee on Rules makes an exception to that point of order.

The statement for the administration further goes on, and I quote,

> This amendment could delay or undermine funding for a number of well-established and important programs and laws that have traditionally received bipartisan support, including airline, air traffic and ground safety; the Superfund program; the Senate passed version of the Internal Revenue Service reform bill; and legislation under consideration that provides relief to tobacco farmers and additional resources for public health and health research.

Once again, Mr. Chairman, the person who wrote that statement obviously did not read the bill or my amendment. All H.R. 3534 says is that if a point of order is made, it is subject to 20 minutes of debate, after which the Members must vote on whether to proceed with consideration of the legislation. All we are doing is encouraging a deliberative process.

This mechanism was crafted to ensure that the House would have additional information and debate time on certain Federal mandates, but that legislation containing such mandates could continue to be considered by the House if a majority so desires. The Dreier amendment, adopted by the Committee on Rules, does nothing to change this process.

In other words, if Congress takes up legislation to raise tobacco taxes and uses that revenue to fund President Clinton's great budget blow-out proposals that he unveiled here in his State of the Union message, that legislation could be subject to a question of consideration. The Committee on Rules amendment did nothing to change that outcome. If, however, revenues from a tobacco tax increase are returned to working families in the form of tax relief, then the Committee on Rules amendment provides an exclusion from the point of order.

Mr. Chairman, the Moakley amendment seeks to strike this taxpayer protection and allows legislation providing a net tax reduction to be subject to a point of order if it contains loophole closers or tax rate cuts that actually raise revenue. This will further bias our procedures against tax cuts and seriously undermine our efforts to simplify the Tax Code and provide badly needed tax relief to working families.

For this reason and all of these reasons, Mr. Chairman, I am going to oppose the amendment.

Mr. MOAKLEY. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN pro tempore (Mr. SHIMKUS). Without objection, the gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 5 minutes.

There was no objection.

Mr. MOAKLEY. Mr. Chairman, I paid very close attention to my dear friend's explanation, but the provision of the Dreier amendment really distorts the underlying purpose of the unfunded mandate bill. It used to focus on whether or not there was a mandate. Now, under the Dreier amendment, it focuses on whether it is a tax bill and how the funds from the tax bill would be handled. If Members choose to give a tax break to someone else, the issue of a mandate on a private business does not get debated in the House.

The purpose of the unfunded mandate bill is very simple. It calls upon Congress to look and see how it affects that private business. And, therefore, if we raise a tax on that business and we do not use it to help those types of businesses, but give it back in tax relief, then it is not an unfunded mandate but it still hurts that private person who we are trying to protect. This is not a tax bill, it is an unfunded mandate bill.

Now, for instance, if an aviation tax increase faces a point of order, if money is spent to improve airports, so the aviation tax goes to build up the airports, put new towers in there, then a point of order can lie. But if this money from that aviation tax goes to the fat cats, no point of order.

Gasoline tax. If the gasoline tax is used to build roads, to improve safety factors; point of order lies. But if we take that tax money and give it for some other purpose, no point of order.

Tobacco tax. If that money is used to educate children to stop smoking, if that money is used to show people through all kinds of means how bad tobacco is for them, point of order. But if we give that money back as a tax rebate to the big fat cats, no point of order.

Mr. Chairman, the Dreier amendment distorts the basis of this unfunded mandate bill.

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

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

Mr. DREIER. I thank my friend for yielding, and I think the gentleman has really explained this very well once again. He is in favor of spending for a wide range of very well intentioned proposals, and I think a lot of these issues need to be addressed; whereas we, with my amendment, are focusing on this whole question of reducing the tax burden on working families.

But, let me just say that I am a little confused at exactly what we have before us right now, because apparently, and the gentleman can correct me if I am wrong, but the amendment that has just been put forward goes much further than simply deleting the so-called Dreier language. It appears to me it guts the entire bill.

Now, my friend told me that he is no longer supportive of the bill as he might have been in the past when we were talking earlier, but the way this

amendment has been crafted, I have just been informed that it basically strikes out all points of order that can be raised against private sector mandates. Is that the gentleman's intention?

Mr. MOAKLEY. Mr. Chairman, that is not my intention, no.

Mr. DREIER. So the gentleman's intention is to simply to delete the Dreier amendment?

Mr. MOAKLEY. That is all.

Mr. DREIER. I think, Mr. Chairman, I would just like to inquire, then, of the Chair, if it does go beyond simply deleting the Dreier amendment.

The CHAIRMAN pro tempore. The Chair cannot interpret the meaning of an amendment.

Mr. MOAKLEY. Reclaiming my time, Mr. Chairman, the gentleman just made my point for me. If we raise tobacco taxes to advertise to stop kids from smoking, a point of order would lie. But if we give tax rebates back, a point of order would not lie. This is not a tax bill; this is an unfunded mandate bill.

But the gentleman from California (Mr. DREIER) makes it a tax bill. And this is a great loophole that we can reward our big fat cats with tax breaks at the expense of those youngsters that do not get the proper education to stop smoking.

The CHAIRMAN pro tempore. The time of the gentleman from Massachusetts (Mr. MOAKLEY) has expired.

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

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

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

Mr. DREIER. I think, once again, we are making each other's arguments. My friend is for tax and spend, we are for cutting the tax burden on working families. So we have clarified that.

But let me just ask this question once again. Does the gentleman's amendment go beyond simply deleting the Dreier language that was passed in Committee on Rules? He has just said that is what his intent is, but I am continually told by our crack staff assistants around here that it goes well beyond that.

Mr. MOAKLEY. Mr. Chairman, that is not my intent. If that is what this amendment does, I will pull it back and just eliminate the Dreier amendment. That is not my intent.

This is not a tax and spend bill.

Mr. DREIER. Could we clarify that before we proceed further with the debate?

Mr. MOAKLEY. But this is a bill that if we tax the tobacco industry, we should put it toward education.

Mr. DREIER. This is a big tax and spend bill, and I would just like to make sure we have the right amendment before us.

The CHAIRMAN pro tempore. The gentleman from California will suspend. The time is controlled by the gentleman from Massachusetts (Mr. MOAKLEY).

Mr. MOAKLEY. Which the gentleman kindly gave to me, Mr. Chairman.

As I said, this is not rewarding anybody, but if a private business has a tax put on it, it is very unfair to use that tax money to give it back in rebates to people in other businesses. If it is tax because of a certain reason, it should be used in the furtherance of that business.

This is an unfunded mandate. We should not persecute people by taking their tax money and putting it in other places. That is all I am trying to say.

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

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

Mr. WAXMAN. I want to see if I understand the amendment, Mr. Chairman.

The underlying bill requires that the House pay special attention if there is a mandate on private enterprise.

Mr. MOAKLEY. The gentleman is correct.

Mr. WAXMAN. Now, that mandate can be a new regulatory requirement or it can be a tax. That is a mandate that they have to pay.

Mr. MOAKLEY. The gentleman is correct.

Mr. WAXMAN. As I understand the Dreier amendment, he would say it is all right to put a tax on a business if we give a tax break to another business.

Mr. MOAKLEY. The gentleman is exactly correct.

Mr. WAXMAN. It is still a mandate on the company that has the tax burden. On the other hand, as I understand the Dreier amendment, if we put a tax burden on one enterprise in order to spend the money on some worthwhile purpose, as the Congress sees fit, then that would be an unfunded mandate and require the operation of the underlying bill.

Mr. MOAKLEY. The gentleman is correct.

The CHAIRMAN pro tempore. The time of the gentleman from Massachusetts (Mr. MOAKLEY) has again expired.

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

Mr. MOAKLEY. Mr. Chairman, I am overwhelmed by the gentleman from California's generosity.

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

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

Mr. DREIER. Mr. Chairman, I think my friend from West Los Angeles has actually made a very good point. There are more than a few Members in this House, including the chairman of the Committee on Ways and Means, we have a couple of very distinguished members of the Ways and Means here who are looking at the idea of overhauling the Tax Code.

And I will tell my colleagues, I hear often from the people whom I am privileged to represent in California that they want us to certainly pare back, overhaul or possibly even eliminate the Internal Revenue Service. The gentleman from Texas (Mr. ARCHER) has a proposal, we have flat rate tax proposals, but it appears to me that if we were to proceed with the Moakley language deleting the amendment I offered in the Committee on Rules, we could not even consider a complete overhaul of the Tax Code, which the American people desperately want.

And so, as my friend from California (Mr. WAXMAN) has just indicated, we have a situation here that, yes, there could be some kind of modification, but I think it is very troubling this would tie the hands of a Congress that really wants to do these kinds of things.

Mr. MOAKLEY. Mr. Chairman, reclaiming my time, the gentleman has misstated the case. This does not stop any kind of tax refund from going over, but the gentleman, in effect, has admitted he is making a tax bill out of this unfunded mandate bill, is what he is doing.

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

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

Mr. WAXMAN. I am perplexed by my friend from California's statement as well. As I understand the underlying bill, it does not stop the Congress from doing anything. It just simply says, wait a minute, we want to take a look at this.

And if we are going to put a burden on private enterprise, we want to have a special focus on that and make people have to debate it and vote on it. If we are going to put a tax increase on some business, that seems to me a sufficient burden that we are putting on them that we ought to stop and be sure that that is what we want to do.

As I understand the Dreier amendment, which the Moakley amendment would strike, it would have us ignore what the burden is on a private business, a small business, particularly, if there is a tax break for someone else.

MODIFICATION TO AMENDMENT OFFERED BY MR. MOAKLEY

Mr. MOAKLEY. Mr. Chairman, I ask unanimous consent, because of the conversation with the gentleman from California (Mr. DREIER) and I had to make sure I do not go beyond eliminating the Dreier amendment, to modify my amendment.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Mr. MOAKLEY:

Page 5, line 23, strike the italized words through line 4, page 6.

The CHAIRMAN pro tempore. Is there objection to the modification to the amendment offered by the gentleman from Massachusetts?

There was no objection.

□ 1630

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

I appreciate the opportunity to engage in this debate because I would echo what my colleague, the gentleman from California (Mr. DREIER), on this side of the aisle has had to say. Despite my deep personal affection for my friend, the gentleman from Massachusetts (Mr. MOAKLEY), the Ranking Minority Member of the Committee on Rules, what my colleague from California points out is quite true. What, in essence, the Moakley amendment allows to have happen is for this Chamber to continue the culture of spending and raise barriers to the American people hanging on to more of their hard-earned money.

Indeed, as a member of the Committee on Ways and Means, I am challenged and chagrined by the fact that our existing budgetary rules already raise so many hurdles, where if to offer tax cuts to one segment of the American population, we must have, in fact, revenue offsets.

What we should be about in this Chamber, my colleagues, when we strip away all the discussion of rules, all the inside baseball, all the legislative minutia with which we deal here, the fact is we should make it easier for the American people to hang on to what they earn; and we should reject any language, no matter its intent, that makes it tougher for the American people to hold on to their hard-earned money.

The American people are already overregulated and over taxed, and we must do all we can to preserve the notion that they should hold on to more of their money and send less of it here to Washington. Accordingly, my colleagues, I would ask that we reject the Moakley amendment, stand in favor of families, stand in favor of families holding on to more of their hard-earned money.

I could not help but note the difference to hear my colleague from Massachusetts refer to those who might receive a tax cut as ''fat cats.'' I do not believe that the working family in Payson, Arizona, one of my friends who owns a print shop there who has a family of four who now, through our historic agreement to offer tax relief at a $400 per child tax credit this year that increases to $500 next year, can be called a ''fat cat'' because he and his wife hold on to $1,600 dollars of their income to spend on their families as they see fit.

So we are witnessing here in this Chamber, Mr. Chairman, a great cultural and philosophical divide among those who favor the culture of tax-and-spend and Washington-knows-best and those of us who believe that no matter how well-meaning a Washington bureaucrat may be, no matter how well-meaning my friend on the other side of the aisle may be, Mr. Chairman, when this comes to our pocketbook, no matter our economic station in life, no one knows better how to spend for their family and save for their future than they do.

That is the essence of this debate. That is why the Moakley amendment must be rejected, to reverse the culture of tax-and-spend and stick up for American families.

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

Mr. Chairman, I am certainly sorry that my colleague is challenged and chagrined on this. But as an original sponsor of the unfunded Mandates Reform Act and as a strong supporter of the Mandates Information Act, I support the Moakley amendment. A vote for the Moakley amendment is a vote to strike language that would erode the intent of the Mandates Information Act. So, in other words, the Moakley amendment is an attempt to maintain the integrity of the Mandates Information Act.

It was not a part of the original Mandates Information Act, the language that the gentleman from Massachusetts (Mr. MOAKLEY) is attempting to strike. It is not supported by the business community or the bill's original sponsors. It was added at the last minute by the House leadership, apparently to serve a political objective.

