

Rohrabacher	Smith (MI)	Torkildsen
Ros-Lehtinen	Smith (NJ)	Upton
Roth	Smith (TX)	Vucanovich
Roukema	Smith (WA)	Waldholtz
Royce	Solomon	Walker
Salmon	Souder	Walsh
Sanford	Spence	Wamp
Saxton	Stearns	Watts (OK)
Scarborough	Stenholm	Weldon (FL)
Schaefer	Stockman	Weller
Schiff	Stump	White
Seastrand	Talent	Whitfield
Sensenbrenner	Tanner	Wicker
Shadegg	Tate	Wilson
Shaw	Tauzin	Wolf
Shays	Taylor (NC)	Young (AK)
Shuster	Tejeda	Young (FL)
Sisisky	Thomas	Zeliff
Skeen	Thornberry	Zimmer
Skelton	Tiahrt	

NOT VOTING—9

Brown (CA)	Harman	Jefferson
Burton	Hastert	Neal
de la Garza	Hefner	Weldon (PA)

□ 1919

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. HARMAN. Mr. Chairman, during rollcall vote Nos. 60 and 61 on H.R. 5, I was unavoidably detained. Had I been present I would have voted "nay" on both.

□ 1920

The CHAIRMAN. Are there further amendments to section 4?

AMENDMENTS OFFERED BY MR. CLAY

Mr. CLAY. Mr. Chairman, I offer two amendments, amendment No. 39 and amendment No. 41.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. CLAY: At the end of paragraph (6) of section 4 strike "or", at the end of paragraph (7) strike the period and insert "; or", and add after paragraph (7) the following:

(8) is necessary to protect children from hunger or homelessness.

In section 422 of the Congressional Budget Act of 1974, strike "or" at the end of paragraph (6), strike the period and insert "; or", at the end of paragraph (7), and add after paragraph (7) the following:

(8) is necessary to protect children from hunger or homelessness.

Mr. CLAY. Mr. Chairman, I ask unanimous consent that the amendments be considered en bloc.

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

There was no objection.

The CHAIRMAN. The gentleman from Missouri [Mr. CLAY] will be recognized for 5 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Chairman, I am pleased to offer these amendments along with the gentlewoman from Texas [Ms. JACKSON-LEE].

Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Chairman, I thank the gentleman for yielding me this time.

I am very proud today to offer this amendment today with my good friend and colleague from Missouri [Mr. CLAY].

As chairman of Houston's task force on homelessness, for many years I have worked on the issues of hunger and homelessness in the State of Texas. In my home city of Houston, we have over 10,000 homeless and many thousands of families who are perhaps only one paycheck away from losing their homes.

On any given night in this country, even though we have a roof over our head, we will find 600,000 people are homeless in the United States. Ne'er-do-wells? I do not think so. People who want a chance or an opportunity, people who have been one paycheck away from maintaining their home and are now out on the street; these people have children. It is estimated that 10 times that number have been homeless at some time during the past 5 years. Clearly homelessness is increasing, impacting more and more lives.

I think it is important for this body to acknowledge that homelessness in the United States has reached epidemic proportions. We must, as Members of Congress and as private citizens, take time to look beyond our own experience so that we may fully understand the magnitude of the crisis.

The majority in this new Congress have said the community at large can handle this problem of homelessness. Oh, I truly appreciate charitable institutions in my district, but we all must break the cycle of homelessness. The Children's Defense Fund estimates over 5 million children go hungry at some point during the month, and over 6 million children live in severely inadequate housing. Clearly a child's nutritional, educational, and overall general health needs are all compromised when subjected to a life that shuffles them from shelter to shelter.

By ignoring the need for greater Federal involvement, we are placing more children at risk for abuse and neglect. The time is now, and I am very grateful to have joined with the gentleman from Missouri in order to effect a bipartisan effort in fashioning a program to address the issue of child hunger and homelessness that should not be eliminated through unfunded mandates.

Although I support abolishing unfunded mandates, I think we must protect our children. I urge my colleagues to seriously consider the ramifications this legislation will have on homeless children and their families.

Realize that literally 10,000 homeless are in the city of Houston; 1,500 of them are children; 150,000 are marginally homeless, doubling up, living with families, friends, and relatives; 30,000 are children; 250,000 are at risk of becoming homeless, living paycheck to

paycheck. Any layoff, downsizing, or illness will affect them, and throw a family into a homeless condition. Without safeguards such as our amendment, we put at risk every program that is designed to help the homeless and near homeless to self-sufficiency. Remember, what we are looking forward to is unfunded mandates not to burden our cities, counties, and towns. Then we need to look forward to assisting those who are seeking independence to go from dependence in order to make sure we avoid the homeless cycle.

Mr. Chairman, I am proud to offer this amendment today with my friend and colleague from Missouri, Mr. CLAY. As chairman of Houston's task force on homelessness, for many years I have worked on the issues of hunger and homelessness in the State of Texas. In my home city of Houston, we have over 10,000 homeless and many thousands of families who are perhaps only one paycheck away from losing their homes.

On any given night, as many as 600,000 people are homeless in the United States. It is also estimated that 10 times that number have been homeless at some time during the past 5 years. Clearly, homelessness is increasingly impacting more and more lives. For this Congress to acknowledge that homelessness in the United States has reached epidemic proportions is only a small step in the right direction. We must, as Members of Congress and as private citizens, take time to look beyond our own experiences so that we may fully understand the magnitude of their crisis.

The majority in this new Congress has said that the community at large can handle the problem of homelessness. I respectfully disagree with my colleagues on the other side of the aisle. As the chairperson of the task force on homelessness for the city of Houston, I have learned first hand that the Federal Government must play a greater role in breaking the cycle of poverty and homelessness. I have great admiration for the charitable institutions of my district. However, even with the good-heartedness of local communities, our cities cannot and should not be expected to respond to a problem of this magnitude.

More importantly, no longer can we overlook the fact that far too many children are affected by hunger and homelessness. The Children's Defense Fund estimates that over 5 million children go hungry at some point during the month, and over 6 million children live in severely inadequate housing. Clearly, a child's nutritional, educational, and overall general health needs are all compromised when subjected to a life that shuffles them from shelter to shelter. By ignoring the need for greater Federal involvement, we are placing more children at risk of abuse and neglect.

The time is now—we must work together in a bipartisan fashion in addressing the issue of child hunger and homelessness. We must work together to assist our communities in their efforts. We must work to provide a coordinated effort to create a system that will help move homeless people from the street, to transitional support, and then to permanent housing.

I urge my colleagues to seriously consider the ramifications that this legislation will have on homeless children and their families. Without safeguards such as our amendment, we

put at risk every program that is designed to help the homeless and near homeless to self-sufficiency.

I look forward to working with my colleagues on this important issue and strongly urge their support for this amendment.

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

Mr. Chairman, I rise in opposition to the gentleman's amendments for the same reasons that I opposed the amendment by the gentleman from Vermont. [Mr. SANDERS], the gentleman from Pennsylvania [Mr. KANJORSKI], and the gentlewoman from New York [Mrs. MALONEY], all of which dealt with some phase of children's concern.

So I must oppose the amendments.

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

Mr. CLAY. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. ROYBAL-ALLARD].

Ms. ROYBAL-ALLARD. Mr. Chairman, on any given night there are 9,000 hungry and homeless children in California.

I rise in strong support of the Jackson-Lee/Clay amendments.

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

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

Mr. CLAY. Mr. Chairman, I am pleased to offer this amendment along with the gentlewoman from Texas [Ms. JACKSON-LEE]. Sponsors of the unfunded mandates bill wisely decided that certain laws and regulations are too vital to the national interest to be subjected to the cost-benefit and procedural hurdles mandated under this bill. The exclusions already in section 4 acknowledge that we should not engaged in cost-benefit analysis and procedural fights when it comes to civil rights, national emergencies, or international treaties.

Well I think America's children deserve the same protection from the cost-benefit analysis that lies at the heart of this bill. The Federal Government has the responsibility to ensure that the States protect America's children from malnutrition and homelessness. A point of order should not stand in the way of Federal laws that protect our children. America's children are at least as important as international treaties.

One out of four children in this country live in poverty. Millions of children go to bed at night hungry. Too many children have no home to go to. The problems generated by the way this society treats children cross State lines; there are national problems that require national solutions, as set forth in Federal laws. There are housing problems that demand Federal solutions. When we consider laws designed to protect our children from these harms, let us not subject those laws to the obstacles created by this legislation.

Mr. Chairman, I yield back the balance of my time.

Mr. CLINGER. Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED MS. JACKSON-LEE TO THE AMENDMENTS OFFERED BY MR. CLAY

Ms. JACKSON-LEE. Mr. Chairman, I offer an amendment to the amendments.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE to the amendments offered by Mr. CLAY: Page 1, line 1, insert "and adults" after "children."

The CHAIRMAN. The amendment to the amendments offered by the gentlewoman from Texas [Ms. JACKSON-LEE] is not debatable.

The question is on the amendment offered by the gentlewoman from Texas [Ms. JACKSON-LEE] to the amendments offered by the gentleman from Missouri [Mr. CLAY].

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

RECORDED VOTE

Ms. JACKSON-LEE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This is a 15-minute vote.

The Chair may reduce the next vote to 5 minutes.

The vote was taken by electronic device, and there were—ayes 142, noes 285, not voting 7, as follows:

[Roll No 62]

AYES—142

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

Allard	Gallegly	Norwood
Andrews	Ganske	Nussle
Archer	Gekas	Ortiz
Armey	Geren	Orton
Bachus	Gilchrest	Oxley
Baessler	Gillmor	Packard
Baker (CA)	Goodlatte	Parker
Baker (LA)	Goodling	Paxon
Ballenger	Gordon	Payne (VA)
Barcia	Goss	Peterson (FL)
Barr	Graham	Peterson (MN)
Barrett (NE)	Greenwood	Petri
Bartlett	Gunderson	Pickett
Barton	Gutknecht	Pombo
Bass	Hall (TX)	Pomeroy
Bateman	Hamilton	Porter
Bereuter	Hancock	Portman
Bevill	Hansen	Pryce
Bilbray	Harman	Quillen
Bilirakis	Hastings (WA)	Quinn
Bliley	Hayes	Radanovich
Blute	Hayworth	Rahall
Boehlert	Hefley	Ramstad
Boehner	Heineman	Regula
Bonilla	Herger	Riggs
Bono	Hilleary	Roberts
Boucher	Hobson	Roemer
Brewster	Hoekstra	Rogers
Browder	Hoke	Rohrabacher
Brownback	Horn	Ros-Lehtinen
Bryant (TN)	Hostettler	Roth
Bunn	Houghton	Roukema
Bunning	Hunter	Royce
Burr	Hutchinson	Salmon
Burton	Hyde	Sanford
Buyer	Inglis	Saxton
Callahan	Istook	Scarborough
Calvert	Johnson (CT)	Schaefer
Camp	Johnson (CT)	Schiff
Canady	Johnson, Sam	Schumer
Castle	Jones	Seastrand
Chabot	Kanjorski	Sensenbrenner
Chambliss	Kaptur	Shadegg
Chapman	Kasich	Shaw
Chenoweth	Kelly	Shays
Christensen	Kim	Shuster
Chrysler	King	Sisisky
Clement	Kingston	Skaggs
Clinger	Klink	Skeen
Coble	Klug	Skelton
Coburn	Knollenberg	Smith (MI)
Collins (GA)	Kolbe	Smith (NJ)
Combest	LaHood	Smith (TX)
Condit	Largent	Smith (WA)
Cooley	Latham	Solomon
Cox	LaTourette	Souder
Cramer	Lazio	Spence
Crane	Leach	Spratt
Crapo	Lewis (CA)	Stearns
Creameans	Lewis (KY)	Stenholm
Cubin	Lightfoot	Stockman
Cunningham	Lincoln	Stump
Davis	Linder	Talent
Deal	Livingston	Tanner
DeLay	LoBiondo	Tate
Diaz-Balart	Longley	Tauzin
Dickey	Lucas	Taylor (MS)
Dicks	Luther	Taylor (NC)
Dooley	Manzullo	Tejeda
Doolittle	Martini	Thomas
Dornan	McCarthy	Thornberry
Doyle	McCormack	Thornton
Dreier	McCrery	Thurman
Duncan	McDade	Tiahrt
Dunn	McHugh	Torkildsen
Edwards	McInnis	Torricelli
Ehlers	McIntosh	Upton
Ehrlich	McKeon	Visclosky
Emerson	McNulty	Vucanovich
English	Menendez	Waldholtz
Ensign	Metcalf	Walker
Everett	Meyers	Walsh
Ewing	Mica	Wamp
Fawell	Miller (FL)	Watts (OK)
Fields (TX)	Minge	Weldon (FL)
Flanagan	Molinari	Weller
Foley	Montgomery	White
Forbes	Moorhead	Whitfield
Fowler	Moran	Wicker
Fox	Morella	Wilson
Franks (CT)	Murtha	Wolf
Franks (NJ)	Myers	Young (AK)
Frelinghuysen	Myrick	Young (FL)
Frisa	Nethercutt	Zeliff
Funderburk	Neumann	Zimmer
	Ney	

NOT VOTING—7

Brown (CA)	Hastert	Weldon (PA)
Farr	Hefner	
Gilman	Neal	

□ 1946

Messrs. THORNTON, McDADE, and BEVILL changed their vote from "aye" to "no."

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

So the amendment to the amendments was rejected.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. VOLKMER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. VOLKMER. If the gentleman from Missouri, myself, had an amendment to the amendment of the gentleman from Missouri [Mr. CLAY], would it now be in order to offer that amendment to the amendment of the gentleman from Missouri?

The CHAIRMAN. A nondebatable amendment could be offered.

