McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myrick
Nethercutt
Neumann
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—200

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

NOT VOTING—7

Bryant (TX)
Collins (IL)
Cubin
Johnson, E.B.
Lewis (GA)
Lincoln
Myers

□ 1323

The Clerk announced the following pair:

On this vote:

Mrs. Cubin for, with Mrs. Collins of Illinois against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to recommit was laid on the table.

PERSONAL EXPLANATION

Mrs. LINCOLN. Mr. Speaker, during rollcall vote 251 on H.R. 1158, the rescission bill, I was unavoidably detained during that 5-minute vote. Had I been present, I would have voted ''no'' on the rescission package.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LINDER). Without objection, the RECORD will be corrected to indicate that the vote on final passage was automatically and a yea and nay vote under the new rule XV, clause 7.

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1158, EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE AND RESCISSIONS FOR FISCAL YEAR 1995

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 1158 the Clerk be authorized to correct section numbers, punctuation, cross references, and to make other conforming changes as may be necessary to reflect the actions of the House today.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4, PERSONAL RESPONSIBILITY ACT OF 1995

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–83) on the resolution (H. Res. 117) providing for the consideration of the bill (H.R. 4) to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence, which was referred to the House Calendar and ordered to be printed.

CONFERENCE REPORT ON S. 1, UNFUNDED MANDATES REFORM ACT OF 1995

Mr. CLINGER. Mr. Speaker, I call up the conference report on the Senate bill (S. 1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local, and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been reading.

(For conference report and statement, see proceedings of the House of Monday, March 13, 1995, at page H3053.)

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 30 minutes and the gentleman from New York [Mr. TOWNS] will be recognized for 30 minutes.

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

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

State and local governments can sleep safer tonight because we are about to put the menace of unfunded mandates behind lock and key. Congress has recognized, on a bipartisan basis, that its penchant for passing the costs of programs on to States and localities is a threat to our system of government. It has mustered the courage to say: Please, stop us before we mandate again.

It is an enormous relief to know that we are in the final stage of House consideration of S. 1, the Unfunded Mandates Reform Act of 1995. The conference committee that negotiated the differences between the House and the Senate was the first conference committee of the 104th Congress to complete action.

I believe it set an excellent precedent for bipartisan, thoughtful negotiation in the interest of producing the best conference report possible.

Mr. Speaker, no blood was shed; no voices were raised. It was a model of civility and comity as we deliberated on these matters that are going to mean so much to States and local governments throughout this country.

The Unfunded Mandates Reform Act is a better and stronger piece of legislation as a result of the conference committee. It makes historic changes in the way the Federal Government does business with its State and local partners. It ensures Congress and Federal agencies have——

Mr. DREIER. Mr. Speaker, point of order. The House is not in order. There are conferences taking place. This is the first conference in 40 years from a Republican House of Representatives.

The chairman of the committee deserves to be heard.

The SPEAKER pro tempore. The House will be in order.

Mr. CLINGER. It is a historic moment; the first conference report from a Republican-controlled Congress in 40 years. And I agree with the gentleman from California [Mr. DREIER], it is significant.

This bill will ensure that Congress and Federal agencies have more information than ever before on the impact of Federal actions on the private sectors and it holds Members of Congress accountable for any decision to impose a mandate without paying for it.

The conference report provides that Congress must have Congressional Budget Office estimates for the costs of the mandates it imposes on State and local governments and the private sector.

The public sector mandates that will cost over $50 million must be funded through new budget or new entitlement authority or through the appropriations process, and legislation that does not meet those requirements will be subject to a point of order on the House and Senate floor or a majority of Members must vote to waive the point of order before Congress can impose a mandate without paying its costs.

□ 1330

It makes us accountable, Mr. Speaker. If a mandate is funded through appropriations and in any year appropriations are insufficient to cover the mandate's costs, the responsible Federal agency must notify Congress within 30 days after the start of the fiscal year. The agency shall either re-estimate the cost of the mandate and certify that the funds appropriated are indeed sufficient or submit recommendations to Congress for making the mandate less costly or making it ineffective for the fiscal year.

Congress then would have 60 calendar days to act or the mandate becomes ineffective for that entire fiscal year. This is a change, a change from the House passed bill, H.R. 5, and it has improved, in my opinion, it has improved our final product. The language makes it clear that the final disposition of underfunded mandates is decided by Congress, not by the Federal agencies.

Mr. Speaker, title II of the bill requires Federal agencies to analyze the effects of their rules on State and local governments and the private sector and to prepare written statements detailing the costs and benefits of rules expected to cost over $100 million. The agencies must consult with State and local elected officials who are given a limited exemption from FACA, the Federal Advisory Committee Act. This recognizes that in the implementation of intergovernmental programs, States and localities are our partners, not just another regulated entity.

This title also requires agencies to select the least costly or most cost-effective rule where possible. The Office of Management and Budget must report annually to Congress on the compliance of Federal agencies with these requirements.

Mr. Speaker, title III provides for a look back at existing mandates, something that I think is a very important piece of this legislation, requires the Advisory Commission on Intergovernmental Relations to reevaluate existing mandates and to make recommendations to Congress and the President within 1 year as to whether some or all should be changed to ensure that they still make any sense at all.

I will submit now that my suspicion is that a lot of them do not make any sense. These recommendations will not sit on a shelf collecting dust. We have the assurance of the House leadership that they will act on them expeditiously and will bring them to the floor for consideration. So I am very pleased that the conference committee agreed to most of the amendments that were passed during House consideration of the companion piece, H.R. 5, most notably, most notably and most importantly judicial review in a modified form. I am sensitive to the concerns of some of my House and Senate colleagues on judicial review. Yet the majority of Members in the House, many of them Democrats, believe that judicial review is absolutely essential to ensure that agencies perform the analyses and the estimates and the statements that are required by title II.

The compromise on judicial review worked out in conference is by no means a lawyers' employment act. That was one of the charges that was made about it. It allows courts to compel agencies to prepare analyses, statements and estimates required under title II but without judging their content or adequacy. It precludes the requirements of title II from being the grounds on which a court can stay, enjoin or otherwise affect an agency rule.

However, Mr. Speaker, in most cases the contents of these analyses, statements and estimates can be reviewed by the court as part of the whole rulemaking record in judicial review under the underlying statute.

In my view, this is a fair deal, balancing one side's concern that this bill not become a nightmare of litigation with the other side's conviction that judicial review is essential to force agencies to obey the law.

I want to thank a number of people for their great contributions to this process over the past few months.

First, I want to commend the Speaker for making this legislation part of the Contract With America and a priority for the 104th Congress. And I want to express my deep appreciation to my fellow sponsors of this legislation, the gentleman from Ohio [Mr. PORTMAN], the gentleman from California [Mr. DREIER], the gentleman from Virginia [Mr. DAVIS], and the gentleman from California [Mr. CONDIT], for their absolutely outstanding commitment to mandate relief and the hours that they put in to bring us to this point.

They have been all outstanding leaders on the issue and I appreciate their efforts. I note I omitted the gentleman from Virginia [Mr. MORAN], who was also a very stalwart soldier in this effort.

I want to acknowledge the minority House conferees, the gentlewoman from Illinois [Mrs. COLLINS], the gentleman from New York [Mr. TOWNS], and the gentleman from Massachusetts [Mr. MOAKLEY], for their valuable contribution to the conference.

I thank also Senators ROTH, DOMENICI, GLENN, EXON, and especially Senator DIRK KEMPTHORNE for the outstanding job they have done in guiding this bill through the Senate.

Of course, I would be remiss if I did not thank our partners in the public and private sector who endorsed this bill: the National Association of Counties, National Association of Towns and Townships, National Governors Association, League of Cities, and on and on. They have worked so hard over many, many months toward passage.

