

Mr. Speaker, I urge my colleagues to join the gentleman from California (Mr. ROGAN) and me in making this tax credit for American families a reality.

#### APPOINTMENT AS DIRECTOR OF CONGRESSIONAL BUDGET OFFICE

The SPEAKER pro tempore. Pursuant to the provisions of section 201(A)(2) of the Congressional Budget and Impoundment Control Act of 1974, Public Law 93-344, the Chair announces that the Speaker and the President pro tempore of the Senate on Wednesday, February 3, 1999, did jointly appoint Mr. Dan L. Crippen as director of the Congressional Budget Office, effective February 3, 1999, for the term of office expiring on January 3, 2003.

#### MANDATES INFORMATION ACT OF 1999

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 36 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

##### H. RES. 36

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 350) to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII or section 306 of the Congressional Budget Act of 1974 are waived. 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 Rules. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Rules now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with section 306 of the Congressional Budget Act of 1974 are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. 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. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. 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 with or without instructions.

The SPEAKER pro tempore (Mr. LATOURETTE). 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 Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 36 is an open rule providing for consideration of H.R. 350, the Mandates Information Act of 1999, a bill that will expand the prior 1995 Unfunded Mandates Reform Act to improve congressional deliberation and public awareness on proposed private sector mandates.

H. Res. 36 is a wide open rule providing 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules. The rule waives points of order against consideration of the bill for failure to comply with section 306 of the Congressional Budget Act prohibiting consideration of legislation within the Committee on the Budget's jurisdiction unless reported by the Committee on the Budget. The bill also waives points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII requiring a 3-day layover of the committee report.

The rule considers the amendment in the nature of a substitute recommended by the Committee on Rules, now printed in the bill, as an original bill for the purpose of amendment which is considered as read. The rule provides, further, that it waives points of order against the amendment in the nature of a substitute for failure to comply with section 306 of the Congressional Budget Act.

H. Res. 36 further allows the chairman of the Committee of the Whole to accord priority in recognition to those Members who have preprinted their amendments in the CONGRESSIONAL RECORD prior to their consideration. The rule also allows the chairman of the Committee of the Whole to postpone recorded votes and to reduce to 5 minutes the voting time on any postponed question, provided voting time on the first in any series of questions is not less than 15 minutes.

Finally, the rule provides one motion to recommit with or without instructions, as is the right of the minority.

Mr. Speaker, let me begin by explaining exactly what this bill will do. First, the bill amends the Unfunded Mandates Reform Act to require committee re-

ports to include a statement from the Congressional Budget Office estimating the impact of private sector mandates on consumers, workers and small businesses.

Second, if the CBO cannot prepare an estimate, the bill allows a point of order against consideration of the bill.

Third, if legislation contains a private sector mandate the direct cost of which exceeds \$100 million, this bill also allows a point of order against consideration of the legislation. In both cases the point of order triggers a 20-minute debate on the costs and benefits of a legislative measure before the House votes to continue.

The argument has been made that this bill will result in delaying tactics. Mr. Speaker, the current bill has been in effect for over three years and the point of order has been utilized seven times, four times by Republicans and three times by Democrats. That is a pretty good balance.

Nonetheless, H.R. 350 constrains the Chair from recognizing more than one point of order with respect to a private sector mandate for any bill, joint resolution, amendment, motion or conference report. The one vote limit per legislative measure should provide sufficient opportunity for Members to receive the best available information on the cost of a bill.

Mr. Speaker, the intergovernmental mandates legislation was one of the first bills passed by the 104th Congress and signed into law by President Clinton. That law, designed to provide information about mandates on State and local governments, passed the House with 394 votes and has proven to be quite useful in providing accurate information during the course of floor debate.

I chaired a joint hearing of the two Committees on Rules subcommittees on Tuesday in which we examined H.R. 350 and efforts to expand upon the 1995 Unfunded Mandates Reform Act. We have now had 3 full years to observe how that law has worked, and it has worked well. We heard from the acting director of the congressional Committee on the Budget who stated that the 1995 act had been a useful tool in congressional deliberation. The CBO director said he had been doing mandates estimates for years, but no one really paid any attention to the costs until we passed the 1995 mandates bill.

That is all the Unfunded Mandates Reform Act has done, and that is all that this bill will do. It will force Members to review reliable information from the Congressional Budget Office. This information has increased not only Member consciousness of the costs of legislation, but increased public awareness, and that is why we are here today. In an effort to make the original unfunded mandates legislation a more valuable information tool to advise Members on private sector mandates, the Mandates Information Act has been introduced again in this Congress with over 60 bipartisan cosponsors.

H.R. 350 was referred to the Committee on Rules, and Committee on Rules alone, because it is a procedures bill affecting the internal workings of the House and providing information to Members of Congress. By compelling CBO estimates and requiring a question of consideration on the House floor on certain legislation, this legislation should serve as an effective tool in increasing Congressional accountability by requiring Congress to be informed fully of the effects of mandates before enacting them into law.

During our hearing a 32-year-old business owner who started his company when he was 19 years old testified, and I quote: "I know I would sleep a little better at night knowing that Congress was thinking seriously about the cost impact of legislation on small business owners." That was all he was asking, that his elected representatives have some detailed information before they vote.

The average American should be concerned about these mandates as well. The Committee on Rules heard from the gentleman from Ohio (Mr. PORTMAN) in which he discussed his concerns about the hidden e-rate tax that resulted from the FCC's interpretation of the Telecommunications Act. Mandates such as these which are not debated on the House floor continue to represent hidden taxes that consumers are forced to pay through increased prices or wages, reduced job opportunities and more red tape for businesses.

□ 1015

It is likely that during the 20 minute floor debate on the question of consideration, the costs and impact of a mandate will be highlighted, and an educated decision could be made about whether to pass the costs on to the U.S. consumer.

Mr. Speaker, the bill we have before us today is almost identical to the Condit-Portman Mandates Information Act of 1998, with some technical changes, such as additional findings and some modifications due to recodification. It is essentially the same bipartisan bill that passed the House by a vote of 279 to 132 in the last Congress.

Mr. Speaker, H.R. 350 serves as a speed bump to legislation that allows Members time to debate the costs of a bill. It is not a roadblock. We will have ample time to discuss the merits of the bill during general debate later this morning.

This is a fair rule, and I urge my colleagues to support it so that we may proceed with general debate and consideration of the amendments and the merits of this bipartisan bill.

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

Mr. MOAKLEY. Mr. Speaker, I thank my colleague for yielding me the customary half hour, and I yield myself such time as I may consume.

Mr. Speaker, although the idea of an unfunded mandates point of order is somewhat controversial, this open rule

will allow Members to make what amendments they will, and this really deserves our full support.

Unfunded mandates can have bad effects and they can have good effects. They can cost private industries millions and millions of dollars, but they can also help ensure the food supply is safe for millions of Americans.

Each time Members of Congress vote to impose a mandate, they should know how much it will cost and how much it will help. For that reason, I support the idea behind this point of order information; this information never hurt anyone. But, Mr. Speaker, my sentiments stop short of creating a point of order, and I look forward to discussing the issue further during the general debate.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the Chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I thank my very good friend from Atlanta, the distinguished Chairman of the Subcommittee on Rules and Organization for yielding me this time. I want to commend him for his tremendous work on this legislation.

As the gentleman from Georgia (Mr. LINDER) noted, the Mandates Information Act was reported by the Committee on Rules last year and overwhelmingly approved in a bipartisan way by this House. It addresses a clear bias against the private sector in the way we consider legislation subject to the Unfunded Mandates Reform Act, legislation that was also reported by the Committee on Rules in 1995, and, as was said, overwhelmingly approved by this House.

I also want to join, Mr. Speaker, in congratulating my colleagues, the gentleman from California (Mr. CONDIT) and the gentleman from Ohio (Mr. PORTMAN), for once again introducing this legislation. I also want to commend them for their bipartisan efforts and their diligence in working with our Committee on Rules to ensure that the best possible bill was reported out by our committee.

