

I have authorized these measures in response to recurrent acts of international terrorism that threaten to disrupt the Middle East peace process. They include such acts as the bomb attacks in Israel this past weekend and other recent attacks in Israel, attacks on government authorities in Egypt, threats against Palestinian authorities in the autonomous regions, and the bombing of the Jewish Mutual Association building in Buenos Aires, as well as the car bomb at the Israeli Embassy in London.

Achieving peace between Israel and its neighbors has long been a principal goal of American foreign policy. Resolving this conflict would eliminate a major source of instability in a part of the world in which we have critical interests, contribute to the security and well-being of Israel, and strengthen important bilateral relationships in the Arab world.

Attempts to disrupt the Middle East peace process through terrorism by groups opposed to peace have threatened and continue to threaten vital interests of the United States, thus constituting an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.

Terrorist groups engaging in such terrorist acts receive financial and material support for their efforts from persons in the Middle East and elsewhere who oppose that process. Individuals and groups in the United States, too, have been targets of fundraising efforts on behalf of terrorist organizations.

Fundraising for terrorism and use of the U.S. banking system for transfers on behalf of such organizations are inimical to American interests. Further, failure to take effective action against similar fundraising and transfers in foreign countries indicate the need for leadership by the United States on this subject. Thus, it is necessary to provide the tools to combat any financial support from the United States for such terrorist activities. The United States will use these actions on our part to impress on our allies in Europe and elsewhere the seriousness of the danger of terrorist funding threatening the Middle East peace process, and to encourage them to adopt appropriate and effective measures to cut off terrorist fundraising and the harboring of terrorist assets in their territories and by their nationals.

The measures we are taking demonstrate our determination to thwart acts of terrorism that threaten to disrupt the Middle East peace process by attacking any material or financial support for such acts that may emanate from the United States.

WILLIAM J. CLINTON.

THE WHITE HOUSE, January 23, 1995.

UNFUNDED MANDATE REFORM ACT OF 1995

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

□ 1256

IN THE COMMITTEE OF THE WHOLE

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

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Monday, January 23, 1995, the amendment offered by the gentleman from South Carolina [Mr. SPRATT] had been disposed of and section 4 was open for amendment at any point.

Are there further amendments to section 4?

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

Mr. Chairman, as we prepare to return to the unfunded mandates bill or, as some would say, the Son of California Wilderness, I would remind our colleagues that we have now been on this bill for some measure of time, over 10 hours, on nine amendments. I would also point out there has been some discussion here this morning about the majority gagging of the minority. I would emphasize again this is an open rule, a truly open rule, something that we rarely saw in the 103d Congress.

Having said that, though, I think with the fact we have dealt with only nine amendments in over 10 hours and the fact that we have pages of amendments just to section 4 of the bill still pending, I would exhort my colleagues to recognize that there must be an end to this process at some point in time.

I think there are certain major issues that we need to deal with in this legislation. We have been dealing with only one of those major issues thus far, and that is the issue whether certain programs or statutes or dealings in the Federal Government should be exempt from a cost analysis of what they may cost.

That is one issue, and we have debated that at great length over a number of different issues. But I think we have fairly well resolved the fact that the majority has prevailed in saying very little should be exempt from the provisions of this law, except those things that would provide sort of technical reassurance that certain areas

were in fact exempt under civil rights laws or whatever.

This is only one issue. We have other issues like, should the regulations issued by the Government be subject to judicial review, should the effective date be changed, and what do we do with public-private issues. These are all major issues.

So I would hope that we might be able to move this along. And in hopes that we might be able to do that, I ask unanimous consent that debate on all of the exemption amendments to section 4 of the bill be limited to 20 minutes, 10 minutes on each side.

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

Mrs. COLLINS of Illinois. Mr. Chairman, reserving the right to object, I reserve the right to object because I do not believe that such a request would be appropriate at this time.

□ 1300

Mr. Chairman, in the committee we had no hearings.

The previous question was ordered on an amendment that had not even been heard or read. We were told to hold off on amendments until we reached the floor. When we agreed not to make a point of order to the bill that would have delayed consideration, the chairman assured us that there is no intent at all to in any way proscribe or limit the ability of Members to offer amendments.

Further, when we went to the Committee on Rules, we were told that we were going to have open debate. Many Members on the other side of the aisle very proudly said, and have even said so today, that, "We are now having open debate. There is going to be no closed rule."

Mr. CLINGER. Mr. Chairman, I sense some resistance on the other side, and I withdraw my unanimous consent request.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] withdraws his request.

Are there further amendments to section 4?

AMENDMENTS OFFERED BY MR. BECERRA

Mr. BECERRA. Mr. Chairman, I offer amendments Nos. 30 and 31 at the desk, and I ask unanimous consent that they be considered en bloc.

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

There was no objection.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. BECERRA:

In section 4(2) insert "age," before "race".
In the proposed section 422(2) of the Congressional Budget Act of 1974, insert "age," before "race".

Mr. BECERRA. Mr. Chairman, I have spoken on this floor about my concerns with H.R. 5, the unfunded mandates legislation, for a number of reasons,

least of which, of course, is the fact that the State and local governments are taking on burdens.

More to the point, however, we do not take into account in H.R. 5 numerous provisions to protect those very States and local governments and neighborhood communities that we say we are about to protect through this particular legislation. One specific example to me, Mr. Chairman, which is very glaring, is that the legislation we have before us today does nothing to protect our American people against discrimination based on age.

Today we have before us H.R. 5, that says nothing about preserving the rights of people, based on their age, to work, to live freely, and I believe it is important that at least something like this be included in H.R. 5. The Federal laws prohibiting age discrimination provide protection for millions of older Americans from arbitrary and unjust discrimination.

As with all laws prohibiting discrimination, the laws prohibiting age discrimination set basic standards for fair treatment in a workplace and other areas of American society. The right to work free of age discrimination is a fundamental right.

However, age-based employment discrimination remains prevalent, despite the Age Discrimination in Employment Act, the ADEA. The problem is particularly severe for persons who have lost jobs in declining industries such as heavy manufacturing. I know in Los Angeles, Mr. Chairman, we have a lot of unemployed engineers and scientists who are getting on in age, and they are finding it very difficult to find jobs, even as qualified as they may be.

Mr. Chairman, once unemployed, older workers face sharply limited employment opportunities. Persons aged 45 to 64 are unemployed longer, on average, than younger workers in America, and they become what we term under the law discouraged workers. In other words, they are those who give up the job search because they feel it is futile.

Mr. Chairman, the arguments for preserving our important civil rights laws are the same regardless of whether the laws concern age, race, religion, or ethnicity. The authors of H.R. 5 have recognized that civil rights laws are deserving of special protection from any burdens that may impede their force and effect.

It is our job now, Mr. Chairman, to ensure the inclusion of age discrimination laws among those civil rights laws to be exempted from H.R. 5's impact.

Mr. Chairman, along with the amendment that I have, the gentleman from Pennsylvania [Mr. KANJORSKI], who has worked tremendously on these issues, also had an amendment. He has agreed, we have all agreed, to join together on this particular subject, along with the chairman of the committee, and I thank the chairman for having done that.

However, Mr. Chairman, I do want to make sure that I do acknowledge that the gentleman from Pennsylvania [Mr. KANJORSKI] graciously allowed me to go first on this particular amendment. He has worked tremendously on this as well.

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

Mr. BECERRA. Of course, Mr. Chairman, I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Chairman, I appreciate the gentleman yielding to me.

Mr. Chairman, as the gentleman said, this amendment would add age to the list of antidiscrimination statutes that would not be covered by H.R. 5. There are certainly no intent to exclude this. We certainly want to make sure that the antidiscrimination would apply to this measure. This particular amendment has already been accepted by the Senate, and I am pleased to accept the amendment.

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

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

Mr. DREIER. Mr. Chairman, I simply would like to compliment my friend, the gentleman from California [Mr. BECERRA] for noticing this and inserting this very important aspect on the issue of discrimination. I compliment him on his diligence in addressing this issue.

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

Mr. Chairman, I think this is a very important amendment, and we discussed it at the committee markup. However, it points up the very reason that we are here today and that we have been involved in 10 hours of debate, and we have 100-some-odd amendments, because this amendment should have been readily seen as valuable to this piece of legislation at the markup level. If it had, we would not have spent hours of staff time and hours of Members' time preparing for this occasion.

Mr. Chairman, I keep hearing, and I just want to refer to the chairman of the committee on the other side, who treats this piece of legislation as if it is only a procedural piece of legislation for a point of order.

However, Mr. Chairman, this bill has two particular sections, one affecting the right here on the floor to raise a point of order, and two, allowing citizens of any type for any reason to raise a legal question in a district court throughout America, challenging any rule or regulation by a Federal agency.

Mr. Chairman, it is just so clear, I think, by the acceptance of the Committee on Rules, that this should have been put in this bill early on, just as we were fortunate enough when the bill was originally drafted, and it did not have in it an exemption for Social Security, we were fortunate enough to win that single amendment of 40 or 50 amendments offered in committee

markup. Social Security did win, I think, by a vote of 39 to 3.

Mr. Chairman, I am certain if we had had the opportunity to really sit down and with open minds discuss this legislation, not only this age discrimination amendment but several others that I offered today would have been part of the markup that came to the floor, thereby saving a great deal of debate time. What some Members of the House, and I will not say whether it was on the other side or on our side, seem to indicate is that there is some dilatory action here. However, if a person is over 65 years of age, and if we were not successful in having this amendment made today, their protection as an American citizen could be denied on the basis of the unfunded mandate legislation we are about to pass in this Chamber. That would be criminal to my constituents and criminal to the constituents throughout America.

Therefore, Mr. Chairman, I do want to say, joining with the gentleman from California [Mr. BECERRA], that I think we have contributed materially to the fairness of this legislation, so that when it is finally adopted by this House, and I have no suggestion it will not be, it will be overwhelmingly accepted, at least we know there will not be an allowance for age discrimination in this bill.

Mr. Chairman, further, I would just like to suggest that maybe we could have some cooperation with the chairman and the Majority on the other side to look a little bit more at these amendments that we are about to offer, to recognize that they are not prepared and offered here today to waste our time but are very germane, very important, and are very substantive.

For the legislation to pass this House in less than its best form, as we can provide it, says that this Congress is not ready to rise.

One further point, Mr. Chairman. The gentleman in the chair and I are probably the only Members of this body that were here in the last Republican leadership of the Congress of the United States. We do not pretend to have been Members at that time. We were lowly back bench pages, but we know that that 83d Congress was very successful because there was a tendency to have open debate, because there was not ducking of issues or questions as we have in this government, and it is not only in the 104th Congress, but it has happened in many past Congresses.

Mr. Chairman, what I hope we can eventually come out of this legislation with is recognizing that too often on this House floor we are passing laws that allow for the Secretaries of the executive branch of government to promulgate rules and regulations. It may be one paragraph of legislation and 10,000 pages of rules and regulations.

It is time that the Congress of the United States, and particularly the House of Representatives, takes back

its responsibility of oversight and investigation, so that we participate to a large extent in the type of regulations and rules we are going to be subjecting our constituents to, and not delegating that away to some unnamed, unknown bureaucrat, and then come back here and argue that we are hypocrites because we did not know what we were empowering some bureaucrat to do in the name of the Congress of the United States.

Mr. Chairman, I hope that we can proceed now with a few of these amendments and test them for their viability and for their substance and have them accepted.

□ 1310

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

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

Mr. KANJORSKI. I appreciate my friend from Missouri. I know how Missourians are eminently fair, no matter what side of the aisle they sit on and do not delay actions by the House.

I want to congratulate the gentleman from Pennsylvania [Mr. CLINGER], the chairman, that we have acceptance of this amendment and my friend who is cosponsor of this amendment. I think we are having a breakthrough here. I can say I hope over the next several amendments we offer that my friends on the other side recognize that these are not done to delay and pass time but are very substantive in nature and can have dire effects on the American people in the future.

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

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

Mr. VOLKMER. The gentleman has been in this body for a good many years and has operated very effectively as one of the best-respected Members of this House and his committees.

I understand from what you made during your presentation and since I am not a member of the committee and I was not there, I would just like to go back and take a little bit of the House time because I think it was very important because of things that are being said on this floor today, earlier in the 1-minute, and I heard a gentleman out in the lobby doing an interview talking about delaying tactics.

I want to go back to that committee meeting and just find out how many—did the gentleman offer this amendment in committee?

Mr. KANJORSKI. Yes.

Mr. VOLKMER. Was this amendment debated in committee?

Mr. KANJORSKI. No.

Mr. VOLKMER. It was not debated? Just tell me what happened.

Mr. KANJORSKI. I had a series of four or five amendments that I thought were particularly important because of the possibility of regulations being pro-

posed in the future that could be objected to in court. And since we could not get the judicial review section straightened out, we recognized we had to have certain exemptions.

The Chair had suggested that because he was under a calendar direction from the Speaker to proceed with the markup of the bill that we would have an opportunity between the markup and the floor time to consider these amendments. We tried to contact the majority leadership and the majority chairman and we were not successful in accomplishing that.

I heard of course yesterday for the first time that this particular amendment would be received. But our problem here was the speed at which the markup was made. No hearings were held. Some of those, myself, a new member of the committee, although having been in the House for 10 years now, was not aware of the process of this new committee, knew this legislation was important and felt that it was not proper for us to draft legislation on the House floor. That is what the committee system is all about.

Mr. VOLKMER. That is correct.

Mr. KANJORSKI. If we are to go about drafting legislation on the House floor, we could end up on this bill and many of the other substantive bills that the majority undoubtedly will be properly presenting to the House, spending weeks or months of what some people may consider delay time. But if you are over 65 years of age and you have been discriminated in your job and you go to sue your employer and he is able to walk into court and enjoin you from taking action, that is pretty substantive.

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

Mr. Chairman, I am not going to take a long time on this amendment, but I think as the gentleman from Pennsylvania has said, it is one that is very, very important.

What my major concern is, is that for the last several days, at least today and yesterday, this gentleman heard Members of the opposite party talking about us on this side wanting to delay this bill, that the only reason that we have these amendments is just to delay the bill.

Mr. Chairman, I do not believe that is true. I think it is because this bill did not have the time in the committee, not because of what the chairman may have wanted done but because of the orders the chairman got from his leadership, and not sufficient time was given in committee.

This is a major piece of legislation affecting almost every law of the United States that has an impact on State or local government, and all future laws for sure, and the regulatory process, as well.

And yet the short time that it was given to Members in committee has resulted in the number of amendments that we have here before us.

It is not because anybody wants to delay the bill. It is because, as I said in my 1 minute today, legislation is made up of ideas. And the people who proposed this legislation had ideas of what they thought should be in the legislation, what the Federal relationship should be to State and local governments. No one else had any input into that legislation up to that time.

The first time that any other Member of this House had an opportunity to have an input into that legislation was in the committee. And when you got to the committee on this very far-reaching bill, and I am sure there are other amendments there, too, you did not have the time really to work on the amendments.

The bill had to come to the floor because the leadership has decided that this bill has to be passed before we do a balanced budget amendment. They put themselves in a straitjacket. It is a very, very, very poor way to legislate.

As one who has been in the legislative business for not 18 years but 10 years in the State body before I came here, this is one of the worst ways to legislate that I have ever seen in my 28 years.

What we have seen is the gentleman from Pennsylvania, the chairman, earlier wanted to shrink the time that Members would have to debate the other amendments that are just as important as this amendment.

It may be that the idea that is in those other amendments does not meet the criteria of the gentleman from Pennsylvania, the chairman of the committee, and therefore he will not accept them as he has accepted this one. But they are still just as important to the Member who is offering that amendment, just as the previous amendments that took 10 hours to do nine amendments, those were very important, Mr. Chairman.

Everyone in this House, all Members, should have the right to express their ideas as to legislation. They should not be told, "No, you can't do that because we don't have time to do it."

The legislation, even when passed, will not take effect until October 1, 1995. That is almost 9 more months.

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

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

Mr. CLINGER. May I say to the gentleman, it was not my intent in any way try to shut off debate. I asked unanimous consent. The unanimous consent was rejected. But in no sense was I trying to shut off debate.

What I was trying to say is that one of the major issues in this debate is whether there should be any exemptions to the overall impact of the bill. I think we have debated that issue, that overriding issue very thoroughly and generally have rejected the idea that there should be exemptions granted. If we grant a series of exemptions, we might as well do away with the bill,

and I think there are some that perhaps would like to see that happen. But in no sense am I attempting to gag anybody or attempting to shut off debate.

This is an open rule, we intend to continue to operate under an open rule so the issue can be debated.

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

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

Mr. VOLKMER. Mr. Chairman, I would like to reiterate, and I think the gentleman from Pennsylvania, one of the cosponsors of the amendment, has really pointed out that this way of doing legislation is a very poor way of doing legislation. We should not do legislation on the floor of the House and deprive other Members of doing other things they could. The legislation should have been perfected and time should have been taken to perfect this legislation in committee and, therefore, we would not have all this time on the floor.

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

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

Mr. KANJORSKI. Mr. Chairman, I say to the gentleman from Missouri [Mr. VOLKMER], we could save a great deal of time if the other side would realize what our big worry is here and, that is, they do not address the question of judicial review. As long as judicial review is not addressed and we can infer that you have a right to appeal to a district court if you are dissatisfied with the application of this legislation, every regulatory rulemaking body of the U.S. Government that is not independent is subject to judicial review.

□ 1320

That is why it is so important to craft the exemptions in this bill. If it was just a procedural role of a point of order on this floor, we are going to lose that point of order anyway.

There is a majority and there is a minority. Our problem, we are arming every corporation and every individual who does not want to comply with a rule or regulation of a Federal agency or U.S. Government to stop the impact of that legislation by merely moving to file an injunction in Federal district court.

As I said in committee, if there ever was a piece of legislation that should have had the title of Lawyers Relief Act of 1995, it is this piece of legislation.

Mr. VOLKMER. I thank the gentleman from Pennsylvania.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California [Mr. BECERRA].

