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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
January 23, 1995.

I hereby designate the Honorable DAVE CAMP to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from New York [Mr. SOLOMON] for 5 minutes.

TAX REVENUE BELONGS TO THE TAXPAYER, NOT TO GOVERNMENT

Mr. SOLOMON. Mr. Speaker, yesterday's Washington Post carried a story bemoaning all the benefits and grants that States receive from the Federal Government which will supposedly be taken away under a balanced budget amendment. Members ought to read this article. Included in these grants, according to this writer, are the Federal tax exemptions of State and municipal bonds, and the deductibility of State and local taxes.

The fact that we do not tax people on their property taxes is a grant to the States? Under this way of thinking, anything somebody is able to keep of their hard-earned paychecks would be grants or gifts from the Government.

Did Members ever hear anything so outrageous in their lives? When, oh when, will the inside the beltway, anti-family, tax-increasing, and bureaucratic-spending intellectuals in this city finally realize that tax breaks and lower taxes for the people back home are not grants and subsidies from the Government that we give them from the graciousness of our hearts?

It is preposterous to call a tax exemption for an individual or a family a grant or subsidy from the State. Taxed revenues belong to the taxpayers, not to this or any other part of the government. It is about time we realize that.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am glad to yield to my good friend, the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, I just wanted to ask the gentleman about the other point they made in that article that I read with interest, too. That was about the fact that one of the Governors that is beating up on us the most also has not paid that State's 10 percent toward disaster relief, and is back here with his tin cup asking for the next round of disaster relief.

I think it pointed out that Governor Wilson of California took all the disaster relief last year without putting up the State's 10 percent that it was supposed to, it is a deadbeat on that, and that they also were giving back taxes at the State level.

I just thought maybe, since the gentleman is on this side of the aisle, maybe that is one thing he and I could agree on, that the State of California certainly should pay its old debts be-

fore it comes back here with its tin cup for the next time around.

Mr. SOLOMON. Mr. Speaker, California certainly has their problems. I come from the Adirondack Mountains in the Northeast and, you know, we have our own disasters up there with bad weather. We have never come asking for help.

However, that is beside the point. The point I was making is just because we do not tax people does not mean it is a grant or that it is a gift that we are giving to the American people. That in no way is any kind of a grant.

They say in this article that we give \$230 billion in grants to the States, and they include about \$80 billion in this. The gentlewoman I think agrees with me that is not a grant from this Congress.

INTRODUCING THE WOMEN'S RIGHT TO KNOW ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, today what I wanted to talk about was the fact that the gentleman from Connecticut, CHRIS SHAYS, and I and any number of bipartisan Members will be introducing today the Women's Right To Know Act.

We feel that this is a very, very critical bill that unequivocally asserts that women are adults and that they have the right to receive information about the full range of their reproductive health choices, and the Federal Government should do nothing to either gag their medical professionals that are dealing with them or put cotton in the ears of the women and say that they are not able to hear it.

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

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



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As Members know, this goes right to the gag rule which right now is very shaky. President Clinton lifted the gag rule when he came into office, but this Congress has never lifted it through legislation, so what this is saying is that no government, be they Federal, State, or local, can dictate to doctors or to any medical professional what women can hear nor tell women that they cannot hear it.

We introduced this bill on this very historic 23d anniversary of Roe versus Wade, which the Supreme Court upheld and has continued to uphold. We also know that in the Republican contract for a while the gag rule repeal was being overridden. They were putting the gag rule back on. I am very pleased that the Republican contract decided that was not where they were supposed to be, and that came away, but it makes us all feel a little uncertain.

We think the time has come for Members to rally around in a bipartisan manner, stand up very firmly, and say that if women are going to have responsibility for their lives, we have to treat them like responsible adults. I am very pleased that many members of the medical profession obviously agree with us: no more gag rules for women and no more gag rules for doctors.

We have the American College of Obstetricians and Gynecologists agreeing with us, we have the American Medical Association agreeing with us, and I could go on and on with people saying women should be treated equally at all levels in their doctor-patient relationship.

This is important to move forward on, and I think it is also an interesting time to pose it, because we saw yesterday the death of Rose Kennedy. Here is a woman who, when she was born, could not vote, and just a few days before she died, saw her granddaughter sworn into office. What a change that woman saw in her life.

I think we have seen women becoming more and more empowered under this Government, but I think the gag rule goes right at that empowerment of women and says we are not mature enough to hear what is out there, or hear what different choices are. If we are going to hold women accountable, we have to treat them as adults.

Mr. Speaker, I hope many Members of this body will join with the gentleman from Connecticut and I and the other bipartisan cosponsors and get on with this, because it is time once and for all that we legislatively join with the President in saying that the gag rule should not be there, the Federal Government should not deny the right to hear information on health to any American citizen, nor should the Federal Government or any U.S. section of government dictate to the medical profession what they can say to different people within our society.

That is wrong, and that is un-American. That certainly is turning back the clock, not moving the clock forward, as many people have cheered in

seeing it moving forward, whether it was Rose Kennedy or many of the rest of the women.

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

Mrs. SCHROEDER. I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Speaker, I just want to thank the gentlewoman from Colorado for moving forward on this important legislation. It is just absolutely essential that a woman know of her rights, and never be denied because of a government law from knowing of her rights.

I just want to thank the gentlewoman for introducing this bill. We will be working on a bipartisan basis to have the will of the Chamber be recognized.

Mrs. SCHROEDER. I thank the gentleman from Connecticut, and I thank the gentleman from Connecticut for his courage in standing up on this issue. There are strong supporters on both sides of the aisle. This should not be a partisan issue.

This is an American issue. It is about free speech, it is about responsibility, and it is about the right to know different health options that are out there. Therefore, I thank the gentleman for carrying the banner on this. We will aggressively do it on this side, and let us have a race to see who can get the most cosponsors.

Mrs. SCHROEDER. Mr. Speaker, today Representative CHRIS SHAYS and I are introducing legislation with bipartisan support for the Women's Right To Know Act, a bill that unequivocally asserts American women's right to receive information about the full range of their reproductive health options.

The Women's Right To Know Act amends the Civil Rights Act of 1964 and simply says that government, Federal or State, cannot restrict a doctor's right to give or a woman's right to receive information about her reproduction health options, including family planning, prenatal care, adoption, and abortion services.

We introduce this bill on the 23d anniversary of Roe versus Wade, the case in which the U.S. Supreme Court ruled that the right to choose abortion is protected by the Federal Constitution.

It's also a time when the gag rule stands on shaky ground. The original Republican contract included a gag rule on information welfare recipients could receive about abortion. We then heard that was a mistake. It wasn't supposed to be in there.

I don't want to leave anything to chance. It's time for this Congress to stand firm and say no more gag rules for women and no more gag rules for doctors.

That's what this bill says. We say it's a doctor's right to give information about reproductive health and a woman's right to receive that information. Very simple.

I would like also to remind my colleagues that the American Medical Association and the American College of Obstetricians and Gynecologists strongly condemn Government interference with the freedom of communication between physicians and patients. That is what this legislation outlaws: Government interference with the doctor-patient relationship.

In 1991, the Supreme Court in Rust versus Sullivan maintained that the Government can censor health information in Federally funded family planning clinics. That has made it more imperative than ever for Congress to enact the Women's Right To Know Act. Passage of this act would make it clear that censoring information about women's reproductive health options violates a women's right to know accurate information about her health.

IN SUPPORT OF THE UNFUNDED MANDATE REFORM ACT

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

Mr. NORWOOD. Mr. Speaker, I rise today in support of the Unfunded Mandate Reform Act. I rise today to argue that the time has come for us to reign in the unfunded mandates and the misguided notion under which they operate. By voting for this bill, we can show the American people that we mean business by reducing the dictatorial power that Congress has exercised over the States through unfunded mandates.

I think we should take a moment to consider the idea of the unfunded mandate. In essence, with an unfunded mandate, the Federal Government goes to State and local governments and says you must do this, and you must pay for it yourself. How incredibly arrogant. How did this Government grow so arrogant as to pass such dictates onto the States? We can not wisely set the priorities for spending the limited funds a county has to operate with. We should not try to micromanage 159 Georgia counties.

If we are going to dictate to the States, we must also have the guts to raise the taxes that pay for the dictates or mandates—not pass that responsibility onto State and county officials. If the Federal Government cannot afford these programs, the programs should be passed onto the States as strong suggestions—not unfunded mandates.

But we all know that there is more to the arguments against this bill than fear of cutting certain Federal programs. Underneath all that they say is a simple refrain—a tired, failed, liberal refrain—that says to the people we are the Federal Government, we know what is best for you, we are the Federal Government, we must take care of you. Why? Because you can't take care of yourself.

What made us so smart? Do we really believe we want clean air and clean water more than the folks at home? How did we become so endowed with the knowledge of what is right and what is wrong for America? We are simply 435 men and women who won elections on November 8. We have the power to pass laws that force State action, but we should use that power in moderation. Remember the words of

the 10th amendment to the Constitution—"the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people." Those words should not be treated lightly. The goal of the 10th amendment was to limit the powers of the Federal Government. Could we have moved any farther away from the intent of the 10th amendment than with unfunded mandates? We should be searching for ways to return control to the States and local governments. But when we must use our power to write laws that will force State action, we most certainly should pay for it.

The Unfunded Mandates Reform Act is the first important step toward reevaluating what Congress should do. It will put us in a position to reconsider the value of some of the dictates that have been passed onto State and local governments already. Maybe it is a good idea for Sheriff Berry of Oconee County, GA, to have to devote one of his few officers to stake out convenience stores in an effort to stop youngsters from buying cigarettes. Maybe Columbia County, GA, should have to meet such rigorous standards in their landfill that it makes the cost per acre go up by 1,000 percent. Maybe these unfunded mandates are good for the people, but can they afford all of our good ideas? But when the sheriff has to cut back patrols in certain areas of his county to meet a Federal mandate, or local property taxes go up to pay for landfill improvements because of a Federal mandate, do we not have a responsibility for our actions?

The bottom line is that one word—responsibility. Mr. Speaker, the Unfunded Mandates Reform Act will make Congress take responsibility for its actions. If we see fit to force the States to act, then we must bear the responsibility of paying for that action. This act forces Congress to make the hard choices that have been too easily avoided. This act will provide much needed relief to State and local governments. I urge my colleagues to support H.R. 5, the Unfunded Mandates Reform Act, and return responsibility to Congress.

INTRODUCING A FAIR BALANCED BUDGET AMENDMENT

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

Mr. WISE. Mr. Speaker, by the end of this week we will have under consideration a balanced budget amendment to the Constitution. That is fine. West Virginia has a balanced budget requirement, as do most of the States in the Union. I myself have introduced a proposal for a balanced budget amendment.

Mr. Speaker, however, before the House undertakes that, and particularly before it begins debate on some-

thing so serious, it should definitely spell out, though, exactly how it intends to make the cuts to balance the budget, because that is the concern many of us have, and indeed, many West Virginians have contacted me about. Yes, the idea of a balanced budget within 7 years is an excellent proposal. It sounds good, looks good on a bumper sticker, but how do you actually propose to balance the budget? What is it that gets cut? Do you cut Social Security? "Oh, no," recoil many in horror, "Oh, no." Well, if you are not going to cut that, do you cut Medicare? What health care do you cut? What education programs? Is it Head Start? Is it WIC? Is it the defense budget? What is it that gets cut by the roughly \$700 billion that is estimated to balance the budget by the year 2002?

West Virginians alike tell me "We don't buy a pig in a poke." By the same token, if we go and we are looking to buy a house, we ask details about the mortgage: What are the interest payments going to be over the next 7, 10, 20 years? Does anyone walk on a car lot and say "Just give me any car off the lot; don't show me the invoice, don't show me the payment terms"?

Does anyone go and authorize major work to be done to their house by a contractor without having it spelled out in advance before you start what it is you hope to do? You set the goal: "I want the house painted, or I want the furnace put in," but don't you also ask how you are going to get there and how much it is going to cost?

So before signing off on a balanced budget amendment, I would hope that all of us in the public and the Congress alike would say "how are you going to get there?" We have asked the Republican leaders bringing this to the floor for their budget, for their 7-year proposal of how you balance the budget. Don't just put it in the Constitution, write out how you get it, what it is that gets cut, what programs get rearranged. So far we are waiting to see that.

I myself have introduced a balanced budget amendment, Mr. Speaker. Mine is a little different than some of the others, but it has much the same goal, to require a balanced budget by the year 2002. It does several things. First of all, it takes Social Security off budget. It cannot be considered. It is gone. Everyone says they want to protect Social Security. Fine. Adopt my amendment and you will protect Social Security. It has self-generating funds that are paid by every employee in this country. It runs a surplus. Social Security does not need to be in the budget process.

The second thing my amendment does is it encourages investment. My concern about many of the balanced budget requirements is that they will encourage, they will reward cuts in vital programs, like highway construction, water and sewer construction, airports, infrastructure, that make us stronger economically, not weaker.

Therefore, what my amendment does is to permit capital budgeting and permits you to treat the cost of physical infrastructure like roads and bridges differently than you do other expenditures.

Is that something new or novel? No, Mr. Speaker, every State has some form of capital budgeting along these lines. Every homeowner knows that you pay for your house on a mortgage and that the debt service is what is figured in your budget, not the actual cost of the house. Everybody knows that when they buy a car they buy it on a payment plan and they spread that cost out over the life of the car. That is all that my amendment does.

What my balanced budget amendment to the Constitution would do, which I hope will be made in order to be considered this week, is it will take Social Security off budget and it will encourage investment by permitting capital budgeting.

What we are asking, Mr. Speaker, is that as the House moves toward a balanced budget discussion this week, that if it is going to bring up the balanced budget amendment, that first of all we be honest with the American people and we tell the people where we are going to make the cuts and how deep those cuts are going to be.

Second, we say that we take Social Security off budget, because it does not have any business being involved in the overall budgeting of the Federal Government, since it has already been paid for and there is a surplus.

Third, Mr. Speaker, that the balanced budget amendment encourage investment, not discourage it; that we put in the balanced budget amendment those things that will make the economy grow, not shrink. That is what a fair balanced budget amendment needs if it is to be considered this week.

□ 1250

SUPPORT CONTRACT WITH AMERICA'S BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore (Mr. CAMP). Under the Speaker's announced policy of January 4, 1995, the gentleman from Nebraska [Mr. CHRISTENSEN] is recognized during morning business for 2 minutes.

Mr. CHRISTENSEN. Mr. Speaker, over the course of the last week, the American people have seen a great deal of discussion in the Chamber about book deals. They have seen partisan posturing and parliamentary tricks designed to slow down if not halt completely the course that we have set out to make the Contract With America the people's agenda.

Mr. Speaker, this is the only book that we should be talking about, the "Contract With America." I was noticing on page 23 of this book that it talks about the balanced budget amendment and the line-item veto.

"Isn't it time we hold Congress accountable?" it says.

It goes on to say, "Just as every American sits at the dinner table, and as they do, they balance their own books, they balance the budget of a family, a business, it's time that the American people hold Congress accountable to balancing the books."

This week we will be taking up the balanced budget amendment, a piece of legislation that is long overdue.

We have already started giving the voters of America what they said they wanted in the Contract and now it is time to focus on the job at hand and get on with the people's business.

As a freshman Member of the 104th Congress, I was sent here by the people to make real change, to make this happen for the first time in 40 years.

Let us not continue backsliding toward politics as usual, but let us give the American people what they sent us here to do, and, that is, to pass a balanced budget amendment.

CALL FOR AN INDEPENDENT COUNSEL IN SPEAKER'S ETHICS CASE

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

Mr. BONIOR. Mr. Speaker, we Democrats are anxious to get on with the business before this House. I was pleased on Friday that the Speaker appointed his Members of the Ethics Committee and Minority Leader Gephardt appointed Members from the other side of the aisle as well. To avoid a conflict of interest, they each chose Members from the preexisting ethics panel. This was a wise move because the only complaint before the Ethics Committee right now is a complaint involving Speaker GINGRICH. Clearly the Speaker would have had a conflict of interest appointing new Members who would sit in judgment on his own case. Unfortunately, even with Friday's announcement, the Speaker still has a conflict of interest problem. The subject of the ethics complaint and the essence deals with the relationship of GOPAC, which is a political action committee controlled by Mr. GINGRICH, to Mr. GINGRICH's other enterprises.

GOPAC is an organization which has raised over the last 9 years anywhere between \$10 and \$20 million in contributions. Its contributors included people who have direct interest in what we do in the People's House here. Direct interest. They have contributed to over 100 Republican candidates and campaigns. Yet we do not know who contributed the money or how the money was spent, because GOPAC still refuses to disclose the names of its past donors, and, I might add, its past expenses as well.

The ethics complaint involves questions about the relationship of this

multimillion-dollar slush fund to Mr. GINGRICH's alleged nonpartisan college course. Clearly any person who has had dealings with GOPAC has a serious conflict of interest in this case. Yet in this morning's Wall Street Journal, we learned that 2 of the 5 Members appointed to the Ethics Committee by Mr. GINGRICH on Friday have had past dealings with GOPAC.

Mr. Speaker, this will not do. The only way we are going to get on with the business of this House and to get past this ethical cloud swirling around the Speaker's head, from his book deal to GOPAC, to his supposedly nonpartisan college course, is to have a professional, nonpartisan, independent outside counsel appointed to this case.

I would urge in the strongest way possible that that is the course that this body and that the Ethics Committee take.

QUOTES FROM THE PAST SUPPORT BALANCED BUDGET

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

Mr. HOKE. Mr. Speaker, we are getting to the point in the balanced budget debate where the volume is being turned up, the heat is being turned up, we are starting to hear a lot of gnashing of teeth and beating of chests and wailing and wringing of hands, and I thought that it might be a good idea at this point to remind ourselves of the words of George Santayana who said that those who refuse to study history are condemned to repeat it, especially as we hear, and I talked last week a little bit, about the new species on the floor this year in Congress called the Metoobut.

The Metoobuts are known by their talking about a particularly positive and popular Republican principle, for example, in this case the balanced budget amendment, which the people of this country have said overwhelmingly that they want this Congress to enact, and they will say, "We absolutely have to have a balanced budget amendment, I support it completely, it's the best thing in the world, it's the greatest thing since sliced bread, but," and then launch into 55 reasons why we ought to have it maybe in the next millennium but not in this one.

I thought it might be instructive if we could just look a little bit at what other people in other times have said about the ability to spend the national treasury.

Going backward quite a way, I thought maybe we could start with the Roman statesman Cicero when he spoke in the Roman Forum in 63 B.C. Listen closely, because this has particularly special relevance to today, Mr. Speaker:

The budget should be balanced, the Treasury should be refilled, public debt should be

reduced, the arrogance of officialdom should be tempered and controlled, and the assistance to foreign lands should be curtailed lest Rome become bankrupt.

Then we move closer to our own era, and we find a gentleman named Alexander Fraser Tyler who wrote about the decline and fall of the Athenian Republic. He was a Scotsman, a scholar, a historian and a professor, and he wrote this book in 1805. He said that a democracy "can only exist until the voters discover that they can vote themselves money from the Public Treasury. From that moment on, the majority always votes for the candidates promising the most benefits from the Public Treasury with a result that a democracy always collapses over loose fiscal policy always followed by dictatorship. The average age of the world's greatest civilizations has been 200 years. These nations have progressed through the following sequence." This is all according to Mr. Tyler:

From bondage to spiritual faith;
From spiritual faith to great courage;
From courage to liberty;
From liberty to abundance;
From abundance to selfishness;
From selfishness to complacency;
From complacency to apathy;
From apathy to dependency;
From dependency back into bondage.

Mr. Tyler's assessment is not very positive and I think I will take issue with his notion that every democracy will collapse over loose fiscal policy followed by a dictatorship. That is one of the reasons that we are not going to allow that to happen here at this time in the history, in the life cycle of our own Republic.

Let us go back to what one of our own Founding Fathers said, one of the greatest Founding Fathers, Thomas Jefferson, in 1789. He had one reservation about the Constitution, this document that he personally had had so much to do with authoring. He said, and this is 1789 he wrote this, "If there is one omission I fear in the document called the Constitution, it is that we did not restrict the power of the government to borrow money."

That is what our balanced budget amendment is all about. It is about requiring a supermajority, a three-fifths vote of the House, in order to borrow more money. The operative working section of this constitutional amendment is the requirement that 60 percent, that is the restriction right there, 60 percent of the House of Representatives and the Senate must vote in order to pass a raising of the debt service, or the debt limit, the ceiling on the debt. That is the restriction that Thomas Jefferson was talking about, right there.

Finally, I would like to quote from the founder of our party, Abraham Lincoln. He wrote, "As an individual who undertakes to live by borrowing soon finds his original means devoured by interest and next to no one left to borrow from, so it must be with a government."

Let us learn from the past and not repeat these same mistakes to the detriment of our future generations.

APPOINTMENT OF OUTSIDE COUNSEL

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

Mr. MILLER of California. Mr. Speaker, at the end of last week, the makeup of the Ethics Committee was announced by the Speaker and by the minority leader. We know as Members of this House that that is among the most difficult task Members can be called upon to perform, and, that is, to sit in those rare occasions when they must in judgment of their colleagues in this House for actions or allegations of behavior. The difficulty of that task was recognized by Speaker GINGRICH back in 1988 when the conduct and questions of the former Speaker was called into question, and he said that the Speaker of the House, a position which is in third line for succession to the presidency and the second most powerfully elected position in America, this investigation has to meet a higher standard of public accountability and integrity.

I think he is probably correct. It certainly must meet the same standards as for Members of the House, but clearly sitting in judgment of the Speaker is a far more difficult task than sitting in judgment upon regular Members of the House because of his position of power and prestige and his integral being to the workings of this House and to the success of Members of his own party and of the House generally.

It is for that reason that while we applaud finally that there is an Ethics Committee in place, that we must raise the issue of the appointment of an outside counsel. Serious allegations have been made against the Speaker in his dealings with the potential publication of his book, the funding of his college class, the solicitation and the disbursement of fundings for GOPAC, a PAC which he controls and which many Members of the House have benefited from or been involved in over the last year. It now turns out that three of the Members, or two, maybe three of the Members on the Republican side of the Ethics Committee have had dealings with GOPAC and been involved in one fashion or another with that.

I think again unfortunately in this House we do not get to deal with simply the facts. We must also deal with the appearance when we do the public's business. And the appearances of a conflict within the Ethics Committee must be dealt with and they must be dealt with in a timely fashion and they must be dealt with immediately.

As the Wall Street Journal pointed out in its discussion of the makeup of the Ethics Committee and about the potential conflict of the members of

that committee, it went on to quote Senator DOLE, the Republican leader in the Senate, who said on "Face the Nation" that "the American people want us to move forward. We are not doing that. All the focus is on NEWT GINGRICH."

I think that is quite clearly the mood in this body and the mood in the public and that is that we must move forward with the agenda, whether it is the contract as represented by the Republican Members of the House or the plight and the well-being of the American working family as represented by Democratic Members of the House, we must go forward with that agenda. We will not be able to do that until this issue is resolved, and this issue must be resolved in favor of the House of Representatives as an institution and must be resolved in favor of the confidence of the American people in this House and it must be resolved in a fair, full disclosure of these allegations and a fair and full investigation. That cannot be done when we have members of the Ethics Committee who have been involved with the organization called into question.

This should be done sooner rather than later and it must be done by resorting to an outside counsel as Speaker GINGRICH recognized when he was embroiled in a conflict with the previous Speaker of the House. It simply requires the appointment of an outside counsel so we can remove it from the floor of the Congress, we can remove it from our daily workings. We have already seen where Speaker GINGRICH has suggested that this would be tied up in the issue of Mexico, that somehow the issue of the bailout or the loan guarantees to Mexico could not be properly considered if this issue continued to be raised.

This issue must continue to be raised until it is settled. And the way you can keep it from being raised on the floor of the Congress is to have it put into the hands of an independent and outside counsel to remove it from this institution.

This issue was raised in the telecommunications policy where we see the Speaker as a beneficiary of the contract with a company owned by Rupert Murdoch, has now met with Mr. Murdoch, with his lobbyist about telecommunications policy, then engaged in a private meeting for Republicans only on telecommunications policy, and then threatened to tell the owners of these companies that they ought to get their reporters in line. So this conflict is spilling over onto the floor of the Congress, onto public policy. It must be separated. The only way it can be separated is with the timely and immediate appointment of an independent and outside counsel in the matter of the gentleman from Georgia [Mr. GINGRICH] versus the questions of his operation and GOPAC and in the funding of his college class and his book contract.

A CALL FOR OPENNESS

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

Mr. DURBIN. Mr. Speaker, I returned to my district in Springfield, IL this weekend as I do virtually every weekend, and it was interesting that some of my friends when I came across them at a party on Saturday night said, "What in the world was going on in the House of Representatives last week? We tuned into the news and we saw grown men and women shouting, red in the face, emotional. What was it all about?"

What it was all about was a 1-minute speech, like those given every day, by the gentlewoman from Florida, CARRIE MEEK, in which she raised the question of the Speaker's book contract. It led to a ruling by the Chair concerning which words were appropriate to be spoken on the floor and a reaction from my Democratic side of the aisle where there was a feeling that perhaps this ruling, which relied on a precedent almost a century old, had perhaps gone too far.

People in the ordinary course of life with their families may find it hard to imagine why grown men and women would get so exercised and so emotional over something which appears as inconsequential as what words can be spoken on the floor of this House. But frankly, ladies and gentlemen, I think when we take an oath of office to uphold the Constitution, including therein our freedom of speech, that this House probably as much if not more than any other place in the United States should be the situs where free speech is respected. As a result, our emotions ran high, on the Republican side in defense of their Speaker, on the Democratic side in defense of the concept of free speech.

I did not come to make this comment this morning on the issue of free speech, but merely to let you know as previous speakers have how much time has been focused in the last weeks on this floor of the House of Representatives on Speaker GINGRICH's financial dealings. I would like to make a suggestion this afternoon as to how we can really start focusing instead on some of the critical issues facing this country and move away from that.

Last week, of course, we were embroiled for an entire day on the question of what could be said on the floor of the House about the Speaker's multimillion-dollar book deal. Then in sequence every nightly news Tuesday, Wednesday, Thursday, and Friday, all of the major networks were consumed with variations on that theme:

Did in fact the Speaker meet with the lobbyist to discuss policies relative to telecommunications? The same lobbyist for the same magnate, Mr. Murdoch, who owns the publishing company the Speaker is doing business

with, did in fact Mr. Murdoch come to the Capitol and so forth.

In fact by Friday of last week, the Republican chairman of the House Banking Committee sent a letter to the administration and said that he was not prepared to consider the Mexican financial crisis as long as Mr. GRINGRICH's ethical problems were being discussed on the floor. He did not think that was a political environment that he could in good conscience discuss the Mexican financial crisis in.

I think that is unfortunate and it suggests how much business on Capitol Hill is now being subsumed into the Speaker's financial situation.

We have seen reaction across the country. In the Midwest, my hometown of Springfield and in Chicago, major newspapers have editorialized that the Speaker has to get away from this book deal and get back to focusing on issues important to America. Virtually every editorial writer with the politically predictable exception of Rush Limbaugh has said it is time for the Speaker to do something about this and get it behind him. It went to far this morning as to have an article in the Wall Street Journal questioning the members of the House Ethics Committee on the Republican side.

Let me say at the outset that I know all three of the gentlemen referred to in the article and I have absolutely the highest confidence in their honesty and integrity. I would gladly have them sit in judgment of myself should a question ever be presented. But in this situation, where they have been involved with GOPAC, the Speaker's political action committee, there is a legitimate question about conflict of interest.

□ 1310

I think it goes to the point raised by the gentleman from California. It is time for us to take this whole swirl of controversy about GOPAC, the Speaker's foundations, the book deal and such, and take it off of the floor of this House, off of Capitol Hill and put it in the hands of an outside counsel, someone who is chosen on a bipartisan basis to look into the facts and report to this body as well as to the American people.

We can then step aside from this and get down to the real business that is before us. It is certainly important that we be concerned about the ethics and integrity of the House of Representatives. I think the outside counsel is the best way to go. It will not be a Republican or Democratic choice, it will be a bipartisan choice. It has been done before and it should be done in this instance. We can put this behind us. We can stop focusing on it and move forward on important issues which we will continue.

This week we are considering unfunded mandate legislation and tomorrow night, right here at this podium, the President of the United States will have the opportunity, as others have before him, to speak to the American people. Then we will go on to consider a balanced budget amendment. These

are all critically important issues for the Nation.

In order that we give our full attention, as we should, to them, an outside counsel should be called immediately to take this ethics question involving the Speaker off of our agenda and put it in the hands of a nonpartisan source that can make a decision as to whether or not anything has happened.

AID TO MEXICO

The SPEAKER pro tempore (Mr. CAMP). Under the Speaker's announced policy of January 4, 1995, the gentleman from Oregon [Mr. DEFAZIO] is recognized during morning business for 2 minutes.

Mr. DEFAZIO. Wall Street, the influential lobbyists in Washington, DC, and Republicans in Congress prattle on about free markets and free trade until it is their speculative investments and profits on the line. If NAFTA were really about free trade, and free markets, then it would mean a free fall for both the Mexican tax market and a free fall for the peso.

Heaven forbid that we should let the free market work when Wall Street's major financiers, Mexico's 24 billionaires, multinational corporations, big brokerage houses, and international investment bankers have gambled and lost.

Fred Bergsten, director, Institute for International Economics, says of Members of Congress such as myself who oppose the bailout Mexico, "They don't realize they could cause what might be like an accidental nuclear war."

Out of such outrageous hyperbole is born the idea that the bailout of Mexico's billionaires and international speculators is an issue of national security which requires the United States to put its full faith and credit, that is read exactly, more specifically, United States taxpayers at risk.

In the spirit of openness and sunshine, demanded by the new Republican majority in Congress and adopted in their rules, let us have some hearings on this issue. Let us have hearings before the Republican leaders jam the Mexican bailout through in the dark of the night, without any deliberation by this House.

RECESS

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

(Whereupon, at 1 o'clock and 13 minutes p.m., the House stood in recess until 2 p.m.)

□ 1400

AFTER RECESS

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

PRAYER

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

We pray, O almighty God, that we will be faithful to that which marks our purpose and reason for living, that we will be steadfast in our allegiances and in our vision, that we will be worthy of the high calling that is ours. Yet, O gracious God, may we not only be devoted to our mission, but may we also listen to others, to hear their voices, to sense their purpose, to discern their motivations so that together we will testify to the good purposes of our Nation and bear witness to our unity as Your people. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from Illinois [Mr. LAHOOD] will lead the House in the Pledge of Allegiance.

Mr. LAHOOD led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

JOINT SESSION OF CONGRESS— STATE OF THE UNION ADDRESS

Mr. DELAY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 16) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 16

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assembled in the Hall of the House of Representatives on Tuesday, September 24, 1995, at 9 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

READING THE CONTRACT WITH AMERICA

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

Mr. JONES. Mr. Speaker, our Contract With America states on the first day of Congress, a Republican House will force Congress to live under the same laws as everyone else, cut one-third of committee staffs, cut the congressional budget. Mr. Speaker, we have done that.

In the next 81 days, we will vote on the following 10 items:

No. 1, a balanced-budget amendment and line-item veto;

No. 2, a new crime bill to stop violent criminals;

No. 3, welfare reform to encourage work, not dependency;

No. 4, family reinforcement to crack down on deadbeat dads and protect our children;

No. 5, tax cuts for families to lift Government's burden from middle-class people;

No. 6, national-security restoration to protect our freedoms;

No. 7, Senior Citizens Equity Act to allow our seniors to work without Government penalty; and

No. 8, Government regulations and unfunded mandates;

No. 9, commonsense legal reform to end frivolous lawsuits; and

No. 10, congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

CIVILITY DUE TO, AND FROM, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

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

Mr. FROST. Mr. Speaker, as one of the three Members of Congress representing Fort Worth, TX, home of former Speaker Jim Wright, I rise to urge that Speaker GINGRICH take down his own words.

Last Friday, speaking to a Republican audience here in Washington, Speaker GINGRICH referred to former Speaker Wright as a "crook." In my opinion, such a comment does harm to the office of Speaker—both past and present.

The truth of the matter is that former Speaker Wright served this body with dedication during his 34 years as a Member and 2½ years as Speaker.

Contrary to the remarks made last Friday, Speaker Wright was never convicted of a crime nor was he even ever charged with a crime in court. Additionally, though ethics charges were lodged against him with the House Committee on Standards of Official Conduct, that committee never ruled against him on the merits of those charges.

It is my opinion that the current Speaker, Mr. GINGRICH, would serve both his own party and this House by desisting from making such references as he did when in the minority.

The country expects a degree of civility from the presiding officer of this body.

I, for one, have always respected the leaders of the opposition party even when I disagreed with them on the merits of an issue. It would serve the Nation if our Speaker would do the same.

TIME TO DO AWAY WITH BURDENSOME REGULATIONS

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

Mr. STEARNS. Mr. Speaker, history was made on the opening day here in Congress.

We passed sweeping reforms to not only change the rules of the House but also to make Congress adhere to laws governing the rest of the country.

But now the question is, Mr. Speaker: Do we really need so many regulations? Compliance under some of these strict rules and regulations which are mandated by OSHA, the Americans With Disabilities Act, and all of this massive legislation we passed in the last 150 years is forcing companies to either downsize their work force or go out of business entirely, as we speak.

Many small business are struggling under the yoke of overburdensome regulations and rules. They make it virtually impossible for them to operate.

Mr. Speaker, I applaud the action taken thus far by Congress to bring this body into the mainstream, but I also think the time is now to do away with many of these needless rules and regulations that are already in existence.

WATCHING OUT FOR THE SPECIAL INTEREST OF MA AND PA CITIZEN

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

Mr. VOLKMER. Mr. Speaker, Will Rogers always had a down home way of making light of politics and particularly Members of Congress. Mr. Rogers held no punches for either party saying of the Democratic party, "you've got to be an optimist to be a Democrat, and you've got to be a humorist to stay one." He also had this to say of the Republican party, "Republicans take care of the big money, and big money takes care of them. It takes nerve to be a Democrat, but it takes money to be a Republican." This quote rings so clearly today.

Mr. Speaker, who was invited to the Republican gala for the Contract With America? Was it ma and pa citizen? No, it was Mr. and Mrs. special interest.

Mr. Speaker, who was invited to the gentleman from Georgia's closed door telecommunications dinner? Was it ma and pa citizen? No, it again was Mr. and Mrs. special interest.

So as we debate legislation here in the people's House, it is time to look who has the special interest of ma and pa citizen at heart and who just has special interests.

STAND UP AND BE COUNTED

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

Mr. SCARBOROUGH. Mr. Speaker, with children dying in our Nation's streets, liberal Democratic leaders lament a book deal that even the Washington Post admits is proper, and while working men and women across the land struggle to survive until their next paycheck, liberal Democratic leaders ignore their plight and, instead, chatter incessantly over contrived, imaginary scandals.

And while conservatives on both sides of the aisle boldly forge ahead into a new frontier of federalism, liberal Democratic leaders continue to engage in a desperate, ham-fisted attempt to create a crisis, change the subject, and obstruct the latest great piece of congressional reform.

Mr. Speaker, it is time for all Members of Congress to step forward regardless of what aisle they stand on, stand up, be counted, and debate the issues that will actually affect the lives of those men and women that sent us to Congress to make a difference.

PASS THE UNFUNDED MANDATE REFORM BILL

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

Mr. TRAFICANT. Mr. Speaker, a woman was arrested in Sweden for smuggling. She had 65 snakes in her brassiere. She said she was going to start a reptile farm.

Now, imagine if that happened in America: The IRS would declare her brassiere a small business and tax it, the OSHA would fine the bra-holder for an unsafe workplace, EPA would mandate a wastewater treatment plant in her brassiere, and the Interior Department would take the bra-holder to court for an illegal snake sanctuary, violating the Endangered Species Act.

But it is not all bad. The bra-holder may qualify for dairy subsidies under the ag bill.

The bottom line is, Mr. Speaker, let us pass the unfunded mandate bill and give business and Government the support and comfort they deserve before Wonder Bra takes all members of Congress to court.

WHAT IS THE GOAL OF THE ADMINISTRATION?

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

Mr. CHRISTENSEN. Mr. Speaker, last week a Member of the President's Cabinet declared that balancing the budget was not the goal of the Clinton administration.

So what is the administration's goal, if it is not a balanced budget? Is it to continue mortgaging our children's future? Is it to continue financing a Government that is too big and too intrusive into our lives?

Mr. Speaker, my constituents sent me to Washington with a clear message: Balance the budget, reduce the size and scope of this place.

□ 1410

So those have become my goals, and I found the best way to accomplish these goals is to pass a balanced budget amendment.

So, Mr. Speaker, when the time comes this week, I hope all my colleagues will vote for the people's goals of a balanced budget amendment and return some common sense back to the people's House.

BALANCED BUDGET AMENDMENT WOULD BE A STRAITJACKET ON FUTURE GROWTH

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

Mrs. MINK of Hawaii. Mr. Speaker, all 50 States enact two budgets: one, an operating budget which pays for the day-to-day expenses; and, two, a capital improvements budget which pays for things like buildings, roads, airports, land acquisitions. The capital budget is paid for by borrowing, usually through the sale of bonds.

States function as families do. Families budget to pay for living expenses; but things like a home, car, or furniture, families must go into debt. Families assume such long-term debts in order to acquire these assets, the same as the Federal Governments.

The balanced budget amendment to the U.S. Constitution, if passed, would deny the Federal Government the power to borrow for the purpose of acquiring needed physical assets, such as military hardware, a space station, highways, and the like. A balanced budget amendment translates into zero deficit. This proposal is a straitjacket which will cripple the future of our country.

TALK ABOUT ISSUES, NOT JUST BOOK DEALS

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

Mr. LAHOOD. Mr. Speaker, after sitting here and listening to my Democrat colleagues on the floor last week and this morning, I think I have a good idea of what issues the President will bring up in the State of the Union Address tomorrow night: book deals.

Yes, it seems the only thing on Democrats' minds right now is book deals and other trivial distractions. Forget the important things in the world today, like a balanced budget amendment and passing the unfunded mandates legislation. Book deals are the only thing worth talking about if you are a Democrat.

So, it should be a short State of the Union Address, probably the shortest in history, because if the President acts anything like his fellow Demo-

crats on the Hill, he will not talk about the real issues, he too will try his hardest to change the subject and talk about book deals. I hope he talks about issues because that is what the American people want him to talk about.

THE 22D ANNIVERSARY OF ROE VERSUS WADE

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

Mr. WATT of North Carolina. Mr. Speaker, on this anniversary of the landmark Roe versus Wade decision I want to express my disgust at the recent outbreaks of violence at our Nation's family planning clinics. Roe versus Wade affirmed that the women in this country have a right to reproductive choice. This right to choose, like every other constitutional rights, must be vigilantly guarded regardless of one's individual beliefs.

The outbreaks of violence we have seen recently at family planning facilities are chilling reminders of the violence we saw surrounding polling places in the 1950's, 1960's, and 1970's, as African-Americans attempted to exercise their constitutional right to vote.

We must not allow any constitutional right to be abridged through campaigns of violent intimidation.

REPUBLICANS REMAIN COMMITTED TO CHANGING CONGRESS

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

Mr. HAYWORTH. Mr. Speaker, over the weekend President Clinton said the Democrats and Republicans should be committed to tackling problems larger than our partisan squabbles. I agree. The new Congress should be committed to balancing the budget, ending crime, and reforming Government.

But the sad fact is the rhetoric on that side of the aisle and the actions that follow rarely line up. While Democrats may talk about putting aside partisanship, they seem obsessed by ghost historians, book deals and personal attacks.

Despite this partisan maneuvering, Republicans remain committed to the promises we made to the American people. We will stop forcing the States to pay for policies we implement and we will transform the culture of Washington by passing the balanced budget amendment.

It should be quite obvious to all that Republicans want to change this Congress and our friends on the other side of the aisle just wanted to change the subject.

UNFUNDED MANDATES AND THE CONTRACT WITH AMERICA

(Mr. RICHARDSON asked and was given permission to address the House

for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. RICHARDSON. Mr. Speaker, this morning I read a letter from Delilah Gonzales, a seventh-grader from New Mexico, asking me to protect her from water contamination. Can we assure Delilah that this legislation we are passing on unfunded mandates will protect her and many other children from water contamination?

In the haste to meet political deadlines, we must not take away safeguards to public health and environmental safety for all Americans.

Although like many I support cutting redtape and bureaucracies in State and local governments, I believe it must be done without harm to children and their families.

I do not want the American people to be faced with pollution in the air and disease-bearing organisms in public water systems because of legislation that was hastily passed in the Congress.

We have to protect the people, and Congress must make sure that they are safe in their own homes.

Mr. Speaker, my constituent, Delilah Gonzales, wants clean water to drink and clear streams in which to fish. Nothing we do in this body should be at the expense of her health.

The letter referred to follows:

JOHN ADAMS MIDDLE SCHOOL,
Albuquerque, NM, December 11, 1994.
Congressman RICHARDSON,
Washington, DC.

MR. RICHARDSON: My 7th grade class is studying water use, over-use and contamination. We would like to know what things you do in your personal life to help conserve and protect our nation's water supply.

Please send us a short note telling us what you do to save water.

Thank you.

Sincerely,

DELILAH GONZALES.

LET'S HELP OUT OUR STATES

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

Mr. BARRETT of Nebraska. Mr. Speaker, today the House continues debate on H.R. 5, a bill which will provide for the examination of past and future unfunded mandates and regulations, imposed on State and local governments, as well as the private sector.

This bill has the potential to be one of the greatest legislative relief bills for our State and local governments in recent memory. H.R. 5's mandate commission will review and make recommendations on modifying, terminating, or suspending current unfunded mandates.

The focal point of this issue is not how well-intentioned or constructive these unfunded mandates are—the real issue here is paying for these constructive ideas. It is a matter of fiscal responsibility and control.

Mr. Speaker, the Federal Government has created a sea of redtape and an ocean of mandates that are drowning our States and communities, and past attempts to break the tide simply have not worked.

The bill has broad, bipartisan support at all levels of government, and the private sector. I urge my colleagues to support H.R. 5, an oppose any amendments that would weaken the thrust of this legislation.

STENHOLM-SIMON BALANCED BUDGET AMENDMENT

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

Mr. MINGE. Mr. Speaker, 130 years ago, President Lincoln, in addressing a troubled nation, said, "The dogmas of the quiet past are inadequate for the stormy present. As our problems are new, we must think anew."

The unprecedented deficits that this government has incurred year after year in the last 1½ decades have created a national debt of staggering proportions. The balanced budget amendment is a new approach to the stormy financial burden afflicting this Nation. We have a firm, respected bipartisan balanced budget amendment which the Congress came close to passing 6 months ago. It is the Stenholm-Simon proposal. Let us act promptly to pass this bipartisan amendment in 1995.

CHILDREN AT RISK THROUGH INEQUITABLE DIVISION OF FEDERAL RESEARCH DOLLARS

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

Mr. GUTKNECHT. Mr. Speaker, last week, I returned to my district to attend a very sad funeral. Little Kelsey O'Neil was more than a neighbor girl; she was like a member of the family. She was the embodiment of the term "cute as a bug's ear." She died suddenly last Sunday night as the result of an acute asthma attack.

Not even an act of Congress can bring Kelsey back.

But, we can bring some equity to the division of research dollars that the Federal Government provides. Diseases that take our children must be a much higher priority. We can also loosen the regulations that the Food and Drug Administration [FDA] and other agencies impose on new treatments and technologies.

If we can prevent even a few future such sad events, then our efforts will be more than worth it.

Kelsey I will never forget you.

PROTECTING A WOMAN'S RIGHT TO CHOOSE

(Ms. FURSE asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Ms. FURSE. Mr. Speaker, I have just seen a shocking AP bulletin. It tells that three fine Oregon doctors have been targeted for harassment by antichoice groups who have created a deadly dozen list identifying 12 doctors, 3 of them from Oregon, to be the target of intense harassment. This is the kind of terrorism that leads to murder at abortion clinics.

□ 1420

This must be stopped. Abortion is legal, and it is a right that must be protected. Antiabortion groups that refuse to condemn acts of terrorism and murder are encouraging violence. This lawlessness is extremely frightening to me, and it should be to all of us.

In addition to the Federal laws we have protecting clinic entrances, I call upon my colleagues to support the resolution offered by the gentleman from Massachusetts [Mr. MEEHAN] requiring Federal law enforcement officials to act swiftly to protect clinics.

I support freedom of speech, but not harassment, not murder. Regardless of one's position on choice, we must stand against the escalating lawlessness at our clinics.

LISTEN CLOSELY TO CICERO

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

Mr. HOKE. Mr. Speaker, the idea that the budget should be balanced is not new; although judging from the gnashing of teeth and wringing of hands that we have heard from the other side of the aisle it is downright revolutionary; but in fact it is an idea that is older than the Founding Fathers. Listen closely to what the Roman statesman Cicero had to say on the subject in 63 B.C. It sounds like it was written today:

The budget should be balanced, the treasury should be refilled, public debt should be reduced. The arrogance of officialdom should be tempered and controlled, and the assistance to foreign lands should be curtailed, lest Rome become bankrupt.

