

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)	Royal-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)
Molinari	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.

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

Mr. CLINGER. Mr. Chairman, let me, first of all, say I am sure I speak for all of my colleagues on both sides of the aisle in congratulating the gentleman from Louisiana [Mr. FIELDS] on the birth of his son.

So, Mr. Chairman, it is with reluctance that I must rise with opposition to the gentleman's amendment, knowing, as I do, that he will have a son in school in not too many years, but again I have to say that this amendment, as most of the amendments we have seen before, really must not be exempt because it would not allow us to have the kind of cost adjustments, cost considerations, that we have.

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

Mr. PARKER. Mr. Chairman, I hesitate to rise in opposition to the amendment offered by the gentleman from Louisiana [Mr. FIELDS], my good friend, and being one of the more diplomatic Members of the House of Representatives, I feel compelled to say that I have watched for a long time around this body when the Republicans were in the minority. I used to watch the Republicans bring forth amendments, and I could see the commercial coming out, and all of a sudden we see the same thing on the Democratic side, my side. I think that this type of situation in which we find ourselves hurts this body, and I think the American people look upon us, and they say, "You are not doing what you should be doing."

I personally want a clean unfunded mandates bill. I think it is what we need, and I believe the American people have let us know that time and time again. Join with me in defeating this amendment.

Mr. FIELDS of Louisiana. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from the State of Florida [Mr. HASTINGS].

Mr. HASTINGS. Mr. Chairman, I would like to say to the distinguished gentleman from Pennsylvania that I, too, join him in congratulating the gentleman from Louisiana [Mr. FIELDS] for he and his wife having a son, but I would urge the gentleman from Pennsylvania to recognize, as another gentleman from Pennsylvania said, that what we need for his son is safe schools, and that is what this measure is about. To ask for regulations and standards for our children is not asking much.

Unfunded mandates? The Republicans say the American people want us to pass this bill. I say, Cheer, if you will. The American people, the American people, can't possibly want rat-infested schools, asbestos-laden schools, leaky roofs, broken windows, drug-ridden schools, broken toilets, water fountains that don't work and scared children and teachers.

When we voted to exempt the older Americans from discrimination, it was

because we were afraid of their votes, and here we have a situation where we are asking to exempt children, and, as my colleagues know, they do not vote, so they find themselves in the position of not wanting to support it.

Let me go a step further because somebody in this building needs to clear the air on this Contract With America. Let me tell my colleagues what elementary contract law says: Black's Dictionary says an agreement between two or more parties for the doing or not doing something specified is a contract.

I say to my colleagues, the American people, whoever you all keep talking about, or the mandate that you claim that you got 20 percent of 39 percent of, is not a mandate in the sense of what the American people want, and for my Democratic colleagues who have been about the business of being bipartisan, I commend you and respect you for your bipartisan efforts, but I remind you that it should be a two-way street.

Let me tell my colleagues something: People, you have the votes in the House to pass the legislation that you want unilaterally, but don't you go around saying that my constituents signed on to your contract. They did not.

And let me also make it clear, let me make it clear for everybody in here, that the Republicans do not know all of what the American people want, and the Democrats do not either.

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

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

The CHAIRMAN. The question is on the amendments offered by the gentleman from Louisiana [Mr. FIELDS].

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

RECORDED VOTE

Mr. FIELDS of Louisiana. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were ayes 135, noes 282, not voting 17, as follows:

[Roll No. 72]