Mr. VOLKMER. Mr. Chairman, I do not plan to do it; I just wanted to be sure.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Missouri [Mr. CLAY].

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

RECORDED VOTE

Mr. CLAY. Mr. Chairman, I demanded a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2(c) of rule XXIII this will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 151, noes 277, not voting 6, as follows:

[Roll No 63]

AYES—151

Abercrombie	Dingell	Johnson, E. B.
Ackerman	Dixon	Johnston
Baldacci	Doggett	Kennedy (MA)
Barcia	Durbin	Kennedy (RI)
Barrett (WI)	Engel	Kennelly
Becerra	Eshoo	Kildee
Beilenson	Evans	Klecicka
Bentsen	Farr	LaFalce
Berman	Fattah	Lantos
Bishop	Fazio	Levin
Bonior	Fields (LA)	Lewis (GA)
Borski	Filner	Lipinski
Boucher	Flake	Lofgren
Brown (FL)	Foglietta	Lowe
Brown (OH)	Ford	Luther
Bryant (TX)	Frank (MA)	Maloney
Cardin	Frost	Manton
Clay	Furse	Markey
Clayton	Gejdenson	Martinez
Clement	Gephardt	Mascara
Clyburn	Gibbons	Matsui
Coleman	Gonzalez	McCarthy
Collins (IL)	Green	McDermott
Collins (MI)	Gutierrez	McHale
Conyers	Hall (OH)	McKinney
Costello	Hastings (FL)	Meehan
Coyne	Hilliard	Meek
Danner	Hinche	Menendez
de la Garza	Holden	Mfume
DeFazio	Hoyer	Miller (CA)
DeLauro	Jackson-Lee	Mineta
Dellums	Jacobs	Mink
Deutsch	Jefferson	Moakley
Dicks	Johnson (SD)	Mollohan

Nadler	Roybal-Allard
Oberstar	Rush
Obey	Sabo
Oliver	Sanders
Ortiz	Sawyer
Owens	Schroeder
Pallone	Scott
Pastor	Serrano
Payne (NJ)	Slaughter
Pelosi	Stark
Poshard	Stokes
Rangel	Studds
Reed	Stupak
Reynolds	Tejeda
Richardson	Thompson
Rivers	Torres
Roemer	Towns

NOES—277

Allard	Fields (TX)
Andrews	Flanagan
Archer	Foley
Army	Forbes
Bachus	Fowler
Baesler	Fox
Baker (CA)	Franks (CT)
Baker (LA)	Franks (NJ)
Ballenger	Frelinghuysen
Barr	Frisa
Barrett (NE)	Funderburk
Bartlett	Gallely
Barton	Ganske
Bass	Gekas
Bateman	Geren
Bereuter	Gilchrest
Bevill	Gillmor
Bilbray	Gilman
Bilirakis	Goodlatte
Bliley	Goodling
Blute	Gordon
Boehlert	Goss
Boehner	Graham
Bonilla	Greenwood
Bono	Gunderson
Brewster	Gutknecht
Browder	Hall (TX)
Brownback	Hamilton
Bryant (TN)	Hancock
Bunn	Hansen
Bunning	Harman
Burr	Hastings (WA)
Burton	Hayes
Buyer	Hayworth
Callahan	Hefley
Calvert	Heineman
Camp	Herger
Canady	Hilleary
Castle	Hobson
Chabot	Hoekstra
Chambless	Hoke
Chapman	Horn
Chenoweth	Hostettler
Christensen	Hunter
Chrysler	Hutchinson
Clinger	Hyde
Coble	Inglis
Coburn	Istook
Collins (GA)	Johnson (CT)
Combest	Johnson, Sam
Condit	Jones
Cooley	Kanjorski
Cox	Kaptur
Cramer	Kasich
Crane	Kelly
Crapo	Kim
Creameans	King
Cubin	Kingston
Cunningham	Klink
Davis	Klug
Deal	Knollenberg
DeLay	Kolbe
Diaz-Balart	LaHood
Dickey	Largent
Dooley	Latham
Doolittle	LaTourette
Dornan	Laughlin
Doyle	Lazio
Dreier	Leach
Duncan	Lewis (CA)
Dunn	Lewis (KY)
Edwards	Lightfoot
Ehlers	Lincoln
Ehrlich	Linder
Emerson	Livingston
English	LoBiondo
Ensign	Longley
Everett	Lucas
Ewing	Manzullo
Fawell	Martini

Traficant
Tucker
Velazquez
Vento
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry

Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)

Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—6

Brown (CA)	Hefner	Neal
Hastert	Houghton	Weldon (PA)

□ 1954

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. CLAY

Mr. CLAY. Mr. Chairman, I offer two amendments, numbered 40 and 42, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. CLAY: At the end of paragraph (6) of section 4 strike "or", at the end of paragraph (7) strike the period and insert "; or", and add after paragraph (7) the following:

(8) is necessary to protect the health and safety of those, including children and discouraged workers, who, through no fault of their own, receive welfare assistance.

In section 422 of the Congressional Budget Act of 1974, strike "or" at the end of paragraph (6), strike the period and insert "; or", at the end of paragraph (7), and add after paragraph (7) the following:

(8) is necessary to protect the health and safety of those, including children and discouraged workers, who, through no fault of their own, receive welfare assistance.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri [Mr. CLAY] that the amendments numbered 40 and 42 be considered en bloc?

There was no objection. The CHAIRMAN. The gentleman from Missouri [Mr. CLAY] will be recognized for 5 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 5 minutes.

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

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

Mr. Chairman, this amendment adds a much needed exemption to this bill. It provides that this act shall not apply to Federal laws or regulations that protect the health and welfare of children, discouraged workers, and others, who, through no fault of their own, need welfare assistance.

We as a nation have a duty to ensure that no one is left without the means to provide for the basic necessities of life. In a society as wealthy as ours, we have a moral responsibility to lend aid to the most vulnerable members of our society, including those who cannot find decent work for decent pay.

Our Nation's unemployment rate is approximately 5½ percent, and while that rate signifies better times for many, it still leaves almost 8 million unemployed. Hidden from that number are half a million others who no longer are counted as unemployed because they have given up hope of finding gainful employment. They have become discouraged workers.

There are tens of millions of others, including children, the aged, and the infirm, who cannot work. They don't have organized lobbyists pressing their case before Congress. They don't have the resources to contribute to political campaigns. And, too often, when they are not being ignored and forgotten, they are being blamed for circumstances which are as much of our making as their own. The best way to protect these vulnerable members of our society from the onerous and cost-benefit provisions under this bill is to shield them from these provisions.

I disagree with those who claim that this welfare crisis is the fault of the poor. We have a minimum wage today that does not support a family of three above the poverty line. We have a fiscal policy that encourages unemployment to curb inflation. We have a trade policy that encourages the exporting of low skilled jobs.

Solving this crisis is the greatest challenge we face today.

Without my amendment, H.R. 5 will discourage the Congress from meeting its moral and constitutional responsibilities to "provide for the general welfare" of the poor, the infirm, and the helpless. While the Federal Government clearly has a large role in solving the welfare crisis, State and local governments have significant responsibilities as well. We, as elected Representatives to the national Government, are ultimately responsible for ensuring that governments at all levels meet their responsibilities to the weak and the poor.

Hubert Humphrey said "The moral test of government is how it treats those in the dawn of life—the children; those in the twilight of life—the old; those in the shadow of life—the sick and the handicapped." To adopt H.R. 5 without this amendment is to turn our backs on our highest responsibility.

Mr. Chairman, I urge adoption of the amendment.

Mr. CLINGER. Mr. Chairman, I must oppose this amendment for the reasons that have been repeated here so often this evening and over the last 5 days.

Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. PORTMAN].

□ 2000

Mr. PORTMAN. Mr. Chairman, it will not come as a surprise that I rise again to oppose yet another amendment excluding whole areas of the law from the very reasonable cost analysis provided in the legislation, H.R. 5.

It might be of interest to know this is the eighth amendment to section 4 relating to health, the fifth amend-

ment relating to safety, and the seventh amendment relating to child welfare.

The reason these amendments went down, they were all voted down with solid bipartisan votes, the last one was 277 to 155, is that the bill before us in no way precludes Congress from acting responsibly in these areas to protect the very important national interests that are the subject of these amendments.

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

I have no further requests for time, Mr. Chairman. One of the reasons that those amendments have been going down is precisely what I said in my remarks, that the people that we are attempting to protect here do not have the benefit of lobbyists and other organizational protections on their side. It does not have to be that it is a bipartisan effort that is defeating this. It is a lack of compassion, in my opinion, on the part of some who do not realize the suffering of the people that we are trying to exempt.

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

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

Just in closing, I would say that I think the reason that those amendments have gone down is not for the reason the gentleman stated but because the majority of this body recognized that all of the interest groups that have been the subject of these amendments are not going to be affected by this law adversely.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Missouri [Mr. CLAY]

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 138, noes 284, not voting 12, as follows:

[Roll No 64]

AYES—138

Abercrombie	Danner	Ford	Klecza	Mineta	Scott
Ackerman	de la Garza	Frank (MA)	LaFalce	Mink	Serrano
Barcia	DeFazio	Furse	Lantos	Moakley	Slaughter
Barrett (WI)	DeLauro	Gejdenson	Levin	Mollohan	Stark
Becerra	Dellums	Gephardt	Lewis (GA)	Nadler	Stokes
Beilenson	Deutsch	Gibbons	Lipinski	Oberstar	Studds
Berman	Dicks	Gonzalez	Lofgren	Olver	Stupak
Bishop	Dingell	Green	Lowey	Ortiz	Tejeda
Bonior	Drapo	Gutierrez	Luther	Owens	Thompson
Borski	Doyle	Hall (OH)	Maloney	Pallone	Torres
Brown (FL)	Durbin	Hastings (FL)	Manton	Pastor	Towns
Bryant (TX)	Edwards	Hinchesy	Markey	Payne (NJ)	Trafficant
Clay	Engel	Jackson-Lee	Martinez	Pelosi	Tucker
Clayton	Eshoo	Jacobs	Mascara	Poshard	Velazquez
Clement	Evans	Jefferson	Matsui	Rangel	Vento
Clyburn	Farr	Johnson, E.B.	McCarthy	Reed	Volkmer
Coleman	Fattah	Johnson	McDermott	Reynolds	Ward
Collins (IL)	Fazio	Kanjorski	McHale	Richardson	Waters
Collins (MI)	Fields (LA)	Kennedy (MA)	McKinney	Rivers	Watt (NC)
Conyers	Filner	Kennedy (RI)	Meehan	Rush	Williams
Costello	Flake	Kennelly	Meek	Sabo	Woolsey
Coyne	Foglietta	Kildee	Menendez	Sanders	Wyden
			Mfume	Sawyer	Wynn
			Miller (CA)	Schroeder	Yates

NOES—284

Allard	Dunn	Kolbe
Andrews	Ehlers	LaHood
Archer	Ehrlich	Largent
Armey	Emerson	Latham
Bachus	English	LaTourette
Baesler	Ensign	Laughlin
Baker (CA)	Everett	Lazio
Baker (LA)	Ewing	Leach
Baldacci	Fawell	Lewis (CA)
Ballenger	Fields (TX)	Lewis (KY)
Barr	Flanagan	Lightfoot
Barrett (NE)	Foley	Lincoln
Bartlett	Forbes	Linder
Barton	Fowler	Livingston
Bass	Fox	LoBiondo
Bentsen	Franks (CT)	Longley
Bereuter	Franks (NJ)	Lucas
Bevill	Frelinghuysen	Manzullo
Bilbray	Frisa	Martini
Bilirakis	Frost	McCollum
Bliley	Funderburk	McCreery
Blute	Galleghy	McDade
Boehlert	Ganske	McHugh
Boehner	Gekas	McInnis
Bonilla	Geren	McIntosh
Bono	Gilchrist	Gilchrist
Boucher	Gillmor	McNulty
Brewster	Gilman	Metcalfe
Browder	Goodlatte	Meyers
Brown (OH)	Goodling	Mica
Brownback	Gordon	Miller (FL)
Bryant (TN)	Goss	Minge
Bunn	Graham	Molinari
Bunning	Greenwood	Montgomery
Burr	Gunderson	Moorhead
Burton	Gutknecht	Moran
Buyer	Hall (TX)	Morella
Callahan	Hamilton	Murtha
Calvert	Hancock	Myers
Camp	Hansen	Myrick
Canady	Harman	Nethercutt
Cardin	Hastings (WA)	Neumann
Castle	Hayes	Ney
Chabot	Hayworth	Norwood
Chambliss	Hefley	Nussle
Chapman	Heineman	Obey
Chenoweth	Hergert	Orton
Christensen	Hilleary	Oxley
Chrysler	Hobson	Packard
Clinger	Hoekstra	Parker
Coble	Hoke	Paxon
Coburn	Holden	Payne (VA)
Collins (GA)	Horn	Peterson (FL)
Combest	Hostettler	Peterson (MN)
Condit	Houghton	Petri
Cooley	Hunter	Pickett
Cox	Hutchinson	Pombo
Cramer	Hyde	Pomeroy
Crane	Inglis	Porter
Crapo	Istook	Portman
Creameans	Johnson (CT)	Pryce
Cunningham	Johnson (SD)	Quillen
Davis	Johnson, Sam	Quinn
Deal	Jones	Radanovich
DeLay	Kaptur	Rahall
Diaz-Balart	Kasich	Ramstad
Dickey	Kelly	Regula
Doggett	Kim	Riggs
Dooley	King	Roberts
Doolittle	Kingston	Roemer
Dornan	Klink	Rogers
Dreier	Klug	Rohrabacher
Duncan	Knollenberg	Ros-Lehtinen

Rose	Smith (NJ)	Torkildsen
Roth	Smith (TX)	Torricelli
Roukema	Smith (WA)	Upton
Royce	Solomon	Visclosky
Salmon	Souder	Vucanovich
Sanford	Spence	Waldholtz
Saxton	Spratt	Walker
Scarborough	Stearns	Walsh
Schaefer	Stenholm	Wamp
Schiff	Stockman	Weldon (FL)
Schumer	Stump	Weller
Seastrand	Talent	White
Sensenbrenner	Tanner	Whitfield
Shadegg	Tate	Wicker
Shaw	Tauzin	Wilson
Shays	Taylor (MS)	Wise
Shuster	Taylor (NC)	Wolf
Sisisky	Thomas	Young (AK)
Skaggs	Thornberry	Young (FL)
Skeen	Thornton	Zeliff
Skelton	Thurman	Zimmer
Smith (MI)	Tiahrt	

NOT VOTING—12

Bateman	Hefner	Roybal-Allard
Brown (CA)	Hilliard	Watts (OK)
Cubin	Hoyer	Waxman
Hastert	Neal	Weldon (PA)

□ 2017

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

So the amendments were rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to section 4?