Finally let me commend the staff of both bodies for their efforts in drafting, to draft a strong measure and broad support, working sometimes, 15, 16 hours a day, Christine Simmons on my staff, George Bridgeland with Mr. PORTMAN, Steve Jones with Mr. CONDIT, Vince Randazzo with Mr. DREIER, and on, Chip Nottingham and others. There have been just a number of heroes in this overall effort. They have all done enormously good work.

This is a good day for Congress, Mr. Speaker, a good day for the country and certainly a most welcome day for State and local elected officials throughout this Nation. I can almost hear the cheers and the applause across the Nation with the enactment of this conference report.

I urge all my colleagues to vote for this conference report so that we may forward the unfunded mandates relief reform bill to the President for his signature, which I am confident we shall have.

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

Mr. TOWNS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the conference report on S. 1, the Unfunded Mandates Reform Act of 1995, and I would note that the ranking member of the committee, Mrs. COLLINS, also supports the conference report.

Mr. Speaker, as one of the authors of the bipartisan mandates legislation that passed the Government Operations Committee last year with broad bipartisan support, it was with great reluctance that I opposed the House bill this year.

Unfortunately, the majority members of the Government Reform Committee rushed through a bill that was drafted in secret, and gave the minority almost no opportunity to review it.

As a result, the bill was filled with procedural and regulatory excesses. It simply went too far.

The Conference Committee spent 7 weeks rewriting the bill, and the result is an agreement that I believe we all can support:

Under the agreement on judicial review, special interests cannot tie up regulations.

Congress retains the final say over whether agencies can end mandates depending on the level of appropriations.

Other provisions were clarified and tightened.

Let me state that as a result, the Conference Report is not too different from last year's bill.

Mr. Speaker, let me say that this bill addresses the major concerns of the State and local elected officials with whom we have been working with over the past several years. It guarantees that Congress has a full and open debate on the costs to State and local governments before it passes legislation mandating any new and costly requirements.

Before I reserve the balance of my time, I would like to thank the chairman of the full committee, the gentleman from Pennsylvania [Mr. CLINGER], for the outstanding job that he did. I also would like to thank my colleague, the gentleman from Ohio [Mr. PORTMAN], who worked very hard to make this day a reality. I also would like to thank the ranking member of the full committee, the gentlewoman from Illinois [Mrs. COLLINS], for her work and leadership in this area as well, who worked very hard to strengthen the bill to make it better.

I also would like to thank my colleague, the gentleman from Virginia [Mr. MORAN], who kept this alive over the past few years, and the gentleman from California [Mr. CONDIT], who also worked very, very hard to bring us to where we are today. I also would like to thank the staff of both committees and, of course, who worked and put a lot of time and energy in to help us to strengthen this bill. So I would like to thank them, too.

Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. MORAN], a member who kept this issue alive during the 103d Congress and came into the 104th Congress fighting to strengthen it because he felt that unfunded mandates was very, very important.

Mr. MORAN. Mr. Speaker, I thank the distinguished ranking minority member of the subcommittee, and I want to thank the chairman of the full committee for carrying this bill through to its conclusion, the gentleman from Ohio [Mr. PORTMAN], the gentleman from Virginia [Mr. DAVIS], and the gentleman from California [Mr. CONDIT].

This has been a cooperative, bipartisan, constructive effort to address a very serious problem within this country and particularly experienced by State and local governments and the private sector.

I am going to support this bill. It is a necessary bill. It should have been passed years ago.

I do want to raise some issues, however, because I do have some concerns with what will happen once this bill is signed. The principal concern is with regard to appropriations. The last bill we passed included three programs that suffered very substantial reductions: lead abatement, let me make sure I have all of them, asbestos removal, safe drinking water. We had rescissions in all three programs, just passed them, $1.3 billion in reductions.

But, my colleagues, there was no reduction in the mandates that States and localities must carry out to implement those programs. I think it is kind of ironic that we just imposed a more severe burden on States and localities by taking away over $1 billion that they needed to carry out Federal mandates and now, within the same hour, we are going to pass a conference report which says that they have to fully implement them.

I wish that we had the provision in this as well that says that the executive agency has to seek out from the States and localities and the private industrial sectors affected the least burdensome option for carrying out the intent of the legislation.

□ 1345

It does not include that as being subject to judicial review. That could be a serious problem if the executive branch is not in full accord with the intent of this legislation. I wish that were included.

Mr. Speaker, I do think that this is going to improve the relationship between States and localities and the Federal Government. Most importantly, it is going to improve the relationship between the American people and their Government. It is a good bill.

I congratulate all those who worked so hard to get to this day. I am confident the President will pass it, and I appreciate having been given the time to address these issues. I thank the chairman, the gentleman from Pennsylvania [Mr. CLINGER].

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

Mr. Speaker, I want to recognize the contributions of the gentleman from New York [Mr. TOWNS]. He was chairman of the subcommittee of jurisdiction last year that held field hearings, and he took a deep interest in the question of the burden that unfunded mandates were imposing on State and local governments, and deserves a great deal of credit for this exercise.

Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Ohio [Mr. PORTMAN], one of the prime movers and key people in this overall effort, and one who has worked endlessly and constructively and creatively to fashion the compromise that this conference report represents.

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

Mr. PORTMAN. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. CLINGER], the chairman of the full committee, for yielding time to me.

Mr. Speaker, in a few minutes this Chamber is going to pass the Unfunded Mandates Relief Act of 1995, landmark legislation that is part of the Contract With America. After a long and sometimes difficult process, it is good to see history being made.

With Senate passage of the legislation yesterday by a strong vote of 91 to 9, and with every indication from the White House that the President will sign this bill, I think within a few days we are likely to see a bill become law that not too long ago was a radically new concept, unfunded mandate reform.

The bill is historic because it redefines the relationship between the Federal Government and our State and local partners. It is historic because it ensures for the first time that Congress will have cost information on mandates as they go through the committee process; a guaranteed informed debate on the floor of the House on unfunded mandates, which we have never had before, and yes, accountability, a vote, up or down, in front of the public, the press, our local partners, on the issue as to whether to impose unfunded Federal mandates.

As the chairman, the gentleman from Pennsylvania [Mr. CLINGER], noted earlier in this debate, Mr. Speaker, we are pleased to report that the conference report on S. 1 has given us an even stronger bill than passed either the House or the Senate.

I am going to submit much more extensive comments in the RECORD on some of the key issues we worked out in conference, but I want to spend a minute expanding on Chairman CLINGER's good description of the judicial review provision, because I think it is critical to understanding why this is strong, meaningful legislation.

To address the concerns that many of us had, we wanted to ensure that Federal agencies complied with the key requirements of title II of the bill, especially the cost-benefit analysis. We insisted that agency action be subject to judicial review. The sad history of compliance with the Regulatory Flexibility Act made that absolutely essential.

The conference report provides that courts may compel agencies to perform cost-benefit analyses and to comply with other provisions of title II. It is simple. This review ensures that the agencies meet the requirements that Congress says are necessary in the context of rulemaking regarding mandates.

At the same time, we reflected the case law that once an agency acts, the courts are not to substitute the court's judgment for the judgment of the agencies, not to second guess the adequacy

of the analysis prepared by the agencies.

We also addressed the concern that judicial review would become a haven for lawyers and paralyze the regulatory process altogether, by making it very clear that the requirements of title II alone could not be used as a basis for staying, enjoining, or invalidating a rule.

Let me emphasize, however, that if the underlying statute, and all of the requirements of S. 1 would arise in the context of the underlying statute, does not preclude the type of analysis contemplated in S. 1, a court may review the analysis, the statements, the estimates and the descriptions required by S. 1 as part of the whole rulemaking record to determine whether that rule should be stayed or should be struck down as arbitrary and capricious.

This is crucial. As many will recall, judicial review was in our House-passed bill and was not in the Senate-passed bill. Thus, retaining judicial review was a victory for the House. However, much more important, it is a victory for our State and local partners and for all of our constituents and, yes, for the private sector.