I agree with the sponsors that the Unfunded Mandates Reform Act does not go far enough to discourage Congress from imposing costly mandates on the private sector. Such mandates cost businesses, consumers and workers about \$700 billion annually, or \$7,000 per household. That is more than a third the size of the entire Federal budget.

These mandates are particularly burdensome on families attempting to climb the economic ladder. Over the next five years, Mr. Speaker, 3 million people will move from welfare to private sector payrolls. Small businesses

will provide most of those jobs, yet the imposition of new mandates upon existing burdens will reduce the resources available to create these much-needed jobs.

Mr. Speaker, it is very important to note that H.R. 350 does nothing, absolutely nothing, to roll back some of the unnecessary mandates that exist, nor does it prevent in any way the imposition of additional mandates.

I would like to read now directly section 2 of the bill, which reads as follows: "The implementation of this Act will enhance the awareness of prospective mandates on the private sector without adversely affecting existing environmental, public health, or safety laws or regulations."

Mr. Speaker, I want to read that again, because I think it is very important to note that as we proceed with debate on this, that section 2 of the bill states, "The implementation of this Act will enhance the awareness of prospective mandates on the private sector without adversely affecting existing environmental, public health, or safety laws or regulations."

Mr. Speaker, in other words, H.R. 350 is a straightforward, common sense, bipartisan bill that will make Congress more accountable by requiring more deliberation and more information when Federal mandates are proposed.

This is important because, in reality, mandates are a hidden tax that consumers are forced to pay through increased prices, reduced job opportunities and more red tape for small businesses.

The procedures in H.R. 350 can in no way be used as a roadblock to legislation. Rather, they are intended to serve as a very small, smooth, speed bump that will allow affected groups to provide input to committees early in the development stage of legislation on more cost effective alternatives.

It is on this point that the Unfunded Mandates Reform Act has been so successful. As Jim Blum of the Congressional Budget Office noted in his testimony before the Committee on Rules, "Before proposed legislation is marked up, committee staffs and individual Members are increasingly requesting our analysis about whether the legislation would create new Federal mandates, and, if so, whether their costs would exceed the thresholds set by the Unfunded Mandates Reform Act. In many instances, the Congressional Budget Office is able to inform the sponsor about the existence of a mandate and provide informal guidance on how the proposal might be restructured to eliminate the mandate or reduce its cost."

He goes on to say, "That use of the Unfunded Mandates Reform Act early in the legislative process may not involve the law's formal procedural hurdles, but it appears to have had an effect on the number and burden of intergovernmental mandates in enacted legislation."

Mr. Speaker, this rule will allow us to fully deliberate H.R. 350, and I am

looking forward to engaging in a very thoughtful debate on this legislation. But I want to end with a very simple message that was relayed to the Committee on Rules by Ryan Null, the owner of Tristate Electronic Manufacturing in Hagerstown, Maryland.

He said,

I only ask that Congress, in its wisdom, please remember that it is hard enough to be an independent business owner. The laws that you pass and the costs associated with them have a profound effect on our bottom line. I know I would sleep a little better at night knowing that Congress was thinking seriously about the cost impact of legislation on small business owners.

Mr. Speaker, with that, I urge adoption of this rule and adoption of the bill.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BOEHLERT).

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

Mr. BOEHLERT. Mr. Speaker, I rise in support of this rule, but in strong opposition to the underlying bill. I support the rule wholeheartedly because it is an open rule, a rule that will allow full, free and democratic debate; a rule that will allow issues to be aired and all points of view to be heard. That is a way of doing business that all Members can support and that the American people can be proud of.

My complaint about H.R. 350 is that it would end precisely the kind of open process that is governing its own consideration. With H.R. 350, there would never truly be an open rule again on a bill that affects industry.

I am not exaggerating. An open rule means unlimited debate on every amendment. Yet, under H.R. 350, if any private interest opposed a bill, a Member could raise a point of order that could limit debate to a mere 20 minutes, 10 minutes on each side. Raising the point of order requires not a shred of evidence, no evidence at all, just a mere assertion. You can say, "I have got a gut feeling," or "I have got a hunch," and that would trigger a point of order that would severely restrict debate and terminate it after only 10 minutes of argument on each side of the equation, 600 seconds. That is not a very good idea.

The point of order is targeted at shutting down debate on measures that industry opposes, overriding whatever time has been allocated by the Committee on Rules.

I think the Committee on Rules does an outstanding job, and I want to compliment my distinguished colleague, the gentleman from Georgia, and the distinguished new chairman, the gentleman from California (Mr. DREIER). These gentlemen do us proud in that Committee on Rules, and it is a pleasure to come up and testify before you and have the thoughtful deliberative process that goes on up there.

I want that same thoughtful deliberative process here on the floor, not

terminating debate after only 10 minutes, 600 seconds, on a wide ranging, sweeping measure that is going to impact a lot of people for a long time.

I will remind my colleagues again of an example that I have used many times of how this could work. In 1995 a substitute was offered to the proposed Clean Water Act, a very important bill for America. The substitute was defeated, but the House had more than a day-and-a-half of spirited debate, debate that helped frame environmental issues for the rest of the year, debate that fully discussed the cost and benefits of clean water legislation, debate that aired every possible point of view. And that is what we should do in the people's House, air every possible point of view. We should encourage additional information, not restrict the input of information.

Under H.R. 350, a Member opposed to the substitute could have raised a point of order that would have carried the day and shut down debate after only 20 minutes, 10 minutes on each side, 600 seconds. Not a very good idea.

Would the American people have been better served by a truncated debate? Would more information have been presented? Would any interested party have had more time to get their point of view across? Of course not.

The stated goal of this bill is to provide Congress with more information on the cost of private mandates, and that is a goal I support. But you cannot provide the House with more information by having less debate. It just does not make sense.

Now, I know the sponsors of the bill will argue that we cannot know for sure that events back in 1995 would have unfolded in just the way I outlined. But I ask them, if the point of order would have not been raised against a substitute in a very visible debate in which industry is investing time and money and has the votes to shut down debate, then when would it be used?

Mr. Speaker, I will save the rest of my comments for general debate. I just want to make one final point: The debate over H.R. 350 is not about whether Congress should pass this or that private mandate. I do not like mandates, and I find particularly distasteful unfunded mandates. But this debate is about whether we will have fair procedures during debates over those mandates.

I think debate on private mandates should be just as free, just as fair, just as full, just as open and just as democratic as the debate we will have on H.R. 350 itself.

I urge support for this well-crafted open rule, and support for the amendment that I will offer to repair H.R. 350.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered. The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. GIBBONS). Pursuant to House Resolution 36 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 350.

□ 1030

#### 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. 350) to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Georgia (Mr. LINDER) and the gentleman from Massachusetts (Mr. MOAKLEY) each will control 30 minutes.

The Chair recognizes the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 350, the Mandates Information Act of 1999, is a procedures bill designed to make Congress more accountable and provide Members with the most factual information possible before voting on legislation. This bill was referred to the Subcommittee on Rules and Organization of the House, and as chairman of that subcommittee, I am pleased to rise in strong support of this important bipartisan reform legislation.

Two of our colleagues, the gentleman from California (Mr. CONDIT) and the gentleman from Ohio (Mr. PORTMAN) were the main proponents four years ago of the intergovernmental mandates legislation that was one of the first bills passed in the 104th Congress with 394 votes from both sides of the aisle. Today, they both deserve great credit for their tireless hard work to amend that act in an effort to provide more accurate information to Members during the course of debate.

The intergovernmental mandates bill provided a point of order for intergovernmental mandates over \$50 million. This act has worked incredibly well. My subcommittee heard testimony from the director of the Congressional Budget Committee who said that he had been doing mandate estimates for years, but nobody really paid attention to them and to the costs until the 1995 mandates bill.

Now we have the opportunity to force Members and committees to pay attention to the costs on businesses and consumers. The bipartisan Condit-Portman private mandates bill will simply force Members to review reliable information from the CBO. By compelling CBO estimates and requiring a question of consideration on the House floor on certain legislation, this legislation should serve an effective

role in increasing congressional accountability by requiring Congress to be informed fully of the effect of mandates before enacting them into law.

