Newspaper Fund Scholarship and participated in the Fund's internship program. She joined UPI in Jackson, Mississippi in 1975.

Povich is married to Ronald Dziengiel, a manager with Westinghouse Electric Co., and lives in Laurel, Maryland. They have one child, Mark Dziengiel, age 3.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHUSTER). Pursuant to a previous announcement, the Chair will announce this will be the last 1-minute until the end of the day.

TERM LIMITS: AN IDEA WHOSE TIME HAS COME

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

Mr. DEAL of Georgia. Mr. Speaker, term limits for Members of Congress is an idea whose time has come. We have seen 22 States attempt to limit the membership in this body by statutory law within their States. Those limitations have ranged from 6 years to 12 years, with variations in between.

□ 1050

We have seen constitutional amendments proposed in this body that likewise range from 6 years to 12 years with variations in between.

Today, Mr. Speaker, I, along with the gentleman from Minnesota [Mr. MINGE], the gentleman from Massachusetts [Mr. MEEHAN], and the gentleman from Georgia [Mr. KINGSTON], have introduced a proposed constitutional amendment that would set an outward boundary of 12 years for membership in both this body and the body across the way. But it also has the unique provision of allowing States the authority by statute to set any limitation less than that that they choose.

I say to my colleagues: If you believe in States rights, if you believe in federalism, if you believe in term limits that allow States flexibility, I would urge you to join with us in cosponsoring this constitutional amendment.

APPOINTMENT AS MEMBERS OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The SPEAKER pro tempore (Mr. SHUSTER). Without objection and pursuant to the provisions of sections 5580 and 5581 of the revised statutes, 20 U.S.C. 42–43, the Chair, on behalf of the Speaker, appoints as members of the Board of Regents of the Smithsonian Institution the following Members on the part of the House:

Mr. LIVINGSTON of Louisiana, Mr. SAM JOHNSON of Texas, and Mr. MINETA of California.

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE RESOLUTION 43, TO PERMIT COMMITTEE CHAIRMEN TO SCHEDULE HEARINGS

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–6) on the resolution (H. Res. 47) providing for the consideration of the resolution (H. Res. 43) to amend clause 2(g)(3) of House Rule XI to permit committee chairmen to schedule hearings, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION AMENDING HOUSE RULES TO PERMIT COMMITTEE CHAIRMEN TO SCHEDULE HEARINGS

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–5) on the resolution (H. Res. 43) to amend clause 2(g)(3) of House Rule XI to permit committee chairmen to schedule hearings, which was referred to the House Calendar and ordered to be printed.

UNFUNDED MANDATE REFORM ACT OF 1995

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

□ 1052

IN THE COMMITTEE OF THE WHOLE

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

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, January 24, 1995, the amendments en bloc offered by the gentleman from New York [Mr. OWENS] has been disposed of, and section 4 was open for amendment at any point.

Are their further amendments to section 4?

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

The CHAIRMAN. The gentleman from Missouri [Mr. VOLKMER] is recognized for 5 minutes.

Mr. VOLKMER. Mr. Chairman, I yield to the gentleman from Alabama [Mr. HILLIARD].

MEDICARE

Mr. HILLIARD. Mr. Chairman, today I rise to challenge my colleagues not to forget about a constituency of this Nation that looks to us to fulfill our obligation to them. This obligation is the preservation of the Medicare program. All of us, as citizens, owe a debt to those who have come before us, our senior citizens, and made this country what it is, and we must not sacrifice their needs to pay for our excesses. Passing a balanced budget constitutional amendment without specifying where the target cuts are will tie our hands as a Congress and jeopardize the fulfillment of our pledges to the senior citizens of this Nation. We have pledged to take care of the elderly and the infirm so that they and their families will not have to shoulder the burden of their illnesses alone.

We must remember those persons who have entrusted us with this trust. We must not forsake them when they need us most. It is our duty to preserve this fund and protect those who are under our care. I ask the U.S. Senate and the President not to forsake them.

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

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

Mr. Chairman, I know that Members are happy and excited at the prospect that we are going to be dealing with unfunded mandates again today. A little Friday morning sarcasm, Mr. Chairman, because I really expect that the reverse is actually the case. We are hearing on both sides of the aisle that there is hope that we can come to a conclusion on this very important legislation, so I sense the reverse is true, and I would ask my colleagues, ''Who else really wants to see an end to this process?'' That would be the Nation's Governors, both Republicans and Democrats; the Nation's mayors, again both Republicans and Democrats; the Nation's county commissioners, the Nation's township supervisors, both Republicans and Democrats who really want to see this bill moved through the process.

They are faced with some very hard choices, Mr. Chairman. They have to, in many cases, decide whether to continue or reduce a very vital local program in order to carry out a Federal mandate that is imposed upon them from here in Washington, and I must say, Mr. Chairman, that the passage of the balanced budget amendment last evening makes this an even more urgent requirement. They are going to need relief from the unfunded mandates situation because their concern is with the balanced budget amendment we may just accelerate our ability, our wish, to pass through requirements that we are not going to be able to fund because of the balanced budget amendment.

So, it is the local mayors, Governors and so forth, that are really crying out for this legislation, and quite frankly, Mr. Chairman, in talking with the

mayors, and the Governors, and the county commissioners and so forth, they resent the really patronizing attitude that has permeated much of the debate, or at least some of the debate, we have had over the last 4 or 5 days, the idea that only the Federal Government can be relied on to protect clean water, protect clean air, worker safety, the health and safety of the Nation. There has been this sort of idea implanted that only the Federal Government is capable and can be trusted to do these things.

I would just want to refer to one of the great responses to that which I think was from Mayor Daley, Richard Daley, the Democratic Mayor of the city of Chicago, who is quoted in the Washington Post yesterday, reported responding to this argument that we have heard that we must be vigilant here at the Federal Government, require this from the Federal Government. He was quoted in the Washington Post saying, ''That argument implies that Mayor Daley or Mayor Rice, the mayor of Seattle, that we don't care about the quality of air and water in our cities. It also implies that some bureaucrat in Washington knows better than we do how to run Chicago or Seattle.'' And this is a Democratic mayor responding to that argument.

I think, Mr. Chairman, it really is necessary to stress, as we begin debate on some of the amendments that will be coming here, some basic facts about the legislation:

It is not retroactive. We said that time and time again. It is only prospective in its application. It does not affect reauthorization unless there is a new additional mandate contained in the reauthorization, and it does not preclude the passing of future mandates through to the States. I mean there has been some suggestion that we will never do that. All it does is require us, for the first time really, to consider the costs of what we do, to consider the cost of what we are imposing on States and local government.

This morning, Mr. Chairman, we are faced with the prospect, at least, of 37 proposed exemptions to section 4 of the legislation. My hope would be that we might be able to move through section 4. I have said that I hope that I could get to title 1 of this bill by April, but I was not sure which year, and I still hope we might be able to move through section 4 of the legislation today.

For that reason, Mr. Chairman, I would at this point like to ask unanimous consent that we might limit debate on all exemptions, amendments to section 4, to 20 minutes on each side.

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

Mrs. COLLINS of Illinois. Reserving the right to object, Mr. Chairman, I want to reiterate what I said to the gentleman on Tuesday, that we were promised an open rule in the Committee, and I believe that we are raising extraordinarily important issues for each of these amendments. These are amendments that we did not get the opportunity to offer when we were in committee. They are amendments that are valid, and many of the offerers of these amendments have been patiently waiting as we have gone through other amendments, and I wish to be fair to them. As my colleagues know, rather than race through this bill, I think I can offer the Governors and mayors, even my own mayor, something better, and that is that I will be offering an amendment to make the bill effective upon enactment, not October of this year.

Further, I notice that other amendments are being put into the Record as we go. I have here yesterday's CONGRESSIONAL RECORD, and I see there is an amendment here on page H803 that is being offered by the gentleman from California [Mr. RIGGS].

□ 1100

So amendments are still being offered on this piece of legislation by the other side, as well as amendments that we already have over here, amendments that have already been printed in the RECORD.

Further reserving the right to object, I want to make it clear that I personally am not offering amendments to this particular section, but I believe in the right of my colleagues to have a full debate on their amendments. I do not believe that they have had a complete opportunity to be aired in the committee.

Therefore, Mr. Chairman, I must object at this time.

The CHAIRMAN. Objection is heard.

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

The CHAIRMAN. Does the gentlewoman yield under her reservation?

Mrs. COLLINS of Illinois. I will yield under my reservation, Mr. Chairman.

Mr. VOLKMER. Mr. Chairman, I would like to point out to the gentleman from Pennsylvania that I know he is anxious to proceed with the bill, and there are other Members who are anxious, but I notice, as I look around, that I see very few Members on either side participating. One of the reasons is that we have Members on this side who have amendments to this section who are now being required to be in committee in markup and cannot be here. If we have this notice and this type of a limitation, there is no way for them to know that that is going to occur, and they are going to be shut out on their amendments because they are going to be in markup.

I believe we should continue in the orderly business, and then as we proceed toward the end, we can notify those Members. Hopefully, they will be able to leave the markup and come over here and offer their amendments. Right now they are being required by the majority to make a decision that no Member of this body should ever have to make, and yet they are being asked to do so by this procedure.

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

Mr. VOLKMER. The gentlewoman from Illinois has the time.

Mrs. COLLINS of Illinois. I yield to the gentleman from Virginia.

Mr. DAVIS. Mr. Chairman, I think the frustration here is that no one wants to deny any Member the opportunity to offer an amendment. It is just that with the debate on some of these amendments, we are hearing the same arguments on our side in terms of not opening this up and include the costs of all these items before any kind of unfunded mandate would emanate from this body.

The arguments are very similar in most of these areas. Limiting debate would allow everyone to offer their amendments. Members could stay on the floor and listen because the votes would be coming much closer. That is all we are trying to get to, not to deny any Member the opportunity to offer an amendment.

We are just talking right now about this one title of the bill. I was in committee along with the gentlewoman, and these amendments were allowed to be offered in committee. In some of the other sections they were not because they were part of the rule.

Mrs. COLLINS of Illinois. Mr. Chairman, some of our amendments were not allowed to be offered in committee, as the gentleman recalls. We were told amendments could be offered on the floor, and that is what we intend to do.

Mr. Chairman, I again state that I object.

The CHAIRMAN. Objection is heard.

For what purpose does the gentleman from Virginia [Mr. DAVIS] rise?

Mr. DAVIS. Mr. Chairman, I have nothing further, but I will move to strike the last word to say that we have tried to make an effort to move this dialog along at this point. We are prepared to stay this afternoon until 3 and, I think, on Monday until late in the evening to try to move this bill through.

This week I was over at the National Association of Counties with Michael Highsmith, who is the chairman there, from Fulton County, GA. They are very frustrated about the pace of activity in this body.

We have the mayors in this week and the Governors in next week. They would like to see some action. We are just trying to move the debate along, but if the other side of the aisle feels they need more time, I guess we ought to just go ahead and proceed and let them offer their amendments and face each one on the merits one by one.

AMENDMENTS OFFERED BY MR. KANJORSKI

Mr. KANJORSKI. Mr. Chairman, I offer my amendment No. 84, which has been printed in the RECORD pursuant to clause 6 of rule XXIII, and I ask for its immediate consideration.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 84, offered by Mr. KANJORSKI: 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) pertains to investor protection, the safe and sound operation of financial markets, federally insured depository institutions and credit unions (as those terms are defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813) or section 101 of the Federal Credit Union Act (12 U.S.C. 1752), respectively), or the deposit insurance funds that insure the deposits or member accounts in those depository institutions or credit unions.

Mr. KANJORSKI. Mr. Chairman, in order to facilitate the work of the House, I also ask unanimous consent that this amendment be considered en bloc with an identical amendment to section 301 of the bill which creates an identical section 422 of the Congressional Budget Act of 1974.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KANJORSKI: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike ''or'' after the semicolon in paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and after paragraph (7) add the following:

''(8) pertains to investor protection, the safe and sound operation of financial markets, insured depository institutions (as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)), insured credit unions (as that term is defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)), or the Federal deposit insurance funds that insure the deposits or member accounts in those depository institutions or credit unions.

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

There was no objection.

The gentleman from Pennsylvania, [Mr. KANJORSKI] is recognized for 5 minutes in support of his amendments.

Mr, KANJORSKI. Mr. Chairman, I offer this amendment in conjunction with the ranking member of the Subcommittee on Financial Institutions, the gentleman from Minnesota [Mr. VENTO]. The gentleman from Minnesota and I think this is an important amendment, and I know that my good friend, the gentleman from Pennsylvania [Mr. CLINGER], chairman of the committee, is never a man of sarcasm, so I know he was not suggesting that some of these amendments we offer today are frivolous or done for dilatory purposes.

This amendment is a very important amendment because it really tries to address one of the greatest unfunded mandates that ever occurred in the history of the United States, and that is the unfunded mandate that did not come about by action of this Congress or action of the Federal Government but came about as a result of the failure of State governments to properly regulate their savings and loans.

What I refer to, Mr. Chairman, is the savings and loan bailout. Many of us unfortunately have short memories of history. If we go back to the 1980's, we will soon realize that the crisis created in the savings and loan industry of this country was basically caused by four States which had the regulatory authority over S&L's and were able to grant S&L's extraordinary powers and rights of investment in the exercise of how they handled the funds of their investors and their depositors. As a result of the poor or lax regulations by State regulators, this Congress and this country was caused to be assessed well over $300 billion to pay for the bailout of the S&L's in the late part of the 1980's and the early part of the 1990's.

So when we talk about unfunded mandates and we talk about whether or not we are interfering with regulators' control, it is important to concentrate on what we are doing.

The purpose of this amendment is to exempt anything pertaining to investor protection, the safe and sound operations of the financial markets, insured depository institutions and the deposit insurance funds. I cannot imagine why we would not recognize that the impact of this bill on some of the regulatory bodies of the Federal Government could breach their authority to exercise and promulgate rules and regulations and this could in turn cause another S&L type disaster in this country. With this piece of legislation in place as it is presently drafted, the regulatory bodies that are charged with the responsibility of overseeing the financial institutions and the financial markets of this country would be unable and incapable of taking any action to prevent that activity.

We have in this area the support of all the regulators for our amendment. Let me cite the FDIC letter:

Exempting regulations that address the safety and soundness of financial institutions and their insurance funds is an appropriate, limited amendment to balance the needs of the financial regulators, the financial industry and the taxpayers.

From the letter of the Comptroller of the Currency, may I quote:

I am very concerned that complying with the requirements in H.R. 5 may delay issuances of important rules by the banking agencies and the National Credit Union Administration that are needed to ensure the safety and soundness of insured institutions. * * * If there are losses to the deposit insurance funds because a regulation is delayed, the taxpayers may be burdened with the expense of covering those losses. In this case, any possible benefits from conducting the analyses may be far outweighed by the ultimate cost to the American people. * * * Your amendment—

Referring specifically to this amendment—

is appropriate and necessary. These agencies must have the ability to act quickly to fulfill their supervisory responsibility and their responsibility to protect the deposit insurance funds.

□ 1110

We also have a letter from the Office of Thrift Supervision citing its strong support for this amendment. We have a letter from the National Credit Union Administration citing its strong support for this amendment.

We also have, and it is interesting, a situation where under the Office of Federal Housing Enterprise Oversight that regulates Fannie Mae and Freddie Mac, that they are about to issue major regulations revising the capital standards of Fannie Mae and Freddie Mac, multihundreds of billion-dollar corporations that are vital to the real estate industry of this country. And because this office of HUD is in the process of getting ready to issue those regulations regarding the requirement for higher capital standards, this statute could block those issuances.

I cannot believe that with the history of the S&L disaster so near to us, that anyone would want to enact legislation that would prevent Federal regulators from issuing capital standards as important as these.

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

(At the request of Mr. VENTO and by unanimous consent, Mr. KANJORSKI was allowed to proceed for 3 additional minutes.)

Mr. KANJORSKI. Mr. Chairman, at this time I will include for the RECORD the letters of the regulators in their entirety.

FEDERAL DEPOSIT
INSURANCE CORPORATION,
Washington, DC, January 19, 1995.

Hon. PAUL E. KANJORSKI,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN KANJORSKI: Thank you for your letter requesting the Federal Deposit Insurance Corporation's comments on an amendment to H.R. 5, the Unfunded Mandates Reform Act.

H.R. 5 imposes additional requirements such as a cost benefit analysis on the rulemaking process for federal agencies. we understand that you plan to offer an amendment to H.R. 5 to provide for an exemption for regulations that pertain to investor protection, the safe and sound operation of financial markets, federally insured depository institutions or their deposit insurance funds. We strongly support this amendment.

The federal financial institution regulators recognize that regulations can be burdensome and costly. For this reason, the FDIC is seeking to be sensitive to the impact of regulations and to minimize the burden and costs they impose on the industry and consumers. I have asked the FDIC staff to review outstanding regulations to determine whether there are areas where regulatory burden can be reduced.

Nevertheless, the federal financial regulators are responsible for ensuring the safety and soundness of the nation's financial system. The FDIC, as the insurer of banks and thrifts, has a particular responsibility for assuring that the taxpayers do not have to cover the costs for future financial institution failures as they did in the savings and loan crisis. Although regulations may impost costs on financial institutions, recent history teaches us that the costs to the taxpayers of failures in the financial regulatory

system are much greater. The FDIC's independence and ability to respond quickly to problems in the financial system are two reasons why the taxpayers have never had to pay a penny for bank failures, even with the record number of bank failures in recent years. Exempting regulations that address the safety and soundness of financial institutions and their insurance funds is an appropriate, limited amendment to balance the needs of the financial regulators, the financial industry and the taxpayers.