Let me sum up, Mr. Speaker, by mentioning just a few of the many people who have contributed to this effort. I will tell the Members, having been intimately involved with this bill for the last year or so as it has moved through the process, this is one of those situations where, but for the efforts of any one of these individuals, we might not be here today. It took all of us, working together, pulling together, to get it done. It is hard to get things done in Washington, and we could not have done it without pulling, all of us pulling together.

First, as the gentleman from Pennsylvania, BILL CLINGER, said, we have to thank our Speaker. He allowed us to put this language in the Contract With America. He prioritized the issue. He also worked very closely with State and local officials through this whole process.

Second, I want to mention one of my colleagues in this effort, the gentleman from California, GARY CONDIT, the man I call our spiritual leader, the heart and soul of this effort. He was the sponsor of H.R. 5 and one of the conferees selected by the Republicans, and we were happy to have him as part of the team. He was out there talking about this issue, unfunded Federal mandates, long before it was well understood and popular in the House and throughout this country.

Next, the person I call our Senate partner, DIRK KEMPTHORNE. He was the original proponent of this legislation. He was the driving force in the Senate, and he worked cooperatively with us in an extraordinary show of bicameralism over the last 8 or 9 months to pull together this legislation.

I thank the gentleman from Pennsylvania, BILL CLINGER, the chairman, for his partnership with all of us in this great debate, particularly for giving me an incredible opportunity here on the floor.

I would also like to thank Senator JOHN GLENN, my colleague from Ohio, who showed a commitment to this issue early on in the Senate when few of his colleagues on this side of the aisle were supporting it; the gentleman from California, DAVID DREIER, for his excellent work in sorting out the difficult House procedural issues that came up in the context of the conference, particularly with the Byrd amendment; the gentleman from Virginia, TOM DAVIS, a freshman member of the conference and an original sponsor of this legislation, who not 4 or 5 months ago was lobbying us on behalf of the National Association of Counties, because he lived under these crippling mandates not long ago.

There are lots of other critical players in the House: The gentleman from Virginia [Mr. MORAN]; the gentleman from Pennsylvania [Mr. GOODLING]; the gentleman from Kansas [Mr. ROBERTS]; the gentleman from Texas [Mr. GEREN]; the gentleman from New York [Mr. SOLOMON]; the gentleman from New York [Mr. TOWNS]; the gentleman from Ohio [Mr. KASICH], and the list goes on.

From my home State of Ohio, Gov. George Voinovich, he led the Governors on this, and helped us to get focused on mandate relief legislation. I am going to mention some key staffers. They do a lot of heavy lifting around here, and do not get enough credit; Kristine Simmons with the chairman, the gentleman from Pennsylvania, Mr. CLINGER; Steve Jones with the gentleman from California, GARY CONDIT; Vince Randazzo, with the gentleman from California, DAVID DREIER, and my chief of staff, John Bridgeland.

On the Senate side, there is Buzz Fawcett with Senator KEMPTHORNE, Sebastian O'Kelly with Senator GLENN, and Austin Smythe with Senator DOMENICI. We would not be here without them.

Finally, thanks to our State, local, and county officials. Without them, we would not be here. It is on their behalf we are acting today to help them to govern this great country.

Mr. TOWNS. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. CONDIT], a member of the committee.

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

Mr. CONDIT. Mr. Speaker, I am excited and delighted to be here today. This is a long time coming. What this really does, I think, across the country is give us a ray of hope, because a couple of years ago when we started with the unfunded mandate issue, we were told by experts inside the beltway that ''This cannot be achieved; you will never get an unfunded mandate bill through the House, through the Senate, and get the President to sign it. It cannot be done.''

Let me say, we are going to do it today. In the next couple of weeks, the President will sign this piece of legislation. He has already indicated his support in the past, and has indicated his support to this conference committee report. This is a ray of hope to the American people and to local elected officials across this country that we can come to grips with problems facing this country here in Congress; that we Republicans and Democrats can come together and find a solution. We have found a solution, and this is a bipartisan solution.

I cannot say enough about my colleagues on the other side of the aisle for their cooperation: The gentleman from Pennsylvania [Mr. CLINGER] who has been a total gentleman, and has involved us in every phase of this issue. I want him to know that I truly appreciate that. That is the kind of attitude we ought to take in solving problems facing this country.

I want to thank the gentleman from Illinois [Mr. PORTMAN], who a couple of days after the election was on the phone to me, talking to me about what we should include in an unfunded mandate bill. I truly appreciate his efforts.

I thank the gentleman from New York [Mr. TOWNS] and the gentleman from Virginia [Mr. MORAN] and a variety of other people; the gentleman from Kansas [Mr. ROBERTS] who was a trooper with the unfunded mandate caucus and forced the issue; the gentleman from Virginia [Mr. DAVIS] who has come abroad and been active in this issue.

It is truly a bipartisan effort. That is why there is a ray of hope here today, Mr. Speaker, because this is an example of what we can do on other issues. This is an example of how we can solve the problems facing this country, that we can come together and we can tell the experts they are wrong, we can find solutions to the problems facing this country, because we just found one. It may not be perfect, but this is a huge, huge step in battling unfunded mandates.

Local governments across this country, as the gentleman from Pennsylvania [Mr. CLINGER] said, ought to rejoice today, because we are on the verge of freeing them; giving them some discretionary authority so they can have control over their own destiny. I want to commend and congratulate all my colleagues, and Senator KEMPTHORNE, who has worked very hard, I want to mention him; and the Senate and the people who have been involved over there, I want to thank and congratulate them as well.

I am delighted and honored that I was able to serve on the conference committee. I thank the Speaker of the House for that opportunity. I am truly honored that I had that opportunity.

Mr. Speaker, as a Member who has sought relief from unfunded Federal mandates for State and local governments since 1991, I am truly proud to be standing before you today. We are at the culmination of a long journey

which will conclude today with the passage of the conference report on the Unfunded Mandates Reform Act. The action which we will take today will do more for State and local governments than anything we have done in the last 20 years or are likely to do in the next 20.

There is not a Member of this body who has not heard from their local or State governments about the damage that unfunded mandates do to their local budgets. Not only do unfunded Federal mandates displace local priorities, but they compel State and local jurisdictions to either increase taxes or curtail services. This is the real injustice with unfunded mandates; they allow us in Congress to get all the credit for approving new programs, but they require State and local governments to scramble to come up with the funds needed to implement them.

As many of my colleagues know, there is not an issue in which I feel more passionately about than the abolition of unfunded mandates on State and local governments. I came to this body in 1989 after spending 17 years in either city, county, or State government. So I came here with a full knowledge of what unfunded mandates do to a local official's budget, and I came committed to putting an end to the practice.

In January 1993, I introduced legislation that effectively said that if a mandate on a State or local government was not fully funded, then its application was voluntary. The bill could be summed up with the simple phrase, ''No money, no mandate.'' Much to my surprise, this legislation struck a chord with State and local officials nationwide and they actively lobbied their representatives to support the bill. In fact, this legislation was cosponsored by a majority of Members during the last session of Congress. Nevertheless, the no money, no mandate legislation was controversial and engendered a significant amount of opposition from those who wanted to preserve the status quo. Despite the enormous bipartisan support for the no money, no mandate legislation, it was never even considered by the last Congress. However, I knew that this was an issue whose day would eventually come.

The Speaker of the House obviously knew it was a good public policy initiative because he included unfunded mandate reform legislation in the Contract With America. While the contract is obviously a Republican endeavor, I would be remiss if I did not state that my Republican colleagues fully included me in this effort to enact unfunded mandate relief. I sincerely appreciate their willingness to work with me.

The day after the November elections, Representatives CLINGER, PORTMAN, DAVIS, and myself immediately began drafting the House version of the Unfunded Mandates Reform Act. Very similar to the Senate bill S. 1, our bill, H.R. 5, set up an elaborate system of rules and procedures that Congress would have to follow when considering legislation imposing mandates on State and local governments and the private sector. As my colleagues will recall, H.R. 5 was approved by this body, on February 1, by a vote of 370 to 86.