PERSONAL EXPLANATION

Ms. ROYBAL-ALLARD. Mr. Chairman, I was unavoidably detained during rollcall No. 64. Had I been present I would have voted "aye."

AMENDMENTS OFFERED BY MR. CLAY

Mr. CLAY. Mr. Chairman, I offer two amendments which are numbered 43 and 44, and I ask unanimous consent that they be considered en bloc.

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

Mr. VOLKMER. Reserving the right to object, Mr. Chairman, and I do not plan to object, but I rise to ask the gentleman from Missouri [Mr. CLAY] to explain briefly why he is wishing to put these amendments en bloc, together.

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

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

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

Mr. Chairman, I would just say this is a very important amendment that would exempt the schoolchildren of this Nation, some 44,000 of them who are suffering from or endangered by asbestos.

Mr. VOLKMER. Mr. Chairman, further reserving the right to object, the gentleman has two amendments to two sections or titles of the bill.

□ 2020

Mr. CLAY. Yes, one of them is purely a technical amendment.

Mr. VOLKMER. But if the gentleman really wanted to delay this bill, he could not offer to put them together and could offer them separately as the bill progresses as other Members could have done who have put their amendments together; is that correct?

Mr. CLAY. That is correct. One of the reasons I might say to the gentleman that it is necessary for us to offer these amendments on the floor is that individuals who were going to offer them in committee were precluded from offering those amendments. There were no public hearings on these and, as I understand, only one public witness was permitted to testify. That is why we are going through the procedure that we are going through, and Members of Congress who want to be heard on important issues like this have to and are forced to rely on these kinds of procedures.

Mr. VOLKMER. Mr. Chairman, with that understanding, and with the clear understanding that the gentleman by offering these amendments en bloc is not trying to delay the progress of this bill, I withdraw my reservation.

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

There was no objection.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. CLAY: At the end of paragraph (6) of section 4 strike "or", at the end of paragraph (7) strike the period and insert "; or", and add after paragraph (7) the following: (8) is necessary to protect school children from exposure to dangerous conditions in schools, including exposure to asbestos and lead paint.

In section 422 of the Congressional Budget Act of 1974, strike "or" at the end of paragraph (6), strike the period and insert "; or", at the end of paragraph (7), and add after paragraph (7) the following: (8) is necessary to protect school children from exposure to dangerous conditions in schools, including exposure to asbestos and lead paint.

The CHAIRMAN. The gentleman from Missouri [Mr. CLAY] will be recognized for 5 minutes, and a Member opposed, the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Missouri [Mr. CLAY].

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

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

Mr. CLAY. Mr. Chairman, this amendment exempts from the requirements of the unfunded mandates bill protections for children from exposure to environmental hazards in school.

We have heard an awful lot these past few days about concerns Members have about the future and especially about the future of our young people. We have been told that we have to reduce the deficit because if we do not, our children and grandchildren will bear a terrible price.

I think this concern about our young and their future is legitimate. The amendment I offer goes right to the heart of that concern.

This amendment is a children's protection amendment. It is based on the simplest of objectives, namely that our children within the classroom deserve

the safest possible environment in which to learn. That means clean water to drink, clean air to breathe. It means not being exposed to asbestos, lead and radon. Exposure to these contaminants is making our children sick from one end of this Nation to the other. As many as 15 million children attend more than 44,000 schools containing friable asbestos. Children who are exposed to asbestos on a daily basis are up to 10 times more likely to develop lung cancer and other diseases than an adult.

The terrible effects that lead exposure has on children have been well-documented. They are much more vulnerable to lead exposure than adults and lead-related losses of intellectual capacity is irreversible. Lead exposure can damage the brain and the central nervous system. It is estimated, Mr. Chairman, that 3 million children, one out of every six, have significant blood lead levels.

The Centers for Disease Control found that 67 percent of the children tested in Oakland schools were lead poisoned. Sixty percent of low-income children tested in Chicago were lead-poisoned. In Philadelphia, 29 percent of the children tested at inner-city hospital emergency rooms had blood levels that were 50 percent above the lead poisoning threshold. Six Midwestern States alone have close to 200,000 children who suffer from lead poisoning.

Finally, Mr. Chairman, my amendment addresses the issue of radon. This is a radioactive gas which has been linked to numerous lung cancer deaths. Young people are more susceptible than adults to the risks of cancer caused by radon, and the sad reality is that the source of much of this radon is in the public schools. Half of the schools recently surveyed by the EPA contained radon that exceeded acceptable levels.

Mr. Chairman, if that notorious butcher of Baghdad, Saddam Hussein, invaded our country and contaminated our schools with poisonous levels of lead, asbestos and radon, we would be up in arms. It is no less of a threat because it is happening unintentionally.

All unfunded mandates are not inherently bad. Some of them are worth standing up and fighting for. To me an unfunded mandate that rids our schools of poison is worth that fight.

Mr. Chairman, I urge my colleagues to stand up for children and our future and support this amendment.

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

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

I rise in opposition to this amendment as well. But I want to first of all express my appreciation to the other side and the gentleman for the expeditious way in which we handled the previous amendment without an amendment to the amendment and also to the gentleman for offering his amendments en bloc. I think that is very helpful.

But again I would oppose the amendment because of the reasons previously stated.

Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. Mr. Chairman, I thank my colleague from Pennsylvania for yielding me the time.

Mr. Chairman, first of all by defeating this amendment, we do not affect in any way the current law and current regulations affecting lead paint or asbestos. Those regulations, those rules, stay intact. This amendment does not even prohibit this House or this Congress from affecting future mandates and future laws governing these areas as well. We maintain that flexibility. All we do is we get those costs in front of us before we act, so that we can understand what the true costs of the regulations are going to be before we send the bills down to our State and local governments who are going to have to carry them out.

Let me give a couple of examples of how sometimes the best intentions from this body end up having the opposite effect that we intend by the time they filter down to the State and local governments who we are supposedly trying to work with and help.

On asbestos removal we had a project over in my county and it cost the county \$7 million in renovations of an old school because of the asbestos removal, that we had originally hoped to put up as a senior citizens activity center and a home for the elderly. But the costs became very, very high in stretching that out. In one case we were able to build the center. In the other we had to abandon our plans to build housing for seniors. We could not do it because the costs were so great that had been sent down to us.

Asbestos removal, unleaded paint, we will have the flexibility under this law to move ahead, but the unintended effects have been that we have put untold costs on localities, we have made construction of homeless shelters, senior housing, community centers too expensive in many cases because of these removal costs that we have put onto the localities. So in an adverse and unintended way, instead of protecting our children, it hampers local and State governments' ability to provide these services.

I have been in local government for 15 years, Mr. Chairman. This sounds great but I can tell you it holds so many unintended consequences that have the adverse effects that work contrary to how we want them to by the time it gets down to local governments.

I think this is an amendment that should be defeated.

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

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

Mr. Chairman, this amendment is important. Without the kind of protection that this amendment offers, while

we will be debating points of order under the legislation, children will continue to be exposed to life-threatening conditions. Under the language of this bill, we will not be able to reauthorize legislation to protect the children if we do not pass this kind of legislation without going through the dilatory kinds of things that are required and the time-consuming estimation of costs. We will not be able to reauthorize those protections that we now have in the law for children who are exposed to these kinds of contaminants.

I urge my colleagues to support the amendment.

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

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

Mr. VOLKMER. Mr. Chairman, in listening to the gentleman and the gentleman on the other side, I come to a conclusion that concerns me a great deal. That is, under the provisions of the bill which is said that if a reauthorization for one of these matters comes up and it costs a certain amount, that it is very likely that those people who are now voting against children and the handicapped and everybody else, that they probably would not vote in the future for those same people, and as a result you would not see anything. Is that your concern?

□ 2030

Mr. CLAY. I agree; that is my concern.

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

Mr. CLINGER. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, I rise in opposition to this amendment for the very clear reason that had this bill been in fact in force, the problems with asbestos removal as we know today would not be there. We have in fact come close to \$100 billion in the costs associated with asbestos removal.

There are some very significant studies now coming forth in the medical community that would say that we have in fact increased the risks to the children through our removal programs with asbestos rather than decreased their risks. As a physician, my concern is for the children in the schools and the results of that.

Mr. CLINGER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Missouri [Mr. CLAY].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 127, noes 297, not voting 10, as follows:

[Roll No. 65]

AYES—127

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

NOES—297

Allard	Collins (GA)	Goodling
Andrews	Combest	Gordon
Archer	Condit	Goss
Armey	Coolley	Graham
Bachus	Cox	Greenwood
Baesler	Cramer	Gunderson
Baker (CA)	Crane	Gutknecht
Baker (LA)	Crapo	Hall (TX)
Baldacci	Cremeans	Hamilton
Ballenger	Cubin	Hancock
Barr	Cunningham	Hansen
Barrett (NE)	Danner	Harman
Barrett (WI)	Davis	Hastings (WA)
Bartlett	Deal	Hayes
Barton	DeFazio	Hayworth
Bass	DeLay	Hefley
Bereuter	Diaz-Balart	Heineman
Bevill	Dickey	Herger
Bilbray	Dooley	Hilleary
Bilirakis	Doolittle	Hobson
Bliley	Dornan	Hoekstra
Blute	Dreier	Hoke
Boehlert	Duncan	Holden
Boehner	Dunn	Horn
Bonilla	Ehlers	Hostettler
Bono	Ehrlich	Houghton
Boucher	Emerson	Hunter
Brewster	English	Hutchinson
Browder	Ensign	Hyde
Brown (OH)	Everett	Inglis
Brownback	Ewing	Istook
Bryant (TN)	Fawell	Jacobs
Bunn	Fields (TX)	Johnson (CT)
Bunning	Flanagan	Johnson (SD)
Burr	Foley	Johnson, Sam
Burton	Forbes	Jones
Buyer	Fowler	Kanjorski
Callahan	Fox	Kaptur
Calvert	Frank (MA)	Kasich
Camp	Franks (CT)	Kelly
Canady	Franks (NJ)	Kim
Castle	Frelinghuysen	King
Chabot	Frisa	Kingston
Chambliss	Funderburk	Klecicka
Chapman	Gallegly	Klink
Chenoweth	Gekas	Klug
Christensen	Geren	Knollenberg
Chrysler	Gilchrest	Kolbe
Clinger	Gillmor	LaHood
Coble	Gilman	Largent
Coburn	Goodlatte	Latham

LaTourette	Ortiz	Skeen
Laughlin	Orton	Skelton
Lazio	Oxley	Smith (MI)
Leach	Packard	Smith (NJ)
Lewis (CA)	Parker	Smith (TX)
Lewis (KY)	Paxon	Smith (WA)
Lightfoot	Payne (VA)	Solomon
Lincoln	Peterson (FL)	Souder
Linder	Peterson (MN)	Spence
Lipinski	Petri	Spratt
Livingston	Pickett	Stearns
LoBiondo	Pombo	Stenholm
Longley	Pomeroy	Stockman
Lucas	Porter	Stump
Maloney	Portman	Talent
Manzullo	Poshard	Tanner
Martini	Pryce	Tate
Matsui	Quillen	Tauzin
McCollum	Quinn	Taylor (MS)
McCrery	Radanovich	Taylor (NC)
McDade	Rahall	Tejeda
McHale	Ramstad	Thomas
McHugh	Reed	Thornberry
McInnis	Regula	Thurman
McIntosh	Riggs	Tiahrt
McKeon	Roberts	Torkildsen
McNulty	Roemer	Torres
Metcalf	Rogers	Traficant
Meyers	Rohrabacher	Upton
Mica	Ros-Lehtinen	Visclosky
Miller (FL)	Roth	Vucanovich
Minge	Roukema	Waldholtz
Molinari	Royce	Walker
Mollohan	Salmon	Walsh
Montgomery	Sanford	Wamp
Moorhead	Saxton	Watts (OK)
Moran	Scarborough	Weldon (FL)
Morella	Schaefer	Weller
Murtha	Schiff	White
Myers	Schumer	Whitfield
Myrick	Seastrand	Wicker
Nethercutt	Sensenbrenner	Wilson
Neumann	Shadegg	Wise
Ney	Shaw	Wolf
Norwood	Shays	Young (AK)
Nussle	Shuster	Young (FL)
Obey	Sisisky	Zeliff
Olver	Skaggs	Zimmer

NOT VOTING—10

Bateman	Hefner	Ward
Brown (CA)	Luther	Weldon (PA)
Ganske	McCarthy	
Hastert	Neal	

□ 2047

Messrs. MOLLOHAN, BALDACCI, and OLVER changed their vote from "aye" to "no."