I would say to my Democrat colleagues to pay special heed to Cicero's words concerning the arrogance of officialdom, as it was that, as much as anything else, that led to their party's decline and fall, and as for us Republicans, we must keep in mind that we are the agents of the people who sent us here, not their masters, and we must keep our promises to them to pass a balanced budget amendment, pass an unfunded mandates bill, and reduce the size and power of government.

WE NEED FULL DISCLOSURE OF CUTS IN THE REPUBLICAN BALANCED BUDGET

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

Ms. PELOSI. Mr. Speaker, as my colleagues know, later this week the House will be voting on a Republican balanced budget amendment which does contain a three-fifths supermajority requirement but does not contain any listing of the cuts necessary to balance the budget. Members of Congress are being asked to buy a pig in a poke. The Congress and the American people need disclosure, and the Republicans have been unwilling, or unable, to list the cuts that will be required. Without the facts, the American people support the balanced budget amendment 4 to 1, until they learn that Social Security, Medicare, education, et cetera, may be cut. Then the amendment is opposed 2 to 1.

Mr. Speaker, if indeed our Republican colleagues do not intend to cut Social Security, why did they defeat the amendment to build a constitutional wall between Social Security and the rest of the budget? Why did they defeat the amendment to disclose a balanced budget blueprint before sending the balanced budget amendment to the States? It is clear that the American people need full disclosure of the cuts in the Republican balanced budget. They should not be handed a pig or a piglet in a poke.

DR. SEUSS ON THE BALANCED BUDGET AMENDMENT

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

Mrs. SEASTRAND. Mr. Speaker, with apologies to Dr. Seuss I must confess that as a former elementary school-teacher I have tried my hand at trying to explain what is going on in Congress this week in language that even a child can understand:

They will not try a balanced budget, Sam I am. They will not try it with a mouse, they will not try in the House. They will not try a balanced budget, Sam I am.

But can we fund it on the States? Or we stop it and make them wait? If we can fund it on their backs, they will never find out what we lack.

But no, we can't fund it on the States, we can't stop it and make them wait. We must try the balanced budget, Sam I am.

A balanced budget is good you'll see. No mandates, no deficit is where we'll be.

You should try it, it's no slouch, you should try it with a mouse, and Mr. Speaker, I'd like to see it in this House. Sam, I am.

MR. GINGRICH'S PERSONAL ATTACKS ON FORMER SPEAKERS OF THE HOUSE

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

Mr. WILLIAMS. Mr. Speaker, 3 days ago Speaker NEWT GINGRICH referred to former Speaker Jim Wright as, quote, a

crook. Formerly Congressman NEWT GINGRICH had alternatively referred to former Speaker Tom Foley, former Speaker Jim Wright, and America's beloved Speaker Tip O'Neil as traitors, thugs.

Jim Wright was asked for a response to the current Speaker's most recent attack and, although I do not have time in this 1 minute to read former Speaker Wright's account, I will herein place it in the RECORD and would read the first sentence which said, "It would demean the office of the Speaker and the institution of Congress itself for me to respond in kind to Mr. GINGRICH, and I shall not do so."

Mr. Speaker, the remainder of former Speaker Wright's speech is calm and measured, and I place it in the RECORD so my colleagues may see it:

STATEMENT OF JIM WRIGHT

It would demean the office of the Speaker and the institution of Congress itself for me to respond in kind to Mr. Gingrich, and I shall not do so. It is not for me to call him ugly names or attribute dishonesty to his business transactions. I guess I'm just not a piglet who likes to wallow in the mud.

So far as my personal integrity is concerned, it needs no defending from remarks by Mr. Gingrich who seems to devote a great portion of his career to trying to malign other people. That's not my style, and I like to think my 72 years of living and serving speak for themselves.

When I resigned from the Speakership in 1989, I expressly offered up my job "as a propitiation for this season of ill will," thus hoping to help Congress move forward without the distractions of the bitter name calling and "mindless cannibalism" which had characterized a series of deliberate personal attacks that I regarded as unworthy and most people realized were untrue.

I am saddened by the lack of dignity and civility which any Speaker must endeavor by example to instill.

SUPPORT THE UNFUNDED
MANDATES REFORM ACT

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

Mr. BURR. Mr. Speaker, today we will continue consideration of H.R. 5, the Unfunded Mandate Reform Act. I am pleased to be a cosponsor of this legislation that is embodied in the Republican Contract with America.

I have received letters from the U.S. Conference of Mayors, the National Conference of State Legislators, as well as the Democratic Governor of my home State, North Carolina, the Honorable Jim Hunt, all expressing strong support for this legislation. Governor Hunt articulated the problem well when he said, "While these mandates may reflect well-intentioned policy goals, they often imposed substantial costs and regulatory burdens on the States that deny them the right and responsibility to set the priorities that best meet the needs of our citizens."

For too many years we in Congress have made laws that we did not hold ourselves accountable to and then mandated to both the State and local

governments, as well as the private sector, that they not only abide by the laws, but also come up with the money to pay for them.

UNFUNDED MANDATES DEVASTATING
TO RURAL COMMUNITIES

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

Mr. CAMP. Mr. Speaker, I rise to discuss how unfunded mandates are particularly devastating to rural communities throughout the country. In Michigan, for example, the estimated costs for fiscal year 1994 as a result of 12 major unfunded mandates was nearly \$400 million.

For example, municipal water systems in my district are required by the EPA to follow the same drinking water tests as Hawaii to monitor for a herbicide used on pineapples, which are grown only in Hawaii. Municipal water systems in Michigan are not only required to report these chemicals not found in the water supply, but they have to pay for it as well. This is wrong.

This example is just one of hundreds of costly, unnecessary, unfunded Federal mandates that leave Washington and fall into our backyards at home.

If there is one theme, one goal of the 104th Congress, it must be to become more accountable. No longer should we be able to pass legislation, pat ourselves on the backs, and pretend it did not cost the taxpayers a dime. The reality is that we leave it to our States and our communities to shoulder the burden and those days must end.

□ 1430

IN SUPPORT OF THE BALANCED
BUDGET AMENDMENT

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

Mr. NEUMANN. Mr. Speaker, this new Congress is working hard to fulfill its promises to the American people. The most significant change this Congress must make will be done through passage of the balanced budget amendment with its three-fifths tax provision. Right now, every American's share of the national debt is over \$18,500—for my family of five that's \$92,500. Today, the deficit stands at \$176 billion. That is about \$700 for every man, woman, and child in this country. Something must be done to balance the budget. This Congress needs to act now by passing the balanced budget amendment.

The Barton amendment will ensure that the Federal Government cannot spend more than it takes in, and Congress cannot add to the Federal debt unless approved by a three-fifths majority vote of Congress. We need the discipline of a balanced budget amend-

ment to completely change the spending culture of Washington.

I urge my colleagues to pass the balanced budget amendment, not for ourselves, but for the future of our children and grandchildren.

MESSAGE FROM THE PRESIDENT

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

BALANCING THE BUDGET

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

Mr. WELLER. Mr. Speaker, I rise today in strong support of the balanced budget amendment that this body will soon consider. The American taxpayers demand it. It is our duty to pass the balanced budget amendment and answer their outcry.

Mr. Speaker, if we pause and listen carefully, we can hear the giant sucking sound of the special interests draining the American people's money from Capitol Hill. I say it is time to plug that drain by passing the balanced budget amendment.

No longer should Americans be asked to stand by and watch their tax dollars be wasted away. No longer should hard-working citizens be forced to hand over their paychecks, only to see them thrown into the abyss of big bureaucracy.

I am proud to support this greatly needed balanced budget amendment and urge my colleagues to join me.

RURAL COMMUNITIES AMONG
THOSE TO BENEFIT FROM PAS-
SAGE OF UNFUNDED MANDATES
REFORM ACT

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

Mr. LATHAM. Mr. Speaker, I rise today to express my strong support for H.R. 5, the Unfunded Mandates Reform Act.

On November 8 the American people sent a clear message that they were tired of having Washington pile ever-increasing mandates on their backs. The types of smaller rural communities such as those I represent bear the heaviest proportional burden of unfunded mandates. Instead of using their tight budgets to improve schools, police forces, or infrastructure, they have increasingly found themselves spending scarce dollars to satisfy Federal rules and regulations that have no positive impact on their communities.

Mr. Speaker, we owe them our prompt support of this important reform bill. I hope we can lay aside the gutting amendments that have been

filed on this bill, pass it promptly, and move on to the next important item on the people's agenda, the balanced budget amendment.

BIG CHANGE PROMISED 2 YEARS AGO

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

Mr. GOSS. Mr. Speaker, 2 years ago President Clinton was sworn in to office promising big change. But it became clear that the change America wanted was not going to come from the Clinton White House. So tomorrow the President delivers his State of the Union speech to a historic 104th Congress and a country that is no longer waiting for change to come from 1600 Pennsylvania Avenue.

With an unquestionable mandate from the American people, this Congress is responding to the call for smaller, less intrusive government. We are going to reverse the trend of the Federal Government handing down rigid, one-size-fits-all mandates to our States and localities without even considering the costs we are passing on to them.

Mr. Speaker, we are going to set ourselves on a course to a balanced budget. We are doing that now. We are going to make government smaller and more responsible and more attractive. America is going to keep watching. They are going to keep watching this Congress because this is where the change is happening.

THE GANGSTERS OF CHINA AND BURMA AND THE TRADE ISSUE

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

Mr. ROHRBACHER. Mr. Speaker, America is grasping for principles to guide our foreign policy decisionmaking in the post-cold-war world. Let me suggest two simple standards. We should be for freedom, and we should be against aggression.

The current administration has decoupled any discussion about trade with any consideration of human rights. This is wrong, and it does not work. By winking at the dictator in Beijing, we have encouraged that gangster regime to go on to even further criminal activities.

I am placing into the RECORD an editorial of the Wall Street Journal detailing the results of an alignment between the gangster regimes in Peking, China, and in Burma.

As for America, we should be on the side of those who are struggling for freedom in Burma and China. In the long run, it is not only what is right but it is what will work for the betterment of the entire world.

Mr. Speaker, the information from the Wall Street Journal to which I referred is as follows:

[From the Wall Street Journal, Jan. 11, 1995]

ASIA'S DRUG WAR

Trade and information aren't the only things that have gone global. Try drug addiction. Around the world, the U.S. is often portrayed as a society sinking under the weight of drug abuse. But where the U.S. has about 600,000 heroin addicts, Thailand probably has that number in Chiang Mai and Chiang Rai provinces alone. According to the Straits Times, Singapore is treating 7,700 addicts (up from 5,700 in 1990). Assuming, improbably, that these are the only ones, Singapore still has an addiction rate 12% higher than the U.S. Malaysia claims about 100,000 addicts, Taiwan about 50,000, and the standard estimate for Vietnam is 500,000.

Without much doubt these figures understate the severity of the problem in some countries. When Taiwan seized 1,114 kilos of heroin in 1993, officials claimed the bulk was for domestic consumption. Hong Kong clinics have registered a 50% jump in female addicts since 1993, which they attribute to the price of a gram of heroin plummeting to \$40, half the price of three years ago.

While the big money is made on the streets of New York and Los Angeles, most of Asia's opium is consumed in Asia. So the explosion in production in the Golden Triangle, especially Burma, is deeply troubling. Opium output has trebled since 1988, to about 3,500 tons, according to Asian officials. Prosecutions are still launched against longtime traffickers in places like Thailand, but in fact the business has rapidly migrated into the hands of new Chinese gangs.

The quality has gone up, and the purity has improved by a factor of 1,000% or more. To understand why, look no farther than Burma's emergence as China's economic satellite.

In the late 1980s, China began courting the Burmese regime, then in bad odor with the rest of the world for slaughtering hundreds of demonstrators. Beijing dropped its support of the Communist Party of Burma and other ethnic rebel groups and opened the long Sino-Burmese border to trade. That pried the lid from a Pandora's Box whose contents are now spilling out into the world through China.

The ex-insurgents, led by the Wa tribal followers of Burma's Communists, nowadays devote themselves to the heroin business. Dozens of refineries have opened along the border, with the drugs moving overland by courier through China and finally out via Hong Kong and Taiwan. These mainland routes have already eclipsed Burmese drug warlord Khun Sa and the Thai export routes under his control.

For the time being, the Rangoon government has reached cease-fires with most of the ethnic rebels in the north, Rangoon leaves them to their drug trafficking, and probably even rakes off a share of the profit, while concentrating its main energies on building up the army and crushing urban dissent. No doubt these cease-fires are temporary: The Burmese military is reportedly set to renew its offensive against the Khun Sa operation, armed with a fresh supply of weapons from Beijing. In time, the army probably hopes to subdue the rest of Burma's minorities as well.

But that goal has eluded the Burmese military for 50 years and for now the local militias still call the shots in the mountainous north. Poppy cultivation has boomed under the spur of competition for buyers. For their part, the Chinese see their Burmese clients as an economic and military bridgehead into Southeast Asia. What they got in the bargain was an opium bridgehead into China.

Junkies are suddenly proliferating along the drug routes through Yunnan and Guangxi, in the inland provinces and even among Beijing's yuppies. China recently admitting to having 300,000 "registered" addicts and called the situation "very grim." Health officials put the real number at 2.5 million. In 1992, the People's Armed Police was sent in to clean out a smuggling center protected by corrupt Yunnan officials. The battle lasted 11 weeks and netted nearly 1,000 kilos of drugs.

China hasn't forgotten that tens of millions were junkies early in the century. Biochemistry being what it is, the simple fact of drugs being available is likely to produce a growing addiction crisis. When Lee Brown of the U.S. Office of National Drug Control Policy toured the region last June, several governments urged him to restart anti-narcotics cooperation with Burma. But the Burmese regime is still in the doghouse with Congress over its human rights record and the detention of Nobel Peace Prize winner Aung San Suu Kyi.

In any case, the old school, which sees U.S. and European consumers as the main drivers of the heroin trade, may be out of date. Malaysia recently nabbed a high-school-age heroin dealer. Police suspect that pushers are trying to lock in a new clientele among upwardly mobile young users. Asia's wealth is driving a big part of the business these days. And while the U.S. can help, China is the real key to Asia's developing drug crisis.

PROVIDING DISASTER ASSISTANCE TO JAPAN IN RESPONSE TO EARTHQUAKE OF JANUARY 1995—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. COMBEST) laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on National Security and ordered to be printed:

To the Congress of the United States:

I have directed the Secretary of Defense to provide appropriate disaster assistance to the Government of Japan in response to the devastating earthquake of January 17, 1995. As required by section 404 of title 10, United States Code, I am notifying the Congress that the United States commence disaster relief operations on January 18, 1995, at 11:06 p.m., eastern standard time. To date, the U.S. military has provided 37,000 blankets. In addition, the following information is provided:

1. Disaster relief assistance is being provided in response to an earthquake affecting Kobe and Osaka, Japan.

2. Reports indicate at least 3,100 people have died, nearly 900 are missing, over 16,000 are injured, and an estimated 240,000 are homeless. The destruction of basic physical infrastructure poses a threat to the lives of the survivors.

3. Currently, U.S. military involvement has been limited to 15 U.S. Air Force C-130 Hercules sorties. Further requests for U.S. military assistance in the form of transportation, supplies, services, and equipment are unknown at this time.

4. Switzerland is providing search and rescue dog teams. Assistance by other countries is unknown.

5. Anticipated duration of disaster assistance activities is unknown.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 20, 1995.*

SPECIAL ORDERS

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

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

[Mr. EHLERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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

[Mr. OWENS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mrs. LINCOLN] is recognized for 5 minutes.

[Mrs. LINCOLN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

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

[Mr. LIPINSKI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

CONSIDERATION OF THE BALANCED BUDGET AMENDMENT

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

Mr. ORTON. Mr. Speaker, I rise today to discuss the balanced budget amendment, which will be coming up later this week and possibly continuing into next week. It is a very critical issue which we will be facing in the Congress, and I feel it important that we discuss it in greater detail than we will have time during the formal debate on the floor of this House to discuss and compare the various amendments which are going to come before us. I will talk about some of the similarities and the differences.

□ 1440

I recognize that right now going on on network television are the opening

statements of the O.J. Simpson trial. It will take someone who is very dedicated and very interested in the balanced budget issue to actually be watching at this point in time, but I hope that my colleagues are watching and that in fact they and others interested in this debate will get a copy of what I am going to talk about, to analyze the amendments in depth and in detail prior to our debate coming up later this week.

There has been a great deal of debate over whether or not we should balance the budget. I am not going to enter into that debate today. I personally believe that our country balance its budget, that we cannot continue with several hundred billion dollar deficits each year, and that in fact if we fail to balance the budget, at some point in time we will reach an economic crisis wherein devaluation of our currency or hyper inflation rates or high interest rates, some economic meachancism will in fact make up for the problem which we have today in not balancing our budget. So I am not going to focus on that part of the debate.

It has also been argued even by those who agree that we must balance the budget that in fact there are two different ways to do it. One, requiring in the Constitution by amending the language of our Constitution that we must balance the budget. The other is to do it through statutory reform, by changing statutes themselves, changing the budget process itself, so that in fact we might be able to, through the regular committee action and floor action in this body and the other body, that we might be able to agree to a balanced budget.

It is argued that you do not need to amend the Constitution to balance the budget. In fact, that is correct, you do not. But I also believe that by requiring in the Constitution that we must balance our budget, it will give us that additional impetus, the additional force necessary, the commitment necessary, to actually accomplish that balanced budget. So I favor a balanced budget amendment to the Constitution, and this discussion is not going to go through the arguments of whether we should or should not file a balanced budget amendment to actually require it.

This is a very serious issue, amending our Constitution. It was created over 200 years ago, and over that time has served us very well and has been amended very few times. In fact, now to change the actual wording in our Constitution is indeed very serious and very critical that we must do it right.

Our first rule in government should be first to do no wrong, to do no harm. We must be certain that the changes we place into our Constitution do not create greater havoc or do greater harm or prevent us from being able to govern this great Nation.

So really the issues I would like to discuss here today come down more to the questions of if we do place into our

Constitution a requirement to balance the budget, what wording should we use and how would in be enforced? What type of enforcement mechanism should we include in the Constitution to require this Government to balance its income and outgo, or its outlays and receipts, was we call it in the various amendments. There are very technical issues and I am going to attempt over the next little while in plain English to outline a comparison of the various amendments that have been filed, so that we can identify where there are similarities and where there are differences.

I plan on focusing on three principal amendments, all three of which have been filed as legislation in this Congress. They are the Barton-Tauzin constitutional amendment, which I believe has the support of the majority leadership in the body. They are also the Schaefer-Stenholm amendment, which is the amendment that has been filed by Senator DOLE, Senator HATCH, and Senator SIMON in the Senate. And also a balanced budget amendment which I have filed in this body, and I would like to compare the three of them.

I would like to analyze the alternative approaches being used in these three different amendments, the approaches and the mechanisms used for enforcement. I would like to identify the differences in these amendments, and there are several. There are some differences in what numbers we are going to be relying upon in balancing the budget. Some of these amendments requires or allow us to use or rely upon estimates of receipts and outlays. Other amendments will require us to deal with actual receipts and outlays. There are significant differences between estimates and actual numbers, and I would like to talk about those.

Also, some of these amendments require the creation of, or do create in the Constitution, a new supermajority requirement for legislative action, while the other relies upon the existing constitutional majorities and the existing supermajority identified in overriding a Presidential veto.

Also the enforcement mechanisms specifically. Some of these, two of these amendments rely upon future implementing legislation in order to set up an enforcement mechanism. The other sets up an enforcement mechanism in the language of the amendment itself.

Also with regard to waiver, two of these amendments allow the Congress to waive the provisions of this article for any year in which the country is in war or military conflict. The other provides a more broad waiver opportunity.

Finally, I would like to outline a possible—rather a probable—constitutional crisis which in fact may be created under the terms and implementation of two of these particular amendments. So those are the things that I would like to talk about.

First of all, let me compare the similarities in these amendments. The

reason I have chosen these three amendments is because two of them are almost certain to have a vote on the floor of this House. The Barton-Tauzin amendment is indeed the amendment that the leadership has indicated we will have a vote on. The Stenholm-Schaefer amendment, the Committee on Rules will decide today whether to allow a vote on that amendment, and that amendment I believe should and will have a vote, because that is the amendment as filed in the other body, in the Senate. Third is the alternative amendment which I have filed, and it is obvious the reason I would like to talk about that is to show the difference between the language in the amendment I have filed and the language in the amendments that have been filed and almost certainly will be voted upon.

Now, I will be asking the Committee on Rules later this afternoon to allow my amendments to be put forward for debate and a vote here on the floor of the House, and for that purpose I want to outline and explain the similarities and differences between all three of these amendments for my colleagues, so that as we look at these amendments in the future debate, that there will be understanding as to what each amendment does and does not include.

First of all, the similarities. All three of these amendments provide for four very basic and substantive things to occur, and each do so very similarly.

Now, they use slightly different language, but the language is not opposing or contradictory. Some of it is a little more artful than others in my opinion, but all three of these provide first that total outlays shall not exceed total receipts. That is the basic substantive criteria for the amendment, total outlays shall not exceed total receipts. Also, all three of these amendments would require that the President of the United States must submit to the Congress a proposed budget in which total outlays do not exceed total receipts.

So it is saying that Congress must adopt a balanced budget, it is saying that the President must submit a balanced budget request to the Congress.

Third, all three of these agree in the definition of what is total outlays and total receipts.

□ 1450

Fourth, all three of them provide that this amendment would go into effect as of fiscal year 2002, or the second fiscal year following ratification by the necessary number of States, should that be later than 2002.

Therefore, Mr. Speaker, those issues are really in common with all of the amendments. Each amendment contains somewhat different language, but each amendment concurs with those principles.

Now, Mr. Speaker, let us outline the differences in these amendments; first of all, the issue of estimated receipts and outlays as opposed to actual receipts and outlays.

Here I would like to refer specifically to the language of the Spratt amendments. In the Schaefer-Stenholm amendment, section 6, the language says "Congress shall enforce and implement this article by appropriate legislation which may rely on estimates of outlays and receipts." Specifically, in the language of the amendment it allows the Congress, in implementing a balanced budget, to rely upon estimates of revenue and estimates of expenditures.

In the Barton-Tauzin amendment, I would like to refer to section 1 of the Barton-Tauzin amendment. I will read it in its entirety, but the appropriate language is in the center: "Prior to each fiscal year Congress shall, by law, adopt a statement of receipts and outlays for such fiscal year in which total outlays are not greater than total receipts. This is a statement of," and it's prior to the fiscal year, so it must be an estimate. "Congress may, by law, amend that statement, provided revised outlays are not greater than revised receipts, and Congress may provide in that statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which three-fifths of the whole number of each House agree to such excess." So this Barton-Tauzin amendment also states that Congress would adopt a statement of receipts.

On the other hand, in the Orton amendment, section 3, the Orton amendment requires that for any fiscal year in which actual outlays exceed actual receipts, Congress shall provide by law for the repayment in the ensuing year. Therefore, only the Orton amendment identifies the determination by Congress of actual outlays and actual receipts to ensure that the budget is actually balanced.

What happens if we rely on receipts? To be fair, let me read the last sentence of section 1 of the Barton-Tauzin amendment, which says "Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement."

That is only dealing with actual outlays. What about actual receipts? There is no guaranty mechanism that the receipts which we project to receive will actually be received by government, and there is no mechanism in either of these other two amendments to deal with the possibility, in fact likelihood, that actual receipts will not match or mirror estimated receipts.

Just to give some idea of the extent of the problem we are talking about, I would like to refer you to the Congressional Budget Office records of the last 14 fiscal years in estimating actual receipts. How far have they been off?

This chart shows, beginning in 1980 and going through 1993, the amount by which the Congressional Budget Office estimates of receipts differed from actual receipts. The zero line is the amount of actual receipts that came in. The hashed marks here show the

amount of overestimate or underestimate of receipts from the CBO's projections.

If we look in 1980, CBO forecasted, projected that the Federal Government would generate almost \$40 billion more in revenue than it actually received in 1980. In 1981 they overestimated receipts by \$58 billion; in 1982 by \$73 billion; in 1983 by \$91 billion.

Look here, in 1990, the Congressional Budget Office estimated that receipts would actually be \$119 billion more than they actually were. Those are estimates. Those are the Government's best guess at how much revenue would be coming into the budget during that fiscal year.

We have to estimate at the beginning of the year. That is how we create the budget. Without the possibility of estimating revenue and expenditures, we have no budget. That is what the budget is, is an estimate.

The problem, however, is unless we have some requirement to come back and match those actual outlays with actual receipts, we do not have a mechanism that requires a balanced budget. If all we require are expenditures or outlays to be actual, we still can end up not balancing the budget because we have overprojected revenues.

Let me show you what would have happened if in fact the Congressional Budget Office over the last 14 years, if they had projected the actual receipts. We would have had no deficit. We would have had balance in what was projected.

We would, indeed, have had an annual deficit each year because the estimates of expenditures always exceeded the estimates of receipts. I'm not saying that it is Congressional Budget Office's fault that we had deficit spending, but the Congressional Budget Office estimated that expenditures would be a certain level, and estimated that receipts would be a certain level.

If in fact we had had a balanced budget requirement in 1980, and we had held receipts to only the amount that we have projected them to be, as the Barton-Tauzin amendment would do, but did not have a mechanism for ensuring that receipts reached the level that we had estimated, this is what would have happened. In that 14 years, we still would have had a national debt or deficit spending over that period of time of over a half a trillion dollars.

Therefore, unless we have a mechanism in this amendment to require somehow the balancing of actual receipts and actual expenditures, there is no guaranty that these amendments will provide or even require a balanced budget. That is a critical failing in both the Barton-Tauzin and the Stenholm-Schaefer amendments.

Neither of them require us going back at the end of the year and comparing what we spent with what we brought it. Both of them allow us, in fact, to project receipts and expenditures. Both of them would allow this kind of overstatement of receipts with

no mechanism to require us to go back and do anything about it.

The Orton amendment, on the other hand, as I read, requires actual receipts and actual outlays to be compared, and if they are different, requires Congress to provide by law for the repayment of the actual outlays over the actual receipts. There are other differences in these amendments.

The next major difference is the difference of super majority status, or super majorities. This came about as an effort or an attempt to create an enforcement mechanism in the balanced budget amendment.

The critics of a balanced budget amendment said "So you say in the Constitution that you have to balance the budget, but if all you do is say it and have no enforcement mechanism, how can the public trust government, rely upon government, to actually balance the budget as the Constitution requires?" And if government simply ignores the requirement to balance the budget as required, does that not create public cynicism and distrust of government?

In an effort to make it more difficult to ignore this requirement, both the Barton-Tauzin and the Stenholm-Schaefer amendments have in fact created the requirement of constitutional super majorities; in other words, more than 50 percent, significantly more than 50 percent. In both these cases 60 percent of the House and Senate would be required to take certain congressional or legislative action.

□ 1500

Again I would like to read specifically from the various amendments.

The Barton-Tauzin amendment. First of all, section 1 states, "Congress may provide in that statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which three-fifths of the whole number of each House agree to such excess."

So there is a three-fifths majority required in order to estimate that outlays would be greater than receipts. I do not know any politician who is willing to estimate that outlays would be greater than receipts and I do not know why Congress would want to estimate outlays greater than receipts if in fact they have a balanced budget requirement, but under the provisions of this balanced budget amendment, they would have to have a three-fifths majority in order to file a statement, or a budget in which outlays exceeded receipts.

In section 2, the Barton amendment also says, "No bill to increase receipts shall become law unless approved by a three-fifths majority of the whole number of each House of Congress."

So to raise taxes, it requires a three-fifths majority.

Then finally, in section 6, "The amount of Federal public debt as of the first day of the second fiscal year after ratification of this article shall become a permanent limit on such debt and there shall be no increase in such

amount unless three-fifths of the whole number of each House of Congress shall have passed a bill approving such increase and such bill has become law."

So under Barton it requires a three-fifths majority to project that your budget would be out of balance, a three-fifths majority to increase taxes, and a three-fifths majority to increase the debt limit of the United States.

Under the Stenholm bill, it does the same thing, requiring a three-fifths majority to estimate that your expenditures would exceed your receipts, and it requires a three-fifths majority for you to raise the debt limit but does not require a three-fifths majority to increase taxes.

There lies the major philosophical difference between those two amendments which you will see debated on this floor over the coming days, and it is an ideological argument. Do you want to require a supermajority of the body in order to increase revenue? Or do you want to say, no, we will leave it a constitutional majority, which is 50 percent plus one, and then the President would have to sign that into law or veto it, thereby bringing in the constitutional majority necessary for an override of the veto to ensure that in fact taxes could only be increased with the agreement of both Houses of Congress and the President in the executive branch.

But those are the supermajority requirements outlined in both of these other two constitutional amendments.

In the Orton amendment, it does not set up the requirement of supermajorities at all. It allows all of the current actions that are taken in Congress, or the actions under this amendment to be taken with the standard constitutional majority but it also requires that in the event Congress does not balance the budget, in other words, in the event outlays exceed receipts in any particular year, they must provide by law for it to be paid back. That brings the President into this activity, thereby bringing into play the constitutional supermajority necessary to override the President's veto.

Under the Orton amendment, it does not create a supermajority. It allows a majority of the House and a majority of the Senate to act in concert with the President. If the President disagrees with the Congress, he may veto the legislation, in which case the Congress in order to enact the legislation over the veto would be required to get the supermajority necessary to override the veto, which is greater than three-fifths.

Next there is a difference in waivers. Under the Barton amendment and the Stenholm amendment, both of these constitutional amendments would only allow the Congress to waive the requirement of a balanced budget in a year "in which a declaration of war is in effect" or, and now I am paraphrasing, the United States faces an imminent and serious threat of inter-

national security which would be declared by a joint resolution.

The Stenholm amendment identifies engaged in a military conflict which presents a serious threat to the national security.

These are very narrow waiver provisions. In reality, there are many, many, different forces outside and internal forces which could impact the U.S. economy, making it detrimental to the United States to require a balanced budget in any specific year, such as economic depression, the cyclical events which occur in economies. There are times in which balancing the budget which would require either substantial decrease in Federal expenditures or increase in taxes would bring upon economic calamity.

This can viewed in historic detail by looking back to President Hoover who at the end of his term in fact did cut spending and substantially increased taxes which was followed by the economic depression.

The Orton amendment simply provides that "the provisions of this article may be waived for any fiscal year only if Congress so provides by law by a majority of the whole number of each House. Such waiver shall be subject to veto by the President."

Therefore, the Orton amendment relies upon the Constitution as it currently is drafted and in effect relies upon the requirement of majorities in both bodies supported by the concurrence of the President through signature on the legislation in order to waive the requirement for a balanced budget.

I personally believe that if you have got both Houses of Congress and the President saying it is necessary to waive the provisions of that balanced budget amendment for the good of the Nation, then we probably should have the power to waive it; and if the public disagrees, in the next election they can say so and they can vote those people out and vote in people who promise not to do that type of thing.

So the waiver is the third major difference.

The fourth has to do with enforcement, the enforcement mechanism itself.

Under the Barton version of the amendment, section 8 reads, "Congress shall enforce and implement with appropriate legislation." That legislation is not currently even drafted. It is contemplated to be future legislation.

Under the Stenholm version of the bill, section 6 reads, "The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts."

Again, that legislation implementing the balanced budget, telling the country how we are going to enforce this amendment, has not yet been drafted.

The theory is that we will first pass the constitutional amendment requiring us to do it, we will then somehow

find the wisdom and the courage to come back and actually do it.

Under the Orton version of the amendment, it is a fairly simple enforcement mechanism which relies upon the current balance of powers between the legislative, executive, and judicial branch, and it states simply under section 3, "For any fiscal year in which actual outlays exceed actual receipts, the Congress shall provide by law for the repayment in the ensuing fiscal year of such excess outlays."

□ 1510

If Congress fails to provide by law for repayment, within 15 days after Congress adjourns to end a session there shall be a sequestration of all outlays to eliminate a budget deficit.

This is a very, very hard enforcement mechanism, but it places the burden squarely on the shoulders of the Congress and the President to either find a way to balance the budget, and state it by statutory law, or to say to the public we cannot find a way; we believe it would be detrimental to the public to balance the budget and here is why.

If Congress neither balances the budget nor waives the balanced budget requirement, the Constitution would place in it a hard sequester enforcement mechanism that simply cuts spending across the board to balance the budget in the next fiscal year, to pay back the deficit that we incurred, probably through estimating rosy scenarios, as has been done in past years.

If we want to ensure to the public that in fact the Government will balance its budget, I submit the Orton amendment is the only amendment which has been filed which contains an enforcement mechanism to require Government to accomplish what is set forth in this article. So there is a significant difference in enforcement.

Finally, I told you I wanted to outline the possibility or even probability of a constitutional crisis if in fact we adopt either the Stenholm-Schaefer or the Barton-Tauzin amendment, and it is my opinion that one or the other will be adopted. By the way, before I explain the crisis, let me say I have in two Congresses in the past supported and voted for the Stenholm-Schaefer language, which is the same language which has been proposed in the Senate, and it is, in fact, my intention to vote for the best balanced budget amendment that we can get through this House, this time. What I am attempting to do is to raise the debate to these issues which I believe must be addressed in order to develop the best constitutional amendment.

Let me point out a scenario which I believe can and will lead to constitutional crisis if we do not change the language of these amendments before adoption. Assume the following facts: Let us assume that we pass the amendment. The year 2003 rolls around, the amendment is in place, it is part of the Constitution. Let us assume that it is the Barton-Tauzin amendment which

has been passed. We follow the amendment to the letter.

The amendment requires us to set forth a statement, a proposed budget in which outlays do not exceed receipts. We do that. We identify through our priorities where we are going to cut, where we are going to increase, and that statement of outlays and expenditures is in balance.

We go along and we revise those statements of outlays and expenditures through the year, if necessary. It is in balance and, in fact, Congress and the President have "insured that actual outlays do not exceed the outlays set forth in such statement." They have kept a padlock on the purse strings, they have not spent 1 cent more than outlined in the projected budget.

But, the fiscal year ends September 30, the new fiscal year begins October 1. On September 10 or September 1 we discover, the Treasury Department tells us we over estimated revenues, because of a cyclical down turn in the economy, because unemployment went higher, because something happened, dumping from a foreign country into our markets, we lost employees, we have lost revenue. Some unforeseen occurrence has taken place, and revenues do not match what we had estimated.

Let us say that the budget in 2003 is the same as the budget this year, approximately \$1.5 trillion. We estimate \$1.5 trillion of expenditures; we estimate \$1.5 trillion of receipts. We only spend \$1.5 trillion, but we only bring in \$1.49 trillion. We are short \$100 billion of revenue, or we are short \$100 million of revenue, or we are short \$100,000 of revenue. It does not matter. So long as the revenue is less than the receipts or the expenditures, we are not in balance, we are now in violation.

What happens? First of all it takes a three-fifths majority to waive this and to cut or lower our estimate of expenditures or raise our estimates of revenues. But estimates are not going to do us any good in September of the fiscal year if we have already spent the money. There is not any money we can cut. It was spent through the fiscal year. In fact, it says you cannot raise revenue without a three-fifths majority.

It would not do us any good to raise revenue anyway, because in September of the fiscal year we could not get a bill passed and implemented, signed and gear up the Internal Revenue Service to go out and collect more money. Therefore, what happens is, the Government is in deficit spending, not because we spent more than we thought, but because we did not bring in the revenue we thought, and section 6 comes into play.

Section 6 says the amount of Federal public debt, as of the first of the second fiscal year after ratification of this article shall become a permanent limit on such debt and there shall be no increase in such amount unless three-fifths of the whole number of each House of Congress shall have passed a

bill approving such increase and such bill has become law.

What you have done is, the only option that the Federal Government has at the end of that fiscal year is to increase the debt limit, if they have overestimated revenues, and those revenues do not come in, and we have seen the likelihood of overestimating revenues. This chart shows that in every year but 1 in the last 14 years we overestimated revenues.

So if we follow history and overestimate revenues, only spent the amount we said we would spend, we have not balanced the budget, we cannot borrow more money to make up that difference, unless three-fifths of the House and the Senate vote. If my math is correct, that only takes 40 Members of the Senate or 178 Members of the House to make up 40 percent.

Therefore, what you have done by creating a super majority requirement is you have placed control of that decision in the hands of a minority of Members in this body or the other body. In other words, 40 percent could hold the 60 percent hostage for some other action or refuse to allow the debt limit to be increased.

People say, "Oh, well, so what? So you do not allow the debt limit to be increased; you just cannot borrow more money." If I go to the bank, my bank tells me, "Sorry, you have hit your debt limit. We are not going to loan you any more money." Why should we not do that with the Government?

The problem, is, the Government has Treasury notes, Treasury bills, and so on, which are actually out there, people have purchased them. Over 80 percent of the money we have borrowed has come from we, the people of the United States.

□ 1520

It is from our savings and checking accounts, et cetera.

Those T-bills come due. We have already spent the money of the fiscal year. We brought in less than we thought.

If we do not increase the debt limit and borrow that \$100 billion or \$100,000 or whatever the difference is, we are in technical default.

So what happens if the Government is in technical default? You just go in, file chapter 11 bankruptcy, your creditors will give you some time to work it out, and pay it back, and all is well? No. If the Government goes into technical default, the most likely scenario is an immediate devaluation of the dollar which causes an immediate spiraling of inflation, an immediate increase in interest rates, would cause turmoil not only in the stock market in this country, the stock market and financial markets would cause turmoil throughout the entire world.

It is not a feasible alternative to force the U.S. Government into bankruptcy, into technical default on its loans. Therefore, the Congress would be required to act to increase that debt

limit, and if you get 40 percent of either body refusing to increase the debt limit, unless you deal with this specific issue, now you have placed control of the Government in the hands of the few rather than in the hand of the majority.

This could happen on either side of the aisle. You could have some from the right-hand side of the political spectrum, those who believe that we have been spending far too little on national defense, those who believe that, in fact, the budget should be spending more on national defense; they could group together and get 40 percent of either body and say, "We will not agree to increase the debt limit of the United States unless we not only borrow what we have to borrow to cover last year's expenditures, we want to borrow more. We want another \$200 billion, and we want a \$200 billion supplemental appropriation today passed before we agree to increase the debt limit, in order to put \$200 billion more into national defense."

You could get 40 percent of the people from the left-hand side of the political spectrum who believe that we are not spending enough on job training and education and welfare benefits or retirement benefits who may come to the floor of this House or the other house and say, "Sorry, we have not spent enough on these programs. I am not going to vote to increase the national debt and prevent the country from going into technical bankruptcy and default unless we also borrow enough money, and you give me a supplemental appropriation right now to increase welfare payments or retirement benefits or health care," or any of the other benefits that they feel very strongly about.

You might also have some people who care more about getting a highway or a bridge built in their district who demand more appropriations for pork-barrel spending, for a clock tower in their State or some other type of spending which the rest of this body would not go along with but for the fact a gun is being held to the head of the country.

I say to my colleagues and suggest going back and reviewing the Federalist Papers wherein Madison, the draftsman of our Constitution, and Hamilton, and Jefferson, and Jay debated and discussed among themselves and others the wisdom of creating supermajority requirements to act in this or the other legislative body. They concluded, and I believe rightly so, that supermajorities should be used very, very limited, only to situations of overriding a veto or adopting a treaty or expelling Members from the body, instances wherein the Constitution requires supermajorities.

And so I submit that if, in fact, we include the language of supermajorities and specifically the language of a supermajority requirement to increase the debt ceiling, that, in fact, you are inviting a constitu-

tional crisis. You are inviting just the exact scenario that those supporters of a balanced budget amendment in this body have fought so hard against. You are inviting the types of calamity that we must avoid.

Now, I am going to be asking the Committee on Rules to make in order two specific amendments. First is the constitutional amendment which I have filed as a separate, freestanding amendment. It also has been filed, and I believe is identified in the RECORD, as an amendment to the balanced budget amendment in the form of a substitute. It is that amendment which I have outlined which does not create constitutional supermajorities but relies upon the current majority and the veto of the President in order to enforce the provisions of a balanced budget. It broadly allows waiver, but again with the Congress and the President agreeing to that waiver by law.

It does not create provisions for a supermajority to either increase spending or revenues or to increase the debt limit.

It is the simplest version which I know of which has been filed in as plain English as we could put it and the only version of the constitutional amendments filed, to my knowledge, which has in it a real enforcement mechanism in the body of the amendment itself. Others rely upon future legislation to enforce.

So I will be asking for that amendment to be made in order so that we can come here to the floor of the House and debate that amendment and the provisions in it.

I will also be asking to be made in order a substitute which in essence is the wording of the Stenholm-Schaefer amendment, but deleting two particular provisions, deleting from their section 6 the words that allow the Congress to rely upon estimates of outlays and receipts, and also deleting entirely section 2 of that particular amendment which creates the constitutional supermajority of three-fifths in order to increase the debt limit.

It is my hope that the Committee on Rules will allow these amendments in the nature of a substitute to be brought forward. I have agreed many times with my colleagues on the other side of the aisle over the last 4 years that I have been selected as a Member of this body wherein they came to the floor of this House and complained that the then Democratic Rules Committee was being unfair, was not allowing the system to work, was not allowing this body to work its will on legislation, was not allowing full, free and open debate on the issues, was not allowing us to draft the best legislation we could possibly draft, and they called for open rules. They said:

You put us in the majority, and when we bring legislation to the floor, it will come under an open rule, so that any Member of this body can come to the well of this floor and propose amendments to perfect the language of the legislation, to make it better, to use the brilliance and the genius of our

system, free and open debate, so that the will of the people can be determined in this body.

That was their pledge.

They are now in power. They have an opportunity to keep that pledge. And I would urge them to do so by providing an open rule of debate on this very critical and important constitutional amendment. I cannot conceive of a more critical piece of legislation to consider in this or any other Congress than amending the very words of the Constitution itself.

I cannot conceive of bringing that type of legislation to the floor of this body under a closed rule preventing free and open debate, preventing us to raise these questions.

□ 1530

I would ask anyone who would support a closed rule to come to the floor of this House and explain to the people how they are going to avoid the very constitutional crisis I have just outlined. It is necessary to bring these issues to the floor for full and open debate in order to work the will of the people, in order to get the best legislation we can possibly get.

So I thank my colleagues for their patience, their listening to these issues, and I thank them for their consideration of the balanced budget amendment, which I support, and I thank them for their consideration of the amendments which I hope to propose and encourage this body to proceed very cautiously as we contemplate and move toward amending the very language which is the foundation of our system, the Constitution of the United States.

TECHNICAL CORRECTION TO HOUSE CONCURRENT RESOLUTION 16, PROVIDING FOR STATE OF THE UNION ADDRESS

The SPEAKER pro tempore (Mr. COMBEST). Without objection, the reference of House Concurrent Resolution 16 to the date in 1995 shall be corrected to be a reference to January 24, 1995.

There was no objection.

The text of House Concurrent Resolution 16, as corrected, is as follows:

H. CON. RES. 16

Resolved by the House of Representatives (the Senate concurring). That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, January 24, 1995, at 9 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

A CRIME BILL WITH TEETH

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

Mr. BARR. Mr. Speaker, at the beginning of this session, I introduced with several of my colleagues The Taking Back Our Streets Act of 1995. Last

week, my colleagues and I on the Judiciary Committee's Crime Subcommittee completed 2 days of hearings on this bill.

These hearings, which featured law enforcement officials from across the country, revealed how desperately this legislation is needed. There is an overwhelming sense in this country that violent crime has robbed the citizens of a sense of safety and security that they have a right to enjoy. That is what my crime bill will help accomplish.

Not too long ago, a popular preventive crime ad campaign encouraged citizens to take "A Bite Out of Crime." After decades of one Democratic-controlled Congress after another jawboning the problem of crime with lots of taxpayer money but little to show in the way of results, we are finally on the way to passing a crime bill with real teeth.

BALANCED BUDGET AMENDMENT

(Miss COLLINS of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Miss COLLINS of Michigan. Mr. Speaker, I rise in opposition to the balanced budget amendment House Journal Resolution 1. I support fiscal responsibility. However, I do not think an issue such as balancing the Federal budget should be handled too hastily. The current proposal for a balanced budget amendment as outlined in the Republican Contract With America is a knee-jerk approach to a complicated and multifaceted problem.

For instance, if Social Security is not specifically exempted, this measure would allow for drastic cuts in Social Security. We must not forget our responsibility to provide for our Nation. To make Social Security subject to this measure will result in devastating results that will be felt in the years to come.

During this year alone, Social Security will take in \$31 billion more than it pays out in benefits. Social Security is not the cause of our national debt. To cut Social Security because it is a significant portion of the national budget is an easy way out for those who simply want to achieve their political goals by any means necessary. We should not put ideology before people.

THE TRAGIC EARTHQUAKE IN JAPAN

The SPEAKER pro tempore (Mr. COMBEST). Under a previous order of the House, the gentlewoman from California [Ms. PELOSI] is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, my district in San Francisco, indeed the entire State of California, is blessed with a very large Japanese-American population. On behalf of my constituents, the Japanese-Americans, and indeed all of them, I rise today to extend my sympathies to the people of Japan now

that we are in day 7 of the tragedy that struck Kobe last week.