I am opposed to this because it waives the right for anyone to challenge a private or a public sector mandate if the bill results in a net tax decrease.

So, in other words, it allows a bill to amass major tax increases as long as they can find some other, albeit unrelated, tax decrease to offset the major tax increases. That means, despite a number of tax increases and provisions that close tax loopholes in the 1997 Tax Relief Act, no one would have been able to raise a point of order on the revenue measures because the bill contained a net tax deduction.

This year's highway bill, however, would have been subject to a point of order since there was no net tax decrease but there was an extension of the current Federal gasoline excise tax. Do we really want to create two categories of tax bills, one that is exempt and another that is subject to the provisions that we fought hard to include in the Unfunded Mandate Reform Act and the Mandates Information Act? I think not. I would be surprised if my friend and colleague would not agree that we should not have two separate categories of tax increases.

So I urge my colleagues to support the Moakley amendment and restore the integrity and the intent of the Mandate Information Act. Let us be evenhanded when we deal with tax measures.

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

Mr. MORAN of Virginia. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I would simply say, as has been made very clear, that the thrust of what this amendment that I have offered is designed to do is to decrease that extraordinary burden on working families.

I think that while there may be this view out there, my friend said he has been a long-time supporter of this measure, I would like to share with him and my colleagues a list of just a few of those people who have said that they support the bill as it was reported in the Committee with the Dreier language.

That includes the National Governors Association, the National Conference of State Legislatures, the National League of Cities, the National Association of Counties, the National Taxpayers Union, the U.S. Chamber of Commerce, the National Federation of Independent Business, the American Farm Bureau, Citizens for a Sound Economy, the National Restaurant Association, the National Retail Federation, Small Business Survival Committee, Associated Builders and Contractors, Associated General Contractors, American Subcontractors Association, National Association of Self-employed, National Association of Manufacturers, and on and on and on and on.

So virtually everyone is supportive of the language as has come out. My friend, who has been a supporter of the bill, I appreciate it, and he is welcome to stand alone in favor of tax increases over tax cuts.

Mr. MORAN of Virginia. Well, it just seems to me that we ought to spotlight it when there is any tax increase. And that is what the gentleman from Massachusetts (Mr. MOAKLEY) is attempting to do, and that is why I support the Moakley amendment. I thank the gentleman for his input, though.

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

Mr. Chairman, I want to start by thanking the gentleman from Virginia (Mr. MORAN) for his unwavering support for the underlying legislation, H.R. 3534. I think what the gentleman from California (Mr. DREIER) has done is an improvement to the bill, and I hope that he will reconsider his opposition to the Dreier addition and then in the end support us on final passage once we are able to defeat the Moakley amendment.

I think this really comes down to a philosophical debate in some regards as to tax versus spend. But let me just make one distinction that has not been made clearly on the debate that I think is a logical distinction and the reason I think it is important to accept the Dreier language and not knock it out with this Moakley amendment.

Under the budget rules that we live under, we essentially discriminate against tax cuts. How do we do that? If we want to reduce taxes under our rules that we all live under, we have to mandate. In other words, we have to come up with tax increases somewhere else. The other choice is to increase entitlement spending, which I do not

think anyone on the floor tonight particularly wants to do, or decrease entitlement spending to offset those tax cuts.

So we are in a position now where if we want tax relief, let us say the capital gains differential that we put into place last year, we have got to go into the Tax Code and we have got to find loophole closures in that Tax Code that are essentially revenue raisers, which are, under the terms of this legislation, as was said earlier, new mandates. In other words, tax increases are new mandates.

So it would be, it seems to me, illogical to say every time we want to give any kind of tax relief we have to mandate, as rule number one; and then on the other hand step in and say, and if we mandate, we are then subject to this mandate exercise.

So I think this is important, and I think it makes sense. I would also say that we are hearing some scenarios, maybe on both sides but I want to focus on ones on the other side, that just are not true. The point has been made the other night and again today that this would somehow not enable us to move forward with the tobacco agreement. How does this change that?

Under the legislation without the Dreier language, there would be to difference with regard to the tobacco legislation than there would be having accepted the Dreier language. So it is not going to have any effect on the tobacco legislation and the possibility of a cigarette tax.

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

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

Mr. MOAKLEY. But this does change it. It does slant it. If we do not have a point of order prevail against it because it is going to go back to some program, talking about the tobacco, that is going to stop smoking, a point of order is going to lie upon it. But if we are going to take that money and give it back as tax rebates, a point of order does not lie against it. And the argument is not going to be on what it does, it is going to be on procedure.

Well, Mr. Chairman, this is not a mandate. This is not a point of order under the unfunded mandate because it says, if there is going to be a tax break, there is no point of order, Mr. Chairman, it gives a point of order.

It does slant the debate.

Mr. PORTMAN. Mr. Chairman, reclaiming my time, I would make two points.

One is that my colleague should like this amendment in that case because it is more likely that some kind of tobacco legislation I guess would not get through because the point of order would lie without the Dreier language in both of those scenarios. The point of order would lie in the case where there was more spending, and the point of order would lie in the case where there was a net tax decrease.

All the Dreier amendment is trying to do is, in the case where there is a net tax decrease, partly for philosophical reasons and partly because of this absurdity where we are told if we have tax decreases we have to mandate, so then why should the mandate be subject to this? So I really do not understand how it relates at all to the tobacco legislation.

If anything, I would hope that my colleague would stand up and support the gentleman from California (Mr. DREIER) because he might help him here. He is carving out at least some area where we would not subject it to this information requirement.

I would also say, to make the point that was made earlier by the gentleman from California (Mr. WAXMAN), if the majority of this House determines that they would like to spend that money, fine. This is an informational process; and if in the end, after a 20-minute debate, 10 minutes on each side, regarding this new private sector mandate or this new tax increase, this House determines that it is in the interest of the country to move forward with the legislation, we would simply vote by a majority vote, as we did with regard to minimum wage last year, to move forward with the legislation.

So I do not understand quite what the big concern is about this language. I think it is logical, given our budget rules that we have to live under; and I would support the language and oppose the Moakley amendment.

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

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

Mr. MOAKLEY. Mr. Chairman, actually, I think the gentleman from Ohio is disturbed with the budget act. I think we should amend the budget act. But do not try to straighten out the budget act with this amendment.

Mr. PORTMAN. Mr. Chairman, is the gentleman from Massachusetts offering an amendment to change the budget rules? Because I do not think it would be germane here. We have to live under these rules. They are the rules that we have.

Mr. DREIER. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio (Mr. PORTMAN) be given an additional 2 minutes.

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

There was no objection.

Mr. PORTMAN. Mr. Chairman, I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. I thank my friend, the gentleman from Ohio (Mr. PORTMAN).

□ 1645

Mr. MORAN of Virginia. Mr. Chairman, I thank both gentlemen. An additional point needs to be made, that while the administration opposes this bill in general, their principle objection seems to be to this particular provision.

Those who want the overall bill to pass, I think it makes enactment problematic when this particular provision is included. So I think that needs to be seriously considered within the context of whether we should pass this particular amendment.

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

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

Mr. WAXMAN. Mr. Chairman, I was trying to understand the point that you were making. You said that the budget rules require that there be a tax increase in order for there to be a tax decrease.

The budget rules also require that there be some kind of spending if there were going to be an increase in the amount for entitlements like Social Security or Medicare.

So what I do not understand is why, when we put a tax burden on a small business in order to raise money, that is not considered unfunded mandate in order to get some attention here in the House if the money taken from that small business is used to give, maybe, a big business a tax break, but it is considered unfunded mandate if you ask that businessman to pay more taxes and we use it to help Social Security or Medicare.

I do not understand why that distinction should hold. If it is a burden on a business, then we ought to stop and take a look at it. Which is the purpose of the underlying bill?

Mr. PORTMAN. Mr. Chairman, reclaiming my time, I think what the gentleman is saying, in essence, is that there is discrimination in this legislation against new spending. I guess I would answer him by saying, getting back to this philosophical question, you are probably right. We have a $5.5 trillion debt in this country. I think the problem that we are trying to address here is not on the tax side in terms of tax increases. It is more in terms of spending being out of control and a need to begin it get some control over the mandates on the private sector. That is the bias here.

As I said earlier, there is a philosophical difference here.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. PORTMAN) has expired.

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

Mr. PORTMAN. Mr. Chairman, I would also say that if you look at the budget rules when we are talking about taxes, this is just a carve-out for taxes, it just has to do with situations where you have a net decrease in taxes in a tax package. Right now, we are living under rules that I think, despite what the gentleman from Massachusetts (Mr. MOAKLEY) may believe about those rules, we are going to continue to have to live under, which say that every time you want to give tax relief, you have to mandate. It seems to me, again, it would be absurd, then, to require those mandates to be subject to this if we are requiring ourselves to mandate.

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

Mr. PORTMAN. I will be happy to yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I understand the distinction the gentleman is making, but if we imposed a tax on tobacco and wanted to use that money to help pay for Medicare, we would not have the opportunity to have a focus on that new tax increase.

If we had that tax on tobacco and wanted to give a tax break to growers of corn, then we would say, whoa, wait a minute, we are going to take a special look at that tax on tobacco. That just, to me, does not make a lot of sense.

Mr. PORTMAN. Mr. Chairman, I think it is the converse of what the gentleman just explained.

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

Mr. Chairman, I rise in support of the Moakley amendment, and I do so out of very grave concern for the effects of the underlying legislation on the Aviation Trust Fund.

The Moakley amendment would ensure that revenues raised from aviation users will continue to be dedicated to the purposes for which the Aviation Trust Fund was established, for investment in air traffic control, air traffic safety, air traffic security, equipment, and in airport capital needs. Revenues raised from aviation users under the concept of the Aviation Trust Fund are deposited in that trust fund. It is to be used solely for improvements in our air traffic control system and for operation and maintenance of the system.

Air traffic controllers, air traffic safety equipment, radars, terminal Doppler weather radar equipment that we need in our en route centers for control of aircraft at high altitudes, these are very costly systems. They need to be updated and maintained, and the upgrade needs to be planned out years in advance. That is why we have this concept of a trust fund with a dedicated revenue stream to these critical investments. We have tried to strengthen the Aviation Trust Fund in recent years.

There was a vote not too long ago in which we failed by only five votes of taking that trust fund entirely off the budget. Current legislation to take the trust fund off budget has 243 cosponsors; to make it more difficult, not less, to divert resources from protecting aviation safety for the American public. That is a bipartisan commitment.

The underlying bill, H.R. 3534, would undermine that commitment. Taxes raised on the concept of this bill from the aviation industry could more easily be spent on tax cuts for upper income Americans of the top 1 percent or 2 percent of millionaires in this country than they could be spent on aviation investments.

The underlying bill would mean that, if Congress moved to raise aviation excise taxes to improve our air traffic control system, for the modernization of the aircraft control system, for aviation security as we are now in the process of doing, a point of order could lie automatically against such legislation. That would be outrageous.

If we do not change this underlying bill, if it should become law, and I am confident the President will veto it, we will have moved backward, not forward, in our efforts to modernize the air traffic control system. We have made a 30-year almost commitment to improving aviation safety, security, expanding capacity to the Nation's airports through the Aviation Trust Fund. It is astonishing to me to see legislation come up here that makes it more difficult.

The Moakley amendment would stop that rollback, allow us to continue our efforts and modernize the air traffic control system, improve aviation safety. I urge its adoption.

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

Mr. OBERSTAR. I do not have any further time.

Mr. DREIER. I ask unanimous consent, Mr. Chairman, that the gentleman be given 2 additional minutes.

Mr. OBERSTAR. No, I do not seek additional time. The gentleman has had sufficient time to discuss the amendment.

Mr. DREIER. I wanted to clarify.

The SPEAKER pro tempore. The time is controlled by the gentleman from Minnesota (Mr. OBERSTAR).

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

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

Mr. Chairman, this is a most curious exercise. We have a bill on the floor which says that any time we pass a law, we have to have a special vote in this House as to whether we are going to consider it if it is going to impose any unfunded mandates on any citizen.

That means if we are going to tighten the law with regard to protecting people under the Food and Drug Act from unsafe food, drugs, cosmetics, or if we are going to deal with the problems of Superfund or brownfields, or if we are going to deal with the problems of water pollution, because it is going to cost money, we are going to have to have a special vote before we can consider those questions.

It means any time that we do something that the people want that is going to protect their health, safety, or welfare, or any time we are going to do anything that is going to make life better for the people of this country, we are going to stop and have to have a special vote. Somebody over here, I think, assumes that this is going to be very helpful to them politically.

Then along comes this curious amendment which says if you are going to do that, you do not have to have the vote if you have a tax cut in the bill. That is very strange. It does not say the tax cut has to go to the people. We are going to pay the cost. All it says is you are going to have a tax cut of approximately the same amount. Hardly good sense. It sort of smells of blackmail or something of that kind.