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

Mr. VOLKMER. Mr. Chairman, I demand a recorded vote, and pending

that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to clause 2 of rule XXIII, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 31]

Abercrombie	Cramer	Gutierrez
Ackerman	Crane	Gutknecht
Allard	Crapo	Hall (OH)
Archer	Creameans	Hall (TX)
Armey	Cubin	Hamilton
Bachus	Cunningham	Hancock
Baesler	Danner	Hansen
Baker (CA)	Davis	Harman
Baker (LA)	de la Garza	Hastert
Baldacci	Deal	Hastings (FL)
Ballenger	DeFazio	Hastings (WA)
Barcia	DeLauro	Hayes
Barr	DeLay	Hayworth
Barrett (NE)	Deutsch	Hefley
Barrett (WI)	Diaz-Balart	Hefner
Bartlett	Dickey	Heineman
Barton	Dicks	Heger
Bass	Dingell	Hilleary
Bateman	Dixon	Hilliard
Becerra	Doggett	Hinchey
Beilenson	Dooley	Hobson
Bentsen	Doolittle	Hoekstra
Bereuter	Dornan	Hoke
Berman	Doyle	Holden
Bevill	Dreier	Horn
Bilbray	Duncan	Hostettler
Bilirakis	Dunn	Houghton
Billey	Durbin	Hoyer
Blute	Edwards	Hunter
Boehlert	Ehlers	Hutchinson
Boehner	Ehrlich	Hyde
Bonilla	Emerson	Inglis
Bonior	Engel	Istook
Bono	English	Jackson-Lee
Borski	Ensign	Jacobs
Boucher	Eshoo	Johnson (CT)
Brewster	Evans	Johnson (SD)
Browder	Everett	Johnson, E.B.
Brown (CA)	Ewing	Johnson, Sam
Brown (FL)	Farr	Johnston
Brown (OH)	Fattah	Jones
Brownback	Fawell	Kanjorski
Bryant (TN)	Fazio	Kaptur
Bryant (TX)	Fields (TX)	Kasich
Bunn	Filner	Kelly
Bunning	Flanagan	Kennelly
Burr	Foglietta	Kildee
Burton	Foley	Kim
Buyer	Forbes	King
Callahan	Ford	Kingston
Calvert	Fowler	Klecicka
Camp	Fox	Klink
Canady	Franks (CT)	Klug
Cardin	Franks (NJ)	Knollenberg
Castle	Frelinghuysen	Kolbe
Chabot	Frisa	LaFalce
Chambliss	Frost	LaHood
Chapman	Funderburk	Lantos
Chenoweth	Furse	Latham
Christensen	Gallely	LaTourette
Chrysler	Ganske	Laughlin
Clay	Gejdenson	Lazio
Clayton	Gekas	Leach
Clement	Gephardt	Levin
Clinger	Geren	Lewis (CA)
Clyburn	Gibbons	Lewis (GA)
Coburn	Gilchrest	Lewis (KY)
Coleman	Gillmor	Lightfoot
Collins (GA)	Gilman	Linder
Collins (IL)	Gonzalez	Lipinski
Collins (MI)	Goodlatte	Livingston
Combest	Goodling	LoBiondo
Condit	Gordon	Lofgren
Conyers	Goss	Longley
Cooley	Graham	Lowe
Costello	Green	Lucas
Cox	Greenwood	Luther
Coyne	Gunderson	Maloney

Manton	Peterson (FL)	Smith (WA)
Manzullo	Peterson (MN)	Solomon
Martinez	Petri	Souder
Martini	Pickett	Spence
Mascara	Pombo	Spratt
Matsui	Pomeroy	Stearns
McCarthy	Porter	Stockman
McCollum	Portman	Stokes
McCrery	Poshard	Studds
McDade	Pryce	Stump
McDermott	Quillen	Stupak
McHale	Quinn	Talent
McHugh	Radanovich	Tanner
McInnis	Rahall	Tate
McKeon	Ramstad	Tauzin
McKinney	Rangel	Taylor (MS)
McNulty	Reed	Taylor (NC)
Meek	Regula	Tejeda
Menendez	Reynolds	Thomas
Metcalfe	Richardson	Thompson
Meyers	Rivers	Thornberry
Mfume	Roberts	Thornton
Mica	Roemer	Thurman
Miller (CA)	Rogers	Tiahrt
Miller (FL)	Rohrabacher	Torres
Mineta	Ros-Lehtinen	Torricelli
Minge	Rose	Towns
Mink	Roth	Trafigant
Moakley	Roukema	Tucker
Molinari	Roybal-Allard	Upton
Mollohan	Royce	Velazquez
Montgomery	Rush	Vento
Moorhead	Sabo	Visclosky
Moran	Salmon	Volkmer
Morella	Sanders	Vucanovich
Murtha	Sanford	Waldholtz
Myers	Sawyer	Walker
Myrick	Saxton	Walsh
Nadler	Scarborough	Wamp
Neal	Schaefer	Ward
Nethercutt	Schiff	Waters
Neumann	Schroeder	Watt (NC)
Ney	Schumer	Waxman
Norwood	Scott	Weldon (FL)
Nussle	Seastrand	Weldon (PA)
Oberstar	Sensenbrenner	Weller
Obe	Serrano	White
Olver	Shadegg	Whitfield
Ortiz	Shaw	Wicker
Orton	Shays	Wise
Owens	Shuster	Wolf
Oxley	Sisisky	Woolsey
Packard	Skaggs	Wyden
Pallone	Skeen	Wynn
Pastor	Skelton	Yates
Paxon	Slaughter	Young (AK)
Payne (NJ)	Smith (MI)	Young (FL)
Payne (VA)	Smith (NJ)	Zeliff
Pelosi	Smith (TX)	Zimmer

□ 1339

The CHAIRMAN. Four hundred eleven Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Missouri [Mr. VOLKMER] for a recorded vote. This is a 5-minute vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 416, noes 1, not voting 17, as follows:

[Roll No. 32]

AYES—416

Abercrombie	Bateman	Brewster
Ackerman	Becerra	Browder
Allard	Beilenson	Brown (CA)
Andrews	Bentsen	Brown (FL)
Archer	Bereuter	Brown (OH)
Armey	Berman	Brownback
Baesler	Bevill	Bryant (TN)
Baker (CA)	Bilbray	Bryant (TX)
Baker (LA)	Bilirakis	Bunn
Baldacci	Lipinski	Bunning
Ballenger	Blute	Burr
Barcia	Boehlert	Burton
Barr	Boehner	Callahan
Barrett (NE)	Bonilla	Calvert
Barrett (WI)	Bonior	Camp
Bartlett	Bono	Canady
Barton	Borski	Cardin
Bass	Boucher	Castle

Chabot Green
 Chambliss Greenwood
 Chapman Gunderson
 Christensen Gutierrez
 Chrysler Gutknecht
 Clay Hall (OH)
 Clayton Hall (TX)
 Clement Hamilton
 Clinger Hancock
 Clyburn Hansen
 Coburn Harman
 Coleman Hastert
 Collins (GA) Hastings (FL)
 Collins (IL) Hastings (WA)
 Collins (MI) Hayes
 Combest Hayworth
 Condit Hefley
 Conyers Hefner
 Cooley Heineman
 Costello Herger
 Cox Hilleary
 Coyne Hilliard
 Cramer Hinchey
 Crane Hobson
 Crapo Hoekstra
 Cremeans Hoke
 Cubin Holden
 Cunningham Horn
 Danner Hostettler
 Davis Houghton
 de la Garza Hoyer
 Deal Hunter
 DeFazio Hutchinson
 DeLauro Hyde
 DeLay Inglis
 Dellums Istook
 Deutsch Jackson-Lee
 Diaz-Balart Jacobs
 Dickey Jefferson
 Dicks Johnson (CT)
 Dingell Johnson (SD)
 Dixon Johnson, E. B.
 Doggett Johnson, Sam
 Dooley Johnson
 Doolittle Jones
 Dornan Kanjorski
 Doyle Kaptur
 Dreier Kasich
 Duncan Kelly
 Dunn (WA) Kennelly
 Durbin Kildee
 Edwards Kim
 Ehlers King
 Ehrlich Kingston
 Emerson Kleczka
 Engel Klink
 English Klug
 Ensign Knollenberg
 Eshoo Kolbe
 Evans LaFalce
 Everett LaHood
 Ewing Lantos
 Farr Largent
 Fattah Latham
 Fawell LaTourette
 Fazio Laughlin
 Fields (TX) Lazio
 Filner Leach
 Flake Levin
 Flanagan Lewis (CA)
 Foglietta Lewis (GA)
 Foley Lewis (KY)
 Forbes Lightfoot
 Ford Lincoln
 Fowler Linder
 Fox Lipinski
 Frank (MA) Livingston
 Franks (CT) LoBiondo
 Franks (NJ) Lofgren
 Frelinghuysen Longley
 Frisa Lowey
 Frost Lucas
 Funderburk Luther
 Furse Maloney
 Gallegly Manton
 Ganske Manzullo
 Gejdenson Martinez
 Gekas Martini
 Gephardt Matsui
 Geren McCarthy
 Gibbons McCollum
 Gilchrest McCrery
 Gillmor McDade
 Gilman McDermott
 Gonzalez McHale
 Goodlatte McHugh
 Goodling McInnis
 Gordon McKeon
 Goss McKinney
 Graham McNulty

Meek
 Menendez
 Metcalf
 Meyers
 Mfume
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 Miller (CA)
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 Moakley
 Molinari
 Mollohan
 Montgomery
 Moorhead
 Moran
 Morella
 Murtha
 Myers
 Myrick
 Nadler
 Neal
 Nethercutt
 Neumann
 Ney
 Norwood
 Horn
 Oberstar
 Obey
 Olver
 Ortiz
 Orton
 Norwood
 Nussle
 Buyer
 Chenoweth
 Coble
 Fields (LA)

Smith (TX)
 Smith (WA)
 Solomon
 Christensen
 Spence
 Spratt
 Stark
 Stearns
 Stenholm
 Stokes
 Studds
 Stump
 Stupak
 Talent
 Tanner
 Tate
 Tauzin
 Taylor (MS)
 Taylor (NC)
 Tejada
 Thomas

Thompson
 Thornberry
 Thornton
 Thurman
 Tiahrt
 Torres
 Torricelli
 Towns
 Traficant
 Tucker
 Upton
 Velazquez
 Vento
 Visclosky
 Volkmer
 Vucanovich
 Waldholtz
 Walker
 Walsh
 Wamp
 Ward

Waters
 Watt (NC)
 Watts (OK)
 Waxman
 Weldon (FL)
 Weldon (PA)
 Weller
 White
 Whitfield
 Wicker
 Williams
 Wise
 Wolf
 Woolsey
 Wyden
 Wynn
 Yates
 Young (FL)
 Zeliff
 Zimmer

NOES—1

Young (AK)

NOT VOTING—17

Bachus Kennedy (MA)
 Bishop Kennedy (RI)
 Buyer Markey
 Chenoweth Mascara
 Coble McIntosh
 Fields (LA) Meehan

□ 1345

So the amendments were agreed to.
 The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. COBLE. Mr. Chairman, I will take the lead from the gentleman from New York [Mr. ACKERMAN], and I will insert some civility. I am sure the Chair and my colleagues will be delighted to know that I was giving a speech at Fort Myer a few moments ago. I was unavoidably detained when the vote on the amendments offered by the gentleman from California [Mr. BECERRA], rollcall No. 32, was cast. Had I been present, Mr. Chairman, I would have voted "aye."

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it should be apparent to every Member of this body that the chairman of the committee who is handling this bill agreed to accept the amendment that was just voted upon, they agreed to accept it. And then they allowed the minority 20 minutes to debate it after having said they would accept it. Once again, they said they would accept the amendment, and then the minority called not only for a rollcall vote but also a quorum call. This is a deliberate attempt on the part of the minority to drag this debate out, to hold up the Contract With America, and the people across this country are not going to accept it. They are going to know it.

I do not want to belabor this and take the full 5 minutes, but I just want to say to my colleagues in the minority: If there is a need for a vote on an amendment, let us vote on it. I would just like to say to my colleagues, do not use these kind of tactics when we accept the amendment. If we accept the amendment, let us get on with the business of the House and the Contract With America. If you do not have anything to say, do not drag it out.

I would like to point out one more time the committee chairman and the

committee said they would accept the amendment. There was no controversy about the amendment. There was no need for debate. There was no need for a vote. And yet they called not only one vote—

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

Mr. BURTON of Indiana. Briefly I would be happy to yield to my colleague.

Mr. KANJORSKI. I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman from Indiana [Mr. BURTON] has brought up a great point and it is a point I have been trying to make over several days now. If we had taken the time in committee to consider this, we could have considered that last amendment in a matter of 10 minutes, it could have been reported like the exemption for Social Security that I introduced in committee, which was accepted in 5 minutes, and we would have not only not delayed a half hour or 45 minutes here and 20 minutes in debate, but we also would not have delayed the times of our staffs and Members who have been waiting this week to prepare for this debate.

□ 1350

Mr. BURTON of Indiana. If I may reclaim my time, I would just like to say it has just been brought to my attention that the gentleman's amendment was not presented before the committee, but I would like to say, and I do not want to prolong this because we have to get on with the business of the House, if an amendment—

Mr. KANJORSKI. If the gentleman will yield for a correction—

Mr. BURTON of Indiana. I will not yield.

The CHAIRMAN. The gentleman from Indiana [Mr. BURTON] controls the time. He may or may not yield, as he chooses.

Mr. BURTON of Indiana. I would not yield. I would just like to say that if we accept the amendment, there is no necessity to waste the House's time on two votes that are not necessary to drag this thing out. The people of this country want us to get on with the Contract With America, and I wish the minority would let us do what the people of this country want, and I yield back the balance of my time.

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

Mr. Chairman, it seems to me that on the first day that we convened this year we met until 2 o'clock in the morning and only had two votes. It seems to me that last night the majority party sought to limit the right of the minority to debate.

Is the gentleman now trying to limit our rights to vote?

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

Mr. ACKERMAN. I yield to the gentleman from West Virginia.

Mr. WISE. Mr. Chairman, I thank the gentleman from New York [Mr. ACKERMAN] for yielding because I think the gentleman raises a good point as we can sit around, and the interesting thing which the gentleman from Indiana has done is he has now gotten us fighting over what we were fighting over. But the interesting thing on this is that we were not permitted to have full discussion of the amendment, we were not permitted to have full discussion of the amendment that the gentleman from Pennsylvania offered in the committee. We were warned that this would be the problem.

Second is I understand the gentleman from Indiana's concern. Some of our side might have said in the last session of Congress that the gentleman from Indiana [Mr. BURTON] sometimes might have been—I would never have done that of course—might have been involved in some delaying tactics. It seemed to me that we were voting unnecessarily from time to time when the Republican, then the minority, wanted to make a point. The fact is we want to move ahead as well.

We are concerned about what happens tomorrow. We are concerned about what happens if we are being asked to sit, for instance, in the Committee on House Oversight on a line item veto at the same time we have the balanced budget amendment on the floor or if we are being asked to sit in a Committee on Banking and Financial Services hearing on the Mexican loan guarantees at the time that we have the balanced budget amendment on the floor. So there are legitimate concerns, and perhaps we are going to have to discuss about ways we express those concerns.

And finally, as I recall, it was the fact that we could not get a vote from the other side that forced us to go to a quorum call that then forced us to go on a vote. We could have shortcut this procedure if a few more on the other side would have been willing to rise.

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

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

Mr. HOYER. Mr. Chairman, for the new Members here on both sides of the aisle:

I can remember scores of times, scores of times, that amendments were accepted on this side offered by the now-distinguished chairman of the Committee on Rules, as one example, scores of times, and we accepted amendments, but they wanted to get votes on those amendments. They wanted to get votes on those amendments so they could score us so they could take it to the interest groups and say, "See how they voted?"

Not one voice was raised in opposition to amendments on a voice vote, but they asked for rollcalls. That is the facet of this democracy. They wanted to have rollcall votes in committees. They wanted to have quorums present in committees. They wanted to make

sure that everybody was present, no proxy voting.

Mr. Chairman, we understand that. Very frankly I think on proxy voting they probably were correct. But the fact of the matter is on our side of the aisle understand we think it to be somewhat ironic that a party that time after time after time asked for rollcall votes when there was not a dispute, when committee chairs were willing to take it, is not now really in a position to criticize those on this side of the aisle who seek to have rollcall votes so Americans can know whether we are voting with senior citizens, whether we are voting with children, whether we are voting with the environment, whether we are voting against hazardous waste in communities.

Mr. Chairman, we think those are legitimate votes, and they did as well, apparently until just recently.

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

The CHAIRMAN. The time of the gentleman from New York [Mr. ACKERMAN] has expired.

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

Mr. ACKERMAN. Mr. Chairman, I yield 1 of my 2 minutes to the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Chairman, I thank the gentleman from New York, and I will take only 1 minute.

Also for the new Members here: I hope you understand that the Committee of the Whole, which we are now in; we are not in the House, but we are in the Committee of the Whole. It is a committee, and we carry on the amending process in the Committee of the Whole.

I have sat through a number of weeks in which, for example, legislation from the Committee on Armed Services had hundreds of amendments that were presented here on the floor, and the question was: "Why in the world didn't they deal with them in the committee?"

The fact of the matter is, I was told by their side, "We are dealing with them in committee, the Committee of the Whole," and that is exactly what we are doing here.

I would tell my friend and colleague from Maryland that, if they are going to look for particular rollcall votes to begin to draw a line between the majority and minority so the American people will know where they are, we have had a lot of practice—

Mr. ABERCROMBIE. Will the gentleman yield for a correction?

Mr. THOMAS. Because the last rollcall vote was 416 to 1, and I fail to understand where the gentleman differentiates on a 416-to-1 rollcall vote.

Mr. ABERCROMBIE. Will the gentleman from New York yield?

Mr. ACKERMAN. Mr. Chairman, reclaiming my time, I would just like to ask that we return to some civility and comity, and I would like to remind—

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

The CHAIRMAN. The time of the gentleman from New York [Mr. ACKERMAN] has expired.

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

Mr. ACKERMAN. Mr. Chairman, I remind my colleagues who were here at the time and the many of us that are also new, just picking a date from the Journal of September 21, and my colleagues could pick any page almost at random; at 12:45 the gentleman from Wisconsin [Mr. SENSENBRENNER] asked for a vote, a recorded vote. It was 390 to 1.

The gentleman from New York [Mr. SOLOMON] at 5:21; the vote was 425 to 1.

The gentleman from New York [Mr. SOLOMON] at 5:41; the vote was 426 to 1.

The gentleman from New York [Mr. SOLOMON] at 5:50; the vote was 423 to 2.

The gentleman from Indiana [Mr. BURTON] at 6:07; the vote was 422 to 4.

It goes on and on. Nobody sought—

Mr. ABERCROMBIE. Will the gentleman yield for a correction?

Mr. ACKERMAN. I am sure that there is an error in here. It could not have been—

Mr. ABERCROMBIE. Mr. Chairman, would the gentleman yield for a correction?

Mr. ACKERMAN. I yield to the gentleman from Hawaii.

The CHAIRMAN. The time of the gentleman from New York [Mr. ACKERMAN] has expired.

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

Mr. ACKERMAN. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Chairman, again for the benefit of new Members, and it should not have to be for old Members:

As a member of the now-National Security Committee and the Armed Services Committee, can we at least have the record straight about someone who has conducted himself—I believe I can state factually on behalf of both sides of this aisle as, if not the fairest among the fairest chairmen that have ever presided over any committee, and that is the gentleman from California [Mr. DELLUMS]. Members, Republican and Democrat, will agree that when the gentleman from California [Mr. DELLUMS] became chairman, and I believe that if the gentleman from California [Mr. THOMAS] will check with the members of the Committee on Armed Services—the then-Committee on Armed Services, every single amendment, every single statement, every single request for time, was honored by the gentleman from California [Mr. DELLUMS], and to state that hundreds of amendments had to come to this floor because they are unable to be delivered or unable to be presented in the Committee on Armed Services is utterly

and totally false and against the factual record. Amendments came on this floor because the gentleman from California [Mr. DELLUMS] and the majority recognized the opportunity and, in fact, the obligation of the minority to offer amendments under an open rule.