As you know, last Tuesday Japan was struck by the deadliest quake in more than 70 years. Today's AP wire has an update on some of the tragic statistics. The death toll is topping 5,000, with more than 100 people still listed as missing. More than 26,000 people were injured, 300,000 people were left homeless, and 56,000 buildings were damaged or destroyed. There are 1,000 relief centers trying to house the 300,000 people left homeless. Indeed 2 million survivors of the earthquake in that area have been impacted very negatively as well.

Mr. Speaker, today, Monday in Japan almost yesterday now, there have been strong aftershocks in buildings in Japan. They had three aftershocks at about 4.0, and I have been told aftershocks of up to 6 points on the Richter scale are possible.

In addition to that, there is the physical toll, in addition the personal toll. Japan has different construction standards for highways and for buildings. The huge pillars supporting raised roads consisted of concrete cores surrounded by vertical steel rods that are then wrapped with vertical steel hoops and surrounded by another coat of concrete.

Mr. Speaker, just as a sign of how fierce this earthquake was in Kobe, many of the structures ruptured and the reinforcing rods snapped like matchsticks.

The economic toll is great. Kobe is a major manufacturing center, the country's busiest container shipping port and an important transportation hub for moving component parts to factories throughout Japan and abroad. That is having a tremendous impact on the economy there.

Estimates of the economic impact vary widely. The Transport Ministry estimated it would cost \$4.12 billion to repair damaged railway lines and stations alone. The head of the Japanese Chamber of Commerce estimated the overall cost of the quake would amount to more than \$100 billion.

Of course, these are staggering statistics, but the worst of all is, of course, the personal toll. Today's AP wire carries a story about a father who lost his daughter in the earthquake. He says, "My daughter's voice, 'Dad, dad, please help me,' sticks in my ear." He lost his teenage daughter when their house collapsed. "It just doesn't go away," he said. "I just couldn't save her."

Mr. Speaker, that is just one of many, many similar stories. Another, of a young man whose house collapsed, his mother was in the house. The neighbors and others decided to help where they heard voices, and they were able to save the lives of some. But since they heard no sounds coming from his house, that did not become a priority, and his mother—he said, "I wanted to save my mother, but was not able to."

The list of these stories goes on and on.

So, Mr. Speaker, it is with great sorrow—of course, in our area, Mr. Speaker, we had the experience 5 years ago of the Loma Prieta earthquake in San Francisco, and just eerily, just 1 year before this earthquake, the Northridge earthquake shook Los Angeles. So we all have our own memories of personal devastation and personal loss from earthquakes. That is why we have so much sympathy for those in Japan.

It is with great sorrow I convey on behalf my constituents, both Japanese-Americans and others as well, to the Japanese ambassador the condolences of the people of San Francisco and wish for him to convey our condolences to the people of Japan, especially those affected by the earthquake, but to all the people of that area. They must be assured that they are in our prayers.

A BIPARTISAN BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the Chair recognizes the gentleman from Virginia [Mr. PAYNE] for 60 minutes.

Mr. PAYNE of Virginia. Mr. Speaker, on Friday of last week there was a press conference held. That press conference was to talk about an important event, important because for the first time in the history of our country we know there are enough people in the House of Representatives who are committed to vote for a balanced budget amendment to ensure that a balanced budget amendment can be passed.

This press conference was among the Democratic Caucus, and some 66 members of our Caucus signed a letter to our Speaker. The Speaker was notified that 66 Democrats were prepared to vote for a balanced budget amendment this week, and the 66 Democrats, along with the Republican Caucus, would give you enough votes for the required two-thirds' majority or the 290 votes to pass this balanced budget amendment.

□ 1540

I think this is good news in that we have a bipartisan agreement now so that Democrats and Republicans alike can do what is best for America. This comes at a time when our debt is now \$4.7 trillion, when our interest payments will equal \$300 billion as a nation; \$300 billion we paid last year alone as interest on our national debt. This is money that, had we not had debt and we balanced our budget for many years before this, we would have had that same \$300 billion to use to cut taxes. We could have used that money for other purposes such as fighting crime, such as improving education. But instead we do not have that, and in fact we are spending more money each year than we take in, and last year we spent \$300 billion in interest payments.

Now this balanced budget amendment, as my colleagues will hear from

others today, is extremely important to the future of our country and to the future generations, but it is also extremely important to all of us today because it is all of us that pay this interest, and last year for every American more than \$800 in interest was paid, and to the extent that we can find a way to balance our budget and to begin then to reduce our debt, that is the only way that we will ever begin seeing less interest paid in a timely fashion.

So at this time it gives me a great deal of pleasure to yield to my colleague, the gentleman from Texas [Mr. EDWARDS], who has worked very hard over the years on this balanced budget amendment.

Mr. EDWARDS. I want to thank the gentleman from Virginia [Mr. PAYNE] for allowing me the chance to talk about the balanced budget amendment, and I want to express my gratitude for the strong leadership of the gentleman from Virginia [Mr. PAYNE] over the years in keeping this issue alive before this Congress and the American people.

Mr. Speaker, this week the House will vote on the balanced budget amendment to the Constitution. I believe this issue is the single most important issue that the 104th Congress will face. Why? Because the balanced budget amendment is not just about this year's deficit. It is about saving our children and grandchildren from drowning in a sea of national debt.

I am proud of the fact that 66 Democrats have now committed to voting for the Schaefer-Stenholm balanced budget amendment. For the first time in the history of our country we now have a two-thirds vote in this House to pass a constitutional balanced budget amendment if all Republicans in this House will vote for it. The fate of the balanced budget amendment now lies in the hands of our House Republican colleagues with whom many of us have worked for many years.

Mr. Speaker, I will most likely vote for the Barton amendment as well, the amendment which requires a three-fifths vote to increase taxes, because I see nothing greatly wrong with the idea of making it more difficult for this system to raise taxes on our voters and our constituents. But let no one in this body or in this country be misled. There clearly are not enough votes to pass the Barton budget amendment in this House. My Republican friends know it. My Democratic friends know it. House Members know it. Senators know it. And the American people deserve to know it. For anyone to suggest otherwise is simply pure partisan politics.

Mr. Speaker, opponents of the balanced budget amendment constantly say, "Why do we need to put this budget amendment in the Constitution?" I would like to begin by offering two answers. The first is very simply: Nothing else has worked. It has been since 1969 that the Federal Government saw a balanced budget. It has been over 25

years since this body passed a balanced budget. Twenty-five years of debt is simply too long, and we cannot stand for it.

Second, I think the balanced budget amendment is about an important issue, an issue no less important than the fundamental right of property rights, but by requiring a balanced budget amendment we are basically saying we want to protect the future property rights of our children and grandchildren from being spent by today's Congress. In the history of the writing of our Constitution few rights could have been considered more important then, or even now, than the protection of property rights. Clearly the protection of the property rights of our grandchildren deserves a sacred place in our Constitution.

Finally, there are many other reasons, specific reasons, why we should pass this balanced budget amendment, but let me simply say on a practical note to those American families that I cannot relate to a trillion dollar debt, and now we are facing a \$4.7 trillion debt. Let me put it terms that the average American family can understand. This year we will pay \$238 billion in interest on the debt alone. That is more than the entire Federal budget in 1972. In personal terms, for working families, every man, woman, and child, regardless of age this year, on average will have to pay \$887 in interest, in interest, and national debt. Not a dollar of that \$887 goes to building a new schoolhouse, helping a child get a better education, building roads and infrastructure in our country, or providing for our national defense. An average family of four in America, a working family, will pay the equivalent of \$3,500 in taxes this year simply to pay for interest on the national debt.

The time to pass a balanced budget amendment is now, and with the support of Democrats and House Members working together, as we have worked for years, I am confident, Mr. Speaker, and with the leadership of the gentleman from Texas [Mr. STENHOLM] and the gentleman from Colorado [Mr. SCHAEFER], and the gentleman from Virginia [Mr. PAYNE], and others that will speak today, I am confident we will do the right thing for the future of America and pass a balanced budget constitutional amendment.

Mr. PAYNE of Virginia. I will now yield to the gentleman from Colorado [Mr. SCHAEFER] who is a cosponsor of the Stenholm-Schaefer balanced budget amendment, and as well he is a co-chairman of the Caucus for the Congressional Leaders United for a Balanced Budget.

Mr. SCHAEFER. Mr. Speaker, I thank the gentleman from Virginia [Mr. PAYNE] for yielding me a bit of time here today, and I cannot say enough how much I have appreciated the work of the gentleman from Texas [Mr. STENHOLM] over the years on this terribly important issue that we are about to tangle with this week.

As the gentleman from Virginia so eloquently stated, we are in potential serious problems in this country, economic problems, if we do not handle this runaway budget situation that we have on our hands now.

When I first came into Congress some 11 years ago, I could recall very well voting on an amendment to increase the national debt to \$1.5 trillion, 1.5. Some 10 years, 11 years, later we are now at \$4.7 trillion, 3 trillion over a period of 11 years. Now what is it going to be in the year 2000? Ten trillion dollars? Pretty soon it get to the point where there is not any way that we are going to be able to come back and try to even out not only our deficit, because we have to get at that one first, but to then start to build down on the national debt.

And so one would ask, "What is the best way to do this?" Well, back in 1974, they passed a Budget Act at that time that was supposed to handle all the problems that we were going to have in the future years. We have waived it over 600 times since 1974. We could go back to 1990 where we were supposed to try and figure out a way by capping spending that we were going to balance this budget out, and what happens? Here we are today, and we do have a slight decrease in the deficit temporarily. However, if we really look at the figures, by the year 2000 it is going to be up to \$400 billion again.

□ 1550

So it is clear to me that what we have now is not working. Five times in legislation, in statutes, we said we are not supposed to spend more than we take in. But do we adhere to it? No, we do not. It is too easy to say "yes" to too many issues, and it is too difficult to say "no," and sooner or later we are going to have to start saying "no" on these particular issues.

So I again want to thank very much my Democrat colleagues who have agreed to go along with this, recognizing for the future of this country and for the future of our generations, that we do not want to give them a United States of America that is in the dump. We want to give them something they can pick up and run with over the years.

Mr. Speaker, I thank the gentleman for yielding to me in these few minutes.

Mr. PAYNE of Virginia. Mr. Speaker, I thank the gentleman for all the good work that he has done as a leader on the balanced budget amendment over the years, and I look forward to working with him this week as we work our way toward a victory.

My colleague pointed out that when he first came to Congress, we had a debt of \$1.5 trillion. Now, just 11 years later, it is \$4.7 trillion. We have seen this debt explode in the last 11 years, over \$3 trillion in that period of time, and that tells the story of why we so badly need to have the kind of amendment we are speaking of here and the

kind of discipline that will force us to reach a balanced budget.

Mr. Speaker, I now yield to my colleague, the gentleman from Florida [Mr. PETERSON], a leader in the fight for a balanced budget amendment.

Mr. PETERSON of Florida. Mr. Speaker, I thank the gentleman from Virginia for yielding.

At the onset, I, along with my other colleagues, want to go on record to thank the gentleman from Texas [Mr. STENHOLM] and the gentleman from Colorado [Mr. SCHAEFER] for helping us to take this through the many years and the many battles that have been fought for the balanced budget amendment.

This is not the first time this issue has been on the floor of the House of Representatives. I would remind the folks that just in the 4 years I have been here I have voted for it in various forms at least three times. We came very close. We came within 9 votes, I think, on one occasion and, I believe, 12 on the other. This time I think we are on the go-ahead. We are going to make it. We are going to make this a reality and make this a proposal for an amendment to the Constitution of the United States.

Why a constitutional amendment? Because it is my feeling now that we can only, through this action, acquire the discipline we need to really, in fact, balance the budget.

We have had through statute any number of budget bills that have been vacated for one reason or another, basically because the pain was too great. The pain has gotten to the point of realizing that if we do not balance the budget, we will actually explode the pain. If we do not balance the budget of these United States, the very people who we have been saying we are protecting, that is, the poor and those who have not made it out, if you will, will be the first victims. So we have got to go back and renew our fight to balance the budget. We must protect our children and our grandchildren. We must keep from borrowing from future generations. We have got to make tough decisions, and with the balanced budget process we can do that.

But I would add that the American people have to appreciate their role in the balanced budget process which we are proposing. The American people must agree to make the sacrifices and assume the pain associated with balancing the budget. We all know we have had conflicting reports from our own constituencies as to how on one hand we need new roads, we need new programs, we need this, and we need that, and at the same time they are saying we must balance the budget. It is a conflict that we cannot resolve until we get the appreciation and the assistance of our own constituencies.

This amendment that has been proposed by the gentleman from Texas [Mr. STENHOLM] for many years now, contains no gimmicks. There are no shell games associated with this. There

are no back doors. The gentleman from Texas knows something about that, because I do not believe the Alamo had a back door.

We have got to associate ourselves with that very fact. We have got to go ahead and make this happen with the realities and the associated pain it is going to bring through a certain process, not ultimately to the Nation, because in fact to the Nation it is going to bring strength, and we have got to have the courage to take us to that point.

The last point I want to make is that we do not want to wait until 2002 to do this. We want to start balancing the budget of the United States today with the very process of rescissions for 1995 and the very appropriations process of 1996. Failure to do that will prolong the agony and take us to the point when the pain becomes too great. I, along with many of my other Democratic colleagues, feel very strongly about that issue. It is not a partisan issue. This is a national issue of great magnitude, and it is one where Republicans and Democrats can agree and do agree that we must do the right thing and balance the budget of the United States and enhance the future of this Nation for our children and our grandchildren.

Mr. Speaker, I thank the gentleman for yielding.

Mr. PAYNE of Virginia. Mr. Speaker, I thank the gentleman very much for his comments and also for the work he has done over the years for the balanced budget amendment.

Mr. Speaker, I will now yield to my colleague, the gentleman from Georgia, Mr. NATHAN DEAL. The gentleman is a Democratic cochairman of the Congressional Leaders United for a Balanced Budget, and he has also been a real leader in this fight to get a balanced budget passed.

Mr. DEAL of Georgia. Mr. Speaker, I thank my colleague, the gentleman from Virginia, for yielding, and I thank him for his efforts in this regard. I extend my appreciation also to the Members from across the aisle, including the gentleman from Colorado [Mr. SCHAEFER], and I thank the gentleman from Texas [Mr. STENHOLM], on the Democratic side for his leadership in undertaking this effort to pass the balanced budget amendment.

We are going to hear a lot of reasons over the next few days and into next week as to why this balanced budget amendment should be passed. Many of the Members who will speak are like me; they come from a legislative background, working in State legislatures, and most of those legislatures have constitutional requirements in their States that say that they cannot spend more money than they take in in revenue. My State of Georgia is one of those that has such a constitutional requirement, and I have had the privilege of serving on the budget committees and on the appropriation committees of our State and have faced the possibility of actually being called back

into special session after having passed a legislative budget anticipating revenue and then finding some 6 months into the legislative year that the revenues were not coming in as rapidly as we had anticipated.

When you have a constitutional mandate that you have to take in as much money as you spend, you are called back into open session, and you go back in through the budget and you decide what you can cut in order to conform with your constitutional requirement.

I think there would be nothing at all wrong with this body having to do the same.

We have heard the statistics. The last year we had a balanced budget in this country was the last year President Lyndon Johnson served, in 1969. For 25 straight budget years we have taken in less than we have spent. For 55 of the last 63 years we have not had a balanced budget in this country. The \$4.7 trillion of accumulated debt is staggering.

We will hear arguments made that we can just simply do it if we have the will power; we can do it statutorily. We have tried it statutorily. Gramm-Rudman I, Gramm-Rudman II, the Budget Act of 1990, and the Budget Act of 1993 have all made statutory efforts to try to bring this spending crisis under control.

□ 1600

But since 1985, when they first began, we have added over \$2 trillion to our national debt, in spite of those legislative efforts. With all of the little things like pay-as-you-go and sequestration, we have still not been able to bring it under control.

There have been those who argue well, we do not really need to do this because it is not that significant. I would suggest to you that it is.

As much concern and debate as you hear about people being concerned about foreign aid and spending for helping other countries, it is staggering to believe that we send \$41 billion overseas to those overseas investors in terms of interest on those foreign-held securities of our country, more than twice the amount of our entire foreign aid budget.

The situation is serious. Now is the time to come to grips with it. I am sure you have all ridden up and down the highways of our country and seen the travel trailers that have the rather humorous bumper sticker on it that says we are spending our children's inheritance. WE all look at that and laugh about it, and we think, well, that is a couple who have worked hard, they have earned money, and they have a right to spend what they have accumulated, and they do not have any obligation necessarily to pass it on to their children or to their grandchildren.

We are doing far worse than that, ladies and gentlemen. What we are doing is we are not only spending the money that goes to buy the travel trailer and

the luxuries that we are enjoying and the trip we are taking, we are asking our children and grandchildren to cosign the note with us, and at our death, as our generation passes away, they will not even inherit the travel trailer. All they will inherit is a past-due note that right now is \$4.7 trillion.

That is just not right. That is not the kind of generational attitude that we need to leave. It is one we need to begin to change. I for one believe the only way we will do it is with a constitutional mandate in the form of a balanced budget.

I look forward to the debate that will proceed this week and hopefully to the final passage of a version of the balanced budget amendment. I am one of those who likewise will probably vote for the Barton version that requires a three-fifths vote in order to raise taxes, because I don't think that is the way we should balance our budget. I think we should balance it through cutting our spending programs. But whatever version it is, and I think that the Stenholm and Schaefer version is the most likely one to have the necessary and requisite number of votes, it is important that we do it, that we do it now, that we send it to the Senate, and they in turn send it to the States for ratification.

I thank the gentleman for the time.

Mr. PAYNE of Virginia. I thank my colleague for his words, Particularly the words about the future generations and how important this is certainly to them.

I now yield to someone who is a true leader in the House of Representatives in terms of fiscal responsibility, a gentleman who has fought this fight for many years, the cosponsor of the Stenholm-Schaefer amendment, CHARLIE STENHOLM, of Texas.

Mr. STENHOLM. I thank the gentleman from Virginia for yielding and for taking this time today to allow a preliminary discussion of a subject that I too appreciate his leadership on over the years, as we have brought ourselves again to this week where we will have a vote on whether or not to amend the Constitution for purposes of balancing the budget here on the floor of the House, and we are cautiously optimistic we will have the 290 votes to do so.

Before I do that, I want to remember a few other names for us today that go back in this battle. LARRY CRAIG, now Senator CRAIG, has been one of the real leaders in the effort that is behind House Joint Resolution 28 and Senate Joint Resolution 1, the subject of our discussion today.

Also Bob Smith of Oregon, now retired, but Bob, as you remember, worked tirelessly with us the last Congress to a futile defeat by some 12 votes. But then we have some others. Tom Carper, now Governor Carper of Delaware, was one of the original Democrats that has taken on the leadership of this effort, and now as Governor has continued to offer us encour-

agement along the lines of this bipartisan, bicameral budget amendment that we talk about today.

MIKE CASTLE, who has joined us now, MIKE from Delaware on the Republican side of the aisle, will be joining us in this effort this week. So Delaware has done their share.

JON KYL, now Senator JON KYL, OLYMPIA SNOWE, now Senator SNOWE, JIM INHOFE, of Oklahoma, now Senator INHOFE, have all played unique roles in bringing us to what we affectionally call the bipartisan, bicameral balanced budget amendment.

I would like to take now a little time to just talk about two or three major points that we are going to hear a lot about. One is that we should not be doing this through the Constitution, that we ought to be doing this the old-fashioned way, by cutting spending, to which I answer absolutely.

I did not come and do not come today to this well with a great deal of happiness as to being here suggesting that we ought to amend the Constitution. I reluctantly, in fact almost never, have supported constitutional amendments, and I have reluctantly come to supporting this for one reason, and you mentioned that in your opening remarks, and that is I am now convinced this is the only tool that we need to put in our arsenal that will help us do the job that we must do, and that is balance the budget.

I wish we did not have to do it that way, but I am convinced the only way you can do this with Congress after Congress, succeeding Congresses, is to put into the Constitution the requirement that we do live within our means.

I would remind people, and will do so over and over this week, that this year's budget is the first year's installment, and I anticipate with a great deal of confidence that the budget that this House will prepare this year will give us the first year's installment, with a 7-year projection, not a 5-, but a 7-year projection, so that we can honestly say to the people this year, we will in fact set ourselves on the course to balance in 2002, and this year is the first year, and then next year we will come back again with a budget resolution, with reconciliation, which should and I anticipate and hope will be in this year's budget resolution, that we will do so.

But then comes one of the major reasons why a constitutional amendment is necessary, because this Congress can get elected to do that. But what about the next Congress? This President can suggest we ought to do that, and we ought to have a budget on the line of getting to balance, which we have got it going in the right direction after the first 2 years of the current administration. But what about the next President? What about the next Congress? And that is where we have always run into difficulty.

So let me say to those that suggest that we ought to get the cart before the horse, that we ought to have the 7-

year budgets first. We have tried that, it does not work. Let's take a 1-year budget this year, prove with good faith we are sincere about it, but let us also set in concrete the fact we cannot wiggle out of it this Congress, next year, or succeeding Congresses.

Another point that I want to emphasize over and over, I am getting a little bit put out with those who every time we bring up the balanced budget constitutional amendment seem to have the next word in their vocabulary, Social Security, and then sending convincing letters, which some group is doing to constituents in the 17th District, that if we pass the balanced budget constitutional amendment, Social Security will be wrecked. That could not be further from the truth. They ought to be saying unless we balance our budgets, Social Security is going to be wrecked, and that is for our children and grandchildren, and there is nothing in this amendment that will have one slight, negative effect on Social Security for the current recipients. Nothing in this amendment has ever, does now, or will ever have anything negative. And to those who continue to politicize and frighten senior citizens around the country, I say shame on you.

We are going to talk more about that as we get into this week's debate. I appreciate the opportunity to come before you today to share this hour, Mr. PAYNE of Virginia, with you and others, as we talk about the bipartisan, bicameral balanced budget amendment, the only amendment that has a chance of getting 290 votes.

I am proud to say it is Senate Joint Resolution 1, it has tremendous support on the Senate side, and now we believe that we have the votes on the House side, and I believe that after the debate this week, we will be able to prove that. But I am a great believer in not counting our chickens before they are hatched. Therefore, I commend you again for taking this hour to talk, so that all of our colleagues, those not in the House today, will begin to focus on the merits of what we are to talk about.

Thank you very much for allowing me this privilege.

Mr. PAYNE of Virginia. Thank you very much, and thank you especially, CHARLIE, for all the work you have done on the balanced budget amendment, and thank you for mentioning all of those, both Republicans and Democrats, over the years who have gotten us to where we are today in terms of being able to pass the balanced budget amendment this week.

I now yield to my colleague, MIKE DOYLE from Pennsylvania, a new Member just elected in November, but already has joined in the fight and has proven himself to be a leader in this fight for a balanced budget amendment.

□ 1610

Mr. DOYLE. Mr. Speaker, I thank the gentleman from Virginia for yielding.

Mr. Speaker, I rise to join in this special order supporting House Resolution 28. I have joined scores of my colleagues in cosponsoring this resolution because it is the only bipartisan, bicameral balanced budget amendment, and I would urge all of my colleagues to vote for this resolution when it comes up later this week because we cannot wait any longer to address this country's budget deficit.

I signed on as a cosponsor of this balanced budget amendment last month while I was still a member-elect because I already considered this issue a priority for my first term in Congress. As I spoke to people throughout Allegheny County, PA, while I campaigned for this office last year; their message came through loud and clear. They felt the Congress must undertake significant measures to address our country's expanding budget deficit. The vast majority of my constituents believe a balanced budget amendment is the proper, and most effective means to tackle this deficit problem and that the Congress should not wait any longer to exact this measure.

It's no wonder that the folks back home—in all of our homes—feel such a sense of urgency. The statistics are not unfamiliar to anyone, but certainly warrant repeating. Our national debt currently exceeds \$4.3 trillion—17,495 dollars' worth for every man, woman, and child in the United States. It is any wonder people feel a sense of urgency?

The last time this House voted on a balanced budget amendment was last March when the amendment was narrowly defeated. Unfortunately, a near miss is not close enough and the debt has continued to skyrocket, increasing by more than \$160 billion since last March. Is it any wonder people feel a sense of urgency?

And as the debt increases, the interest payments on this debt increase as well. Interest payments that continue to devour larger and larger portions of the budget—from 6 percent in 1960, to 14 percent of the entire budget today. The gross interest payments on this debt cost us \$816 million dollars per day. I ask again—is it any wonder that people feel a sense of urgency?

These interest payments, by consuming more and more of our annual budget, are crowding out funding for discretionary programs. This is the insidious nature of our deficit debacle. Unless we take control of this problem now, we will cripple the ability of future generations to make the investments in discretionary programs that are necessary to keep this country moving forward.

My constituents back home in western Pennsylvania certainly understand this need. Many of the communities I represent have not recovered from the severe recession they experienced

throughout the 1980's. During this time, much of the steel industry engaged in aggressive downsizing—many plants were closed and jobs were lost. The Mon-Valley needs the help of innovative and intelligent Federal programs to assist in the retraining of these displaced workers so they are prepared to join new, high-technology industries. Programs are needed to clean up the abandoned industrial sites so fresh businesses will locate there bringing with them secure jobs in growing industries. And we must improve our public education systems so future generations will have the knowledge and training they need to be prepared to work and flourish in a high-technology environment.

These are the types of discretionary programs that are being crowded out by the increasing interest payments on our debt. This year alone the interest payments will be 8 times higher than expenditure on education and 50 times higher than expenditures on job training. This is just the type of help my district needs—but as our interest payments increase, our ability to help will be severely curtailed.

It is for these reasons that I support this balanced budget amendment, House Resolution 28. Let's pass this amendment and send it to the States for ratification. During the ratification process, people throughout the country should be afforded the opportunity to closely examine how the amendment would work, and what specific actions would be necessary to achieve a balanced budget early in the 21st century. Then the people can either reaffirm or withdraw their support of the balanced budget amendment through their State legislators. But we must afford the people of this country that opportunity by first passing the balanced budget amendment on the House floor.

The Stenholm-Schaefer balanced budget amendment is our best hope for passage. It is the only version that has been offered with substantial bipartisan and bicameral support. Myself, and at least 65 other Democrats stand ready to join our Republican colleagues in voting for H.R. 28. This is the only version of the balanced budget amendment that can claim this type of support and that can anticipate receiving the requisite 290 votes needed for passage.

Because passing a balanced budget amendment is so crucial to our country's future well-being; I urge all of my colleagues, from both sides of the aisle, to join us in support of the Stenholm-Schaefer amendment because it is the best way to ensure that this House finally passes a balanced budget amendment.

Mr. PAYNE of Virginia. Mr. Speaker, I want to thank my colleague from Pennsylvania for the leadership that he has already displayed in terms of supporting the balanced budget amendment. It is much appreciated and much needed. Thank you very much.

Mr. Speaker, this week the House of Representatives is pleased to make history when we take up the balanced budget amendment to the Constitution. I, along with others who you have heard today, urge our colleagues on both sides of the aisle to join us in supporting House Joint Resolution 28, the Stenholm-Schaefer amendment.

This bipartisan and bicameral amendment is as simple as it is vital to our Nation's future. By the year 2002, it will bring to an end, once and for all, the staggering tide of deficit spending and red ink which has so dominated Washington. It does so by placing limits on the power of the Federal Government to spend and borrow money with impunity and to pass along the bill to our future generations without a plan to pay it back.

Let there be no mistake, Mr. Speaker, these sustained and uncontrolled deficit spendings in Washington pose a grave threat to American productivity and to a prosperous future for our people.

Beside me is a check, and this check is a check from the typical American taxpaying family. It is made out to the order of the U.S. Treasury in the amount of \$3,100. And this is the interest that each family of four paid on the national debt last year.

Now, this is not a total tax bill, nor is it even the family of four's portion of our national debt. Because a portion of the national debt, the \$4.7 trillion national debt for each family of four, is in excess of \$70,000. But this \$3,100 represents the interest payment for last year for a family of four.

This is money that will not be saved to buy a new home or to put into a retirement plan or for a family vacation or for the education and training of children. Nor will it be spent by the Government for health care or for public safety or education. It is money that will be used to pay investors who purchase debt obligation to the United States. Many of these investors are foreign investors. The time has come to free American families from this enormous burden of debt. The balanced budget amendment offers the best hope of doing just that.

It is a legal restriction similar to that contained in 49 of our 50 States. And it is embraced by State and local officials from my district and from around this Nation. House Joint Resolution 28, the Schaefer-Stenholm balanced budget amendment, is identical to other amendments which have narrowly failed to gain approval in the House in 1992 and again last March. This amendment has been debated and studied and written about as much as any other issue that has come before the Congress in the 7 years that I have been a Member of Congress and it has stood the test of time.

It is the one balanced budget amendment which has gained strong bipartisan support, cosponsorship by 64 Democratic Members of the House, some of whom you have heard speak here this

afternoon. It is the one amendment that has strong support in the Senate.

□ 1620

Senate Joint Resolution 1, the Senate companion to Stenholm-Schaefer, was introduced by Majority Leader DOLE and is cosponsored by 40 Senators. Of the amendments we will debate later this week, Stenholm-Schaefer clearly stands the best chance of becoming the law of the land.

Would it be better for the President and Congress to come together and agree to a balanced budget amendment without a constitutional mandate? Of course it would, but experience teaches us that this is not likely to happen.

Even since last year, last March, when the Stenholm-Schaefer amendment failed very narrowly to pass in this House, we have added more than \$150 billion to the national debt, and there is no end in sight to the red ink coming out of Washington. The American people are tired of waiting. We are all tired of waiting, and we need to support a balanced budget amendment to put us on a downward glide path to balance this budget in the year 2002.

Is the balanced budget amendment a substitute for decisive action to reduce the deficit? Of course it is not.

Congress, 2 years ago, did approve a 5-year, \$500 billion, tough deficit reduction plan, and the House and Senate approved a 5-year freeze on discretionary spending starting in 1993, at levels using no inflation. Largely because of that legislation, our deficit has come down and the Nation has enjoyed 3 straight years of deficit reduction, the first time that has happened since Harry Truman was our President.

I supported that plan last year. It was a tough vote, but like many of my colleagues, I knew it was not an end to our deficit reduction efforts, but only one part of a larger effort to balance our budget and to restore fiscal responsibility to this Capitol.

The same is true of this balanced budget amendment. We will vote on this this week, on Thursday or Friday. We will have a vote in the Senate, and I believe that the amendment will then go to the States for ratification.

But nothing in the process changes our basic responsibility here in Congress to go back to our committees and to our subcommittees next week and to continue to achieve real savings and spending reduction. This is our responsibility.

Mr. Speaker, one of my congressional district's most famous citizens, Thomas Jefferson, once said "To preserve our independence, we must not let our rulers load us with perpetual debt. We must make our election between economy and liberty or profusion and servitude." Although we are almost 200 years late, Congress and the States have the opportunity to affirm the truth of Jefferson's observation by adopting the balanced budget amendment to the Constitution.

It is an opportunity that we should seize, and I urge my colleagues to support House Joint Resolution 28, the Stenholm-Schaefer balanced budget amendment to the Constitution. We must work together in a bipartisan fashion to pass this important amendment for our country and for our future. We cannot wait any longer.

RECESS

The SPEAKER pro tempore (Mr. COMBEST). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 4:45 p.m. today.

Accordingly (at 4 o'clock and 24 minutes p.m.), the House stood in recess until 4:45 p.m.

□ 1652

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. COMBEST] at 4 o'clock and 52 minutes p.m.

UNFUNDED MANDATE REFORM ACT OF 1995

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

□ 1652

IN THE COMMITTEE OF THE WHOLE

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

The CHAIRMAN. When the Committee of the Whole rose on Friday, January 20, 1995, the amendment offered by the gentleman from New York [Mr. TOWNS] had been disposed of, and section 4 was open for amendment at any point.

Are there further amendments to section 4?

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

As we continue debate on H.R. 5, I want to address some concerns I have about where we are going and how we are going to get there.

Mr. Chairman, last Friday we spent almost 5 hours debating just four amendments to this legislation. We have presently at least, at last count, about 160 amendments pending, and this is under an open rule, and it is an

open rule that I think is well merited in this instance. But I think, Mr. Chairman, if we proceed as we have been going at the very, very slow pace we have been going, we could be here for months on this particular piece of legislation.

I think that perhaps one of the reasons we have seen so many amendments offered is because there is a fair amount of misrepresentation and misinformation circulating about the bill which may account for some of these amendments. I do not question the motives of anybody who has introduced any amendment, although I know that there are some who in very good faith believe that this bill represents a very, very dramatic step back from where we are in terms of regulatory control.

Nevertheless, we do have these amendments, and I think there is misinformation and perhaps it might be helpful to reemphasize just some basic facts about this bill. This bill has very strong support.

The bill has very strong support, I would point out again, not only from the seven major public interest groups, but also the major groups representing the private sector, and among others the legislation is strongly endorsed by the National Governors' Association, the National Conference of Mayors, the National Conference of State Legislatures, National Association of Counties. This legislation is also endorsed by the U.S. Chamber of Commerce, the National Federation of Independent Business, the National Association of Realtors, the National Association of Homebuilders, among others.

So, Mr. Chairman, the list really does go on and on. This has very broad-based support.

The bill also, I would point out, did not arrive just sort of out of the blue. It represents many, many years of hard work by Members on both sides of the aisle, and passed by the Committee on Government Reform and Oversight by a voice vote. I know there were serious concerns about the process that got us to this point, one reason that I supported the open rule, so that we would have a full and open debate on many of the issues that have concerned some Members.

But given the fact that we have this very broad support, I guess the question is: Why would there be this kind of resistance?

The problem is that there seems to be, as I say, misinformation about what the bill does and does not do. This bill does not, I would stress again, and as will be stressed throughout this whole debate, undo environmental and social legislation that is already on the books. The bill does not stop future environmental and social legislation from being passed or costs imposed on State and local governments.

This bill does not stop future reauthorizations or, indeed, it would not convert existing unfunded mandates into mandates subject to a point of

order through the reauthorization process.

What this bill does do is provide a lot of much-needed information about the costs of future legislation, about what we are doing to State and local governments, and what we have done over the years. We in Congress will become accountable and be forced to make informed choices about how legislation impacts State and local governments and ultimately the American taxpayer. That is really it in a nutshell.

We find ourselves at this juncture with over 50 amendments that would exempt all types of programs from this bill. I would say to the chairman if I were to accept all of these amendments they would literally gut the heart of the legislation and render it totally useless.

It is not that we do not, all of us, support these programs. I think many of them are very meritorious and obviously have won and deserve the support of the American people. So it is not we do not support these programs. It is just that we believe Congress and the American people have a right to be, and need to be, informed about what the costs of these programs are and what they are doing to State and local governments.

It does not preclude us from imposing the requirement on State and local governments. It just says we are going to know what we are requiring them to spend to do them.

Mr. Chairman, for these reasons, I must say, and I hope the majority of my colleagues will continue to oppose all amendments, all amendments seeking exemption under section 4 with the exception of ones that may clarify what is already contained in the legislation. These amendments are unnecessary to protect future and existing mandates and would simply preclude analysis of future mandates to State and local governments.

So I will still resist all of the amendments to section 4 except those that I think clarify what we intended to have in there. We do have, I think you know, we have a number of amendments that are going to be offered to other sections of the bill. These are going to deal with very substantive, very important issues that need to be fully debated on judicial review, on the impact on private and public-sector mandates, the effective date of the legislation, the threshold below which or above which we should impose a mandate. There are a number of very substantive issues.

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

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

Mr. CLINGER. Mr. Chairman, we have had a thorough debate on two of the proposed exemptions, both of which were rejected by substantial votes. So I think we have made it pretty clear we do not intend to accept these.

Hopefully some of these would be withdrawn or not offered so we can move on to consider some of the other very important issues that need to be debated.

Mr. GENE GREEN of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the chairman of my committee, the gentleman from Pennsylvania [Mr. CLINGER], expressing his concern about the reason there are a number of amendments, and I would not use the term misinformation as much as considering our committee had one weekend to look at this bill and never even had a public hearing during this session of Congress. So what we are doing during this floor debate is actually developing legislative intent.

A lot of these amendments that we are talking about in the debate that you are going to hear and we heard last week and this week was to establish legislative intent on this bill, because we did not have the time in the committee.

Now, I understand our chairman was told he had to move the bill. But that does not mean that we should short-circuit the legislative process, and so when we do that in our committees, and maybe we can learn for our other committees, that by doing that in our committee process, we are going to make it longer on the floor. Instead of just our committee members dealing with it, now we have 435 Members who want to have questions and answers to this bill.

□ 1700

So we are establishing legislative intent.

Let me talk a little bit about—just today in the Houston paper, and I was going to say the Post, but it was not the Washington Post, it was the Houston Post, so we will not get confused with inside the beltway or outside the beltway. They had an editorial about the unfunded mandate bill that says, "No easy answers." This is daily newspaper. It talks about—again, it is not inside the beltway—it says, "Unfunded mandates is a term that is overly used and often misunderstood when we talk about misinformation." And it is part of the Contract with America or on America or for America or whatever.

But State and local officials across the country complain about Washington being too quick to tell them what to do, whether it is clean air, fair labor standards, family leave. But is it fair, and let us go back and use their analogy, again from the Houston Post. It says,

An analogy of a teenager in his car. Clearly, it is wrong for his parents to force him to use his money to pay for gas to run errands. But what if they simply order him to repair his transmission so it does not leak in the driveway? Instead of saying, "We want you to clean up your driveway, son or daughter, and that is what we are talking about." That is a mandate that parents give to their child, they are not telling him to use his money to

pay for gas to go run errands, they are just saying, "Well, if you want to keep that car in the driveway, we want the transmission not to leak on it, at least." So we are unfunding that mandate for you to clean up your transmission.

It is easy to talk about unfunded mandates, and I agree that the bill needs to be passed, but I also think we would be doing a disservice to our constituents and to the people of this country if we do not recognize what we are doing by taking as much time as we need, if not in committee then on this floor for the whole world to see, about the unfunded mandate issue.

We are 1 country, but we are 50 States. What we come together on as a country is important to us. It may be called an unfunded mandate, it may be a national issue instead of a local issue. But I still think it deserves the time on this floor of this body to consider it judiciously. I think that is what we are doing.

AMENDMENTS OFFERED BY MR. SKAGGS

Mr. SKAGGS. Mr. Chairman, I offer amendments numbered 112 and 115 and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments, numbered 112 and 115, is as follows:

Amendments offered by Mr. SKAGGS: Section 4 is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; or" and by adding after paragraph (7) the following new paragraph:

(8) pertains to air pollution abatement or control.

The proposed section 422 of the Congressional Budget Act of 1974 is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; or" and by adding after paragraph (7) the following new paragraph:

"(8) pertains to air pollution abatement or control.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado that the amendments be considered en bloc?

There was no objection.

Mr. SKAGGS. Mr. Chairman, stated very simply, this amendment would exempt clean air laws and regulations from this bill. Without this exemption, the bill, I think, will hurt the environment and actually unwittingly promote a kind of socialism in this country, a fact that may come as a surprise to my colleagues.

I am utterly astonished at this, I assume, unintended consequence of the bill. But it would certainly be one of its effects, which I will explain in a moment.

Clean air laws can be an unfunded mandate, primarily when local or State governments own and operate major sources of pollution. Just like other entities and persons, they run power plants, they drive vehicles, and operate other sources of pollution. State and

local governments own almost 600 electric utilities, which generate something like 4 million tons of air pollutants a year. They operate untold thousands of motor vehicles. In my area in Denver, for instance, the regional transportation system has over 800 buses, and no one should doubt that they can be a source of air pollution.

When Congress or the EPA adopts a nationwide air pollution standard, it applies to all power plants or landfills or all vehicles. Such a standard would be considered an unfunded mandate on States and local governments under the bill that is now before us.

If it were to pass in its current form, Congress would have three basic choices of how to deal with a future clean air bill. The first choice would be simply to exempt State and local governments from any new clean air mandates. We could just let them off the hook and not require them to comply to the extent that others in our society would have to follow the same rules.

If we make that choice, then we would have condemned American citizens to breathe dirtier, more unhealthful air. And—and this gets to the socialism question—and we would have given State and local governments a great competitive advantage. A power plant that happened to be owned by a public utility, a publicly owned utility, would not have to make the same pollution control expenditures that power plants owned by the private sector would have to. That is certainly unfair to the private sector. In the highly competitive power industry, avoiding the full costs of clean air compliance would give publicly owned plants a great advantage.

So, without this amendment, this bill would create a kind of perverse incentive to socialize the utility industry. This is the type of ironic and amazing result of trying to push a bill like this through without taking the time, or holding any hearings, to think it through.

Letting State and local governments off the hook wouldn't be our only choice. The second option would be for the Federal Government to pick up the tab, making them funded mandates. Then it would be the Federal taxpayers, however, who would be paying for the pollution of publicly owned utilities, transportation districts, or whatever. This second option is also absurd. Why should all the taxpayers in the country pay for pollution cleanup at a power plant that happens to be municipally owned? It has always been the rule that the polluter should pay for his pollution.

If taxpayer dollars are spent this way, then State and local governments would still have an economic advantage over their competitors in the private sector, and, again, we would be headed down the road to socialism.

The only other option we have, the third choice, would be to vote to overrule the point of order that this bill

would create as an obstacle to passing any new clean air legislation.

That, I gather, is what those who wrote this bill and who are managing it on the floor today claim it will do. Fine, if that is what we are going to do, let us do it now. If everybody is in agreement that we do not really want to make it impossible or much more difficult to pass future clean air legislation, then let us go ahead and vote that way today by putting this exemption in the bill.

Let us remember it is already plenty difficult to pass a clean air bill. Last time we did it, it took over a decade to work out the details.

Let us remember the American people want us to do more, not less, to clean up the air they breathe. Why should we make it harder to pass a clean air bill? I do not think we should.

So, I urge this House to make the decision now that we are not going to create a new procedural obstacle to clean air bills. I urge adoption of the amendment.

Mr. Chairman, I have an amendment at the desk, No. 112. I ask for its immediate consideration.

I ask unanimous consent to have amendments No. 112 and No. 115 be considered en bloc.

Stated simply, this amendment would exempt clean air laws and regulations from this bill. Without this exemption, the bill will hurt the environment, and it will unwittingly promote socialism.

It may not be surprising that this second bill brought forward by the new majority would hurt the environment, by making it more difficult to pass laws and adopt regulations to clean up the air and otherwise protect the environment.

But I'm utterly astonished the new majority party would support a measure that would actually promote socialism. I trust this is not an intended consequence of the bill, but it certainly would be its effect. And if the people who wrote the bill don't want to do that, then, I hope they'll support the change which this amendment would make.

Let me explain.

Clean air laws can be an unfunded mandate primarily because State and local governments own and operate major sources of pollution, just like any entity or person who runs a powerplant, drives a car or bus, or operates any other source of air pollution.

State and local governments own 590 electric utilities, which operate powerplants that put out nearly 4 million tons of air pollution a year.

State and local governments also operate untold thousands of motor vehicles. In the Denver metropolitan area, for example, the regional transportation district operates 825 buses. And anybody who has been stuck in traffic behind a bus knows that buses pollute.

When Congress or the Environmental Protection Agency adopts a nationwide air pollution standard that applies to all powerplants, or all landfills, or all buses in this country, that standard would be considered an unfunded mandate on State and local governments, under the bill as is now written.

If the bill were to pass in its current form, Congress would have three basic choices when considering a future clean air bill.

The first choice would be simply to exempt State and local governments from any new clean air mandates. We could just let them off the hook, by not requiring them to clean up these sources of pollution to the extent others in our society would be required to clean up identical powerplants, cars, and trucks. The 590 powerplants owned by State and local governments could be allowed to pollute freely at higher levels than everyone else, without any regard to the effect on public health, acid rain, or anything else. The 20 million tons of emissions from some 2,500 municipal landfills would not be subject to the same constraints that apply to BFI or waste management. In Colorado, the regional transportation district could be allowed to buy and operate buses that didn't meet the emission standards that apply to a private charter company.

If we make that choice, then we would have condemned American citizens to breathe dirtier, more unhealthful air.

And we would have given State and local governments a great competitive advantage. A powerplant that happens to be owned by a public utility wouldn't have to make pollution-control expenditures that powerplants owned by the private sector would have to. That's certainly unfair to the private sector. In the highly competitive power industry, avoiding the full costs of clean air compliance would give publicly owned plants a great advantage and ability to expand.

So, without my amendment, this bill would create a perverse incentive to socialize the utility industry. The new majority, according to their words, wants to privatize government operations, not have the government take over private sector operations. But this is the type of ironic and amazing result of trying to rush a bill through, without taking the time or holding any hearings to think it through.

