

is that that fire could have been prevented.

That is right, Mr. Speaker, that fire could have been prevented. Each year, cigarette-related fires kill over 1,000 people, and those are not just the smokers. We are talking about that little baby in the crib upstairs. We are talking about that elderly lady next door or that poor fellow downstairs and, yes, Mr. Speaker, even the firemen who go into the fire to save those people.

On March 1, I will introduce the Firesafe Cigarette Act to require cigarette companies to make cigarettes less likely to burn people's houses down. Mr. Speaker, there are cigarettes on the market that will extinguish after 5 minutes and the tobacco companies should use these.

REDUCE TAXES ON HARD-WORKING AMERICANS

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

Mr. FOSSELLA. Mr. Speaker, the question before us is faith. Do we place our total faith in the Federal Government or do we place our faith in the American people?

Not too long ago here in Washington we were faced with huge budget deficits. And because of a responsible Republican Congress, we now are on the path to prosperity because of the hard work of the American people. We were told then we could not cut taxes, and we did. And today we are facing a huge budget surplus here in Washington, and if left alone it will be spent here in Washington. Now we are told again today from those same people, we cannot cut taxes.

Well, let us lay down the line right now. If we believe in the American people, if we believe that this is still the country of hope and opportunity and that anybody, given the right set of incentives and hard work and notions of personal responsibility, can go out there and succeed, let us reduce the taxes on the hard-working American people, let them keep more of their hard-earned money, and let us send the promise back to them. Let us promise them that if we give them the tools to succeed, we believe in them, not the people here in Washington, who all they will do is spend that money and too often unwisely.

NATIONAL DEFENSE IS IN CRISIS

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

Mr. HUNTER. Mr. Speaker, national defense is in crisis. We are going to be 18,000 sailors short this year in the U.S. Navy. We are going to be 700 pilots short in the Air Force. We are short on basic ammunition in the Army and the Marine Corps. Our equipment is aging.

And we have an inadequate budget. We have a budget which is \$150 billion less on an annual basis than the Reagan budgets of the mid-1980s.

Now, we do not have to go back up to the Reagan budgets because the Cold War is over, but we do have to add an additional \$20 billion this year. The President has only offered \$4 billion of that \$20 billion that the services request.

Now is the time to rebuild national defense and this is the House to do it.

AMERICANS NEED TAX RELIEF

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

Mr. BRADY of Texas. Mr. Speaker, Americans are not taxed too much? Look at how we spend our day.

We get up in the morning, get our first cup of coffee on which we pay a sales tax. Jump in the shower and we pay a water tax. Get in our car to drive to work and pay a fuel tax. At work we pay an income tax and a payroll tax. Drive home to the house on which we pay a property tax. Flip on the lights and pay an electricity tax. Turn on the TV, pay a cable tax. Pick up the telephone, pay a telephone tax. Kiss our spouse good night and pay a marriage penalty tax. And on and on and on until, at the end of our lives, we pay a death tax.

Well, no wonder families and the elderly in this country have such a tough time making ends meet. They need relief, and the Republican plan provides it.

MANDATES INFORMATION ACT OF 1999

The SPEAKER pro tempore (Mr. KINGSTON). 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 further consideration of the bill, H.R. 350.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 350) to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes, with Mr. BRADY of Texas (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Thursday, February 4, 1999, all time for general debate had expired.

The amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the rule, each section is considered read.

During consideration of the bill for amendment, the Chair may accord pri-

ority in recognition to a Member offering an amendment that he or she has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

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 "Mandates Information Act of 1999".

The CHAIRMAN pro tempore. Are there any amendments to section 1?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. FINDINGS.

The Congress finds the following:

(1) *Before acting on proposed private sector mandates, the Congress should carefully consider the effects on consumers, workers, and small businesses.*

(2) *The Congress has often acted without adequate information concerning the costs of private sector mandates, instead focusing only on the benefits.*

(3) *The implementation of the Unfunded Mandates Reform Act of 1995 has resulted in increased awareness of intergovernmental mandates without impacting existing environmental, public health, or safety laws or regulations.*

(4) *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.*

(5) *The costs of private sector mandates are often borne in part by consumers, in the form of higher prices and reduced availability of goods and services.*

(6) *The costs of private sector mandates are often borne in part by workers, in the form of lower wages, reduced benefits, and fewer job opportunities.*

(7) *The costs of private sector mandates are often borne in part by small businesses, in the form of hiring disincentives and stunted growth.*

The CHAIRMAN pro tempore. Are there any amendments to section 2?

If not, the Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. PURPOSES.

The purposes of this Act are the following:

(1) *To improve the quality of the Congress' deliberation with respect to proposed mandates on the private sector, by—*

(A) *providing the Congress with more complete information about the effects of such mandates; and*

(B) *ensuring that the Congress acts on such mandates only after focused deliberation on the effects.*

(2) *To enhance the ability of the Congress to distinguish between private sector mandates that harm consumers, workers, and small businesses, and mandates that help those groups.*

The CHAIRMAN pro tempore. Are there any amendments to section 3?

If not, the Clerk will designate section 4.

The text of section 4 is as follows:

SEC. 4. FEDERAL PRIVATE SECTOR MANDATES.

(a) *IN GENERAL.*—

(1) *ESTIMATES.*—Section 424(b)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 658c(b)(2)) is amended—

(A) in subparagraph (A) by striking “and” after the semicolon; and

(B) by redesignating subparagraph (B) as subparagraph (C), and inserting after subparagraph (A) the following:

“(B) when applicable, the impact (including any disproportionate impact in particular regions or industries) on consumers, workers, and small businesses, of the Federal private sector mandates in the bill or joint resolution, including—

“(i) an analysis of the effect of the Federal private sector mandates in the bill or joint resolution on consumer prices and on the actual supply of goods and services in consumer markets;

“(ii) an analysis of the effect of the Federal private sector mandates in the bill or joint resolution on worker wages, worker benefits, and employment opportunities; and

“(iii) an analysis of the effect of the Federal private sector mandates in the bill or joint resolution on the hiring practices, expansion, and profitability of businesses with 100 or fewer employees; and”.

(2) *POINT OF ORDER.*—Section 424(b)(3) of the Congressional Budget Act of 1974 (2 U.S.C. 658c(b)(3)) is amended by adding after the period the following: “If such determination is made by the Director, a point of order under this part shall lie only under section 425(a)(1) and as if the requirement of section 425(a)(1) had not been met.”.

(3) *THRESHOLD AMOUNTS.*—Section 425(a) of the Congressional Budget Act of 1974 (2 U.S.C. 658d(a)) is amended by—

(A) striking “and” after the semicolon at the end of paragraph (1) and redesignating paragraph (2) as paragraph (3); and

(B) inserting after paragraph (1) the following new paragraph:

“(2) any bill, joint resolution, amendment, motion, or conference report that would increase the direct costs of Federal private sector mandates (excluding any direct costs that are attributable to revenue resulting from tax or tariff provisions of any such measure if it does not raise net tax and tariff revenues over the 5-fiscal-year period beginning with the first fiscal year such measure affects such revenues) by an amount that causes the thresholds specified in section 424(b)(1) to be exceeded; and”.

(4) *APPLICATION RELATING TO APPROPRIATIONS COMMITTEES.*—(A) Section 425(c)(1)(A) of the Congressional Budget Act of 1974 (2 U.S.C. 658d(c)(1)(A)) is amended by striking “except”.

(B) Section 425(c)(1)(B) of the Congressional Budget Act of 1974 (2 U.S.C. 658d(c)(1)(B)) is amended—

(i) in clause (i) by striking “intergovernmental”; and

(ii) in clause (ii) by striking “intergovernmental”; and

(iii) in clause (iii) by striking “intergovernmental”; and

(iv) in clause (iv) by striking “intergovernmental”.

(5) *THRESHOLD BURDEN.*—(A) Section 426(b)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 658e(b)(2)) is amended by inserting “legislative” before “language”.

(B) Section 426(b)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 658e(b)(2)) is amended by striking “section 425 or subsection (a) of this section” and inserting “part B”.

(6) *QUESTION OF CONSIDERATION.*—(A) Section 426(b)(3) of the Congressional Budget Act of 1974 (2 U.S.C. 658e(b)(3)) is amended by striking “section 425 or subsection (a) of this section” and inserting “part B”.

(B) Section 426(b)(3) of the Congressional Budget Act of 1974 (2 U.S.C. 658e(b)(3)) is

amended by inserting “, except that not more than one point of order shall be recognized by the Chair under section 425(a)(1) or (a)(2)” before the period.

(7) *APPLICATION RELATING TO CONGRESSIONAL BUDGET OFFICE.*—Section 427 of the Congressional Budget Act of 1974 (2 U.S.C. 658f) is amended by striking “intergovernmental”.

(b) *RULES OF THE HOUSE OF REPRESENTATIVES.*—Clause 11(b) of rule XVIII of the Rules of the House of Representatives is amended by striking “intergovernmental” and by striking “section 424(a)(1)” and inserting “section 424(a)(1) or (b)(1)”.

(c) *EXERCISE OF RULEMAKING POWERS.*—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it shall be considered as part of the rules of such House, respectively, and 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.

The CHAIRMAN pro tempore. Are there any amendments to section 4?

AMENDMENT NUMBERED 1 OFFERED BY MR.

BOEHLERT

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

The CHAIRMAN pro tempore. The Chair notices that the amendment goes beyond section 4.

Is there objection to consideration of the amendment at this point?

There was no objection.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. BOEHLERT:

Page 5, lines 16 and 17, strike “425(a)(1)” each place it appears and insert “425(a)(1)(B)”.

Page 5, after line 20, insert the following new subparagraphs:

(A) inserting in paragraph (1) “intergovernmental” after “Federal”;

(B) inserting in paragraph (1) “(A)” before “any” and by adding at the end the following new subparagraphs:

“(B) any bill or joint resolution that is reported by a committee, unless—

“(i) the committee has published a statement of the Director on the direct costs of Federal private sector mandates in accordance with section 423(f) before such consideration, except that this clause shall not apply to any supplemental statement prepared by the Director under section 424(d); or

“(ii) all debate has been completed under section 427(b)(4); and

“(C) any amendment, motion, or conference report, unless—

“(i) the Director has estimated, in writing, the direct costs of Federal private sector mandates before such consideration; or

“(ii) all debate has been completed under section 427(b)(4); and”.

Page 5, line 21, strike “(A)” and insert “(C)” and on line 24, strike “(B)” and insert “(D)”.

Page 6, line 2, insert “, according to the estimate prepared by the Director under section 424(b)(1),” before “would”.

Page 6, line 10, insert “unless all debate has been completed under section 427(b)(4),” after “exceeded”.

Page 7, line 1, strike “(A)” and strike lines 5 through 8.

Page 7, strike lines 9 through 18.

Page 7, line 19, strike “(7)” and insert “(8)” and after line 18, insert the following new paragraphs:

(6) *TECHNICAL CHANGES.*—(A) The centerheading of section 426 of the Congressional Budget Act of 1974 is amended by adding before the period the following: “**REGARDING FEDERAL INTERGOVERNMENTAL MANDATES**”.

(B) Section 426 of the Congressional Budget Act of 1974 is amended by inserting “regarding Federal intergovernmental mandates” after “section 425” each place it appears.

(C) The item relating to section 426 in the table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting “regarding Federal intergovernmental mandates” before the period.

(7) *FEDERAL PRIVATE SECTOR MANDATES.*—

(A) Part B of title IV of the Congressional Budget Act of 1974 is amended by redesignating sections 427 and 428 as sections 428 and 429, respectively, and by inserting after section 426 the following new section:

“SEC. 427. PROVISIONS RELATING TO THE HOUSE OF REPRESENTATIVES REGARDING FEDERAL PRIVATE SECTOR MANDATES.”

“(a) *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 section 425 regarding Federal private sector mandates. A point of order under this subsection shall be disposed of as if it were a point of order under section 426(a).

“(b) *DISPOSITION OF POINTS OF ORDER.*—

“(i) *APPLICATION TO THE HOUSE OF REPRESENTATIVES.*—This subsection shall apply only to the House of Representatives.

“(ii) *THRESHOLD BURDEN.*—In order to be cognizable by the Chair, a point of order under section 425 regarding Federal private sector mandates or subsection (a) of this section must specify the precise legislative language on which it is premised.