AYES—135

Abercrombie	Danner	Gejdenson	Lipinski	Oberstar	Serrano
Ackerman	DeFazio	Gephardt	Lofgren	Olver	Slaughter
Barcia	DeLauro	Gonzalez	Lowey	Owens	Stark
Becerra	Dellums	Green	Luther	Pallone	Stokes
Beilenson	Deutsch	Gutierrez	Maloney	Pastor	Thompson
Bentsen	Dicks	Hastings (FL)	Manton	Payne (NJ)	Thornton
Berman	Dingell	Hilliard	Markey	Pelosi	Torres
Bishop	Dixon	Hinchee	Mascara	Peterson (FL)	Torricelli
Bonior	Doggett	Holden	Matsui	Poshard	Towns
Borski	Doyle	Hoyer	McCarthy	Rangel	Traficant
Brown (CA)	Durbin	Jackson-Lee	McDermott	Reed	Tucker
Brown (FL)	Engel	Jacobs	McKinney	Reynolds	Velazquez
Bryant (TX)	Eshoo	Jefferson	Meehan	Richardson	Vento
Cardin	Evans	Johnston	Meek	Rivers	Volkmer
Clay	Farr	Kanjorski	Menendez	Roybal-Allard	Ward
Clayton	Fattah	Kaptur	Mfume	Rush	Waters
Clement	Fazio	Kennedy (MA)	Miller (CA)	Sabo	Watt (NC)
Clyburn	Fields (LA)	Kennedy (RI)	Mineta	Sanders	Waxman
Coleman	Filner	Kennelly	Mink	Sawyer	Woolsey
Collins (IL)	Flake	Kildee	Moakley	Schroeder	Wyden
Collins (MI)	Foglietta	Klink	Nadler	Scott	Wynn
Conyers	Ford	LaFalce			
Costello	Frank (MA)	Lantos			
Coyne	Frost	Lewis (GA)			
			Allard	Emerson	Levin
			Andrews	English	Lewis (CA)
			Archer	Ensign	Lewis (KY)
			Armey	Everett	Lightfoot
			Bachus	Ewing	Lincoln
			Baessler	Fawell	Linder
			Baker (CA)	Fields (TX)	Livingston
			Baker (LA)	Flanagan	LoBiondo
			Baldacci	Foley	Longley
			Ballenger	Forbes	Lucas
			Barr	Fowler	Manzullo
			Barrett (NE)	Fox	Martini
			Barrett (WI)	Franks (CT)	McCollum
			Bartlett	Franks (NJ)	McCrery
			Barton	Frelinghuysen	McDade
			Bass	Frisa	McHale
			Bereuter	Funderburk	McHugh
			Bevill	Gallegly	McInnis
			Bilbray	Ganske	McIntosh
			Bilirakis	Gekas	McKeon
			Bliley	Geren	McNulty
			Blute	Gilchrest	Metcalf
			Boehlert	Gillmor	Meyers
			Boehner	Gilman	Mica
			Bonilla	Goodlatte	Miller (FL)
			Bono	Goodling	Minge
			Boucher	Gordon	Molinari
			Brewster	Goss	Mollohan
			Browder	Graham	Moorhead
			Brown (OH)	Greenwood	Moran
			Brownback	Gunderson	Morella
			Bryant (TN)	Gutknecht	Murtha
			Bunn	Hall (TX)	Myers
			Bunning	Hamilton	Myrick
			Burr	Hancock	Nethercutt
			Burton	Hansen	Neumann
			Buyer	Harman	Ney
			Callahan	Hastert	Norwood
			Calvert	Hastings (WA)	Nussle
			Camp	Hayes	Obey
			Canady	Hayworth	Ortiz
			Castle	Hefley	Orton
			Chabot	Heineman	Oxley
			Chambliss	Herger	Packard
			Chapman	Hilleary	Parker
			Chenoweth	Hobson	Paxon
			Christensen	Hoekstra	Payne (VA)
			Chrysler	Hoke	Peterson (MN)
			Clinger	Horn	Petri
			Coble	Hostettler	Pickett
			Coburn	Houghton	Pombo
			Collins (GA)	Hunter	Pomeroy
			Combest	Hutchinson	Porter
			Condit	Hyde	Portman
			Cooley	Inglis	Pryce
			Cramer	Istook	Quillen
			Crane	Johnson (CT)	Quinn
			Crapo	Johnson (SD)	Radanovich
			Creameans	Johnson, Sam	Rahall
			Cubin	Jones	Ramstad
			Cunningham	Kasich	Regula
			Davis	Kelly	Riggs
			de la Garza	Kim	Roemer
			Deal	King	Rogers
			DeLay	Kingston	Rohrabacher
			Diaz-Balart	Klecza	Ros-Lehtinen
			Dickey	Klug	Roth
			Dooley	Knollenberg	Royce
			Doolittle	Kolbe	Salmon
			Dornan	LaHood	Sanford
			Dreier	Largent	Saxton
			Duncan	Latham	Scarborough
			Dunn	LaTourette	Schaefer
			Edwards	Laughlin	Schiff
			Ehlers	Lazio	Schumer
			Ehrlich	Leach	Seastrand

