

A DISPLAY OF COMITY IN THE REPUBLICAN CONFERENCE

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

Mr. KINGSTON. Mr. Speaker, this morning Speaker GINGRICH invited Vice President GORE to meet with the Republican Conference on the subject of reinventing the Government. He stood right here at this lectern on the Republican side and talked for nearly an hour about making Government customer-friendly and constituent-responsive. He talked about the old order and the new order. He talked about listening to employees and bringing them in on the decisionmaking. He talked about cutting redtape, reducing the bureaucracy, and changing the procurement process.

We on the Republican side found that we have much in common with the Vice President. We share much of his goal and his vision.

I congratulate Speaker GINGRICH on inviting the Vice President to engage in a bipartisan dialog. I hope that Members on both sides of the aisle can follow this example set by Speaker GINGRICH and the Vice President. I hope that the sniping ends. It is always easy to build yourself up at the expense of the institution, but I hope that we do what the Vice President and Speaker GINGRICH did today. We have much in common. We have much to accomplish, and we can do it together.

□ 1140

RAISING INTEREST RATES MAKES NO SENSE

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

Mr. BROWN of Ohio. Mr. Speaker, yesterday the President, with support of Republican leadership, proposed committing \$20 billion to Mexico to prop up the peso. Today the Federal Reserve, behind closed doors, will decide whether or not to raise interest rates yet again.

Mr. Greenspan has lobbied Congress relentlessly in recent days on behalf of the Mexican bailout. But by raising interest rates again, Mr. Greenspan will contribute to a further weakening of the Mexican peso. By raising interest rates again, more importantly, Mr. Greenspan will make it harder for American families to pay for houses, to pay for cars, to pay for student loans. And by raising interest rates again Mr. Greenspan threatens to choke off the recovery. Higher rates will also make it harder to pay off the \$20 billion the President and Republican leadership wants to send to Mexico.

Excuse me, Mr. Speaker, raising interest rates simply makes no sense.

OPPOSE MEXICAN BAILOUT

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

Mr. ROTH. Mr. Speaker, the American taxpayer and the people of Mexico have had a heavy load added to their backpack yesterday. The American taxpayers and others for the sixth time have bailed out Mexico now in the last 12 years. Remember the Baker plan and the Brady plan? They were supposed to have ended the Mexican debt crisis back in 1990.

This is a serious problem, and one of the reasons is this: In Mexico they are paying as high as 20 percent, 25 percent, as high as 51 percent on these bonds. How can these poor people possibly come out from under this heavy burden?

I hope that the people here in Congress will speak out and oppose this outrageous direct transfer of wealth from the pockets of the American taxpayers to the pockets not of the people of Mexico, but to the Mexican elite. They have more billionaires in Mexico per capita than any country in the world. They are taking their money out, putting it into our country, and we are taking the taxpayers' money and putting it into Mexico.

It does not make sense. This is a very bad deal for us. No wonder the American people are again singing the old ballad "16 Tons," "Another day older, and deeper in debt." I feel sorry for the American taxpayer and the poor people of Mexico.

NO GOVERNMENT BAILOUT FOR BAD INVESTMENTS IN MEXICO

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

Mr. SANDERS. Mr. Speaker, I rise in strong opposition to the \$40 billion bailout of Mexico and in very strong opposition to President Clinton's effort to circumvent the congressional process. At a time when this country has a \$200 billion deficit and when Members of Congress are proposing cutbacks in Social Security, Medicare, Medicaid, veterans programs, and nutritional programs for hungry children, it is absurd to put \$40 billion of American taxpayers' money at risk in an unstable Mexican economy and an unstable Mexican political system.

If large banks and Wall Street investment houses want to purchase Mexican bonds at high interest rates, they have every right in the world to do so. But these big money interests do not have the right to be bailed out by Government when their investments turn sour.

UNFUNDED MANDATE REFORM ACT OF 1995

The SPEAKER pro tempore (Mr. UPTON). 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.

□ 1144

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 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 31, 1995, the amendment offered by the gentleman from Virginia [Mr. MORAN] had been disposed of, and title III was open for amendment at any point.

Are there further amendments to title III?

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentlewoman will state it.

Mrs. COLLINS of Illinois. Mr. Chairman, we have four Members who wanted to offer their amendments. They are not here. I wonder if it is possible to reserve 5 or 10 minutes of their time?

The CHAIRMAN. The gentlewoman may move to strike the last word, and she would be recognized for 5 minutes, or any Member may move to strike the last word.

AMENDMENT OFFERED BY MR. MINETA

Mr. MINETA. Mr. Chairman, pursuant to the rule, I offer an amendment, amendment numbered 95.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MINETA: In section 301, at the end of the proposed section 421(4) of the Congressional Budget Act of 1974, add the following:

Such term shall not be construed to include a provision in legislation, statute, or regulation that preempts a State, local, or tribal government from enacting or enforcing a law, regulating, or other provision having the force of law related to economic regulation, including limitations on revenues to such governments.

Mr. MINETA. Mr. Chairman, in general the bill before us is an attempt to limit the intrusiveness of the Federal Government into the business of State and local governments and private businesses. Many of us disagree with

how the bill goes about meeting those objectives, but we do not disagree with the objectives themselves.

In the area of transportation, economic regulation in particular, I have been among the most consistent advocates of the economic deregulation of transportation. The gentleman from Pennsylvania is very familiar with my efforts as a deregulator, because he has been an important part of those efforts, and so have many Members on his side of the aisle.

In the past 15 years, we have largely deregulated the airlines, pipelines, trucking, and railroads. We have dramatically reduced the intrusiveness of government into the marketplace. And in every instance we have concluded that what we wanted to achieve was deregulation, not a substitute of State regulation for Federal regulation.

Deregulation means get government out of the issue. It does not mean close the Civil Aeronautics Board only to substitute 50 State Civil Aeronautics Boards.

In every one of these deregulation efforts, we have not only told the Federal Government to get out of economic regulation, we have told the States not to get into it. And that is the only way we can increase reliance on the marketplace.

This unfunded mandates bill would inadvertently apply to efforts to deregulate industries. H.R. 5 not only makes it more difficult to tell States what they have to do, it also makes it more difficult to tell States what they cannot do, including that they cannot regulate industries that we have just deregulated.

Mr. Chairman, this is not what the Members of this House intend for this bill to do. It is not what the Senate bill does. This is an unintended consequence that we ought to correct, and my amendment does that.

Let me give a specific example. Last August we brought to the floor legislation which very substantially deregulated the economic regulation of the trucking industry. Many of you thought of it as the Fed Ex bill, or the UPS bill, but it was in fact very broad deregulation legislation affecting most of the trucking industry. That bill would have been considered an unfunded mandate under H.R. 5 because it told the States they could not regulate those industries.

□ 1150

None of us considered that an unfunded mandate, but H.R. 5 does. That bill would have been required to have extensive analyses set out in H.R. 5, which quite probably would have meant we would not have had time to enact it in the closing weeks of the last Congress.

The same kinds of problems arise with regard to deregulation of pipelines, of railroads, and of other industries we are looking at for future deregulation.

These problems arise with respect to any clarifying bills we may need to do in the future, to preserve the deregulation of industries that we have already deregulated. This is not what the Members of this House intend for this bill to do.

I know that the track record so far on the Democratic amendments to this bill is not good. But I appeal to the manager of the bill that my amendment supports one of the underlying objectives of the bill, less government regulation.

Mr. Chairman, I urge the adoption of my amendment.

Mr. Chairman, I yield to the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Chairman, I thank the gentleman from California [Mr. MINETA], the ranking Democratic member on the Committee on Transportation and Infrastructure.

I am a former chairman of the Tennessee Public Service Commission, so I have seen how regulation works and it can work very efficiently and effectively. I also have seen examples where it has not worked, where it has cost consumers billions of dollars.

I might say about our legislation, that the gentleman from California [Mr. MINETA] and the gentleman from Pennsylvania [Mr. CLINGER] and the vast majority of the Members of the House of Representatives and the Senate all supported this last year, that it was to deregulate the trucking industry. But I do think what the gentleman from California [Mr. MINETA] has said is correct. This is an unintended consequence that we ought to correct.

I realize that the gentleman from Pennsylvania [Mr. CLINGER] and others have stated that they do not support amendments, but I hope they will make an exception to the rule.

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

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

Mr. CLEMENT. I would hope that the gentleman from California [Mr. CONDIT] and the gentleman from Pennsylvania [Mr. CLINGER] and all of those of us that support H.R. 5—and I strongly support H.R. 5—I will vote for final passage, a lot of Democrats, lot of Republicans will join hands in a very bipartisan manner. I do not like unfunded mandates.

But this is not the intention of this particular amendment. Do not strangle us. Do not put us in a straitjacket. We very well are going to be looking at some other deregulation down the road. We have not finished that task. Surely we have had much that we can be proud of over the last 15 years, such as deregulation of airlines, pipelines, trucking, and railroads.

This is the beginning for the Committee on Transportation and Infrastructure. In order to ensure that businesses and industry have an opportunity to compete without all these

rules and regulations, let us adopt the Mineta amendment and let us be bipartisan about it.

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

Mr. Chairman, I rise in reluctant opposition to the amendment of my friend from California, a mentor on the Committee on Public Works and Transportation. I know and appreciate and am sensitive to his concerns.

But I rise in opposition to the amendment because the amendment really broadly exempts Federal preemption of State law from the definition of mandates. This includes any Federal limitation on revenues that a State or local government can otherwise lawfully collect.

Mr. Chairman, I believe this amendment was drafted primarily in response to concerns raised by the railroad industry. The railroads' particularly concern is an inclusion in the bill of mandates that require States or local governments to forgo revenues might adversely affect a provision of law enacted in 1976 that prohibits States and local governments from discriminating against railroads in taxation.

The most important point to be made is the same point that has been made over and over again during the debate on this bill, and that is that this bill does not affect existing mandates.

The point of order this the bill creates applies only to bills brought to the House floor after October 1, 1995, which is the effective date of the legislation.

The real question, Mr. Chairman, is whether a similar preemption of State law in future bills that limits the ability of a State to collect an otherwise lawful tax should be subject to the procedures established by H.R. 5.

The State tax officials make a compelling case that Federal laws that restrict States and local governments from employing tax practices which would otherwise be legal under the U.S. Constitution have exactly the same impact as an expenditure mandate.

So I believe that the same procedure should be applied to these preemption provisions. If Congress believes and decides that the national interest requires placing restrictions on States' ability to raise lawful taxes, then it is not unreasonable to require a majority vote to waive that point of order.

So I must oppose the gentleman's amendment.

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

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

Mr. MINETA. Mr. Chairman as I have indicated, the Senate bill relative to their legislation on unfunded mandates does not contain this unintended consequence of making it more difficult to deregulate.

I would like to ask my very fine colleague from Pennsylvania, if I can get a commitment from the gentleman from Pennsylvania that he will revisit this issue in conference and attempt to

keep this bill from making it harder to deregulate.

Mr. CLINGER. Mr. Chairman, let me assure the gentleman that that, as the gentleman says, that is a confidential issue. It is one that I will certainly be willing to revisit and to work with the gentleman. As I say, at this point I am not convinced that it is necessary but will be happy to revisit the matter in conference.

Mr. MINETA. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The CHAIRMAN. Are there other amendments to title III?

AMENDMENT OFFERED BY MR. SANDERS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SANDERS: Insert the following new paragraphs at the end of the proposed section 424(a) of the Congressional Budget Act of 1974:

“(5) CONSIDERATION OF COST SAVINGS FROM FEDERAL MANDATES.—For each bill or joint resolution of a public character reported by any committee that establishes, modifies, or repeals a Federal mandate, the Director shall prepare and submit to the committee a statement describing the cost savings that would accrue to the private and public sectors from such Federal mandate, including long and short term health care and environmental cost savings. Such statements shall include a quantitative assessment of such cost savings to the extent practicable.

“(6) CONSIDERATION OF BENEFITS OF FEDERAL MANDATES.—For each bill or joint resolution of a public character reported by any committee that establishes, modifies, or repeals a Federal mandate, the Director shall prepare and submit to the committee a statement describing the benefits of such Federal mandate, including benefits to human health, welfare, the environment, and the economy. Such statement shall include a quantitative assessment of such benefits to the extent practicable.

Mr. SANDERS. Mr. Chairman, I offer this amendment along with my colleagues, the gentleman from California [Mr. WAXMAN], the gentleman from Minnesota [Mr. VENTO], and the gentleman from California [Mr. FARR].

This amendment simply provides for full and unbiased information. It provides that the CBO include an estimate of long- and short-term health care and environmental cost savings and other benefits of unfunded mandates.

The bottom line is the Unfunded Mandates Reform Act threatens to dismantle many laws that protect the public health and the environment. This is because State and local governments need to heed these laws just like the private sector.

When we consider the merits of mandates like the Safe Drinking Water Act, OSHA, and bills regulating the disposal of medical waste, we should be aware of the costs imposed on local governments. That is absolutely appro-

priate. But we should also be equally aware of the cost savings, the cost savings expected from these mandates.

The true cost of a bill is the direct cost imposed minus the cost savings. This amendment ensures that the CBO estimate the true cost.

If this amendment is adopted, we will be less likely to discard preventative legislation that is cost effective in the long run.

Prevention is much cheaper than a cure. But prevention has a short-term direct cost. If this amendment is not adopted, we will only be informed of that short-term direct cost and will not be told about the expected cost savings.

Cost savings is not a small part of the equation. H.R. 5 threatens astronomical health care costs at a time when we want to save money. Today one in three of us will get cancer and, frankly, one in four of us will die of it. Over 60 different occupations are at a documented risk of cancer, including farmers, petrochemical workers, asbestos workers, plastics manufacturers, and radiation workers.

Under H.R. 5 it will be much harder to respond to this expensive and debilitating health care crisis and easier for shortsighted private industries to ignore it. We need access to real costs, including the long-term medical costs that will result if we fail to respond.

□ 1200

Lung cancer is the No. 1 cancer killer in America, yet H.R. 5 will hamstring us from imposing indoor air laws limiting tobacco smoke in workplaces and public places. The cost of imposing no-smoking areas is minuscule—minuscule in comparison to the cost of treating lung cancer. This amendment would clearly show the cost difference.

H.R. 5 also threatens, in my view, unacceptable environmental contamination and extremely expensive cleanup costs. Superfund sites littering the Nation are left festering because they are so expensive to clean up. It would have been more cost effective to prevent that contamination in the first place. We cannot foresee all future environmental problems. That is one reason we cannot say that current laws do an adequate job protecting us, but the CBO estimate of environmental cost savings will help us identify those cost-effective bills.

Fortunately, the Unfunded Mandates Reform Act does not apply to “emergency legislation,” but how will we know when there is a health care or an environmental emergency? The best way is to adopt this amendment which would indicate when the savings strongly outweigh the short-term direct costs and a crisis is at hand.

This amendment also requires a CBO analysis of the benefits of the legislation. As I mentioned earlier, H.R. 5 could very well destroy our environmental and public safety laws. These laws not only save money, but they prevent needless deaths, pain, suffering

and environmental degradation. These benefits should not be ignored.

This amendment provides for a CBO estimate of the benefits to human health, welfare, the environment, and the economy. Costs should not be viewed in a vacuum. Intelligent decisions require a cost-benefit analysis. If CBO provides information on costs, which is absolutely appropriate, and benefits, we would have access to a consistent and an unbiased cost-benefit analysis.

The CHAIRMAN. The time of the gentleman from Vermont [Mr. SANDERS] has expired.

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

Mr. SANDERS. Mr. Chairman, I fully support the current provisions that require a CBO estimate of the costs to State and local governments of unfunded mandates. That is very important. That is very important. But these estimates alone misrepresent the true cost of legislation and ignore its benefits. This amendment corrects that fatal flaw. This amendment helps us fulfill the laudable purposes spelled out in the Unfunded Mandates Reform Act.

Its purposes include, and I quote from the bill, “to end the imposition, in the absence of full consideration by Congress, of Federal mandates,” and “to assist Congress in its consideration of the proposed legislation * * * by establishing a mechanism to bring such information to the attention of the Senate and House * * * and to promote informed and deliberate decisions by Congress.”

If Members support these purposes, I urge Members to support this amendment.

The CBO will not always be able to provide a quantitative cost-benefit analysis. This amendment recognizes this limitation and only requires quantitative analyses when practicable, but when it is practicable, we need to be aware of all essential pieces of information. Uninformed decisions do not lead to cost-effective decisions. Let us save money and pass intelligent legislation that is not shortsighted.

I urge the Members to vote for this amendment, and vote for full and unbiased information.

Mr. CLINGER. Mr. Chairman, I rise in opposition to the gentleman's amendment, very briefly, just to state that I think that the role that the gentleman would have the CBO assume is not a role that they are clearly designed to do. Their role is to find out the cost of what things are and not really make policy decisions.

What the amendment would do is require CBO to become really a policy adviser or a policy evaluator. Requiring it to do cost-benefit analysis I think would really put it very close to policy advocacy.

I think the other thing that needs to be said about this is that the committee itself is charged in our bill with

doing a cost-benefit analysis of the mandates.

I think finally it can be said that clearly the advocates for a particular mandate and the need to pass it through are certainly going to be pointing out the benefits of that. So I do not think we are losing sight of the benefit.

What we have had is we have only considered the benefits in the past. Now we are going to be required to consider the costs, and I think there is an equilibrium that did not exist before.

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

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

Mr. DREIER. I thank my friend for yielding. I would simply like to echo his statement about the congressional budget.

I am opposed to this amendment because it seems to me that we are looking at an additional \$4½ million for the Congressional Budget Office, simply to address the question of cost, and this amendment goes beyond that, and I believe goes beyond even the purview of the Congressional Budget Office in dealing with issues like unfunded mandates.

It is for that reason I join with the distinguished chairman of the Government Reform and Oversight Committee in insisting that this amendment be defeated.

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

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

Mr. PORTMAN. Mr. Chairman, just briefly, I think the gentleman from Vermont [Mr. SANDERS] makes a very sound point as to cost effectiveness, and the benefits of preventive care is one example. It is a consideration Congress ought to take into account on the floor and even in committee.

What CBO told us that they can do and they are required to do under this legislation, if we look at title III, a net savings analysis. In other words, they will look at quantifiable costs and benefits, but CBO, as my colleague stated, simply cannot do the more subjective analysis. Committees can do that. In fact they are required under this legislation to look at both the costs and benefits and that will then come to the floor.

The gentleman makes a good point, that the point of this legislation is to have an accountability and to have informed, deliberate debate on the floor of the House. The benefits will be analyzed by the committee. That information will be in the committee report, and the report will be part of the debate on the floor.

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

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

Mr. SANDERS. Mr. Chairman, I have no argument with my friend that it is important for us to know the costs of the legislation we are proposing, no ar-

gument about that. But I think my friends would also not deny that some legislation is cost effective. If one could make the case that by promoting x policy that cost us \$1 million we save \$10 million in increased health care costs, I am sure all three of the gentlemen would be in agreement that was a good piece of legislation.

Mr. CLINGER. I would agree with the gentleman.

Let me reclaim my time to say we just do not think that is an appropriate place to have that done. We think it is much more appropriate in the committees which consist of elected Members to make those kinds of policy decisions, because it really is a policy decision. So our only objection is the appropriate place is not the Congressional Budget Office, which, let us face it, are number crunchers.

Ms. FURSE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of this amendment because I think it is absolutely appropriate that we research and identify the impacts of all congressional legislation. But H.R. 5, as it is drafted, would only give us half the picture. We need the whole picture to make well-reasoned decisions.

I would like to add, I am a small business owner and I cannot imagine any business doing a cost-benefit analysis that only looked at the cost and not at the benefits.

I would like to speak about a very tragic situation that we are currently experiencing in the Pacific Northwest, that is the demise of our legendary salmon runs. At one time 16 million fish returned to the Columbia River to spawn each year, and now they are only numbered in the thousands, and several species have been listed under the Endangered Species Act. And when we analyze recovery methods in order to bring back this great run, we need to clean up our polluted rivers, modify the hydroelectric system, we have to look at the whole cost of implementing these initiatives. But we also have to say what are the economic benefits that happen to the Northwest if we bring back our salmon.

There are some figures that I think are quite indicative of the problems if we do not look at both sides.

As recently as 1988, commercial and recreational salmon fisheries produced 62,000 jobs in my area, and they contributed over \$1.25 billion annually to the economy. Much of that bounty was returned and will be returned to the region if we can recover our salmon runs. So surely this information is an integral part of the debate over whether and how much to increase salmon recovery efforts.

□ 1210

In my belief, it is only through a fair comparison between the costs and the benefits that we can assess the merits of new legislative mandates, and so I urge my colleagues to support this very reasonable and very businesslike

amendment to the bill that is before us.

I urge support of the Sanders amendment.

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

Mr. Chairman, I rise in support of the amendment as a cosponsor. I support the amendment offered by the gentleman from Vermont [Mr. SANDERS].

I had a similar amendment in the RECORD, and I would hope that we would have the debate on this amendment. I think, considering all the talk about cost-benefit analysis in this bill, it is certainly fitting to request CBO do a cost-benefit analysis on Federal mandates that takes into account the long- and short-term savings and benefits of those future actions—the cost benefits as well as the costs to State and the National Government.

The fact of the matter is H.R. 5's provisions regarding CBO's cost estimates and future legislation concentrates only on the direct costs of bills without regard to the cost savings or benefits. Oftentimes the impact of the most significant legislation will not be realized for many years to come.

It would be flawed public policy to reject these proposals based upon short-term cost accounting without taking into consideration long-term benefits or savings.

As for an argument that this amendment places an unreasonable burden on CBO, I would submit the unreasonable at least significant burden already exists in the bill and that this amendment merely brings fairness and balance and integrity to the CBO role. Certainly the requirements in the proposed legislation are difficult for CBO to fulfill, the current requirements. But to analyze such in a vacuum is not responsible. If the CBO is going to be charged with the duty to crunch the numbers for Federal mandates, then it logically follows they should be looking at the whole picture, both debit and credit sides of the spreadsheet, not just the debit.

This amendment calls for the CBO to quantitatively assess the savings from Federal mandate that generate health care and environmental costs of abatement, for example. These are legitimate savings. If a policy eliminates contamination of a city's drinking water supply that has physically harmed thousands of residents that constitutes a cost savings, then it must be taken into account. A system, for instance, that eliminates the microsporidium in Milwaukee's city water supply, Mr. Chairman, is one such example.

The amendment calls for the CBO to quantitatively assess benefits for Federal mandates to human health, welfare, the environment, and the economy. These, of course, are legitimate benefits. If a rail safety policy staves off a train accident that results in a spill of a highly hazardous industrial

chemical into a waterway, that constitutes a real benefit, and must be taken into account.

The point is CBO should include cost savings and benefits in their cost estimates of the Federal mandates. This should not be left to the committee, since it is CBO's count that carries the weight in this bill. That is the intention. That is why there are going to be points of order raised on this floor and apparently addressed.

There must be integrity in the CBO's cost estimates, and this amendment provides such integrity.

The fact is, Mr. Chairman, through this debate we have heard about that this is only information. But what is becoming apparent today as we focus in on this, it is limited information, and I understand CBO information on the Federal Government side of the ledger; we have had that historically. We have not had points of order necessarily on the CBO estimate or scoring information or had special votes to deal with the information. But we have had that CBO information before the House, and benefit from such data.

This process in the proposed measure is untried and untested, what they are setting up now, and what is advanced in this legislation. There is not a model now to understand exactly how it will function.

What we have today, of course, are the figures that come out of the States which I would suggest are not accurate and generally, I think, carry more of an ideological concern about what the Federal Government may require with regards to motor-voter or other types of activities.

The fact is having objection information will be helpful. But I think it ought to be, as I said, not considered in a vacuum. It ought to consider both the benefits and the costs of that program or of not carrying forth such activity. We ought to know the costs of not doing it, if it is possible.

I understand this is a difficult responsibility being placed on CBO, Mr. Chairman, but it is no more difficult than some of the other aspects that are represented in this bill.

I think if we were to go forward without this, obviously, it will disadvantage those that may be trying to solve these broad problems which have, after all, been visited upon the Federal Government, left on our national doorstep, because throughout the 200 years of our Federal system many States, either through compacts or other exercises of powers, did not address those particular responsibilities.