As I stated during the rule debate, the bill we have before us today is almost identical to the bipartisan bill that passed the House by a vote of 279 to 132 in the last Congress. And like the 65 percent of the Members who supported this bill last year, H.R. 350 is supported by the National Governors Association, the Conference of Mayors, the National Conference of State Legislators, the National League of Cities, the National Association of Counties, the National Taxpayers Union, the U.S. Chamber of Commerce, Citizens for a Sound Economy, the National Federation of Independent Business, and the American Farm Bureau. The list goes on and on, a list which I will submit for the RECORD.

SUPPORTERS OF H.R. 350, THE MANDATES INFORMATION ACT

National Governors' Association, National Conference of State Legislatures, National League of Cities, National Association of Counties, National Taxpayers Union, U.S. Chamber of Commerce, National Federation of Independent Business, American Farm Bureau, Small Business Legislative Council, Citizens for a Sound Economy, National Restaurant Association, National Retail Federation, Small Business Survival Committee, Associated Builders and Contractors, American Subcontractors Association, National Association of the Self-Employed, National Association of Manufacturers, National Association of Wholesaler-Distributors, National Roofing Contractors Association, American Dental Association, American Rental Association, Food Distributors International, National Association of Home-builders, Conference of Mayors, Council of State Governors and International Managers.

Mr. Chairman, I urge my colleagues to join me in supporting this bipartisan legislation.

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

Mr. MOAKLEY. Mr. Chairman, I yield myself such time as I may consume.

I want to begin by saying that although I support the idea behind this legislation, I just cannot support the point of order in this bill. Although I agree that full disclosure of unfunded mandates in the private sector is a good idea and can help Members make informed decisions, this point of order is just not the way to do it.

While there are many situations in which Federal mandates protect the public, their monetary costs can be very significant. I agree that Members should know what they are getting into before voting to impose these mandates.

Scripps-Howard Newspapers still carry the wise saying, "Give light and the people will find their own way." Certainly, if we shed light on the impact that our votes will have, the quality of legislation we pass will also benefit. I believe there can be no harm in Members understanding the full impact their votes will have on State and local

governments, private companies and even individuals.

That having been said, Mr. Chairman, I have three main reservations to this bill which will prevent me from supporting it.

First, as I have said consistently since the first unfunded mandates bill was passed in the 104th Congress, it is far too easy to abuse the point of order. Informing Members is laudable, but this unusual point of order is too susceptible to abuse. The majority can, and has, used it to silence a motion to recommit, and other legitimate amendments.

Mr. Chairman, under this bill any Member can raise a point of order, get 20 minutes of debate and a vote, regardless of whether there is anything even remotely resembling an unfunded mandate in the bill.

My second objection, Mr. Chairman, is the bill's tilting the playing field against some of our Nation's finest laws, laws to feed the hungry, protect public safety, protect public health, clean up pollution, enforce civil rights, and even compel parents to support their children. These laws have costs, but they also provide enormous benefits.

Both the Waxman and the Boehlert amendments would help restore the balance between providing information about costs while keeping in mind the benefits of the type of legislation.

My last objection, Mr. Chairman, is the somewhat political position this point of order takes on merits of tax cuts and the demerits of spending, regardless of whose taxes are being cut or what is being spent. Mr. Chairman, a bill is not necessarily bad because it requires someone to spend money, and a bill is not necessarily good because it gives someone a tax cut.

For instance, Mr. Chairman, I think requiring polluters to clean up their act and stop dirtying our air and water is a good idea, even if it imposes a burden on some businesses. On the other hand, I think granting a huge tax cut to people making over \$300,000 a year is just not a good idea.

Under this point of order, a tax increase is exempt from being considered a mandate as long as it gives someone somewhere a tax cut. Now, I want my colleagues to listen closely to that. Under this point of order, a tax increase is exempt from being considered a mandate as long as it gives someone somewhere a tax cut.

For instance, if a bill imposes a gas tax and uses the money to fix roads, it is subject to a point of order. But if a bill imposes a tax cut and uses the money to give railroads a tax cut, it is exempt.

In closing, Mr. Chairman, this point of order is well-intentioned, but as I said, it could be too easily abused and it takes too strong a stand against bills that have the potential to do this country a great deal of good. I urge my colleagues to closely examine the point of order scheme contained in the bill and vote "no" on the bill.

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

Mr. LINDER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Ohio (Ms. PRYCE), a colleague on the Committee on Rules.

Ms. PRYCE of Ohio. Mr. Chairman, I thank my friend, the gentleman from Georgia (Mr. LINDER) for yielding time to me.

At this time I rise in support of the Mandates Information Act. Mr. Chairman, the State of Ohio has been very active in the fight against unfunded Federal mandates. Both Mayor Lushutka of Columbus and former Ohio Governor, now our colleague in the other body, GEORGE VINOVICH, fought hard for the passage of the Unfunded Mandates Reform Act of 1995, which is sponsored by yet another Ohioan (Mr. PORTMAN).

I congratulate both the gentleman from Ohio (Mr. PORTMAN) and the gentleman from California (Mr. CONDIT) for their hard work which has brought us here today to debate the merits of extended protections against unfunded mandates to the private sector.

While Ohio has been a leader in the battle against the tremendous burdens imposed on State and local governments by Federal laws, I know the cries for relief that I have heard from Ohio's elected officials and business owners are not unique to our State. I am sure all of my colleagues have heard the moans and groans of their constituents every time Congress figures out a way to fix a problem, but turns a blind eye to the real world price tag.

We must remember that our actions here have real consequences. When Washington's good ideas are enshrined into law, America's businessmen and women have to spend real time and real money out of their limited resources to comply. And, to ensure that their businesses stay afloat, these companies have to adjust and offset these new costs, which means higher prices for consumers, lower wages for workers, and less time on innovations that make American businesses competitive.

Given these serious consequences, it seems reasonable to ask Congress to pause for just a moment when we are faced with broad-reaching legislation, to focus on the costs and benefits before we move forward with the legislation.

That is what the Mandates Information Act will force us to do. It is really that simple. This bill does not prohibit unfunded mandates on the private sector. It merely gives Congress a mechanism through which we can acquire more information, greater deliberation, and increased accountability before we ask America's consumers and entrepreneurs to pick up the price tag.

Now, some of my colleagues have expressed concern about this bill's impact on environmental legislation. Let us be clear. Nothing in this bill singles out the environment for prejudicial

treatment. This bill applies to all mandating legislation across the board, regardless of topic, on an equal basis.

Mr. Chairman, I urge my colleagues to support informed debate and responsive government. We should all stand up for our constituents who are hard at work creating jobs and moving our economy forward by voting "yes" on this important bipartisan legislation, the Mandates Information Act.

Mr. LINDER. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. REYNOLDS), a new member of the Committee on Rules.

Mr. REYNOLDS. Mr. Chairman, I rise in support of H.R. 350, the Mandates Information Act of 1999.

Building on a very successful Unfunded Mandates Reform Act of 1995, H.R. 350 extends to small businesses the same protections Congress offers to State and local governments, that if the Federal Government mandates it, the Federal Government should pay for it.

Throughout my career, I have been somewhat of a crusader against unfunded government mandates. As a former county and State legislator, I know too well the hidden and high costs that mandates impose on our Nation's local governments. Small businesses as well have been impacted by mandates that do not just increase the cost of doing business. Consumers pay a price through higher retail prices, hinder production, and reduce job opportunities.

Mr. Chairman, our Nation's small businesses and farmers need this bill. We have heard from the Mom and Pop and Main Street businesses who have pleaded with Congress to relieve them from the burden of unfunded mandates, to give them the opportunity to survive, grow, and create jobs and opportunity for the American people.

Mr. Chairman, I support this bill and urge my colleagues to support our businesses, our workers and our consumers by passing this legislation.

Mr. LINDER. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. BOEHLERT).

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

Mr. BOEHLERT. Mr. Chairman, I rise in strong opposition to H.R. 350.

Let me start by affirming that I support the goals of this bill. Those purposes are laid out in section 3 of the bill. They are, and this is from the actual text of the bill, providing more complete information about the effects of private mandates, ensuring focused deliberation on those effects, and distinguishing between mandates that harm consumers, workers and small businesses and mandates that help those groups.