Sensenbrenner	Stockman	Waldholtz
Shadegg	Stump	Walker
Shaw	Stupak	Walsh
Shays	Talent	Wamp
Shuster	Tanner	Watts (OK)
Skaggs	Tate	Weldon (FL)
Skeen	Tauzin	Weldon (PA)
Skelton	Taylor (MS)	Weller
Smith (MI)	Taylor (NC)	White
Smith (NJ)	Tejeda	Whitfield
Smith (TX)	Thomas	Wicker
Smith (WA)	Thornberry	Wilson
Solomon	Thurman	Wise
Souder	Tiahrt	Wolf
Spence	Torkildsen	Young (AK)
Spratt	Upton	Young (FL)
Stearns	Visclosky	Zeliff
Stenholm	Vucanovich	Zimmer

NOT VOTING—17

Bateman	Johnson, E. B.	Roukema
Cox	Martinez	Sisisky
Furse	Montgomery	Studds
Gibbons	Neal	Williams
Hall (OH)	Roberts	Yates
Hefner	Rose	

□ 0005

So the amendments were rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to section 4?

The Clerk will designate title I.

The text of title I is as follows:

TITLE I—REVIEW OF UNFUNDED FEDERAL MANDATES

SEC. 101. ESTABLISHMENT.

There is established a commission which shall be known as the "Commission on Unfunded Federal Mandates" (in this title referred to as the "Commission").

SEC. 102. REPORT ON UNFUNDED FEDERAL MANDATES BY THE COMMISSION.

(a) IN GENERAL.—The Commission shall in accordance with this section—

(1) Investigate and review the role of unfunded Federal mandates in intergovernmental relations and their impact on State, local, tribal, and Federal government objectives and responsibilities; and

(2) make recommendations to the President and the Congress regarding—

(A) allowing flexibility for State, local, and tribal governments in complying with specific unfunded Federal mandates for which terms of compliance are unnecessarily rigid or complex;

(B) reconciling any 2 or more unfunded Federal mandates which impose contradictory or inconsistent requirements;

(C) terminating unfunded Federal mandates which are duplicative, obsolete, or lacking in practical utility;

(D) suspending, on a temporary basis, unfunded Federal mandates which are not vital to public health and safety and which compound the fiscal difficulties of State, local, and tribal governments, including recommendations for triggering such suspension;

(E) consolidating or simplifying unfunded Federal mandates, or the planning or reporting requirements of such mandates, in order to reduce duplication and facilitate compliance by State, local, and tribal governments with those mandates; and

(F) establishing common Federal definitions or standards to be used by State, local, and tribal governments in complying with unfunded Federal mandates that use different definitions or standards for the same terms or principles.

(3) IDENTIFICATION OF RELEVANT UNFUNDED FEDERAL MANDATES.—Each recommendation under paragraph (2) shall, to the extent practicable, identify the specific unfunded Federal mandates to which the recommendation applies.

(b) CRITERIA.—

(1) IN GENERAL.—The Commission shall establish criteria for making recommendations under subsection (a).

(2) ISSUANCE OF PROPOSED CRITERIA.—The Commission shall issue proposed criteria under this subsection not later than 60 days after the date of the enactment of this Act, and thereafter provide a period of 30 days for submission by the public of comments on the proposed criteria.

(3) FINAL CRITERIA.—Not later than 45 days after the date of issuance of proposed criteria, the Commission shall—

(A) consider comments on the proposed criteria received under paragraph (2);

(B) adopt and incorporate in final criteria any recommendations submitted in those comments that the Commission determines will aid the Commission in carrying out its duties under this section; and

(C) issue final criteria under this subsection.

(c) PRELIMINARY REPORT.—

(1) IN GENERAL.—Not later than 9 months after the date of the enactment of this Act, the Commission shall—

(A) prepare and publish a preliminary report on its activities under this title, including preliminary recommendations pursuant to subsection (a);

(B) publish in the Federal Register a notice of availability of the preliminary report; and

(C) provide copies of the preliminary report to the public upon request.

(2) PUBLIC HEARINGS.—The Commission shall hold public hearings on the preliminary recommendations contained in the preliminary report of the Commission under this subsection.

