that it is prudent fiscal policy to place this market in jeopardy.

Mr. Speaker, the average American family was dealt a hard blow yesterday and I only hope that Mr. Greenspan knows something that I do not know.

STOP PLAYING GOD IN THE MARKETPLACE

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

Mr. WYNN. Mr. Speaker, good morning, I rise today to object to people playing God in the marketplace.

It is amazing to me that some of the economists who claim to be such free traders and such believers in the free marketplace would intervene in our economy a record seven times in the past year. They have consistently increased interest rates to the detriment of the American consumer.

Now, while I understand that some restraint and some interest rate increases are in fact necessary, it seems to me the Fed ought to at least wait and see the effect of this last interest rate increase.

I can tell you about the effect of their current rate increase: Variable rate mortgages will increase. The consumer will be harmed. Credit card balances will increase. The consumer will be harmed. Car purchases will become more expensive. The most thriving part of the American economy will be jeopardized.

Mr. Speaker, there are other considerations. We are down here talking about people ought to go to work. Well, the effect of the raise in the interest rates is that there will be less jobs for those on welfare and those we want to encourage to work.

We also say people ought to save more. There will be less saving because of the higher interest rates.

I wish people would stop playing God in the marketplace.

CHILD SUPPORT ENFORCEMENT

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

Mr. FLAKE. Mr. Speaker, today it gives me pleasure to rise and voice my opinion on child support enforcement as it relates to the welfare reform.

Child support should be a centerpiece of any welfare reform measure which tends to assist welfare recipients in breaking the chain of poverty and entering into the work force.

In many instances child support could be preventive welfare support. If more noncustodial parents paid child support, some families could avoid welfare dependence altogether.

A comprehensive child support provision is essential to resolving the welfare crisis in this country.

Today almost 63 percent of absent parents contribute no child support to their children's welfare. All children have two parents. Therefore, we must require that both parents live up to their responsibilities and obligations. Ignoring child support enforcement would send the wrong message.

We would require young mothers to be responsible, while giving fathers a free ride; 1 in 4 children presently live in single-parent homes without strong child support enforcement. Many of these children will not have the support they need and deserve. We must do everything possible to rectify this terrible problem.

THE FEDERAL RESERVE DID IT AGAIN

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, well, they did it yesterday. The Federal Reserve secretly met to raise interest rates, and in so doing raised the cost of living for every American family.

Connecticut, my home State, has just emerged from the recession, and working people were just beginning to feel more confident again. But the Federal Reserve dashed those hopeful feelings, and they stole that sense of confidence from the people that I represent. The promise of an improving economy and all that means for working families in this Nation has been dashed by the Federal Reserve's action.

I meet with my constituents every Saturday morning at supermarkets all over my district, and on many occasions they have asked me to stand in their shoes, to understand their pain, feel their hurt.

Well, today I pass that advice on to Allen Greenspan and the Federal Reserve. Come out of the secret meetings, leave the hallowed boardrooms of Wall Street and visit the living rooms of West Haven and Hamden, CT. Take the challenge my constituents have given me. Walk in their shoes before you do this again.

LINE ITEM VETO ACT

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 55 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 55

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2) to give the President item veto authority over appropriation Acts and targeted tax benefits in revenue Acts. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed two hours, with one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform and Oversight and one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Rules. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments recommended by the Committee on Government Reform and Oversight and the Committee on Rules, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. Points of order against the amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my respected friend and colleague, the gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this historic 104th Congress has been in session for less than 1 calendar month, a period that in Congresses past saw little legislative progress; lots of talk maybe, but very little action unless you count travel. But with the brisk winds of change at our backs and the unmistakable call for fiscal discipline still ringing in our ears from the American people we work for, we are on our way toward fullfilling our Contract With America and were moving a lot faster than the other major event in this country, the O.J. Simpson trial. We have already passed an historic balanced budget amendment and landmark legislation to curb unfunded Federal mandates.

Today we draw the third side of this powerful triangle of reforms to restore fiscal sanity to this institution and to our Government. The line-item veto proposed in H.R. 2 is a real line-item veto, with the type of teeth many of us know are necessary to bring about greater fiscal discipline. It puts the emphasis on saving. It makes it harder to spend taxpayers' money. It increases accountability and it forces the White

House and the Congress to work together on controlling the Federal budget.

□ 1030

It is fitting that we consider the line-item veto under a wide open rule and this is a wide open rule. This is a serious discussion about reining in Federal spending, restoring accountability to the congressional budget process and balancing the powers of the executive and legislative branches of Government. This topic deserves the full benefit of the deliberative democratic process our Founding Fathers envisioned for this House. I am proud to offer my colleagues this wide open rule, one that allows any Member to be heard on issues of concern. I would also like to point out, Mr. Speaker, that we have not only created an open rule, an open rule-plus, but we have several days of time for this issue to be debated on the floor, on the Calendar, and brought to some kind of a resolution. We have, I think, compared to past attempts to discuss this issue, gone way over the edge in terms of scheduling latitude. We have 3 legislative days in front of us compared to really hours only in the past when we debated this issue. And I point out that in those legislative days we also have a weekend which is available for work if necessary.

At this point I understand we have 31 amendments out there which have been filed under the option of prefiling, and no doubt we will be hearing other amendments under the 5-minute rule because we do have one very important issue on policy and a whole lot of other issues on precedents.

This rule makes in order as base text for the purpose of amendment a substitute that reflects the combined, bipartisan work of the Committee on Government Reform and Oversight, Chairman CLINGER and the gentlewoman from Illinois, Mrs. COLLINS, and the fine work that they have been doing, and the Committee on Rules.

I was pleased to hear the ranking member of the Government Reform Committee, Mrs. COLLINS, express her appreciation to Chairman CLINGER for the fair treatment the minority received in his committee. I hope the minority members of the Rules Committee felt they too had a fair chance to be heard. The spirit of bipartisanship we have seen on this legislation—even as some clearly do disagree on how far a line-item veto should go—has been particularly refreshing and gives me great hope. In the course of the committee process, we consulted frequently with the Parliamentarian's Office for guidance about matters of germaneness, scope and jurisdiction and given the technical nature of some provisions, even the experts were not always in agreement on some of the processes here. For that reason, this rule does include a precautionary waiver for clause 7 of rule XVI, which prohibits nongermane amendments. While this Member and our new committee leadership are generally hesitant to waive standing rules, because of the conflicting advice from the Parliamentarian's Office during the committee process, important language was included in H.R. 2 to give the President the option to propose that savings from his line-item veto be applied toward deficit reduction.

While this language may technically have been nongermane to the bill as written, I would think most Americans—and certainly most Members I hope—see the goal of cutting the deficit as highly germane to the subject of line item veto. If we are going to take this step to give the President the authority to cut or reduce spending—or targeted tax benefits—we should also provide the option that the money be saved rather than spent elsewhere. The rule provides 2 hours of general debate, and then opens the bill to amendment under the 5-minute rule. We have included in this rule the encouragement for Members to have their amendments pre-printed in the RECORD. This is not a requirement—but it is something all Members might want to consider doing. Even the distinguished Member from West Virginia [Mr. WISE], who has had much experience in this House, I am told found the need for a technical correction to an amendment he wishes to offer through this voluntary pre-printing process. So it is beneficial it simply gives Members and the Parliamentary experts alike a chance to review the language, understand the implications and run the traps on the technical pitfalls. In my view, this type of rule should be called an open-plus rule, because it offers Members a mechanism to better prepare themselves for the floor and the debate. This is a bonus to deliberative democracy, it is not a hindrance. I urge my colleagues to support this rule.

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

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from California [Mr. BEILENSON] is recognized for 30 minutes.

Mr. BEILENSON. Mr. Speaker, before I speak on the rule, I yield such time as he may consume to the gentleman from Mississippi [Mr. MONTGOMERY].

(By unanimous consent, Mr. MONTGOMERY was allowed to proceed out of order.)

VA ACTIVATES HELP LINE FOR PERSIAN GULF VETERANS

Mr. MONTGOMERY. Mr. Speaker, I am pleased to announce that today the Department of Veterans Affairs is activating a toll free Help Line for Persian Gulf veterans who are concerned about their health. The number is 1–800–PGW–VETS.

Mr. Speaker, this Help Line will be staffed from 7:30 in the morning until 8:30 at night. We also expect any day now the final regulations to be published which will guide the VA in paying compensation to Persian Gulf veterans with chronic disabilities due to ''We cannot diagnose what the problem is.''

So the veterans of Persian Gulf who have problems with their health, there is now a toll free number and certainly they should call it.

This assistance is in addition to the priority health care VA already provides to Persian Gulf veterans and the comprehensive research that is being conducted to find the causes of these undiagnosed illnesses.

I take great pride in being the author of the legislation we passed last year, which President Clinton signed last November. We must do all we can to help our Persian Gulf veterans and all veterans who are sick or disabled.

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Florida [Mr. GOSS] for yielding to me.

Mr. Speaker, although we have very serious concerns about the bill this rule makes in order, we do support the rule itself. It is an open rule, as the gentleman from Florida has well put it, so all Members will have the opportunity to offer any amendment which is in order under the standing rules of the House.

Mr. Speaker, because the rule provides for 2 hours of general debate, there will be ample time to discuss the ramifications of this legislation.

H.R. 2 is a very important piece of legislation, and we appreciate the fact that this rule will give the House the chance to fully air the problems many of us have with it, and to debate alternative versions and modifications.

However, I do want to restate for the membership the concerns that the gentleman from Massachusetts [Mr. MOAKLEY], and other Members and I raised about the preprinting provision in the rule at the Rules Committee meeting yesterday.

This provision allows the Chairman of the Committee of the Whole to give priority in recognition for the offering of amendments to Members who have had those amendments printed in the CONGRESSIONAL RECORD before today. Its purpose and a good one is to encourage Members to give notice of their intent to offer an amendment, without actually requiring them to do so.

A similar provision was included in the rule for H.R. 5, the Unfunded Mandate Reform Act. What we found during consideration of that bill is that the Chair tended to recognize the majority floor leader and manager over Members with preprinted amendments—and that is certainly within the Chair's discretion, but it caused some confusion among the membership.

In addition, Members offering amendments were not sure if they should proceed with amendments which were not preprinted if there were still other amendments pending which had been preprinted. And, there was some uncertainty about whether Members would be recognized at all if they had not had their amendments preprinted.

The priority recognition provision, I think, adds unnecessary confusion and complication to the amending process. It is not always going to be feasible to have an open rule, but if we are going to have what we call an open rule, we would much prefer having an old-fashioned, unfettered open rule.

I might add that we also hope that there is no effort at any point during consideration of H.R. 2 to limit debate time on any of the amendments Members wish to offer.

I know that that is the intention of our friends in the majority, but we express that hope nonetheless.

Mr. Chairman, I would like to take just a few moments to highlight the concerns that many of us have about the bill that this rule would make in order.

While we all agree that reducing Federal budget deficits is one of the most important tasks facing the Nation, and that Congress and the President should have the necessary tools to accomplish that task, many of us do not believe that H.R. 2, as reported from the Rules Committee and the Government Reform and Oversight Committee, deserves the support of the House.

Under H.R. 2, the President's proposed rescissions or targeted tax benefit repeals would automatically take effect unless the Congress specifically passes a resolution disapproving those proposals. Even if Congress overturned the President's action the President could then veto the disapproval which, in turn, would have to be overridden by two-thirds of both Houses of Congress.

Thus, the President would be empowered to cancel any spending or tax benefits with the support of only a minority of the Members of either House. A one-third plus one minority working with the President would thus control spending.

This procedure would result in a dramatic—and possibly unconstitutional—shift in responsibility and power from the legislative branch to the executive branch. This broad shift of power could easily lead to abuses. The President could target the rescissions against particular legislators, or against particular regions of the country, or against the judicial branch e.g. This power could be used to force the Congress to pay for a pet Presidential project, or to agree to a policy that is completely unrelated to budgetary matters.

Furthermore, we would be transferring this immense amount of power to the President with little reason to believe that it would have much of an effect on the Federal budget deficit.

This new line-item veto would be used primarily for discretionary spending—spending which is appropriated annually.

□ 1040

However, discretionary spending, as Members well know, which accounts for just over one-third of the Federal budget, is already the most tightly controlled type of spending. Discretionary spending is reviewed and approved each year, and is subject to strict spending caps. In fact, programs funded in this manner normally must go through two processes in Congress: authorization and appropriation.

Discretionary spending has been declining both as a percentage of the total Federal budget, and as a percentage of GDP, for the last several years. Additional controls on this area of the budget will not accomplish much, if anything, in the way of deficit reduction.

In fact, our efforts to institute additional mechanisms to control appropriated spending have distracted us from dealing with the area of the budget which has been growing at a rapid rate, and is far more in need of additional control than, of course, is entitlement programs. Programs comprising this type of spending do not require annual—or even periodic—approval, and are not subject to spending caps.

Providing new rescission authority for discretionary spending, but not for entitlements or other types of non-appropriated spending, will further distort the budget process so far as control of different types of spending is concerned. If our goal is truly to establish more safeguards against increases in spending, we ought to be looking at ways to establish more controls for the 63 or 64 percent of our spending that is not subject to the annual appropriations process.

In addition, discretionary spending is an area of the budget where Presidents have wanted more spending than Congress has approved. According to the Office of Management and Budget, from fiscal year 1982 to fiscal year 1993, Congress has appropriated $59 billion less than the Presidents during those 10 or 11 years. In addition, over the last 20 years, Congress has rescinded $20 billion more than the Presidents have requested in rescissions.

If those patterns continue, and the President is given greater leverage in the appropriations process. it is likely that he will or she will use the rescission process—the new line-item veto authority—as a threat to secure appropriations for programs that the President wants enacted, rather than to reduce total spending.

Mr. Speaker, the other type of spending H.R. 2 covers is targeted tax benefits. However, the bill's narrow definition of ''targeted tax benefit'' ensures that little will be achieved in the way of deficit reduction by that provision. The vast majority of tax breaks—worth hundreds of billions of dollars—would remain immune from the President's power to repeal. However, we can rectify that matter by expanding the definition of targeted tax benefit by adopting the amendment that will be offered by the gentlewoman from New York [Ms. SLAUGHTER] and the gentleman from Wisconsin [Mr. BARRETT].

Most importantly, during consideration of this bill, we will have the opportunity to choose a different form of rescission—one that will be a very effective mechanism for making further reductions in spending, without providing for a dangerous and unwise transfer of power to the executive branch. That is the expedited rescission proposal that will be offered by Messrs. WISE, STENHOLM, and SPRATT.

The Wise-Stenholm-Spratt proposal would permit the President to propose to rescind all or part of any discretionary spending, or to repeal any targeted tax provision, passed by Congress. The critical difference between this proposal and H.R. 2 is that a rescission or repeal could only be enacted by approval of both Houses of Congress. Thus it maintains Congress' constitutionally mandated power of the purse, and avoids transferring an unwarranted amount of power to the President. At the appropriate time, I strongly urge Members to support this alternative to H.R. 2 as reported.

Mr. Speaker, once again, I want to express my support for this open rule, and urge my colleagues to support it.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules.

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

Mr. SOLOMON. Mr. Speaker, the previous speaker, who I have great respect for, a good friend, has inferred that this line item veto only affects one-third of the Federal budget; in other words, discretionary spending. He is right, one-third of the Federal budget, and how much is that? It is not just $500,000. It is not just $5 million. It is $500 billion; that is one-third of the Federal budget. Where I come from, as my colleagues know, that is a heck of a lot money.

The gentleman from California [Mr. BEILENSON] is somewhat critical of a preprinting suggestion, and yet a very prominent Democrat from his side of the aisle filed an amendment so that he would have priority in offering his amendment. Lo and behold, the Parliamentarian found a flaw in that amendment, and it is a very significant amendment which should be debated on the floor, but because of preprinting he was able to correct the flaw and prefile another amendment. So it benefited him, a Democrat from the gentleman's side of the aisle, and that is the reason we did this.

Now let me just get back to the bill for a minute. As my colleagues know, Mr. Speaker, this is just one of the proudest days of my life since this is the first time this House has ever considered a reported bill on the line item veto. Oh, we have had plenty of votes before on this proposal, but always as an amendment to another approach, a watered-down version which always was opposed by the majority leadership. In other words, in the past the

leadership on the Democrat side has always put forth a bill which was a watered-down version, and that meant that those of us that believe in a real line item veto then had to fight to offer an amendment to strengthen it. And I say, ''That puts you at a tremendous disadvantage.''

This time we do not have that problem. Now the real line item veto is on the table, and it is up to those in opposition, the big spenders, to try to water it down. But we are not going to let that happen.

I am proud to say that this bill has been properly reported by two committees of this House, one of which I have the privilege of chairing. Moreover, it has the full support of the majority leadership. In fact, this is one of the major promises made in our Contract With America which was authored by our current majority leadership, the Speaker and the majority leader. And I am sure the American people are pleased to see that we are keeping our promises in that contract, especially on this line item veto bill which has always enjoyed the support of 70 percent of the American people, 70 percent.

I am also pleased that we were able to bring this to this floor under a completely open rule allowing all Members, be they Democrats or Republicans, be they liberals or conservatives; they are going to have the opportunity to participate and work their will on the floor of this House, and that is the way it should be.

This bill does enjoy bipartisan support in this Congress and by the administration. One of the leaders on the Democrat side of the aisle, the gentleman from Mississippi [Mr. PARKER], has fought long and hard to have a real line item veto enacted into law.

We have already seen the deliberative process at work in the two committees of jurisdiction. Amendments have been offered and adopted to strengthen and improve this bill, and I am sure that will continue to happen on this floor. That is what deliberative democracy is all about.

Mr. Speaker, a few years ago, when we first started pushing for the legislative line item veto, there were a few doubting Democrats who said,

> Solomon, it's easy for you to support the line item veto when your party controls the White House, but we bet you you won't be so gung ho for it if we have a Democrat President.

Well, here we are. We get a Democratic President, and here is SOLOMON up here fighting for the same line item veto for that Democrat President. I think this is something that a chief executive in government, regardless of political party, should have, just as 43 Governors of States have it, one of them being Governor Tommy Thompson of Wisconsin who has done a tremendous job of putting that State's fiscal house in order. In New York State we now have a Republican Governor, and he is now going to have that opportunity which was never exercised by a former Governor named Mario Cuomo, who left a $4 billion deficit in that State. But, Mr. Speaker, more than just saying that, I proved it by offering this true line item veto twice in the last two Congresses under Mr. Clinton's presidency. I only wish Mr. Clinton had supported me then as he is doing here today. We only lost that vote by a few votes both of those times; seven votes the last time, and it is going to be different this year.