Letting State and local governments off the hook by exempting them wouldn't be our only choice. A second option would be to mandate cleanup State and local governments, but have Federal taxpayers pick up the tab. This would make them funded mandates. Then, it would be the Federal taxpayers would pay for pollution controls on publicly owned powerplants. And it would be the Federal taxpayers who would pay for the costs of the pollution controls on the buses the regional transportation district buys, and for the maintenance of the buses so they meet clean air standards.

This second option is also absurd. Why should all the taxpayers in the country pay for pollution cleanup at a powerplant? Why should all taxpayers in the country pay for emission controls on RTD buses? It's always before been the polluter who pays in this country.

And if taxpayer dollars are spent this way, then State and local governments would still have an economic advantage over their competitors in the private sector, and again we'd be headed down the road to socialism.

The only other option we'd have, the third option, would be to vote to overrule the point of order that this bill would create as an obstacle to passage of a new clean air bill. That, I gather, is what those who have written this bill and who are managing it on the floor today claim is what we will do.

Fine, I say. Let's just do it now. If everybody is in agreement that we don't really want to

make it impossible, or even more difficult, to pass a new clean air bill, then let's go ahead and vote that way now.

One way an automatic point of order would jeopardize the next clean air bill is to thwart the need to respond to science as it finds that pollution is increasing. This seems to be true for ozone and particulates in particular. Current science is indicating that these problems may be getting worse, not better. As a result, we may need to respond by tightening the national standards for these pollutants to protect the health of our constituents. The automatic point of order in H.R. 5 would pose an enormous obstacle to doing the right thing.

Let's remember that it's already plenty difficult to pass clean air legislation. The last time we did so, it took a full decade of strenuous debate and negotiation.

And let's remember that the American people want us to do more, not less, to clean up the air they breathe. Why should we make it harder to pass a clean air bill?

I don't think we should, and so I urge this House to make the decision now that we are not going to create a new procedural obstacle to clean air bills.

The Clean Air Act also includes unfunded mandates on State governments as governmental bodies, as opposed to those they face as the owners and operators of sources of pollution. For example, States are required under the act to prepare State implementation plans to meet the national air quality standards. But in the absence of the national framework for cleaning up the air that the Clean Air Act represents, each State would still have its own air pollution cleanup program, anyway. In any event, it's worth remembering what State and local leaders said about this mandatory national framework when Congress last reauthorized the Clean Air Act, including:

The Governors * * * have unanimously agreed that the Congress must take tough measures.—The National Governors Association.

Reauthorization of the Clean Air Act is one of the National League of Cities' top priorities.—The National League of Cities.

Let's not kid ourselves. Without this amendment, we will put at some serious risk continued progress in cleaning the air our fellow Americans breathe. There's no reason to take that risk. I urge my colleagues to adopt the amendment.

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

I do so reluctantly because the gentleman from Colorado is one of the more thoughtful Members and contributes a great deal to our debate.

But I think it is fair to say we all want clean air. There is no disagreement about the fact that we are all interested in preserving the quality of air throughout our Nation. That is certainly not the question.

H.R. 5 in no way is going to abrogate that. It is about having information on the costs of clean air programs.

Among others, they will work with Federal, State, and local governments to provide solutions that will work for everyone, as opposed to the current pattern of Federal dictates. So a majority is needed to pass the Clean Air Act, that is not going to change under H.R. 5. What will change is that Congress will have adequate cost informa-

tion and debate on the unfunded mandates issues. The alternative is to legislate as we have been doing, which is with a blind eye toward the impact of these mandates on States and localities. It is no exaggeration to say that some communities will vote for putting policemen on the streets and improving all other services in order to afford compliance with the environmental mandate. They will have to make very tough decisions, faced with the mandates imposed by the Federal Government and the needs they have in their local communities.

Counties are going to spend over \$2.6 billion to comply with the Clean Air Act in fiscal 1994 through 1998. This is money that could be used for other purposes: For education, for housing, and other community priorities.

So I must oppose the gentleman's amendment.

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

Mr. CLINGER. I am happy to yield to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. I thank the gentleman for yielding.

Mr. Chairman, do I understand your position correctly—and I have great regard for the gentleman from Pennsylvania—that he believes that we should have essentially a presumption here that a municipal-owned power plant or a municipal bus company or a county-owned landfill should not be held to the same clean air standards as their private sector counterparts.

□ 1710

Mr. CLINGER. The debate on private/public sector issue, and there is an issue there that I think will be debated, is going to go forward. I do think—we are not suggesting that this is in any way going to undermine, or impede, or undercut existing mandates imposed on the very entities—and indeed on the private sector as well—

Mr. SKAGGS. But if the gentleman would yield further, we can assume, given the evolution of the science of air quality and air pollution, that at some point this Congress will consider in the future tightened standards, and that is really what we are speaking to, and I am talking prospectively. At that time in the future is the gentleman standing for the proposition that publicly owned utilities, vehicles, landfills, should have to adhere to a lesser standard than everyone else?

Mr. CLINGER. Certainly not—

Mr. SKAGGS. Then why do we not go ahead and write that into the bill today?

Mr. CLINGER. What I am suggesting is that there is language in the bill now that will require an analysis of what, in fact, the impact would be and what the—that this equilibrium that might be developed by a private/public sector—

Mr. SKAGGS. If the gentleman would continue to yield, I have no problem with the informational requirement. It

is the point of order that would have to be overcome by a majority vote in the body that stands as a real impediment to again holding publicly owned polluters to the same standard as privately owned polluters, and why do we not go ahead, and clear that up, and get rid of that problem now?

Mr. CLINGER. This is an issue that I think deserves to be debated, but I do not think it needs to be debated at this point. What we are talking about here are exemptions, total exemptions, from the existing law. We are going to have, I am sure, a very spirited debate about the implications as to private and public sector. At this point, this is asking for a total exemption from the application of the point of order to an entire statute, and I just cannot accept that.

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

Mr. Chairman, I do not think it is inappropriate to discuss these issues and discuss them right now. What has been inappropriate, in my estimation, is the way this bill has been steamrolled through this Congress without even hearings in committee.

We pass legislation with all sorts of consequences; a lot of them are unintended consequences and the best way to avoid negative, unintended consequences is to know what we are doing to the best extent possible.

It is ironic that the legislation, which claims to give the Congress more tools through all the analysis of what may be an unfunded mandate to what extent it will put a burden on the taxpayers of local and state governments; information that would be useful is being pushed through so that we will not have the full information available to us in understanding what this legislation would in fact do.

Now the best—one of the best examples of what are clearly unintended consequences is to look at the environmental area. The legislation before us would say that, if there is a mandate on local governments, it has to be paid for by the Federal Government. But there are environmental laws that apply across the board, whether the polluter is a government owned polluter or a privately owned polluter. First of all, people's lungs do not know the difference, if it is a toxic pollutant coming from a municipal owned incinerator or a privately owned incinerator. The laws should be the same if we are going to require pollution reductions, whoever may own that particular facility. But this legislation would deem the costs for a publicly owned polluting source, incinerator, power plant, whatever, to be an unfunded mandate.

What are the consequences of that? The government would have to pay the costs that would be borne by the publicly owned entity or say that they are not obligated. Well, we would have the privately owned polluting source regulated, but the publicly owned one not

regulated. That makes no sense because pollution is pollution, and, second, it puts a disadvantage to the privately owned enterprise when it is in competition to that which is publicly owned. That, seems to me, makes no sense.

We have interstate air pollution and environmental problems, and because of that reason we have to look to the Federal Government to set the standards, and for that reason we ought not to consider these unfunded mandates. Why would any local government want to spend the money to reduce pollution that affects somebody else? And there are a lot of examples of this:

Probably the best is what we fought over for so many years dealing with the acid rain problem. We have power plants in the Midwest, some of which are publicly owned power plants that emit SO₂ pollution that is carried long distances into the northeastern part of the United States and comes down in that area in the form of acid precipitation. Well, we adopted legislation to use market forces to reduce that pollution. Some of those existing laws are going to be affected by this legislation. We have heard over and over that is not the case because this is only prospective, but it is going to be retroactive to existing laws like the Clean Air Act because a lot of those laws have not yet been implemented through regulations. When regulations are adopted in the future to enforce these existing laws like the Clean Air Act, the Safe Drinking Water Act, the Clean Water Act, then there is going to be this unfunded mandate obligation that will be triggered, and those regulations can be tied up in court for years, an issue we are going to discuss sometime down the road as we look at this bill. But we have acid rain coming from States like the Midwest, Ohio, and Pennsylvania. New York in the Northeast will be affected.

The Long Island Sound is another good example. In Long Island there is pollution from sewage discharges from New York City. Under this bill the Clean Water Act provisions controlling these discharges by New York City would be considered unfunded mandates. So, if we do not pay New York City to stop polluting, the people in Connecticut are going to suffer, and, when we have these competitions between the privately owned and the publicly owned polluting sources, we should have a level playing field. These are things that one would not ordinarily think about when they hear about a bill called unfunded mandates, but in fact that is what is going to occur, and that is why I think the gentleman from—

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

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

Mr. WAXMAN. That is why the amendment that is being offered today

that would say, "Let's look at environmental issues as one where we are not going to consider it an unfunded mandate in order to make sure that we don't put private enterprise at a disadvantage to publicly owned enterprise; secondly, that we can deal with interstate problems; and, thirdly, so we can protect the public from environmental hazards which can be great indeed when these environmental hazards can cause lung problems, can cause cancer, can cause very serious diseases that we hope can be prevented through wise policies."

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

Mr. Chairman, let me just quickly correct a couple of statements that my colleague, the gentleman from California, made with regard to this legislation to make clear what we are doing here this evening. He said that the options would be, No. 1, to pay the public utilities; or, 2, to not have the mandate take effect as the chairman of the committee has noted. This evening, and many times in the debate on Friday, that is in fact not the sole option before this Congress under this legislation.

Let me be very clear. This forces a cost accounting which is not currently available. It then forces a debate on the floor as to the new unfunded mandate and finally forces a vote. It is a majority vote. So by a majority Congress could continue to exercise its judgment and continue to have the mandate take effect with or without funding.

Another correction needs to be made, and that is with regards to existing laws where regulations are not yet promulgated. The gentleman from California said that the unfunded mandate process would be triggered by that. That is not correct. Existing laws are not covered by this legislation in terms of the point of order being raised against unfunded mandates. New regulations, which would be promulgated pursuant to existing statutes, would not be covered by the point of order on the floor of the House that we have talked about many times now. There are certain requirements on the Federal agencies. They are reporting requirements as to the costs, again of the new regulations being promulgated, if they are above a threshold of \$100 million.

□ 1720

I think it is important, Mr. Chairman, to continue to emphasize that this bill is not the broad-based bill that the opponents to the legislation or the proponents of this amendment and other amendments which exempt whole areas of the law would have us believe. This is a carefully crafted measure. This is a measured response. This is something that gives us information and accountability.

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

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

Mr. MANZULLO. Mr. Chairman, I rise in opposition to any amendment that would exempt the Clean Air Act and other environmental laws from the unfunded mandates. Mr. Chairman, I represent the 16th District of Illinois. One of our counties is McHenry County, part of the Chicago metropolitan statistical area. That area has been designated as a severe ozone nonattainment area, which means that any company which has in excess of 100 employees is forced to carpool. It is called employee commute option. This is a mandate from the U.S. Congress through the amendments in 1990 to the Clean Air Act.

The CRS has put out a report showing a cost-benefit analysis. The EPA administrator herself, Carol Browner, stated in a meeting this past week here on Capitol Hill that as far as she is concerned and as far as Mary Nichols is concerned, and Mary Nichols is the assistant EPA Administrator, that carpooling simply does not work under any circumstances. It is not proved to be cost efficient. But we are stuck with it. It is in the law.

To exempt the Clean Air Act from the unfunded mandates bill simply is saying we are going to take a bill, a provision of a law, that does not work, but because it relates to environmental quality, therefore, it should not be looked at with the scrutiny of an unfunded mandate.

The Chicago Tribune this past Saturday headlined, "U.S. Car Pool? Never Mind." This is the EPA administrator urging Members of Congress to ignore an existing statute. The only thing we can do at this point, aside from opening up the Clean Air Act, is to ask that the Clean Air Act, along with other statutory enactments, be looked at by the Unfunded Mandates Commission for the purpose of saying this simply does not work, we should do away with it, and allow people the ability to drive to work as opposed to being forced to carpool.

Mr. PORTMAN. Mr. Chairman, reclaiming my time, let me be very clear: This new legislation does not apply to the Clean Air Act, it does not apply retroactively, it applies prospectively only. The discussion here on this amendment is as to new mandates that might arise under clean air and other environmental status.

Again, to emphasize the point, the Clean Air Act which was passed by this Congress by a majority vote would not be covered under the provisions of the point of order that we discussed earlier.

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

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

Mr. WAXMAN. Mr. Chairman, the reason why I disagree with the gentleman is not because we are going to have the Clean Air Act on the floor. If we were to have it on the floor and

made some changes, it might be affected by prospective consideration of unfunded mandates.

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 yield to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Chairman, whenever EPA wants to revise their regulations to meet problems that were not otherwise foreseen which are consistent with existing law, those regulations would have to undergo the analysis as to whether they constitute an unfunded mandate.

Now, I have no problem with the analysis. What I find difficult is the fact that those regulations can be held up ad infinitum because of the judicial review that anybody who disagrees with the regulation could use to say that they did not want it go into effect, the analysis was not good enough. That seems to me to allow a situation that we would not tolerate if it were a prospective piece of legislation, because we would reserve to ourself a point of order which can be voted on by a point of order overturned, but could not be overturned except through lengthy court legislation. I think that makes no sense.

Mr. PORTMAN. Mr. Chairman, reclaiming my time, to reclarify again, because we are beginning to fuzz the lines between the point of order and the regulatory requirement. The regulatory requirement is simply a requirement that before new regulations are promulgated, there be an assessment of the costs. Those costs will go into a written report which will be provided to the OMB and the Congress.

It seems to me that is a very sensible approach. It is actually not even as general and broad as the current Executive order that President Clinton has issued to the Federal agencies in these sorts of situations. All we are asking is there be judicial review of those assessments of cost. Let us be very clear on that. I understand now the gentleman's point, which you had not made previously, which is it really is the judicial review section that troubles you. That, of course, will be subject to considerable debate, I believe, later this evening or perhaps tomorrow. But with regard to judicial review, it is only as to the agency action, and, again, the agency action is information on an assessment of the costs and benefits.

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

The CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. WAXMAN. Mr. Chairman, there are two ways we are going to have an unfunded mandate provision apply. One is if it is legislation to be brought up,

not existing legislation but new legislation, and if it is brought up in the Congress, it will have the cost analysis of an unfunded mandate and we will permit a point of order if there is an unfunded mandate above a certain amount of money, but we reserve the right of the Congress by majority vote to allow that legislation to go into effect anyway and to impose the unfunded mandate anyway.

That is the congressional route. But there is another separate route where unfunded mandates can stop prospective actions, and that is in terms of regulations enforcing existing laws. So I take issue with the statement that existing laws are not going to be impacted. They are definitely going to be impacted.

For example, if the Environmental Protection Agency wanted to adopt a regulation dealing with toxic emissions, emissions that are hazardous, that can cause cancer, can cause birth defects, if they want to under the existing Clean Air Act adopt regulations dealing with these toxic emissions, and if the source of the toxic emissions is a publicly owned facility, then the EPA has to do this long analysis about how much it is going to cost the publicly owned polluter.

Now, I have no problem with that requirement. But let us understand what will be imposed upon the EPA to do this. They are going to have to look at the anticipated cost to the States, what impact it is going to have on the national economy, on our national productivity, on economic growth, on full employment, on productive job creation, international competitiveness, all of these things, which I do not think the Environmental Protection Agency is equipped to do. But they will do it, because we want to have them know, and the Office of Management and Budget and others involved in the administration, know the full cost impact.

But after they have done that, it is not enough, because there is no point of order that can be made, there is no majority vote that will say it is in the best interests of the country to have the regulation go forward. What happens then is they issue the regulation because they think it is appropriate, but the judicial review that can be then used to second-guess whether they did this analysis adequately can lend itself to anybody who disagrees with the regulation, and by anybody I mean a polluter, a corporate polluter, an industry that does not want to be regulated, can go into court and say they really did not look adequately at the international competitiveness of the United States if this particular hazardous pollution emitter is going to have an unfunded mandate that is going to be a burden upon them.

There are facts that are going to have to be determined under this legislation by the Environmental Protection Agency, as an example, that are going to be rigorous, and so rigorous

that one may not be adequately done and, because it cannot be done adequately, becomes a loophole for the polluting source to tie it up.

Then we have to recognize, as the gentleman from Colorado so well pointed out, we are talking only about a polluting source that is publicly owned. We will have to say at that point that the regulations will not go into effect for that polluting source because it is publicly owned, but the privately owned polluting source would be regulated. It is unfair competition between the two, and it strikes me as peculiar for Republicans particularly, who argue they want more private initiative, to tilt things in favor of the publicly owned polluting source.

So I think that it makes good sense to exclude these environmental issues from the requirement of an unfunded mandate. They should not be considered unfunded mandates, especially since it is going to be such a burden to allow a regulation in the national interest, in the interests of protecting the public health, of protecting the environment, from being put into effect prospectively.

□ 1730

I take issue with the idea that this bill only applies to future law. It will apply to existing law because of this provision that applies to regulations. I stand in support of the amendment offered by the gentleman from Colorado.

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

Mr. Chairman, I have just a couple of questions I wanted to ask, if I could, the chairman of the committee.

As I have heard the discussion, first, the bill does require, does it not, for the first time that the public and private sector competition issue be considered by Congress before it enacts such legislation?

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

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

Mr. CLINGER. The gentleman is correct. This is really the first time that we have that provision in here. Heretofore there has been no such requirement or no such mandate to in fact make that determination or to study the impact of it on the private-public sector dichotomy.

Mr. DAVIS. In point of fact, does not this legislation specifically require the committee reports to include an analysis of how funding a mandate would affect the competitive balance between the public and the private sector?

Mr. CLINGER. Mr. Chairman, if the gentleman will continue to yield, the gentleman is absolutely correct.

Mr. DAVIS. Also it is my recollection that the U.S. Chamber of Commerce, the NFIB, the National Association of Home Builders and Browning-Ferris, all private sector entities that could be adversely affected through this public-

private competition, that the gentlemen on the other side of aisle are concerned about, are all endorsing this legislation in its present form?

Mr. CLINGER. That is correct. In fact, the language really was done in consultation with private sector interests to ensure that they would not be disadvantaged by the language of the statute.

Mr. DAVIS. Mr. Chairman, I thank the gentleman.

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

Mr. Chairman, I rise in opposition to this amendment. I, like the gentleman from California [Mr. WAXMAN], represent the Los Angeles Basin and was a strong supporter of the Clean Air Act, as he knows. In fact, several years ago, while I never had the privilege of serving on the powerful Committee on Energy and Commerce, I did spend time with the gentleman from California [Mr. WAXMAN] and other members of the Committee on Energy and Commerce dealing with this very important issue.

In fact, the area which I represent in southern California happens to have the highest number of first stage smog alerts in the entire country. It is the Inland Empire area, the eastern suburbs of Los Angeles. I say that simply to underscore my strong commitment to improving air quality.

But in looking at that, we have to realize that the Clean Air Act over a five-year period, which began last year, is imposing a cost on cities throughout this country of \$3.6 billion. Our city of Los Angeles alone is shouldering a burden of \$787 million.

I had breakfast this morning with Mayor Richard Riordan, mayor of Los Angeles. We were talking about this. Mayor Riordan and I and others of the area are strongly, strongly committed to improving air quality. But the fact of the matter is, this cost burden is overwhelming, extraordinarily onerous, and I have to rhetorically ask the question, at what level of spending will we possibly be able to attain a level of satisfaction for every Member of this House?

It seems to me, from my perspective, we have reached that point.

Mr. GENE GREEN of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Skaggs amendment. Let me say, my colleague from Illinois who was here earlier and talked about his frustration with the trip reduction, I was in that meeting with him last week with the EPA because we were concerned about emissions tests in Texas, the system that the State of Texas had set up.

But one of the problems he may recognize though is that that was a state plan that was established. And it was a state plan that put so much weight on emissions, so much weight on industry, and also the trip reduction, although EPA did come in and give him some

flexibility on trip reduction just like I think they are doing with us on our emissions testing in Texas. But it was a state plan.

In 1990, the Clean Air Act was passed here with bipartisan support and signed by a Republican President, and I am sure it had a vote somewhere on it on the floor that said, this gives the flexibility of the States. It may be a mandate on the States to reduce your pollution, but it is giving the States the ability to make that decision on their own.

Pollution knows no boundaries. We are just fortunate in the State of Texas that if we pollute in Houston it is all within our boundaries most of the time. We do not have that in other parts of the country, whether it be the Midwest or the Northeast or California to the mountain States.

So that is why I think it is important that we prioritize and say we are against unfunded mandates. We recognize that it is wrong. But there are also things that bring us together as a country. Pollution does not know state lines or county lines or city lines. And that is why oftentimes in Congress we have to address it, and the Clean Air Act is one of those examples. But they can be fine tuned by our States to recognize whether it is emissions or by the trip reduction, and my colleague from Illinois has had so much trouble with it. They have responded in there and they are working on it here in Washington.

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

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

Mr. WAXMAN. I think he makes an excellent point. We do give the States the flexibility in that responsibility that they take to devise their own plans for reducing emissions so that the health of the public will be protected. But I would suggest that when we hear about all these private enterprises like the chamber of commerce, thinking that they are not going to be at a competitive disadvantage, I suspect that some of these private industries think, well, if it is going to be an unfunded mandate the government-owned polluter, perhaps we will not put any regulations on either of them.

I suspect that that is what a lot of them would like. They do not see themselves ever being at a competitive disadvantage. They think that none of the polluters will have regulations placed upon them.

I think that would be a disservice to the people whose lungs are going to have to breathe in pollution when we deal with these air pollution problems.

Mr. GENE GREEN of Texas. Reclaiming my time, Mr. Chairman, the people who breathe that do not know whether it comes from a municipal waste incinerator or a commercial weight incinerator. And so if we are going to, by this bill, create disparity in the regulations, that is the concern that we need to recognize.

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

Mr. Chairman, as somebody who was involved with the Clean Air Act, I rise in strong support of the Skaggs clean air amendment. I think what the gentleman from California [Mr. WAXMAN] has done is pointed out the tremendous potential for us, if we pass this legislation, to seriously usurp the Clean Air Act. If we move ahead with this bill, what is going to happen with the various states and some of the standards? 50 different clean air standards? No uniform protections from automobile factory manufacturing emissions?

And unless we pass this amendment, I think this whole issue is going to be unclear. We need to make sure that we are exempting clean air regulations from this unfunded mandates legislation. Otherwise, we are going to have a lot of angry people, angry communities and you are going to have a public asking us immediately to revoke this ill-timed legislation.

Many of us were here in 1990, when the House passed the Clean Air Act by 401 to 25. The vote was clearly representative of the American people's public desire for effective responsible federal regulations. But that is not what other advocates of the unfunded mandates legislation are telling us. They must think that the American public does not care about the quality of air that we breathe. And they must think that a double standard is okay.

As currently written, the unfunded mandates legislation exempts only state and local governments. That is right. Despite all the rhetoric about relief from regulation for the American people, the bill would continue to subject individuals and businesses to any new laws. I do not know what that means, but I can only guess that the backers of the bill think that states and local governments should be given unfettered power to do whatever they want to public health and safety standards for clean air.

And yes, mayors and county commissioners are powerful and they are elected, but we should not give them the green light to do whatever they want. That is not right. The American people want protection. They want responsible action, not legal loopholes and weekend federal standards.

□ 1740

In survey after survey the public has said they overwhelmingly support strong, effective environmental regulations, the last one being in December of 1994: "Sixty-two percent of the American people feel that environmental laws and regulations do not go far enough or strike the right balance for protection for public health and safety."

When we passed the Clean Air Act amendments in 1990, we culminated a decades-long struggle to pass meaningful legislation to protect our air. The new requirements we overwhelmingly

endorsed were supported by everybody, elected officials included.

In fact, in 1989 the National Governors' Association wrote to Congress that they "unanimously agreed that the Congress needed and did take tough measures." In the same year the National League of Cities told Congress that "As a national municipal policy, reducing air pollution to safe levels is equal in importance with employment, housing, and economic development, and revitalizing and conserving cities."

According to the Clean Air Network, "Despite the tremendous progress we have already made towards cleaner air, nearly 100 million Americans live in areas that still have unhealthy levels of one or more of the six major pollutants."

So how many more of our constituents are we going to put at risk if we pass this legislation without proper safeguards and proper and extended debate?

Mr. Chairman, we just passed laws mandating that Congress live under the same laws as the rest of the country. We all voted for it. That is a good idea. However, I find it ironic that while we increased the application of the laws to ourselves, we are reducing the application of public health protections that the American public holds dear.

We keep hearing that the 1994 elections delivered a message of change for the American people. That American people have spoken loudly and clearly. What is important to them? Are we going to have legislation that comes at the expense of their health and their air? Will we ignore this message again?

If this amendment is so bad, and I have heard some of my colleagues on the other side say that we are not exempting the clean air legislation, why do we not pass the Skaggs amendment to make sure it is correct? We are giving the green light to courts and other arbitral bodies around the country to say "Well, you passed the unfunded mandates legislation, so City of San Diego, of Albuquerque, and others, you do not have to meet clean air standards. You can let the pollution come in, as long as it is going to bring jobs."

Mr. Speaker, this is a good amendment. Let us not rush too fast. Let us make sure that we are doing the right thing. Let us pass this very good amendment and move on to ensure that the public is protected.

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

Mr. Chairman, I rise today to support the Skaggs amendment, which I believe is a necessary improvement to H.R. 5. While I am sensitive to the burdens that Federal legislation may impose on State and local governments, I believe that the responsibility which is borne by all levels of government to protect the environment, defend worker safety, prevent worker discrimination, and secure basic rights for all

citizens is paramount and must be met by our government.

As I listened to our colleagues debate this legislation and the various amendments to it, it sounds as if what some people would like to see is unmandated funding, rather than unfunded mandates, so I think we have to have more balance than H.R. 5 presents.

I commend the gentleman from Colorado [Mr. SKAGGS] for bringing this important issue to the floor, which would restrict the scope of H.R. 5 in terms of the Clean Air Act. Last week, sadly, this body rejected amendments from the gentleman from Mississippi [Mr. TAYLOR] and the gentleman from New York [Mr. TOWNS] which would have restricted the scope of H.R. 5 in terms of the interstate ramifications for the public health and safety of residents in other States.

I think this was unfortunate, because those amendments, like those of the gentleman from Colorado [Mr. SKAGGS] today I think were necessary improvements to the legislation. In our clamor to get Government off our backs, we risk a great loss, the loss of environmental protection that we have struggled for decades to ensure.

We hailed the industrial revolution and later the arrival of dramatic new technology as great advances in our civilization. However, with this progress came the realization we were risking massive depletion of the resources responsible for our success.

In reaction to this, the Federal Government sought to strengthen our environmental laws, so that future generations would not inherit a crippling environmental debt that threatened their security and their lives. Today in our 100-day stampede we are putting at risk the fundamental environmental protection laws we struggled, as I mentioned before, for decades to bring about.

The Federal Government, in its direction to the States, has provided the continuity necessary for our environmental laws. A national problem deserves a national plan. Our States do not exist autonomously. They are State united by common, often overlapping, problems and national solutions. Many of my colleagues, and most recently the gentleman from Texas [Mr. GENE GREEN] pointed out that pollution, et cetera, knows no geographic boundary.

On December 21 the results of a national poll and voter attitudes towards environmental protection were released. They showed that by over 2 to 1 the American public believed the current environmental protection laws do not go far enough, as opposed to 18 percent who believe that the laws go too far. Even the voters who voted for Republican congressional candidates indicated that they do not want environmental laws rolled back.

In explaining this poll, the National Wildlife Federation stated "The poll demonstrates that when the American people voted for change in the congress-

sional leadership in last month's election, they did not endorse an attack on 25 years of environmental protection."

I heard my colleagues talk earlier about many ideas which I associate myself with, which I have concerns about in H.R. 5. The gentleman from California [Mr. WAXMAN] talked about the judicial review, and I know we will be getting around to that later, but I also want to associate myself with his remarks in that regard.

Others of our colleagues have talked about measuring the amount of money, assessing the amount of money that this legislation, the amendment of the gentleman from Colorado [Mr. SKAGGS], would cost. It is impossible for us to talk about money and the environment without understanding how costly it will be for us not to protect the environment.

The need to clean up pollution and mitigate other environmental problems should translate into a backlash against the pollution, not against the programs implemented to clean them up. The direct costs of mitigating pollution reflect only part of the price society must pay for environmental degradation.

Environmental problems impose significant costs on society: disease and death, lower fishing yields, reduced recreational activities, loss of jobs, and the list goes on. Toxics and pollution pose a major threat to human health. Pollution has been linked to chronic respiratory problems, cancer, and even birth defects. In addition, numerous studies have shown that environmental damage can significantly harm the Nation's economic performance.

The debate today is not about relieving States of an unnecessary burden. It is about dismantling environmental laws that protect the health of our Nation's citizens.

Federal mandates serve an important purpose in motivating States to perform responsibly, as parts of the whole, and with the same requirements we have for the private sector. Without these mandates to ensure environmental protection, the health and lives of our future generations of Americans will be at risk.

Once again, I urge my colleagues to support the Skaggs amendment, at least all of our colleagues who would like to breathe the clean air.

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

Mr. Chairman, it is indeed heartwarming to have heard the impassioned pleas on behalf of private industry from the other side of the aisle. They have suggested that if we pass this act as is, private industry will be at a competitive disadvantage with publicly owned, say, utilities, for example, because the utilities will be in some way exempt from a mandate and private enterprise will not be exempt.

Mr. Chairman, I would point out that one solution to that would be to pass a

similar piece of legislation, exactly applying the unfunded mandate of this legislation to private enterprise, just as we are now proposing to do so with State and local government, and that would level the playing field. I submit, however, that that would make sense both ways.

Such legislation would actually make sense for both State and local government and for private enterprise because, once again, we are proposing a point of order with respect to new and future legislation that would raise the cost. It does not prevent the Congress from in fact proceeding to enact such legislation.

Second of all, addressing in particular the Clean Air Act, there is, again, a supposition that if a Government action with respect to clean air is proposed, it must be good, it must be beneficial, and there is no reason to examine it, either at the legislative or at the rulemaking level.

Mr. Chairman, I submit that is not the case. This is the same debate we had about clean water last week. With respect to clean water, and we all want clean water, the Environmental Protection Agency was prepared to back up a proposed rule that would have required the city of Albuquerque to make the Rio Grande, which passes through the city of Albuquerque, up to drinking water standards. The Rio Grande has never been up to drinking water standards, and it is an impossibility to place a requirement on a municipal government or anyone else to achieve something which has never been achieved, but the Environmental Protection Agency was prepared to do it in the name of clean water.

Similarly, I can turn to the city of Albuquerque again as an example.

□ 1750

We have achieved Federal clean air standards for the last several years. Assuming legitimacy of placing Federal clean air standards across the country, the city of Albuquerque is still under the belief that they may have to upgrade at cost the way they do vehicle emissions to further please the Federal Environmental Protection Agency.

If in fact the city of Albuquerque has attained clean air standards, why should there be further compulsion on the city of Albuquerque to take further actions? It does not make any sense.

It is for those reasons that there is nothing about clean air and clean water regulation or legislation that should put it above analyzing the cost of what is being required versus the benefits.

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

Mr. Chairman, our Constitution contains an interstate commerce clause. It does so because our Founding Fathers recognized that this Government in Washington, DC had in fact an obligation to make laws and to set order in the operations of the various States of

the Nation which may from time to time come in conflict with one another.

I rise in opposition to the amendment offered today to the unfunded mandates bill. I do so because, most importantly, this amendment raises the question of the entire debate of unfunded mandates I think as clearly as any other amendment might raise it.

Yes, this Government has a responsibility to write clean air laws. It has a responsibility to write clean water laws. It has a responsibility to protect wetlands. It has a responsibility to protect endangered species. In short, it has a responsibility to do good environmental things for this country which may not be able to be done by the various States because they are sometimes in conflict.

The issue here is not whether we ought to do those things. The issue is here whether we believe them enough to pay for them or whether we want to do those good things and leave it to somebody else to pay for them. Who else? Somebody at home.

Whether we as politicians who get elected and come serve in this Congress should set the rules for these good environmental causes and then ask somebody else to bear the burden. That is it in a nutshell.

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

Mr. TAUZIN. I will yield when I finish the entire thought. If I do not have time, I will ask for more time to yield to the gentleman from Colorado [Mr. SKAGGS].

Mr. Chairman, the issue here is not whether we should have good environmental law for the country. The issue is when we decide to have a general environmental policy for the country whether we believe in it enough to pay for it here. Or whether we ask some other taxpayers to bear that burden, or worse yet, some other citizen to bear that burden who may be a private property owner, may be a private business person in this country. That is the only issue here.

So this bill prospectively by the way, not retroactively, not affecting the old Clean Air Act, only affecting what re-authorizations we might pass for it, says to all of us, "Be careful. Before you pass a law that leads to a regulation that compels someone to do something that you think is good, you had better be ready to raise the money and to spend it here in Washington, not make someone else spend it at home in your various States."

Yes, indeed clean air is a good and worthy goal. I supported the last Clean Air Act. But let me tell you something: If you don't have to pay for what you do, what restrains you from being excessive? What restrains the regulators here in Washington from being extraordinarily excessive, demanding much more than is required in cleanup if they never have to put up the money to pay the bills, if somebody else has to put up the money? What restrains the

agencies of Government, for example, from declaring that 60 percent of the State of California is a wetland, and they almost did in 1989, or that 80 percent of the State of Louisiana is a wetlands, and they almost did in 1989, if they don't have to worry about the cost of that decision?

You see, if we in Washington really believe in a clean air law or a wetlands policy or an endangered species policy, and we should, if we really believe it, we ought to be ready and willing to raise the resources and to spend those moneys to carry out these interstate, these national programs as we see fit. And when we do not believe in them enough to do that, we ought to leave it to the States and the communities to write their laws affecting their local environments, their local policies, as they see fit as they can afford them.

That is what this bill is all about. If you go around excepting this particular area of environmental law, if you want to except this one and except the next one and except the next one, you have got no unfunded mandates bill. You have blown the principle. If you believe in the principle that when we make a mandate, and very often we need to, we have to believe in it enough to pay for it here in Washington, DC, then you will reject the Skaggs amendment as you will reject similar amendments trying to gut this bill, and you will live as we should live in the future by the principle that when we believe enough in an environmental law, we raise the money and we pay for it here in Washington. If we do not believe in it enough to pay for it, then we should leave it to the States and the local communities to make their own decisions about just what they want to do with their own environments.

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

Mr. TAUZIN. I will be happy to yield to my friend the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. I appreciate the gentleman yielding. Let me just engage you for a moment if I may on this proposition because it seems to me what you are saying is, and I want to make sure I understand you—

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. TAUZIN] has expired.

(At the request of Mr. SKAGGS and by unanimous consent, Mr. TAUZIN was allowed to proceed for 2 additional minutes.)

Mr. SKAGGS. When the gentleman from California pointed out accurately a few minutes ago that there are publicly owned powerplants in the Midwest putting out what may be found to be excessive quantities of SO₂ that are affecting the quality of life in New England, why should my constituents in Colorado or yours in Louisiana be forced to help that local government comply with a national clean air standard on its public powerplant when their public powerplants are in compliance?

Mr. TAUZIN. And here is the answer. The answer is that if we want to protect one State from doing damage to another State as the interstate commerce clause predicted we would have to be doing when it came to commerce among the States, then we need a national law that mandates a standard that we all live by. And when we need one of those national laws that mandates a national standard so one State cannot hurt a neighbor, we, in Washington, have to have the courage and the will and the commitment to that national standard to raise the money and pay for it. So that all taxpayers, those who live in the State where the pollution may be originating and those who will receive the benefit of the program we pass here in Washington, all taxpayers share in the public duty to pay for that cleanup.

Mr. SKAGGS. Mr. Chairman, will the gentleman yield further?

Mr. TAUZIN. I yield to the gentleman from Colorado.

Mr. SKAGGS. Then you fundamentally disagree with the proposition that the polluter should pay?

Mr. TAUZIN. Oh, no.

Mr. SKAGGS. Why should that publicly owned powerplant not pay for cleaning up its own pollution?

Mr. TAUZIN. I do not fundamentally disagree with the proposition.

Mr. SKAGGS. That is what you just said, that they should not have to pay.

Mr. TAUZIN. No; I do however believe that when pollution runs across State boundaries that you need a national law to regulate that situation and in those cases the people of the Nation benefit collectively as we all do when we clean the air of the Nation and we ought to be willing to pay for that here in Washington by raising sufficient sums to pay for the mandates.

Mr. SKAGGS. Why does it not make sense for the owners of that dirty powerplant to pay the cost of controlling emissions?

Mr. TAUZIN. If the gentleman will let me complete the answer. If on the other hand something is occurring in Louisiana that does not go across State lines and Louisiana wants to regulate—

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. TAUZIN] has again expired.

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

Mr. TAUZIN. And Louisiana wants to regulate it a different way than when the National Government regulates it, let us say for example oilfield waste which is a pretty common problem in the Southwest, in Louisiana, in Arkansas, Oklahoma, New Mexico, and Texas, particularly a problem in our area, not a big problem nationally, a big problem regionally.

We have got laws now in Louisiana dealing with oilfield waste, we have a standard right now, a regime for regulating that that is a model for other States. We developed it at home and we

pay for it at home and we make the polluters at home pay for it. We set that standard up in our own State.

But if on the other hand we had a problem that affected the air of the United States, and that required a mandate here in Washington for us to require that all polluters, all persons affecting the air of the United States be part of a program, what this bill says is that in the future we should have the courage of our convictions and say that this is something good for all Americans, it affects the air that we all breathe, we are going to set down a mandate to clean it up and we will raise the money and pay for it in Washington.

That is what this unfunded mandates bill is all about. The day you make an exception because you happen to like one set of mandates instead of another is the day you begin to unravel the principle of unfunded mandates which ought to be something we all agree upon here in Washington.

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

Mr. TAUZIN. I yield to the gentleman from Colorado.

Mr. SKAGGS. I would assume then that the gentleman would make no distinction between the publicly owned and the privately owned powerplant that pollutes in the Midwest?

Mr. TAUZIN. If this gentleman had written the law, I promise I would have applied it to private mandates as well as public mandates. I think we should. I like the part of the law that says we are going to evaluate the effects on private individuals and businesses. I think we probably ought to someday decide here in Washington that we are not going to create mandates out there for the good of the public at large that we make anyone individually pay for by themselves.

□ 1800

For example, I am fighting, as Members know, a battle to make sure private property owners do not have to bear the burden of wetland protection or endangered species protection.

The CHAIRMAN. The time of the gentleman from Louisiana has again expired.

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

Mr. TAUZIN. If you really want to use my property, if you really need my property to accomplish this national goal of wetlands protection or endangered species protection, my position is you as a people, all of us as a people ought to be willing to compensate me for that property taken from me. I ought not to have to bear that cost as a little landowner in my own State.

So when a national policy is designed to protect something we all need protected cross State lines, this law, as it is now proposed, and as we should pass it, should simply say if we want to do that, we can and we should. We simply ought to put the money up to accomplish those purposes.

Mr. SKAGGS. I appreciate the forthcomingness of the gentleman, who makes it very clear that he fundamentally disagrees with the proposition that those who cause pollution should pay to clean it up, and he holds to his position consistently and I think would carry it through consistently.

Mr. TAUZIN. If I can reclaim my time, the gentleman is not going to get away with characterizing my words or my philosophy. I do not and have not said that polluters should not be responsible.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. TAUZIN] has again expired.

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

Mr. TAUZIN. What I have said, Mr. Chairman, is when we make a standard that is good for all of the people of country and that requires us to pass a law affecting all of the States, we ought to have the courage to put up the money to carry it out, as we do in Louisiana. When we set a policy protecting something in Louisiana, we very carefully make sure the persons responsible for polluting actually pay for it.

I do not consider taking my land away to protect a wetland, by the way, an instance of pollution. I consider that an instance of good public policy that ought to be compensated for.

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

Mr. Chairman, I rise in opposition to the amendment, and I would like to say first of all on unfunded mandates, most of us have been fighting the battle for the last few years. It is not only a question of costs, but it is a question of States rights.

I look at an unfunded mandate and I look at the document we have here on those that want to exempt hundreds and hundreds of different organizations and groups from unfunded mandates. That is what the problem is. Governor Pete Wilson from California has stated that it is breaking his State.

Illegal immigration is a classic one of an unfunded mandate that the Government has refused to fund or have a current policy to change.

We take a look at States rights, and I know even AL GORE, our Vice President, made a statement, "Let us get government off our backs and walk beside the American people." But for too long Government has been using a bull-whip on the backs of those American people.

I look at the costs. The problem most of us have on this side of the aisle is Members on the other side of the aisle have supported continuously extremist views, and those extremist views, that is a weapon. I look at the California clean water problems we have. We have a sewage problem like a lot of other areas in the United States. The Scripps

Oceanographic Institute has made statements time and time again that secondary treatment is not necessary; the law was written for sewage effluents going into rivers and lakes. We have it going into the ocean, but it is the other side, and clean water and EPA have been unreasonable enforcing that which would cost just the city of San Diego over \$3 billion.

If they do that, if they are forced for those \$3 billion, then you will hear arguments of we need more money for education and law enforcement. But when you do not have the money, there is only one thing you can do to obtain it and that is raise taxes to pay for it.

What we are saying is take a reasonable look at unfunded mandates. Look at the costs of the motor-voter in the State of California. The people who blew up the World Trade Center could vote under motor-voter. It is an unfunded mandate. In the State of California there were hundreds of documented cases in the last November 8 election, but yet there is no funding there to take care of the oversight of the motor-voter.

I look at the California desert bill that we passed last year. Property rights. There was even on the other side of the aisle arguments against the protection of someone receiving a fair price for their property. They did not want the Government to have to pay a higher price or estimated value.

I look at the environment, the Endangered Species Act, and wetlands. We have wetlands at 12,000 feet that are frozen, and we take a look, we cannot change that or even define under a lot of people's views, wetlands. We need reasonable laws and reasonable ascertations to help the planet.

We take a look at the same thing with the wetlands. We had a pig farmer in Arkansas, the President's own State, that over the last decade has raised thousands of pigs. They hollowed out an area; it was wet. They wanted to build on it; no, he could not, because that area had become a wetlands.

It is not only property rights and States rights but America's rights, and I think Americans need to have a cost assessment tied in with every unfunded mandate that is forced on them by this Government.

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

There is a very practical consideration on why every bill should not end up at the Federal desk, even though it may make good sense as national policy, and I will give two examples.

I grew up in Connecticut, and one of the great advantages of being an old State in a nation is that we have very small geography, but we are broken up into hundreds of political subdivisions. We have 169 towns in an area less than the size of El Paso County, and when board of education members make decisions on whether or not to educate kids with special needs, the long-term

benefits of educating those kids that face the challenges really does not come back to the community necessarily, because that child may grow up and get a college education and get to be a productive member of society, but moves on to the next community. The same thing happens if that child does not turn out so well. If that child does not get an education and goes on to jail, those dollars come from the State treasury.

So what we do is we try to set a standard. An example would be curb cuts. If we wanted to make something accessible not just for the handicapped but it also benefits parents with strollers and what have you, and we set that standard nationally, it makes sense. We ought to have that same standard across the country. A person with a handicap, with a challenge that needs a wheelchair or a parent with a child in a stroller should not be limited to selected States.

But if we sent the bill back to the Federal Government, it would be a far more expensive process. As a local responsibility, they find the most efficient way to pay for it, the most inexpensive way to provide that service and that opportunity.

So the danger of what we are doing here is, we will either break down into a country with not just 50 standards for our citizens, but thousands of standards. As the same kind of attitude rolls back to the States, the towns will then say to the State that the State should not tell us what to do unless they are willing to pay for every standard and protection.

In Connecticut the Connecticut River and the Thames River, both of which run through my district, are cleaner today because of Federal mandates and they did not necessarily provide every dollar, although they helped immensely in the cleanup of water that came from Massachusetts and other northern States.

We have a responsibility as a Nation not to mandate things that do not make sense, to make sure that we do not place burdens on people simply for the sake of passing laws. But if it is the right thing to do, we need to make sure that this legislative body that represents all of the citizens of the country comes here and passes the legislation.

Oftentimes we do pay for it. Most communities, when they add up the dollars that come from the Federal Government, find they get much more from the Federal Government than they send here, especially for the kind of things that help people with special needs.

We need to make sure that this country does not turn back to creating obstacles for people in wheelchairs or people with educational needs. Federal mandates have cleaned up the air and the water in this country. We have given people more opportunity. Simply a closed mind to passing reasonable legislation that is voted on by a major-

ity of the elected representatives, because it fits into this newly created category of mandates does not make any sense. The laws that pass here, pass here because we do represent the people of the country, we listen to their voices and we bring their challenges here, and they should not be rejected wholesale, because it seems to me what happens here is you cannot argue these on their merits, so you are trying to lump them into one big category. On the merits, they have passed the House, they have passed the Senate, they have been signed into law by Presidents, Republicans and Democrats. The same goes for the future and it is that categorization where Members try to undercut national support for things that make sense and have been good for the country.