“(3) *RULING OF THE CHAIR.*—The Chair shall rule on points of order under section 425 regarding Federal private sector mandates or subsection (a) of this section. The Chair shall sustain the point of order only if the Chair determines that the criteria in section 425(a)(1)(B), 425(a)(1)(C), or 425(a)(2) have been met. Not more than one point of order with respect to the proposition that is the subject of the point of order shall be recognized by the Chair under section 425(a)(1)(B), 425(a)(1)(C), or 425(a)(2) regarding Federal private sector mandates.

“(4) *DEBATE AND INTERVENING MOTIONS.*—If the point of order is sustained, the costs and benefits of the measure that is subject to the point of order shall be debatable (in addition to any other debate time provided by the rule providing for consideration of the measure) for 10 minutes by each Member initiating a point of order and for 10 minutes by an opponent on each point of order. Debate shall commence without intervening motion except one that the House adjourn or that the Committee of the Whole rise, as the case may be.

“(5) *EFFECT ON AMENDMENT IN ORDER AS ORIGINAL TEXT.*—The disposition of the point of order under this subsection with respect to a bill or joint resolution shall be considered also to determine the disposition of the point of order under this subsection with respect to an amendment made in order as original text.”.

(B) *CONFORMING AMENDMENT.*—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by redesignating sections 427 and 428 as sections 428 and 429, respectively, and by inserting after the item

relating to section 426 the following new item:

"Sec. 427. Provisions relating to the house of representatives regarding federal private sector mandates."

Page 7, line 20, strike "Section 427" and insert "Section 428 (as redesignated)".

Page 9, after line 5, add the following new section:

SEC. 6. CONFORMING AMENDMENT.

Section 425(b) of the Congressional Budget Act of 1974 is amended by striking "subsection(a)(2)(B)(iii)" and inserting "subsection (a)(3)(B)(iii)".

Mr. BOEHLERT. Mr. Chairman, let me begin by explaining what this amendment would actually do because I think there has been a lot of confusion.

Under my amendment, Members could still raise a point of order against bills, resolutions, amendments, and conference reports if they would cost the private sector more than \$100 million, which is the threshold in current law.

Under my amendment, the Chair would rule on the point of order. Just as with most points of order in the House, there would be an objective ruling. The point of order would be sustained if the Congressional Budget Office had scored the measure as costing more than \$100 million or if CBO had not scored the measure.

That eliminates one flaw in the bill, which allows someone to claim that a measure would cost more than \$100 million even if CBO has scored it otherwise, because the bill requires no evidence at all to raise the point of order.

Under my amendment, if the point of order is sustained, 20 additional minutes to debate on the bill or amendment themselves is added to whatever debate would have occurred under the rule. This is the crux of the matter.

Under my amendment the point of order is used to provide for additional debate, while under the bill the purpose of the point of order is to cut off debate. I fail to see how having less debate will lead to better-informed decisions.

So again, here is what my amendment would do. First, it would accomplish every stated goal of the bill. Section 3 of the bill says its purposes are to provide Congress with more complete information on mandates, ensure more focused deliberation on mandates, and to help distinguish between helpful and harmful mandates. All are most worthy objectives.

By allowing a point of order that focuses debate on private-sector cost and adds debate time to discuss those costs, my amendment does exactly what the bill and its supporters have been calling for.

But unlike the bill, my amendment does not allow debate to be short-circuited. Unlike the bill, my amendment will not mean the end of truly open rules. Unlike the bill, my amendment does not give industry a procedural trump denied to its consumers, its communities, and its employees. And unlike the bill, my amendment

does not change the rules of the House to unfairly favor one side of an argument. Openness and fairness, that is what my amendment is all about.

Now, I already know all too well what kind of arguments we are going to hear in response to this amendment, so let me deal with them one by one.

First, we are going to hear that this amendment would gut the bill. That is an old saw trotted out every time.

Again, the bill still has a point of order against private mandates on all types of measures and it provides for more focused, better-informed debate. Every stated goal of the bill has been addressed. What those who charge us with gutting the bill really mean is that the bill will no longer bias the rules of the House, a goal they have not exactly been trumpeting.

Second, we are going to hear that our amendment somehow does not require the House to be accountable for its actions. This is an odd one.

Under my amendment, we still will vote on each and every bill and amendment that comes before the House, and will do so after having had fuller debate than provided for in H.R. 350.

Look at the bills that are at stake in this debate: Minimum wage. Health protections. Environmental protections. Does any Member feel they have not been accountable for their vote on these issues?

When they make this accountability argument, the proponents are claiming, in effect, that somehow the House has escaped accountability for the past 210 years because we have lacked this new point of order. Does anyone really accept that?

What proponents really mean when they say we have not been accountable is that they do not always like the way the votes have turned out. If Members oppose measures that impose costs on industry, they ought to vote against them. If Members oppose individual provisions in bills, they ought to offer amendments and force votes on those provisions. That is how the Constitution makes us accountable.

What we ought not do is change the rules of the House to favor one side of a debate that has not been able to prevail every time they wanted to under normal procedures. This is also what proponents mean when they say that our amendment does not have any teeth. I always say, when someone tells us their bill has teeth, who are they trying to bite?

The teeth in H.R. 350 are a vote that is designed to do one thing and only one thing, shut down debate on any measure that someone claims will cost industry money.

The CHAIRMAN pro tempore. The time of the gentleman from New York (Mr. BOEHLERT) has expired.

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

Mr. BOEHLERT. Mr. Chairman, the teeth in H.R. 350 are a vote that is designed to do one thing and only one

thing, and that is to shut down debate on any measure that someone claims will cost industry money, regardless of the evidence on cost, regardless of the benefits, regardless of the public purpose to be served, regardless of whether some companies support the measure.

Our amendment has teeth in the sense that it will accomplish its intended goal: creating more debate, creating more debate on alleged private-sector mandates. But our amendment will not try to injure those who support protections for the environment, for public health and public safety.

Again, I urge Members to read the bill. The vote in the bill is needed because there are no objective criteria for determining the validity of their point of order and because, without the vote, one side will not be able to intimidate the other.

Mr. Chairman, the details of this debate are complex but the basic questions it raises are simple. First, does the House want to have more debate and better-informed debate and better-focused debate on private mandates? If the answer to that is yes, and I think it is, then Members should support the Boehlert amendment because that is exactly what we provide.

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Second, does the House want to change the fundamental rules of the House so that in every case there is a presumption that laws to protect the environment, and health, and public safety are a bad idea? I think the answer to that is no, and that is why my amendment is needed. H.R. 350, Mr. Chairman, would quite simply change the rules of the House so that any law that might cost any industry more than \$100 million would face extra hurdles to passage and would get less debate regardless of any other consideration.

Finally, H.R. 350 is a bill that biases House procedures to an extent that would even have made gilded age legislators blush. I think the House ought to have free, fair and open debate, and that is what the Boehlert amendment would ensure, and I urge its passage.

Mr. LINDER. Mr. Chairman, I rise reluctantly to oppose the amendment of my friend from New York (Mr. BOEHLERT).

Unfortunately, Mr. Chairman, the Boehlert amendment, by removing the vote which would give this House an opportunity to decide whether it wanted to proceed on a bill, takes all of the enforcement measures out of the bill and returns us to the status quo ante that is anti 1996. In 1996, my colleagues will recall, we passed unfunded mandates on the public sector. We said if we are going to impose costs on other government entities, we ought to know what it was, and if it exceeded \$50 million across the country, we would have a debate on that and then vote as to whether to proceed. We did not shut down anything. Since January 1 of 1996 there have been seven times when the

point of order has been raised, and all seven times this House listened to both sides determined to move forward with the bill and pass the bill. The language that the gentleman from New York (Mr. BOEHLERT) would like to insist on would leave us right where we are right now. Since 1983, according to the CBO director in testimony before the Committee on Rules, the CBO has been doing analysis on how Federal legislation would affect State and local governments and the private sector. But as they told us in the hearing, nobody paid attention to it because there are no teeth in the measure, and indeed at the CBO these estimates became a low priority because they knew no one was paying attention to it. To argue that this would unfairly bias the debate in favor of one side or the other is also a silly argument, looking back at the seven times when the point of order has been imposed or asserted in the past 3 years.

We will also hear throughout this debate that while we will be discussing the cost to the private sector, which is under the bill if it imposes \$100 million in costs on the private sector, it is then amenable to a point of order. We will hear them say we will be discussing the costs, but not the benefits. That presumes arguments occur in vacuums, and this has not happened in this House in the past 3 years. The reason we will have these arguments is because there will be a huge argument on behalf of the benefits, on behalf of the need to move forward, while others will just be saying but be aware of what costs we are imposing on the private sector.

In my view this is only fair. For too many years, for far too many years, this Congress has voted for warm and fuzzy good things and chose not to tax the American people for it, to pass those burdens on to other levels of government or the private sector. We think that it is only fair if we are going to pursue good things, whether they are warm and fuzzy or not, that we ought to know how much it costs. A simple example of this is not the private sector, but it was discussed this morning in a meeting, was that years ago this House decided that we would impose mandates for special education on the local school systems. Good idea, probably necessary idea, but the bill also said that the Federal Government would pay 40 percent of the costs for that. We have never ever funded that. We just passed that on to my colleagues' communities throughout their districts, and their school systems are paying that. We would have had a point of order against that, had it occurred in the last 3 years under the Portman-Condit legislation that we passed. We also think it is fair that we have that same point of order and the opportunity to vote on it if we impose burdens on the private sector.

I am curious to know why the gentleman from New York is so worried about an open discussion and the need

to be taking a stand on these issues with respect to a vote to move forward. It has not stopped any other legislation in the past, but it has done a couple of things. Committees now are aware of costs they are imposing and think through the legislation that they are writing. In the past they were not doing that even under the testimony from the Congressional Budget Office director. We think that is good because a lot of things do happen in this town that are unknown in terms of its impact on both the private sector and the public sector. We ought to know that. We ought to discuss it.

All of this, all this bill is going to do, is to say it is just as important not to burden the private sector with our wishes as it is the public sector, and if we are going to burden them, at least know that we are doing it, move to vote to move forward. The Boehlert amendment would eliminate that vote which, of course, he knows is to take away the teeth from the bill, and I urge opposition to the amendment.

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

Mr. Chairman, I rise in opposition to the amendment. Mr. BOEHLERT's amendment takes away the very thing that makes this bill successful, and that is accountability. This bill is about accountability, about making the House accountable for the legislation that we pass. The bill is real simple.

Mr. Chairman, if there is an unfunded mandate of \$100 million, one can raise a point of order and have a debate, a debate about the mandate. Does not mean that stops the mandate; we have the prerogative to stop it or proceed. But what Mr. BOEHLERT does today is take away the real meat behind this thing, the hammer behind the thing, the thing that makes it work, and that is accountability.

This is about accountability. We, as Members of the House, should not have any fear to have a debate about the cost of a mandate and then have the responsibility to make a decision whether or not the mandate is worthwhile, whether or not we should proceed, and if it is worthy of our vote, Mr. Chairman, then we vote for it, and then we proceed with the bill.

In 1995, we passed the Unfunded Mandate Reform Act of 1995. It has been successful. As the gentleman from Georgia (Mr. LINDER) alluded to, when we had Mr. Blum, the director of CBO, in before us, and Mr. LINDER asked a few questions, Mr. Blum said that the real reason this works is because of the point of order because we have accountability, and let me just encourage the Members to not be fearful of that. The more information that we have, the better decisions we make, and we are all accountable one way or the other so we ought to at least demonstrate that by allowing us to have this point of order and a vote if it is required.

It is a real simple bill, simply lets us have a debate, lets us have account-

ability for the actions that we take, and I would encourage all Members to oppose this amendment. The gentleman from New York (Mr. BOEHLERT) offered a similar amendment last year, a little different. Last year he did not want to have any debate on amendments. This year he wants to have full open debate, so I am not real sure where he really is on this issue, but I would encourage my colleagues to defeat this amendment so that we can proceed ahead and enact this unfunded mandate legislation.