So the amendments were rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to section 4?

AMENDMENT OFFERED BY MS. JACKSON-LEE

Ms. JACKSON-LEE. 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 Ms. JACKSON-LEE: 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) pertains to Medicaid.

The CHAIRMAN. The gentlewoman from Texas [Ms. JACKSON-LEE] will be recognized for 5 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 5 minutes in opposition.

The Chair recognizes the gentlewoman from Texas [Ms. JACKSON-LEE].

□ 2050

Ms. JACKSON-LEE. Mr. Chairman, I offer this amendment because for those who are the least among us, they have

little voice sometimes in the halls of Congress. The Medicaid program fulfills a promise to provide much needed health services to over 20 million Americans. This is a promise that must be honored. Without question, we must reduce waste and inefficiency in this program. I support that. I want efficiency and no waste. But I fear that as we visit this legitimate concern this Congress will use a tactic of not fully funding the program as an excuse to extremely limit its scope and potential. In effect, such tactics could even serve to paralyze the program under the current unfunded mandates legislation.

Medicaid serves the crucial health needs of children, disabled adults, families and the elderly, all of whom may be indigent. I do not expect this to be a popular issue, yet it is one that cannot be ignored.

Many State Governors have voiced dissatisfaction with the Medicaid program. I want to work with them to make it better. I think their dissatisfaction stems from the frustration surrounding the inability to control the costs of health care and the continued increase in the number of people who are not covered by insurance.

What I fear though, is the notion that Medicaid could crumble under the tide of programs that are unable to be fully funded. The success of this program is directly tied to the idea of cost sharing between the Federal Government, States and localities. We cannot let the indigent down. It is not an unrealistic idea to expect the States to financially contribute to a program which serves the health needs of its citizens.

The States should realize that Medicaid is an investment into the value of the health of its people and Medicaid helps to serve the indigent. Healthier citizens translate into to more hours worked on the job, if able, more income generated and higher productivity rate.

In sum, everyone in the State becomes better served when the health of its residents, including the indigent, becomes a priority.

Let us today make the health of America's economically disadvantaged a national priority and vote in favor of the Jackson-Lee amendment to H.R. 5.

Mr. Chairman, the Medicaid program fulfills a promise to provide much needed services to over 20 million Americans. This is a promise that must be honored. Without question, we must reduce waste inefficiency within this program. But I fear that as we visit this legitimate concern, this Congress will use the tactic of not fully funding the program as an excuse to extremely limit its scope and potential. In effect, such tactics could even serve to paralyze the program under the current unfunded mandates legislation. Medicaid serves the crucial health needs of indigent children, disabled citizens, indigent families and indigent elderly.

I do not expect this to be a popular issue, yet it is one that cannot be ignored. Many State Governors have voiced their dissatisfaction with the Medicaid program. I think their dissatisfaction stems from the frustrations sur-

rounding the inability to control the costs of health care and the continual increase in the number of people who are not covered by insurance. I am not unsympathetic to their frustrations. What I fear, though, is the notion that Medicaid could crumble under the tide of programs that are unable to be fully funded.

The success of this program is directly tied to the idea of cost-sharing between the Federal Government and the States and localities. It is not an unrealistic idea to expect the States to financially contribute to a program which serves the needs of its citizens. The States should realize that Medicare is an investment into the value of the health of its people. Healthier citizens translates into more hours worked on the job, more income generated, and higher productivity rates. In sum, everyone in the State becomes better served when the health of its residents becomes a priority.

Let us today make the health of America's economically disadvantaged a national priority and vote in favor of the Jackson-Lee amendment to H.R. 5.

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

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

Mr. Chairman, I must rise in opposition to the gentlewoman's amendment. This is a sweeping amendment which would exempt all of Medicaid from any future consideration of what the costs might be.

But again I would stress it is not in any sense retroactive, will not affect Medicare or Medicaid as it exists today.

Mr. Chairman, I yield such time as he may consume to a Member who has had a great many dealings with this matter, the gentleman and former governor from Delaware, Mr. CASTLE.

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

Mr. Chairman, I have listened carefully to the argument of the gentlewoman from Texas. She makes, I think, some valid points. But the bottom line is that of all the unfunded mandates that probably are a source of a problem for the governors of the various States and some local officials, Medicaid probably tops the list. As the gentlewoman has stated so clearly, there is a great deal of dissatisfaction with this program as it comes from Washington. There is huge inflexibility in the Medicaid program as you deal with the indigent, long-term care. There are a lot of problems that need to be addressed, that we are asked to address more than possibly could be. This is a shared program with the States depending on the wealth of the States. It is a budget breaker.

There is tremendous inflation built into Medicaid to begin with, probably more than any other Federal program that exists out there. In addition to that, you add the new coverage to it and you mandate it back to the States, and governors trying to put together their budgets have one after another gone broke dealing with this particular issue. The medical needs in particular

differ by States. Some States need to take care of children because they are not doing a very good job. Other States have particular procedures they are concerned about. The States may be adjusting some of these procedures by a charity or some other way, and yet the Federal Government comes along and mandates that this is "what you must do." It adds to the cost unnecessarily. It is very much like the Safe Drinking Water Act and others which are getting to the point beyond the reasonable in the requests that we are making back to the States.

I think it also important to assert the arguments made all along here on the other amendments which we have heard. We are not going back and undoing anything at this point. In time of real need we could waive a point of order and enact measures if indeed other Medicaid procedures are found which are not yet discovered. But this is another unfunded mandate, this is a number one unfunded mandate out there, and this is probably the one that has triggered this bill as much as anything else. While we need to continue to work together as the gentlewoman from Texas has stated, the States and the Federal Government to provide medical care, unfunded mandates are not the answer.

I would urge defeat of this amendment.

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

Ms. JACKSON-LEE. Mr. Chairman, I yield 45 seconds to the gentleman from California [Ms. ROYBAL-ALLARD].

Ms. ROYBAL-ALLARD. Mr. Chairman, I thank the gentlewoman for yielding this time to me.

Mr. Chairman, I rise in strong support of the Jackson-Lee amendment. Medicaid is the Nation's safety net for our children and families throughout this country. One-half of all Medicaid recipients are children and three-fourths of Medicaid recipients are mothers of children who depend on Medicaid for important health services such as prenatal care.

Mr. Chairman, in 1994, Medicaid helped meet the medical care needs of an estimated 34 million men, women, and children in this country. Protecting Medicaid is critical to low-income people in this country because without it they would be unable to receive necessary and critical health care.

Mr. Chairman, I ask my colleagues to support the Jackson-Lee amendment.

Ms. JACKSON-LEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I simply ask the question of my colleagues whether or not they have gone out into the nursing homes of this country and seen the elderly indigent not being able to represent themselves, needing Medicaid and Medicare in particular, and finding the frustration when some, without any family support, for the slightest of reasons have been denied their Medicaid benefits.

Mr. Chairman, I respect the gentleman from Delaware [Mr. CASTLE] and appreciate that sometimes we must fix a broken system. I welcome that. But I clearly think that as the States begin to address this issue of Medicaid they must look into the nursing homes of this Nation and look at the indigent elderly who have no one to speak on their behalf but this Congress who can protect a Medicaid system that can be fixed. I support fixing the Medicaid system, but I am clearly concerned about the potential of not having a system to protect the indigent elderly and the children in need, the indigent poor, as health care is something we have advocated in this Congress and yet today we are asking for those individuals to be abandoned.

Look into the Nation's nursing homes, look at the elderly indigent; they cannot speak for themselves. They need our support. They need the support of Medicaid for their health needs. I ask my colleagues to support the Jackson-Lee amendment.

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

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] has the right to close. If the gentlewoman from Texas [Ms. JACKSON-LEE] has further speakers, she should yield at this time.

Ms. JACKSON-LEE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, again I would offer to say that Medicaid serves now some 20 million Americans. The wide range of those constituents and those individuals cross all States in this country, and in particular it hits those who are least able to speak for themselves, the children and the elderly.

Mr. Chairman, I ask for support of this amendment.

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

I think we all agree that the Medicaid system is broken and certainly needs fixing. I think we are all committed to doing that. That is going to happen, I think, because we have general recognition that there are egregious problems with the Medicaid system.

But 20 million people will continue to be served when this bill passes. We are not in any way affecting existing law with respect to Medicaid.

Mr. Chairman, I would again urge a no vote on this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentlewoman from Texas [Ms. JACKSON-LEE].

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

RECORDED VOTE

Ms. JACKSON-LEE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 131, noes 295, not voting 8, as follows:

[Roll No. 66]

AYES—131

Abercrombie	Gephardt	Owens
Ackerman	Gibbons	Pallone
Becerra	Gonzalez	Pastor
Beilenson	Green	Payne (NJ)
Berman	Gutierrez	Pelosi
Bishop	Hall (OH)	Poshard
Bonior	Hastings (FL)	Rangel
Borski	Hinchee	Reed
Brown (FL)	Hoyer	Reynolds
Brown (OH)	Jackson-Lee	Rivers
Bryant (TX)	Jefferson	Rose
Clay	Johnson, E. B.	Roybal-Allard
Clayton	Johnston	Rush
Clement	Kanjorski	Sabo
Clyburn	Kennedy (MA)	Sanders
Coleman	Kennedy (RI)	Schroeder
Collins (IL)	Kennelly	Schumer
Collins (MI)	Kildee	Scott
Conyers	LaFalce	Serrano
Costello	Lantos	Slaughter
Coyne	Levin	Stark
de la Garza	Lewis (GA)	Stokes
DeLauro	Lofgren	Studds
Dellums	Lowe	Stupak
Deutsch	Manton	Tejeda
Dicks	Markey	Thompson
Dingell	Martinez	Thornton
Dixon	Mascara	Torres
Durbin	Matsui	Towns
Engel	McCarthy	Trafficant
Eshoo	McDermott	Tucker
Evans	McKinney	Velazquez
Farr	Meehan	Vento
Fattah	Meek	Volkmer
Fazio	Mfume	Ward
Fields (LA)	Miller (CA)	Waters
Filner	Mineta	Watt (NC)
Flake	Mink	Waxman
Foglietta	Moakley	Williams
Ford	Murtha	Woolsey
Frank (MA)	Nadler	Wyden
Frost	Oberstar	Wynn
Furse	Olver	Yates
Gejdenson	Ortiz	

NOES—295

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

Istook	Molinari	Shadegg
Jacobs	Mollohan	Shaw
Johnson (CT)	Montgomery	Shays
Johnson (SD)	Moorhead	Shuster
Johnson, Sam	Moran	Sisisky
Jones	Morella	Skaggs
Kaptur	Myers	Skeen
Kasich	Myrick	Skelton
Kelly	Nethercutt	Smith (MI)
Kim	Neumann	Smith (NJ)
King	Ney	Smith (TX)
Kingston	Norwood	Smith (WA)
Klecza	Nussle	Souder
Klink	Obey	Spence
Klug	Orton	Spratt
Knollenberg	Oxley	Stearns
Kolbe	Packard	Stenholm
LaHood	Parker	Stockman
Largent	Paxon	Stump
Latham	Payne (VA)	Talent
LaTourette	Peterson (FL)	Tanner
Laughlin	Peterson (MN)	Tate
Lazio	Petri	Tauzin
Leach	Pickett	Taylor (MS)
Lewis (CA)	Pombo	Taylor (NC)
Lewis (KY)	Pomeroy	Thomas
Lightfoot	Porter	Thornberry
Lincoln	Portman	Thurman
Linder	Pryce	Tiahrt
Lipinski	Quillen	Torkildsen
Livingston	Quinn	Torricelli
LoBiondo	Radanovich	Upton
Longley	Rahall	Visclosky
Lucas	Ramstad	Vucanovich
Luther	Regula	Waldholtz
Maloney	Richardson	Walker
Manzullo	Riggs	Walsh
Martini	Roberts	Wamp
McCollum	Roemer	Watts (OK)
McCrery	Rogers	Weldon (FL)
McDade	Rohrabacher	Weller
McHale	Roth	White
McHugh	Roukema	Whitfield
McInnis	Royce	Wicker
McIntosh	Salmon	Wilson
McKeon	Sanford	Wise
McNulty	Sawyer	Wolf
Menendez	Saxton	Young (AK)
Metcalf	Scarborough	Young (FL)
Meyers	Schaefer	Zeliff
Mica	Schiff	Zimmer
Miller (FL)	Seastrand	
Minge	Sensenbrenner	

NOT VOTING—8

Bateman	Hefner	Solomon
Brown (CA)	Neal	Weldon (PA)
Hastert	Ros-Lehtinen	

□ 2116

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to section 4?

AMENDMENTS OFFERED BY MR. BECERRA

Mr. BECERRA. Mr. Chairman, I offer two amendments, numbered 28 and 29, and I ask unanimous consent to have the two amendments considered en bloc.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. BECERRA: At the end of paragraph (6) of section 4 strike "or", at the end of paragraph (7) strike the period and insert "; or", and add after paragraph (7) the following: (8) is necessary to protect children from exploitation in the workplace.

In section 422 of the Congressional Budget Act of 1974, strike "or" at the end of paragraph (6), strike the period and insert "; or" at the end of paragraph (7), and add after paragraph (7) the following:

(8) is necessary to protect children from exploitation in the workplace.

The CHAIRMAN. Is there objection to the request of the gentleman from California [Mr. BECERRA] that the amendments be considered en bloc?

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. BECERRA] is recognized for 5 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] is recognized for 5 minutes in opposition.

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

Mr. Chairman, we have been debating for quite some time amendments that would try to protect children from all sorts of calamity that may result from this unfunded mandate legislation unless we exempt certain laws and regulations from this particular bill's enforcement.