I remember my hero, Ronald Reagan, pushing for the line-item veto for 8 straight years and getting absolutely nowhere. Back in 1986, in an address to the Nation President Reagan said, and I quote:

> No other single piece of legislation would so quickly and effectively put order back into our budget process. All that it would mean is that the President could selectively sign or veto individual spending items so that he wouldn't have to take the fat along with the meat.

□ 1050

No, the line-item veto is not a meat ax, as some would have us believe. Instead, it is a precision knife for doing just what President Reagan said it would do—separate the fat from the meat.

That is why the American people support this overwhelmingly, because they are fed up with pork-barrel spending by this Congress.

Mr. Speaker, I am not under any delusion that this is some kind of a panacea for deficit reduction. It is not. But it can make a significant difference in our spending habits and our deficit situation. And gosh knows, we need it. I think one of the greatest benefits will be the deterrent effect by discouraging us from slipping pork into our appropriation bills in the first place.

I understand the concerns of those who feel the line-item veto shifts too much authority to the President, and that it might somehow be abused or used for partisan or political purposes. I just happen to disagree with both of those arguments. I guess I have enough confidence in any President, regardless of political party, to use this new tool selectively and judiciously. No President in his right mind would want to create a major confrontation with the entire Congress by grossly abusing this authority. Even if a President were tempted to overstep the bounds of propriety, he would surely realize Congress would find ways to retaliate. And we know we can do that. It would be a no-win situation for any President.

In conclusion, Mr. Speaker, I urge the Members to support this completely open rule for the line-item veto that it makes in order. We have an historic opportunity this week to really do something for the American people. If we pass this and it becomes a statute, a law, coupled with the balanced budget amendment, we are going to turn around this sea of red ink which is literally ruining this country. For your children and my grandchildren alike, we have got to do something about it.

Mr. Speaker, I ask the Members to please support this rule.

Mr. BEILENSON. Mr. Speaker, we have always known that our friend, the gentleman from New York [Mr. SOLOMON], was a man of principle and integrity. He has proved it again by supporting this bill to give a Democratic President this kind of power.

For purposes of debate only, Mr. Speaker, I yield 3 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Speaker, I thank my colleague, the gentleman from California [Mr. BEILENSON], for yielding this time to me.

Mr. Speaker, like my colleagues on both sides of the aisle, I rise in support of this wide open rule on the line-item veto.

I want the Speaker to note that this rule for the line-item veto is wide open today. And I bet it will be wide open tomorrow. But on Monday, it is anybody's guess. The distinguished chairman of the Rules Committee has said that the rule will stay open unless he decides to close it. That is what worries me.

A bill that is open 2 days and closed on the third is not an open rule. A rule that does not allow Members of Congress to make amendments to a bill is closed.

Mr. Speaker, in addition to being wide open, today's rule on the line-item veto contains an interesting condition that we have seen once before. It suggests—but does not require—preprinted amendments in the CONGRESSIONAL RECORD.

Mr. Speaker, I have been a Member of this House for only one term and this is my third year, but I can tell you right now we do not need a rule to tell Members they can print amendments in the RECORD. The rules of the House take care of that for us. We only need a rule if they must print amendments in the RECORD.

I have been told this is for convenience sake but it is unnecessary.

And, in addition to being unnecessary, the preprint-if-you-want condition is confusing.

During debate on the unfunded mandates bill, which also had a preprint-if-you-want condition, the Chair recognized the majority floor manager before it recognized Members who had their amendments preprinted.

So, if preprinting does not get you recognized any earlier, and if this is truly a wide open rule, I would like to suggest to the Republicans that we dispense with this condition and do an open rule the way they used to define them.

But, even if we do not, a strange open rule is better than no open rule, and I support the open rule.

Mr. SOLOMON. Mr. Speaker, will my friend, the gentlewoman from North Carolina, yield?

Mrs. CLAYTON. Yes, I am glad to yield to the gentleman from New York.–

Mr. SOLOMON. Mr. Speaker, I would just say this to the gentlewoman: She said that the chairman of the Rules Committee, that being me, has said he will close down this rule. That is not true.

The gentlewoman should understand that on an open rule, only by a majority action of the House could we close down this rule, and I think that is the fair way to go about it. That is why we in the Rules Committee put out an open rule, and now, if there are dilatory tactics or stalling tactics—and I do not think there will be; I have looked at the amendments, and I have a lot of faith in the other side of the aisle that they are going to be sincere about it—but should that happen and should it be necessary to close down the debate, it would take an action by this House, not by me saying so, but by a majority of the Members of the House. I just wanted to point that out to the gentlewoman.

Mrs. CLAYTON. Mr. Speaker, there is a slight difference, but with the gentleman's leadership, I gather. Is that what the gentleman is saying?

Mr. GOSS. Mr. Speaker, may I inquire as to how much time remains on either side?

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Florida [Mr. GOSS] has 17 minutes remaining, and the gentleman from California [Mr. BEILENSON] has 19 minutes remaining.

The Chair recognizes the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I yield 2 minutes to our colleague, the distinguished gentlewoman from Ohio [Ms. PRYCE], a valued member of the Committee on Rules.

Ms. PRYCE. Mr. Speaker, I thank the gentleman from Florida [Mr. GOSS].

Mr. Speaker, another important plank in the Republican Contract With America, the line-item veto, comes to the floor of the House today under a wide open rule, allowing any Member of this body to offer a germane amendment.

This is the third contract item to hit the floor since the 104th Congress began just 4 weeks ago, following on the heels of the balanced budget amendment and the Unfunded Mandate Reform Act.

As in the case of the mandate relief bill, this open rule gives priority recognition to Members who have published their amendments in the CONGRESSIONAL RECORD. I would emphasize that this is not a preprinting requirement. As has been mentioned already, printing of amendments in the RECORD is purely optional. Members who do not preprint amendments will not be prohibited from offering their proposals, but many of us who serve on the Rules Committee encourage Members to exercise this option in the future, not only to receive priority recognition but, more importantly, to inform our colleagues in advance of amendments that are likely to be offered so that we can reduce time-consuming discussion on overlapping amendments and have more meaningful informed debate. With all due respect to my friend, the gentlewoman from North Carolina, this makes an overall better legislative process.

Supporting this rule, Mr. Speaker, will mean full debate on bipartisan legislation specifically designed to help restore fiscal discipline to the budget process.

H.R. 2 will help Congress and the executive branch identify and remove unnecessary and wasteful spending without unduly tying the hands of either branch of Government. Of all the issues raised during the most recent elections, I believe the American people were most concerned about Federal spending and the need to avoid saddling future generations of Americans with an increasingly large debt burden.

Last week we passed a constitutional balanced budget amendment to respond to those concerns. Today under this open process we will consider adding yet another weapon in the fight against wasteful government spending.

Public opinion strongly supports the line-item veto. Forty-three of the Nation's Governors hold the line-item veto, and just last week President Clinton stood in this very Chamber and asked the Congress to give him that authority.

Mr. Speaker, I urge my colleagues to support this rule.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the distinguished gentlewoman from Illinois [Mrs. COLLINS]

Mrs. COLLINS of Illinois. Mr. Speaker, I support this open rule for H.R. 2, but I oppose the bill. At the outset I would like to address a point raised at our committee markup. The statement was made that the line-item veto is a bipartisan issue. That is true. The President, like his Republican predecessors, supports it. Republican and Democratic Members supported it in various forms.

Even so, I do not believe we should decide this issue on the basis of which party is in control of the Congress or the White House. I have consistently opposed this proposal regardless of which party controlled the White House.

The approximately 600,000 constituents of the Seventh District of Illinois, which I represent, expect their elected Representative to do the job to which I was elected. The power of the purse is granted to the Congress, not the President.

Currently, the President can veto legislation, but the Congress can override. This legislation turns the Constitution on its head. It effectively lets the President write the legislation. Under the procedures of this bill, a Presidential rescission is effective, unless Congress passes a resolution to override. That resolution is subject to a veto, which requires two-thirds of Congress to override. Thus, just one-third plus one of the Congress would have the power to uphold a rescission. This allows spending decisions by the minority. For this reason, I have strong doubts of the bill's constitutionality.

What is particularly troublesome is that if we guess wrong, and regret this ceding of power to the President, it will probably be impossible to ever reverse our decision. A Presidential veto would be certain.

On this point, I would note that in testimony before the Senate Judiciary Committee last week, Assistant Attorney General Walter Dellenger challenged the constitutionality of H.R. 2. Let me read briefly from his statement in which he refers to the authority H.R. 2 gives the President over targeted tax benefits.

> It does so by purporting to authorize the President to ''veto'' targeted tax benefits after they become law, thus resulting in their repeal * * * The use of the term ''veto'' and ''repeal'' is constitutionally problematic. Article I, clause 7 of the Constitution provides that the President only can exercise his ''veto'' power before a provision becomes law. As for the word ''repeal'', it suggest that the President is being given authorization to change existing law on his own. This arguably would violate the plain textual provisions of Article I, clause 7 of the Constitution, governing the manner in which federal laws are to be made and altered.

We have an alternative to this bill that will be offered as a substitute by Congressman WISE, Congressman SPRATT, and Congressman STENHOLM. The substitute would require Congress to vote on a Presidential rescission request.

The Wise-Spratt-Stenholm substitute is on far sounder constitutional grounds that the provisions of H.R. 2. The substitute does not tamper with the constitutional authority of Congress to tax and appropriate revenues. If Congress does not approve the President's rescission, the rescission would not take effect.

I strongly urge Members to support this amendment. It makes it possible for Congress to carry out its responsibilities under the Constitution.

□ 1100

Mr. GOSS. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. CAMP].

(By unanimous consent, Mr. CAMP was allowed to proceed out of order.)

U.S. TERM LIMITS ORGANIZATION RUNNING NEGATIVE ATTACK ADS

Mr. CAMP. Mr. Speaker, I stand here disgusted. Since being elected to Congress I have supported term limits. When this body votes on term limit legislation in the weeks ahead, I will be a vocal proponent of any legislation that limits terms. My record is clear, consistent, and unwavering.

Today, at the threshold of finally passing term limit legislation, a certain organization called U.S. Term Limits, perhaps because they now face obscurity if this body passes term limits, has chosen to run negative and

misleading television attack ads against me and other term limit supporters.

This organization, which has been subject to allegations of fraudulent petition gathering, is not aiming their guns at opponents of term limits, but instead waging a war against their supporters.

Mr. Speaker, it pains me to realize that this organization, which has been parading as supporting term limits, is nothing but a guardian of the status quo and committed to business as usual. They have stated publicly they will oppose 12-year term limit legislation that comes to the House floor for final passage. I guess their jobs are more important than their goal.

Ms. PRYCE. Mr. Speaker will the gentleman yield?

Mr. CAMP. I yield to the gentlewoman from Ohio.

Ms. PRYCE. Mr. Speaker, I would like to associate myself with the remarks of the gentleman from Michigan and congratulate him on his strong statement.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished vice chairman of the Committee on Rules, the gentleman from greater San Dimas, CA [Mr. DREIER].

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

Mr. DREIER. Mr. Speaker, I thank my friend from Sanibel for yielding me this time so generously, the distinguished chairman of the Legislative Process Subcommittee.

Mr. Speaker, needless to say, like all of us I rise in support of this very, very open rule.

I heard from the other side a Member state that we needed to have an old-fashioned, unfettered rule. Well, the fact of the matter is, Mr. Speaker, nothing could be more unfettered than providing the option for Members to in fact put their ideas in the CONGRESSIONAL RECORD, and then allow possibly second-degree amendments to come forward, as we did yesterday with the Dreier-Moakley compromise when we were dealing with the unfunded mandates legislation.

This clearly is the kind of example of a rule that will allow Members to participate and involve themselves in the process, even before we come to the floor with legislation.

I believe that this can also be an example for a bipartisan spirit, which is going to be very important for us in the Committee on Rules to proceed with. It is a new day. As the gentleman from Florida [Mr. GOSS] said, we are just at the end of the first month of the 104th Congress, and we have had some tremendous legislative accomplishments. And I believe that moving ahead with item-veto authority for the President of the United States is another very clear and strong example of that. Doing it under a wide-open amendment process is a very good thing, not only for this institution, but for the country.

Many people have been saying to me over the past several days, as there was a high level of frustration during the open amendment process on the unfunded mandates legislation, that we should simply ram through our proposals, as though no one cares whether or not it is done under an open amendment process.

I will acknowledge the work that goes on up on the third floor does not often go recognized, but I believe we can in fact proceed with an open process for debate on a wide range of legislation, and this is just one example of that.

Mr. BEILENSON. Mr. Speaker, we have no further requests for time at this time, and I reserve the balance of our time.

Mr. GOSS. Mr. Speaker, it is my pleasure to yield 2½ minutes to the distinguished gentlewoman from Utah [Mrs. WALDHOLTZ], a new member of the committee.

Mrs. WALDHOLTZ. Mr. Speaker, as a cosponsor of H.R. 2, I rise in strong support of this open rule and of this legislation.

The line-item veto is a proven success. The Governors of 43 States have some form of line-item veto authority, including Mike Leavitt in my home State of Utah.

This Nation needs the same kind of benefits that Utahans enjoy. We need to stop the kind of spending that benefits the favored few at the expense of the average taxpayer. For more than two decades, Americans have strongly supported a line-item veto. It is time that we listen to the people and enact this legislation.

Now, this is not a partisan issue. I think it is important to note that at a time when we have a Democrat in the White House, it is a Republican-controlled Congress that will finally give the President a line-item veto.

This issue transcends party lines simply because it is not a party issue. It is a people issue. For too long Congress has failed to bring spending under control and in doing so it has failed the American people. Time and again Congress manages to circumvent the few budgetary restraints it sets for itself, and the people are fed up. They are tired of picking up the tab for unjustified spending.

Some have said this alters the balance of power between the executive and the legislative branches. But this line-item veto does not allow the President to substitute his spending priorities for Congress. The President cannot spend more money, and he cannot use the funds he cuts to fund other programs he would like to spend the money on. He can only help us save taxpayers' money.

As we struggle to balance the budget and work to control excessive spending of the last few decades, it is crucial that we have every fiscal tool at our disposal, and the line-item veto is one of those tools.

Let me take a moment to commend my colleague, the gentleman from Florida [Mr. GOSS] for the work he did in committee on this bill. As originally drafted, H.R. 2 did not contain a mechanism with an established time frame to ensure that a disapproval bill could actually make it to the House floor for a vote. This concern was raised by both sides of the aisle, and the gentleman successfully drafted language that addresses this concern.

Congress has repeatedly shown itself unwilling and unable to control spending, pork-barrel spending. The line-item veto is a step in the right direction, to eliminate unnecessary and wasteful government spending.

Mr. Speaker, I urge my colleagues to support this rule and the line-item veto.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 6 minutes to the gentleman from Missouri [Mr. VOLKMER].

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

Mr. VOLKMER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I wish to commend the gentleman from California and also the gentleman from New York and the other gentleman from the Committee on Rules for giving us an open rule on this very important piece of legislation.

As one who has supported a line-item veto for many years, I am not a Johnny-come-lately, and many of us are not, we who have worked on this legislation. But some of us who have been students of history, and love our Constitution and believe in a balance of power between the executive branch, the legislative branch, and the judicial branch, do not feel that we should give to the executive branch an inordinate amount of power as far as spending priorities are concerned, and that is basically what the base bill by the Republican Party does.

It gives to whoever is in that executive branch—and I have a Democratic President at this time, and I strongly object to giving our President, whether he be Democrat or Republican, that power—that power over the purse that I think distorts what our Founding Fathers did in our Constitution.

□ 1110

Our Founding Fathers gave us a procedure, gave us the way to keep the balance of power between the three branches of Government. This line-item veto, as proposed in the base bill, would give the President of the United States, one person, one-third of the House or one-third of the Senate plus one, one of each, either one, the power, the power over the purse strings in setting priorities of this Congress.

All I ask anybody to do is to go back a few years to the 1980's. We have heard on this floor before, in 1 minutes and

others, talk about the Reagan years and how great the Reagan years and how this revolution was started in the Reagan years.

I want every one of my colleagues to go back and look at the Reagan budgets submitted by that President and the spending priorities in those budgets. I would not have very many people anymore in my district in rural Missouri. I would not have towns that now have running water, now have sewer systems. I would not have a lot of children who have got an education at the University of Missouri or Kirksville or in Marysville or any of these other places because, if we look at those budgets, we would have found that that President's spending priorities, those spending priorities of that President were to eliminate or drastically cut many of the programs that were beneficial.

They are not pork. But he could have very easily have zeroed them out, after we appropriated them, because we decided in the Congress, no, we are not going to do that. We are not going to relegate many of our youngsters to a high school education and that is all. We are not going to tell the American public that they do not need good clean water to drink, that they can continue to do like their forefathers do and haul it in because they do not need running water; they do not need a water tower and a water system, they do not need that. We cannot spend our money for that.

Those were the priorities, if Members will look at that budget, they will find those priorities.

That is what scared some of us to death, when they started talking about giving that President that one President, any President, and one-third of the House or one-third of the Senate plus one the power over the purse.

For that reason, I strongly object and will oppose and will strongly vote against the proposal for the line-item veto on that side.

However, on the other side, I will strongly support, strongly support the Wise-Stenholm-Spratt provision that says a majority, a majority decides along with the President.

I believe in majority rule. I believe this country was based and had been based on 200 years on majority rule. And, therefore, I appreciate the Committee on Rules permitting us to offer the Spratt-Stenholm-Wise provision that I think would continue the balance of power between the executive and the legislative and the judicial branches.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Colorado [Mr. McInnis], also a member of the Committee on Rules. We are glad to have the gentleman aboard.

Mr. MCINNIS. Mr. Speaker, I also express appreciation to the gentleman from Florida for allowing me to speak this morning for a couple of minutes.

First of all, this is exciting. This is very refreshing. We have got a rule now that is going to allow us to discuss for 3 days the line-item veto. Last year I can remember what we got allowed to us by the other side, a total of 3 hours. We get 3 days now. That is the difference. That is the beauty of this rule. So I commend the chairman of the Committee on Rules, and I commend the committee on both sides of the aisle for allowing this kind of rule so that we can have the discussions that are necessary.

Second of all, let us talk about the merits of the line-item veto. Take a look at the defense budget. No President in the history of this country has been allowed, because of the defense necessary for this country, to veto the defense budget. So what happens, that is the obvious place to put in pork, to tuck it away. The Congressional Research Service estimates that $50 billion worth of nondefense-related appropriations have been stuffed into the defense budget because no President would dare veto that appropriation. Now with the line-item veto, that game is over, folks.