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

Mr. Chairman, I rise in strong opposition to the Boehlert amendment today, and I got to say as one of the co-authors of the bill, this is the gentleman from California (Mr. CONDIT's) legislation, but as one of the co-authors, this amendment is not consistent with the purposes or intent of the legislation, it is just not because the purpose, as Mr. CONDIT just said, is to have true accountability.

Now the author of the amendment talks a lot about the fact that we would still have focused and informed debate, but we need to look at the record. Three and a half years ago this House passed the Unfunded Mandates Relief Act. The gentleman from California (Mr. CONDIT) just talked about it. It puts this same procedure in place, although frankly this one is not as onerous for the House; same procedure in place with regard to having a debate and a vote. That, according to the Congressional Budget Office, according to all the outside observers, many of whom frankly were not in support of the original legislation, has been the necessary teeth; yes, the teeth, in the legislation that forced the committees to do what we are all trying to get at here, which is to send better, more responsible legislation to the floor that takes into account the costs of unfunded mandates. Without having a debate and a vote on the floor of the House, Mr. Chairman, we are simply not going to have the kind of discipline we are looking for and the kind of, again, better informed debate and, in the end, more responsible legislation.

Let me quote from the CBO testimony just a couple of weeks ago before the Committee on Rules. They said that before proposed legislation is marked up, committee staffs and individual Members are increasingly requesting our analysis about whether the legislation would create any new federal mandates and, if so, whether their costs would exceed the thresholds established by the Unfunded Mandates Relief Act. So that is with regard to the public sector. In many instances, I continue, CBO is able to inform the sponsor about the existence of a mandate and provide informal guidance about how the proposal might be restructured to eliminate the mandate or reduce the cost of the mandate. That use of the Unfunded Mandate Relief

Act early in the legislative process, early in the legislative process, Mr. Chairman, appears to have had an effect on the number and burden of inter-governmental mandates in enacted legislation.

That is the whole point. Yes, if we take out the debate and the vote, we do take away the teeth that makes this legislation so important in terms of getting to better legislation on the floor of the House in a more informed debate by the Members.

Let me also respond to something else that the sponsor of the legislation, the proposed amendment, said. He said that if the Chair ruled that it was all right, then we would have 20 minutes of debate but no vote and indicated that the Chair, rather than the Members, should make that decision. Again, this is not the intent of the legislation, nor is it consistent with what the parliamentarian, what the Committee on Rules, what others who have run this place day to day believe is the right way to go. We do not want to put the Chair in that position. We want to put the Members in that position.

Let us recall that in the end after a 20-minute debate it is the will of that House that prevails. If the will of the House is to go ahead, notwithstanding the mandate with the legislation, which has happened seven out of seven times with the Unfunded Mandates Relief Act over the last few years, and again we have a record here, my colleagues, then the House simply proceeds. But let us not put that responsibility, which is a weighty responsibility, with the Chair. Let us keep it with the Members of this houses. All this says in the end is that, yes, the House should have better information on substantial new mandates on the private sector, and, yes, we ought to be held accountable for how we feel about those substantial new mandates. It does not mean we are not going to mandate; we are, and we have, and we even have on the public sector, and we will continue to, I am sure. But we have better legislation on the floor, we have a better, more informed debate on the floor, and we have accountability to our constituents, both those who do not want additional mandates and those who think that the benefits of the legislation outweigh the mandate. That is the point of this legislation; it is good government.

Mr. Chairman, I urge the Members to look carefully at this amendment and the fact that indeed it does gut the legislation, it is not consistent with the intended purpose of the bill, and with all due respect to my good friend from New York who I know is sincere about his interests in making this House work better, it does, in fact, lead us to the point where we would not have the informed debate and we would not have the accountability measure that is so important in this legislation.

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

Mr. Chairman, about 25 years ago I read a fascinating book called *The Ascent of Man*, and the book fundamentally was about the evolution of man's relationship to the advancement of science, and there was the chapter in that book called:

Knowledge or Certainty: Which Do You Strive For; Knowledge or Certainty?

In this floor, in this democratic process that we have here in the U.S. House of Representatives, we have fundamentally in the democratic process an exchange of information with a sense of tolerance for someone else's opinion and then we vote. We do not have an exchange of certainty, and then cut off debate and then we vote. We have an exchange of information.

With the underlying legislation here, with the bill of the gentleman from Ohio (Mr. PORTMAN) and the gentleman from California (Mr. CONDIT) it is my judgment that we have a very short debate on the mandate, on the cost to the private sector, and then we stop debate on the underlying legislation. We stop debate on that particular issue, and I want to talk about that in just a second.

□ 1100

Under the amendment of the gentleman from New York (Mr. BOEHLERT), we have an opportunity to not only debate the legislation, whether it deals with the important aspects of clean air, clean water, health or a whole range of issues, but we also can talk about the issue of the cost to the private sector. We have both included in the amendment of the gentleman from New York (Mr. BOEHLERT), which I think is vital.

Yes, we do not want to overburden the private sector with excessive, unnecessary costs, but we want to make sure that the private sector is part of the Nation's policy of preserving our economic structure and preserving the Nation's health and safety and the quality of life to its citizens.

The underlying bill of the gentleman from Ohio (Mr. PORTMAN) and the gentleman from California (Mr. CONDIT) takes the legislation that might deal with clean air and it cuts that legislation off, cuts the debate off on that legislation, and then simply talks about the mandate to the private sector.

What the amendment of the gentleman from New York (Mr. BOEHLERT) does is carry on the debate of the unfunded mandate and the expense to the private sector, but also includes the important debate, the exchange of information, the acquisition of knowledge about the importance of that particular legislation.

Let me give an example, the Chesapeake Bay: Forty percent of the pollution of the Chesapeake Bay is from air deposition. What does that mean? Forty percent of the pollution from the Chesapeake Bay comes from the Midwest and comes from places like Baltimore City, but comes from industry and comes from automobiles.

Now, if you want to clean up the smokestacks to the factories, which we are trying to do with the Clean Air Act, and try to eliminate much of the emissions from automobiles, which we are trying to do with the Clean Air Act, of course, that is expensive, and I would dare say costs the Nation over \$100 million.

But what are we going to do about the nutrient overload from the Chesapeake Bay? What do we get from the Chesapeake Bay as far as economic rebound and economic vitality? We get a huge fishing industry, we get a huge recreational industry, we get enormous sums as a result of the clean water in the Chesapeake Bay. That should also be included in the debate.

How about discussions on sewage treatment plants, outflows from all kinds of commercial activities? In 1898, if you compared oyster production in the Chesapeake Bay to 1998, 99 percent of it is gone. Ninety-nine percent of the oyster production in the Chesapeake Bay. We get 1 percent of what we used to get 100 years ago, and much of that is because the oysters are gone, but the most important factor in that statement is that many of the oysters in the Chesapeake Bay cannot be eaten because of the problems from outflows from all kinds of sources.

The amendment of the gentleman from New York (Mr. BOEHLERT) does not cut off debate on the problem of the cost to the private sector. That debate can flourish and continue.

The amendment of the gentleman from Ohio (Mr. PORTMAN) and the gentleman from California (Mr. CONDIT) cuts off debate on how we can understand the need to acquire knowledge for us to reduce the pollution to the Chesapeake Bay, for us to make sure about the air we breathe, because of the increasing numbers of people in this country that are coming down with asthma.

I do not want to sound like an alarmist up here or that this is the most important thing that we have to do immediately, but I want to go back to the first statement that I made: The fundamentals of democracy are an exchange of information, the acquisition of knowledge, tolerance for other people's opinions.

I urge an "aye" vote for the amendment offered by the gentleman from New York (Mr. BOEHLERT).

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

Mr. Chairman, I am very interested in the comments of the previous speaker, and I wanted to pursue his thinking on this matter.

As I understand the bill before us, it would provide for an opportunity to debate the question of whether there is a mandate and then have a separate vote on whether we are going to proceed with the issue that would result in the mandate.

Is it the gentleman's concern that forcing a vote on whether to proceed on the mandate would stop the debate on

the underlying, let's say, environmental provision that might require private businesses to do something?

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

Mr. WAXMAN. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Chairman, that is exactly right. That is my concern. I think we can have both. I would like to have a discussion on the cost to the private sector, but certainly on the need for the legislation. That debate should continue as well.

Mr. WAXMAN. Mr. Chairman, reclaiming my time, I appreciate the concern that is being expressed that we do not want to clutter up the legislative process with votes, although I will be offering an amendment shortly, if there is an opportunity for it, that would require another vote if we are going to have an amendment that would weaken existing environmental legislation, so we can give the focus of attention on that issue and understand the consequences and then have a separate vote on it.

I understand what is being said on this question of whether the debate would be cut off. I do not think that was the intention, but I have heard what the gentleman from Maryland has to say and what the gentleman from New York (Mr. BOEHLERT) has to say, and I am really concerned that we end up in that kind of situation where we do not get to the debate of the underlying proposal. It need not work that way. But I think the Boehlert amendment does prevent us from getting into that kind of a situation. I will support the amendment for that reason. I think if it allows a greater debate, that is so important to this body.

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

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

Mr. BOEHLERT. That is exactly the purpose of my amendment. The base bill would limit debate; my amendment would expand debate. The base bill would terminate discussion; my amendment would continue discussion.

Of course we have to factor in the cost to industry, but we also have to factor in the benefits to public health, to the environment, to all these very important things. That is why organizations like the American Lung Association are so much in support of my amendment, because they want this open discussion on what the implications are of our actions on the public's health. Every family wants to know how it is going to affect that family.

Of course we have to consider the cost to industry, but we also have to consider the benefit to public health for the American families.

Mr. WAXMAN. Mr. Chairman, reclaiming my time, I thank the gentleman for that clarification of what he are trying to accomplish.

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

Mr. Chairman, I would like to begin by recognizing the very thoughtful and eloquent gentleman from Kentucky (Mr. WHITFIELD).

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

Mr. DREIER. I yield to the gentleman from Kentucky.

Mr. WHITFIELD. Mr. Chairman, I rise today to speak on behalf of the small businessmen and women throughout America. Small businesses are responsible for two out of three new jobs created in America today. The underlying legislation, the Mandates Information Act, among its other attributes, provides additional protection for small businesses of America that have borne the brunt of unreasonable and costly Federal mandates for far too long.

This legislation would simply give Members the right to raise a point of order to any legislation that would result in costs of more than \$100 million for private entities, so it is important that we move forward with this legislation to protect small businesses.

Mr. DREIER. Mr. Chairman, reclaiming my time, I thank my friend for his contribution. I would like to begin by expressing my special commendation to my very dear friend, the gentleman from New York (Mr. BOEHLERT), and to thank the gentleman for the fact that over the last several weeks he has worked with us to try and address his needs to this bipartisan measure that is before us. But it saddens me that despite the gentleman's efforts, I am compelled to oppose the amendment as we have discussed.

I do so for two reasons: One, because it attempts to fix a problem that really does not exist; and, two, because, quite frankly, if it is adopted, it would kill a very carefully balanced and, as I said, bipartisan measure. It has been put together really over the last several years through efforts of our colleagues, the gentleman from Ohio (Mr. PORTMAN) and the gentleman from California (Mr. CONDIT).

H.R. 350 is nearly identical to the bipartisan legislation that passed the House of Representatives last year by a vote of 279 to 132. At the core of H.R. 350 are two mutually dependent objectives. The first requires committees and the Congressional Budget Office to provide more complete information about the cost of proposed mandates on the private sector.

The second ensures accountability by permitting a separate debate and vote on the consideration of legislation containing private sector mandates exceeding \$100 million annually. Any amendments that weaken one of these objectives effectively undermines the other.

I would say to my friend that one of the important things that needs to be pointed out here is that the amendment does not in any way expand debate time. That is something that we in the Committee on Rules will be doing, and I am sure that when debate

needs to be made in order, we in the Committee on Rules want to do everything we can to ensure that Members have a chance to do that.

For example, without permitting a separate debate and vote on a costly mandate, little incentive exists for committee to avoid the point of order by working with the affected groups to develop cost effective alternatives.

This point was made by the Acting Director of the Congressional Budget Office in testimony before our Committee on Rules last week. He said, "Before proposed legislation is marked up, committee staff and individual Members are increasingly requesting our analysis about whether the legislation would create any new Federal mandates, and, if so, whether their costs would exceed the threshold set by the Unfunded Mandates Reform Act. 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 eliminate the mandate or reduce its cost. That use of UMRA early in the legislative process appears to have had an effect on the number and burden of intergovernmental mandates in enacted legislation."