My amendments merely do the following: They would exempt laws that we currently have on our books that are there to protect our children who work right now. They are there to protect our labor laws that protect children from aggressive employers who would work them beyond the 8 hours. It is to protect them against employers who would have them working under conditions that would amount to what many would consider slave conditions. It is an effort to keep us from going back to the bad old days when we saw children doing the work of adults, not going to school, not having an opportunity to learn, and ultimately not being productive members of society once they became adults.

□ 2120

This is an effort to make sure that in passing reasonable unfunded mandates legislation, that we do protect our children from enforcement of a law that I do not believe has the intention of denying children basic rights of protection. That unattended consequence of denying protections to our children in the workplace is something that we must fear in this legislation because as of now it does not provide those protections. So I would urge Members to consider this amendment closely and ultimately vote for it.

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

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

Mr. Chairman, I, again, rise in opposition to the gentleman's amendment for the same reason, which is that this should not be exempt anymore than any of these others should be exempt from consideration of what costs would be involved.

Mr. Chairman, I yield 1 minute and 30 seconds to a prime cosponsor of this legislation, the gentleman from California [Mr. CONDIT].

Mr. CONDIT. Mr. Chairman, I just rise to hopefully once again add a little perspective to this debate in the quick 1-minute time I have here.

This amendment I oppose and all amendments that come on this floor to weaken this bill I want Members to know, I oppose, and I am encouraging my colleagues to oppose. Not because

we are against this amendment or a lot of the amendments that have been offered in terms of their substance. We think they are good programs, and we ought to have an opportunity to look at those programs in a more lengthy and substantive way.

We can do that with this bill, by the way. This bill does not say we cannot do these things. It just simply says that we have to pay for them if we mandate the costs on local and state government.

Once again, this bill is prospective. It does not do anything to these past programs. Does not mean we cannot do these good programs. It just says that we have to take the responsibility and accountability to pay for them. So let us not weaken this bill. Let us keep this bill strong. And let us defeat these amendments.

I want to say, if Members look at the tally up here tonight, there is a bipartisan support in defeat of these amendments. We have 60 to 70 Democrats voting with my colleagues, the Republicans, in defeating these amendments. This is a bipartisan effort.

Let me tell Members, we need to be at the business of putting a stop to unfunded mandates. We do not need to send out of this House a weak version. We need to have a strong bill. We can still do the kinds of things we want to do, but we just need to take the accountability and responsibility for them.

Let me tell Members, let us bring this thing to a close.

Mr. BECERRA. Mr. Chairman, I yield the balance of my time to the gentleman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding time to me and commend him for his leadership in bringing this very reasonable amendment to this legislation to the floor.

Indeed, the gentleman from California, [Mr. CONDIT] deserves a great deal of credit for his leadership in subjecting this legislation and the mandates, the unfunded mandates to the scrutiny which they are receiving by this House of Representatives.

And he has a chance for us to give him exactly what he wants, a stronger unfunded mandate bill. Stronger because it protects the rights of children. It makes children a first priority.

The gentleman from Pennsylvania, [Mr. CLINGER] in his remarks contended that he rose in opposition to this amendment "for the same reason as I have opposed all the others," the gentleman from Pennsylvania, [Mr. CLINGER] said, the distinguished gentleman from Pennsylvania. He said, it should not be exempt anymore, the children in the work place should not be exempt any more than any other amendment should be exempted.

I say children should be our first priority. Let me read Members what this amendment says. The amendment says, and I read from the bill so they see where it fits in, "this act shall not

apply to any provision in a Federal statute or a proposed or final Federal regulation that is necessary to protect children from exploitation in the work place."

"That is necessary to protect children from exploitation in the work place."

This is not preferred, better, this or that, is necessary to protect children in the work place.

So, my colleagues, I urge support for the Becerra amendment, because exploitation of children in the work place is a real and present danger in our country. We, the United States of America, should be the leader on this issue. Indeed, the Governors themselves asked for Federal child labor protection laws. That is how they got on the books in the first place.

Child labor violations have been on the rise in our country each year. Work related injuries to children cause more than 100 deaths and 20,000 compensation claims. Children often skip school to work 12 hours a day as migrant farm workers or in sweatshops. Since 1983, there has been a 150 percent increase in reported child labor violations.

The unfunded mandate legislation takes away the mechanism for regulating and prohibiting these violations. The amendment of the gentleman from California [Mr. BECERRA] does indeed strengthen the legislation of the gentleman from California [Mr. CONDIT] the unfunded mandate bill. It does indeed improve it, because it says, no, when it is necessary, as the amendment says, to protect children from exploitation in the workplace, then we the Congress of the United States will not, will not prohibit that from happening.

In the course of this debate on unfunded mandates there has been a great deal of discussion about the impact on children. And really, it is just always great to hear the Members rise to their feet to protect children in this body. But this one should not even be a debate because this legislation calls for what is necessary. It has been requested originally by the Governors. It would improve the legislation.

I commend the gentleman from California [Mr. BECERRA] for offering it.

Mr. CLINGER. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Chairman, all Members of this body, Republicans and Democrats alike, are concerned about the exploitation of children. Existing State and Federal laws provide protection and H.R. 5 will in no way abrogate those laws.

As a former prosecutor, I can tell my colleagues there are outstanding prevention programs like child lawyers, which address this issue, as well as those sponsored by the National DA's Association and the National Center for Missing and Exploited Children.

We want to protect children not only from problems that could happen in the

workplace or in schools but from mandating them into oblivion.

The H.R. 5 unfunded mandates bill will give State and local governments the kind of relief they deserve and under that bill we will know up front the costs of any new program, and then the Congress can agree to pay for them instead of passing the buck onto other governments.

Mr. CLINGER. Mr. Chairman, I yield the balance of my time to the gentleman from Connecticut [Mr. SHAYS].

The CHAIRMAN. The gentleman from Connecticut [Mr. SHAYS] is recognized for 2½ minutes.

Mr. SHAYS. Mr. Chairman, I rise in support of any legislation that would prevent the exploitation of children. I also rise in support of the unfunded mandate bill and in opposition to this amendment. I rise in opposition to this amendment because it simply is not needed, because the concerns of the gentleman from California and the gentlewoman from California have been addressed.

□ 2130

This bill, the mandate bill, says very simply that there has to be an estimate of cost to the private sector and to the public sector. If there is not an estimate of cost, then a point of order can be raised.

If there is an estimate of cost, and it is over \$100 million for the private sector and \$50 million for the public sector, a point of order can be raised if no money is provided, but a simple majority can override the point of order. The same majority that is needed to pass the bill, the same simple majority, can also be the same simple majority that can override the point of order.

This amendment is not needed, Mr. Chairman, as were many of the amendments that preceded this. The concerns of the gentleman have been protected in this mandate bill.

The CHAIRMAN. All time has expired.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The CHAIRMAN. This is a 15-minute vote.

The vote was taken by electronic device, and there were—ayes 156, noes 269, not voting 9, as follows:

[Roll No. 67]

AYES—156

Abercrombie
Ackerman
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bishop

Bonior
Borski
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn

Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums

Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)

Kennedy (RI)
Kennelly
Kildee
Kleczka
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Murtha
Nadler
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Pomeroy

Rangel
Reed
Reynolds
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Torres
Torrice
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wise
Woolsey
Wyden
Wynn

NOES—269

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer

Crane
Crapo
Cremean
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrist
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastings (WA)

Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCarthy
McCollum
McCreery
McDade
McHugh
McInnis

McIntosh	Quinn	Spence
McKeon	Radanovich	Stearns
McNulty	Rahall	Stenholm
Metcalf	Ramstad	Stockman
Meyers	Regula	Stump
Mica	Riggs	Talent
Miller (FL)	Roberts	Tanner
Molinari	Roemer	Tate
Montgomery	Rogers	Tauzin
Moorhead	Rohrabacher	Taylor (MS)
Moran	Ros-Lehtinen	Taylor (NC)
Morella	Roth	Thomas
Myers	Roukema	Thornberry
Myrick	Royce	Thurman
Nethercutt	Salmon	Tiahrt
Neumann	Sanford	Torkildsen
Ney	Saxton	Upton
Norwood	Scarborough	Vucanovich
Nussle	Schaefer	Waldholtz
Orton	Schiff	Walker
Oxley	Seastrand	Walsh
Packard	Sensenbrenner	Wamp
Parker	Shadegg	Watts (OK)
Paxon	Shaw	Weldon (FL)
Payne (VA)	Shays	Weller
Peterson (FL)	Shuster	White
Peterson (MN)	Sisisky	Whitfield
Petri	Skeen	Wicker
Pickett	Skelton	Wilson
Pombo	Smith (MI)	Wolf
Porter	Smith (NJ)	Young (AK)
Portman	Smith (TX)	Young (FL)
Poshard	Smith (WA)	Zeliff
Pryce	Solomon	Zimmer
Quillen	Souder	

NOT VOTING—9

Bateman	Hastert	Weldon (PA)
Brown (CA)	Hefner	Williams
Ford	Neal	Yates

□ 2146

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. KANJORSKI

Mr. KANJORSKI. Mr. Chairman, I offer an amendment No. 78, which has been printed in the RECORD pursuant to clause 6, rule XXIII.

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) pertains to Medicare.

Mr. CHAIRMAN. The gentleman from Pennsylvania [Mr. KANJORSKI] will be recognized for 5 minutes, and a Member in opposition, the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 5 minutes.

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

□ 2150

Mr. KANJORSKI. Mr. Chairman, in order to expedite the work of the House, I ask unanimous consent that it be considered en bloc with an identical amendment to section 301 of the bill which creates an identical section 422 of the Congressional Budget Act of 1974.

The CHAIRMAN. Would the gentleman indicate which numbered amendment he refers to?

Mr. KANJORSKI. Seventy-eight.

The CHAIRMAN. The Chair had reference to the other one.

Mr. KANJORSKI. I ask that this be considered as an identical amendment to the other action. In other words, I am trying to facilitate a single amendment to apply to all sections of the bill where appropriate.

The CHAIRMAN. The Clerk will report the second amendment.

The Clerk read as follows:

Amendment offered by Mr. KANJORSKI: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon in paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following: (8) pertains to medicare.

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

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

There was no objection.

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

Mr. Chairman, this is an important amendment. It was brought up at committee but not brought to a vote because at committee we ran the first amendment which was exempting Social Security, and that amendment received a vote of 39 yeases and 3 noes, and as a result is part of this bill as it appears on the floor. And now what I would like to do is have Medicare exempted as Social Security is exempted from the implications of this bill.

I am particularly asking that because we all know that the Medicare fund is in difficulty. As the bill is presently constituted, if we are called upon to increase taxes to shore up the Medicare fund, this bill will say to the States and municipalities that this is an unfunded mandate.

If on the one hand the Congress does not provide the funds or override the point of order, the increase in funding would not apply to the States and municipal governments across this land and they would not have to contribute to the Medicare fund, and that additional taxation necessary to bring the Medicare fund up to its actuarial soundness would thereby fall on the private sector of our economy.

In order to see that that does not happen, and further in order to see that each individual State or municipality could not ask for judicial review to hold up the promulgation of the rules and regulations, I ask that we now exempt Medicare as we have exempted Social Security so this question cannot arise.

Mr. Chairman, I think we all know why we should exempt Medicare, and I can only assume that we will have opposition on the other side, as we have had to every amendment thus far on the floor.

I am not going to prolong this debate other than the fact that I am suggesting this: What it appears to me tonight, and we have heard several state-

ments from the majority that we are being dilatory and taking up the time of this Chamber in what appears on our side to be legitimate debate, but as it appears as each amendment has been offered I do not think we have had the benefit of even one Member of the majority breaking, so it is very clear that 230 votes reside on the majority side of the House, and they will be able to accomplish all of the legislation they have intact.

Mr. SOLOMON. Mr. Chairman, will my good friend yield on that point?

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

Mr. SOLOMON. Mr. Chairman, I think it is necessary to point out that maybe 230 Republicans did vote the same, but a great number of Democrats voted with us, and that is worth mentioning here. I think it says something about the November 8 election.

Mr. KANJORSKI. I do not want to suggest it is only, but we do have a solid block that is clearly a majority. They are going to prevail.

Let me suggest maybe we can save a lot of frustration and time, and that is why do we not take the next 2 weeks on the entire Contract With America, bring it here on the floor. Why should we offer any amendments if they are not going to be considered as substantive and changing the legislation to perhaps meet the needs of the American people, but recognize the power of the majority, and it is all here and we have that majority, why do not we just run through the entire contract for America in 2 weeks, get that behind us, and then get to the substantive action?

I would like to suggest to my friends in the majority that they set aside, maybe beginning next week, a 10-day period, bring every piece of legislation that they have to the floor, let us put it up to a vote. And I would recommend to my friends on the Democratic side who may think they can make a substantial contribution that they can offer their substantial contribution as a matter of extension in the RECORD so the RECORD is quite clear where Members stand on these issues, but we move by this incredible piece of legislation that we are about to enact anyway, but probably are boring the devil out of people who may persevere and may be seeing this. But I think we are making a record that a deliberative body does not have to be deliberative once an election is held. If, in fact, we can come to the conclusion that the contract for America should be put into legislation, and passed as statute in its entirety, let us do it, let us save time. Maybe we can do it to all of the appropriations bills and maybe we can get out of here and adjourn by March 1 and let the Government operate.

Mr. Chairman, I yield back the balance of my time.

Mr. CLINGER. Mr. Chairman, I rise in opposition to the amendment, and I yield 1 minute to the gentleman from Louisiana [Mr. TAUZIN].