After 6 weeks of sometimes tortuous negotiations with our Senate counterparts, the conference finally agreed on a final product. The conference report is a good bill. Is it a perfect bill? Of course not. Is it everything that this Member would have preferred? No. But, is it a landmark bill that will begin to rein in our penchant for passing the costs of Federal programs onto State and local governments? It is that. And it deserves the support of all Members who profess to believe in putting an end to unfunded Federal mandates.

The conference report on the Unfunded Mandates Reform Act truly reforms the way that we do business. Under the conference report, Congress must identify the costs of new mandates imposed on State and local governments by either increasing spending, increasing receipts, or through appropriations. If a mandate is to be paid for with appropriations, then the authorizing bill creating the mandate must condition its effectiveness on subsequent appropriations. If subsequent appropriations are insufficient to pay for a mandate, the mandate will cease to be effective unless Congress provides otherwise by law within 90 days of the beginning of the fiscal year.

This process is enforced by a point of order. Legislation that does not satisfy the aforementioned requirements can be ruled out of order, thereby blocking further consideration of the bill by either the House or the Senate. A majority vote can waive the point of order.

Title I of the conference report, which I have just described, applies only to future mandates. It is not retroactive. Existing mandates on State and local governments will be examined by the Advisory Commission on Intergovernmental Relations [ACIR]. ACIR is charged to study these mandates and make recommendations to Congress, within a year, on mandates that can be consolidated, modified, or repealed.

Finally, title II of the conference report requires Federal agencies, when issuing new rules that will cost State and local governments or the private sector $100 million, to perform a detailed cost-benefit analysis before promulgating the final rule.

Now let me describe the significant changes that resulted from the conference committee. Although S. 1 and H.R. 5 were very similar, there were several differences between the two bills. The main differences between the two bills were as follows: Judicial review, the CBO threshold for estimates of private sector mandates, congressional reconsideration of mandates that fail to receive adequate funding, and applying the point of order provision to appropriation bills.

S. 1 contained no judicial review of title II requirements dealing with the cost-benefit analyses that Federal agencies are to perform before issuing new regulations containing significant mandates on State and local governments and the private sector. H.R. 5 allowed judicial review of these actions. The conference report contains judicial review, but it only allows petitioners to compel agencies to perform the required analysis. Furthermore, courts are not allowed to judge the adequacy of the agency's estimates or question their methodology. The judicial review provision in the conference report also does not allow petitioners to say, enjoin, invalidate, or otherwise affect the rule. I believe that this should allay the fears that many Members in this body had about this legislation spawning an endless stream of litigation. On the other hand, I want my colleagues to realize that regulated entities will still have full judicial review that is granted under the underlying statute that authorizes that rulemaking. So I believe that this judicial review provision suits the needs and concerns of both sides of this issue.

S. 1 contained a $200 million threshold for CBO cost estimates of mandates affecting the private sector. H.R. 5 contained a $50 million threshold. After much debate, we decided to split the difference. The conference report contains a $100 million threshold of CBO estimates for mandates affecting the private sector.

S. 1 contained a provision, inserted by Senator ROBERT BYRD, that provides for congressional reconsideration of underfunded mandates. H.R. 5 contained no such provision. The conference report contains the Byrd amendment. Under this proposal, a Federal agency, within 30 days of the beginning of fiscal year, must inform Congress that it has sufficient funds to implement a mandate or provide legislation recommendations to scale back an underfunded mandate in order to meet a partial level of funding. Both of these determinations must be ratified by Congress within 60 days of its submission by the Federal agency. If the Congress fails to act within this 60-day time period, then the mandate shall be ineffective for that fiscal year. Under section 425(a)(2)(B)(iii)(III) of the conference report, if Congress does not act within 60 calendar days when an agency submits either a statement that the amount appropriated is sufficient to carry out the mandate, or legislative recommendations for implementing a less costly mandate, the mandate will cease to be effective. It is the intent of the managers on the part of the House that, in the House of Representatives, the 60-calendar-day period be a continuous period that would not be disrupted by a sine die adjournment. While this provision was not a part of the original House bill, it was my opinion that this provision makes the bill stronger, and I advocated for its inclusion in the conference report.

Finally, S. 1 contained a provision that would allow Members to strike mandates contained in appropriation bills. H.R. 5 contained no such provision. While House rules already prohibit legislating on an appropriations bill, it was the sense of the House conferees that this provision made sense and should be adopted. The conference report contains a provision whereby Members in either the House or Senate may strike mandates contained in appropriations bills.

These were the main differences between S. 1 and H.R. 5. I would also like to report that the final conference report contains several amendments that were adopted by the House. The conference report contains a version of an amendment added by the gentleman from Pennsylvania [Mr. KANJORSKI] that excludes title II of the Social Security Act from the bill. The conference report contains the amendment added by the gentleman from Virginia [Mr. MORAN] that requires agencies, when considering options in their rulemaking proceedings, to adopt the least costly, most cost-effective, or least burdensome option or explain why it did not. Finally, the conference report contains the amendment added by the gentlelady from Ohio [Ms. PRYCE] that requires OMB to report on compliance with title II provisions to the House Committee on Government Reform and Oversight and the Senate Committee on Government Affairs.

Finally, Mr. Speaker, I would like to thank, several people who had a hand in getting us to the point where we are today. I would like

to thank Chairman CLINGER, who has been a leader on this issue; Representative ROB PORTMAN, who has done much of the nuts and bolts work on this issue; Representative TOM DAVIS, whose insights into the workings of local government have been invaluable; my cochairman in the unfunded mandates caucus, Representative PAT ROBERTS; Representative JIM MORAN, a longtime champion of this issue; Representative PETE GEREN, who has worked with my office extensively; and the speaker, majority leader, majority whip, and Rules Committee chairman who allowed me to participate in this conference. I would also like to thank the Senate conferees: Senators GLENN, EXON, ROTH, DOMENICI, and KEMPTHORNE. I know I am probably forgetting a few people who certainly deserve the recognition.

In closing Mr. Speaker, let us ring in a new and meaningful relationship with our State and local government brethren. Let us pass the conference report on the Unfunded Mandates Reform Act.

Mr. CLINGER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from California [Mr. DREIER], another stalwart soldier in this effort.

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

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

Mr. Speaker, I want to extend congratulations to the gentleman from Pennsylvania [Mr. CLINGER] and all of our colleagues who played a role in bringing about this very, very important success.

Mr. Speaker, I want to say specifically that the gentleman from Pennsylvania, BILL CLINGER, the gentleman from Ohio, ROB PORTMAN, and the gentleman from Virginia, TOM DAVIS, and all of the people who have been involved in a bipartisan way in addressing this issue are to be congratulated.

Rather than going through the litany of the people who have been involved in this issue here, I would like to talk about a couple of people who specifically raised issues of concern to me at the local level.

I, just about 15 minutes ago, got off the phone with the mayor of the city of Los Angeles, Richard Riordan. He is absolutely ecstatic. He is ecstatic at the passage of this for several reasons. When one looks at what he describes, and sometimes we do not always agree with this, as well-intentioned Federal mandates, the cost for the city of Los Angeles for the Clean Water Act is over $3 billion over a 5-year period. The cost of the Resource Conservation and Recovery Act is $112.7 million over a 5-year period; the ADA, it is $1.2 billion over a 5-year period. The Fair Labor Standards Act is $80.3 million over a 5-year period.

These are the kinds of constraints that we are imposing on local elected officials, and I am happy to say that based on what this conference has done, we are finally turning the corner on that. In fact, what we are doing here today, Mr. Speaker, is really history in that it is the first time in 40 years that a Republican majority is actually bringing down a conference report. It could not happen on a better piece of legislation.