□ 1810

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

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

Mr. VOLKMER. Mr. Chairman, I would like to follow on with the words of the gentleman from Connecticut, because as I have listened to this debate last week and today, it becomes very apparent to me that this legislation, although attempting to do well, really has put the apples and the oranges and the bananas and the kiwi fruit and everything else all together in one box and says it is all the same.

Ladies and gentlemen, that is not true. All Federal mandates are not the same thing.

I just listened to the gentleman from California, from San Diego. He talked about the various ones, the different ones that applied to California and how they applied differently. There is no question that we should recognize that, but this legislation does not recognize that. This legislation applies to all mandates. It applies to local governments and State governments the same. It makes no distinction about the purpose of that mandate. It makes no distinction about why that mandate originally first came about.

That brings me right to where we are with this amendment. Because I, as one, can reflect back to this country, at least my community, my Mississippi River, not mine, but our Mississippi River, the Missouri River, the Ohio, all the major streams of this Nation, the Rio Grande, and all where they were 40 and 50 years ago and where they were going, and without the legislation that we have today, I dare say, I mean, without the legislation that is on the books, clean water acts, those things, I dare to say you would not be drinking the water even though it is well treated from any of those streams.

Because what was happening, and the gentleman in the chair may happen, I do not know if they did in Cape Girardeau, but I know along the Mississippi River in my area and in my

hometown years ago every bit of the waste was dumped right into that river, and then we built a treatment plant. It did not work. Sometimes the water, when it flooded, et cetera, went right into the river, too, and it was later on through the EPA funds that we built a brandnew one. It cost us 10 percent of the funds, if I remember right.

But we now have a real good wastewater treatment plant, and we do not put any effluent into that Mississippi River. You can go to other towns along the Mississippi like Louisiana, MO; Quincy, IL; Clarksville, MO; and I can go on and on all the way along up to Iowa, up to Minnesota, all the way down to New Orleans, none of that is taking place anymore, and that is all over the United States.

That is a little bit different than motor-voter, but this bill makes no difference, no distinction.

I can well remember when I was back in the 1950's when I was going to school at Saint Louis University down in Saint Louis, I was working my way through and would have to go out of the dormitory to go to work downtown, and taking a bus to get there, waiting on the street corner for the bus, and my hair would get sooty. That is right, folks, my brow would get sooty. What was that from? That was from pollution, folks. That was from pollution in the city of Saint Louis.

So there are times you could not hardly see the Sun in daylight even, in the summer, just not in the winter, because industry and others used it.

Now, the question is now, would all of these changes that have taken place in this country that are beneficial to all of us have taken place if we would have had this legislation on the books 30 or 40 years ago and the Federal Government would have been prohibited from passing this legislation that has been passed except if we funded it all, we had to fund every bit of it?

That leads me to my last argument as to why this bill has serious defects, and it should have been taken more time with in committee.

What incentive would there have been and will there be if this bill becomes law for any community in the future to do anything on their own, to improve either the air, water, or other polluting areas? What incentive? None. In fact, the incentive is all the other way under this bill. As long as you do not do anything, the Federal Government is not going to require you to do it unless the Federal Government pays for it.

So there would be no incentive, none whatsoever. The incentive is the other way.

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

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

Mr. VOLKMER. Mr. Chairman, this bill builds in for States and local gov-

ernments not to do anything, to let the Federal Government come in and tell you to do it, and then they are going to give you all the money. So why should you? The cities, local governments, the States are all strapped just like we are strapped. They will not do anything just like they did not do it before.

As the gentleman from Louisiana earlier spoke, he said, "Well, we should make all of this apply to private as well as public." I dare say that if you did do that, then why should the chemical companies anymore have to put pollution devices on? Because the Federal Government is going to pay for it, not the private companies. They are not going to worry about generating power and dumping it all in the rivers and streams. Why should they worry about it? Because if they have to correct it, the Federal Government is going to pay for it. They should not have to pay for it. Their stockholders will not have to pay for it. So what we have here is a box full of all kinds of fruits and vegetables, all mixed in.

And I have the sponsors tell me they are all the same. Well, to me it is a fruit salad, and it is not one apple or a whole bunch of apples in the box. You have got a fruit salad, and it is all messed up.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Colorado [Mr. SKAGGS].

The amendments were rejected.

The CHAIRMAN. Are there further amendments to section 4?

AMENDMENTS OFFERED BY MRS. COLLINS OF ILLINOIS

Mrs. COLLINS of Illinois. Mr. Chairman, I offer two amendments. They are amendments Nos. 69 and 70.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments, numbered 69 and 70, is as follows:

Amendments offered by Mrs. COLLINS of Illinois: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) provides for aviation security or airport security.

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

"(8) provides for aviation security or airport security.

Mrs. COLLINS of Illinois. Mr. Chairman, I ask unanimous consent that the amendments numbered 69 and 70 be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. COLLINS of Illinois. Mr. Chairman airport security is one of the most important concerns in the public's mind. Nearly a decade ago, there were a number of incidents involving airport and aviation security, including hi-

jackings, the carrying of weapons on board aircraft, and other lapses that give cause for great concern to those of us who fly. Several years ago when I was chair of the Government Operations Subcommittee on Transportation, we held numerous hearings on lax security procedures at our Nation's airports.

During those investigations, we found that doors to ramps leading to airplanes were often not locked. That unauthorized person had easy access to the tarmac. We found that it was extraordinarily easy for weapons to be smuggled onto aircraft because security personnel were often lax, inadequately trained and/or supervised.

We brought these facts to light, and as a result there is much better security at our Nation's airports today. What would happen if we couldn't require local communities to improve their airport security unless the Federal Government paid all of the tab? Perhaps many, or most, of them would simply ignore sound security measures. Isn't this an issue that is comparable to national security? I believe it is.

This is not an issue which pertains just to Chicago, where I am from, and its O'Hare Airport. Airport and aviation safety is an issue for all of us who fly any place. We, the flying public, has a right to feel secure when they enter an airport or when they fly on any type of aircraft. The security standards are imposed by the Federal Government. They are not and should never be allowed to become discretionary on the part of local governments who happen to run their municipal airports.

Mr. Chairman, aviation safety is on everyone's minds lately and the Federal Aviation Administration has been extremely responsive to those concerns. Last year's crashes of commuter prop planes due to icing on their wings was tackled by the FAA through tough restrictions on flights until more tests could prove conclusive of the causes of those disasters.

We cannot and must not let this type of authority by the FAA to be taken away. If that were to happen, airline safety would become merely a matter of convenience, not a requirement. The public would lose all confidence in the Nation's aviation system and people's lives would be needlessly endangered.

Under this legislation, the ability of Congress to authorize an agency like the FAA to impose standards for aviation safety are placed in great jeopardy. I do not believe any of my colleagues would like for this sensible responsibility to be taken away.

Therefore, Mr. Chairman, I urge Members to support my amendment so that aviation and airport security does not become a victim of this legislation.

□ 1820

Mr. CLINGER. Mr. Chairman, I rise in reluctant opposition to the amendments.

Mr. Chairman, for several years I served as ranking member on the Aviation Subcommittee, serving under Mr. OBERSTAR's chairmanship. Like him, I would indicate I stand second to no one in my desire to ensure the safety of the traveling public. But I would say again that this amendment is based upon a fundamental misunderstanding of what the bill does. The bill does not prevent Congress from passing laws, or the FAA from issuing rules and regulations to protect passenger safety. It merely requires that Congress and the agency to think about the costs of what they do. It will not in any way undercut or dilute existing rules, regulations, and laws on the books to protect aviation safety, to protect against terrorism or anything else.

Mr. Chairman, a little more than a year ago President Clinton's National Airline Commission identified the cost of complying with regulations as one of the main reasons for the airline industry's financial problems. It recommended a number of actions to address that problem.

This bill, Mr. Chairman, goes a long way toward implementing that recommendation. However, the amendment that is proposed would undercut that. The fact is, Mr. Chairman, that the airline industry has lost over \$12 billion in recent years, in the last 2 or 3 years. That is a loss that you cannot sustain forever.

So all we are saying is yes, safety is paramount, has to be paramount, has to be a very top consideration of what we do. But clearly, if the proposed mandate on airline safety comes forward and the case is made that this is a necessary addition to the regulations and rules and mandates already in effect, something that is very definitely needed, I think I would be the first one to support passing that through without Federal funding. But at this point it would not require that.

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

Mr. CLINGER. I am happy to yield to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. I thank the gentleman for yielding.

Mr. Chairman, the gentleman just mentioned that the airline industry has lost a great deal of money. That is certainly true. But the airline industry has also caused a great number of people to lose their lives. I do not think that could be equated in dollars at this point or any other point in time, as a matter of fact. It seems to me that all these rules and regulations that we have and may need to be imposed in the future that deal with the security and safety of our aviation industry and our airports is just too important not to become a part of this particular legislation in the exclusion section of this bill.

Mr. CLINGER. Reclaiming my time, I was certainly not in any way suggesting that a mandate that was clearly going to improve the safety of pas-

sengers in this country should not be passed through. But what I am saying is that, given the perilous condition of the airline industry today and the fact that they have lost a great deal of money and we are potentially putting our employees at risk, that just to approve every potential safety-improving mandate without at least considering the cost I think would be a mistake. For that reason I would have to oppose the amendments of the gentlewoman.

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

Mr. Chairman, I have thousands, tens of thousands of flight hours both in the military and civilian aircraft, and in the future I plan to get thousands of more flight hours.

Mr. Chairman, the gentlewoman is correct that we have lost a lot of lives in aviation. If I thought for 1 minute that we could pass something that would prevent that, then I would pass the amendment, but I rise in opposition to the amendment. There is nothing that stops this body from passing a funded mandate onto States or Government agencies. If we feel it is important, whether it is endangered species, clean water, clean air, or, in the case of the gentlewoman's amendment, then we should fund it. It is only logical, when we fund it we should have a cost assessment to help all the Members figure out what those costs are going to be to the States, because if we pass on an unfunded mandate, then I imagine the States, and I imagine the State of the gentlewoman and the State of California, none of us has enough money to do all of the things we want to do in the other services that we talked about, in education, law enforcement, social services and the rest.

But when we pass that unfunded mandate, it makes the States take a look at a priority, and quite often those priorities are not in agreement with the individual Members passing on the mandate. So I would suggest to the gentlewoman that a funded mandate of this type—and I would support a funded mandate, but not an unfunded mandate, to the organization because I do think we need oversight in aviation safety. I personally do, and I know the gentlewoman flies home, plus I fly privately and in the military; so I think in all of those cases it is not too much off the wall to ask that we, A, have a cost assessment and, B, to fund the mandates that this body regulates on enterprise or on the States.

Mr. GENE GREEN of Texas. Mr. Chairman, I move to strike the requisite number of words.

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Chairman, Representative COLLINS of Illinois is talking about her amendment mainly on airport safety and talking about airline safety. Let me bring up another point.

Just like my colleague from California, though he has a little bit further

to go, but I go home every weekend to be in my district in Texas, which is just halfway to California.

But I also feel a lot safer when I have to go through that airport security and those scan devices, simply because it makes me safer in the Houston airports. That was not put there because the city of Houston, our airport authority, did that out of the goodness of their heart. They did that because there were Federal mandates to do that. Also, they utilized enterprise funds, local funds that are made up of money that we pay as passengers to provide that airport security. We have some of the best, secure airports in the world because a lot of us have been to a lot of other places and we know we are really concerned about walking through some of those machines and we do not know if they work or not. But we know in our airports they do because they have to.

Again, if we could compete, whether it be Houston, San Diego, Los Angeles, or somewhere else, we might have different standards for each of them if we do not have some kind of recognition nationwide of airport security needs, not just from terrorism, or pilot training or private pilot training. That is a mandate. It is in some ways funded because I am sure FAA provides some funding for it. But some of it is unfunded because it is also made up of local tax dollars and local money paid for out of airline tickets that pays for that. So it is unfunded from the Federal Government. We may vote for that next week, if there is some new technology that comes out, but what is going to happen if we pass this without recognizing that the next Congress may say we are in a bad budget, we are in a \$4 trillion debt. But I am willing to pay for funded mandates, sure I will, but I am not sure that there are going to be 218 Members of Congress who will do it. So we will see the standards in our airports possibly go down because of the threat of terrorism. Also, we do not have to go very far to know some countries only pay lip service to it whereas in the United States we put teeth into it. It is paid for most of the time by local funds because they also benefit by having a major airport in their community.

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

Mr. GENE GREEN of Texas. I yield to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. I thank my friend for yielding.

Mr. Chairman, I agree with the gentleman. Airport safety, especially in times when we had fundamentalist problems, for example, during Desert Storm, those things are required. But I say to my friend, if it is important enough—and I believe there is not a Member here who is not going to support it, I do not believe there is—that will not support safety in airports, since we all ride those things, that we would not fund that.

□ 1830

Our only request is that, when we think something is important enough to mandate it, let us fund it, and I will support the gentleman.

Mr. GENE GREEN of Texas. And I understand that, and, reclaiming my time, we will, we very well may do that some future time, if we find some new technology. It may cost a million dollars to provide new technology to discover some new type of weapon that somebody may try and smuggle in our airport. We must fund it from here, but also those local communities benefit from having that airport there, so they should also participate in. That is what we are doing now.

I just want to say we all are supporting, and I support, the bill. I just want to make sure that we recognize that some future Congress may say, "Oh, no, that's an unfunded mandate," and the standard of living that we have become accustomed to in these great States will go down because some future Congress may say, "Well, we have to take an unfunded mandate vote," and I am so against unfunded mandates, but we cannot increase the national debt because of that. We are just going to have to take our gamble, and may be some terrorism from wherever else in the world may be able to slip through. We need to recognize that today when we are debating this bill because it will have an impact on the gentleman's and my constituents.

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

Mr. GENE GREEN of Texas. I yield to the gentlewoman from Illinois.

Mrs. COLLINS of Illinois. I would like to engage for just a minute the gentleman from California, if I can, because, when I look at the section on the limitation of application, I am looking at particularly there is a requirement that would eliminate the required compliance with accounting and auditing procedures for prospective grants and other—

The CHAIRMAN. The time of the gentleman from Texas [Mr. GENE GREEN] has expired.

(On request of Mrs. COLLINS of Illinois and by unanimous consent, Mr. GENE GREEN of Texas was allowed to proceed for 3 additional minutes.)

Mrs. COLLINS of Illinois. It requires compliance with accounting and auditing procedures with respect to grants or other money for property provided by the Federal Government; No. 4, provides for emergency assistance or relief at the request of any State and local government, or tribal government, or any official of such a government; or No. 5, is necessary for the national security, or the ratification or implementation of international treaty applications, and so forth.

It just seems to me there is nothing more important than the national security of the people who have to live in this country, and who will fly on these airplanes and make their living through going on airplanes, vacation-

ing. I would just hate to see a situation where the flying public feels they are not going to be safe, they are not going to be secure, they are not going to be provided for in any kind of way to make sure when they board a plane, or when they go through an airport, they are not going to be able to come off that plane safely or even get on the airplane safely.

As my colleagues know, some of the problems that we have when we were doing these investigations, that we actually put FAA officers, people who work for FAA, along with our investigators, to walk through airports, and, when we go through an airport now, we see little numbers on these doors before we get ready to get on the plane. Those have numbers on there. That is a result of the kind of mandates they had to do. It was necessary because people were walking right on.

We also found that there were actually—we put toy guns, if my colleagues will, at that time on luggage, and the FAA officials were with us when they did it, and they passed right through the security screening every single time. They were surprised. We even were able to walk on the tarmac of airports, not just small municipal airports, but huge international airports in our country. We were able to do those things, and the FAA, because it had the responsibility that we gave it, we mandated that these airports be made safe and secure.

For us to ignore that kind of national security, it seems to me, is just to disregard all that has been done. Because of that we do not have the number of hijackings that we had a number of years ago. We do not have the number of planes falling out of the sky every other day that we had before. We do not have possible bombings as we have had in other countries where people were walking in an airport, and the whole thing goes up in smoke. As my colleagues know, we do not have that because of the fine work of the FAA and because we in Congress mandated these kinds of security measures.

Mr. GENE GREEN of Texas. Let me just mention that there are some exceptions in the bill that we are amending on section 4, and, as the gentlewoman from Illinois [Mrs. COLLINS] mentioned, No. 5, it is necessary for national security, ratification or implementation of international treaty. This amendment may be under this bill right now. But since we did not have a public hearing, we could not ask those questions of the experts in the FAA. We were not able to find out, and so that is why we are having to take this time on the floor of the House tonight.

Mrs. COLLINS of Illinois. The gentleman is absolutely right.

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

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

Mr. Chairman, colleagues, there are two areas of unfunded mandates issues

that are of great concern to me in the field of aviation. One is security; the other is safety.

Security measures should not be subject to a mere point of order, that they could be stricken by a single point of order made against a measure that would improve security for American air travelers at home and abroad, at our airports and abroad, our airlines and foreign airlines. Certainly an issue of that matter ought to be subject to a majority vote, but not by a simple point of order. A motion to strike is always in order. But a point of order against a matter so important as security, this legislation would undermine, would gut, the ability of Congress and Federal agencies to impose needed security and safety measures on airport operators and on United States and foreign airlines. All major airports are now run by agencies of State or local government. When we consider laws that we have enacted in the past, that would have been jeopardized by a provision such as this had it been in effect at the time we enacted or brought on to the floor such legislation.

On December 21, 1988, terrorists succeeded in blowing PanAm 103 out of the skies over Lockerbie, Scotland; 270 of our fellow citizens died in that tragedy. As a result of the breach of security and the devastating results, President Bush asked for, and the Congress enacted, legislation creating a commission on security and terrorism, on which I served and of which our former colleague, John Paul Hammerschmidt on the Republican side, served, and produced a report with 64 recommendations which we then drafted in a legislative form, introduced in the House and the Senate, and got enacted into law, and the President signed all of those provisions into law. Now I look back on the work that we did in that legislation, and I shudder to think what would have happened had we brought that bill to the floor, and any one of those provisions could have been subject to a mere point of order.

Now there is no way that we could fully fund with Federal funds all the requirements that were necessary to go into effect to protect security, protect the security of American travelers on U.S. airlines at U.S. airports and protect the security of American travelers overseas, at foreign airports, aboard foreign airlines. They, too, have a responsibility to security. They, too, have a responsibility to the people that travel aboard domestic and foreign airlines, and to say that, no, that that responsibility can be knocked out on a point of order does not make sense without even subjecting it to a matter of debate on the House floor. When millions of flights take off, nearly 40 million a year in this country, when they take off and land safely, when there is no loss of life because of terrorist action, which there has not been in the domestic United States since 1969, we do not see headlines about it, but we

know that lives have been saved because of the legislation that we have enacted. But this Congress has had the responsibility to come forward and deal with, and that we have accepted that responsibility, and we have acted, and I say, "But if you have one hijacking aboard a domestic airliner, or one airport invaded by terrorists because of a breach of security, and you go back and find, well, it happened because we didn't have sufficient laws in place, because we didn't have sufficient security measures in place, and then if you were to go back further and say, 'Yes, we tried, but it was stricken on a point of order on the House floor,' sure doesn't make sense to me."

It certainly seems to me that the provisions in this unfunded mandate legislation undermine the responsibility we have to our fellow citizens to ensure that aviation be maintained safe and secure. The same argumentation applies to the safety side of aviation.

□ 1840

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. OBERSTAR] has expired.

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

Mr. OBERSTAR. Mr. Chairman, we have enacted legislation to provide for safety aboard American airlines and at American airports, and there is already a very heavy burden of responsibility on the FAA to undertake in conjunction with each safety rule making a benefit-to-cost study as they proceed in the rulemaking process.

That has enormously bogged down the FAA. One of the most important considerations now in light of tragedies that happened last year in the commuter airline sector is to have a single standard of safety between part 121, the major airlines, and part 135, the commuter and regional airline operators. It has taken months, it will soon be over a year, for the FAA to issue regulations in this area, where the commuters are agreed and that majors are agreed that those safety regulations ought to go into effect.

Now, they have been bogged down because of this need to conduct the cost-benefit analyses for 15 different signoffs within the FAA and DOT and the Office of Management and Budget. If you add to that someone can stand up on the floor and make a point of order, and say no, you can't do that, what are you doing to safety?

I just think it is an egregious affront to safety to provide this kind of procedure, where on a simple point of order, in initiatives such as emergency escape path markings, seat cushions that will not catch fire readily, protective breathing equipment for use by flight attendants in emergency, improved cabin interior materials that burn less readily and do not put out toxic fumes aboard new aircraft.

When FAA went to move on those safety improvements, they had to run a

gauntlet of procedural hoops and second guessers in the Department and the Office of Management and Budget. Please do not add another hoop and another gadget and another hostility here on the House floor to safety and security in aviation. You travel also, each one of us travels aboard aircraft, and we want it safe for ourselves and our constituents.

Mr. MINETA. Mr. Chairman, I rise in strong support of the amendment.

The pending bill will make it far more cumbersome and time-consuming to adopt needed new laws and regulations to ensure the security of air transportation. A delay in security regulations might result in a tragedy which could have been prevented. The Collins amendment will correct this unfortunate consequence of the bill by exempting laws and regulations promoting aviation security.

It already takes FAA far too long to adopt needed security regulations. To cite just one example, a few years ago we lost an airliner over Lockerbie, Scotland and the terrorism threat soared. In response we passed a law, the Aviation Security Improvement Act of 1990, making extensive improvements in security, including a directive to FAA to develop regulations to require that persons with access to airline aircraft undergo employment investigations, and criminal history checks. More than 4 years have elapsed and the necessary regulations are still not in place.

The recent bomb threats in East Asia have shown that there continues to be a substantial threat that bombs will be placed on-board aircraft. We cannot tolerate further delays in the background check regulations which are designed to prevent terrorists from gaining access to parked aircraft. New regulations might prevent another Lockerbie tragedy.

The extensive delays in the FAA rulemaking on safety and security are partially attributable to the existing requirements for extensive studies of the costs and benefits of regulations, their impact on State and local government, and their impact on small businesses. The additional studies required by the pending bill would produce little valuable information, while further delaying a process which is already too slow.

Title II of the bill before us is going to make it much slower and more difficult for FAA to issue new standards to respond to aviation safety and security problems as they arise. It will tie the FAA up in more redtape and make it harder to act to protect the public interest. And that would also be true for new safety standards such as the new commuter airline safety standards which FAA is working on.

Title III of the bill before us would make it harder and slower to respond to aviation safety and security threats when a legislative response is necessary. New redtape and studies would be required before we could bring the bill to the floor, and additional points of order and votes would be required. The aviation security bill we passed in 1990 would have been subject to a point of order if this unfunded mandate bill had been law then.

Both title II and title III would make it unnecessarily difficult and slow to respond to aviation security issues. There is no good reason why aviation security should not be exempted from H.R. 5.

I strongly urge adoption of the pending amendment to prevent further delays in laws

and regulations which would enhance aviation safety and security.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Illinois [Mrs. COLLINS].

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

RECORDED VOTE

Mrs. COLLINS of Illinois. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 169, noes 256, not voting 9, as follows:

[Roll No. 25]

AYES—169

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

NOES—256

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

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

NOT VOTING—9

Bishop	Kennedy (RI)	Rush
Fields (LA)	Livingston	Slaughter
Kennedy (MA)	Quinn	Tiahrt

□ 1857

The Clerk announced the following pair:

On this vote:

Ms. Slaughter for, with Mr. Tiahrt against.

Mr. EDWARDS, Mr. SCHUMER, and Mr. RANGEL changed their vote from "no" to "aye."

So the amendments were rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to section 4?

AMENDMENTS OFFERED BY MR. GENE GREEN OF TEXAS

Mr. GENE GREEN of Texas. Mr. Chairman, I offer amendments 73 and 153 and ask unanimous consent that they be considered en bloc.

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

There was no objection.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. GENE GREEN of Texas:

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

"(8) regulates the licensing, construction, or operation of nuclear reactors or the disposal of nuclear waste.

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

(8) regulates the licensing, construction, or operation of nuclear reactors or the disposal of nuclear waste.

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Chairman, the amendments that we are considering now would exclude regulations on licensing, construction, and operations of nuclear reactors, and also on disposal of nuclear waste from the point of order procedure in this bill. We have actually two amendments that deal with two sections of the bill.

The NRC is a national agency. Very seldom do States get involved in some of the regulation. However, Mr. Chairman, many States, not only my State of Texas but also New York, South Carolina, and a great many other States, have nuclear powerplants that are often either locally owned, State-owned, or in our case in Texas, are actually cooperatively owned by private business, ratepayer companies.

Mr. Chairman, the issue at hand is whether we should have national regulation of nuclear reactors and nuclear waste disposal, or whether it should be exempted from the unfunded mandate issue. The Nuclear Regulatory Commission is a national agency; in fact, an independent agency.

The problem where it comes in is that in south Texas and in other States we have cooperative nuclear power plants that are owned by investor-owned companies, but also by local municipalities. The issue that it brings up in this bill is what happens if we have, as in our case in south Texas, the managing partner who is an independent company, investor-owned utility, but the owners of it or partial owners of it are municipalities who provide electricity to their citizens in different parts of the State. How do we differentiate?

The concern I have, and that is why this is an amendment to section 4 of the bill, would exempt out that. Very seldom do we have State regulation of nuclear facilities, although we have an example of a bill now that has been in-

troduced by the gentleman from Texas [Mr. FIELDS], that I have cosponsored, that would provide for waste disposal in a cooperative effort.

When I was in the Texas Legislature 3 years ago, we had to pass enabling legislation for that. The concern I have is that we are going to have nuclear reactors or nuclear waste that really should be a national issue. The Three Mile Island, the Pennsylvania tragedy back years ago, did not know State lines, any more than Chernobyl knew international lines. We need to have a regulatory commission that is not subject to the whim or a point of order procedure here on the floor of the House. They should not be shielded from that, whether it be on the power or the waste disposal.

Mr. Chairman, as the bill presently reads, a competitive advantage could be accrued to publicly owned utilities, often publicly owned facilities. That point of order procedure would block the mandates on States and localities, but not those local entities.

How does it affect the part-owned, part-public owned and part-private owned, as I first mentioned? The point of order standards place a new hurdle to pass on the safety regulations for nuclear power.

I am not anti-nuclear. I have been pro-nuclear. I think nuclear power plays a part in our energy policy, and it should, but it should not be to the whim of local governments or even States. It should be a national issue and not something that we deal with on 50 jurisdictions, or maybe hundreds of thousands of jurisdictions, based on our locality.

Mr. Chairman, this bill had no public hearings on it. The only person we could hear from was the sponsor of the bill, the gentleman from Ohio [Mr. PORTMAN], who is very knowledgeable on unfunded mandates, but we could not ask any questions on how it affected nuclear power or nuclear waste disposal, because we needed to have a hearing to discuss it so we can find out. We did not have that. That is why we have to run with not only this amendment but a number of amendments here on the floor.

Mr. Chairman, we need to learn the impact of how this is happening. That is why we are having not only this amendment but other amendments, to develop a legislative history so somebody down the line can say "This is what the intent of Congress on unfunded mandates was."

I mentioned earlier today an editorial in the Houston Post, and again, for those who were not here earlier, it is not the Washington Post, it is an outside-the-beltway paper, that Republicans and many Democrats support the unfunded mandate bill, but we also realize it is not a panacea, and we need to realize what we are doing with this.

The CHAIRMAN. The time of the gentleman from Texas [Mr. GENE GREEN] has expired.

(By unanimous consent, Mr. GENE GREEN of Texas was allowed to proceed for 2 additional minutes.)

Mr. GENE GREEN of Texas. In brief, let me say Republicans and many Democrats are going along with this effort, and want us to believe most mandates of Federal Government are not reasonable simply because the Feds love to meddle in our lives. While there is no denying that Congress and Federal bureaucracy do have a tendency to overregulate, that is not always the case.

The point needs to be remembered that many of the regulations were adopted in response to lack of action by local or State officials to protect people's lives and rights.

□ 1910

If we do not do this on nuclear power, what can we do with waste disposal?

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

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

Mr. MARKEY. I thank the gentleman for yielding.

Mr. Chairman, I would also like to add to the list a situation where, for example, the Federal Emergency Management Agency of the Department of Energy is also promulgating nuclear safety rules.

Let us take the case of Seabrook, where Seabrook is on the Maine, New Hampshire, and Massachusetts borders. What if there is a decision made with regard to nuclear safety that the State of New Hampshire does not want to comply with because of their own budgetary constraints? What recourse does the State of Massachusetts or Maine have with regard to a nuclear safety decision which could clearly affect large areas of both of those States if in fact there has been a budgetarily driven decision with regard to whether or not a safety or health-related decision should be implemented?

I thank the gentleman for raising this very important health and safety issue, and I would urge support for the amendment.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Texas [Mr. GENE GREEN]. This amendment would preserve strict safety standards at nuclear facilities and maintain vital emergency evacuation plans around nuclear sites.

As we consider ways to reduce burdensome Federal mandates, we must not weaken the ability of the Federal Government to ensure a safe and secure environment for all Americans. This amendment is prosafety, not anti-nuclear.

The issue here is only the ability to protect citizens around nuclear facilities, nothing more. As accidents at Three-Mile Island and Chernobyl should remind us, laws and regulations designed to improve safety and evacuation procedures around nuclear plants must not be compromised in a dangerous scorched Earth policy to do away with Federal regulations.

I do not believe we have adequately examined just how this bill would affect the health and safety of Americans:

For example, what would happen if a State or local government owns and operates a nuclear powerplant? What regulations would the State be mandated to follow? In New York, the State purchased the Shoreham nuclear powerplant for the purpose of dismantling it. What Federal regulations would New York State or any potential State-owned nuclear facility have to follow if it ran a nuclear plant? What obligations would a State-run nuclear facility have in disposing of nuclear waste?

In the future, would weak safety and disposition regulations be permitted simply because they were cost-effective? I ask my colleagues to examine the human costs of passing this legislation unamended.

I understand that regulations promulgated by independent agencies such as the Nuclear Regulatory Agency are exempt from provisions in the bill. However, are important nuclear safety and evacuation guidelines established by the Energy Department and the Federal Emergency Management Administration [FEMA] subject to the bill's restrictions?

And how about a nuclear powerplant that sits on a State border? The Seabrook plant site in New Hampshire between Maine and Massachusetts. If New Hampshire refuses to meet a Federal nuclear safety standard, Massachusetts and Maine are exposed. Are these multi-State decisions solely subject to the budgetary constraints of a single State?

This amendment would alleviate concerns that the bill would hinder the Federal Government's ability to establish important safety protections. Mr. Chairman, I urge my colleagues to support the Green amendment.

Mr. GENE GREEN of Texas. I thank the gentleman from Massachusetts [Mr. MARKEY].

Mr. Chairman, in the last minute or so that I have, he made a great point. The Department of Energy plays a role in regulating nuclear waste disposal and it needs to be considered as important even though it is not an independent agency that may or may not be exempted under this bill. But again since we had no public hearings, we do not know whether it is or not.

I ask for a positive vote on the amendment.

Mr. Chairman, I include the following for the RECORD:

NO EASY ANSWERS: ISSUES AROUND UNFUNDED MANDATES NOT SO SIMPLE

Unfunded mandates—the term has become one of those overly used but often misunderstood catch phrases.

The new Republican majority in Congress has made eliminating unfunded mandates part of their battle cry. It can even be found in the House Republicans' Contract with America. Both houses are considering bills to make more difficult enacting legislation imposing costs of more than \$50 million on states and municipalities.

If you have trouble understanding what it's all about, picture a teen-ager complaining about his parents' ordering him to run errands for them without providing the money for his car's gasoline. While the concept is that simple, the issue is not so simple.

For years, local and state government officials across the country have complained that Washington is too quick to tell them

what to do but that it hardly ever provides them the money to help them comply.

The Clean Air Act, the Fair Labor Standards Act, the Family and Medical Leave Act—all were imposed on state and local governments by Washington. While some have come with federal grants, much of the billions it has cost states and cities to implement them has to be raised locally.

Is that fair? It depends. Going back to the analogy of the teen-ager and his car, clearly it is wrong for his parents to force him to use his money for gas to run their errands. But what if they are simply ordering him to repair his transmission so that it won't leak on their driveway?

It is the kid's car and his problem, but it is damaging the family's property. Should the parents have to pay for the repair just because they ordered him to get it fixed?

Suddenly it's not so simple, is it?

Now apply this to the government level. What if, as has happened repeatedly across the country, a city refuses to repair its sewage system to prevent the pollution of a local waterway? When the federal government finally steps in and says, "Look, you have to quit endangering people's lives with your raw sewage," should the federal government be required to pay for the sewage-treatment plant repair?

Obviously not.

The Republicans—and many Democrats who are going along with them—want us to believe that most mandates from the federal government are unreasonable orders issued simply because the feds love to meddle in our lives. While there is no denying that Congress and the federal bureaucracy do have a tendency to overregulate, that is not always the case.

The point that needs to be remembered is that many of the regulations were adopted in response to lack of action by local and state officials to protect people's lives or rights.

A second point that bears remembering is that regardless of whether the money comes from Washington or Austin or Houston, it originates in our pocketbooks.

The only difference is that we lose a lot of it when we send it to Washington first because it goes through so many bureaucratic layers.

Finally, we should recognize that the point of the war on unfunded mandates is not to get Uncle Sam to pay for mandates, but to keep it from making mandates in the first place. It's part of an intense anti-regulation campaign.

The unfunded mandates solution being considered by Congress is like the balanced-budget amendment to the Constitution and other quick-fix ideas in that it helps lawmakers avoid hard decisions on specific issues.

While seeking to ease the burden on cities and states is a good idea, there is nothing keeping Congress from doing that right now.

Congressional proponents of the unfunded mandates measure have the votes to pass it, but it deserves careful scrutiny before it becomes law.

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

Mr. Chairman, once again in proposing an amendment, the gentleman has raised a very important issue, just as the issues that have already been raised dealing with airline security, dealing with clean water are important issues.

I would point out at least insofar as this particular issues is raised, however, that in the definition section, an agency does not include an independent

agency like the Nuclear Regulatory Commission.

So I believe that there is an exemption in the bill stated for the Nuclear Regulatory Commission identified by the gentleman.

Further, where there are licensing procedures, there is nothing in this bill that prevents the revocation of a license for not being in compliance with any requirement that one had to be in compliance with in order to receive a license in the first place.

Mr. Chairman, my point is that I believe that there are already exemptions in this bill which go a long way in addressing the issues that the gentleman from Texas has raised. But with respect to other issues that might remain, it still comes down to the fact that Congress should be accountable for those mandates it is passing on to State and local government.

Once again, we have to reiterate as supporters of the bill that there is nothing in this bill that prevents Congress from in fact passing unfunded mandates on to State and local government. There are those, and we may see an amendment before consideration of this bill is finished in this committee which would change the bill to make that requirement. But as the bill stands now, there is a requirement to identify costs and upon a point of order force the Congress to vote independently on whatever mandate is proposed if it does not include funding.

Just as with the other important issues that have already been debated on this floor, there is simply no reason why this particular issue should make Congress exempt from accountability if it is going to make State and local government take action at the expense of the State and local government.

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

Mr. Chairman, I listened closely to what the gentleman from New Mexico said and also the gentleman from Massachusetts, and I think there is even more reason based on their comments to support and pass the Green amendment.

The issue basically of the safety of our Nation's nuclear facilities, of disposal of waste and the other regulation that goes along with it I think is too important really for us to question exactly how this legislation will impact that area.

For that reason, I think that we need to pass this amendment. I think that H.R. 5 affects a lot of important public policy concerns and deserves the careful consideration that we have been giving it on the floor, but as has been mentioned by the gentleman from Texas [Mr. GENE GREEN] and others, it has been pushed through the legislative process in a manner I think that leaves a lot of questions unanswered.

The way the bill is currently drafted, it seems to set up an inequity between publicly owned and privately owned nuclear facilities. I think it can be in-

terpreted that way. It can provide less protection to citizens living near publicly owned nuclear reactors or disposal sites than for those who live around privately owned facilities. This is a kind of patchwork effect that I think is unjustifiable. How are we going to explain to our constituents who are concerned about nuclear waste and nuclear safety that the relative safety or their peace of mind where they live is going to depend on who owns the nearby power plant?

In terms of business equity also I do not think we can justify creating an unequal playing field for different types of utilities, one which allows publics to escape certain costs while privates have to pay full freight for the safety.

I hope my colleagues will support the Green amendment to ensure that nuclear safety will not be compromised.

As you know, the bill provides similar protection for a lot of other important societal values like civil rights, Social Security, and national security. It seems to me that environmental protection, particularly in this sensitive area of nuclear safety, deserves the same degree of uniform application and bottom-line assurance as these other important concerns.

I know there is going to be a lot of talk about how if you read the bill a certain way that certain agencies are exempted and that one of these includes the Nuclear Regulatory Commission. But I still think there are a lot of questions there and the issue of nuclear plants and the safety of those facilities is too important in my opinion that it should be left alone. We have to in my opinion support the Green amendment because this area is so important and so sensitive.

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

Mr. Chairman, I certainly do understand the intention of the gentleman from Texas. However, with the NRC, whenever we are looking at the construction or the safety aspects of nuclear facilities throughout this country, they have certainly done a good job. We have not had one single death attributable to nuclear power in this country. The one thing I do not think we should be even talking about is a difference in the regulation of a private and a public utility, particularly when it comes to nuclear.

Our particular subcommittee deals with all of these issues and I think that when we start talking about a difference and a different type of law that they would have to follow or rule that they have to follow, fine. Now if there is something out there that is unfunded as far as the safety or the construction or the operation of a particular power plant, then the Federal Government certainly should be involved in the funding of that particular mandate. But I think this goes along the same way as the Clean Air Act, the airport safety, and everything else, that if

indeed it is unfunded, it should be funded by the Federal Government. When it comes to nuclear power facilities, they should all be treated the same. We should look at public and private the same for the safety of the people in our country who live around these.

Mrs. MEEK of Florida. Mr. Chairman, I move to strike the requisite number of words.

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

Mrs. MEEK of Florida. I yield to the gentleman from Texas.

Mr. GENE GREEN of Texas. I thank the gentlewoman from Florida [Mrs. MEEK] for yielding.

Mr. Chairman, let me respond to some of the concerns that were raised by the other side of the aisle. One, and I understand that they say that the NRC is not included, but it is. The point of order on this floor still applies to the NRC or to the Department of Energy.

Also if we are going to regulate nuclear energy and the disparity to my colleague from Colorado is that we have local agencies, local units of governments, the city of Austin. Some of them wish they did not own portions of nuclear power plants now, but they do. And how are they going to be treated when the managing partner is a private investor-owned utility that would have to be paying part of a mandate if it is not included?

That is the problem with the bill. I think the bill in the definition section even though it does pull out independent agency, the point of order still lies here on the floor and that is the concern. It could slow up responsiveness by this Congress to a nuclear disaster, whether it be Chernobyl or Three Mile Island or whether it be something in the future that we on this floor may not know tonight.

□ 1920

It affects not only this amendment, but it affects airport security mentioned in earlier testimony. It mentioned even the Clean Air Act, because even though we all may have questions about the Clean Air Act, particularly those of us in Texas about the emissions, we still know that we have an ability to deal with that through the EPA, as some of us did last week from the State of Texas. But a point of order still applies on this no matter what this bill says on the floor.

Again, expanded even more, even though NRC may be an independent agency, and it is under the definitions, but the Department of Energy also has input into and has regulations on disposal of nuclear waste, and they are.

Granted, I want them all to come under the provisions of the bill. Most of the time they do. In fact, I do not know of a case where they have not consulted with local units of government that are impacted, and that is great, and that is why I support generally the bill.

But I also know we have to look into the future and say there are some exceptions that need to be made, and we are talking about nuclear waste, nuclear power, because again we have not only a national track record but an international track record to know that when we need to respond, we do not need to throw any other roadblocks in the way.

Mr. SCHAEFER. Mr. Chairman, will the gentlewoman yield?

Mrs. MEEK of Florida. I yield to the gentleman from Colorado.

Mr. SCHAEFER. Mr. Chairman, I know the gentleman understands the fact that the NRC has absolute authority over nuclear facilities, and the thing that I have been certainly concerned with is if an independent nuclear operation is moving in a different direction from which all others are, that if something did happen out there that there would be less response time, and that is the concern I have with the gentleman's amendment.

Mr. GENE GREEN of Texas. If the gentlewoman will continue to yield, my concern is that we are throwing up more roadblocks to respond and not listing them, and we may just have a difference of opinion on this, but I think when we require the NRC to go through it or the Department Energy or even on the floor of this Congress to have a separate point-of-order vote against something, one Member can require it, and we are run by majority, as the gentleman well knows. But we could still slow up the responsiveness to a nuclear incident or nuclear accident.

Mrs. MEEK of Florida. I commend the gentleman on his amendment.

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

(Mr. BROWN of California asked and was given permission to revise and extend his remarks.)

Mr. BROWN of California. Mr. Chairman, I think it is regrettable that we have to go through this extensive, long, drawn-out process of seeking to correct some of the problems in this bill. I will point out, as many others have, that we could have avoided this through a more careful process of hearings and more extended consideration in committee. That same point has been made by others.

Most of us agree that some unfunded mandates can be bad, can adversely impact State and local governments, and can be difficult to defend on rational grounds. Most of us would like to correct that situation to the fullest extent possible. But the question, is how do we go about that process of correcting it?

The bill before us, H.R. 5, proposes a draconian solution by making all mandates more difficult and in many cases impossible, even when they have an obvious value to the public welfare and to the quality of life in this country.

While I am supportive of reasonable efforts to correct the problems of un-

funded mandates, the bill before us does not meet that goal, and, as I said, this is reflected in the large number of the amendments proposing reasonable improvements to the bill.

One of these is the amendments that we have before us by the gentleman from Texas [Mr. GENE GREEN]. I commend him for offering this amendment.

There are many reasons why the nuclear industry should not be within the purview of this bill, including the reasons that it is going to be next to impossible for the Congress or the OMB to estimate either the cost or the benefits of regulation of the nuclear industry.

Literally thousands of man-years have been spent trying to evaluate the possibility of an accident, for example, and that is a key consideration in determining whether or not to regulate. If there is a possibility that some practice or some activity in the nuclear industry is going to cause serious problems, we need to know how serious, what is that possibility, and frankly, we are not in a position to provide that information with any degree of accuracy.

I doubt very seriously if most of the Members of Congress are going to be able to actually understand what the possibilities of serious accidents are and what the importance of correcting that accident through a proper regulatory measure are. I know how we have acted in the past. We have tended to use the best judgment that was available from experts who appeared before our committees and gave us that information, and then we have distilled that and provided the necessary authority to the NRC to take the actions that it would require.

I do not think that this bill represents any improvement on the processes we have been following. My guess is we should not have put it into the bill in the first place.

So I urge support for the amendment offered by the gentleman from Texas [Mr. GENE GREEN] largely because I am so uncertain about the range of its implications.

I might indicate there is a difference here on the floor of whether even the NRC is included within the purview of this bill. That is certainly one of the simpler things that should have been explored before the bill was brought to the floor, so we could get a definitive answer on that question.

I am also uncertain of the range of questions that the regulatory review and point-of-order procedures included in H.R. 5 will have on our ability to deal with legislative regulatory issues in the nuclear industry. H.R. 5 is not the appropriate legislative vehicle to cope with issues of this sort.

I urge the adoption of the Green amendment.

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

Quickly, to clarify points made by the gentleman from California and re-

spond to the gentleman from Texas on the Nuclear Regulatory Commission again, it says it will be very difficult to mandate in the future. In fact, it says impossible in some cases. I do not know where that comes from.

Again, this allows us to have a cost estimate, allows us to have a debate on the floor, a vote up or down. It will not be an impossible task simply to have a majority of this body simply consider whether the new mandates make sense.

With regard to Nuclear Regulatory Commission, it is very clear under title II of the bill it is in fact an independent agency and thus is exempt. That is under title II of the bill. That point was made previously.

With regard to the legislation itself and the existing exemptions, and this is in response to the gentleman from Texas's earlier concern about emergencies, there is a specific exemption for emergencies, and that is found in section 4.

Finally, as the gentleman from Colorado [Mr. SCHAEFER] said previously with regard to the NRC, they certainly currently have statutory authority to react to an emergency.