Browder	Harman	Payne (VA)
Brownback	Hastings (WA)	Peterson (FL)
Bryant (TN)	Hayes	Peterson (MN)
Bunn	Hayworth	Petri
Bunning	Hefley	Pickett
Burr	Heineman	Pombo
Burton	Herger	Porter
Buyer	Hilleary	Portman
Callahan	Hobson	Pryce
Calvert	Hoekstra	Quillen
Camp	Hoke	Quinn
Canady	Horn	Radanovich
Cardin	Hostettler	Ramstad
Castle	Houghton	Regula
Chabot	Hoyer	Riggs
Chambliss	Hunter	Roberts
Chapman	Hutchinson	Roemer
Chenoweth	Hyde	Rogers
Christensen	Inglis	Rohrabacher
Chrysler	Istook	Ros-Lehtinen
Clinger	Jacobs	Rose
Coble	Johnson (CT)	Roth
Collins (GA)	Johnson, Sam	Roukema
Combest	Jones	Royce
Condit	Kasich	Salmon
Cooley	Kelly	Sanford
Cox	Kim	Saxton
Cramer	King	Scarborough
Crane	Kingston	Schaefer
Crapo	Klug	Schiff
Cremeans	Knollenberg	Seastrand
Cubin	Kolbe	Sensenbrenner
Cunningham	LaHood	Shadegg
Davis	Largent	Shaw
Deal	Latham	Shays
DeLay	LaTourette	Shuster
Diaz-Balart	Laughlin	Siskiy
Dickey	Lazio	Skeen
Doolittle	Leach	Skelton
Dornan	Lewis (CA)	Smith (MI)
Dreier	Lewis (KY)	Smith (NJ)
Duncan	Lightfoot	Smith (TX)
Dunn	Linder	Smith (WA)
Ehlers	Livingston	Solomon
Ehrlich	LoBiondo	Souder
Emerson	Longley	Spence
English	Lucas	Stearns
Ensign	Manzullo	Stenholm
Everett	Martini	Stockman
Ewing	McCarthy	Stump
Fawell	McCollum	Talent
Fields (TX)	McCrery	Tanner
Flanagan	McDade	Tate
Foley	McHale	Tauzin
Forbes	McHugh	Taylor (MS)
Fowler	McInnis	Taylor (NC)
Fox	McIntosh	Thomas
Franks (CT)	McKeon	Thornberry
Franks (NJ)	McNulty	Tiahrt
Frelinghuysen	Metcalf	Torkildsen
Frisa	Meyers	Upton
Funderburk	Mica	Vucanovich
Gallely	Miller (FL)	Waldholtz
Ganske	Minge	Walker
Gekas	Molinari	Walsh
Geren	Montgomery	Wamp
Gilchrest	Moorhead	Watts (OK)
Gillmor	Morella	Weldon (FL)
Gilman	Myers	Weldon (PA)
Goodlatte	Myrick	Weller
Goodling	Nethercutt	White
Goss	Neumann	Whitfield
Graham	Ney	Wicker
Greenwood	Norwood	Wilson
Gunderson	Nussle	Wolf
Gutknecht	Orton	Young (AK)
Hall (TX)	Oxley	Young (FL)
Hamilton	Packard	Zeliff
Hancock	Parker	Zimmer
Hansen	Paxon	

NOT VOTING—7

Bateman	Hefner	Yates
Dooley	Neal	
Hastert	Williams	

□ 2219

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

So the amendments were rejected.

The result of the vote was announced as above recorded.

□ 2220

The CHAIRMAN. Are there further amendments to section 4?

AMENDMENTS OFFERED BY MR. MARTINEZ

Mr. MARTINEZ. Mr. Chairman, I offer two amendments, numbered 93 and 19, which have been printed in the RECORD, 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. MARTINEZ:

In section 4, before "This Act" insert "(a) IN GENERAL.—", and at the end of the section add the following:

(b) REQUIREMENTS UNDER OTHER LAWS.— This Act shall not apply to any requirement in effect on December 31, 1994, under—

(1) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); or

(2) the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.).

In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, before "This part" insert "(a) IN GENERAL.—", and at the end of the section add the following:

(b) REQUIREMENTS UNDER OTHER LAWS.— This part shall not apply to any requirement in effect on December 31, 1994, under—

"(1) the older Americans Act of 1965 (42 U.S.C. 3001 et seq.); or

"(2) the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.).

The CHAIRMAN. The gentleman from California [Mr. MARTINEZ] will be recognized for 5 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 5 minutes in opposition.

The Chair recognizes the gentleman from California [Mr. MARTINEZ].

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

Mr. MARTINEZ. Mr. Chairman, I rise not because I have a great hope for success but because I have great hope. The people on this side have raised a lot of concerns about what we are doing here. I have many of the same concerns for the thing that we are doing and the way we are doing it, not necessarily for the concept.

Mr. Chairman, I am one who comes from local government and have had to suffer under unfunded mandates. Let me tell my colleagues the reality of serving at a local level?

When you have to deal with budgets, especially in California after the devastation of Proposition 13, when you have a constrained budget like that, you have a tendency to want to do those things that you feel are of the highest priorities and of the greatest necessity to your constituency, and so if there are some things that should be done and are mandated by the Federal Government because of the responsibility of doing it, we would rather not do it, and if it were not mandated, we would not do it.

That is one of the concerns that I have, and the way we pass this legislation has not taken into consideration those things that deal with particular

issues concerning people's civil rights, concerning the well-being of those people. Those protections and medications, I believe, far outweigh—the benefit far outweighs the cost. The problem is in many of those instances they are humane, compassionate things and responsible things to do, but there is no way to measure the benefit other than if we have a sense of compassion.

My amendment would specifically exempt from this legislation and any current or future requirement of this law anything that would nullify the protections of the health, and safety and well-being of senior citizens under two specific acts: The Older Americans Act and juveniles under the Juvenile Justice Delinquency Prevention Act.

Mr. Chairman, today, out of concern for my bill, I called the legislative counsel's office and asked for an opinion. I raised the questions that I just raised. I raised the question about the provisions to establish new points of order in H.R. 5. He told me, "As H.R. 5 stands now, when the measure comes up for reauthorization," and these two acts that I am referring to do come up for reauthorizations and, at some point in time, have to be adjusted in those reauthorizations. When he said that they would come up, they would be subject to a point of order if there would be a net increase in duties mandated by the legislation, or there is a net decrease in funding, or assistance, or if in any way that bill is changed. "What it does in effect," he said, "is that if the bill is changed in any way in any one part of the bill, the whole bill is open to that same point of order."

Now I understand that we can, by a simple majority, waive the point of order. The problem is that we allow for a lot of mischief to be done if we do not exempt these two things.

In the case of nutrition programs for children and a nutrition program for the older Americans in the Older Americans Act, these things have to be adjusted on a regular basis because of the cost of living increases. If we were to then adjust it, we would subject the whole act to the point of order.

Additionally, I have some concern for how we are going to determine that benefit of that particular cost. Like I said before, it is very hard to determine a cost, a benefit—rather it is very hard to establish what the value of a benefit of a compassion to act is versus the cost of it.

Mr. Chairman, let me tell my colleagues about the Older Americans Act. Not too long ago we passed the Older Americans Act off this floor without one dissenting vote. That means that almost every Member—well, in fact it means every Member in this legislature who was here at the time voted in the affirmative for the Older Americans Act, improving the conditions of that act. In there, there was an ombudsman. I doubt very much that that ombudsman could stand the scrutiny of this bill as we are passing it

today, and we know what that ombudsman was for. It was to protect the frail and the elderly in the Older Americans Act.

For many years the frail and elderly have been abused in nursing homes where they are there for long-term care. Just last Friday ABC, the program "20-20," contained a piece on the continuing abuse that has taken place in care facilities across the Nation, and over the past 30 years this body, in the past 30 years this body, has developed a significant array of programs and protections for senior citizens. I, for one, would hate to see those damaged in any way. In 1992 that Older Americans Act was signed into law by Bush, and, like I say, it went on without a dissenting vote.

I am equally concerned about, Mr. Chairman, the Juvenile Justice Delinquency Prevention Act. When I was chairman of the Human Resources Subcommittee we conducted a wide range of hearings all over the country. In fact we visited—at the request of the gentleman from Nebraska [Mr. BARRETT], my colleague on the other side—Nebraska, and held a hearing there.

Mr. Chairman, I rise tonight because I, like others on this side, have real concerns about what we are doing here. H.R. 5 is a concept that I generally support.

Having served as a councilman, mayor, and in the State legislature, I know how Federal mandates that are not accompanied by Federal funding can wreak havoc on already strained local budgets.

But there are some protections that are mandated by the Federal Government that are necessary for the protection of specific classes of people, and I believe that the costs of such protections are far outweighed by the benefit.

Specifically, my amendment would exempt from this legislation any current or future requirement that nullifies any rule or law that protects the health, safety, or well being of senior citizens under the Older Americans Act, and juveniles, under the Juvenile Justice and Delinquency Prevention Act.

Mr. Chairman, under the Older Americans Act, there is a mandate that States establish a State ombudsman to handle complaints about treatment of the elderly who are in long-term care in nursing homes.

The ombudsman is there to ensure that complaints of abuse and negligence are handled.

In the past, we have seen that they have been shrugged off, and frail elderly have been subjected to inhuman treatment.

Just last Friday, the ABC program "20/20" contained a piece on the continuing problem of elder abuse taking place in some long-term care facilities.

Over the past 30 years, this body has developed a significant array of programs and protections for senior citizens.

In 1992, in reauthorizing the Older Americans Act, an act that passed this Congress on its first vote on the floor without a dissenting vote, Congress added the ombudsman requirements.

While I am sure that this particular section would meet the terms of the legislation under consideration today, how do you fix the value of a humane compassionate act.

Mr. Chairman, I am equally sure that changes in the reauthorization will open it to a point of order at which time we will see a demise of this program and others like it.

Yet, most Members of Congress who considered that issue found it worthy of support and the 1992 amendments were approved by a wide margin and signed by President Bush in September 1992.

Mr. Chairman, similarly, in reauthorizing the Juvenile Justice and Delinquency Prevention Act in the 102d Congress, the Human Resources Subcommittee conducted a wide ranging series of hearings around the country with respect to the needs of vulnerable children in the juvenile justice system, and especially those who are homeless or have run away from home.

In fact, we held a hearing in Nebraska at the request of my colleague, Mr. BARRETT, and we visited Boy's Town while we were in Nebraska * * * authorizing legislation were developed in consultation with community groups serving these vulnerable children, with local juvenile authorities with the Department of Justice's office of juvenile justice programs, with the National Association of Family Court Judges and others, knowledgeable in dealing with children at risk of delinquency or other problems.

Under the Juvenile Justice and Delinquency Prevention Act, States and localities are mandated to provide 'sight and sound' separation for juveniles in the justice system.

Prior to the imposition of that mandate, young children who were in the juvenile justice system—regardless of the reason for being there—were housed in the same facilities as hardened adult criminals and, we were told, subjected to abuse by those adult prisoners.

Very often, the reason a child is in custody is for his or her protection, in cases such as child abuse, desertion, or abandonment by a parent or guardian.

Such protective incarceration must be in a safe environment, and the additional costs to ensure that are certainly worth the effort.

In addition, certain activities and programs are required to be put in place to assist vulnerable children.

Whether the cost of those programs is a significant burden on the State or locality, and the extent to which those costs are not being met by Federal dollars allocated to those programs, is not the issue.

The question is, "Do we and the States have a moral obligation and a responsibility for these children?"

If we do, should we mandate specific actions?

I say the answer is yes.

Further, I would point out that the great majority of the juvenile justice cases are non-Federal cases, and, therefore, the expense is a State expense, not a Federal responsibility.

I believe that the need for protecting these vulnerable children is so great, and the potential for inaction is so significant, that specific exception to the terms of the unfunded mandate legislation should be modified to specifically exclude mandates under this particular legislation.

I would also point out that these mandates were not as strict as some would have us believe—because States were allowed to request waivers for implementation, and where it was shown that the State had justification for

a waiver, such as in Nebraska, those waivers were granted.

I urge all of my colleagues, as we rush to judgment on the issue of unfunded mandates, to consider whether the specifics of a mandate are not such that the benefit to the specific population on whose behalf the mandate exists do not outweigh the need for lessening the restrictions on local and State government or on private concerns.

These are people without an effective voice at the ballot box or in the budget committees of State or local legislative bodies.

These are people, who, without federally mandated protections, will suffer the most in our society.

I urge an aye vote and yield back the balance of my time.

Mr. Chairman, I contacted the Legislative Council office regarding the concerns we raised about the provisions to establish new points of order, in H.R. 5.

As H.R. 5 stands now, when measures come up for reauthorization, they would be subject to a point of order if there is a net increase of duties mandated by the legislation, if there is a net decrease in the funding or assistance authorized for the legislation, and if they did not have the required CBO analysis. The legislation would not be subject to this point of order if it contains increased funding for the newly mandated duties. If the authorizing legislation passed with the increased funding, but the appropriations legislation did not contain the required funding, then the mandate would be reduced to match the provided funding.

In the case of children's nutrition programs and senior programs where we know there has to be increased funding to keep up with inflation, then if there is funding the act is subject to a point of order in fact. If any part of the legislation is adjusted in any way that does increase net duties or decrease net funding then the whole bill would be subject to a point of order, not just that particular section.

Additionally, there is some concern that the legislation that will be coming up for reauthorization has never been subject to a CBO cost analysis. This could be quite a time-consuming process for some of the major programs such as OAA.

Mr. CLINGER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California [Mr. MARTINEZ].

Mr. Chairman, the definition of Federal intergovernmental mandate contained in H.R. 5 would not apply to voluntary nontitlement programs. Both of the programs which the gentleman seeks to exempt here are voluntary, nontitlement programs.