Let us give it to the President, whether the President is Democrat or Republican, let us stop the games. Let us get into budget management.

Finally, in regards to the comment that this is not a balance of power when we allow the President to have a line-item veto, as the Republican bill does. Of course, it is a balance of power. The veto is a basic part of our Constitution. It is a basic part of the procedure. And there is a balance in there in that it can be overridden with two thirds. It is not different than any other veto.

I strongly support the Republican version. Again, I commend the chairman of the Committee on Rules for allowing us 3 days of debate on the line-item veto. No more ''three hours and you're out.''

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 6 minutes to the gentleman from Ohio [Mr. TRAFICANT].

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

Mr. TRAFICANT. Mr. Speaker, I oppose the line-item veto. Very simple, the presidency has become so powerful that the President can bail our Mexico and Congress does not even question it. From what I understand, the congressional leaders on both sides of the aisle nodded their heads and said, go ahead, Mr. President, under some sort of executive authority that you may have, go ahead and enact a program that 80 percent of the American people oppose and could not pass through the Congress.

Now, I am not knocking President Clinton. I am talking about the presidency and the separation of powers, legitimate separation of powers.

I have seen over the years the Congress of the United States, their authority usurped by Presidents who are making decisions, clearly within the constitutional province of the people to a duly elected Congress, and the Congress has not challenged it.

I believe on the eve here, in the wake of this Mexican bailout, that the Congress of the United States should go to court and attempt to enjoin this White House from proceeding and get a determination in the courts as to whether or not the people rule in America or the White House becomes the autocratic ruler around here.

And I would not be the one making this statement. That should be coming from the Speaker and the leaders of the Congress who passively turned their backs.

Now, I want to talk business about line-item veto. I want my colleagues to imagine this little political science scenario: 1993 budget of President Clinton, I was one of the 40-plus Democrats to oppose that budget. I disagreed with the raising of taxes with no accompanying move to mitigate our trade problems and our bankruptcy. And I stood strong in meetings at the White House, and the President and I had a very good exchange in the cabinet room about it.

When it came to the floor, I spoke out against that budget. I did not know that I would be the only Democrat who would have spoken out. I guess Democrats bit their tongue. And while some of them may laugh about this, while Democrats bit their tongue, Republicans are the majority.

I want Members to imagine a meeting with the line-item veto authority in the cabinet room. The President says to the Vice President, ''AL, I see where TRAFICANT got an expansion for x-ray equipment for that veterans outpatient clinic.''

''Yes sir, Mr. President. Look, I am not going to take his side, but his constituents have to drive to Cleveland for an x-ray.''

''AL, I see where there's five bridges in that highway bill.''

''Mr. President, those bridges are condemned that community has so many problems.''

''AL, I see where there is some expansion at that air base and there are cuts all around America.''

''Mr. President, that's cost-effective. They have the greatest airport in the country, and they have no passengers because of the near proximity of Cleveland and Pittsburgh.''

□ 1120

''AL, let me ask you something. Maybe it's time that we get a reckoning here, AL. Maybe it's time we get TRAFICANT's attention. TRAFICANT wants that bridge. You tell him next year we'll talk a little better on that tax vote.

''His people need those veteran outpatient services, I can understand it, but you tell TRAFICANT, we'll talk about them next year after that vote on Mexico.

''And then you let TRAFICANT go through the Congress where he's going to protect everybody else's bridges and try and override that, AL.''

I am not saying the President is going to do that, but you, Congress, will empower the President to have a meeting just like that in the dark rooms of the White House.

I am opposed to transferring any more of the people's power to the presidency. Nothing to do with Bill Clinton. You are not transferring power, Congress. You are transferring the power of the people. In American the people are supposed to govern. Where did we change that?

We have evolved to a situation where the agencies of the government pass regulations that waive the Constitution. Look at the IRS. Now it has gotten to the point where a President realizing he cannot pass a piece of legislation that he supports, namely a bill out of Mexico, sidesteps the Congress and in fact says, ''For the betterment of America, I'm going to go beyond the authority of the people's Congress and enact this.''

The Republican majority wants to empower the President to be able to reach into the people's budget and strike out issues called line item to stop pork.

In closing, let me say this. One of George Bush's last budgets, he asked for a balanced budget amendment to the Constitution and a line-item veto, and I am not putting President Bush down, but while he asked for a line-item veto to stop pork and he asked for a balanced budget amendment—that evidently does not work in D.C., I might add—George Bush asked for a record amount of new spending without revenue, $322 billion.

George Bush is not here any longer. I do not want to give Franklin Delano Roosevelt, if I were in those days, Harry Truman, John Kennedy, Richard Nixon, Gerald Ford, George Bush, Ronald Reagan, Jimmy Carter, Bill Clinton or whomever any more power. They execute the laws of the people.

They administer the government of the people and, damn it, we run it. Act like it.

I oppose this line item veto and ask our party on this side to force the Republican majority to transfer the power to the American people.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from the Commonwealth of Massachusetts [Mr. BLUTE], who is a major sponsor and has done yeoman's work on this legislation.

Mr. BLUTE. Mr. Speaker, I rise today to support this open rule which will provide for extended debate in this House on the line item veto, longer than it has ever been debated before.

In the 102d Congress, the total time the House devoted to debate was 40 minutes. In the 103d Congress, the House only debated for 4½ hours in the first session and only 3 hours and 10 minutes in the second session for such an important issue.

I commend the gentleman from New York [Mr. SOLOMON], the chairman and the entire Committee on Rules for giving us a rule which not only gives the House extended debate but also allows the consideration of all amendments by Members of this body.

I hope that the Members vote in favor of this open rule so that we can get on with this debate on the real line item veto. I urge Members to support the Clinger bill.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Speaker, I also support the rule and will be supporting line item veto authority for the President. I come from Wisconsin. It has been in our Constitution for years. Even though the current Governor is now abusing that power, I think it is one which Governors should have and Presidents should have. But I am a little concerned over this rule.

I am told it is an open rule, but it is an open rule if, and the ''if'' is, if we do not finish by Monday night and wrap this and give it as a birthday present to President Reagan, then we are going to close it. I am saying that is kind of phony symbolism. I do not know. We could be done before Monday or early Monday on this proposition, but what I am told and what the rumor mill around here is that it is open but we cannot go past Monday night because then we go past President Reagan's birthday.

I am saying if in fact that is how we are going to legislate with that type of phony symbolism, then what bill do we pass on President Ford's wedding anniversary? Have you selected that yet? And if amendments are pending, do we have to stop talking?

How about President Nixon's confirmation date? I am assuming there is some legislation that has been pegged to hit on that date and not an hour later.

I will support the rule but I will be very, very interested to watch the majority on Monday once we start getting into the evening hours and at that point watch them close this process up, because this has to be wrapped and sent to California—for President Reagan's birthday?

That is the same type of symbolism we had last night with these three rules, on three noncontroversial bills. So the Committee on Rules, to up their batting average, put out three open rules on three bills which needed no rule, they put the taxpayers through the expense of not only drafting but printing up the rules.

I checked back here where the rules are left for the Members' edification and was told that they were thrown away. I wish I was here on the floor last night to grab that garbage bag so I could bring it here and say, ''This is the phony symbolism, American taxpayers, that we're going through.''

We have to pass legislation on Presidents' birthdays, we have to do rules which are not necessary to up the majority's batting average, and what happens? It is wasted because they are thrown in the garbage.

Mr. GOSS. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from New York [Mr. SOLOMON], the chairman of the committee.

Mr. SOLOMON. I will try not to use the whole minute and a half.

Mr. Speaker, let me just say to the gentleman from Wisconsin, he ought to be careful about using terms like ''phony symbolism.'' I think people on both sides are sincere in this body.

Let me just say this. This is not just a birthday present for Ronald Reagan. It is a birthday present for the American people. They want this and they want it badly.

Second, we have got a contract to abide by. We have had as little as 40 minutes debate on this subject in the past. Last year, just 3 hours and 10 minutes. This time it is going to be 3 days. I do not think we should be criticized for that. I think that is being more than open and fair.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. NETHERCUTT].

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

Mr. NETHERCUTT. Mr. Speaker, I thank the gentleman from Florida for yielding me the time.

Mr. Speaker, I rise today in strong support of the rule to accompany H.R. 2, the Line-Item Veto Act.

Today, we take up the third plank of the Contract With America, having passed overwhelmingly the balanced budget amendment and a bill to curb Federal unfunded mandates. The American people elected a Republican Congress last November so that we could bring to open debate the many pieces of legislation that have wide popular support, such as the provisions of the Contract With America. The people are eager to move quickly on this legislation and I hope that we will not have numerous, dilatory amendments offered on this bill.

For too long, a spendthrift Congress has squandered, without restraint, the tax dollars of the American people on wasteful programs. Congress has shown an institutional inability to control its runaway spending habits. Therefore, the time has come to make the President a full partner in the quest for rationality and sensibility in the budget process.

History will record that the passage of the line-item veto will be the most significant achievement of these historic 100 days. It is a tribute to the leadership of this House that we will, today, take up this legislation under an open rule and I commend the Speaker, Chairman SOLOMON and Chairman CLINGER for the work they have done to

bring this bill to the floor. In preceding Congresses, this bill would have never seen the light of day and certainly not under a rule allowing everyone on both sides of the aisle with an interest in the bill to offer an amendment.

In the past, Congress has sent the President bloated, omnibus legislation filled with questionable spending items that would be impossible to justify on their own. We need to give the President the authority to delete these items to act as a check in the classical constitutional system of checks and balances on the past tendency of Congress to bankrupt our future.

The people of the Fifth District of Washington are in strong support of this cost-cutting measure and I strongly urge my colleagues to unanimously support this rule and this legislation.

□ 1130

Mr. GOSS. Mr. Speaker, I am privileged to yield 2 minutes to the distinguished gentleman from Georgia [Mr. LINDER], a member of the Committee on Rules and the Subcommittee on Legislation. We are proud to have him.

Mr. LINDER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I want to begin by expressing my support for House Resolution 55, an open rule which allows for thorough consideration of H.R. 2, the Line-Item Veto Act. I am a cosponsor of H.R. 2 and I strongly support this fiscally responsible piece of legislation, but I am pleased that all Members will have the opportunity to debate a significant number of alternatives on the House floor in coming days.

While I agree that, by itself, the line-item veto does not provide a silver bullet to end all wasteful Federal spending. I am confident that, with a cooperative congressional-Presidential effort to cut spending, we will be able to remove much of the wasteful spending that so offends the American people.

I want to congratulate the gentleman from Florida [Mr. GOSS] for his hard work in crafting the language that establishes the expedited procedures which set forth a specific timetable for congressional action in responding to a President's line-item veto message.

Mr. Speaker, H.R. 2 was favorably reported from both Government Reform and Oversight and the Rules Committee, and this open rule received unanimous support by the Rules Committee members. The rule allows any Member the opportunity to perfect the line-item veto, and I urge my colleagues to adopt the rule.

Mr. BEILENSON. Mr. Speaker, if I do not have a chance to reclaim any of my time, let me again urge my colleagues to vote for this open rule.

Mr. Speaker, for purposes of debate only, I yield 1 minute to the distinguished gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding me this time. I simply rise to commend the Committee on Rules for passing out an open rule and urge support of the rule.

I think this is really the test of an open rule, and that is when we have tough issues. We saw an open rule under unfunded mandates. Yes, there were many amendments, but there were many issues drawn and Members got a chance to express themselves and cross-examine Members on both sides of the aisle. I hope we do that again as on unfunded mandates, and I want to compliment the Committee on Rules for preserving this debate. Next to our voting card our constituents give us, the right of free debate and the ability to cross-examine one another on issues is one of the most important privileges we have in this House.

We should not get too caught up in the 100 days. Otherwise, the 100 days could end up looking like George Bush's golf game. He played really fast, but it was not really a good game.

I hope we can preserve open rules so we have free and open debate that is subject to cross-examination on the basic ideas about the direction of this Government. Again I want to thank the Committee on Rules on preserving an open rule on this measure.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Florida [Mr. DIAZ-BALART], a distinguished member of the Committee on Rules.

Mr. DIAZ-BALART. Mr. Speaker, I am very pleased that the last two distinguished colleagues from the other side of the aisle who spoke thanked the majority on the Committee on Rules for issuing an open rule, especially after there had been so much confusion brought forth previously with regard to, and with much imagination, I might add, imagination with regard to the fact, for example, yesterday a number of bills were brought to the floor with open rules; in other words, with the ability of any Member to present any amendment that any Member wishes to, and yet, with a lot of imagination, objection was made to that. It was said, ''Well, you should not do that. You should waive the rules,'' and put it on something called the suspension calendar or something.

And there was imagination used today on this floor, with good faith I am sure, that this open rule was maybe not an open rule, it was something else because we want to give notice to colleagues here on the floor by urging, by encouraging Members who are going to present an amendment to notify Members beforehand by publishing them beforehand that they plan to introduce an amendment, not requiring, but giving incentive, giving encouragement to Members to provide our colleagues with notification.

So again I am glad that the two last distinguished Members thanked the majority, Chairman SOLOMON and the majority of the Committee on Rules for permitting—and this is important, this is procedural, but it is important—any Member of this Congress to bring forth any amendment with regard to this very important measure, which is the line-item veto.

It is something that was almost extraordinarily, extraordinarily I would say, but not unheard of, but extraordinarily unique in previous Congresses. This time the Members representing their constituents can bring forth any amendments, even on as important a measure as this, any amendments that they wish.

This is serious business that we are doing today. There is no doubt. I am one of those who is of the belief that our constitutional Presidency in the United States is not only a strong Presidency, it could be categorized as an imperial Presidency. We have a Presidency where the President can send troops to die in any foreign country, can even pledge billions and billions of dollars from the U.S. Treasury, with the full faith and credit of the American people, to foreign countries unilaterally. So talking about a strong Presidency, it is a strong Presidency.

Nevertheless, Mr. Speaker, we need every—albeit in this case small weapon, the line-item veto for the task at hand—every weapon available for the task at hand during the next 5 to 7 years, and that is to balance the Federal budget. It is not going to be easy. It is going to be extraordinarily difficult, in fact. But this is one very necessary, I believe, weapon, and it has been seen in State after State of our Union that it is useful to the chief executives, and I am sure it will be useful to the Chief Executive of either party, of both parties in the United States in helping us balance the budget, which is necessary for future generations to maintain our strength economically into our posterity.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). All time has expired.

Mr. GOSS. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 55 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2.

□ 1139

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2) to give the President line-item veto authority over appropriation acts and targeted tax benefits in revenue acts, with Mr. BOEHNER in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 30 minutes, the gentlewoman from Illinois [Mrs. COLLINS] will be recognized for 30 minutes, the gentleman from Florida [Mr. GOSS] will be recognized for 30 minutes, and the gentleman from California [Mr. BEILENSON] will be recognized for 30 minutes.

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

Mr. CLINGER. Mr. Chairman, I yield myself 2½ minutes.

At the outset, may I wish everybody a Happy Groundhog Day. As the Congressman who represents Punxsutawney Phil, he did not see his shadow, so winter is going to be over shortly, and I think that is a good omen as we bring H.R. 2, the line-item veto to the floor. I think it is a harbinger of that which is a historic piece of legislation which when we enact it, as we will, will complete the second installment on the Republican Contract With America. Together with the balanced budget amendment and entitlement reforms, this bill provides much needed reform of Congress' bloated tax-and-spending habits.

H.R. 2 gives the President line-item veto authority over discretionary appropriations and targeted tax benefits. The bill allows the President to reduce or eliminate any discretionary spending specified in an appropriations bill or accompanying report, and to veto any tax benefit which he determines would benefit 100 or fewer taxpayers.

Under H.R. 2, the President will have 10 days after signing an appropriation or revenue act to submit to Congress a special message identifying his rescission or veto proposals. A separate rescission or veto message will be required for each act and each message must be considered en bloc.

Upon receipt of the President's message, Congress will have 20 days for both Houses to pass a resolution of disapproval in order to prevent the cuts. If either House fails to pass the disapproval resolution, then the rescissions will take effect. If, on the other hand, both Houses vote to release the appropriation or enact the tax benefit by passing resolutions of disapproval, the disapproval resolution would be presented to the President for signature or veto. A Presidential veto would return the bill to Congress, which would have 5 days to override by a two-thirds vote of each House.

This process is fundamentally different from that in existing law which favors spending by permitting either House of Congress to force the release of moneys through inaction. Currently, unless both Houses pass bills to approve the rescission proposal, the money must be spent. Under H.R. 2, however, the cuts would stand unless both Houses vote to disapprove the rescissions and force the release of money.

While current law tilts the table toward Congress and spending, under H.R. 2, the table would be tipped toward the President and saving. This is a major reform of the Federal spending process, and one favored by the overwhelming majority of the American people according to CNN, USA Today, and Gallup polls.

Because this legislation offers an important step toward deficit reduction and a balanced Federal budget, one which will help to eliminate our current $4.7 trillion dollar debt and continuing $200 billion plus yearly deficits, I urge adoption of the bill which President Clinton has requested—the strongest possible line-item veto. I urge the adoption of H.R. 2.

□ 1140

I might say the President himself, President Clinton, has requested that we send him the strongest possible enhanced rescission bill that we can present him.

So I would urge adoption of H.R. 2.

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

Mrs. COLLINS of Illinois. Mr. Chairman, I yield myself such time as I may consume.

(Mrs. COLLINS of Illinois asked and was given permission to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Chairman, I am opposed to H.R. 2, the Line Item Veto Act. I think it gives any President whether Democrat or Republican far too much power over congressional spending decisions, and I do not believe it would have any significant impact on Federal spending.

We have heard a lot in recent weeks about what the voters were telling their Representatives in the last election. What I heard loud and clear was a cry for greater responsibility on the part of each Member of Congress.

Our first responsibility as Members of Congress is to be truthful and thorough in making the laws of the land. Unfortunately, H.R. 2 is not truthful about its provisions.

Even though this bill is called the Line Item Veto Act, it is not a normal line-item veto bill. Instead, it would give the President the most extreme power to cancel programs and projects. Chairman CLINGER himself has characterized the bill as the strongest possible grant of Presidential power.

Some have said that it mirrors the line-item veto authority that 43 governors enjoy; but this bill is considerably different.

One need only read the committee report to know that. On page 11, it says, and I quote "H.R. 2 differs fundamentally from the kind of item-veto authority granted to Governors in 43 States." Yet I am willing to bet we will continue to hear dozens of speakers talk about the item-veto power of 43 Governors. They probably did not read this bill.