But the hard fact of the matter is, it is not going to do anything that is going to be of any particular merit. It is just going to have another vote.

The practical result of this legislation is that, where something is necessary to be done, we will probably have the extra vote. The process will be delayed. We will have a point of order, and we will have a huge wrangle about it, but nobody is going to be better by the result of this.

The tax cut, which supposedly, if it is going to occur, can go to anybody. You give it to all the millionaires and say, millionaires, you do not have to pay any tax; and that way, we will have benefited the economy to offset a change in the food and drug laws to protect people from unsafe food, drugs, and cosmetics.

The gentleman from Massachusetts is smart enough to have recognized this and to have offered an amendment which would address this. I hope that the House is wise enough to accept the amendment offered by the gentleman from Massachusetts. It will benefit the legislation somewhat. The legislation will have less of a curiosity to it. It might even look a little better. But it is not going to benefit the operation of the House particularly, even as amended.

The practical result of the amendment is going to be simply to eliminate a little bit of the obfuscation and, quite honestly, the stupidity of the bill as amended. The practical result of all this is going to be, however, that we are still going to have a bad bill.

I know the House is probably going to vote for this because my Republican colleagues are going to go home and make speeches about it and tell everybody what a great job they did in amending the rules of the House by statute. That is a curious process, too, and I am sure they can explain that to their constituents, but I cannot.

I do not think that their constituents, if they really will reflect on this, are going to come to the conclusion that this kind of convoluted relationship of a tax cut to the public interest is something which, in fact, is going to benefit either the country or the procedures of the House of Representatives.

My counsel to the House, I know it is not going to be listened to on the Republican side of the aisle because they do not seem to listen to common sense on many days, but it is to simply observe that the amendment should be adopted, the bill should be rejected, and we should go about legislating in the fashion that hundreds of years of legislators have found serves the public interest without any nonsensical proposals of this type.

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

Mr. Chairman, I yield to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Chairman, I thank my friend for yielding to me. I appreciate his courtesy, Mr. Chairman, and I rise simply to respond to the statements that were made by the distinguished ranking member of the Committee on Transportation and Infrastructure, and I am very, very sad that he would not yield to me for a clarification.

The statement that he made in the well was a very eloquent argument against the underlying unfunded mandates bill. He does not want us to in any way be able to zero in and target those mandates which are imposed by Washington, D.C. onto the private sector, small businessmen and women of our economy.

He tried to say that he simply was supporting the Moakley amendment in opposition to the amendment that I had offered in the Committee on Rules. But he went much, much further than that.

There are no tax increases in the ISTEA legislation that has moved forward. It seems to me that we should recognize that what the gentleman was trying to do was simply trying to oppose the entire language. What the gentleman argued would not in any way be addressed if we simply passed the Moakley amendment and then went ahead and passed the legislation.

Mr. Chairman, I thank my friend, the gentleman from Ohio, for yielding so I can clarify that.

Ms. LEE. Mr. Chairman, I rise to speak in strong support of the Moakley amendment to H.R. 3534. This amendment is essential in that it corrects several major defects that are now embedded in H.R. 3534. As a new Member to this House, I am acutely aware, as I know my colleagues are, of the ramifications of the actions that we take in this body. I have many problems with the main bill, H.R. 3534 and will vote against it. But the last minute provisions that were inserted by Mr. DREIER set up parliamentary procedure which favors tax cuts over using revenues for their intended purpose, like excise taxes, or for investing in national priorities.

The new language looks at the way revenues from a program are used, before applying the point of order. Revenues that are used for a tax cut are exempted from the point of order. This exempts a whole class of legislation from the need to raise the private sector mandate point of order. For instance: a bill which increases revenues, like the gas tax, and requires that the money be used to repair bridges or our infrastructure, would be subject to a point of order. But if this same tax is used to reduce taxes to a billionaire to avoid a tax obligation, a point of order would not apply, there would be no floor discussion allowed for this class of loophole.

I know that many of my constituents, our hard-pressed middle-class working people, know that the actual value of their wages have declined, during the same time that more billionaires and CEO's with unbelievably large salaries, have been created. These constituents would be very angry to learn, find it hard to believe that we would support a bill that does not allow discussion when tax breaks to the wealthy are given but forces a discussion if the tax obligation provides for improving the public good.

Further, my constituents would find it alarming that a point of order does not apply, in other words, no debate would be allowed, if a tax hike is used to give a tax break to someone, and the net effect is zero income.

My constituents would be enraged with another aspect of the Dreier amendment to H.R. 3534 that would not allow discussion if increased tax revenues from trust funds, like the Superfund revenues, are used on programs for the national welfare, but if increased tax revenues are used to create more loopholes which provide escape from taxes for a privileged few, no point of order applies.

My small business constituents would really feel attacked by another aspect of the Dreier amendment which would not allow debate on mandates which give a tax break to someone else but increases his, a small businessman's, costs.

The American people learned many lessons in the last few years. One of the lessons is that although we are upset by having to pay taxes, that taxes are essential in a complex, fast-paced country like ours. We value our leadership in the world; to maintain that leadership we must have a national Government that functions. We need to know that basic needs are taken care of, like our airports, our environment, our infrastructure. Many of these programs are paid for by special taxes with protected revenues, our trust accounts like Superfund, like airport taxes, like black lung. These trust funds would be severely effected by H.R. 3534 without the Moakley amendment. One of our abiding principles is that we must have representation with taxation. We must allow the same points of order to be raised when we give a tax break to the rich as when we promote a program for the rest of us. I urge my colleagues to vote for the Moakley amendment.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The question is on the amendment offered by the gentleman from Massachusetts (Mr. MOAKLEY).

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 426, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. MOAKLEY) will be postponed.

AMENDMENT OFFERED BY MR. WAXMAN

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

The Clerk read as follows:

Amendment offered by Mr. Waxman:

Page 6, line 5, after ''exceeded'' insert ''or that would remove, prevent the imposition of, prohibit the use of appropriated funds to implement, or make less stringent any such mandate established to protect human health, safety, or the environment''.

Page 6, after line 5, insert the following new paragraph and renumber the succeeding paragraphs accordingly:

(4) MODIFICATION OR REMOVAL OF CERTAIN MANDATES.—(A) Section 424(b)(1) of such Act is amended by inserting ''or if the Director finds the bill or joint resolution removes, prevents the imposition of, prohibits the use of appropriated funds to implement, or makes less stringent any Federal private sector mandate established to protect human health, safety, or the environment'' after ''such fiscal year'' and by inserting ''or identify any provision which removes, prevents the imposition of, prohibits the use of appropriated funds to implement, or makes less stringent any Federal private sector mandate established to protect human health, safety, or the environment'' after ''the estimate''.

Page 6, lines 14, 16, 18, and 20, after ''intergovernmental'' insert ''mandate'' and after the closing quotation marks insert ''and by inserting 'mandate or removing, preventing the imposition of, prohibiting the use of appropriated funds to implement, or making less stringent any such mandate established to protect human health, safety, or the environment' ''.

Page 6, line 18, strike ''and''.

Page 6, line 20, strike the period and insert''and''.

Page 6, after line 20, insert the following:

(v) by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ''and'' and by adding the following new clause after clause (iv):

(v) any provision in a bill or resolution, amendment, conference report, or amendments in disagreement referred to in clause (i), (ii), (iii), or (iv) that prohibits the use of appropriated funds to implement any Federal private sector mandate established to protect human health, safety, or the environment.''.

Page 7, line 12, strike ''one point'' and insert ''two points'' and on line 14, insert after ''(a)(2)'' the following: ''with only one point of order permitted for provisions which impose new Federal private sector mandates and only one point of order permitted for provisions which remove, prevent imposition of, prohibit the use of appropriated funds to implement, or make less stringent Federal private sector mandates.''.

Mr. WAXMAN (during reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. WAXMAN. Mr. Chairman, this amendment we call the ''Defense of the Environment Amendment.'' It is based on the bill H.R. 1404, which is supported by every major environmental group and the AFL/CIO. It has been cosponsored by nearly 100 members.

Proponents of the underlying bill, H.R. 3534, have claimed that sometimes Congress does not sufficiently deliberate before enacting legislation. They say that sometimes an issue is so important that we need an extra procedural step. This procedural step or ''point of order'' allows any Member who identifies one of these important issues to immediately stop action here on the floor of the House of Representatives and call for a brief debate and then a vote.

The amendment I am offering is about an issue that I think deserves special procedural attention every bit as much as those singled out in this legislation and in previous legislation that we have adopted. Two years ago, we adopted this kind of procedure when

it came to imposing an unfunded mandate on State, local, and tribal governments.

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The bill before us would expand the application of these procedural protections to requirements on the private sector.

The ''Defense of the Environment Amendment'' would build on this legislation to offer special protection to issues of great importance to the American people, requirements established to protect public health, safety and the environment.

This amendment would help guard against Congress repealing current environmental and public health protections without adequate consideration. Over the years, we have seen that when Congress legislates in a deliberate, collegial, bipartisan fashion, we are able to enact public health and environmental laws that work well and are supported by environmental groups and by the business community.

However, sometimes the democratic, small ''d,'' democratic process is obstructed and anti-environmental riders are attached to Appropriations bills or other ''must-pass'' pieces of legislation. Often this happens with absolutely no debate or consideration by the Committee of jurisdiction. These anti-environmental riders, some of which have become law, have increased clear-cut logging in our National Forests, crippled protection of endangered species, stalled the Superfund program, backslid on energy efficiency standards and blocked the regulation of radioactive contaminants in drinking water.

Those are some of the examples of riders that passed. Now let me give you some examples of riders that were attached to legislation that were later taken out. They were not made into law, but, nevertheless, we did not get a special opportunity to deliberate clearly and understand that we were going to reduce protection of the environment.

We have had riders that would have opened up the Arctic National Wildlife Refuge to oil drilling, without a chance for a separate vote. We have had a rider that prohibited the regulation of arsenic in drinking water without a separate vote. We have had riders that halted implementation of the Clean Air Act's operating permit program without a separate vote and terminated the environmental enforcement attorneys at the Department of Justice, with no special focus on this issue. We have had riders that exempted oil refineries and cement kilns from air toxic standards and exempted specific polluters from environmental laws, such as a rider that would have exempted an industrial facility in Kalamazoo, Michigan, from Federal water pollution control requirements, again without a separate opportunity to examine that issue.

What I am offering by way of an amendment to this bill is a procedure that is designed to shine light on these stealth attacks on our environmental laws. This amendment would not prohibit Congress from repealing or amending any environmental law, but would simply allow a debate and a vote before Congress acts. That is what the underlying bill does for new mandates on private enterprise, just as previous legislation called for this special sunshine for provisions that would mandate additional requirements on State, local, and tribal governments.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The time of the gentleman from California (Mr. WAXMAN) has expired.

(By unanimous consent, Mr. WAXMAN was allowed to proceed for 30 additional seconds.)

Mr. WAXMAN. Mr. Chairman, the environment is just as important to the American people as unfunded mandates. The environment is just as important for special procedural attention as new requirements that raise taxes or otherwise place mandates on the private sector. Let us pass this amendment and ensure Congress thinks before repealing critical public health and environmental protections.

Mr. Chairman, I ask for an affirmative vote for this amendment.

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

Mr. Chairman, let me begin by saying that like my friend, the gentleman from California (Mr. WAXMAN), I share representation of the Los Angeles area with him and I am very sensitive and concerned about environmental quality, both in California and throughout this country and throughout the world, and I will say that I would do nothing whatsoever that would in any way jeopardize or endanger environmental quality in this country.

All we are saying with the underlying language here is we would look at the perspective imposition of mandates on the private sector, and we will have a 20-minute debate and we will be able to look specifically at that mandate, and we will be able to then proceed with an up or down vote here.

I think it needs to be very clear, as the gentleman from Ohio (Mr. PORTMAN), the gentleman from Texas (Mr. STENHOLM), the gentleman from California (Mr. CONDIT) and I pointed out in a ''Dear Colleague'' the other day, that this underlying bill itself will not end private sector mandates, just as the Unfunded Mandates Reform Act which we passed has not ended public sector mandates.

It will, however, force the Congress to consider the effects of mandates on consumers, workers and small businesses, including any disparate impact on particular regions of the country or industries, and to work with the private sector to establish our public policies in the most efficient and cost effective manner. That is what the whole goal of this bill is designed to address.

This bill cannot be used to block a vote on environmental health and safety mandates. A point of order is subject, as I said, to the 20 minutes of debate, after which the Members must vote on whether to proceed with consideration of the legislation.

This mechanism was crafted to ensure that the House would have additional information and debate time on certain Federal mandates, but that legislation containing such mandates could continue to be considered by the House, if a majority so desires.