Mr. Chairman, State participation in the Older Americans Act or in the Juvenile Justice and Delinquency Prevention Act, which the gentleman seeks to exempt, is voluntary, and funding for this program is provided through annual appropriations which are made on a discretionary basis. The bill that we have before us, H.R. 5, clearly defines a Federal intergovernmental mandate to mean a provision that, and I am quoting, would impose an enforceable duty upon States, local governments or private governments except, except, a condition of Federal assistance or duty

arising from participation on a voluntary Federal program.

Mr. Chairman, specifically these two programs fall within that definition. Therefore, H.R. 5 does not apply to the Older Americans Act or the Juvenile Justice and Delinquency Act. The amendment is really rhetorical in nature, and I think it is misleading as to what the intent of this bill is.

Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. GOODLING], chairman of the Committee on Economic and Educational Opportunities.

Mr. GOODLING. Mr. Chairman, I, too, want to indicate that this amendment is not necessary because these programs are already exempt. I have worked with the gentleman who has offered the amendment this evening to perfect these programs and to enact these programs and certainly would not be here today trying to do anything to take away from the programs. They are voluntary on the basis of the State participation and, therefore, are not mandates as this legislation calls for.

□ 2230

I would not want the public to think that we are trying to do something in H.R. 5 that would erode protection for vulnerable populations. Therefore, I believe, and sincerely believe, that the amendment is unnecessary, because they are already protected.

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

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

Mr. MARTINEZ. I thank the gentleman for yielding.

Mr. Chairman, there are two particular things in each of those programs that I will remind the gentleman of that are unfunded mandates. One is a sight and sound separation of juveniles in adult lockups. Recently we passed that because there were young people being put in the same cell with and in the same area with, even at times people who had committed crimes against juveniles, and that is why they were in. Some of these juveniles were taken into custody because they were deserted by their parents, not necessarily because they did anything wrong.

The only thing I am telling the gentleman is there is an unfunded mandate within the juvenile justice delinquency program, and there is one within the Older Americans Act. The ombudsman was an unfunded mandate.

Mr. GOODLING. Mr. Chairman, reclaiming my time, our colloquy will make it clear they are not unfunded mandates and therefore will not be part of H.R. 5.

Mr. CLINGER. Mr. Chairman, in conclusion it is the opinion of this gentleman and the chairman of the committee that these would not be covered by H.R. 5. But if in fact there might be some exception that would cover them, they would still be subject to debate in terms of what are the costs we are im-

posing. We could well decide that we might want to pass that through without paying for it.

Mr. Chairman, yield back the balance of my time.

The CHAIRMAN. All time has expired.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 126, noes 296, not voting 12, as follows:

[Roll No. 69]

AYES—126

Abercrombie
Ackerman
Becerra
Beilenson
Bentsen
Berman
Bishop
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Bryant (TX)
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
de la Garza
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Gejdenson

Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchee
Holden
Jackson-Lee
Jefferson
Johnson, E. B.
Rivers
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klecza
Klink
LaFalce
Lantos
Lewis (GA)
Lofgren
Lowe
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McKinney
Meeke
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley

NOES—296

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla

Bono
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chryster
Clement
Clinger
Coble

Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg

Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula

NOT VOTING—12

Bateman
Cox
Furse
Hastert
Hefner
Hergert
Neal
Rangel
Stockman
Studds
Williams
Yates

□ 2247

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

So the amendments were rejected.

The result of the vote was announced as above recorded.

□ 2250

AMENDMENT OFFERED BY MS. PELOSI

Ms. PELOSI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. PELOSI of California: 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) establishes a minimum wage.

The CHAIRMAN. The gentlewoman from California [Ms. PELOSI] will be recognized for 5 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 5 minutes in opposition.

The Chair recognizes the gentlewoman from California [Ms. PELOSI].

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

Mr. Chairman, I have submitted this amendment for the consideration of our colleagues because I think it is very important. Even though the hour is late, and the debate has gone on a long time, and indeed, we have even addressed the minimum wage in the course of debating some other amendments en bloc, I think it is very important that the House speak to this issue.

What my amendment does, and I will read it, it says "This act shall not apply to any provision in a Federal statute or proposed for final Federal regulation that establishes a minimum wage." That is what the amendment is.

The purpose of the amendment, Mr. Chairman, is to remove all doubt from where we go from here in establishing a minimum wage.

I will not go into, because the hour is late, all the reasons why we need an increase in the minimum wage and how low the purchasing power is. However, Mr. Chairman, I think it is important for Members to know that if this amendment does not pass, a situation will exist that includes the following.

Mr. Chairman, just to reiterate for a moment the purpose of this amendment, what this amendment does is to say that unfunded mandate legislation will not affect the establishment of a minimum wage. The purpose of the amendment is to remove all doubt that when this body addresses the subject of an increase in the minimum wage, there will not be an additional barrier to increasing that minimum wage.

If this legislation, the unfunded mandate legislation, passes without this amendment, the following situation will prevail: When we come to the floor with an increase in the minimum wage, it will be necessary for us to have a point of order called on the bill. We would have to have a majority to override the point of order, and therefore throw up a higher bar for an increase in the minimum wage.

Mr. Chairman, we are sent here to make tough decisions about how we legislate. We are not sent here to hide behind process.

The simple fact of the matter is that without this amendment, if the unfunded mandate legislation wins, which it appears to do, we can count; and if we strive to increase the minimum wage on this floor, and we do not win on the point of order, and so far we have not had the votes to win on any of them, then the Federal Government cannot increase the minimum wage un-

less the Federal Government pays for the entire increase in the minimum wage, because it most certainly will exceed \$50 million, point No. 1.

Point No. 2 is that this is an inter-governmental mandate. That would mean that what I just described would apply to the public sector, but the private sector would not be affected by the legislation, so it would differentiate between the public and private sector, giving an increased burden to the private sector, something I do not think any of our colleagues want to do.

So, Mr. Chairman, I think this amendment is very important because it says in order to increase the minimum wage: First, we do not have the additional barrier of a point of order vote requiring a majority; and, second, we do not assume all of the cost of the increase in that minimum wage.

The working poor in our country deserve this opportunity. The minimum wage, people working full time, they make less than \$9,000 a year. We are all familiar with those figures. I just bring them to the floor to once again demonstrate: A, how necessary it is to raise the minimum wage; B, to not throw up any further obstacles to doing so; and, C, to not increase the cost to the Federal taxpayer for the increase in that minimum wage.

Right now today States have that responsibility. Some States, as Members know, including the State of New Jersey, which was pointed out by Governor Whitman, have a minimum wage of \$5.10 which they enforce. Therefore, why are we making it more difficult for the working poor in our country to earn a living wage by hiding behind process?

The fact, Mr. Chairman, is that last week we voted for one of the mandates. Almost every Republican except the gentleman from Alaska [Mr. YOUNG], and every Democrat voted for the amendment addressing age discrimination, so we did exempt already one amendment that was presented. I am sorry that we could not say children are a priority, too, in addition to the elderly. I hope that the working poor will be given a fair shot by this body as well.

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

Mr. Chairman, I rise in opposition to this amendment. The gentlewoman is right, Mr. Chairman, this issue has been discussed prior to this time, on the 23d, in the amendment proposed by the gentleman from Vermont [Mr. SANDERS] which included minimum wage along with occupational safety and others. We did fully debate the matter at that time for about 1 hour and 20 minutes, and the vote was 161 in favor and 263 opposed.

The only point I would make to the gentlewoman is that she did indicate that we would not be able to do this under this existing legislation. There is nothing, nothing in this bill that would prevent us from in fact imposing the mandate without funding that.

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

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

Ms. PELOSI. Mr. Chairman I appreciate the gentleman yielding to me.

First of all, Mr. Chairman, I said we had debated on this issue as part of an en bloc amendment before. We did not vote on this particular minimum wage amendment alone, because I believe that there were Members in the body who did not want to support some of the other amendments.

Mr. CLINGER. I understand, Mr. Chairman.

Ms. PELOSI. It was in the interest of saving time that we rolled some of those amendments.

Mr. CLINGER. I understand. Reclaiming my time, Mr. Chairman, we will not this evening have a vote on this specific issue. The gentlewoman is right.

Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. PETE GEREN].

Mr. GEREN of Texas. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, the debate tonight is not about the merits of the programs that are the subject of these amendments. The debate is about a very simple principle, the principle that any program that is important enough to pass is important enough to pay for. On the last amendment I am pleased to report that 72 Democrats voted to uphold that principle.

Mr. Chairman, I urge my colleagues to vote no on this amendment, and continue to vote against unfunded mandates.

The CHAIRMAN. All the time has expired.

The question is on the amendment offered by the gentlewoman from California [Ms. PELOSI].

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

RECORDED VOTE

Mrs. COLLINS of Illinois. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This is a 15-minute vote.

The vote was taken by electronic device, and there were—ayes 159, noes 260, not voting 15, as follows:

[Roll No. 70]

AYES—159

Abercrombie	Clay	Dingell
Ackerman	Clayton	Dixon
Barcia	Clement	Doggett
Barrett (WI)	Clyburn	Doyle
Becerra	Coleman	Durbin
Beilenson	Collins (IL)	Engel
Bentsen	Collins (MI)	Eshoo
Berman	Conyers	Evans
Bishop	Costello	Farr
Bonior	Coyne	Fattah
Borski	Danner	Fazio
Boucher	de la Garza	Fields (LA)
Brown (CA)	DeFazio	Filner
Brown (FL)	DeLauro	Flake
Brown (OH)	Dellums	Foglietta
Bryant (TX)	Deutsch	Ford
Cardin	Dicks	Frank (MA)

Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klecza
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton

Markey
Martinez
Mascara
Matsui
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson

Rivers
Roybal-Allard
Rush
Sabu
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stokes
Stupak
Thompson
Thornton
Thurman
Torres
Torrice
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wise
Woolsey
Wyden
Wynn

Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer

Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souders
Spence
Stearns
Stenholm
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)

Tejeda
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

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

Mr. Chairman, this is a relatively straightforward amendment. It applies to life-threatening public health and safety matters. I am certain that the Members of the House can enumerate many examples of life-threatening health and safety actions and laws that we might be called upon to consider in this House.

Second, of course, while the proponents of this bill have argued that this is entirely prospective, they are not looking at the entirety of the legislation they have before them because indeed on page 16 through page 22 it requires any new rules that are put out that come within the scope of the language. The point I am trying to make is that it is not just a matter of information on unfunded mandates. Much like the CBO process that we would go through today, I think there would be much less controversy and, in fact, I think I would laud the fact of having more information before the House on measures that we are considering.

Indeed, I think that very often we are subjected or are left with subjective information concerning unfunded mandates, much as we are with other issues about the impacts of legislation.

Unfortunately, we have no track record to guide us with regards to what the nature of the quality of that information will be on unfunded mandates. But this bill reaches far further than most bills we have considered.

For instance, although we require a CBO report, we have no separate vote on that with regards to authorizing legislation. And I might add, ironically this legislation completely exempts the appropriations measures from its consideration, Mr. Chairman, so there are many facets to this that concern me.

I think the issue with regard to the straightforward basis with regards to unfunded mandates is that whenever we have any matter that would be of any controversy we would be subjected to a process vote. That is to say that the vote would not come on the issue before us, but simply on the discussion or on the debate of an unfunded mandate clearly building a hurdle to the consideration of important legislation.

Here again I would point out that my amendment deals with life-threatening health and safety, Mr. Chairman.

Furthermore, of course, the legislation reaches into laws already enacted, puts in place a procedure whereas new rules or modifications have to be considered under the scope of this particular bill. So it does affect every law that affects life-threatening health and safety.

I would not enumerate. I could point out the safety laws that affect auto traffic, helmet laws, laws that affect health and safety such as water treatment systems in terms of microsporin or other micronisms which have in fact

NOT VOTING—15

Bateman
Cox
Furse
Gibbons
Hastert

Hefner
Johnson, E. B.
Montgomery
Neal
Roukema

Sisisky
Stockman
Studds
Williams
Yates

□ 2314

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENTS OFFERED BY MR. VENTO

Mr. VENTO. 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. VENTO: 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) applies to life threatening public health and safety matters.

Mr. VENTO. Mr. Chairman, I offer an amendment numbered 161 with the amendment numbered 137. They are similar amendments in different sections of the bill. I ask unanimous consent they be considered en bloc.

The CHAIRMAN. The Clerk will designate the second amendment.

The text of the amendment is as follows:

Amendment offered by Mr. VENTO: 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) applies to life threatening public health and safety matters.

The CHAIRMAN. Is there objection to the unanimous consent request of the gentleman from Minnesota that the amendments be considered en bloc?

There was no objection.

The CHAIRMAN. The gentleman from Minnesota [Mr. VENTO] will be recognized for 5 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 5 minutes in opposition.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

NOES—260

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

Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis

Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinaro
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)

caused problems or the myriad of new problems we have had with infectious agents that have appeared on the scene sadly in the last many decades, Mr. Chairman.

□ 2320

I think this is a sensible amendment that speaks really to circumstances that should not be subjected to an extra vote, that should not be subjected to a whole new rule and regulation process as is outlined in this bill.

This bill is not just prospective. It is retroactive, affecting many of the rules and regulations and the laws we would pass.

Finally, Mr. Chairman, I think this cuts at the heart of what the Federal Government does in terms of reaching out. This legislation proposes to build in confrontation rather than building on cooperation, which I think should be the hallmark of the Federal system, the States and the National Government working together.

The fact of the matter is the Federal Government did not take these actions independently. Many of the States, many political subdivisions, had decades, hundreds of years, to deal with some of the problems they did not deal with through compacts, through their States, because they could not deal with them. We need a national policy.