I say to my colleagues, "If you would do the same, you would do well to follow Mr. DELLUMS' example instead of trying to lecture us on history" —

Mr. ACKERMAN. In conclusion, Mr. Chairman, I just ask that we please observe some sense of civility in this House. We understand the mathematics. We understand that they have a majority. It may be very wide, but it is very narrow, but they have a majority, and under the old math or new math we understand what the vote is going to be.

I say to my colleagues, "Will you let me just offer this to you? With the majority, please, don't be afraid to debate your ideas, please don't be afraid to allow us our say, and don't be afraid to allow us to record the votes."

The CHAIRMAN. The time of the gentleman from New York [Mr. ACKERMAN] has expired.

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

Mr. ACKERMAN. Mr. Chairman, I would like to yield half my time to the gentleman from Pennsylvania [Mr. CLINGER].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] is recognized for 30 seconds.

Mr. CLINGER. Mr. Chairman, as a point of clarification and to sort of correct the record here:

Every amendment that was offered was considered by the committee. All of section 4 was open for amendment in committee. So, every amendment that was offered, every Member had an opportunity to offer amendments to those sections of this bill which were in the jurisdiction of the Committee on Government Reform and Oversight so there was no limitation on the ability to offer this amendment. This amendment was not offered; I think the gentleman from Pennsylvania would agree. This amendment was not offered in the committee —

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

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

Mr. KANJORSKI. Mr. Chairman, so that the record is correct, if the Chair recalls, we had a list of seven or eight amendments which we thought were extremely important to be considered. We went under—because the committee was trying to mark up the bill that day and get it ready to come to the floor, we had one vote on the Social Security amendment, which passed 39 to 3, if I recall, and the other amendments, at my request, were packaged so that we could work with the majority to see if they could be included in the bill as an en bloc amendment when it came to the floor to facilitate —

The CHAIRMAN. The time of the gentleman from New York [Mr. ACKERMAN] has expired.

AMENDMENT OFFERED BY MR. KANJORSKI

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KANJORSKI: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) requires State governments and local governments to participate in establishing and maintaining a national database for the identification of child molesters, child abusers, persons convicted of sex crimes, persons under a restraining order, or persons who have failed to pay child support.

Mr. KANJORSKI. Mr. Chairman, I would urge all the Members of the House to perhaps remain on the floor. This is a very important amendment that both the gentlewoman from New York [Ms. SLAUGHTER], my colleague on the committee, and I had put in a package to offer at the full committee markup.

□ 1440

Mr. Chairman, at the end of the 103d Congress, this Congress adopted the crime bill, as we all know. A major part of the crime bill called for the creation of a database that would record sex offenders in all 50 States so that that information could be readily available to local police and State police of the various municipalities and States in these United States.

It is my understanding that the Justice Department has not promulgated the rules and regulations pursuant to that bill as of this moment, and that potentially that database will not be able to be constructed for several reasons, one of which is that it does not comport with the statement of standards required in this bill. Further, if we get over that objection, that it was previously passed legislation which had not yet had promulgated rules, we run into the problem that for every sex crime in the United States that would come under that jurisdiction, if the sex offender was discovered because of that database, it would give him a cause of action under the judicial review of this bill to allow him to charge that he is improperly charged because of information developed illegally against him and to set aside the regulations as they pertain to him.

Now, I know that the Members of the minority party have long been well recognized for the fact that they want to do away with vicious sexual crimes in this country. We also know that in order to protect our citizens and protect the privacy of many citizens and the safety of most of our families, our wives and our children, it is essential that we are able to disseminate multiple sex offenders by having some database exist in this country. If we

pass this unfunded mandate as it is presently constructed and written, it will not allow for this database information to go forward.

I think that it is this type of exemption that should have been considered at the level of the committee in markup, and in a matter of 15 or 20 minutes the reasonableness and the rationality would have been clearly understood by both the majority and the minority.

This is our last attempt to have that database secure so that it can be implemented by proper rules and regulations and not to give every sex offender in this country the opportunity to vitiate his criminal conviction.

So I urge all my colleagues to take one step back.

This is just good, sane legislation. Let us allow an exemption here for the database that we had originally anticipated and all voted for in the crime bill of the 103d Congress.

Mr. Chairman, I now yield to the cosponsor of the amendment and a member of the committee on the minority side, the honorable gentlewoman from New York [Ms. SLAUGHTER].

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman from Pennsylvania [Mr. KANJORSKI] has already made a very compelling argument about the crime that is committee against a victim twice by allowing the perpetrator to have an edge in court. I would like to speak about the personal side. First, I am not trying to stall this bill. I know it is going to pass. The votes are there, but I do not want it to pass until I have a chance to speak for the victims of rape, or children, and women.

The national statistics show us that rapists are 10 times more likely to repeat their crimes than any other offender. The American people have felt outrage, and expressed it many times, over sensational cases where the sexual predators were released in their communities and neither the police nor the community knew they were there. Polly Klaas in California and Megan Kanka in New Jersey are two recent examples of young children allegedly abused and murdered by released sex offenders.

In my home town of Rochester, NY, Arthur Shawcross went on a rampage of serial rape and murder while he was on parole for having murdered two young children.

Mr. Chairman, the parole board in the State of New York lost track of Mr. Shawcross, and not even the police investigating his crimes knew about his past or where he was.

Communities across the Nation have similar horror stories. Last year this database on sexual predators was passed with heavy support on both sides of the aisle. Senator FEINSTEIN introduced the bill in the Senate where it passed.

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

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

Mr. Chairman, why do we want to collect this information nationally? We know a lot of things about sexual predators. One thing is that we cannot treat them as other criminals, that they are very apt to be repeat offenders. We know they cross State lines.

We had the full support of all the police agencies in the country. They feel in the cases of Polly Klaas and Megan Kanka that had they had prior record information at their fingertips, they might have been able to save Polly Klaas who was alive when the police stopped the car she was allegedly in.

□ 1410

One of the things I would like to say to the people of the country is when we talk about the unfunded mandate it is as though they were a four-letter swear word. Unfunded mandates has a ring to it of something almost repugnant. In truth this bill really says that the Federal Government cannot pass any legislation if we are not going to give all the money the legislation requires; that States and local governments will no longer be required to make any contribution of their own.

That means we could no longer pass bills as we have over the history of the United States such as mine safety. There we said that the people who go down in the coal mines of the United States, the most dangerous job, to meet our energy requirements, they should be able to be safe in that work and certain conditions had to be met so that their lives were more likely to be kept out of danger. We did the same thing with child labor laws, when we said OK, maybe little fingers are wonderful in the textile mills and to clean out the machines, but American children should not be exposed to that kind of hazard. And we said the same thing about children in the coal mines.

The same thing happened when we said American children are all going to be educated. These are all called unfunded mandates; as are airline safety, highway safety, and clean water. We are going to have to reauthorize clean water. It is going to come under this law after it is passed.

What we are saying is if the Federal Government does not spend enough money to provide clean water for every family in the United States, that bill's requirements will be repealed or action will be optional. So you may have clean water if you want to in Virginia, but you do not have to have it in Alabama.

Is that what people in the country are looking for with the unfunded mandates? Do they want to let sexual predators go? Do they want to let the polluters go ahead and pollute? We must not lose this opportunity to do everything we can to stop that menace, that horror, of sexual predators preying on the children of the United States. I

would venture that there is not a single district represented in Congress that has not had a case where someone has come in from across the State line or someone has been released with a prior record as long as your arm, and yet unless we act other people will be victimized either with rape or with death. Do we have to learn this lesson over and over again?

In this day of communications is it too much to ask that State and local governments help to provide this information, and, yes, help to pay for it? Because, believe me, in the long haul, if you really want to bring this down to dollars and cents and not to human dignity and lives, if you want to just put it down to dollars, it is obviously going to be cheaper for us to prevent these kinds of things than to go through the costs of the court cases and trials we will have to suffer.

Let me close with one example where this could have made an incredible difference. Two years ago investigators in the State of Virginia were puzzled because there was a maintenance man on the loose who raped 18 women, all with the same *modus operandi*. He got access to the apartments by claiming to be a repairman.

Tragically, that man, Eugene Dozier, had already been convicted for a string of rapes in New York State in which he used the very same tactics, and he was released from prison in New York and moved right down into Northern Virginia. If we had had the nationwide data base, law enforcement in Northern Virginia could have gone right to his door.

What kind of a thing is it that we are saying is too much? What is it that makes that so expensive that we cannot continue to do that so we can try to keep people safe? Well, I am sure that anybody in this country who has been victimized or lost someone would tell you that it is not too much. And when we talk of unfunded mandates, we have got to remember that what we are doing is providing for the health and the safety and, yes, indeed, saving the lives of many of our people.

I urge that this be exempted from the unfunded mandate bill.

Mr. DAVIS. Mr. Chairman, I rise on behalf of the committee to oppose this bill and move to strike the last word.

Mr. Chairman, for reasons that we have opposed other amendments to this section, we would oppose this amendment at all. I think we are all against rape or all against child molestation, and as a father of three, I do not want to have sexual predators go free either. But I will tell you what, there is nothing in this bill that prohibits this data base from going forward and that is going to cripple our efforts in these areas.

Mr. Chairman, I am just becoming increasingly frustrated at the pace and content of the debate on this Unfunded Mandate Reform Act. Over the past several days there has been large amount of disinformation on the bill

coming out from its opponents and many mischaracterizations about the competence of State and local governments to fulfill their duties in a number of areas.

The American people know that all knowledge and competency does not reside in Washington, DC, in the Congress. In fact, if you look around, some of the most dynamic and innovative programs for the homeless, for the hungry, for protecting the environment, fighting sexual predators and child molestation, are emanating from local and State governments.

The federalist system has traditionally challenged State and local systems to experiment and invent new programs and policies to meet the needs of the citizens. Other levels of the government have a great opportunity to gain insights to benefit from these experiments and from these programs. But there is a certain arrogance in believing that Congress and only Congress has the knowledge of what laws and programs should become public policy. This arrogance is intensified when Congress does not have the guts to put our money where our mouth is. That is, to pass the bill, and then we pass the buck on to States and localities to fund what we feel are the priorities.

I keep hearing the argument that Congress is only trying to help and assist State and local governments to provide functions that it otherwise could not. But that is ridiculous. In this particular case the big seven, including the National Governors Association, National Conference of Mayors, National League of Cities, National Association of Counties, and a number of private sector entities, including the U.S. Chamber of Commerce, support this bill and oppose this amendment, because they recognize these amendments are basically gutting the bill.

I served in local governments for 15 years prior to any election to this body. What I think Members need to understand is that local and State officials want the same things that Members of this body want. But we were increasingly frustrated at the local level by having the Federal Government take a larger share of our local dollars from our local efforts to cut crime, to sexual predators, to fight the whole crime area, to improve the environment, to house the homeless and feed the hungry, because we had to take those dollars and pay for mandates Congress thought were most important, but not important enough to send the dollars to go with it.

As I see exemption after exemption proposed in from the other side of the aisle, it is important to put these amendments into perspective and into context. A core of Members have consistently supported exempting from this bill not just sexual predators in this case in those actions, but also the Clean Air Act, wastewater treatment,

aviation and airport security, licensing, construction, and operation of nuclear reactors, disposal of nuclear waste and toxic substances, health of individuals with disabilities, child labor and minimum wages, and OSHA. You put these together, there is no bill. There is no bill if you put that altogether, and this bill would have no teeth at all. Taking these amendments together, the proposals would in fact, the bill would become worthless.

Mr. FOX of Pennsylvania. Mr. Chairman, will the gentleman yield?

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

Mr. FOX of Pennsylvania. Mr. Chairman, the programs, as the gentleman from Virginia [Mr. DAVIS] pointed out eloquently, are all worthy. As a former assistant district attorney in Pennsylvania, I can tell you a national data base is certainly a program worthy of being explored and worthy of being adopted, but at the right time. What we have before the House right now is a bill, H.R. 5, which will provide the cost analysis of what it is going to be for imposing a mandate that we have put on State and local governments. And H.R. 5 is why we are here in the House today.

Those are all worthy programs, as the gentleman from Virginia [Mr. DAVIS] discussed. But before we vote them up or down, we need H.R. 5 passed, to make sure this House does not pass on to States and local government any bill, any cost, without knowing what it is going to cost ahead of time, and this House approving it.

Mr. DAVIS. Mr. Chairman, reclaiming my time, let me try to sum up, if I may. Keeping these items in the bill does not mean Congress will pass no more laws on these matters or even any unfunded mandates. What it does is nothing in this act nullifies any existing law or regulation. But in this case, child molestation laws and regulations, they can still move forward on a prospective, and any act that is currently, of course, in effect, is not affected. But we will either pay for it or know what the costs we are putting on to our States and localities will be before we can proceed and have all of that information in front of us.

The real issue is not the relative merit of any single mandate; the issue is who should pay, and if Congress does not pay, what will the costs be to those with whom we are passing the bill. What is wrong with obtaining the cost to the States and localities before we act. What are we afraid of?

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

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

Mr. DAVIS. Mr. Chairman, if a mandate is required and we believe the costs should be allocated to someone else, why not vote on it? Why not overrule a point of order and take some responsibility for our actions as we send

that dollar down to the States and localities.

□ 1420

Let us remember this: unfunded mandates are basically a cost shift from a progressive income tax to more regressive property taxes. I believe it is in everyone's interest to know these costs before we pass them onto States and localities in taxes.

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

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

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

Did I hear the gentleman say that if this bill passes, that we could still go ahead and pass unfunded mandates?

Mr. DAVIS. Of course. We have the flexibility under this act to go ahead with that, but we would have the costs in front of us. And we would have to affirmatively waive the point of order.

Ms. SLAUGHTER. Does the bill not say that if we do pass an unfunded mandate, it is optional?

Mr. DAVIS. What would happen with the bill is—

Ms. SLAUGHTER. If the State says, "I don't want to cooperate with you and this river that runs between my border and yours and I am going to pollute my side and I am sorry about that."

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

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

Mr. DAVIS. We would still have that option, but we would have the costs in front of us and identified before we could act on that instead of being automatic. This is not a no-money-no-mandates bill. There may be an amendment offered to that later. This would simply put those costs in front of us, and we would have to affirmatively vote to waive the point of order before we could go forward with an unfunded mandate.

Ms. SLAUGHTER. The point I am trying to make, Mr. Chairman, is, what in the world would be the point of passing one if everybody could opt out of it?

Mr. DAVIS. They do not have an option of opting out of this. We have the same authority we would, but the costs would be identified up front. We would have to affirmatively waive that point of order. The responsibility would still lie with the counties.

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

Mr. Chairman, I fully support this amendment. I find it absolutely incomprehensible that we would debate a bill of such significance as this that clearly exempts such provisions as compliance with the county and auditing practices or procedures but failed miserably by not exempting the requirement that

State and local governments participate in establishing and maintaining a national data base for the identification of child molesters and child abusers and other persons convicted of sex crimes and persons under a restraining order and those who fail to pay child support.

Anyone who supports tougher measures against crime and anyone who supports reforms in welfare would just have to support this amendment or an amendment just like it. It just makes good sense to do so.

Far more frequently than I or any of us want to know, the media constantly brings us the heart-rending news of some little boy or some little girl who has been sexually abused or has been even ravaged or has been, even worse, been killed by some sex predator. Even when they are not killed, they are frequently mentally and physically abused in horrible fashions.

Serial rapists and repeat offenders who sexually abuse women are equally perpetrators of various heinous crimes. We just have to know who these criminals are. That is all we are saying. We have to know who these people are.

Without this amendment in H.R. 5, we cannot—if we had this amendment, we would be able to have a data base so that we could know who they are. Without it, we would allow States to refuse to maintain data that would enable us to track these very criminals, thereby undermining efforts of other States to keep track of individuals in our neighborhoods who may threaten our women and children.

Why, for example, should the kids, the little kids who live in the State of Illinois, not be secure as the kids who live in, say, Michigan or Iowa that is contiguous to our State? Because that State is doing less than it should to fight these terrible crimes by creating a data base. Or to let us know through a reciprocal agreement or the sort of thing with the data base who these people are who injure our little kids.

In Illinois we will have a stalker law which attempts to address the plight of women who are helpless against individuals who terrorize and intimidate them. If other States are not required to track these individuals who are under restraining orders, then the Illinois law is far less effective. It just seems to me, Mr. Chairman, that a data base of this kind is something that we simply must have, and not to have it would be doing the human thing that Americans do.

All of us here, most of us here are mothers and fathers or grandfathers and what have you. If anything were to happen to one of our children or one of our friends or one of our grandchildren, we would certainly want to know who those who have done this to other children or who are likely to move across a State border and do the same thing to another child. How can we in good conscience not support this amendment?

Mr. Chairman, I support this amendment to exempt laws and regulations which require State and local governments to participate in the establishment of national data bases to identify child molesters and abusers, as well as sex offenders, individuals under restraining order, and persons who have failed to pay child support payments.

Far from empowering States, without this amendment, H.R. 5 could actually lessen the ability of a State to protect itself from these kinds of crimes.

Almost everyone agrees that enforcing the payments of child support is one of the most important elements of true welfare reform. But without a national database, those who try to avoid child support responsibilities, or who molest a child or rape a woman can just move to another State and keep on committing these crimes. In this sense, failing to pass this amendment, could cost the States, and the Federal Government millions in unnecessary welfare payments.

I urge you to support this amendment.

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

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

Mr. KANJORSKI. I do not know if the gentleman from Virginia [Mr. DAVIS] is still on the floor. I wanted to direct something to him.

I think, Mr. Chairman, if I may, this amendment really structures what the issue that the minority and myself have been trying to make now for several days, and maybe I could have a colloquy with the chairman of the committee, so that we could get an understanding of where the problem is.

Mr. Chairman, as I read the legislation, there is no section denying judicial review, is that correct?

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

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

Mr. CLINGER. No section denying judicial review, that is correct.

Mr. KANJORSKI. Mr. Chairman, if the gentlewoman will continue to yield, so that by inference it is open and common practice, when a Federal statute is in play, judicial review usually lies as a matter of jurisdiction in the Federal court; is that not correct?

Mr. CLINGER. Mr. Chairman, that is correct.

Mr. KANJORSKI. So we have no exemption. We have no denial of judicial review here. So anyone subjected under this bill has a right to go to a Federal district court to raise the question of whether the rule or regulation that they are being charged under or arrested under, whether or not that stands.

Now, what we are addressing ourselves to here is the question of section 221, the regulatory process. The criminal bill was passed last year. In that bill it authorized the Attorney General and the Justice Department to promulgate rules and regulation to bring about the intentions of that legislation, of which was to establish a national database.

They have not promulgated those rules and regulations.

First question, that because it follows this legislation it could be contended in a judicial review process that they acted contrary to this legislation because it was promulgating a rule and regulation after the enactment of this act.