H.R. 2 would produce such an extreme shift of authority from Congress to the President that it is likely to be unconstitutional. Unfortunately, this bill is also another example of how haste makes waste.

Proponents of the bill did not understand the broad sweeping powers they were granting the President until it was raised at the markup. Now they are trying to rewrite the bill to more clearly define what a line item of spending authority is.

Everyone should also be concerned that a President could easily abuse the extraordinary power H.R. 2 would give him. As reported, the bill lets a President define, in any way he chooses, a line of spending authority that he vetoes. This bill does not restrict a President—whether he or she is a Democrat or a Republican—to simply eliminating or reducing spending in the form that Congress passes it, either in an appropriations bill or report accompanying the bill.

The original draft report of the Committee on Government Reform and Oversight stated, and I quote:

> We decided on enhanced rescission for several reasons. It permits Congress to continue appropriating with lump sums. Moreover, after a President signs an appropriations bill, he may go as deep as he likes within an appropriations account to propose specific rescissions.

Dr. Robert Reischauer, Director of the Congressional Budget Office, testified before our committee that extreme proposals like H.R. 2, give the President "greater potential power than a constitutionally approved item veto."

Dr. Reischauer went on to say that the authority in this bill would actually allow the President to "define a line item as any portion of an appropriation enacted into law." In effect, any President whether Democrat or Republican could reach inside a line item in order to cut a particular project.

For example, H.R. 2 could allow any President be he Democrat or Republican to threaten the independence of Federal judges he does not like, by using the line-item veto to cut funds for the operation of particular courts. Any President could also cut funding for important water, road or other projects in States or regions of the country that did not support him in an election. Similarly, any President could cut funds out of the legislative appropriations bill for a particular committee of the Congress, if he wanted to retaliate for its activities.

Even if a President did not abuse this power, this legislation could not possibly have much impact on the Federal debt. Under H.R. 2, a President would not be able to use the line-item veto on the biggest items in the Federal budget—interest on the debt and mandatory spending—which account for about 65-percent of all Federal spending.

Instead, the Line Item Veto Act would apply to only about 35-percent of Federal spending that is subject to appropriations, and this spending has actually been declining in recent years.

It is an absolute fallacy, therefore, to suggest that the lack of Presidential

line-item veto authority has contributed significantly to the Federal debt, which has grown from just over $900 billion in 1980 to a projected $4.9 trillion this year. Instead, reckless, irresponsible spending produced this debt.

At the President's insistence in 1981, Congress passed a gigantic tax cut that cost the Federal Government nearly $270 billion in lost revenues by 1988. During that same period and, again, at the President's request, defense spending more than doubled, even though we had no way to pay for it.

As a result, 28 percent of all income tax receipts now go to pay just for the interest on the new debt which the Federal Government incurred between 1981 and 1993. To put this in some perspective, only about 5 percent of income tax receipts go to pay for the cost of providing welfare to needy Americans.

It is also untrue that Presidents have been more aggressive than Congress in trying to curb Federal spending. Over the last 20 years in which Presidents have had authority to rescind appropriations, all Presidents have proposed a grand total of $72 billion in rescissions. During that same time, the Congress has approved rescissions that total $92 billion—that is, $20 billion more than Presidents have requested.

In addition, Presidential budget requests have actually been greater than what Congress has appropriated in all but 5 of the last 15 fiscal years.

Together with Congresswoman THURMAN and Chairman CLINGER, I proposed an amendment that gives Congress the right to fully consider a Presidential rescission proposal. That amendment is contained in the bill we are now considering. It guarantees that a Member of Congress would, at least, have the right to call up a President's rescission for a vote on the floor.

But, this is not enough. The Constitution gives the Congress, not the President, responsibility for deciding how to spend Federal revenues. Should we invest more in defense and less in health and nutrition programs for children and the elderly? Should we give tax cuts or increase spending on education?

These are tough decisions that each and every Member of Congress is sent to Washington to make. We cannot expect the President to do our work for us.

Mr. Chairman, these first few days of the Congress seem to be devoted more to gimmicks and buzzwords, and less to honesty with the American people. Rules for unfunded mandates, line-item veto, and balanced amendments do little to tell the American people how the deficit will be reduced.

The new majority, who now controls the Congress, owes the people an honest appraisal of how they intend to balance the budget. Honesty and responsibility is what the people are demanding, and that is what they deserve.

□ 1150

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

Mr. GOSS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules.

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

Mr. SOLOMON. I thank the gentleman from Florida for yielding this time to me.

Mr. Chairman, I requested permission to submit extraneous material for the RECORD, that material being the National Taxpayers Union's 1993 rating of the big spenders in Congress. And I would ask the Chairman and others to pay attention to who is for this line-item veto and who is opposed to it. You will find out that all the big spenders are opposed to it, and those who voted for fiscal restraint are for it.

The document referred to is as follows:

NATIONAL TAXPAYERS UNION—1993 TAXPAYERS' FRIENDS

Arizona: Sen. John McCain.

California: Rep. Christopher Cox, Rep. Randy Cunningham, Rep. John T. Doolittle, Rep. David Dreier, Rep. Wally Herger, Rep. Duncan Hunter, Rep. Howard P. McKeon, Rep. Carlos J. Moorhead, Rep. Richard W. Pombo, Rep. Dana Rohrabacher, Rep. Ed Royce.

Colorado: Sen. Hank Brown, Rep. Wayne Allard.

Delaware: Sen. William V. Roth, Jr.

Florida: Sen. Connie Mack, Rep. Tom Lewis, Rep. John L. Mica, Rep. Dan Miller.

Georgia: Sen. Paul Coverdell, Rep. Mac Collins, Rep. John Linder.

Idaho: Sen. Larry E. Craig, Sen. Dirk Kempthorne.

Illinois: Rep. Philip M. Crane, Rep. Thomas W. Ewing, Rep. Harris W. Fawell, Rep. Donald Manzullo.

Indiana: Sen. Daniel R. Coats, Sen. Richard G. Lugar.

Iowa: Sen. Charles E. Grassley, Rep. Jim Nussle.

Kansas: Sen. Bob Dole.

Kentucky: Rep. Jim Bunning.

Maine: Sen. William S. Cohen.

Michigan: Rep. Peter Hoekstra, Rep. Joe Knollenberg, Rep. Nick Smith.

Minnesota: Rep. Rod Grams, Rep. Jim Ramstad.

Montana: Sen. Conrad Burns.

New Hampshire: Sen. Judd Gregg, Sen. Robert C. Smith, Rep. Bill Zeliff.

New Jersey: Rep. Bob Franks, Rep. Dick Zimmer.

New York: Rep. Gerald B.H. Solomon, Rep. Bill Paxon.

North Carolina: Sen. Lauch Faircloth, Sen. Jesse Helms, Rep. Cass Ballenger, Rep. Howard Coble.

Ohio: Rep. John A. Boehner, Rep. Rob Portman.

Oklahoma: Sen. Don Nickles, Rep. James M. Inhofe, Rep. Ernest Jim Istook.

Pennsylvania: Rep. George W. Gekas, Rep. Bud Shuster, Rep. Robert S. Walker.

South Carolina: Rep. Bob Inglis.

South Dakota: Sen. Larry Pressler.

Tennessee: Rep. John L. Duncan.

Texas: Sen. Phil Gramm, Rep. Bill Archer, Rep. Dick Armey, Rep. Joe L. Barton, Rep. Tom DeLay, Rep. Jack Fields, Rep. Sam Johnson.

Virgina: Sen. John W. Warner.

Wisconsin: Rep. Tom Petri, Rep. F. James Sensenbrenner.

Wyoming: Sen. Alan K. Simpson, Sen. Malcolm Wallop.

NATIONAL TAXPAYERS UNION BIG SPENDERS OF 1993

Alabama: Rep. Tom Bevil, Rep. Robert E. Cramer, Rep. Earl F. Hilliard.

Arizona: Rep. Karan English, Rep. Ed Pastor.

Arkansas: Sen. Dale Bumpers, Sen. David Pryor, Rep. Ray Thornton.

California: Sen. Barbara Boxer, Sen. Dianne Feinstein, Rep. Xavier Becerra, Rep. Howard L. Berman, Rep. George E. Brown, Rep. Ronald V. Dellums, Rep. Julian C. Dixon, Rep. Don Edwards, Rep. Anne G. Eshoo, Rep. Sam Farr, Rep. Vic Fazio, Rep. Bob Filner, Rep. Dan Hamburg, Rep. Jane Harman, Rep. Tom Lantos, Rep. Mathew G. Martinez, Rep. Robert T. Matsui, Rep. George Miller, Rep. Norman Y. Mineta, Rep. Nancy Pelosi, Rep. Lucille Raybal-Allard, Rep. Pete Stark, Rep. Esteban E. Torres, Rep. Walter R. Tucker, Rep. Maxine Waters, Rep. Henry A. Waxman, Rep. Lynn Woolsey.

Colorado: Sen. Ben Nighthorse Campbell, Rep. David E. Skaggs.

Connecticut: Sen. Christopher J. Dodd, Rep. Rosa DeLauro, Rep. Sam Gejdenson, Rep. Barbara B. Kennelly.

Delaware: Sen. Joseph R. Biden, Jr.

Florida: Sen. Bob Graham, Rep. Jim Bacchus, Rep. Corrine Brown, Rep. Peter Deutsch, Rep. Sam M. Gibbons, Rep. Alcee L. Hastings, Rep. Harry A. Johnston, Rep. Carrie P. Meek, Rep. Pete Peterson, Rep. Karen L. Thurman.

Georgia: Rep. Sanford D. Bishop, Rep. George Darden, Rep. John Lewis, Rep. Cynthia A. McKinney.

Hawaii: Sen. Daniel K. Akaka, Sen. Daniel K. Inouye, Rep. Neil Abercrombie, Rep. Patsy T. Mink.

Illinois: Sen. Carol Moseley-Braun, Sen. Paul Simon, Rep. Cardiss Collins, Rep. Richard J. Durbin, Rep. Lane Evans, Rep. Luis V. Gutierrez, Rep. Mel Reynolds, Rep. Dan Rostenkowski, Rep. Bobby L. Rush, Rep. George E. Sangmeister, Rep. Sidney R. Yates.

Indiana: Rep. Frank McCloskey, Rep. Peter J. Visclosky.

Iowa: Sen. Tom Harkin, Rep. Neal Smith.

Kansas: Rep. Dan Glickman.

Kentucky: Sen. Wendell H. Ford, Rep. Romano L. Mazzoli.

Louisiana: Sen. John B. Breaux, Sen. J. Bennett Johnston, Rep. Cleo Fields, Rep. William J. Jefferson.

Maine: Sen. George J. Mitchell, Rep. Thomas H. Andrew.

Maryland: Sen. Barbara A. Mikulski, Sen. Paul S. Sarbanes, Rep. Benjamin L. Cardin, Rep. Steny H. Hoyer, Rep. Kweisi Mfume, Rep. Albert R. Wynn.

Massachusetts: Sen. Edward M. Kennedy, Sen. John Kerry, Rep. Barney Frank, Rep. Joseph P. Kennedy, Rep. Edward J. Markey, Rep. Joe Moakley, Rep. Richard E. Neal, Rep. John W. Olver, Rep. Gerry E. Studds.

Michigan: Sen. Carl Levin, Sen. Donald W. Riegle, Jr., Rep. David E. Bonior, Rep. Bob Carr, Rep. Barbara-Rose Collins, Rep. John Conyers, Rep. John D. Dingell, Rep. William D. Ford, Rep. Dale E. Kildee, Rep. Sander M. Levin.

Minnesota: Sen. Paul Wellstone, Rep. James L. Oberstar, Rep. Martin Olav Sabo, Rep. Bruce F. Vento.

Mississippi: Rep. G.V. Montgomery, Rep. Bennie Thompson, Rep. Jamie L. Whitten.

Missouri: Rep. William L. Clay, Rep. Richard A. Gephardt, Rep. Ike Skelton, Rep. Harold L. Volkmer, Rep. Alan Wheat.

Montana: Sen. Max Baucus, Rep. Pat Williams.

Nevada: Sen. Harry Reid, Rep. James Bilbray.

New Jersey: Rep. Robert Menendez, Rep. Donald M. Payne, Rep. Robert G. Torricelli.

New Mexico: Rep. Bill Richardson.

New York: Sen. Daniel Patrick Moynihan, Rep. Gary L. Ackerman, Rep. Eliot L. Engel, Rep. Floyd H. Flake, Rep. Maurice D. Hinchey, Rep. George J. Hochbrueckner, Rep. Nita M. Lowey, Rep. Thomas J. Manton, Rep. Michael R. McNulty, Rep. Jerrold Nadler, Rep. Major R. Owens, Rep. Charles B. Rangel, Rep. Charles E. Schumer, Rep. Jose E. Serrano, Rep. Louise M. Slaughter, Rep. Edolphus Towns, Rep. Nydia M. Velazquez.

North Carolina: Rep. Eva Clayton, Rep. W.G. Hefner, Rep. Stephen L. Neal, Rep. David Price, Rep. Charlie Rose, Rep. Melvin Watt.

Ohio: Sen. John Glenn, Sen. Howard M. Metzenbaum, Rep. Douglas Applegate, Rep. Sherrod Brown, Rep. Tony P. Hall, Rep. Tom Sawyer, Rep. Louis Stokes, Rep. Ted Strickland.

Oklahoma: Rep. Mike Synar.

Oregon: Rep. Elizabeth Furse, Rep. Mike Kopetski, Rep. Ron Wyden.

Pennsylvania: Sen. Harris Wofford, Rep. Lucien E. Blackwell, Rep. Robert A. Borski, Rep. William J. Coyne, Rep. Thomas M. Foglietta, Rep. Paul E. Kanjorski, Rep. John P. Murtha.

Rhode Island: Sen. Claiborne Pell, Rep. Jack Reed.

South Carolina: Sen. Ernest F. Hollings, Rep. James E. Clyburn, Rep. Butler Derrick, Rep. John M. Spratt.

South Dakota: Sen. Tom Daschle.

Tennessee: Sen. Harlan Mathews, Sen. Jim Sasser, Rep. Harold E. Ford.

Texas: Rep. Jack Brooks, Rep. John Bryant, Rep. Jim Chapman, Rep. Ronald D. Coleman, Rep. E de la Garza, Rep. Martin Frost, Rep. Henry B. Gonzalez, Rep. Gene Green, Rep. Eddie Bernice Johnson, Rep. Solomon P. Ortiz, Rep. J.J. Pickle, Rep. Frank Tejeda, Rep. Craig Washington, Rep. Charles Wilson.

Vermont: Sen. Patrick J. Leahy, Rep. Bernard Sanders.

Virginia: Rep. Rick Boucher, Rep. Leslie L. Byrne, Rep. James P. Moran, Rep. Robert C. Scott.

Washington: Sen. Patty Murray, Rep. Norm Dicks, Rep. Mike Kreidler, Rep. Jim McDermott, Rep. Al Swift, Rep. Jolene Unsoeld.

West Virginia: Sen. Robert C. Byrd, Sen. John D. Rockefeller IV, Rep. Alan B. Mollohan, Rep. Nick J. Rahall, Rep. Bob Wise.

Wisconsin: Rep. Gerald D. Kleczka, Rep. David R. Obey.

HISTORY OF NATIONAL TAXPAYERS UNION TAXPAYERS' FRIEND'S AWARDS

Member	Total awards won	Year														
		1993	1992	1991	1990	1989	1988	1987	1986	1985	1984	1983	1982	1981	1980	1979
Allard	2	TF		TF	E											
Archer	15	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF
Armey	9	TF	TF	TF	TF	TF	TF	TF	TF	TF	E					
Ballenger	4	TF	TF	TF	TF				E							
Barton	8	TF	TF	TF	TF	TF		TF	TF	TF	E					
Boehner	2	TF		TF	E											
Bunning	4	TF		TF	TF	TF			E							
Coble	7	TF	TF	TF	TF	TF		TF		TF	E					
Collins, M	1	TF	E													
Cox, C (CA)	4	TF	TF	TF	TF		E									
Crane	15	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF
Cunningham	1	TF														
DeLay	9	TF	TF	TF	TF	TF	TF	TF	TF	TF	E					
Doolittle	3	TF	TF	TF	E											
Dreier	13	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF	E	
Duncan	5	TF	TF	TF	TF	TF	E*									
Ewing	2	TF	TF	E*												
Fawell	7	TF	TF	TF	TF		TF	TF	TF	E						
Fields	12	TF	TF	TF	TF	TF		TF	TF	TF	TF	TF	TF	TF	E	
Franks, B (NJ)	1	TF	E													
Gekas	3	TF			TF	TF							E			
Grams	1	TF	E													
Herger	6	TF	TF	TF	TF	TF		TF	E							
Hoekstra	1	TF	E													
Hunter	3	TF		TF				TF							E	
Inglis	1	TF	E													
Inhofe	3	TF		TF				TF	E							
Istook	1	TF	E													
Johnson, S (TX)	3	TF	TF	TF	E 91											
Knollenberg	1	TF	E													
Lewis, T (FL)	1	TF											E			
Linder	1	TF	E													
Manzullo	1	TF	E													
McKeon	1	TF	E													
Mica	1	TF	E													
Miller, D (FL)	1	TF	E													
Moorhead	15	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF
Nussle	3	TF	TF	TF	E											
Paxon	1	TF					E									
Petri	9	TF	TF	TF	TF	TF		TF	TF	TF				TF		
Pombo	1	TF	E													
Portman	1	TF	E													
Ramstad	2	TF	TF		E											
Rohrabacher	5	TF	TF	TF	TF	TF	E									
Royce	1	TF	E													
Sensenbrenner	15	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF
Shuster	6	TF	TF		TF							TF			TF	TF
Smith, N (MI)	1	TF	E													
Solomon	13	TF	TF	TF	TF	TF		TF		TF	TF	TF	TF	TF	TF	TF
Walker	14	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF	TF		TF
Zeliff	3	TF	TF	TF	E											
Zimmer	3	TF	TF	TF	E											

TF=Taxpayers' Friend; E=Year Elected.

Mr. Chairman, this Nation is at war. As we debate this bill today, the Federal debt hovers above $4.6 trillion. The annual deficit is projected to top $200 billion every year this century, and Government spending is adding $10,000 to the debt every second that we stand here. Just during these 2 hours of general debate alone we will add $72 million to the national debt. This is unconscionable.

Reducing the deficit and the debt are not partisan issues, they are the American people's issues which must be attacked on two fronts. The first is on the hard choices making the sacrifices and the spending cuts necessary to bring our Nation's accounts into balance. Many in this body claim that the deficit has been reduced, Congress has acted responsibly they say in keeping the deficit lower than it was projected to be.