How could one not support those goals? I am being specific about the stated purposes of the bill because I will offer an amendment next week,

and that is when we are going to continue deliberations, designed specifically to accomplish those goals. But what I want to focus on today is why H.R. 350 in its current form in many ways is at odds with those goals, and indeed at odds with fundamental notions of fairness that should govern this House.

H.R. 350 would undermine the fairness of House procedures and fail to achieve its goals because it is based on numerous faulty assumptions.

□ 1045

Let me enumerate some of them. The bill assumes that radically reducing the time to debate a bill or amendment will somehow provide Congress with more information. After all, the bill creates a point of order designed to cut off debate before it would end under normal House procedures. I fail to see how short debate will yield more information.

The bill assumes that baseless assertions, gut feelings, hunches, can provide useful information for congressional decision-making. After all, H.R. 350 requires no evidence at all to raise the point of order. A Member could claim that a bill was going to cost industry a lot of money, even if the Congressional Budget Office had determined otherwise.

So we are not going to be dealing with the facts as presented by the Congressional Budget Office if they do not coincide with the opinion of the person raising the point of order, we are going to be dealing with his gut feeling, his hunch; not a very good idea. I fail to see how assertions that are not grounded in evidence will improve debate.

The bill assumes that more informed debate means that Congress should be more concerned with costs than benefits. After all, the only place the bill mentions benefits is in one finding that suggests that Congress has paid too much attention to benefits. I fail to see how favoring one side of the cost-benefit ratio will improve our decisions.

The bill assumes that up to this point, Congress has never fully considered or debated the potential cost of its actions on industry. After all, that is why proponents of H.R. 350 say it is needed. Yet, look at the examples they give, such as minimum wage. Has Congress debated the minimum wage without discussing its potential cost? Of course not. I fail to see why we need to solve a problem that simply does not exist.

The bill assumes that up to this point industry has not been able to get its views heard on Capitol Hill. After all, why else would H.R. 350 provide industry with a legislative tool that would be denied to its consumers, communities, and employees? I fail to see any evidence that industry has not had the commitment and personnel and financial resources to get its point of view heard.

That is as it should be. We should consider industry's point of view, but

how about everybody else? What about all those consumers that are impacted by decisions that industry makes?

The bill assumes that it is fair to skew House rules so those on one side of an issue can stifle the voices on the other side. After all, that is the effect of the point of order. Those supporting measures designed to protect the environment, to protect health, to protect safety, could have debate on their proposals short-circuited by this new point of order.

I fail to see why that is either fair or necessary. No bill based on such faulty assumptions should be passed by this House. If we want to provide fuller and more accurate information for congressional debate and ensure that Congress has more focused debate on costs, we can do so without stifling debate, as my amendment will demonstrate.

H.R. 350 in its current form will not lead to more or better informed debate in this House. Rather, it will cripple our ability to fair, full, open, and democratic debate. That is something that should trouble every Member of this body.

Remember, the issue here is not whether to support a particular private mandate, but whether we will have open debate on private mandates. I look forward to presenting my amendment next week, and I urge my colleagues to oppose this bill in its current form.

Mr. MOAKLEY. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. MORAN) by way of Massachusetts.

Mr. MORAN of Virginia. Mr. Chairman, I thank the very distinguished leader of the Committee on Rules. As he knows, I am proud of that circuitous route to the Congress.

Mr. Chairman, I rise in support of this legislation, and applaud the gentleman from California (Mr. CONDIT) and the gentleman from Ohio (Mr. PORTMAN) for their work on this issue.

I was just speaking with the gentleman from California about our joint efforts more than 5 years ago to raise the issue of unfunded Federal mandates to the attention of this body. As one of the first acts of the 104th Congress, we passed the Unfunded Mandates Reform Act, which required a point of order on such legislation. But at the time we missed a golden opportunity to address the issue of private sector mandates.

During the debate on the Unfunded Mandate Reform Act, I offered an amendment to include the private sector as part of CBO's cost analysis in the procedural point of order. Unfortunately, as it was not part of the original bill that had the new House leadership's blessing, and was not part of the Republican Contract With America, I think that is the only reason it was not passed when it should have been as part of the larger package of legislation.

I argued at the time that we were creating a double standard between mandates on the public sector and

mandates on the private sector. The line between the private and public sector is oftentimes very blurred. Private companies now compete successfully to offer services once provided exclusively by State or local governments. Privatization has been successful in the fields of transportation, environmental services, health services, education, water and electric utilities.

Without today's legislation we would be perpetuating a procedural situation where, under the House rules, we can debate a Clean Air Act amendment or a new medical waste disposal mandate's impact on a municipal power plant or on a public hospital, but ignore its impact on a private utility or privately-owned hospital.

Mr. Chairman, there are more than 1,800 municipal, 900 rural electric cooperatives, and 60 State power plants. Should these power plants be treated differently on a new Clean Air Act requirement than the 220-plus investor-owned electric power companies? That does not make any sense.

Should we craft a Federal policy affecting 16 million working Americans, in other words, the 4½ million that are employed by State governments and the 12 million local employees, without knowing what the impact will be on the 100 million workers employed in the private sector? I do not think so.

With enactment of today's legislation we will be closing this double standard. We all need to be held accountable for legislation we support or oppose, regardless of whether it imposes a cost on the public or the private sector. Today will help give Congress the tools and the accountability it needs to know the potential economic impact of all the legislative proposals on the private sector as well.

I would also want to express my appreciation to the authors of this legislation for including a provision making a technical correction to the original Unfunded Mandate Reform Act. This provision addresses a problem we have encountered with CBO's scoring of State and local mandates.

The correction is necessary because CBO has determined that any new entitlement program mandate is exempt from the Unfunded Mandate Reform Act's point of order procedure if there is sufficient flexibility within the entitlement program to offset the new mandate's new State and local costs.

For example, on June 10 of 1996 CBO ruled that a point of order would not exist for a proposed cap on Federal Medicaid contributions to States and any other mandatory Federal aid programs except food stamps. The effect of this interpretation was to exempt more than two-thirds of all grant-in-aid, the mandatory entitlement programs, from coverage under the Unfunded Mandate Reform Act.

What may appear to be an optional Federal mandate program from CBO's perspective, such as expanding Medicaid coverage to pregnant women and children, is not an optional program

from the State's perspective. The States cannot cut back, and we would not want them to cut back, programs for pregnant women and children in order to pay for some other program that we newly mandate under the Medicaid program.

Section 5 of this bill would correct this interpretation problem by adding a few simple words to the Unfunded Mandate Reform Act to clarify that any cut or cap of safety net programs constitutes an intergovernmental mandate, unless State and local governments are given new or additional flexibility and the authority to offset that cut or cap.

This provision has been endorsed by every one of the five major State and local organizations. I am glad it is included. I am glad this legislation is finally coming forth. It is important that we treat the public and the public sectors in a balanced, equitable manner. I urge my colleagues to support this legislation.

Mr. LINDER. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. GOSS), a colleague on the Committee on Rules.

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

Mr. GOSS. Mr. Chairman, I thank my distinguished colleague and friend from Georgia for yielding time to me. I rise in strong support of this effort to expand the accountability of our Federal government, something all Americans are interested in.

H.R. 350, the Mandates Information Act, is based on the very simple yet powerful truth that more information is better than less in a democracy. We have proposed this legislation in the interest of making the public more aware of what we do in this body, specifically in bringing light to the often hidden costs of the laws that we pass.

We took a major step in this direction in 1995 when we implemented the Unfunded Mandates Reform Act, UMRA, as it is known, requiring public disclosure and debate on matters that involve Federal mandates on State and local governments.

At our Committee on Rules joint subcommittee hearing on this bill a few days ago, James Bloom presented the Congressional Budget Office's 1998 report on UMRA, how it was going, replete with information about the types of mandates proposed and considered by this Congress last year and the very real cost consequences of those provisions for State and local governments, and there were some.

In my view, in that compendium of information we got from CBO and in CBO's analysis of our actions, it demonstrates that UMRA is working as intended. In other words, it is a good piece of legislation. We have more information now than ever before, and the public has a benchmark by which to judge what it is we do and how much it costs.