If that were the case, any information derived from that database would be challengeable as having interfered with the privacy or the rights of that criminal defendant and could have breached his constitutional protection under the law.

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

(By unanimous consent, Mrs. COLLINS of Illinois was allowed to proceed for 3 additional minutes.)

Mr. KANJORSKI. Mr. Chairman, if the gentlewoman will continue to yield, what the majority has not paid attention to is because we have not denied judicial review, section 202 sets forth a statement that is required to accompany every promulgation of every rule and regulation by every Federal agency of the U.S. Government. If the Justice Department then promulgates these rules and regulations, even though to the best of their ability they comply with the litany of tests, of costs and all the other matters, it still does not deny every defendant, after a full trial, to go into court and enjoin to reverse his conviction because of the violation of the Justice Department in promulgating the rules and regulations and creating the database that caused his original detention or arrest.

We do not want that to happen. Every criminal sex offender in this country will be able to say 2 years, 3 years from now after this database is created that I was caught and my privacy was invaded or my constitutional right was denied me and my statutory protection under this act, unfunded mandate act, was not properly carried out in the promulgation of rules and regulations by the Justice Department that are laid in great detail.

We, by inference, by not denying judicial review, allow judicial review to occur in that area.

What we are saying is, why do we want to raise that tremendous question out there? Why can we not just—this is a very limited part.

I want to say, there are 50 States in the Union, thousands of counties, and 32,000 municipalities. Unless we get compliance of every one of those units of government, this database is useless. We are not going to have voluntarily, as the gentleman from Virginia [Mr. DAVIS] suggested in his debate, every element of government.

There are communities in the United States that could care less about the crime problem of Washington, DC, Virginia, New York, Pennsylvania, or Illinois. There are many municipalities in the country that—and I will tell Members, I have dealt with some of the offi-

cial—when they get a vicious sex offender, it is a lot cheaper for them to take him down to the bus station, buy his ticket and ship him out of town than to go through the trial, prosecution and incarceration of that offender.

I have got counties in my State that because they prosecute the sex offender from New York in Pennsylvania, they incur the liability of incarceration, health care and every other factor that applies to that person. It is much cheaper for them to pay him to get out of town.

Now, I wish that were not the case, but that is the reality.

All we are asking for is, why do we not write this legislation in such a way with a small exemption that no sex offender in the future could ever raise that defense, could ever go into a Federal court to get an injunction or could ever raise any violations of his constitutional rights propagated on the fact that some regulatory agency did not comply with what some future court may consider the act intended.

□ 1430

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

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

Mrs. COLLINS of Illinois. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Chairman, the way we avoid that problem is merely by exempting out this position in the bill.

It goes back to what we earlier argued, Mr. Chairman. If in committee we had had the opportunity to call the Attorney General, or their representative, or law enforcement officials across this country, we could have found and created a provision that would have protected the database and the ability to prosecute sexual criminals.

Now we have put that all in question, and some jurisdictions of this country, just as we had with the motor-voter legislation, will take an action in court to deny their duty to comply with the information required for the database.

Mr. Chairman, I think that is foolish. This Congress wants to work right. We are going to, and we will try on this side to support unfunded mandates from being improperly imparted on the States and the municipalities of this country, but let us do it right. This is our only chance.

If we miss it and for some reason the conference committee does not cover it, it will be the law of this land and all of us here today, regardless of how we vote on this amendment, are going to be guilty of the fact that sex offenders, and rapists, and murderers involving sex crimes will be free in the land, because we failed to take the opportunity and the rationality and the reasonableness to make sure this legislation says what we intend it to say.

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

Mrs. COLLINS of Illinois. Mr. Chairman, I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Chairman, in response to the concerns of the gentleman from Pennsylvania [Mr. KANJORSKI], let us back up a minute and talk about what the real subject of the debate is.

No. 1, Mr. Chairman, there is no point of order against the database. I think that should be made clear.

Mrs. COLLINS of Illinois. Mr. Chairman, reclaiming my time, I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, we are not talking about the point of order provisions.

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

(By unanimous consent, Mrs. COLLINS of Illinois was allowed to proceed for 1 additional minute.)

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

Mr. KANJORSKI. Mr. Chairman, we are not talking about the point of order. The point of order question is a procedural question in the House in passing legislation. Section 201 is the regulatory power.

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

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

Mr. PORTMAN. Mr. Chairman, just to be very clear, I would say to the gentleman from Pennsylvania [Mr. KANJORSKI], because the gentlewoman from New York [Ms. SLAUGHTER] raised this point earlier, this is not a question of applying this legislation in terms of the point of order to the existing statute which is in place, which in turn has the promulgation of the database. We are talking about the Federal agency action. That comes in title II of this legislation.

Let me be very clear, Mr. Chairman. We mentioned this last night in the debate. If in fact the database is going to be subject to the very limited requirements in title II of this legislation, that means necessarily that such regulations are already subject to the Presidential Executive order issued by President Clinton on October 4, 1993.

I just counted up the words a little while ago. The Clinton Executive order is 6,020 words. It is far broader, far more extensive, far more comprehensive than anything in title II.

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

(By unanimous consent, Mrs. COLLINS of Illinois was allowed to proceed for 3 additional minutes.)

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

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

Mr. PORTMAN. Mr. Chairman, that is far more extensive than anything in title II to this legislation.

Let us be clear. Anything in this regulation and the database may or may not be covered by this. It has to be over \$100 million to be covered by title II, but any regulation that could possibly be covered by title II, which again is far less broad than the executive order, and in fact it is 925 words versus over 6,000 words, would be subject to the existing Executive order.

Mr. Chairman, then the question becomes should the database, as an example, if it were in fact covered under either the Executive order or title II, and it is necessarily under the Executive order currently in place, if it is going to be covered by title II, should the agency, in this case the Department of Justice, as I understand it, be required to comply with the Clinton Executive order?

Let me ask the gentleman a question. Is the gentleman from Pennsylvania [Mr. KANJORSKI] saying that the Executive order is not appropriate? This asks for a written statement of the costs and expenses. Is that not appropriate?

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

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

Mr. KANJORSKI. Mr. Chairman, if I may respond, if the Attorney General determines that the Executive order in some way impacts upon the promulgation of these rules and regulations, it takes one man with one pen 1 minute to vitiate that. If we pass a statute, and we have points of order that could be raised in future legislation—

Mr. PORTMAN. Mr. Chairman, reclaiming my time, I think that is precisely why we need to have it in statute. I thought there was an agreement in this body, a consensus that the costs and benefits of legislation ought to be known, and in addition, that when new regulations were promulgated that agencies ought to have a requirement, as the Executive order provides, and in fact it goes much further than our bill, that the agency provide an assessment of what the costs are going to be. That is all we are asking here.

Mrs. COLLINS of Illinois. Reclaiming my time, Mr. Chairman, I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, I do not care how excellent the administration operates or the executive agency operates. Every individual American, if we do not deny the right of judicial review, will have the opportunity to go into court and raise all these legal issues after the conviction of a criminal.

Mr. PORTMAN. Mr. Chairman, every individual has that right now.

Mr. KANJORSKI. No, Mr. Chairman.

Mr. PORTMAN. Absolutely. Anyone can challenge an agency action, absolutely.

Mrs. COLLINS of Illinois. Reclaiming my time, Mr. Chairman, I yield to the

gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Chairman, every individual cannot challenge whether or not the estimate of costs of an unfunded mandate were complied with, whether the future costs of the mandate have disproportionate effects on State and local government budgets. That is not the law today. That is not what a felon can do in determining whether or not his name can reside in a database in the Justice Department.

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

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

Mr. PORTMAN. Mr. Chairman, the gentleman's statement was that the agency action cannot be challenged. It indeed can be challenged. What this does is put into statute the written assessment of the cost of agency action.

Mr. KANJORSKI. No, No.

Mr. PORTMAN. I do not know why you would not want that to be enforced. The fact is the Executive order currently in place goes well beyond what we are asking for in this legislation. If it is routinely waived, then—

Mrs. COLLINS of Illinois. Mr. Chairman, I reclaim my time, and I yield to the gentleman from Pennsylvania [Mr. KANJORSKI] to answer the question.

Mr. KANJORSKI. Mr. Chairman, what it does is, it gives every convicted sex offender in this country another bite at the apple, when we are talking about the court system that we have.

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

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

Just a brief response, Mr. Chairman, to the gentleman from Pennsylvania [Mr. KANJORSKI], if he could remain standing, to his question.

Mr. Chairman, this new legislation would provide in statute some, not all, of the requirements that are currently in the Clinton executive order with regard to what the agencies are required to do in terms of saying what the costs of new regulations will be to State and local government and to the private sector.

Mr. Chairman, it has a \$100 million threshold. In other words, anything under \$100 million would not be subject to these requirements. The gentleman's concern is that judicial review would somehow cause additional rights to individuals to raise a concern about this.

This is not going to result in a stay of the regulation. The regulations will go forward. The database will go forward, should in fact somebody challenge the fact that a written statement of the cost to State and local government was not compiled.

Mr. Chairman, all we are trying to do in this legislation is to put some teeth in the existing standards, and the standards we have even relaxed, so the

agencies actually carry out this very important responsibility.

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

Mr. PORTMAN. I am happy to yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, as I read section 202, that is not true. Any rules or regulations not presently promulgated fall under this act. It is not like for all present existing rules and regulations, these are yet unpromulgated rules and regulations.

Therefore, the crime bill, having the rules and regulations in the database not having been established and the rules promulgated, they fall subject to this act, and what we are doing in statute now is requiring a standard that has to be complied with. Whether it is complied with—

Mr. PORTMAN. Mr. Chairman, reclaiming my time, the gentleman may have misunderstood me. I am not saying that prospective regulations would not come under this very limited title II of the bill. Absolutely, they should. That is the whole point, is to get a written assessment of the cost of new regulation.

What I said, and where the gentleman perhaps misunderstood me, was that does not stay the promulgation of new regulations. All it says is we want to have written costs of benefits.

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

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

Mr. DINGELL. Mr. Chairman, I have listened to this debate for several days. One of the things that has become increasingly clear to me as I rise in support of the amendment is the failure to follow the orderly rules and procedures of this House, the failure to have hearings on this legislation, the excessive haste in which this matter is brought to the floor, the unwillingness of my colleagues on this side of the aisle to consider amendments, or indeed, to have a fair analysis made on the House floor of what this legislation in fact does to a wide spectrum of laws enacted by this Congress by overwhelming votes. This makes a prophet and a correct prophet of my colleague on this side of the aisle who made the observation if we were to adopt the amendments on the environment, on health, on crime, on the problems of the aged, on the problems of the young, on clean water, on air, on health, that there would be no point in passing this bill.

□ 1440

I think that Member has pointed very sagely the course that should be taken here. Here we are finding that because of inattention in the processing of this legislation in committee, failure to have hearings, failure to get testimony of witnesses and experts, failure to properly analyze, we now are jeopardizing one of the provisions of the crime bill in the last Congress which was enthusiastically supported

by all. That is, a register of serious criminals who have engaged in sexual activities prohibited by law against innocent and defenseless women and children. That leaves us in position to add another reason for voting against this bill.

What are the other defects that this debate has shown? The defects that this debate has shown are that the unfunded mandates in the area of clean air which were adopted at the request of all the governors and all the States and local units of government who came forward and demanded that we follow the traditional pattern and practice that we have had in this country, whereby the Federal Government lays down standards and the States enforce those standards on clean air, to protect people in other States, to protect the health and the well-being of all the people, and to follow the practice that was set up back in the 1950's before the governors came in and they said we want the Federal Government to lay down standards, so that we can then enforce them by delegation of that responsibility.

The governors were concerned because the Federal Government had all of a sudden realized that if you flush a toilet in Minneapolis, or Kansas City, or Denver or in other places, that that is going to impact somebody in New Orleans at the mouth of the Mississippi River.

And here is where we begin to understand that we had to do things like this so that we could keep intact the Federal system. I never heard a word of complaint from governors when we were passing the Clean Air Act or any of the drinking water legislation or any of the clean water legislation, that we were imposing unfair and improper burdens upon them. They all came in and they said, "You are doing something which is necessary for the protection of the environment and to protect the citizens in one State against wrongdoings in another place."

All of a sudden we have come to this great sensitivity on unfunded mandates on the States. We are not paying heed to the fact that the Federal Government gives the States about \$750 billion a year and that in many of the programs about which we are hearing complaints, that there are major grants to States and local units of government. States are going to get large sums of money for construction of prisons under the crime bill. Local units of government are going to get large sums of money to hire police.

We never hear a word about that. But we hear great complaints about the unfunded mandates that are going to be imposed. What and why? To do something that every citizen in this country except the criminals want to be done, and, that is, to address the problems of not knowing who these people are that travel about committing crimes in a repetitive fashion. These are repeaters. These are serial killers, serial rapists.

All we want to do is know who they are.

The mandate killing that we are doing here would not only prevent the administration from promulgating the regulations but would afford those criminal wrongdoers the opportunity to persist and to defend themselves with a new procedural defense.

I say the amendment is a good one, the bill is a bad one. Vote against the bill. Vote for the amendment.

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

Mr. Chairman, if I understand the amendment offered by the gentleman from Pennsylvania correctly, he is suggesting that we make an exemption in this bill if the Federal Government requires data bases to keep track of sex offenders, and if that is not the case and if judicial review is allowed of agency actions, then the argument is that every sex offender will go to court and prevent this legislation from taking place, or stop any regulation from taking place.

First of all, I want to say again that our bill goes to a cost accounting, and a cost accounting it seems to me is not going to be very subject to challenge from any part.

But let me specifically talk about this issue of a data base and sex offenders. In the first place, as we put this issue in the crime bill at the present time, it is the requirement for States to have a data base to identify sex offenders, so that they can exchange information.

As I recall, as a member of the Committee on the Judiciary, it is a condition of a grant, and it is not an unfunded mandate, it is to participate in the grant programs that we set up in the bill for the States which they can elect to participate in or not to participate in as they choose. There is no requirement for States to participate in federal grant programs.

More important on this particular issue is the issue of standing to file any kind of lawsuit seeking judicial review in Federal court. Not everyone can go into court and raise a question of judicial review of the propriety of every act of Congress or even every act of a State legislature or every regulation. There must be the standing to go into court to show among other things how the person aggrieved or the institution aggrieved is affected by the argument that the regulation was not adopted in compliance with the law.

In this particular case, we require State and local government, particularly state Government, to maintain this data base. We do not require citizens as individuals to maintain this data base.

I submit that the only bodies that could even try to bring about a challenge in judicial review, which I do not think would be successful, anyway, given the limited requirements we put on agencies just to identify costs, but I submit the only ones that would have

standing before a Federal court would be the States themselves and not every individual and therefore not every sex offender who does not want such legislation to take effect.

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

Mr. Chairman, I find myself in an usual position of rising in opposition to this amendment and in the process to point out the irrationality of the underlying bill and what is happening in this body.

I was one of the few people in this body who actually spoke against this provision in the crime bill when it was inserted. I think the provision is unconstitutional. It is counter everything that our criminal laws have stood for in this country, the presumption of innocence. It is counter the notion that I learned all the way through law school and in 22 years of practice that once a person has served his or her time, they have done the time, they should be given a new start, and I expressed this concern.

So I have consistently been of the position that this provision in the crime bill is unconstitutional.

But what is happening here on this bill is irrationality. There is a marching in lockstep without regard to the public policy consequences of what is being done. Even people who are on the opposite side of me philosophically on this issue and want to keep this bill intact do not want to amend it even when it makes good sense from a public policy perspective and in support of their own position, and that is unforgivable. We should not be here just kind of marching, keeping every amendment from going forward.

I think we ought to defeat this amendment, because I think the speakers before are absolutely right. People who now believe this provision to be unconstitutional are going to have another day in court to come and assert that right which they ought to have.

My colleagues on the other side of the aisle in order to keep any amendments from going forward on this bill, even though they do not want that right to happen, do not want that right to be real, are marching lockstep just to show their muscle on this issue.

□ 1450

I am telling Members that it does not make sense. In all respects, this probably should be the endorsement of a no vote that gets this passed, but I tell Members, I think the provision in the underlying bill was unconstitutional and I think we ought to stand up and vote against it and I intend to vote with you.

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

Mr. Chairman, I have been impressed with the brilliance of the lawyers on both sides of the House on this, and I must admit while I am impressed with the brilliance, I am not a lawyer my-

self and have gotten a little bit muddled down in some of the jargon here. So I would like to engage in a colloquy with my friend, the gentleman from New Mexico [Mr. SCHIFF].

Let me ask, if I was a rapist in the State of Georgia, which I represent, and I moved to California, right now am I tracked on a database?

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

Mr. KINGSTON. I yield to the gentleman from New Mexico.

Mr. SCHIFF. Mr. Chairman, right now the answer to the gentleman's question is no.

Mr. KINGSTON. If I understand the gentleman from Pennsylvania [Mr. KANJORSKI], if I move from Georgia to California as a rapist, under the crime bill then very soon, when everything is promulgated and the rules are in place, I will be tracked, is that correct?

Mr. SCHIFF. If the States and local government choose to participate in the programs offered in the crime bill, and for their part, among other things, establish a database as required by the conditions for grants, yes, tracking of sex offenders across the country will begin.

Mr. KINGSTON. One final question. If this bill passes, and I as a rapist move from Georgia to California, under this bill, when it becomes law, will I still be tracked, with or without the amendment?

Mr. SCHIFF. In my judgment, the gentleman will continue to be tracked without the amendment. The judicial review, in my opinion, would not be successful in any event, because the regulatory limitation is very limited. But there would be no standing by anyone but a State or local government to bring a challenge in the first place. So you would still be tracked even without this amendment.

Mr. KINGSTON. I appreciate the learned gentleman's advice on that.

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

Mr. KINGSTON. Yes; I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, I thank my friend on the other side who is an excellent lawyer. He will agree, however, the rapist in California, after the entire prosecution goes through and everything is done, will have a cause of action to go into the Federal District Court to set aside his arrest or conviction based on the fact that he was found in a database that was improperly constituted, because they did not comply with the standards set forth in this act, and if anyone should determine that to be a fact, he will be released.

Mr. KINGSTON. Let me reclaim my time and yield to the gentleman from New Mexico. What I was really trying to do, ladies and gentlemen, is not get bogged down in legalese at this point, but bring it back home to the crime victims. And if I am hearing correctly, the crime victims will still be able

with this amendment to have their offender tracked, is that correct?

Mr. SCHIFF. If the gentleman will yield to me, we will still have the offender tracked.

If I can respond to the question of the gentleman from Pennsylvania, that is now stretching things beyond, in my judgment, beyond a reasonable argument here. At the very least we are not raising issues of a constitutional level, which anybody could use to set aside their conviction because an institution might have been set up outside of regulatory compliance which led to their conviction.