Adoption of the Unfunded Mandates Reform Act marks the beginning of an entirely new era of the relationship between State and local governments and the Federal Government. State and local officials now will have a seat at the table every time we here in the Congress write a law, or an agency writes a rule or regulation that imposes new burdens on them.

Since the historic first election of President Ronald Reagan in 1980, those of us on this side of the aisle, as well as many of my colleagues on the other side of the aisle, have been working to restore the balance of power to take back, bring back to States and local communities, the power as it was envisioned in the Constitution, and of course, specifically, the 10th amendment.

In fact, I will never forget here on the West Front of the Capitol when Ronald Reagan in his first inaugural address said ''The Federal Government did not create the States, the States created the Federal Government.''

Unfortunately, Mr. Speaker, this piece of constitutional history has often been lost with the proliferation of unfunded mandates. Since 1980, Congress, Federal agencies, and even the courts have imposed hundreds of unfunded Federal mandates on State and local governments. Compliance with just 10 of those mandates will cost cities alone $54 billion between 1994 and 1998.

The result has been fewer resources at the local level to deal with local problems, such as fighting crime, paving roads, maintaining parks, and recreational facilities, and cleaning up the local environmental problems.

□ 1400

The Unfunded Mandates Reform Act will finally put the brakes on Washington's runaway power grab and regulatory excesses. It makes it harder for Congress to pass feel-good legislation while passing the buck to State and local governments. No longer will Congress be playing the role of drunken sailors having a good time while recklessly running up a tab at State and local taxpayer expenses.

Mr. Speaker, S. 1 is a stronger bill than the one that we passed here in the House. It is going to go a long way towards bringing about the level of accountability that we need. I congratulate all my colleagues that have been involved in this process.

Mr. TOWNS. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. I want to thank my dear friend the gentleman from New York for yielding time to me.

I want to congratulate all who have played a role in bringing this conference committee forward. When we announced the formation of our little band of conservative Democrats called the Coalition, we promised America two things. We promised America that we would stand to do the right thing regardless of party or partisanship. We also promised we would try to deliver big bipartisan support for issues of importance to the American public. We delivered on this promise. This bill is hugely supprted—360 Members of this House voted for it, 91 Members of the Senate voted for the conference report. Why? Because it is good and right for the country. While we are not worried about who gets particular credit for it, it is important today to remember that it was one of our members, in fact one of our officers in the coalition, the gentleman from California [Mr. CONDIT] who first created this notion that Congress ought to speak very clearly, that unfunded mandates are wrong, and that we ought to avoid them in the future if we are to have the right kind of relationship between Federal, State, and local governments.

It was the gentleman from California [Mr. CONDIT] who put together the caucus in this House of Democrats and Republicans who brought this issue to the point where it has come today, where the President of the United States has announced publicly he is ready to sign this bill into law. To the gentleman from California [Mr. CONDIT] and to all of the members of that caucus, Democrat and Republican, to all who have joined in this House to make this a huge bipartisan victory for the American public, I think this is a day of celebration and cheer.

I again want to congratulate our friend, the gentleman from California [Mr. CONDIT], for having the courage years ago before anyone was ready to rally behind this cause to make this his No. 1 cause in the Congress and to bring us to this point of victory in the House, in the Senate and eventually as I said with the Presidential signature for the American people.

Mr. CLINGER. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia [Mr. DAVIS], a freshman Member of our leadership team on unfunded mandates and one who shares the victory we celebrate today.

Mr. DAVIS. Mr. Speaker, I thank the chairman of our committee for yielding to me and I appreciate all the work he has done in this, finessing it through the committee and through the conference, and I agree with him, I think we have a better report and a better bill now at the end of this process than when we started out, and that is with the help of a lot of people.

This is the successor to the Kempthorne-Condit bill that was up last time before the House and Senate and got watered down. We appreciate the strong leadership of the gentleman from California [Mr. CONDIT] during the last session and continuing in this session to help bring this about, and to my colleague, the gentleman from Ohio [Mr. PORTMAN], he was really the intellectual leader of this as we moved through some of the fine-tuning of this

legislation in explaining it and working out some of the fine points in the conference, to Christine Simmons from the committee staff. She did an outstanding job of coordinating and putting this together. Our thanks to her, as well as John Bridgeland from Representative PORTMAN's staff, Steve Jones from Representative CONDIT's staff, Vince Randazzo from Representative DREIER's staff, and Chip Nottingham from my staff.

Mr. Speaker, let me begin by stating clearly, this is not, as far as I am concerned, a debate about the merits of any Federal mandate. This is strictly a question of who pays, what are the benefits relative to cost, what is the impact on local priorities, and what is our flexibility in carrying out mandates in the most efficient way.

As the Congress knows, the ability of the Federal Government, even with its vast resources, is limited, and the Congress each day faces difficult decisions about ordering priorities and determining what services can be funded.

This is exactly the same problem faced by local governments and State governments with one difference. No one can superimpose on Congress spending priorities or costs beyond those which the Congress is willing or able to support. But that has not been the case at the local level, because their priorities and needs are often being pushed further to the side by the increasing burden of funding mandates laid down on them by both Federal, and in many cases, their own State governments.

Mr. Speaker, during the past decade, unfunded Federal mandates have literally grown out of control, and today counties are spending more of their locally raised revenues to comply with these mandates than they receive in Federal aid.

A recent study of the Advisory Council on Intergovernmental Relations found that in the decade between 1981 to 1991, Congress enacted 27 laws imposing one or more new unfunded mandates. This compares with 36 such laws enacted during the previous 50 years, and Congress enacted an additional 13 new mandates in 1993 alone.

Mr. Speaker, Mandate Watch, a bimonthly publication of the National Conference of State Legislatures, confirms there is no end in sight to these mandates, and just this past Congress, 156 new mandates were introduced. Localities are becoming totally consumed by Federal mandates, and essential local services, as a result, suffer tremendously, and locally elected leaders will be reduced to the role of back-door tax collectors if this is not stopped.

I want to say this has never been a partisan bill outside of the Beltway. I think with the closure we have had in this conference report, working together in a bipartisan fashion, as the gentleman from California noted, there is no end to what we can accomplish in this Congress.

The good news here is today that when we work with the administration and work in a bipartisan way across party lines, the seemingly insurmountable becomes conquerable and that is where we are with this legislation today.

I just want to note in the end that this bill is about accountability, making Members of Congress stand up and cast a recorded vote on all substantial mandates with the full knowledge of their costs. This is a very, very important precedent for our future. I think taxpayers are tired of routinely paying for unintended consequences that should be easily foreseeable by Federal lawmakers.

This legislation, I think, will bring that into focus. My thanks to all members involved in this process. This is a great day for State and local officials as they take a look at their plates over the next few years as we reduce the burdens we put on them, and a great day for the American taxpayer.

Mr. TOWNS. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

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

Mr. TRAFICANT. Mr. Speaker, I want to commend the chairman, the ranking member, the gentleman from Ohio [Mr. PORTMAN], the gentleman from California [Mr. CONDIT], the gentleman from Louisiana [Mr. TAUZIN], the gentleman from Virginia [Mr. MORAN], and everybody who had something to do with this bill.

Federal mandates and regulations had much to do with injuring and almost destroying the steel industry. Right now the coal industry is banging around trying to find an opportunity, and I think Congress has showed some eminent good sense in in fact addressing this bill.

I am pleased that my one amendment had stayed in the bill that basically deals with the issue that on the advisory commission, they say that they shall review the role of Federal mandates and their impact on a competitive balance between State, local, and tribal governments and the private sector and consider the views of and the impact on working men and working women in these same matters.

Let me say this, that, Congress, this is a long time overdue. Every piece of legislation we pass should be directed at what is the status of jobs as it is in direct relationship to the legislation that is being passed. In the past, Congress had the greatest of intentions but with those great intentions there have been accompanying loss of jobs and it made little sense to me. I thank those for supporting it.