Now we are completing the UMRA process, applying the same type of pro-

cedural checklist and sunshine accountability to matters involving mandates on the private sector. This bill is good news for our small businesses and for our entrepreneurs, and it is also good news for consumers. It will help the public and the Congress focus attention on the question of cost, reminding us that for every good idea, there can be, regrettably, unintended and sometimes expensive negative consequences that we should be aware of. It arms all of us with more information about the by-product of the actions we take here in our legislation, and that is good news for a democracy.

While I understand the concerns expressed by my good friend, the gentleman from New York (Mr. BOEHLERT) with regard to this bill, I see this bill as a positive contribution to the legislative process, and I see it from the perspective of the Committee on Rules, where we deal with legislative process.

I believe this is a bill that will not hamper our ability to pass good, thoughtful, and deliberative, responsible legislation. On the contrary, I think it will focus on cost and accountability, which is something we care about.

I commend the bipartisan sponsors of this bill, especially the gentleman from Ohio (Mr. PORTMAN) and the gentleman from California (Mr. CONDIT). I urge support of this legislation. I do this in good conscience as a sound environmentalist from southwest Florida.

Mr. MOAKLEY. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. WAXMAN), the ranking member of the Committee on Government Reform.

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

Mr. Chairman, I want to take this opportunity to discuss an amendment that I will offer to this legislation next week. The Mandates Information Act that is under consideration would create a new procedural hurdle for Congress when attempting to place any new mandates on the private sector. These new mandates could be increasing the minimum wage, controlling pollution, ensuring workers' safety. These are proposals that would be subject to this procedural step before we enact any of these ideas.

Unfortunately, this legislation is not balanced. It creates procedural protections against new requirements on business, but offers no protections against repealing existing requirements that serve important and popular public interest purposes.

I will offer an amendment which will give the public interest the same procedural protections that are given to industry. I will offer the defense of the environment amendment, which is based on H.R. 525, the Defense of the Environment Act. I introduced H.R. 525 yesterday with the gentleman from Missouri (Mr. DICK GEPHARDT), the gentleman from California (Mr. GEORGE MILLER), and 80 of our colleagues. The

Defense of the Environment Act is supported by every major environmental group.

The defense of the environment amendment will simply ensure that the Mandates Information Act offers the same procedural protections for removing requirements that protect our environment, the public health or safety, as for consideration of new mandates on the private sector. This is common sense, and it addresses not just a theoretical problem but a very real, serious problem with the way the Congress has set environmental policy over the last 4 years.

During the last two Congresses, the democratic process has been circumvented through the use of anti-environmental riders. These riders have been attached to must-pass legislation, and have often been enacted without any serious debate or a separate vote.

□ 1100

There are many examples of these anti-environmental riders. From blocking the regulation of radioactive contaminants in drinking water to delaying our efforts to clean up air pollution in the national parks, riders have touched upon every aspect of the environment.

The Defense of the Environment Amendment will ensure that we can have appropriate debate and a separate vote on these anti-environmental riders.

Let me give an example of why this legislation should be balanced with the addition of my amendment. If this legislation were enacted tomorrow, there would be a new procedural protection to prevent Congress from requiring polluters to tell the public more about pollutants they are emitting into their communities if that were being offered sometime in legislation. However, there would be no protections against repealing the existing right to know requirements.

I can understand why business would support this approach, but it is not fair to the American people. My amendment is designed to help prevent these stealth attacks on our environmental laws. It would not offer protection against every environmental rider, but it is a sensible first step. It would protect our clean air laws, our clean water laws, our toxic waste laws.

This amendment would not prohibit Congress from repealing or amending any environmental law. It places no new burdens on business, State, or individual or Federal agency. It would simply bring an informed debate and accountability to the process.

Mr. Chairman, there is no question that the American people want Congress to protect public health and the environment. The environment is just as important as an unfunded mandate, whether it be an unfunded mandate on another government agency or an unfunded mandate on private business. These issues all ought to have the same focus of attention that will allow us a

chance to debate the issue and have a separate vote.

Over the years, we have seen when Congress legislates in a deliberate, collegial, bipartisan fashion, we are able to enact public health and environmental protections that work well and are supported by both environmental groups and by business.

I ask all my colleagues to support this amendment and guarantee that Congress does not unknowingly jeopardize America's public health and environment. They will not do so unknowingly if we at least can have a chance to debate the issue and have a separate vote before we proceed to do something that is going to be anti-environmental without a chance to give a focus of attention on it. That is no different than the opportunity to give a spotlight on an issue that is an unfunded mandate on American business.

I urge support of this amendment when it comes up next week when the bill is considered.

Mr. LINDER. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. SWEENEY), a new Member of this body.

Mr. SWEENEY. Mr. Chairman, I thank the gentleman from Georgia for yielding me the time.

Mr. Chairman, I want to express what a great joy it is for me to come to the well of the House for the first time and speak in support of such important legislation, on one that highlights our commitment to keeping Federal mandates off the backs of our hardworking citizens, one that promotes a more open Congress that makes the most informed decisions possible, and one that raises the level of accountability of our elected representatives for the mandates they impose on our business men and women and on our local communities.

For these reasons, I rise in strong support of the Mandates Information Act and commend the bipartisan sponsors of this bill and the Committee on Rules for bringing this legislation to the floor today.

My past experience as a labor commissioner in New York State has taught me the hard lessons and the burdensome costs of regulations on people and on jobs in my State. In 3 years of steadfast work in unraveling the web of State regulations, we were able to alleviate \$1.7 billion in compliance costs to New Yorkers, staggering costs to businesses, farmers, and individuals that were never envisioned when the regulations were first enacted and that cost my State hundreds and thousands of jobs.

Mr. Chairman, the same principles apply here today. In the rush to achieve the benefits of society envisioned in all legislation, it is too easy to ignore the cost of such mandates.

Let us not kid ourselves. These regulations are hidden taxes on businesses and individuals. We owe it to the citizens to know in advance the hidden costs to the public of any legislation

before this Congress and to have an honest, focused debate on those costs before they are imposed on the American people. This bill ensures that happens.

I am proud to urge my colleagues' support on this common sense bill.

Mr. LINDER. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. DREIER), chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Chairman, I would simply like to rise and congratulate the gentleman from California (Mr. CONDIT) and the gentleman from Ohio (Mr. PORTMAN), my friends, once again, as I did during the rules debate, for their very fine work on this important issue.

I, too, like my friend, the gentleman from Sanibel, Florida (Mr. GOSS), the Vice Chairman of the Committee on Rules, consider myself to be an environmentalist, and I believe that we will be able, as we move ahead with this measure, to have a very fair and balanced debate on environmental issues as they come forward. That is the idea.

All we are doing with this measure is we are triggering a process whereby questions can be raised and a debate can take place and then a decision will be made by this institution which will, again, as I said during both the Committee on Rules and during the debate earlier, it will make all of us accountable for whether or not we proceed with the imposition of what could be a very, very costly mandate.

We had some very interesting testimony that took place up in the Committee on Rules, and I would like to share a couple of quotes from the testimony by Ryan Null, who is the owner of Tristate Electronic Manufacturing. I quoted him during the Committee on Rules' debate. I have just a couple of other quotes that I would like to use, and then we are looking forward anxiously to the great words of the movers of this effort, the gentleman from Ohio (Mr. PORTMAN) and the gentleman from California (Mr. CONDIT).

Mr. Null said in his testimony, "The government requirements that a small business must comply with range from retirement plans and OSHA requirements to ever changing environmental regulations. While these regulations may have originated with good intentions, the costs of implementation for a small business is truly overwhelming. Federal mandates and regulations are a constant hurdle for my business."

Mr. Chairman, he goes on to say "Government mandates not only take away valuable time and resources from my small business, but ironically some government regulations go so far as to provide disincentives for my company to grow. I find it hard to understand how the lawmakers in a country who pride itself on being the land of opportunity and free enterprise pass laws

that are anti-growth and anti-business. These government mandates seem to defy common sense. For example, if the Family and Medical Leave Act were to apply for my business, we would be weighed down by an unworkable administrative and financial burden. Legislative proposals in the past have proposed to lower the small business exemption to 25 employees. With the threat of legislation that would expand the Family and Medical Leave Act, I feel as a protective measure I should probably hold off hiring any new employees."