I would urge my colleagues to read the writing on the wall—the deficit still exists and it is growing larger everyday. It is growing by $200 billion each year during this decade, as I said before.

Mr. Chairman, the Congress must begin and never stop its war on the deficit until it no longer exists. All past efforts, both Republican and Democrat, have failed. They have failed to eradicate the sea of red ink which is ruining this country.

The truth is our budget process is broken and it must be fixed. And this system can be fixed by the second front in our war on the deficit.

Real procedural reforms will effectively allow and force these tough choices to be made. The line-item veto as proposed in H.R. 2 is just such a procedural reform. Coupled with a balanced budget constitutional amendment—which this House had the foresight of passing last week—procedural restraints on run-away spending will be put in place.

Let me assure you that I, in no way, believe that an effective line-item veto will in and of itself balance the budget, it will not. However, I do believe that it will have a deterrent effect on spending, by discouraging us from slipping pork into our appropriation bills in the first place.

Pork like $20 million for golf videos and pony trekking in Ireland? How about $58 million to some millionaire up in New York, where I come from, to bail out his baseball investments? And $34 million for screwworm research in Mexico last year?

Well, do you not think that $34 million could be better used to reduce our deficit last year if the President possessed the line-item veto? Mr. Chairman, as long as this type of wasteful spending is allowed to permeate our appropriations bills the budget system will never work. Mr. Chairman, over the last 94 years this Congress has only balanced 28 percent of its budgets, none in the past 25 years alone. And the Federal deficit has soared.

Mr. Chairman, what this line-item veto does, and this is what everybody ought to listen to, is reverse existing law that allows Congress to reject a President's request to cut pork barrel spending without even taking a vote. That is what the law is now. Without even taking a vote, we can reject the President's request to cut spending.

In other words, Congress can block the spending cuts by doing nothing. This line-item veto reverses that procedure by saying that the cuts go through unless Congress votes to disapprove the spending cuts. Do you not think that is going to make a difference, ladies and gentlemen?

I urge the House to vote for this bill in its strongest form, with no weakening amendments, and there are 31 of them out there. President Clinton has asked Congress to send him the toughest item veto bill we can, and this is the toughest veto bill we can if we do not allow weakening amendments to go through.

Members, you know what the American people want, they want you to vote for this line-item veto. Do them and yourself a favor by doing it.

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

Mr. BEILENSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. KANJORSKI].

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

Mr. KANJORSKI. I thank the gentleman from California [Mr. BEILENSON] for yielding this time to me.

Mr. Chairman, I listened with great pleasure to the gentleman from New York [Mr. SOLOMON] and his explanation of the legislation we are about to pass here that may be such an assistance to balancing the budget. I wish it were just so simple, and I wish that there had not been a weakness on the part of not only the Congress but the President for these last 14, 15 years to reconcile where America should be. But the worst thing about this debate is we are dealing with the balance of power that the Founding Fathers warned about when they structured the Constitution of the United States. And before we change that balance of power it seems to me even though we may not win, I suspect there are 230 votes at least in this House that will pass this bill, but before we do that I would hope this debate brings out the proposition of what it will do to America and the American constitutional form of government and the intentions of the Founding Fathers as they say down in Philadelphia, in my home State, and evolved how a democratic citizenry could make the proper judgments through their representative officials to spending money, the taxpayers money.

Article I of the American Constitution does not say that the President of the United States shall establish such expenditures as he deems necessary and shall carry out those expenditures without any further action. As a matter of fact, Article I says the power to expend money, the taxpayers money of the American people, shall reside in the House of Representatives, the house that represents the people.

The President represents the Nation as a whole. We as individuals represent our individual constituents. And we come together as a body by majority consent to expend the taxpayers money. Yes, it is a give and it is a take, it is a moderation. Sometimes it is abused, but let us look at the historical significance of that abuse.

In the last 20 years Presidents of the United States have sent rescissions to Congress of no more than $70 billion. That is about $3½ billion a year out of a $1,500 billion budget. Hardly significant. But the Congress responded by cutting $20 billion more, or $4.5 billion a year on average, a full 25 percent more per year than any President requested.

Does that speak well for the Congress or for the President? Quite frankly, I do not think it speaks well or poorly about either. Because when you are talking about $3 or $4 billion in a $1,500 billion budget it is hardly a traceable item, and it is a very fine distinction as to whether or not the peoples' will in one region, area or State of the country have some ability to get relief through the Congress that the President does not necessarily see in the national interest or toward his political agenda.

We are putting through a change in the balance of power here so that we take the appropriation process out of the House of Representatives and, to a large extent, we transport it down to 1600 Pennsylvania Avenue and we put it on the desk of the President. Now if I had all the faith and courage in the world to believe we would always have a responsible President, a stable President and a President that had no political agenda or ideological agenda, I would say if we wanted to change the constitution that way, there are ways of doing it. But not necessarily being as optimistic as most Members of the House who will approve this bill are, I can foresee the day that what the President decides is a priority of expenditures for the American people may not be consistent with their Representatives' actions or intent.

□ 1200

Let us look at some examples:

Say California has an earthquake; say New York City has a major fire or destruction. What is the sympathy in the Congress of the United States to allocate amounts of money for California or New York and, if we do it, may have to expend above and beyond the balance of the budget? But a President who looks at those two States and sees no political ramifications if he disavows that expenditure, could just as easily strike that expenditure from the budget, and we would have no recourse unless it were brought back to this House and passed by a majority of the House. And then we say, ''Well, that's not unreasonable,'' and I agree.

Mr. Chairman, that would not be bad, but the gentleman from New York [Mr. SOLOMON] indicated that was the remedy, that the majority of the House of Representatives could overrule the President at will. That is not true, Mr. Chairman, because the President has the opportunity to veto that measure, and to override that veto it requires two-thirds of the House of Representatives and two-thirds of the Senate, a majority that is overwhelming and seldom had, and, quite frankly, if we had that ability today, we would not be talking about a piece of legislation for the line-item veto. We would be talking about a constitutional amendment to the Constitution.

Now what are the promises here and what are the threats? The threats, I think, are major. They are a shift of power. I say to my colleagues, ''Now quite frankly, when you look at what's happened in this Congress in the past few days and in Washington for the last few weeks, you begin to realize that my friends on the majority party are saying there is such a mandate swelling from the people that we significantly want to change the structure of our government.'' I am not sure in my district, where 67 percent of the citizens voted for me, they sent that kind of a mandate, that they want a shift of power that is so significant away from the House of Representatives and the Congress to the Presidency.

But, my colleagues, just a sidelight here. I say to the gentlemen on the majority side, ''This power you are giving the President today? the President exercised extraordinary power yesterday in solving the Mexican bailout, and I've watched some of the leadership on the majority side and a lot of the new freshman Members start to question

his constitutional authority and statutory right to do it, and I agree with them. That's a question that should be tested. But if we follow down this line that the President should allocate and appropriate funds at whim and will without statutory authority or with statutory authority that cannot be withdrawn, the Mexican bailout is just the beginning of arbitrary power and reckless power exercised by a President if you happen to sit on this side of Pennsylvania Avenue.''

Now, as my colleagues know, we have a remedy. We have several remedies.

One, the Congress can come into power and pass one resolution, but the President shall set such taxing rates, as necessary, to accumulate the sufficient revenues of the United States so that he may cover the expenditures made in any appropriate appropriations he deems necessary for the carrying out of the powers of the U.S. Government, and, if we pass that by unanimous consent, and the President signs it, hey, we can go home probably on January 5. It is all over. We do not have to do an awful lot more. A major part of the process of the Congress of the United States is the allocation of expenditures of money, and the receipt of revenues and the rates of how we set that to try to be fair, equitable, in proportion among our people. But if we really want a corporate efficiency where the CEO calls the shots, I ask, ''Why don't we just take the First Article of the Constitution and say, 'Henceforth anything exercised in this by the Congress can be exercised by the President? We stand by it' and make it impossible to reverse.'' I know we do not want to do that.

There is another remedy. I say to my colleagues, ''Gentlemen, if you really want to change the Constitution to provide for the balanced budget amendment which does an accounting process, a fiscal responsibility process, a process in the most sacred document, if you want to hand off to the Chief Executive the authority to appropriate, if you want to stop the authority of the National Government to have national standards and to require at some times and under proper conditions that States have to conform, municipalities have to conform, if you really want the executive and the legislative branches of this Government to operate in tandem, what you really want is a constitutional convention to change the Constitution of the United States and establish a parliament.''

We are quite distinct from parliamentary forms of government around the world because our framing fathers, I think with exceptional wisdom, recognizing the ability of people who exercised sovereign power to abuse that power sometimes; so, they sever that power into the three branches of government, making us equal and distinct, but counterbalancing one another so that ultimately the will of the people, without revolution, can be heard and make the proper corrections.

Now I agree with my friends in the majority that we have had excessive, sometimes wasteful, sometimes abusive, expenditures. To deny that proposition I think would be to face facts and to deny the existence of those basic facts, but the question is: what kind of a repair should we make and how delicate that repair should be. Quite frankly this provision would allow one-third of this Congress to continue down the road and support the President at any execution of his—rescission of appropriations at will, and we could not reverse it, so that 67 percent of the elected Representatives of the people could not carry out the people's work, but one-third of the elected Representatives, in conjunction with the President, could accomplish that.

Mr. SOLOMON. Mr. Chairman, would the gentleman yield?

Mr. KANJORSKI. I will in just one moment.

Now the other proposition is that—

As a matter of fact, Mr. Chairman, I yield to the gentleman from New York [Mr. SOLOMON] because I am moving on to another subject.

Mr. SOLOMON, Mr. Chairman, I just want to say this the gentlemen from Pennsylvania [Mr. KANJORSKI] is so well respected in this body. But I just want to say to him:

''One of the reasons we are going with a statute, as opposed to a constitutional amendment, is because a law that could be rescinded if it doesn't work. Let's give it chance, and try it, and let's see if it works.''

Mr. KANJORSKI. Mr. Chairman, I say to the gentleman, ''Mr. SOLOMON, that was a question I couldn't even exact out of my sight.''

One of the reasons I am taking the time today is I sat on the committee that drafted this. We discussed it, I thought about it at great length, and I am satisfied that we can exercise and delegate to the President substantially more authority, but the weakness that we have is we can never reclaim that authority once delegated.

Now I am not going to pass on the constitutionality of the delegation authority. That is for the Supreme Court to do. There is no question in my mind we can pass this statute, make this delegation of authority, but our problem, gentleman, is how do we get it back if it has been abused, and that is the point I am pleased my good friend from New York asked the question on.

We on our side have found the answer to that, and it is very prevalent in many States of the Union, and that is a sunset provision. I offered it in committee. I offered it with the gentleman from Texas [Mr. DOGGETT] on the unfunded mandate provision yesterday, and I am going to offer it sometime this afternoon in conjunction with him on this bill.

If we really want to see whether an Executive would violate our trust in our delegation of authority, we have to do something substantial; I agree with that. This bill does that. It is somewhat extraordinary, somewhat much larger than I would recommend we do, but I can understand my friends on the majority doing it.

But the one way that we can condition the responsiveness and the responsibility of the President to act appropriately with this tremendous delegation of authority is that, if he knows that if he abuses this trust we will put in him, then within 5 years the bill will cease to exist, and the authority given to him will cease to exist.

Now we are going to introduce that bill, and I think that is an insurance mechanism with no other repeal of the law because remember to repeal the law it is going to require two-thirds vote of the House of Representatives and the U.S. Senate because, I say to my colleague, ''You can bet your life a President is going to vote this power once you give it to him.'' So we cannot ever reform or repeal this legislation unless two-thirds of the House of Representatives and two-thirds of the Senate agree, and we have not had those majorities existing that think in concert or in activity in this body since my historical memory goes back. I do not recall any time, any party, entertained in both Houses of Congress a clear two-thirds voting majority that they could change this legislation.

□ 1210

So the will of the people can never be implemented again unless we have the acquiescence of the President to sign and not exercise this right of veto.

What I am suggesting here is this: We have some minor adjustments. We have appropriation earmarks that bother us all. We have sometimes irresponsible appropriations and authority granted when those of us who rely on our colleagues are sometimes misunderstanding or given misinformation as to what the actual appropriation bills stand for, and there is not one of us who has not gone home and been embarrassed.

I remember a colleague from one of the southern States who put in an appropriation for a school in France in the late hours of the morning, and I got back to my district and somebody said, ''How could you vote to give $20 million to a school in France that would have been illegal if you had given that money in the United States?'' And quite frankly, I not only would not have voted for it, but I had to do it in one solid package in the entire appropriation. But then, too, I had to admit I did not know it was in there, in a 1100–page appropriation bill, until after the fact. And sometimes we are not even sure when it gets into the bill, whether it is before the vote or after the vote, because the bill generally does not get assembled at 11 o'clock at night when the conference reports are worked out.

We have all had those experiences, but to cure those limited experiences, to cure the study of the worm that the gentleman from New York [Mr. SOLOMON] talked about for $34 million does

not justify a delegation of authority to the President that cannot be reclaimed in the future except with a two-thirds majority of the Senate. That is unconscionable.

We have the opportunity to pass a responsible, strong piece of legislation. I say that although in my basic nature I am against any action that would destabilize the balance of the three branches of government—and I think this will—I will support this bill and put faith in this President and in the next President for 3 years, but if there is an abuse, we know full well that we are going to have that cease and have to take action again to delegate that authority away from that President whoever he may be 5 years from now. I think that is a reasonable proposition

I urge my colleagues to stop marching across the bridge in such formation that they are going to bring the bridge and the Constitution down, that they are going to bring the system down. I would urge the 230 Members of the majority to think about the amendment that will be offered this afternoon on the sunset. It does not weaken their provision; it does not weaken the authority of the President. The only thing it does, it buys a 5-year policy, that if a future President or this President abuses that authority, the Congress would have to take to take no further action His authority for so acting would cease to exist 5 years from the passage of this bill. Is that so unreasonable?

And let me remind the Members again that there are strong feelings in the House on both sides. Did the President of the United States have the constitutional or statutory authority to act by executive order to appropriate more Federal tax money to guarantee the loans of Mexico, exceeding the total Foreign Affairs appropriation each year of this Congress? I think that is a question to be answered.

I do congratulate the President for taking extraordinary executive action, but that does not excuse him if he did it without statutory authority or constitutional authority. Luckily, in our system we will get to try that issue at some future date without affecting his ability to carry on foreign affairs or to reverse the action he has taken. But when we get down to every appropriation of every department, every agency, and every bureau, every program of the U.S. Government, I am not sure that we want to delegate that type of authority.

Quite frankly, in States that I have seen, some Governors have used this authority to force members of the legislature to come to their conviction or activity or to punish them by deciding to spend no funds in particular areas by the exercise of their line-item veto.

I urge my colleagues on the Republican side and my colleagues on the Democratic side, because this is really a bipartisan effort, to come to grips with our deficit and our debt and the inability sometimes of this Congress to act appropriately. So what I am suggesting, Mr. Chairman, is that the Members on the minority side have a vote for as stringent or as hard a bill as I think we could imagine they can get by statute, delegating extraordinary powers to the President of the United States. The only insurance policy I am asking for is, let us limit that delegation of authority to 5 years, and if there is abuse, we may not be able to change that law because we may not be able to override a veto by a two-thirds vote of the House and a two-thirds vote of the Senate, but at least we can know that that abuse and that arbitrary action of that Chief Executive, whoever he may be, can only occur while the statute will have full force and effect, and that it will be sunsetted by a provision in that statute.

I urge my colleagues to support that amendment when it is offered, and further, I urge my colleagues to have a good debate on this question. I think it is important. I think the American people do want to see responsible government. I think we have had an opportunity here in the last days of the unfunded mandate debate, and I want to compliment my friends on the Republican side. I saw an ability to start moderating things by taking the fact that we did have some ideas on this side that did help perfect and improve the legislation.

I think the people of the United States, including, quite frankly, people in my district in Pennsylvania that I have talked to, want this center aisle to disappear. They want us to get off the idea that what is good for the Republicans is bad for the Democrats and what is good for the Democrats is bad for the Republicans. They want us to ask the question, ''What is good for America?''

I think what is good for America is to put the tools together to help get control of our fiscal situation in the United States, but, on the other hand, they do not want us to so unbalance the fine-tuned balance between the three branches of the American Government under the Constitution that we might work havoc on the very system we were sent here to defend.

Mr. CLINGER. Mr. Chairman, I am now pleased to yield 2 minutes to the gentleman from Massachusetts [Mr. BLUTE], a prime cosponsor and author of this important legislation.

Mr. BLUTE. Mr. Chairman, the time has come to pass a real line-item veto for the President. Proposals for a line-item veto have been kicking around Capitol Hill for decades.

Two years ago, the line-item veto lost by only 21 votes, last year by only 13 votes.

This year, we have an opportunity to finally do what we should have done long ago. And I believe that we will win. Because Congress, along with people from all over America, has come to realize that in order to get our budget under control we need to give the President this fiscal tool.

The line-item veto is an important step in the direction of positive change and fiscal sanity. We must do it, and we must do it now.

Make no mistake about it, the real line-item veto is the only way to go. Do not be fooled by calls to pass a watered down version as the 103d Congress did—it did not work and it will not work now.

Expedited rescission is not the line-item veto. The only real line-item veto bill on this floor today is H.R. 2.

The Clinger bill is the only one which forces the House to override the President's veto by a two-thirds vote. And thus, it is the only way to prevent this House from spending taxpayer dollars on pork projects inserted into bills in the dark of night or during conference—times when Members know that a majority of this body will never have the opportunity to take a separate vote to strike questionable projects.

Mr. Chairman, let us face it, sometimes we in Congress cannot help ourselves. We want to help our districts with earmarks and the like, and we think that it is no big deal in such a large Federal budget.

But it is a big deal, especially when you multiply those $500,000 or $1.45 million expenditures by 435 House Members and 100 Senators.

Senator Dirksen was right when he said, ''a billion here, a billion there, and pretty soon you're talking about real money.''

Unfortunately, when we now speak of our national debt, we are talking trillions, not billions. Even Senator Dirksen would have been shocked at this sorry fiscal situation.

We know that the line-item veto works in the States, the laboratories of democracy. It has been field tested with highly successful results and it is time to apply it to the national model.

And let us not get sidetracked with arguments about tilting the balance of power—the fiscal balances of our great Nation have tilted toward debt and deficit too long.

Mr. Chairman, let us pass the line-item veto bill.