But my second amendment dealt specifically with section 202(a)4 that basically talked about the effect on the national economy, the effect on productivity, economic growth, and productive jobs, and my amendment said also the effect on benefits and pensions. There was some concern about germaneness and a broad-ranging view of this but I would like now to ask the chairman of the committee, is it not a fact under section 202(a)4 that those particular areas can be addressed in these matters once the review of such mandates are in fact applied?

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

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

Mr. CLINGER. Let me say I commend the gentleman for the contribution he made to this bill because he did, took a great interest and had a very helpful contribution. We were unfortunately unable to sustain all of his amendments in the conference report.

But in answer to the gentleman, yes, they would certainly not be precluded. That would certainly be within the ambit of the things they could consider.

Mr. TRAFICANT. I thank the gentleman, I appreciate his support, and I encourage support of the conference report.

Mr. CLINGER. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations and a valued Member of Congress.

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

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

Mr. Speaker, I am pleased to rise in support of the conference report on the Unfunded Mandate Reform Act of 1995. I commend the sponsors of the legislation, the gentleman from Ohio [Mr. PORTMAN], the gentleman from California [Mr. CONDIT], the gentleman from Virginia [Mr. DAVIS], the gentleman from New York [Mr. TOWNS], and the gentleman from Pennsylvania [Mr. CLINGER], who serves as the distinguished chairman of our Committee on Government Reform and Oversight, for their efforts in bringing this important measure to the floor at this time.

I support S. 1 because it effectively addresses congressional accountability. The Congress, by this bill, will be far more accountable than ever before. This body will no longer be able to casually approve legislation in Washington and then send the burdensome bills to our home districts in the form of future increases in State and local taxes. This legislation will enable Members to more fully analyze the possible future consequences of new mandates by requiring the Congressional Budget Office to prepare cost estimates of proposed mandates in pending legislation. By approving this bill we are demonstrating to our Governors, our mayors, and city officials that we will duly consider the budgetary burdens they face when they struggle to alter their budgets to respond to the cost of any additional Federal mandates.

Accordingly, Mr. Speaker, I urge our colleagues to forge a fairer partnership

with our State and local governments by supporting this important measure.

Mr. TOWNS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Arkansas [Mrs. LINCOLN].

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

Mr. TOWNS. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. I thank my friend the gentleman from New York for yielding me the time.

I am wondering if I could ask the gentleman from Pennsylvania to answer a few questions.

I think that the conference report from my vantage point is a much better bill than the original bill but I still have some fears and some questions, particularly with regard to ecological concerns, clean water, clean air. For instance, in the rescissions bill that was just passed, we took away $1.3 billion from the States from the safe drinking water revolving fund. If we are going to continue to do things like that and take money away from the States that we gave them to pay for things, my big fear is that we then say, well, we are not funding this and therefore it can't happen and therefore all the progress we have made in terms of clean water, clean air will never be able to be funded. Therefore, the Federal Government stepping in and forcing these things will just be rendered impotent and we will not have them. I wonder if the gentleman could allay my fears about that.

Mr. CLINGER. To this extent, if the gentleman will yield, the gentleman understands that this is only prospective in its application. In other words, we are not, in effect, looking back at all of the cornerstones of environmental legislation, clean air, clean water, safe drinking water that are in place.

We do also provide that a point of order would lie against an authorization within an appropriations bill. The other provision is that if in fact there is a mandate that is imposed but there is not sufficient funds to deal with it, the agency imposing the mandate or the regulation would make recommendations as to how they would deal with that if there are not sufficient funds. Congress would then have an opportunity to weigh in on that and must approve whatever downsizing or change that might be imposed by the agency.

□ 1415

Mr. ENGEL. Mr. Speaker, I would say to the gentleman that given the present mood and the budget cutting freezes we have in this Congress, my fear is that the things we are used to seeing in terms of progress on clean water and clean air will just dissipate and we will not be able to do those things in the future.

I want to also ask the gentleman, he said it was prospective, how do we handle reauthorizations in this bill?

Mr. CLINGER. Reauthorization, if there are no additional new mandates imposed as a result of a reauthorization of an existing program, it would have no effect at all. It is only where there would be an additional or added mandate that would exceed the threshold limit that this thing would kick in. So in terms of existing regulations and existing mandates within the Clean Water Act, for example, which is one we would be considering presumably this year, it would have no effect.

Mr. ENGEL. I thank the gentleman.

Mr. TOWNS. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I thank the gentleman from New York for yielding time to me. It is because of him that I rise to speak here today.

The former chairman of the subcommittee, the gentleman from New York [Mr. TOWNS], brought his then committee to Harrisburg about 2 years ago to the capital city of Pennsylvania for a hearing, at which time local legislators and local representatives of other municipal subdivisions of the Commonwealth of Pennsylvania gave us a torrent of laments and complaints about the very subject matter which we discuss here today.

We did an odd thing then, the gentleman from New York [Mr. TOWNS] did and the rest of us who attended that hearing. We promised these State legislators and the municipal subdivision officers and officials that we were going to return to Washington and do something about unfunded mandates.

I cannot believe it. We are here reporting to them through our deliberations on the floor that we actually fulfilled the promise that we made that day. And it was not just a wild political type of atmosphere in which we made promises as politicians. These were reserved and concerned public officials in Pennsylvania who one after another sought our help.

Today we are delivering that package of assistance to the local township officials, local officials all over, not just Pennsylvania, all over the Nation, and it is a happy day for us.

I want to thank the gentleman from New York for allowing me to join that meeting in Harrisburg, and I now thank the gentleman from Pennsylvania for being from Pennsylvania and assisting us to come to the floor today with this finality of splendor in bringing about change that the local public officials so wanted.

Mr. TOWNS. Mr. Speaker, I do not have any further requests for time.

I would like to encourage all of my colleagues to vote for this bill because I think it is a much better bill after conference than it was when it left here.

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

Mr. CLINGER. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. MARTINI], a valued member of the committee.

Mr. MARTINI. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise today, Mr. Speaker, as a former elected county official. I rise today in strong support of the conference report on unfunded mandates. As a result of an annual deficit of $200 billion and a $4.5 trillion national debt, Congress too often in the past shifted the burden of unfunded Federal mandates on States and municipalities. With today's passage of this bill I am proud to say that we are now shifting accountability back to where it belongs, here in Congress.

By passing this legislation we are restoring the faith and trust in Congress by our State and local governments. Too often the Federal Government has frustrated State and local officials in their efforts to deal with their local problems. Too often the Federal Government has mandated inflexible solutions, which has made the situation worse, and too often we have neglected the needs and concerns of our localities.

Yes, Mr. Speaker, we are keeping our word and changing the way government does business. We are putting the people back in charge, and that is the way it should be. The American people have demanded change and we are standing firm and delivering. Unfunded mandates reform is the first building block in establishing a better future for America.

I urge support of this bill.

Mr. CLINGER. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Pennsylvania [Mr. FOX] another freshman member of the committee and very helpful member.

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

Mr. FOX of Pennsylvania. Mr. Speaker, first I want to thank Chairman CLINGER for his outstanding leadership on this legislation. This passage of unfunded mandate reforms shows we are committed to making Government smaller, less costly, and more efficient.

The bill will block consideration of any unfunded mandates, which I know as a former county commissioner has crippled budgets in the past and will now be a new reality of change.

The bill requires the Federal agencies to develop proceeds to minimize unfunded mandates and to publish cost-benefit analyses.

It provides relief to taxpayers. At present State and local governments and ultimately taxpayers pay the price for heavy-handed mandates dictated by Congress and Washington bureaucrats. Ten unfunded mandates alone already on the books will cost cities an estimated $54 billion from 1994 to 1998. Taxpayers cannot afford them.

They also impose heavy burdens on the private sector. These additional

costs are passed on to consumers in higher prices.

The cost of complying with all Federal regulations is conservatively estimated at $600 billion per year, most of which falls on the private sector with this reform.

And we will finally say we will decrease the cost of doing business which will help to save jobs in the private sector and help Americans. This is particularly true of small business which creates most of the jobs we have in the country.