This is clearly, Mr. Chairman, about having accurate information. There are some horror stories that have been brought to our attention here. In 1993, the Department of Transportation considered promulgating hazardous material regulations for the shipping of butter and salad oil. The plan would have required 24 hours of hazardous material classroom and field training for workers who responded to butter or salad oil spill emergencies. In November of 1995, Congress approved legislation requiring Federal agencies charged with the regulation of oil to treat animal fats and vegetable oils differently from toxic chemicals. Under the Waxman amendment, that legislation would have been subject to a point of order, which seems to me to be very preposterous.

Mr. Chairman, while the Clean Water Act requires a waste treatment facility to submit a simple form stating that a fence restricts access by the public, the Resource Conservation and Recovery Act requires an additional 25 pages detailing the fence design, the location of the posts and gates, a cross-section of the wire mesh and other minor technical matters. One facility had to submit a six-foot stack of supporting documents with its permit application. Under the amendment we are considering right now by the gentleman from California (Mr. WAXMAN), legislation to streamline this paperwork process and save hundreds of trees would be subject to a point of order.

So all we are saying, Mr. Chairman, is we want the House to deliberate, but we do not want to move ahead with this sort of tactic which, I think, would jeopardize the goal of the underlying legislation.

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

Mr. Chairman, I rise today in strong support of the Waxman amendment and in strong opposition to the underlying bill.

The Republican majority has become quite adept over the last few years in carrying out their anti-environmental agenda by tacking riders on to appropriation measures and other unrelated bills. This stealth approach allows them to claim a clean environmental record without necessarily cleaning up the environment. In fact, in many instances, they are doing quite the opposite.

Just a couple of weeks ago, for example, the emergency supplemental appropriations bill was brought to the floor with at least three anti-environmental riders relating to paving our

parks and allowing big oil companies to rob American taxpayers for the use of public lands for private financial gain.

The Waxman amendment would establish a point of order and allow for the opportunity for debate and a vote on provisions like these that would weaken current environmental law. In this way, we would be able to put an end to the stealth attack on the environment and instead debate these issues out in the open, as all business should be conducted in this House.

Unfortunately, however, even if the Waxman amendment passes, this is still an incredibly bad bill, and I would still urge my colleagues to vote against the bill. The bill is, again, just another attempt to block the open consideration of vital environmental worker safety and human health legislation.

An incredible concept, this bill establishes a new point of order against legislation based on the cost to the private sector. What this means is the cost of any legislation to private companies would be universally considered by Congress as more important than any benefits of that legislation to human health, worker safety or the environment.

For example, and I use the Clean Water Act because the gentleman from California used it, if we were to try to bring the Clean Water Act to the floor under the new rules established by this bill, it would be subject to a point of order. In order to avoid having to be recorded as voting against a good environmental bill like the Clean Water Act, under this bill Members could simply vote not to consider the Clean Water Act at all; or, even worse, in order to have the Clean Water Act considered, the American taxpayer would have to foot the bill for cleaning up our Nation's waters and not the polluters.

But it gets even crazier, and this goes back to the Moakley amendment. This bill makes it so revenues raised for a certain purpose cannot be used for that purpose unless there are equivalent tax cuts included in the bill, regardless of where those tax cuts are taken. That means, for example, that if a bill includes a tax on chemical and petroleum products, I will use the example of the Superfund tax, and the revenue created is to be used for cleaning up toxic waste sites, that bill would be subject to a point of order. However, if the same bill included an equivalent tax break for the wealthy, there would be no point of order. In my opinion, this makes no sense. It is obviously weighed heavily procedurally against any environmental initiatives.

For these reasons, I urge my colleagues to vote for the Waxman amendment. Even if the Waxman amendment passes, I still urge my colleagues to vote against the bill. It is bad, extremely unwarranted, and it would drastically change the way we do business in the House of Representatives.

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

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

Mr. WAXMAN. Mr. Chairman, the gentleman obviously is against the bill. If someone supports this bill, because they think it makes sense to have a point of order and a focus and a debate and then a vote before we put a mandate on a private business, I think, for the same arguments, it is important to have a point of order, an opportunity for a debate and a vote when it comes to an environmental issue, especially if we are going to have something snuck into a bill that would remove some environmental protection.

So on the same logic for those who support the bill, for education, for an opportunity to have some sunshine about what we are to do and clear deliberation before we do it, I think we ought to have this amendment. It is consistent with the bill.

Whether one is against the bill, but also for those for the bill, I think this amendment goes well with this legislation.

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

Mr. Chairman, I rise in very strong support of H.R. 3435, but equally strong support against the amendment of the distinguished gentleman from California (Mr. WAXMAN), which I think will seriously gut this particular piece of legislation.

Mr. Chairman, I used to be an independent businessman and I used to be a former local official with the local government, and I can tell you unfunded Federal mandates are real, they do have an impact, and generally they harm the folks back home.

I think that everybody understands these mandates are sort of a hidden tax. They fall on business, they fall on consumers, and I think we need an effective deterrent. In the 104th Congress we started this process, and we dealt with the public sector. After a lot of refinement, thanks to the gentleman from Ohio (Mr. PORTMAN) and the gentleman from California (Mr. CONDIT) and some others, we have got a much improved bill now for the private sector which will do the same thing.

I think that H.R. 3435 in its present form supplies more information to Members on the impact of what these mandates are all about without enabling those intent on dilatory mischief. I think that is where we are right now, frankly. Essentially it would permit the House to have a separate debate and vote on whether or not it wants to impose a private sector mandate greater than $100 million. That is reasonable, I think it is appropriate, it is good government, and I cannot see the problem.

Now, I have heard many environmental groups are opposed to this bill and support the Waxman amendment. I am an environmentalist. I have served on very distinguished environmental groups and boards, the National Audubon Society at the national level, and I have done local things and State things. I have my fingerprints all over environmental legislation, in Florida and elsewhere. I am certainly not going to sell out on the environment.

But I think it is pretty clear that what we have got here is somehow we are trying to bring the environment into this, that it is going to be a casualty because we are going to deal with unfunded mandates in the private sector. By some great, long stretch, we are no longer going to be able to have environmental legislation, because, somehow or other, we are going to weaken benefits to health, safety or environmental standards.

I think H.R. 3435 establishes a mechanism for Members to receive objective cost information that CBO can provide, and then have a debate and a vote on that particular issue. That is what we tried to do in this.

As I say, it has been much crafted, and I think they have it right. I know they have a lot of good folks over at CBO that could do a lot of things, they are very talented, but I do not think they have anything in terms of structure or expertise to begin to quantify the nature of ''benefits.''

□ 1715

Balancing the merits of potential mandates with the overall benefits to Americans is important if we know what the benefits are. I think we have set up the normal debate process to do that in this particular legislation. I frankly think that transparency is great. We are going to let the sun shine in. We should welcome it.

I do not think the Waxman amendment, no matter how well intended, is really about protecting the environment. I think it tends more to be an obstruction and probably more in the line of going back to some other legislation we have seen which has been litmus test type legislation, which simply says one cannot do anything with private property rights because somehow or other it therefore makes all other environmental legislation unenforceable, too expensive, too extreme or something along those lines.

My line on the environment is this: This is a country that is going to take care of the environment, but this is also a country that is going to protect private property rights. It says so in the Constitution of the United States of America, which is where I am standing right now.

I do not believe either the private property people or the environmental people are ever going to win the whole battle. It is going to take working cooperation between the two. I think the working cooperation of the gentleman from California (Mr. CONDIT) and the gentleman from Ohio (Mr. PORTMAN) has shown that the environmental interests in this bill have been properly balanced. I am convinced, having sat on the Committee on Rules, that we got it right. I do not think the environment comes out second best anywhere along the line.

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

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

Mr. WAXMAN. Mr. Chairman, I think the gentleman misunderstands the amendment. The underlying bill requires that we give a focus of attention before we go to mandate something on business, and that makes sense in and of itself, but we are saying before we do something like have an amendment that opens up the Arctic National Wildlife Refuge or halts the limitation of a Clean Air Act provision, that we also have a chance to look at that and vote on it separately.

Otherwise what I fear is that anti-environmental provisions will be wrapped up in a bill and we will not be able to have a chance to look at it and consider it and then vote on it. Just as I think a lot of people will worry that an unfunded requirement on business would be wrapped up in a bill.

The CHAIRMAN pro tempore (Mr. GILLMOR). The time of the gentleman from Florida (Mr. GOSS) has expired.

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

Mr. GOSS. Mr. Chairman, I understand what the distinguished gentleman is saying. I understand, and I do not want to get into opening up this whole debate because we could go on endlessly doing that and we only have a minute. The point I would simply make is that the gentleman is trying to shift the burden with his amendment.

I do not think the burden should be shifted. I think we have it right to say that the unfunded mandate should be recognized for what it is and dealt with for what it is in fair debate. The gentleman wishes, by his amendment, to shift the burden to prove the other part of that. I think the reason we are putting the legislation out is to get the burden the way we want it.

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

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

Mr. WAXMAN. Mr. Chairman, the point that I am making is that just as it is important to have a focus on an unfunded mandate and a chance for the House to consider it, it is just as important to have the focus on the environmental issue and give the House a chance to debate and vote on it separately. I want the two to be treated equally, and I do not think that they are at odds with each other.

Mr. GOSS. Mr. Chairman, reclaiming my time, I believe that the formula that the gentleman from Ohio (Mr. PORTMAN) and the gentleman from California (Mr. CONDIT) have come up with in fact does that. It just proves it shifts the burden in the debate, that is all.

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

Mr. Chairman, there are tremendous parts in H.R. 3534. I think we do need to look at all the information when we make decisions. But the only problem is that we have seen some really terrible examples where something came through on a rider. I want to speak about these riders.

Mr. Chairman, we had a terrible rider that went through on our forests, and we were told all sorts of things, but it was just stuck on a bill, 1030 one night. Here it came, nobody debated it, nobody had had a hearing on it, and some of us fought it, and we lost. And that rider has cost my district, it has cost the Northwest. It has cut trees on steep slopes, and from that cutting, again, nobody discussed it, nobody had a hearing on it, from that cutting we have had flooding, we have had deaths as a result of that clear-cutting on areas that were unstable.

So I want to talk a little bit about why it is important that we talk about the environment and we understand that it is great to get the costs from the CBO, it is great to know what the mandate will cost us. But I think what we do not get if we do not have full debate is we do not hear what the benefits will be from an environmental law. So I want to talk about the benefits.

Mr. Chairman, on the Columbia River we have lost hundreds and thousands of salmon, and it is going to cost us a lot of money, a lot of money to bring those salmon back. But what is the benefit if we spend that money? What is the benefit of the Federal laws that are going to require us to bring those salmon back? Well, let me tell my colleagues some of the benefits.

One of the benefits is that economists now predict that if we brought the runs back to the Columbia River, we could create 40,000 family wage jobs, 40,000 family wage jobs. Let us be able to discuss that. Let us not just say it is going to cost X millions of dollars to do something; let us say what is it going to do for that environment in that economy, to bring back certain jobs that the environmental laws are going to allow us to do.

So I think again the gentleman from California (Mr. WAXMAN) is right, that what we want to do is have full debate; we want to make sure that the cost and the benefits are reviewed.

We have heard that there is no way we can quantify benefits. I disagree with that. We know, we know that the Pacific Northwest has lost $13 billion because we have lost salmon. Finally we have some Federal laws that are going to make us rebuild those runs, and those fishing families in my district who have lost their boats, lost their homes, lost their livelihood, for a moment we are going to have a little look at the benefit, the benefit to our economy.

So I am going to support the Waxman amendment because it makes sense. Let us not in this body, the people's House, let us not pass laws in the dead of night, let us not do these quick fixes that really do not fix anything.

A recent poll in the Pacific Northwest has shown that the number one issue, not the number one environmental issue, the number one issue for the people of the Northwest is the environment and protection of the environment. So by golly, I say that my constituents deserve the right to hear that other side.

Mr. Chairman, I want to end by saying let us support the rider offered by the gentleman from California (Mr. WAXMAN). Let us not pass H.R. 3435 until we have some cost-benefit analysis.

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

Mr. Chairman, let me just make a couple of points. First of all, this well-intended effort by the gentleman from California (Mr. WAXMAN) I think just does not work in the context of this legislation. I think it has very serious problems. CBO cannot do the analysis. The gentleman is in the Chamber, and I hope he will listen to some of my concerns and perhaps answer some of them.

Not only does it substantially increase CBO's workload, and we have talked to CBO about this, and also degrade its ability to do its core function, which its core function is budget analysis and mandate analysis. That is what they do. That is what the Congressional Budget Office is all about. But also, CBO just cannot add anything new to this debate. They cannot do the benefit analysis that the gentlewoman just talked about prior to my taking the mike. They analyze cost information. They do not do noneconomic benefit analysis.