On a related issue, it is our understanding that H.R. 5 as currently drafted will exempt any effort by the FDIC to reduce insurance assessment rates later this year when the Bank Insurance Fund is recapitalized at the level mandated by Congress. This reduction in insurance assessment rates will significantly reduce costs to the banking industry.

I hope these comments will prove helpful. If you or your staff have any further questions, please call me.

Sincerely,

RICKI TIGERT HELFER,
Chairman.

COMPTROLLER OF THE CURRENCY,
ADMINISTRATOR OF NATIONAL BANKS,
Washington, DC, January 19, 1995.

Hon. PAUL E. KANJORSKI,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN KANJORSKI: Thank you for your letter of January 18, 1995 requesting my views on the amendment to H.R. 5, the proposed ''Unfunded Mandates Reform Act,'' that will be offered by you and Congressman Vento. I strongly support your amendment.

I am very concerned that complying with the requirements in H.R. 5 may delay issuances of important rules by the banking agencies and the NCUA that are needed to ensure the safety and soundness of insured institutions. Specifically, sections 201 and 202 require all agencies covered by the bill, including bank regulatory agencies, to do detailed and time consuming cost/benefit analyses of regulatory proposals. If there are losses to the deposit insurance funds because a regulation is delayed, the taxpayers may be burdened with the expense of covering those losses. In this case, any possible benefits from conducting the analyses may be far outweighed by the ultimate cost to the American people.

All future regulatory actions, including joint regulatory actions with the other banking agencies, that impose a duty on insured institutions and/or their management or affiliated parties may be subject, at least in part, to some of the requirements of the bill and possibly delayed. This would include such important initiatives as interest rate risk and other capital adequacy regulations that are important to safety and soundness.

The amendment being offered by you and Congressman Vento recognizes the critical need to permit the banking agencies and NCUA to continue to take expeditious regulatory action. Your amendment would exclude from the bill the agencies' regulations that pertain to federally insured institutions or the deposit insurance funds. This is appropriate and necessary. As you and Congressman Vento appreciate, these agencies must have the ability to act quickly to fulfill their supervisory responsibility and their responsibility to protect the deposit insurance funds.

Thank you for giving me the opportunity to express my views on this legislation and my support for your amendment.

Sincerely,

EUGENE A. LUDWIG,
Comptroller of the Currency.

OFFICE OF THRIFT SUPERVISION,
DEPARTMENT OF THE TREASURY,
Washington, DC, January 20, 1995.

Hon. PAUL E. KANJORSKI,
Committee on Banking and Financial Services,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN KANJORSKI: By letter dated January 18, 1995, you requested our comments on a proposed amendment that you and Congressman Vento will be offering to H.R. 5, the Unfunded Mandates bill. As we understand it, your amendment would exempt from coverage under the Unfunded Mandates bill, regulations and legislation involving the safe and sound operation of federally insured depository institutions and credit unions, or protection of the federal deposit insurance funds.

We are fully supportive of your efforts to have this amendment included in the Unfunded Mandates bill. As you know, the federal banking agencies are responsible for supervising the nation's financial institutions to ensure the safe and sound operation of our national financial system and to protect the federal deposit insurance funds. Recent history is replete with many instances in which one or more of the federal banking agencies or Congress has had to act quickly to address a threat to the financial system or the deposit insurance funds. Any legislation that would delay this process could seriously jeopardize the smooth operation of our nation's financial institutions and the financial markets, as well as threaten the stability of the deposit insurance system. Moreover, since the deposit insurance funds are backed by the full faith and credit of the U.S. government, any delay in issuing regulations that results in significant losses to the deposit insurance funds could require U.S. taxpayers to pay the bill.

Examples of several current issues that are being monitored by the federal banking agencies and/or the House and Senate Banking Committees are the impact of derivatives on the nation's financial system, the impact of foreign currency fluctuations on the U.S. financial markets, updating capital and accounting standards to keep abreast of changes in the marketplace, and the potential repercussions of a deposit insurance premium differential. Any one of these issues could require quick and decisive regulatory or legislative action.

Thank you for the opportunity to comment on your proposed amendment to the Unfunded Mandates bill. If I or my staff may provide you with any additional information on this matter, please contact me.

Sincerely,

JONATHAN L. FIECHTER,
Acting Director.

NATIONAL CREDIT
UNION ADMINISTRATION,
January 19, 1995.

Hon. PAUL E. KANJORSKI,
House of Representatives
Washington, DC.

DEAR CONGRESSMAN KANJORSKI: Thank you for the opportunity to comment on your amendment to H.R. 5.

Your amendment would exclude safety and soundness rules of financial institution regulators from this legislation.

As you know, the National Credit Union Administration is in the process of considering long overdue safety and soundness regulations covering capital, investments and other critical matters regarding corporate credit unions. To delay these vital rules would be a most unwise course of action.

Therefore, I strongly support your proposed amendment.

Sincerely,

NORMAN E. D'AMOURS,
Chairman.

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

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

Mr. VENTO. Mr. Chairman, I thank the gentleman for yielding, and want to commend him for his statement and his leadership on this. I am pleased to join with him in this matter.

Mr. Chairman, the fact of the matter is that so often we have heard with regard to the unfunded mandates that they are all prospective. But the fact is you have to look at the bill on page 16 through page 30 to look through the rule and regulation and accountability issue. And in this they find it necessary to apparently, it is my understanding on page 23 of the bill, it is not very clear, that they exempt the Federal Reserve Board, which has regulatory financial responsibilities, the FDIC, the SEC, the National Credit Union Administration, but not mentioned is the Office of Thrift Supervision, which is responsible for all of the savings and loans incidentally, that is ironic because of the S&L bailout problem, and the Office of the Comptroller of the Currency, which is, of course, taking the lead with regard to derivatives. Hello, are you awake over there? Derivatives, the issue having to do with Orange County and quite a few other problems that have come up.

It is absolutely imperative that they not be put in a position where you have further new and higher hurdles that frustrate action and response. These agencies work in sync, and even the independent agencies you think you have exempted are asking for the exemption being offered in the Kanjorski-Vento amendment. And good intentions are not enough. We have to stand up here for safety and soundness.

Now, I must say to my friends, those that are the advocates of this particular bill, the unfunded mandates, and some of the other regulatory reform measures, that some regulatory responsibilities are necessary. It is necessary for the Office of Thrift Supervision to tell the State chartered S&L's what they do in terms of safety and soundness. It is necessary to do that, and it is absolutely imperative. And, yes, some of them have impacts that are into the fifty and hundreds of millions of dollars of impact.

But we think that this process is one that should not be thwarted, there should not be further hurdles, there should not be political interjection into this particular process. I think if it is sound for the Federal Reserve Board and the other agencies which you think you have exempted, then why would you not do this for the Office of the Comptroller of the Currency or for the Office of Thrift Supervision, which have these major responsibilities and are, in fact, taking the lead in these sensitive financial instruments.

Good intentions are not enough here, and I do not think we can rely on the wisdom of the Senate, which I think in

fact has adopted an amendment similar to that being proposed by my colleague from Pennsylvania, Mr. KANJORSKI.

I strongly urge the Members to pause and look, not to march down in lock step because the majority leadership here cannot come to grips with this particular issue, and assume that somebody else is going to take care of it. It is not going to happen. We should send a strong signal here for safety and soundness and the protection of the American taxpayers. We have got a $100-billion saving and loan example, for those that cannot remember history. We may be destined to repeat it in fact by virtue of all the good intentions that you are expressing in this bill.

Mr. Chairman, I ask Members to support the Kanjorski-Vento amendment.

Mr. CLINGER. Mr. Chairman, I move to strike the last word, and rise in opposition to the gentleman from Pennsylvania's amendment, and would indicate that I am reflecting basically also the views of the chairman of the Committee on Banking and Financial Services in opposition to this amendment, and also the gentleman from Nebraska [Mr. BEREUTER], who has a very great interest in this.

Mr. Chairman, the argument that the cost-benefit analysis is going to delay the issuance of safety and soundness regulations by OCC and OTS is in my view a red herring. The OCC and OTS have never issued safety and soundness regulations on an emergency basis. Banks have been waiting for 2 years for the agencies to issue safety and soundness regulations concerning interest rate risk, and the cost-benefit analysis will not delay agency response to emergency situations. OCC and OTS respond to safety and soundness emergencies through the use of their cease and desist authority, not the use of rulemaking authority.

We had been willing to consider the possibility of an emergency provision which would have allowed, if there was an indication by the Secretary of the Treasury that there was an emergency situation, that we would be willing to consider waiving the requirement in an emergency situation. But that was unacceptable to the sponsors of this amendment.

I would point out in my view this is a weakening amendment, and I am a little confused by what seems to be a little schizophrenia within the administration. The administration indicated they would resist all weakening amendment, and yet we have here agencies of the administration supporting this amendment. So we seem to have a little, as I say, a little schizophrenia within the administration.

Therefore, I must oppose the amendment, because I think it is way too broad. It just does not need to be this broad, and I would resist the amendment.

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

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

Mr. VENTO. Mr. Chairman, I appreciate the gentleman yielding. I just wanted to point out the concern that we have had with suggestions about the declaration of crisis in order for the action to take place, which then would suspend the requirements of the bill. And the problem that we have is that the word ''crisis'' is very close to ''panic,'' which is withdrawing all of your funds out of the financial institutions could very well create the type of circumstances that we are trying to avert.

Mr. CLINGER. Mr. Chairman, reclaiming my time, we are not talking about a crisis, but an emergency, and the definition of an emergency I think is a lower temperature than a crisis.

Mr. VENTO. If the gentleman would yield further, I think the point is still one that is very valid, that if you have this unusual circumstance, you may very well create the type of circumstance you are trying to avoid and avert. And this is something we need to have, this type of authority in these independent agencies, whether it is the Office of Thrift Supervision or the FDIC or the Office of Comptroller of the Currency, and I think the issue with regard to derivatives is right on. Yes, they take time, but when they are ready to go, they should not have to go through the process. I think we have adequate confidence in these independent agencies that they are able to take on this particular task without the type of limitations that are being placed and are present in this particular legislation.

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

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

Mr. DAVIS. Mr. Chairman, again, the frustration. Everything, every amendment that comes up, is an emergency, it is a crisis. It is something that this bill is somehow going to take away the flexibility of this body or the regulators to address. I just do not think that is the case.

But I would just note that the same people have been arguing for all of these other exemptions, the Clean Air Act; wastewater treatment; aviation airport security; licensing, construction, and operation of nuclear reactors; disposal of nuclear waste and toxic substances; operation of nuclear reactors; health of individuals with disabilities; child labor; minimum wages; OSHA; protection of children; help for people with disabilities; and then this. It is the same arguments and attempts to weaken this bill.

Many of these items have valid points, but I think they can all be addressed within the flexibility of this act, given this body can still go ahead with unfunded mandates after they are costed out and the regulators reach what those costs are before they act.

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

Mr. Chairman, I, of course, rise in strong support of the amendment offered by my colleague, the gentleman from Pennsylvania [Mr. KANJORSKI], and myself.

Mr. Chairman, it is ironic that a proposal, H.R. 5, which purports, that is, this legislation, which purports to provide indepth information about mandates and regulation to the Members of the Congress to prevent missteps and problems, has been so poorly conceived and considered by the committees and Members of the House. We owe it to ourselves and to the American taxpayer to know what we are voting on with regard to H.R. 5.

Unfortunately, that commonsense step was ignored in the helter-skelter rush to meet a politically imposed deadline, and I think the results are evident on the floor again today with the proliferation of amendments that need to be considered. How can we in all candor and seriousness advance a policy of legislative requirements in terms of saying we want more information when the process for consideration of this very bill ignores or violates the commonsense deliberative consideration of the very measure before us?

□ 1120

What we are getting back is, of course, slogans about the fact, what is wrong with having information. I have said before, and I think I have pointed out in depth in this bill, that it is not just a matter of providing information on the floor with regard to the CBO doing an analysis of unfunded mandates and a variety of sundry information.

That is not the issue here. Of course, I think that is an issue in the sense that CBO has never done that before, that we do not have any example of how that will work, or whether CBO will have the necessary funding to answer these metaphysical questions which are raised with regard to some of the anticipation in terms of unfunded mandates. It has not been done before. There is no track record of it. However, let us just keep going on with that.

Second, this bill is not just prospective in nature or dealing with information on the floor, as difficult as it may be to define that information. This bill requires the rules and regulations that are issued by the agencies and the departments covered to go through a statement of significant regulatory action, on page 16 and 17, requires an entire regulatory process to be evaluated. It says ''Any Federal Government action, any agency action, any action or anything that affects the private sector,'' one step further, to the extent of $100 million.

The fact of the matter is that that is going to impact the regulatory agencies that we have outlined here, that have significant responsibilities for financial institution safety and soundness, for the protection of billions and billions of dollars of deposit insurance and other responsibilities integral to

the financial structure of this Nation, and really globally. We are the global leader. The gentleman is leaving open and is suggesting that ought to go through that process.

Some have pointed out that it could be very litigious, a lot of legal questions asked in terms of this entire process itself. Superimposing that upon top of the existing regulatory process. What the gentleman is superimposing is on top of the current process.

Maybe it will be coordinated, maybe it will all work out, but the question is, I think, if the gentleman finds it necessary to exempt the Federal Reserve Board and the other agencies in this bill, how in good conscience can you then keep the Office of Thrift Supervision and the Office of Comptroller of the Currency under this particular exemption? Why do we have two standards here?

Mr. Chairman, I do not understand it. The gentleman is not explaining it. His arguments do not speak to that. They do not speak to the retroactive nature of the rules and regulations and the interference that is offered in this particular bill.

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

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

Mr. PORTMAN. Just to clarify a few of the points, Mr. Chairman, when the gentleman took to the floor earlier, and his colleague, and in some of the statements he just made, it is unclear to me as to whether he is concerned about title III of the bill, which is the point of order process, or whether the gentleman is concerned about title II, the regulatory requirements.

Mr. VENTO. Mr. Chairman, I did not hear the gentleman. Would the gentleman repeat his comment?

Mr. PORTMAN. Mr. Chairman, the gentleman has given a broad-ranging discussion of the legislation and his critique of it. With respect to this amendment, is the gentleman concerned about the fact that future legislation might be subject to title III of the bill; in other words, subject to a CBO cost analysis, and then a point of order on the floor, which could be waived by majority, or is the gentleman's concern more in terms of regulatory action that may be taken?

Mr. VENTO. Reclaiming my time, Mr. Chairman, my concern is with the fact that these agencies are covered under title III, and covered under the regulatory accountability and reform. They are actually covered under both, insofar as there is no exemption in the bill for them.

Mr. PORTMAN. If the gentleman will continue to yield, Mr. Chairman, it seems to me it is important to clarify what this legislation does with regard to future regulations that might be promulgated by the agencies. Yes, they would have to undertake a cost-benefit analysis. That cost-benefit analysis, as the gentleman well knows, is currently required by the President's Executive order. It seems to me that has been the point that the gentleman from Pennsylvania [Mr. KANJORSKI] has made.

Mr. VENTO. Reclaiming my time, Mr. Chairman, the President's order does not deal with the same detail that the authors of this legislation have. There is not an absolute similarity. This is an additional legislative requirement.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has expired.

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

Mr. VENTO. Mr. Chairman, the Executive order does not deal in the same shape and fashion with some of the materials in this legislation.

Mr. PORTMAN. This is correct, Mr. Chairman. If the gentleman will yield for a moment, the Executive order is more comprehensive than the new requirements in this legislation.

Mr. VENTO. Reclaiming my time, Mr. Chairman, I think there is a vast difference between having something in Executive order which can be dealt with and whether it covers the Office of Thrift Supervision or whether it covers the Office of the Comptroller of the Currency. That is another matter.

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

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

Mr. KANJORSKI. Mr. Chairman, we are mostly concerned with the capacity of an army of lawyers from one of the wealthiest special interest communities, the financial community of the United States, to resist the issuance of regulations. The President's existing Executive order does not really raise the question of granting the right of judicial review, because an Executive order can be changed with the strike of the pen of the President.

Therefore, if we see a resistance from the industry itself to the regulations that would be propounded, the President merely has to, that day, issue a new order. Our problem in this legislation is that with it we would have to pass a new act to vitiate the right of judicial review that could tie up emergency regulations that would have to be issued to cover the entire safety and soundness of American institutions.

Mr. VENTO. I just want to point out, Mr. Chairman, that the gentleman has not answered the questions in terms of the disparate treatment, in terms of some of the agencies that have the responsibility for the regulation of financial institutions and other responsibilities and those that do not. I do not understand the differential here. If this is good for these, why is it not good for everyone?

Mr. PORTMAN. If the gentleman will continue to yield, Mr. Chairman, under this legislation, independent agencies are exempt. That is a well-founded exemption for independent agencies. It goes back to the function of independent agencies, to keep their independence from Congress. Independent agencies happen to comprise two of the four agencies about which the gentleman is speaking.

However, I think it is very important.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has expired.

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

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

Mr. VENTO. I yield to the gentleman from Ohio [Mr. PORTMAN].