I think that states it very clearly, Mr. Chairman. The procedures of the House provide sufficient protection against dilatory efforts to thwart debate on legislation that the majority of Members have agreed to debate by virtue of adopting a special rule.

Moreover, the Committee on Rules spent two years developing, as I said, a bipartisan plan which was adopted as the opening day rules package to streamline and simplify the rules of the House, to make them easier to understand and more user friendly.

The Boehlert amendment will simply recomplicate the rules of the House in a well-meaning attempt to fix, as I said in my opening, a problem that does not exist.

The CHAIRMAN pro tempore (Mr. BRADY of Texas). The time of the gentleman from California (Mr. DREIER) has expired.

(By unanimous consent, Mr. DREIER was allowed to proceed for 1½ additional minutes.)

Mr. DREIER. Mr. Chairman, H.R. 350 is carefully balanced to guarantee that the House is able to work its will, while providing a meaningful way to ensure that we here in the House can work our will while meaningfully providing a way to ensure that Congress acknowledges and fully debates the consequences of new mandates on consumers, workers and small businesses.

Such mandates cost businesses, as has been pointed out, consumers and workers, about \$700 billion annually, or about \$7,000 per household. That is about a third the size of the entire Federal budget.

It is important to note that H.R. 350 does nothing to roll back existing mandates, nor does it prevent the enactment of additional mandates. As written in section 2 of the bill, "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."

Let me say that one more time, as I did during the rules debate. "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."

In other words, Mr. Chairman, 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.

I urge my colleagues not to undermine this very sound, bipartisan legislation. So I am compelled to urge a "no" vote on the amendment offered by my friend from New York.

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

Mr. Chairman, I rise in support of the Boehlert amendment to H.R. 350, the Mandates Reform Act. I believe the Boehlert amendment makes a good bill even better. This amendment accomplishes the bill's goals of adding more focused, better informed debate on measures that would cost industry money.

I support free, fair open and informed debate on the costs and benefits of all legislation. The Boehlert amendment ensures this will happen. It also leaves entirely intact the provisions of concerned states and local governments about unfunded Federal mandates.

□ 1115

If the Chair rules that the CBO has determined that the measure will cost the private sector more than \$100 million, we will debate the costs and the benefits. Without this amendment, no evidence of cost is needed to raise a point of order. Anyone who opposes protecting the health of our children could stop legislation with no evidence of the costs.

With the Boehlert amendment, we could continue to protect local government from unfunded Federal mandates by eliminating unnecessary and hidden costs. This will be done by fair and open debate on the issues, and without unduly slowing down the legislative process.

The Boehlert amendment protects taxpayers, the economy, and the environment, and I urge my colleagues to support this amendment.

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

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

Mr. BOEHLERT. Mr. Chairman, the very distinguished chairman of the

Committee on Rules just said from the well that this bill will enhance the awareness of the cost of the bill without in any way compromising or adversely affecting environmental, public health or safety considerations.

Let me suggest that I share his goal in enhancing awareness of the cost of the bill, but the bill is sadly deficient in terms of the potential benefits, and that is why every environmental public health and safety organization is strongly endorsing my amendment. They want more debate, not less. They want to continue discussion, not terminate it. That is what this is all about: full, open, and fair debate.

I thank my distinguished colleague for yielding.

Mr. COOK. Mr. Speaker, I thank my colleague from New York for this important amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. BOEHLERT).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 210, noes 216, not voting 8, as follows:

[Roll No. 15]

AYES—210

Abercrombie	Ehlers	Kind (WI)	Pallone	Sawyer	Tierney
Ackerman	Engel	Kleczka	Pascrell	Saxton	Towns
Allen	Eshoo	Klink	Pastor	Scarborough	Udall (CO)
Andrews	Etheridge	Kucinich	Payne	Schakowsky	Udall (NM)
Baird	Evans	LaFalce	Pelosi	Scott	Upton
Baldacci	Farr	LaHood	Phelps	Serrano	Velazquez
Baldwin	Fattah	Lampson	Pomeroy	Shays	Vento
Barcia	Filner	Lantos	Porter	Sherman	Visclosky
Barrett (WI)	Forbes	Larson	Price (NC)	Slaughter	Walsh
Becerra	Ford	LaTourette	Quinn	Smith (MI)	Waters
Bentzen	Frank (MA)	Leach	Rahall	Smith (NJ)	Watt (NC)
Bereuter	Franks (NJ)	Lee	Ramstad	Smith (WA)	Waxman
Berkley	Frelinghuysen	Levin	Rangel	Snyder	Weiner
Berman	Frost	Lewis (GA)	Reyes	Stabenow	Weldon (PA)
Bilbray	Ganske	Lipinski	Rivers	Stark	Wexler
Blagojevich	Gejdenson	Lowey	Rodriguez	Strickland	Weygand
Blumenauer	Gephardt	Luther	Rothman	Stupak	Wise
Boehlert	Gilchrest	Maloney (CT)	Roukema	Tauscher	Wolf
Bonior	Gilman	Markey	Royal-Allard	Taylor (MS)	Woolsey
Borski	Gonzalez	Martinez	Sabo	Thompson (CA)	Wu
Boswell	Green (TX)	Mascara	Sanchez	Thompson (MS)	Wynn
Boucher	Greenwood	Matsui	Sanders	Thurman	
Brady (PA)	Gutierrez	McCarthy (MO)			
Brown (CA)	Hall (OH)	McCarthy (NY)			
Brown (FL)	Hastings (FL)	McDermott			
Brown (OH)	Hilliard	McGovern			
Capps	Hinchey	McKinney			
Capuano	Hinojosa	McNulty			
Cardin	Hoefel	Meehan			
Castle	Holden	Meek (FL)			
Clay	Holt	Meeks (NY)			
Clayton	Hooley	Menendez			
Clyburn	Horn	Millender-			
Cook	Houghton	McDonald			
Costello	Hoyer	Miller, George			
Coyne	Inslee	Minge			
Crowley	Jackson (IL)	Mink			
Cummings	Jackson-Lee	Moakley			
Davis (IL)	(TX)	Moore			
DeFazio	Jefferson	Moran (VA)			
DeGette	Johnson (CT)	Morella			
Delahunt	Johnson, E. B.	Nadler			
DeLauro	Jones (OH)	Napolitano			
Deutsch	Kanjorski	Neal			
Dicks	Kaptur	Oberstar			
Dingell	Kelly	Obey			
Dixon	Kennedy	Olver			
Doggett	Kildee	Ortiz			
Doyle	Kilpatrick	Owens			

Pallone	Sawyer	Tierney
Pascrell	Saxton	Towns
Pastor	Scarborough	Udall (CO)
Payne	Schakowsky	Udall (NM)
Pelosi	Scott	Upton
Phelps	Serrano	Velazquez
Pomeroy	Shays	Vento
Porter	Sherman	Visclosky
Price (NC)	Slaughter	Walsh
Quinn	Smith (MI)	Waters
Rahall	Smith (NJ)	Watt (NC)
Ramstad	Smith (WA)	Waxman
Rangel	Snyder	Weiner
Reyes	Stabenow	Weldon (PA)
Rivers	Stark	Wexler
Rodriguez	Strickland	Weygand
Rothman	Stupak	Wise
Roukema	Tauscher	Wolf
Royal-Allard	Taylor (MS)	Woolsey
Sabo	Thompson (CA)	Wu
Sanchez	Thompson (MS)	Wynn
Sanders	Thurman	

NOES—216

Aderholt	Gibbons	Packard
Archer	Gillmor	Paul
Armeny	Goode	Pease
Bachus	Goodlatte	Peterson (MN)
Baker	Goodling	Peterson (PA)
Ballenger	Gordon	Petri
Barr	Goss	Pickering
Barrett (NE)	Graham	Pickett
Bartlett	Granger	Pitts
Barton	Green (WI)	Pombo
Bass	Gutknecht	Portman
Bateman	Hall (TX)	Pryce (OH)
Berry	Hansen	Radanovich
Biggert	Hastert	Regula
Bilirakis	Hastings (WA)	Reynolds
Bishop	Hayes	Riley
Bliley	Hayworth	Roemer
Blunt	Hefley	Rogan
Boehner	Herger	Rogers
Bonilla	Hill (IN)	Rohrabacher
Bono	Hill (MT)	Ros-Lehtinen
Boyd	Hilleary	Royce
Brady (TX)	Hobson	Ryan (WI)
Bryant	Hoekstra	Ryun (KS)
Burr	Hostettler	Salmon
Burton	Hulshof	Sandlin
Buyer	Hunter	Sanford
Callahan	Hutchinson	Schaffer
Calvert	Hyde	Sensenbrenner
Camp	Istook	Sessions
Campbell	Jenkins	Shadegg
Coburn	John	Shaw
Collins	Johnson, Sam	Sherwood
Combest	Jones (NC)	Shimkus
Condit	Kasich	Shows
Coble	King (NY)	Shuster
Cooksey	Kingston	Simpson
Cox	Knollenberg	Sisisky
Cramer	Kolbe	Skeen
Crane	Kuykendall	Skelton
Linder	Largent	Smith (TX)
Cubin	Latham	Souder
Cunningham	LoBiondo	Spence
Danner	Lucas (KY)	Stearns
Davis (FL)	Lucas (OK)	Tancredo
Davis (VA)	Manzullo	Tanner
Deal	McCollum	Tauzin
DeLay	McCrary	Taylor (NC)
DeMint	McHugh	Terry
Diaz-Balart	McInnis	Thomas
Dickey	McIntosh	Thornberry
Dooley	McIntyre	Thune
Doolittle	McKeon	Tiahrt
Dreier	Metcalf	Toomey
Mica	Micah	Traficant
Dunn	Miller (FL)	Turner
Edwards	Miller, Gary	Walden
Ehrlich	Moran (KS)	Wamp
Emerson	Murtha	Watkins
English	Myrick	Watts (OK)
Everett	Nethercutt	Weldon (FL)
Fletcher	Ney	Weller
Foley	Northup	Whitfield
Fossella	Norwood	Wicker
Fowler	Olver	Wilson
Galleghy	Osse	Young (AK)
Gekas	Oxley	Young (FL)

NOT VOTING—8

Carson	Lofgren	Rush
Conyers	Maloney (NY)	Spratt
Ewing	Mollohan	

□ 1139

Messrs. LIVINGSTON, HANSEN, and REYNOLDS changed their vote from "aye" to "no."

Mr. KLECKA and Mr. SCARBOROUGH changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1145

AMENDMENT OFFERED BY MR. WAXMAN

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

The Clerk read as follows:

Amendment offered by Mr. WAXMAN:

Page 6, line 10, after "exceeded" insert "or that would remove, prevent the imposition of, prohibit the use of appropriated funds to implement, or make less stringent any such mandate established to protect human health, safety, or the environment".

Page 6, after line 10, insert the following new paragraph and renumber the succeeding paragraphs accordingly:

(4) MODIFICATION OR REMOVAL OF CERTAIN MANDATES.—(A) Section 424(b)(1) of such Act is amended by inserting "or if the Director finds the bill or joint resolution removes, prevents the imposition of, prohibits the use of appropriated funds to implement, or makes less stringent any Federal private sector mandate established to protect human health, safety, or the environment" after "such fiscal year" and by inserting "or identify any provision which removes, prevents the imposition of, prohibits the use of appropriated funds to implement, or makes less stringent any Federal private sector mandate established to protect human health, safety, or the environment" after "the estimate".

Page 6, lines 18, 20, 22, and 24, after "intergovernmental" insert "mandate" and after the closing quotation marks insert "and by inserting "mandate or removing, preventing the imposition of, prohibiting the use of appropriated funds to implement, or making less stringent any such mandate established to protect human health, safety, or the environment".

Page 6, line 23, strike "and".

Page 6, line 25, strike the period and insert "and".

Page 6, after line 25, insert the following:

(v) by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting "and" and by adding the following new clause after clause (iv):

"(v) any provision in a bill or resolution, amendment, conference report, or amendments in disagreement referred to in clause (i), (ii), (iii), or (iv) that prohibits the use of appropriated funds to implement any Federal private sector mandate established to protect human health, safety, or the environment".