This new federalism today, Mr. Chairman, I think is a curious way to resolve problems. But at the very least, if all we want is information here, I do not understand why the benefit value should be rejected out of hand as apparently it is by some of the advocates of this bill today.

Mr. Chairman, I urge support for the Sanders amendment.

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

Mr. Chairman, this amendment, the same supporters are the ones who voted to gut every other provision of this bill in terms of the type of legislative discretion we would have, who it applies to, who is exempted, and if we adopt this today, it will do the same thing.

The problem has been all along we have been full of benefits, as these bills come to the floor of the Congress of the United States, finding all the great benefits that are going to result if we pass this bill.

What we have failed to look at are what are the costs going to be. What are the costs going to be to the people who ultimately pay these? Because none of these items are for free. Instead of Congress funding them, we are sending them down to the localities.

This amendment changes the role of CBO from looking at the costs, of starting to weigh benefits. That is our job as Members. It will already be contained in the committee reports.

I think the bottom line is that the American people are tired of the trickle-down taxes that have resulted from our actions here as we look at the benefits which are presented, very ably, by authors of the different mandates, and they are contained very fully in the committee reports. But the costs are not contained, resulting in trickle-down taxes.

They are tired of cost-shifting from these mandates from the Federal income tax to local property taxes. They are tired of seeing local governments, which I have been involved with for 15 years before coming to this body, having to cut aid to schools, having to cut aid to, or having to close community centers, having to lay off police officers to fund mandates that emanate from here.

It is the costs we are concerned about. The benefits are readily contained already in committee reports. That is what has been driving this car from the inception.

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

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

Mr. SANDERS. Mr. Chairman, in all honesty, I really sincerely believe this should not be a political debate for this reason: Any sensible business person invests in the future. He or she purchases, say, new machinery, new technology. If the only part of the equation that one looked at was the million dollars one invested in new technology without looking at the cost savings that are coming down the road, that would be a very poor business person. I do not think we disagree on that.

Mr. DAVIS. We do not. CBO's role versus what is our role.

Mr. SANDERS. That is right. What you have proposed which makes sense is you want an objective analysis of the costs involved in a mandate. Fair enough. I agree with you. It seems to

me what we want is an objective, non-political analysis as best as they could do which certainly will not be perfect in terms of the benefits, as well.

So that they could come forward, not in a political way, not on a 16 to 13 committee vote; they say, "Look, if you invest \$10 million, you are going to save \$100 million in health care costs." Then you analyze that objectively as opposed to the partisanship which so often exists in committees.

Mr. DAVIS. I understand the gentleman's point. I think we need to get a handle on what the benefits are. I just do not think the CBO is the direction to go. As I looked at the committee reports on bills reported through, the benefits have been outlined fully. The benefits is what have been driving legislation emanating from Congress for the last 50 years, and the costs have really been hidden.

There is a balance here, but I think they are going to be clearly underscored in the reports, and we have that ability, the authors of these bills, as they move through in the authorizing committee, to lay out what the benefits are. It is not CBO's job. That is why I oppose the amendment. I think it defeats what we are trying to do.

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

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

Mr. VENTO. I have supported any number of exemptions to this bill, but I want to make it clear I have no objection to the information that is being asked for in this mandated bill. I do object to the unusual procedure that would be implemented on this floor in terms of implementing the legislation.

I think in this case we could say the same thing. You say that information is already available through the committee process, then if it is already available, why not incorporate it into the CBO?

It is not the intention here to undermine or undercut the legislation, simply to provide the perspective on a balanced basis of having both sides of the benefits that can be achieved and are achieved which there would be little argument about. If it is not possible to quantify that, then they would not be able to do that.

In fact, I suggest the gentleman's legislation under rules and regulations provisions, pages 16 through 22, has the same sort of language in it in terms of qualitative and quantitative analysis if it is possible.

Mr. DAVIS. I thank the gentleman. I think we just disagree about the best way to get to that.

I think the committee reports are going to amplify what the benefits are as they traditionally have done. That will be available to the Congress before they vote on it.

What this bill does for the first time is it brings accountability as to who is going to pay for it. That is why it is important. I think this amendment really defeats that purpose.

□ 1220

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

Mr. Chairman, I rise in support of this amendment as coauthor.

Mr. Chairman, I want to commend my colleagues, the gentleman from Vermont [Mr. SANDERS], the gentleman from California [Mr. WAXMAN], and the gentleman from Minnesota [Mr. VENTO], on their efforts toward bringing some balance to this bill.

I think that the authors of the bill ought to consider very carefully that this bill needs to be balanced out.

Mr. Chairman, in recent days this body has dealt with such heady issues as amendments to our U.S. Constitution.

Many of our colleagues lately have taken to reading the Federalist Papers.

In that vein, I would like to remind everyone of something the Preamble to the Constitution says, which is to "promote the general Welfare" of the United States.

This bill does not promote the general welfare of the United States because it creates a system under which laws, designed to promote the general welfare, can be circumvented.

Mr. Chairman, every equation has two parts. The part before the equal sign and the part after it. If the purpose of this bill is to agree that we must measure the cost of legislation to the State and local governments—the part before the equal sign, then should we not also agree that we must measure the benefits of legislation to the people as well—the part after the equal sign?

This bill is weighted only on one side; the cost side. But in many cases, the benefits outweigh the costs. Unfortunately, the bill does not provide for that estimate to be made a part of the equation.

Under H.R. 5, city and State governments would be exempt from basic rules that now protect the health and well-being of hundreds of millions of Americans. For example:

City and county water utilities would be exempt from rules to disinfect their water.

When workers remove lead or asbestos from government buildings, they would be exempt from rules that they must follow careful procedures to limit toxic dust.

City-run garbage dumps would be exempt from requirements to use liners as necessary to limit water contamination and city garbage incinerators would be exempt from requirements to install equipment to limit toxic air pollution.

Unless we insist on measuring the benefits of a policy and not just the cost, many health, safety, and environmental protections will be lost to us.

Let me make the argument another way. This bill could mean the unraveling of the Clean Water Act. Despite the progress we have made since passage of the Clean Water Act, there were still

over 2,600 beach closings in 1992 due to pollution and over 4,000 fish advisories or bans are in place around the country today. Under H.R. 5, instead of reducing beach closings or fish advisories, we will see more closed beaches and more fish advisories. We will be moving backward. Is that what we want?

Despite the progress we have made since passage of the Clean Air Act, over 70 million Americans still live in cities that violate air quality standards designed to protect human health. Under H.R. 5 those 70 million Americans may never get a breath of fresh air, ever. Is that what we want?

Despite the progress we have made since passage of the Safe Drinking Water Act, over 28 million Americans drank tapwater that violated health-based standards in 1991-92. Do you want to risk your family's or your neighbor's health because of this bill?

The benefit of policies enacted by this Congress must be weighed against the cost. It is only fair. It is part of the equation.

I ask everyone to support this amendment.

Let us not leave here just knowing the cost of everything and the value of nothing.

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

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

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, I want to associate myself with the gentleman's statement. The fact is that the suggestion was made that this bill is going to stop some of the unfunded mandates that are going on, that the bill somehow will reduce the cost to local governments. I would suggest to the Members on the floor and the committee that wrote this bill that this bill has nothing to do with stopping unfunded mandates. In other words, the presumption is if the costs are laid out before the Members, that we did not know what we were doing, and therefore we would reject the legislation out of hand. I would suggest under the bill that may be possible. It may be any time there is costs associated with anything that the Members will not consider it, along with some of the other concerns. But the issue here is to try to safeguard, putting in place the balance of what the benefits are in an objective way. If you have ever read committee reports lately you would find out that they are not always completely objective, at least with the minority and majority opinions. So they advance a heck of a lot argument or a position.

The fact is—I have no concern about getting the information, the objective information. In fact, we know what we are doing.

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

(On request of Mr. VENTO and by unanimous consent, Mr. FARR was al-

lowed to proceed for 1 additional minute.)

Mr. FARR. I yield further to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for continuing to yield.

Mr. Chairman, the implication is that the Congress somehow does not know what they are doing in terms of when we pass there and advancing certain benefits to the people we represent. The reason the National Government or the Federal Government has taken on the role it has in past years is not because of some plot that exists or strategy in the halls of some political party. It is because the American public has sought and advanced those particular goals and policies.

So the information as far as I am concerned, its disclosure would be admirable. I would think this further disclosure of information with regard to benefits is absolutely essential to make fairer judgments. I would hope that the other side, whether it is in this amendment or in the decisions we make, would in fact consider them and safeguard that as a very important aspect of our role.

Mr. FARR. Mr. Chairman, I think at a time when we are putting emphasis on cost-benefits it is ironic that this bill puts all the emphasis on cost and none on the benefits.

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

Let me outline briefly what is in the legislation with regard to the balance that the gentleman from Minnesota [Mr. VENTO] referred to. It is simply unfair to say that the benefits are not to be considered; in fact, they are required to be considered.

To repeat, section 423 requires the committees to perform a cost-benefit analysis. Section 421(7)(c) requires CBO again to calculate not only the cost but also the net savings. Any cost analysis, including cost analysis of the threshold, has to be net savings to the local government. Section 202 says agencies must perform a cost-benefit analysis.

I would also say that all the examples listed by my colleague, the gentleman from California [Mr. FARR], are those under existing mandates and none of those are covered by this bill.

Mr. SANDERS. Mr. Chairman, I ask unanimous consent to speak for 2 additional minutes.

The CHAIRMAN. The gentleman from Vermont [Mr. SANDERS] has previously spoken. His request requires unanimous consent.

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

There was no objection.

The CHAIRMAN. The gentleman from Vermont [Mr. SANDERS] is recognized for 2 minutes.

Mr. SANDERS. Mr. Chairman, let me conclude by just saying this: The truth is there is not a heck of a lot of difference of opinion on this issue.

The strength of the bill that is coming before us is it says, provide information, information, objective information to the Members of Congress so they can assess the benefits of a particular piece of legislation. If we spend a billion dollars and we get minimal results, it is a bad piece of legislation. If we spend \$1 billion and we save \$5 billion, you would not disagree with me that it is a good piece of legislation.

All that this amendment does is to try to make objective that process. If I present to you a bill and I say trust me this is going to save huge amounts of money, you are probably not going to trust me, you will think that I just want to get the amendment through for a dozen different reasons.

But if I say, "Hey, the objective CBO people who have done the costs associated with it have also done the benefits associated with it," I hope and expect that you would look at it and you would say, "You know what, it is a good investment for a billion dollars."

So what this does is it takes away the partisanship, it takes away the politics, and asks for an objective analysis so that all of us could make a good cost-benefit analysis. I would very much hope that my friends would support this legislation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont [Mr. SANDERS].

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

RECORDED VOTE

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

A recorded vote was ordered.

The CHAIRMAN. This is a 15-minute vote.

The vote was taken by electronic device, and there were—ayes 152, noes 254, not voting 28, as follows:

[Roll No. 80]

AYES—152

Abercrombie	Doggett	Kennedy (MA)
Ackerman	Doyle	Kennedy (RI)
Andrews	Edwards	Kennelly
Barrett (WI)	Engel	Kildee
Beilenson	Eshoo	Klink
Bentsen	Evans	LaFalce
Berman	Farr	Lantos
Bishop	Fattah	Levin
Bonior	Fields (LA)	Lewis (GA)
Borski	Filner	Lincoln
Boucher	Flake	Lipinski
Brewster	Foglietta	Lofgren
Brown (CA)	Ford	Lowe
Brown (FL)	Frank (MA)	Luther
Brown (OH)	Frost	Maloney
Bryant (TX)	Furse	Manton
Bunn	Gephardt	Markey
Cardin	Gibbons	Mascara
Clay	Gonzalez	Matsui
Clayton	Gordon	McCarthy
Clement	Green	McDermott
Clyburn	Gutierrez	McHale
Collins (IL)	Hall (OH)	McKinney
Collins (MI)	Hamilton	McNulty
Conyers	Hastings (FL)	Meehan
Costello	Hilliard	Meek
Coyne	Hinche	Menendez
Cramer	Holden	Miller (CA)
DeFazio	Jackson-Lee	Mineta
DeLauro	Jefferson	Mink
Dellums	Johnson (SD)	Moakley
Deutsch	Johnson, E. B.	Moran
Dicks	Johnston	Nadler
Dingell	Kanjorski	Neal

Oberstar	Sanders
Olver	Sawyer
Owens	Schroeder
Pallone	Schumer
Pastor	Scott
Payne (NJ)	Serrano
Pelosi	Skaggs
Peterson (FL)	Skelton
Poshard	Slaughter
Rangel	Spratt
Ried	Stark
Reynolds	Studds
Richardson	Stupak
Rivers	Taylor (MS)
Roemer	Thompson
Roybal-Allard	Thornton
Rush	Thurman

NOES—254

Allard	Fox
Archer	Franks (CT)
Armey	Franks (NJ)
Bachus	Frelinghuysen
Baessler	Frisa
Baker (CA)	Funderburk
Baker (LA)	Gallely
Baldacci	Ganske
Ballenger	Gekas
Barcia	Geren
Barr	Gilchrest
Barrett (NE)	Gillmor
Bartlett	Gilman
Barton	Goodlatte
Bass	Goodling
Bateman	Goss
Bereuter	Graham
Bilbray	Greenwood
Bilirakis	Gutknecht
Blute	Hall (TX)
Boehlert	Hancock
Boehner	Hansen
Bonilla	Harman
Bono	Hastert
Browder	Hastings (WA)
Brownback	Hayes
Bryant (TN)	Hayworth
Bunning	Hefley
Burr	Heineman
Burton	Herger
Buyer	Hilleary
Callahan	Hobson
Calvert	Hoekstra
Camp	Hoke
Canady	Horn
Castle	Houghton
Chabot	Hunter
Chambless	Hutchinson
Chenoweth	Hyde
Christensen	Inglis
Chrysler	Jacobs
Clinger	Johnson (CT)
Coble	Johnson, Sam
Coburn	Jones
Collins (GA)	Kaptur
Combest	Kasich
Condit	Kelly
Cooley	Kim
Cox	King
Crane	Kingston
Crapo	Kleczka
Creameans	Klug
Cunniff	Knollenberg
Danner	Kolbe
Danning	LaHood
Davis	Largent
de la Garza	Latham
Deal	LaTourrette
DeLay	Laughlin
Diaz-Balart	Lazio
Dickey	Leach
Dooley	Lewis (CA)
Doolittle	Lewis (KY)
Dornan	Lightfoot
Dreier	Linder
Duncan	Livingston
Dunn	LoBiondo
Ehlers	Longley
Ehrlich	Lucas
Emerson	Manzullo
English	Martinez
Ensign	Martini
Everett	McCollum
Ewing	McCrery
Fawell	McDade
Fields (TX)	McHugh
Flanagan	McInnis
Foley	McIntosh
Forbes	McKeon
Fowler	Metcalfe

Torres	Walker
Torricelli	Walsh
Towns	Wamp
Traficant	Weldon (FL)
Velazquez	Weldon (PA)
Vento	Weller
Visclosky	White
Volkmer	Whitfield
Ward	Wicker
Waters	Wolf
Watt (NC)	
Waxman	
Williams	
Woolsey	
Wyden	
Wynn	

Walker	Weller	Young (AK)
Walsh	White	Young (FL)
Wamp	Whitfield	Zeliff
Weldon (FL)	Wicker	Zimmer
Weldon (PA)	Wolf	

NOT VOTING—28

Becerra	Hefner	Stockman
Bevill	Hostettler	Stokes
Bliley	Hoyer	Talent
Chapman	Istook	Tucker
Coleman	Mfume	Watts (OK)
Dixon	Mollohan	Wilson
Durbin	Obey	Wise
Fazio	Ortiz	Yates
Gejdenson	Sabo	
Gunderson	Sisisky	

□ 1249

The Clerk announced the following pair:

On this vote:

Mr. Fazio for, with Mr. Watts of Oklahoma against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. VOLKMER

Mr. VOLKMER. Mr. Chairman, I offer an amendment printed in the RECORD as amendment No. 25.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. VOLKMER: Amend Section 301 of H.R. 5 as reported as follows:

Page 23, line 25 strike "except—" and insert in lieu thereof "or"; and

Page 24 strike lines 1 through 6.

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

Mr. VOLKMER. Mr. Chairman, my amendment addresses the definition stage of the bill with regard to Federal intergovernmental mandates. Under that definition, a mandate is any provision in legislation, statute, or regulation that would impose an enforceable duty upon States, local governments, or tribal governments, except—and this is a very large exception—the exception is a condition of Federal assistance or a duty arising from participation in a voluntary Federal program except as provided in subparagraph B, where you have such things as AFDC and other entitlement programs that are not within the exception.

Now, what does that mean? That means basically, Mr. Chairman, that whenever we have a bill coming down, whether it is a Federal highway bill, I can put any mandate on that bill that this Congress or anybody else would like to put on it, and it does not have to do with Federal highways, it just means a condition of your getting your Federal highway funds that you are going to have to abide by if you want your Federal highway funds.

If we set up a grant program and the States necessarily are going to have to utilize that money in order to perform a certain function of government, and then we could put any type of mandate on that.

Now, that is going to be happening, for those of you that may be listening,

that is going to be happening in a couple of weeks. You are going to have that type of mandate.

We had it last year in the crime bill. In the crime bill there is a provision for prison construction. In that provision, you have a requirement that you have a truth-in-sentencing provision in your State before you are eligible for one-half of those funds.

Now, how does that work? That means that if your State does not have a truth-in-sentencing provision law, then you do not get any of the money.

It also means that if you enact a truth-in-sentencing law, which I agree with as far as the States having that right to do it, I believe the States should have the right to have a truth-in-sentencing law, if they wish to do so, and if I was a State legislator I would push for it, and we in Missouri already have one, and I would like to talk about that in a few minutes, but I would like to talk about those States that do not have one.

If they enact one, what does that mean? That means their convicted felons, violent criminals, are going to have to spend at least 85 percent of their term, whatever they are given, in prison before they are released on parole, probation, or any other thing.

That means your State is going to have to expend a whole bunch of money for prisoners, and that is not even taken into account. We do not take that into account at all.

Later on when we get to the crime package, that is going to happen.

What happened to the State of Missouri? Like I said, we have what we thought was a truth-in-sentencing law, and we applied for funds under this provision. Our problem is we now consider a dangerous felon sufficient to serve 85 percent of their sentence. We do not say a violent criminal. We said a dangerous felon. And that is characterized by criminal intent and irreparable harm.

What has happened under this definition we had last year in the crime bill and we are going to have in the new crime bill, we now are required to immediately build 5,633 additional beds in order to qualify for the funds that are coming from the taxpayers. Remember that, 5,633.

But guess what, folks? How much money are we going to get? We are only going to get enough money for 1,859 beds.

You talk about an unfunded mandate, it is either that or not build prisons. I thought we were up here to help States build prisons. We are actually going backward, folks. We are not going to be building them. The States are not going to be building them under this type of provision.

We do not just let the States, instead of even putting these conditions on grants, let the States use that money that comes from the taxpayers. That is where it comes from; it does not grow on trees; it does not come from the sky. It comes from taxpayers. And

those are the same taxpayers that are sending money up here to send to State Governments to send to local governments. And I believe those people should be able to determine if they are qualified, if they have a need for a correctional facility, and if we have the money to give to them, and it seems we do, why do we put these conditions that work just the opposite of what you want to do? Because that has happened in my State, to the chairman's State. Instead of giving us money for those 5,633 additional beds, we get money only for 1,859 beds.

Mr. Chairman, there are certain things as a person who stands here today that believes in States' rights that I have found in the past to be very onerous, what we have done even on the highway bills.

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

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

Mr. VOLKMER. Mr. Chairman, I believe the States should have a right to determine whether or not certain offenses, like DWI's, should be prosecuted and given certain penalties. I believe that the States should have the right to determine whether or not persons should ride down the highway with a motorcycle helmet or not. I believe States should have the right to determine whether or not you have seat belt laws and all these other things.

But in the Congress, the Congress in the past has done all those things, plus others. And under this bill, you will continue to see it done. You are going to continue to see it done.

Mr. Chairman, I think we should really seriously consider if we want to continue to do that, if we want to continue to mandate policy decisions; it will not cost a lot of money, some of them will, but some of them do not, policy decisions, should the States have the decisionmaking power, or should we require it from here?

That is the reason I offer this, just to point out to the Members that sometimes those so-called mandates that are not under our definition mandates become as onerous as the mandates that are in this bill and that have to go through a process before they can be considered.

Mr. Chairman, that is the purpose of the amendment. I will announce to the House that I brought it up just for the purpose of discussion. I believe it is a matter that needs to be discussed here.

I do not plan to go ahead and ask for a vote on the amendment. When the discussion is completed, I will ask unanimous consent to withdraw the amendment. But I do believe we need to have a discussion.

□ 1300

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

First of all, I want to compliment the gentleman from Missouri for offering this issue for discussion in the format to which it has been offered. I think this is an important issue, both generally and specific, with respect to prisons. I have to say, first, that as a general principle, if the amendment were to proceed, and I understood the gentleman has offered it really as a vehicle for discussing this issue, I would not support it, because I believe that the exemption we have provided for Federal grants from this bill is appropriate.

I think Congress ought to retain the right, regardless of which political philosophy or which political party might happen from time to time to be the majority, to have the power to say, we are setting aside a certain amount of money in grants. And if the State wants this grant money, the State may have to apply certain policies that we are trying to accomplish.

Now, whether individual policies are appropriate or not appropriate may be a secondary but important subject.

I am merely indicating, Mr. Chairman, that I think Congress has the right to say, with respect to grants, we have taken the political responsibility to raise this money and, therefore, we believe certain policy aims should be achieved by those States that wish to apply for it. States are not required to apply for it. And this is on any particular, any particular subject.

Now, the gentleman has more particularly focused on the coming crime bills that will shortly reach the House floor, I believe. And particularly to one bill which provides a further grant, I do not say "grant," I say "further grant," because there is already a provision in the existing crime bill that passed last year which has commonly been called truth in sentencing. That is a grant that would be used by States that would impose a minimum time served of 85 percent of a prison term by convicted felons. In terms of the bill actually proposed, not all felons but second convicted violent felons.

Now, the gentleman from Missouri raises a very good point about should Congress in the specific area of law enforcement, should Congress block grant money to States and local governments and say, here, you choose what you think best will serve your citizens in terms of law enforcement and crime prevention. Or, should Congress put certain requirements as it does in grants that are not in law enforcement?

Well, this is a very, very important issue that the gentleman from Missouri has raised, because the bill that passed in 1994, the crime bill, contains a myriad of requirements after every grant, whether it is for law enforcement officers or whether it is for prisons or whether it is for what are called the prevention programs, there are page after page after page of requirements for States and local governments to

comply with in order to apply for these grants.

And the great bulk of these requirements would be eliminated in the bill that is proposed, that is in the Committee on the Judiciary right now.

The current bill that is pending would take the proposed funding for police, for law enforcement and for prevention programs essentially into a block grant that would give the States the choice, you choose how to best serve your citizens. I think this is important.

I think that once we recognize, as we should, that State and local governments is primarily responsible for fighting crime, particularly violent crime, that we should remove all these pages of restrictions that we put on these grants last year.

I would say that, speaking for myself, and the majority of Members either in the Committee on the Judiciary or on this floor may or may not agree, I think the one exception that we are proposing in the area of prison grants, and that is prison grants for States that adopt truth in sentencing, which I am sorry to say my own State of New Mexico is nowhere near, our State gives up to 50 percent off sentences for good time credit to murderers, but to encourage that policy, I think makes sense, because that is a more expensive policy.

Those States which adopt truth in sentencing, that is serving 85 percent of sentences, given the convicted criminals, either to a portion of convicted criminals or to all convicted criminals, are required to pay an extra expense, certainly an incarceration cost for that policy.

We think it makes sense to try to help those States that are pursuing that policy.

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

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

Mr. VOLKMER. Mr. Chairman, I just want to point out that I agree with the State of Missouri that has the truth in sentencing provision, except it does not meet exactly the Federal language that the gentleman used in the statute last year.

The CHAIRMAN. The time of the gentleman from New Mexico [Mr. SCHIFF] has expired.