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

I think it is important that we have now narrowed down this debate to what the real concern is. The real concern is that with regard to the regulatory requirements in this legislation, they are very plain, very clear. They are not as comprehensive or broad as the current requirement under the Presidential Executive order under which these very agencies have to live.

The difference is that they are in statute, as the gentleman from Pennsylvania [Mr. KANJORSKI] mentions, and not in an Executive order format. We think that is good. We think these agencies are meant to abide by these. Otherwise there would not be an Executive order. It is good to have cost-benefit analyses. This would not in any way interfere with the carrying out of responsibilities in this area.

Mr. VENTO. Reclaiming my time, Mr. Chairman, I think the point is that we have some extraordinary responsibilities for these two agencies. They may not be labeled independent, but certainly we expect the Office of the Comptroller of the Currency and the Office of Thrift Supervision to operate that way. In fact, I think they do under this administration and in past administrations.

In fact, to put these in the statute and to superimpose them on top of other processes, when we have these critical issues with hundreds of billions of dollars is—

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has expired.

(At the request of Mr. KANJORSKI and by unanimous consent, Mr. VENTO was allowed to proceed for 3 minutes.)

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

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

Mr. KANJORSKI. Not to get off the subject, Mr. Chairman, but this is a perfect example of an argument that should be brought up later when we take up the term limitation question.

Mr. Chairman, we have sitting on the floor today probably 170 Members of this Congress who were not here in the 1980's, and who never saw the abuse of the financial industry of this country when they were able to wield extraordinary power and avoid proper regulation on the State level.

I remember sitting on the Committee on Banking, Finance and Urban Affairs when the regulators, under the administrations of President Reagan and President Bush, would come before the committee and tell us that the total exposure of regulatory problems in the S&L industry was less than $10 billion, and this was in 1988, the beginning of 1988.

Then in the summer of 1988 they modified their estimate and said that the cost may be as high as $12 billion, and we come to the rescue with $12 billion. In November of 1988, the individuals we are talking about in the regulatory agencies came up here and said no, and now this is before November, before the election of the new President, they said it may go as high as $15 billion.

Immediately after the election and the inauguration of the new President in January of 1989, with great fortitude, President Bush had the guts to face the reality of the disaster in this country. When his regulators came up here they told us the truth. The cost of the bailout could be $100 billion, $150 billion $200 billion, $250 billion, and it ultimately became more than $300 billion, when interest is included.

Mr. VENTO. Reclaiming my time for 1 minute, Mr. Chairman, I think the gentleman from Pennsylvania makes a very good point. It was during that time that we had regulations dealing with direct investment, an issue that the chairman, the gentleman from Iowa [Mr. LEACH], and I advocated and worked on. It did not take effect. The regulators were trying to push it. Congress and others were indifferent.

The issue is that the gentleman is creating a loophole here, and look who he is protecting. The gentleman is protecting the Charles Keatings. He is putting loopholes big enough to drive a Charles Keating or someone like that through, permitting them to avoid the enforcement.

Mr. Chairman I am pleased to join with my colleague from Pennsylvania [Mr. KANJORSKI], in offering this amendment to restore essential protection for the Federal Deposit Insurance funds and the American taxpayers who stand behind them.

There is no question that this amendment is needed. Under the proposed legislation, the Office of the Comptroller of the Currency and the Office of Thrift Supervision will not be able to do their job. Needed regulations on safety and soundness, such as improved capital rules, including interest rate risk, will be delayed and jeopardized if this legislation is not amended. There may be agencies where delays or higher hurdles will not negatively impact the the taxpayer, but in today's fast-paced, high-risk financial marketplace, with new products like derivatives, a timely response by the regulators is essential.

Mr. Chairman, the pending legislation is just the first step. I am most concerned about the impact that this bill will have when combined with H.R. 9, the Job Creation and Wage Enhancement Act of 1995 and H.R. 450, the Regulatory Transition Act of 1995. In their totality, these proposals could well become tomorrow's law of unintended consequences. Good intentions are not enough. When Congress passes legislation and enacts laws, the full range of impacts and effects must be considered.

I would note for the benefit of my colleagues that good titles for legislation such as ''Regulatory Streamlining'' and ''Actions Within Artificial and Politically Driven Time Constraints'' may well return our insured financial institutions to the thrilling days of the S&L high flyers, who may well use every loophole for personal enrichment. The bills which we will be considering, unless amended by the Kanjorski-Vento amendment, will create loopholes big enough to put Charles Keating and the other bad actors back in business with catastrophic costs to the taxpayer. It may be a leap of faith for some of my colleagues to assume that some regulation is necessary and some mandates are needed. However, it doesn't take much of an understanding of the history of financial institution regulation to agree with the absolute need for the Kanjorski-Vento amendment.

To the majority of my colleagues who were not in this body during the S&L debate, I would like to share with you two painful lessons from the deliberations and experience on which there is a general consensus.

First, in considering any legislation, the safety and soundness of the deposit insurance fund and the American taxpayer must come first.

Second, there are some financial institutions' operators who will use every loophole to make a buck. Surely those folks will be encouraged and empowered anew by the half-baked policy proposals such as the measure before us. Congress is engaged in a high-risk gamble which in the end could facilitate irresponsible actions of some financial officers who will not give a second thought about the inability of the regulator to respond or leave the American taxpayer holding the bag.

Congressman KANJORSKI and I are not alone in expressing reservations about the impact of these initiatives on the safety and soundness of the insurance fund. In discussions with the regulators, numerous questions and issues have been raised. Questions such as whether a ''cease an desist'' order constitutes a rulemaking action or whether the three separate legislative proposals slated for action will add a political tenor to the rulemaking process, have to date not been answered. I have sent letters to the banking, thrift, and credit union regulators seeking a full analysis of this proposal and others and the responses from each regulator supports the Kanjorski-Vento amendment; that is, the Office of Thrift Supervision, Office of the Controller of the Currency, the National Credit Union Administration, and the Federal Deposit Insurance Corporation.

Frankly, such considerations and answers should have been in place before any measure is considered on the House floor, and the necessary protection for the insurance fund should have been set in place. There should at least be open consideration today, not further different hurdles.

It's ironic that a proposal which purports to provide in-depth information about mandates and regulation to the Members of Congress to prevent missteps and problems has been so poorly conceived and considered by the committees and Members of this House. We owe it to ourselves and to the American taxpayer to know what we are voting on with regard to H.R. 5. Unfortunately that commonsense step was ignored in the helter skelter rush to meet a politically imposed deadline. How can we, in all candor and seriousness, advance a policy of legislative requirements when the process for consideration of the measure ignores or violates the commonsense deliberate consideration of the measure.

Mr. Chairman, even with the power and authority regulatory agencies may not act, but that power shouldn't be caused by a legislative act which impedes the agencies' action. The time honored and proven need for responsive regulatory action is more needed today than in the past. Congress should understand its limits and the impact of law that is being proposed today.

Mr. Chairman, as Members of Congress, we have a responsibility to support the viability of the deposit insurance fund. If we fail to include the Kanjorski-Vento amendment, we will be shirking that responsibility. I urge a vote for the taxpayer, a vote for common sense, and a vote for the Kanjorski-Vento amendment.

□ 1130

The FDIC and these other agencies receive a lot of scrutiny on the part of the Members of Congress and the constituents which they regulate. It is absolutely impossible for us to function without a sound role. It may be a leap in faith for some of my colleagues to assume that some regulation is necessary and some mandates are needed. However, it does not take much of an understanding of history of financial institution regulation to agree with the absolute need for this Kanjorski-Vento amendment that is before you.

The majority of my colleagues who were not in this body at that time during the S&L debate, I would like to share with you two painful lessons. One is that we, in considering any legislation, safety and soundness of the deposit insurance fund and of the financial institutions needs to be first. The American taxpayer is who you are protecting.

Second, there are some financial institution operators who will use every loophole to make a buck. Surely these

folks will be encouraged and empowered by this half-baked policy that we have before us today.

I urge my colleagues to support this amendment.

LEGISLATIVE PROGRAM

Mr. GEPHARDT. Mr. Chairman, I ask unanimous consent to strike the last word to engage in a colloquy with the majority leader.

Mr. DINGELL. Mr. Chairman, reserving the right to object, and the gentleman from Massachusetts and the gentleman from California also reserve the right to object.

Mr. Chairman, I have some questions I would like to ask of the leadership of the majority under my reservation.

I note that one of the items that is scheduled is an amendment to the rules of the House. Am I correct on that?

Mr. ARMEY. If the gentleman will yield, that is correct.

Mr. DINGELL. Further under my reservation, I note that that change in the rules of the House has not been subject to hearing in the Committee on Rules; is that correct?

Mr. ARMEY. As near as I understand, there has been some discussion, but the resolution will be brought under an open rule.

Mr. DINGELL. Continuing under my reservation, I note that there have been no hearings in the Committee on Rules on this matter; is that correct?

Mr. ARMEY. It may be. I would check with the Committee on Rules if my curiosity compelled me.

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

Mr. DINGELL. I have a couple of more questions. I will be delighted to yield to the minority leader if he desires as long as I can continue my reservation.

Mr. GEPHARDT. If the gentleman will yield, I would be happy——

The CHAIRMAN. We are proceeding under rather irregular procedure here. The gentleman from Missouri had requested unanimous consent to proceed out of order.

Is there objection to the request of the gentleman from Missouri?

The Chair is prepared to recognize the gentleman from Missouri, who may then yield.

Mr. DINGELL. Mr. Chairman, I would observe to you, there is no other way I could get the floor to discuss something which is going to happen on Monday next, on which there has been no notice, on which there has been no opportunity for hearings, which is significantly going to change one of the rules of the House.

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

The CHAIRMAN. If the gentleman could ask the gentleman from Missouri to yield to him, then we would be in more regular procedure.

Mr. GEPHARDT. Mr. Chairman, I would be happy to yield to the gentleman after I have asked the questions of the gentleman from Texas.

Mr. DINGELL. Then if the gentleman will be permitted to yield to me, I will withdraw my reservation, because my desire is to be cooperative.

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

There was no objection.

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. GEPHARDT. Mr. Chairman, I ask the gentleman from Texas, the majority leader, for the schedule for next week.

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

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

Mr. ARMEY. I thank the gentleman for yielding.

Let me if I may give you the meeting times for next week. Then I will talk about what we are likely to consider.

On Monday, we will meet for morning hour at 12:30. Legislative business will begin at 2. Votes will be postponed until after 5.

On Tuesday, morning hour is at 9:30. Legislative business will begin at 11.

On Wednesday, legislative business will begin at 11.

Thursday and Friday, legislative business will begin at 10.

On Monday, if I can go to the program, what we will be considering, on Monday we will take up House Resolution 43, clarifying how committee hearings are scheduled. This will be done under an open rule. Then we will return to consideration of H.R. 5, unfunded mandates.

On Tuesday, if it is necessary, we will continue consideration of unfunded mandates. We will then take up, subject to a rule, House Joint Resolution 50, the Robert J. Lagomarsino Visitors Center;

H.R. 101, subject to a rule, the New Mexico land transfer;

H.R. 400, subject to a rule, Arctic National Park and Preserve land exchange;

H.R. 450, subject to a rule, Butte County, CA land transfer;

And then as soon as we can and hopefully on that day we may begin proceeding on H.R. 2, line-item veto legislation, of course, subject to a rule.

Mr. GEPHARDT. May I ask the gentleman how late you expect the session will run on Monday?

Mr. ARMEY. Because we cannot begin actually voting until 5 out of deference to the travel schedules, Members are advised to be prepared to stay late, as late as 8 or 9 on Monday evening.

Mr. GEPHARDT. Would that be true for the rest of the week as well, or does the gentleman know how long we intend to be in session on Tuesday, Wednesday, Thursday, and Friday?

Mr. ARMEY. Again I think to a large extent that would depend upon how smoothly the work goes, how close we may be approximating the completion of important business. We will have to just project as we go along.

Mr. GEPHARDT. Can the gentleman tell me how late we may meet on Friday?

Mr. ARMEY. On Friday, we will try, and expect to adjourn at 3.

Mr. GEPHARDT. I would like to ask two other questions.

One, I note that we have a number of bills on the schedule for the New Mexico land transfer, Arctic National Park, Butte County, and Robert J. Lagomarsino Visitors Center.

In the past I know that we have done these kinds of bills under a suspension calendar and they take less time, and I know that you are trying to get a lot of important work done. These are subject to a rule and will take more time because of that.

Can the gentleman tell me why this would be the case?

Mr. ARMEY. Of course as the gentleman understands, we have made a commitment to openness. We always understood that that would require more time on this and a variety of other legislative efforts, such as H.R. 5 is proving to be the case.

It is our belief that this helps us to demonstrate our commitment to openness.

Mr. GEPHARDT. I just say to the gentleman, I am not trying to be argumentative, but we had a rules package, a compliance package and a balanced budget amendment that were not under open rules. I hope we will not get into a pattern where less important legislation, not that it is not important, such as the Arctic National Park, will be under an open rule when there really is not a need for more debate and more important matters will not be.

Let me just ask one additional question. I have seen in the press that the so-called A-to-Z bill would be coming to the floor.

Could I ask the gentleman if that is intended, and if so when that might happen so Members could be prepared for that important legislation?

Mr. ARMEY. As the gentleman may recall from his own experience as being the majority leader, the press often knows better than we. I will check with my sources for the press and try to confirm any story you have read. To my knowledge, there is no such legislation scheduled for the floor.

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

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

Mr. VOLKMER. I appreciate the gentleman yielding.

It will not take long. I would just like to clarify the schedule for Monday. If I may ask the floor leader, the majority floor leader, I just want to clarify something in my own mind for Monday afternoon:

H.R. 43, is that to be taken up at 2 p.m., when we go in at 2 p.m.? Is that to be taken up at 5 p.m.?

Mr. ARMEY. It will be brought up and with an anticipation again that either procedurally we will confine our efforts or within our procedures, roll

our votes so that no Member would be hazarded by a vote being called before 5 p.m.

Mr. VOLKMER. In other words, we would be taking up the rule on H.R. 43 after the 1-minutes on Monday. We would then, if there is a vote on the rule, have that postponed. And then, since it is an open rule, if there are any amendments to it of which votes are requested in the Committee of the Whole, in the Committee of the Whole I do not believe you can roll votes.

Mr. ARMEY. The gentleman is absolutely correct.

Mr. VOLKMER. Let me inquire of the Chair. We would have votes in the Committee of the Whole and I would like to ask if those could be rolled until later on in the evening.

The CHAIRMAN. That would take a separate unanimous-consent request in the House as in Committee of the Whole for amendments.

Mr. VOLKMER. That would take a separate request. All right. And then those would have to be rolled until the evening also if that request is granted. Was that a unanimous-consent request?

The CHAIRMAN. That is correct.

Mr. VOLKMER. If there is no unanimous-consent request, it is my understanding that the votes that are in the Committee of the Whole on H.R. 43 during the afternoon would have to be voted on at the time that they are called?

Mr. ARMEY. That would be absolutely correct if they were in the Committee of the Whole before 5 p.m. and a vote was ordered. The gentleman should rest assured that no Member of this body will be asked to come to this floor and stand for a vote that will occur before 5 o'clock on Monday.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

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

Mr. MILLER of California. On that point, a point of clarification. You mentioned that the rule, if a vote is called on the rule, then I assume business would be postponed until that vote on the rule can be taken, and then go forward with the bill.

□ 1140

Mr. ARMEY. That would be correct. We would anticipate no vote being called on what will be and is an agreed-upon open rule.

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state it.

Mr. VOLKMER. The statement is made that we will be taking up a bill without a rule being adopted.

Mr. MILLER of California. If a vote is asked for on the rule, then business will cease at that point, and you will have to come in after 5 o'clock to vote on the rule and then proceed on the bill.

The CHAIRMAN. Did the gentleman address his parliamentary inquiry to the Chair or to the gentleman from California?

Mr. MILLER of California. I need the right ruling here.

Mr. VOLKMER. I think the gentleman is right, but I did ask the Chair and I would appreciate a ruling from the Chair.

If you have a rule and a vote requested on a rule and that is postponed until 5 o'clock, can the bill be proceeded on in the Committee of the Whole without the rule being adopted?

The CHAIRMAN. Under that procedure, the rule must first be adopted.

Mr. VOLKMER. I thank the Chair very much.

Mr. GEPHARDT. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I would like the attention both of the distinguished chair of the Committee on Rules, for whom I have the greatest affection, I wish to inform the distinguished majority leader. I note that on Monday the scheduling is House Resolution 47 clarifying what committee hearings are to be scheduled, is up under open rule; is that correct?

Mr. ARMEY. That is correct.

Mr. DINGELL. Have there been any hearings on this matter in the Committee on Rules?

Mr. ARMEY. Is the gentleman addressing this question to myself or to the distinguished chairman of the Committee on Rules, for whom he has great respect.

Mr. SOLOMON. Who has the time?

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

Mr. SOLOMON. I thank the distinguished minority leader, and I got it right that time.

Mr. GEPHARDT. Thank you.

Mr. SOLOMON. I would just say to the gentleman we have under the rules of this House for many years allowed the chairman of the committees, and I have served on many of these committees, I served on Transportation, I served on Foreign Affairs and Veterans' Affairs, and the chairman of the committees have always called the hearings, after due notice to the members.

We simply are following through with what has been a precedent of the House, even though there has been a rule that was different, and we are going to try to correct the rule on the floor on Monday.