If the goal here is to prevent efforts to weaken or remove mandates, then Members should simply vote against such proposals on the floor. I can recall very well those riders coming up and a lot of debate right here in the well of the House on that, and that is fine. The purpose of the point of order in the underlying legislation is to give Members the opportunity to consider private sector mandates, hidden mandates in the legislation, and to get information on those mandates from the experts at CBO that can objectively provide that information. This is an objective informational requirement. And these are mandates and information that we do not otherwise systematically consider.

That is the way this legislation has been drafted. If the gentleman from California (Mr. WAXMAN) and others would like to add some rider legislation, maybe they can spend the next year as we spent the last year, putting something together that makes sense on riders, but it does not fit with this legislation. It creates another point of order that I think is so vaguely defined that it could be used to hold practically any bill up. I have a lot of questions with it.

Let me just ask a few right now. The Waxman amendment, as drafted, has a lot of flaws that do not work with the underlying bill and it has some very serious implications that just have not

been thought through. Who determines whether the mandate is weakened or not? Let me just go through these questions, if I might. Is that driven by reduction in direct or indirect costs to the private sector?

What if the private sector becomes more efficient in implementing mandates, which happens all the time. Look at all the environmental legislation that was talked about here earlier today. The private sector is learning to meet the same goals with fewer resources. With less of a burden on the private sector, is that a reduction in the mandate? The way I read the legislation, it would be, because it is a reduction in cost.

Does that trigger this legislation, even though the goals are still being met? Is there any credit given when the net costs are less because the private sector is being more efficient? Is that requirement lessened? I just think these questions have not been thought out.

The threshold. There is no threshold in this legislation. How much costs have to be reduced for this to apply? As I read the legislation, if the costs are reduced by $1, if it is $1 less, then that is somehow a reduction in the mandate and there is no threshold. As we know, in the underlying legislation we purposely worked through this. We have a $100 million threshold before the information requirement even applies on the private sector mandates.

I guess the bottom line is, this is a well-intended effort by the gentleman from California (Mr. WAXMAN) I am sure, and I know he is well-intended on the environment, but if there is any lesson we can draw from the Unfunded Mandate Relief Act of 1995, it is that we need to define the terms very carefully. The Parliamentarian's Office, the Congressional Budget Office will tell us that.

The reason it has worked over the last 3 years is we took our time, we defined the terms. I think in the estimation even of those who voted against the legislation, some of whom are here today, it has worked very well. Why? Because at the committee level, the committees have dealt with the mandates to try to lesson the mandates and come up with the most cost-effective way to meet the same targets. That is what is likely to happen on this legislation.

If we go ahead with the Waxman amendment, it is my concern, very, very strong concern, that we are going to essentially have an unworkable piece of legislation that will not work in the way that the Unfunded Mandate Relief Act of 1995 works and the way that this bill is intended after a year's worth of drafting.

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

Mr. PORTMAN. Mr. Chairman, I would be happy to yield to both of my colleagues from California. I will first yield to the gentleman from California (Mr. WAXMAN), who is standing.

Mr. WAXMAN. Mr. Chairman, I just wanted to point out to the gentleman that we removed the requirement that the gentleman has in his underlying bill to have the Congressional Budget Office analyze the costs.

All that the CBO would do would be to identify the provision, and in identifying that provision, it allows a Member to make the point of order for consideration. We do not block any actions, we only ask that they give consideration to that issue. There is no cost that CBO would have to incur in analyzing this provision.

Mr. PORTMAN. Mr. Chairman, reclaiming my time, I find that hard to believe. I do not know how the Congressional Budget Office is going to determine, in these complicated situations, whether in fact there has been a reduction in the requirement. I talked earlier about the lack of a threshold, for instance.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. PORTMAN) has expired.

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

Mr. PORTMAN. Mr. Chairman, I ask for additional time simply to yield to my colleague from California (Mr. CONDIT).

Mr. CONDIT. Mr. Chairman, I rise today to oppose the Waxman amendment, but not the intent of my colleague and my friend.

The purpose of this bill is to provide an informed debate and to oversee often what are hidden costs to a new regulation. Should the same consideration be given to the impact on health, safety of workers and our environment? Absolutely. We ought to have all the facts before us before we make a decision as it relates to those issues.

But this amendment, frankly, goes a little bit too far in that I do not think that it is perfected and well thought out. The gentleman from Ohio (Mr. PORTMAN) mentioned that it does not have a threshold. That means that we could make any minor change and we could have a point of order. In the unfunded mandate part of this on the business or the private sector, we would at least have a $100 million threshold. It has to be some kind of significant action before one can make a point of order.

□ 1730

Under the amendment offered by the gentleman from California (Mr. WAXMAN), it could be anything, anything that they determine to have any kind of negative impact, they could have a debate and call for a point of order. I think that is unnecessary. I think that delays the process.

In addition to that, we were very careful. There was some consideration given whether or not you could have a point of order on every section of a bill, how many times you could do the point of order. It was the decision of the Committee on Rules, and I think a good one, that we do it one time, each bill. We did not want to be dilatory. We did not want to delay the process. This would create another point of order. I think that is unnecessary.

I think we ought to work on the suggestion of the gentleman from California (Mr. WAXMAN). I absolutely think we ought to take those things into consideration, but this is not the bill to do it on. This has not been thought out well enough for us to amend this bill, to change this bill and make it head in a little different direction. This is about information, and I would encourage my colleagues on this side of the aisle to vote against the Waxman amendment.

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

Mr. Chairman, I rise in support of the Waxman amendment, and I want to agree with my colleague, the gentleman from California (Mr. CONDIT), and I am pleased that he understands the wisdom of what the gentleman from California (Mr. WAXMAN) wants to do.

I think my colleague, the gentlewoman from Oregon (Ms. FURSE), made a wonderful point that I hope was not lost, that all mandates or anything else, any laws, are not just reckoned in costs in dollars. She pointed out loss of life and loss of things that are irreplaceable, priceless.

I think the gentleman from California (Mr. WAXMAN) is doing a good thing here, because he wants to protect the public health and the environment. I do not support the types of order that the underlying bill creates.

I understand what they are for. They are designed to sensitize Members to the effects of the proposed legislation, but I believe most of us in the House already understand the implications, and this type of emphasis is largely unneeded. In my district, my constituents keep me well-informed about how proposed private sector mandates will affect their business.

However, if we are going to expand this type of point of order, we should tag for Members bills that have the effect of reducing the protection of public health and the environment. The sick, the disabled, the young cannot be expected to monitor the legislation in the same fashion as large corporations. If public health protections for them are to be weakened, we ought to be sure that all the Members who vote for that weakening have that fact brought to their attention.

Similarly, our Nation's air, water, soil, forest, wilderness and wildlife cannot speak for themselves. Again, every Member should know when casting his or her own vote that environmental protections will be lessened.

Unhappily, over the last 3 years many bills would have been subject to that point of order. For example, in the last Congress I fought a bill that would have frozen new regulations that were designed to protect the public from

bacteria-contaminated meat and poultry, from Cryptosporidium in drinking water, and from lead in imported foods. These issues are becoming more and more important to the American public.

Perhaps a specific point of order would have helped convince the majority in Congress that their votes against my amendment and for that bill put the health and lives of thousands of Americans at risk.

The current majority has led a relentless assault on the environment since taking over the Congress. Without regard to the impact on citizens and the environment, the full House of Representatives has approved measures designed to relax and to roll back existing environmental regulations and to halt Federal agency rulemaking designed to protect our national heritage.

The House went so far as to pass legislation to stop the listing of endangered species and passed a bill to weaken dramatically the Clean Water Act. Measures to allow clearcutting in our Federal forest lands led to a massacre of healthy trees with a so-called salvage rider, and the Congress continues to consider legislation to have taxpayers reimburse polluters for cleaning up the toxic waste sites and to cut the funding for Federal land acquisition.

The threat to our landmark environmental laws has been real. Perhaps this health, safety, and environmental point of order would have caused Members to take a second look at the bills that weakened these important provisions.

Mr. Chairman, if we are going to continue on this route of bringing special attention to the effect of certain kinds of bills, I believe that the degradation of public health, safety and environmental protections deserves this special attention, too. I urge my colleagues to support the Waxman amendment.

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

Mr. Chairman, I rise in support of the amendment offered by our colleague, the gentleman from California (Mr. WAXMAN). I rise in strong support of the Waxman amendment. I think it is an important amendment, and I think it is consistent with the underlying debate that requires the Congress of the United States to pay particular attention to the cost of unfunded mandates and the cost of our actions around here. I think it is just as important and every bit as important that we do the same thing with respect to the environment.

The problem is that, time and again in this Congress, we have seen matters of the environment come before this Congress with little or no debate, and in some instances with no underlying hearings, to be thrust upon the House of Representatives, very often from the Senate, from time to time in the appropriations bills as matters of riders that deal with the fundamental and basic underlying environmental laws of this country, the Clean Water Act, the Clean Air Act, the questions of Superfund or brownfields cleanup, forest safeguards, the Forest Practices Act, the mining laws of this country, and multi-million dollar subsidy issues.

Time and again, these matters have been brought to this floor with no provisions in the rules for debate. Very often now, we find that they are hidden away in the report language, so we cannot even get at them on the floor of the House of Representatives. We cannot get a vote on these matters. We very often are limited in our time to discuss them. Yet, they have huge impacts on the environment of this country. That is why we need the Waxman amendment, so we will have an opportunity to discuss these in the daylight.

There is a reason why these changes in environmental law are not brought before the Congress in a freestanding bill that is brought out here under a rule so it can be debated and voted up-or-down. It is because the legislation cannot support that, or the majority party does not want to be identified in that action. But if you can tuck them away in a larger bill, if you can put them into a must-pass appropriations bill, if you can get them into a bill at the end of the session, fine, they are willing to do it, with total disregard for the impact to the environment and notice to our colleagues here in the House of Representatives.

That is why the Waxman legislation is so terribly important. This is not a contest between unfunded mandates and the environment. In many instances, these two situations rise separate of one another. But this is about whether or not, as we do the people's business here, we will have the opportunity to raise these issues and to have a free and fair and open debate.

In the history of this Congress over the last several years, that simply has not been the case. That is why we have to ask for this. Our colleague, the gentlewoman (Ms. FURSE) raised the issue of the forest rider, a forest rider that went through this House with little or no debate, only to do a great deal of devastation.

We have seen on now three different occasions where similar riders have been approached, to be put on legislation coming before the House of Representatives. Our constituents are now spending billions of dollars a year to go back and to correct some of these incredible environmental insults that have taken place with respect to water quality, with respect to the cleanliness of water, with respect to the Forest Practices Act and to the Endangered Species Act.

In the committee on which I serve, the Committee on Resources, time and again we see legislation coming from that committee that wants to legislatively state that this piece of legislation or this action to be taken by the Federal Government, by a private party or somebody else is, in fact, sufficient under the Endangered Species Act, it is sufficient under the National Environmental Protection Act. They want to do that by fiat, with no debate, no discussion, just declare the action sufficient.

Historically, when we have done that, we have had to go back and spend millions of dollars to make up for the mistakes.

Now we see legislation on our committee where they want to seek waivers of the Clean Water Act, wholesale waivers of the Clean Water Act, and then they will be brought out here in suspension, they will be brought out with little or no debate. The Waxman amendment is an opportunity to give the environment the kind of priority that the American people attach to this subject.

As we know, in poll after poll after poll the overwhelming majority of Americans consider themselves environmentalists. They consider the environment very important. If we even ask them the question of comparing and contrasting it to the health of the economy, they want the environment taken care of. That is what the American people want. That is what most Members of this House say they want, but that is not what happens in the House of Representatives. That is what brings about the necessity of the Waxman amendment.

Mr. Chairman, I would hope my colleagues would support this amendment as part of the underlying legislation.

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

Mr. Chairman, I rise in support of the Waxman amendment.

Mr. Chairman, this is an important amendment, and certainly defense of the environment is something we all should be hailing. This Mandates Act of 1998 is a simple bill that extends to the private sector an information process currently employed to assist in understanding the impact of national policy upon State and local government that already is in law.

Currently, when Congress is considering a legislative provision that imposes unfunded mandates on State and local governments, we are required to subject that proposal to extensive study and open debate. This measure, H.R. 3534, extends the requirement to unfunded mandates imposed on the private sector.

For the record, Mr. Chairman, I note that this is opposed by some potent groups such as the AFL–CIO and a slew of environmental organizations. A concern clearly persists about whether advocates are interested in the information for good-faith analysis, or whether this is a clever means to tie the legislative process into knots and make it more difficult for Congress or for this legislative body to act.

This measure, however, is not flawed beyond repair. Our colleague, the gentleman from California (Mr. WAXMAN), who has impressive environmental credentials, is offering an important

amendment. His defense of the environment amendment would extend the requirements of study and open debate to proposals in Congress that affect the environment.

While the amendment of the gentleman from California (Mr. WAXMAN) would only affect environmental proposals directly related to the work of the private sector, it would unquestionably benefit our constituents, our communities, and our children.