(d) FINAL REPORT.—Not later than 3 months after the date of the publication of the preliminary report under section (c), the Commission shall submit to the Congress, including the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Government Affairs of the Senate, and to the President a final report on the findings, conclusions, and recommendations of the Commission under this section.

SEC. 103. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 9 members appointed from individuals who possess extensive leadership experience in and knowledge of State, local, and tribal governments and intergovernmental relations, including State and local elected officials, as follows:

(1) 3 members appointed by the Speaker of the House of Representatives, in consultation with the minority leader of the House of Representatives.

(2) 3 members appointed by the majority leader of the Senate, in consultation with the minority leader of the Senate.

(3) 3 members appointed by the President.

(b) WAIVER OF LIMITATION ON EXECUTIVE SCHEDULE POSITIONS.—Appointments may be made under this section without regard to section 5311(b) of title 5, United States Code.

(c) Terms.—

(1) IN GENERAL.—Each member of the Commission shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d) BASIC PAY.—

(1) RATES OF PAY.—Members of the Commission shall serve without pay.

(2) PROHIBITION OF COMPENSATION OF FEDERAL EMPLOYEES.—Members of the Commission who are full-time officers or employees of the United States may not receive additional pay, allowances, or benefits by reason of their service on the Commission.

(e) TRAVEL EXPENSES.—Each member of the Commission may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(f) CHAIRPERSON.—The President shall designate a member of the Commission as Chairperson at the time of the appointment of that member.

(g) MEETINGS.—

(1) IN GENERAL.—Subject to paragraph (2), the Commission shall meet at the call of the Chairperson or a majority of its members.

(2) FIRST MEETING.—The Commission shall convene its first meeting by not later than 45 days after the date of the completion of appointment of the members of the Commission.

(3) QUORUM.—A majority of members of the Commission shall constitute a quorum but a lesser number may hold hearings.

SEC. 104. DIRECTOR AND STAFF OF COMMISSION EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Commission. The Director shall be paid at a level not to exceed the rate of basic pay payable for level IV of the Executive Schedule.

(b) STAFF.—With the approval of the Commission, and without regard to section 5311(b) of title 5, United States Code, the Director may appoint and fix the pay of such staff as is sufficient to enable the Commission to carry out its duties.

(c) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate payable under section 5376 of title 5, United States Code.

(d) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services of experts or consultants under section 3109(b) of title 5, United States Code.

(e) STAFF OF FEDERAL AGENCIES.—Upon request of the Director, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this title.

SEC. 105. POWER OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this title, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this title, except information—

(1) which is specifically exempted from disclosure by law; or

(2) which that department or agency determines will disclose—

(A) matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States.

(B) information relating to trade secrets or financial or commercial information pertaining specifically to a given person if the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(C) personnel or medical data or similar data the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

unless the portions containing such matters, information, or data have been excised.

Upon request of the Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(d) **MAILS.**—The Commission may use the United States mail in the same manner and under the same conditions as other departments and agencies of the United States.

(e) **ADMINISTRATIVE SUPPORT SERVICES.**—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its duties under this title.

(f) **CONTRACT AUTHORITY.**—The Commission may, subject to appropriations, contract with and compensate government and private agencies or persons for property and services used to carry out its duties under this title.

SEC. 106. TERMINATION.

The Commission shall terminate 90 days after submitting its final report pursuant to section 102(d).

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Commission \$1,000,000 to carry out this title.

SEC. 108. DEFINITION.

As used in this title, the term "Federal mandate" means any provision in statute or regulation or any Federal court ruling that imposes an enforceable duty upon States, local governments, or tribal governments including a condition of Federal assistance or a duty arising from participation in a voluntary Federal program.

SEC. 109. EFFECTIVE DATE.

This title shall take effect 60 days after the date of the enactment of this Act.

Mr. **POMBO.** Mr. Chairman, I am pleased to see that the Unfunded Mandates Reform Act we are debating today is moving steadily toward passage in the House of Representatives. This measure, H.R. 5, is long overdue. For too many years, the Federal Government has been forcing regulations down the throats of State and local government officials without providing them with the necessary resources to pay for them.

To give an idea of how outrageous this practice has become, the Environmental Protection Agency's own figures state that its rules and regulations cost this Nation \$140 billion last year—that is 2.2 percent of our entire gross domestic product. Let me remind my colleagues that this represents the cost of mandates from just one single agency of the Federal Government. The successful passage of H.R. 5 will once-and-for-all end this outrageous, and arrogant, Federal Government practice.