As far as I understand, you had a problem with some kind of hearings, but I gave your ranking member of the Committee on Rules 48 hours notice when we were going to discuss this rule. If the gentleman had wanted a hearing he could have asked for one. We had a legitimate markup on it. We are going to bring it to the floor either as a privileged resolution, out of deference to the minority ranking member, he proposed to have an open rule. We are going to have an open rule. That is the new instructions I have from the Speaker of the House, Mr. GINGRICH, to try to be as open and fair and, as accountable as possible and we intend to do that.

Mr. GEPHARDT. I yield to the gentleman from Michigan.

Mr. DINGELL. The distinguished gentleman from New York is, of course, as always right. But this time regrettably only partly right, because the way the rules work the notice is given by the committee. Now this would change it so that both the notice and the discretion as to the handling of the notice lie in the chairman of the committee. There is no collegiality in the question of waiver. I have no objection to requiring the chairman of the committee to give notice. I think that is fine, and if the gentleman wishes to clarify that part of his concerns with regard to ambiguity that is fine.

But, I think that it is important that the collegiality of the waiver should continue.

And I would observe to my good friend that during the dozen years that I have run a committee around this place that it was always my practice to consult most carefully with the Republicans when they were in the minority and that they had no objection to when and how that question was waived.

The rule, for the protection of the minority now, and did before, and prior to this change, required that the minority have opportunity to participate in the question of whether the waiver was going to be given with regard to the 7-day notice.

Now there is a strong reason why this is the rule. First of all, the minority has need first of all to know what the majority intends to do. Second of all——

PARLIAMENTARY INQUIRY

Mr. ARMEY. Mr. Chairman, may I make a parliamentary inquiry?

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. ARMEY. Mr. Chairman, are we anywhere near regular order here?

The SPEAKER pro tempore. The gentleman from Missouri received permission to proceed out of order. He controls the time. The Chair has been treating this as not operating strictly within a particular timeframe as is the custom for this weekly procedure; it is rather open ended.

Mr. ARMEY. I thank the Chair.

The SPEAKER pro tempore. The gentleman from Missouri controls the time.

Mr. DINGELL. If the gentleman will continue to yield, I am only stressing what was a matter of concern to the minority, and it was a matter of concern which I respected in my actions during the day I was committee chairman, and that was to see the minority was fully informed and that questions like waiving of notice were always carefully and fully discussed, and that the minority was fully satisfied with regard to these matters.

This is being changed. I have no objection, I reiterate, to changing the rule so that the minority, rather so that the chairman may call the meeting. That is fine and I understand the gentleman's concern, and I am going to be accommodating on that.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield.

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

Mr. SOLOMON. To answer briefly.

Mr. DINGELL. I have never been able to get to the point of my concern, and I want to share it with my good friend from New York, for whom I have enormous respect, I want you to know.

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

Mr. DINGELL. The concern I have, the question of waiver is never laid before the committee and there is a strong reason for this. I want my colleagues to understand. The minority has from time to time desired to put, to bring witnesses before it, which without adequate notice they cannot do, that have to come from different parts of the country, sometimes from abroad and sometimes from places as far away as Alaska and California.

Having said that, there is also the problem that for the minority to ask for a day's hearings we have to do it during the time that the hearings are actually going on. And if they do not have time to do these things, the minority is effectively stifled.

The CHAIRMAN. The gentleman from Missouri yielded to the gentleman from New York.

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

The CHAIRMAN. He now yields to the gentleman from Texas.

Mr. ARMEY. Mr. Chairman, I want to thank the gentleman from yielding to me and also thank him for his generosity first to the gentleman from Michigan and even to the gentleman from New York.

But, Mr. Chairman, Mr. Leader, what we have here is a very spirited preview of the debate that is actually in fact scheduled for next Monday, and I am sure that the gentleman from Michigan [Mr. DINGELL] could make those remarks much more effectively within that context of that debate at that time. I know we are anxious to get back to H.R. 5, but if I can again assure the gentleman from Michigan that we have an open rule, and he will have ample opportunity to debate the merits of the proposition within that time on Monday, perhaps we can move on here.

Mr. GEPHARDT. If the gentleman will yield back to me, I think what the ranking member is trying to get across is that perhaps the ranking member on the Committee on Rules did not ask for a hearing on this. I do not know what transpired. But I think you are seeing there is a tremendous amount of concern among our ranking members about this rules change and, indeed, when it comes to the floor on Monday I think you can expect that there will be a long and contentious debate and probably many amendments to be offered and the majority just needs to be aware of the amount of concern.

Mr. Chairman, I yield to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. I want to thank the gentleman for yielding. If I could address a question, I do not know which of the parties, chairman of the Committee on Rules or the majority leader, but as I understand, because this is the first time I have seen this legislation, the bill you will be bringing to the floor, under the current system of the rules require that the committee give notice of a hearing within 7 days.

Mr. SOLOMON. Within 7 days.

Mr. MILLER of California. That has been worked out traditionally under previous practices, Mr. YOUNG and myself, we talked about it and it would be fine. But it was about whether or not a hearing would be held, and 7-days' notice.

As I understand this legislation, this will collapse the 7-day timeframe from 7, that is what we need to know, from 7 to 2; is that what it is?

Mr. SOLOMON. No; and I am trying to tell you. I cannot be recognized.

□ 1150

Mr. MILLER of California. So that is what I need. What you are saying is that House Resolution 43 would simply clarify that it is the prerogative of the Chair with consultation?

Mr. SOLOMON. And nothing else changes.

Mr. MILLER of California. To call the hearing, but the 7-day protection for the minority continues, as it does under current rules? Is that correct?

Mr. SOLOMON. That is absolutely correct. If someone would yield to me.

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

Mr. SOLOMON. Let me just briefly read the change. All right. ''The Chairman of each committee of the House except the Rules Committee,'' I am exempting ourselves which is under the present rules, ''shall make public announcement of the date, the place, and subject matter of any committee hearing,'' and listen to this now, JOHN, ''at least 1 week before the commencement of the hearing.''

Now, that is exactly what we are doing now. We are substituting the committee for chairman, and we are doing nothing different than what we were doing before. I have also made offers to the gentleman from Massachusetts [Mr. MOAKLEY] for compromises which would even alleviate further the concerns of the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Will the gentleman yield further?

Mr. GEPHARDT. I yield to the gentleman from Michigan.

Mr. DINGELL. This language of this says that the chairman, not the committee, may determine that there is good cause to begin the hearing sooner. The committee has no say whatsoever in this matter.

Now, I have no problems with allowing the chairman to send out the announcement. That is one of the concerns of my good friend from New York, but I have great objection to not allowing adequate notice to the members of the committee about holding this matter more quickly. This has been something that has always been very jealously guarded by the minority. The the gentleman from New York will remember that, as will the gentleman from Texas, the majority leader. I understand that.

This is simply a question of basic fairness, because members have to have the time and ability to prepare to produce witnesses, to do things necessary for the orderly operation of the committee, and for their proper participation. I seek no advantage. I seek only fair treatment. I know the gentleman, because of his sense of fairness, is going to give it to me.

I hope he understands the point I am raising. The point I am raising is not objection to the fact the chairman sends out the notice. The objection I raise is the question is the chairman may then essentially, because of the language, the way the resolution is written, simply waives that without any recourse by members of the committee. Then the members of the committee, the ranking minority member, the minority will have no opportunity to solicit witnesses, to prepare for testimony, to prepare themselves to ask questions or to do any of the other things that are necessary including asking for the day's hearings, which is one of the treasured rights the gentleman from New York during his days in the minority so vigorously and properly defended.

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

Mr. MILLER of California. I am seeking clarification. I appreciate it.

This may save time on Monday. But as I read the language, I think the characterization by the gentleman from Michigan may be correct, because it says you have 1 week, but it says then the chairman determines if there is good cause to begin sooner. That collapses the 7-day protection.

I know it seems a long time since you guys were in the minority, but——

Mr. SOLOMON. I cannot even remember it.

Mr. MILLER of California. Let us go back to those days of yesteryear when you wanted to make sure your rights and the right of the public to participate in these hearings was protected. Could the gentleman clarify that?

Mr. SOLOMON. If the gentleman would yield further, I will be glad to. We are doing nothing in this language but substituting the word ''committee'' for the word ''chairman''; and right now, JOHN, the committee has the right to waive the 7 days.

Mr. MILLER of California. That is a committee vote.

Mr. SOLOMON. They have that right. All we are doing is changing that.

Mr. DINGELL. That has always been required to be done by the vote of the committee. It was done by the vote of the committee, not by the whim of the chairman, and that is the change that I find so difficult.

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

The CHAIRMAN. The gentleman from Missouri yields to the gentleman from California.

Mr. MINETA. I thank the leader for yielding.

Mr. GEPHARDT. This will be one of the last two.

Mr. MINETA. One of the things that does bother me—there are two things, I guess I should say. First of all, that there were no hearings at the Rules Committee on this issue. And, second, our distinguished majority leader says that this is a preview of the vigorous debate that would occur on the floor on Monday.

The problem, I think, is that there is a public interest in this issue as well, and the public will not have an opportunity to make their views known on this, because the public cannot speak here on the floor, and that is why, and when I first heard about this, I then asked the Chair of the Committee on Rules to hold a hearing on this, because I think, as has already been clearly pointed out, the rule has always existed. It has always been worked out on a mutual-consent basis with the minority, but this eliminates totally the ability to have that, either the waiver and the vote of the committee to protect a minority status. You always had that, and to the extent that we were going to be arbitrary, you could always force the vote in committee.

But now we do not even end up with that protection. I think both hearings at the Committee on Rules would be something that is needed and desirable, because we will not be able to get the public input on this issue.

I thank again the distinguished minority leader for yielding me time.

Mr. SOLOMON. Discuss it on the floor Monday.

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

Mr. MILLER of California. I appreciate it. And I thank the gentleman for yielding, but I appreciate it that when we try to exercise the rights of the minority, and I think I see my chairman on the floor, the gentleman from Alaska [Mr. YOUNG].

In the running of the Committee on Natural Resources, the minority was constantly protected as to witnesses, as to time, and amendments. We sat there late at night. We sat there days on end, because I believe in that process, and I brought an open rule to this floor every time I brought a bill, and as many Members like to remind me from time to time, they spent almost 30 hours on this floor, 8 or 9, 10 days on the California Desert. That is because no matter how contentious and no matter the fact that I had the votes on the matter, we decided we would give everybody a right. That was the same process that was followed in the committee.

But now all of a sudden what we see is a complete collapsing, a complete collapsing of not only the rights of the minority in this House, and that is interesting, and that is troublesome, and that is real problems for us. We will deal with that.

But we also see a complete collapsing of the right of the public to participate, to know about, to anticipate, and to comment upon hearings that can be scheduled, because under this bill, the chairman can unilaterally decide that a hearing will be held in 1 day or in 2 days. This is a House that is being run under a Speaker who is proud of the fact that he says it is the most open. It is not turning out to be that. This is a Speaker that is proud that we are on the Internet. But yet you cannot get your witnesses to the hearing. You cannot prepare the members of your committee. You have no notification of hearing.

This is a continuation of a collapse of minority rights that we have seen. I feel I am justified to speak on this, because it never ever happed in my committee in all of the years that I was in control of it and in all of the years that my predecessor, Chairman Udall.

Why? Because we had respect for minority rights, and I used to talk to Members about the difficulty of serving on the minority.

But here we are. Let us understand in the Committee on Natural Resources yesterday, witnesses were arbitrarily cut off. Some were given 5 minutes. Some were given 3 minutes. Nobody told them what time. They just arbitrarily got tired of the testimony. They cut people off. Committees have adjourned arbitrarily because it was 6 o'clock. On the issues of constitutionality, committees were told they could not continue to offer amendments, because the chairman was tired in the committee; on unfunded mandates.

These are fundamental principles that concern the American public. Yet what we see is a continuation.

I realize power is heady. I realize power is corrupting of principles. But here we are starting to see it, ladies and gentlemen. What you are starting to see is they do not want the open debate. We can debate this on Monday. We are trying to determine what it is we will be debating on Monday so we can prepare our arguments. That is fundamental.

And the gentleman knows that. You know, he sat on the Committee on Education and Labor, and debate went on late into the night, because the right of Members to offer amendments from either party was guaranteed. We all knew that it caused difficulties with floor schedule, but Members had amendments, even if they knew they were going to lose on a straight party-line vote; they wanted their voices to be heard. That is what this institution, that is what this Constitution is about.

But it goes far beyond the floor of this House or the committees of this House. It goes to our constituents. It goes to the right of the public to be heard, the right of the public to participate in these hearings and to comment upon them, and you cannot do that with 1-day notice arbitrarily given.

That kind of advantage is corrupting of the openness principles of this institution, and I think we ought to understand, and I speak, I hope I speak, to those in the minority that you better understand that somewhere a line in the sand is going to have to be drawn on the right of you to protect your membership on these committees, your rights to participate on these committees, and the right of your constituents and others in this country to be heard.

There is no need, there is no showing, there is absolutely no showing for the need to do this, because we have worked out committee hearing arrangements between majority and minority. One of the reasons you wanted to change it is because it has become accepted practice that we do it in consultation.

☐ 1200

But what we have not done, what we have not done is collapse the 7-day protection for the minority to be prepared for that hearing.

You could be planning for a hearing as the chairman of the committee for months, announce it, and we would have 7 days. Under this proposal, if the chairman deems a reason to begin the hearing sooner, you can announce it in 2 days.

The CHAIRMAN. The gentleman from Missouri [Mr. GEPHARDT] controls the time.

Does the gentleman from Missouri continue to yield?

Mr. GEPHARDT. I yield to the gentleman for one additional short comment.

Mr. MILLER of California. Mr. Chairman, the American public has watched for the last 3 or 4 days the prosecution and the defense in the O.J. Simpson trial. What was one of the fundamental tenets in that trial that they are arguing about? The ability to be put on notice, the ability to be put on notice so that you could respond, so that you would understand the subject matter, the witnesses and the people that are to be drawn.

What this rule says is no, that the tools all belong to the majority here, they will arbitrarily decide a day or two, and they will collapse what has been a historical protection. There is only one way to read: ''If the chairman of the committee determines that there is good cause to begin the hearing sooner.'' If you want to say if the committee determines there is good cause, have a vote in the committee,

but that is a committee determination. You are in the majority. You ought not to be afraid of doing the public's business in front of the public.

Mr. GEPHARDT. I reclaim my time simply to say to the distinguished majority leader that I think you could tell from the concern expressed by these ranking members, which is deep and sincere, that it would be helpful if there could be a hearing on this before it is brought to the floor. But if there cannot be, I would strongly recommend that you bring up the rule at 5 rather than at 2, so that all the Members can be here for this debate.

Mr. Chairman, I yield to the gentleman from Texas [Mr. ARMEY], and then I intend to yield back the balance of my time.

Mr. ARMEY. I thank the gentleman for yielding.

Mr. Chairman, in light of what we have seen here, what promises to be an exciting day, one that I am certainly going to be here for, I should revise my earlier comments and advise the Members that they may be prepared to stay very late Monday evening.

I thank the gentleman for yielding.

The CHAIRMAN. Is there further debate on the amendments en bloc offered by the gentleman from Pennsylvania [Mr. KANJORSKI]?

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

Mr. Chairman, once again, Members are forced to take to the floor to rectify serious errors and omissions in H.R. 5. All of the major banking regulators have indicated that H.R. 5 might seriously impact their ability to protect the safety and soundness of America's banking system. You may have heard this before, but it bears repeating: The largest unfunded mandate of the past 20 years was inflicted by the States on the Federal Government in the form of the S&L crisis.

Federal taxpayers have had to pay out tens upon tens of billions of dollars to bail out the mess created, in large part, by State banking laws that left the Federal Government paying the tab. I would like to quote the comments offered by the Republican Chairman of the Senate Committee on Banking, Housing and Urban Affairs on this very issue: ''I am concerned that imposing the requirements of unfunded mandates legislation on these Federal financial institution regulatory agencies could delay the issuance of prompt safety and soundness rules that affect federally insured financial institutions and credit unions and their deposit insurance funds.''

The other body then unanimously adopted an amendment that is even more sweeping than the one that is before us today.

Do we in the House really want to possibly sow the seeds for a future banking crisis by possibly preventing or delaying the ability of our banking regulators to take action to protect the integrity of our banking system?

We can dispel all concerns and protect the taxpayers simply by passing this well-considered amendment.

Mr. VOLKMER. Mr. Chairman, I move to strike the requisite number of words, and I too rise in strong support of the amendment. As the gentlewoman from New York just pointed out, it is part—it is now an agreed-to part by even the majority Members over in the other body.

I do not understand why the proponents of the bill are in favor of not permitting our financial institution regulators from being able to do emergency legislation on financial institutions because they may be unsound or operating improperly and therefore, under this legislation, without this amendment, would permit these financial institutions to continue to operate and bilk the public, and the public is the one that is going to be the big loser.

There is a potential that you have something worse than we ever had under the savings-and-loan fiasco, but I must remind people that that occurred under a previous administration, also, and perhaps there were not proper things done at that time. Maybe that is the way that the proponents of the legislation want it. Maybe that is the reason that they feel that the savings and loans and the financial institutions, the banks, et cetera, should be able to operate in any willy-nilly way they want to operate and to heck with the depositors.