Page 7, line 16, strike "one point" and insert "two points" and on line 18, insert after "(a)(2)" the following: "with only one point of order permitted for provisions which impose new Federal private sector mandates and only one point of order permitted for provisions which remove, prevent imposition of, prohibit the use of appropriated funds to implement, or make less stringent Federal private sector mandates".

Mr. WAXMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WAXMAN. Mr. Chairman, this bill that we are considering today would set the procedural hurdles in the way of legislation that would mandate requirements on private businesses, what are called unfunded mandates.

The underlying rationale of the legislation is that the Congress ought to be sure of all the impacts of legislation before a vote is taken, especially if we are going to have an unfunded mandate.

The amendment that I am offering in no way changes the underlying legislation. My amendment does not weaken H.R. 350 in any way. I want to repeat that so that there is no confusion about what we are doing in offering what we call the defense of the environment amendment. We do not change any of the procedural provisions in the Condit-Portman bill. We do not affect how the bill would work for any new private-sector mandates.

Instead, what my amendment would do would merely extend the same protections to other issues that are of great importance to the American people, requirements that had been established under existing law to protect the public health, safety, and the environment.

This amendment is based on legislation that is called the Defense of the Environment Act, which is supported by every major environmental group and the AFL-CIO and other outside organizations as well. Because if we are going to consider repealing current environmental or public health protections or safety protections or worker protections, we ought to do so with full information and adequate consideration.

It is the same rationale for the underlying bill. It is just common sense. It addresses a serious problem with the way environmental policy has been determined over the last 4 years.

During the last two Congresses, when we looked at environmental legislation, we did not get a chance to consider it separately, to debate it on its merits, and then to vote on anti-environmental riders. What we had were provisions attached to appropriations bills or other must-pass pieces of legislation.

What resulted often was absolutely no debate or consideration by the committee of jurisdiction. What also happened was that we did not get a chance to have a debate or vote on the House floor.

Just as the authors of this bill do not want us to pass mandates on the private sector without a chance for consideration and a vote, we feel the same procedural assurances ought to be

given to those who are concerned about repealing existing laws that affect environment, safety, and public health.

Let me talk about some of the examples that have happened in the last couple of Congresses. We had anti-environmental riders that increased clearcut logging in our national forests. We had riders that would have crippled protection of the endangered species and stall the Superfund program. We had provisions that would have hindered our ability to ensure the groundwater protection from contamination from old nuclear facilities. We have blocked the regulation of radioactive contaminants in drinking water and delayed our efforts to clean up air pollution in the national parks.

The defense of the environment amendment would not prohibit the House from taking any of these steps or passing any of these measures, but it would guarantee that we at least have the option of having an informed debate and a separate vote on these proposals. It would at least give us an opportunity to protect our clean air laws, our clean water laws, our toxic waste laws, and all of our laws that protect health and safety of workers and our families.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. WAXMAN) has expired.

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

Mr. WAXMAN. Mr. Chairman, I was surprised when this amendment was narrowly defeated last year because it would take the same philosophy for unfunded mandates, for economic considerations, and apply it to other equally important values.

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

Mr. Chairman, there is no question the American people want Congress to protect public health and environment. The environment and our Nation's public health is just as important to them as unfunded mandates.

Over the years, we have seen that, when Congress legislates in a deliberate, collegial, and 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 of my colleagues to support this amendment and guarantee that Congress does not unknowingly jeopardize America's public health and the environment. I urge support for this legislation.

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

Mr. Chairman, I rise in opposition to the Waxman amendment because it creates a hurdle in this legislation that need not be. He argues that when benefits arise from an action of Congress it

does not have the same debate as the cost, and that is simply just not a fair or honest argument, simply because nobody brings a bill to the floor for benefits without making that the base of the entire bill.

The basis of the entire bill for bringing benefits to our constituents or the consumer is the basis of the argument and the debate. All we are saying in this bill is if that benefit one wants to give to the consumers or to the constituents in their district imposes costs on the private sector, that we are unwilling to tax our constituents to pay, that ought to be subject to a point of order for debate. That is all, subjected to a point of order for debate.

We are interested, as the gentleman from California (Mr. WAXMAN) said, in putting hurdles in the way of imposing costs on the private sector; hurdles, not roadblocks, not stoppages but hurdles.

As I said in the debate over the previous amendment, the 1995 legislation that enacted unfunded mandates legislation with respect to \$50 million of cost on the private sector went into effect on the 1st of January 1996.

We have had 3 years to see the benefits of that provision. On seven occasions, I think it is four by one party and three by another party, the point of order has been raised. In all seven cases, this House voted. After listening to the debate in terms of the cost imposed on the public sector or local or state governments on the one hand and the benefits of the legislation on the other hand, this House moved on seven occasions to move forward with the debate and voted indeed on those mandates.

An argument has been made that we have imposed burdens and restrictions on environmental issues through riders on bills, but those riders are already subject to a point of order. That is legislating on an appropriations measure.

There is in the rule book of this House a provision that says any legislating in an appropriations bill is subject to a point of order. That has already been handled.

There is no question in some instances there has been a waiver of those points. That is a debate for the Committee on Rules and that debate is carried out between the two parties and between the opposing views in the Committee on Rules before those riders or those points of order are waived.

Lastly, let me just deal with an argument that has come up over and over in both the Committee on Rules hearings and the Committee on Rules debate and on this floor. We are told that this is an effort to repeal current environmental health and safety measures. That is simply not the case.

I am reminded of a comment made by, I believe it was Aldous Huxley, who, in responding to an argument, he said, your argument is not right. It is not even wrong. It is irrelevant.

Those points are simply irrelevant to this bill. What we are only saying is,

legislation that is good for the safety, the health or the environment of our constituents will get to this floor. It will have a broad debate on the benefits but if it imposes costs on the private sector, costs that we are unwilling to step up to the plate on this floor and vote for in terms of taxes on our constituents, we ought to have the debate on that, too.

We ought to have an informed debate. We ought to make a vote on the floor of this House to move forward with that debate on the benefits of the bill so that not only this House but the rest of the world will know that we know we are imposing those costs; we think that the benefits outweigh costs and we are willing to move ahead anyway.

Mr. CHAIRMAN, I believe that this amendment is an effort to slow down progress; to do for the private sector what we have already done for the public sector. I urge a no vote on the Waxman amendment.

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

Mr. CHAIRMAN, as I said before, I support the idea behind requiring full disclosure of unfunded mandates in the private sector. Giving Members more information about votes they are preparing to cast only can improve our legislative process.

Mr. CHAIRMAN, the bill before us is a one-sided bill. It creates a hurdle for bills which impose new requirements on private industry but it does nothing to bills which remove existing requirements.

By doing so, it takes the side of the industry over the American public. For that reason, Mr. Chairman, I urge my colleagues to support the amendment of the gentleman from California (Mr. WAXMAN).

The Waxman amendment gives the same protection to the welfare of the American public as it does to the wallets of American industry. It requires Members to stop and think before eliminating laws that protect health and safety; just as the bill before us requires Members to stop and think before adding laws to protect public health and safety.

Mr. CHAIRMAN, if one has to slow down before adding a law, one should have to slow down before removing one.

The idea of the gentleman from California (Mr. WAXMAN) is a very good one, which is supported by the Center of Marine Conservation, the Environmental Defense Fund, the League of Conservation Voters, the National Resource Defense Council, Physicians for Social Responsibility, the Sierra Club, the United States Public Interest Group, the AFL-CIO, AFSCME, United Auto Workers, United Steelworkers of America, Consumers Union, Public Citizens and the American Public Health Association, just to name a few.

My colleagues may wonder how an amendment could have garnered the support of such an impressive list of

public interest groups. The answer is very simple. This is a good amendment.

□ 1200

Over the last four years, my Republican colleagues have engaged in a very dangerous policy of attaching what are known as environmental riders to bills that must be passed. And my colleague and my friend from the Committee on Rules said that "Of course, but the rules already stop that," but I can show the Members many Committee on Rules debates where they are replete with waivers of these so-called environmental additions.

These bad pieces of legislation, which normally would die if left to stand alone, hitch a ride on a very important piece of legislation. And by riding on this very important piece of legislation, these bills manage to slip by nearly unnoticed. That is, Mr. Chairman, until it is too late.

Some of the riders which have particularly devastating effects on the people of Massachusetts include riders to stop the regulation of radioactive contaminants in drinking water, riders to stall the Superfund program, riders to lessen energy-efficient standards, and riders to prevent the Environmental Protection Agency from making sure old nuclear facilities do not contaminate groundwater.

In short, Mr. Chairman, these environmental riders are so dangerous to public health and public safety that no American citizen without a personal financial interest in increasing pollution would support them.

The Waxman amendment says Congress should stop and think before dismantling our environmental protections and our workers' protections. His amendment does not create any new burdens on businesses, it does not prevent Congress from repealing any laws, and it does not impose any new costs. If a majority of the Congress still wants to pass bills to lessen requirements on businesses, it can do so. This amendment just gives the American people a fighting chance.

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

Mr. CHAIRMAN, as a result of the action on the last amendment, which passed by the narrowest of margins, we are now confronted with a bill that will indeed create new points of order. I do not think it is a very good idea. But I strongly believe that if we are going to create new points of order, they should be balanced. It is that fundamental sense of fairness that lies behind the Waxman amendment.

H.R. 350 would make it more difficult to pass laws that protect health and safety and the environment. If we are going to do that, we ought to create an additional point of order that will make it harder to pass bills that would weaken health and safety and environmental protections. The Waxman amendment would accomplish precisely that.

For that reason, I rise in support of the amendment.

Mr. Chairman, I rise in strong support of this amendment.

To be frank, I preferred my approach to remedying this bill. Ideally, the House should not use points of order as a substitute for substantive debate. But my amendment was defeated. And so now we are confronted with a bill that will indeed create new points of order.

And the Waxman amendment would have an additional benefit. The amendment would put an end to the use of riders to weaken environmental protections. Under the Waxman amendment, legislative provisions that weaken existing law would be subject to a vote—even if they were stuck in an appropriations bill or conference report. No longer would anti-environmental riders be used to slip through legislation that could not possibly pass if it were considered as a free-standing bill.

Now, the House in recent years has kept its riders to a minimum, and I know that that restraint will continue under the Speaker HASTERT. But the other body has not always felt so reluctant, and riders have continued to appear in conference reports.

I think the new point of order provided by the Waxman amendment will help leadership achieve its goals of keeping riders off spending bills.

I urge my colleagues to support this “Defense of the Environment” amendment. It will correct the imbalance in H.R. 350. It will end the use of riders to weaken environmental protections. It will ensure that the House has open and thorough debate on measures that would weaken laws and rules that protect the public.

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

Mr. Chairman, I urge my colleagues to join me today in supporting the Waxman “Defense of the Environment Act” amendment to H.R. 350. It is about time we pass this amendment. Democrats and moderate Republicans are sick of the stealth attacks on environmental protection that continue to delay consideration of one appropriations bill after another, year in and year out.

The Waxman amendment would begin to reverse these stealth tactics by requiring any bill reported out of committee that might reduce environmental protection to identify and assess these provisions. The amendment will also allow for open debate and votes on legislation that removes or weakens environmental health and safety laws.

Mr. Chairman, in previous years the Republican majority has attempted to quietly attach a number of anti-environmental riders to the annual appropriations bill, often at the last minute. Not only is no one supposed to be able to legislate on an appropriations bill, but such riders prevent an open and honest debate on measures that would have great impacts on environmental natural resources, resources that most people in this country value greatly.

As I am sure we all remember from years past, similar efforts by the majority to gut the environment came to

no good, eventually resulting in a governmental shutdown in 1995. Last year, again, so much time was wasted trying to search out these bad riders, bring them to the public’s attention, face presidential veto threats, and reexamine these bills that the Congress only finished its business after introducing several continuing resolutions.

But the majority has been found out. Citizens of this country realize that these special-interest riders would never pass as freestanding legislation because the measures would, at best, result in wasteful spending and unnecessary delays in addressing critical environmental problems and, at worst, result in substantial devastation to natural resources by permitting logging in national forests, allowing helicopters to fly over natural wilderness areas, or approving construction of roads through national parks and other delicate ecosystems, just to mention a few.