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

Mr. VOLKMER. Mr. Chairman, if the gentleman will continue to yield, as a result, I have given you exactly what has happened. We, in Missouri, are building prisons from State funds, et cetera. In fact the Governor's budget that was just introduced in the legislature within the last couple weeks provides for an additional \$27 million in our own funds to build more correctional facilities, which we know we are going to need.

It costs money to put people in penitentiaries. I think we have to recognize that.

Now, whenever we write this, surely in the future, if we have to, maybe we can work together and come up with some language, surely when we do it. If the State of New Mexico, in their wisdom, would pass a law that they thought met the requirement for 85 percent service in sentencing for violent criminals, surely if they passed it but because there is a little discrepancy in the wording that they do not get the full benefit that you actually mandated, they tell us from the Department of Justice that in order to get the money we have to build penitentiaries big enough for 5,633 beds. But they are only going to give us money for 1,859 beds.

Now, wait a minute. There is something wrong here. Even if we talk about matching funds, that is only about 25 percent. What is going on?

Mr. SCHIFF. Reclaiming my time, Mr. Chairman, I would say that it is our purpose in a grant program to assist States. I do not think we are necessarily agreeing to take over all costs of a given project. I think even, I believe the highway construction program even is a 90/10 percent division between the Federal Government and State governments. So I think that we are still following the same path.

If we assist the State of Missouri in approaching truth in sentencing—

Mr. VOLKMER. Would it not be better to say that we are going to require you, if you want this money, you are going to have to build 5,633 beds, and we will give you the money for around 4,000? Would that not be more in line with it than us giving you a little bit?

The CHAIRMAN. The time of the gentleman from New Mexico [Mr. SCHIFF] has again expired.

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

Mr. SCHIFF. Well, I would like to say that that is a matter then of funding. It is a matter of authorization. And I believe in truth in sentencing. I do not believe that every person convicted of a crime needs to be necessarily sentenced to prison. But I think those who are sent to prison should serve basically the sentence imposed by the judge, not only for the integrity of the criminal justice system but for public safety.

So I believe in the program. I would be willing to work with the gentleman in finding as much authorization and funding to support that, if we pass the bill.

Mr. VOLKMER. Mr. Chairman, if the gentleman will continue to yield, my last question, what is really the gentleman's intent? Do we want to build more prison out there so that we can put these crooks away and keep them there where they should be, or do we want to make the States put an 85 percent truth-in-sentencing law? Which one?

Mr. SCHIFF. I think ultimately the proponents of the crime bill would like to see both.

Mr. VOLKMER. I do not think the way it is worded and the way it is working that you are going to do both. That is my problem.

Mr. SCHIFF. I think in working with those States that have the philosophy of truth in sentencing, I think we can work toward that goal.

Mr. VOLKMER. In closing, I would like to say in Missouri's instance, for treating all the States that already have an 85 percent this way, it is not a very good feeling. You are making us come up with about 75 percent of the money.

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

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

Mr. PORTMAN. Mr. Chairman, let me just make a quick point at the risk of stopping this debate on the crime bill, which may solve all of our crime bill problems, let me get back to the amendment for a moment and say I think it is an extremely helpful amendment. I congratulate the gentleman for offering it. I think it focuses us on the very issue that this legislation is trying to address but goes even broader. And that is the question of conditional assistance from the Federal Government and voluntary programs.

The CHAIRMAN. The time of the gentleman from New Mexico [Mr. SCHIFF] has again expired.

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

Mr. PORTMAN. I, for one, would be very pleased to work with the gentleman, I know the majority side would, on trying to make sense out of some of these Federal requirements. There needs to be more flexibility. That is the point of the whole debate. The gentleman's amendment would go even further than the legislation does, of course. But I commend the gentleman for raising the issue.

Mr. VOLKMER. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

□ 1310

The CHAIRMAN. Are there any further amendments to title III?

Are there any other amendments to the bill?

AMENDMENT OFFERED BY MR. DOGGETT

Mr. DOGGETT. Mr. Chairman, I offer an amendment, amendment No. 76.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DOGGETT: At the end, add the following new title:

TITLE IV—SUNSET

SEC. 401. TERMINATION DATE.

This Act shall cease to be in effect on January 3, 2000.

Mr. DOGGETT. Mr. Chairman, I come from America's Sun Belt, with a strong belief in sunshine for our Government and a commitment to sunset for new Government initiatives, including even the most well-intentioned and appealing reforms, such as that provided us today by the distinguished authors of H.R. No. 5, a measure that I personally support.

Too often this Congress has embarked on ventures that were undoubtedly very well motivated by the very best of intentions, and they sounded great when they were presented in this Hall, but somewhere between the beltway and the back roads of America, somewhere between what was happening in this great building and the bureaucracies that implemented that legislation, a great new statutory scheme, beginning as a bright, beamy, sunshiny idea, left many people in America with simply a bad burn.

In Texas, when we get too much government sun, we have got a solution. I am not talking about an extra application of Coppertone. Rather, Mr. Chairman, we force periodic review of new government initiatives through a systematic sunset process. Government statutes simply should not have a claim to immortality.

In Texas, we believe that a periodic top-to-bottom reconsideration of new laws, agencies, and programs is healthy, it is good for the programs, it is good for those administering the programs, but most importantly, it is good for the people that have to pay the bill, the taxpayers.

We have found that through a periodic review process, the Texas Sunset Act, which I was the author of in the Texas State Senate, that we have been able to accomplish over 200 sunset reviews. We have repealed statutes, we have consolidated and abolished agencies, and the Texas Treasury is about \$500 million the better off for it, which is a good bit of money, even in this town.

If a new proposal like the one that is advanced here today is so sound and so beneficial, and it has no harmful side effects, as its supporters have very forcefully advised us to be the case, then this measure can certainly stand in deep benefit from periodic review.

Therefore, this amendment, Mr. Chairman, places a 5-year life on this reform. By adopting the amendment today, we can guarantee ourselves a built-in opportunity to fix any unforeseen consequences of this major new reform.

Mr. Chairman, in listening to what my State and local officials have had to say very convincingly in support of H.R. 5, I am struck by how often they suggest that we would not have this unfunded mandate problem in the first place if the statutes approved in this

Congress had had some limitation on their life.

If Congress had had a firm sunset process for new Government initiatives, we would not need an unfunded mandate bill, because we would have been able to review those initiatives and do something about them.

Therefore, what I try to accomplish through this amendment, Mr. Chairman, is to see that we do not repeat that same old mistake with today's reform proposal. Let us provide for its sunset today, right now, so we will be forced to come back to this Congress, reconsider the road we have taken, thinking that we are taking the right road, but perhaps seeing some diversion down the road as it is implemented, and see that we achieve all that the supporters have told us we can achieve, and avoid the evils that have been advanced by various detractors through the last several days of debate.

Mr. Chairman, the bill that we are debating is a complicated measure. It could dramatically alter how the Federal Government operates. I hope in some regards it does change the way the Federal Government operates, and for the better, but it also has the potential for some unanticipated harm.

Many Members have raised what seem to me to be legitimate questions about it. By adopting this sunset amendment, we can make sure that we really get what we are being promised in the course of this debate. Let us adopt the amendment, review the reforms, make sure they actually fulfill the author's promises, like this Congress should have done in the first place with unfunded mandates.

Mr. Chairman, I urge adoption of the amendment.

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

Mr. Chairman, we are doing some very simple and basic things with this legislation. We so often have gotten away from the intent here. We are increasing the level of accountability in this House.

We are not saying that an unfunded mandate cannot be imposed on State and local governments. Many of us here feel very strongly that that should not happen, but what this legislation does is, it simply says that if we are going to do it, we are going to have an up-or-down vote.

If that procedure fails, if that procedure fails, I do not believe we should wait until the year 2000, I do not believe we should wait until 1997, I do not believe we should wait beyond the first failure that comes from accountability to sunset this thing. I think we should actually bring it to an end then.

That is why I would argue that as we look at this issue, Mr. Chairman, we are in fact dealing with the concerns that conceivably could be raised with this amendment by making sure that Members of this House actually go on record facing these tough decisions, which heretofore have been slipped into

legislation, making us less than accountable.

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

Mr. DREIER. I am happy to yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Chairman, I think it is a fine argument. However, is it not essentially the same argument of anyone who has ever advanced a new initiative on this floor, when someone has suggested, let us review it? You say if something proves wrong, maybe we can review it in the future, but there is no mechanism within the gentleman's statute to ensure there is compelled review unless we have a sunset process.

I am for the gentleman's bill. I am probably for a number of these other bills. However, if we are putting this in on measures we are for as well as those we are against, we will compel review and refocusing of this Congress on the statutes it is passing, rather than just having more and more regulations.

Mr. DREIER. Reclaiming my time, Mr. Chairman, what I would say in response to that is very simply that every single piece of legislation that goes through the authorization process and comes down here will be faced with that kind of review, because we will be looking at those potential unfunded mandates. Points of order will be raised. We will be having debate on them right here on the House floor, so that review process to which my friend refers will go on regularly with this legislation.

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

Mr. DREIER. I am happy to yield to the gentleman from New Mexico.

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

I just want to point out that the gentleman from Texas [Mr. DOGGETT], who offers this amendment, said several times if we had sunset provisions we might not have an unfunded mandate problem now.

It is my understanding that the kind of sunset provisions that the gentleman from Texas [Mr. DOGGETT] talks about, and of which he is supportive, and which I am informed have worked for new programs and new initiatives set up to expand governmental power, here this is a motion, a bill, rather, that will reduce governmental power. I think in this particular case, a sunset provision is not appropriate.

Mr. DREIER. Mr. Chairman, I urge a "no" vote on this amendment.

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

Mr. Chairman, as the debate concludes, it is becoming painfully clear that this House is responding not to the needs of the country, but to the needs of doing a bunch of things in 100 days.

I was a small boy when the Democrats dealt with the 100 days of the New Deal. Those were important times. The country was going broke. A third of our population was out of work. Better than a third of the country was ill-

housed, ill-clothed, and ill-fed, according to the President. Homes and farms were being foreclosed. Businesses were going down the drain. The suicide rate was up. They responded in 100 days.

However, there is nothing like that challenging the country at this time. What we are doing is rushing to pass an assortment of legislation ill-considered here, worse considered in committee. This legislation has never had hearings in the committee of jurisdiction.

We are responding to a demand which is viewed on that side of the aisle as being very important. However, we are not considering the basic responsibility that we as Members of this body have, and that is to legislate well.

□ 1320

It would be my hope that when the 100 days that we are dealing with now is recalled, it will be a time like the 100 days of the New Deal when people remembered it as a time of greatness, when the Congress responded well to a desperate challenge and to great concerns on the part of the people; not, not I say, as a period during which the Congress, in a prodigious rush, without the slightest attention to the details and the concerns that the people have, or the need to legislate well, would be properly addressed.

We witnessed not only this legislation brought to the floor without hearings, but we have watched attempts to change the rules of the House, so that the chairman of the committee can announce that hearings are going to be held on a particular piece of legislation, in 5 minutes, and be there or forfeit your chance to participate.

In our committee we were about to have hearings on a piece of legislation to address a major concern of my colleague, again on that side of the aisle, and we were going to deal with the problem of tort reform. But we are not going to hear from the Securities and Exchange Commission on the impact on investors, and indeed the proposal was going to absolve people who act with arrogant recklessness from any liability for suits under the securities laws. How is that to be justified? Or the widow who has lost a husband could not be the named complainant in a lawsuit to protest a wrong which was done to her. I think that is unwise.

We are now considering legislation to have risk assessment on a whole broad array of statutes not identified in the bill, and each of these statutes is different. No concern is being given to the impact of this one-size-fits-all piece of legislation, a bill which would treat food and drug orders, with regard to removal of things like blood contaminated with AIDS from the system of commerce in this country, the same as it would treat regulations relative to first-class mail.

I think that is an unwise course of action, and it is one that this Congress, in its responsibility to its people, and indeed in its responsibilities to itself, should avoid.

I just want my colleagues to know at the end of 100 days we are still going to be here, the country is still going to be here, the business of the Congress is still going to be before us. People are going to judge us by what we do and how well we do it, not whether we rush through to get a piece of legislation to this floor to pass it, to send it to the President's desk. That is not the test.

The test is are we legislating wisely and well? The laws we pass address the well-being of 270 million American people. They deal with their financial security, they deal with their health, they deal with the safety of their environment, they deal with things like nuclear safety, and food and drugs which will affect this generation and future generations. And they are going to impact, believe it or not, often times adversely upon the industry of this country, which thinks it is going to be benefited by some of these regulations.

Bad regulations are also bad for industry, but regulations which cannot be brought forward to address the legitimate concerns of industry are going to be banned or barred or mutilated by the process in which we are now engaged.

I would tell my colleagues that the process upon which we are engaged now is one which may look good at the end of 100 days, it may not look too good at election time next year, but it is going to look a lot worse when the cold light of history shines upon the efforts of this 100 days, when it is found that we proceeded carelessly when we passed legislation, when we did not consider the concerns and needs and future of the people.

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

Mr. Chairman, I think we just heard a very broad view of probably some of the problems that some of us see as excesses which could occur in consideration of the program for 100 days or the process of moving that legislation through without hearings and without detailed study and analysis.

We that have had an opportunity to serve in Congress more than one term, and I know I have colleagues on both the majority side and on our side, favor an opportunity to exercise what has been less than diligently exercised over the course of years, and that is the oversight review of the Congress.

None of us pretend to be the ultimate lawgivers, none of us pretend to have the expertise to know all of the unintended consequences of this legislation or other legislation.

We are in a march, in a move now over these next 100 days to make some startling changes.

The gentleman from California mentioned we can come back and change this bill if it does not work, we can come back and change other bills that my colleague from Texas and I and other Members of the majority intend

to ask to be considered at the end of every bill, the provision to sunset.

I think the Congress can always come back and review and repass bills, but those of us who have been here for a number of terms know we never get around to it. The passage of a bill by its very nature constructs an interest group, a special interest group that becomes the promulgators of that bill and the continuers of that bill because they have a special interest in that bill.

We are fortunate enough to recognize the gift that we have before us today and start this process, and that is look at every piece of constructive legislation we put forth, say that if it is good legislation and it does not need anything a future Congress will have the intelligence to reenact and reauthorize that legislation.

On the other hand, if after a period of time there are inadequacies in the legislation, a future Congress will have the ability to amend and change, to make up for those inadequacies; or if, on the other hand, there is abuse or the legislation appears not to have solved the problem it was tended to solve it will automatically go to a timely death.

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

Mr. KANJORSKI. Certainly, I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Chairman, first I want to thank the gentleman for his leadership on this issue, because I know the gentleman worked hard on this in the committee, and for letting me as a brandnew member here on what is my first amendment participate with the gentleman on this.

Having only heard the presentation of amendments and other Government initiatives over C-SPAN myself prior to coming here, is not this call for more Government oversight on programs something that our colleagues on the other side of the aisle have demanded again and again and again when there were new initiatives?

Mr. KANJORSKI. The gentleman from Texas is absolutely correct. I have sat here for 10 years and I have talked with my friends on the other side. Sometimes the C-SPAN audience does not realize that indeed we are friends, but all of us talked over this legislation and we all know that there are pieces of legislation that we are embarrassed about that do not adequately accomplish what they were intended to accomplish, but the Congress never gets an opportunity to oversight or review and return to that legislation.

What will happen with the gentleman's amendment and my amendment here and the ones we intend to attach to future pieces of legislation, it will require the Congress to come back and face the reality of their legislation, to decide that they have to oversight it, to have hearings on it, or to reauthorize it or let it die.

Mr. DOGGETT. And if we just pick and choose, picking and applying sunset on Democratic initiatives or applying it on initiatives that we like and not to those that we do not like we will never get the process in place of having forced periodic review and real oversight, will we?

Mr. KANJORSKI. Absolutely not. Let me give an example, and I know the gentleman from Texas feels strongly on the wetlands legislation. I know a lot of my friends on the other side and I have seen inadequacies in the legislation, not in the intent but in the application of the legislation as it affects small business people, farmers, residents of our community, all, we have heard those woes. If the Congress got involved in studying those issues, if we took advantage of the modern era of electronics and could hold hearings in Washington, but have people around this country that are directly affected, not the interest groups, not the associations, not the lobbyists, but real, live people that are affected by this legislation, their few stories could set the pace for this Congress to understand the underlying logic to redress, come back and examine legislation.

Finally, I would say to the gentleman from Texas and my friends on the other side, do not fear sunset, do not fear sunset, do not fear bringing this to a forced review. America is an evolving nation. Over 200 years we grew from 3 million people to 260 million, from 13 States to 50 States. We have to take the time to review legislation that was even good at the time it was enacted but now may be obsolete.

I urge my colleagues on both sides of the aisle to take this as a nonpartisan amendment, and support the principle that we can take 5 years, 2½ Congresses and give that next Congress, the 107th Congress in its second session the opportunity to review what we do here to today.

□ 1330

Mr. SCHIFF. Mr. Chairman, I will not use my entire 5 minutes.

Mr. Chairman, two points: First of all, again, with respect to the amendment offered by the gentleman from Texas, I think sunset provisions make eminent sense where there is the creation of a new spending program by a level of government to review it to see if that spending program merits support in the future instead of becoming an entitlement program.

However, I think it does not fit a procedure by which we will be limiting the passing of certain bills. I think the two just do not fit together.

I would like to speak more generally on the last several comments I have heard and what the gist of them seems to me to be, Mr. Chairman, is that we are moving too fast, and we do not know all of the ramifications of bills we are considering.

You know, back on the first day of the 104th Congress, the first day, we made a number of changes in how this

institution runs. Just one was to eliminate proxy voting where Members were absent from committees, but their votes were still cast just as if they were there, and just as if they had listened to the debate on amendments by committee chairmen who, with the use of those proxies, ruled the roost. You could ask for all the votes you wanted in committee, and you knew that if the Chair of that committee did not agree with you, no matter how the votes went, as a practical matter, on the floor of that committee you were going to lose the vote on the proxy vote, the use of the absent members' votes. That was a reform everyone knew was overdue.

We did not need to start from scratch as if we had never heard of proxy voting. We did not need to have hearings about it. I believe that particular reform passed unanimously or almost unanimously on the first day.

I think that is the situation we have today with unfunded mandates. This is not an unheard of problem. In fact, the Advisory Commission on Intergovernmental Relations, which we put in the bill as the monitoring agency on this issue, has for years brought this issue to the attention of Congress, all without any action by the previous Congresses.

The only difference here is that the 104th Congress, I believe, will take action with respect to this very serious problem.

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

Mr. Chairman, I rise to make a general comment. I heard a few minutes ago one of the Members make reference to this is as a 100-day agenda, and what we are doing here today is doing what is not necessarily good for the country in the long term, but we are pushing a 100-day agenda. I want to make it perfectly clear, and excuse me for taking issue with you on that statement, but this is not a 100-day agenda that we are working on today.

This is an issue that we have been coming to grips with for years. We have introduced unfunded mandate legislation years ago, not exactly the same legislation, but we have introduced a number of bills years ago, had hearings, formed caucuses. This is an agenda about unfunded mandates. This is not a Republican issue. This is not a Democratic issue. This is an issue about the American people, and we need to respond to it in that way, not that it is a 100-day issue.

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

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

Mr. PORTMAN. The gentleman and I were both on the committee last year, the Committee on Government Operations, when legislation substantially similar to this legislation was passed by a vote of 35 to 4 after 3 hearings in my subcommittee and hearings at the

full-committee level. This is not a new issue.

Mr. CONDIT. Reclaiming my time, that is only the point I want to make. I am not speaking to the issue of the amendment.

I just simply want to say that some of us believe this is good for the country. We believe it is good for local government, for State government, for us to be forced to take accountability for our actions here, and we are not throwing in with anybody's agenda for 100 days. We are doing what we think is right, those of us who support the unfunded mandate legislation.

I want to make that perfectly clear to my side of the aisle. We are not throwing in with anybody's 100-day agenda. We are doing what is right, what we feel is right. It is consistent with what we have been doing not just the last couple of weeks but for the last few years.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 145, noes 283, as follows:

[Roll No. 81]

AYES—145

Abercrombie	Gibbons	Moakley
Ackerman	Gonzalez	Mollohan
Barcia	Green	Moran
Barrett (WI)	Gutierrez	Neal
Beilenson	Hastings (FL)	Oberstar
Bentsen	Hefner	Obey
Berman	Hilliard	Olver
Bishop	Hinchey	Owens
Bonior	Hoekstra	Pastor
Borski	Hoyer	Payne (NJ)
Boucher	Jackson-Lee	Payne (VA)
Brown (CA)	Jefferson	Pelosi
Brown (FL)	Johnson (SD)	Rahall
Bryant (TX)	Johnson, E. B.	Rangel
Cardin	Johnston	Reed
Clay	Kanjorski	Richardson
Clayton	Kaptur	Rivers
Clyburn	Kennedy (MA)	Roybal-Allard
Coleman	Kennedy (RI)	Rush
Collins (IL)	Kennelly	Sabo
Collins (MI)	Kildee	Sanders
Conyers	Klink	Sawyer
Costello	LaFalce	Schroeder
Coyne	Lantos	Schumer
DeLauro	Levin	Scott
Dellums	Lewis (GA)	Serrano
Dicks	Lipinski	Skaggs
Dingell	Lofgren	Slaughter
Dixon	Lowey	Spratt
Doggett	Luther	Stark
Doyle	Maloney	Stokes
Durbin	Manton	Studds
Engel	Markey	Stupak
Eshoo	Martinez	Tanner
Evans	Mascara	Taylor (MS)
Farr	Matsui	Thompson
Fattah	McCarthy	Thurman
Fields (LA)	McDermott	Torricelli
Filner	McKinney	Towns
Flake	Meehan	Tucker
Foglietta	Meek	Velazquez
Ford	Menendez	Vento
Frank (MA)	Mfume	Ward
Frost	Miller (CA)	Waters
Furse	Mineta	Watt (NC)
Gejdenson	Minge	
Gephardt	Mink	

Waxman
WilliamsWise
WoolseyWynn
Yates

NOT VOTING—6

Becerra
ChapmanCooley
HoughtonLeach
Radanovich

NOES—283

Allard
Andrews
Archer
Armye
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Billakis
Bliley
Blute
Boehler
Boehner
Bonilla
Bono
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combust
Condit
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLay
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fazio
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa

Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoke
Holden
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klecicka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourrette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nadler
Nethercutt
Neumann
Ney
Norwood

Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Ramstad
Regula
Reynolds
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Torres
Traficant
Upton
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

□ 1352

Mr. HOLDEN and Mr. GORDON changed their vote from "aye" to "no."
Mr. VENTO changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT IN THE NATURE OF A SUBSTITUTE
OFFERED BY MR. MORAN

Mr. MORAN. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. MORAN:

AMENDMENT NO. 21

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fiscal Accountability and Intergovernmental Reform Act" ("FAIR Act").

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds and declares:

(1) Federal legislation and regulatory requirements impose burdens on State and local resources to implement federally mandated programs without fully evaluating the costs to State and local governments associated with compliance with those requirements and often times without provisions of adequate federal financial assistance. These Federal legislative and regulatory initiatives—

(A) force State and local governments to utilize scarce public resources to comply with Federal mandates;

(B) prevent these resources from being available to meet local needs; and

(C) detract from the ability of State and local governments to establish local priorities for use of local public resources.

(2) Federal legislation and regulatory programs result in inefficient utilization of economic resources, thereby reducing the pool of resources available—

(A) to enhance productivity, and increase the quantity and quality of goods and services produced by the American economy; and

(B) to enhance international competitiveness.

(3) In implementing Congressional policy, Federal agencies should, consistent with the requirements of Federal law, seek to implement statutory requirements, to the maximum extent feasible, in a manner which minimizes—

(A) the inefficient allocation of economic resources;

(B) the burden such requirements impose on use of local public resources by State and local governments; and

(C) the adverse economic effects of such regulations on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of American goods and services.