Mr. Chairman and Members, one of the things that I think should come to our attention is we live in a country that has the strongest economy the world has ever seen. It has great advances in terms of culture and education and the sciences and has made great strides, greater than almost any other nation on the face of this Earth. We are taking that Government today, the Federal Government, that has been a part of that particular system and putting it at great risk. I know the greatness of this country is in the people of this country, Mr. Chairman, but I also understand that the governing structure that we have had has served us quite well.

I think we should be very careful in moving to make the modifications such as we see in this legislation and on an experimental basis. I think it is an experiment that may well go awry, and I think in the end cause great injustice and great harm to the people we represent.

Mr. Chairman, this is a good amendment. Eliminating health and safety is a sensible and common step, and a thread that has run through many of the amendments we have heard on this floor.

I hope we could vote for it and I think we could move on from this section of the bill.

Amidst the current fervor to pass the Unfunded Mandate Reform Act of 1995 (H.R. 5) important impacts—often passed off as just information that we should be mindful of—have been trivialized. The advocates are either naive or misinformed because this proposed law before the House will significantly impair the Federal Government's ability to govern.

The traditional cooperative relationship between State, local and Federal Governments would be dramatically altered by the bill before us, replaced with confrontation and denial. This legislation will leave the Federal Government without the ability to enact laws to protect workers in the workplace, to stop pollution from transcending the boundaries of one State to pollute the air and water of another, to help the elderly receive proper care in nursing homes, and to protect the health and safety of the people and of this Nation. These are but a small sample of the changes inherent in the policy espoused by this measure.

H.R. 5 as now drafted will unravel decades of public policy that established common national standards and intergovernmental cooperation with regards to public health and safety and the environment. If enacted, State and local governments could no longer be obligated to follow national programs unless 100 percent of the funding is assured. That is the goal and most likely the result. Regardless of common sense and the benefits of these programs and policies for a local area they would be frustrated by the provision of this measure. In the absence of national standards, State and local governments will establish, or worse yet, not establish, their own health, safety and pollution standards possibly without even the consideration of their neighboring States. In short, the Federal Government would be hamstrung in its ability to respond to the needs of the people we represent, and subject them to an untested and unverified policy prescription. Now the proponents suggest that a single vote requirement would save the essence of this Federal-State fabric of law so carefully woven throughout our history. This belies the dynamics and impact of the required votes in the congressional process. Today it is difficult to pass a bill, tomorrow this measure's design is to make it far more difficult and darn near impossible to pass legislation steeped in controversy, as without doubt proposed life threatening law and policy would be. If it were simple, the States acting alone or collectively would have accomplished many of these policies—the fact is that Federal law and policy in such arena in by necessity, default, or denial by the States and political subdivisions.

But, the unintended consequences of H.R. 5 are worsened by the quick pace at which it is being pushed, and the lack of deliberation and proper consideration by the House today and the Congress. This bill has reached the floor of the House without one hearing being held on its merit, intent, or consequence. This is a very significant piece of legislation and should be considered with careful analysis—but politics and instant gratification seem to be the order of the day and the demand by the majority Republicans in this House.

For these reasons, I am offering an amendment to H.R. 5 to address one of the problems that has been both overlooked and continues to be ignored by the proponents of this bill. My amendment will exempt legislation applying to "life threatening" public health and safety matters. I have carefully chosen this language, "life threatening," which addresses health and safety matters of the utmost significance. "Life threatening" is very specific—it means that which endangers one's life.

Surely the Federal Government, the Congress, must be able to fulfill its obligation to protect "life threatening" health and safety matters of the people we represent without

being subject to the limitations inherent in this proposal. Look at the list of exceptions already in this bill: President declared emergency, individuals constitutional rights, discrimination laws, accounting and auditing procedures, and national security. Certainly "life threatening" health and safety matters could and should be a recognized exception.

This amendment will ensure that the Members of this chamber will be able to carry out the responsibility that our constituents have entrusted to us. I strongly urge my colleagues to support this amendment.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has expired.

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

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

Mr. Chairman, I rise in opposition to the amendment, which is truly a gutting amendment.

I think all of the measures we have had considered as possible exemptions under this bill throughout the last 5 days could easily be considered encompassed within the parameters of this particular amendment. It is a much broader amendment than anything we have dealt with thus far. I think it would truly gut the essence of the bill, because it could be argued it could be exempting everything out from under the coverage of this bill.

Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. CONDIT].

Mr. CONDIT. Mr. Chairman, I rise in opposition to the amendment, with all due respect to my colleague from Minnesota.

This amendment, above all the amendments we have heard here this evening, will destroy this bill, and once again, this bill is about accountability. It is about if we want to do the kinds of things that the gentleman from Minnesota wants to do, it is fine and well, and I probably would support many of those things.

This just puts some accountability in it and simply says if we are going to do these things, then we ought to figure out a way to pay for it.

I would urge, once again, all of my colleagues, my Democratic colleagues who have been so faithful in opposing these amendments, to oppose this amendment.

We have one more after this, and then we move hopefully to the next section of the bill. I ask for a no vote on the amendment.

Mr. CLINGER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Minnesota [Mr. VENTO].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 109, noes 308, not voting 17, as follows:

[Roll No. 71]

AYES—109

Abercrombie	Ford	Mink
Ackerman	Gejdenson	Moakley
Barcia	Gephardt	Nadler
Barrett (WI)	Green	Oberstar
Becerra	Gutiérrez	Obey
Beilenson	Hall (OH)	Owens
Berman	Hastings (FL)	Payne (NJ)
Bishop	Hilliard	Pelosi
Bonior	Hinchev	Pomeroy
Brown (CA)	Jackson-Lee	Rangel
Brown (FL)	Jacobs	Reed
Bryant (TX)	Jefferson	Reynolds
Cardin	Johnston	Rivers
Clay	Kennedy (MA)	Roybal-Allard
Clayton	Kennedy (RI)	Rush
Clyburn	Kennelly	Sabo
Collins (IL)	Kildee	Sanders
Collins (MI)	Klecicka	Schroeder
Conyers	LaFalce	Scott
Coyne	Lantos	Slaughter
DeLauro	Levin	Stark
Dellums	Lewis (GA)	Stokes
Deutsch	Lofgren	Stupak
Dicks	Lowey	Thompson
Dingell	Maloney	Torres
Dixon	Manton	Towns
Doyle	Markey	Tucker
Engel	Mascara	Velázquez
Eshoo	Matsui	Vento
Evans	McDermott	Ward
Farr	McKinney	Waters
Fattah	Meehan	Watt (NC)
Fazio	Meek	Waxman
Fields (LA)	Mfume	Woolsey
Filner	Miller (CA)	Wynn
Flake	Mineta	
Foglietta	Minge	

NOES—308

Allard	Coleman	Geren
Andrews	Collins (GA)	Gilchrest
Archer	Combust	Gillmor
Army	Condit	Gilman
Bachus	Cooley	Gonzalez
Baesler	Costello	Goodlatte
Baker (CA)	Cramer	Goodling
Baker (LA)	Crane	Gordon
Baldacci	Crapo	Goss
Ballenger	Creameans	Graham
Barr	Cubin	Greenwood
Barrett (NE)	Cunningham	Gunderson
Bartlett	Danner	Gutknecht
Barton	Davis	Hall (TX)
Bass	de la Garza	Hamilton
Bentsen	Deal	Hancock
Bereuter	DeFazio	Hansen
Bevill	DeLay	Harman
Bilbray	Diaz-Balart	Hastings (WA)
Bilirakis	Dickey	Hayes
Bliley	Doggett	Hayworth
Blute	Doolley	Hefley
Boehlert	Doolittle	Heineman
Boehner	Dornan	Herger
Bonilla	Dreier	Hilleary
Bono	Duncan	Hobson
Borski	Dunn	Hoekstra
Boucher	Durbin	Hoke
Brewster	Edwards	Holden
Browder	Ehlers	Horn
Brown (OH)	Ehrlich	Hostettler
Brownback	Emerson	Houghton
Bryant (TN)	English	Hoyer
Bunn	Ensign	Hunter
Bunning	Everett	Hutchinson
Burr	Ewing	Hyde
Burton	Fawell	Inglis
Buyer	Fields (TX)	Istook
Callahan	Flanagan	Johnson (CT)
Calvert	Foley	Johnson (SD)
Camp	Forbes	Johnson, Sam
Canady	Fowler	Jones
Castle	Fox	Kanjorski
Chabot	Frank (MA)	Kaptur
Chambliss	Franks (CT)	Kasich
Chapman	Franks (NJ)	Kelly
Chenoweth	Frelinghuysen	Kim
Christensen	Frisa	King
Chrysler	Frost	Kingston
Clement	Funderburk	Klink
Clinger	Gallegly	Klug
Coble	Ganske	Knollenberg
Coburn	Gekas	Kolbe

LaHood	Orton	Smith (NJ)
Largent	Oxley	Smith (TX)
Latham	Packard	Smith (WA)
LaTourette	Pallone	Solomon
Laughlin	Parker	Souder
Lazio	Pastor	Spence
Leach	Paxon	Spratt
Lewis (CA)	Payne (VA)	Stearns
Lewis (KY)	Peterson (FL)	Stenholm
Lightfoot	Peterson (MN)	Stockman
Lincoln	Petri	Stump
Linder	Pickett	Talent
Lipinski	Pombo	Tanner
Livingston	Porter	Tate
LoBiondo	Portman	Tauzin
Longley	Poshard	Taylor (MS)
Lucas	Pryce	Taylor (NC)
Luther	Quillen	Tejeda
Manzullo	Quinn	Thomas
Martini	Radanovich	Thornberry
McCarthy	Rahall	Thornton
McCollum	Ramstad	Thurman
McCrery	Regula	Tiahrt
McDade	Richardson	Torkildsen
McHale	Riggs	Torricelli
McHugh	Roberts	Traficant
McInnis	Roemer	Upton
McIntosh	Rogers	Visclosky
McKeon	Rohrabacher	Volkmer
McNulty	Ros-Lehtinen	Vucanovich
Menendez	Roth	Waldholtz
Metcalfe	Royce	Walker
Meyers	Salmon	Walsh
Mica	Sanford	Wamp
Miller (FL)	Sawyer	Watts (OK)
Molinar	Saxton	Weldon (FL)
Mollohan	Scarborough	Weldon (PA)
Moorhead	Schaefer	Weller
Moran	Schiff	White
Morella	Schumer	Whitfield
Murtha	Seastrand	Wicker
Myers	Sensenbrenner	Wilson
Myrick	Shadegg	Wise
Nethercutt	Shaw	Wolf
Neumann	Shays	Wyden
Ney	Shuster	Young (AK)
Norwood	Skaggs	Young (FL)
Nussle	Skeen	Zeliff
Olver	Skelton	Zimmer
Ortiz	Smith (MI)	

NOT VOTING—17

Bateman	Johnson, E.B.	Serrano
Cox	Martinez	Sisisky
Furse	Montgomery	Studds
Gibbons	Neal	Williams
Hastert	Rose	Yates
Hefner	Roukema	

□ 2339

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

PERSONAL EXPLANATION

Mr. HASTERT. Mr. Chairman, because of a serious fire at my father's home in Illinois, I was unable to return to Washington earlier today and missed a series of votes. Had I been present I would have voted: Present on rollcall No. 56; "yes" on rollcall No. 57; "yes" on rollcall No. 58; "no" on rollcall No. 59; "no" on rollcall No. 60; "no" on rollcall No. 61; "no" on Rollcall 62; "no" on rollcall No. 63; "no" on rollcall No. 64; "no" on rollcall No. 65; "no" on rollcall No. 66; "no" on rollcall No. 67; "no" on rollcall No. 68; "no" on rollcall No. 69; "no" on rollcall No. 70; and "no" on rollcall No. 71.

The CHAIRMAN. Are there further amendments to section 4?

AMENDMENTS OFFERED BY MR. FIELDS OF LOUISIANA

Mr. FIELDS of Louisiana. Mr. Chairman, I offer two amendments, numbered 151 and 152, which were printed in the RECORD, and I ask unanimous consent that they be considered en bloc.

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

There was no objection. The CHAIRMAN. The Clerk will designate the amendments. The text of the amendments is as follows:

Amendments offered by Mr. FIELDS of Louisiana: 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) establishes standards for the education or safety of students in elementary or secondary public schools.

In section 301, in the proposed section 422 of 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 after paragraph (7) add the following new paragraph:

"(8) establishes standards for the education or safety of students in elementary or secondary public schools.

The CHAIRMAN. The gentleman from Louisiana [Mr. FIELDS] will be recognized for 5 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 5 minutes in opposition.

The Chair recognizes the gentleman from Louisiana [Mr. FIELDS].

Mr. FIELDS of Louisiana. Mr. Chairman, this amendment simply provides for an exemption to be made by any Federal statute or regulation which establishes standards or standards for safety for students in elementary and secondary education. Today I offer this amendment out of concern for many children in our country who walk into unsafe schools on a day-to-day basis. There are schools in this country that do not have the proper tools for writing, much less the proper conditions to ensure their safety. We need to work hard to bring the standard of safety in our educational system across the country, bring it up to par with the rest of the world. Today our students are falling behind. We must look within our system and find ways to improve our Nation as a whole. State by State, Mr. Chairman, we need to ensure that our children are receiving the best possible education, and the buildings in which they learn must be safe.

Thousands of schools open each day, Mr. Chairman, without proper ventilation, without air conditioning during the heat of summer, without heat during the middle of winter. Thousands of schools, Mr. Chairman, open with leaking ceilings. Many of them have lead paint. Many schools in our Nation, Mr. Chairman and Members of the Congress, have asbestos. I urge that the Members of this body adopt this amendment because our schools are in bad, bad shape all across America. Our jails are in better condition than our schools.

This is a good amendment. I commend it to the rest of the body, and I urge its adoption.