The fact of the matter is that Congress too often has a problem with special interests successfully attaching anti-environmental riders to appropriations bills and unrelated measures that must pass. This circumvents the deliberation and debate that is needed to understand the ramifications.

The fact is that deliberate consideration of policy has been homogenized these past years, to the point where we have budget, tax, authorization, appropriation, all in one measure, with no chance to debate, to discuss, no hearings, no public participation or understanding. It is a bad process, and it translates into bad policy.

Just the most recent emergency spending measure signed by the President includes provisions which would allow the construction of a six-lane highway through the congressionally designated Petroglyphs National Monument. There are other provisions that allow oil companies who have and will drill on public lands to avoid fair compensation to the American taxpayer.

In the past, our riders have been used to irresponsibly expand the anti-environmental salvage logging program that some of my colleagues spoke of, stall efforts to clean up toxic waste, and block regulation of radioactive contaminants in drinking water, and even derail studies that provide the information to craft environmental policy.

It is apparent, Mr. Chairman, why the advocates want to duck debating and voting upon these provisions. The reason is, they lose. They could not prevail on the merits. But that is just one of the kickers of working in a congressional circumstance, where the anti-environmental minority of the majority is able to forcefeed bad policy, special interest provisions, into must-pass legislation.

That is why the Waxman amendment would help check this. It would not place any burdens on business. It would not even prevent us from repealing environmental laws if that is the judgement of the majority. It just requires that we debate and vote on significant legislative provisions that are going to affect our environment.

Make no mistake about it, Mr. Chairman. Voting against this Waxman amendment sends our constituents around the Nation a very important message. It speaks louder than all the rhetoric. That message will be that the regular democratic process does not matter when Members of the House are making decisions that could affect our environment; if Members vote no, that they would not want to be held accountable for these riders but choose to remain handicapped by burying the controversy in the excuse that they had no choice.

Today we have a choice to empower ourselves. Let us stop the assault on the environment, let us stop the assault on the legislative process, let us stop making excuses, and support the Waxman amendment to H.R. 3534. It is good for democracy, the environment, and our stewardship, and the legacy we leave to future generations.

□ 1745

Mr. CONDIT. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I want to just bring up a point, I spoke a minute ago and I wanted to talk a little bit about the intent of this bill. The intent of this bill is to provide information to the Members about the cost of an unfunded mandate on the private sector.

Since I have been here, maybe it was different when some of the other Members, they have been here, maybe they found it a little bit different. But I have found that when someone introduces a piece of legislation and it goes through the process, that they are introducing that legislation and it is passed out of committee and gets to this floor because somebody thinks it has a benefit to this country. We clearly debate the benefit. I mean, the benefit is espoused by the author of the bill. If it gets out of committee, it is espoused by the committee members, the chairman of the committee, everyone clearly understands that there is a so-called benefit.

Some Members may disagree and say, well, it really does not do that, but there is a debate. We do spend a lot of time talking about the benefit.

What we do not talk about and what we do not focus on is the hidden cost and who is going to pay that cost. And what the unfunded mandate bill does is focus on that. It requires this body to spend a little bit of time to take a look at what the cost is, who is going to pay the cost. It is sort of a cost-benefit analysis, and I think everything that we do should have a cost-benefit analysis to it. But that is what this bill does. It provides position. It focuses on that hidden cost that we do not talk about too much because we do not want the people to know that we are putting a mandate on that ultimately is going to cost them some money, cost a business some money. And we know who they are going to pass it on to, to the consumer and the taxpayer.

That is what this is about today. Do not let anyone else move us in a different direction. If we want to talk about the environmental and work programs and all of that, that is fine. We ought to do that. But we ought to do that in a thoughtful way and a comprehensive way, like we have done the unfunded mandates bill. We ought to go through the process.

Mr. Chairman, I yield to the gentleman from Ohio (Mr. PORTMAN), cosponsor of this bill.

Mr. PORTMAN. Mr. Chairman, I think the gentleman just made a great point, which is the underlying intent of this legislation in sunshine. It is trying to get at these private sector unfunded mandates. It is not about the merits or demerits of any new environmental legislation, any new civil rights legislation. It is about having information on something that is now a hidden tax on the American people, something we ought to know about.

As I said earlier, the gentleman from California (Mr. CONDIT) and I worked for a year on this, working with CBO, working with the Parliamentarian's office, working folks that actually have to make this place work day to day, as we did with the Unfunded Mandates Relief Act 3 years ago that dealt with State and local government mandates.

We have come up with what we think is a balanced approach that actually works because CBO can do this. They can assess the cost. What they cannot do and, again, to reiterate what my colleague from California just said, what they cannot do is they cannot assess the benefits. The Waxman legislation is well-intended. Again, he may want to spend some time putting together something more thoughtful that deals with riders, but this is not the right place or time for this legislation. It will not work. This amendment will not work in the context of the bill that the gentleman from California (Mr. CONDIT) just explained.

I just feel very strongly that it is time for us to be more accountable around here. It is time for us to have good government. It is time for us to know what we are doing. It is time for us to legislate with good information.

That is all this says. Just as in the case of the Unfunded Mandate Relief Act of 3 years ago, we will still continue to mandate when it is the will of this Congress and in the public interest to do so, but we will do so with information we do not have now. So I want to commend my colleague from California (Mr. CONDIT) for working on this legislation so hard over the last year. He is the lead sponsor of this legislation. I urge my colleagues to defeat the Waxman amendment and to move on to final passage.

The CHAIRMAN pro tempore (Mr. GILLMOR). The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 426, further proceedings on the amendment offered by the gentleman from California (Mr. WAXMAN) will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. TRAFICANT

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. TRAFICANT:

Page 8, after line 11, add the following new subsection:

(d) ANNUAL CBO REPORTS.—Within 90 calendar days after the end of each fiscal year, the Director of the Congressional Budget Office shall transmit a report to each House of Congress of the economic impact of the amendments made by this Act to the Congressional Budget Act of 1974 on employment and businesses in the United States.

Mr. TRAFICANT. Mr. Chairman, there has been a lot of debate on each side of this issue. A lot of it makes sense. A lot of it is analytical on what may be, what might be, what could have, what should have.

My amendment is just a straightforward little piece of legislation that says, if this becomes law, what we are debating today, that we do not guess what the impact will be, that there shall be a report to the Congress explaining in detail what the impact of this legislation is on our business, industry and jobs. It is straightforward. It is not real fancy. But after it is over and we begin to compile all of the data subsequent to this legislation, we will have someone to report to us and give us the impact as it truly affects and if in fact at that point whether the Congress should either fine tune it, scrap it or enhance it. Very simple and straight forward, I would hope that the committee would accept it.

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

Mr. Chairman, I would be very happy to advise the distinguished gentleman from Ohio, whose championship of workers rights is well known, that I see no reason not to accept this amendment. I think it causes no problem. I would not oppose it.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BOEHLERT

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

The Clerk read as follows:

Amendment offered by Mr. BOEHLERT:

Page 5, line 21, strike ''amendment''.

Page 6, strike lines 15 and 16 and in lines 17 and 19 redesignated clauses (iii) and (iv) as (ii) and (iii) respectively.

Mr. BOEHLERT. Mr. Chairman, the purpose of this amendment is very simple. I want to preserve the ability of the House to have open debate.

H.R. 3534 is advertised as an effort to ensure that the House has adequate debate on important issues. But its actual effect in some cases would be just the opposite. This bill would ensure that no amendment that any segment of industry opposed could ever be debated for more than 20 minutes. That is right. No amendment that any segment of industry opposed could ever be debated for more than 20 minutes. There would never be such a thing as an open rule again.

Why do I say that? It is not just hyperbole. Under this bill, any Member could raise a point of order against any amendment because he or she believed that it would cost industry more than $100 million. No proof is necessary. It could just be a gut reaction. Simply raising the point of order would stop all debate and put the question before the House.

A point of order could also be raised if the Congressional Budget Office had not completed a mandate analysis of the amendment. Even though CBO virtually never does such an analysis, there simply is no time for this to happen.

But the sponsors of the bill will say that their free-ranging industry-based point of order creates no problem because the House can overrule it. But let us take a very real and typical example.

Three years ago during the Clean Water Act debate in 1995, the gentleman from New Jersey (Mr. SAXTON) and I offered a substitute. That substitute engendered a lengthy debate, it went over to the second day, that changed some views about the bill and aired many concerns, even though the substitute eventually lost. I might point out that when we went into this, the initial check said we did not have 100 votes. We ended up with 185 votes. If the debate went longer, we might have prevailed.

Guess what would have happened under H.R. 3534? We would have had exactly 10 minutes to put forth our views on such a complicated, far ranging, important issue.

What is the excuse that is given for limiting debate so sharply? Why do we want to stifle discussion in a society that prides itself on a marketplace of ideas and in a body that the Constitution designed for maximum airing of issues? The reason is that some segments of industry do not win every single legislative battle. Guess what? No one does.

The sponsors say their concern is that industry's viewpoint is not heard. But does anyone actually believe that industry lacks political clout on Capitol Hill? Just take a look at H.R. 3534. We were interested in finding a compromise on this bill, and we worked very hard to effect a compromise. But some industry groups objected to compromise so the negotiations ended. So industry was able to block a compromise on a bill that is premised on the idea that industry has no clout on Capitol Hill. That is a rather telling irony.

With my amendment, the bill will still give industry additional tools to fight private mandates, tools that other interest groups lack. They will still have new points of order available against bills, conference reports, motions and resolutions. All my amendment does is remove the provision of the bill that creates a brand new point of order against amendments. As I have said, that provision of the bill will effectively shut down all debate.

I am not arguing that Congress never imposes mandates that are a bad idea. We do it on occasion and we should not do it. I am not arguing that industry is always wrong and that their adversaries are always right. Industry is oftentimes right and their adversaries are oftentimes wrong.

Indeed, I am a sponsor of a Superfund reform bill that business groups large and small have embraced and the environmental groups have questioned. But I do not believe that we should restructure the rules of the House so that one side has the upper hand in every single debate.

The CHAIRMAN pro tempore. The time of the gentleman from New York (Mr. BOEHLERT) has expired.

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

Mr. BOEHLERT. Mr. Chairman, let me make two final points. First, private sector mandates are different from intergovernmental mandates in many ways but in one in particular. States and localities do not have the clout on Capitol Hill that industry does. States and localities needed new tools to get their views across. That is hardly the case with industry.

Finally, this is not just an environmental matter. Yes, the new rules set up under H.R. 3534 would have made it tougher to pass a Clean Air Act and the Clean Water Act and other landmark bills, but as the gentleman from Iowa (Mr. GANSKE) pointed out last week during debate on H.R. 3534, we will also make it hard to pass a bill to help HMO patients and to control big tobacco. Remember, the points of order in this bill are available if even just a single industry has a complaint with a bill or amendment.

I urge support for my amendment. It is reasonable. It is the middle ground. It will give industry additional clout on Capitol Hill without shutting down the amendment process. If you believe in open debate, vote for my amendment.

Mr. DAVIS of Virginia. Mr. Chairman, I move to strike the last word. I would like to ask my colleague from New York, if this amendment were to pass, would the bill be acceptable to the gentleman?

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

Mr. DAVIS of Virginia. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, no, as a matter of fact, I have some complaints with the bill.

Mr. DAVIS of Virginia. So this would not make the bill acceptable to the gentleman?

Mr. BOEHLERT. It would not. It would improve the bill, but it would not make it acceptable in its present form.

Mr. DAVIS of Virginia. Mr. Chairman, I think the gentleman has some merit with this, although the experience on this legislation with unfunded mandates, as it pertains to State and local government, has not raised the specter of problems that the gentleman from New York suggests in his comments here where we have had the opportunities, through amendment, to raise these objections.

I think over a total of five times this was raised in the last Congress, and it has not been dilatory, has not deprived this body of the opportunity to debate fully the merits and allow the House to debate the particular mandate on the merits.

The theory of this bill, the actual practice we have seen in the unfunded mandates bill that has worked well, is to give committees an incentive to do their work up front before bills ever reach the floor. By making points of order not apply to amendments sends the message that it is all well and good to do the work on the floor and not in the committee. That is a concern.

I think the gentleman does raise some interesting points that have intrigued me, that, should we accept this amendment, that in point of fact in a number of instances we might be able to have a more full and straightforward debate on the amendment.

The question is, if this is a gutting amendment, which is what I am afraid the gentleman is indicating to me, I would be prone to be against it.

Mr. BOEHLERT. Mr. Chairman, if the gentleman will continue to yield, it is not a gutting amendment. I would classify it as a perfecting amendment because I really think that we should have full and open debate on some sensitive issues here on the floor of the House. We should not limit debate to 10 minutes simply because one Member might have a gut feeling. Sometimes gut feelings are correct. I agree with that.