So I think, Mr. Chairman, the points that have been raised, although they are important and that is a very important issue that has been addressed, I think this legislation is a measured approach. I say to the gentleman from California, it is not draconian. It does allow us to mandate in the future. We just have to be thoughtful about it.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 162, noes 259, not voting 13, as follows:

[Roll No 26]

AYES—162

Abercrombie	Dellums	Gutierrez
Ackerman	Deutsch	Hall (OH)
Barcia	Dicks	Hastings (FL)
Barrett (WI)	Dingell	Hefner
Becerra	Dixon	Hilliard
Beilenson	Doggett	Hinchee
Bentsen	Doyle	Holden
Berman	Durbin	Hoyer
Bonior	Edwards	Jackson-Lee
Borski	Engel	Jacobs
Boucher	Eshoo	Jefferson
Brown (CA)	Evans	Johnson (SD)
Brown (FL)	Farr	Johnson, E. B.
Brown (OH)	Fattah	Johnston
Bryant (TX)	Fawell	Kanjorski
Cardin	Fazio	Kaptur
Clay	Filner	Kennelly
Clayton	Flake	Kildee
Clement	Foglietta	Klecza
Clyburn	Ford	Klink
Coleman	Frank (MA)	LaFalce
Collins (IL)	Frost	Lantos
Collins (MI)	Furse	Levin
Conyers	Gejdenson	Lewis (GA)
Coyne	Gephardt	Lofgren
Danner	Gibbons	Lowe
de la Garza	Gonzalez	Maloney
DeFazio	Gordon	Manton
DeLauro	Green	Markey

Martinez	Owens	Studds
Mascara	Pallone	Stupak
Matsui	Pastor	Taylor (MS)
McCarthy	Payne (NJ)	Tejeda
McDermott	Pelosi	Thompson
McHale	Pomeroy	Thornton
McKinney	Rahall	Torres
Meehan	Rangel	Torricelli
Meek	Reed	Towns
Menendez	Reynolds	Trafficant
Mfume	Richardson	Tucker
Miller (CA)	Rivers	Velazquez
Mineta	Rose	Vento
Minge	Roybal-Allard	Visclosky
Mink	Sabo	Ward
Moakley	Sanders	Waters
Mollohan	Sawyer	Watt (NC)
Moran	Schroeder	Waxman
Murtha	Schumer	Williams
Nadler	Scott	Wilson
Neal	Serrano	Wise
Oberstar	Skaggs	Woolsey
Obey	Spratt	Wyden
Olver	Stark	Wynn
Ortiz	Stokes	Yates

NOES—259

Allard	English	Lightfoot
Andrews	Ensign	Lincoln
Archer	Everett	Linder
Armey	Ewing	Lipinski
Bachus	Fields (TX)	Livingston
Baesler	Flanagan	LoBiondo
Baker (CA)	Foley	Longley
Baker (LA)	Forbes	Lucas
Ballenger	Fowler	Manzullo
Barr	Fox	Martini
Barrett (NE)	Franks (CT)	McCollum
Bartlett	Franks (NJ)	McCreery
Barton	Frelinghuysen	McDade
Bass	Frisa	McHugh
Bateman	Funderburk	McInnis
Bereuter	Galleghy	McIntosh
Bevill	Ganske	McKeon
Bilbray	Gekas	McNulty
Bilirakis	Geren	Metcalf
Bliley	Gilchrest	Meyers
Blute	Gillmor	Mica
Boehrlert	Gilman	Molinari
Boehner	Goodlatte	Montgomery
Bonilla	Goodling	Morella
Bono	Goss	Myers
Brewster	Graham	Myrick
Browder	Greenwood	Nethercutt
Brownback	Gunderson	Neumann
Bryant (TN)	Gutknecht	Ney
Bunn	Hall (TX)	Norwood
Bunning	Hamilton	Nussle
Burr	Hancock	Orton
Buyer	Hansen	Packard
Callahan	Harman	Parker
Calvert	Hastert	Paxon
Camp	Hastings (WA)	Payne (VA)
Canady	Hayes	Peterson (FL)
Castle	Hayworth	Peterson (MN)
Chabot	Hefley	Petri
Chambliss	Heineman	Pickett
Chapman	Herger	Pombo
Chenoweth	Hilleary	Porter
Christensen	Hobson	Portman
Chrysler	Hoekstra	Poshard
Clinger	Hoke	Pryce
Coble	Horn	Quillen
Coburn	Hostettler	Quinn
Collins (GA)	Houghton	Radanovich
Combest	Hunter	Ramstad
Condit	Hutchinson	Regula
Cooley	Hyde	Riggs
Costello	Inglis	Roberts
Cox	Istook	Roemer
Cramer	Johnson (CT)	Rogers
Crane	Johnson, Sam	Rohrabacher
Crapo	Jones	Ros-Lehtinen
Creameans	Kasich	Roth
Cubin	Kelly	Roukema
Cunningham	Kim	Royce
Davis	King	Salmon
Deal	Kingston	Sanford
DeLay	Klug	Saxton
Diaz-Balart	Knollenberg	Scarborough
Dickey	Kolbe	Schaefer
Dooley	LaHood	Schiff
Doolittle	Largent	Seastrand
Dornan	Latham	Sensenbrenner
Dreier	LaTourette	Shadegg
Duncan	Laughlin	Shaw
Dunn	Lazio	Shays
Ehlers	Leach	Shuster
Ehrlich	Lewis (CA)	Sisisky
Emerson	Lewis (KY)	Skeen

Skelton	Tate	Watts (OK)
Smith (MI)	Taylor (NC)	Weldon (FL)
Smith (NJ)	Thomas	Weldon (PA)
Smith (TX)	Thornberry	Weller
Smith (WA)	Thurman	White
Solomon	Tiahrt	Whitfield
Souder	Torkildsen	Wicker
Spence	Upton	Wolf
Stearns	Volkmer	Young (AK)
Stenholm	Vucanovich	Young (FL)
Stockman	Waldholtz	Zeliff
Stump	Walker	Zimmer
Talent	Walsh	
Tanner	Wamp	

NOT VOTING—13

Baldacci	Kennedy (RI)	Rush
Bishop	Luther	Slaughter
Burton	Miller (FL)	Tauzin
Fields (LA)	Moorhead	
Kennedy (MA)	Oxley	

□ 1942

The Clerk announced the following pair:

On this vote:

Ms. Slaughter for, with Mr. Miller of Florida against.

Mrs. CHENOWETH changed her vote from "aye" to "no."

So the amendments were rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to section 4?

AMENDMENTS OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer amendments Nos. 107 and 108.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. SANDERS:

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

(8) establishes a minimum labor standard, including any prohibition of child labor, establishment of a minimum wage, or establishment of minimum standards for occupational safety.

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

"(8) establishes a minimum labor standard, including any prohibition of child labor, establishment of a minimum wage, or establishment of minimum standards for occupational safety.

Mr. SANDERS. Mr. Chairman, I ask unanimous consent that amendments Nos. 107 and 108 be considered en bloc.

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

There was no objection.

Mr. SANDERS. Mr. Chairman, I offer this amendment along with my colleagues, Mr. CLAY from Missouri, and the gentleman from California [Mr. BECERRA].

Mr. Chairman, this amendment is simple and not controversial. It exempts Federal legislation that establishes minimum labor standards, including prohibition of child labor, establishment of a higher minimum wage, and establishment of minimum occupational safety standards. State

and local governments are employers just like the private sector. So minimum labor standards are unfunded Federal mandates. This bill could have very serious consequences on the health, safety, and fair treatment of American workers.

Mr. Chairman, in the 102d, 103d, and in this Congress, I have introduced bills that increase the minimum wage. They provide for a moderate increase from the current \$4.25 to \$5.50 an hour and index future increases to the annual cost of living.

Mr. Chairman, today the minimum wage buys only 65 percent of what it did 10 years ago. At its current level, it is a hunger rate that results in full-time workers earning just \$8,840 per year and falling well below the poverty level for a family of four. Any attempt to raise the minimum wage in this and future Congresses would be banned under this unfunded mandate legislation. This amendment protects hard-working Americans who deserve a livable wage.

□ 1950

Occupational safety and health standards that protect State and government employees, as well as private sector employees, are also considered as unfunded mandates that are banned by H.R. 5. This amendment would permit the establishment of minimum occupational safety and health standards that respond to newly discovered occupational hazards. Without this amendment, no minimum standard for indoor air quality relating to tobacco smoke, toxic dust, asbestos, radioactive and other cancer causing chemicals could be established for work areas. This amendment protects the safety of working America.

Mr. Chairman, more than 50 years ago, at the urging of President Franklin D. Roosevelt, the Congress established a basic minimum working age of 16 nationwide. This was done as a societal commitment that young Americans should be getting a good education in school rather than working in factories or sweatshops. Now the commercial exploitation of children in America is back with a vengeance in the 1990's, and this legislation would preclude the Congress from doing anything about it.

Consider these alarming facts:

Reported child labor violations are up more than 150 percent in the past decade,

There are fewer than 40 Federal investigators and compliance officers to enforce child labor laws and 50 other fair labor standards nationwide,

In the 1980's the average fine leveled on unscrupulous employers of minors who were killed on the job was all of \$740.

In short, the scourge of child labor is spreading all across America again. If this amendment is not approved, this legislation would hamstring the Congress from doing anything to extend

fundamental protection to young Americans in the workplace at a time when many of them are struggling to strike a good balance between getting a good education and gainful employment.

Mr. Chairman, every civil society on Earth has seen fit to extend fundamental rights and to establish minimum labor standards for working people. The United States and more than 160 other nations are legally obligated to adopt and enforce laws promoting respect for internationally recognized worker rights and labor standards. If this amendment does not pass, the United States would signal our wholesale retreat from fundamental worker rights and minimum international labor standards. It would be a serious scar on America's credibility if we do not set minimum Federal standards that affirm our commitment to treat American workers with the same fundamental dignity and respect that they deserve.

There is another aspect of H.R. 5 that I believe is ambiguous. As costs increase, the cost of States and localities to meet the same standards also increase. Thus, if it costs States more money to enforce the same occupational safety standards—

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

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

Mr. SANDERS. Thus, if it costs States more money to enforce the same occupational safety standard, there is arguably a new unfunded mandate that can be banned. I am seriously concerned that current minimum labor standards are in serious jeopardy.

I offered this amendment during the committee markup. Many of my colleagues have voted against the adoption of the amendment, said that they did not want H.R. 5 to apply to minimum labor standards. They were in agreement. I find it disingenuous that these same colleagues claims to support my amendment, yet voted against it. Let us make it clear today that we value the safety and well-being of working Americans. I urge all Members to support this amendment.

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

Mr. Chairman, I have to say once again the gentleman from Vermont, like other people, have offered amendments on the House floor, and the committee before him, have selected an important area of consideration. I would point out, first, however, that there is nothing in this bill that retroactively repeals any bill already enacted into law by Congress. This obviously would include present child labor laws. I think the meat of the amendment goes to the Occupational Safety and Health Administration, [OSHA] and future rulemaking that they might do or future legislation that Congress might make with respect to worker safety.

Giving a personal note, Mr. Chairman, I understand the importance of worker safety, as we all do, but close up because I was an OSHA inspector for the Air National Guard. For 6 years of my more than 20-year career in the New Mexico Air National Guard I was a ground safety officer, and among other duties with that responsibility was inspecting the facility for worker safety under the Air Force's version of OSHA. But I want to say that, although I understand the importance of labor standards and being concerned about worker safety, I have been seen and heard my share of horror stories. Business after business has come to me since I was elected to Congress with regulations imposed by the Occupational Safety and Health Administration which appear to be imposed without any regard to how practical they are, how needed they are, what their costs are, oftentimes apparently by people who have never worked in the workplace themselves and hardly have the qualifications to be imposing that on either State government and its employer or anyone else, and therefore, what this comes down to is there is simply no reason why the issue of worker safety should be exempt from the consideration of this bill.

If the Congress upon due consideration, if this bill is enacted into law, decides that the cost of a particular new piece of legislation is warranted, and if Congress does not have the funds to pay for it, then by majority vote we can still enact it. Once again we are requiring accountability. We are not precluding any action on the part of the Congress.

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

Mr. Chairman I am pleased to offer this amendment, along with my colleagues, the gentleman from Vermont and the gentleman from California.

The sponsors of the bill acknowledge in section 4 that some matters are of such fundamental Federal interests that they should be exempt from the bill. In my view laws protecting the health, safety, and welfare of American workers belong in that category, as well as laws covering the minimum wage, the Family and Medical Leave Act, OSHA, and the Employee Polygraph Protection Act.

H.R. 5 creates needless procedural hurdles to the ability of the Federal Government to regulate the conduct of State and local governments. There is no conceivable justification for treating State and local governments differently with respect to laws designated to protect our workers. Yet, if the proponents of this bill think that the Congress has not given due consideration to the impact of labor statutes on public employees, let me correct that faulty assumption.

Mr. Chairman, I was a member of the Committee on Education and Labor when the Congress extended the Fair Labor Standards Act to State and local governments. I was actively involved

in the enactment of the Family and Medical Leave Act and the Employee Polygraph Protection Act, and in every instance throughout the entire legislative process the views of public employees were fully considered by the Congress. We do not need the unfunded mandate bill to force us to continue careful consideration of the impact of our decisions.

State and local public employees face the same pressures to provide for themselves and their families. The fact that one may work for a public employee does not lessen the need to earn a living wage. The public employee does not age differently than one in the private sector and should be accorded the same protection under the age discrimination law. Those working for a public employer are no more immune from occupational disease or accident than those who work for private employers and should be afforded the same protection under our worker safety laws. H.R. 5 could well force us to adopt inequitable workplace statutes.

Mr. Chairman, the Congress does not enact labor statutes in order to impose costs upon employers. The Congress enacts labor statutes because it has determined that the need to protect the American workers is a matter of great national interest, and I urge my colleagues to support this amendment.

□ 2000

Mr. DREIER. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, I believe that my friends from Vermont and from Missouri and from California are very sincere in offering this amendment, and I think it is well-intentioned all the way around. But the fact of the matter is we once again have come to the point where we are imposing another mandate on State governments.

Before I was elected to the Congress and I had the privilege of serving here, the only elected office I ever held was that of student council officer in high school. But the fact of the matter is, there are very many distinguished former State legislators who serve here. I look at my friend, the gentleman from California [Mr. MARTINEZ], who had a distinguished career as a member of the California Legislature, and I have to say as I look at this amendment, we were basically saying to legislatures that you cannot make this kind of decision.

Well, on the issue of labor and minimum wage standards, 36 States have minimum wage laws which have a rate that is equal to or higher than the Federal minimum wage standard.

I happen to be one who has a great deal of confidence in those State legislatures. My State legislature out in California right now is going through more than its share of problems, but, nevertheless, I do believe very sincerely that those States should have the opportunity and really the power to make these kinds of decisions.

So while I congratulate my friends for offering this amendment, I believe that it once again moves in a very, very bad direction, jeopardizing the rights of States. For that reason I am opposed to it.

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

Mr. DREIER. I am very happy to yield to my friend from Monterey Park.

Mr. MARTINEZ. Mr. Chairman, as my colleague from California knows, I served on the local level in the State legislature, but I also served as a council member and mayor for the city of Monterey Park.

Now, let me tell you what happens with us and our budgets as a local elected official when we try to develop our priorities and how we are going to serve our constituents. Let me tell you something: There are certain things we have a responsibility to, but we will ignore them because we feel that the higher priorities for that money are what is going to make our constituents happy to get us elected. All right, that is a simple fact of life at every level of government.

Mr. DREIER. Not here.

Mr. MARTINEZ. So what we are doing here, even here we are gaining votes on many of the actions we take. But even so, somebody has to determine, and I think it is the Federal Government's responsibility, the responsibilities that we have in regard to civil rights or in fact to the point where people, their rights are being violated and they are being treated in an abusive way.

Sometimes it is easier for us to make a decision because we are farther removed than those local elected officials are, and we have to live up to that responsibility.

I would say to my friend that there are certain things that we in the Federal Government are going to have to mandate, but we do not necessarily have to provide the money for, because actually they are the responsibility of the local governments and the State governments.

Mr. DREIER. If I could reclaim my time to respond to my friend, this legislation does not eliminate unfunded mandates. It simply creates a requirement that we be accountable for those decisions. I know my friend would be very supportive of that. We have to go on record here, rather than sneaking provisions that have been snuck in in the past into legislation, imposing unfunded mandates on State and local governments, we have to stand here and say yea or nay, which is I believe is what the American people want us to do.

Mr. MARTINEZ. If the gentleman will yield further, let us say that we could agree that there are certain things that the Federal Government does mandate to local governments, that since it is their idea, they ought to pay for them. There comes a question of us being able to raise the taxes.

Now, if you have the supermajority that everybody is talking about passing, it is going to be very difficult for us to raise the taxes for it. So we are not going to be able to.

So when it comes to judging whether or not there is a cost involved, the idea of measuring the benefit versus the cost is going to be a very subjective thing, because there are people that do not see any value in a lot of things we do, like for example ombudsmen to take care of frail people and elderly people in nursing homes, and 20/20 just did an hour on that.

But we are not going to be able to do that if we say we are going to have to raise the taxes. So we have to say that the State governments have that responsibility and have to do it.

More than that, if we say that this is a Federal mandate, but you have to do it on the local basis, and we are going to say weigh the benefit in an objective way, not a subjective way, and I still maintain that will be done subjectively here, because in the first place the only reason you want an unfunded mandate law that says you have to weigh those benefits before you make that decision it is to be able to have some reason to deny. And that is the plain and simple truth.

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

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

Mr. DREIER. Mr. Chairman, I would simply respond to my friend by saying again that he had the privilege of serving as a city council member, a mayor of a great city in California, and as a member of the State legislature. The unfortunate thing for me is I, having not done that, I have so much confidence in your successors in those bodies that I believe we should give the right to make those decisions to them at the State and local level, and if we make the decision that they cannot handle it, we still can impose that unfunded mandate. We just have to be accountable in doing it.

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

Mr. DREIER. I yield to my friend, the gentleman from St. Louis.

Mr. CLAY. Will the gentleman cite for the RECORD which bills we sneaked through here?

Mr. DREIER. Well, sneaked through, I am thinking of a wide range of legislation in which, for example, the Clean Air Act—

Mr. CLAY. We sneaked that through, sir?

Mr. DREIER. I am talking about the unfunded mandate aspect.

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

(By unanimous consent, Mr. DREIER was allowed to proceed for one-half additional minute.)

Mr. DREIER. Mr. Chairman, I would like to ask my friend from St. Louis if

he knew that during this 5-year period that we would be imposing on States the responsibility of paying \$3.6 billion to comply with the Clean Air Act? We did not know that. So all I am saying is that while many unfunded mandates have been included in legislation in the past, when I say "snuck in," it meant that we have not been accountable for them because we have not been required to have an up or down vote on whether or not that mandate should be imposed. And that is what I meant by that.

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

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

Mr. WYNN. Mr. Chairman, I rise this evening in strong support of the amendment sponsored by the gentleman from Vermont [Mr. SANDERS]. I think this is an opportunity in which we in Congress define our role. Not too long ago we stood and raised our hands and took an oath, and the essence of that oath was that we would protect the national interests. That is the interests of all Americans. And I submit that in the areas of occupational safety, minimum wages, and, most importantly, child labor laws, that this is an appropriate area for national decision-making and that we have in fact an obligation to protect the Nation's best interests.

Let me say, it was interesting listening to the discussion a few moments ago, that I too served in the State legislature for 10 years. And in the State legislature I was a strong advocate for limiting unfunded mandates. I support the concept today, but I feel strongly that the bill can be improved, and that is why I am supporting this amendment.

Mr. Chairman, my colleagues on the other side have attempted to paint themselves as the advocates of the working class. Well, I will tell you, working class people are in trouble and the issue is wages. The bill in its current form makes this situation worse.

The current minimum wage of \$4.25 an hour has only increased \$4 since its creation under the Fair Labor Standards Act in 1938. At this rate the average family of two is just above the poverty level at \$8,840. This minimum wage only buys 65 percent of what it could buy 10 years ago. The problems of homelessness, poverty, all go back to the question of wages.

I think when I listen to some of the opponents of this amendment that they would have us resort to the levels of under developed countries and eliminate all wage standards.

It was interesting, Mr. Chairman, in a recent show the question of the minimum wage was discussed. Opponents of the increase in the minimum wage said this would cause us to cut jobs. Then they talked to a seamstress who did piecework and asked her, you are a minimum wage worker, and if they increase the minimum wage, could this

cost you a job? You know what she said? She was a mother with children. She said I will take my chances with the increase in the minimum wage. I think there are jobs out here, but I need a decent wage.

So we at the Federal level have a responsibility to respond to that seamstress. If we take on that responsibility, we should not have our intentions abrogated or intercepted by virtue of this bill.

I think it is very important, therefore, Mr. Chairman, that we support the gentleman's amendment. Similarly in the area of child labor laws, we got into the business of child labor laws about 50 years ago when someone said, you know, it might make sense for us to impose some national standards on what age children should be allowed to work and under what conditions.

□ 2010

And I find it hard to believe that some of the Members in this Chamber would say we should turn back the clock 50 years and say the Federal Government has no role. Yes, as a State legislator, I, too, have a great deal of confidence in the judgment of State and local officials, but I feel when I stood up and took that oath, I said, I was going to look out for the national interest. I was going to make sure we had fair minimum standards for occupational safety and minimum wages and child labor laws, and I think, in order to keep my oath, I have to support this amendment. And I certainly urge my colleagues to do similarly.

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

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

Mr. BECERRA. Mr. Chairman, I rise today as a cosponsor of this amendment with the gentleman from Vermont [Mr. SANDERS] and the gentleman from Missouri [Mr. CLAY] to urge its adoption. I think we all know that we have one of our jobs here to protect those of our workers in America who are out there producing for America.

But let me focus my attention, if I may, on one particular aspect of our labor force. And that is our children, the most vulnerable group of people in our society that are out there sometimes working.

As currently drafted, H.R. 5 would pull the rug out from under these members of our society that are not yet prepared to go on and become as productive and fully participatory in our society as we would like. This unfunded mandate bill makes no effort to preserve our children's future health and safety through child labor laws. Under H.R. 5, any new child labor laws would be suspect.

This amendment that we are proposing here today would simply exclude child labor laws from the effects of this unfunded mandates bill. Across the country exploitation of child labor is

unfortunately making a vicious comeback. From New York to California, employers are breaking the law by hiring children who put in long hard hours and often work in dangerous conditions.

In 1990, the Department of Labor detected over 42,000 child labor violations, an increase of over 340 percent since 1983. And that is just what was detected. Who knows how many child labor violations actually occurred during those years?

Rising injuries, lack of labor law enforcement, rampant child labor law violations in agriculture and elsewhere all contribute, if anything, to the need for a renewed Federal attention to child labor.

Let me give some quick examples: In Los Angeles, many children who should be in school are instead working in garment industry sweatshops that are dirty, crowded and often contain hazards like locked fire doors. In California and Texas, young children work beside their parents for up to 12 hours a day as migrant farmers. Augustino Nieves, at age 13, was picking olives and strawberries in California. He missed months of school that particular year, working from 6:30 a.m. until 8 p.m. with a 20-minute lunch break, 6 days a week at less than minimum wage.

This is not an anomaly. It happens all the time across the country.

Another situation that is becoming more common is the hiring of children for candy selling scams. Candy sellers hire children, sometimes as young as 7 years of age. They pile them into a van; then they drop them off in unfamiliar neighborhoods to go door to door. These children sell their candy for \$5 and usually they get to keep about a dollar. Brandy, a girl who started selling candy at age 11, said, "On a good night, I could sell 10 boxes. Sometimes the kids drank in the van or used drugs. One time the driver left a boy in Napa," that is in California, "and he had to walk 15 miles home at night. Another night I waited for 2 hours on the corner to get picked up."

This is frankly embarrassing. It is disgraceful that in the United States of America, the model for developing countries, we have kids who should be on the playgrounds but who are instead waiting on the corners of some strange street for a stranger to remember to pick them up and take them home.

Since 1990, several States have updated their child labor laws, making significant advances in protecting minors. Unfortunately, the vast majority of States have not updated their laws in close to 50 and, in some cases, 80 years. It seems ironic that H.R. 5 would stymie Federal regulation of child labor laws, which were originally requested by the States themselves.

Walter Trattner wrote, in 1933, in his reform-oriented study called *Crusade for Children*.

Sweatshops and fly-by-night plants were exploiting children for little or no pay, mov-

ing at will across State lines to take advantage of laws of nearby States. The individual States were unable to halt these abuses which had far-reaching effects, including the complete breakdown of wage scales.

Trattner then concludes by saying the following: "Everywhere people were looking to Washington for help and direction."

The massive illegal employment of children damages the United States in two major ways: First, it has a negative impact on the education and thus the future of our young people. Who are they but the Nation's future work force. And we should be doing what we can in this particular work force that we will be counting on so tremendously to be able to say that they will get educated. And second, this massive illegal employment has as a result, in many cases, the death and serious injury of many young workers.

According to the Children's Defense Fund, young people who work more than 20 hours a week have diminished investment in school.

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

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

Mr. BECERRA. According to, as I was saying, the Children's Defense Fund, young people who work for more than 20 hours a week have diminished investment in school. They are more likely to be delinquent in school and are more likely to use drugs. Over one-third of working adolescents in a study said they took easier classes in order to manage their school work while they were employed.

In a hearing before the Committee on Government Relations or Government Operations last session, real life horror stories were relayed by the victims or survivors of accidents which occurred as a result of child labor violations, whether it was a pizza delivery young man who ends up dying because he is trying to drive around and he is lucky enough to have a license or unlucky enough to his life or whether we are talking about the boy who lost his leg because it was torn off by a dryer which did not have a safety lid, in which case the company paid a \$400 fine, we find that there are violations that are occurring.

We must change this. The States have asked us to do this, and what we should do today is understand that in unfunded mandate legislation, we should not abandon our children.

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

Mr. Chairman, I want to make it clear in this body tonight that there are 170 unfunded mandates over the last 5 years, and this is according to the President's National Performance Review.

As a former State representative for 7 years and a county commissioner for 3 years, I can tell Members that they

are looking to us for assistance in not sending more unfunded mandates.

The fact of the matter is, every Member of this Congress wants to make sure we have safe child labor laws. We have safe labor laws on the books now. This is only prospective in nature. We need to make sure that everyone who is voting on this will realize that section 4 of the bill does not in fact provide for emergency assistance relief and any other kind of presidential emergency legislation, should that be necessary. But we cannot have another vote for another unfunded mandate when in fact this matter should be handled separately. And the legislation that we have here today that is going to protect America so we know that we have what the costs are upfront. And by making sure we have this bill passed we will know up front at any time in the future what the costs will be.

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

Mr. FOX. I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, I just wanted, since I did not want 5 minutes, I thank the gentleman for yielding.

I just want to rise and say that one of the things what has been fascinating about this debate is that we have learned a lot, I think, from each other during the course of the days that we have had what is truly an open rule. It is the first time in my time in Congress where we have actually had a give and take and a dialog between and among Members.

I just want to say to my colleagues that as someone who has a record of supporting environmental laws and health laws and safety laws and labor laws, including my intention, if it is a reasonable increase in minimum wage, to support the President, if he requests a rise in the minimum wage, if it is logical and meaningful.

I just make a point to my colleagues on the other side of the aisle, this mandate bill that was designed really by Members on both sides of the aisle, allows us the opportunity to have the full kind of debate we are having right now.

□ 2020

If a minimum wage is desired by more than a majority of the Members of Congress, or OSHA safety laws, we simply can override the point of order by a simple majority.

It seems to me, Mr. Chairman, that some of the dialog we have been having is a dialog that would legitimately happen when those particular bills come before us. However, at least then we know the cost of the legislation if we do not want to fund them.

I thank my colleague, the gentleman from Pennsylvania [Mr. FOX], for yielding to me, but I also oppose this amendment. This amendment, like any other amendment that has been offered, would really kind of gut the concept of the bill. If we have a mandate bill, a simple majority can override the mandate requirement point of order.

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

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

Mr. VENTO. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, I would like to respond to the gentleman from Connecticut [Mr. SHAYS], because repeatedly this has been said this is prospective in nature. I think that is not with regard to reauthorization, which obviously could affect many laws that we have that have a term in terms of time.

However, in addition to that, on page 18 of the bill, and the gentleman is very familiar with it, this statement to accompany significant regulatory actions, here it goes through 13 separate steps. It says "Any final rule that indicates any Federal mandate that may result in expenditures of States", and here we are dealing with the rules that are promulgated by the agencies, "any rule that has an intergovernmental nature or any rule this has an effect of having \$100,000."

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

Mr. FOX. I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, it is just, in that instance, an assessment of cost. That is the point.

Mr. VENTO. Mr. Chairman, if the gentleman will continue to yield, I would suggest that he look at this, and this section, section 202, is not prospective in nature. It is retroactive. It affects any new rule that is promulgated that deals with the types of labor law problems we are talking about here.

We are talking about any reauthorization. Therefore, at the very least I think this is what concerns many of the Members here. We are really putting in place a vehicle that we do not know how it will work.

Mr. FOX. Mr. Chairman, reclaiming my time, I yield further to the gentleman from Connecticut.

Mr. VENTO. Mr. Chairman, if the gentleman will continue to yield, I just want to finish my statement.

Mr. FOX. Mr. Chairman, reclaiming my time, I yield further to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, we are new at this. We are learning the process.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman operating in good will, if he will continue to yield to me, just to finish my sentence.

Mr. FOX. I have lots of good will, Mr. Chairman, but I want to make sure that my colleague, the gentleman from Connecticut [Mr. SHAYS], could finish his thought.

I yield to the gentleman from Connecticut.

Mr. VENTO. I think this is not prospective. It is very significant. It is a vehicle we have not tried. It is untried. There are 13 separate steps here. Some are questions like how many angels can dance on the head of a pin.

I think as we look at this, they are much more complicated. The whole vehicle has never been tried. Show me an example.

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

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

Mr. FOX. The fact of the matter, what people of America want us to do is, if we are going to pay for an additional item, we want to have it voted up or down in this Chamber. This bill allows us to do that. The fact is that we need to pass H.R. 5.

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

Mr. Chairman, if it is the objective of the gentleman from Connecticut [Mr. SHAYS] to know the cost of the legislation, and not have any unintended effects, I believe he will have an opportunity later during the consideration of this bill to vote on the Moran bill which passed out of committee in the last Congress, which in fact does that without complications. It will be offered as a substitute.

Another gentleman rose earlier, Mr. Chairman, to talk about his experience in local government. I was a county commissioner in the early 1980's. There are a couple of ways to put burdens on local government.

One is unfunded mandates, and I believe we should address that problem. The second is to jerk funds out from underneath counties and local governments, which was done by President Reagan and the Congress when they killed revenue sharing and used the money for Star Wars.

We have to look out for both of those things. We have to get our priorities straight around here. Where is the money better spent?

Mr. Chairman, beyond that, during this last week I have heard a lot said about book deals here on the floor. However, if we fail to pass this amendment, Mr. Chairman, we are taking a page out of another book, a book by Dickens. We will be turning back the clock to an earlier and dark time when children were exploited and oppressed for their labor.

I know it is certainly not and could not be the objective of the authors of this bill to turn back the laws to the days of abuse of child labor or the days of Sinclair Lewis and *The Jungle*, with unsafe and unsanitary workplaces, or finally to prevent the imposition of a Federal minimum wage, where the various States, if we saw this new vision, could perhaps engage in a bidding war. Perhaps we could drive down wages to the level of Mexico, and then we would no longer have to fear the loss of our jobs under the NAFTA agreement.

Child labor, unsafe and unsanitary workplaces, sweatshops, subpoverty

wages, those certainly could not be the objectives of the authors of this bill. I would urge them, Mr. Chairman, since that is not their objective, to adopt this amendment.

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

Mr. Chairman, our Democrat friends seem to have ignored one of the major factors that they have introduced into labor law in this Congress in the last four years. It is called an earned income tax credit. It actually was invented by our friend, the gentleman from Wisconsin [Mr. PETRI], but they thought it was such a great idea that in this last session of Congress we put in the earned income tax credit.

The nice part about the earned income tax credit is the Federal Government get the cost. If we take the minimum wage today and add to it what could be the additional income that the people at the bottom of the wage scale get, there is \$1.21 an hour that people could add to the minimum wage right now because of the beneficence of this Congress, the Democrats and Republicans.

If they want to continue this and they want to help out local government without mandates, all they have to do is increase the earned income tax credit. The great part about that is the local government does not pay it, the State government does not pay it, the Federal Government pays it in an earned income tax credit.

This is a wonderful idea they have invented, and all of a sudden now the minimum wage has become the great wonderful thing. It does not get the aid to the people that need it, Mr. Chairman. The majority of people that earn the minimum wage are not poor people, they are a bunch of young kids working and getting into the whole labor market.

Mr. Chairman, when we increase the minimum wage, we increase the level of the beginning. The people that are really hurt there are people that are looking for jobs, the ones that cannot cut it anyhow. Why not put in the earned income tax credit?

The major idea is, the earned income tax credit is something that has been invented. It is a good idea and does a great deal more.

One other thing I would like to bring up: OSHA, which I am sure has been discussed already, OSHA, which is administered by 23 States at the present time on a voluntary effort on their part, has nothing to do with this bill at all. They have already voluntarily accepted OSHA, and nothing happens in this bill that is going to change that, unless the Federal Government forces some sort of new regulation and they give over \$500 million more to bring that about. OSHA is safe. The earned income tax credit solves the problem they are speaking about.

Mr. GENE GREEN of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate my colleague, the gentleman from North Carolina [Mr. BALLENGER], bringing up the earned income tax credit. Last session of Congress not one Republican Member voted for that earned income tax credit. To take credit for it tonight, maybe it was their idea, but to put it into existence, the people on this side of the aisle did that. That is why minimum wage is so important.

I appreciate my colleagues, the gentleman from Vermont [Mr. SANDERS], the chairman of the EEOC Committee, and my ranking member, introducing this amendment.

The case for minimum wage, and we hear that we are not talking about issues tonight, we are talking about unfunded mandates, but we are talking about issues, because to deal with safe drinking water, to deal with nuclear regulatory issues, to deal with minimum wage, we are putting up the roadblocks tonight to deal with those issues. To say we are not doing it, Members are casting aspersions and making the American people not realize what has actually happened. That is why this amendment is so important.

The case for minimum wage needs to be made tonight and hopefully, when we get a bill, here on the floor. We cannot raise a family on minimum wage, even with the earned income tax credit.

Many people in my district are required to live on that. At \$4.25 an hour as a single person they make \$8,840. It is barely above the poverty line for individuals. That is \$7,360. If they have one child, the poverty line is \$9,840. That puts them below the poverty level, even at minimum wage.

□ 2030

The purchasing power of the minimum wage measured in constant dollars is about the same as it was in the 1950's. Teenagers and young adults make up about half the minimum wage population. The gentleman from North Carolina [Mr. BALLENGER] was correct, according to the Economic Policy Institute. But the other half of hardworking adults, working Americans who need to have that increase, if we throw up another roadblock tonight for public employees not be paid a higher minimum wage, then that is doing a disservice to those people.

I also served many years in the Texas Legislature, 20 years in the legislature, so I know about unfunded mandates. I also know that in a minimum wage issue, it is a national issue and should not be dealt with on the State level.

Why should we be excluded from this bill? We have been discussing raising the threshold for passing the income tax. This Congress 2 weeks ago and maybe this week will make it a three-fifths requirement to require an income tax increase. Particularly in 1993 we raised taxes on the 2 percent of the wealthiest income earners. Yet we are going to make it even harder to pass a minimum wage on the people who are the lowest hardworking workers?

Why should we put procedural hurdles to raise the income of working Americans when we are putting a procedural hurdle to where it is harder to raise the taxes on the richest? We are protecting the people at one end of the earning scale but we are making it harder to help those at the other end.

It was a few year ago when I made minimum wage and I was glad Congress raised it then from \$1.25 an hour. I remember where I come from. I hope that a lot of Members of Congress remember where we come from and recognize that we do not need to throw additional hurdles, particularly for public employees to make increase in minimum wage.

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

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

Mr. VENTO. I want to commend the gentleman for his statement and the point about minimum wage. I want to commend my colleague from North Carolina for his statement about the earned income credit. I would like to have had more support 2 years ago when we passed it, but that is no excuse.

We believe in the private enterprise system in providing some minimum opportunities for people to get adequate compensation. We should not have to unless there are unusual circumstances to rely on the Tax Code and the income transfers that go in that direction. In fact, we are going to be talking about those income transfers a little later this week. I though maybe some of our colleagues were anticipating that debate.

The earned income tax credit is necessary, but it is limited in terms of what we can do. We want the private sector to pay adequate wages and compensation and benefits so that people can support their families.

I support the gentleman's statement and his concern, he is doing it with great aplomb, and I credit him for it.

Mr. GENE GREEN of Texas. I thank the gentleman.

Let me remind Members the earned income credit was a great bill and it passed in 1993. But that does not mean we should not also consider what we need to do with the minimum wage, and to separate out public employees, whether they work for cities, counties or States, to treat them separately from private individuals or private companies is wrong because they have to support families just like private employees have to.

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

Mr. Chairman, I move today in support of the amendment of the gentleman from Vermont.

All of us believe that we must find ways to ease the budget burden on States and municipalities. That is not, however, what we are really debating

today. We are not deciding whether we will make a serious effort to get our budget under control and legislate more reasonably. We are deciding whether in a frantic, unreasonable rush to claim that we are not passing on costs to localities, whether the Congress of the United States will completely abandon its vital role in protecting American working people.

A vote for H.R. 5 without this amendment is an unconditional surrender, an unconditional surrender of our obligation to ensure that American workers earn a decent wage and that they work in decent conditions.

Is our drive to congratulate ourselves and pretend we are helping States and localities so great, so immense that we are willing to risk the safety of working people all across our Nation?

Is our desire to take credit for so-called accountability so great that we are willing to risk child labor and minimum wage standards?

If, Mr. Chairman, in this committee, in the People's House we will not stand up for American workers, stand up so that they are paid a decent salary, stand up so that their children will not be forced to work, stand up so that they can all work in safety, then, Mr. Chairman, who will stand up for the American working men and women?

We all want to help States and localities. I want to help the city of Chicago. But we should not do it by risking the health, the safety, and the protection of American workers.

This is not an abstract problem, Mr. Chairman. The dangers are real.

In 1990, there was a 177 percent increase in child labor violations. If we pass this bill ignoring this important amendment, we will not be able to take steps to remedy this growing crisis.

My friends, we do not have to say no to workers, especially on a day like today when we have seen tens of thousands of marchers for pro-life. Is it not pro-life to guarantee that a mother can raise and feed and clothe and educate a child? Is it not pro-life that once that child is here with us, that we guarantee that that child is able to work under some reasonable conditions of safety and not at a young and tender age?

Is it not pro-life, and I see my colleagues on the other side smiling. They deny a woman's right to choose and then say we will not protect the children once they are here with us. Is it not pro-life to guarantee that people can smell the air and drink decent water and that our environment is not contaminated? Is that not what life is really all about? That we can raise our children, educate them and live in peace.

Mr. SHAYS. Will the gentleman yield?

Mr. GUTIERREZ. Excuse me, I have not spoken on this House floor in 2 years and I am going to speak today.

It seems to me, Mr. Chairman, that if we are truly going to be about life and the sanctity of life, it should be at all

phases, at all steps along the way, not merely here on a debate. And it seems incredulous to me that we will pass a law that will make it more difficult to guarantee minimum wage and the same proponents will say to the richest, the wealthiest Americans here in the United States of America, we are going to give you a tax cut on your capital gains, on your investments, but we are not going to make a real investment in American men and women in this country by affording them a decent salary.

Mr. Chairman, that is what this debate should be all about. We were sent here to do the people's work. I do not know, there may be young people, I see them, flipping hamburgers and trying to make a living in high school so they can help their parents and their economy of their household along. But I also see them early in the morning, Mr. Chairman, grown men and women working very hard.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. GENE GREEN of Texas and by unanimous consent, Mr. GUTIERREZ was allowed to proceed for 1 additional minute.)

Mr. GUTIERREZ. Mr. Chairman, if we are going to guarantee, if we are going to talk about fairness in this the People's House, then we should not say that while we have a deficit here in this country, that while we have a looming deficit that is going to affect the children of this country, that is going to affect the families of this country, that the only tax cut that we can give is a capital gains tax cut; that the only way that we can ensure that men and women earn more money, lift themselves from poverty, is the earned income tax credit.

Mr. Chairman, just to finish, we have been into striking words of Members when we do no like them here. We should probably have a new rule.

When we use the word "we" as I heard it expressed by one of my colleagues from Texas on the other side of the aisle in reference to the earned income tax credit, when the "we" on that side of the aisle, not a single "I" on that side of the aisle contributed to the "we" for the American men and women, I think that we should move to strike those kinds of words, also.

□ 2040

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

Mr. Chairman, this amendment before us goes to the core of the proper role and responsibility of the Federal Government. Not that many years ago, industrial centers like New York City were notorious for sweatshops and deathtraps. Thousands of workers, many of them children, toiled before dangerous machinery and equipment for long hours, for little pay, and with few rests. Many were killed or injured. Those who complained were shown the door and tainted with a black mark

that might prevent them from ever working again.

This body eventually assumed its responsibility to protect citizens and residents and enacted landmark legislation—what many would now criticize as unfunded mandates. Many of the most extreme abuses were reversed with the Fair Labor Standards Act, the National Labor Relations Act, and OSHA.

Things improved for working people. However, problems remain, and where there is abuse, there is a proper Federal rule. Indeed, many of the abuses that gave rise to our labor protection laws and regulations persist. The sweatshop, one of the most common symbols of abuse, persists in New York, Los Angeles, and elsewhere.

In 1989, the GAO documented a steady rise in sweatshops, which they defined as business that regularly violate both safety or health and wage or child labor laws. Three-fourths of the Federal officials interviewed at that time said that sweatshops were a serious problem in at least one industry in their geographic area. They found too few inspectors and inadequate penalties.

This past November, the GAO revisited the issue. They found that the sweatshop problem in the garment industry had not improved. In many cases it had worsened. It found deplorable working conditions when it accompanied Federal and State authorities on raids in New York and Los Angeles. It is estimated that there are between 2,000 and 2,500 illegal garment factories in my home city that operate outside of the law and its protections.

Our labor standards are being circumvented at an alarming and rising rate. The solution may be tougher regulations, or improved legislation. Without this amendment and similar ones offered this evening, the Federal Government puts itself into a straight-jacket. The cumbersome procedures and points of order erected by this bill slow this body's ability to act swiftly, decisively, and effectively. In this time of rising competition, child labor is growing, minimum wages and maximum hours are being ignored, and occupational safety and health corners are being cut. Now is not the time to cut back on our ability to maintain minimum workplace standards. I urge my colleagues to support this crucial amendment.

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

Mr. Chairman, I rise in support of this amendment. However, I am advised that we should never amend a bad bill, and tonight I feel like a legislative cop on the highway of unfunded mandates. And I am asking my colleagues to slow down, stop, look, analyze even before they vote on this important bill.

The bill before Members is not, is not an unfunded mandates bill. It is a gridlock bill. It designs gridlock.

I do not think there is a Governor in the United States that if they had this bill before them would sign it.

Yes, there States and local governments want unfunded mandates legislation. But they do not want H.R. 5. California, the State I represent, has a constitutional requirement to fund unfunded mandates. The State has over 6,000 subunits of local government. Each keeps track of unfunded consequences of State action, and if it costs them money then the local government may make a claim for reimbursement. Unlike H.R. 5, the burden is not on the State legislatures to prove before they enact legislation that it will cost local governments money.

The legislature's job is to make good law and to pay for its consequences. This bill puts all of the burden on Federal agencies and on partisan congressional staff to determine the costs before they are incurred.

I would rather have cops on the beat, teachers in the classroom, nurses in the hospital determine the costs than people here in a partisan political arena.

The intent of this bill is to stop Federal legislation, to prevent having an equal playing field, to allow each State to go in their own direction on the environment, on job safety, and on many other social issues.

I ask the Governors of the States supporting this bill if they would sign such legislation in their own States. Look for example on page 18, line 9 which reads and I quote,

Effects on the Private Sector.—Before establishing any regulatory requirements, agencies shall prepare estimates, based on available data, of the effect of Federal private sector mandates on the national economy, including the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services.

If that does not swell the size of the Federal bureaucracy, what will?

Next time your Governors wonder why legislation enacted to help your State has not been implemented, it is because the studies of the regulations necessary to implement your legislation are tied up in trying to determine the effect of mandates on the national economy, on productivity, on economic growth, on full employment, on creation of productive jobs, and on international competitiveness of U.S. goods and services. Do not hold your breath while hired lawyers and economists dispute these issues over the draft of a simple regulation.

Yes, my colleagues, we need unfunded mandates legislation, the same legislation that California and other States have adopted. But not H.R. 5 as it is on the floor today.

How do we put a price tag on saluting the flag, on the value of military music, on the cost of leaving a stream unpolluted? Our role in Congress is not only understanding the cost, but also explaining the benefits.

Please, Mr. Chairman, do not turn this place into a Congress that knows the price of everything and the value of nothing.

Ms. JACKSON-LEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the pending amendment.

It is interesting as we proceed to discuss many issues in this House, we talk about being family friendly, we talk about emphasizing the idea of allowing people to seek an opportunity. As we look to the future we realize that people are desperate for work, we realize as we talk about welfare reform that the cornerstone of the proposals is to put people to work.

If we are to send people out into the work force and then disallow the safety in the workplace, we are then throwing the whole issue in support of family friendly, the encouragement of welfare reform, to put people to work, we are abandoning the tenets of this House and commitment to make sure they are safely provided for.