(b) PURPOSES.—The purposes of this act are:

(1) To assist Congress in consideration of proposed legislation establishing or revising Federal programs so as to assure that, to the maximum extent practicable, legislation enacted by Congress will—

(A) minimize the burden of such legislation on expenditure of scarce local public resources by State and local governments;

(B) minimize inefficient allocation of economic resources; and

(C) reduce the adverse effect of such legislation—

(i) on the ability of State and local governmental entities to use local public resources to meet local needs and to establish local priorities for local public resources, and

(ii) on allocation of economic resources, productivity, economic growth, full employment, creation of productive jobs, and international competitiveness.

(2) To require Federal agencies to exercise discretionary authority and to implement statutory requirements in a manner which is consistent with fulfillment of each agency's mission and with the requirements of other laws, minimizes the impact regulations and other major Federal actions affecting the economy have on—

(A) the ability of State and local governmental entities to use local public resources to meet local needs; and

(B) the allocation of economic resources, productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of American goods and services.

TITLE I—LEGISLATIVE REFORM

SEC. 101. REPORTS ON LEGISLATION.

(a) REPORT REQUIRED.—(1) Except as provided in paragraph (2), whenever a committee of either House reports a bill or resolution of a public character to its House which mandates unfunded requirements upon State or local governments or the private sector, the report accompanying that bill or resolution shall contain an analysis, prepared after consultation with the Director of the Congressional Budget Office, detailing the effect of the new requirements on—

(A) State and local government expenditures necessary to comply with Federal mandates;

(B) private businesses, including the economic resources required annually to comply with the legislation and implementing regulations; and

(C) economic growth and competitiveness.

(2) EXCEPTION.—The requirements of paragraph (1) shall not apply to any bill or resolution with respect to which the Director of the Congressional Budget Office certifies in writing to the Chairman of the Committee reporting the legislation that the estimated costs to State and local governments and the private sector of implementation of such legislation during the first three years will not exceed \$50,000,000 in the aggregate and during the first five years will not exceed \$100,000,000 in the aggregate. For this purpose, a year shall be a period of three hundred and sixty five consecutive days.

(b) DUTIES AND FUNCTIONS OF CONGRESSIONAL BUDGET OFFICE.—The Director of the Congressional Budget Office shall prepare for each bill or resolution of a public character reported by any committee of the House of Representatives or of the Senate, an economic analysis of the effects of such bill or resolution, satisfying the requirements of subsection (a). The analysis prepared by the Director of the Congressional Budget Office shall be included in the report accompanying such bill or resolution if timely submitted to such committee before such report is filed.

(c) LEGISLATION SUBJECT TO POINT OF ORDER.—Any bill or resolution shall be subject to a point of order against consideration of the bill by the House of Representatives or the Senate (as the case may be) if such bill or resolution is reported for consideration by the House of Representatives or the Senate

unaccompanied by the analysis required by this section.

SEC. 102. EXERCISE OF RULEMAKING POWERS.

The provisions of this title are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

SEC. 103. EFFECTIVE DATE.

This title shall apply to any bill or resolution ordered reported by any committee of the House of Representatives or of the Senate after the date of enactment of this Act.

TITLE II—FEDERAL
INTERGOVERNMENTAL RELATIONS

SEC. 201. GENERAL REQUIREMENTS.

The Congress authorizes and directs that, to the fullest extent practicable:

(1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the purposes of this Act;

(2) all agencies of the Federal Government shall, consistent with attainment of the requirements of Federal law, minimize—

(A) the burden which rules and other major Federal actions affecting the economy impose on State and local governments,

(B) the effect of rules and other major Federal actions affecting the economy on allocation of private economic resources, and

(C) the adverse effects of rules and other major Federal actions affecting the economy on productivity, economic growth, full employment, creation of productive, and international competitiveness of American goods and services; and

(3) in promulgating new rules, reviewing existing rules, developing legislative proposals, or initiating any other major Federal action identifies two or more alternatives which will satisfy the agency's statutory obligations, the agency shall—

(A) select the alternative which, on balance—

(i) imposes the least burden on expenditure of local public resources by State and local governments, and

(ii) has the least adverse effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of American goods or services; or

(B) provide a written statement—

(i) that the agency's failure to select such alternative is precluded by the requirements of Federal law; or

(ii) that the agency's failure to select such alternative is consistent with the purposes of this Act.

SEC. 202. INTERGOVERNMENTAL AND ECONOMIC IMPACT ASSESSMENT.

(a) REQUIREMENT.—Whenever an agency publishes a general notice of proposed rulemaking for any proposed rule, and before initiating any other major Federal action affecting the economy, the agency shall prepare and make available for public comment an Intergovernmental and Economic Impact Assessment. Such Assessment shall be published in the Federal Register at the time of the publication of general notice of proposed rulemaking for the rule or prior to implementing such other major agency action affecting the economy.

(b) CONTENT.—Each Intergovernmental and Economic Impact Assessment required under this section shall contain—

(1) a description of the reasons why action by the agency is being considered;

(2) a succinct statement of the objective of, and legal basis for, the proposed rule or other action; and

(3) a description and an estimate of the effect the proposed rule or other major Federal action will have on—

(A) expenditure of State or local public resources by State and local governments,

(B) allocation of economic resources, and

(C) productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of American goods and services.

(c) ALTERNATIVES CONSIDERED.—Each Intergovernmental and Economic Impact Assessment shall also contain a detailed description of any significant alternatives to the proposed rule or other major Federal action which would accomplish applicable statutory objectives while reducing—

(1) the need for expenditure of State or local public resources by State and local governments; and

(2) the potential adverse effects of such proposed rule or other major Federal action on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of American goods and services.

SEC. 203. INTERGOVERNMENTAL AND ECONOMIC IMPACT STATEMENT.

(a) REQUIREMENT.—When an agency promulgates a final rule or implements any other major Federal action affecting the economy, the agency shall prepare an Intergovernmental and Economic Impact Statement. Each Intergovernmental and Economic Impact Statement shall contain—

(1) a succinct statement of the need for, and the objectives of, such rule or other major Federal action;

(2) a summary of the issues raised by the public comments in response to the publication by the agency of the Economic Impact Assessment, a summary of the agency's evaluation of such issues, and a statement of any changes made in the proposed rule or other proposed action as a result of such comments;

(3) a description of each of the significant alternatives to the rule or other major Federal action affecting the economy, considered by the agency, which, consistent with fulfillment of agency statutory obligations, would—

(A) lessen the need for expenditure of State or local public resources by State and local governments; or

(B) reduce the potential adverse effects of such proposed rule or other major Federal action on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of American goods and services,

along with a statement of the reasons why each such alternative was rejected by the agency; and

(4) an estimate of the effect the rule or other major Federal action will have on—

(A) expenditure of State or local public resources by State and local governments; and

(B) productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of American goods and services.

(b) AVAILABILITY.—The agency shall make copies of each Intergovernmental and Economic Impact Statement available to members of the public and shall publish in the Federal Register at the time of publication of any final rule or at the time of implementing any other major Federal action af-

fecting the economy, a statement describing how the public may obtain copies of such Statement.

SEC. 204. EFFECT ON OTHER LAWS.

The requirements of this title shall not alter in any manner the substantive standards otherwise applicable to the implementation by an agency of statutory requirements or to the exercise by an agency of authority delegated by law.

SEC. 205. EFFECTIVE DATE AND EXEMPTION.

This title shall apply to any rule proposed, any final rule promulgated, and any other major Federal action affecting the economy implemented by any agency after the date of the enactment of this Act. This title shall not apply to any agency which is not an agency within the meaning of section 551(l) of title 5, United States Code.

Mr. MORAN. Mr. Chairman, this is the last amendment that we will offer to this bill. It is in the nature of a substitute.

Mr. Chairman, the vast majority of Members of this body recognize that it is imperative that we address the issue of unfunded mandates upon State and local governments and the private sector.

Speaking as a Democrat, I wish we had done this when we were in the majority. We should have, and in many ways we should be ashamed that we did not.

Mr. Chairman, I respect the proponents of this legislation. I agree with their intent. I think it is time that we profoundly alter the way we do business in Washington, that we accept accountability for our actions.

If we are going to pass legislation, we have to be able to prove in a compelling fashion that the cost of that legislation is less than the benefits that it will provide, and we have to respect that State and local governments have achieved a level of competence, and in fact have had that level of competence for decades now that may not have been there in the 1950's, and the 1960's, and early 1970's when we assumed so much control at the Federal level. We undermined their efforts. We undermined their ability to determine their own priorities, what was best for the demography and the geography, for the needs of their own jurisdictions.

This legislation is one of many that will in fact empower those State and local officials. It is the right thing to do. But I want this legislation to be enduring, to effect this profound change. My concern is that, if we are not careful, the remedy that we write might be worse than the malady that we cure.

For example, Mr. Chairman, this legislation will create new entitlement programs for virtually every domestic discretionary program that we enact on this floor. Now we could overturn them with a point of order, but the point is those that we approve, consistent with the intent of this legislation, must be fully funded. Entitlement programs are the principal reason we have the problem we have now, because they have crowded out Federal assistance to States and localities. That assistance is considered domestic discretionary

assistance. That is now down to less than 20 percent of the budget. It is now really only about 12 percent, if we include everything.

That is the problem. States and localities do not have the money that they need to carry out their responsibilities, and we are going to create more entitlements with this legislation.

It will also create unequal treatment between the public and the private sector.

□ 1400

It will be very difficult to pass legislation that creates national standards or that in fact addresses constructively the deficit problems that we have.

For example, and I mentioned this last night, we probably need to raise the part B premium on Medicare. The way this legislation is worded, the 16 million public employees throughout the country that work for States and localities and all the various commissions, they could be exempt from having to increase their premium. Those employees in the private sector, the 100 million employees who work for private businesses, could not possibly be exempt. So not only would they pay their share, but they would have to make up for the fact that 16 million public employees did not have to pay their share. I do not think that is what we wanted to do.

In fact, there are reasons for national standards, and we can go back through history, all the way back to the Articles of Confederation when we gave complete latitude to States, and it did not work. We created a patchwork quilt of governance, and we had to repeal that.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. MORAN] has expired.

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

Mr. MORAN. I am very much concerned that as we encourage the private sector to compete with the public sector so we can ensure that we carry out our programs in the most efficient manner, that we can let the market work its natural process so that the public sector is not costing two and three times as much as it could be done for in the private sector for many activities, whether it be waste disposal, public utilities, or any number of other things, janitorial services, secretarial services.

All those activities are being privatized. States and localities ought to be able to privatize them, and private companies ought to be able to compete. They would not be able to compete under this legislation because we will have Federal standards applying completely to the private sector and States and localities would be exempt.

I am offering a substitute amendment which was introduced 3 years ago. As of last year we had 248 cosponsors. We stopped getting cosponsors at

that point because it was clear that the vast majority of Members agreed. In fact, we had the support of the National League of Cities, the U.S. Conference of Mayors, the National Governors' Association, all of the State organizations, the National Conference of State Legislators, a long list of them. They all supported this.

They do not now, because the current legislation goes a step further. It creates an entitlement for every State and local grant, and it gives preferential treatment to the public sector over the private sector. Naturally, they do not support it. They want to get as much as they can.

I would suggest that this legislation, this substitute amendment, is the kind of moderate but profound change that will be enduring, that will not require that we fix it in 2 or 3 years. We know it does not go too far, but it does in the right direction. It will require that a point of order be raised on any legislation for which we have not obtained a complete fiscal impact analysis, not only of the public sector activities, but of what impact it has on the private sector.

It also enables any Member of this body to strike an unfunded Federal mandate from the legislation being proposed.

It has a judicial review section; it applies to the executive branch. It will require that the executive branch, when it issues regulations, to solicit from those groups affected what is the most efficient way of complying with the intent of the legislation. Take the ideas that are out there in States and localities and private businesses, incorporate those into your regulations, and let us conduct business in the most efficient, effective, and responsible manner.

Mr. Chairman, I would urge the support of my colleagues.

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

Mr. Chairman, I would join my colleagues on both sides from applauding the gentleman from Virginia for the long hours and much dedication and hard work that he has devoted to mandate relief and to the FAIR Act.

It is unfortunate, as the gentleman has already indicated, in the last Congress the then-majority party did not choose to consider his bill or in fact any mandate relief bill, which we were all hopeful might have been accomplished, even though I think the FAIR bill had an enormous number of cosponsors and so forth.

However, this is a new day and a new opportunity to consider a bill which I think goes beyond what the FAIR bill does. I think it blends the benefits of the informational requirements, which are vital in the FAIR bill, with the added feature of accountability, which is, I think, the lack in this bill, is the factor accountability.

Also, I have to say the other failure that I personally find disturbing is there is no commission to accomplish

the sorts of things that I hope to accomplish through the review of the ACIR.

While the gentleman and I agree on the need for mandate relief, and I think that is a very strongly held belief that we must give relief to State and local governments and the private sector, I must oppose this amendment because I do not believe FAIR is the best we can do.

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

Mr. Chairman, I rise in support of the substitute of the distinguished gentleman from Virginia [Mr. MORAN].

Clearly, we have to be much more sensitive to the costs that are imposed on the State and local governments as well as the private sector. I support very much legislation in this amendment to rein in unnecessary Federal mandates. That is why I cosponsored it last year. I received almost 250 cosponsors.

Now we have before us the proposal to go beyond the Moran substitute and to adopt the contract proposal.

Might I say a word mostly to those who are for the Moran substitute but who are thinking of voting for the contract provision. I recognize very much that it is not easy to vote simply for the Moran substitute and then against the final proposal if the Moran substitute fails, as it is likely to do. But I want to speak from personal experience, if I might.

As I said, it is not easy when you favor reining in mandates to oppose the contract provision. But let me suggest what would happen. Because of its presumptions, because it so stacks the deck, because of the technical roadblocks that are set up, I think that a lot or some legislation that is in the national interest will probably never see the light of day.

Thirty years ago, when I was in the State legislature, I worked on special education legislation. I did so because I was initiated into the problem by somebody who worked with me on my campaign and had simply one request: That if I were elected, I would work on special education. In those days, half of the handicapped children in Michigan did not have a single hour of special education opportunity.

Well, an event occurred. We got moving on a bipartisan basis in Michigan 30 years ago, and we passed a major special education reform. There was a lot of resistance to its from general education, believe me. Most of the superintendents looked at it, I think, very provincially. But we passed it.

But what we could not enact was any form of mandatory special education within the State. And that meant still hundreds of students and in other States tens of thousands of students with a handicap who had no educational opportunity at all.

Some years later, the Federal Government passed the mandatory special education law. What it said was there

was a national interest in all of the handicapped children in this country, wherever they lived, having a special education opportunity.

□ 1410

And there was some funding, but also what was created was a local-State-national partnership, when it came to handicapped children. If there had not been that shared effort, that partnership effort, in my judgment today tens of thousands of handicapped children today would be without an educational opportunity.

I am not for blind unfunded mandates. I am in favor of this substitute because I think it would slow us down and make us look, that it would not handcuff us when national leadership was necessary. The technical roadblocks are immense, the necessity to look at tens of thousands of units to see their impact when it comes, for example, to special education, tens of thousands and essentially the major advantage, the presumptions that are given to those who want to avoid national action.

What probably makes it worse is that this heightens the expectations of local units that they are going to have a free ride, that if there is a national interest, there cannot be a partnership of local-State-national entities. That is probably the worst impact of this.

So in a word, I very much favor the Moran substitute. I favor major reform.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. LEVIN] has expired.

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

Mr. LEVIN. I favor major reform. I think there has to be a major change. But I think this is an extreme change. What was true of special ed I think would have been true and would be true today in terms of clean air, in terms of clean water. I am not sure the Americans With Disabilities Act would have ever passed.

So let us be sensible. Let us have some kind of balance here.

I am for a highly reformed federalism, but not for the end of it. And I think that this bill, without this substitute, is a step backward several hundred years instead of forward to a new era where there is a true partnership.

So I just urge my colleagues, though the vote may be difficult, to vote their conscience and, indeed, vote their local interests, acknowledge at times there is a need for a merger, a melding of national, State, and local interests.

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

Mr. Chairman, first in response to my colleague from Michigan, very thoughtful comments on the issue of unfunded mandates, I know he is sincere about his interest in addressing the issue. I would say that the conclusion he draws is a very different one than many of us do. That is to say, we

believe that having cost information, having a debate on the floor as to the funding issue and then having a vote up or down will not necessarily result in important issues like special education being passed, when appropriate.

The difference between the Moran bill and H.R. 5 before us is that it provides for that debate on the floor and it provides for that accountability, the vote up or down.

The cost concerns that the gentleman from Michigan [Mr. LEVIN] raised would be the same concerns in the Moran bill as an example. The cost-benefit analysis is in both pieces of legislation. I have to oppose the Moran amendment simply because it does not go far enough. And in doing so, I will once again commend the gentleman from Virginia and the gentleman from Pennsylvania [Mr. GOODLING] for all the work they have put into this.

As I have said earlier in this debate, it is the foundation of this bill, the cost part is extremely important. But I would also say that there is a crucial part missing. At the very least, if we think something is important enough to mandate from Congress, from the Federal level, we ought to be challenged as to paying for that mandate. That is all this bill says. And under the Moran substitute, we have the cost information, but Congress does not have to face, confront that very crucial issue as to whether when we mandate, if it is important enough to mandate, is it not important enough for us to fund it. that is what this legislation gets to.

I would say that we have heard plenty of examples in these past 2 weeks of the horrors out there in terms of what the Federal Government is currently doing. It is nothing short of an abuse of power from Washington. When we have these kinds of examples out there, when we have good evidence of such a crisis, we ought to act.

I can just say, in summary, that cost information alone is not strong enough medicine for what clearly ails us.

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

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

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

I, too, would like to join reluctantly opposing this amendment.

We spent a great deal of time working with the Parliamentarian and in a bipartisan way struck an agreement with the former chairman of the Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY]. And that amendment deals with this entire issue of points of order, and I believe that the accountability that comes about with H.R. 5 is very adequately addressed.

We looked at this point-of-order question in a clearly bipartisan way, and it is my hope that the House will recognize that time and effort was spent doing just that and will, in fact,

reject this substitute, which clearly repeals that bipartisan agreement.

Mr. PETE GEREN of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I, too, rise in reluctant opposition to the Moran amendment. But I want to take a moment to just note that the reason we are here today is because there has been a bipartisan effort under way for the last 3 or 4 years. And the gentleman from Virginia [Mr. MORAN] has been one of the real leaders in that effort.

He did so much to build the foundation for the bill that we consider today. I supported his bill last year. I support the bill under consideration today, because it does carry it one step further, a very important step further, in my opinion, to make sure that we embed in our law the principle that if it is important enough to pass it, it is important enough to pay for it. But we would not be here today, we would not have this bill ready, as it is, for consideration on the floor if it had not been for the leadership that the gentleman from Virginia [Mr. MORAN] has shown on this issue.

He has drawn on his experience in city government. He brought a wealth of understanding of this issue to the U.S. Congress. And he has contributed so much to the development of this legislation, to educating the Congress on the principles that underlie this legislation.

I want to thank the gentleman from Virginia [Mr. MORAN] for what he has done. Again, it is with great reluctance that I oppose this amendment, which by itself would have been a big step forward. In the last Congress it would have been as much as we could have gotten done.

The bill we have in front of us now does carry it to the next step. I support the bill in front of us for that reason.

Mr. Chairman, I yield to the gentleman from California [Mr. CONDIT], another person who has been such a leader in this bipartisan effort, worked with the gentleman from Virginia [Mr. MORAN], worked with the gentleman from Ohio [Mr. PORTMAN], the gentleman from Kansas [Mr. ROBERTS], in bringing this legislation to the floor.

Mr. CONDIT. Mr. Chairman, I too, rise, reluctantly opposed to the substitute amendment by the gentleman from Virginia [Mr. MORAN].

I want to tell my colleagues that the gentleman from Virginia [Mr. MORAN] is an example of a long-term effort, that he has not agreed to any 100-day agenda. He has been involved in this issue for a long period of time.

The gentleman from Texas [Mr. PETE GEREN] is absolutely correct. We would not be at this stage today had it not been for the efforts of the gentleman from Virginia [Mr. MORAN]. He has been a fighter for putting a stop to unfunded mandates, for us to deal with this in a responsible way.

We both got involved in this issue. He took a little different path than some

of the rest of us, but I commend him and congratulate him for his effort and think that he is a reason that we are going to be, I believe, successful on the floor today on passage of this bill. I support H.R. 5. I think it is the right way to go.

With all due respect to the gentleman from Virginia [Mr. MORAN] I ask my colleagues to not support the substitute amendment. Let us move H.R. 5. It is, I think, a big step for us in putting a stop to unfunded mandates.

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

Mr. Chairman, I join many of my colleagues in the legislation which I believe is the most bipartisan of the two major bills before us, and that is the Moran legislation. I commend it to my colleagues as the real genuine bipartisan article.

I say that only because of the number of cosponsors on both sides. It is true that H.R. 5 has at least a tinge of bipartisanship to it. But if one looks at the cosponsorship that the Moran bill had, one finds that more than half the Members of the House had cosponsored the bipartisan effort of the gentleman from Virginia [Mr. MORAN], a Democrat, and the gentleman from Pennsylvania [Mr. GOODLING], a Republican.

□ 1420

About half of the Members of the Republican side had cosponsored the piece of legislation offered by the gentleman from Virginia [Mr. MORAN]. I believe it is more thoughtful, and I believe it is not captive to the baby and the bath water syndrome which I think drives H.R. 5.

Mr. Chairman, I want to say a word about the whole purpose here. I am, of course, speaking for myself in giving my own opinion. I do not believe the effort in H.R. 5 is as benign as it is upheld to be. Some say the sole purpose of it is to reduce the number of Federal requirements, or eliminate the number of Federal requirements that are there, unless there is money to back those requirements, and that is the sole purpose of it.

I believe that the architects of this H.R. 5, this particular unfunded mandate bill, have a much larger purpose. There is, I believe, this legislation joined with others, some of which is in the Contract With America, which, taken together, amount to a grand strategy, a strategy which I believe is aimed at removing the public from the opportunity to utilize their National Government for the purpose of embracing and enhancing those matters which are in the national interest.

Let me go back to the 1970's. David Stockman, who served, as Members will recall, as Budget Director under former President Ronald Reagan, confessed after leaving that position that the purpose of their economic plan was not what it was thought to be, and that was just to cut the budget. He said, "We had a grander strategy than that

in mind. We were attempting to empty the Federal Treasury," and they were successful at doing exactly that in the 1980's.

Mr. Chairman, let us look at what happened beginning at about that time with regard to Federal mandates. Go back to the 1970's. One of the strictest, most voluminous mandates ever passed by the Congress of the United States was passed in the 1970's, the Clean Water Act.

My colleagues will recall that great rivers in America were catching on fire, spontaneous combustion, and the American people looked around and said, "Maybe the rivers are not quite clean enough in this country. Because rivers run through us, this cleaning of rivers will take a national strategy," so they correctly looked to the Congress of the United States to pass legislation to clean up America's major waterways. We passed major legislation to do that. It was a mandate, a rock-ribbed, ironclad mandate to clean up America's rivers.

However, we did something else back in the seventies. We passed the money to help the States and the communities, and yes, industry, to follow the mandates of that law. In fact, the amount of money passed amounted to the greatest public works program in the history of the United States, second only to the Interstate Highway System.

Now go to the time following the Reagan administration.

The CHAIRMAN. The time of the gentleman from Montana [Mr. WILLIAMS] has expired.

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

Mr. WILLIAMS. Mr. Chairman, following the beginning of what I think is this grand strategy to prevent the public from working their will through the national Congress, in the 1980's the Congress passed another water mandate. This one was the Safe Drinking Water Act, every bit as much of a mandate as was the earlier Clean Water Act.

Regulation after regulation, as with the Clean Water Act, followed the Safe Drinking Water Act. It was a mandate, ironclad, copper-riveted, placed on the localities and the States and the industry, but there was one difference. It was now in the 1980's, and the new grand strategy to make the Federal Government infantile was in place.

The Congress of the United States, because of the emptying of the Treasury, did not pass a penny in the initial goal, not a penny to help the localities carry out the Safe Drinking Water Act. That damaged my State of Montana and my communities out there in a terrible way.

I would ask the Members, have they heard complaints about the Safe Drinking Water Act? Absolutely, because this Congress did not have the will to pay for it. The Treasury had been drained.

