

Lofgren	Payne (VA)	Souder
Longley	Peterson (FL)	Spence
Lucas	Peterson (MN)	Spratt
Luther	Petri	Stearns
Manton	Pickett	Stenholm
Manzullo	Pombo	Stockman
Martinez	Pomeroy	Studds
Martini	Porter	Stump
Mascara	Portman	Stupak
Matsui	Poshard	Talent
McCarthy	Pryce	Tanner
McCollum	Quillen	Tate
McCrery	Quinn	Tauzin
McDade	Radanovich	Taylor (MS)
McHale	Rahall	Taylor (NC)
McHugh	Ramstad	Tejeda
McInnis	Reed	Thomas
McIntosh	Regula	Thompson
McKeon	Richardson	Thornberry
Menendez	Riggs	Thornton
Metcalf	Rivers	Tiahrt
Meyers	Roberts	Torkildsen
Mica	Roemer	Torres
Miller (CA)	Rogers	Towns
Miller (FL)	Rohrabacher	Traficant
Minge	Roth	Tucker
Molinari	Roukema	Upton
Mollohan	Royce	Visclosky
Montgomery	Salmon	Volkmer
Moorhead	Sanford	Vucanovich
Moran	Sawyer	Waldholtz
Morella	Saxton	Walker
Murtha	Scarborough	Walsh
Myers	Schiff	Wamp
Myrick	Schroeder	Ward
Nadler	Schumer	Watts (OK)
Neal	Seastrand	Weldon (FL)
Nethercutt	Sensenbrenner	Weldon (PA)
Neumann	Shadegg	Weller
Ney	Shaw	White
Norwood	Shays	Whitfield
Nussle	Shuster	Wicker
Obey	Sisisky	Wilson
Ortiz	Skaggs	Wise
Orton	Skeen	Wolf
Oxley	Skelton	Wynn
Packard	Smith (MI)	Young (AK)
Pallone	Smith (NJ)	Young (FL)
Parker	Smith (TX)	Zeliff
Pastor	Smith (WA)	Zimmer
Paxon	Solomon	

NAYS—71

Abercrombie	Frank (MA)	Moakley
Baldacci	Frost	Oberstar
Becerra	Furse	Olver
Beilenson	Gejdenson	Owens
Bonior	Gutierrez	Payne (NJ)
Borski	Hall (OH)	Rangel
Brown (CA)	Hastings (FL)	Roybal-Allard
Brown (FL)	Hilliard	Rush
Cardin	Hinchey	Sabo
Clay	Johnson (SD)	Sanders
Coleman	Kanjorski	Scott
Collins (IL)	Klink	Serrano
Collins (MI)	LaFalce	Stark
Coyne	Lewis (GA)	Stokes
DeFazio	Lowey	Thurman
Dingell	Maloney	Torricelli
Dixon	Markey	Velazquez
Durbin	McDermott	Vento
Evans	McKinney	Waters
Farr	McNulty	Watt (NC)
Fattah	Meek	Williams
Fazio	Mfume	Woolsey
Filner	Mineta	Wyden
Foglietta	Mink	

NOT VOTING—13

Bachus	Pelosi	Slaughter
Chapman	Reynolds	Waxman
Flake	Ros-Lehtinen	Yates
Lincoln	Rose	
Meehan	Schaefer	

□ 1229

Ms. EDDIE BERNICE JOHNSON of Texas, and Messrs. CLYBURN, POMEROY, THOMPSON, and TORRES changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRIES

Mr. KANJORSKI. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. GUNDERSON). The gentleman will state it.

Mr. KANJORSKI. Mr. Speaker, as I understand the new rule in clause 2(l)(2)(B) of rule XI, adopted on January 4 of this year as the new rules of the House, each committee report must accurately reflect all rollcall votes on amendments in committee; is that correct?

The SPEAKER pro tempore. The gentleman is correct.

Mr. KANJORSKI. Mr. Speaker, as a further parliamentary inquiry, the report accompanying H.R. 5, as reported from the Committee on Government Reform and Oversight, House Report 104-1, part 2, lists many rollcall votes on amendments. On amendment 6, the report states that the committee defeated the amendment by a rollcall vote of 14 yes and 22 no. However, the tally sheet shows 35 members voting "aye" and 1 member voting "nay".

Mr. Speaker, would a point of order under clause 2(l)(2)(B) of rule XI apply?