□ 1220

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 4 minutes to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Chairman, I serve on the Committee on Government Reform. I have heard the arguments for and against the line-item veto. I have read numerous reports and analyses. I have heard from my constituents and from my colleagues, both pro and con, and noted arguments ranging from James Madison's intent 200 years ago to concerns about balancing the budget.

The question that keeps coming up in my mind is what is the rationale for the line-item veto? Why is the House so anxious to alter the constitutional balance of power between the legislative and executive branches? Why? Why are

we so anxious to bolster the power of the President and to bolster the power of a minority of the House at the expense of our constitutional power?

It is a very scary initiative, Mr. Chairman, the initiative that you will find in the line-item veto bill.

I think that this line-item veto will is a constitutional equivalent of the huckster's snake-oil cure of years gone by. The claims are inflated, they are exaggerated, the content is questionable, the results are unknown and unpredictable. No one has tested the impact, either fiscal or otherwise, of a line-item veto power being given to our President.

I shudder to think of some of the Presidents we have had in history having the enormous power which we will give him through the line-item veto.

Some people seem to think we need it. The claim is that this bill will reduce Government spending. It seems to me that at the very best, Mr. Chairman, this bill has only the potential to reduce Government spending. The potential rests right here, Mr. Chairman, here in the Congress, with or without this amendment. That is why we were elected. Each of us has 600,000 constituents. They elected us to make the decisions we are trying to give to the President.

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

Mrs. MEEK of Florida. I yield to the gentleman from Ohio.

Mr. HOKE. I appreciate the gentlewoman yielding.

I would answer the question as to why we have to do this now. It is because we are $5 trillion in debt, and we spend and spend and spend and spend, and the pendulum has to swing back.

You say there are no models, but I would suggest to you that this has been used repeatedly. We have got 43 States that have some form of a line-item veto, and there have not been problems in those States. It has just given the Governor additional power.

Mrs. MEEK of Florida. Mr. Chairman, I must reclaim my time. I would like to say I come from a State that had the line-item veto. We have had Governors abuse that power. There is the potential there.

To me, if there is just that small potential of abusing that power, I feel that we should keep that separation of power.

Mr. Chairman, did not this body, with great fanfare and expectation pass the Gramm-Rudman bill in 1985 to get control? That did not work. We passed the second Gramm-Rudman-Hollings bill, that did not work. We passed the Budget Enforcement Act in 1990 to do the same thing, to control the skyrocketing Federal deficit. Here we are today still hoping.

We have enough procedural things behind us, Mr. Chairman, to stop spending. It is up to us as the Congress to do this, and not to give the President these enormous powers. Why are we going to cede our legislative powers to the executive branch?

Why empower a tiny minority, just one-third of the House, to control the aspects of Government policy, large and small? We must be sure that we keep the powers that the Constitution gave to us.

I came to this House after 129 years of not being able to get here, to participate in the governance of this Government, not to give up the legislative branch powers to the executive branch.

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

Mr. Chairman, the blizzard of numbers and figures that define our annual budget deficits and the accruing national debt sort of tends to numb us. It is a sort of my-eyes-are-glazing-over type of situation. We talk about the billions, the trillions, the several hundred billion dollar annual deficits we face, the $4.5 trillion in rising debt we are passing along to our children. These aggregate numbers can often seem very far away and unreal, especially when you are standing in a wonderful place like this.

But when we bring those numbers down to the individual level of our daily lives, when we realize that our debt translates into approximately $18,000 of liability for every man, woman, and child right now, today, in our country, that is a tremendous burden to carry.

I heard testimony yesterday in the Committee on Rules that, well, it is not really that bad, because we have all these national treasures out there that we can use as assets to offset that debt. I do not know whether there is a distinction there about cash flow or not, but I have not heard any serious proposals to sell Yosemite or the Grand Teton Park or any of those places, so I would suggest those may be assets, but they are not liquid assets, and that $18,000 of liability is real. And it is real at tax time, because we are paying a huge, huge interest on an incredibly enormous national debt. It is a problem there with real weight that Americans have felt increasingly over the years.

The time has come. I think the need to change the process has been expressed, and the outrage against politicians, frankly, who have not taken corrective action. And we are the people. We are those politicians.

That is why an overwhelming majority of Americans support a balanced budget amendment and a line-item veto. And they are fiscal tools, we admit that. They are not magic remedies. They are fiscal tools that will help bring the Federal budget process under control.

Today we begin the task of implementing a line-item veto. It is a milestone clearly in the mission of budget reform. It is not the only one. For all the rhetoric in the past years, this House has never demonstrated its commitment to a real line-item veto, one which actually makes it harder to spend money than it is to save it.

We have always tilted it the other way. We have made it easier to spend than to save. Today the policy issue is if you want to save it, go with the tougher version, the version that is in H.R. 2. If you want to spend it, go with the amendments that are going to try and gut it and make it easier to spend it. That is the policy issue.

Some can say it is an issue over 72 votes. Some can say it is an issue over whether or not there is a shift in Government power. What it is, is an issue over whether we are going to spend or whether we are going to save.

We have voted on measures in the past that have been labeled ''line-item veto.'' They are not real line-item veto. We have never passed a bill that shifts the burden, that requires Congress to say ''no'' to a President's spending cuts and force Congress then to come up with a two-thirds majority to make that ''no'' stick and spend the money that the President wants to cut.

These are tough measures, I admit it. They are the tough measures the President asked for. But our budget problems are tough problems, and they are the ones that the people we work for, the American people, have brought to our attention, most recently in November.

We have a system where it is just too easy for low priority or wasteful programs to make their way into massive spending bills and onto the President's desk where they do slide into law because he has got to sign the whole bill. No one would argue that a line-item veto on its own will make our budget problems disappear. No one is claiming that. But clearly our fiscal crisis goes much deeper than the abuses we have seen of the appropriations process and discretionary spending.

I am amused today to see that we are going to have an amendment that suddenly we are going to open the door and all the skeletons are going to fall out and we are going to find out somehow or another there somewhere have been abuses. Imagine that. I am delighted for that opportunity to review those abuses, because once we review them, maybe we can stop them.

Still, H.R. 2 marks the beginning of a monumental effort to change the way Congress does business and restore public confidence in its ability to manage the Nation's finances. This is one piece of the puzzle, and it is a necessary step on the road toward better management which we are asked to achieve here as part of our public trust.

H.R. 2 says to Congress that if a President wants to line out certain spending, the Congress cannot hide anymore. Unlike current law, which allows Congress to ignore a President's spending cuts and get away with spending the money, under H.R. 2 the Congress is going to have to come out into the sunshine and make its case. The harsh glare of accountability, coming up with that extra level of support to insist on spending what the President opposes. Remember, insist on spending

when the President says don't spend it. That is the issue.

During the course of this debate we will hear principled arguments from people who strongly believe that the line-item veto gives too much authority to the President. It is an interesting argument; it is an important argument, but it is not the main issue.

We will hear that we should set up an approval process instead, so that a simple majority of Congress can block a President's spending cuts. I understand that argument and respect its proponents for their commitment to preserving the institutional power of Congress. But I believe, and I truly believe this, that the American people have asked us to deliver the toughest possible line-item veto, one that makes it harder to spend their hard-earned tax dollars and easier to save the money.

□ 1230

That is what we pledged to do in the Contract With America, and that is what H.R. 2 delivers to the floor.

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

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

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

This, again, is a bill that responds to the American people. The American people think that one of the answers to the problems in American is to give the President extraordinary control over the Congress. Well, it is going to pass. But I would like to remind my colleagues of some of the potential pitfalls of it and also to emphasize some areas that drastically need improvement.

One of the flaws in this bill is that there is a little-known provision that says that the President can only line-item veto tax provisions that affect 100 or fewer taxpayers. I would submit to my colleagues that the real abuse of the taxpayers' money is not on the expenditure side, it is on the tax side, because on the expenditure side, we have to go through the scrutiny of appropriations committees. Invariable every questionable item gets debated on the floor of the House of Representatives, exposed to the public, that is the way it ought to be, and for the last several years has been defeated. But not so with tax provisions. Those we can sneak in. We sneak into a tax bill thousands of pages, and all it takes is a little line. Hundreds of billions of dollars of taxpayers' money is lost because we do not scrutinize what is in this Tax Code in terms of special privileges and because of the very nature of the tax process.

Every single tax bill is a Christmas tree, a giant Christmas tree that contains thousands of provisions that make it impossible for us, any individual Member of Congress, even the chairman of the Committee on Ways and Means, I would suggest, to know what is in that entire tax bill.

Let me tell my colleagues, if I were to be a lobbyist, I would want to be a tax lobbyist. That is where the money is. That is where they can make the changes that really benefit their client in a big way and sneak it in, and it is there forever.

This bill keeps those special privileges in the law. This bill says that if any special provision benefits 100 or fewer people, then the President cannot do anything about it. Well, those are exactly the tax provisions that he ought to be able to veto, because those are the special privileges, the tax preferences, for example, that may benefit 101 billionaires, 101 oil drillers, 101 chemical or pharmaceutical companies. And do not for a minute believe that the tax lobbyists do not know exactly what they were doing when they put that provision in this line-item veto, just as they knew what they were doing when they put it in every tax bill.

So if we are going to pass it, let us do it right.

Now, the gentleman from South Carolina [Mr. SPRATT] and I have an amendment to correct this. I would hope that every Member, there are a few Members in this hall, but I would trust there are more Members watching this, they may call their Member and Members that are seeing this, please, when the gentleman from South Carolina [Mr. SPRATT] speaks, listen to him carefully. He has a compelling argument for why this provision has to be included in this line-item veto, if it is going to be a bill that reflects any real integrity of this body.

The second concern is even a more fundamental concern. For the last several years, any taxpayer that wanted to lash out at the Congress, many of us would grab the lash first and say, ''No, wait, let me do it. I will lash myself and all my colleagues, too, and I can do it so it hurts even more than it would hurt us if you do it, because I know where it will really hurt.''

We have been bashing ourselves. And now, in keeping with that effort, what we are going to do is to give over the power of the purse, we are going to give it to the President.

Now, some years that is going to be fine, if we are in the same party as the President in the White House. Other years we are going to realize it never should have been done. But in the long run, the American people are going to realize that this Congress will have seriously tipped the balance of powers that our forefathers insisted upon, understood how important it was. They put it into our Constitution, and we are essentially going to take it out.

So I would hope we would think long and hard before we give such extraordinary power to the President to punish individual Members of the Congress, to punish the Congress as a body, but most importantly, to be free of the balance of powers that has made this the greatest democracy on Earth.

Now, there is a specific additional issue with regard to separation of powers, and that is one that goes back through American history to understand.

There was a day when a President of the United States could take the budget from the judicial branch of government, put it together, change it and submit it to the Congress. And, of course, when something can be abused, invariably at some point it will be.

Well, it was a Democratic President, and that Democratic President, when he could not pack the court and when the court did not agree with his New Deal legislation, he decided he was going to take away the court's money for bailiffs, to take away the court's travel money, to punish it, the court, in every way possible. And he did that.

And so a law was passed in 1939 to say the executive branch cannot change the operating expenses of the judiciary branch. It has to be left to the legislative branch to do that because the legislative branch does not have the same conflict of interest.

Now, today, when the Justice Department is the principal litigant before the Supreme Court, when there is the greatest potential for conflict of interest, we are going to go one step further. Not only are we going to repeal the intent of that 1939 law that has still been on the books for good reason, we are going to say, after the Congress has acted on the appropriation for the judiciary branch of government, the President can go in and repeal, can veto, can do anything he wants or she wants, some day, to any operational function of the judiciary branch.

And not only can he do it on a line item, as the chairman of the committees mentioned earlier, he can reach right down into any aspect of any line-item appropriation and specifically pull money out, can specifically punish a particular circuit court that needs to expand or judge that needs more clerks, can do any number of ways to punish the judiciary branch of government. Talk about breaking the concept of separation of powers.

□ 1240

Talk abut making this country's democracy vulnerable to people who would like to abuse it, that is what we are opening ourselves up to.

Mr. Chairman, I have an amendment that will be coming up very shortly that would not allow the President to do that. It is not that we do not trust the President, but we trust our Founding Fathers more. We trust the U.S. Constitution more than what we will do today or this year or during this first hundred days. We trust the Constitution, our Founding Fathers, to know what is right and to know that the separation of powers is intrinsic to the operation of this government.

We have some very serious problems with this bill. I respect the people who

put it together, but I know we are going to have a constructive debate on those provisions. I thank the gentleman from California [Mr. BEILENSON] for yielding me this time.

The CHAIRMAN. The time of the gentleman from California [Mr. BEILENSON] has expired.

Mr. CLINGER. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from New Jersey [Mr. LOBIONDO], a member of the committee.

Mr. LOBIONDO. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding time to me.

Mr. Chairman, this month we have taken the historic steps toward requiring government to live within its own means by passing the balanced budget amendment. Today we have before us another tool to cut spending, the line-item veto.

Many of us recognize that we live in tough times. Tough times require bold initiatives and bold leadership. H.R. 2 is a bold initiative that demonstrates bold leadership.

I do not believe we can any longer hold the taxpayers hostage by including wasteful and at times silly spending in important legislation. Right now we put the President in the position of signing a good bill that has wasteful spending in it, or vetoing the wasteful spending, or vetoing a good bill to get the wasteful spending out of it. It is not a good situation.

Mr. Chairman, H.R. 2 will change this. It does not give the President the authority to rewrite the budget or to spend money on something else, but it does allow the President to cut out pork barrel spending for one reason and one reason only, to reduce the deficit. That is what we want to get at.

In my home State of New Jersey, like 42 other States across the Nation, we have a line-item veto for our Governor. It works in New Jersey, and it can work in the U.S. Congress.

Line-item veto is another tool for deficit reduction. We all agree that we need to reduce the deficit.

We have been working in a bipartisan nature to provide positive and meaningful change to the American people. Let us continue that bipartisan effort. Let us vote for deficit reduction by voting for H.R. 2.

Mr. CLINGER. As a point of inquiry, Mr. Chairman, may I inquire how much time is remaining for all participants in this debate?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] has 23½ minutes; the gentlewoman from Michigan [Miss COLLINS] has 18 minutes remaining; and the gentleman from Florida [Mr. GOSS] has 19 minutes remaining.

Miss COLLINS of Michigan. Mr. Chairman, I yield 3½ minutes to the honorable gentleman from Pennsylvania [Mr. FATTAH].

Mr. FATTAH. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, we may differ on whether the line-item veto will reduce Federal spending. For example, Pennsylvania has a line-item veto. Its total debt has tripled since 1982, growing from $6.2 billion in 1982 to $16.5 billion in 1994. For all of the States, total debt has doubled in just 8 years, growing from $186 billion in 1984 to $372 billion in 1992.

At a hearing last month on this bill, Mr. Chairman, the director of the Congressional Budget Office testified: ''Evidence from the States suggest that the item veto has not been used to hold down State spending or deficits, but rather has been used to State Governors to pursue their own priorities.''

Mr. Chairman, I had the honor of serving in the Pennsylvania Legislature prior to being elected to the Congress. The experience from Pennsylvania demonstrates how the executive branch can use this power.

In the 1983–84 fiscal year, the Pennsylvania Legislature initially refused to adopt the budget submitted by the Governor, including his proposals to increase taxes. The Governor responded by cutting from the State Senate 62 percent of the Senate's budget, including Senators' salaries and expenses, and by completely eliminating salary and mileage expenses for Members of the State House.

This episode has affected all subsequent negotiations between the legislature and the Governor, not just on budget and taxes but on nonspending bills.

While the President may know the most efficient way to run the executive branch, he does not know the most efficient way to run the Congress. Indeed, a future President may want to make Congress less effective in its oversight of the executive branch.

The appropriations bill for the Congress provides funds so that the Congress can hire staff, such as the General Accounting Office and the Congressional Budget Office, to do its job, even though frequently their jobs involve presenting conclusions that the President dislikes. This function is different from what the report of the Committee on Government Reform and Oversight says it is seeking to eliminate in H.R. 2, which is called ''log roll, pork barrel projects.''

The appropriations bill for Congress is also more detailed than the appropriations bills for the executive branch agencies. The committee's report says ''We do not itemize appropriation bills and see no reason to do so. For the most part, Congress provides large lump sum accounts for agencies,'' but the appropriations bills for the legislative branch are very detailed.

Mr. FATTAH. Mr. Chairman, under the bill, the President says we can reduce funds appropriated for a particular House committee, perhaps in response to an oversight investigation by that committee.

In conclusion, Mr. Speaker, if we pass this bill and give up control of the details of our own budget to the President and a minority of the Senate, it is unlikely we will ever be able to reclaim it.

Mr. Chairman, I include, for the RECORD, a table showing the increase in debt for each State between 1984 and 1992.

The material referred to follows:

STATE GOVERNMENT DEBT OUTSTANDING AT END OF FISCAL YEAR

[Thousands of dollars]

	1984	1992
United States	186,378,896	371,800,683
Alabama	2,896,714	4,128,724
Alaska	6,529,672	4,941,602
Arizona	607,720	2,648,942
Arkansas	703,344	1,942,189
California	13,553,823	37,823,709
Colorado	1,256,257	2,977,116
Connecticut	5,489,783	11,956,902
Delaware	1,909,003	3,541,000
Florida	3,909,566	12,295,486
Georgia	1,842,122	4,470,781
Hawaii	2,512,093	4,656,763
Idaho	574,359	1,292,022
Illinois	8,636,544	18,741,830
Indiana	1,563,271	5,171,670
Iowa	651,311	1,863,947
Kansas	356,136	485,787
Kentucky	3,384,183	5,518,526
Louisiana	6,517,978	9,994,068
Maine	1,195,410	2,637,052
Maryland	4,761,182	8,334,061
Massachusetts	8,885,155	24,008,036
Michigan	5,222,480	10,356,583
Minneosta	3,388,868	4,143,203
Mississippi	1,025,222	1,626,737
Missouri	2,631,236	6,301,143
Montana	696,071	1,887,877
Nebraska	606,254	1,764,223
Nevada	864,520	1,934,144
New Hampshire	1,734,333	4,313,471
New Jersey	11,644,014	19,736,201
New Mexico	1,150,884	1,605,048
New York	29,390,713	65,888,432
North Carolina	1,885,929	3,819,102
North Dakota	444,756	1,027,156
Ohio	6,664,321	12,193,154
Oklahoma	3,041,744	3,658,022
Oregon	8,544,694	4,296,060
Pennsylvania	6,637,824	12,962,120
Rhode Island	2,291,705	5,150,733
South Carolina	3,241,814	4,864,627
South Dakota	917,562	1,060,222
Tennessee	1,735,309	2,906,396
Texas	4,009,048	8,001,175
Utah	1,200,096	2,153,233
Vermont	809,901	1,542,671
Virginia	2,901,912	7,402,641
Washington	3,098,219	7,191,966
West Virginia	1,633,392	2,594,324
Wisconsin	3,552,127	7,296,851
Wyoming	716,320	894,768

Mr. SOLOMON. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee [Mr. DUNCAN], who is a lifelong resident of Knoxville, TN. He succeeded his father here, who was one of the most respected men in this House. He has been a fighter, since the first day he came to this body, for a line item veto, and he is finally getting his chance.