I was a prosecutor for 14 years and as a defense attorney for 2 years, I am entirely confident there is no basis to that argument.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I would simply want to inquire of the gentleman, if you support this or you do not support it, do you want to leave this question up in the air or do you want it resolved? Because if you want it resolved, then the only way too resolve it is to pass the amendment. Now if you want it up in the air, as I do, then you should vote with me, and leave it unresolved, so that, as the gentleman from New Mexico [Mr. SCHIFF] knows, every criminal defendant will take every opportunity they can to raise any conceivable constitutional or legalese right they can. So if we want to resolve it, then I would think we would want to vote "yes" on this amendment. If we want to leave it mushy and up in the air and unresolved, then I would say Members ought to be voting against this amendment.

Mr. KINGSTON. If I can reclaim my time, it sounds to me as if we have mush one side and maybe mush on the other. But in terms of certainty, the gentleman just said if I voted for the amendment then I would have some uncertainty, whereas the gentleman over here, the 14-year veteran prosecutor, says that there would be no certainty or less uncertainty.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. KINGSTON] has expired.

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

Mr. KINGSTON. Again, just to do my duty to the constituents back home, particularly victims of crime, what I am concerned about, if a rapist moves from Georgia to California under current law, he is not tracked. Under the crime bill, he will be tracked. And under this bill, without that amendment, he will still be tracked. We may need to come back, as we always have to, and revisit something down the road.

But I do not think that this legislation will diminish the fact that that

rapist would be tracked moving from California to Georgia.

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

Mr. Chairman, I would like to make one clarification. This rapist that is the subject of this discussion is not the subject of a criminal prosecution at the point we are discussing. We are talking about someone who has already been prosecuted, already been adjudged guilty of the crime and who has moved to California. So all of this concern about this person being able to interject this bill into his defense in a criminal prosecution is really totally off the point. This has nothing to do with the prosecution. The prosecution would have already happened. This person would have been found guilty. And we are merely talking about keeping track of him as he moves around the country posing a continuing threat to children around the country.

So for those who have any concern at all that the bill as written without this amendment would somehow jeopardize the successful prosecution, really have been led down a path that is not the subject of this bill.

I oppose this amendment, and believe strongly that we will continue to be able to have this tracking system in place with the bill as written.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 172, noes 255, not voting 7, as follows:

[Roll No. 33]

AYES—172

Abercrombie	DeLauro	Hilliard
Ackerman	Dellums	Hinchey
Baldacci	Deutsch	Holden
Barcia	Dicks	Hoyer
Barrett (WI)	Dingell	Jackson-Lee
Becerra	Dixon	Jefferson
Beilenson	Doggett	Johnson (SD)
Bentsen	Doyle	Johnson, E.B.
Berman	Durbin	Johnston
Bevill	Edwards	Kanjorski
Bonior	Engel	Kaptur
Borski	Eshoo	Kennelly
Boucher	Evans	Kildee
Browder	Farr	Kleczyka
Brown (CA)	Fattah	Klink
Brown (FL)	Fazio	LaFalce
Brown (OH)	Filner	Lantos
Bryant (TX)	Flake	Levin
Chapman	Foglietta	Lewis (GA)
Clay	Ford	Lincoln
Clayton	Frank (MA)	Lipinski
Clement	Furse	Lofgren
Clyburn	Gejdenson	Lowe
Coleman	Gephardt	Luther
Collins (IL)	Gibbons	Maloney
Collins (MI)	Gonzalez	Manton
Conyers	Gordon	Markey
Costello	Green	Martinez
Coyne	Gutierrez	Mascara
Cramer	Hall (OH)	Matsui
Danner	Harman	McCarthy
de la Garza	Hastings (FL)	McDermott
DeFazio	Hefner	McHale

McKinney	Poshard	Taylor (MS)
McNulty	Rahall	Thompson
Meehan	Rangel	Thornton
Meek	Reed	Thurman
Menendez	Reynolds	Torres
Mfume	Richardson	Torricelli
Miller (CA)	Rivers	Towns
Mineta	Rose	Traficant
Mink	Roybal-Allard	Tucker
Moakley	Rush	Velazquez
Mollohan	Sabo	Vento
Moran	Sanders	Visclosky
Murtha	Sawyer	Volkmer
Nadler	Schroeder	Ward
Neal	Schumer	Waters
Oberstar	Scott	Waxman
Obey	Serrano	Whitfield
Oliver	Skaggs	Williams
Owens	Skelton	Wise
Pallone	Slaughter	Woolsey
Pastor	Pastor	Wyden
Payne (NJ)	Stark	Wynn
Payne (VA)	Stokes	Yates
Pelosi	Studds	
Peterson (FL)	Stupak	

NOES—255

Allard	Ewing	Lightfoot
Andrews	Fawell	Linder
Archer	Fields (TX)	Livingston
Armey	Flanagan	LoBiondo
Bachus	Foley	Longley
Baessler	Forbes	Lucas
Baker (CA)	Fowler	Manzullo
Baker (LA)	Fox	Martini
Ballenger	Franks (CT)	McCollum
Barr	Franks (NJ)	McCrery
Barrett (NE)	Frelinghuysen	McDade
Bartlett	Frisa	McHugh
Barton	Frost	McInnis
Bass	Funderburk	McIntosh
Bateman	Gallely	McKeon
Bereuter	Ganske	Metcalf
Bilbray	Gekas	Meyers
Bilirakis	Geran	Mica
Bliley	Gilchrest	Miller (FL)
Blute	Gillmor	Minge
Boehlert	Gilman	Molinari
Boehner	Goodlatte	Montgomery
Bonilla	Goodling	Moorhead
Bono	Goss	Morella
Brewster	Graham	Myers
Brownback	Greenwood	Myrick
Bryant (TN)	Gunderson	Nethercutt
Bunn	Gutknecht	Neumann
Bunning	Hall (TX)	Ney
Burr	Hamilton	Norwood
Burton	Hancock	Nussle
Buyer	Hansen	Ortiz
Callahan	Hastert	Orton
Calvert	Hastings (WA)	Oxley
Camp	Hayes	Packard
Canady	Hayworth	Parker
Castle	Hefley	Paxon
Chabot	Heineman	Peterson (MN)
Chambliss	Herger	Petri
Chenoweth	Hilleary	Pickett
Christensen	Hobson	Pombo
Chryslers	Hoekstra	Porter
Clinger	Hoke	Portman
Coble	Horn	Pryce
Coburn	Hostettler	Quillen
Collins (GA)	Houghton	Quinn
Combest	Hunter	Radanovich
Condit	Hutchinson	Ramstad
Cooley	Hyde	Regula
Bonior	Cox	Riggs
Engel	Inglis	Roberts
Eshoo	Istook	Roemer
Evans	Jacobs	Rogers
Farr	Johnson (CT)	Rohrabacher
Fattah	Cubin	Ros-Lehtinen
Fazio	Cunningham	Roth
Filner	Jones	Roukema
Flake	Davis	Royce
Foglietta	Deal	Salmon
Ford	DeLay	Sanford
Ford	Diaz-Balart	Saxton
Frank (MA)	Dickey	Scarborough
Furse	Dooley	Schaefer
Gejdenson	Doollittle	Schiff
Gephardt	Dornan	Seastrand
Gibbons	Dreier	Sensenbrenner
Gibbons	Duncan	Shadegg
Gonzalez	Dunn	Shaw
Gordon	Ehlers	Shays
Green	Ehrlich	Shuster
Gutierrez	Emerson	Sisisky
Hall (OH)	Emerson	Skeen
Harman	English	
Hastings (FL)	Ensign	
Hefner	Everett	

Smith (MI)	Tate	Wamp
Smith (NJ)	Tauzin	Watt (NC)
Smith (TX)	Taylor (NC)	Watts (OK)
Smith (WA)	Tejeda	Weldon (FL)
Solomon	Thomas	Weldon (PA)
Souder	Thornberry	Weller
Spence	Tiahrt	White
Stearns	Torkildsen	Wicker
Stenholm	Upton	Wolf
Stockman	Vucanovich	Young (AK)
Stump	Waldholtz	Young (FL)
Talent	Walker	Zeliff
Tanner	Walsh	Zimmer

NOT VOTING—7

Bishop	Kennedy (MA)	Wilson
Cardin	Kennedy (RI)	
Fields (LA)	Pomeroy	

□ 1516

Mr. MCKEON and Mr. YOUNG of Alaska changed their vote from "aye" to "no."

Ms. HARMAN changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. POMEROY. Mr. Chairman, I was unable to be present today for rollcall vote No. 33. During this vote, I was at a meeting at the Pentagon. Had I been present, I would have voted "yea."

AMENDMENTS OFFERED BY MRS. MALONEY

Mrs. MALONEY. Mr. Chairman, I offer two amendments.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mrs. MALONEY: in section 4, strike "or after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and at the end add the following new paragraph:

(8) provides for the protection of the health of children.

In section 301(2), in the matter proposed to be added as a new section 422 to the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and at the end add the following new paragraph:

(8) provides for the protection of the health of children.

Mrs. MALONEY. Mr. Chairman, I asked unanimous consent that my amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. MALONEY. Mr. Chairman, my amendments would add to the list of exemptions, children. Surely if we are exempting seniors and social security, we should give the same support protection to our children.

I regret, Mr. Chairman, that a bill of this magnitude was not given one single public hearing before being rammed through the Committee on Government Reform and Oversight.

Few people in this Chamber today would dispute the need to provide for relief from unfunded Federal mandates to our cities and States, but instead of taking a scalpel to this problem, we are attacking it with a meat cleaver.

□ 1520

No one knows exactly what the consequences may be, particularly for our most vulnerable citizens, our children. Mr. Chairman, it makes no sense to exempt auditing and accounting procedures, treaties like NAFTA, and special emergency legislation such as flood relief, and not provide an exemption for children. Our children cannot vote, cannot speak for themselves, cannot spend millions of dollars to lobby Congress. Maybe that is why our children are in such a deepening crisis.

According to the Children's Defense Fund, every day in America three children die from child abuse, 9 children are murdered, 43 children are either murdered or injured by guns, 207 children are arrested for violent crimes. In 1992, 2.9 million children were reported as abused and neglected. We will debate this legislation at least for 3 days, and during that time 10 children under the age of 5 will die of abuse and neglect. Despite this urgent crisis, Mr. Chairman, this House is about to pass legislation that could make it much more difficult to address the severe health and safety threats facing our children. How much more must our children suffer until we decide that the costs of assisting them should enjoy the same exemption as accounting?

Mr. Chairman, my amendment would rectify this deficiency by adding legislation and regulation directly affecting the health and safety of children to the list of exempted categories. Are children not as worthy of protection as accountants, treaties, and flood relief as a national emergency? In our haste to pass a bill within an arbitrary time without an exemption for children and not knowing the ramifications of the impact of this legislation on children we could seriously jeopardize the health and safety of millions of American children.

Mr. Chairman, a Member of the other body referred to this bill as an experiment. Do we really have the right to make our children the guinea pigs of that experiment? I do not think so. The health, safety and general welfare of our children should be a national priority. I urge my colleagues to adopt this amendment.

Mr. CLINGER. Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from New York [Mrs. MALONEY].

Here again, Mr. Chairman, the proponent of the amendment is asking for an exemption basically to deny the House information about the costs of what we are proposing to do. It seems to me that many of these proposed exemptions, and this being another in a long line of exemptions that we have been dealing with over these many days, are based on the false assumption that States and localities somehow care less about kids and know less about what is best for our children than does the Federal Government, and yet I would say that the record that we have before us over the many, many

years that we have had Federal programs in effect to protect the health and safety of children, nearly 15 million American children continue to live in poverty, which is a 6 percent increase since 1979.

So, with such a record, Mr. Chairman, I am not convinced that the Federal Government knows better, or indeed as well, when it comes to the welfare of our children as might be done by localities. H.R. 5 is going to force Congress to know what the costs are that we might impose on States and localities. If these costs are high enough, I can only hope that Congress will stop to ask itself whether what we are proposing to do is going to be better for the children of the communities, towns and cities of our country than what the communities might do themselves.

Maybe we should give thought to the fact that communities know pretty well what to do with their own children and not have the Federal Government always telling them what they must do without telling them what to do it with.

Mrs. MALONEY. Mr. Chairman, I would like to respond to the statement of the gentleman from Pennsylvania [Mr. CLINGER] very briefly.

The CHAIRMAN. The time of the gentlewoman from New York [Mrs. MALONEY] has expired.

(By unanimous consent, Mrs. MALONEY was allowed to proceed for 1 additional minute.)

Mrs. MALONEY. Mr. Chairman, I agree very much that we should know the costs of mandates and programs. I voted for a bill last year in the committee that required a cost analysis for every single program. But if the gentleman is so certain that the waivers and the procedural hurdles that one must overcome are flawless, then why did the authors of this bill find it necessary to create any exemptions at all? Obviously the authors are not so sure that the waiver will work for national security, auditing and accounting, emergency legislation, and Social Security.

Mr. Chairman, I am just asking that children, our most vulnerable resource that cannot vote, cannot speak for themselves, be added to this list of exemptions.

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

Mr. Chairman, I want to point out that what the gentlewoman from New York [Mrs. MALONEY] is saying is absolutely correct. What higher priority should we have in this country than our children? And we should not put any more barriers in the way of trying to work at both a cooperative level with the Federal Government, and the State and local governments, and non-profit organizations, to serve those kids particularly who are coming from poor homes, and there are exemptions in this legislation, and I cannot see why any of those exemptions are more deserving than having one for the children of this Nation.

So, Mr. Chairman, I want to commend the gentlewoman from New York for this amendment. I think it is a wise one, and I urge all of my colleagues to support it.

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

Mr. WAXMAN. I yield to the gentlewoman from North Carolina.

Mrs. CLAYTON. Mr. Chairman, I also want to add my support that if we give exemptions, and we cannot find the rationale for giving exemptions to our children, and we can still find reason where we can get accountability of the costs—now it simply says that for children, those we hold precious, we will find a way to support them and not have them subject to a point of order. I think it says something about us, we as a Nation, when we fail to not respond when there are not politics concerned.

We just responded to senior citizens. I am a card-carrying member. Why did we respond? Because they vote.

Children do not vote. They are vulnerable. My colleagues know that. They are the most vulnerable of our population and need more help.

The general welfare of our country is indeed dependent on us helping our children. I urge my colleagues to consider supporting this amendment.

Mr. WAXMAN. Reclaiming my time, Mr. Chairman, we have heard over and over again that we will have a chance to vote on these issues after we get this analysis of the cost. But my colleagues know what will happen is a lot of people will say, "I'd like to be for this program for kids, but I can't vote for an unfunded mandate. I'd like to be for an increase in the minimum wage, but I can't vote for an unfunded mandate. I'd like to be for environmental protection, but I can't vote for an unfunded mandate."

Mr. Chairman, we are going to hear that over and over again. It is going to be a way for people to hide their true feelings and act as if they are really for protecting kids when in fact what they are doing is not willing to put their votes really up front.

So, I rise in support of the amendment offered by the gentlewoman from New York [Mrs. MALONEY], and I urge all my colleagues to vote for it.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the requisite number of words, and I rise in very strong support of the amendment offered by the gentlewoman from New York [Mrs. MALONEY].

Mr. Chairman, I must say to my colleagues that I think, as Americans look at this, they would think this is the most commonsense thing we could do because, as we look at every American kitchen table, I do not care what State it is in, and I do not care what background the family has, but take every American kitchen table where the family is gathered around trying to figure out how to make those budget dollars do what they have to do. When things are tough, the one thing every

American family agrees on is to hold the children harmless as long as possible.

Mr. Chairman, no one puts the children out there first and says, "Gee, things are tough so we won't take them to the doctor, and we won't give them their immunization, and we won't feed them, and we won't give them milk, and we won't do any of these things," and yet over, and over, and over again in this body we do it just in reverse. It is part of why the American people cannot understand what is wrong.

□ 1530

We do it just in reverse. The first ones out of the budget are kids. They are always first out of the budget because they do not vote. They do not vote. They do not have political action committees. They cannot go to \$5,000-a-head dinners. They cannot do books. They cannot do anything, except count on us, who should understand they are the most important natural resource this country has.

Our most important natural resource is not coal and it is not oil and it is not any of those. It is our children. And there is no question, we all know the statistics. We get terrible grades on this. I do not want to see States standing up and saying we are not going to do anything about the kids because the Federal Government will not do totally everything for the kids. And the Federal Government says we are not going to do anything for the kids because the States will not do anything for the kids. That should not even be on the table when it comes to these issues.

I must say for so long I have always wished, my great dream was that there was a group that had once a year an accountability thing on who is for kids and who is just kidding by how they vote. This ought to be the number one thing. If you are really kidding about kids, then, of course, vote no, because that is really what you are doing. You are giving one more excuse.

No one in this Chamber, no one I have ever known in the history of my being in politics, has ever run against children. W. C. Fields could not get elected. We all know how important they are. We all know how we think family values are the rock of this place.

So let us look at the most essential family value which every family groups around the children, and does not use any excuses to shortchange them until they have absolutely no other alternative. That is what we are talking about here. We are talking about kids' health.

My goodness, what are they going to do if they come into a family that cannot afford health care for them? It is not their fault. You do not get to pick when you are laying in that little bed in the hospital. You do not get to say there is the parent I want. It has already been preselected, and should your health care depend on that? This is talking about eating, this is talking

about education, and this is also talking about taxpayers.

So whatever we do here, it is the best thing we can invest in, because we get it back over and over and over again.

So if for once we could just stop thinking that we are in the most powerful capital of the most powerful nation where we all want to be on power trips, and do the right thing, do the kind of trip every family does when they trip in to try to make their checkbook balance at the end of the month, and for crying out loud, hold America's children harmless. Hold them harmless in every State, hold them harmless nationally, and say no more excuses.

I hope this body votes for this amendment. I cannot believe that we all voted to protect the elderly, which of course we should do, and then, if we run and throw our children overboard, what we are really saying is we are only going to vote to protect those who will vote to protect us.

Well, our children will not vote to protect us when they get to be electoral age if we are going to be so quick to throw them over.

So I salute the gentlewoman from New York for her courageous amendment. I really am glad she is here. And I hope we do another good thing here today. We voted to help those in the sunset of their life. This is in the sunrise. Please vote "yes."

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

Mr. Chairman, we in Washington have witnessed a stark display of hypocrisy over the last 2 days. Yesterday a few blocks from here 45,000 so-called pro-life demonstrators marched against reproductive freedom. They demanded the protection of fetal life from conception to birth. Many Members of this body offered their support.

Today, Congress debates a Federal responsibility of the highest order, the duty to protect the child from birth to the grave. Where are the marchers? All gone home. And what of my colleagues? Will each of them who spoke in support of yesterday's demonstration rise today in support of this amendment? Is the protection of the child of lesser value than the alleged right of the fetus?

I believe that the protection of the child after birth is a national priority of the highest order. It is a sacred duty above all others. This amendment will ensure that it remains so. It will allow the Federal Government to continue to enact and enforce legitimate child protection measures without undue restraint. It deserves the support of every Member of Congress, pro-life and pro-choice alike.