That is why the Republican majority continues to take a back-door approach to rolling back environmental protections, that is, by trying to sneak in special-interest riders as provisions of other more overarching bills. Last year they tried to insert a record number of over 40 stealth riders, some of which would have had devastating effects on the environment.

We have to stop wasting taxpayer dollars and end these stealth attempts to destroy the environment. Appropriations bills should be addressed in an open, honest debate. The Waxman amendment would force an open debate and an independent vote on every rider that attempts to weaken 25 years of environmental protection in this country. It would not necessarily prevent such riders from passing, but it would ensure that the public was made aware of these issues that otherwise are literally added into multi-billion dollar appropriations packages at the eleventh hour. It also would ensure that the public knew how Members voted on each one of these riders.

Mr. Chairman, we must safeguard our natural resources for ourselves and our children and expose the Republican majority’s efforts to derail our appropriations process. We must begin now by voting “yes” on this important amendment before us. I urge my colleagues to join me in supporting the Waxman amendment.

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

Mr. PALLONE. I yield to the gentleman from Georgia.

Mr. LINDER. Mr. Chairman, I would like to just point out that the use of riders on an appropriations bill is hardly a new invention of the last four years. The Vietnam War funding was ended by a Democrat rider on an appropriations bill.

Mr. PALLONE. Mr. Chairman, if I could take back my time and point out that now is the time to stop the process, and I think the Waxman amendment will go far towards making sure

that there is an open debate on these issues and not having this stealth process continue.

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

Mr. Chairman, the amendment that is before us really has very little to do with the legislation that is on the floor. In fact, I came and asked staff why this amendment was even germane to the legislation that is before us. And evidently there is a tangential germaneness because of the tie-in to CBO, but that very tie-in is the reason we ought to oppose this amendment, CBO.

The amendment of the gentleman would require the Congressional Budget Office to make a subjective determination of whether a bill or provision in a bill weakens or strengthens any environmental or public health law. Mr. Chairman, the CBO is not equipped to make that kind of subjective determination. That is a matter for debate on this floor, debate in the committees of jurisdiction, not a matter for the CBO to determine and provide some subjective analysis that will be tacked onto a bill that somebody can read on the floor. CBO is there to provide objective economic analysis, which is what the underlying bill asked them to do with respect to any bill that might affect in an economic way the private sector.

So this amendment, while we are not going to object to the germaneness, really has nothing to do with the underlying bill and it ought to be rejected because it asks the CBO to do something that CBO is not designed or equipped to do.

Any debate on whether a bill affects adversely an existing public health policy or piece of legislation concerning the environment ought to be debated among the Members of the House here on the floor and in committee.

So I would ask the Members to reject the Waxman amendment, A, because it has nothing to do with the underlying legislation; B, it adds nothing to the legislation; C, it is bad policy to ask the CBO to do something that they are not supposed to do, they are not designed to do.

So please, Mr. Chairman, allow me to urge our colleagues to come to the floor, vote for common sense, let this underlying legislation pass, and reject the Waxman amendment because it simply has no place on this floor.

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

Mr. Chairman, I rise in support of the “Defense of the Environment” amendment offered by the gentleman from California (Mr. WAXMAN). I want to begin by responding to the analysis just made by the gentleman on the other side.

His argument is that this analysis, this legislation, this amendment requires an analysis by CBO that is too complex for CBO to undertake. The truth is that the analysis is very simple because all that is required of CBO

is to identify, that is the word in the amendment, to "identify" any provision which removes, prevents the imposition of, or prohibits the use of appropriated funds to implement or makes less stringent any Federal private-sector mandate established to protect human health, safety, or the environment.

That is all we are talking about. So that what CBO is being asked to do is simply to identify a provision, and that I suggest is well within its competence.

This amendment, the Waxman amendment, takes common-sense steps to ensure that no legislation to weaken environmental protections can be approved unless it is specifically considered and approved by the House.

Despite a public outcry over the last four years, the majority has tried to roll back environmental regulations. The 105th Congress saw too many harmful riders tacked onto must-pass appropriations bills. These hidden attempts to weaken our environmental laws only work against the public interest.

I would like to cite one example that is very important to my home State of Maine, and that is mercury pollution. Maine suffers some of the worst mercury pollution in the United States, but Maine is not alone. Thirty-nine states have already issued health advisories warning the public about consuming fish containing mercury. In some States, including Maine, every single lake, pond, stream, or river is under a mercury advisory.

Now, why is this important? Last year's VA-HUD appropriations bill contained language to prevent the EPA from taking steps, from taking regulatory action to limit pollution. The EPA had already concluded that there are serious health risks involved with mercury exposure and that contamination is on the rise, but this language handcuffed the agency from curbing harmful emissions.

We voted last year on that amendment, on an amendment that would have removed this particular language. But the vast majority of these anti-environmental riders do not receive adequate debate or a separate vote. All environmentally harmful riders deserve our most careful scrutiny. At the very least, we should ensure that the public knows where this Congress stands on the important environmental issues that affect our nation.

Now, I come from a State where George Mitchell and Ed Muskie helped to write the clean air and clean water laws that now govern this country, and I am not going to stand by and watch an attempt, under cover of procedural laws, to try to unravel those protections. I think that we need to ensure that the debate over environmental policy is open and direct.

I urge Members to support the Waxman amendment.

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

Mr. ALLEN. I yield to the gentleman from Louisiana.

Mr. MCCRERY. Mr. Chairman, I thank the gentleman from Maine (Mr. ALLEN) for yielding.

The gentleman tried to make the case that CBO could make some sort of objective analysis. The gentleman's last phrase in his description of the requirements of the amendment were "less stringent," any provision that makes "less stringent" the environmental or public health laws.

I would submit to the gentleman that that phrase "less stringent" can be in the eyes of the beholder. As testified to, in fact, by CBO in hearings before the Committee on Rules on this amendment, CBO, the witness, said whether the benefits exceed the cost. But in many instances the benefits are in the eye of the beholder and are very difficult to pin down in any kind of a quantitative means.

So CBO has testified that they are not equipped to do this, it is a subjective analysis, and that ought to be left to the Members of the House.

Mr. ALLEN. Mr. Chairman, reclaiming my time, I would simply point out that the matter of identifying the effect of a regulation is a lot easier than determining what the effect of the cost may be, trying to evaluate the cost of particular legislation in the private sector. I still believe this is the kind of relatively simple task that CBO can perform.

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

Mr. Chairman, this is a very interesting amendment. And my point is simply, it does not fit here. The gentleman from Maine (Mr. ALLEN) just talked about how CBO could do this. Talk to CBO and they will tell him, what CBO does is objectively look at cost information. They objectively look at economic information. This legislation is all about relying on the Congressional Budget Office to do that so that we can, for the first time, have better information and then have accountability as to how we deal with that information. The Waxman amendment is a whole other topic.

I just want to raise an alternative. When appropriations bills are on the floor of the House and the gentleman from Maine (Mr. Allen) and the gentleman from California (Mr. WAXMAN) and all the speakers who have supported this have said this is really about appropriations bills, they have focused, as I understand them, on the VA-HUD and other agency appropriations bill, which is where EPA is.

Those are always taken up under open rules. There is certainly no history that I am aware of since I have been here where it has not been an open rule. It has never been restricted. We have restricted some appropriations bills, and they have been the legislative branch bill and the foreign ops bill, period. The others are open.

Any Member can offer a motion to strike. If there is an environmental rider, which seems to be the focus of

this amendment to legislation that really does not relate to Mr. WAXMAN's concern, then any Member can offer a motion to strike and knock that rider out and have a full debate on it, and we do it regularly.

When we legislate on appropriations bills, even if the point of order is waived, and of course we know there is a point of order on legislating on appropriations bills, but even when it is waived by the rule and even when rule passes, which would be two other opportunities to have that happen, you still have that motion to strike.

□ 1215

That is where we ought to be addressing these problems. We ought not to be doing it in the context of the private sector or the public sector mandates bill. It is an entirely different analysis. CBO will tell us they cannot do it. They will ask these questions:

Okay, who is going to determine whether a mandate is actually weakened?

Is that driven by a reduction in direct or indirect cost to the private sector?

What if the private sector has become more efficient in implementing the mandate? We all want to encourage that; do we not?

What if that has happened? How do we analyze that?

Are those costs netted out from the Congressional Budget Office statement?

Is there some credit given to the private sector for doing that?

Cost reductions always mean benefits to healthy environment are weakened? I thought the goal was to get the greatest benefit for the least cost. That is what we say we encourage we want to do around here.

This process that the gentleman from California (Mr. WAXMAN) sets up indicates a direct relationship always between cost reductions and weakened benefits, and that may or may not exist. It just does not fit with this legislation. There are other ways to deal with it. We do so in the House all the time through appropriation bills by offering a motion to strike.

I would just say that again it is a very interesting debate we are having, it is a topic that is worthy of debate. I know the gentleman is sincere about his concern about riders on appropriation bills. This is not the right place to bring up this legislation. We have worked with CBO over the last 4 or 5 years on the public sector, now the private sector legislation. We have worked with the parliamentarian. We have done the hard work to come up with a balanced product. We have worked with the Committee on Rules. A substantial majority of the Committee on Rules has supported us in our efforts and refined this legislation. To come to the floor with this amendment that changes the whole direction of the bill and takes us off in another direction when it is not even necessary because we can already do it under our

rules seems to me to make no sense at all.

Mr. Chairman, I urge the Members of this House to look very carefully at what is being done here and to ask themselves cannot this be done through existing procedures, number one; and, number two, do we really want to add this burden that cannot be done by the Congressional Budget Office to this legislation making the legislation ultimately unworkable?

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

Mr. Chairman, I rise in support of the Waxman amendment to the Mandates Information Act and echo the sentiments of those who believe that some of the greatest legislative efforts of this Nation, some of our finest moments and hours of promoting social and economic progress, have come from this body and, oftentimes, right off the floor of this House. We have legislated in the public interest cleaner air, cleaner water, enforced civil rights, protected public health and safety. We have come a long way, and obviously we have made some progress in these areas. But we still have a long way to go. It is my hope that during this session of Congress we will debate issues like the Patients' Bill of Rights, an increase in the minimum wage, defense of the environment and other important measures. However this bill, this bill provides a legislative vehicle, a opportunity for Members to maneuver around, kill or delay important health and safety protections without directly voting against them and without a full and fair debate. Mr. Chairman, this bill inappropriately raises expense concerns above health and safety in the public interest.

So I ask my colleagues: At what expense are we talking when we talk about the cost of gambling away the health and safety of our Nation's children, our Nation's workers, our families who rely upon basic protections? We cannot put a cost on improving living and working conditions. How high is high? How low is low?

Finally, this bill concentrates on the hardships placed on businesses, but it completely ignores the benefits of feeding the hungry, or looking after the needs of those who must have their health and safety preserved, or improving the environment and our Nation's precious natural resources, protecting public health and safety and enforcing the rights of all of our citizens. Yes, we need to make sure that we provide opportunity for businesses to grow and develop and thrive, but we also need to make sure that we have the tools to vote on these basic proposals on the basis of merit rather than hiding behind a procedural vote or dealing with the process which oftentimes does not let the public know exactly what it is we have done or what positions we have taken.

Therefore, Mr. Chairman, I would urge support of the Waxman amendment.

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

Mr. Chairman, I rise in opposition to the amendment offered by my friend, the gentleman from California (Mr. WAXMAN). As a former mayor, I can tell my colleagues that the unfunded mandates law was one of the most important reforms that Congress has ever passed. It was important because it forced Congress to vote on new mandates that would be imposed on our State and our local governments, and by forcing Congress to vote on these mandates Congress would think before it mandated.

Some predicted that the effect of this law would be to undermine health, safety and environmental laws. They were wrong. All that this law did was to make Congress think before it mandates. Today this bipartisan mandate reform legislation does the same thing. It makes Congress stop and think before it imposes private sector mandates. It will not stop us from imposing new laws to protect health, safety or the environment. It will not stop any new laws. But what it will do is require the Congress to vote on new private sector mandates that are imposed on our small businessmen and women.

Like the unfunded mandates law, it requires us to think before we mandate. The Waxman amendment removes the most important part of this legislation, the requirement that Congress thinks before it mandates. It eliminates the accountability provision, and this is wrong.