Mr. DUNCAN. Mr. Chairman, I rise in strong support of this line item veto legislation.

Mr. Chairman, I first want to thank my good friend, the gentleman from New York [Mr. SOLOMON], with whom I have worked so closely on this issue in the past, for yielding me this time.

Mr. Chairman, when we pass this legislation a little later, I think there is no one in this House who will deserve more credit for it than the gentleman from New York, GERRY SOLOMON. I congratulate him for his work on this very important piece of legislation.

Mr. Chairman, on the first day of every Congress since I was elected in 1988, I have introduced a line item veto

bill that is almost identical to the one that we are considering now, H.R. 2. While past Congresses have been unwilling to pass a line item veto with real teeth in it, and in fact we passed one that the Wall Street Journal in 1993 called a voodoo line item veto bill, I am pleased that today we are on the verge of approving a line item veto bill that will truly be effective in reducing pork barrel spending.

Mr. Speaker, this is not a partisan issue. Forty-three of our Nation's Governors, both Democrat and Republican, already have the line item veto and are using it to cut spending in their States and balance their budgets. It is time for Congress to give this same tool to the President, so that he can eliminate the most outrageous examples of wasteful and unnecessary spending without vetoing entire appropriation bills.

The General Accounting Office estimated in 1992 that more than $70 billion of pork barrel spending could have been cut between 1984 and 1989 if Presidents Reagan and Bush had had a line item veto. The Cato Institute estimates that $5 to $10 billion a year could be saved with the line item veto.

Just last week in his State of the Union address, President Clinton highlighted some of the most absurd examples of pork barrel spending approved by the 103d Congress, and said ''If you give me the line item veto, I will remove some of that unnecessary spending.''

Mr. Chairman, I wish we did not need such things as a balanced budget amendment and a line item veto to bring our Federal spending under control. Unfortunately, however, Mr. Chairman, Congress has proven time and again that it does not have the will to cut spending on its own. That is why legislation such as H.R. 2 is so very necessary today. If the Congress does not really want to cut spending, it will have to say so and say so publicly.

Mr. Chairman, with a national debt of over $4.7 trillion, we simply cannot afford to withhold this important tool from the President any longer. Former Senator Paul Tsongas, writing in the Christian Science Monitor a few months ago, said that if present trends continue, the young people of today will face average lifetime tax rates of an incredible 82 percent. We must do something about this to give a good economic future to our children and grandchildren.

This will not solve our problems by itself, but it will be a big step in the right direction. I urge passage of this very important legislation.

□ 1250

Mr. BLUTE. Mr. Chairman, I yield 2 minutes to a distinguished former Governor, the gentleman from Delaware [Mr. CASTLE], who is a great leader in the line item veto fight and is the only Member of this Congress who has actually wielded a line item veto.

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

I also, by the way, congratulate the Committee on Rules and all those who discussed this, because I think this is an important piece of legislation, a little more complex than some people realize, and I think the amendment process will allow that discussion to take place. I think we are going to have a good time with that and perhaps learn a lot about it.

I also think that the statutory line-item veto is a good step. I believe in the double-step process. I believe that a President should understand if he or she vetoes something, it is going to come back over here and if indeed it is overridden by a majority, a veto would have to happen again, and it would be a two-thirds vote at that point. I think that is going to make people sit up and take notice.

The history of the line-item veto in the United States of America is long and is very important. It was first proposed by President Grant in 1873 and by more than a dozen Presidents since. Ronald Reagan said as Governor, ''I found this item veto is a powerful tool against wasteful or extravagant spending.'' It was introduced in this body in 1876 and there have been 200 resolutions since that particular period of time.

It has a significant history. I did exercise the line-item veto as Governor of the State of Delaware. President Clinton did it as Governor of the State of Arkansas. We know that 43 Governors have this. I do not know of a single State that is trying to rescind it. I do not know of a single legislature or Governor who is really fighting it.

What it really means, in truth, is that you sit down and work out your budget together and you bring the executive branch into the process. After all, the executive, or the President in this case, presents a budget, the President lives by the budget, and the President is the one that has to carry it out with their various agencies.

I think the President should be involved in setting that budget process and also, if there are the pork-barrel projects that we hear about, I believe the President of the United States should be one named as an involved party and having been a party to that. That is what happens in this particular instance.

This will in my judgment address unnecessary expenditures. But it will not balance our budget. It is not going to do that. I do not think we should overemphasize that.

I finally do not think that this is an extreme shift of activity as we have heard from time to time. It is really not much of a power tilt. In fact, I think the President may underutilize it rather than overutilize it.

I would encourage all of us to support the line-item veto legislation.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 5½ minutes to the gentleman from South Carolina [Mr. SPRATT].

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

Mr. SPRATT. I thank the gentlewoman for yielding me the time.

Mr. Chairman, the bill before us passes up a practical solution, expedited rescission, which this House has voted for on 3 separate occasions, a solution that is clearly constitutional, and takes up instead a novel solution that is constitutionally in question.

I know that the Congressional Research Service has sifted through all the case law on delegation of powers and come to the conclusion that this bill is probably constitutional. But as Judge Bork put it in an article he wrote some time ago about the line-item veto, ''A solution that nobody has thought of for 200 years has the burden of persuasion, especially in constitutional matters.''

Those who claim that we can give the President line item veto authority bear the burden of explaining to us how we can amend the Constitution by statute. They have to explain to us in all fairness, I think, why it is that no President has ever noticed that he had this authority implicit in the Constitution for over 200 years.

Let us start with George Washington. He presided over the Constitutional Convention. When he was asked what were his powers under the presentment clause, he answered succinctly.

''From the nature of the Constitution,'' said Washington, ''I must approve all parts of a bill or reject it in toto.''

William Howard Taft was both President and Chief Justice. He once wrote, ''The President has no power to veto parts of the bill under the Constitution and allow the rest to become law. He must accept it or reject it in its entirety.''

Where Judge Bork and William Howard Taft have refused to tread, the authors of this bill rush in. In effect, they say, ''Even if the Constitution doesn't give the President this power, Congress can confer on the President by statute powers that the President doesn't have under the Constitution.''

The bill does not use the words, but the device it employs to confer the item veto power upon the President is delegation. In essence, this bill delegates to the President the power to cancel out items in a bill in lieu of vetoing the bill in its entirety.

So this bill takes giant strides. It shifts enormous power to the President by delegation and it is so broad, so unique, so unprecedented that I think it fairly begs the question, ''Is it constitutional?''

Fifty years ago, the Supreme Court said, ''Sweeping delegations of legislative power are unconstitutional.''

I know that a lot of water has flowed over the dam since the Schecter decision came down, and that Schecter has mostly been honored in the breach, as

our courts have increasingly upheld delegations of power that have become broader and broader with time.

But 7 years ago in Bowsher versus Synar, a case dealing with the budget authority of the Congress, dealing specifically with sequestration, which was much like a veto, the Court issued a caveat for us to beware of. It said,

> The ultimate judgment regarding the constitutionality of a delegation must not be made on the basis of the scope alone but on the basis of its scope plus the specificity of the standards that govern its exercise. When the scope increases to immense proportions, the standards must be correspondingly more precise.

This is the caveat sent to us by Bowsher versus Synar, the caveat we should heed here. The broader the scope, the stricter the standards.

There is no question about the scope of this bill. It is immense, it is broad, it is as big as the powers of 13 different appropriation bills that we pass every year, all discretionary spending.

In effect what we are saying here is the President can choose to do whatever he pleases with 13 different appropriation bills adopted into law each year by the Congress.

What standards, what guidelines control what the President can do? What tells him where the purpose of Congress lies?

First of all, this bill says that when the President cuts out spending, or rescinds, the rescission must reduce the deficit or the national debt and limit discretionary spending.

But, ladies and gentlemen, that is tautological. By definition, anything that cuts spending will reduce the deficit. So this is not a standard.

Next the bill says the rescission must not impair essential governmental functions or harm the national interest. What does that mean?

The standard is so subjective that the President can fill it any way he wishes. It is so vague that it is meaningless.

I know that in decisions from J.W. Hampton to Mistretta dealing with the sentencing guidelines, courts have allowed Congress to hand over enormous power to the executive branch, the broadest sorts of power, the broadest kinds of discretion, but it is to carry out policies that we spell out and enunciate.

The difference between all those cases and this bill is that this bill delegates to the President the power not to carry out but to cancel out legislative policies, not just to execute the will of Congress but to, when the President wishes to, eradicate the will of Congress.

If we want to add a line item veto to the President's powers, then I think the right way to do it is to amend the Constitution. Until we have amended the Constitution, the best way to give the President the equivalent of a line item veto is by enhancing and expediting his authority to rescind. We will offer in the course of this debate amendments to do just that.

Mr. GOSS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Nebraska [Mr. BEREUTER].

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

Mr. BEREUTER. Mr. Chairman, I rise in strong support of H.R. 2, the Line Item Veto Act. It is an important tool in the battle to reduce the spending that will be given to the President through the line item veto authority.

I particularly appreciate the time yielded to me today by the distinguished gentleman from Florida, because it is an opportunity to speak on what has been for me a long-time commitment to my constituents, a contractual arrangement, you might say.

For more than 10 years now, I have been saying in response to my constituents' concerns that I think there are two fundamental changes that must be made to deal with our continual deficit problem: One is the balanced budget amendment and the other is the line item veto for the President.

□ 1300

So, since 1985 I have been cosponsoring legislation which would grant the President the line-item veto. It has been frequently mentioned that 43 Governors have this tool at their hand, and it has been well used in those States. In fact, in my home State we have an extraordinarily powerful version of it. We can actually have our Governor mark down expenditure items, not only mark them out.

It will enable us through the President's authority to strike a pen to the pork barrel projects that too often find their way into appropriations bills. This power given to our Governors in 43 States has been a successful tool in discouraging unnecessary expenditures at the State level. I think the President can be well vested with this power as well.

I urge my colleagues to support this legislation. It is one of the fundamental, institutional changes we can and must make. Obviously, with only one balanced budget in the last 20 years, we not only need a balanced budget amendment, we need this kind of institutional change as well.

Mr. BLUTE. Mr. Chairman, it gives me great pleasure to yield 2 minutes to the gentleman from Washington [Mr. TATE], a new member of the Committee on Government Reform and Oversight.

Mr. TATE. Mr. Chairman, this legislation is of monumental importance to our country. As a cosponsor, as many other freshmen are, we are keeping our commitment to the Contract With America.

The line-item veto means cutting spending, shrinking government and that was the message last November.

The line-item veto provides a powerful tool for Congress to control spending to eliminate pork barrel legislation, and it is part of our Weight Watchers diet for Congress.

The line item veto comes on the heels of the balanced budget amendment, another way to reduce the deficit, another way to get Government out of our wallets.

The time to act is now. Congress must get its house in order, because the American people are tired of more of their money going for wasteful government programs and they are weary of the excuses by Congress for the spending. It is out of control.

We have heard many times the national debt is over $4½ trillion, $18,000 for every man, woman, and child. My daughter, Madeleine, who was born 6 months ago, was saddled with this huge debt for the future. The debt not only jeopardizes future economics and future earnings, but it jeopardizes the future of our grandchildren and our great grandchildren.

We can no longer allow this reckless spending without an avenue to remove it. Just last year we spent money to study insect noise and to study lobsters. Sounds like a lot of pork to me.

The line-item veto provides a powerful check on congressional pork. Forty-three States have the line-item veto to balance the budget, to cut the fat. The U.S. Congress should follow this movement.

Congress has proved incapable of making the tough decisions. The public has asked us to pass this bill and we should, if not for ourselves, then let us pass this for the American families we are here to represent.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 3 minutes to the gentlewoman from Michigan [Miss COLLINS].

(Miss COLLINS of Michigan asked and was given permission to revise and extend her remarks.)

Miss COLLINS of Michigan. Mr. Chairman, I thank the honorable gentlewoman from Illinois for yielding me this time.

Mr. Chairman, I rise in strong opposition to the line-item veto bill. I opposed it when the White House was Republican; I oppose it now; and—for the sake of Congress—I would encourage my colleagues to do likewise.

Mr. Chairman, I for one, believe in the Congress; and while we have had our problems of late, I cannot support legislating ourselves into irrelevance. We are not children, and we do not need a Republican or Democratic ''daddy'' standing over us and telling us that we do not need items x, y, or z because ''father knows best.''

Imagine, if you will, the incredible leverage which the President will have over each and every Member of this body. Heaven help any colleague who crosses a vindictive President with this power. The Member will see his subcommittee's work vanish with the stroke of a pen; and simple, routine items could require their own ''supermajority.'' Are we prepared for that? Remember, my colleagues, Presidents can be either friendly or hostile.

Your friend now could be your nemesis in a few years.

I ask my colleagues, can we not stop this collective hari-kari once and for all? We have run this country for over 200 years, and our system is the envy of governments around the world. Now, again, I will be the first to acknowledge our problems, but this solution is far too severe. And it is far too permanent. I will not cut off my foot to get out of the bear trap. Absolutely not.

Mr. Chairman, why on Earth would this U.S. House of Representatives willingly vote away its power?

We negotiate in our respective committees for programs which will benefit our constituents. We win the battle in committee. We win the battle in appropriations. We win in floor debate. Then a President, with one stroke of a mighty pen, can render all of our hard work void and useless. A President can hold your district programs hostage to votes he wants for other bills. He can be very punitive to teach Members a lesson.

Why? Why emasculate the Congress?

Why? Turn our responsibilities over to the executive branch?

Why? Give up our power to legislate and appropriate?

I ask, why—why—why?

Mr. GOSS. Mr. Chairman, I yield 3½ minutes to the distinguished gentleman from Mississippi, [Mr. PARKER].

Mr. BLUTE. Mr. Chairman, we also yield 1½ minutes to the distinguished gentleman from Mississippi [Mr. PARKER].

The CHAIRMAN. The gentleman from Mississippi is recognized for 5 minutes.

Mr. PARKER. Mr. Chairman, the minority whip recently issued a statement in which he brands H.R. 2 as a Republican proposal under which ''Congress would cede to the executive branch one of its most important responsibilities—the power of the purse.''

Well first of all, here is one Democrat who supports this ''Republican'' proposal. I am an original sponsor of the legislation before us. In fact, I have supported the concept of a line-item veto from my first day in Congress. Here is one Democrat who is not prepared to just toss aside his party's claim on a good idea.

Second, have not we done a fine job in carrying out our most important responsibility? Congress has not responsibly exercised the power of the purse for years. We have been downright irresponsible with this power.

Opponents of a line-item veto claim this is a balance of power issue. I agree. There currently exists vast imbalance in the power to exercise fiscal responsibility. This is an effort to remedy that problem.

A 1992 GAO report indicated that the line-item veto will work. I refer you to page 5 of the Rules Committee Report on H.R. 2:

> If Presidential line item vote/line item reduction authority had been applied to all items to which objections were raised in the Statements of Administration Policy during fiscal years 1984 through 1989, spending could have been reduced by amounts ranging from $7 billion in 1985 to $17 billion in 1987, *for a 6-year total of about $70 billion*. This would have reduced federal deficits and borrowing by 6.7 percent, from the $1059 billion that actually occurred during that period to $989 billion. (Emphasis added.)

That is good enough for me.

What we are talking about here is the creation of an additional deficit reduction tool. If a carpenter set out to build a house without a hammer, he would not be able to accomplish much toward the construction project. If you were the President of the United States, you would also want the tools needed to carry out your duties for that office. In an effort to provide a balanced budget or to eliminate wasteful programs and expenditures, the line-item veto is a vital tool for the President of either political party.

While the enhanced recission alternative is also a new tool, it is not as strong as the line-item veto. The line item veto will require a two-thirds vote to reverse a Presidential reduction in spending while enhanced recission will require a simple majority. That is essentially the only difference between these two proposals.

So the choice before you is quite simple. You are either serious about reducing spending and want to make it as difficult as possible to avoid doing so, or your want to protect this body's spendthrift power.

This is really not a balance of power issue. This is an expansion of power issue. I support expanding the power of the President and/or the Congress to engage in the practice of fiscally reponsible government.

More than 85 percent of the Nation's Governors have the line-item veto where it has been used as a valuable tool in helping those Governors keep their State's budgets in balance.

The time for a line-item veto has arrived. If we are going to have a balanced budget, the President needs the tools necessary to produce such a budget. I urge you to support H.R. 2 as introduced and take a giant step toward fiscal responsibility.

□ 1310

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 3 minutes to the gentleman from Texas, Mr. GENE GREEN.

Mr. GENE GREEN of Texas. Mr. Chairman, I speak today in support of the Line-Item Veto Act, and I support the premise behind the call for the line-item veto, that the Congress has included many questionable items in appropriations over the years, and steps need to be taken to remedy the problem.

Today the notion that Congress can control itself is doubted by the public, and that is why this is a popular idea. In the public's mind Congress defines itself with the little things we do as well as the big things we do. It is my sense that the line-item veto may help put an end to the funding of some of the outdated, unneeded programs or projects that we put into appropriations bills.

This will not end, and it is not the panacea. The line-item veto does not end Congress' responsibility for self-restraint. As my colleagues noted in our committee hearings, Presidents, recent Presidents particularly, are not known for submitting balanced budgets, and we should not expect this or any other President to save us from ourselves.

We should consider another point, that maybe we are overselling the benefits of this bill. The item-veto could cut millions of dollars and help Congress set better priorities on programs, for example, by eliminating nondefense items in the defense budget, but public support of this measure stems in large part from the size of the deficit. Many are under the impression the item-veto will have a noticeable fiscal impact. But what effect will it really have on the deficit?

The item-veto has been used, as we heard earlier, by 43 Governors. And I served 20 years as a legislator and with many Governors, and they enjoyed that authority, and I had the honor and privilege of having projects and bills vetoed by both Democrat and Republican Governors in Texas.

The item-veto most often is used to get the attention of those of us in the legislature and not necessarily as a budget-reducing item. I would hope it would be used for that, not only by our President if this passes, but also by Governors.