Lead exposure is one important area where the Federal Government has moved to protect our kids. It is also an area where women need to act again. The problem is particularly apparent in my home State of New York.

In New York, 65 percent of the housing stock was built prior to 1965 when lead paint was used extensively. Thirty years later, more than 30,000 kids were identified with high levels of lead in their blood. Another 1.5 million children under the age of 6 were potentially at risk of exposure. Lead remains a serious threat to our children's health.

Many of these same children face another grave risk, exposure to asbestos. Again, we have enacted legislation and regulations to combat the problem. Again, the problem continues. On at least two occasions in recent years, children in my district and elsewhere in New York were exposed to asbestos dust in their schools, years before the city had contracted for the removal of asbestos from school buildings. Little follow-up ensued. As a result, cracks developed in ceilings and walls, sending chips and dust into classrooms. Some areas had to be closed off. Other schools had to be shut down.

Both of these examples illustrate the fact that the protection of our children is an ongoing responsibility as science develops the scope of toxic contamination unfolds.

It was only a few years ago that we understood that substances like lead and asbestos were dangerous. Today we realize just how much danger they present. The process for controlling dangerous substances is likewise an evolving one. Standards for asbestos and lead protection and removal adopted only a few years ago may tomorrow prove to be inadequate. New regulations may need to be enacted.

The lesson here is that we as servants of the people must be able to enact any measure necessary to protect our kids in their school and in their homes. This bill jeopardizes this ability. Its procedural hurdles and points of order create delay and gridlock where none can be justified.

Is the drum beat of unfunded mandates so loud that it drums out the cries of children in need? Who here will stand up today and state for the record that the cost of saving lives is too high? Have we as a nation sunk so low?

I urge my colleagues to uphold our most sacred duty, and exempt child protection laws and regulation from this bill.

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

Mr. Chairman, this is an open debate. If we had been debating this in past years we probably would have been done by now and had two or three amendments and would be on to some other issue. I think it is important we are going through this process. But as I count the amendments, I know that we had a debate on the clean water, and we wanted to exempt that. We then wanted to exempt the clean air, and had very impassioned reasons why we should do that. The we wanted to exempt airport aviation security. Then we wanted to exempt child labor laws and the minimum wage, and so on.

Then we wanted to exempt nuclear reactors and nuclear waste. Then we wanted to exempt toxic, hazardous, or radioactive substances.

□ 1540

Then we wanted to exempt the national data base for tracking child molesters and now we want to exempt issues dealing with children.

I am convinced we will have voted on every exemption and if every one had passed, we would not have a bill.

Now, I do think children are very important. And for some to make the assumption that when we would pass a bill that we would not come up with the money to pay for it suggests to me that we must not think children are important. If we think they are important, we will come up with the money to pay for it. If we do not think we can come up with the money to pay for it but we think it is a mandate that is required, then we will logically make a motion to overrule the point of order, because we think children are important.

We are debating this bill today because Republican and Democratic Governors and Republican and Democratic mayors and Republican and Democratic legislatures throughout the country have said, "You have got to stop putting mandates without knowing the cost. And in some cases, you simply have got to stop doing the mandates, even if you know the cost."

In my judgment this bill is extraordinarily fair. It strikes me as a situation that we need to just wake up from. And I just hope that we do not go through the process of continuing to ask ourselves to exempt ourselves from this mandate bill, because we will have no bill left.

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

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

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

This amendment is not about protecting children. This amendment is about protecting the rights of so many here who want to take away the rights of parents and local governments and State governments to have their own input into how children should be cared for. We all believe in protecting the rights of children. But when we make a decision in one place about what we are going to do and in another place about how we are going to pay for it, that is a very bad way to handle things. And it takes away rights of people who care the most about children, and that is their parents.

I thank the gentleman for yielding to me. I urge the defeat of this amendment.

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

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

Mr. WAXMAN. Mr. Chairman, I just want to make the point that if we really cared about children, we would be spending more money on children now.

The gentleman indicated he thought it was a high priority, and we will want to spend money. Yet we do not fund health care for all kids who are poor. We do not fund adequate immunizations for them. The fastest growing poverty group in this country are children. We are not doing what we should be doing now.

Mr. SHAYS. I get the gist of my colleague's comments. I think it is very well taken. There are people who feel passionate on this issue, and we do not spend the money. That is very true.

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

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

Mr. BECERRA. Mr. Chairman, the gentleman raised the point that this would not protect children but it would actually provide those of us in Congress with the ability to somehow obstruct families from caring for their children.

I have the amendment before me. I am trying to figure out where the gentleman takes from this particular amendment all those things that he ascribed to it.

All this amendment says is that along with the other nine exemptions that we currently provide in the bill, including Social Security being exempted, including civil rights laws that protect against age discrimination, that protect against racial discrimination, ethnic discrimination, we have no provision, and this is the entirety of the amendment, that says we would exempt as well those provisions which provide for the protection of the health of children.

Mr. SHAYS. Reclaiming my time, Mr. Chairman, the answer to the question is very simply that we have consistently, in the course of the last few days, had amendments offered to exempt more and more categories. There is no need to have any exemption because we have a very simple process. A simple majority allows the will of this Chamber to override a point of order even if money has not been appropriated to provide for the legislation that as been argued on the other side.

Miss COLLINS of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Maloney amendment to H.R. 5. This amendment will rectify a glaring oversight on the part of the drafters of this legislation. This amendment will protect children who are among our most vulnerable citizens.

Mr. Chairman, I have traveled throughout this world, and I have not seen the kind of love and devotion that the Japanese, the Chinese, the Russians, Europeans, Africans give to their children. I have not seen that same kind of reverence and devotion right here in America. Instead I hear Members talking about balancing the budget.

I have not seen Members love the children in this House, Mr. Chairman.

Instead, I hear them talk about the rights of States and parents for children.

We must not pass legislation that will put the health of children and babies, both inside and outside of the womb, at risk. H.R. 5 currently exempts bills that secure constitutional rights, prevents discrimination, ensure national security, implement treaties and provide for the auditing or accounting of Federal funds. Surely the health of our children is just as important as the aforementioned.

We must protect our children. They have no voice, no vote. So we must speak out for them and keep their wellbeing at the forefront as we cast our votes.

I hear Members saying that there are so many exemptions. There are so many amendments. Maybe it is because H.R. 5 is flawed. It needs to be cleaned up. Sometimes I would like the Members across the aisle to know that we should take the moral high ground, not the low ground, not gravel. They are talking about cutting the budget, cutting the deficit. Let us talk about saving kids. Let us talk about doing our duties as the custodians of the United States of America by protecting the people.

You say Clean Air Act, that is an amendment. Yes. Because if you do not have it, you do not breathe. Think about it.

You talk about exempting the old people. Yes, you are supposed to exempt them. If you had moral fiber in your body, they would have been in the bill in the first place, same thing as discrimination, same thing as children.

There are 4 million children growing up in American communities that cannot assure them the childhood and the hopes to which all American kids are entitled. Therefore, it is our obligation to protect our children.

Otherwise, we run the risk of dismantling our status in this world as a superpower. But most importantly, ensuring a strong and productive future for America.

Take the high ground. Take the moral ground. Protect our children, yours and mine. That is what we are here for. That is what we are about.

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

Mr. Chairman, I rise in very strong support of the amendment of the gentlewoman from New York [Mrs. MALONEY] to protect the children. I support the Maloney amendment because it makes children a national priority.

Listening to the debate yesterday and today, we have had a number of initiatives which have addressed children and the priority we give them in our society. And let us just say right out that I think we can all agree and stipulate that every single Member of this body on both sides of the aisle

cares very deeply about the children of our country.

So this is not about what we care about. It is how we make decisions and come down on the side of supporting children.

We have often heard quoted in this body and in our country the famous statement of President Kennedy that child are our greatest resource and our best hope for the future. They are, indeed. And so it is not only about the compassion and the love and care we feel for children that this amendment is important, but it is about our country that this amendment is important to the future of our country, as President Kennedy so eloquently stated.

None of us would be here and our country would not be the great country that it is today, if generations before us did not decide in favor of future preference, that we will say that our highest priority is the next generation, that we spend and invest in our children as our families each did, that we in this society have done and that we must continue to do.

□ 1550

Mr. Chairman, while I supported the Clean Air Act amendment, the clean water, safe drinking water, et cetera, because they are all very important, and in fact, very important to the children of our country, I believe I can say without any hesitation the amendment of the gentlewoman from New York [Mrs. MALONEY] today is the most important amendment that we will have to deal with in this unfunded mandates legislation, because it says that the first dollar we spend should be on children.

Yes, we all have sympathy for the localities, the Democratic Governors and Republican Governors and mayors, but all levels of government must share in the responsibility for preparing our children for their futures and investing in their health and well-being. Every level of government has that strong responsibility.

Mr. Chairman, I believe that the amendment of the gentlewoman from New York [Mrs. MALONEY] should take precedence over everything else in the bill, all the exemptions that are already listed and any other consideration that the Governors and the mayors may present, because it says who we are as a society, that we believe in future preference, that we understand that we have a responsibility to these children, and that we understand that our country depends on us honoring that responsibility.

Mr. Chairman, other countries have social programs that are different from here and they provide a great deal more for children right off the bat, without any question, and no debate. We have the debate on this issue. They will be watching what we do. The country will be watching what we do here today.

More importantly, Mr. Chairman, the children are listening. The children are

listening. Let there be no doubt in their minds about their importance as individuals and their importance as resources to the future of our country.

Mr. Chairman, our colleagues on the Republican side have the votes. They may win this vote today and defeat the Maloney amendment, although I hope not, because as I say, I recognize and respect the regard and concern that they have for children as well.

They may win the vote, but they must not win the debate about what is the most important resource to our country and what should be the very first dollar that we spend. I have repeated that a couple of times, Mr. Chairman, because I want to reinforce and make the point.

Mr. Chairman, I serve on the Subcommittee on Labor-Health and Human Services-Education of the Committee on Appropriations. We certainly do not do enough for the children of our country. We jokingly say it is a committee where it is, lamb eat lamb, because every single program is very important to the children of our country.

We do not have enough money to spread around. Therefore, we must say that as much as we possibly can will be spent on the children at the national, at the State, and at the local levels. That is why this amendment is so important, because it says in recognition of the fact that unfunded mandates may be a problem to them, and in recognition that resources are limited, in recognition of all of that, children come first.

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

Mr. Chairman, let me begin by first thanking the gentlewoman from New York [Mrs. MALONEY] for this very fine amendment. I think it is the kind of amendment that would make this bill better.

Also, Mr. Chairman, let me just sort of respond to my friend, the gentleman from the State of Connecticut [Mr. SHAYS], who indicated that we keep asking for exemptions. There is a reason why we keep asking for exemptions.

The reason we keep asking for exemptions is that this bill did not have any hearings. Therefore, there are a lot of things that we feel need to be corrected. There should have been some input. Some questions should have been asked along the way.

I have been here 13 years. I have been here 13 years. I can never recall a piece of legislation of this magnitude to come before this body without having one public hearing, and then want to know as to why we want to ask for exemptions, why do we want to ask for amendments.

It is very obvious that we want to strengthen it, we want to make it better, we want to get as much input into it as possible, because we are talking about the lives of people.

We voted earlier, and we were able to exempt the senior citizens. I think that was a very wise vote. I think that those of the Members that made that vote, it was an important vote and they should have done it. However, I also would like to say that here is another one that we need to vote in favor of, because the children are extremely important.

Mr. Chairman, if we want to save money, this could be referred to as the save money amendment, because when we look at the problems that we have with children in terms of their health, if we do not have some protection for them, they will end up in emergency rooms, they will end up with all kinds of problems, and it will cost us more in the long run than it would to correct it now.

If someone is going to say, "What about a point of order," think about the amount of children that will die while we are waiting for a point of order. I think that the time has come for us to wake up and to address this problem and address it now.

Mr. Chairman, we are sending the wrong message out there. I do not think that we should be guilty of doing that. I think unfunded mandates give us an opportunity to correct a lot of things that are going wrong.

Mr. Chairman, some people want to increase the defense budget. If we do not protect our children, who are we going to draft? Who are we going to put in the military? Who is going to go? I think we need to make certain that we have a healthy population, and we need to do that with our children.

Mr. Chairman, let me just say to my friends on the other side, yes, they said to me earlier that they have the votes, and they are right, they probably have the votes. However, let me say, they could win the battle but they will lose the war if they do not move to protect the children of this Nation. I say that is important.

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

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

Mr. DREIER. Mr. Chairman, I thank my good friend from Brooklyn for yielding me this time.

Mr. Chairman, I simply will respond by saying that at the outset of the gentleman's remarks, and I should also say that we are all very sympathetic to the plight and the challenges children face, but at the outset of my friend's remarks he said there were no hearings held on this whatsoever.

I know there are many new Members of Congress who were not able to benefit from the very extensive hearings that were held in the 103d Congress, but there is a sense that no hearings were held in this 104th Congress, which is 3 weeks old tomorrow. We in the Committee on Rules had a briefing, a lengthy briefing, and hearings. We heard from a wide range of Members and groups.

I would simply say to my friend that to argue there were no hearings whatsoever held on this issue is incorrect, and not the kind of assessment of the deliberation that has just for years gone into that process.

Mr. TOWNS. Reclaiming my time, Mr. Chairman, in the 103d Congress, yes, there were hearings, but this bill is not the bill that was brought in the 104th Congress.

Mr. DREIER. Mr. Chairman, we had hearings in the 104th Congress, too.

Mr. TOWNS. Mr. Chairman, it is my time. Let me say to the gentleman, so that he will be aware of the fact, more than 50 percent of the people that serve on the committee now are brand new. They were not even on the committee in the last Congress.

I am saying to the gentleman that these are the new Members in the Congress, this is not the same bill that was dealt with last year, so therefore, for the gentleman to say that we had hearings on this bill, that is not accurate. This is a new bill. It was not the bill last year.

Let me just say to the gentleman, further, the bill last year was sponsored by me so I know what the bill said versus that this bill says. I am saying to the gentleman that his Contract With America does not mean that he should ignore input coming from America. I think if that is the contract the gentleman had, he had better divorce himself from it.

Mr. DREIER. Mr. Chairman, we are not saying that at all.

Ms. JACKSON-LEE. Mr. Chairman, I move to strike the requisite number of words.

(Ms. JACKSON-LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Chairman, I do not think this is really a debate on the issue of unfunded mandates. We all are cognizant and aware of the issues that have come forth from our local governments.

However, I do rise now to support the amendment of the gentlewoman from New York [Mrs. MALONEY] because I think she has raised an issue that all of us have faced firsthand, we have faced it with our neighbors, our constituents, the sadness of mothers who are trying to raise their children alone, simply trying to make a way.

Across this Nation we are hearing that voices are being raised for us to be children-friendly. State and local governments struggle with funding for children's programs. Children suffer from violence against them and violence among them. Our children need to be protected.

Mr. Chairman, I have struggled with this issue on a local basis when we have fought at city hall to try and find monies to immunize our children, when we fought at city hall to determine do we borrow from Peter to pay Paul, when we try to make sure that we tend to children in our well-care programs that are over the age of 5. Time and

time again we have had to turn away children and say: "No, you cannot come into our clinics, we do not have enough money to serve you." It is important that we work with the Federal Government when it comes to protecting children.

□ 1600

There is no shame in that. Why have commercial advertisements across this Nation with television stations telling us be aware of your children, be friendly to your children and we in the U.S. Government cannot protect them?

I think about the woman named Delores in my community, living in the many housing developments, raising five children, attempting to survive on any kind of benefits she may get. Not lounging around, not taking welfare because she just wants to take it but trying to raise five children, trying to make sure they are healthy, trying to make sure that they are strong and yet we do not provide the extra "mph," if you will, to protect the children of this country, to help that mother preserve her home, to help that mother keep that home together.

I simply say that we need involvement. We need to protect our children. We need to support the amendments of the gentlewoman from New York which simply say our children must be protected.

I ask this House to rise to the level of serving all the people and support our children.

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

Mr. Chairman, I would like also to support the amendment before us today to look after the interests of children.

I have been a Member of this body for not very many days and I have heard a lot in the last few weeks about the 100-day deadline. But I would like to talk today not about 100 days from now, but 20 years from now, and the things that we do today, how it will affect the world that we live in and our children live in 20 years from now.

All of us who are parents, and I think that includes most of us in this House of Representatives, love our children and I know that is true of all of the Members here, whether they are voting in favor of this amendment or not in favor of this amendment. We know that our children are the most precious things that there are in the world, and our own families, and I think at some level as parents and as community members, we know that all of the children in the country really carry the future of our country in their small hands.

I think if we look at what our economic competitors are doing around the world, not just what should we do, what do we feel we should do but economically what we should do as a country, we know that our competitors are literally betting the farm on the next generation. They are throwing everything they have got to make sure that

their future work force is going to be topnotch and they are going to be competitive and they hope will be the next generation work force.

I have been prepared to offer in the Committee on the Judiciary an amendment to the balanced budget amendment that would have exempted investments in childhood education, in childhood health for the same reasons I am supporting this amendment. If we do not make these long-term investments and remove every impediment there is to investing in the young people in this country, then we are not going to have a good country in the future and we are not going to have an educated work force, we are not going to have a healthy work force, we will not have a good country. I know that I care about that and I know that every Member of this House cares about that.

I would therefore urge adoption of this amendment.

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

Mr. Chairman, I am amazed at how emotional this issue has become. I have been involved in, you might say, politics for years, and I thought this was a pretty generic, reasonable bill coming from a State government. The bill just says establish and consider the cost you require of local governments. That is pretty simple.

Let us review in general what the bill does. It is not retroactive. You would think by the conversation on the floor today that it went back and wiped out all the protections for children, for the elderly, and for our communities. It is not retroactive. It requires cost information.

I have a history of being a budget person. I also have been involved in budgets and politics. The best thing you do for the people is find out what it costs. If you ignore those costs, they are still there, and they come out somewhere else.

It requires informed debate, what we have all been talking about. I am amazed at how many people stand up and say they have been gagged and then talk for 5 minutes. It just says informed debate on the question of funding, and that debate is required, so that we do not wake up 1 day and find out Washington State ends up with a multibillion-dollar cost that this Congress passed. And it requires separate votes on imposing unfunded mandates to local governments. That is not so difficult. It seems to me that that makes some sense.

This bill is about taking the high ground, telling the truth, all the truth up front, debating it, deciding what it is and working with real figures, not emotions.

This is about truth, a reasonable bill about accountability and good government, and I think it is time we stop playing around the corners of this and say, "States, we are going to be honest with you and we have every intention

of passing this accountability bill that just tells the truth.”

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

Mr. Chairman, I rise today in support of the Maloney amendment. I have strong concerns about the negative impact the unfunded mandate bill will have on children, the Nation's most valuable resource.

As a Florida State representative for 10 years, I am personally aware that States and local government need flexibility and are facing increasing fiscal constraints. We must not eliminate the government historical role of protecting all citizens, especially children and the elderly.