The SPEAKER pro tempore. In the opinion of the Chair, the gentleman is correct.

Mr. KANJORSKI. Mr. Speaker, if that were the case, it is clear that this bill could not proceed under its present rule; is that correct?

The SPEAKER pro tempore. The gentleman is correct, if it is an error on behalf of the committee. If it is a technical problem which would not be sustained in the point of order.

Mr. KANJORSKI. Mr. Speaker, I am not going to insist or raise a point of order. However, I bring this to the attention of the Chair and to my colleagues on the other side. Some of the hesitancy to proceed as quickly as we are proceeding on this bill and others that are part of the Contract With America is the fear on the minority side that this haste may bring waste, that speed may bring poor legislation.

There are many elements of the unfunded mandate bill which I think the long-term ramifications and the possibilities of working havoc on the judicial system and the regulations and rules presently existing in the United States could cause our constituents difficulty.

I would urge that the majority, in consideration of the fact that we are not going to use this tactic to delay this debate, take into consideration that their rules must be applied on a day-to-day basis, because the majority is responsible for having passed this rule.

Mrs. COLLINS of Illinois. Mr. Speaker, will the gentleman yield?

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

Mrs. COLLINS of Illinois. Mr. Speaker, I thank the gentleman for yielding to me. The gentleman is absolutely right. The speed with which we have

had to consider this legislation has, as the gentleman has pointed out, created a number of problems that are evidenced right there. It seems to me if we would just slow down, get deliberate and full review of what we are trying to do here, these kinds of mistakes that the gentleman has pointed out will not happen, and I certainly think that the gentleman is absolutely right in pointing that out so that all of us can be aware of it. I thank him for doing so.

Mr. KANJORSKI. I thank the ranking member.

Mr. Speaker, may I just address the other side for a moment and say that we had a series of amendments. Many of them are very, very important. There is the possibility, as we move into the amendment phase of this bill, that there is going to be a move for cloture or limitation of debate. I hope we can have an agreement that, based on the new concept of an open rule, that the majority will not impose time restrictions on reasonable debate on the amendments to be offered.

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

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

Mr. CLINGER. Mr. Speaker, let me reassure the gentleman from Pennsylvania that there is no intent to change the rule. The rule is a very open rule, and there is no intent at all to in any way proscribe or limit the ability of the minority to offer amendments.

I would point out to the gentleman from Pennsylvania that I am advised that indeed there is a printing error in the RECORD. The tally clearly shows what the vote was. There was a printing error in terms of identifying what that vote was. But this was a printing error and certainly in no way should be used to vitiate the procedure that we are undergoing right now.

Mr. KANJORSKI. I assume we can accept the chairman's word.

The SPEAKER pro tempore. The gentleman from Pennsylvania has been recognized for the purpose of a parliamentary inquiry. The gentleman may continue regarding the inquiry.

Mr. KANJORSKI. Mr. Speaker, I yield to the gentlewoman from the State of New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Speaker, this was my amendment, and it is a printing record error. The Republicans voted against exempting the most vulnerable citizens in our society, children, that cannot vote, cannot speak for themselves in the unfunded mandates bill. But it is a printing error. They did not vote for it.

□ 1240

Mr. KANJORSKI. Mr. Speaker, just in closing I would like to say that I think this side, the minority, in fact, wants to cooperate with the majority side and have reasonable debate and discussion, so whatever the bill that finally comes out of the House of Representatives, we as Members of this

Congress can be proud of it in its entirety.

The SPEAKER pro tempore (Mr. GUNDERSON). The Chair appreciates the parliamentary inquiry. The Speaker appreciates the cooperation on behalf of the entire House.

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

The SPEAKER pro tempore. The gentlewoman will state her parliamentary inquiry.

Mrs. COLLINS of Illinois. Mr. Speaker, I raise a parliamentary inquiry concerning consideration of the bill.

The SPEAKER pro tempore. Does the gentlewoman state a point of order or a parliamentary inquiry?

Mrs. COLLINS of Illinois. A parliamentary inquiry, Mr. Speaker.

Mr. Speaker, under clause 2(j)(1) of rule XI it states "Whatever any hearing is conducted by any committee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the chairman by a majority of them before completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least 1 day of hearing thereon."

Mr. Speaker, the Committee on Government Reform and Oversight is the committee of original jurisdiction on this bill. On January 10, the Committee on Government Reform and Oversight began its markup on H.R. 5.