I ask all of my colleagues to vote unanimously.

Mr. CLINGER. Mr. Speaker, in conclusion, I yield myself such time as I may consume just to say I think this is a historic piece of legislation. It is going to be the first step in reordering the relationship between Federal and State and local governments. It is going to substantially restructure that relationship and, I think, restructure it in a way that is for the best.

Mr. Speaker, I strongly urge all of my colleagues to vote in favor of this conference report.

Mr. COLEMAN. Mr. Speaker, I reluctantly voted in favor of the House version of the Unfunded Mandates Reform Act—H.R. 5. With less reluctance, but with continuing reservations, I rise today in support of the House-Senate conference agreement, House Report 104–76.

I have already expressed my dissatisfaction with several of the provisions of the bill. I have enumerated the specific ways in which the people of my district stand to be hurt by provisions of this legislation. And I know that not all of my concerns have been fully addressed. For instance, the bill as drafted by the conference committee will create a discrepancy in the playing field between the private and public sector.

But in many ways, the conference report has addressed some of my deepest misgivings about the bill. The limitations placed upon judiciary review are fair and balanced. The provisions on judiciary review that were agreed to in conference will not cause a backlog of litigation. It will allow regulatory agencies to perform their proper functions efficiently. Furthermore, because the conference report was the product of a much greater deliberative effort that was the original House version of HR 5, the new bill is much more clear in describing the terms under which a point of order may be raised against new regulation.

Finally, I am pleased to see that the language of the conference report pays specific attention to the needs of border communities like the district I represent. Control of our borders is a Federal responsibility, and this bill pays much needed consideration to that fact. This new provision creates hope that border communities may no longer be saddled with the disproportionate burdens of federal regulations.

The process of relieving States, localities, tribal governments, and private corporations of their increasingly heavy federal regulatory burden deserves our attention and commitment. The Unfunded Mandates Reform Act will be a useful instrument in achieving this purpose. Unfortunately, good tools in the wrong hands have the potential to create undesirable results. Therefore, I wish to make it clear that I will fight any efforts to use this legislation as a tool against the regulations that help to ensure public health and safety. I will express my opposition to any use of this legislation against the safety of workers. Furthermore, I will oppose the efforts of those Members who will try to use this legislation as a defense for their indefensible efforts to gut important environmental regulations. This law creates a powerful new legislative tool, and I would like to help to ensure that it is used wisely in the hands of this body.

Mrs. MALONEY. Mr. Speaker, I rise in support of the conference report on S. 1. I voted against H.R. 5, the original House-passed version of this bill, and would like to explain to the House why I support this bill.

The basic purpose of unfunded mandate relief legislation is sound and important. Almost everyone agrees that something must be done to address the increasing burdens that the Federal Government places on State and local governments. I was proud to support unfunded mandate legislation in the 103d Congress and I voted for the Moran substitute to H.R. 5. And now, I support this bill, because it has been stripped of the excesses of the original House version.

One of the major problems that I had with H.R. 5 was the abuse of the legislative process which brought the bill to the floor. We didn't have 1 minute of hearings in the Government Reform and Oversight Committee, which had primary jurisdiction over the bill and on which I serve. It is largely because of this abuse that the conference committee took 7 weeks to come to agreement. On a noncontroversial bill such as this, the conference usually takes days, not weeks, and I am pleased that the conference process was a deliberative one.

Mr. Speaker, several major changes were made by the conference committee which have made S. 1 truly bipartisan legislation and much closer in content to the bill reported out of the Government Operations Committee last year. First and foremost, the conference severely limited the right of judicial review applicable to regulations falling under this act. This is a vital difference. Under the House version of this bill, special interests and industries would have been able to tie up those regulations and rules for years. Executive agencies would thus have been unable to carry out the Clean Air Act, the Safe Drinking Water Act, and other laws that protect public health and welfare.

Another major change is the acceptance by the conference of the so-called Byrd amendment, which gives Congress a role when annual appropriations do not fully cover State and local costs in complying with a mandate. Under the report, agency determinations as to how to rachet-down the mandate are now subject to congressional approval, preserving an important power of the legislative branch.

The conference committee on S. 1 is to be commended for its diligence and bipartisanship. The Unfunded Mandate Reform Act has been cleansed of many of its more extreme provisions and I urge its adoption.

Mr. PORTMAN. Mr. Speaker, today this House will pass the conference report on S. 1, the Unfunded Mandate Reform Act of 1995. We addressed some complicated and important issues in the House-Senate conference. I, therefore, wanted to take a moment to discuss in some detail two of the more significant issues.

First, judicial review. The House-passed version of the bill had almost full judicial review of agency compliance with all title II requirements. The Senate-passed version precluded judicial review entirely. Going into the conference, then, we had diametrically opposed positions on this issue and much work to do if an agreement was going to be reached.

Many of the House conferees, and some in the Senate, were very concerned that agencies would not comply with the requirements of title II if there was no enforcement mechanism. The history of the Regulatory Flexibility Act, which specifically precluded court review of agency action, in part prompted our concern that, without judicial review, factors that Congress made relevant to the rulemaking process would be totally ignored by agencies. And, in fact, that is what has happened under regulatory flexibility.

To address this concern, I insisted, together with other House conferees, that the conference agreement had to maintain some court review of agency action to ensure compliance with the requirements of title II. We began to explore areas of mutual agreement on judicial review.

House and Senate conferees agreed that title I, which addresses internal procedures of the House and Senate, should clearly not be subject to court review. We also agreed that the provisions regarding the review of existing mandates outlined in title III should not be subject to court review. We also came to a threshold agreement that certain key requirements in title II should be subject to such review to ensure that agencies were acting in accordance with congressional intent.

Our first effort to reach agreement focused on clarifying the requirements of title II and identifying those that involved relatively objective analysis. We also identified those provisions that were central to the rulemaking process with respect to mandates. In the end, we reached agreement that the requirements of sections 202 and 203(a) (1) and (2) would be subject to court review.

S. 1 permits a court, pursuant to section 706(1) of the Administrative Procedures Act, to compel an agency to prepare, as a threshold matter, the cost/benefit analyses and other estimates, descriptions, statements, and plans contemplated by sections 202 and 203(a) (1) and (2) of title II. Any aggrieved party will have up to 180 days after the final rule is promulgated, or the shorter time period, if any, specified in the underlying statute to which the S. 1 requirements relate, to bring an action under 706(1). I believe that this right will give agencies an incentive to meet these requirements before the final rule is promulgated. The threat of litigation should be enough of a hammer.

In order to address the concern that S. 1 not unreasonably spawn litigation or result in an unjustified delay of the implementation of Federal policy, S. 1 does not permit the courts to stay, enjoin or invalidate the agency's rule for a failure to meet, or for doing an inadequate job meeting, the specified requirements of S. 1. The conference report also makes it clear, consistent with current caselaw, that once the agency performs the analysis, a court is not to substitute its judgment for that of the agency's—not to second

guess the data used, the methodologies involved or the manner in which the analysis was performed.

S. 1 does not permit a court, when acting pursuant to the review permitted under the underlying statute, to consider any information generated by an agency in accordance with the requirements of S. 1—the cost/benefit analysis for example—as part of the entire record in determining whether the agency rulemaking record supports the rule under the ''arbitrary and capricious'' or ''substantial evidence'' standard—whichever is applicable. A court can not use a failure to meet these requirements adequately or at all as the sole basis for staying, enjoining or invalidating the rule, but a court could consider these factors as part of the mix when considering the entire rulemaking record. Thus, a court could review under section 706(2) of the Administrative Procedures Act the entire rulemaking record that includes information by the agency generated because of the requirements of S. 1.