There is very clear evidence, Mr. Chairman, that the continued imposition of mandates without having this institution be accountable are very costly and, as Mr. Null said, anti-growth and can jeopardize the future of the small business sector of our economy.

So I hope very much that we will see passage of this thoughtful measure and we will look forward again to the consideration of amendments next week.

But I want to congratulate the gentleman from Georgia (Mr. LINDER), my colleagues on the Committee on Rules who have come here, the gentleman from New York (Mr. REYNOLDS) especially, who made his maiden speech on this issue, and the gentleman from Washington (Mr. HASTINGS) and the gentlewoman from Ohio (Ms. PRYCE) and the gentleman from Florida (Mr. GOSS) and others who have come forward to work on behalf of it.

I look forward to seeing this bipartisan measure being one of the first very important items to come out of this historic 106th Congress.

Mr. MOAKLEY. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. CONDIT), a cosponsor of this legislation.

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

Mr. CONDIT. Mr. Chairman, first of all, let me make a comment about the gentleman from Ohio (Mr. PORTMAN) who has been very supportive and a leader in the unfunded mandate issue, and the gentleman from Virginia (Mr. MORAN) who spoke earlier who, from the outset, has been committed to the unfunded mandate issue.

I would also like to thank the gentleman from California (Mr. DREIER), chairman of the Committee on Rules, for his leadership and his patience with us to craft a piece of legislation that is bipartisan and hopefully will pass this House and the other body.

Also to the gentleman from Georgia (Mr. LINDER) who has worked very hard with us to craft this legislation. I would also extend my thanks to the gentleman from Massachusetts (Mr. MOAKLEY) and the gentleman from Ohio (Mr. HALL) on the Committee on Rules on our side of the aisle for allowing us to be here today and for their help and support to allow us to have this debate.

Let me just say from the outset, H.R. 350, the Mandate Information Act of

1999, this bill does not stop legislative mandates. Let me repeat that. The bill does not stop mandates. If this body chooses to pass a mandate on local business, small business, large business, whoever, they can do so.

Let me tell my colleagues what this bill does. It is really simple. All the bill does is allow us to accumulate more information for the Members of this House, for us to ask that we do an analysis by CBO of the cost of the mandate. That is simply what it does. It allows us to have more information so we hopefully can make better decisions on behalf of the people that we represent.

The other thing it does is it requires us to have accountability for that decision. Time and time again, we pass mandates, unfunded mandates sort of in the dead of night. People do not know what they cost, exactly what they do, who they impact, or what the consequences are. We know the cost. Then we have to make the decision whether or not the cost and the benefit match up.

That is what this bill does. It is cost benefit. It states what the cost is. It gives us that information. It gives us time to debate it. Then we have to make the decision and be accountable for whether or not we want to place that mandate in effect, whether we want to pass it legislatively and pass it on to the consumer and to the business that is affected.

So let me say that that is all it does. For someone to get up here and say to you that this stops the Clean Water Act or the Safe Drinking Water Act or the Clean Air Act or any of that stuff, that is just not correct.

As a matter of fact, we passed an unfunded mandate bill in 1996, 1995 that took effect in 1996, on local and State government. We have raised the point of order seven times on this floor. Some of those points of order and some of those issues were quite controversial.

Take the minimum wage. The wisdom of this House was we are going to proceed with the mandate. Every time the point of order has been brought up on this floor, we have proceeded on with the mandate. The House thought in its wisdom that it was worth us continuing.

So for people to say it is going to stop this legislation, that legislation, that is not factually correct. The record does not prove that. The mandate bill in existence today does not prove that.

We have proceeded, after a brief debate and after more information, we have proceeded on. We have gone on and passed the mandate by this House. So that is just not correct.

What the bill does is allow us to make a point of order on a mandate that exceeds \$100 million, requires CBO to do the accounting of that. That is basically all this bill does.

□ 1115

It also puts the private sector on an even footing with local and State gov-

ernment, and I think that is a good thing for this House to do. It encourages the committees to try to figure out a way to mitigate the mandate. I do not know what can be wrong with any of that.

There is an argument that maybe this will delay, be a delaying tactic, a dilatory tactic or what have you. We all know in this House if somebody wants to delay or be dilatory, they can do that. One can move to adjourn, can do a variety of different things. This is not the intent of this bill at all. The intent of this bill is to provide Members more information. More information.

Now, this bill comes out here under an open rule. Next week we will have some amendments to the bill. We should have a good, healthy debate about those amendments. That is the fair and reasonable thing to do. Why should we not have 20 minutes to debate what the cost of an unfunded mandate is on the private sector? Why should we not do that? That provides information to the Members. They can make a better, informed decision on behalf of the people that elect them. I encourage my colleagues, Republicans and Democrats both, to support this bill. If a Member wants to support the mandate after we have had the debate, that is fine, they can do that. This does not stop them from doing that, but they should not be opposed to us finding out what the cost is and the consequences of the mandate as well as all the other impacts that it has and providing more information to themselves.

Mr. Chairman, I rise to ask my colleagues to support this bill. It is a bipartisan piece of legislation. We have worked it through. It is something that did not just come up. We have worked on this for a couple of years. I would encourage all Members to support the bill.

Thank you Mr. Chairman, for the opportunity to be here today. My colleague Rep. ROB PORTMAN and I introduced the Mandate Information Act of 1998 to follow up on the success of the Unfunded Mandate Reform Act of 1995. This act has successfully focused more attention on the fiscal impacts of legislation on the public sector by raising awareness of unfunded mandates on state and local governments.

This atmosphere of awareness has been fostered by the point of order procedure established under the Unfunded Mandate Reform Act. Under this process, the Congressional Budget Office estimates the costs of intergovernmental mandates within a bill. If the costs of the intergovernmental mandates exceed the statutory threshold of \$50 million, any member may raise a point of order against the bill by citing the offending provision of the bill.

The Unfunded Mandate Reform act also directed the Congressional Budget Office to estimate the costs to the private sector. Estimated costs to the private sector exceeding the statutory threshold of \$100 million were included in a committee's report accompanying a reported bill. The bill before you today, the Mandate Information Act of 1999, would extend a similar point of order procedure to the private sector.

Since the enactment of the Unfunded Mandate Reform Act in January of 1996, a point of order against legislation exceeding the intergovernmental threshold of \$50 million has been raised a total of seven times. Please keep this number in mind, when opponents of extending the same point of order procedure to the private sector make claims that dilatory ruin will fall upon the proceedings of the House.

In fact, in response to criticism that the Mandate information Act would open the door to dilatory tactics from both sides of the aisle, last year we agreed to limit the number of points of order allowed to be raised against a bill or amendment to one.

In addition to extending the point of order procedure to the private sector, our bill will also ask the Congressional Budget Office to evaluate a bill's impact on consumer prices, worker wages, worker benefits and employment opportunities. CBO is also directed to assess the effect of the private sector mandates on the profitability of businesses with 100 or fewer employees. This will be important additional analysis for members when the congressional Budget office can make these assessments.

Perhaps former Deputy Director of the Congressional Budget Office, Mr. James Blum, best described the practical impact of the bill when he appeared before the Rules Committee last year. Mr. Blum stated, "From the CBO's vantage point, UMRA has worked quite well. Both the demand for and the supply of information on the costs of federal mandates have increased since the act took effect. Moreover, committee staffs and individual Members are increasingly requesting our opinion before committee markups on whether proposed legislation would create any new federal mandates, and if so, whether their costs would exceed the thresholds set by UMRA. In many instances, CBO is able to inform the sponsor about the existence of a mandate and provide informal guidance on how the proposal might be restructured to either eliminate the mandate or reduce its costs."

Basically, the implication has been an increased consciousness of the costs of intergovernmental mandates and fostered greater collaborations between committees and CBO on how to mitigate those costs. This, ladies and gentlemen, is what the Mandates Information Act is all about. More information is better.