Did Members hear complaints about the Clean Water Act? No. Why? Because the Congress had the will to spend the money to help the communities in the 1970's, as it did in the sixties and the fifties and the forties, but things changed pretty dramatically in those early eighties. The effort was drain the Treasury. The effort was to not pay for the mandates.

Now the effort is "Let us not have the mandates at all," so the strategy is coming full circle. I ask my colleagues to say no to it, and yes to the Moran amendment.

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

Mr. Chairman, I rise in strong support of the substitute of the gentleman from Virginia [Mr. MORAN]. Having served in the New York State Assembly for 12 years, I am opposed to unfunded mandates. However, I think that what we need to do in this Congress is not be blind, not pass laws which blanketly prohibit Congress from exercising the flexibility that it may need to exercise from time to time.

The substitute offered by the gentleman from Virginia [Mr. MORAN] simply says that Congress can consider legislation containing unfunded mandates. It does not mean Congress has to consider it. It does not mean that Congress will consider it. However, frankly, it means that Congress in the future can consider it.

What are we afraid of? Each of us comes here to represent our constituents, about 600,000 people. It seems to me that under the system we have in this country, the majority ought to rule. Prohibitions, blanket prohibitions that we try to shackle on future Congresses it seems to me are very, very dangerous precedents.

Yes, we must have mandates and we must be very careful that we fund these mandates. However, some future Congresses may look at this in another light. At a time when we are talking here of passing a balanced budget amendment, and at a time we are talking here coupling with it unfunded mandates, a complete prohibition on any kind of mandates, unless they are totally funded, the gentleman from Montana [Mr. WILLIAMS] is quite right. What we are really seeing here is a total prohibition on any kind of mandates from the Federal Government, because frankly, there will not be any money to do the kinds of things that some people know need to be done.

When we combine the two, it really brings us paralysis in terms of saying that the Federal Government needs to have a uniform policy throughout the country.

I do not think it is so terrible to have clean air and clean water and other things. My State of New York has a problem with acid rain. We cannot handle the problem ourselves. We need, frankly, a universal taking care of this

problem. If there is a problem in Ohio and it affects New York, we cannot do it ourselves, so we need the Federal Government to intervene.

What really frightens me, Mr. Chairman, is that under the guise of unfunded mandates and under the guise of a balanced budget and under the guise of all these things we are rushing toward, we are going to give our children a dirtier environment, dirtier air, dirtier water. All the kinds of things that the Federal Government has done for so many years the Federal Government will not be able to do.

In the abstract, Mr. Chairman, of course we need to say that if we are going to mandate something, things ought to be paid for. However, let us not tie the hands of future Congresses to give them the flexibility to pass the programs that they see fit without being tied up in a straitjacket.

□ 1430

I want to commend the gentleman from Virginia. This is something that he has pushed for a long, long time. It adheres to the principle the fact that we ought to not have unfunded mandates, but it allows the future Congresses to have the flexibility that they need. One person—one vote.

If a future Congress wants to mandate something, they can. If they do not want to, they do not have to.

What are we afraid of? Let us have the flexibility.

The Moran amendment, as far as I am concerned, is the best of both worlds, and that is why I believe we ought to pass it.

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

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

Mr. PORTMAN. Mr. Chairman, just briefly, I think the gentleman has made a strong statement in support of H.R. 5.

I would ask him if he is aware under H.R. 5 of the fact that in fact by majority vote Congress can at any time waive the point of order and go ahead and impose a mandate, go ahead and provide the costs or not mandate at all. Those options are all there.

Mr. ENGEL. The options may be there, but the threshold is much more difficult than what the gentleman from Virginia [Mr. MORAN] is proposing. That is why I think what he is saying is to give us maximum flexibility. Frankly, I do not understand why we are not all rallying around the Moran proposal.

Mr. PORTMAN. If the gentleman will yield further, I would just say again I think you made a strong statement in support of H.R. 5. The abstract concept that you said you supported, which is no-money/no-mandate, is in fact even stronger than H.R. 5. I would say all we are asking for is the cost information that is in the Moran bill, but then in addition to that, to have a debate on the floor on the funding issue and force

Congress to be accountable to that issue.

Mr. ENGEL. Can I ask the gentleman why then he does not embrace the Moran bill, because I think what the gentleman from Virginia [Mr. MORAN] is doing is frankly giving you everything that you feel needs to be done.

Mr. PORTMAN. Let me be clear again. What the gentleman from Virginia [Mr. MORAN] does is the foundation for this legislation which is to provide the cost information, but we need to go further than the cost information and address the very issue which you addressed in the abstract, which is the question of funding. And that is what this legislation does.

Mr. ENGEL. But, I think what this legislation also does is, if something is not fully funded, it makes it very, very hard to do. Frankly, I am not afraid of unfunded mandates.

I am afraid that the ruse of unfunded mandates is going to be used to prevent Federal action on clean water, clean air, the environment, and all the things that I know we need. And that is why I think the gentleman's proposal makes infinite sense.

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

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

Mr. MICA. Mr. Chairman, it is indeed an honor and privilege to speak at this juncture of the debate with the Moran substitute before us at this hour. This is really the conclusion of years and years of work for people who were in the Congress before me and people who served with me in the past 2 years, and I want to just take a moment in this historic debate and its conclusion and thank a few people.

I want to thank the gentleman from Pennsylvania [Mr. CLINGER], the chairman. He has shown incredible leadership on this issue, not just today but over the years, in working in the past 2 years in the minority. Also the gentleman from Ohio [Mr. PORTMAN] who joined us in the last Congress and he took up the mantle of unfunded mandates and carried it through, and carried it through some tough times. My compliments to them.

Also the gentleman from New York [Mr. TOWNS], who formerly chaired our subcommittee. I served on that subcommittee. He helped us fight the battle to get unfunded mandates and the question before the Congress and before the country. To these gentleman and colleagues, I want to say thank you so much.

Also to the gentleman from California [Mr. CONDIT]. He and I worked on this issue, and this has indeed been a bipartisan issue. The gentleman from California [Mr. CONDIT] offered a measure much tougher than anything we see before us today. It was no-money/-no-mandate proposal.

And the gentleman from Louisiana, Mr. TAUZIN and the gentleman from Texas, Mr. PETE GEREN. We were called

the unholy trinity, because we believed in moving forward with some action on unfunded mandates and property rights and risk assessment, issues that have long been swept under the rug and left behind the carpet.

The gentleman from New York [Mr. TOWNS], the gentleman from Pennsylvania [Mr. CLINGER], myself, and the gentleman from Ohio [Mr. PORTMAN], we all participated in hearings. This is not a new issue. It is an issue that people were not listening to or paying attention to the debate.

We conducted field hearings. I will never forget the field hearings in the district of the gentleman from Pennsylvania [Mr. CLINGER] where local officials came and said, "We can't take it anymore. It is cheaper for us to deliver bottled water than to comply with the regulations and mandates coming out of Washington. We have to make some common sense out of this mess."

We held field hearings in my district and we heard of local tax caps and State requirements for balanced budgets. Unfortunately here we passed on these matters to local governments. They said they could take it anymore, but no one was listening.

Last year, ladies and gentleman, we pleaded and we begged and we asked for the opportunity to bring this legislation forward, and our words were not heard. We did not have the opportunity to bring this issue forward, and here we are today at the last hour and the last minute.

Mr. Chairman, this bill is not the final answer to unfunded mandates. It does not cure the problem, but it does set a standard. It does set some sense of responsibility and accountability for the process.

At this particular historic juncture, I wish to thank the gentleman from Virginia [Mr. MORAN]. I cannot support his substitute. Mr. MORAN has made some great contributions to this effort, not just today but over the history of this particular legislation.

I want to also thank our staff who have worked hard on both sides of the aisle and contributed to this effort and also this historic occasion.

With that, ladies and gentleman, again at this historic juncture, I oppose the Moran substitute. I have the biggest smile on my face of anyone in this Congress to see this long neglected legislation move forward in the next hour, and I compliment everyone who has been involved in its success.

Mr. TORKILDSEN. Mr. Chairman, I rise today as a cosponsor and strong supporter of H.R. 5, the Unfunded Mandate Reform Act and applaud the efforts of all involved. This bill is similar to legislation I and other Members sponsored at the outset of the 103d Congress.

If an idea is good enough to mandate, then it should be good enough to pay for. For too long Congress has passed mandates, but not the bucks to State and local governments. Usually these unfunded mandates would come at the expense of local education and public safety programs.

In my home State of Massachusetts, many residents will soon face water and sewer rates in excess of \$2,000 annually to pay for federally imposed unfunded mandates. We are not arguing with the need, on occasion, to mandate certain requirements. All we are asking is that they be paid for.

While everyone wants clean water, clean air, and other benefits, we must pursue these goals sensibly and in a way we can pay for.

While H.R. 5 will not rescind past mandates, but it will address future mandates. Just as the balanced budget amendment will force Congress to stop saddling future generations with debt, this act will force Congress to stop saddling State and local governments with debt tax increases and local service cuts.

I strongly urge all my colleagues to support H.R. 5 and stop the destruction caused by unfunded mandates.

Mrs. MALONEY. Mr. Chairman, I rise to state my reluctant opposition to H.R. 5, the Unfunded Mandates Relief Act. I am reluctant to oppose H.R. 5 because I think that its basic purpose is sound and important. Almost everyone in this body agrees that something must be done about the increasing burdens that the Federal Government places upon the States and local governments.

Let there be no mistake—I support unfunded mandates reform legislation. I proudly voted for a well-crafted, bipartisan bill in the last Congress, and I voted for the substitute to H.R. 5 offered by Representative MORAN today. Those efforts were designed to allow Congress to make informed decisions about the burdens the Federal Government places on the States. They required the House to be fully informed about those costs before passing legislation.

It is unfortunate therefore that H.R. 5 has so many serious problems, starting with the abuse of the legislative process which brought this bill to the floor. It is ironic that this was the first bill to be reported out of the newly renamed Government Reform and Oversight Committee, for it did not receive 1 minute of hearings in that committee—a bad omen for the new era of openness called for by the Contract With America. The partisan power play which brought this bill to the floor is all the more disturbing given the fundamental ways in which it will affect the intrinsic nature of American government. A bill of this importance deserved better.

As it is written, H.R. 5 is an invitation to paralysis designed to prevent us from requiring the States to do anything unless we fully pay for it. Proponents of this bill argue that it allows us to impose mandates if, by a majority vote, we choose to do so. However, the same proponents would, I think, agree that this bill establishes the principle that the Federal Government should not impose mandates on the States unless it is prepared to pay every dime of the costs of the new requirements. That is not a proposition that I can agree with.

Many amendments were offered to this bill which would have added to the list of exemptions from this legislation. I offered one which would have exempted legislation to protect the health of children. I voted for others which would have exempted banking regulations, environmental legislation and bills to protect work-safety standards. Other amendments designed to protect private enterprise and to require an analysis of the benefits of specific

bills as well as their costs, were offered and rejected.

Mr. Chairman, my concern is that the bill before us, however, well-intentioned, will roll back the progress that the Federal Government has made in protecting the most fundamental rights of the American people. These include the right to breathe clean air, the right to drink pure water, the right to eat healthy food, and the right to work in a safe workplace.

Those are all national problems which require national solutions and national standards. Interstate problems are one example of this need. Air and water pollution know no boundaries. The smoke from incinerations blows easily from Ohio to New York. Sewage flows just as easily down the Mississippi from Missouri to Louisiana.

The Federal Government must also set standards of decency and compassion. It must stand against efforts by the States to cut off food stamps to needy children or reduce standards in nursing homes. Welfare reform is something everyone agrees needs to be done, but as a Federal legislator I would fight attempts by the States to abolish it. By imposing the point of order contained in this bill, H.R. 5 is a mandate for gridlock on these and other national priorities. Gridlock that the American people have rejected time and time again.

Mr. Speaker, I applaud the goals of this bill. But it is abundantly clear that H.R. 5 was hastily written—and badly written at that—and that it was forced out of committee and onto the floor with an authoritarian heavy hand more interested in partisan politics than good policy.

A reform bill should push forward, not set us back. By building on the bipartisan efforts of the last Congress, I believe that a good bill could have been presented to the Congress, one that helped, rather than potentially harmed, the people we were sent here to represent. It is unfortunate we did not have the opportunity to vote for that bill.

Mr. FRANKS of New Jersey. Mr. Chairman, today, I rise in strong support of H.R. 5, the Unfunded Mandates Reform Act of 1995. As a cosponsor of this legislation this Congress and last Congress, I commend Chairman CLINGER of the Government Reform and Oversight Committee for his leadership in bringing this bill to the floor in an expeditious manner. I also want to commend the distinguished gentleman from California [Mr. CONDIT], and my good friend from Ohio [Mr. PORTMAN], for their leadership and hard work on this issue.

Mr. Chairman, I support this legislation because it will slow the torrent of unfunded mandates Congress has passed onto State and local governments, causing local property taxes to rise. While any relief from unfunded mandates are welcome, I want to remind my colleagues that the protection from unfunded mandates contained in this bill are not iron-clad. This bill does include a point of order against any new mandates over \$50 million. However, since this relief is statutory, a future Congress can circumvent this legislation by simple majority. Therefore, today Congress is not closing the door to keep new unfunded mandates. Instead, today Congress is merely slowing, not stopping, the passage of new mandates.

Mr. Chairman, the only sure way to stop unfunded mandates is through a constitutional amendment. For this reason, I have reintroduced legislation (H.J. Res. 27) that would

give State and local governments a constitutional guarantee against new, unfunded, Federal mandates. Without constitutional protection from unfunded mandates, I fear Congress will transfer programs to State and local governments in order to meet its obligation under the balanced budget amendment, instead of raising taxes or taking the preferable route of cutting spending.

Mr. Chairman, H.R. 5 is a necessary first step to protect local taxpayers. While I encourage my colleagues to vote for this important legislation, I urge my colleagues to finish the job by supporting House Joint Resolution 27, a joint resolution that would stop unfunded Federal mandates constitutionally.

Mr. STOKES. Mr. Chairman, I rise in strong opposition to H.R. 5, the Unfunded Mandates Reform Act of 1995. While I am keenly aware of the fact that many of our State and local governments face formidable financial constraints—not unlike those of our Federal Government—I am also extremely conscious of my duty as a Member of Congress to act in the best interest of the people I represent and the American public. We cannot and should not, in an attempt to decrease financial burdens placed on State and local governments, shirk our responsibility to act in the best interest of the American people. This flawed and hurried legislation will not only fail to resolve the financial difficulties of State and local governments, but will endanger the American public.

The bill before us today, the Unfunded Mandates Reform Act of 1995, will not only attempt to undo many of the important accomplishments of the U.S. Congress, but also seeks to undermine many of our most important efforts to improve the quality of life for all Americans.

The stated purpose of the Unfunded Mandates Reform Act is to limit Congress' ability to impose Federal mandates on State and local government. While I agree that Congress should be aware of the nature and extent of costs that may be imposed on State and local government, this proposed measure goes well beyond this legitimate objective of balancing the responsibilities placed on these governments. In fact, this bill is specifically designed to inhibit the will of the people by creating artificial obstacles to congressional support for programs the current majority has long sought to weaken if not totally eliminate, including laws that protect the environment, enhance voter participation, strengthen crime control, and heighten worker and citizen safety.

Mr. Chairman, this legislation is unprecedented in its scope. Few areas of Federal legislation will be unaffected by this measure, yet, with very little opportunity for open hearing, and with limited debate, this act has been placed before us. A measure of this kind requires detailed analysis of the impact it may have on the American people, but no such review has or will take place. In the current rush to force this bill to the floor of this House, the will of the American people will certainly be compromised.

H.R. 5 will have a devastating impact on the environment. As a Representative of the urban district of Cleveland, OH, I have first-hand witnessed the severity of the environmental problems this Nation and its inner cities now face. The quality of most urban air and water in this country is in dire need of immediate attention.

Mr. Chairman, without so-called unfunded mandates such as the Clean Water Act, the

Clean Air Act, and the Endangered Species Act—all acts that represent significant steps towards remedying the effects of environmental devastation and injustice—the American people and all future generations will be harmed forever.

This bill will also significantly compromise citizen and worker safety. Last year, over 100,000 American workers died in the workplace. Another 70,000 were permanently disabled, and more than 100,000 contracted fatal occupational illnesses. H.R. 5 will greatly inhibit our ability to protect the American population from unsafe products, dangerous working conditions, and avoidable disasters. I cannot in good conscience endanger American workers by supporting this bill.

Furthermore, Mr. Chairman, this legislation will not only have a dramatic and disastrous impact on future legislation, it will also affect existing legislation. Bills that reauthorize existing laws, by enhancing standards, or by enhancing the scope of the original legislation, which results in an increase in costs for State and local government, will all be inhibited by unfunded mandates. Important measures placed in jeopardy by this proposed legislation include the Brady bill that mandates a waiting period prior to the purchase of a firearm; the Family Medical Leave Act that permits parents to take care of their sick children; and the National Voter Registration Act that would greatly enhance voter participation.

Perhaps the most negative impact of this proposed legislation will be on future legislation that may be considered by Congress. Any proposed legislation that is designed to protect workers and citizens from unnecessary injury, protect the environment, or end poverty, will be subject to exclusion under this bill.

Mr. Chairman, adding to the cynical approach employed by this legislation, I am sad to report that this law has been engineered to take effect on October 1 of this year, to ensure that the Republican Contract With America and the attempted rescissions of fiscal year 1995 appropriations, would not be subject to its requirements. This transparent effort to exempt Republican legislation is clearly unjust and further hinders the will of the American people.

Mr. Chairman, it is my belief that H.R. 5 and the circumstances under which it is presented in this House attempt to mislead the American people to believe that cookie cutter, simplistic solutions will cure what ails this Nation. Nothing could be further from the truth. As our Nation faces an epidemic of pollution, discrimination, and poverty, the solution to these problems will not be found in quick fixes like the Unfunded Mandate Reform Act. The American people elected us to act in their best interest, not compromise their welfare because Government refuses to have the courage to meet its obligations. I urge my colleagues to vote against this bill.

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

Mr. Chairman, this has been a long and oftentimes wrenching debate that has occurred on this bill over the last couple of weeks and Members on both sides of the aisle clearly feel very strongly about it one way or another.

Let me preface my remarks by congratulating the gentleman from Pennsylvania [Mr. CLINGER], the chairman, for the manner in which he has man-

aged this bill and the manner in which he has managed the debate, particularly on his side of the aisle, and I know I speak for Members on this side of the aisle when I say he has been thoughtful, deliberative and fair in that process and that has not gone unnoticed.

In the last Congress, the gentleman from Connecticut [Mr. SHAYS] and I and perhaps many others in addition to CHRIS SHAYS talked about this notion of unfunded mandates. People had varying ideas and approaches as to how it might be done. The fact that we are here today, I think, underlines the importance of this legislation to a lot of people.

But as has been said over and over and over again, many people want to make sure that we do this the right way, so that we do not have to revisit it and that we do it the right way so that we in fact do not do more harm than good.

Having said that, I stand in support of the Moran substitute. It is a clear and reasoned approach. It has less of a broad-brush application to it. It will slow us down and make us think as it should, and it allows for the uncertainty of the future.

The only thing certain, someone said, about the future is that it is, in fact, uncertain.

Many of us over the course of the last 2 weeks have tried to take advantage of the process in a constructive manner, to change, to modify and to make better the original bill. We have tried to exempt Medicare, we have tried to exempt certain children's programs. We tried to exempt programs for the disabled. We have asked for CBO estimates to make sure that financially the moneys and the fiscal impact were in fact correct.

We have attempted to make sure, if we could at least, that clean water and clean water standards in this country would not be affected, as well as a number of health issues.

Those of you who have watched the debate and those of you who have participated in the debate know that very little has changed in that regard and we have a bill somewhat different than the bill that was first before this body, but we have a bill that we still can improve on if in fact we adopt the Moran substitute.

I say that because I have heard from persons who want this in its current pure and clinical fashion, that the bill does allow for future Congresses to allow for mandates. Well, it does, if in fact the mandate is 100 percent fully funded.

We have already begun the process in this Congress of reducing the amount of money available for mandates, unfunded or otherwise. We are on the verge of a major debate on the merits of the balanced budget amendment, and there are proposals in at least six different committees of this body to reduce taxes.

□ 1440

When we couple those three things together, clearly, ladies and gentlemen, it is going to be every difficult at any point in the future to get a 100 percent fully funded mandate. It takes away when the ability of this Congress, in this Member's opinion, to be as effective as we must.

So the Moran substitute does not prevent unfunded mandates from being considered. To the contrary of what some have suggested, it allows for that and it allows for us to move forward without the 100 percent trigger that is involved. It simply says that future Congresses, if they so choose, may in fact consider at some later date passing an unfunded mandate, whereby you have a partnership with the Federal Government, the State government and local governments to take care of an issue and/or a problem that besets the citizens of this country.

In my opinion, that allows for more flexibility, it certainly creates a greater air of sensibility and it allows for the notion of partnerships if at some point in time by a majority vote in this body they so choose to do so.

So I would ask Members on both sides of the aisle as we near the vote and the conclusion on this bill to consider again the Moran substitute which I think is the right and proper approach for us to take.

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

Mr. Chairman, let me begin by thanking the gentleman from Virginia [Mr. MORAN] for the outstanding job he has done in bringing us to this point, because if it had not been for him last year in terms of his talking about the importance of unfunded mandates, I do not really feel we would be here now. So, I would like to say to him he really kept the issue alive.

I would also like to say to the other side that this bill really is more the bill that we dealt with last year, the bill that the gentleman from Florida talked about, the hearings that we had all over this country, and basically what people were saying to us is that something has to be done, and I think this bill really addresses their concerns.

I know that others want to go even further, but I think that to go further is a mistake. I think we have been down that road before. I remember the catastrophic health care bill that we kept wanting to go further, and go further, and go further, and we went, and then all of a sudden we had to come back to undo what was done.

So, I can see that we are making the same mistake again.

So the gentleman from Virginia [Mr. MORAN] offers us an opportunity to do something different. First of all to address the problem in a very logical and sensible kind of way, not the draconian bill that is being proposed on the other side of the aisle, H.R. 5. I think we need to recognize that, and deal with it.

What we are saying, is people out there are saying we want to know how much it is going to cost and we need to know how much it is going to cost. To me that is a very practical way to deal with the problem and that to me is a solution to the problem. We heard it as we had hearings in Pennsylvania, as we had hearings in Florida, as we had hearings here in Washington, DC; people were saying to us that was their concern.

But what we are doing is taking it a step further and I think we are going to find that there are procedural barriers that are going to make it impossible for us to do the kind of thing we need to do.

I have heard the term bipartisan support. I think bipartisan support is good and I think we should have it whenever possible, and I think that this bill that the gentleman from Virginia [Mr. MORAN] is putting forth is truly the bipartisan bill. That is the Moran-Goodling bill of last time around. I think that is the bipartisan approach.

So, I would encourage my friends on both sides of the aisle to take a look at this legislation, because this really deals with the problem, it makes it possible for us to be able to legislate in a very timely fashion and do the kinds of things that need to be done. It eliminates the dumping that goes on from one State to another.

When I look in terms of what is happening in my own area in terms of incineration, how one area can create problems for another area and we cannot do anything about it because of the fact that we would have to come back and be able to examine it before we move forward, this legislation eliminates that kind of bottleneck, it makes it possible if one area is dumping on another area that we address that and deal with it right away.

So I think this makes a lot of sense if we really want to deal with the problem as we have heard it out there, as it comes from people throughout the area.

On this particular legislation, H.R. 5, let me set the record straight because I have heard about all kinds of hearings and all of that. Even if there were hearings they were held though in secrecy, because I do not know anything about them, and I have talked to Members who have been here even longer than I have been here and they do not know anything about it, I do not know anything about it, so it seems to me the hearings they are talking about did not take place; and being they did not take place, we did not talk to governors of various States to find out their views and feelings, we did not talk to city council members to find out their views and feelings, we did not talk to county executives and we did not talk to legislators around the country to see in terms of their views and feelings about this legislation.

All of a sudden here we are rushing to push it through because of the fact we must do it before dark.