If the underlying statute specifically precludes an agency from examining costs and benefits in connection with the promulgation of the rule, then the requirements of S. 1 do not have to be met. If the underlying statute is silent or contemplates some analysis, however, an agency would have to meet the requirements of S. 1, or fail to do so at its own hazard, when promulgating a rule. The requirements of S. 1 are additional factors that Congress has made relevant to the rulemaking process for significant mandates. These factors should be considered by agencies and the analysis contemplated should be performed. A court can review agency action with respect to these requirements in connection with the review permitted under the underlying statute.

I believe this is sensible judicial review that strikes the right balance. S. 1 does not change the landscape of review under the underlying statute—we can not do that in this law. S. 1 also should not result in a delay of the implementation of Federal policy. The judicial review provided under S. 1 ensures, however, that agencies will meet the specified requirements of title II so that agencies consider these critical factors before promulgating rules implementing significant mandates.

It is also important to note that in addition to judicial review, the conference agreement includes congressional oversight, both on the least burdensome option requirements and each of the requirements in title II. Under section 205(c), the Director of the Office of Management and Budget shall no later than 1 year after enactment certify to Congress, with a written explanation, Agency compliance with the least burdensome option requirements. Section 208 also provides that the Director of OMB shall annually submit to Congress a written report detailing compliance with the requirements of title II.

Second, the Byrd amendment. I believe this provision will be helpful to State and local governments. Essentially, it requires an agency reestimate of the actual costs of mandates, after consultations with State and local governments, whenever appropriations in a fiscal year are less than the CBO estimated costs of such mandates. Agencies can submit a statement to Congress saying that such mandate can be implemented for the amount provided—perhaps as a result of decreased costs resulting from new technology—or can submit legislative recommendations. In any case, the mandate is ineffective for such fiscal year unless Congress acts within 60 calendar days after the statement or recommendations are submitted to Congress.

What was sometimes a long and difficult conference has come to an end now. The Founders intentionally designed one of the most inefficient machines for legislating and for good reason. Having taken the time to craft careful legislation based on sound policy, I think the final product is an improvement over the respective House and Senate-passed bills.

This is a truly historic day. By enacting the Unfunded Mandate Reform Act of 1995, we launch yet another chapter in the new federalism, where State and counties and cities and towns are recognized as our partners in governing and are given the freedom to meet the needs of the citizens they serve. Thomas Jefferson, a staunch advocate of State rights, was right when he said, ''I believe the States can best govern our home concerns.'' This bill will help them do just that. I was honored to be a part of that effort.

Mrs. THURMAN. Mr. Speaker, I rise in support of the conference report to the Unfunded Mandate Reform Act. I am particularly grateful that the conferees accepted an amendment from the other body's version of the legislation, authored by my colleague from Florida, Senator BOB GRAHAM.

This amendment further defined an unfunded Federal mandate as any action that reduces or eliminates money authorized for controlling U.S. borders or reduces or eliminates reimbursement for costs associated with the severe problem of illegal immigrations.

Florida, like other States, is burdened by the costs of illegal immigration. The drain on our State's resources has been devastating; affecting every aspect of State and local services. By including this provision in the conference report, we are saying emphatically that the Federal Government must take responsibility for its laws.

In closing Mr. Speaker, I would like to recognize and praise the efforts of my colleague Senator BOB GRAHAM. His commitment to this issue led to its final inclusion in the conference report. I would like to thank my colleague from California, Mr. CONDIT, who served as one of the conferees. Mr. CONDIT and I have worked together on the issue of illegal immigration over the past 2 years and because of his efforts, this provision was included in the final report. Once again, I urge support of the conference report.

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

The SPEAKER pro tempore (Mr. EMERSON). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

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

Mr. CLINGER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 394, nays 28, not voting 12, as follows:

[Roll No. 252]

YEAS—394

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cunningham
Danner
Davis
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Flake
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Moorhead
Moran
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton

Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Vento
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—28

Becerra
Beilenson
Collins (MI)
Conyers
Dellums
Dingell
Fattah
Filner
Foglietta
Gibbons
Gutierrez
Levin
Lewis (GA)
Martinez
McDermott
McKinney
Mollohan
Nadler
Owens
Payne (NJ)
Rangel
Skaggs
Stark
Stokes
Velazquez
Visclosky
Waters
Yates

NOT VOTING—12

Brown (CA)
Collins (IL)
Coyne
Cubin
de la Garza
Fields (TX)
Johnson, E.B.
Johnston
Miller (CA)
Montgomery
Myers
Quillen

□ 1441

The Clerk announced the following pair:

On this vote:

Mrs. Cubin for, with Mr. Johnston against.

Messrs. FATTAH, FOGLIETTA, and VISCLOSKY changed their vote from ''yea'' to ''nay.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION OFFERED BY MR. CLINGER

Mr. CLINGER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CLINGER moves that the House recede from its amendment to the title.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. CLINGER].

The motion was agreed to.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I ask for this time in order that I might yield to my good friend, the chairman of the Committee on Rules, the gentleman from New York [Mr. SOLOMON], for the purposes of enlightening us on the coming schedule.

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

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

Mr. SOLOMON. On behalf of the majority leader, I will be happy to try to enlighten you, my good friend.

The House will not be in session on Monday, March 20.

On Tuesday, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will take up the rule and general debate on H.R. 4, the Personal Responsibility Act.

Members are advised we expect no votes to be held before 5 p.m. on Tuesday.

On Wednesday the House will meet at 11 a.m. to continue consideration of the welfare reform bill.

On Thursday and Friday of next week the House will meet at 10 a.m. to complete consideration of H.R. 4. We expect to complete this legislation on Friday, and it is our hope to have Members on their way home to their districts and their families by at least 3 p.m. on that Friday.

Mr. HOYER. I thank the gentleman for his enlightening us on next week's schedule.

I take it then the week will be concerned with the consideration of the rule and the bill on welfare reform?

Mr. SOLOMON. We would at this time not expect any other business. As the gentleman knows, that is a very, very important piece of legislation. After consulting with the minority leader, the gentleman from Missouri [Mr. GEPHARDT] and others, we want to make sure that ample time is given to that issue, and we would expect to devote the whole week to it.

Mr. HOYER. I thank the gentleman for that clarification.

I would like to ask the gentleman from New York, on Tuesday, it is my understanding that the only vote we expect is the vote on the rule. Am I correct on that?

Mr. SOLOMON. Yes. And it is the expectation right now that there would not be a vote on that rule, if we have an agreement with the minority. The rule passed by unanimous vote in the Committee on Rules. It is simply providing for 5 hours of general debate at which time, if the rule does pass, then we would go into that 5 hours of general debate, and there would be no vote that day at all.

□ 1445

But we cannot make that promise, as the gentleman knows. We do not expect a vote and we do not expect the gentleman's side to ask for a vote either.

Mr. HOYER. Mr. Speaker, it was our understanding—and I was just checking to make sure with our minority leader's staff to make sure—we do not expect any Member to ask for and we do not plan to ask for a vote on the rule, as the gentleman suggests.

In light of that, I ask the gentleman, is it possible, therefore, for us to notify Members that pursuant to an agreement between the majority and the minority that there would be no votes on Tuesday, so that Members, if they need to, could return either late Tuesday or Wednesday morning?

Mr. SOLOMON. Let me just say it is very important, because we will have completed the rule in the Committee on Rules on the welfare reform bill. We would want the opportunity to explain that rule to our Members who will be returning Tuesday night and therefore we would want them early Wednesday morning. We do not intend to ask for a vote at this time and we do not expect to on Tuesday.

Mr. HOYER. So that the gentleman feels relatively confident that Members, if they were here early Wednesday morning, they would not miss any votes?

Mr. SOLOMON. We would want to discuss that further with the gentleman, but, yes, we feel very comfortable with that.

Mr. HOYER. I thank the gentleman for his information and look forward to next week.

Mr. Speaker, I yield back.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

AUTHORIZING THE SPEAKER AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS, NOTWITHSTANDING ADJOURNMENT

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Tuesday, March 21, 1995, the Speaker and the minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

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

There was no objection.