Mr. Chairman, as a mayor, a small business person and as a mother, I strongly support a safer, healthier America. I will always support laws that keep our air clean and our rivers healthy and our environment safe. But today I stand before my colleagues because I have another role. I am a representative, and I believe that all of us owe it to our constituents to think before we impose new mandates on them.

I urge my colleagues to vote in favor of the Mandate Information Act and against the Waxman amendment, and I will remind my colleagues the following groups are scoring this amendment and this final vote:

The U.S. Chamber of Commerce,
The National Federation of Independent Business,
The American Farm Bureau,
The Small Business Legislative Council,
Citizens for a Sound Economy,
The National Restaurant Association,
The National Retail Federation,
The Associated Builders and Contractors,
The American Subcontractors Association,
The National Association of the Self-employed,
The National Association of Manufacturers,
and the National Roofing Contractors Association.

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

Mr. Chairman, I rise in strong support of the Waxman amendment. It is an important amendment, and I think it is very consistent with the underlying debate before us concerning unfunded mandates. Congress should be required to pay close attention to the effect of legislation on the environment and on public health just as it should be required to pay close attention to the impacts of its decisions on the private sector or the public sector as required in the previous legislation and the legislation before us today.

This amendment is here because time and again we have seen matters of the environment and public health come before the Congress with little or no debate, in some instances with no underlying hearings. Legislative riders that deal with the fundamental and basic underlying environmental laws of this country are sneaked into the appropriations bill. With no debate at all attempt is made to weaken these laws concerning clean water, clean air, toxic waste, brown fields, forests, safeguards and food safety. Time and again these matters have been brought to the floor with no provisions in their rules for debate. Very often we find that they are hidden away in the report language so we cannot get to them when we debate them on the floor of the House of Representatives and we cannot vote on these matters directly. We very often find that we are limited in the time in which we can discuss them, and they have huge impacts on our natural environment and our public health and on taxpayers.

That is why we need the Waxman amendment, so we will have the opportunity to discuss these critical issues in the light of day.

There are two reasons why these changes in environmental laws are often not brought before the Congress in freestanding bills under the legislative rules that would allow free and open debate on the provisions. One is that the anti-environmental legislation would fail if it stood on its own in the light of day as a freestanding legislation. Yet it is that the majority party does not want to openly be seen as trying to repeal Environmental Health Protection Act, so rather than put up with the debate, put up with that characterization, put up with the facts of the debate, they put this into appropriations bill where the opportunities to debate are sometimes none and sometimes very limited. Instead the majority party tucks these into the largest bill, with the must-pass appropriation bills, into bills at the end of the session, with total disregard for the impact on the environment, and those are colleagues here in the House of Representatives. Very often again these legislative riders are sent over to us in legislation that comes from the Senate where again the opportunity is not debated. We may have debated

these riders openly here on the floor of the House, we may have knocked out a number of these riders in the various appropriation bills, and then in the omnibus bill at the end of the year these riders are reinserted into that legislation, we are not given an opportunity to debate them, and the legislation is passed because it is an up-or-down vote.

This is not a contest between unfunded mandates and the environment. In many instances these two situations rise separate of one another. But this is about whether or not, as we do the people's business here, we will have the opportunity to raise these environmental and public health issues and have free and fair debate on those issues. Over the last several years this has simply not been the case. Last year the omnibus appropriation bill was riddled with anti-environmental riders, preventing the tightening of the fuel economy stands, opening the coastal barriers to development, increasing logging and enabling oil and gas industries to escape paying what they owe the government. The Waxman amendment is also critical because many of times in the committee in which I serve, the Committee on Resources, legislation is passed regarding the actions to be taken by the Federal Government or private party, and the committee simply declares that those acts are sufficient under the Endangered Species Act or sufficient under the National Environmental Protection Act. The majority party in that case has made no showing that they are in fact sufficient under either of those acts. They simply declare without any debate, without discussion, without any vote that those actions are sufficient, and that is why we need the Waxman amendment.

Historically, when we have taken these kinds of actions, when we added these kinds of riders, we usually have gone back and had to spend millions of dollars to try to make up for those mistakes and the errors that were caused because those riders were offered with no ability to debate them. The Waxman amendment is an opportunity to give the environment the kind of priority that the American people attach to the subject, to give it the same kind of priority that the proponents of this legislation wish to give to unfunded mandates, another very important consideration when this Congress legislates. These are not inconsistent, they are not at odds with one another. We are simply saying that the same kind of opportunity should be given for this kind of debate. In poll after poll we see that the American people self identify themselves as strong environmentalists deeply concerned about the environment. Even when we pit them against a tradeoff for jobs in a local area, they want the environment protected, they do not want national laws weakened. And yet we see contrary to those actions and those desires by the American people the ef-

forts to slide in riders that are not open to the debate, and that is why I would encourage my colleagues to support the Waxman amendment.

□ 1230

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

Mr. Chairman, this body expresses its fundamental values and its priorities in a number of ways. I feel privileged today as a new Member to have an opportunity to speak for the first time on an issue that so clearly gets to the question of what is really important to us, what are the priorities, what is most important?

Without a doubt, the cost to business is an important consideration when we look at legislation, but H.R. 350 raises the cost to business as the most important. It raises it above all other considerations. It makes it a top priority, the only separate hurdle that we create.

I rise to support the defense of the environment amendment offered by the gentleman from California (Mr. WAXMAN) because it establishes that in addition to cost to business, that we as a Nation are concerned about the cost to the safety of the workers in those businesses, the impact on the air that we breathe, the health of our citizens.

The amendment would allow Members the same opportunity to raise a point of order to block legislation that would take away existing public protections. We can demonstrate our balanced view on what is most important to this country, what is most important to our families and to our children, by supporting the Waxman amendment.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

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

RECORDED VOTE

Mr. HALL of Ohio. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 203, noes 216, not voting 14, as follows:

[Roll No. 16]

AYES—203

Abercrombie	Boyd	DeGette	Frost	Markay	Roukema
Ackerman	Brady (PA)	Delahunt	Gejdenson	Martinez	Royal-Allard
Allen	Brown (CA)	DeLauro	Gephardt	Mascara	Sabo
Andrews	Brown (FL)	Deutsch	Gilchrest	Matsui	Sanchez
Baird	Brown (OH)	Dicks	Gonzalez	McCarthy (MO)	Sanders
Baldacci	Campbell	Dingell	Green (TX)	McCarthy (NY)	Sawyer
Baldwin	Capps	Dixon	Gutierrez	McDermott	Scalise
Barcia	Capuano	Doggett	Hall (OH)	McGovern	Scarborough
Barrett (WI)	Cardin	Dooley	Hastings (FL)	McKinney	Schakowsky
Becerra	Castle	Doyle	Hill (IN)	McNulty	Scott
Bentsen	Clay	Edwards	Hilliard	Meehan	Serrano
Berman	Clayton	Engel	Hinchey	Meek (FL)	Shays
Bilbray	Clyburn	Eshoo	Hinojosa	Meeks (NY)	Sherman
Bishop	Conyers	Etheridge	Hoefel	Menendez	Shows
Blagojevich	Costello	Evans	Hollingsworth	Millender-Hall	Skelton
Blumenauer	Coyne	Farr	Cunningham	McDonald	Slaughter
Boehlert	Crowley	Fattah	Danner	Miller, George	Smith (NJ)
Bonior	Cummings	Filner	Deal	Minge	Smith (WA)
Borski	Davis (FL)	Forbes	DeLay	Mink	Snyder
Boswell	Davis (IL)	Ford	DeMint	Moakley	Stabenow
Boucher	DeFazio	Frank (MA)		Moore	Stark
				Moran (VA)	Strickland
				Morella	Stupak
				Nadler	Tauscher
				Napolitano	Taylor (MS)
				Neal	Thompson (CA)
				Oberstar	Thompson (MS)
				Obey	Thurman
				Olver	Tierney
				Ortiz	Towns
				Owens	Udall (CO)
				Pallone	Udall (NM)
				Pascrall	Velazquez
				Pastor	Vento
				Payne	Visclosky
				Pelosi	Waters
				Peterson (MN)	Watt (NC)
				Phelps	Waxman
				Pomeroy	Weiner
				Price (NC)	Weldon (PA)
				Rahall	Wexler
				Ramstad	Weygand
				Rangel	Wise
				Reyes	Woolsey
				Rivers	Wu
				Rodriguez	Wynn
				Roemer	
				Maloney (CT)	

NOES—216

Aderholt	Diaz-Balart	Hutchinson
Archer	Dickey	Hyde
Armey	Doolittle	Istook
Baker	Dreier	Jenkins
Ballenger	Duncan	John
Barr	Dunn	Johnson, Sam
Barrett (NE)	Ehlers	Kasich
Bartlett	Ehrlich	King (NY)
Barton	Emerson	Kingston
Bass	English	Knollenberg
Bateman	Everett	Kolbe
Bereuter	Ewing	Kuykendall
Berry	Fletcher	LaHood
Biggert	Foley	Largent
Bilirakis	Fossella	Latham
Bliley	Fowler	LaTourette
Blunt	Franks (NJ)	Lewis (CA)
Boehner	Frelinghuysen	Lewis (KY)
Bonilla	Gallegher	Linder
Bono	Ganske	Livingston
Bryant	Gekas	LoBiondo
Burr	Gibbons	Lucas (KY)
Burton	Gillmor	Lucas (OK)
Buyer	Gilman	Manzullo
Callahan	Goode	McCullom
Calvert	Goodlatte	McCrary
Camp	Goodling	McHugh
Canady	Gordon	McInnis
Cannon	Goss	McIntosh
Chabot	Graham	McIntyre
Delahunt	Granger	McKeon
DeLauro	Chambliss	Metcalf
Deutsch	Chenoweth	Mica
Dicks	Clement	Miller (FL)
Dingell	Coble	Miller, Gary
Dixon	Coburn	Mollohan
Doggett	Collins	Moran (KS)
Dooley	Combest	Murtha
Doyle	Condit	Myrick
Edwards	Cook	Nethercutt
Engel	Cooksey	Ney
Eshoo	Cox	Northup
Etheridge	Cramer	Norwood
Evans	Crane	Nussle
Farr	Cubin	Ose
Cunningham	Hobson	Oxley
Danner	Hoekstra	Packard
Deal	Hostettler	Paul
DeLay	Houghton	Pease
DeMint	Hulshof	
Frank (MA)	Hunter	

Peterson (PA)	Schaffer	Tauzin
Petri	Sensenbrenner	Taylor (NC)
Pickering	Sessions	Terry
Pickett	Shadegg	Thomas
Pombo	Shaw	Thornberry
Porter	Sherwood	Thune
Portman	Shimkus	Tiahrt
Pryce (OH)	Shuster	Toomey
Quinn	Simpson	Traficant
Radanovich	Sisisky	Turner
Regula	Skeen	Upton
Reynolds	Smith (MI)	Walden
Riley	Smith (TX)	Walsh
Rogan	Souder	Wamp
Rogers	Spence	Watkins
Rohrabacher	Stearns	Weldon (FL)
Ros-Lehtinen	Stenholm	Weller
Royce	Stump	Whitfield
Ryan (WI)	Sununu	Wicker
Ryun (KS)	Sweeney	Wilson
Salmon	Talent	Wolf
Sandlin	Tancredo	Young (AK)
Sanford	Tanner	Young (FL)

NOT VOTING—14

Bachus	Jones (NC)	Pitts
Berkley	Jones (OH)	Rush
Brady (TX)	Klink	Spratt
Carson	Lofgren	Watts (OK)
Davis (VA)	Maloney (NY)	

□ 1249

Mr. EWING changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. BERKLEY. Mr. Chairman, during rollcall vote No. 16, I was unavoidably detained. Had I been present, I would have voted "aye."

Mrs. JONES of Ohio. Mr. Chairman, during rollcall vote No. 16, I was unavoidably detained. Had I been present, I would have voted "yes."

Stated against:

Mr. WATTS of Oklahoma. Mr. Chairman, on rollcall No. 16, I was unavoidably detained. Had I been present, I would have voted "no."

The CHAIRMAN pro tempore (Mr. LAHOOD). Are there any other amendments?

If not, the Clerk will designate section 5.