I would just like to say it is too important to move forward in that fashion. I would hope this would be an opportunity to correct the mistake that has been made. Support the Moran bill, because at least this is something on which we have had communication with people out there, we have talked to them about it. So I think this is an opportunity to stop us from making a major mistake by going further with H.R. 5, but coming back and supporting the Moran substitute which I think deals with the issue that is at hand.

So I would like to yield back the balance of my time and encourage all of my friends and supporters to make certain that they support the Moran substitute. That is really the legislation that should be moved forward.

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

Mr. Chairman, I really apologize to the Members for prolonging this debate which I think has been getting better the longer it goes along, and I want to add my compliments to those already expressed by the managers on both sides.

I have a feeling, I have not participated in this debate because I do not have any particular expertise in this area, but I have a feeling that on both sides we may be committing some sins that we perhaps do not realize.

Unfunded mandates is a problem. A problem has arisen from the fact that the Federal Government has become increasingly unable to fund programs, no matter how good they were, and has gradually shifted that burden to the State and local governments, and they are increasingly unable to bear that burden also.

Most of the programs in an era of less limited funding probably would be accepted as legitimate expenditures by some level of government, and now no level of government has the capability to fund them.

Now what is the reason for this? Obviously one of them is we have been living on our credit cards far too long and we have run up this tremendous interest which will deprive us of what may be another \$100 billion, \$200 billion, or \$300 billion of income at the Federal level that could have been used to fund these programs at the same time the States are increasingly strapped and overburdened by taxes and have put limits on what they can spend. California led the way with proposition 13 which capped property taxes, for example, reducing us from being the perhaps high-level spender of any of the States for education down amongst the lower, and we are regretting that at the present time.

Let us not deceive ourselves by thinking that this program is going to solve the problem of inadequate funding for the kinds of things that Government ought to do. We will need some more profound solution to that problem. A balanced budget, reduced inter-

est costs is of course one of the things we need to do.

How soon are we going to do that? Nobody expects any major impact from a balanced budget amendment in less than 8 to 10 years, in all probability.

What we need to focus on are those areas of public service which we have allowed to grow unrestrained.

□ 1450

Health costs, for example, the most rapidly growing part of the budget: We need to do something to bring that under control and off the backs of the Federal taxpayers in general, a more workable national insurance program of some kind, so that individuals can have access to insurance but could basically be responsible for the level of health care that they wanted to pay for themselves, and it would not be a formula sort of thing that keeps growing.

We need to do something about the welfare program, and it does not mean just cutting off welfare. It means creating a system in which we have opportunity and jobs for that vast class of people who are now deprived of the opportunity to participate in the economy. That will help us.

The unfunded-mandates bill will not solve these kinds of problems. They may give us a chance for some political cover while we begin to seriously deal with these problems, and this is what I would urge upon us as we proceed down the road here.

I think the Republicans in this case, through their contract, have touched the chord of a large part of the American people, not necessarily all, but a large part, and they, charged up with this mandate to do something about this, are moving ahead and obviously they do not want us on this side trying to perfect the great program that they have. And I can understand this.

But I would urge upon them, after they have tasted success with their program, and they are going to have successes, and many Democrats are going to support them including me on occasion, I think then we should begin to look seriously at these underlying problems of our society and develop some programs that will begin to address those in some very realistic fashion and help us then to really create the new society, the new culture, the new civilization, however we want to describe it that we should be doing to assert our position as the world's leading nation in terms of bringing opportunity, freedom, and democracy to the whole world.

I thank you for listening to me.

Mr. MORAN. Mr. Chairman, I ask unanimous consent to address the Committee for 3 additional minutes.

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

There was no objection.

Mr. MORAN. Mr. Chairman I just want to cast a few roses here, although let me start with a thorn and get this out of the way. The one thing that has

been disappointing about this debate is the information that was handed to the Members on the vote last night that may have influenced some, says that, "The Moran amendment effectively exempts 90 percent of the laws Congress passes from the informational requirements of H.R. 5." That is not accurate.

I think my colleagues on the other side would agree that it does not exempt Congress from 90 percent of the legislation and the informational requirements.

I was disappointed that that is the sheet all the Members received on their way in to vote. It is true that it would delete the no money, no mandate provision, but I would hope that that not be the piece that is handed out for this vote or the subsequent vote, because it is misleading.

Now, having gotten over that, let me thank the chairman of the committee, and the gentleman from Ohio [Mr. PORTMAN], the gentleman from Virginia [Mr. DAVIS], the Members on my side who were strongly supportive of the version that is an alternative to the substitute we are about to vote on.

This has been a very constructive debate. I think that we are making history in the next two votes that we will take. I know we are going in the right direction. We have a disagreement in whether or not we are going too far in the underlying Republican version. But I do appreciate the attention that has been given this issue.

I particularly appreciate the constructive manner in which the sponsors of this bill have worked with us on the minority side, and I would hope that it would set a precedent for subsequent bills that come to this floor.

Now, let me just say one further word about the gentleman sitting in the chair throughout this entire debate. The gentleman from Missouri [Mr. EMERSON] has conducted this debate in such a fine and fair manner that he really deserves some recognition, I would hope maybe even a little applause. He has been absolutely indefatigable and exceptionally fair, and I thank him, and I know I speak for all of the Members on this side of the aisle in doing so, and I would certainly expect on the other side of the aisle.

I thank all of those who have participated in this debate for a very constructive dialog.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Virginia [Mr. MORAN].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 152, noes 278, not voting 4, as follows:

[Roll No 82]

AYES—152

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

NOES—278

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

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

NOT VOTING—4

Kaptur
Scarborough

□ 1514

The Clerk announced the following pair:

On this vote:

Ms. Kaptur for, with Mr. Scarborough against.

Mr. DEUTSCH and Mr. KENNEDY of Massachusetts changed their vote from "aye" to "no."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Mrs. COLLINS of Illinois. Mr. Chairman, I move to strike the last word.

Mr. Chairman, before I begin on my remarks, I want to say right here and now, "During the course of the consideration of this bill, you, Mr. Chairman, have heard many of us on this side of the aisle raise the subject of procedural abuses in committee, as well as time limits on floor debates, which concerned us greatly. However I want to say something positive as well. I want to certainly commend the Chairman of the Committee of the Whole, the gentleman from Missouri [Mr. EMERSON] for his fairness and patience in presiding over this debate."

Let me also commend the chairman of our Committee on Government Reform and Oversight, the gentleman from Pennsylvania [Mr. CLINGER], for

his hard work on this bill. He has certainly had his hands full recently, and, despite our very early shaky start, I have really enjoyed working with him and look forward to working with him in the future.

Now, Mr. Chairman, let me begin by saying that this bill is fatally flawed.

H.R. 5 places Congress in a strait-jacket, and provides cover for those who want to roll back the progress we have made in this country to protect the health and safety of our citizens.

Viewed in isolation it may seem reasonable to many, but that is the wrong way to view it. This bill must be seen as a dot matrix, which when the lines are all connected, reveals a mean-spirited effort to abandon those who are most in need.

Over the past several days, we have taken the time to look at just what this so-called unfunded mandates bill does. As I said earlier in the debate, we needed to get beyond the term "unfunded mandates" and into the real world of what types of laws the Republican majority in this body apparently want to make difficult to pass. Well it became clear when we began the amending process that they firmly embraced the Senate Republican Task Force list of 10 worst Federal laws as a guide.

Many of us on this side of the aisle offered amendments to safeguard environmental laws that protect the public health and safety. We made every possible effort to protect the provisions of the Clean Air Act, the Clean Water Act, and the Safe Drinking Water Act, because these laws are supported by all Americans. They were passed, because the people wanted them. They protect us all from the pollution of our neighbors.

Similarly, we offered amendments to preserve laws protecting our most vulnerable citizens—those with disabilities and our children. Again the proponents of this legislation exhibited their disparate views by exempting from the unfunded mandate definition bills that relate to the implementation of international treaties, but not those which provide a better way of life for the disabled; by "requiring compliance with accounting and auditing procedures relating to grants and other money provided by the Federal Government," but ignoring savings inherent in disease prevention, that result from childhood immunization laws.

It was totally inconceivable to me that amendments we Democrats offered to ensure that we as a nation could proceed with establishing a database to track, first, deadbeat dads and, second, child molesters would be opposed by advocates of this legislation. I thought they would surely agree to such amendments. What harm would it do if we went on record in favor of that program and future programs to protect our children? None whatsoever; but, once again, the bill's supporters soundly defeated these child protection amendments.

What was their rationale for so doing? Well it was simply that if the Federal Government did not provide the funds, the State, local, or territorial governments did not have to keep a list of names of deadbeat dads and/or known child abusers or repeat child molesters.

We Democrats offered amendments that would have exempted from the definition of unfunded mandates laws designed to, first, protect child labor laws, second, protect the worker in the factory and, third, increase the minimum wage. Surely these were not the laws that even the Governors and mayors want to gut; but again the proponents acted in lockstep to defeat these amendments.

I have found it extremely interesting that in their zeal to please their Governors, county commissioners, and mayors, the authors have very carefully circumscribed restrictions on the quality of life our citizens have a right to expect to enjoy in the future. We hold ourselves out to be a compassionate nation; one that cares about its citizens, about its overall quality of life, about the underdog, about the least of us. Yet every single amendment offered to prevent new barriers from being raised against these very Americans was defeated by bloc voting.

Some on the other side of the aisle have suggested that the numerous amendments have been a stalling tactic; that the votes have been dilatory. Let me assure the Members that the issue was accountability. The voters in their districts will now know exactly what their Members have voted to protect, and what they have voted to not protect.

Perhaps the problems with this bill began when its authors chose to draft it in secret, and then refused to hold public hearings. Those hearings might have allowed ordinary Americans better known as the public, to discuss which laws they like and which ones they do not. The authors would have heard the voices of mothers concerned for and about their children, of senior citizens who fear that Medicare and Medicaid will not cover an illness, of workers wanting a safe workplace and a decent, living wage, a father who cared about safe drinking water for his family. Instead, we will never know who was in the room drafting those bills, but we know who was not there, whose voices were not allowed to be there.

As I have read this bill over the past several weeks, I can find almost no consideration given to the benefits from our laws—the benefits that I assume caused Congress to pass them. Every people program is subjected to rigorous cost estimates, but there are no estimates about the protections, the safety, and the improvements to the quality of life and to our economy these laws have brought to all Americans. Perhaps that, too, is because we were never allowed to hear the voices of the people.

Throughout debate, the proponents of this bill, have said, "Don't worry. All it will take is a simple majority vote to pass those kinds of laws in the future by waiving a point of order. I doubt that this will be the case.

The subjects of the amendments we Democrats have offered are the exact laws that the Republican majority would like to kill. We know this to be true because the Senate Republican Regulatory Relief Task Force released a list of its so-called 10 worst Federal laws which include the Clean Air Act, the Superfund toxic waste cleanup law, wetlands law, the clean water law, food safety laws, the Safe Drinking Water Act, and Occupational Safety and Health Act. This bill, H.R. 5, the Unfunded Mandates Reform Act of 1995, is a first start at killing these laws.

In a matter of days we will begin debating a regulatory moratorium bill that takes aim at regulations under these laws. Then we will see laws to make agencies go through so many hoops and procedures that they can never take an action to protect the public health or safety. If all else fails, new laws will empower corporations to keep the Government tied up in court forever. This bill is the first step.

No, this bill, H.R. 5, is not really about unfunded mandates. It is about destroying laws that protect the average citizen. It is about raising barriers and debilitating the disenfranchised.

As we debate the remaining elements of the Republican contract, let us begin to face what is really going on. Taken as a whole, the contract is a program developed in secret with major corporations to gut the major protections for the average American. Today they will be called unfunded mandates; tomorrow they will be called regulatory burdens. At least the Republican Senate Task Force was honest about their goals. I believe the American people deserve to know the truth.

□ 1520

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

Mr. Chairman, very briefly, I would like to express my gratitude and appreciation to a number of people who have been involved in this now 7- or 8-day-long debate, which I think has been a very open, a very constructive debate, really the first debate that we have had on the new federalism.

I think what we are seeing is the beginning of a constructive dialog about what the relations of the various levels of government are going to be.

We do not pretend this is a perfect solution to what may be the new paradigm. But what we do suggest is the debate is necessary. We really have to get to the point where we are beginning to analyze which governments need to do what and which governments can do them best.

But in the process of the debate, I have got to recognize, first of all, as has already been indicated, you have

done a superb job in chairing the committee during this sometimes contentious but, I think, always helpful and educational discussion we have had.

Second, I thank the gentleman from Ohio [Mr. PORTMAN], who is a prime author of this legislation, who has worked tirelessly to bring it to the point we are at now. And the gentleman from Virginia [Mr. DAVIS], who has been so effective as a very, very junior freshman Member and has hit the floor running and done a superb job. The gentleman from California, [Mr. CONDIT], the other sponsor, who has been a leader in this effort for many, many years before it really was an issue that was on anybody's radar screen. The gentleman from Virginia [Mr. MORAN], who has made some very constructive additions to this bill, some of which were not accepted. Also, the gentleman from New York [Mr. TOWNS], who worked on this matter in the past Congress. And the gentleman from Pennsylvania [Mr. GOODLING]. There are so many that I really am afraid I am going to overlook someone. They have all been outstanding.

□ 1530

There are three people that I want to specifically recognize. They are staff members who often are not heralded in these halls but who, in this case, I can vouch from personal experience deserve most of the credit for the fact that this bill has gotten to where we are today. This is Kristine Simmons, who is on my staff and the Committee on Government Reform and Oversight, and John Bridgeland, who is with the gentleman from Ohio [Mr. PORTMAN], and Steve Jones, who is with the gentleman from California [Mr. CONDIT].

They have done an absolutely superb job and worked incredible hours to work on this legislation. So my thanks to all of them for all the work that they have done.

Mr. Chairman, if you listen closely today you can hear State and local governments around the Nation breathing a sigh of relief. Today we are at last ready to vote on final passage of H.R. 5, a vote I think which is going to bring at least the beginning of an historic change in the way the Federal Government does business with its State and local counterparts. This bill will restore State and local governments to their true places as partners in our federal system.

Mr. Chairman, I express, again, my appreciation to the gentlewoman from Illinois [Mrs. COLLINS], the ranking minority member. It has been a pleasure to work with her on this matter. To all who participated in this really initial, most substantive and most important debate, I think I would reference the gentleman from California. This is an important debate. We are involved in very important issues here. This is history in the making. We do have differences, but I think the debate is what counts.

The resolution, I hope, will be passage of this bill.

If you listen closely, you can hear State and local governments around the Nation breathing a sigh of relief today. We at last are ready to vote on final passage of H.R. 5, a vote which will bring historic change in the way the Federal Government does business with its State and local counterparts. The Unfunded Mandate Reform Act will restore State and local governments to their true places as partners in our federal system.

Debate on this bill was rigorous and I want to congratulate many of my colleagues, on both sides of the aisle, for casting tough votes in the interest of stopping this mandate madness. Attempts to weaken this bill were rejected consistently and soundly, reflecting a majority opinion that imposing unfunded mandates without knowledge or funding is wrong and it must end.

I also would like to thank my colleagues who are not in support of the Unfunded Mandate Reform Act, for their contribution to the fair and open debate we have had during the 7 days of debate on this bill. It has been a spirited exchange, but a healthy one and I thank my colleagues.

As we prepare to vote on final passage, I ask each Member to consider the adverse impact the cost of mandates has had on your constituents. Ask yourself if it is fair to raise their local property taxes and to cut community services so the local government can afford programs we think are important. Ask yourself if your priorities are only important if a State or local government pays to carry them out.

This vote is about information and accountability. It is about changing Washington ways for the better. It is an affirmative statement that we will stop ourselves before we mandate again.

Please vote "yes" on final passage of H.R. 5.

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

Mr. Chairman, I will be brief. I rise in support of H.R. 5, the Unfunded Mandates Reform Act of 1995, of which I have been a strong supporter.

Since coming to Congress, I have had the opportunity to make decisions on a variety of good ideas that Congress felt would help improve the lives of its citizens and help make Government work better. Of those ideas, the Motor Voter Act was a Federal mandate costing the State of Alabama \$500,000 a year without the funding to comply with it.

The Safe Drinking Water Act, another bill with good intentions, requires local officials to test the water supply for 25 substances without regard to the region or the types of substances used there.

As a result, Alabama water systems had to test their water supply for pesticides used to protect pineapple crops.

Mr. Chairman, I look forward to the day when, before the Federal Government issues an expensive regulation, we will stop, look, and listen to how this will affect local officials.

I rise in support of H.R. 5, another good idea from Congress, but this one long, long overdue.

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

Mr. Chairman, I think this is a great day for State and local governments. It is a great day for taxpayers and a great day for a new accountability in Congress.

With this passage, we are going to take a giant step in returning local decisionmaking to local and State governments, to returning property taxes to local governments instead of being hijacked by Congress for programs that we in this body feel are more important than what the localities decide.

If we believe in a program in this Congress, we should believe in it enough to fund it, not pound our chest and pass the buck on to State and local governments and their taxpayers. When a government that sets the priorities does not find the money within its budget to fund those priorities, we get a completely different set of priorities than if a government that sets the priorities has to find the funds within their own organization and their own budgets.

What has happened over the past few years is a proliferation of unfunded mandates going down to State and local governments, layer after layer of unfunded mandates and a significant shifting of costs from a progressive income tax to regressive property taxes and sales taxes.

Another consequence is that although there are many fine programs mandated and imposed on local governments, many other fine programs that local governments intend end up having to close shelters, lay off police officers, cut day-care centers. And they have to achieve these to pay for the mandates that we fail to fund.

The numerous attempts to exclude and exempt certain areas from this bill, Medicare, Medicaid, health laws, programs for children, environmental laws, labor laws and the like, would have, taken together, gutted this bill, what we are trying to do here.

Besides, this bill still gives us the option of sending those mandates to the States but we will have the costs in front of us before we make those decisions and find out what kind of bill we are sending down to the State and local governments.

Mr. Chairman, I believe that their inclusion, if we had included those exemptions in this bill, it would have resulted in more imposition of costs on local governments and the end result, as one who has been in local government for 15 years, would be forcing our States and our cities and our counties to continue to close community centers, cut back on public safety, cut education, abandon health care centers, because we in Congress, by unfunded mandates, have redirected their local budgets in a way we felt was better, not often realizing that we forced the local governments to cut good programs so they could fund our programs.

I would also add, Mr. Chairman, there was no rush in passing this bill, even the other body, the most deliberative body in this country, managed to pass this 86 to 10 in a shorter period of time than it took us.

I just want to end by saying this has strong bipartisan support. I wanted to thank the gentleman from Pennsylvania [Mr. CLINGER] for shepherding this bill through committee and on the floor, my cosponsors, the gentleman from California [Mr. CONDIT], who has been working on this before I ever came to this body, the gentleman from Ohio [Mr. PORTMAN], who was instrumental in getting this included in the contract, the staffs and other Members, the gentleman from Virginia [Mr. MORAN], the gentleman from New York [Mr. TOWNS], and others who have been working on this for many years, and you, Mr. Chairman, for presiding over these proceedings.

This is a great day for State and local governments. I think we have taken a giant first step today, and I urge final passage.

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

Mr. Chairman, I simply want to refute the idea that this is simply a Republican contract issue. I want to pay tribute to the gentleman from California [Mr. CONDIT], who introduced an unfunded mandate bill in the last Congress and as a Democrat had the leadership to form the Unfunded Mandate Caucus in which many Democrats were members.

Also I want to read a short two sentences from a mayor in my district, a Democrat, who sent me this letter, dated October 27, 1993. In that letter the mayor of San Marcos, Mayor Kathy Morris toward the bottom of the first page said, "We want to make it clear that we usually have no quarrel with the intentions of laws enacted by Congress, such as assuring a healthy environment and enabling people with disabilities to participate fully in our society."

What concerns us is that the costs and tasks of these good intentions are all too often left for us to pay for and carry out. Adding to our frustration is the fact that these programs enacted by distant lawmakers in Washington can lay claim to our tax funds ahead of the needs and priorities of the people who elected us to address those needs." End of quote from the letter from Kathy Morris.

This simply states why this bill is needed and desired by the American people, and I urge its support.

□ 1540

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

Mr. Chairman, today is a historic day. It is a historic day. It is a historic piece of legislation, historic because it does redefine the relationship between the Federal Government and the State and local governments; historic be-

cause for the first time it ensures that Congress will have a separate and informed debate on the question of costs of mandates; and historic because it shows Congress' willingness to put the brakes on the mandate madness.

We had over 30 hours debate, Mr. Chairman, on one preliminary section of H.R. 5, and I have to admit that I joined many of my colleagues in wondering whether we would ever get through this legislation. I was concerned that what was truly a bipartisan issue outside this beltway had become a partisan issue, sadly partisan within this Chamber, but I have to say over the last 24 hours Congress has worked in a very constructive, bipartisan way on this legislation.

As an example, yesterday I believe we accepted nine amendments from the other side. I think they all improved and perfected this legislation. Mr. Chairman, I would thank the gentleman from Illinois [Mrs. COLLINS] and other Members on the minority side for working constructively with us throughout this whole process.

Mr. Chairman, I think what we have done now is that we have set the tone, perhaps, for dealing with other legislation that this Congress will consider over the next year. Although some have cast it as such, H.R. 5 was never about the merits or demerits of individual mandates. It is about having the cost information, it is about having an informed debate on the floor of the House, and yet, yes, it is about accountability, having a vote up-or-down on whether to impose a mandate without providing the money.

Mr. Chairman, let me just sum up by acknowledging a few of the many people that got us to where we are today. The first person I am going to mention I think will speak next. I consider him the spiritual leader on the unfunded mandate front, the gentleman from California [Mr. CONDIT].

He was the lone voice crying out in the wilderness over the last several years. He was talking about unfunded mandate reform when most people did not understand it or appreciate it. It has now come to the fore, and he is to be congratulated.

Senator DIRK KEMPTHORNE on the Senate side is the person who has aggressively pushed this bill on the Senate side, and he is responsible really for the 86 to 10 vote, a very strong vote last week on essentially the same bill. He showed an extraordinary amount of bicameralism in working with the chairman, the gentleman from Pennsylvania [Mr. CLINGER], myself, and others to put together a tough bill.

Mr. Chairman, I would also like, of course, to commend the gentleman from Pennsylvania [Mr. CLINGER], the chairman. He has shown an impressive amount of grace under pressure. I would concur with the comments of the gentlewoman from Illinois [Mrs. COLLINS] and others as to the way he has conducted this debate.

Mr. Chairman, I would like to commend the freshman sponsor of this leg-

islation, the gentleman from Virginia [Mr. DAVIS]. He has recently lived under the crippling effect of unfunded mandates, and I think he has shared his stories with us convincingly.

The gentleman from New York [Mr. TOWNS], I have to acknowledge Chairman TOWNS from last year's Congress. His subcommittee was the subcommittee that had hearings on this issue. The gentleman from New York [Mr. TOWNS], in the face of a lot of opposition from people who did not want mandate relief last year, had not only hearings but a markup on important legislation very similar to this legislation. We would not be here, I do not think, today if ED TOWNS had not done that.

Mr. Chairman, a subcommittee last year of the gentleman from New York [Mr. TOWNS], also included two leaders on our side of this issue, the gentleman from New Mexico [Mr. SCHIFF], who is here in the Chamber, and the gentleman from Florida [Mr. MICA] who were very important to getting us to this point.

The Committee on Rules was very helpful in this process. We took a good bill to the Committee on Rules. It became a better bill, thanks to the work of the chairman, the gentleman from New York [Mr. SOLOMON], the gentleman from California [Mr. DREIER], the ranking member, the gentleman from Massachusetts [Mr. MOAKLEY], and others who perfected and refined this legislation. They are to be thanked.

Governor Voinovich of Ohio has led this issue for the National Governors and for other elected officials over the years. He is unrelenting, he is focused, and again, I think it is crucial to thank him, because we probably would not be here without that pressure.

Finally, let me thank our State and local partners, every township trustee, every mayor, every Governor, every local, State elected official. They are the ones who have really advocated this. They are the reason we are here. Their Big Seven representatives here in Washington have been responsible for helping us craft this legislation over time.

All I can say, Mr. Chairman, is that we have acted today on their behalf, on behalf of the local and State elected officials, and on behalf of all our citizens, to craft a new partnership to enable us to better this country in a true partnership.