What has worked well is a partnership between all branches of government, at the Federal, State and local level. One branch cannot do it alone. Without these partnerships, we jeopardize clean water, clean air, and food safety. The results will be high levels of cancer from toxic air and polluted waters.

Without these partnerships, we jeopardize the welfare of our children. The rate for childhood shots for some children is only 30 percent. Some Third World countries have higher rates.

In the rush to pass a bill, Congress has endangered the health of our children. Let us not rush to pass an imperfect bill that would destroy a partnership and hurt those who most need our help.

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

Mr. Chairman, I want to respond to the gentlewoman from Washington and maybe to a lot of other Members on the other side of the aisle who are not aware of something, where they say this is not retrospective and that it is only going to take into consideration new laws as we do this cost analysis or cost versus benefit.

Let me make you very aware of something, that almost every bill needs to be reauthorized, and all the programs. So the Juvenile Justice Delinquency Prevention Act, and minority programs we passed, those programs in the crime bill, will all have to be reauthorized at some point in time, and when we go to reauthorization, we are going to then determine that a study has to be done in order to determine if the benefits outweigh the costs in what we are mandating to the States.

Let me tell you something. It is very hard to measure the benefit of a compassionate act or responsible act. It is very hard to determine just what benefit you get from feeding children, hungry children, so they can learn. Not until those children have grown into adults and have shown the benefit by being taxpaying citizens of this country can you measure the benefit of that nutrition program in that school.

There is no way on God's good earth that you can do that. So I am afraid

that when you start measuring the benefit versus the cost in many of these program, it gives easy justification to those people who would consider cost above the necessary thing to do to ensure that our young people are given and afforded every opportunity to succeed in these United States.

Let me tell you something. There is no issue that more defines us as a people or us as parties than what we do regarding the children of our country. Earlier someone said these are our future and I have never heard a politician who has not at one time or another uttered that phrase, “Our children are our future.”

Well, are they really if we are going to consider what it costs to feed them nutritional lunches? Are we going to measure what it costs to mandate that in States, in jail situations when a lot of times these children are put there for their own protection because they were abandoned by a parent or a guardian or because they are there because they were abused, and say, “We're not going to mandate that States separate those from sight and sound of the adult population because the benefit doesn't outweigh the cost”?

That is the problem we have with this legislation, is that we are protecting right now those laws that exist because we are saying it is not going to affect any of those laws.

I guarantee you it will affect those laws as we move forward to reauthorization and that is something we really ought to consider, especially as it concerns the children of this country.

□ 1610

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

Mr. Chairman, very briefly, I want to clear up some comments that were just made for the record. First of all, nothing in this bill cancels any current mandate or prevents us from passing future unfunded mandates. We would of course have to cost these out if they were over \$50 million across the rest of the country, and we could then decide, recognizing those costs that we would pass on the State and local governments, whether we would want to fund that mandate or impose an unfunded mandate on those other jurisdictions.

Also this bill does not apply to authorizations, unless in that reauthorization there is a new mandate over \$50 million that will be passed on to State and Federal governments or a reduction in funding for existing mandates.

I just want to set the record straight on that, Mr. Chairman.

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

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

Mr. BECERRA. Mr. Chairman, I feel compelled to come here and respond to some things my colleagues from the other side of the aisle have said. I read this bill and I read the amendment, and

to those on the other side of the aisle who say that this bill is adequately written, that as it is written it will protect children, my response to them is, if it does that, then what is the problem with accepting an amendment that just makes it implicitly clear.

If the response is, well, we do not need it because it is already there, then I turn to the actual bill itself and I see that the bill must not have been drafted that well, because there are at least seven different distinctions made and explicit references made for exemptions to this bill to make sure that those exemptions are identified as being protected.

In the case of Social Security we see it here under subsection 7. We see it for emergency legislation that the President might pass. We see it for national security. We see it for emergency assistance to State and local governments in the cases, for example, of a natural disaster. We see it in the case of our constitutional rights.

If this is such a well-drafted bill, why do we explicitly ensure our constitutional rights are protected? I would think that would be automatic.

There is also an exemption for our statutory rights that prohibits discrimination. If that is there, clearly there are needs for exemptions and we have to stop fooling ourselves and admit to that.

Then I turn to the amendment and I read the amendment and I look at the actual text of the amendment and it is one phrase. So what it would do is, add one additional phrase to those seven exemptions I listed, and all it does is say we would exempt as well any laws or regulations that provide for the protection of the health of children. Simple. But yet we have objections to that.

Why do we have objections? In response to what the gentlewoman said a few moments ago about how this bill would provide for informed and deliberate debate, H.R. 5 takes care of that. We have had years of informed and deliberate debate, but on many occasions when we have had a chance in this House to support Head Start for children, we have not done so, at least not everybody. Some of us have supported it. I am today prepared to support Head Start. I know some of my colleagues from the other side of the aisle, though, would not.

We have had an opportunity to provide full funding for immunization of our children in this country and I know Members of the other side of the aisle have not done so and have not done so at a time when at this stage of this country's development less than 60 percent of this Nation's children are immunized, and in some cases, in poor areas, you are talking about less than 30 percent of the children in this country immunized.

Remember, that unimmunized child will ultimately cost that local government and the neighborhoods more money because, when that child does

become infected or sick, chances are it will cost a lot more to heal that child.

So we have no protections and we cannot count on what someone will do prospectively. We need to know now, and if we do care about children, if we do wish to protect them, then add a simple amendment to this bill that would do so.

I find it ironic. We have the Republicans in this House who have proposed a Contract With America, I say a contract on America, and they say that they will increase by billions of dollars military spending, they will increase the deficit by cutting taxes on the wealthiest of Americans, and somehow with all of that they will still find a way to balance the budget to the tune of \$1.2 trillion.

We will have to find cuts. We cannot cut entitlement programs, so we have to go to discretionary programs. What kind of discretionary programs? That is where we find all of the children's programs, discretionary cuts to the tune of around something like 30 percent. Head Start, immunization, child nutrition programs at our schools, health care for children, 30 percent, folks, across-the-board in some cases, unless, of course, the Republicans are willing to tell us how they would otherwise cut.

So why are we concerned, and why do we want to have explicit language that says you will protect the health of a child? Because there is no guarantee and this is not the time to play with the lives of our children.

Now just about an hour or two ago we voted on an amendment that would protect seniors or elderly, our older Americans from discrimination based on age. There was only one single vote out of this House of 435 Members, one single vote against that amendment. There was no problem explicitly exempting seniors from age discrimination and specifying it in this bill.

But now we talk about kids. There is a clear distinction between someone who is a minor and someone who is a senior. Most of us get elected by seniors, and it is unfortunate that we find that we cannot protect a child here, and in some cases you have to wonder why.

One of my colleagues from California on the other side of the aisle said we have sympathy for what you are doing and for the kids. The kids do not want sympathy. They do not want any of our sympathy. They want a fighting chance to grow up and succeed and let them prove themselves, but let us do our part in having them do that. Let us help the children, help, not hurt our children.

Pass the Maloney amendment.

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

Mr. Chairman, I rise to support the Maloney amendment and to call the conscience of this group to the needs of children in our society and to know that any bill that has not really re-

searched this in its fullest, I would just like to have a few minutes to talk about some reality therapy that we must think about. That we can sit here and pass any number of bills and write any number of amendments, but to my knowledge, no one has researched not only the fiscal impact and the cost of lives and societal causes that this bill is going to get us into if we do not look at what happens to children in this country.

We hear a lot of rhetoric regarding save the children, save the oceans, save the rivers, but I am here today to say to each of my colleagues that of all of the assets this country has, our children are our most important assets. So the Maloney amendment is just trying to prick the conscience of this group to look at the children.

Look at what this bill does. I am on the Committee on Government Reform and Oversight. I am a new member. I came to that committee with all kinds of gung-ho enthusiasm. But I have yet to be able to analyze or look at or to research or look at what we are doing in that committee.

What we are doing in that committee is going to have far-reaching impacts on the lives of the citizens of this country, and these are the children that we are talking about today. These are the children that are going to pull each of us down if we do not do what is right for them up front.

We talk about criminality. If we do not look at what is happening to our children, if we do not look into our communities and find out how can we help the health of the children, how can we get them immunized, how can we get them educated, how can we help them become better citizens?

I want to tell my colleagues something: If we do not look at unfunded mandates in such a way as to tear it down to the smallest community and to the smallest child and even to the unborn children, we are going to leave something out.

This amendment that my colleague, the gentlewoman from New York [Mrs. MALONEY], has put up here today is not anything meant to cripple the bill. It is something meant to supplement the bill and to put in something that is so very important, and I really encourage my colleagues on the other side of the aisle to look at this just as they did the amendment for the aging and elderly.

□ 1620

The children are just as important as elderly people, and we have left them out, so that is what the gentlewoman from New York [Mrs. MALONEY] is trying to do.

Because of these hearings, we do not know how poorly this bill will work, but by any standard, we have not researched this bill, and we have not looked at the impact of it.

Now, a lot of children in this country are not as fortunate as some of our Members would have you think, and

you do not need to read a magazine to find it out. You just need to go into some of the homes in both urban and suburban and both rural and otherwise to see these children. We rank in such a dismal category in terms of infant mortality. With all of the scientific discoveries we have made, we are 19th in countries in infant mortality. Our children are dying before the first year of life is over.

So you mean to tell me you are not going to look at this in terms of do you think any State legislature is going to do it? I spent 14 years in the State legislature, and I see what is happening here. There is a terrible syndrome happening here.

What is going to happen is after the contract is passed, after the 100 days, we are going to push all of this down to the State level. You are going to get some block grants or any kind of whatever configuration you want to call it, geometric, whatever it is; you are going to lump all the money in one big pile and ship it to the States, and that relieves you of the responsibility of saying to these mothers, people throughout this country, "We do not care that much about you enough to look at the impact of these amendments and bills that we are writing now."

You know what the States are going to do with that. They are getting their committees and their priorities that come first, where the most of the voters are. That is what they will fund first. It does not take a Ph.D. to figure that out, Mr. Chairman, as to what they are going to do with the money.

So the children will probably be left out, because it will not be the top priority of every State legislature. I know, I have been there.

A lot of people have not been on the street where these people are, where these people have children who are not being cared for.

I beg you to realize that one-quarter of the children born in this country are born in poverty. Think about it. They are not born with a silver spoon in their mouths.

So when you think about where the money is going when it leaves here to the State, to people who do not really realize where our problems are. One of every six children under the age of 6 is not covered, Mr. Chairman, by health insurance.

The CHAIRMAN. The time of the gentlewoman from Florida [Mrs. MEEK] has expired.

(By unanimous consent, Mrs. MEEK of Florida was allowed to proceed for 1 additional minute.)

Mrs. MEEK of Florida. Mr. Chairman, I want to go back to say vote for the Maloney amendment, because it does, it helps us keep intact this safety net which has been placed there for the people who deserve it the most, our children. They are our future, and we cannot come to this floor and forget them.

The CHAIRMAN. The question is on the amendments offered by the gentlewoman from New York [Mrs. MALONEY].

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

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

Mrs. MALONEY. I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

Members will record their presence by electronic device.

Mrs. MALONEY. I withdraw my point of order.

The CHAIRMAN. The gentlewoman cannot withdraw her point of order at this juncture.

Mrs. MALONEY. I request a recorded vote, a rollcall vote.

The CHAIRMAN. The Chair has already stated that a quorum is not present.

Mrs. MALONEY. I withdraw it.

The CHAIRMAN. Members will record their presence by electronic device.

Any recorded vote that is ordered after the quorum call will be a 5-minute vote.

The following Members responded to their names:

[Roll No. 34]

Abercrombie Cardin Durbin
Ackerman Castle Edwards
Allard Chabot Ehlers
Andrews Chambliss Ehrlich
Archer Chapman Emerson
Army Chenoweth Engel
Bachus Christensen English
Baesler Chrysler Ensign
Baker (CA) Clay Eshoo
Baker (LA) Clayton Evans
Baldacci Clement Everett
Ballenger Clinger Ewing
Barcia Clyburn Farr
Barr Coble Fattah
Barrett (NE) Coburn Fawell
Barrett (WI) Coleman Fazio
Bartlett Collins (GA) Fields (TX)
Barton Collins (IL) Filner
Bass Collins (MI) Flake
Bateman Combust Flanagan
Becerra Condit Foglietta
Beilenson Conyers Foley
Bentsen Cooley Forbes
Bereuter Costello Ford
Berman Cox Fowler
Bevill Coyne Fox
Bilbray Cramer Franks (CT)
Bilirakis Crane Franks (NJ)
Bliley Crapo Frelinghuysen
Blute Cremeans Frisa
Boehlert Cubin Funderburk
Boehner Cunningham Furse
Bonilla Danner Gallegly
Bonior Davis Ganske
Bono de la Garza Gejdenson
Borski Deal Gekas
Boucher DeFazio Gephardt
Brewster DeLauro Geren
Browder DeLay Gibbons
Brown (CA) Dellums Gilchrist
Brown (FL) Deutsch Gillmor
Brown (OH) Diaz-Balart Gilman
Brownback Dickey Gonzalez
Bryant (TN) Dicks Goodlatte
Bryant (TX) Dingell Goodling
Bunn Dixon Gordon
Bunning Doggett Goss
Burr Dooley Graham
Burton Doolittle Green
Buyer Dornan Greenwood
Callahan Doyle Gunderson
Calvert Dreier Gutierrez
Camp Duncan Gutknecht
Canady Dunn Hall (OH)

Hall (TX) Hamilton
Hancock Hansen
Harman Hastert
Hastings (FL) Hastings (WA)
Hayes Hayworth
Hefley Hefner
Heineman Herger
Hilleary Hilliard
Hinchey Hobson
Hoekstra Hoke
Holden Horn
Hostettler Houghton
Hoyer Hunter
Hutchinson Hyde
Inglis Istook
Jackson-Lee Jacobs
Jefferson Johnson (CT)
Johnson (SD) Johnson, E.B.
Johnson, Sam Johnston
Jones Kanjorski
Kaptur Kasich
Kelly Kennelly
Kildeer Kim
King Kingston
Kleczka Klink
Klug Knollenberg
Kolbe LaFalce
LaHood Lantos
Largent Latham
LaTourette Laughlin
Lazio Leach
Levin Lewis (CA)
Lewis (GA) Lewis (KY)
Lightfoot Lincoln
Linder Lipinski
Livingston LoBiondo
Lofgren Longley
Lowey Lucas
Luther Maloney
Manton Manzullo
Martinez Royce
Martini Rush
Mascara Sabo
McCarthy Salmon
McCollum Sanders
McCready Sandford
McDade McDermott
McHale McHugh
McInnis McIntosh
McKeon McKinney
McNulty Meehan
Meek Menendez
Metcalfe Meyers
Mfume Mica
Miller (CA) Miller (FL)
Mineta Minge
Mink Moakley
Molinari Mollohan
Montgomery Moorhead
Moran Morella
Murtha Myers
Myrick Nadler
Jefferson Nehercutt
Neumann Ney
Norwood Nussle
Oberstar Obey
Oliver Ortiz
Orton Owens
Packard Pallone
Parker Pastor
Paxon Payne (NJ)
Payne (VA) Pelosi
Peterson (FL) Peterson (MN)
Petri Pickett
Pombo Pomero
Porter Portman
Poshard Pryce
Quillen Quinn
Radanovich Rahall
Ramstad Rangel
Reed Regula
Reynolds Richardson
Riggs Rivers
Roberts Roemer
Rogers Ros-Lehtinen
Rohrabacher Ros-Lehtinen
Rose Roth
Roukema Roybal-Allard
Royce Rush
Sabo Salmon
Sanders Sandford
Sawyer Saxton
Scarborough Schaefer
Schiff Schroeder
Schumer Scott
Seastrand Sensenbrenner
Serrano Shadegg
Shaw Shays
Shuster Sisisky
Skaggs Skeen
Skelton Slaughter
Smith (MI) Smith (NJ)
Smith (TX) Smith (WA)
Solomon Souder
Spence Spratt
Stearns Stenholm
Stockman Stokes
Studds Stump
Stupak Talent
Tanner Tate
Tauzin Taylor (MS)
Taylor (NC) Tejeda
Thomas Thompson
Thornberry Thornton
Thurman Tiahrt
Torkildsen Torres
Torricelli Towns
Traficant Tucker
Upton Velazquez
Vento Visclosky
Doyle Volkmer
Vucanovich Waldholtz
Walker Walsh
Wamp Ward
Waters Watts (NC)
Watts (OK) Waxman
Weldon (FL) Weldon (PA)
Weller White
Whitfield Wickert
Williams Wise
Wolf Woolsey
Wyden Wynn
Yates Young (AK)
Young (FL) Zelliff
Zimmer

NOT VOTING—10

Bishop Kennedy (MA) Stark
Fields (LA) Kennedy (RI) Wilson
Frank (MA) Neal
Frost Oxley

□ 1644

The CHAIRMAN. Four hundred twenty-four Members have answered to

their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Virginia [Mr. DAVIS] for a recorded vote.

Pursuant to clause 2 of rule XXIII, this will be a 5-minute vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 161, noes 261, not voting 12, as follows:

[Roll No. 35]

AYES—161

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

NOES—261

Allard Boehlert Christensen
Andrews Boehner Chrysler
Archer Bonilla Clinger
Army Bono Coble
Bachus Brewster Coburn
Baesler Browder Collins (GA)
Baker (CA) Brownback Combust
Baker (LA) Bryant (TN) Condit
Ballenger Bunn Cooley
Barcia Bunning Cox
Barr Burr Cramer
Barrett (NE) Burton Crane
Bartlett Buyer Crapo
Barton Callahan Cremeans
Bass Calvert Cubin
Bateman Camp Cunningham
Bereuter Canady Davis
Bevill Castle Deal
Bilbray Chabot DeLay
Bilirakis Chambliss Diaz-Balart
Bliley Chapman Dickey
Blute Chenoweth Dooley

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

NOT VOTING—12

Bishop	Kennedy (RI)	Oxley
Fields (LA)	Lazio	Stark
Hoyer	McIntosh	Wilson
Kennedy (MA)	Neal	Wise

□ 1648

So the amendments were rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to section 4?

AMENDMENTS OFFERED BY MR. OWENS

Mr. OWENS. Mr. Chairman, I offer two amendments, numbered 4 and 5, printed in the RECORD, and ask unanimous consent that they be considered en bloc.

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

There was no objection.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. OWENS: In section 301(2), in the matter proposed to be added as a new section 422 to the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and at the end add the following new paragraph:

"(8) provides for protection of the health of individuals with disabilities.

In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following:

(8) provides for protection of the health of individuals with disabilities.

Mr. OWENS. Mr. Chairman, my first amendment excludes from the unfunded mandates legislation any statute or regulation that acts to protect the health of individuals with disabilities. My second amendment applies the same protection for individuals with disabilities in relation to the Congressional Budget Act provisions in the same legislation.

Mr. Chairman, there is a high level of anxiety in the community of people with disabilities about this piece of legislation. Forty-nine million people have disabilities, and the number continues to grow because any one of us could be a candidate, and certainly as people get older, they end up in large numbers in the category of people with disabilities.