One thing before I yield that I would like to comment on, too: Earlier, when we started on this bill today, there was an effort by the gentleman from Pennsylvania to insert 20 minutes on each side on all amendments to this section, perhaps because the bill was not moving fast enough and because they considered there may be dilatory tactics on this side. But this amendment is not one of those. This amendment is not one of those. This amendment is in the Senate bill, adopted in the Senate committee, or a similar one, not the exact amendment. It a very proper amendment that will make this bill better. Make it something maybe that we could eventually vote for the whole bill.

The last point I would like to make is that the delay that occurred just a while ago on discussion of the schedule has delayed this bill for about 35 minutes. That never occurs except when we saw what is proposed to occur in that schedule. It is almost unbelievable.

I have been here 18 years, 18 years, I have never seen one Democrat ever propose that you reduce the hearing time from the 7 days. It has always been in the rules, always been in the rules.

And now that is going to be reduced because I know that when a majority decides to do something, they are going to run right over the minority because you are together. You have got votes, you win. If that is the way you want to do it, fine.

But once you do that, folks I want you to know that this gentleman is not going to just sit back and say, ''Okay, run over me a second time,'' because you have already run over me more than once this session. I am not going to sit here and be run over and see the rules of this House being actually reduced to where it is an autocratic rule.

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

Mr. VOLKMER. I yield to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the gentleman's comments and concerns. I think common sense dictates this amendment would be adopted. You have not answered the questions with regard to differentials; the regulators themselves are telling you that they need this for the safety and soundness of the financial institutions of this country, for the deposit funds. To issue requirements or rules on accounting standards, on safety and soundness with regard to capital standards and derivatives. How in all good conscience can this House disregard these particular concerns? I would think that no matter the ideology and concerns about unfunded mandates, these regulators said, ''We need these tools, and we will operate with them.'' I can assure you because oversight would occur, how can you differentiate between leaving some agencies in and out because of the way they are organized? It just stands logic on its head. I strongly urge Members of this House, as Senator D'AMATO, chairman of the Banking Committee, has accepted an amendment, to much greater extent in the other body. I think this should be a signal of an issue that is quite different than some of the others that have been considered by this House and would urge, strongly urge, positive action on this particular amendment.

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

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

Mr. PORTMAN. I thank the gentleman for yielding.

Mr. Chairman, just one quick clarification with regard to the Senate amendment. It has strictly to do with title II, so it is not more broad nor more sweeping than this amendment, and in fact, it is more narrow than this amendment.

□ 1210

Mr. VOLKMER. This amendment, if I remember right——

The CHAIRMAN. The time of the gentleman from Missouri [Mr. VOLKMER] has expired.

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

Mr. VOLKMER. Mr. Chairman, I believe the gentleman has offered it en bloc. Am I correct in that?

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

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

Mr. VENTO. Mr. Chairman, that is correct.

Mr. VOLKMER. So this amendment is to the proper section all rolled; right?

So, I am sorry, gentlemen. This amendment is to section 2 also.

Mr. VENTO. Three.

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

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

Mr. PORTMAN. Mr. Chairman, this is part of the exemption of section 4 which would apply to the entire bill and not just to section 2. The Senate amendment only applies narrowly to the section to title II which is the regulatory section we discussed earlier.

Mr. VOLKMER. I ask the gentleman, ''Are you telling me that, if we offered the amendment to the section 2 or section 3, that you would have accepted it then?''

Mr. PORTMAN. No, I am saying that the Senate amendment is not overly broad or more sweeping. In fact it is more narrow than this amendment.

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

I yield to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr, KANJORSKI. To the gentleman from Ohio [Mr. PORTMAN] the Senate is not, as I am not, worried about the point of order question here. They do go to the regulatory question, and that is what I am disturbed about, and again I appreciate the effort that the new majority Members have made in trying to familiarize themselves with our problem here, but the gentleman from Virginia [Mr. DAVIS] I know is just a new Member, and the gentleman from Ohio [Mr. PORTMAN] is a new Member, and I say to them, ''You don't remember the fact that in the 1980's it was the regulators of the States that caused the Federal insurance fund to come to their rescue, and it was only because when we refrained from the proper control of State banking that we allowed this to happen. But now through this legislation we are wheedling away the ability of the Federal regulators to protect Federal taxpayers and the full faith and credit of the United States from being misused, abused, and in some instances fraudulently abused. Let me call your attention——

Mr. DAVIS. Would the gentleman yield?

Mr. KANJORSKI. In one moment I will.

One hearing we held in San Francisco in the late 1980's, the State regulators of California's S&L's with great disdain took the witness stand and testified that in his first year in office it was his mandate for economic development purposes to issue new charters to S&L's, and with pride he said he issued more than 200 charters that very year. Most of those S&L's in California that he charted subsequently failed at great cost to Federal taxpayers.

He also said, as the State regulator, that he only had eight investigators who could ever regulate those institutions that were under State regulation in California, many hundreds besides the 200 new charters that he had issued. California, Texas, and Florida together accounted for more than two-thirds of the S&L's that failed in this country, and it was because of the failure of the State regulators to properly regulate State chartered institutions and to properly protect the federally insured Federal deposits that tens of billions of Federal insurance was ultimately paid out by the American taxpayer.

Mr. DAVIS. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from Virginia.

Mr. DAVIS. I would like the gentleman to respond to a couple of concerns that I have.

First of all, it is my understanding that the Office of the Comptroller of the Currency and the Office of Thrift Supervisor have never issued safety and soundness regulations on an emergency basis. If the gentleman has different information, I would be happy to hear that——

Mr. KANJORSKI. Reclaiming my time, we are not talking on emergency basis here. We are talking about——

The CHAIRMAN. The gentlewoman from Illinois [Mrs. COLLINS] controls the time.

Mr. KANJORSKI. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. The gentlewoman from Illinois [Mrs. COLLINS] is giving me the time.

We are not just talking about emergency situations here. We are talking about the normal regulatory process as well. For example, we are about to have a HUD agency issue regulations on capital accounts for Freddie Mac and Fannie Mae, controlling perhaps three, or four, or five hundred billion dollars.

Now they are not going to do that because they want to have activity downtown.

Mr. DAVIS. Sure.

Mr. KANJORSKI. They are doing that because there is a question of whether or not there is sufficient capital to support the extensive amount of mortgage activity in the secondary market.

Mr. DAVIS. I understand.

Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from Virginia.

Mr. DAVIS. But there is nothing here that stops them from going ahead and doing that now?

Mr. KANJORSKI. No, there is, and the gentleman does not understand it because we have not denied judicial review in this bill, and in fact there is judicial review in this bill. For any regulation that is issued, we are granting any bank or institution, whether State or federally chartered, the right to raise the question of whether or not there has been sufficient compliance with the standards for economic analysis that we have required in this bill.

Mr. DAVIS. Mr. Chairman, if the gentlewoman would continue to yield, I understand the gentleman. I disagree with that. We will argue this later when the judicial review comes up, but there is always judicial review under the Administrative Procedure Act down the road, and we will argue this——

Mr. KANJORSKI. The existing judicial review goes only to capriciousness and unreasonableness. It does not go to the standard of whether or not they complied with the requirements of cost analysis. We are adding here in this bill an entirely new arm and an entirely new set of information that can be attacked.

Now, the gentleman's problem—let me say what his problem is.

You have got institutions worth hundreds of billions of dollars with law firms and inside counsel that have nothing else to do but to test regulatory authority and properness in the issue of regulations, and we have seen—I mean it's not like we're saying, ''Could this happen?'' We're not saying, you know, ''Is it an outside possibility?'' In the 1970's, in the 1980's, we saw it happen to the extent we almost saw a total collapse in the financial institutions of this country.

The CHAIRMAN. The time of the gentlewoman from Illinois [Mrs. COLLINS] has expired.

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

Mr. Chairman, I think the proponents of this amendment are now not talking about emergency situations, there is absolutely no reason why the accountability required for other agencies in this bill should not equally apply to the agencies we are talking about just because they are in the area of financial institutions.

Further, it is my understanding from a personal view and also after again consulting with the majority of the House Committee on Banking and Financial Services, that in real emergencies the Federal regulatory agencies do not respond by rule making. They respond by issuing a cease and desist order to promptly stop.

The fact of the matter is there is nothing here in this bill which addresses cease and desist orders. There is nothing here that prevents the Federal agencies from immediately stopping any action of an institution under their purview which is, in fact, endangering the economic health of that institution, and therefore the emergency remedies are still present, and I think that the arguments amount to more of a scare tactic than I think anything that is practical that is presented in H.R. 5.

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

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

Mr. KANJORSKI. Mr. Chairman, if this is such scare tactics, and, first of all, if this is so innocuous, but opposed by the banking majority, I ask the gentleman, ''Why aren't any members of the Banking Committee here in the majority arguing this proposition?''

I ask a second question:

''If this were just scare tactics, why are all regulators of all Federal institutions, depository funds and all banks, and all markets, opposed to this legislation?''

This is not emergency, and let me go one step further:

''If that's the case, why is it so bipartisan that the chairman of the Banking Committee, a Republican in the Senate, has recognized the possibility of what we are talking about today? Why is the House of Representatives, who represents the people and the depositors of America, failing to recognize that in a bipartisan way Senator D'AMATO of New York, the chairman of the Banking Committee, recognizes this as an important amendment, an important factor, as inserted in the bill in the Senate side?''

I have to get the feeling that——

Mr. SCHIFF. Reclaiming my time from the gentleman, I think the gentleman has made his point. I am glad to hear the gentleman has such confidence in the respected chairman of the Senate Banking Committee, that we can now refer to him each time he proposes a bill or an amendment on a subject and expect to get the gentleman's support.

Mr. KANJORSKI. If the gentleman would yield, I have had the pleasure of dealing with Senator D'AMATO for years, 10 years I have been in Congress, in conference reports on banking, and I have just cosponsored with him the new expanded secondary market and small business in the last Congress, and I think——

Mr. SCHIFF. Reclaiming my time——

Mr. KANJORSKI. Senator D'AMATO has done outstanding work.

Mr. SCHIFF. Reclaiming my time from the gentleman, as I said, I am certain that when other proposals are made from the respected and distinguished chairman of the Senate Banking Committee they will receive on the floor the gentleman's support also.

But I have consulted with the chairman of the House Committee on Banking and Financial Services, whom I also respect, who again reiterates that a cease and desist order is the manner of addressing real emergencies, and they simply are not affected in any provision of this bill.

☐ 1220

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 154, noes 266, not voting 14, as follows:

[Roll No. 53]

AYES—154

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

NOES—266

Allard	Burr	de la Garza
Andrews	Burton	Deal
Archer	Buyer	Diaz-Balart
Armey	Callahan	Dickey
Bachus	Calvert	Dooley
Baesler	Camp	Doolittle
Baker (CA)	Canady	Dornan
Baker (LA)	Castle	Dreier
Ballenger	Chabot	Duncan
Barr	Chambliss	Dunn
Barrett (NE)	Chapman	Edwards
Bartlett	Chenoweth	Ehlers
Barton	Christensen	Ehrlich
Bass	Chrysler	Emerson
Bateman	Coble	English
Bereuter	Coburn	Ensign
Bilbray	Collins (GA)	Everett
Bilirakis	Combest	Ewing
Blute	Condit	Fawell
Boehlert	Cooley	Fields (TX)
Boehner	Costello	Flanagan
Bonilla	Cox	Foley
Bono	Cramer	Forbes
Brewster	Crane	Fowler
Browder	Crapo	Fox
Brownback	Cremeans	Franks (CT)
Bryant (TN)	Cubin	Franks (NJ)
Bunn	Cunningham	Frelinghuysen
Bunning	Davis	Frisa
Funderburk	Linder	Roth
Gallegly	Livingston	Roukema
Ganske	LoBiondo	Royce
Gekas	Longley	Salmon
Geren	Lucas	Sanford
Gilchrest	Manzullo	Saxton
Gillmor	Martini	Scarborough
Goodlatte	McCarthy	Schaefer
Goodling	McCollum	Schiff
Goss	McCrery	Seastrand
Graham	McDade	Sensenbrenner
Greenwood	McHugh	Shadegg
Gunderson	McInnis	Shaw
Gutknecht	McIntosh	Shays
Hall (TX)	McKeon	Shuster
Hamilton	McNulty	Sisisky
Hancock	Menendez	Skeen
Harman	Metcalf	Skelton
Hastert	Meyers	Smith (MI)
Hastings (WA)	Mica	Smith (NJ)
Hayes	Miller (FL)	Smith (TX)
Hayworth	Molinari	Smith (WA)
Hefley	Montgomery	Solomon
Heineman	Moorhead	Spence
Herger	Moran	Stearns
Hilleary	Morella	Stenholm
Hobson	Myers	Stockman
Hoekstra	Myrick	Stump
Hoke	Nethercutt	Talent
Horn	Neumann	Tanner
Hostettler	Ney	Tate
Houghton	Norwood	Tauzin
Hunter	Nussle	Taylor (MS)
Hutchinson	Ortiz	Taylor (NC)
Hyde	Oxley	Tejeda
Inglis	Packard	Thomas
Istook	Parker	Thornberry
Johnson (CT)	Paxon	Thurman
Johnson, Sam	Payne (VA)	Tiahrt
Jones	Peterson (FL)	Torkildsen
Kasich	Peterson (MN)	Upton
Kelly	Petri	Vucanovich
Kim	Pickett	Waldholtz
King	Pomeroy	Walker
Kingston	Porter	Walsh
Kleczka	Portman	Wamp
Klug	Poshard	Watts (OK)
Knollenberg	Pryce	Weldon (FL)
Kolbe	Quillen	Weldon (PA)
LaHood	Quinn	Weller
Largent	Radanovich	White
Latham	Ramstad	Whitfield
LaTourette	Regula	Wicker
Laughlin	Riggs	Wilson
Lazio	Roberts	Wolf
Leach	Roemer	Young (AK)
Lewis (CA)	Rogers	Young (FL)
Lewis (KY)	Rohrabacher	Zeliff
Lightfoot	Ros-Lehtinen	Zimmer
Lincoln	Rose	

NOT VOTING—14

Bishop	Fields (LA)	Pombo
Bliley	Flake	Rush
Brown (CA)	Gilman	Souder
Clinger	Hansen	Stark
DeLay	Jefferson	

☐ 1238

The Clerk announced the following pairs:

On this vote:

Mr. Jefferson for, with Mr. DeLay against.

Mr. OWENS and Mr. GONZALES changed their vote from ''no'' to ''aye.''

So the amendments were rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Chairman, I regret that I was inadvertently delayed in getting to the floor and, thus, was unable to vote on Rollcall No. 53, the Kanjorski amendments. Had I been able to vote I would have voted ''No.''

☐ 1240

The CHAIRMAN. Are there further amendments to section 4?

AMENDMENTS OFFERED BY MRS. CLAYTON

Mrs. CLAYTON. Mr. Chairman, I offer two amendments, numbered 7 and

8, printed in the RECORD, and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentlewoman from North Carolina?

Mr. SCHIFF. Mr. Chairman, I have no objection to that request, but I ask unanimous consent that all debate on this amendment be limited to 20 minutes on each side for a total of 40 minutes.

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

Mrs. COLLINS of Illinois. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Is there objection to the request of the gentlewoman from North Carolina that the amendments be considered en bloc?

There was no objection.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mrs. CLAYTON: 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) protects worker 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) protects worker safety.

Mrs. CLAYTON. Mr. Chairman, apart from the debate that has occurred on the floor of the House and the committee reports that have been filed, there is little or no legislative history on this bill. The reason there is little or no legislative history is because there have been no hearings on H.R. 5. Legislative history begins with hearings. It is through the hearing process that varying views are presented, issues are identified and critical questions are raised and answered.

If nothing else, the debate demonstrates that the language of the bill may well raise as many questions as it provides answers. Indeed, the minority views in the committee report states, ''The haste in which this bill was considered left a number of substantive issues unaddressed, which even the authors conceded at markup that they would like to address on the floor.'' One such issue, which my amendments seek to address, is the matter of workplace safety. My amendments would add the broad category of workplace safety to the list of ''Limitations on application'' found at section 4 of the bill.

Other amendments address specific workplace safety issues, such as child labor, pregnant women and the Family and Medical Leave Act. My amendments address all workplace safety issues. Mr. Chairman, I am not a lawyer, but I am told that in statutory interpretation cases before the courts, if there is a specific listing for coverage, the court is more likely to limit coverage to the specific listing rather than to ''guess'' at what Congress intended by expanding that specific list. In that case, language which includes specific listings, may well exclude intended listings. In any case, I don't want to leave any doubt.

Last week, I recalled a workplace fire in my State of North Carolina. Two hundred people were working in a chicken processing plant when a fire broke out, killing 25 of the workers. Most of those killed were single women, struggling to raise a family and make ends meet. North Carolina responded and doubled the number of inspectors for workplace hazards. Now, some will argue that Occupational Safety and Health Act laws are not unfunded mandates, because the Federal Government hires and pays the inspectors, unless a State volunteers to do so. They will also argue that the $50 million trigger excludes OSHA coverage.

To those who would make that argument, I would respond, if OSHA laws do not apply, then what harm does it cause to accept the language of my amendment? I would further respond that the $50 million trigger applies to ''all Federal intergovernmental mandates in the bill or joint resolution.'' The point is, Mr. Speaker, if we amend OSHA, following enactment of this bill, in the absence of language protecting that workplace safety law, it is not inconceivable that Congress, the advisory commission created by the bill, the Director of the Congressional Budget Office or the courts, would interpret our changes as creating an unfunded mandate.