□ 1800

Mr. DAVIS of Virginia. But the burden would be on the Member who raises the objection to show the $100 million threshold as being met. They would have to come armed with those costs and do their homework ahead of time.

This could not be raised in a willy-nilly fashion without the appropriate substantive work showing that this would have a $100 million cost impact on American businesses.

Mr. BOEHLERT. We would not have scoring of amendments. That is the problem. We would not have the time to do that. When we have extended debate on a very controversial item, sometimes during the debate, in the course of that debate proponents or opponents bring out something that prompts an individual to draft an amendment that might be an amendment to improve a bill.

But the fact of the matter is, if someone has the gut feeling, as I pointed out, and not facts but just a gut feeling that it might, might, have the imposition of a new mandate on business, they could just raise a point of order. We would debate it for 10 minutes and 10 minutes only and that would be the end of it, and then the House would vote up and down based on very limited debate.

Mr. DAVIS of Virginia. I share the gentleman's concern. That has not been our experience, of course, with the unfunded mandates bill as it applies to State and local government.

Mr. BOEHLERT. But it is a different set of issues.

Mr. DAVIS of Virginia. It is very much the same set of issues, but it does not mean that it could not happen and this body would be deprived of that. And so, for that reason, at this point I am trying to draw the gentleman out a little bit further in terms of his other concerns with this bill that could be perfected in a way that he could address this and support the legislation.

Mr. BOEHLERT. Well, I think we should have more balance in this whole approach to things. I think if we have mandates on the one side, we should have mandates on the other, if we run that risk.

Mr. DAVIS of Virginia. Well, let me just reply to that. We can do that, but CBO cannot really address anything but the fiscal costs. The benefits are really not within their purview. It is not within their expertise. This has not been something we have traditionally assigned them to do.

That is what makes the gentleman from California's amendment more difficult to put in this body, although I think that the goal of it is one which I can sympathize with.

Mr. BOEHLERT. I thank the gentleman for his comments and appreciate them.

Mr. DAVIS of Virginia. In conclusion, Mr. Chairman, let me say this amendment is a little contrary to the underlying purpose of this legislation.

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

Mr. DAVIS of Virginia. I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Chairman, I appreciate the gentleman raising the questions, and I would ask the author of the amendment, again, what he would do in a situation where we had a manager's amendment on the floor, where we had a substitute amendment?

This is a loophole big enough to drive a very large semi trailer through, because we could essentially put all the mandates in the manager's amendment or the substitute amendment and it would have gotten around the informational requirements in the legislation.

I wonder if the gentleman has thought through that scenario or that possibility and what his response would be.

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

Mr. DAVIS of Virginia. I yield to the gentleman from New York.

Mr. BOEHLERT. Indeed, I have. I have spent a lot of time anticipating that.

Mr. PORTMAN. If the gentleman from Virginia will continue to yield, I know the gentleman is very engaged in this legislation and spent a lot of time on it, and I would like to hear what he thinks.

Mr. BOEHLERT. One of the things I have done, in terms of talking about tractor trailers, I have offered an amendment to another bill that would limit the size of tractor-trailers on our Nation's highways for safety.

Mr. PORTMAN. That is along the lines we tried to do earlier in changing the subject, but keeping on the subject of mandates, seriously, I wonder if the gentleman has a response to that concern.

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

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

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

Mr. PORTMAN. Mr. Chairman, I thank my colleague and the lead sponsor of the legislation, the gentleman from California (Mr. CONDIT) for yielding.

I would like to give the gentleman from New York (Mr. BOEHLERT) the opportunity to discuss the possibility that if we were not to permit the informational requirement to apply to any amendments, would we not, in effect, circumvent the intent of the legislation by having an amendment which is in essence the legislation, such as a manager's amendment, which sometimes we do consider on the floor, or a substitute amendment for the legislation, and if he had any ideas as to how perhaps his amendment could be altered to take into account that possibility.

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

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

Mr. BOEHLERT. Mr. Chairman, to respond to the gentleman from Ohio, the manager's amendment would be okay, because that comes from outside the committee. But I am talking about in the Committee of the Whole, when we offer amendments, I think we should have the opportunity when amendments are offered to have a full and open airing, pros and cons. That helps me in making up my mind as we are dealing with some of these very important topics.

But I think the gentleman will concede that one Member, based upon a gut reaction or an instinct, and often gut reactions and instincts are correct but often they are not, could raise a point of order against the amendment, and then the Chair would automatically have to limit debate to 10 minutes and there would be a vote. And I would be called upon, as would the gentleman would be called upon and our colleagues would be called upon to make a decision on a very important amendment with very limited input, and I do not want that. I want to expand the knowledge that we have as a base to make decisions.

Mr. PORTMAN. Again, Mr. Chairman, if the gentleman will continue to yield, I understand what the gentleman is trying to get at, and certainly agree that that is a concern.

I would also remind the gentleman that the gentleman from Virginia (Mr. DAVIS) has already mentioned that our experience in the Unfunded Mandate Relief Act of 1995, which has been in place for almost 3 years, is in fact what happens is at the committee level we come up with better legislation. And that indeed when we talk about the mandate, and this is public sector mandates, albeit it is 10 minutes on each side, the debate tends to be about whether to move forward with the legislation because of the benefits. In other words, we do not just focus on the cost.

So I would say it has not been a problem in our experience with the Unfunded Mandates Relief Act that passed 3 years ago that dealt with the public sector. With the private sector, there may be the possibility for some additional concerns.

I also would remind the gentleman that with regard to private sector mandates, two things are different. One is that the threshold is raised to $100 million from $50 million, so it will apply to fewer mandates. Second is that one must consolidate the point of order.

In other words, we cannot have a point of order on every private mandate that is in a piece of legislation or, for that matter, in an amendment. Instead, we have to consolidate all of those various point of order mandates into one point of order and then have the debate. That is to avoid the dilatory tactics that some were concerned about with regard to this legislation.

So it is a little different from that, in a sense provides even more safeguards, but if the gentleman would be willing to talk about the possibility of taking out of consideration these broad-based amendments that would, in effect, be the legislation, maybe there is a way we can resolve this.

Mr. BOEHLERT. Mr. Chairman, I would be glad to accept a perfecting amendment dealing with a manager's amendment so that the gentleman's concern would be addressed.

Mr. PORTMAN. Mr. Chairman, I would like to yield back to my colleague from California, who is again the lead sponsor of this legislation, to get his thoughts.

Mr. CONDIT. Mr. Chairman, reclaiming my time, I agree with the gentleman from Ohio. I do have a problem with the manager's amendment. If we come in with a very broad amendment, we could undercut the very intention of the unfunded mandate legislation in that if it did not qualify for a point of order, it could put all kinds of mandates and costs on. And that would become a little unworkable, I think.

If we could perfect this so that we were talking about other amendments, I certainly would be open.

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

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

Mr. BOEHLERT. Mr. Chairman, the gentleman is referring to other than the manager's amendment?

Mr. CONDIT. Other than the manager's amendment.

Mr. BOEHLERT. If the gentleman will continue to yield, if he wants to work that language out right now, I would be glad to accept that.

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

I appreciate and say to my friend, the gentleman from New York, that I rise in opposition to his amendment although I can see where he would like to go with this amendment. And I would think that we could work something out if we had time to work something out.

But I have to say that the gentleman's amendment guts this bill. It completely guts the intent of this bill. The whole intent is to provide some process by which we can bring to the light of day a visible opportunity to discuss the fact that what we do in this Chamber has a direct impact on the private sector of this country. That is what this is about.

If we have a situation here where the gentleman's amendment became part of the bill, then there is no use of having debate, because we could play all kinds of shenanigans with a bill to try to put the House in the position of not implementing the intent of this bill, because all we have to do is pull the substantive stuff out of a bill, offer it as a committee substitute or as a manager's amendment, and we negate the whole reason for the bill.

So I just hope that we can work with the gentleman. I think there is a way that we can work this out. I understand and sympathize with the gentleman from New York that he does not want to stifle debate. Nor do I. But I would say to the gentleman from New York that we could probably fashion an amendment that looks at, say, for instance, amendments that are not printed in the RECORD or amendments that are just brought to the floor ad hominem. But to exclude all amendments from a bill slows down and violates the spirit of debate.

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

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

Mr. BOEHLERT. Mr. Chairman, as I have said, we have agreed, we have agreed based upon the colloquy I had with the gentleman from Ohio, to include the manager's amendment in the exemption.

Mr. DELAY. Reclaiming my time, I understand, and appreciate the gentleman trying to work with us. I appreciate that offer. But there is also committee substitutes, where a committee would bring to the floor and the opportunity for a committee.

I see the chairman of the Committee on Rules is coming to the floor. He understands what this does to the Committee on Rules and the ability to manage debate on a bill on the floor. The gentleman's amendment not only creates huge loopholes in this bill, we might as well not even have the bill. But if we could narrow it down to a specific type of amendment, then maybe we could work with the gentleman and even accept his amendment.

Mr. BOEHLERT. If my colleague will continue to yield, I would like to point out this is not, as it has been characterized, a gutting amendment. What we are trying to do is ensure that an amendment proposed on the floor has a full and open airing so that our colleagues will have the benefit of the thinking of the proponent and the opponents of the amendment. The bill's resolutions, as provided for in the base bill, would still be subject to a point of order.

The fact of the matter is, characterizing something as a gutting amendment does not, in fact, mean it is a gutting amendment. That is not my intent, to gut the bill. My intent is to improve the bill.

Mr. DELAY. Mr. Chairman, I appreciate the gentleman's support for the bill, but the way we read it, and certainly the way the Committee on Rules reads it and the Committee on Rules staff reads it, is that the gentleman's amendment is so broad and includes so much that it, in effect, does kill the entire intent of the bill and the whole reason for the bill.

So unless we can work something out, I would urge our Members to vote against the gentleman's amendment.

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

Mr. Chairman, the sponsor of this amendment happens to be a very good friend of mine. His district borders mine. But I just have to severely admonish him for bringing this kind of amendment to the floor.

The gentleman represents a district just like mine. I have more small businesses in my district up and down the Hudson Valley and the Catskill Mountains, the Adirondack Mountains, probably than any of my colleagues. But all of my colleagues have literally thousands of small businesses. If my colleagues have been a town mayor, as I have, or a town supervisor or a county legislator or even a State legislator, they know what Federal mandates do to small businesses.

First of all, if we do it to the public sector, to the towns and the villages and the cities and the counties, we raise property taxes. We have got people living on fixed incomes that cannot afford to pay the taxes today on their property. We fixed that several years ago, because we said if we were going to levy a Federal mandate on local governments that forces up real estate taxes, then we would have to come on this floor and we would have a separate vote, just so that the American people can see what we are doing and, more

than that, Members themselves can see what they are doing. Because if we have not served in local government or county government, sometimes we may not know what that is. So now that is taken care of.

Now let us take a look at the small businesses. I will never forget when I was a small businessman just starting out, and I had a wife and five children, and we could hardly make it as it was because my wife and I chose to have her stay home with those children all the time they were growing up, and it was rough. And every time I turned around it seemed like we had either the State government or the Federal Government coming in with some kind of a mandate that took money out of my business which we did not even have, and we had to give it to the government to pay for those Federal mandates. Well, if we had had this kind of a rule on the floor back 30 years ago, I probably would have been a lot more successful than I am.

And all we are saying today is that in the private sector, if we want to vote to levy a mandate on the private sector, on private businesses, then we ought to have a separate debate on it on the floor here, just sort of like we are doing right now. Now, what is wrong with that? What is wrong with it is nothing.

My good friend comes in here and, unlike the public sector, now he wants to do something to the small businessman.

□ 1815

He wants to say that if anybody brings an amendment on this floor and offers it to a bill, that that does not count because it was not in the bill in the first place. Well, my colleagues, that is a gutting amendment.

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

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

Mr. BOEHLERT. Mr. Chairman, two things. One, I have served in local government as a former county executive, so I know whereof he speaks. Secondly, I am not suggesting that proposed mandates are good or bad. Some are good. Some are bad.

The only thing I am trying to protect is the opportunity for full and open debate on the floor of the people's House. What could be wrong with that?

Mr. SOLOMON. Mr. Chairman, reclaiming my time, because the gentleman knows that if his amendment goes through, there will never be that debate on the mandate itself. And that is where we missed the boat all these years. We need to have that 20-minute debate so it sets the parameters so we know what we are going to vote on.

Like, right now, how many Members are on this floor right now? Maybe 25, if that. Where are the other 400 Members? They have no idea what is going on here. And nine times out of ten, when we come to a bill with an unfunded mandate in it, they are not going to know what they are voting on over here.

All we are saying is, let us have a rollcall and get the Members over here, and let us point out the mandate that is coming to them. And then all the time they are considering the merit of the bill, then they will keep in mind that there is a mandate out there. The gentleman knows that is exactly how it works.