Members, who do not have the luxury of sitting on every committee and subcommittee while legislation is being crafted, will be provided with additional information under the provisions of this bill. Contrary to what some critics claim, the premise of this bill is to get more detailed information into the hands of members and ultimately the voters. This measure will ensure both costs and benefits are weighed before consideration.

Some have claimed the Mandates Information Act is silent on benefits. This is simply untrue. These critics should think back to the enactment of the original Unfunded Mandate Review Act of 1995 (Public Law 104-4). The act specifically directs committees to include in their reports accompanying a bill, "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)."

Another important provision of the Mandates Information Act clarifies the interpretation of an intergovernmental mandate when proposals to change large entitlement programs are scored by the Congressional Budget Office. Section five of our bill makes this important change.

I urge my colleagues to support H.R. 350.

Mr. LINDER. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. PORTMAN), a cosponsor of this bill.

Mr. PORTMAN. Mr. Chairman, I thank the gentleman for yielding me this time and for working with us, for his patience and his good work here today on the floor. I am pleased again to join the gentleman from California (Mr. CONDIT) who is the lead sponsor of this legislation. Last year, by a nearly two-thirds bipartisan majority, this House voted to support H.R. 3534, legislation nearly identical to the bill that we are talking about this morning, H.R. 350. It is based, as the gentleman from California just said, on a very simple concept. That is, that we want to provide more information and more accountability to Congress as it considers unfunded mandates, which are really hidden taxes, this time on the private sector.

About 3½ years ago, 394 Members of this House and 91 Senators voted to pass the Unfunded Mandates Reform Act, also known as UMRA. We have heard about UMRA this morning. That is really the basis upon which we are moving forward today.

UMRA ensured that for the first time ever, before the House voted on legislation, the House would have three things: One, new cost information on the public sector; that is, mandates on State and local government but also on the private sector, on the information side. And then, very importantly, with regard to the public sector mandates; that is, the mandates on State and local government, there would also be a separate debate on whether or not to impose the mandate and a vote. Now, that is the accountability measure in the legislation. It does not mean we never mandate on State and local government. In fact, since that time we have mandated, but after considering it. What it does mean is we get a lot better legislation on the floor, legislation that is more cost effective, legislation that goes through the committee process in a way that takes into account the costs of mandates. Committees end up either funding the mandates or they end up deciding the mandates have to be in the legislation and that the other purposes of the legislation, the benefits outweigh those mandates so it goes to the floor, anyway. In the end again we get more information, we get separate debate and we get accountability.

I think the most important point to make this morning probably is that it has worked. We have an excellent record. I think even those few Members of this body who chose to vote against that bill 3½ years ago would agree, it has worked. We have not had the sce-

narios played out that we have heard about today that could possibly happen with this new piece of legislation. The practical impact has been to force committees to address the mandate issue long before bills reach the House floor.

Let me give my colleagues one example. The first time it came up was the telecommunications bill. The telco bill was in conference, the conferees were poised to send to the floor a significant new mandate on local government, on our municipalities. The municipalities caught wind of that. They came to the unfunded mandate champions on the floor of the House and there was a decision made to raise the point of order. The conferees then took it upon themselves to work hard to come up with language that solved the problem so that when the legislation came to the floor, there was not more acrimony, there was less, because we had a better bill on the floor. It was good for this House, it was good for the institution, and in the end it was good for the taxpayers and the consumers. The process worked.

In other cases like the minimum wage increase, the point of order was raised on the floor. In fact I think I was the one that raised that point of order, forcing debate over the mandate and the costs that it imposed, significant new costs on the private sector, also the public sector. It was roundly defeated, as I recall. But the point of order, although it failed, did bring out the information that the body needed to hear. The same was true on the Yucca Mountain bill. Some of my colleagues may remember that. The point of order was raised. It was not passed, but again the information was provided to the Members.

UMRA has given State and local governments a very valuable tool, to get mandate information out, to get the issue considered and addressed at the committee level before it reaches the floor, and if that fails, to ultimately force a debate on the floor. But it is also flexible enough to permit Congress, as the gentleman from California just said, to pass legislation that does indeed impose new mandates when the merits of the bill override the negative impact of the mandates.

Unfortunately due to the political realities of passing what was at that time precedent-setting legislation a few years ago, we were not able to offer all the same procedural protections to the private sector. I commend the gentleman from California (Mr. CONDIT) and the Senator from Michigan (Mr. ABRAHAM) who have led the efforts to include the private sector. They have put a lot of hard work into the bill and they have taken what is the next logical step, to offer not all but similar protections to the private sector.

I also want to thank the gentleman from Virginia (Mr. MORAN) who was speaking earlier today. He and the gentleman from Virginia (Mr. DAVIS) have been supportive of perfecting UMRA through this legislation. They have

done a great job of coming up with legislation that State and local governments strongly support that makes clear that when those State and local governments are given new or expanded authority to meet the programmatic responsibilities if additional costs were imposed on them through entitlements reform, they could indeed change the way they do business. This is very important to State and local government. We have worked closely with them on that aspect of this legislation and I want to thank them for their support.

The gentleman from Virginia (Mr. MORAN) made a great point earlier today about privatization with regard to the private sector side of this. Again I want to thank him for his support not just of perfecting UMRA but also of this legislation, H.R. 350.

Let me just take a second to review how these procedures work in the House because we have had a lot of debate this morning, but we need to back up and talk about what it actually results in. Just as in the case of UMRA, any Member can upon consideration of legislation raise a point of order if there is an unfunded mandate. That results in a 20-minute debate on the question of whether the House should continue to consider the legislation notwithstanding the unfunded mandate, this time on the private sector. Again, much more importantly, we believe the possibility that this could occur will force the committees to do their best to minimize new mandates, to make legislation more cost effective.

The process of this debate and vote is a far more significant tool as UMRA has already proven with the public sector mandates than simply requiring the committees to include the CBO estimate in the committee report which currently exists under UMRA. In fact, on Tuesday, before the Committee on Rules, CBO testified that since UMRA was enacted, quote, demand and supply for information about the costs of Federal mandates has increased, and in many instances CBO has been able to provide informal guidance on how the proposal might be restructured to eliminate the mandate or to reduce its costs. Again that is the point. Ask CBO, they will tell you, it has worked.

A lot of Members have talked this morning who want to offer amendments to in essence gut this bill and have said that they are supportive of reducing or eliminating mandates on the public sector and reducing them on the private sector. That is what this is all about. We have reached that balance in this legislation over a couple of year period, working with the Committee on Rules, the parliamentarian, working with the committees, working with the Congressional Budget Office. This legislation creates the right incentive; that is, to address mandates even before they reach the floor.

If the rule waives the point of order, then a Member can raise a point of order against the rule. That has been

done. The House votes and that is it. The rule can pass and the bill moves forward without the ability to raise the mandates question again with a point of order on the bill. So once they had that vote on the rule, that is all they get, assuming the Committee on Rules does waive the mandates point of order.

There are a few differences between UMRA, again the public sector bill, and this new private sector bill that ought to be focused on, each of these put in place with the encouragement of the Committee on Rules and others to ensure that the bill does not unnecessarily delay or cause other procedural problems on the floor.

First, recognizing that there are likely to be more private sector mandates, the threshold is raised. It is doubled. Under UMRA the threshold is \$50 million. Under this legislation it is \$100 million.

Secondly, in order to address the concern that the the point of order could be dilatory, it permits only one point of order.

Third, there is a net tax decrease piece of legislation.

Mr. Chairman, let me just conclude by saying that the purpose of this legislation is for us to be able to legislate better and with more accountability. That means accountability to small businesses and consumers who are impacted, but it also means accountability to those back home who care deeply about legislation like the Clean Water Act and others.

It is a good piece of legislation. I urge my colleagues to support it.

Ms. SCHAKOWSKY. Mr. Chairman, I want to express my opposition to H.R. 350. The Mandates Information Act, if approved by Congress would carry with it unwise and dangerous consequences for the people of the United States. The bill before the House threatens the ability of Members of Congress to protect our constituents from otherwise avoidable harm.

This bill would derail our ability to provide for adequate and affordable health care for families, safe work places for working people, and a clean environment for communities.