If we do not intend that consequence, why not say it? If OSHA and other workplace safety laws are not covered by H.R. 5, what's wrong with stating that? The best cure for ambiguity is clear and precise words—words that express ''the plain meaning'' of our actions. I do not believe that many would argue that child labor laws are intended to be the target of this legislation. Yet, there is no direct and certain language in the bill that supports that intent. My amendments, in plain straightforward terms, are designed to make clear that we intend to exclude workplace safety laws from coverage of this bill. Nothing more, nothing less.

Because there is no direct language in the bill related to workplace safety, the Unfunded Mandate Reform Act threatens to eliminate federal standards for workplace safety. Before passage of workplace safety laws, children were forced into adult work, 14,500 persons died, by accidents, on the job, and 2.2 million workers were disabled annually. Another 390,000 workers faced occupational diseases. We now protect children, and every working woman and working man from unhealthy and unsafe conditions on the job.

The issue of workplace safety is an issue which we in the Congress have a right, indeed a constitutional duty to protect.

The CHAIRMAN. The time of the gentlewoman from North Carolina [Mrs. CLAYTON] has expired.

(By unanimous consent, Mrs. CLAYTON was allowed to proceed for 30 additional seconds.)

Mrs. CLAYTON. Mr. Chairman, this is not a matter that should be rushed through and rubber stamped because some Members believe it is more important to make a point in 100 days than it is to save hundreds of lives. And, if it is to be pushed forward on a fast track, let's at least take the time to perfect this bill through the amendment process. We owe that to the children and workers of America. I urge passage of my amendments.

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

Mr. Chairman, I believe that the proponent of this amendment is very sincere in her concern for worker safety, as she has demonstrated so often in the past. But I strongly rise to say that we oppose this amendment for the very reason that we opposed the interstate impact amendment on Friday, the 20th; on Monday, the 23d, the air pollution amendment, the airport safety amendment, the nuclear waste amendment, the minimum wage and child labor amendment, the radioactive substance and toxic waste amendment; and then on Tuesday, the 24th, for the same reason we opposed the amendment on age and on child molester data base and so on and so on, with all the various amendments that Members want to exclude from this bill.

□ 1250

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

Mr. SHAYS. I am delighted to yield to the gentleman from Ohio.

Mr. PORTMAN. I appreciate the gentleman yielding.

One small point, again. I appreciate the concern of the gentlewoman from North Carolina.

Again, if we look at the amendment by the gentleman from Vermont [Mr. SANDERS] which we considered earlier in this debate, it does include, and these are amendments which we also considered en bloc, establishment of minimum standards for occupational safety.

I would just say, Mr. Chairman, that ii is my belief that in a sense we have already had a vote on this issue, and that we did vote on exempting establishment of minimum standards for occupational safety previously in this debate. That vote was, I believe, 161 yeas to 263 noes, so it was soundly defeated.

Mrs. CLAYTON. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I am happy to yield to the gentlewoman from North Carolina.

Mrs. CLAYTON. Mr. Chairman, I would suggest that though that has happened, they also included very specific language, wherein my amendment is very broadly structured to include

workplace safety. This is consistent with the language, that the gentleman has said that it will not, indeed, jeopardize the safety and health of Americans. Therefore, if the gentleman means that, it simply says that the gentleman would include that. This is not inconsistent with what the gentleman is saying. He is just not putting it into the language.

Mr. SHAYS. If I could reclaim my time, Mr. Chairman, and I would be happy to ask for unanimous consent if we need more time, the point I would like to make, as someone who has sat on the Subcommittee on Employment and Housing of the Committee on Government Operations, which actually investigated the horrible event that took place that the gentlewoman is referring to with the processing plant, I am not aware that we passed new regulations, passed a new law, to deal with that issue. Mr. Chairman, we told OSHA to do its job better, and they did their job better, but it did not require us to pass new legislation to deal with it.

Mr. Chairman, I just think in one sense, dealing with that issue, there would have been no effect of this legislation as it related to that incident.

Mr. Chairman, I make another point to the gentlewoman. The fact is that this mandate bill is very clear that the very people that want to pass the bill to deal with a mandate, if it is not funded, the very people, the 50 percent who want to do that, can also be the very 50 percent who override the objection that it is not a funded mandate if in fact it is not a funded mandate.

We are constantly having to remind the other side that it is merely a simple majority that can overrule an unfunded mandate, so it is hard for me to understand how, if there is concern to bring a bill before the Chamber, and it has 50 percent of the vote because it is a real concern, why that 50 percent does not remain in cases like the gentlewoman's concern of a need to deal with a very serious worker issue.

Mr. Chairman, we are being redundant on this side, but I have weighed in so strongly in favor of OSHA. I happen to be someone who supports OSHA. If I thought a bill came before us that deserved the merit, and we could not come up with the money for a variety of reasons, Mr. Chairman, I would vote to override the unfunded mandate based on that need. What we did on this side was guarantee that it was only 50 percent.

Mr. Chairman, I just make the point that we are constantly being told of specific concerns that Members have on that side of the aisle, and we have voted them down because we know that within the bill is the mechanism to deal with every one of those concerns.

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

Mr. Chairman, I rise in strong support of this amendment, which will ensure that minimum Federal workplace standards will remain intact to protect the millions of Americans who work every day.

This amendment is simply about saving lives. Despite the enormous strides made in the workplace over the last 25 years since the enactment of the original Occupational Safety and Health Act, hundreds of thousands of workers are still at risk in the workplace.

I would remind my colleagues on the other side that in the OSHA regulations, as well as many other Federal regulations, especially in the civil rights area, there is a deferral procedure wherein States and localities are in fact deferred to.

Now, Mr. Chairman, I want it to be clear that we are saying deferral here, and not referral. That simply means that in many instances we can defer to the States to establish their own procedures and their own regulations, and such was the case in North Carolina where that tragedy took place.

During the investigation what we found was that in many of those instances, the kind of inspections that were expected to be taken place at the State level did not take place. Therefore, I think, Mr. Chairman, that we need to make sure with this kind of legislation that we establish these kinds of floors, so no State or locality can go beneath them.

In 1970, Mr. Chairman, when OSHA was enacted, Congress considered these figures: Job-related accidents accounted for more than 14,000 worker deaths. Nearly 2½ million workers were disabled. Ten times as many person-days were lost from job-related disabilities as from strikes. Estimated new cases of occupational disease totaled over 300,000.

In terms of lost worker production, wages, medical expenses, and disability compensation, the burden on the Nation's commerce was staggering. OSHA had to be enacted or we would have ended up with a net loss of billions of dollars from the gross national product.

Without explicitly exempting workplace safety laws from this legislation, we open up the possibility of OSHA and all workplace safety laws being considered as unfunded mandates.

All too often, Mr. Chairman, particularly in lower income and rural areas, as is much of my congressional district, some companies circumvent and violate OSHA laws and regulations, exposing employees to unsafe and unhealthy working environments. This amendment, Mr. Chairman, will at least allow minimum workplace guidelines to remain in place. Without this amendment, those who are least economically secure and who are less educated, and likely to be exposed to unfair, even inhumane working conditions, will be without protection.

Therefore, Mr. Chairman, absolving employers from current workplace laws would be a tragedy in light of the tremendous potential harm that would be brought to workers across the country. I urge my colleagues to support this important amendment.

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

Mr. Chairman, I think this is a very good amendment. Let me state the reason why. Worker safety is critically important.

I can remember years ago, when there was not that much worker safety, that one of my relatives, a cousin, as a matter of fact, worked in a factory in the city of Chicago, and there was this machine that he was operating. There was not a guard on this machine that would protect him. He was standing there doing his work, and something jammed. He went to push this piece of material, whatever it was, into the machine, and he lost four of his fingers.

Those things happened a great deal in those days. This has been not that long ago. It has been a while since I was a young woman, but I was a little bit older than a kid. I remember how that impacted on me.

I remember, first of all, seeing him in the hospital, seeing him come home, and finding that my cousin, who was a favorite of mine, who had always treated me with a lot of love and affection, came in and when he got ready to hug me, I could not look at his face. All I could do was look at his hands, because I had heard my grandmother say he had lost his fingers. I had never heard of anyone losing their fingers before. That to me was a tragedy that I have never been able to forget.

Mr. Chairman, I can remember also that some years ago there was an issue, not just in North Carolina but in Mississippi, where there was a catfish factory where people were doing catfish, preparing catfish. They had a certain amount of catfish they had to debone and all that sort of thing.

It seems to me that at that time one of the reasons why they were doing that is because they wanted to get more production out. Catfish had become a new thing, and now it was done in ponds instead of being a scavenger fish at the bottom of the river and all, and that was it.

Now it seems to me that what happened in that case, the women told me when I went to talk to them about that, and at that time I was on the Committee on Government Operations and the Manpower and Housing Subcommittee, and there is a new name, but that was the name of it then, and the thing that was going on was they were forced to do all this boning of the fish. Of course people would cut their fingers.

□ 1300

If they cut their fingers, they were not allowed to leave where they were working and go and get some kind of medical care from the nurse who was supposed to be there for that purpose. Instead, they just kept right on cutting the fish and the blood was dripping all over the fish and whatnot. As a result

of that, I am not particular about catfish today, as you might expect.

This was inhumane treatment that was being done in the name of getting production out and to the exclusion of talking about workers' safety. Workers' safety is critically important. Here we are in a country that says we treasure our people. We are a democracy. We do not do inhumane things to people. It seems to me that allowing a machine to cut off somebody's finger or having doors lock so in case of fire, people cannot get out, is inhumane. It is not the American way to do things.

The other thing is that we find that we should not have to, that no American has to choose between working in an unsafe place and taking care of his family.

If we allow this sort of thing to happen, then we are shirking our responsibilities as American citizens.

The right to work in a safe place should not have to depend on regional economics. One State must not be able to look the other way when an industry important to that particular local economy endangers its workers. We have already heard about the chicken processing. We have heard about other cases. We have heard about the chickens, we have heard about the fish, and we have heard about other incidences where workers were just not safe.

I would say this is a very good amendment, one which we must in all good conscience support.

Mrs. CLAYTON. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. I thank the gentlewoman for yielding.

Mr. Chairman, I wanted to enter into a dialog with the ranking member, the gentlewoman from Illinois [Mrs. COLLINS]. It should be remembered that it was States that really started this in the very beginning. And because States could not enact it, they needed more help, the Federal Government became involved in that. There has been a commitment on the part of the Federal Government for workplace safety for a long period of time.

To suggest that what we are talking about is not an appropriate role for the Federal Government escapes my understanding. It was because the States wanted them to be in it that the Federal Government went into having workplace safety, made those laws standardized so any American working anyplace would not be subject to one State having one set of laws, another State having another.

The CHAIRMAN. The time of the gentlewoman from Illinois [Mrs. COLLINS] has expired.

(By unanimous consent, Mrs. COLLINS of Illinois was allowed to proceed for 2 additional minutes.)

Mrs. COLLINS of Illinois. Mr. Chairman, I continue to yield to the gentlewoman from North Carolina.

Mrs. CLAYTON. The other point that I think needs to be made, this is not a very expensive program. We are not talking about big bucks. In many places, the State volunteers to put the money there. When they get Federal money, it is because the State asks for the Federal money. So this is not a very expensive program that we are asking for the Federal Government to continue their involvement.

If you do not want to jeopardize workers, it seems to me that we would simply say that we want to exclude them from this bill.

Mrs. COLLINS of Illinois. Reclaiming my time, let me say in the case of the catfish, I was just reminded of the fact that the Federal Government did take some action against those people. OSHA in fact fined the company, which was the Delta Pride Co., $32,000 for several safety violations, including failure to attend properly to those injuries that I was talking about.

It just makes sense to me that we want our workers to be safe. To be losing their fingers, to be injured in any kind of way, to be losing their eyesight, to be losing any of their extremities just does not make—or their life.

Let me tell you something else I did. I went down in a coal mine in West Virginia. It was not a very easy thing to do. It was a very, I don't know what you would call it, it was short inside there. I went down in this thing that looked like a big scoop. When I got down there, the men and women, there were women also who were working there, and they were squatting down like that. I could not squat down like that because I have always had bad knees, but I crawled around on my knees and the ceiling of the coal was just above me.

At that time we were concerned about methane gas exploding. Every now and then you would read in the paper about thousands of workers in these coal mines were being injured because there were not adequate safety regulations there for them.

I came out of there shaking, because first of all you are in there and it is dark and the only light you have is a little light that is on your head. They had a machine that was scraping the coal off the side of the wall.

The CHAIRMAN. The time of the gentlewoman from Illinois [Mrs. COLLINS] has again expired.

(By unanimous consent, Mrs. COLLINS of Illinois was allowed to proceed for 2 additional minutes.)

Mrs. COLLINS of Illinois. They had coal that was being scraped off the side of the wall. One man was using a machine. Others had these picks and scrapes that they were doing that with. I can remember really feeling claustrophobic for one, but more than that I was fearful; fearful that something would happen and all of a sudden there would be methane gas and there was no way in the world I could stand up to run out of there. I could not crawl fast enough and I was going to be at the mercy of God or anybody else who could come and get me out of there.

Worker safety is critically important. I do not understand how people who work in those conditions can do so without having the fear of their life every time. Even more important than that, while I was down in that coal mine and at the time that I was down in there, my son was a young man, he might have been 14 or 15 years old, so the thought came to me, ''What would happen to my child if I didn't come out of that mine?'' My husband, as many of you already know, had lost his life already. I was his sole parent. And if I was in that coal mine and a methane gas explosion came out, I did not know what was going to happen to my child. So I prayed and was really glad when I got up out of there.

For that reason, if for no other reason alone, I learned that worker safety is critically important and this is a critically important piece of legislation. I would hope that everybody in this House would vote for it.

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

Mr. Chairman, I would say to my distinguished Democratic colleagues that everything you are saying is important and compelling. And as my good friend, the ranking Democrat on the Committee on Rules, JOE MOAKLEY knows, I am a Molly Maguire at heart, not a Pinkerton guard hired by management when it comes to worker safety.

However, the problem is we are creating a devastating burden upon the States with all of these mandates and not funding it. We have to find out how to make this relationship with our States work.

I wanted to insert a statement in the RECORD that highlights some of the California problems because the figures are tough.

Mr. DORNAN. Mr. Chairman, for too long, the Federal Government has enacted costly and onerous Federal mandates on States and localities without providing necessary financial assistance to achieve compliance. These mandates have been devastating to our cities and have shaken the very foundation of our system of government. That is why I am pleased to lend my strong support to H.R. 5, the Unfunded Mandate Reform Act. This legislation will bring accountability to the legislative and regulatory process while helping to restore the delicate partnership between the Federal, State, and local governments.

In California, the Department of Finance has projected that in 1995, unfunded mandates will cost the State approximately $7.7 billion. They report that this figure may be vastly understated, however, since it does not include a number of Federal court mandates affecting the health and welfare area nor does it include the cost of local mandates. For example, while illegal immigration is a Federal issue, the Federal Government mandates that States, such as California, provide certain services to illegal immigrants, yet it does not provide the funds to pay for them. The passage of proposition 187, which will deny most government services to illegal immigrants, reflects the intense frustration felt by voters who no longer want to

foot the bill for the Federal Government failed policies. California, along with the State of Florida has even filed suit against the Federal Government seeking reimbursement of billions of dollars in mandated expenditures required to incarcerate and provide educational and health benefits for illegal immigrants. California also filed suit against the Federal Government challenging the constitutionality of the expensive and burdensome National Voter Registration Act. Other States and localities have filed similar legal challenges looking for financial relief from unfunded Federal mandates.

Mr. Chairman, the Federal Government cannot go on using State and local governments as a source of public funding. This denies localities the ability to pay for essential services, such as education, law enforcement, and transportation, while many times providing ineffective solutions to the very problems these mandates are intended to address. I am pleased that the Republican leadership has recognized this fact. At last, the call for financial relief by State and local governments is being heard by Federal lawmakers. I ask my colleagues to support this long overdue piece of legislation.

In my State, our Department of Finance in California has projected that unfunded mandates are going to cost our State approximately $7.7 billion just in 1 year. They say also that this is a vastly understated figure. It does not include a number of Federal court mandates affecting the whole area of health and welfare, it does not include the cost of local mandates. And illegal immigration, while a Federal issue, protecting our borders, is like a defense issue. The Federal Government mandates that we in California and all the other border States provide services to illegal immigrants and then it does not provide any funds to pay for it.

The passage of proposition 187 which was still held upon in the courts, very controversial, obviously reflects this intense frustration of people in my State who no longer want to foot the bill for our Government's failed policies.

California, along with the great State of Florida, has filed the suits. As our floor leaders have said on every point you bring up on the other side, we agree with you. But it does not address the main problem that we thought important enough to put in our Contract With America.

If it does snow here tomorrow, which is projected, I will be happy to continue work in my life thanks to the prior work of the distinguished gentleman from Virginia [Mr. DAVIS] to whom I proudly yield.

Mr. DAVIS. I appreciate the gentleman yielding.

Mr. Chairman, I want to make just one point. First to my colleague from North Carolina, I applaud her sensitivity to this issue. It is an important issue. But I cannot agree with this amendment.

Let me just clarify a couple of issues. First of all, there is nothing in this legislation without this amendment that would preclude Congress from either mandating this and funding the mandate for workplace safety or, secondly, putting unfunded mandates on the States. We would just have the benefit first of all of knowing what those costs would be and we would have all that information in front of us. Why is that important?