I think as we go forward on unfunded mandates, many of us have different opinions. I come from local government and understand the burden that has been borne by cities and States alike. But I cannot offer and support welfare reform, encouraging people in to the workplace, realizing the children that are already in the workplace, and then take away the responsibility of a safe workplace.

Mr. Chairman, I think it is very important that as we seek to be responsible in this House that although we share viewpoints on not burdening our respective jurisdictions, we cannot allow them to move away from the clarity of the importance of assuring when the American people go into the workplace that it is a safe place.

□ 2050

And certainly as it relates to children, we must understand that it is important for statements to be made that do not allow for sidestepping of responsibility for child labor laws.

And so, Mr. Chairman, I think it is very important, as we look forward to resolving the unfunded-mandates issue in this House, that there are certain guidelines that must be kept and those guidelines must include the safety of our working men and women and certainly the protection of our children.

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

The CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. SANDERS. Mr. Chairman, I know something about unfunded mandates and municipal government. I was the mayor of the largest city in the State of Vermont for 8 years.

But I also know something about the responsibility of the Federal Government and the responsibility of the U.S.

Congress to all the people in the United States.

There may be some people in this Chamber and there may be State legislatures in America who are not concerned that we have millions of Americans working for starvation wages. There may be no concern on that area. But it does seem to me to be appropriate that here, in the U.S. Congress, we stand by boldly and say that if you are going to work in the United States of America, you should be working for a wage that can provide adequately for your family.

A gentleman earlier talked about the earned-income tax credit. Well, you know what, I voted for that bill. But I will tell you something, I do not believe that the working people of America and the middle class through increased taxes should be subsidizing McDonald's and Burger King and other low-wage employers in America.

If somebody is going to employ somebody, they should be paying a living wage and not a starvation wage, and this Congress should not put roadblocks in the way of those of us who want to raise the minimum wage to a living wage.

Now, there may be some people here in Congress who are not concerned that in terms of worker safety we have one of the worst records in the industrialized world in terms of the number of accidents and the death that takes place for workers in America. There may be some mayors and State legislatures that are not concerned about that issue.

But we are in the U.S. Congress, and our job is to make laws which protect all of the people in America, and I think we should make sure that we have the highest standards for worker safety in the world, and not put roadblocks in the way of those of us who want to protect worker safety.

Several of my colleagues have already alluded to the fact that child labor exploitation is growing in America. This, colleagues, is not 1910 or 1870. We are talking about 1995 and children being exploited all over America. Some of us want to protect those children.

This issue, Mr. Chairman, really comes down to what those of us believe is the proper responsibility of the U.S. Government. We understand unfunded mandates. We are against unfunded mandates, but we are not going to take away the responsibility of this Chamber to protect those people who are hurting the most, those people who are the weakest, those people who are the most vulnerable.

I urge support for this very important amendment.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 161, noes 263, not voting 10, as follows:

[Roll No 27]

AYES—161

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

NOES—263

Allard	Canady	Ehrlich
Andrews	Castle	Emerson
Archer	Chabot	English
Armey	Chambliss	Ensign
Bachus	Chapman	Everett
Baesler	Chenoweth	Ewing
Baker (CA)	Christensen	Fawell
Baker (LA)	Chrysler	Fields (TX)
Ballenger	Clinger	Flanagan
Barr	Coble	Foley
Barrett (NE)	Coburn	Forbes
Bartlett	Collins (GA)	Fowler
Barton	Combest	Fox
Bass	Condit	Franks (CT)
Bateman	Cooley	Franks (NJ)
Bereuter	Cox	Frelinghuysen
Bilbray	Cramer	Frisa
Billirakis	Crane	Funderburk
Bliley	Crane	Galleghy
Blute	Cremean	Ganske
Boehlert	Cubin	Gekas
Boehner	Cunningham	Geren
Bonilla	Davis	Gilchrest
Bono	Deal	Gillmor
Brewster	DeLay	Gilman
Brownback	Diaz-Balart	Goodlatte
Bryant (TN)	Dickey	Goodling
Bunn	Dooley	Goss
Bunning	Doolittle	Greenwood
Burr	Dornan	Gunderson
Burton	Dreier	Gutknecht
Buyer	Duncan	Hall (TX)
Callahan	Dunn	Hamilton
Calvert	Edwards	Hancock
Camp	Ehlers	Hansen

Harman	McHugh	Scarborough
Hastert	McInnis	Schaefer
Hastings (WA)	McIntosh	Schiff
Hayes	McKeon	Seastrand
Hayworth	Metcalf	Sensenbrenner
Hefley	Meyers	Shadegg
Heineman	Mica	Shaw
Herger	Miller (FL)	Shays
Hilleary	Minge	Shuster
Hobson	Molinari	Sisisky
Hoekstra	Montgomery	Skeen
Hoke	Moorhead	Smith (MI)
Horn	Moran	Smith (NJ)
Hostettler	Morella	Smith (TX)
Houghton	Myers	Smith (WA)
Hunter	Myrick	Solomon
Hutchinson	Nethercutt	Souder
Hyde	Neumann	Spence
Inglis	Ney	Stearns
Istook	Norwood	Stenholm
Johnson (CT)	Nussle	Stockman
Johnson (SD)	Ortiz	Stump
Johnson, Sam	Orton	Talent
Jones	Oxley	Tanner
Kasich	Packard	Tate
Kelly	Parker	Tauzin
Kim	Paxon	Taylor (MS)
King	Payne (VA)	Taylor (NC)
Kingston	Peterson (FL)	Tejeda
Klug	Peterson (MN)	Thomas
Knollenberg	Petri	Thornberry
Kolbe	Pickett	Thurman
LaHood	Pombo	Tiaht
Largent	Porter	Torkildsen
Latham	Portman	Upton
LaTourette	Pryce	Vucanovich
Lipinski	Quillen	Waldholtz
Laughlin	Quinn	Walker
Lazio	Radanovich	Walsh
Leach	Ramstad	Wamp
Lewis (CA)	Regula	Watts (OK)
Lewis (KY)	Riggs	Weldon (FL)
Lightfoot	Roberts	Weldon (PA)
Lincoln	Roberts	Weller
Linder	Roemer	White
Livingston	Rogers	Whitfield
LoBiondo	Rohrabacher	Wicker
Longley	Ros-Lehtinen	Wolf
Lucas	Roth	Young (AK)
Manzullo	Roukema	Young (FL)
Martini	Royce	Zeliff
McCollum	Salmon	Zimmer
McCreery	Sanford	
McDade	Saxton	

NOT VOTING—10

Bishop	Jefferson	Rush
Fields (LA)	Kennedy (MA)	Slaughter
Flake	Kennedy (RI)	
Graham	Rangel	

□ 2106

Mr. DEUTSCH and Mr. SPRATT changed their vote from "no" to "aye." So the amendments were rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to section 4?

AMENDMENT OFFERED BY MR. SPRATT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SPRATT:

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

(8) regulates the generation, transportation, storage, or disposal of toxic, hazardous, or radio-active substances.

Mr. SPRATT. Mr. Chairman, I offer this as a perfecting amendment so that H.R. 5 will not apply to the regulation, to any regulation, with respect to the generation, transportation, storage or disposal of toxic, hazardous or radio-active substances.

Mr. Chairman, 2 weeks ago some 1,800 containers of hazardous waste, waiting to be incinerated in my district, caught fire and burned out of control, burned so intensely that they virtually melted the metal building in which they were contained. This waste came to Rock Hill, South Carolina, from Fishkill, New York. Eighty to ninety percent of all the wastes that comes to this particular incinerator comes down the eastern seaboard or up the eastern seaboard from out of state to this location, and there is precious little South Carolina can do about regulating the inflow of that waste because virtually any regulation we try to impose pretty quickly runs into the interstate commerce clause or into Supreme Court decisions like New Jersey versus Philadelphia in a case called "Don't Dump on Washington."

There is very little we can do, and so in South Carolina we have hazardous waste landfill, one of the largest in the Southeast, two substantial commercial incinerators, a medical waste incinerator and landfill, a low-level, or two low-level, nuclear waste disposal facilities—at one time we would take in half or more of this Nation's low-level nuclear wastes—and several solid waste disposal facilities where garbage from out of state comes to our State. Much of this waste comes from private business, but a good part of it comes from city, and county, and State owned hospitals, burnt oils from city transit authorities, PCBs from municipal electrical distribution operations, low-level wastes from State universities and hospitals, and there is very little, as I said, a State like mine, a waste importing State against its will, can do about all this waste except look to the Federal Government.

Mr. Chairman, as I was saying, there is very little that a State like South Carolina can do about all this waste which comes from out of State except look to the Federal Government which has preemptive authority under the Constitution and the laws we have adopted, look to the Federal Government and hope that the Federal Government will be rigorous, and vigilant, and fair and firm, and now we have a bill which purports to help States, all States, but really breaks faith with States like mine because it sets up a double standard, and this amendment goes to that standard and goes to a fundamental flaw in this bill which has been raised by other amendments that we have already considered. It goes to two basic problems in this bill:

First of all, many State and local governments, as I said, generate, transport and dispose of toxic waste, hazardous waste and radioactive substances. This amendment ensures that when Congress passes new laws that control the generation and disposal of hazardous, toxic and radioactive wastes, in the handling of these substances these laws will apply to the public and private sector alike equally, in the same

manner to each. Without this amendment, Mr. Chairman, any bill in the future that steps up the regulation of these dangerous substances, many of which end up in States like mine, will be subject to a point of order unless, one, we exempted State and local government; or, two, we paid out of the Federal Treasury for the cost of complying with these new and additional regulatory mandates.

To my way of thinking, either option has problems. It would be a mistake to pass laws governing radioactive waste, in my opinion, but to exempt State and local governments. We would be saying it is all right to expose the public to dangers from radioactive wastes so long as the waste is publicly generated, and I think it would be a mistake, too, to give publicly owned facilities that generate the disposal of this type of waste a clear advantage over the private sector, which would be given if we allowed them to operate without these restrictions.

So, this simply tries to level the playing field. It says there are some matters, some dangers such as the disposal and handling of toxic and nuclear wastes, where State and local governments should be held to the same strict standards as anybody else who undertakes to operate in this area.

I urge my colleagues to recognize that this is not a weakened amendment. This is a perfecting amendment. It goes to a fundamental problem in this bill.

Join me in supporting this amendment to protect the public against the risk of hazardous, toxic and radioactive wastes regardless of whether they are generated and disposed of by public or private facilities.

Mr. CLINGER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from South Carolina [Mr. SPRATT] and would be very brief in my opposition.

Mr. Chairman, I am sympathetic to the problem the gentleman from South Carolina raises, and it is one we have discussed with him, but again this is an issue, an exemption, and the question we have to ask ourselves is:

Are any of the programs or statutes that have been suggested should be exempt from the provision of this law, do they rise to the level that there should not even be any discussion of the costs or the implications for State and local government?

□ 2120

I would point out that we have now dealt with about eight out of 50 proposed exemptions to the H.R. 5, eight out of 50. Every Member I think who has spoken on this matter, particularly those on the other side who have been introducing the amendments requesting exemptions, every Member has indicated they support unfunded mandates, that they support eliminating the opportunity for the Federal Government to pass through these things, and are in support of their local and State governments in opposition to un-

funded mandates. Yet they are against them except for the program which they ask to be made exempt.

If we were to exempt all of the 50 or so that have been suggested here to rise to a level where they should not be allowed to even debate the cost that they would impose, we would basically have gutted the bill.

So I think, Mr. Chairman, the question is, is any program that has been suggested here so sacrosanct, so immune from consideration, so far above the pale, that we cannot even discuss or consider what the cost of that program will be, what the cost will be imposed into State and local governments?

I would stress again this is a bill that is only prospective in its operation. It will not in any way affect reauthorizations of existing programs, unless there are additional added mandates included in it, and it does not preclude us, after due consideration and debate, it would not preclude us from passing through that mandate without providing the funds. It just requires us to consider carefully what we are doing and making sure we are not going to impose unnecessary burdens on State and local governments.

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

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

Mr. WAXMAN. Mr. Chairman, in the bill itself you have some exemptions. The bill says if it is a statutory right that prohibits discrimination, we will not look at the cost of that. That, of course, involves civil rights laws and the Americans With Disabilities Act, which do involve costs.

The bill provides an exception where it is emergency assistance or relief at the request of any State or local government, or necessary for the national security or the ratification of implementation of international treaty obligations.

Why should an international treaty obligation not even be considered for the costs involved, but yet some of these interstate environmental problems, where the Federal Government has a clear responsibility, should be blocked by this legislation?

Mr. CLINGER. Reclaiming my time, we did indeed as the gentleman indicated provide certain exceptions. One very important one is those matters that do affect civil rights. I think the gentleman would agree that that has a constitutional implication that we should not be tampering with.

I think the reason for the exemption in terms of treaty obligations was that we would be extending perhaps the authority of this body to affect international authorities, and that would be an exemption we should not engage in.

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

Mr. Chairman, there are limits in this bill on the application of the legislation. I do not want to disagree with them. I think there are reasons why we

ought to have exceptions for the application of the bill, enforcing constitutional rights of individuals, enforcing statutory rights that prohibit against discrimination, and requiring compliance with accounting and auditing procedures with respect to grants or other money or property provided by the Federal Government. Now, that last one is sort of interesting. I could see the rationale for it. There are rationales for all of this.

But the amendment before us seems to me to have a very compelling rationale. If we are talking about an interstate problem of toxic pollution, why should a State be forced to look at the prospect of either not having the regulation in effect because it is an interstate problem, or that the Federal Government should have to pay for it? We are really talking about situations where there is a publicly run business versus a privately owned business. They ought to be treated the same. We ought not to say because it is publicly owned we are going to consider it something where the Government would have to and taxpayers would have to pay the costs.

I think that the argument by the gentleman from South Carolina [Mr. SPRATT] was a compelling one. I think this too ought to be made an exemption, along with others in the bill, and I rise in support of the amendment.

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

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

Mr. PORTMAN. Mr. Chairman, I think it is important to clarify a statement made by the gentleman from South Carolina [Mr. SPRATT], and also by the gentleman from California [Mr. WAXMAN] with regard to the options we would be facing. The two options that the gentleman states and the option Mr. SPRATT stated, were, No. 1, to fully fund the mandate, and, No. 2, not to impose the mandate.

Again, to be very clear, there is also a third option. The third option is for Congress to exercise its will on an issue of importance to the Nation, and that is to go ahead and impose the mandate. I think sometimes I feel as though we are not talking about the same legislation. But it is very clear in this bill, and I think it is very important in the context of Mr. SPRATT's amendment.

Mr. WAXMAN. Mr. Chairman, reclaiming my time, if I might respond, the gentleman is absolutely correct. There is the option of waiving the point of order and requiring a vote on the House floor. But that could have been the same application for the exception in section 4 on page 4 of the legislation. We could have said that if it requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the Federal Government, that we could get the analysis, have a vote and a point of order, that it would have to be overcome by an affirmative

vote of the majority. The same for emergency assistance or relief or national security or emergency legislation.

I do not disagree with the exceptions that are in the legislation. But it seems to me that since we have a publicly owned enterprise competing against a privately owned enterprise, unless we apply the same rules to both, we may well find ourselves in the situation where we might well vote to overcome the point of order, but we may not. In that case, a privately owned toxic waste facility would be treated much more harshly in terms of regulations than a publicly owned one.

Mr. PORTMAN. If the gentleman will yield further, not only will Congress have that issue before it and Congress will be able to debate that issue, much as we have debated the issues tonight, but the committees under this legislation are specifically required to consider the public-private ramifications of any new mandate legislation that comes through the process. In many respects, I would say to the gentleman from California, this bill strengthens existing law with regard to that public-private distinction.

Mr. WAXMAN. It does not prohibit existing law. It strengthens what would otherwise be in the legislation itself.

Mr. PORTMAN. If the gentleman would yield further, I would say it strengthens existing law to the extent that is not currently considered by the authorizing committees.

Mr. WAXMAN. It without this legislation becoming law does not make a distinction between privately and publicly owned. If there is a regulation to protect the consumers or environment or to protect public health, it would apply equally. There is no reason why we ought to even put them in a position where one ought to be regulated and the other not, if the reasoning for the regulation is sound.

Mr. PORTMAN. If the gentleman will continue to yield, I would say currently when an authorizing committee such as your own might consider new legislation, there is no requirement to consider the very issue that the gentleman from South Carolina [Mr. SPRATT] raises. Where this bill improves this process is that it specifically requires the committees for the first time to consider in passing new mandates the issue of the competition between the public and the private sector.

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

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

Mr. WAXMAN. Mr. Chairman. I would indicate this is not an improvement to have a committee have to consider public versus private owned operations to see whether they ought to be put in the same competitive situation. Except for this legislation, we would

have never tried to put one against another. Specifically I cannot imagine that we would want to aid a publicly owned business, so-to-speak, in competition with a privately owned one. I do not think this legislation is an improvement in that regard. The improvement would be if we exempted these very clear Federal responsibilities of dealing with interstate environmental problems, especially one as serious as hazardous nuclear waste disposal.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. SPRATT].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 161, noes 263, not voting 10, as follows:

[Roll No 28]

AYES—161

Ackerman	Gibbons	Ortiz
Baldacci	Gonzalez	Owens
Barcia	Gordon	Pallone
Barrett (WI)	Green	Pastor
Becerra	Gutierrez	Payne (NJ)
Beilenson	Hall (OH)	Pelosi
Bentsen	Hastings (FL)	Peterson (FL)
Berman	Hefner	Pomeroy
Bonior	Hilliard	Rahall
Borski	Hinchev	Rangel
Boucher	Holden	Reed
Browder	Hoyer	Reynolds
Brown (CA)	Jackson-Lee	Richardson
Brown (FL)	Jefferson	Rivers
Brown (OH)	Johnson (SD)	Roybal-Allard
Bryant (TX)	Johnson, E. B.	Sabo
Cardin	Johnston	Sanders
Clay	Kanjorski	Sawyer
Clayton	Kaptur	Schroeder
Clement	Kennelly	Schumer
Clyburn	Kildee	Scott
Coleman	Klecza	Serrano
Collins (IL)	Klink	Skaggs
Collins (MI)	LaFalce	Slaughter
Conyers	Lantos	Spratt
Costello	Levin	Stark
Coyne	Lewis (GA)	Stokes
Danner	Lipinski	Studds
de la Garza	Lofgren	Stupak
Deal	Lowe	Taylor (MS)
DeFazio	Luther	Tejeda
DeLauro	Maloney	Thompson
Dellums	Manton	Thornton
Deutsch	Markey	Thurman
Dicks	Mascara	Torres
Dingell	Matsui	Torrice
Dixon	McCarthy	Towns
Doggett	McDermott	Trafficant
Doyle	McHale	Tucker
Durbin	McKinney	Velazquez
Edwards	Meek	Vento
Engel	Menendez	Visclosky
Eshoo	Mfume	Volkmer
Evans	Miller (CA)	Ward
Farr	Mineta	Waters
Fattah	Mink	Watt (NC)
Fazio	Mollohan	Waxman
Filner	Moran	Wilson
Foglietta	Murtha	Wise
Ford	Nadler	Woolsey
Frost	Neal	Wyden
Furse	Oberstar	Wynn
Gejdenson	Obey	Yates
Gephardt	Olver	

NOES—263

Allard	Bachus	Ballenger
Andrews	Baessler	Barr
Archer	Baker (CA)	Barrett (NE)
Army	Baker (LA)	Bartlett

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

NOT VOTING—10

Abercrombie	Kennedy (MA)	Rush
Bishop	Kennedy (RI)	Williams
Fields (LA)	Martinez	
Flake	Metcalfe	

□ 2142

Mr. NEAL of Massachusetts changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to section 4?

Mr. PACKARD. Mr. Speaker, just like old wild west outlaws dodging the law, the Federal Government uses unfunded mandates to dodge responsibility for their expensive regulatory schemes. But the American taxpayer voted in a new sheriff, and we have a new weapon to fight this sneaky crime. The Unfunded Mandate Reform Act will stop the Federal Government from riding off into the sunset, leaving expensive regulatory dust in their wake and passing the buck to State and local government.

In the State of California alone, mandates cost the taxpayer over \$8 billion annually. Blanket, one size fits all mandates, eat up precious local and State resources, reducing flexibility and adaptability. State and local governments must sacrifice scarce funds to pay the Federal tab.

The people want control of their own lives—not Federal Government “Dos and Don’ts.” Unfunded mandates rob Americans of prosperity and freedom. The Federal Government must stop these reckless acts of intrusion. Abolishing unfunded Federal mandates will restore trust and accountability in the Federal Government. I urge my colleagues to vote in favor of H.R. 5.

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

The motion was agreed to.

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

MOTION TO PERMIT COMMITTEES AND SUBCOMMITTEES TO MEET DURING THE 5-MINUTE RULE FOR THE BALANCE OF THE WEEK

Mr. ARMEY. Mr. Speaker, I move that all the committees of the House and their subcommittees may have permission to sit for today and the balance of the week while the House is meeting in the Committee of the Whole House on the State of the Union under the 5-minute rule.

The SPEAKER pro tempore. This is a privileged motion. The gentleman from Texas [Mr. ARMEY] is recognized for 1 hour.

PARLIAMENTARY INQUIRY

Mr. BONIOR. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. BONIOR. Mr. Speaker, I understand this motion is debatable for 1

hour. Will the gentleman from Texas [Mr. ARMEY] yield the customary time to the minority for the purpose of debate?

The SPEAKER pro tempore. It is the Speaker’s understanding that the 1 hour is to be held in its entirety by the majority leader, the maker of the motion, and time will be sought from the majority leader.

Mr. BONIOR. Continuing my parliamentary inquiry, Mr. Speaker, will the gentleman be willing to yield half the time for the minority for a discussion of this issue?

The SPEAKER pro tempore. That is not a parliamentary inquiry. The request will be made.

Mr. ARMEY. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. ARMEY. Mr. Speaker, as Members know, the House Republicans have an ambitious legislative agenda for Congress’ first 100 days. In order for the House to complete the action on the contract items, the committees and subcommittees have their work cut out for them. The purpose of this resolution is to allow this important work to take place and to move legislation to the floor for further debate.

Mr. Speaker, this resolution allowing committees to meet during the 5-minute rule is not a new policy for the House. In the last Congress, blanket authority for committees to meet during the amendment process was standard procedure.

In this Congress, we have changed our rules, and therefore it is necessary within our rules for me to have sought this exception to our rules. It is not something that I expect will be a commonplace practice on the part of the majority, but during this contract period, for our committees and subcommittees to be able to carry out our work, I have made this request.

□ 2150

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. BONIOR], the distinguished minority whip.

Mr. BONIOR. I thank my friend from Texas for yielding.

Mr. Speaker, just 2 weeks ago, the House approved a bipartisan package of sweeping reforms that the other side touted as major reform in this Congress on the first day. Now what we are finding this evening is that the Republicans are backtracking on that reform just 2 weeks into this session.

Mr. Speaker, Members cannot be in two places at one time. They cannot be on the floor voting while they are voting in committee and they should not have to run back and forth from committee to the Capitol every 5 minutes.

Now it would not be so laughable, Mr. Speaker, if this was not the centerpiece that we are going to be discussing next week, the balanced budget amendment, of their contract. While they are

asking us to be here on the floor discussing the contract, they want to have the line-item veto in the Government Reform Committee. They want to deal with the Mexican loan bailout in the Banking Committee.

Mr. Speaker, we have over 160 amendments on this mandate bill, over 40 substitutes on the balanced budget amendment. We worked hard for those reforms that you were so proud of: ban proxy voting, eliminate the three committees, restrict the number of subcommittees.

All of a sudden we are into 2 weeks of the session and backtracking we go. I do not think the American people will agree with the reforms that you have put forward and the backtracking that you are about to undertake in this very first 2 weeks. Therefore, Mr. Speaker, I hope my colleagues will vote against this ill-conceived resolution.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to my friend, the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I disagree with the majority leader’s statement that this last year and the year before was blanket permission.

As I understand the rule, unless the House granted such permission, any Member in a committee that was sitting in a markup could have objected. Any Member could have objected. If you sat during the 5-minute rule to mark up a bill in committee, the objection of a single Member in committee ended that meeting. You had to come to the floor, and any 10 Members could block it.

This is an arrogation to the majority far beyond what we had. I sit on the Banking Committee. I do not want to be forced to choose between debating safeguards for the American people on the Mexico loan and protecting Social Security in the balanced budget amendment.

What you have done is a brandnew procedure. The intolerance for debate is already starting to rise, shout them down, don’t yield time. The gentleman has an hour.

May I ask the gentleman from Texas how much time he plans to allow us to debate this?

The SPEAKER pro tempore (Mr. THOMAS). The time of the gentleman from Michigan [Mr. BONIOR] has expired.

Mr. ARMEY. Mr. Speaker, once again I would say the people’s business requires prompt attention to their work from the committees and the subcommittees.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Speaker, I have a parliamentary inquiry.

How much time of the hour did the gentleman from Texas consume?

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARMEY] consumed 5 minutes of his time and he yielded 3 minutes, which the gentleman from Michigan [Mr. BONIOR] consumed.

Mr. FRANK of Massachusetts. And yielded back 55 minutes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. ARMEY].

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 17-minute vote maximum.

The vote was taken by electronic device, and there were—ayes 232, noes 187, not voting 15, as followings:

[Roll No. 29]

AYES—232

Allard	Emerson	Knollenberg
Archer	English	Kolbe
Army	Ensign	LaHood
Bachus	Everett	Largent
Baker (CA)	Ewing	Latham
Baker (LA)	Fawell	LaTourette
Ballenger	Fields (TX)	Lazio
Barr	Flanagan	Leach
Barrett (NE)	Foley	Lewis (CA)
Bartlett	Forbes	Lewis (KY)
Barton	Fowler	Lightfoot
Bass	Fox	Linder
Bateman	Franks (CT)	Livingston
Bereuter	Franks (NJ)	LoBiondo
Bilbray	Frelinghuysen	Longley
Bilirakis	Frisa	Lucas
Bliley	Funderburk	Manzullo
Blute	Gallegly	Martini
Boehlert	Ganske	McCollum
Boehner	Gekas	McCreery
Bonilla	Gilchrest	McDade
Bono	Gillmor	McHugh
Brownback	Gilman	McInnis
Bryant (TN)	Goodlatte	McIntosh
Bunn	Goodling	McKeon
Bunning	Goss	Meyers
Burr	Graham	Mica
Burton	Greenwood	Miller (FL)
Buyer	Gunderson	Molinari
Callahan	Gutknecht	Moorhead
Calvert	Hamilton	Morella
Camp	Hancock	Myers
Canady	Hansen	Myrick
Castle	Hastert	Nethercutt
Chabot	Hastings (WA)	Neumann
Chambliss	Hayworth	Ney
Chenoweth	Hefley	Norwood
Christensen	Heineman	Nussle
Chrysler	Herger	Oxley
Clinger	Hilleary	Packard
Coble	Hobson	Paxon
Coburn	Hoekstra	Petri
Collins (GA)	Hoke	Pombo
Combest	Horn	Porter
Cooley	Hostettler	Portman
Cox	Houghton	Pryce
Crane	Hunter	Quillen
Crapo	Hutchinson	Quinn
Creameans	Hyde	Radanovich
Cubin	Inglis	Ramstad
Cunningham	Istook	Regula
Davis	Jacobs	Riggs
DeLay	Johnson (CT)	Roberts
Diaz-Balart	Johnson, Sam	Roemer
Dickey	Jones	Rogers
Doolittle	Kasich	Rohrabacher
Dornan	Kelly	Ros-Lehtinen
Dreier	Kildee	Roth
Duncan	Kim	Roukema
Dunn	King	Royce
Ehlers	Kingston	Salmon
Ehrlich	Klug	Sanford

Saxton
Scarborough
Schafer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon

Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Frank (MA)
Frank (CA)
Frost
Furse
Gejdenson
Gephardt
Geran

Abercrombie
Bishop
Fields (LA)
Flake
Ford

Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz

NOES—187

Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (TX)
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnston, E. B.
Johnston
Kanjorski
Kaptur
Kennelly
Kleccka
Klink
LaFalce
Laughlin
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton

NOT VOTING—15

Hall (OH)
Kennedy (MA)
Kennedy (RI)
Lantos
Martinez

Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wolf
Yates
Young (AK)
Young (FL)
Zimmer

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes 16–21 last week, and for rollcall votes 25–27 this evening. Had I been present, I would have voted “yea” on rollcall votes 16, 19, 25, 26, and 27, and “nay” on rollcall votes 17, 18, 20, and 21.

SPECIAL ORDERS

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

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

[Mr. ROBERTS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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

[Mr. MENENDEZ addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

STAND UP AND BE COUNTED

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

Mr. SCARBOROUGH. Mr. Speaker, it is an honor to be part of a process where we can actually start talking about bringing about real reform and once again changing the relationship back between the Federal Government and the States and the individuals the way our Founding Fathers intended it to be over 200 years ago.

James Madison wrote 200 years ago as he was framing the Constitution, “We have staked the entire future of the American civilization not upon the power of government, but upon the capacity of each of us to govern ourselves, control ourselves, and sustain ourselves according to the Ten Commandments of God.” And Thomas Jefferson wrote that the Government that governs least governs best, and our own 10th amendment to the Constitution said, “All powers not specifically granted to the Federal Government are reserved to the States and individuals.”

It feels great to be a part of this process where we can bring this new type of federalism back to Washington and to bring about real reforms, and one of the most important reforms is one of the most commonsense reforms, to make this Government do what middle-class citizens and businesses and States have had to do for over 40 years, and that is balance their checkbooks

□ 2207

So the motion was agreed to.
The result of the vote was announced as above recorded.
A motion to reconsider was laid on the table.

and spend only as much money as they take in.

Unfortunately, as we brought forward reforms on unfunded mandates, on balanced budget amendments, and on other important matters that the American people voted us in to take care of, we have been meeting with resistance from Members of the other side of this House who, instead of bringing forth positive proposals, are creating straw men and then knocking them down.

With children dying in our Nation's streets, liberal Democratic leaders lament a book deal that even the Washington Post calls proper, and while working men and women across the land struggle to survive until their next paycheck, liberal Democratic leaders ignore their plight and instead chatter incessantly over contrived imaginary scandals, and while conservatives on both sides of the aisle boldly forge, go ahead, into a new frontier of federalism, liberal Democratic leaders continue to engage in a desperate ham-fisted attempt to create a crisis, change the subject, and obstruct the latest great piece of reform.

Mr. Speaker, it is time for all Members of Congress to step forward, stand up and be counted, and to debate real issues that will actually affect the lives of working men and women of this country who elected us to make real reforms in the 104th Congress.

RULES OF PROCEDURE FOR THE COMMITTEE ON AGRICULTURE FOR THE 104th CONGRESS

(Mr. ROBERTS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROBERTS. Mr. Speaker, I am pleased to submit for printing in the CONGRESSIONAL RECORD, pursuant to rule XI, clause 2(a) of the Rules of the House, a copy of the Rules of the Committee on Agriculture, which were adopted at the organizational meeting of the committee on January 11, 1995.

Appendix A of the committee rules includes excerpts from the rules of the House relevant to the operation of the committee. Appendix B includes relevant excerpts from the Congressional Budget Act of 1974. In the interests of minimizing printing costs, Appendices A and B are omitted from this submission.

RULES OF THE COMMITTEE ON AGRICULTURE I. GENERAL PROVISIONS

a. Rules of the U.S. House of Representatives.—The Rules of the House shall govern the procedure of the Committee so far as applicable, and the rules of the Committee shall be interpreted in accordance with the Rules of the House, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebateable motions of high privilege in committees and subcommittees. (See Appendix A for the applicable rules of the U.S. House of Representatives.)

b. Applicability to Subcommittees.—The following rules shall apply to meetings, hearings, and other activities of Subcommittees, which are part of the Committee and

subject to its authority and direction, only when specifically so stated.

II. COMMITTEE OR SUBCOMMITTEE BUSINESS MEETINGS

a. Regular and Additional Meetings.—The Committee shall meet on the first Tuesday of each month while Congress is in session. The Committee also shall meet at the call of the Chairman at such other times as the Chairman considers to be necessary, subject to advance notice to all Committee Members. Insofar as practicable, an agenda for all regular and additional Committee meetings, setting forth all the measures and matters to be considered, shall be furnished each Committee Member prior to the meeting. Items may be placed on the agenda by the Chairman or a majority of the Committee. If the Chairman determines that any meeting convened by the chairman need not be held, the Chairman shall give all Members of the Committee notice to that effect as far in advance of the meeting day as practicable, and no meeting shall be held on such day. See Rule VI. e. for provisions which apply to meetings of Subcommittees.

b. Special Meetings.—If at least three Members of the Committee file a written request in the Committee offices that a special meeting be called by the Chairman to consider a specific measure or matter, the Chief of Staff shall immediately notify the Chairman of the filing of such request. If, within three calendar days after the filing of such request, the Chairman does not call the requested special meeting to be held at a time within seven calendar days after the filing of such request, a majority of the Members of the Committee may file in the Committee offices their written notice that a special meeting will be held at a specified date and hour to consider a specified measure or matter. If such a notice is filed, the Committee shall meet on that date and hour. Immediately upon the filing of such a notice, the Chief of Staff shall notify all Members of the Committee that such special meeting will be held at the specified date and hour to consider the specified measure or matter. Only the measure or matter so specified in the meeting notice as filed by the majority of Committee Members and transmitted to all Committee Members may be considered at a special meeting.

c. Vice Chairman.—The Member of the majority party on the Committee ranking immediately after the Chairman of the Committee shall be the Vice Chairman of the Committee, and the Member of the majority party on each Subcommittee ranking immediately after the Chairman of the Subcommittee shall be the Vice Chairman of that Subcommittee.

d. Presiding Member.—If the Chairman is not present at any Committee meeting or hearing, the Vice Chairman or, in the absence of the Vice Chairman, the ranking Member of the majority party on the Committee who is present shall preside. If the Chairman is not present at any Subcommittee meeting or hearing, the Vice Chairman or, in the absence of the Vice Chairman, the ranking Member of the majority party who is present shall preside.

e. Open Business Meetings.—Each Committee or Subcommittee meeting for the transaction of business, including the markup of legislation, shall be open to the public including to radio, television and still photography coverage, except as provided by House Rule XI, clause 3(f)(2), except when the Committee or Subcommittee, in open session and with a majority present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed to the public because disclosure of matters to be considered would endanger national secu-

rity would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person, or otherwise would violate any law or rule of the House. No person other than Members of the Committee or Subcommittee and such congressional staff and departmental representatives as the Committee or Subcommittee may authorize shall be present at any business or markup session that has been closed to the public. This clause does not apply to Committee or Subcommittee hearings or to any meeting that, as announced by the Chairman of the Committee or Subcommittee, relates solely to internal budget or personnel matters.

f. Records and Roll Calls.—A complete record of all Committee or Subcommittee action shall be kept in the form of written minutes, including a record of the votes on any question as to which a roll call is demanded. A roll call vote shall be ordered on demand by one-fifth of the Members present. The record of such action and the results of the roll call votes during each session of Congress shall be made available by the Committee, on request, for public inspection during regular office hours in the Committee offices and on telephone request. The information so available on roll call votes shall include a brief description of the amendment, motion, order, or other proposition; the name of each Member voting for and each Member voting against such amendment, motion, order, or other proposition; and the names of those Members present but not voting. A stenographic record of a business meeting of the Committee or Subcommittee may be kept and thereafter may be published if the Chairman of the Committee determines there is need for such a record. The proceedings of the Committee or Subcommittee in a closed meeting, other than roll call votes, shall not be divulged unless otherwise determined by a majority of the Committee or Subcommittee.

g. Quorum For Reporting Measures.—No measure or recommendation shall be reported from the Committee or Subcommittee unless a majority of the committee is actually present.

h. Quorums—General.—A majority of the Members of the Committee or Subcommittee shall constitute a quorum of the Committee or Subcommittee for the purpose of convening meetings, conducting business, and voting on any matter: *Provided*, That the Chairman of the Committee may determine that one-third of the Members of the Committee shall constitute a quorum of the Committee at any meeting for such purpose (other than for the reporting of any measure or recommendation, and voting on the authorization of subpoenas and on the closing of hearings and business meetings to the public) if the Chairman gives written notice to that effect to the Members prior to the meeting.

i. Prohibition on Certain Committee Meetings.—Without special leave, neither the Committee nor any Subcommittee may sit while the House is reading a measure for amendment under the five-minute rule. (See Appendix A, House Rule XI clause 2(i).)

The Committee or Subcommittees may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

j. Prohibition on Proxy Voting.—No vote by any Member of the Committee or Subcommittee with respect to any measure or matter may be cast by proxy.

k. Location of Persons at Meetings.—No person other than a Member of Congress or Committee or Subcommittee staff may walk in or be seated at the rostrum area during a meeting of the Committee or Subcommittee unless the Chairman or a majority of the

Committee or Subcommittee determines otherwise.

l. Consideration of Amendments and Motions.—A Member, upon request, may be recognized by the Chairman to address the Committee or Subcommittee at a meeting for not more than five minutes on behalf of an amendment or motion offered by the Member or another Member, or upon any other matter under consideration, unless the Member receives unanimous consent to extend the time limit. Every amendment, substitute amendment, amendment to an amendment, or amendment in the nature of a substitute made in Committee or Subcommittee that is substantial as determined by the Chairman shall, upon the demand of any Member present, be reduced to writing, and a copy thereof shall be made available to all Members present: *Provided*, That such amendment shall remain pending before the Committee or Subcommittee and may not be voted on until the requirements of this section have been met.

m. Submission of Motions or Amendments in Advance of Business Meetings.—The Committee and Subcommittee Chairman may request and Committee and Subcommittee members should, insofar as practicable, cooperate in providing copies of proposed amendments or motions to the Chairman and the Ranking Minority Member twenty-four hours before a Committee or Subcommittee business meeting.

n. Points of Order.—No point of order against the hearing or meeting procedures of the Committee or Subcommittee shall be sustained unless it is made in a timely fashion.

III. COMMITTEE OR SUBCOMMITTEE HEARINGS

a. Power to Hear.—For the purpose of carrying out any of its functions and duties under House Rules X and XI, the Committee is authorized to sit and hold hearings at any time or place within the United States whether the House is in session, has recessed, or has adjourned. See Rule VI. e. for provisions relating to Subcommittee hearings and meetings.

b. Announcement of Hearings.—The Chairman of the Committee or Subcommittee shall publicly announce the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the Committee or Subcommittee or the Chairman of the Committee or Subcommittee, after consultation with the Ranking Minority member of the Committee or Subcommittee, as applicable, determines that there is good cause to begin such hearing at an earlier date, in which case the announcement of the hearing shall be made by the Chairman of the Committee or Subcommittee at the earliest possible date. The Chief of Staff shall notify the office of the House Daily Digest for publication of the notice of the hearing in the Congressional Record, and the office of the Official Reports to the House Committees relating to such notice as soon as possible after such public announcement has been made and enter the announcement onto the Committee scheduling service of the House Information systems.

c. Power to Subpoena.—For the purpose of carrying out any of its functions and duties under House Rules X and XI, the Committee is authorized to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it deems necessary. A subpoena may be authorized and issued in the conduct of any investigation or series of investigations or activities by the Committee or by a Subcommittee when authorized by a roll call vote of the majority of the Members

of the Committee, a majority being present. Authorized subpoenas shall be signed by the Chairman of the Committee or by any other member of the Committee may designate. Notice of a meeting to consider a motion to authorize and issue a subpoena shall be given to all Members of the full Committee by 5 p.m. of the day preceding the day of such meeting. Compliance with a Committee or Subcommittee issued subpoena may be enforced only as authorized or directed by the House.

d. Scheduling of Hearings and Witnesses.—Except as otherwise provided in this clause, the scheduling of hearings and witnesses and determination of the time allowed for the presentation of testimony and interrogation shall be at the discretion of the Chairman or a majority of the Committee or Subcommittee. Whenever any hearing is conducted by the Committee or Subcommittee on any measure or matter, the Committee's or Subcommittee's minority party Members shall be entitled, on request by a majority of them to the Chairman of the Committee or Subcommittee before the completion of the hearing, to call witnesses selected by them to testify with respect to that measure or matter during at least one day of the hearing.

e. Witnesses' Statements in Advance.—Each witness who is to appear before the Committee or Subcommittee shall, insofar as practicable, file with the Chief of Staff a written statement of the witness's prepared testimony at least two working days in advance of the witness's appearance in order to permit the testimony to be distributed to and reviewed in advance by Committee or Subcommittee Members. Witnesses shall provide sufficient copies of their statement for distribution to Committee or Subcommittee Members, staff, and the news media. The Committee or Subcommittee staff shall distribute such written statements to all Members of the Committee or Subcommittee as soon as they are received as well as any official reports from departments and agencies on such subject matter.

f. Testimony of Witnesses.—The Chairman of the Committee or Subcommittee or any Member designated by the Chairman may administer an oath to any witness. Each witness who has been subpoenaed, on the completion of the witness's testimony, may report in person or in writing to the Chief of Staff and sign appropriate vouchers, if any, for the cost of travel-related expenses as authorized by the Rules of the House and other relevant laws. All witnesses may be limited in their oral presentations to brief summaries of their statements within the time allotted to them, at the discretion of the Chairman of the Committee or Subcommittee in light of the nature of the testimony and the length of time available.

g. Questioning of Witnesses.—Committee or Subcommittee Members may question witnesses only when they have been recognized by the Chairman of the Committee or Subcommittee for that purpose. Each Member so recognized shall be limited to questioning a witness (or panel of witnesses) for five minutes until such time as each Member of the Committee or Subcommittee who so desires has had an opportunity to question the witness (or panel of witnesses) for five minutes, and, thereafter, the Chairman of the Committee or Subcommittee may limit the time of further questioning after giving due consideration to the importance of the subject matter and the length of time available. All questions put to witnesses shall be germane to the measure or matter under consideration. Unless the Chairman or a majority of the Committee or Subcommittee determines otherwise, no person shall interrogate witnesses other than Members and Committee or Subcommittee staff.

h. Open Hearings.—Each hearing conducted by the Committee or Subcommittee shall be open to the public including to radio, television and still photography coverage except when the Committee or Subcommittee, in open session and with a majority present, determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public, because disclosure of testimony, evidence, or other matters to be considered would endanger the national security, would compromise sensitive law enforcement information, or would violate any law or rule of the House of Representatives: *Provided*, That the Committee or Subcommittee may, by the same procedure, vote to close one subsequent day of hearing. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony (1) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, would compromise sensitive law enforcement information, or violate Rule III. k., or (2) may vote to close the hearing, as provided in Rule III. k. In any event, no Member of the House may be excluded from nonparticipatory attendance at any hearing unless the House by majority vote shall authorize the Committee or Subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its meetings to Members by means of the above procedure.

i. Quorum.—The quorum for taking testimony and receiving evidence shall be two members of the Committee or Subcommittee.

j. Record of Hearing.—The Committee shall keep a complete record of all committee action which shall include—

(A) in the case of any meeting or hearing transcripts, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved; and

(B) a record of the votes on any question on which a roll call vote is demanded. Any public witness, during Committee office hours in the Committee offices and within two weeks of the close of hearings, may examine the transcript of his or her own testimony and make such technical, grammatical and typographical corrections as authorized by the person making the remarks involved as will not alter the nature of testimony given. Members of the Committee or Subcommittee shall receive copies of transcripts for their prompt review and correction for return to the Committee. The Chairman of the Committee may order the printing of a hearing record without the corrections of any Member or witness if the Chairman determines that such Member or witness has been afforded a reasonable time in which to make such corrections and further delay would seriously impede the consideration of the legislative action that is the subject of the hearing. The record of a hearing closes ten calendar days after the last oral testimony, unless the Chairman of the Committee or Subcommittee otherwise determines. Any person requesting to file a statement for the record of a hearing must so request before the hearing concludes and must file the statement before the record closes. No written statement becomes part of the record and thus publicly available until such time as it has been approved by the Chairman of the Committee or any Committee staff the

Chairman designates, and the Chairman of the Committee or Subcommittee or the Chairman's designee may reject any statement in light of its length or its tendency to defame, degrade, or incriminate any person.

k. Investigative Hearings.—The Chairman of the Committee or Subcommittee at an investigative hearing shall announce in an opening statement the subject of the investigation. A copy of the Committee rules (and the applicable provisions of Clause 2 of Rule XI of the House Rules, regarding investigative hearing procedures, a copy of which appears in Appendix A) shall be made available to each witness. Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The Chairman of the Committee or Subcommittee may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; but only the full Committee may cite the offender to the House for contempt. Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person—

(1) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of Rule III. h., if by a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony, the Committee or Subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; or

(2) the Committee or Subcommittee shall proceed to receive such testimony in open session only if a majority of the Members of the Committee or Subcommittee, a majority begin present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

In either case the Committee or Subcommittee shall afford such person any opportunity voluntarily to appear as a witness; and the Committee or Subcommittee shall receive and the Committee shall dispose of requests from such person to subpoena additional witnesses.