If passed, the Mandates Information Act would require the Congressional Budget Office to conduct a cost analysis on all legislation affecting the private sector. While most Members of Congress are certainly interested in preventing undue and unfounded costs to businesses and consumers, we should also be certain to evaluate the benefits that legislation will make in improving the lives of the public. As Members of the House of Representatives we have a responsibility to guarantee job safety, fair standards for consumers, health care for families and a quality environment. The Mandates Information Act completely ignores benefits and thus would institutionalize a one-sided tilt of the legislative process against federal mandates, regardless of any good they would achieve.

The ability to protect the environment, health and safety of all Americans is surely of importance to the Members of the House. The Mandates Information Act could cause delays or even stop implementation of federal laws,

simply because a point of order is raised against them, based on estimates alone. This is true even if those estimates are questionable, if the cost is minimal given the size of the industry affected, or if the benefits justify the action.

I fear that with passage of H.R. 350 there could be a day when crucial legislation like the Patients' Bill of Rights could be defeated without adequate debate. Issues of importance to our constituents deserve enough time for a fair review and I contend that passage of the Mandates Information Act would prevent just that.

This bill has drawn much concern from my constituents. H.R. 350 has also prompted organizations like OMB Watch, the United Auto Workers and the AFL-CIO to speak out on behalf of the working people and the families they represent.

A bulletin I received from OMB Watch accurately states "The point of order is the heart of the problem. For those wishing to undermine public protections, it allows them to say they do not oppose the subject of the bill, such as clean air or water or worker safety, and still vote to kill it by voting against the mandate that is created. It is a dangerous backdoor."

OMB Watch goes on to say that: "supporters (of H.R. 350) claim they just want congress to consider the costs of laws they impose. Surely Members of Congress are presented enough information from all sides to adequately consider costs-and-benefits—(which this bill does not address)—when casting a vote."

The United Auto Workers believes that: "the provision creating a point of order against private sector mandates in excess of \$100 million is totally one-sided, and would have the effect of establishing a new procedural hurdle that would make it easier to block important protections for workplace health and safety." The UAW makes a valid observation that "H.R. 350 only focuses on cost impact of legislation, while ignoring the cost savings or benefits that may be provided to workers and society as a whole."

The American Federation of Labor and Congress of Industrial Organizations submits that: "H.R. 350 puts at risk laws with substantial benefits to society. While completely ignoring benefits of health and safety or environmental legislation."

Mr. Chairman, I share the concern of the many individuals and organizations who have been moved to contact me in opposition to the Mandates Information Act. I urge Members to consider the risk we would be taking with passage, and that they join in opposing this bill.

Mr. MOAKLEY. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. LINDER. Mr. Chairman, I yield back the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BEREUTER) having assumed the chair, Mr. LATOURETTE, 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. 350) to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes, had come to no resolution thereon.

## LEGISLATIVE PROGRAM

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

Mr. CONDIT. Mr. Speaker, I yield to the majority leader to inquire about next week's schedule.

Mr. ARMEY. I thank the gentleman from California for yielding.

## TRIBUTE TO CHARLES "BILLY" MALRY

Mr. ARMEY. Mr. Speaker, before I discuss the schedule, I would like to make a statement on behalf of the House as a tribute to Charles "Billy" Malry, one of our doorkeepers.

Mr. Speaker, the House of Representatives lost a much loved and dedicated employee on Tuesday, January 19, 1999, with the passing of Charles "Billy" Malry, Sr.

Bill, an employee of the House for 33 years, was the Reading Room attendant with the Office of the Clerk. He was working in the Democrat Cloakroom just after the President's State of the Union address when he suffered a heart attack. Bill received immediate treatment from the House physician and others but sadly he never recovered.

From his station in the Speaker's lobby just off the House floor, Bill always greeted Members, staff and pages as they entered the Chamber. He could bring a smile to your face with his warm and glowing personality. His favorite hobbies were music and photography. He was a special man who loved to have a good time and enjoyed entertaining people.

Bill was born in Greer, South Carolina, on May 6, 1936, to Frances Malry Allen and the late Toy Frank Barton. At the age of 10, he began working after school at the "O" Street Market and continued there until he joined the United States Army. He began his employment at the Capitol on November 1, 1966. Few have had so long a career here.

Bill was the proud father of five children and nine grandchildren and leaves behind a host of family and friends. At his Homegoing Service on January 28 at the Temple Church of God and Christ in Washington, D.C., the sanctuary was filled by those who came to say good-bye to their friend. Many stood and spoke from the heart of their love for him and how much he would be missed.

His family wrote a special poem in his memory entitled "We Will Miss You." I commend it to Members' reading. We will indeed miss our friend Bill Malry.

*He that dwelleth in the secret place of the most High shall abide under the shadow of the Almighty.*—PSALMS 91:1

"WE WILL MISS YOU" CHARLES "BILLY" MALRY

We didn't have a chance to say good-bye to you

When God called your name there was nothing that you could do

There was no time to greet the Senators and Congressmen and call them all by name

No time to shake their hands and share that warm big smile

No time to grab your camcorder to set up for another shot  
But you left us with so many memories that we'll keep dear to our hearts  
God spared your life just long enough to do what you loved best  
To go to work and listen to President Clinton's last *State of the Union Address*  
Billy, you've been a blessing to us May you now rest in peace and hear the Heavenly Angels sing  
So long—until we meet again  
WE WILL MISS YOU!  
The Family, January 1999

Mr. Speaker, I would also like to take this time to announce we have concluded legislative business for the week.

The House will next meet on Monday, February 8 at 2 p.m. for a pro forma session. Of course there will be no legislative business and no votes on that day.

On Tuesday, February 9, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. Votes are expected after 5 p.m. on Tuesday.

On Tuesday, February 9, we will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices this afternoon.

On Wednesday, February 10 and throughout the balance of the week, the House will meet at 10 a.m. to consider the following legislation:

H.R. 350, the Mandates Information Act;

H.R. 391, the Small Business Paperwork Reduction Act Amendments of 1999;

H.R. 437, a bill to provide for a chief financial officer in the Executive Office of the President; and

H.R. 436, to reduce waste, fraud and error in government programs.

□ 1130

We expect to conclude legislative business for the week by 2 p.m. on Friday, February 12.

Mr. CONDIT. Mr. Speaker, reclaiming my time, I would like to ask the majority leader, looking at this schedule, it appears that it is not necessary to be here next Friday, and I need to clarify whether we will definitely vote this coming Friday or not.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for his inquiry. The gentleman, being from California, of course, is concerned about that. As has been the case so often, we have Members who see this legislation who have a desire to have their opportunity for their amendments to be entertained on the floor, and as has happened on occasions in the past work has gone more expeditious than we thought would be necessary. So we will monitor that as the week goes.

We do believe, in all full consideration of the interest of these Members, we must be prepared to keep that schedule. If, however, we should see evidence that the schedule can be changed or abbreviated, we will let the gentleman and others, the rest of the

body, know, as soon as we can early in the week.

Mr. CONDIT. I thank the majority leader.

ADJOURNMENT TO MONDAY,  
FEBRUARY 8, 1999

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON TUESDAY,  
FEBRUARY 9, 1999

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, February 8, 1999, it adjourn to meet at 12:30 p.m. on Tuesday, February 9, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR  
WEDNESDAY BUSINESS ON  
WEDNESDAY NEXT

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

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

There was no objection.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RULES OF THE COMMITTEE ON  
WAYS AND MEANS FOR THE  
106TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. ARCHER) is recognized for 5 minutes.

Mr. ARCHER. Mr. Speaker, pursuant to the requirement of clause 2(a) of rule XI of the Rules of the House of Representatives, I submit herewith the rules of the Committee on Ways and Means for the 106th Congress for printing in the RECORD at this point. These rules were adopted by the committee in open session on January 6, 1999.

RULES OF THE COMMITTEE ON WAYS AND  
MEANS FOR THE 106TH CONGRESS

Rule XI of the Rules of the House of Representatives, provides in part:

\* \* \* 1. (a)(1)(A) Except as provided in subdivision (B), the Rules of the House are the rules of its committees and subcommittees so far as applicable.