Mr. DREIER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. There is a parliamentary inquiry before the House at the present time.

The Chair has asked the gentlewoman to suspend so we might have order and that the Chair will be able to hear the parliamentary inquiry.

Mrs. COLLINS of Illinois. After two opening statements, the chairman of the committee invited a member of the majority party who was not a member of the committee to testify before the committee. At the conclusion of his testimony, the witness thanked the chairman of the committee for holding the hearing.

Mr. Speaker, minority members of the committee protested in a timely fashion. No opportunity was given to Members on our side of the aisle to question the witness. Democrats requested that an additional formal hearing be conducted on this measure so that their witnesses could be called. That request was denied and the minority was told that the only procedure allowed would be to continue the full committee markup of the bill. Efforts on the part of the minority members to raise questions over possible violations of House rules were dismissed by the chairman.

Mr. Speaker, in my view, allowing a Member not on the committee to testify changed the meeting from a straight markup to a hearing.

It is true that in many committee markups the majority requests the

presence of certain experts, usually administration officials or committee staff, to answer questions about the interpretation or effect of different proposals.

The Member's appearance before the committee, the Member who is not a member of the committee, was not like that. Questions were not put to him. He provided a statement and read his testimony in the way any witness testifies at any hearing.

Mr. Speaker, we do not protest the presence of Members not on the committee at the markup and hearing. Our complaint is that we were denied the opportunity to ask questions and to call our own witnesses, as we were entitled to do under the rules.

The only remedy, Mr. Speaker, is a point of order at this stage of deliberation.

Is it correct that I would be required to raise a point of order, Mr. Speaker, when the committee resolves itself into the Committee of the Whole?

The SPEAKER pro tempore. If the gentlewoman insists on her point of order, that point of order would be timely at this point in the process.

Mrs. COLLINS of Illinois. Thank you, Mr. Speaker. However, because, Mr. Speaker, I do not want to engage in any kind of dilatory tactics, such as I have heard before in the 103d Congress and previous Congresses, I will not insist upon a point of order at this time.

The SPEAKER pro tempore. Does the gentlewoman seek a response from the Chair regarding the inquiry?

Mrs. COLLINS of Illinois. Not at this time, Mr. Speaker. I think I have made my point.

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 consideration of the bill H.R. 5.

□ 1244

IN THE COMMITTEE OF THE WHOLE

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

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 30 minutes, the gentle-

woman from Illinois [Mrs. COLLINS] will be recognized for 30 minutes, the gentleman from California [Mr. DREIER] will be recognized for 30 minutes, and the gentleman from Massachusetts [Mr. MOAKLEY] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Chairman, I yield 5 minutes of my time to the gentleman from California [Mr. CONDIT], and I ask unanimous consent that he be allowed to manage that time. I also ask unanimous consent that the committees be recognized in order.

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

There was no objection.

Mr. DREIER. Mr. Chairman, I, too, ask unanimous consent that I be able to yield 5 minutes of our Committee on Rules time to the gentleman from California [Mr. CONDIT], and that he be able to control that time.

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

There was no objection.

Mr. MOAKLEY. Mr. Chairman, I ask unanimous consent to yield 5 minutes to the gentleman from California [Mr. CONDIT].

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

There was no objection.

Mr. CLINGER. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, some years ago a serial killer whose name I forget, there are so many these days, left a scribbled note at the scene of one of his murders which said, "Stop me before I kill again." In effect, he was saying, "I know what I am doing is wrong, but I am powerless to stop doing it."

Mr. Chairman, so it is with unfunded mandates. Most of us in this House know what we are doing is wrong, that we are putting an increasingly intolerable burden on States and local governments in the private sector, but we seem incapable of stopping it. H.R. 5 is our way of saying, "Stop us before we mandate again."

In fact, this bill will not actually stop us from imposing additional unfunded mandates, but it will certainly slow the process, and will force each of us to go on record if we want to mandate action by State and local governments without providing the resources with which to pay for it.

It does not go nearly as far as some of us would like. No money, no mandate, would be our preference, but H.R. 5 is a reasonable compromise between divergent views, and one which has the support of the President and bipartisan support in both the House and Senate.

This bill begins to restore to State and local governments some measure of control and direction over their own affairs, control which the Federal Government has increasingly arrogated to itself over recent decades.