Let me go back to my own experience as the head of a county government in Fairfax County, where just a couple of years ago, we had a case under the Fair Labor Standards Act, in the pay of fire lieutenants and fire captains, a $2 million liability the county incurred for individuals that we had thought were officers and would be exempt from the act.

The court came back and this one was added funding that we had to come back and pay. What did that mean to this locality? In order to meet the standards set by the Fair Labor Standards Act and the courts in this case, a $2 million obligation. In that year's budget we were forced to make cuts we had not intended to make originally. What that meant that year was we had to take money for special education—and there have been other amendments here trying to preclude that from the act—the locality had to take money from special education.

□ 1310

Money for parents with children with Down's syndrome had to be cut under the Fair Labor Standards Act and we could not afford to pay them. Then we could not afford to properly fully fund our daycare for the families of the working poor, a very successful program we have in the county, where we left over 160 families that were unfunded that year because we had to put this money in something that individuals in Washington thought was a more important priority than we did locally.

That is exactly the problem with these kinds of amendments, we are setting the priorities from Washington, we are cost-shifting from a progressive income tax to pay for these items to regressive property taxes at the local level, and in the gentleman's State with Proposition 13, that means cutting community centers and other needed local obligations that we cannot afford because of this.

I thank the gentleman.

Mr. DORNAN. Excellent observations by a gentleman from the Commonwealth of Virginia.

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

Mr. DORNAN. I am happy to yield to the gentlewoman from North Carolina.

Mrs. CLAYTON. Mr. Chairman, I just bring our attention to this amendment. I am not arguing all unfunded mandates. I have a similar experience. I served as chairman of my county board of commissioners. I know what it means in a rural county trying to balance the disparate needs you have and priorities. This is a priority even I as a county commissioner would have.

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

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

Mr. DORNAN. Mr. Chairman, I continue to yield to the gentlewoman from North Carolina.

Mrs. CLAYTON. If the gentleman could understand that this is not suggesting that this should replace any priority that we have. It is consistent with the priority I would have as a county commissioner or a Governor would have for his citizens.

The Governor of the State of North Carolina was devastated. The general assembly was devastated and, therefore, they put money in to protect their workers as a result of it. But they had this Federal guideline which would at least allow the private company to be held in violation of that. That gave them some protection.

So I am urging Members not to confuse these issues. I am simply saying that workplace safety should be exempt from this. I thank the gentleman. The gentleman has been very generous.

Mr. DORNAN. I thank the gentlewoman for her observations.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I was in a crime bill markup, so I will try not to take my 5 minutes. But I did want to come over and congratulate my colleague from North Carolina on this fine amendment that she has proposed to this bill, and to express my support for this amendment.

Before I came to the Congress I spent 22 years practicing law, and a substantial part of my practice was workers' compensation cases. I am sure somebody is going to jump up and say, ''well workers' compensation is State regulated and that makes our point.''

Workers' compensation is State regulated. But in just about every workers' compensation case that I had in which a serious injury resulted, the workers' compensation coverage would come in and make its payments, and the victim would be partially or even in some cases fully taken care of, but there was nothing in place beyond workers' compensation to, at the State level, assure that the condition that resulted in that injury was addressed beyond just that particular victim.

So, in just about every one of those cases we ended up then appealing through the OSHA laws to a standard that had been set that required the employer then to address a correction of the condition that existed so future injuries would not occur of the same kind.

So, it is that standard-setting mechanism I think we have got to protect.

I have heard a lot of arguments during the course of this debate about this particular amendment, and against other amendments that suggest this is just a procedural thing and we can

come back to the Congress and we can by majority vote override this mandate.

The concern I have about that is I have two concerns, and the gentleman is smiling because he thinks I am going off on this three-fifths supermajority, but I am not going there yet.

I have two concerns.

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

Mr. WATT of North Carolina. I yield to the gentleman from Virginia.

Mr. DAVIS. Mr. Chairman, that is not in the bill.

Mr. WATT of North Carolina. I understand.

Mr. DAVIS. Yet.

Mr. WATT of North Carolina. I understand.

Let me go on ahead and make the second point, that is the slippery slope argument, because what I see happening is as soon as we put this majority requirement in here the next step down the road is going to be to jack this up to a three-fifths majority rule which I spent so much time arguing against in yesterday's debate.

But the other point I want to make, and I will yield as soon as I make this point, is that even with a majority rule situation, these national standard laws are typically designed, look at the civil rights laws, the OSHA laws, various and sundry Federal standards that have been set, have been designed to protect people who have less influence in the process, children, minorities, workers who have been injured on the job. And typically they are not the kind of people who are going to have the kind of influence in the process when this comes to a vote again on the House floor to exert that kind of influence in the process.

So, it gives me no comfort when my colleagues on the other side of the aisle say, ''Well, this does not mean anything.'' Well, if it does not mean anything, why are we passing it? I cannot understand that argument. Why we have spent all this time on this bill on this floor of the House, as valuable as the Members of Congress' time is, and we are passing something that does not mean anything, because we can come back and override it next week on a majority vote?

So that is the point I want to make, and I am happy to yield to the gentleman from Pennsylvania [Mr. CLINGER].

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

Mr. WATT of North Carolina. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Chairman, I thank the gentleman for yielding. I do not think anybody has suggested here we do not believe this bill means something. What it means is that it is going to give us a better opportunity to understand what we are doing, the cost of what we are imposing, but in no sense does it mean it is a meaningless bill.

Mr. WATT of North Carolina. Reclaiming my time, though, if that is the case, what is the problem with exempting these?

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. WATT] has expired.

(On request of Mr. CLINGER, and by unanimous consent, Mr. WATT of North Carolina was allowed to proceed for 1 additional minute.)

Mr. WATT of North Carolina. Mr. Chairman, what is the problem with exempting these important things that my colleagues acknowledge systematically are important?

Mr. CLINGER. I would say to the gentleman we have had, I think we have, 60 suggested exemptions. If you want a meaningless bill then we would exempt all 60 of them.

Mr. WATT of North Carolina. Reclaiming my time, let me just make this point. If we have 60 amendments and each one of them is valuable, and we agree to exempt them by majority vote from this bill right now, and we acknowledge that they are valuable, what is the problem with exempting 40 different things, if we acknowledge right now that they are valuable?

If they are valuable things, then your bill needs to be destroyed, or limited, or restricted to that extent. That is the point I am making.

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

Mr. WATT of North Carolina. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. I thank the gentleman for yielding. Mr. Chairman, I would agree they are valuable. What we disagree with is this bill in any ways is going to undercut or undermine the validity of these programs. It does mean we have to look at what these are costing.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. WATT] has again expired.

(By unanimous consent, Mr. WATT of North Carolina was allowed to proceed for 30 additional seconds.)

Mr. CLINGER. If the gentleman will yield just on one other point, the gentleman raised the possibility of the specter, I might say, of a three-fifths vote. He indicated at the very beginning, he was going resist amendments that either weakened this bill or strengthened it.

Mr. WATT of North Carolina. I understand that, reclaiming my time, I understand it in the context of this bill in this debate. But I bet the gentleman 10, 15 years ago, had he asked somebody would we be today amending the Constitution to require a three-fifths majority for anything that was not already in the Constitution, whoever was standing in the gentleman's position would have said, ''Oh no, I have no contemplation of that ever happening.''

□ 1320

Mr. Chairman, I encourage my colleagues to vote for this amendment.

The CHAIRMAN. The question is on the amendments offered by the gentlewoman from North Carolina [Mrs. CLAYTON].

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

RECORDED VOTE

Mrs. CLAYTON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 157, noes 262, not voting 15, as follows:

[Roll No 54]

AYES—157

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

NOES—262

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

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

NOT VOTING—15

Armey	DeLay	Johnston
Bishop	Deutsch	Pombo
Bliley	Fields (LA)	Rush
Brown (CA)	Gephardt	Stupak
Cramer	Jefferson	Walker

□ 1337

The Clerk announced the following pairs: On this vote:

Mr. Jefferson for, with Mr. DeLay against.

Mr. Deutsch for, with Mr. Armey against.

Mr. Foley changed his vote from ''aye'' to ''no.''

Mr. Nadler changed his 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. MASCARA

Mr. MASCARA. Mr. Chairman, I offer an amendment, which was printed in the RECORD.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MASCARA:

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) requires compliance with section 402(a)(27) of the Social Security Act, any provision of part D of title IV of the Social Security Act, or any other Federal law relating to establishment or enforcement of child support obligations.

Mr. MASCARA. Mr. Chairman, the amendment I offer today along with my colleagues, Representatives WOOLSEY and KENNELLY, would exempt child support enforcement laws from this unfunded mandates legislation.

I offer this amendment out of a deep belief that child support enforcement laws must be strong and must be enforced. I am sure my colleagues on both sides of the aisle would agree that our job is to insure that State and local governments collect every dollar possible from dead-beat dads, or any parent who has shirked their responsibilities and left their family to live off of welfare.

□ 1340

My fear is that this bill, as written, will frustrate this effort leaving State and local governments to absorb more of the costs for these welfare payments. This is an outcome none of us want. And is an additional burden our taxpayers do not deserve.

While H.R. 5 exempts various categories of laws from its restrictions on unfunded mandates, such as emergency assistance, legislation impacting the national security, and antidiscrimination laws, it fails to exclude the extremely crucial category of child support enforcement collection.

As many of my colleagues know, before coming to Congress I served as chairman of the Board of County Commissioners of Washington County, PA for the past 15 years. As part of my job, I was responsible for administering our local support enforcement program. And I am proud to say we did a very good job collecting payments from dead-beat dads.

In fact, we were so successful utilizing computer tracking systems and strong court orders, we consistently received a bonus from the Federal Government.

In the House, as is expected, enacts welfare reform legislation that includes more stringent requirements for establishing paternity and forces absent parents to pay child support payments, who is going to pay for the additional costs?

If the Congressional Budget Office determines the costs of these added requirements exceed the threshold established in this bill, my colleagues on the other side of the aisle could choose to slash funding for welfare benefits or shift financial responsibility to State and local governments.

My solution is to maintain the support enforcement program as we now know it. That means continuing to require the Federal Government to help pay for these efforts through the well-known title IV–D program.

The facts show that support enforcement programs are working and have paid off. While last year the Federal Government provided States with $16.5 billion in child support payments, States collected $8.9 billion in child support payments through the title IV–D system. These funds are used to help reimburse governments for welfare costs as a result of these efforts. In 1993 Federal and State governments recouped $2 billion in Aid for Dependent Child costs.

The title IV–D programs are working so well that between 1989 and 1993, child support collections increased by 73 percent and the number of established paternities increased by 63 percent. I think we should be doing everything possible to encourage, not discourage this upward trend.

Finally, child support enforcement efforts make money. Last year, for every dollar spent, we collected $4 in support payments. This helped keep families off of welfare.

In 1993 as a result of support enforcement efforts an estimated 2 million families were kept off the Government rolls for a savings of $1.3 billion in potential welfare costs.

Those are the kind of savings we should encourage not discourage. If we do not maintain strong support enforcement programs, State and local governments will only end up bearing increased welfare costs, or, worse yet, cut back on their collection efforts.

I ask that my colleagues seriously consider and support this amendment to ensure that these important title IV–D programs continue to operate.

Believe me, my former county commission colleagues in Washington, PA are not looking for any more problems or burdens. The unfunded mandates legislation should solve some of these problems—not add to them.

Ms. WOOLSEY. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment offered by the gentleman from Pennsylvania [Mr. MASCARA].

Mr. Chairman, each year over $5 billion in child support goes uncollected. This is a national disgrace that is punishing our children and bankrupting our welfare system. If we are truly serious about taking care of our children and reducing dependence on welfare, collecting outstanding child support must be a top priority in the new Congress.

That is why I believe child support collection should be exempted from the provisions of the Unfunded Mandates Reform Act. Mr. Chairman, last year, the Federal Government paid out 16½ billion dollars in AFDC payments to

the States, along with another one billion dollars devoted specifically to child support collection. This is an enormous Federal investment, and, we have every right to expect the States to be vigilant about collecting [child support] payments which, after all, will keep families off the welfare rolls in the first place. When the States are not doing an adequate job, Mr. Chairman, we cannot be hindered from passing laws that will help crack down on deadbeat parents who shortchange our children.

I know first hand that child support does indeed make a big difference when it comes to welfare. Twenty-seven years ago, I was a single, working mother with three small children, and although the courts ordered my former husband to pay child support, we never received a penny. Even though I was employed, in order to provide my children with the health care and child care they needed, I was forced to go on welfare to supplement my wages. Today, millions of welfare families, like my own, would not need assistance if they received the child support payments they are owed.

I am hopeful that this Congress will address the child support issue in a bipartisan way. In fact, Representative HYDE and I are working on a bill to reform the child support collection system. This bipartisan effort is proof that Members from both sides of the aisle want to engage in a meaningful effort to increase the amount of child support collected for families who need it so desperately. Members from both sides of the aisle realize that this approach will save Federal dollars in the long run. Indeed, Mr. Chairman, there should be no party lines when it comes to taking care of our children.

So, Mr. Chairman, I urge House Members on both sides to pave the way for this important effort—to allow us to proceed unhindered in the struggle to provide much-needed, and owed, child support to desperate families. I urge the House to adopt the Mascara-Woolsey-Kennelly amendment to exempt child support collection laws from H.R. 5.

Mr. CLINGER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Pennsylvania [Mr. MASCARA].

Mr. Chairman, I do so reluctantly because I have had to oppose other amendments by other colleagues from Pennsylvania, but really for the same reasons that we have discussed earlier here, and that is that this is not a retroactive bill. It would not affect existing child support legislation, nor will it, in fact, affect any reauthorization of child support legislation unless it rises to a new mandate imposed in some reauthorization that would increase the cost by over $50 billion. But I think the other thing is that, even if what we are talking about here is getting good cost analysis of what it is going to cost to implement any new mandates, then I think we have to recognize there are three possibilities that can occur once that determination is made, and that is we can, in fact, elect to pay for the mandate and thus relieve the local government from that burden, we can elect to pass that mandate through without paying for it, or, third, we can elect not to impose the mandate at all.

□ 1350

Now, I think the implication in a lot of the amendments that have been offered is that we would in every case elect not to pass the mandate through, and therefore there would be great gaping holes in the social contract and the safety net would be destroyed. But I would submit to the gentleman that there is almost no likelihood that we are going to refuse to pass a mandate that is going to affect the livelihood and well-being of children. That is just not going to be in the cards.

So I come back that the primary purpose of this is to ensure we have a real understanding of what the costs of our actions are.

Mrs. MORELLA. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I yield to the gentlewoman from Maryland.

Mrs. MORELLA. I thank the chairman of the committee for yielding to me.

Mr. Chairman, I wanted to speak about this issue of child support enforcement as it relates, or actually does not relate, to today's discussion about Federal mandates. Again, I have great admiration for the sponsors of this amendment and I know about their commitment to child support enforcement, and I believe in that too.

Mr. Chairman, as co-chair of the Congressional Caucus for Women's Issues, I have been working with my colleagues—particularly Representatives JOHNSON, ROUKEMA, KENNELLY, NORTON, and others—to fashion comprehensive legislation to strengthen our Nation's flimsy child support enforcement laws. In the forthcoming days, we will introduce our legislation—the Child Support Responsibility Act of 1995—whcih will be considered on a parallel track with welfare reform.

In the area of child support enforcement, Mr. Chairman, you may be surprised to learn that States have specifically asked for a mandate. They want the Federal Government to require all States to play by the same rules—to give full faith and credit to each other's child support orders; to require cooperation among squabbling State agencies; and to unify the random patchwork of State laws that make interstate enforcement incredibly difficult, often impossible.

Of course, Mr. Chairman, States want Federal funding for a unifying child support system, and our bill provides it. Our legislation provides the Federal resources that States will need in order to make child support enforcement laws across the Nation work. Under the Child Support Responsibility Act of 1995, the Federal Government more than lives up to its financial obligation to the States.

That is why, Mr. Chairman, I do not think that today's amendment on this subject is either necessary or appropriate. While I will always work to protect our Nation's child support enforcement program, it is clear to me that H.R. 5 already exempts Federal obligations that are funded—of which child support enforcement legislation is certainly one—and that any effort to exempt a funded program from what is supposed to be an unfunded mandates bill is illogical.

Ms. WOOLSEY. Mr. Chairman, will the gentleman yield?

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

Ms. WOOLSEY. Mr. Chairman, I would just like to point out that with the welfare reform debate we have before us there will be emphasis on child support collection in order to have welfare reform in the first place. It may put an additional burden on States beyond what they are expected to do right now. And our goal is that we protect that, so that there will be no unfunded mandate provisions that prevent us from going further with welfare reform and child support.

Mr. CLINGER. Mr. Chairman, reclaiming my time, I understand that, but I would tell the gentlewoman that this bill as presently drafted would not in any way inhibit that possibility from happening. What it does provide is we would have a better idea of what the costs might be. It would not preclude that. To say that this should be somehow exempt as we have declined to exempt other areas I think would not be appropriate.

Ms. WOOLSEY. Mr. Chairman, if the gentleman will yield further, you said ''we are almost certain that it will not do this.'' I want to be certain.