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

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

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

Mr. Chairman, briefly, on behalf of the Committee on Rules, I would say that sharing jurisdiction on this legislation, we would like to extend our congratulations first to the gentleman from Missouri [Mr. EMERSON] and then

to the chairman, the gentleman from Pennsylvania [Mr. CLINGER] and all who have played a role.

There is one particular item which really has not been discussed in a major way on this debate. That is the fact that as unfunded mandates are imposed on the State and local governments, many of the priorities which those local governments have established cannot be met because of the burden that they have been shouldering to pay for these mandates.

The city of Los Angeles has had an extraordinarily onerous responsibility which has jeopardized their desire to provide resources for police and fire and other public safety areas. It seems to me that cannot be forgotten.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. PORTMAN] has expired.

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

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

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

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

Mr. Chairman, I would like for all colleagues to return with me now as we return to the not so thrilling days of yesteryear, when out of the past came the thundering hoofbeats of one horse and one gentleman astride that horse; that is, the unfunded mandates horse. He was the Lone Ranger, and that is the gentleman from California [Mr. CONDIT].

He formed a group that was a lonely posse. There were several of us that were riding shotgun with him. We told him to be careful, just like Miss Kitty always tells me when I leave Dodge City, "Pat, be careful," but he was not careful. He forged ahead and he was aggressive. He told the Big Seven it was not really good enough. He did not get a lot of encouragement.

Mr. Chairman, I quite frankly did not think we could get this job done, but the gentleman from California [Mr. CONDIT] really persevered, so I want to pay him a great deal of tribute. I am allegedly the co-chairman of the Unfunded Mandates Caucus, but he was the foreman, and he did all the work, so I thank the gentleman from California [Mr. CONDIT].

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

Mr. Chairman, I know what we are about to do may be the political thing to do. It may be the popular thing to do. Many of us as Members of this body may be putting our fingers to the air to see which way the wind is blowing, and blowing in that direction.

However, let me say for this Member, Mr. Chairman, for this Member from Georgia, mandates are not necessarily bad, funded or unfunded. Mandates are as old as the Constitution, the Declara-

tion of Independence, the Bill of Rights, even the scripture. Thank God.

When God gave Moses the Ten Commandments, he did not say, "Moses, take it, if it costs something or whether it is free." He said, "These are the Ten Commandments. Don't take it whether you feel like it, maybe. These are the Ten Commandments."

Let me remind some of my brothers from this side of the aisle and the other side, in another period in our history it took the Federal Government, the national government, to tell our country what to do, to do what was right.

People in Alabama, in Mississippi, in Georgia, 11 Southern States of the old Confederacy, were denied the right to vote 30 years ago, and it took the National Government to make it possible for all these people to register to vote, to become participants in the democratic process. That was a mandate, so what is wrong with mandates?

Mr. Chairman, I urge Members to vote against this bill. It may not be the popular thing to do, but it is the right thing to do.

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

Mr. Chairman, I am proud to serve on the committee this year with the gentleman from Pennsylvania [Mr. CLINGER], the chairman, and our ranking member, the gentlewoman from Illinois [Mrs. COLLINS].

Mr. Chairman, let me tell the Members why it took so long to be on the floor. I know it was not our Chairman's responsibility, because he was given his marching orders to send this bill out. The reason we had to spend 2 weeks on this bill was because we did not get to have a public hearing in committee.

Members have heard that for this whole 2 weeks, any time any of the Members from the minority side were up here. Maybe we are learning that if we are going to take this kind of time on the floor, maybe it would be better if our committees actually spent time in hearing from interested citizens and people who are impacted by it.

Mr. Chairman, I am going to vote for the bill because I do not think the bill is that bad in its form. I just think because we took 2 weeks, though, the American people and each Member of this House needed to know what we were doing. We did.

We know that this bill will require us to have some type of cost estimates, and we will have to have a separate vote on a point of order if it is raised on over \$100 million. That is not so terrible.

What we need to recognize, though, is what may come afterwards, because again, we are a Nation not of 50 individual States, and territories, in addition, we are one United States. We need to recognize that, that there are rules that all of us, whether we live in Texas, whether we live in New York or Hawaii, that we have to live under.

Mr. Chairman, we were deliberative on this. That is why we had so many

amendments on this. We wanted to make sure people understood that the Clean Water Act, with all its problems, and the Clean Air Act, and I want to amend it, too, and do some things with it, with all its problems, it was still a compromise bill that was passed in 1990 and signed by President Bush.

Now it has caused problems we need to deal with, but it was still passed with bipartisan support because it was addressing a problem of clean air or clean water. Mr. Chairman, it has raised costs for our constituents, but like I said in the earlier debate, when I go to New York and visit the gentleman from New York [Mr. TOWNS], I would like to make sure that the water I turn on, I can drink, coming from Houston. I would like to make sure our Houston water is good enough for him to drink.

That is why, Mr. Chairman, the reason we took so long on this, and because we did, is because of the partisanship, not of the issue but because of the procedure.

□ 1550

I hope we have learned our lesson, that we need to spend the time in the committee and take that kind of time so we do not have to take 2 weeks or 435 Members. That is why we have committees.

Again I want to thank the gentleman from Pennsylvania [Mr. CLINGER], because he is a fair chairman, our ranking member is fair, but I think all our committees in the House can learn from the problem we experienced in this bill.

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

Mr. Chairman, I will be brief. Every individual that needs to be thanked has been thanked.

All the people who have participated in this from the gentleman from Pennsylvania [Mr. CLINGER], to the gentleman from New York [Mr. TOWNS], to the gentleman from Ohio [Mr. PORTMAN], to the gentleman from Virginia [Mr. DAVIS], to the gentleman from Virginia [Mr. MORAN], everybody has been thanked and properly so. They have all participated in this issue and they have been the reason we are here today. I personally want to thank them very much. I want to thank my colleagues on the Republican side for allowing me to participate in the development of this legislation. I appreciate that very much.

I do want to say, and I want to underline, that this is a bipartisan issue. No place in the country is this a partisan issue. You need to just be reminded for just a brief moment, the last couple of days of debate when the issues came up on the amendments, there were 60 to 70 Democrats who voted to keep this bill strong, to keep H.R. 5 in its current form. It is a bipartisan solution that we have come up with here today, and I think that we are to congratulate

ourselves for working together in a bipartisan way.

I also want to acknowledge the unfunded mandate caucus. Those people hung together for the last couple of years, and they were a bunch of renegades on this issue. They hung together, they pushed and they fought to make sure that we got to where we are today and I want to thank them for that.

Mr. Chairman, this is simply about accountability. This is about us being accountable. This is about whether or not we will take responsibility for the legislation that we pass. That is all we are asking for today. We are not asking for anything extraordinary or radical. Just if you are willing to pass a piece of legislation, you take the accountability for it. That is fair. Most of the people throughout this country think that is fair. This is good for the country. This is good for local government. This is good for State government. I encourage all the Members here today to think about this carefully. Let us continue that trend of finding a bipartisan solution and vote "aye" for H.R. 5 today.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. UPTON) 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, pursuant to House Resolution 38, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMEND OFFERED BY MRS. COLLINS OF ILLINOIS

Mrs. COLLINS of Illinois. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. COLLINS of Illinois. Yes, in its present form, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. COLLINS of Illinois moves to recommit the bill to the Committee on Government Reform and Oversight.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. CLINGER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 360, noes 74, not voting 1, as follows:

[Roll No. 83]

AYES—360

Ackerman
Allard
Andrews
Archer
Army
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot

Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combust
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Creameans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo

Everett
Fawell
Fazio
Fields (LA)
Fields (TX)
Flake
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley

Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kim
King
Kingston
Klecza
Klink
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Manton
Manzullo
Markey
Martini
Mascara
McCarthy
McCollum
McCrery
McDade

McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Menendez
Metcalfe
Meyers
Mica
Miller (FL)
Minge
Moakley
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon

NOES—74

Abercrombie
Beilenson
Bonior
Brown (CA)
Brown (FL)
Brown (OH)
Clay
Clayton
Collins (IL)
Collins (MI)
Conyers
Coyne
Dellums
Dingell
Engel
Evans
Farr
Fattah
Filner
Foglietta
Gejdenson
Gibbons
Gutierrez
Hastings (FL)
Hilliard

Hinchey
Jefferson
Johnston
Kennedy (RI)
LaFalce
Levin
Lewis (GA)
Maloney
Martinez
Matsui
McDermott
McKinney
Meek
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Nadler
Oberstar
Owens
Payne (NJ)
Pelosi
Rangel

Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—1

Becerra

□ 1618

The SPEAKER pro tempore (during the voting). The Chair wants to announce that the reason we have gone beyond 17 minutes, as several Members have inquired about, is that the computer has broken down, and the staff is finishing making sure the vote is accurate. So on behalf of the computer, the Chair apologizes.

□ 1621

Mrs. CLAYTON changed her vote from "aye" to "no."

Mr. RICHARDSON, Ms. RIVERS, and Mr. BALLENGER changed their vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Unfunded Mandate Reform Act of 1995".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to strengthen the partnership between the Federal Government and State, local, and tribal governments;

(2) to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate Federal funding, in a manner that may displace other essential State, local, and tribal governmental priorities;

(3) to assist Congress in its consideration of proposed legislation establishing or revising Federal programs containing Federal mandates affecting State, local, and tribal governments, and the private sector by—

(A) providing for the development of information about the nature and size of mandates in proposed legislation; and

(B) establishing a mechanism to bring such information to the attention of the Senate and the House of Representatives before the Senate and the House of Representatives vote on proposed legislation;

(4) to promote informed and deliberate decisions by Congress on the appropriateness of Federal mandates in any particular instance;

(5) to require that Congress consider whether to provide funding to assist State, local, and tribal governments in complying with Federal mandates, to require analyses of the impact of private sector mandates, and through the dissemination of that information provide informed and deliberate decisions by Congress and Federal agencies and retain competitive balance between the public and private sectors;

(6) to establish a point-of-order vote on the consideration in the Senate and House of Representatives of legislation containing significant Federal mandates; and

(7) to assist Federal agencies in their consideration of proposed regulations affecting State, local, and tribal governments, by—

(A) requiring that Federal agencies develop a process to enable the elected and other officials of State, local, and tribal governments to provide input when Federal agencies are developing regulations; and

(B) requiring that Federal agencies prepare and consider better estimates of the budgetary impact of regulations containing Federal mandates upon State, local, and tribal governments before adopting such regulations, and ensuring that small governments are given special consideration in that process.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the terms defined under section 408(h) of the Congressional Budget and Impoundment Control Act of 1974 (as added by section 101 of this Act) shall have the meanings as so defined; and

(2) the term "Director" means the Director of the Congressional Budget Office.

SEC. 4. EXCLUSIONS.

This Act shall not apply to any provision in a bill, joint resolution, amendment, motion, or conference report before Congress and any provision in a proposed or final Federal regulation that—

(1) enforces constitutional rights of individuals;

(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability;

(3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the United States Government;

(4) provides for emergency assistance or relief at the request of any State, local, or tribal government or any official of a State, local, or tribal government;

(5) is necessary for the national security or the ratification or implementation of international treaty obligations; or

(6) the President designates as emergency legislation and that the Congress so designates in statute.

SEC. 5. AGENCY ASSISTANCE.

Each agency shall provide to the Director such information and assistance as the Director may reasonably request to assist the Director in carrying out this Act.

TITLE I—LEGISLATIVE ACCOUNTABILITY AND REFORM

SEC. 101. LEGISLATIVE MANDATE ACCOUNTABILITY AND REFORM.

(a) IN GENERAL.—Title IV of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding at the end thereof the following new section:

"SEC. 408. LEGISLATIVE MANDATE ACCOUNTABILITY AND REFORM.

"(a) DUTIES OF CONGRESSIONAL COMMITTEES.—

"(1) IN GENERAL.—When a committee of authorization of the Senate or the House of Representatives reports a bill or joint resolution of public character that includes any Federal mandate, the report of the committee accompanying the bill or joint resolution shall contain the information required by paragraphs (3) and (4).

"(2) SUBMISSION OF BILLS TO THE DIRECTOR.—When a committee of authorization of the Senate or the House of Representatives orders reported a bill or joint resolution of a public character, the committee shall promptly provide the bill or joint resolution to the Director of the Congressional Budget Office and shall identify to the Director any Federal mandates contained in the bill or resolution.

"(3) REPORTS ON FEDERAL MANDATES.—Each report described under paragraph (1) shall contain—

"(A) an identification and description of any Federal mandates in the bill or joint resolution, including the direct costs to State, local, and tribal governments, and to the private sector, required to comply with the Federal mandates;

"(B) a qualitative, and if practicable, a quantitative assessment of costs and benefits anticipated from the Federal mandates (including the effects on health and safety and the protection of the natural environment); and

"(C) a statement of the degree to which a Federal mandate affects both the public and private sectors and the extent to which Federal payment of public sector costs or the modification or termination of the Federal mandate as provided under subsection (c)(1)(B) would affect the competitive balance between State, local, or tribal governments and privately owned businesses including a description of the actions, if any, taken by the committee to avoid any adverse impact on the private sector or the competitive balance between the public sector and the private sector.

"(4) INTERGOVERNMENTAL MANDATES.—If any of the Federal mandates in the bill or joint resolution are Federal intergovernmental mandates, the report required under paragraph (1) shall also contain—

"(A)(i) a statement of the amount, if any, of increase or decrease in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable for activities of State, local, or tribal governments subject to the Federal intergovernmental mandates;

"(ii) a statement of whether the committee intends that the Federal intergovernmental mandates be partly or entirely unfunded, and if so, the reasons for that intention; and

"(iii) if funded in whole or in part, a statement of whether and how the committee has created a mechanism to allocate the funding in a manner that is reasonably consistent with the expected direct costs among and between the respective levels of State, local, and tribal government; and

"(B) any existing sources of Federal assistance in addition to those identified in subparagraph (A) that may assist State, local, and tribal governments in meeting the direct costs of the Federal intergovernmental mandates.

"(5) PREEMPTION CLARIFICATION AND INFORMATION.—When a committee of authorization

of the Senate or the House of Representatives reports a bill or joint resolution of public character, the committee report accompanying the bill or joint resolution shall contain, if relevant to the bill or joint resolution, an explicit statement on the extent to which the bill or joint resolution preempts any State, local, or tribal law, and, if so, an explanation of the reasons for such preemption.

“(6) PUBLICATION OF STATEMENT FROM THE DIRECTOR.—

“(A) Upon receiving a statement (including any supplemental statement) from the Director under subsection (b), a committee of the Senate or the House of Representatives shall publish the statement in the committee report accompanying the bill or joint resolution to which the statement relates if the statement is available at the time the report is printed.

“(B) If the statement is not published in the report, or if the bill or joint resolution to which the statement relates is expected to be considered by the Senate or the House of Representatives before the report is published, the committee shall cause the statement, or a summary thereof, to be published in the Congressional Record in advance of floor consideration of the bill or joint resolution.

“(b) DUTIES OF THE DIRECTOR; STATEMENTS ON BILLS AND JOINT RESOLUTIONS OTHER THAN APPROPRIATIONS BILLS AND JOINT RESOLUTIONS.—

“(1) FEDERAL INTERGOVERNMENTAL MANDATES IN REPORTED BILLS AND RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committee of authorization of the Senate or the House of Representatives, the Director of the Congressional Budget Office shall prepare and submit to the committee a statement as follows:

“(A) If the Director estimates that the direct cost of all Federal intergovernmental mandates in the bill or joint resolution will equal or exceed \$50,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal intergovernmental mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

“(B) The estimate required under subparagraph (A) shall include estimates (and brief explanations of the basis of the estimates) of—

“(i) the total amount of direct cost of complying with the Federal intergovernmental mandates in the bill or joint resolution, but no more than 10 years beyond the effective date of the mandate; and

“(ii) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable by State, local, or tribal governments for activities subject to the Federal intergovernmental mandates.

“(C) If the Director determines that it is not feasible to make a reasonable estimate that would be required under subparagraphs (A) and (B), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement. If such determination is made by the Director, a point of order shall lie only under subsection (c)(1)(A) and as if the requirement of subsection (c)(1)(A) had not been met.

“(2) FEDERAL PRIVATE SECTOR MANDATES IN REPORTED BILLS AND JOINT RESOLUTIONS.—For each bill or joint resolution of a public char-

acter reported by any committee of authorization of the Senate or the House of Representatives, the Director of the Congressional Budget Office shall prepare and submit to the committee a statement as follows:

“(A) If the Director estimates that the direct cost of all Federal private sector mandates in the bill or joint resolution will equal or exceed \$200,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal private sector mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

“(B) Estimates required under this paragraph shall include estimates (and a brief explanation of the basis of the estimates) of—

“(i) the total amount of direct costs of complying with the Federal private sector mandates in the bill or joint resolution, but no more than 10 years beyond the effective date of the mandate; and

“(ii) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution usable by the private sector for the activities subject to the Federal private sector mandates.

“(C) If the Director determines that it is not feasible to make a reasonable estimate that would be required under subparagraphs (A) and (B), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement.

“(3) LEGISLATION FALLING BELOW THE DIRECT COSTS THRESHOLDS.—If the Director estimates that the direct costs of a Federal mandate will not equal or exceed the thresholds specified in paragraphs (1) and (2), the Director shall so state and shall briefly explain the basis of the estimate.

“(4) AMENDED BILLS AND JOINT RESOLUTIONS; CONFERENCE REPORTS.—If a bill or joint resolution is passed in an amended form (including if passed by one House as an amendment in the nature of a substitute for the text of a bill or joint resolution from the other House) or is reported by a committee of conference in amended form, and the amended form contains a Federal mandate not previously considered by either House or which contains an increase in the direct cost of a previously considered Federal mandate, then the committee of conference shall ensure, to the greatest extent practicable, that the Director shall prepare a statement as provided in this paragraph or a supplemental statement for the bill or joint resolution in that amended form.

“(c) LEGISLATION SUBJECT TO POINT OF ORDER IN THE SENATE.—

“(1) IN GENERAL.—It shall not be in order in the Senate to consider—

“(A) any bill or joint resolution that is reported by a committee unless the committee has published a statement of the Director on the direct costs of Federal mandates in accordance with subsection (a)(6) before such consideration; and

“(B) any bill, joint resolution, amendment, motion, or conference report that would increase the direct costs of Federal intergovernmental mandates by an amount that causes the thresholds specified in subsection (b)(1)(A) to be exceeded, unless—

“(i) the bill, joint resolution, amendment, motion, or conference report provides direct spending authority for each fiscal year for the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report in an

amount that is equal to the direct costs of such mandate;

“(ii) the bill, joint resolution, amendment, motion, or conference report provides an increase in receipts and an increase in direct spending authority for each fiscal year for the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report in an amount equal to the direct costs of such mandate; or

“(iii) the bill, joint resolution, amendment, motion, or conference report includes an authorization for appropriations in an amount equal to the direct costs of such mandate, and—

“(I) identifies a specific dollar amount of the direct costs of the mandate for each year or other period up to 10 years during which the mandate shall be in effect under the bill, joint resolution, amendment, motion or conference report, and such estimate is consistent with the estimate determined under paragraph (5) for each fiscal year; and

“(II) identifies any appropriation bill that is expected to provide for Federal funding of the direct cost referred to under subclause (II);

“(III)(aa) provides that if for any fiscal year the responsible Federal agency determines that there are insufficient appropriations to provide for the estimated direct costs of the mandate, the Federal agency shall (not later than 30 days after the beginning of the fiscal year) notify the appropriate authorizing committees of Congress of the determination and submit either—

“(1) a statement that the agency has determined, based on a re-estimate of the direct costs of a mandate, after consultation with State, local, and tribal governments, that the amount appropriated is sufficient to pay for the direct costs of the mandate; or

“(2) legislative recommendations for either implementing a less costly mandate or making the mandate ineffective for the fiscal year;

“(bb) provides expedited procedures for the consideration of the statement or legislative recommendations referred to in item (aa) by Congress not later than 30 days after the statement or recommendations are submitted to Congress; and

“(cc) provides that the mandate shall—

“(1) in the case of a statement referred to in item (aa)(1), cease to be effective 60 days after the statement is submitted unless Congress has approved the agency's determination by joint resolution during the 60-day period;

“(2) cease to be effective 60 days after the date the legislative recommendations of the responsible Federal agency are submitted to Congress under item (aa)(2) unless Congress provides otherwise by law; or

“(3) in the case of a mandate that has not yet taken effect, continue not to be effective unless Congress provides otherwise by law.

“(2) RULE OF CONSTRUCTION.—The provisions of paragraph (1)(B)(III) shall not be construed to prohibit or otherwise restrict a State, local, or tribal government from voluntarily electing to remain subject to the original Federal intergovernmental mandate, complying with the programmatic or financial responsibilities of the original Federal intergovernmental mandate and providing the funding necessary consistent with the costs of Federal agency assistance, monitoring, and enforcement.

“(3) COMMITTEE ON APPROPRIATIONS.—(A) Paragraph (1)—

“(i) shall not apply to any bill or resolution reported by the Committee on Appropriations of the Senate or the House of Representatives; but

“(ii) shall apply to—

“(I) any legislative provision increasing direct costs of a Federal intergovernmental mandate contained in any bill or resolution reported by such Committee;

“(II) any legislative provision increasing direct costs of a Federal intergovernmental mandate contained in any amendment offered to a bill or resolution reported by such Committee;

“(III) any legislative provision increasing direct costs of a Federal intergovernmental mandate in a conference report accompanying a bill or resolution reported by such Committee; and

“(IV) any legislative provision increasing direct costs of a Federal intergovernmental mandate contained in any amendments in disagreement between the two Houses to any bill or resolution reported by such Committee.

“(B) Upon a point of order being made by any Senator against any provision listed in subparagraph (A)(ii), and the point of order being sustained by the Chair, such specific provision shall be deemed stricken from the bill, resolution, amendment, or conference report and may not be offered as an amendment from the floor.

“(4) DETERMINATIONS OF APPLICABILITY TO PENDING LEGISLATION.—For purposes of this subsection, in the Senate, the presiding officer of the Senate shall consult with the Committee on Governmental Affairs, to the extent practicable, on questions concerning the applicability of this section to a pending bill, joint resolution, amendment, motion, or conference report.

“(5) DETERMINATIONS OF FEDERAL MANDATE LEVELS.—For purposes of this subsection, in the Senate, the levels of Federal mandates for a fiscal year shall be determined based on the estimates made by the Committee on the Budget.

“(d) ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.—It shall not be in order in the House of Representatives to consider a rule or order that waives the application of subsection (c) to a bill or joint resolution reported by a committee of authorization.

“(e) REQUESTS FROM SENATORS.—At the written request of a Senator, the Director shall, to the extent practicable, prepare an estimate of the direct costs of a Federal intergovernmental mandate contained in a bill, joint resolution, amendment, or motion of such Senator.

“(f) CLARIFICATION OF APPLICATION.—(1) This section applies to any bill, joint resolution, amendment, motion, or conference report that reauthorizes appropriations, or that amends existing authorizations of appropriations, to carry out any statute, or that otherwise amends any statute, only if enactment of the bill, joint resolution, amendment, motion, or conference report—

“(A) would result in a net reduction in or elimination of authorization of appropriations for Federal financial assistance that would be provided to State, local, or tribal governments for use for the purpose of complying with any Federal intergovernmental mandate, or to the private sector for use to comply with any Federal private sector mandate, and would not eliminate or reduce duties established by the Federal mandate by a corresponding amount; or

“(B) would result in a net increase in the aggregate amount of direct costs of Federal intergovernmental mandates or Federal private sector mandates otherwise than as described in subparagraph (A).

“(2)(A) For purposes of this section, the direct cost of the Federal mandates in a bill, joint resolution, amendment, motion, or conference report that reauthorizes appropriations, or that amends existing authorizations of appropriations, to carry out a statute,

or that otherwise amends any statute, means the net increase, resulting from enactment of the bill, joint resolution, amendment, motion, or conference report, in the amount described under subparagraph (B)(i) over the amount described under subparagraph (B)(ii).