Except as provided above, the Chairman shall receive and the Committee shall dispose of requests to subpoena additional witnesses. No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Committee or Subcommittee. In the discretion of the Committee or Subcommittee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Committee or Subcommittee is the sole judge of the pertinency of testimony and evidence adduced at its hearings. A witness may obtain a transcript copy of his or her testimony given at a public session or, if given at an executive session, when authorized by the Committee or Subcommittee.

1. Broadcasting and Photography.—Television, radio and still photography coverage of all or part of any Committee or Subcommittee hearing or meeting shall be permitted, except as provided in House Rule XI clause 3(f)(2): *Provided*, That when such radio coverage is conducted, written notice to that effect shall be placed on the desk of each Member. No Committee or Subcommittee Chairman shall limit the number of television or still cameras permitted in a hearing or meeting room to fewer than two representatives from each medium (except for legitimate space or safety considerations, in which case pool coverage shall be authorized). Any television, radio, or still photography coverage of all or part of a hearing or meeting shall be subject to the provisions of

House Rule XI, clause 3(f), which appear in Appendix A.

IV. THE REPORTING OF BILLS AND RESOLUTIONS

a. Filing of Reports.—The Chairman shall report or cause to be reported promptly to the House any bill or resolution approved by the Committee and shall take or cause to be taken all necessary steps to bring such bill or resolution to a vote. A Committee report on any bill or resolution approved by the Committee shall be filed within seven calendar days (not counting days on which the House is not in session) after the day on which there has been filed with the Chief of Staff of the Committee a written request, signed by a majority of the Committee, for the reporting of that bill or resolution. The Chief of Staff of the Committee shall notify the Chairman immediately when such a request is filed.

b. Content of Reports.—Each Committee report on any bill or resolution approved by the Committee shall include as separately identified sections:

(1) a statement of the intent or purpose of the bill or resolution;

(2) a statement describing the need for such bill or resolution;

(3) the results of each roll call vote on any amendment in the Committee or Subcommittee and on the motion to report such bill or resolution, including the total number of votes cast for and the total number of votes cast against such amendment or motion;

(4) the detailed statement described in section 308(a)(1) of the Congressional Budget Act of 1974 if the bill or resolution provides new budget authority (other than continuing appropriations), new spending authority described in section 401(c)(2) of such Act, new credit authority, or an increase or decrease in revenues or tax expenditures, except that the estimates with respect to new budget authority shall include, when practicable, a comparison of the total estimated funding level for the relevant program (or programs) to the appropriate levels under current law;

(5) the estimate of costs and comparison such estimates, if any, prepared by the Director of the Congressional Budget Office in connection with such bill or resolution pursuant to section 403 of the Congressional Budget Act of 1974 and submitted in timely fashion to the Committee;

(6) any oversight findings and recommendations made by the Committee or the Committee on Government Reform and Oversight or both to the extent such were available during the Committee's deliberations on the bill or resolution;

(7) a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on prices and costs in the operation of the national economy;

(8) an estimate of the costs that would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and for its authorized duration or for each of the five fiscal years following the fiscal year or reporting, whichever period is less, together with a comparison these estimates with those made and submitted to the Committee by any Government agency (the provisions of this clause do not apply if a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and included in the report);

(9) the changes in existing law (if any) shown in accordance with Rule XIII, clause 3, of the House Rules;

(10) the determination required pursuant to section 5(b) of Public Law 92-463, if the

legislation reported establishes or authorizes the establishment of an advisory committee; and

(11) such other matter as the Chairman of the Committee determines to be useful for public understanding of the intent and effect of the bill or resolution.

c. Supplemental, Minority, or Additional Views.—If, at the time of approval of any measure or matter by the Committee, any Member of the Committee gives notice of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the Chief of Staff of the Committee. All such views so filed by one or more Members of the Committee shall be included within, and shall be a part of, the report filed by the Committee with respect to that measure or matter. The report of the Committee on that measure or matter shall be printed in a single volume, which shall:

(1) include all supplemental, minority or additional views that have been submitted by the time of the filing of the report; and

(2) bear on its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subdivisions (C) and (D) of clause 2(l)(3) of House Rule XI are included as part of the report.

This clause shall not preclude the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this clause or the filing by the Committee of any supplemental report on any bill or resolution that may be required for the correction of any technical error in a previous report made by the Committee on that bill or resolution.

d. Availability of Printed Hearing Records.—If hearings have been held on any reported bill or resolution, the Committee shall make every reasonable effort to have the record of such hearing printed and available for distribution to the Members of the House prior to the consideration of such bill or resolution by the House. Each printed hearing of the Committee or any of its Subcommittees shall include a record of the attendance of the Members.

e. Committee Prints.—All Committee or Subcommittee prints or other Committee or Subcommittee documents, other than reports or prints of bills, that are prepared for public distribution shall be approved by the Chairman of the Committee or the Committee prior to public distribution.

V. OTHER COMMITTEE ACTIVITIES

a. Oversight Reform.—Not later than February 15 of the first session of a Congress, the Chairman shall convene the Committee in a meeting that is open to the public and with a quorum present to adopt its oversight plans for that Congress. Such plans shall be submitted simultaneously to the Committee on Government Reform and Oversight and to the Committee on House Oversight. In developing such plans the Committee shall, to the maximum extent feasible—

(A) consult with other committees of the House that have jurisdiction over the same or related laws, programs, or agencies within its jurisdiction, with the objective of ensuring that such laws, programs, or agencies are reviewed in the same Congress and that there is a maximum of coordination between such committee in the conduct of such reviews; and such plans shall include an explanation of what steps have been and will be taken to ensure such coordination and cooperation;

(B) give priority consideration to including in its plans the review of those laws, programs, or agencies operating under permanent budget authority or permanent statutory authority;

(C) have a view toward ensuring that all significant laws, programs, or agencies within its jurisdiction are subject to review at least once every ten years.

The Committee shall include in the report filed pursuant to House Rule XI clause 1(d) a summary of the oversight plans submitted by the Committee under House Rule X clause 2(d), a summary of actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by the Committee and any recommendation made or actions taken thereon.

b. Annual Appropriations.—The Committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriations for continuing programs and activities of the Federal government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. The Committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefore would be made annually.

c. Budget Act Compliance: Views and Estimates (See Appendix B).—The Committee shall, within 6 weeks after the President submits a budget under section 1105(a) of title 31, United States Code, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year (under section 301 of the Congressional Budget Act of 1974) that are within its jurisdiction or functions, and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction that it intends to be effective during that fiscal year.

d. Budget Act Compliance: Recommended Changes (See Appendix B).—Whenever the Committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process, it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

e. Conference Committees.—Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman shall determine the number of conferees the Chairman deems most suitable and then recommend to the Speaker as conferees, in keeping with the number to be chosen, the names of those Members of the Committee who were primarily responsible for the legislation and, to the fullest extent feasible, those Members of the Committee who were the principal proponents of the major provisions of the bill as it passed the House and such other Committee Members of the majority party as the Chairman may designate in consultation with the Members of the majority party. Such recommendations shall provide a ratio of majority party Members to minority party Members no less favorable to the majority party than the ratio of majority Members to minority party Members on the Committee. In making recommendations of minority party Members as conferees, the

Chairman shall consult with the Ranking Minority Member of the Committee.

f. Committee Records.—All Committee or Subcommittee hearing materials, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Member serving as Chairman, and such records shall be the property of the House with all Members of the House having access thereto. The Chief of Staff shall promptly notify the Chairman and Ranking Minority Member of any request for access to such records.

g. Archiving of Committee Records.—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule XXXVI of the Rules of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decisions, pursuant to clause 3(b)(3) or clause 4(b) of the Rule XXXVI, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any Member of the Committee.

VI. SUBCOMMITTEES

a. Number and Composition.—There shall be such Subcommittees as specified in clause b. of this rule. Each of such Subcommittees shall be composed of the number of Members set forth in clause b., including ex officio Members.¹ The Chairman may create additional Subcommittees of an ad hoc nature as the Chairman determines to be appropriate.

b. Jurisdiction.—The Subcommittees shall have the following general jurisdiction and number of Members.

COMMODITY SUBCOMMITTEES

General Farm Commodities (20 Members, 11 majority and 9 minority):

Wheat, feed grains, soybeans, oilseeds, cotton, cottonseed, rice, dry beans, peas, and lentils, Commodity Credit Corporation, and trade matters related to such commodities, generally.

Livestock, Dairy, and Poultry (14 Members, 8 majority and 6 minority):

General livestock, dairy, poultry, meat, seafood, and seafood products, and the inspection of those commodities, aquaculture, animal welfare, and domestic and foreign marketing related to assigned commodities, including dairy marketing orders and trade matters related to such commodities, generally.

Risk Management and Specialty Crops (18 Members, 10 majority and 8 minority):

Commodity futures, crop insurance, peanuts, tobacco, sugar, honey and bees, family farming, fruits and vegetables, domestic and foreign marketing related to assigned commodities, and related marketing orders, generally.

OPERATIONAL SUBCOMMITTEES

Department Operations, Nutrition, and Foreign Agriculture (24 Members, 13 majority and 11 minority):

Agency review and analysis, special investigations, pesticides, nutrition, food stamps, hunger, consumer programs, and trade matters not otherwise assigned, including foreign agriculture assistance programs, generally.

Resource Conservation, Research, and Forestry (24 Members, 13 majority and 11 minority):

Water, soil and natural resource conservation, small watershed program, research, agriculture credit, rural development, forestry and energy matters, generally.

c. Referral of Legislation.—In the case of any measure or matter not specifically de-

scribed above, or that includes the jurisdiction of two or more Subcommittees, the Chairman may, unless the Committee by a majority vote decides otherwise, refer such measure or matter simultaneously to two or more Subcommittees for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any Subcommittee), or divide the matter into two or more parts reflecting different subjects and jurisdiction and refer each part to a different Subcommittee, or refer the matter to an ad hoc Subcommittee appointed by the Chairman for the specific purpose of considering that matter and reporting to the Committee thereon, or make such other provisions as may be appropriate. The Chairman, with the approval of a majority of the Committee, shall have authority to discharge a Subcommittee from further consideration of any bill, resolution, or other matter referred thereto and have such bill, resolution, or other matter considered by the Committee. All legislation and other matters referred to the Committee shall be referred to all Subcommittees of appropriate jurisdiction within two weeks, except that the Chairman of the Committee, after consultation with the Ranking Minority Member of the Committee, may determine that consideration of the legislation or other matter is to be by the Committee.

d. Service on Subcommittees.—The Chairman and the Ranking Minority Member shall serve as ex officio Members of all Subcommittees and shall have the right to vote on all matters before such Subcommittees, but shall not be counted for the purpose of establishing a quorum. Any Member of the Committee may have the privilege of sitting with any Subcommittee during its hearing or deliberations and participate therein, but shall not have authority to vote on any matter, nor be counted present for the purpose of a quorum for any Subcommittee action, nor, except as the Subcommittee Chairman or a majority of the Subcommittee may permit, participate in questioning of witnesses under the five-minute rule, nor raise points of order unless such Member is a Member of such Subcommittee.

e. Subcommittee Hearings and Meetings.—Each Subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee on all matters referred to it or under its jurisdiction. Subcommittee Chairmen shall set dates for hearings and meetings of their Subcommittees, after consultation with the Chairman of the Committee and one another, with a view toward avoiding simultaneous scheduling of Committee and Subcommittee meetings or hearings whenever possible. Notice of all such meetings shall be given to the Chairman and the Ranking Minority Member of the Committee by the Chief of Staff. No Subcommittee shall hold meetings or hearings outside of the House unless permission to do so is granted by the Chairman, or a majority, of the Committee. If a vacancy should occur in a Subcommittee chairmanship, the Chairman of the Committee may set the dates for hearings and meetings of the Subcommittee during the period between the date of vacancy and the date the vacancy is filled. The provisions of Rule II. a. regarding notice and agenda of Committee meetings and of Rule II. b. regarding special meetings shall apply as well to Subcommittee meetings.

f. Subcommittee Action.—Any bill, resolution, recommendation, or other matter ordered reported to the Committee by a Subcommittee shall be promptly reported by the Subcommittee Chairman or any Subcommittee Member authorized to do so by the Subcommittee. Upon receipt of such report, the Chief of Staff shall promptly advise all Members of the Committee of the Subcommittee

¹The Chairman and Ranking Minority Member of the Committee serve as ex officio Members of the Subcommittees. (See clause d. of this Rule).

action. The Committee shall not consider any matters reported by Subcommittees until two calendar days have elapsed from the date of reporting, unless the Chairman or a majority of the Committee determines otherwise.

g. Subcommittee Investigations.—No investigation shall be initiated by a Subcommittee without the approval of the Chairman of the Committee or a majority of the Committee.

VII. COMMITTEE BUDGET, STAFF, AND TRAVEL

a. Committee Budget.—The Chairman, in consultation with the majority Members of the Committee, shall for each session of the Congress prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, travel, investigation, and other expenses of the Committee and Subcommittees thereof. After consultation with the Ranking Minority Member, the Chairman shall include an amount budgeted to minority Members for staff under their direction and supervision. Thereafter, the Chairman shall combine such proposals into a consolidated Committee budget, and shall take whatever action is necessary to have such budget duly authorized by the House.

b. Committee Staff.—The staff of the Committee shall perform such duties as are authorized by law and shall be under the general supervision and direction of the Chairman. Staff assigned to each Subcommittee shall perform such duties as are authorized by law and shall be under the general supervision and direction of the Chairman of the Committee and the Chairman of the Subcommittee. Committee Members seeking assistance from the staff shall make their request through the Chairman or Ranking Minority Member. The chairman shall ensure that each Subcommittee is adequately funded and staffed to discharge its responsibilities.

c. Committee Travel.—Funds authorized for the Committee under clause 5 of House Rule XI are for expenses incurred in the Committee's activities within the United States; however, local currencies owned by the United States shall be made available to the Committee and its employees engaged in carrying out their official duties outside the United States, its territories or possessions. No appropriated funds shall be expended for the purposes of defraying expenses of Members of the Committee or its employees in any country where local currencies are available for this purpose; and the following conditions shall apply with respect to their use of such currencies:

(1) No Member or employee of the Committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in applicable Federal law; and

(2) Each Member or employee of the Committee shall make an itemized report to the Chairman within 60 days following the completion of travel showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and any funds expended for any other official purpose, and shall summarize in these categories the total foreign currencies and appropriated funds expended. All such individual reports shall be filed by the Chairman with the Committee on House Administration and shall be open to public inspection.

VIII. AMENDMENT OF RULES

These rules may be modified, amended, or repealed, by a majority vote of the Committee, provided that two legislative days written notice of the proposed change has been provided each Member of the Committee prior to the meeting date on which such changes are to be discussed and voted upon.

RULES OF PROCEDURE FOR THE COMMITTEE ON RULES FOR THE 104TH CONGRESS

(Mr. SOLOMON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SOLOMON. Mr. Speaker, pursuant to and in accordance with clause 2(a) of rule XI of the Rules of the House of Representatives, I submit for publication in the CONGRESSIONAL RECORD a copy of the rules of the Committee on Rules for the 104th Congress as approved by the committee on January 5, 1995.

RULES OF THE COMMITTEE ON RULES

Rule XI, 1(a)(1) of the House of Representatives provides:

The rules of the House are the rules of its committees and subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebateable motions of high privilege in committees and subcommittees.

Rule XI, 2(a) of the House of Representatives provides, in part:

Each standing committee of the House shall adopt written rules governing its procedure.***

In accordance with the foregoing, the Committee on Rules adopted the following Rules of Procedure on January 5, 1995.

RULE 1—APPLICABILITY OF HOUSE RULES

The Rules of the House of Representatives are the rules of the Committee on Rules (hereafter in these rules referred to as the "Committee") so far as applicable, together with the rules contained herein.

RULE 2—SCHEDULING AND NOTICE OF MEETINGS AND HEARINGS

Regular meetings

(a)(1) The Committee shall regularly meet at 10:30 a.m. on Tuesday of each week when the House is in session.

(2) A Tuesday meeting of the Committee may be dispensed with if, in the judgment of the Chairman of the Committee (hereafter in these rules referred to as the "Chair"), there is no need for the meeting.

(3) Additional regular meetings and hearings of the Committee may be called by the Chair or by the filing of a written request, signed by a majority of the Members of the Committee, with the Chief of Staff of the Committee.

Notice for regular meetings

(b) The Chair shall notify each Member of the Committee of the agenda of each regular meeting or hearing of the Committee at least 48 hours before the time of the meeting or hearing and shall provide to each such Member, at least 24 hours before the time of each regular meeting or hearing—

(1) for each bill or resolution scheduled on the agenda for consideration of a rule, a copy of (A) the bill or resolution, (B) any committee reports thereon, and (C) any letter requesting a rule for the bill or resolution; and

(2) for each other bill, resolution, report, or other matter on the agenda, a copy of (A) the bill, resolution, report, or materials relating to the other matter in question, and (B) any report on the bill, resolution, report, or other matter made by any subcommittee of the Committee.

Emergency meetings and hearings

(c)(1) The Chair may call an emergency meeting or hearing of the Committee at any time on any measure or matter which the Chair determines to be of an emergency nature; provided, however, that the Chair has made an effort to consult the Ranking Mi-

nority Member, or, in such Member's absence, the next ranking minority party Member of the Committee.

(2) As soon as possible after an emergency meeting or hearing of the Committee, the Chair shall notify each Member of the Committee of the time and location of the meeting or hearing.

(3) To the extent feasible, the notice provided under paragraph (2) shall include the agenda for the emergency meeting or hearing and copies of available materials which would otherwise have been provided under subsection (b) if the emergency meeting or hearing was a regular meeting or hearing.

RULE 3—MEETING PROCEDURES'

In general

(a)(1) Meetings and hearings of the Committee shall be called to order and presided over by the Chair or, in the Chair's absence, by the Member designated by the Chair as the Vice Chair of the Committee, or by the Ranking Majority Member of the Committee present as Acting Chair.

(2) Meetings and hearings of the Committee shall be open to the public unless closed in accordance with clause 2(g) of rule XI of the Rules of the House of Representatives.

(3) The five-minute rule shall be observed in the interrogation of each witness before the Committee until each Member of the Committee has had an opportunity to question the witness.

(4) When a recommendation is made as to the kind of rule which should be granted for consideration of a bill or resolution, a copy of the language recommended shall be furnished to each Member of the Committee at the beginning of the Committee meeting at which the rule is to be considered or as soon thereafter as the proposed language becomes available.

Voting

(b)(1) No vote may be conducted on any measure or motion pending before the Committee unless a majority of the Members of the Committee is actually present, except as otherwise specified in these rules.

(2) A rollcall vote of the Committee shall be provide on any question before the Committee upon the request of any Member of the Committee.

(3) A record of the vote of each Member of the Committee on each rollcall vote on any matter before the Committee shall be available for public inspection at the offices of the Committee, and, with respect to any rollcall vote on any motion to amend or report, shall be included in the report of the Committee on the bill or resolution.

(4) The Members of the Committee, or one of its subcommittees, present at a meeting or hearing of the committee or the subcommittee, respectively, may, by majority vote, limit the duration of debate, testimony, or Committee or subcommittee consideration with respect to any measure or matter before the Committee or subcommittee, respectively, or provide for such debate, testimony, or consideration to end at a time certain.

Media coverage of committee and subcommittee proceedings

(c) Any meeting or hearing of the Committee or any of its subcommittees that is open to the public shall be open to coverage by television, radio, and still photography in accordance with the provisions of clause 3 of the House rule XI (which are incorporated by reference as part of these rules).

Quorum

(d)(1) For the purpose of hearing testimony on requests for rules, five Members of the Committee shall constitute a quorum.

(2) For the purpose of hearing and taking testimony on measures or matters of original jurisdiction before the Committee, three Members of the Committee shall constitute a quorum.

Subpoenas and Oaths

(e)(1) Pursuant to clause 2(m) of rule XI of the Rules of the House of Representatives, a subpoena may be authorized and issued by the Committee or a subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the Members voting, a majority being present.

(2) The Chair may authorize and issue subpoenas under such clause during any period in which the House has adjourned for a period of longer than three days.

(3) Authorized subpoenas shall be signed by the Chair or by any Member designated by the Committee, and may be served by any person designated by the Chair or such Member.

(4) The Chair, or any Member of the Committee designated by the Chair, may administer oaths to witnesses before the Committee.

General oversight responsibility

(f)(1) The Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its jurisdiction.

(2) Not later than February 15 of the first session of a Congress, the committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Oversight and the Committee on Government Reform and Oversight, in accordance with the provisions of clause 2(d) of House rule X.

RULE 4—SUBCOMMITTEES

Application of House and committee rules

(a)(1) As provided by clause 1(a)(2) of rule XI of the Rules of the House of Representatives, subcommittees of the Committee are a part of the Committee and are subject to its authority and direction.

(2) Subcommittees of the Committee shall be subject (insofar as applicable) to the Rules of the House of Representatives and, except as provided in this rule, the rules of the Committee.

Establishment and responsibilities of subcommittees

(b)(1) There shall be two subcommittees of the Committee as follows:

(A) *Subcommittee on the Legislative Process*, which shall have general responsibility for measures or matters related to relations between the Congress and the Executive Branch.

(B) *Subcommittee on Rules of the House*, which shall have general responsibility for measures or matters related to relations between the two Houses of Congress, relations between the Congress and the Judiciary, and internal operations of the House.

In addition, each such subcommittee shall have specific responsibility for such other measures or matters as the Chair refers to it.

(2) Each subcommittee of the Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its general responsibility.

Reference of measures and matters to subcommittees

(c)(1) In view of the unique procedural responsibilities of the Committee—

(A) no special order providing for the consideration of any bill or resolution shall be referred to a subcommittee of the Committee, and

(B) all other measures or matters shall be subject to consideration by the full Committee except for those measures or matters referred by the Chair to one or both subcommittees of the Committee.

(2) The Chair may refer to a measure or matter, which is within the general responsibility of one of the subcommittees of the Committee, jointly or exclusively to the other subcommittee of the Committee where the Chair deems it appropriate.

(3) In referring any measure or matter to a subcommittee, the Chair may specify a date by which the subcommittee shall report thereon to the Committee.

(4) The Chair or the Committee by motion may discharge a subcommittee from consideration of any measure or matter referred to a subcommittee of the Committee.

Composition of Subcommittees

(d) The size and ratio of each subcommittee shall be determined by the Committee at its organizational meeting at the beginning of each Congress, and Members shall be elected to each subcommittee, and to the positions of chairman and ranking minority member thereof, in accordance with the rules of the respective party caucuses.

Subcommittee Meetings and Hearings

(e)(1) Each subcommittee of the Committee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the full Committee on any measure or matter referred to it.

(2) No subcommittee of the Committee may, without the Chair's approval, meet or hold a hearing on the same time as a meeting or hearing of the full Committee is being held.

(3) The chairman of each subcommittee shall schedule meetings and hearings of the subcommittee only after consultation with the Chair.

(4) A Member of the Committee may sit with the subcommittee during any of its meetings and hearings, but shall not have authority to vote, cannot be counted for a quorum, and cannot raise a point of order at the meeting or hearing.

Quorum

(f)(1) For the purpose of taking testimony, two Members of the subcommittee shall constitute a quorum.

(2) For all other purposes, a quorum shall consist of a majority of the Members of a subcommittee, except as otherwise specified in these rules.

(3) Any vacancy in the membership of a subcommittee shall not affect the power of the remaining Members to execute the functions of the subcommittee.

Records

(g) Each subcommittee of the Committee shall provide the full Committee with copies of such records of votes taken in the subcommittee and such other records with respect to the subcommittee as the Chair deems necessary for the Committee to comply with all rules and regulations of the House.

RULE 5—BUDGET AND TRAVEL

Travel

(a) The Chair, in consultation with other Members of the Committee, shall prepare for each session of Congress a budget providing amounts for staff, necessary travel, investigation, and other expenses of the Committee and its subcommittees.

Travel

(b)(1) The Chair may authorize travel for any Member and any staff member of the Committee in connection with activities or subject matters under the general jurisdiction of the Committee. Before such authorization is granted, there shall be submitted to the Chair in writing the following:

(A) The purpose of the travel.

(B) The dates during which the travel is to occur.

(C) The names of the States or countries to be visited and the length of time to be spent in each.

(D) The names of Members and staff of the Committee for whom the authorization is sought.

(2) Members and staff of the Committee shall make a written report to the Chair on any travel they have conducted under this subsection, including a description of their itinerary, expenses, and activities, and of pertinent information gained as a result of such travel.

(3) Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, and regulations of the House and of the Committee on House Oversight.

RULE 6—STAFF

In General

(a)(1) Except as provided in paragraph (2), the professional and investigative staff of the Committee shall be appointed, and may be removed, by the Chair and shall work under the general supervision and direction of the Chair.

(2) All professional, and any investigative, staff provided to the minority party members of the Committee shall be appointed, and may be removed, by the Ranking Minority Member of the Committee and shall work under the general supervision and direction of such Member.

Associate Staff

(b) Associate staff for members of the Committee may be appointed only at the discretion of the Chair (in consultation with the Ranking Minority Member regarding any minority party associate staff), after taking into account any staff ceilings and budgetary constraints in effect at the time, and any terms, limits, or conditions established by the Committee on House Oversight under clause 6 of House rule XI.

Subcommittee Staff

(c) From funds made available for the appointment of staff, the Chair of the Committee shall, pursuant to clause 5(d) of House rule XI, ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the Committee, and, after consultation with the Ranking Minority Member of the Committee, that the minority party of the Committee is treated fairly in the appointment of such staff.

Compensation of staff

(d) The Chair shall fix the compensation of all professional and investigative staff of the Committee, after consultation with the Ranking Minority Members regarding any minority party staff.

Certification of staff

(e)(1) To the extent any staff member of the Committee or any of its subcommittees does not work under the supervision and direction of the Chair, the Member of the Committee who supervises and directs the staff member's work shall file with the Chief of Staff of the Committee (not later than the tenth day of each month) a certification regarding the staff member's work for that Member for the preceding calendar month.

(2) The certification required by paragraph (1) shall be in such form as the Chair may prescribe, shall identify each staff member by name, and shall state that the work engaged in by the staff member and the duties assigned to the staff member for the Member of the Committee with respect to the month

in question met the requirements of clause 6 of rule XI of the Rules of the House of Representatives.

(3) Any certification of staff of the Committee, or any of its subcommittees, made by the Chair in compliance with any provision of law or regulation shall be made (A) on the basis of the certifications filed under paragraph (1) to the extend the staff is not under the Chair's supervision and direction, and (B) on his own responsibility to the extend the staff is under the Chair's supervision and direction.

RULE 7—COMMITTEE ADMINISTRATION

Reporting

(a) Whenever the Committee authorizes the favorable reporting of a bill or resolution from the Committee—

(1) the Chair or Acting Chair shall report it to the House or designate a Member of the Committee to do so, and

(2) in the case of a bill or resolution in which the Committee has original jurisdiction, the Chair shall allow, to the extent that the anticipated floor schedule permits, any Member of the Committee a reasonable amount of time to submit views for inclusion in the Committee report on the bill or resolution.

Any such report shall contain all matters required by the Rules of the House of Representatives (or by any provision of law enacted as an exercise of the rulemaking power of the House) and such other information as the Chair deems appropriate.

Records

(b)(1) There shall be a transcript made of each regular meeting and hearing of the Committee, and the transcript may be printed if the Chair decides it is appropriate or if a majority of the Members of the Committee requests such printing.

Any such transcripts shall be a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks. Nothing in this paragraph shall be construed to require that all such transcripts be subject to correction and publication.

(2) The minutes of each executive meeting of the Committee shall be available to all members of the House of Representatives in compliance with clause 2(e)(2) of rule XI of the Rules of the House of Representatives.

(3) The Committee shall keep a record of all actions of the Committee and of its subcommittees. The record shall contain all information required by clause 2(e)(1) of rule XI of the Rules of the House of Representatives and shall be available for public inspection at reasonable times in the office of the Committee.

(4) The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule XXXVI of the Rules of the House of Representatives. The Chair shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any Member of the Committee.

Calendars

(c)(1) The Committee shall maintain a Committee Calendar, which shall include all bills, resolutions, and other matters referred to or reported by the Committee and all bills, resolutions, and other matters reported by any other Committee on which a rule has been granted or formally requested, and such other matters as the Chair shall direct. The Calendar shall be published periodically, but

in no case less often than once in each session of Congress.

(2) The staff of the Committee shall furnish each Member of the Committee with a list of all bills or resolutions (A) reported from the Committee but not yet considered by the House, and (B) on which a rule has been formally requested but not yet granted. The list shall be updated each week when the House is in session.

(3) For purposes of paragraphs (1) and (2), a rule is considered as formally requested when the Chairman of a committee which has reported a bill or resolution (or a Member of such committee authorized to act on the Chairman's behalf) (A) has requested, in writing to the Chair, that a hearing be scheduled on a rule for the consideration of the bill or resolution, and (B) has supplied the Committee with an adequate number of copies of the bill or resolution, as reported, together with the final printed committee report thereon.

Other procedures

(d) The Chair may establish such other Committee procedures and take such actions as may be necessary to carry out these rules or to facilitate the effective operation of the Committee and its subcommittees.

RULE 8—AMENDMENTS TO COMMITTEE RULES

The rules of the Committee may be modified, amended or repealed, but only if written notice of the proposed change has been provided to each such Member at least 48 hours before the time of the meeting at which the vote on the change occurs.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FIELDS of Louisiana (at the request of Mr. GEPHARDT), for today, on account of personal business.

Mr. BISHOP (at the request of Mr. GEPHARDT), for today, on account of family illness.

Ms. SLAUGHTER (at the request of Mr. GEPHARDT), for Monday, January 23, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WATT of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mrs. LINCOLN, for 5 minutes, today.

(The following Member (at the request of Ms. PELOSI) to revise and extend her remarks and include extraneous material:)

Ms. PELOSI, for 5 minutes, today.

(The following Members (at the request of Mr. WELDON of Florida) to revise and extend their remarks and include extraneous material:)

Mr. ROBERTS, for 5 minutes, today.

Mr. EMERSON, for 5 minutes, on January 27.

Mr. SCARBOROUGH, for 5 minutes, today.

Mr. MENENDEZ, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WATT of North Carolina) and to include extraneous matter:)

Mr. DIXON.

Ms. PELOSI.

Ms. KAPTUR.

(The following Members (at the request of Mr. CHRISTENSEN) and to include extraneous matter:)

Mr. DAVIS.

Mr. BEREUTER.

Mr. HORN.

Mr. LATHAM.

(The following Members (at the request of Mr. WELDON of Florida) and to include extraneous matter:)

Mr. FIELDS of Texas.

Mr. PACKARD.

Mr. SOLOMON.

Mr. FRANKS of New Jersey.

Mr. KILDEE.

Mr. ANDREWS.

Mr. THOMPSON.

Mr. BECERRA.

Mr. WAXMAN.

Mr. ROSE.

BILL APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following date he had approved and signed a bill of the following title:

On December 8, 1994

H.R. 5110. An act to approve and implement the trade agreements concluded in the Uruguay round of multilateral trade negotiations.

ADJOURNMENT

Mr. WELDON of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 18 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, January 24, 1995, at 9:30 a.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of January 2, 1995]

Mr. ROSE: Committee on House Administration. Report on the Activities of the Committee on House Administration During the 103d Congress (Rept. 103-893). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HORN (for himself, Mr. ABERCROMBIE, Mr. BERMAN, Mr. FATTAH,

Mr. EHLERS, Mr. ENGLISH of Pennsylvania, Mr. FARR, Mr. FROST, Mr. PETE GEREN of Texas, Mrs. JOHNSON of Connecticut, Mr. KING, Mr. LEACH, Mr. NEY, Mr. POSHARD, Mr. SENSENBRENNER, Mr. SKEEN, Mr. SMITH of Texas, Mr. TUCKER, Mr. WALSH, Ms. PELOSI, and Ms. ESHOO):

H.R. 628. A bill to amend title 18, United States Code, to extend certain protections now accorded various Federal officials to the staffs of those officials; to the Committee on the Judiciary.

By Mr. ALLARD:

H.R. 629. A bill to authorize the Secretary of the Interior to participate in the operation of certain visitor facilities associated with, but outside the boundaries of, Rocky Mountain National Park in the State of Colorado; to the Committee on Resources.

By Mr. BURTON of Indiana:

H.R. 630. A bill to amend title 18, United States Code, to provide the death penalty for the intentional transmission of the Human Immunodeficiency Virus to an innocent victim of a Federal offense; to the Committee on the Judiciary.

By Mr. DOOLITTLE (for himself, Mr. DORNAN, Mr. SOLOMON, Mr. BAKER of Louisiana, Mr. HANSEN, Ms. DUNN, Mr. HANCOCK, Mr. BALLENGER, Mr. NEY, Mr. FUNDERBURK, Mr. ENGLISH of Pennsylvania, Mr. FORBES, Mr. COOLEY, Mrs. VUCANOVICH, Mr. STUMP, Mr. CREMEANS, Mr. HALL of Texas, Mr. HOKE, Mr. FOX, Mr. SCARBOROUGH, Mr. SENSENBRENNER, Mr. POMBO, Mr. ROYCE, Mr. WILSON, and Mr. GRAHAM):

H.R. 631. A bill to impose limitations on the placing of U.S. Armed Forces under the operational control of a foreign national acting on behalf of the United Nations; to the Committee on National Security, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FROST:

H.R. 632. A bill to enhance fairness in compensating owners of patents used by the United States; to the Committee on the Judiciary.

By Mr. HAYES:

H.R. 633. A bill to amend the Oil Pollution Act of 1990 to clarify the financial responsibility requirements for offshore facilities; to the Committee on Transportation and Infrastructure.

By Mr. HEFLEY (for himself and Mr. PASTOR):

H.R. 634. A bill to amend the Federal Water Pollution Control Act to provide for the use of biological monitoring and whole effluent toxicity tests in connection with publicly owned treatment works, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HERGER (for himself, and Mr. HANCOCK and Ms. DUNN):

H.R. 635. A bill to amend the Internal Revenue Code of 1986 to expand the excise tax exemption for air transportation for the purpose of providing medical care; to the Committee on Ways and Means.

By Mr. KILDEE:

H.R. 636. A bill to amend section 207(m) of the Fair Labor Standards Act of 1938 to eliminate the partial overtime exemption for employees that perform services necessary and incidental to the sale and processing of green and cigar leaf tobacco; to the Committee on Economic and Educational Opportunities.

By Mr. KIM:

H.R. 637. A bill to limit eligibility of aliens for public welfare assistance to aliens permanently and lawfully in the United States; to the Committee on Commerce, and in addition to the Committees on Economic and Educational Opportunities, Agriculture, Ways and Means, Banking and Financial Services, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. STARK, Mr. SHAYS, Mr. GONZALEZ, Mrs. COLLINS of Illinois, Mr. MEEHAN, Mr. TORRICELLI, Mr. YATES, Mr. FRANK of Massachusetts, Mr. BARRETT of Wisconsin, Ms. PELOSI, Mr. CLAY, Mr. NADLER, Mr. FOGLETTA, Ms. ESHOO, Ms. WOOLSEY, Mr. EVANS, and Ms. VELAZQUEZ):

H.R. 638. A bill to abolish the National Board for the Promotion of Rifle Practice and to eliminate the promotion of civilian marksmanship by the Department of Defense; to the Committee on National Security.

By Mr. RAHALL:

H.R. 639. A bill to make technical amendments relating to three units of the National Park System in the State of West Virginia; to the Committee on Resources.

H.R. 640. A bill to modify the boundaries of three units of the National Park System in the State of West Virginia; to the Committee on Resources.

By Mrs. SCHROEDER (for herself, Mr. SHAYS, Mrs. LOWEY, Mrs. MORELLA, Mr. WAXMAN, and Mr. TORKILDSEN):

H.R. 641. A bill to amend the Civil Rights Act of 1964 to protect first amendment rights, and for other purposes; to the Committee on the Judiciary.

By Mr. STUMP:

H.R. 642. A bill to amend the Internal Revenue Code of 1986 to increase the unified credit against estate and gift taxes to an amount equivalent to a \$1 million exclusion; to the Committee on Ways and Means.

Mr. THOMPSON:

H.R. 643. A bill to extend the effectiveness of an exemption from the requirements of the Depository Institution Management Interlocks Act; to the Committee on Banking and Financial Services.

H.R. 644. A bill to amend the Appalachian Regional Development Act of 1965 to include additional counties in the State of Mississippi as part of the Appalachian region; to the Committee on Transportation and Infrastructure.

By Mr. DORNAN (for himself, Mr. BURTON of Indiana, and Mr. CALLAHAN):

H.J. Res. 61. Joint resolution naming the CVN-76 aircraft carrier as the U.S.S. *Ronald Reagan*; to the Committee on National Security.

By Mr. FRANKS of New Jersey (for himself, Mr. CONDIT, and Mr. GILLMOR):

H.J. Res. 62. Joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. DELAY:

H. Con. Res. 16. Concurrent resolution providing for a joint session of Congress to receive a message from the President on the state of the Union; considered and agreed to.

By Mr. FLANAGAN (for himself, Mr. HAYWORTH, Mr. DREIER, Mr. LAHOOD, Mr. EWING, Mr. PAXON, Ms. MOLINARI, Mr. LARGENT, Mr. BARR, Mr. TALENT, Mr. WATTS of Oklahoma, Mr. LATHAM, Mr. LATOURETTE, Mr. FRISA, Mr. WAMP, Mr. ENGLISH of Pennsylvania, Mr. HOSTETTLER, Mr. HASTERT,

Mr. MCINTOSH, Mr. ENSIGN, Mr. NETHERCUTT, Mr. CRANE, Mr. DELAY, Mr. ROHRBACHER, Mr. MOORHEAD, Mr. HANCOCK, Mr. EHRLICH, Mr. FUNDERBURK, Mr. NEY, Mr. WELLER, Mr. CAMP, Mr. FORBES, Mrs. JOHNSON of Connecticut, Mr. CHRISTENSEN, Mr. BOEHNER, Mr. SCHIFF, Mr. BRYANT of Tennessee, Mr. MARTINI, Mr. HASTINGS of Washington, Mr. DAVIS, Mr. HYDE, Mr. LEACH, Mr. CHABOT, Mr. BROWNBACK, Mr. HILLEARY, Mr. MCCOLLUM, Mr. WALKER, Mr. SOLOMON, Mr. ARMEY, Mr. GRAHAM, Mr. GANSMKE, Mr. LONGLEY, Mr. CHAMBLISS, Mr. NORWOOD, Mr. HEINEMAN, Mrs. CUBIN, and Mr. CHRYSLER):

H. Con. Res. 17. Concurrent resolution relating to the treatment of Social Security under any constitutional amendment requiring a balanced budget; to the Committee on Rules.

By Mr. SOLOMON:

H. Res. 43. Resolution to amend clause 2(g)(3) of House rule XI to permit committee chairman to schedule hearings; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. BAKER of Louisiana, Mr. CHABOT, Mr. CONDIT, Mr. LIVINGSTON, Mr. LUCAS, Mr. MEEHAN, Mr. MOORHEAD, Mr. NETHERCUTT, Mr. NEY, Mr. NORWOOD, Mr. PETERSON of Minnesota, Mr. POSHARD, Mr. RAMSTAD, Mrs. SEASTRAND, Mr. SOUDER, Mr. WALKER, and Mr. KLUG.

H.R. 8: Mr. DREIER, Mr. ROBERTS, and Mr. POMBO.

H.R. 13: Mr. WELDON of Florida and Mr. WELLER.

H.R. 28: Mr. MCKEON.

H.R. 42: Mr. JEFFERSON, Mr. HINCHEY, Mr. MCDERMOTT, and Mr. KLECZKA.

H.R. 47: Mr. DELAY, Mr. DOOLITTLE, Mr. FORBES, Mr. NEY, Mr. JONES, Mr. LAUGHLIN, Mr. ROYCE, Mr. SAXTON, and Mr. FOX.

H.R. 65: Mr. GEJDENSON and Mr. LATOURETTE.

H.R. 103: Mr. HASTINGS of Florida, Mr. JOHNSTON of Florida, and Mr. MARTINEZ.

H.R. 104: Mr. SENSENBRENNER and Mr. KINGSTON.

H.R. 109: Mr. LIPINSKI, Mr. JOHNSTON of Florida, Mr. LATOURETTE, Mr. HEFNER, Mr. SKELTON, and Mr. GRAHAM.

H.R. 127: Mr. KNOLLENBERG, Mr. FROST, and Mr. SAWYER.

H.R. 139: Mr. BUNNING of Kentucky and Mr. EVANS.

H.R. 142: Mr. PETERSON of Florida, Mr. BUNNING of Kentucky, Mr. SKELTON, and Mr. STUMP.

H.R. 201: Mr. FROST, Mr. BALLENGER, Ms. DANNER, Mr. NEY, Mr. SOLOMON, Mr. PETE GEREN of Texas, and Mr. FORBES, Mr. PACKARD, Mr. HALL of Texas, and Mr. BLUTE.

H.R. 217: Mr. MOORHEAD.

H.R. 218: Mr. LATOURETTE.

H.R. 303: Mr. LATOURETTE.

H.R. 325: Mr. HOSTETTLER, Mr. NEUMANN, and Mr. DAVIS.

H.R. 326: Mr. MARTINEZ.

H.R. 359: Mr. SERRANO, Mr. CHRYSLER, Mr. LATOURETTE, and Mr. RICHARDSON.

H.R. 393: Mr. SMITH of New Jersey.

H.R. 449: Mr. FATTAH.

H.R. 450: Mr. MARTINEZ and Mr. HOEKSTRA.

H.R. 452: Mr. EVANS.

H.R. 483: Mr. GEJDENSON, Mr. PORTMAN, Mr. CRANE, Mr. BARTON of Texas, Mr. FIELDS of Texas, Ms. EDDIE BERNICE JOHNSON of Texas,

Mr. DE LA GARZA, Mr. HANCOCK, Ms. PRYCE, Mr. STEARNS, Mr. PETE GEREN of Texas, Mr. SENSENBRENNER, Ms. ESHOO, Mr. GENE GREEN of Texas, Mrs. LOWEY, and Mr. LAZIO of New York.

H.R. 485: Mr. COX and Mr. BILBRAY.

H.R. 489: Mr. CALVERT and Mr. HEFLEY.

H.R. 490: Mr. CALVERT, Mr. LUCAS, and Mr. ROBERTS.

H.R. 512: Mr. LIPINSKI.

H.R. 519: Mr. STUMP.

H.R. 521: Mr. WELLER.

H.R. 558: Mr. BALDACCI and Mr. LONGLEY.

H.R. 587: Mr. BERMAN.

H.R. 599: Mrs. SMITH of Washington and Ms. FURSE.

H.R. 613: Mr. STARK.

H.J. Res. 24: Mr. GOSS, Mr. SOLOMON, and Mr. CHRISTENSEN.

H.J. Res. 28: Mr. BACHUS, Mr. BILBRAY, Mr. BUNNING of Kentucky, Mrs. JOHNSON of Connecticut, Mr. LEWIS of California, Mr. SHAW, Mrs. SMITH of Washington, Mr. UPTON, and Mrs. WALDHOLTZ.

H. Res. 33: Mr. EVANS, Mr. BERMAN, and Mr. BOUCHER.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5

OFFERED BY: MR. LEVIN OF MICHIGAN

AMENDMENT NO. 162: In section 4, strike "or" after the semicolon at the end of para-

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

(8) relates to controlling, deterring, preventing, prohibiting, punishing, or otherwise mitigating child pornography.

H.R. 5

OFFERED BY: MR. LEVIN OF MICHIGAN

AMENDMENT NO. 163: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) relates to controlling, deterring, preventing, prohibiting, punishing, or otherwise mitigating child pornography.

H.R. 5

OFFERED BY: MR. PALLONE

AMENDMENT NO. 164: (1) In Sec. 301, in the proposed Section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

"(8) pertains to the coastal waters of the United States.

H.R. 5

OFFERED BY: MR. PETERSON OF MINNESOTA

AMENDMENT NO. 165: In section 301, in the proposed section 424(a)(2)(A) of the Congress-

sional Budget Act of 1974, strike "\$100,000,000" and insert "\$50,000,000".

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 166: In section 301, in the proposed part B of the Congressional Budget Act of 1974, strike section 425 (and revise the subsequent proposed sections and references thereto accordingly).

H.J. RES. 1

OFFERED BY: MS. JACKSON-LEE

AMENDMENT NO. 45: At the end of section 4 add the following:

"Total receipts shall not include receipts (including attributable interest) of the Federal Hospital Insurance Trust Fund and the Federal Supplemental Medical Insurance Fund, or any successor funds, and total outlays shall not include outlays for disbursements of the Federal Hospital Insurance Trust Fund and the Federal Supplemental Medical Insurance Trust Fund, or any successor funds."

H.J. RES 1

OFFERED BY: MS. JACKSON-LEE

AMENDMENT NO. 46: At the end of Section 4 add the following:

"No legislation to enforce or implement this Article may impair any payment or other benefit under the Medicaid program."