Mrs. KENNELLY. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, I will not take the entire time, but I think what is happening here is we have an honest disagreement on where in fact welfare and child support enforcement come into being as we move forward in welfare support. And I think that is exactly what the gentlewoman from California [Ms. WOOLSEY] and the gentleman from Pennsylvania [Mr. MASCARA] and myself are trying to do, is have a clarification that in a program that we all agree on, child support enforcement, both sides of the aisle, it is one of those very good issues that is nonpartisan, and what we are saying here this afternoon is that we would like a clarification that child support enforcement would be exempt from this bill.

We have heard so much about welfare reform in this Capitol and across this country these last few months. Yet what we have not heard as much about, maybe because we all agree on it, is child support enforcement, which is a welfare prevention bill in fact. I fear

without this amendment we could reform in exactly the wrong direction for child support enforcement.

As we know, child support enforcement is part of Aid for Families with Dependent Children. Aid for Families with Dependent Children is a volunteer program, even though all states take part in it. If a state does participate in a program, it has to have a child support enforcement agency as part of the program. Then the Federal Government does in fact pay not the full costs of the enforcement; it pays 66 percent.

Mr. Chairman, what has happened over the last few years is that people have been working on making this a better program and we have got to the point where we can collect 4 dollars for every dollar spent, which certainly is a good investment on dollars, but it only goes halfway in solving the problems, because the fact of the matter is $34 billion remains uncollected. This means the custodial parents do not get their payment from the absent parent. So making child support enforcement subject to this legislation does not make good economic sense, and that is why we are asking for the clarification, because this program is optional, the Federal Government already pays the majority of its costs, as I said 66 percent, and it does have that proven record. But to the extent this legislation would allow states to stop the impetus, the progress, the efforts that have been made to keep child support enforcement up there where it belongs as a priority program, not at the bottom of the docket, not at the end of the line, not out of the vision of the Government, where it has come at this point is for it to be an upfront program, and we are afraid if we take off that impetus or impair it by putting it into this unfunded mandate situation, that just as the gentlewoman from California [Ms. WOOLSEY] said, there is that possibility that once again this very important program that we all agree is a good program goes to the bottom of the barrel.

And it is so true that so many of us have worked on this. The gentlewoman from New Jersey [Mrs. ROUKEMA] and I were on the Interstate Commission on Child Support Enforcement together. We then introduced legislation implementing many of the recommendations of the commission. Therefore, we got to the point where we all know interstate enforcement of child support is a difficult nut to crack. And this is why we are saying, be very, very careful not to put this into the unfunded mandate bill, to keep it as a Federal program, because there is no way we are going to get those missing parents to step forward when they have gone across state lines. So all we are urging today is a clarification about child support enforcement, merely saying do not include it in this very large bill, leave it where it is, we are making progress, we want to continue making progress, and we ask this not be in the unfunded mandate program.

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

Mr. Chairman, I recognize that a rhythm has developed here with Republicans voting one way by rote, Democrats perhaps voting another, and I recognize we have come forward with our most favorite issues and I confess and concede that this is one of mine. But the gravamen of my argument does not have to do with the substance and the considerable merits of this issue.

I am aware that no issue has more bipartisan support, perhaps, in the 104th Congress than collecting child support from deadbeat parents. For the women of the Congress especially, there has been painstaking, grueling work that is going to culminate, hopefully next week, in the introduction of the Child Support Responsibility Act, which indeed will create a new mandate.

But I am not at the moment arguing the merits, the very considerable merits, here. I myself put in an amendment and support this amendment, which is even more inclusive than my own. But, Mr. Chairman, as a technical matter, child support does not fit the framework of this bill.

□ 1400

Child support is, in our country, exclusively a matter of family law or State law. The unfunded mandate in this case is on the Federal Government to help the States with a State law function, collecting child support from their own citizens to pay to support their own children. This is not Federal law. This is not a Federal function. So why are we now, and will we in the new Child Support Act, be in it at all?

What we have discovered now, after decades of experience, is that the States cannot perform the State function well without the Federal Government, not the other way around, which is what we have been talking about, almost entirely, when we have heard other amendments.

We now, if we vote against this amendment, are voting where the perverse result of the bill before us would be to allow a vote on whether States should carry out and continue to carry out the State functions of collecting child support.

Think about it: that does not fit this bill and that is why it should not be in this bill.

We, in the child support bill, will be talking about State policy being carried out through the Federal Government. The Federal obligation is the one that is supplementary. The Federal obligation is the one that is an unfunded mandate.

Indeed, we have been doing our part with such a mandate all along, providing matching funds and incentive payments to the States to strengthen their own enforcement and increase collections.

Unfortunately, this has not worked well enough. And so we ourselves appointed this Interstate Child Support Commission, because this is an interstate matter, and this is the essence of federalism.

This matter, my colleagues, cannot work unless each of us accepts an unfunded mandate, the States and the Federal Government. Our own Commission, where the gentlewoman from Connecticut [Mrs. KENNELLY] has just told you she served, said, and I am quoting the Commission, ''In order to create seamless case processing, some of our recommendations by necessity apply to both intrastate and interstate cases.''

As it turns out, most of these are in fact interstate cases, and even those cases will get nowhere, will fall of their own weight, unless each accepts willingly his own part of the mandate, yes, mandate.

The problem is so serious and remedies have been so illusive that our own Interstate Commission considered having the whole kit and caboodle federalized, but then they said, ''wait a minute, this is State stuff. This is family law. We do not want the Federal Government taking it over.''

Instead, they said, let us have a standardized, State-based system to enable these matters to move across State lines. The Commission said that the State boundaries were inherent limitations on collecting child support.

We have to recognize, my colleagues, that child support is different from every other function we have been discussing here. It is rare, indeed, for the Federal Government to insert itself into a State function, but we have done so before and we will do so again, when our bill is introduced by next week.

The CHAIRMAN. The time of the gentlewoman from the District of Columbia [Ms. NORTON] has expired.

(By unanimous consent, Ms. NORTON was allowed to proceed for 2 additional minutes.)

Ms. NORTON. By definition, this area requires a State mandate funded by the State. We certainly would not want to take over State child collection, to do its still-mandated function of collecting support payments from its own citizens to support its own children.

Even considering for this, I say to the distinguished chairman, as an informational matter to come up for a vote is positively dangerous. The States will sit there and say, ''hey, wait a minute, maybe we will not even have to pay for what we are paying for it they vote that this is an unfunded mandate.''

At the very least, it sends a contradictory message to the States where we are trying now to say, ''hey, more, more, take your mandate more seriously.'' Now we are voting on whether or not they ought to have a mandate at all.

The Child Support Responsibility Act to be introduced next week, Mr. Chairman, is close to a sacred congressional promise already. Please, do not take back the promise to collect support

from deadbeat parents before the legislation is even introduced.

Mrs. MEEK of Florida. Mr. Chairman, I move to strike the requisite number of words.

I yield to the gentleman from Pennsylvania [Mr. MASCARA].

Mr. MASCARA. Mr. Chairman, I certainly have the utmost respect for the chairman of the Committee on Government Reform and Oversight, on which I serve, the gentleman from Pennsylvania. But as a county commissioner for a lot of years, the responsibility of collecting support payments rested right at home in county government in Washington, PA. As I said earlier, I think we have done an excellent job in collecting these support payments.

And I have no axe to grind with the other side of the aisle. I just want them to understand the importance of this particular amendment.

To me, it would seem that it is a legislative oxymoron on the one hand to say that we are going to engage in the debate on welfare reform and, on the other hand, change the system that I think is working very well.

As I indicated earlier, we are collecting payments, keeping people off the welfare by running a good system.

In closing, Mr. Chairman, I would like to reiterate that I am a staunch supporter of the support enforcement system. We must collect every last dollar possible from delinquent parents. Doing so keeps families together. It gives the remaining parent a real chance to raise children, to go to school, to find a decent job. Support enforcement is one Federal program that works. It works and it works well.

For every dollar spent on enforcement, the Government collects $4 in support payments. By collecting these support payments, the Government helps keep people off of welfare and helps to pay for those who are on welfare. By collecting these payments, we are saving billions of dollars each year. Let us support real family values. Let us not tie this important effort up in knots.

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

I just want to be very brief and say to my friend from Pennsylvania that I was a county commissioner as well. This is one program where the States actually make money. Currently, this bill will in no way preclude the current system. It is not in jeopardy at all. This would apply to future efforts by the Federal Government to send the bill for these programs of course down to the State and local governments.

I believe this should be a partnership. I think the Federal Government needs to be involved in this. I agree with the gentleman on this. I do not think that we should let any of these dollars go uncollected.

But I also believe that we should have this cost in front of us before we send new mandates to the State and local governments. That is all we are asking for. It is for that reason that I oppose this amendment, but certainly share the same concerns for collecting these costs, which total into the billions of dollars across this country, and hope that we can join in perhaps another way, when waiving a point of order or having a dialog with the State and local governments, as future issues of this sort come before this Congress.

Mr. MARKEY. Mr. Chairman, I rise in strong support of the amendment offered by Representatives MASCARA, WOOLSEY, and KENNELLY to exempt laws and regulations pertaining to the collection of child support payments from the provisions of the bill before us today.

One-fifth of America's children live in poverty. In part, this is because the structure of the American family has changed dramatically in recent years. According to the Children's Defense Fund, in 1992, one-fourth of American children lived in homes where only one of their parents was present; this represents an increase from only one-tenth of all children in 1959. Unfortunately, the financial consequences of living with only one parent are equally dramatic: Half of all children living in single parent homes are poor, as compared to about 10 percent of children living in two-parent households. Thus, children who live with only one parent are five times as likely to be poor as children who are living with both parents.

The sharply higher rate of poverty among children living in single-parent homes is largely due to the fact that too many deadbeat dads do not contribute to the cost of raising their children. According to the Census Bureau, less than 60 percent of mothers who have custody of their children have child support orders, and of those who do have orders in place, half receive only part of the allotted amount of support or none at all. As a result, according to one study, within the first year after the father leaves a low- or moderate-income household, mothers report that 32 percent of their children go without food, 55 percent lack health care, and 37 percent do not have proper clothing. In short, because so many noncustodial parents are shirking their financial obligations, their children are going to school hungry and failing to receive the health care and clothing they need.

As long as deadbeat dads can escape their responsibilities to their children by simply picking up and leaving a State, we cannot solve this problem. We must track down more deadbeat dads—even when they cross State lines—and force them live up to the financial obligations they have to their children. I believe that this amendment protects our ability to do this, and I urge you to support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania, [Mr. MASCARA].

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

RECORDED VOTE

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

Mr. CLINGER. Mr. Chairman, I would like to announce that it would be my intention to have the committee rise at the conclusion of this vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 158, noes 259, not voting 17, as follows:

[Roll No 55]

AYES—158

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

NOES—259

Allard	Chabot	Ewing
Andrews	Chambliss	Fawell
Archer	Chapman	Fields (TX)
Armey	Chenoweth	Flanagan
Bachus	Christensen	Foley
Baesler	Chrysler	Forbes
Baker (CA)	Clinger	Fox
Baker (LA)	Coble	Franks (CT)
Ballenger	Coburn	Franks (NJ)
Barr	Collins (GA)	Frelinghuysen
Barrett (NE)	Combest	Frisa
Bartlett	Condit	Frost
Barton	Cooley	Funderburk
Bass	Cox	Gallegly
Bateman	Cramer	Ganske
Bevill	Crane	Gekas
Bilbray	Crapo	Geren
Bilirakis	Cremeans	Gilchrest
Blute	Cubin	Gillmor
Boehlert	Cunningham	Gilman
Boehner	Davis	Goodlatte
Bonilla	de la Garza	Goodling
Bono	Deal	Goss
Brewster	Diaz-Balart	Graham
Browder	Dickey	Greenwood
Brownback	Dooley	Gunderson
Bryant (TN)	Doolittle	Gutknecht
Bunn	Dornan	Hall (TX)
Bunning	Dreier	Hamilton
Burr	Duncan	Hancock
Burton	Dunn	Hansen
Buyer	Ehlers	Harman
Callahan	Ehrlich	Hastert
Calvert	Emerson	Hastings (WA)
Camp	English	Hayes
Canady	Ensign	Hayworth
Castle	Everett	Hefley

Heineman	McNulty	Shadegg
Herger	Metcalf	Shaw
Hilleary	Meyers	Shays
Hobson	Mica	Shuster
Hoekstra	Miller (FL)	Sisisky
Hoke	Molinari	Skaggs
Horn	Montgomery	Skeen
Hostettler	Moorhead	Skelton
Houghton	Morella	Smith (MI)
Hunter	Myers	Smith (NJ)
Hutchinson	Myrick	Smith (TX)
Hyde	Nethercutt	Smith (WA)
Inglis	Neumann	Solomon
Istook	Ney	Souder
Jacobs	Norwood	Spence
Johnson (CT)	Nussle	Stearns
Johnson, Sam	Ortiz	Stenholm
Jones	Orton	Stockman
Kasich	Oxley	Stump
Kelly	Packard	Talent
Kim	Parker	Tanner
King	Paxon	Tate
Kingston	Payne (VA)	Tauzin
Klug	Peterson (MN)	Taylor (MS)
Knollenberg	Petri	Taylor (NC)
Kolbe	Pickett	Thomas
LaHood	Porter	Thornberry
Largent	Portman	Tiahrt
Latham	Pryce	Torkildsen
LaTourette	Quillen	Upton
Laughlin	Quinn	Vucanovich
Lazio	Radanovich	Waldholtz
Leach	Ramstad	Walker
Lewis (CA)	Regula	Walsh
Lewis (KY)	Riggs	Wamp
Lightfoot	Roberts	Watts (OK)
Linder	Roemer	Weldon (FL)
Livingston	Rogers	Weldon (PA)
LoBiondo	Rohrabacher	Weller
Longley	Ros-Lehtinen	White
Lucas	Roth	Whitfield
Manzullo	Royce	Wicker
Martini	Salmon	Wilson
McCollum	Sanford	Wolf
McCrery	Saxton	Young (AK)
McDade	Scarborough	Young (FL)
McHugh	Schaefer	Zeliff
McInnis	Schiff	Zimmer
McIntosh	Seastrand	
McKeon	Sensenbrenner	

NOT VOTING—17

Bereuter	Deutsch	Pombo
Bishop	Fields (LA)	Roukema
Bliley	Fowler	Rush
Borski	Hinchey	Stupak
Brown (CA)	Jefferson	Thornton
DeLay	Johnston	

□ 1428

The Clerk announced the following pair:

On this vote:

Mr. Deutsch for, with Mr. DeLay against.

Mr. TAYLOR of Mississippi changed his vote from ''aye'' to ''no.''

Messrs. FRANK of Massachusetts, PETERSON of Florida, HILLIARD, and MURTHA changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

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

The motion was agreed to.

□ 1430

Accordingly the Committee rose; and the Speaker pro tempore (Mr. GOSS) 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.

ELECTION OF MEMBER TO COMMITTEE ON INTERNATIONAL RELATIONS

Ms. MOLINARI. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 48) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 48

Resolved, That the following named Member be, and is hereby, elected to the Committee on International Relations of the House of Representatives: Representative Amo Houghton of New York.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ADJOURNMENT TO MONDAY, JANUARY 30, 1995

Ms. MOLINARI. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Ms. MOLINARI. 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. Is there objection to the request of the gentlewoman from New York?

There was no objection.

MEXICAN BAILOUT

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

Mrs. SEASTRAND. Mr. Speaker, yesterday was a truly historic day in the House of Representatives. Last night we kept our promises to the American people and passed a balanced budget amendment to the Constitution that will force very real, very fundamental change in Washington.

So I chose today to point out the futility in telling Americans we will balance the books in Washington, but as early as next week Congress may vote to bail out Mexico to the tune of $40 billion in loan guarantees.

I will only make two points. First, we Republican freshmen were elected with an agenda to take the concerns of the taxpayers to Washington. It does not include bailing out Mexico or Wall Street investors.

Second, there is a fundamental principle in economics. You get more of what you subsidize. We should not subsidize bankrupt economic policy.

I don't know who is more to blame, the intellectual dishonesty of the Mexican Government in dealing with America, or the intellectual bankruptcy of the Clinton administration who devised this scheme. The taxpayers will recognize this is not only bad politics, this is bad policy.

INTRODUCTION OF BILL TO BALANCE THE BUDGET BY 1997

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

Mr. BENTSEN. Mr. Speaker, as my colleague from the other side just spoke, yesterday this House took action to try and bring the Federal budget in balance by the year 2002. While some may have disagreed with this process, that does not mean the debate ends there. It means that we have to go further.

Last week I introduced a bill, H.R. 567, which would require the President to submit and the Congress to act on a balanced budget beginning in fiscal year 1997. If we are truly serious, and many Members last night said they were serious, about bringing the budget into balance, then they should start working on it now, and as I said repeatedly in this House, we should bring the American people to the table and talk about how we are going to do it, because we will never accomplish a balanced budget without bringing the American people into the debate to find out where the cuts have to be made.

I would urge my colleagues to join with me and to sign on H.R. 567. I urge the committees to take it up. Let us bring this legislation to the floor.

NO PESO PROP UP

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

Mr. TIAHRT. Mr. Speaker, the administration is calling for $40 billion in loan guarantees for our neighbor to the south. We have been lobbied by the high rollers in the administration and from the Federal Reserve to gain our support for the peso prop up.

Once again the working families are requested to shoulder the burden of bad judgment. Once again the backbone of this Nation is asked to not only feed their families but also feed greed of the international bankers.

Like a drunk returning to the bottle our neighbor to the south returns to the taxpayers for this peso prop up, with a promise that this time it is different. A promise to increase taxes and