Mr. Chairman, people with disabilities have a high level of anxiety for good reason. They feel that they have been targeted in this legislation, that they are a particular target because for years now there have been expressions of concern about the high cost at the local level of programs for people with disabilities, particularly the program IDEA, Individuals With Disabilities Education Act, better known to you as special education. That program has been targeted, and there are constant complaints from mayors and Governors, from school administrators and school board members about its high costs.

There are other programs related to the Americans With Disabilities Act which provide civil rights for people with disabilities. But those civil rights sometimes have costs attached to them, especially in the area of public accommodations and transportation. It costs money to meet the requirements of the ADA bill. For that reason, they feel that they are particularly targeted here, and they would be the victims of this legislation.

This is an opportunity for us to clarify what we mean when we say that people's civil rights will not be affected. ADA, Americans With Disabilities Act, did elevate the rights of people with disabilities to the same level as other civil rights. It is a fact that they have some economic requirements attached to them that makes for a lot of confusion. There are many cases right now in litigation. The Equal Employment Opportunity Commission has a large number of cases related to peo-

ple with disabilities because of this gray area.

Here is an opportunity to clarify and let it be known whether this act is particularly targeted at people with disabilities.

Traditionally, State and local governments have been hostile or indifferent to these people with disabilities, and the Federal Government has had to lead the way. In the case of vocational education and vocational rehabilitation, we have led the way. In the area of special education, it took the Federal Government's mandate to provide for children who needed education who had disabilities. The Federal Government has had to lead the way. The States have always complained. So if the mandate is taken away, they have good reason to believe they may be victimized.

In the area of health, individuals with disabilities chronically experience problems in remaining employed, and therefore they have fewer resources and have a higher number who are taken care of by Medicaid. Many of the 49 million Americans with disabilities are dependent on Medicaid. If we pass the unfunded mandates and that results in cuts in Medicaid, Medicaid services would be on the chopping block. Inpatient services or outpatient hospital services, physician services, the case would have to be made as to which of those are cut. If such services are cut, the parents of children with disabilities would not be able to gain access to needed services which allows them to keep their children at home, instead of an institution, which is much cheaper to all of us.

Another Medicaid service jeopardized by this legislation would be the early periodic screening diagnostic and treatment, which allows for low income children up to age 21 vital health screening, gives them vital health screening to prevent the possibility of long-term disabilities. Cuts in this program which will result from the passage of this legislation would especially be harmful to children with disabilities.

I do not want to repeat all the arguments that have been argued already for other children, but children with disabilities have a particular problem. Of course, this particular amendment covers more than just children; it is all people with disabilities, including adults.

We tried very hard last year to pass health care legislation that might have made my amendments unnecessary. But since the obstructionists prevailed, the pharmaceutical industry, the insurance industry, the medical industry, Harry and Louise, all of those prevailed; we did not get a health care bill which would provide for the needs of people with disabilities. It is important that we in this legislation make certain that they are not victimized unnecessarily.

Mr. Chairman, many of the organizations of people with disabilities also support this vitally needed legislation.

The CHAIRMAN. The time of the gentleman from New York [Mr. OWENS] has expired.

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

Mr. OWENS. Mr. Chairman, among the organizations that have supported this legislation and feel they are in jeopardy are many organizations that have had bipartisan support in the past. In fact, the Americans With Disabilities Act had strong bipartisan support. Our great worry is that that bipartisan support will no longer be there.

In the former Committee on Education and Labor, now called the Committee on Economic and Educational Opportunities, the one committee that dealt with the interests of the people with disabilities all in one place, found that it was broken up and the various functions related to people with disabilities were spread through three different committees.

□ 1700

We considered that a dangerous and hostile sign of the kind of things that are about to happen. Many of the signers of the Contract With America have indicated that they think that President Bush signed the Americans With Disabilities Act in a weak moment. In fact, one of the signers of the Contract With America has stated that the President signed that bill in a weak moment, and they want to undo the kind of rights that are provided in the legislation for people with disabilities.

So it is very important that a clarification is gained here. I hope that all of the numerous Members on both sides of the aisle who do support programs for people with disabilities will vote for this amendment and send a message to the people with disabilities that they still have friends on both sides of the aisle, that they are not being targeted, that they will not have their programs taken away because they do require funding at the local level.

The special education, for example, the Federal Government promised that they would fund it 40 percent and they only fund about 7 or 8 percent. There have been complaints about that since it began. So we need an indication with this vote that people with disabilities will not suffer needlessly, that when we say civil rights statutes are exempt, we mean that programs for people with disabilities, including the programs which directly affect their health and their children's health, are also exempt from this, these mandate requirements.

Mr. CLINGER. Mr. Chairman, I rise in opposition to the amendment just very briefly to say, Mr. Chairman, that I think the gentleman is correct, that Members on both sides of the aisle have great concern for the disabled in this country. The Americans With Disabilities Act, which the gentleman referred to and which is now law, is unaffected

by this legislation in any way, shape or manner. This is not in any sense a retroactive bill. The Americans With Disabilities Act, which I must say there are some who would like to amend because it in fact has imposed some rather heavy burdens on our States and local communities to comply with the act in terms of retrofitting various things to comply with the act, but that is not the point.

The point is that this is not going to in any way reach back into the Americans With Disabilities Act to affect the rights of the disabled, nor will it preclude us from in any way passing through a mandate for the benefit of the disabled in the future.

All we say is that this area should not be anymore exempt from consideration of the cost that is being imposed than any other area. And for that reason, Mr. Chairman, I must oppose the amendment.

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

Mr. Chairman, people with disabilities represent the most vulnerable and poorest group in America. People with disabilities are disproportionately minorities and have the most health problems. Yet disabilities touch us all. One in three Americans has a family member that has a disability. I myself had a family member that had a disability and know firsthand the kinds of other health problems that can be created when one has a disability and that might be directly caused by that particular disability.

Conditions for people with disabilities varies greatly from State to State and the people with disabilities therefore have looked to the Federal Government to help them to improve their quality of life and to make the quality of life equal for people who live in Michigan, or Illinois, or New York, or Mississippi, or Colorado, or any other State, giving them an equal opportunity to have, if you will, the kind of help that they certainly deserve to have.

One example, for example, is when we have all gone through and seen these ramps on the side of curbs so that people with disabilities who have to use wheelchairs are able to get about, to do things that we take for granted because we can walk, for example. We have also cases where it is absolutely essential that we provide for people who have lost their eyesight, who have certain kinds of disabilities. We want people not just in one State to have those provisions made for them. We want people in all the States to have those provisions for them so that every person who has a loss of eyesight can equally enjoy the quality of life no matter where they happen to live or in which communities they happen to live. With so many States entering into experiments in the Medicaid Program, the health centers of people with disabilities is certainly at great risk.

The move toward managed care as a device to control costs in Illinois and

other States increases the likelihood that people with disabilities will end up in appropriate care settings with disastrous consequences. Studies show clearly that managed care does not work well for people with disabilities who often require specialized medical care on a very routine basis.

Without this exclusion, H.R. 5 could prevent the Federal Government from the insurance that Medicaid programs in the States are appropriate to the needs of the people with varying disabilities. We wisely chose to exclude antidiscrimination laws, including those that protect people with disabilities, from this bill, but what good is it, if there is an exclusion for the disabled, if we by some same action undermine their rights to decent health.

It just does not make any kind of sense at all, Mr. Chairman.

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

Mr. Chairman, I rise in support of the Owens amendment to exempt from the impact of the unfunded mandates legislation any provisions designed to maintain the health of individuals with disabilities. This is not only the compassionate thing to do, it is also the sensible and fiscal thing to do.

As a direct result of the advancement in medicine, many individuals with disabilities are able to maintain an independent life as productive, contributing citizens.

The absence of medical care for such individuals is, therefore, not simply a health problem but one of loss of general functionality as well.

To take away health care for most of us means that we have to prioritize resources. For individuals with disabilities, there are no other priorities. They must have health care for anything else to exist.

Moreover, it also means that we will have to pay a lot more for other support costs once the independence of an individual with disabilities is lost.

What this amendment says, Mr. Chairman, is that we should not treat individuals in totally different circumstances as if they were the same. Without this amendment, individuals with disabilities would be dramatically affected.

As the gentleman from New York has indicated, Congress has passed many bills affecting the rights and independence of individuals with disabilities and without this amendment, it would be virtually impossible for Congress to take any action to protect this vulnerable group in the future.

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

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

Mr. OWENS. Mr. Chairman, I would like to clarify the fact that this amendment is primarily about health, mandates which affect the health of people with disabilities. But I deliberately included other matters because

the gray area there is always there for people with disabilities.

Their health is affected if they cannot get proper transportation and the ADA gives them the right to transportation, which has to be provided by local governments. And many local governments have refused to take the steps to provide the necessary transportation.

There are numerous areas which are gray, which have led to a great deal of litigation about the civil rights that are supposed to be protected under this statute, which always, not always, but usually affect the health and the welfare directly of people with disabilities. So it cannot be separated. The gray areas are such that it would be, a great service would be rendered by, in this legislation, passing this amendment and clarifying once and for all the fact that anything affecting people's health, people with disabilities' health, is also part of the overall protection that is provided for people with disabilities.

Mr. PAYNE of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of the amendment offered by my colleague, the gentleman from New York [Mr. OWENS]. Mr. OWENS, who shepherded the ADA legislation and the IDEA legislation last year, did a commendable job in attempting to preserve the rights of people who are handicapped.

I heard one of the colleagues on the other side say it was a heavy burden on our poor States and our local government. It was a heavy burden on our transportation companies that they had to make way for people with a handicap to have their civil rights so that they could go to work, to be productive citizens, so that they could live a quality of life that we who are fortunate enough to be unencumbered with a handicap have.

I think that it is relatively callous when we look at the burden that is imposed because we are attempting to make the quality of life more livable for other individuals. These amendments are essential to many individuals in this nation who suffer from disabilities. Individuals with disabilities experience more problems with retaining employment. They have more problems and more expense and fewer resources, in many instances, when they attempt to get to their places of employment than most Americans have.

□ 1710

Many of the 49 million Americans with disabilities are dependent on Medicaid for their basic health care. If this unfunded mandates legislation is passed without these amendments, and we also have entitlement caps, then the list of mandated health services in the current Medicaid Program would have to be cut in relation to the decreasing amount of funds in State governments.

Moreover, Mr. Chairman, if these services are cut, parents of children with disabilities will not be able to gain access to needed services which enable them to keep their children at home. Instead, these parents will be forced to place their children in institutions, institutional settings, thereby promoting more dependency rather than independent living.

Mr. Chairman, I thought one of the contract's provisions was to make people more independent, to make them more self-reliant, but by some of these moves, we will make people more interdependent on the system, not more independent.

Mr. Chairman, last year we made a concerted effort to pass health care legislation that might have made these amendments unnecessary, as the gentleman from New York [Mr. OWENS] mentioned. However, since we could not accomplish this effort, it is now more important than ever before that we support these amendments, so that we do not take away what little access to health care individuals with disabilities currently have.

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

Mr. Chairman, I just want to reemphasize what we are doing here today. We are here, Mr. Chairman, to pass an unfunded mandate bill that puts a stop to federally unfunded mandates. All the amendments we have heard on the floor today would not be impacted by this. This is prospective. The ADA, the amendment we are talking about right now in civil rights, everything is prospective. Civil rights is exempted.

What we are doing here today is talking about accountability again. Let me tell the Members, we have heard a lot of amendments. Most of them really I think are portrayed incorrectly, but the majority of the Members in this House are getting it, because when we count the votes today and yesterday, the majority of Members in this House are voting down these amendments. They clearly understand that local government is watching what we are doing. We are putting some accountability in this House.

The things that the Members advocate are good and I am supportive of that, but let me say, if we want to do those things, all we are saying is if they are good enough for us to debate, good enough for us to talk about, good enough for us to pass, then they are good enough for us to pay for. That is simply what we are doing here today.

All the things we are debating right now sound good, are good, in my opinion, but they have little to do with the unfunded mandate bill because most of this is about prospective legislative. The civil rights has been exempted.

Mr. Chairman, it is a great debate to have, I guess, but let us remember what we are doing. We are trying to put some accountability in the House. We are trying to get people to say if they are for something and they feel

that strong about it, take the accountability and responsibility to pay for it.

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

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

Mr. OWENS. Mr. Chairman, is the gentleman aware of the fact that there is a well-documented history of the State and local governments being indifferent and even hostile toward the needs of people with disabilities? If the Federal Government had not moved, most of these people would never have been helped at all.

Mr. CONDIT. I understand there have been times that local government has been slow to respond to things, and the Federal Government frankly has not been perfect in responding to certain things as well, but I have much more faith than some of these people who have come to this floor, with local governments.

We have heard stories that "We would not have cleaned up sanitation facilities, we would not have built curb cuts." We act as though local government officials have no incentive. They represent the same people we represent. They are trying to do good for their people as well.

Mr. Chairman, I think it is a disservice for us to come here and suggest that they have no incentive to do the right thing for their people. Yes, they are slow. I can tell you why they are slow today, because they do not have much money. They are just about like we are. They are that far from the poorhouse.

What we need to do, Mr. Chairman, is be cooperative and work with them and not put unfunded mandates on them. If we think it is a good idea, then let us just pay for it. Let us help them out, because I think their agenda is the same as my agenda, to do what is right for the American people, to do what is right for their constituents.

If Members have never sat in a city hall chamber at a city council meeting, they do not know what the heat is, because the people come down there and they want things done. They want their wastewater treatment clean. They want their drinking water safe. They want clear air, and they let you know it, and they let you know it on Monday night at the city council meeting. Therefore, I think that local government is more responsible than we are giving them credit for here today.

All I am saying, Mr. Chairman, let us put some perspective on this. We are talking about accountability here. We are talking about if we think it is good enough for us to debate, pass, then it is good enough for us to pay for. That is it. That is what we are doing here. Mr. Chairman, I just want us to focus on that.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York [Mr. OWENS].

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

RECORDED VOTE

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

A recorded vote was ordered.

The CHAIRMAN. This will be a 17-minute vote.

The vote was taken by electronic device, and there were—ayes 149, noes 275, not voting, 10 as follows:

[Roll No 36]

AYES—149

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

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Allard	Burton	Doolittle
Andrews	Dornan	Buyer
Archer	Callahan	Dreier
Army	Calvert	Duncan
Bachus	Camp	Dunn
Baesler	Canady	Edwards
Baker (CA)	Castle	Ehlers
Baker (LA)	Chabot	Ehrlich
Ballenger	Chambliss	Emerson
Barr	Chapman	English
Barrett (NE)	Christensen	Ensign
Barrett (WI)	Chrysler	Everett
Bartlett	Clinger	Ewing
Barton	Coble	Fawell
Bass	Coburn	Fields (TX)
Bateman	Collins (GA)	Flanagan
Bereuter	Combest	Foley
Bevill	Condit	Forbes
Bilbray	Cooley	Fowler
Bliley	Cox	Fox
Blute	Cramer	Franks (CT)
Boehlert	Crane	Franks (NJ)
Boehner	Crapo	Frelinghuysen
Bonilla	Creameans	Frisa
Bono	Cubin	Funderburk
Boucher	Cunningham	Galleghy
Brewster	Danner	Ganske
Browder	Davis	Geren
Brownback	Deal	Gilchrest
Bryant (TN)	DeLay	Gillmor
Bunn	Diaz-Balart	Gilman
Bunning	Dickey	Goodlatte
Burr	Dooley	Goodling

Goss	LoBiondo	Salmon
Graham	Longley	Sanford
Greenwood	Lucas	Saxton
Gunderson	Manzullo	Scarborough
Gutknecht	Martini	Schaefer
Hall (TX)	McCollum	Schiff
Hamilton	McCrery	Schumer
Hancock	McDade	Seastrand
Hansen	McHugh	Sensenbrenner
Harman	McInnis	Shadegg
Hastert	McIntosh	Shaw
Hastings (WA)	McKeon	Shays
Hayes	Metcalfe	Shuster
Hayworth	Meyers	Sisisky
Hefley	Mica	Skeen
Hefner	Miller (FL)	Skelton
Heineman	Minge	Smith (MI)
Herger	Molinar	Smith (NJ)
Hilleary	Montgomery	Smith (TX)
Hobson	Moorhead	Smith (WA)
Hoekstra	Moran	Solomon
Hoke	Morella	Souder
Horn	Myers	Spence
Hostettler	Myrick	Spratt
Houghton	Nethercutt	Stearns
Hunter	Neumann	Stenholm
Hutchinson	Ney	Stockman
Hyde	Norwood	Stump
Inglis	Nussle	Talent
Istook	Ortiz	Tanner
Jacobs	Orton	Tate
Johnson (CT)	Oxley	Tauzin
Johnson (SD)	Packard	Taylor (MS)
Johnson, Sam	Parker	Taylor (NC)
Jones	Paxon	Tejeda
Kanjorski	Payne (VA)	Thomas
Kasich	Peterson (FL)	Thornberry
Kelly	Peterson (MN)	Thurman
Kim	Petri	Tiahrt
King	Pickett	Torkildsen
Kingston	Pombo	Upton
Klecza	Pomeroy	Visclosky
Klug	Porter	Vucanovich
Knollenberg	Portman	Waldholtz
Kolbe	Pryce	Walker
LaHood	Quillen	Walsh
Largent	Quinn	Wamp
Latham	Radanovich	Watts (OK)
LaTourette	Ramstad	Weldon (FL)
Laughlin	Regula	Weldon (PA)
Lazio	Riggs	Weller
Leach	Roberts	White
Lewis (CA)	Roemer	Whitfield
Lewis (KY)	Rogers	Wicker
Lightfoot	Rohrabacher	Wolf
Lincoln	Ros-Lehtinen	Young (FL)
Linder	Roth	Zeliff
Lipinski	Roukema	Zimmer
Livingston	Royce	

NOT VOTING—10

Bilirakis	Gekas	Wilson
Bishop	Kennedy (MA)	Young (AK)
Chenoweth	Kennedy (RI)	
Fields (LA)	Neal	

□ 1733

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

So the amendments were rejected.

The result of the vote was announced as above recorded.

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

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. COMBEST] having assumed the chair, Mr. EMERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5) to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates on the

private sector, and for other purposes had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. CON. RES. 17, RELATING TO TREATMENT OF SOCIAL SECURITY UNDER CONSTITUTIONAL AMENDMENT REQUIRING A BALANCED BUDGET AND HOUSE JOINT RESOLUTION 1, PROPOSING BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104-4) on the resolution (H. Res. 44) providing for consideration of the concurrent resolution (H. Con. Res. 17) relating to the treatment of Social Security under any Constitutional amendment requiring a balanced budget and providing for consideration of the joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that tonight when the two Houses meet in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance which is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2

Miss COLLINS of Michigan. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2. I was erroneously listed as supporting this measure.

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

There was no objection.

COMMENDING SAMOAN NFL PLAYERS

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)