“(B) The amounts referred to under subparagraph (A) are—

“(i) the aggregate amount of direct costs of Federal mandates that would result under the statute if the bill, joint resolution, amendment, motion, or conference report is enacted; and

“(ii) the aggregate amount of direct costs of Federal mandates that would result under the statute if the bill, joint resolution, amendment, motion, or conference report were not enacted.

“(C) For purposes of this paragraph, in the case of legislation to extend authorization of appropriations, the authorization level that would be provided by the extension shall be compared to the authorization level for the last year in which authorization of appropriations is already provided.

“(g) EXCLUSIONS.—This section shall not apply to any provision in a bill, joint resolution, amendment, motion, or conference report before Congress that—

“(1) enforces constitutional rights of individuals;

“(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability;

“(3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the United States Government;

“(4) provides for emergency assistance or relief at the request of any State, local, or tribal government or any official of a State, local, or tribal government;

“(5) is necessary for the national security or the ratification or implementation of international treaty obligations; or

“(6) the President designates as emergency legislation and that the Congress so designates in statute.

“(h) DEFINITIONS.—For purposes of this section:

“(1) The term ‘Federal intergovernmental mandate’ means—

“(A) any provision in legislation, statute, or regulation that—

“(i) would impose an enforceable duty upon State, local, or tribal governments, except—

“(I) a condition of Federal assistance; or

“(II) a duty arising from participation in a voluntary Federal program, except as provided in subparagraph (B)); or

“(ii) would reduce or eliminate the amount of authorization of appropriations for—

“(I) Federal financial assistance that would be provided to State, local, or tribal governments for the purpose of complying with any such previously imposed duty unless such duty is reduced or eliminated by a corresponding amount; or

“(II) the control of borders by the Federal Government; or reimbursement to State, local, or tribal governments for the net cost associated with illegal, deportable, and excludable aliens, including court-mandated expenses related to emergency health care, education or criminal justice; when such a reduction or elimination would result in increased net costs to State, local, or tribal governments in providing education or emergency health care to, or incarceration of, illegal aliens; except that this subclause shall not be in effect with respect to a State, local, or tribal government, to the extent that such government has not fully cooperated in the efforts of the Federal Government to locate, apprehend, and deport illegal aliens;

“(B) any provision in legislation, statute, or regulation that relates to a then-existing Federal program under which \$500,000,000 or more is provided annually to State, local, and tribal governments under entitlement authority, if the provision—

“(i)(I) would increase the stringency of conditions of assistance to State, local, or tribal governments under the program; or

“(II) would place caps upon, or otherwise decrease, the Federal Government’s responsibility to provide funding to State, local, or tribal governments under the program; and

“(ii) the State, local, or tribal governments that participate in the Federal program lack authority under that program to amend their financial or programmatic responsibilities to continue providing required services that are affected by the legislation, statute, or regulation.

“(2) The term ‘Federal private sector mandate’ means any provision in legislation, statute, or regulation that—

“(A) would impose an enforceable duty upon the private sector except—

“(i) a condition of Federal assistance; or

“(ii) a duty arising from participation in a voluntary Federal program; or

“(B) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that will be provided to the private sector for the purposes of ensuring compliance with such duty.

“(3) The term ‘Federal mandate’ means a Federal intergovernmental mandate or a Federal private sector mandate, as defined in paragraphs (1) and (2).

“(4) The terms ‘Federal mandate direct costs’ and ‘direct costs’—

“(A)(i) in the case of a Federal intergovernmental mandate, mean the aggregate estimated amounts that all State, local, and tribal governments would be required to spend in order to comply with the Federal intergovernmental mandate; or

“(ii) in the case of a provision referred to in paragraph (1)(A)(ii), mean the amount of Federal financial assistance eliminated or reduced;

“(B) in the case of a Federal private sector mandate, mean the aggregate estimated amounts that the private sector will be required to spend in order to comply with the Federal private sector mandate;

“(C) shall not include—

“(i) estimated amounts that the State, local, and tribal governments (in the case of a Federal intergovernmental mandate) or the private sector (in the case of a Federal private sector mandate) would spend—

“(I) to comply with or carry out all applicable Federal, State, local, and tribal laws and regulations in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that Federal mandate; or

“(II) to comply with or carry out State, local, and tribal governmental programs, or private-sector business or other activities in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that mandate; or

“(ii) expenditures to the extent that such expenditures will be offset by any direct savings to the State, local, and tribal governments, or by the private sector, as a result of—

“(I) compliance with the Federal mandate; or

“(II) other changes in Federal law or regulation that are enacted or adopted in the same bill or joint resolution or proposed or final Federal regulation and that govern the same activity as is affected by the Federal mandate; and

“(D) shall be determined on the assumption that State, local, and tribal governments, and the private sector will take all

reasonable steps necessary to mitigate the costs resulting from the Federal mandate, and will comply with applicable standards of practice and conduct established by recognized professional or trade associations. Reasonable steps to mitigate the costs shall not include increases in State, local, or tribal taxes or fees.

"(5) The term 'amount', with respect to an authorization of appropriations for Federal financial assistance, means the amount of budget authority for any Federal grant assistance program or any Federal program providing loan guarantees or direct loans.

"(6) The term 'private sector' means all persons or entities in the United States, including individuals, partnerships, associations, corporations, and educational and nonprofit institutions, but shall not include State, local, or tribal governments.

"(7) The term 'local government' has the same meaning as in section 6501(6) of title 31, United States Code.

"(8) The term 'tribal government' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688; 43 U.S.C. 1601 et seq.) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians.

"(9) The term 'small government' means any small governmental jurisdictions defined in section 601(5) of title 5, United States Code, and any tribal government.

"(10) The term 'State' has the same meaning as in section 6501(9) of title 31, United States Code.

"(11) The term 'agency' has the meaning as defined in section 551(1) of title 5, United States Code, but does not include independent regulatory agencies, as defined in section 3502(10) of title 44, United States Code, or the Office of the Comptroller of the Currency or the Office of Thrift Supervision.

"(12) The term 'regulation' or 'rule' has the meaning of 'rule' as defined in section 601(2) of title 5, United States Code.

"(13) The term 'direct savings', when used with respect to the result of compliance with the Federal mandate—

"(A) in the case of a Federal intergovernmental mandate, means the aggregate estimated reduction in costs to any State, local, or tribal government as a result of compliance with the Federal intergovernmental mandate; and

"(B) in the case of a Federal private sector mandate, means the aggregate estimated reduction in costs to the private sector as a result of compliance with the Federal private sector mandate."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the item relating to section 407 the following new item:

"Sec. 408. Legislative mandate accountability and reform."

SEC. 102. ASSISTANCE TO COMMITTEES AND STUDIES.

The Congressional Budget and Impoundment Control Act of 1974 is amended—

(1) in section 202—

(A) in subsection (c)—

(i) by redesignating paragraph (2) as paragraph (3); and

(ii) by inserting after paragraph (1) the following new paragraph:

"(2) At the request of any committee of the Senate or the House of Representatives, the Office shall, to the extent practicable, consult with and assist such committee in ana-

lyzing the budgetary or financial impact of any proposed legislation that may have—

"(A) a significant budgetary impact on State, local, or tribal governments; or

"(B) a significant financial impact on the private sector.";

(B) by amending subsection (h) to read as follows:

"(h) STUDIES.—

"(1) CONTINUING STUDIES.—The Director of the Congressional Budget Office shall conduct continuing studies to enhance comparisons of budget outlays, credit authority, and tax expenditures.

"(2) FEDERAL MANDATE STUDIES.—

"(A) At the request of any Chairman or ranking member of the minority of a Committee of the Senate or the House of Representatives, the Director shall, to the extent practicable, conduct a study of a Federal mandate legislative proposal.

"(B) In conducting a study on intergovernmental mandates under subparagraph (A), the Director shall—

"(i) solicit and consider information or comments from elected officials (including their designated representatives) of State, local, or tribal governments as may provide helpful information or comments;

"(ii) consider establishing advisory panels of elected officials or their designated representatives, of State, local, or tribal governments if the Director determines that such advisory panels would be helpful in performing responsibilities of the Director under this section; and

"(iii) if, and to the extent that the Director determines that accurate estimates are reasonably feasible, include estimates of—

"(I) the future direct cost of the Federal mandate to the extent that such costs significantly differ from or extend beyond the 5-year period after the mandate is first effective; and

"(II) any disproportionate budgetary effects of Federal mandates upon particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities, as appropriate.

"(C) In conducting a study on private sector mandates under subparagraph (A), the Director shall provide estimates, if and to the extent that the Director determines that such estimates are reasonably feasible, of—

"(i) future costs of Federal private sector mandates to the extent that such mandates differ significantly from or extend beyond the 5-year time period referred to in subparagraph (B)(iii)(I);

"(ii) any disproportionate financial effects of Federal private sector mandates and of any Federal financial assistance in the bill or joint resolution upon any particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities; and

"(iii) the effect of Federal private sector mandates in the bill or joint resolution on the national economy, including the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services."; and

(2) in section 301(d) by adding at the end thereof the following new sentence: "Any Committee of the House of Representatives or the Senate that anticipates that the committee will consider any proposed legislation establishing, amending, or reauthorizing any Federal program likely to have a significant budgetary impact on any State, local, or tribal government, or likely to have a significant financial impact on the private sector, including any legislative proposal submitted by the executive branch likely to have such a budgetary or financial impact, shall include its views and estimates on that proposal to the Committee on the Budget of the applicable House."

SEC. 103. COST OF REGULATIONS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that Federal agencies should review and evaluate planned regulations to ensure that the cost estimates provided by the Congressional Budget Office will be carefully considered as regulations are promulgated.

(b) STATEMENT OF COST.—At the written request of any Senator, the Director shall, to the extent practicable, prepare—

(1) an estimate of the costs of regulations implementing an Act containing a Federal mandate covered by section 408 of the Congressional Budget and Impoundment Control Act of 1974, as added by section 101(a) of this Act; and

(2) a comparison of the costs of such regulations with the cost estimate provided for such Act by the Congressional Budget Office.

(c) COOPERATION OF OFFICE OF MANAGEMENT AND BUDGET.—At the request of the Director of the Congressional Budget Office, the Director of the Office of Management and Budget shall provide data and cost estimates for regulations implementing an Act containing a Federal mandate covered by section 408 of the Congressional Budget and Impoundment Control Act of 1974, as added by section 101(a) of this Act.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Congressional Budget Office \$4,500,000 for each of the fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002 to carry out the provisions of this Act.

SEC. 105. EXERCISE OF RULEMAKING POWERS.

The provisions of section 101 are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of such House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

SEC. 106. REPEAL OF CERTAIN ANALYSIS BY CONGRESSIONAL BUDGET OFFICE.

Section 403 of the Congressional Budget Act of 1974 is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) in paragraph (3) by striking "paragraphs (1) and (2)" and inserting "paragraph (1)"; and

(C) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(2) by striking "(a)"; and

(3) by striking subsections (b) and (c).

SEC. 107. CONSIDERATION FOR FEDERAL FUNDING.

Nothing in this Act shall preclude a State, local, or tribal government that already complies with all or part of the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report from consideration for Federal funding for the cost of the mandate, including the costs the State, local, or tribal government is currently paying and any additional costs necessary to meet the mandate.

SEC. 108. IMPACT ON LOCAL GOVERNMENTS.

(a) FINDINGS.—The Senate finds that—

(1) the Congress should be concerned about shifting costs from Federal to State and local authorities and should be equally concerned about the growing tendency of States to shift costs to local governments;

(2) cost shifting from States to local governments has, in many instances, forced local governments to raise property taxes or curtail sometimes essential services; and

(3) increases in local property taxes and cuts in essential services threaten the ability of many citizens to attain and maintain the American dream of owning a home in a safe, secure community.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Federal Government should not shift certain costs to the State, and States should end the practice of shifting costs to local governments, which forces many local governments to increase property taxes;

(2) States should end the imposition, in the absence of full consideration by their legislatures, of State issued mandates on local governments without adequate State funding, in a manner that may displace other essential government priorities; and

(3) one primary objective of this Act and other efforts to change the relationship among Federal, State, and local governments should be to reduce taxes and spending at all levels and to end the practice of shifting costs from one level of government to another with little or no benefit to taxpayers.

SEC. 109. EFFECTIVE DATE.

This title shall take effect on January 1, 1996 or on the date 90 days after appropriations are made available as authorized under section 104, whichever is earlier and shall apply to legislation considered on and after such date.

TITLE II—REGULATORY ACCOUNTABILITY AND REFORM

SEC. 201. REGULATORY PROCESS.

(a) IN GENERAL.—Each agency shall, to the extent permitted in law—

(1) assess the effects of Federal regulations on State, local, and tribal governments (other than to the extent that such regulations incorporate requirements specifically set forth in legislation), and the private sector, including specifically the availability of resources to carry out any Federal intergovernmental mandates in those regulations; and

(2) seek to minimize those burdens that uniquely or significantly affect such governmental entities, consistent with achieving statutory and regulatory objectives.

(b) STATE, LOCAL, AND TRIBAL GOVERNMENT INPUT.—Each agency shall, to the extent permitted in law, develop an effective process to permit elected officials (or their designated representatives) of State, local, and tribal governments to provide meaningful and timely input in the development of regulatory proposals containing significant Federal intergovernmental mandates. Such a process shall be consistent with all applicable laws.

(c) AGENCY PLAN.—

(1) EFFECTS ON STATE, LOCAL, AND TRIBAL GOVERNMENTS.—Before establishing any regulatory requirements that might significantly or uniquely affect small governments, agencies shall have developed a plan under which the agency shall—

(A) provide notice of the contemplated requirements to potentially affected small governments, if any;

(B) enable officials of affected small governments to provide input under subsection (b); and

(C) inform, educate, and advise small governments on compliance with the requirements.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to each agency to carry out the provisions of this section, and for no other purpose, such sums as are necessary.

SEC. 202. STATEMENTS TO ACCOMPANY SIGNIFICANT REGULATORY ACTIONS.

(a) IN GENERAL.—Before promulgating any final rule that includes any Federal intergovernmental mandate that may result in the expenditure by State, local, or tribal governments, and the private sector, in the aggregate, of \$100,000,000 or more (adjusted annually for inflation by the Consumer Price Index) in any 1 year, and before promulgating any general notice of proposed rulemaking that is likely to result in promulgation of any such rule, the agency shall prepare a written statement containing—

(1) estimates by the agency, including the underlying analysis, of the anticipated costs to State, local, and tribal governments and the private sector of complying with the Federal intergovernmental mandate, and of the extent to which such costs may be paid with funds provided by the Federal Government or otherwise paid through Federal financial assistance;

(2) estimates by the agency, if and to the extent that the agency determines that accurate estimates are reasonably feasible, of—

(A) the future costs of the Federal intergovernmental mandate; and

(B) any disproportionate budgetary effects of the Federal intergovernmental mandate upon any particular regions of the Nation or particular State, local, or tribal governments, urban or rural or other types of communities;

(3) a qualitative, and if possible, a quantitative assessment of costs and benefits anticipated from the Federal intergovernmental mandate (such as the enhancement of health and safety and the protection of the natural environment);

(4) the effect of the Federal private sector mandate on the national economy, including the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services; and

(5)(A) a description of the extent of the agency's prior consultation with elected representatives (or their designated representatives) of the affected State, local, and tribal governments;

(B) a summary of the comments and concerns that were presented by State, local, or tribal governments either orally or in writing to the agency;

(C) a summary of the agency's evaluation of those comments and concerns; and

(D) the agency's position supporting the need to issue the regulation containing the Federal intergovernmental mandates (considering, among other things, the extent to which costs may or may not be paid with funds provided by the Federal Government).

(b) AGENCY STATEMENT; PRIVATE SECTOR MANDATES.—Notwithstanding any other provision of this Act, an agency statement prepared pursuant to subsection (a) shall also be prepared for a Federal private sector mandate that may result in the expenditure by State, local, tribal governments, or the private sector, in the aggregate, of \$100,000,000 or more (adjusted annually for inflation by the Consumer Price Index) in any 1 year.

(c) PROMULGATION.—In promulgating a general notice of proposed rulemaking or a final rule for which a statement under subsection (a) is required, the agency shall include in the promulgation a summary of the information contained in the statement.

(d) PREPARATION IN CONJUNCTION WITH OTHER STATEMENT.—Any agency may prepare any statement required under subsection (a) in conjunction with or as a part of any other statement or analysis, provided that the statement or analysis satisfies the provisions of subsection (a).

SEC. 203. ASSISTANCE TO THE CONGRESSIONAL BUDGET OFFICE.

The Director of the Office of Management and Budget shall—

(1) collect from agencies the statements prepared under section 202; and

(2) periodically forward copies of such statements to the Director of the Congressional Budget Office on a reasonably timely basis after promulgation of the general notice of proposed rulemaking or of the final rule for which the statement was prepared.

SEC. 204. PILOT PROGRAM ON SMALL GOVERNMENT FLEXIBILITY.

(a) IN GENERAL.—The Director of the Office of Management and Budget, in consultation with Federal agencies, shall establish pilot programs in at least 2 agencies to test innovative, and more flexible regulatory approaches that—

(1) reduce reporting and compliance burdens on small governments; and

(2) meet overall statutory goals and objectives.

(b) PROGRAM FOCUS.—The pilot programs shall focus on rules in effect or proposed rules, or a combination thereof.

SEC. 205. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 60 days after the date of enactment.

TITLE III—REVIEW OF UNFUNDED FEDERAL MANDATES

SEC. 301. BASELINE STUDY OF COSTS AND BENEFITS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Advisory Commission on Intergovernmental Relations (hereafter in this title referred to as the "Advisory Commission"), in consultation with the Director, shall begin a study to examine the measurement and definition issues involved in calculating the total costs and benefits to State, local, and tribal governments of compliance with Federal law.

(b) CONSIDERATIONS.—The study required by this section shall consider—

(1) the feasibility of measuring indirect costs and benefits as well as direct costs and benefits of the Federal, State, local, and tribal relationship; and

(2) how to measure both the direct and indirect benefits of Federal financial assistance and tax benefits to State, local, and tribal governments.

SEC. 302. REPORT ON UNFUNDED FEDERAL MANDATES BY ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS.

(a) IN GENERAL.—The Advisory Commission on Intergovernmental Relations shall in accordance with this section—

(1) investigate and review the role of unfunded Federal mandates in intergovernmental relations and their impact on State, local, tribal, and Federal government objectives and responsibilities;

(2) make recommendations to the President and the Congress regarding—

(A) allowing flexibility for State, local, and tribal governments in complying with specific unfunded Federal mandates for which terms of compliance are unnecessarily rigid or complex;

(B) reconciling any 2 or more unfunded Federal mandates which impose contradictory or inconsistent requirements;

(C) terminating unfunded Federal mandates which are duplicative, obsolete, or lacking in practical utility;

(D) suspending, on a temporary basis, unfunded Federal mandates which are not vital to public health and safety and which compound the fiscal difficulties of State, local, and tribal governments, including recommendations for triggering such suspension;

(E) consolidating or simplifying unfunded Federal mandates, or the planning or reporting requirements of such mandates, in order to reduce duplication and facilitate compliance by State, local, and tribal governments with those mandates; and

(F) establishing common Federal definitions or standards to be used by State, local, and tribal governments in complying with unfunded Federal mandates that use different definitions or standards for the same terms or principles; and

(3) identify in each recommendation made under paragraph (2), to the extent practicable, the specific unfunded Federal mandates to which the recommendation applies.

(b) TREATMENT OF REQUIREMENTS FOR METRIC SYSTEMS OF MEASUREMENT.—

(1) TREATMENT.—For purposes of subsection (a) (1) and (2), the Commission shall consider requirements for metric systems of measurement to be Federal mandates.

(2) DEFINITION.—In this subsection, the term "requirements for metric systems of measurement" means requirements of the departments, agencies, and other entities of the Federal Government that State, local, and tribal governments utilize metric systems of measurement.

(c) CRITERIA.—

(1) IN GENERAL.—The Commission shall establish criteria for making recommendations under subsection (a).

(2) ISSUANCE OF PROPOSED CRITERIA.—The Commission shall issue proposed criteria under this subsection not later than 60 days after the date of the enactment of this Act, and thereafter provide a period of 30 days for submission by the public of comments on the proposed criteria.

(3) FINAL CRITERIA.—Not later than 45 days after the date of issuance of proposed criteria, the Commission shall—

(A) consider comments on the proposed criteria received under paragraph (2);

(B) adopt and incorporate in final criteria any recommendations submitted in those comments that the Commission determines will aid the Commission in carrying out its duties under this section; and

(C) issue final criteria under this subsection.

(d) PRELIMINARY REPORT.—

(1) IN GENERAL.—Not later than 9 months after the date of the enactment of this Act, the Commission shall—

(A) prepare and publish a preliminary report on its activities under this title, including preliminary recommendations pursuant to subsection (a);

(B) publish in the Federal Register a notice of availability of the preliminary report; and

(C) provide copies of the preliminary report to the public upon request.

(2) PUBLIC HEARINGS.—The Commission shall hold public hearings on the preliminary recommendations contained in the preliminary report of the Commission under this subsection.

(e) FINAL REPORT.—Not later than 3 months after the date of the publication of the preliminary report under subsection (c), the Commission shall submit to the Congress, including the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate, and to the President a final report on the findings, conclusions, and recommendations of the Commission under this section.

SEC. 303. SPECIAL AUTHORITIES OF ADVISORY COMMISSION.

(a) EXPERTS AND CONSULTANTS.—For purposes of carrying out this title, the Advisory Commission may procure temporary and intermittent services of experts or consultants under section 3109(b) of title 5, United States Code.

(b) DETAIL OF STAFF OF FEDERAL AGENCIES.—Upon request of the Executive Director of the Advisory Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Advisory Commission to assist it in carrying out this title.

(c) CONTRACT AUTHORITY.—The Advisory Commission may, subject to appropriations, contract with and compensate government and private persons (including agencies) for property and services used to carry out its duties under this title.

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Advisory Commission to carry out section 301 and section 302, \$1,250,000 for each of fiscal years 1995 and 1996.

TITLE IV—JUDICIAL REVIEW

SEC. 401. JUDICIAL REVIEW.

(a) IN GENERAL.—Any statement or report prepared under this Act, and any compliance or noncompliance with the provisions of this Act, and any determination concerning the applicability of the provisions of this Act shall not be subject to judicial review.

(b) RULE OF CONSTRUCTION.—No provision of this Act or amendment made by this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any person in any administrative or judicial action. No ruling or determination made under the provisions of this Act or amendments made by this Act shall be considered by any court in determining the intent of Congress or for any other purpose.

MOTION OFFERED BY MR. CLINGER

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

The Clerk read as follows:

Mr. CLINGER moves to strike all after the enacting clause of S. 1 and insert the text of H.R. 5 as passed, as follows:

(The engrossed provisions of H.R. 5 were not available to be printed at time of publication.)

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

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An Act 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."

A motion to reconsider was laid on the table.

A similar House bill, H.R. 5, was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF S. 1, UNFUNDED MANDATE REFORM ACT OF 1995

Mr. CLINGER. Mr. Speaker, I ask unanimous consent that in the engrossment of the Senate bill (S. 1) the Clerk be authorized to make technical corrections in spelling, punctuation, section numbering, and cross-referencing and the insertion of appropriate headings.

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

There was no objection.

APPOINTMENT OF CONFEREES ON S. 1, UNFUNDED MANDATE REFORM ACT OF 1995

Mr. CLINGER. Mr. Speaker, I ask unanimous consent that the House insist on its House amendments to S. 1 and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none, and appoints the following conferees: Messrs. CLINGER, DREIER, PORTMAN, DAVIS, and CONDIT, Mrs. COLLINS of Illinois, Mr. TOWNS, and Mr. MOAKLEY.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2, THE LINE-ITEM VETO ACT

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 104-15) on the resolution (H. Res. 55) providing for the consideration of the bill (H.R. 2) to give the President item veto authority over appropriations acts and targeted tax benefits in revenue acts, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF H.R. 440, LAND CONVEYANCE IN BUTTE COUNTY, CA

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 53 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 53

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 440) to provide for the conveyance of lands to certain individuals in Butte County, California. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. Each section shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. UPTON). The gentleman from Georgia [Mr. LINDER] is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSEN], pending which I yield myself such time as I may consume.