I am Chairman of the Committee on Rules. I have been a member of that Committee for 10 years. I know the rules of this House. And I would tell the membership, on behalf of local businesses across this Nation, if they vote for the Boehlert amendment, they are voting to gut this legislation. And I would be tempted to pull the legislation and take it off the floor if that were the case.

Please come over here and vote no on the Boehlert amendment. Vote for small businesses that create 75 percent of all the new jobs in America every single year.

All the kids graduating from high school this coming month in June, all of them graduating from college, 75 percent of those jobs being offered to those kids are going to be from small businesses; and this will help to keep those small businesses profitable so they can hire them. Vote no on the Boehlert amendment, and then let us pass this measure.

The CHAIRMAN pro tempore (Mr. GILLMOR). The question is on the amendment offered by the gentleman from New York (Mr. BOEHLERT).

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

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

The CHAIRMAN pro tempore. Pursuant to House resolution 426, further proceedings on the amendment offered by the gentleman from New York (Mr. BOEHLERT) will be postponed.

AMENDMENT OFFERED BY MR. BECERRA

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

The Clerk read as follows:

Amendment offered by Mr. BECERRA:

Page 6, line 5, after ''exceeded'' insert ''or that would remove, prevent the imposition of, prohibit the use of appropriated funds to implement, or make less stringent any such mandate established to protect civil rights''.

Page 6, after line 5, insert the following new paragraph and renumber the succeeding paragraphs accordingly:

(4) MODIFICATION OR REMOVAL OF CERTAIN MANDATES.—(A) Section 424(b)(1) of such Act is amended by inserting ''or if the Director finds the bill or joint resolution removes, prevents the imposition of, prohibits the use of appropriated funds to implement, or makes less stringent any Federal private sector mandate established to protect civil rights'' after ''such fiscal year'' and by inserting ''or identify any provision which removes, prevents the imposition of, prohibits the use of appropriated fund to implement, or makes less stringent any Federal private sector mandate established to protect civil rights'' after ''the estimate''.

Page 6, lines 14, 16, 18, and 20, after ''intergovernmental'' insert ''mandated'' and after the closing quotation marks insert ''and by inserting mandate or removing, preventing the imposition of, prohibiting the use of appropriate funds to implement, or making less stringent any such mandate established to protect civil rights'''.

Page 7, line 12, strike ''one point'' and insert ''two points'' and on line 14, insert after ''(a)(2)'' the following: ''with only one point of order permitted for provisions which impose new Federal private sector mandates and only one point of order permitted for provisions which remove, prevent imposition of, prohibit the use of appropriated funds to implement,or make less stringent Federal private section mandates.''.

Mr. BECERRA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. BECERRA. Mr. Chairman, I yield myself such time as I may consume. Let me explain my amendment briefly.

We have entered into a debate through the amendment by my colleague and friend from California (Mr. WAXMAN) on the issue of what happens when a particular bill or a piece of legislation has the effect of weakening protections for the environment or public health and safety, and we had some discussion on that amendment.

If my colleagues look at the legislation that we are discussing now and we now relate that same type of debate or discussion on the issue of civil rights, what we find is that this legislation actually would permit, permit, this Congress to establish laws that will weaken our current civil rights protections that we provide to the American public.

Let me give my colleagues a quick example of what I mean.

In both fair employment and housing law, there are exemptions made for small businesses. A small business is defined as having fewer than 15 employees. If we have legislation which attempted to broaden the definition of a small business to, say, 50 employees, in other words, something more than 15 employees, what we would do is we would now be excluding from civil rights laws and protections a whole array, many, many more businesses that now have up to 50 employees. Where, right now, under current law, those businesses that have between 16 and 50 employees would have the civil rights laws in the books applied to them; with this legislation, that would no longer be the case.

I do not believe it is the intent of the authors of this legislation or of anyone in this Congress to weaken civil rights protections for the elderly, for the infirm, the disabled, for minorities that have been discriminated over the past, other people based on religion. I do not believe that is the intent of this Congress. Yet the legislation, as it is written, would allow that to happen.

Why do I say that? Well, if my colleagues recall when we had the debate on the Unfunded Mandates Reform Act,

when it was passed last session, a number of us raised this concern that we would make it nearly impossible to enforce and protect civil rights laws, constitutional protections and other matters with the legislation had it been drafted back then a couple years ago.

We got included in the legislation the Unfunded Mandates Reform Act legislation that, in essence, said, we cannot apply this unfunded mandates law on bills that try to enforce constitutional rights of individuals or attempt to establish or enforce any statutory rights that prohibit discrimination. So no points of order would lie against legislation that tried to do exactly that, enforce constitutional rights or establish or enforce statutory rights that prohibit discrimination.

But we have a situation here where now we are not necessarily trying to enforce the law. In this case, if legislation comes forward which tries to diminish the impact of that law, weakening that law, as the example I gave before where we went from considering a small business to mean only 15 or fewer employees in a business to now 50 or fewer employees in a business, by weakening that law, what we have done is weakened civil rights protections.

I do not believe that that is the intent of this legislation and its sponsors. I would hope that Congress would not intend to go in that direction. And I offer this amendment to try to address that concern and hope that it can be unanimously accepted by this body.

Mr. Chairman, if I could give one last example to, hopefully, make this as clear as possible.

Right now, under the Americans With Disabilities Act, the ADA, a disabled individual who may have to use a wheelchair is entitled to be able to access a public place. And if there is a business that wants to open itself up to the public, it must also make itself available to disabled who are in wheelchairs.

Well, if we had legislation that attempted to remove the ramp-access requirements for disabled, that currently would not be protected under the Unfunded Mandates Reform Act. This legislation would now make it possible to remove those standards and weaken the laws.

So, for those reasons, I would ask Members to consider this amendment and adopt it unanimously.

Mr. PORTMAN. Mr. Chairman, I rise to reluctantly oppose the amendment. We are just looking at the language over here.

But, in essence, what this does, as I see it, is it builds on the Waxman amendment we debated previously regarding the environment and says that, with regard to any civil right or constitutionally protected right where there is a lessening of some requirement, that there be a point of order.

Again, it is not what this legislation is about. We specifically in the legislation, the underlying bill, which is the Unfunded Mandates Relief Act of 1995, exclude all civil rights, all constitutionally protected rights. And that is very clear. And I think that carve-out was appropriate, although it was debated, as some will remember, 3 years ago; and I think that is appropriate.

What this legislation would purport to do or this amendment would purport to do is to go well beyond that and say that, any time there is a determination by somebody that there has been a diminution of some kinds of rights, then there be a point of order.

Again, it may be a good idea to do if the gentleman would like to sit down and work on some legislation. It took Mr. CONDIT and I about a year to come up with this legislation on private-sector mandates. There might be some way to do it. But it does not fit into this legislation.

CBO is not able to do this. It is not their job. They do cost analysis and budget. That is who we are relying on here.

And if we learned anything in the experience of the Unfunded Mandates Relief Act over the last 3 years, and it has worked well, it is that we need to clearly define the terms. We need to have the minimum of ambiguity and the maximum of clear, concise definitions to be able to make this work right so that at the committee level we come up with better legislation that does not mandate on State and local government and now with this legislation mandate on the private sector without fully understanding the cost and coming up with the least costly way to achieve the same results.

I would just say to the gentleman it is an interesting idea. Maybe there is some legislation that could be crafted to achieve his objective. But this is not the place to do it.

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

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

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

I want to join with the gentleman from Ohio (Mr. PORTMAN) in opposition to this amendment. We were very sensitive to this issue. We did exempt it out of the bill. The civil rights issue was exempted out of the bill.

After our last experience about 3 years ago, we had a healthy debate about it and we tried to be conscientious about it and be sensitive. My colleague is right. It was not our intent to change the civil rights law, to do anything to weaken them; and I do not believe that is the intent of anybody in this room.

So I would oppose the amendment. Although I would tell my colleague from California, I would be delighted if he has got a proposal like the gentleman from California (Mr. WAXMAN) that we can perfect and work on. I am open to do that. But I think today to bring this up, it does not fit with what we are doing. And our efforts I think are honorable in saying that we exempt this, and our commitment to the gentleman to try to work out a solution is there.

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

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

Mr. BECERRA. Mr. Chairman, I thank my friend, the gentleman from Ohio (Mr. PORTMAN), for yielding; and I also thank my friend from California (Mr. CONDIT) for his words.

I appreciate what the gentleman from California has just said. And I agree. I do not think it is the intent of anyone, whether it is the sponsors or anyone who would vote on this legislation, to diminish, to weaken civil rights protections.

But I think, and we can always sit down and discuss this further. I believe if we read closely what is clearly covered under the law under the Unfunded Mandates Reform Act and what the legislation we have before us do in tandem is it would permit legislation that would weaken civil rights protections.

Because the Unfunded Mandates Reform Act only spoke about laws that establish or enforce; it did not talk about laws that weaken. So laws that weaken are permitted to go through this process without coverage to the Unfunded Mandates Reform Act.

Mr. PORTMAN. Reclaiming my time for a moment, let us back up and talk about the fundamental philosophy on this legislation. This is with regards to new mandates on business. The previous legislation was new mandates on the public sector.

We chose to carve out the situation of constitutionally protected rights or civil rights. In other words, even if there is a new mandate on the public sector, it is not subject to this informational requirement if it relates to civil rights. In other words, it is a carve-out; it protects it.

The gentleman just made the assertion that somehow this legislation could affect civil rights law negatively by diminishing civil rights. It would have no impact on that. This legislation would not apply. In fact, this legislation goes out of its way to make sure that we are not going to put any barriers in place of any kinds of civil rights.

There is a legitimate debate we would have as to whether we should have excluded included all civil rights from the requirements on this bill. After all, it is just informational. But we thought civil rights is so important and it is defined as constitutionally protected rights that we did not subject it to the information requirements in this legislation.

The situation that the gentleman is describing of diminishing civil rights simply would not be affected by this legislation one way or the other.

The CHAIRMAN pro tempore. The time of the gentleman from Ohio (Mr. PORTMAN) has expired.

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

Mr. PORTMAN. Mr. Chairman, I yield to the gentleman from California (Mr. BECERRA).

□ 1830

Mr. BECERRA. Mr. Chairman, I thank the gentleman. I do not think we will need the time.

Mr. PORTMAN. Mr. Chairman, reclaiming my time, I think it is irrelevant to what we are debating today because it does not affect a diminution of civil rights one way or the other; and, specifically, civil rights were excluded from the requirement of information that is in the legislation.

Mr. BECERRA. But if we gauge in a discussion and find that the legislation does affect and the law as it exists does affect those civil rights protections, would the gentleman be willing, or I ask the two sponsors, will they be willing to then incorporate language to make sure that we do not weaken civil rights protections.

Mr. PORTMAN. The gentleman from California (Mr. CONDIT) has expressed my views on this; we are happy to sit down and have a dialogue about it.

The CHAIRMAN pro tempore (Mr. GILLMOR). The question is on the amendment offered by the gentleman from California (Mr. BECERRA).

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 426, further proceedings on the amendment offered by the gentleman from California (Mr. BECERRA) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 426, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: The amendment, as modified, offered by the gentleman from Massachusetts (Mr. MOAKLEY); the amendment offered by the gentleman from California (Mr. WAXMAN); the amendment offered by the gentleman from New York (Mr. BOEHLERT); and the amendment offered by the gentleman from California (Mr. BECERRA).

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

AMENDMENT, AS MODIFIED, OFFERED BY MR. MOAKLEY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment, as modified, offered by the gentleman from Massachusetts (Mr. MOAKLEY), on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 176, noes 233, not voting 23, as follows:

[Roll No. 156]

AYES—176

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Engel
Eshoo
Etheridge
Evans
Farr
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McHale
McKinney
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Scott
Serrano
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—233

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Gutknecht
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Maloney (CT)
Manzullo
McCarthy (NY)
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—23

Baesler
Bateman
Clay
Crane
Ewing
Fattah
Ganske
Gibbons
Gonzalez
Goodling
Greenwood
Harman
Inglis
Johnson (WI)
Livingston
McNulty
Meeks (NY)
Paxon
Rogan
Ryun
Schumer
Shuster
Skaggs

□ 1853

Messrs. MCINTOSH, WELDON of Florida, SPRATT and FORBES changed their vote from ''aye'' to ''no.''

Messrs. GORDON, SPRATT and STUPAK and Mrs. CAPPS changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GIBBONS. Mr. Chairman, on rollcall no. 156, I was unavoidably detained. Had I been present, I would have voted ''no.''

PERSONAL EXPLANATION

Mr. INGLIS of South Carolina. Mr. Chairman, on rollcall no. 156, I was inadvertently detained. Had I been present, I would have voted ''no.''

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. GILLMOR). Pursuant to House Resolution 426, 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 proceedings.