While I am disappointed that some in this House have tried to slow down the progress of H.R. 5, I am confident that the overwhelming bipartisan support it enjoys will enable us to make good on our promise with the American

people. H.R. 5 is a top priority for those of us who have signed the Contract With America—and we intend to deliver.

Mr. Chairman, we are not the only ones who have been eagerly waiting for this legislation. State and local officials around the country are so disgusted with the Federal Government's penchant for establishing new programs without paying for them, they established an official Unfunded Mandates Day to make their concerns felt here in Washington. They have done this because it is the simple fact that the burden of paying for unfunded mandates is minimizing the effectiveness of State and local governments to provide even the most basic local services. Let me make one thing clear—we have heard their voices, and are dedicated to making a real difference.

What good do unfunded mandates serve if they require city officials to seriously consider buying and passing out bottled water to residents rather than comply with the strict Federal water testing requirements set forth in the Safe Drinking Water Act? How effective is requiring a city to spend over \$250,000 over 3 years to remove petroleum-contaminated soil so that an asphalt parking lot could be put on top of it—when asphalt is a petroleum-based product? Mandates like these serve no one—except the Federal bureaucrats, of course.

Once again, Mr. Chairman, I would like to express my strong support for the Unfunded Mandate Reform Act and urge its passage in the House of Representatives as well as the other body. We owe the American people nothing less.

Mr. **MCKEON.** Mr. Chairman, legislative mandates made by the Federal Government have placed a significant financial burden on communities in California. The city of Los Angeles estimates that Federal mandates will cost approximately \$2.2 billion over 5 years (1993–94 through 1997–98). In recent years, many Federal mandates have been placed on cities like Los Angeles without Federal funding required for implementing and enforcing these mandates.

Despite the attention to this issue, these Federal mandates have not subsided. The National Committee on Uniform Traffic Control Devices is currently in the process of recommending improvements in traffic-control devices, including street signs, to the Federal Highway Administration. In its present form, the National Committee's proposal recommends new Federal guidelines that would require communities to:

First, increase the size of the street sign lettering from 4 inches to 6 inches high; and second, modify street name signs to be reflective or illuminated.

The proposed guidelines do not contain any provisions for cities to fund these changes.

The city's department of transportation has reviewed this proposal and believes that the suggested requirements are extreme and unnecessary. The cost to change the more than 150,000 street name signs in the city would be approximately \$10 to \$15 million.

Without financial assistance, the city of Los Angeles is not in a position to comply with the proposed new guidelines for street signs. Furthermore, in an urban area such as Los Angeles, many intersections are sufficiently illuminated and often feature additional identifying signs for drivers of motor vehicles.

While this is one small example of a much larger problem, it is indicative of the costly

Federal mandates imposed on local governments. With this in mind, I respectfully urge House Members to support H.R. 5, the Unfunded Mandate Reform Act of 1995.

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

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. **EHLERS**) having assumed the chair, Mr. **EMERSON**, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5) to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates on the private sector, and for other purposes, had come to no resolution thereon.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 607

Mr. **RAMSTAD.** Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 607.

The Speaker pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

PERSONAL EXPLANATION

Mr. **FIELDS** of Louisiana. Mr. Speaker, last week I missed a series of votes because, on January 22, at 7:14 p.m., my wife gave birth to our first child, Cleo Brandon Fields, who weighed 7 lbs., 1 oz. and was 20 inches long.

Had I been present, I would have voted "yes" on rollcall votes 25 through 28, 32 and 33, 35, 36, 40, 43 through 48, and 50 through 55. I would have voted "no" on rollcall votes 29, 30, 37, 38, 39, 41, 49, and 51.

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CONGRATULATIONS TO THE FAMILY OF CLEO FIELDS OF LOUISIANA ON THE BIRTH OF THEIR FIRST CHILD

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

Mr. **ARMEY.** Mr. Speaker, let me preface my comments by offering my congratulations to the gentleman from Louisiana [Mr. **FIELDS**] and his wife on the birth of their first child. I hope it is every bit as much a joy in their life as mine was and is in my life.

PERMISSION FOR CERTAIN COMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. **ARMEY.** Mr. Speaker, I ask unanimous consent that the following