The text of section 5 is as follows:

SEC. 5. FEDERAL INTERGOVERNMENTAL MANDATE.

Section 421(5)(B) of the Congressional Budget Act of 1974 (2 U.S.C. 658(5)(B)) is amended—

(1) by striking "the provision" after "if";

(2) in clause (i)(I) by inserting "the provision" before "would";

(3) in clause (i)(II) by inserting "the provision" before "would"; and

(4) in clause (ii)—

(A) by inserting "that legislation, statute, or regulation does not provide" before "the State"; and

(B) by striking "lack" and inserting "new or expanded".

The CHAIRMAN pro tempore. If there are no other amendments, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

Mr. CRAMER. Mr. Chairman, I rise today in support of H.R. 350, the Mandates Information Act of 1999. This legislation is the result of a bipartisan effort between my fellow Blue Dog, Representative GARY CONDIT, and Representative ROB PORTMAN.

In 1995, Congress passed the Unfunded Mandates Reform Act (UMRA). This bill, eventually signed into law, has successfully limited

the imposition of unfunded Federal mandates on state and local governments. This legislation was uniformly hailed by elected officials in my District and across the country who, for too long, had to bear the brunt of unfunded mandates.

H.R. 350 builds on the success of UMRA by requiring Congress to deal honestly with Federal mandates imposed on the private sector. The bill directs the Congressional Budget Office and congressional committees to assess the impact of private sector mandates contained in legislation reported to the House and Senate for consideration. For mandates that exceed \$100 million, it allows any Member of Congress to force a separate debate and vote specifically on whether to consider legislation to impose such a mandate on the private sector. This legislation ensures that Members of Congress will have the most factual information possible on the effects of private sector mandates.

Opponents of this legislation claim it will undermine important public safety and environmental laws. This is simply not true. This bill will, however, cause this body to carefully review the costs of legislation on employers, employees, and consumers. The intent of this bill is to promote compromise and to mitigate the effects of unintended costs on the private sector, not to undermine our important public safety laws.

I commend my colleague from California and my colleague from Ohio for crafting this important piece of legislation and I look forward to supporting its passage.

Mr. VENTO. Mr. Chairman, H.R. 350 is misguided legislation that could delay and handcuff this Body to prevent the passage of sound policy and laws. H.R. 350 ignores history and dooms Congressional ability to respond to a crisis. Many of my Colleagues have only served during the good economic times of the Clinton recovery and were not here for the tough periods of the Reagan recession. If more of you had been here during those times, perhaps this ill-conceived legislation would not be scheduled to accelerated consideration.

While some tout the virtues of private profits over government regulations, I urge the members to consider the S&L crisis and the impact that this legislation would have had on such matter. As Members may recall, this too was an era that placed profits ahead of sound regulation. In an atmosphere of anything goes, risky investments and profit driven decisions led high flying thrills across the country to risk everything at the altar of profit. That philosophy led to inevitable failures that cost the American taxpayer over \$150 billion to maintain the promise of savings deposit insurance. Only through the passage of the Financial Institutions Reform, Recovery and Enforcement Act (FIRREA) was Congress and the banking regulators able to respond and to stem the flow of taxpayer dollars.

FIRREA was controversial and only passed with strong bipartisan support and the active support of the Bush Administration. It was tough medicine for the thrift industry but the remedial steps in this crucial law had to be taken. Only through this legislation were federal regulators given the authority that they needed to bring rogue thrills under control. However, if H.R. 350 had been the law of the land, the strong FIRREA measure in all probability would not have been enacted into law.

Instead of enacting an effective law, Congress would have gotten entwined in a debate on a procedural motion. Accountability of individual members would have been replaced with parliamentary hair splitting, rendering this Congress incapable of action in the face of crisis having the life sucked out through needless procedural votes leaving a hollow shell instead of a tough law and action.

H.R. 350 implies a rigid standard that does not recognize the need for prompt legislative action in times of a fiscal crisis. On such a serious flaw alone this measure should be rejected out of hand. Furthermore no sound criteria are established to serve as a reference of information upon which to base such cost numbers.

Its inherent flaws may still be remedied to bring some semblance of merit and balance to this process. Sound criteria and addressing a real problem in the congressional process. That is why I strongly supported the Boehlert amendment and especially the Waxman amendment. The Waxman amendment's purpose is clear—to extend the procedural safeguards of the Unfunded Mandates Reform Act to preserve the environment and protect the public's health and safety. It is time to bring the focus of debate back to the American people, the people who vote for you and I with the logical expectation to be represented in this chamber, and to reject the interest groups that want to trump public policy and legislative action with a procedural gauntlet. During my tenure in the House, I have become keenly aware of the American public's passion to preserve and protect the environment and welfare of our fellow citizens, and time after time I have helplessly watched anti-environmental riders especially in the past four years quietly slip into important but unrelated spending measures without deliberations, discussion, debate without a vote, or input from those who seek to fulfill their role and promise as representatives of the American people and their will.

The premise behind H.R. 350 is simple, but its consequences will be dire. Any member who believes that a piece of legislation will directly cost the private sector \$100 million or more, whether the Congressional Budget Office concurs or not, may raise a point of order, debate this point, and then a simple majority vote could halt any further consideration of this legislation. The Boehlert amendment was intended to rectify this flaw. This is, for all intents and purposes, a simple, yet effective stall tactic—the House's answer to the Senate's filibuster. Now some of this maybe changed, but placing the House in a straight jacket of procedures such as this simply frustrates the role of the House to write laws.

H.R. 350 can and will prevent the enactment of very important social and environmental legislation including the Clean Water Act, Clean Air Act, nursing home standards, and transportation projects. It would provide those who continue to fight for the social and environmental welfare of the people and their land another procedural obstacle with which to contend.

The passage of H.R. 350, without Mr. WAXMAN's amendment would leave us powerless to debate anti-environmental riders inserted in appropriations measures. The passage of this amendment is essential. It provides for an informed debate and accountable vote on legislation that repeals private sector mandates that protect the public's health and safety and

the environment. In 1998 alone, the League of Conservation Voters reported more than 40 riders that would have weakened public health and public land protection were attached to appropriations bills ranging from stalling Superfund reform to increasing the clear cutting of our national forests. No one under current House rules was allowed the opportunity to debate and have a separate vote on these measures. If enacted, Mr. WAXMAN's amendment will allow us to debate and vote on a rider that neither the committee of jurisdiction nor the full House has been allowed to review. It costs no money, burdens no business, and takes no authority or power away from Congress. It simply provides an avenue for members to discuss, debate, and vote on questionable riders. Some opponents argue it would delay action because of the need to have substantive information. In other words, don't look before you jump; this argument flies in the face of the common sense Waxman amendment result.

The Framers of the Constitution realized the necessity of incorporating a system of checks and balances between the three branches of government to allow our Nation to remain balanced, steady, and constant.

We need to restore this balance to the House of Representatives and bring the chance for fair debate back to all of us today, not tomorrow. Don't hide your actions and policy acts in the by-lines of a multi-volume appropriations measure. Stand at the podium and debate your ideas in a fair and democratic way, the way the framers of our constitution envisioned. You can do that by voting in favor of the Waxman amendment and not disabling measures by attempting to catch in a web of process.

This Congress doesn't need more ways to frustrate the writing of law and action on the floor. Rather what should be the order of the day is deliberate action, fair debate, and rules to let the body work its will. But this GOP majority continues down the road dreaming up ways to sidestep issues, avoid facing questions, and voting on the merits of issues all in the name of process. The "majority" in this House is aiding and abetting the special interests. This measure is just another attempt to sidestep a straight vote for fair consideration of a bill. Between the closed rules, riders, and out right obfuscation cementing in place super majorities, one would think the GOP was not just planning to be in the minority, but practicing such a rule today. The public sees through this conduct and hopefully will be happy to accommodate such behavior in the next general polling.

Mr. CASTLE. Mr. Chairman, I rise in support of the Boehlert amendment to H.R. 350. It perfects the important goal of this legislation to require Congress to focus even more closely on the costs that would be imposed on an industry or small business sector if a particular legislative proposal is enacted into law.

I strongly support the goal of H.R. 350 and I applaud Mr. PORTMAN and Mr. CONDIT's hard work on this issue. I voted for the Mandates Information Act in the 105th Congress and I would like to do so again. However, I am not convinced that the bill's provision to allow major legislation to be pulled from the floor after 20 minutes debate on a point of order is needed to protect private industry. I believe the Boehlert amendment would address this problem.

First, the Boehlert amendment will allow 20 minutes of additional debate on the cost issue beyond the time for general debate. This is consistent with the stated purpose of the Mandates Information Act.

Section 3 of the bill states that its purpose is to provide more complete information about the effects of private mandates and ensure focused deliberation on those effects. It seeks to distinguish between mandates that harm consumers, workers, and small businesses, and mandates that help those groups.

Second, there is more accountability with the Boehlert amendment. H.R. 350 would allow any Member to claim the proposed bill would impose \$100 million in expense without any independent verification. In contrast, the Boehlert amendment would require CBO, in most cases, to verify that the bill or amendment indeed imposes \$100 million in private sector costs. This is something CBO already does and would not gut the bill.

Third, the Boehlert amendment prevents the rules of debate in the people's House from being tilted in one direction or the other. It keeps the playing field level. It keeps the debate going.

I have heard many assert that the private sector needs this bill to level the playing field with the public sector. After all, we have a law which allows a Member to raise a point of order when Congress is debating legislation that would impose a \$50 million mandate on the public sector. Why not give the private sector the same privilege when twice that amount will be imposed on them?

Like Mr. PORTMAN and Mr. CONDIT, I was a strong advocate of limiting the Federal Government's ability to pass on unfunded mandates to State and local governments. Congress and the executive branch too often set standards for Federal programs and then simply passed on their implementation to the States, resulting in a distortion of our Federal system of government.

The Federal Government does sometimes place unfair costs on the private sector. This is often done in an effort to correct a problem such as pollution or to protect other aspects of the public's health and safety. The Federal Government can and must do a better job of balancing public health and safety concerns with the costs we impose on business, particularly small business. The Federal Government still finds ways to add multiple layers of bureaucracy and paperwork burdens that no businessman, especially a small businessman, should have to suffer.

However, any Member of Congress who has sat through a committee markup on any important business issue knows that virtually every industry and business sector makes its views known forcefully to Congress. Legislation often stalls, sometimes with good reason, because a particular business sector makes the case it is unfair to them. I am not convinced that we need an automatic vote on the floor after only 20 minutes of debate if a business or industry simply asserts it will cost over \$100 million, without any demonstrable proof.

Congress and Federal agencies must focus their attention on reforming these outdated regulatory schemes and replacing them with "market based" regulatory systems—ones that will provide the same public benefit for half the cost.

Rather than limiting the process of debate on laws which impact the private sector, Con-

gress must find ways to change industry incentives from avoiding regulation to rewarding companies that are innovative in their control of waste streams. It should start with reforming one of the most costly, slow, and unnecessarily expensive laws on the books—superfund. Tackling specific problems like superfund is how we can best help give our constituents relief from the unintended consequences of Federal laws, not by forcing legislation to be pulled from the floor after only 20 minutes of debate.

In closing, if you believe in more debate, more accountability, a level playing field of debate vote for the Boehlert amendments and then support H.R. 350.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KOLBE) having assumed the chair, Mr. LAHOOD, Chairman pro tempore 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, pursuant to House Resolution 36, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. KOLBE). Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is 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.

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. LINDER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 274, noes 149, not voting 11, as follows:

[Roll No 17]	AYES—274	
Aderholt	Blunt	Chenoweth
Archer	Boehner	Clement
Armey	Bonilla	Coble
Bachus	Bono	Coburn
Baker	Boswell	Collins
Ballenger	Boyd	Combest
Barcia	Bryant	Condit
Barr	Burr	Cook
Barrett (NE)	Burton	Cooksey
Bartlett	Buyer	Costello
Barton	Callahan	Cramer
Bass	Calvert	Crane
Bateman	Camp	Cubin
Bentsen	Campbell	Cunningham
Bereuter	Canady	Danner
Berry	Cannon	Davis (FL)
Biggert	Capps	Davis (VA)
Bilirakis	Castle	Deal
Bishop	Chabot	DeLay
Bliley	Chambliss	DeMint