I support the measure because I believe it is progress. However, the line-item veto will not control nondiscretionary spending, the big-ticket items like health care costs or interest on the national debt.

I believe that the point needs to be made clear to the public, let us not oversell the benefits of the line-item veto, but we still need to pass it.

Mr. GOSS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Huntington Beach, CA [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, the President's veto power is granted by the Constitution, and we have heard today the question: Why, why, why change this power now or try to have some impact on how this power is being used in this body?

Well, I will be very happy to explain it. Something has gone totally haywire, and spending is totally out of control and has been for decades.

One of the reasons this system is not working is because there has been a fundamental change, a diminution of the President's veto power. Past legislation, especially spending bills, that went through this body were specific and usually very, very understandable. Today we find massive continuing resolutions and appropriations bills that are hundreds, if not thousands, of pages long that span the issues, that span our whole imagination, and they are very difficult to understand. This is how our

process has evolved, and what has happened is the President's veto power in this evolution has been devolved along with this.

In short, the President's veto power has been neutralized by the evolution of how we do our business, and the reason why our spending situation is out of control is this constitutional authority given by our Founding Fathers is really no longer in effect.

That was never made more clear to me than when I worked at the White House for the President of the United States. I remember when President Reagan stood right here and in a State of the Union Message had a huge continuing resolution. Do you remember that? And he threw it down on this table before us and said, ''Something is wrong when we have to consider all of this, all or nothing.'' The President is faced with all or nothing.

What kind of veto power does he have left?

Well, a little story I would like to share with you: I was in the Oval Office with President Reagan the day after his presentation of the State of the Union Message that time when he actually threw down that continuing resolution showing, demonstrably showing, that his veto power, meaning all or nothing, you know, was irrelevant now, and I notice that his finger was bandaged. President Reagan's finger had a bandage on it. I said, ''Mr. President, what happened to your finger?'' He said, ''Well, DANA, when I was up in front of the Congress last night and I threw that bill down, my finger did not get out from under it and it smashed my finger.''

Now, most people did not understand that he was in pain during the delivery of the rest of the State of the Union Message.

There is something wrong when the legislation that we have is so big that it is smashing the President's finger, much less his veto power. I think we should restore the President's finger and restore the veto power to the President of the United States to protect us against unnecessary spending, and that means supporting H.R. 2, the real line-item veto.

Mr. BLUTE. Mr. Chairman, I yield 2 minutes to the gentleman from Cleveland, OH [Mr. HOKE], a distinguished member of the Committee on the Budget.

Mr. HOKE. Mr. Chairman, I thank the gentleman from yielding me this time.

Mr. Chairman, I would like to associate myself with the remarks of the gentleman from Mississippi [Mr. PARKER], who spoke quite eloquently in favor of this enhanced-rescission bill.

I would like to particularly point out that the gentleman from Mississippi [Mr. PARKER] is a very conservative Democrat, and I would like to further point out that the gentleman from Mississippi [Mr. PARKER] and many other Democrats have voted in favor of every single bill that has been passed by this Congress so far as part of the Contract With America.

I think it is important, Mr. Chairman, that we remind ourselves that this is a very bipartisan effort that is going forward. Democrats voted on every part of the rules package. They voted in favor of the balanced budget amendment. Without them we never would have passed it. They voted in favor yesterday of unfunded mandates, nearly half the Democrat Caucus, and on and on, and I think, no, I am sorry, more than half, substantially more than half of the Democrat Caucus, and I think it is important, Mr. Chairman, for the American people to remember that we are not in the business of doing the Republican Party's agenda or the Democrat Party's agenda, but that we are working for America here, and we are working in a bipartisan spirit and a bipartisan manner that many in the press would like the public not to be aware of.

□ 1320

You know, we have been saying that last November the American people spoke and they declared the days of wasteful spending by the Federal Government should stop. Today we are on the threshold of fulfilling another part of our contract, the line-item veto. I think it is probably a little bit myopic and maybe a little bit of bragging to suggest we are really the authors of this. The fact is this is an idea whose time has finally come, brought about, initially made by Ronald Reagan. It started in the early 1980's and finally after an extraordinarily long gestation period we are going to see this bear fruit. Mr. Chairman, great ideas are worth waiting for.

Mr. Chairman, President Reagan is going to be 84 years old on Monday. I cannot think of a better birthday present that we could give him.

Far too long now Congress has insulted the taxpayers of this country by first taking its money, and it should not.

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

Mr. BLUTE. Mr. Chairman, I yield 2 minutes to the gentleman from Buffalo, NY [Mr. QUINN], a distinguished member of the Joint Economic Committee and a leader in the effort to give the President a line-item veto.

Mr. QUINN. I thank the gentleman for yielding this time to me, and I appreciate his comments.

Mr. Chairman, it is an honor for me to be here today and join so many of our colleagues in enthusiastically supporting H.R. 2.

Twice during the 103d Congress, since I have been a Member here in the Congress, we have had a chance to vote on the line-item veto, and twice we fell short of those votes. In the 104th Congress now I think we have a real opportunity to give the President of the United States the line-item veto.

Mr. Chairman, the line-item veto will rise or fall on its own merits. But I think we have an opportunity here to go above and beyond that. We hear words like ''power'' and ''punishment.'' I think one of the problems we are into right now is that we have an opportunity here, unlike other legislation, where H.R. 2 says that the President's rescissions will take effect immediately unless the Congress rejects them. If the Congress rejects them within 20 days, they go back to the President and they will be vetoed again, if he indeed wants that to happen. Then it comes back to the House for a two-thirds majority. One of the by-products of H.R. 2 will be some discussion, communication, interaction between the House and the Senate and the President of the United States. I think that is healthy for this Government.

Mr. Chairman, at the same time we have some naysayers, who are opponents and say we are giving the President too much power. We are back to the power and punishment words. They say that he will punish Members for things they have done or have not done during the course of their term here.

I think the track record that we have in city halls across the country, in State legislatures, in the Governors' chairs—we heard a former sitting Governor right here as our Member, the gentleman from Delaware [Mr. CASTLE], say that that is not the case, that the Presidents of this United States will use that power accordingly.

Then we hear whether or not the President will be accountable, whether or not he punishes other Members or uses that power in the wrong way. Let us remember Presidents are also accountable to the same constituents that we are accountable to.

Mr. Chairman, it is a pleasure for me to strongly support H.R. 2, and I ask my colleagues to do the same.

Mr. BLUTE. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. COX], the distinguished chairman of the Republican Policy Committee and a former White House counsel who worked extensively on budget issues during the Reagan years.

Mr. COX of California. I thank my colleague for that gracious introduction and for yielding to me.

Mr. Chairman, H.R. 2, the Line Item Veto Act, is something the American people have wanted for a long time. It is a fitting tribute to their tireless efforts, as well as to the tireless efforts of one man who has been mentioned here several times in the course of this debate, Ronald Reagan.

Next Monday, February 6, Ronald Reagan will celebrate his 84th birthday. It is absolutely fitting that we will vote on final passage of H.R. 2 on Ronald Reagan's birthday.

A decade ago Ronald Reagan said about the line-item veto, ''No other single piece of legislation would so quickly and effectively put order back

into our budget process.'' That is as true today as it was 10 years ago.

It will restore what the Founders saw as the strongest deterrent to wasteful spending by Congress, an energetic executive with the power to force a thoughtful and thorough debate on individual items of spending.

H.R. 2 will reverse some of the damage that was done by the 1974 Budget Impoundment and Control Act, passed by a liberal Congress at the height of its powers as a slap at President Nixon, then at the depths of his disfavor with the Congress.

It radically shifted the respective powers of the legislative and executive branches and emasculated the President's impoundment authority, substituting weak powers of deferral and rescission which this Congress has ever since 1974 chosen to override.

Since 1974, this Congress has chosen to ignore almost every rescission request proposed by every Republican and Democratic President. In the 2 years that I worked in the White House, President Reagan issued over 400 rescission requests, they totaled over $18 billion. Do you know how many the Congress voted on? Not a single one.

Mr. Chairman, James Madison once wrote that unless kept in check, Congress would be everywhere extending the sphere of its activity and drawing all power into its impetuous vortex. James Madison was right. Congress' spending appetite needs to be controlled.

H.R. 2 is a solid step on the way to doing just that.

Mr. BLUTE. Mr. Chairman, it gives me great pleasure to yield 2 minutes to a renowned deficit hawk, the gentleman from New Hampshire [Mr. ZELIFF] chairman of Subcommittee on National Defense, International Affairs and Judiciary, and the author of the A-to-Z spending reduction.

Mr. ZELIFF. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of H.R. 2, to give the President the line-item veto. Last November we promised the taxpayers of America that we would manage their funds with greater care and discipline.

We promised no more business as usual. We promised to prioritize Federal spending just as families and businesses do.

The line-item veto, along with the balanced budget amendment and the unfunded mandates legislation just passed, will go a long way toward forcing this Government to prioritize.

There is no better example of the need for a line-item veto than the California earthquake emergency appropriation passed last year.

It was amazing how much damage was actually done by that earthquake, since the $8.6 billion emergency funding bill went way beyond California and included money for States from Hawaii to Maine. It included: $10 million dollars for a post office in New York City; $1.5 million dollars to build a maritime museum in South Carolina; $1.3 million dollars for Hawaiian sugarcane funding; and $1.4 million dollars to fight potato fungus in Maine.

If the President had a line-item veto, he could have taken these unnecessary spending programs right out of the legislation without affecting the necessary funds for the horrible damage in California.

We see opposition to the line-item veto because it is a threat to this type of pork-barrel politics. It is a threat to the old spending habits of past congresses. but times have changed for the better, and pork-barrel politics must end.

The bottom line is that America now faces a $4.6 trillion debt. We pay over $200 billion in interest payments alone.

A line-item veto takes the power away from the wheelers and dealers and gives it back to the President and this Congress.

A line-item veto forces accountability on the part of the Congress and the President, and stops the blame game that now routinely occurs.

I urge my colleagues to support this legislation and take yet another step toward ensuring our Nation's future through accountability and fiscal responsibility.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. STENHOLM].

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

Mr. STENHOLM. I thank the gentlewoman for yielding.

Mr. Chairman, I am pleased to come to the floor today to debate proposals to strengthen the ability of Presidents to identify and eliminate low-priority budget items. The Members of the House will have the opportunity to consider a variety of approaches to this issue, including an amendment which I will be offering with JOHN SPRATT.

I know that my friends on the other side of the aisle have waited a long time to pass a pure line-item veto bill. I do want to point out that even the amendment before us today is not a line-item veto constitutional amendment, which I believe is what most Americans are thinking of when they speak about ''the strongest possible line-item veto.''

Nonetheless, I have no doubt that supporters will pass the pure statutory line-item veto when the Committee of the Whole rises after debating the various amendments that will be brought to the floor during the next several days. There also has never been any doubt about my position on this so-called pure line-item veto; I have opposed it.

For those who believe that any President—Democrat or Republican—should have minority rule over Congress, should be able to get just one-third-plus-one of the Congress to agree with him on the most targeted of funding items, those people should vote for the pure line-item veto. I respect their right to have that opinion, but I strongly disagree with it.

What some call ''modified line item veto,'' or what I prefer to call ''expedited rescission procedure,'' is the approach that I always have found far preferable. Under this scenario, a President still would be given the opportunity to propose cuts to individual spending or tax items. Within 10 legislative days after the President sent such a rescission package to Congress, a vote on that package would be taken on the House floor. That bill could not be amended, except that 50 House Members could request a separate vote on an individual item which had been proposed for rescission. If a majority of Members voted to retain funding for that individual item, it would be struck from the rescission bill. If the remainder of the rescissions were approved by a simple majority of the House, the bill then would be sent to the Senate for consideration under the same expedited procedure.

This latter approach encourages deficit reduction and maintains the balance of power established by the Constitution, thus excusing it from the grave Constitutional concerns created by the language of the base bill.

I also want to be careful not to claim individual or partisan credit for this approach. Expedited rescission legislation embodies an idea which many Members, both Democrats and Republicans, have fought hard for over the years. Dan Quayle first introduced expedited rescission legislation in 1985. Tom Carper and DICK ARMEY did yeomen's work in promoting this legislation. On the Democratic side, TIM JOHNSON, Dan Glickman, Tim Penny, and L.F. PAYNE spent years as particularly effective advocates of this legislation. Numerous Republicans, including Lynn Martin, Bill Frenzel, GERALD SOLOMON, HARRIS FAWELL, and others made meaningful contributions to expedited rescission legislation as it has developed. And of course, the language which we voted on last year was the Stenholm-Penny-Kasich amendment. The deficit reduction prowess of my two cohorts in that effort is almost legendary, and deservedly so.

Thanks to the efforts of these and other Members, the House overwhelming passed expedited rescission legislation in each of the past 3 years.

I do not in any way intend to imply that all of these Members have supported expedited rescissions to the exclusion of or even in preference to a pure line-item veto. Although this proposal was described a few years by GERALD SOLOMON as ''a tremendous compromise * * * that this house can support overwhelmingly on both sides of the aisle,'' my friend from New York has always made it clear that he prefers the one-third-plus-one approach.

What I am saying is that, in an overwhelmingly bipartisan way, Members have stated through their words and their votes, that the expedited rescission procedure is a very good one.

Let me say that again. Members have stated through their words and their votes that the expedited rescission procedure is a very good one. That is important to emphasize because of the way which votes will be taken in the next few days.

My colleague from West Virginia, Mr. WISE, will be offering precisely my amendment which was approved by a vote of 342 to 69 last July. If I were to have my way, that is the amendment that would prevail in the end.

But I can count votes as well as anybody, and I understand that a majority of this body now wishes to pass language along the lines of the Contract With America when it comes to

line-item veto. Therefore, I will subsequently offer an amendment which is not a substitute, but rather is an add-on amendment to H.R. 2. In this way, my friends on the other side of the aisle can have the best of both worlds. They can maintain their language, but they can also support language along the lines they have approved for each of the last 3 years.

Where we are in agreement is in the belief that we must bring greater accountability to the appropriations process and the tax benefits process so that individual items may be considered on their individual merits. The current rescission process does not make the President or Congress accountable. Congress can ignore the President's rescissions, and the President can blame Congress for ignoring his rescissions. I believe that it is appropriate to strengthen the President's ability to force votes on individual budgetary items.

To my friends on the left who feel that we don't need to take any of these actions, I would like to make one further point. The current discharge process for forcing a floor vote on the President's rescissions is cumbersome and has never been used. The President is required to spend the money if Congress has not enacted the rescissions within 45 days. In other words, Congress can reject the spending cuts proposed by the President through inaction.

According to data compiled by the General Accounting Office, Congress has approved barely one-third of the individual rescissions submitted by Presidents of both parties since 1974. Congress has ignored about $50 billion in rescissions submitted by Presidents under the existing process without any vote at all on the merits of the rescissions.

During the vote on the Stenholm-Kasich amendment last July, my Democratic colleagues on the Appropriations Committee correctly pointed out that Congress had passed more than $60 billion in rescissions of its own since 1974. That notwithstanding, I do not believe that the fact that Congress had approved more spending cuts than the President had submitted is a justification for not voting on the President's rescission proposals.

The public is fed up with the finger-pointing in which each side argues that the problem is really the other side's fault. Constituents do not consider doing better than the other side to be a substitute for actually dealing with a problem. When we are faced with deficits in the $200 billion range, we cannot afford to ignore any proposals to cut spending.

Forcing votes on individual items in tax and spending bills will have a very real cleansing effect on the legislative process and will take a step toward reducing the public cynicism about the political process. It provides the President with a real tool to ferret out questionable spending items while preserving the power of Congressional majorities to control spending decisions.

When we rise from the Committee of the Whole into the Whole House, I will be submitting for the RECORD a number of items which will be valuable to Members evaluating this issue as well as to scholars who might be studying it. Included in this material are legal opinions from the American Law Division of the Congressional Research Service and answers to the most commonly asked questions about this issue.

I urge my colleagues to strengthen the process by voting for the Stenholm-Spratt amendment and then voting yes on final passage.

Mr. GOSS. Mr. Chairman, I am very happy to yield 1½ minutes to the distinguished gentlewoman from Florida [Mrs. FOWLER].

(Mrs. FOWLER asked and was given permission to revise and extend her remarks.)

Mrs. FOWLER. Mr. Chairman, none of us has the illusion that the line-item veto will be a cure-all for our Nation's fiscal woes. It can, however, be an important tool to help the Federal Government get its chronic deficits—like this year's $176 billion deficit—under control.

The line-item veto will give the President the power to excise wasteful pet projects and eliminate tax provisions that only benefit special interests.

And it can work. In the 43 States where Governors currently enjoy this power, it has been a success.

□ 1330

In California, Mr. Chairman, former Governor Deukmejian used the line-item veto to trim $1.2 billion from his State's budget. In Wisconsin Governor Thompson has used the same authority to eliminate some $143 million in wasteful spending. A 1992 GAO study estimated that a Presidential line-item veto could have saved $70.7 billion in pork-barrel spending between fiscal years 1984 and 1989.

Let us act before we lose another precious tax dollar to wasteful spending.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Chairman, last session I had the pleasure of joining the gentleman from New York [Mr. SOLOMON] and virtually every other Republican to support a true line-item veto, and a number of Democrats decided it made sense for the President to have the authority to get rid of pork barrel spending and especially tax giveaways, both of which are important arrows in the quiver against our rising deficits. But I am upset today, Mr. Chairman, because the emperor has no clothes. The bill that we have before us only does half the job. Although it gives the President the authority to get rid of pork barrel spending, it does not give him adequate authority to get rid of the tax loopholes.

Newsweek magazine put it best:

> The fine print of the bill now moving through the House reveals though the Republicans are tough on spending, they are lax on special interest tax giveaways. The bill allows the President to target tax benefits, but then defines that phrase to include only a tiny number of small loopholes. The vast majority of tax breaks, worth hundreds of millions of dollars, would remain immune from the President's veto. Any lobbyist looking for goodies from the Federal Government could work through the tax code instead of the spending bills.

Mr. Chairman, that is exactly what is going to happen if we pass this bill. Any tax lawyer in this city, any lobbyists worth their salt, are going to say, ''Let's not spend our time on the appropriations bills. Let's find a time bomb that we can place in a revenue bill. Let's have a tax loophole created in a revenue bill.''

Now what has happened? Last year every Republican voted to give the President of the United States the authority to get rid of these tax loopholes. In the Contract With America, Mr. Chairman, virtually every Republican signed language that gave the President of the United States the authority to get rid of these tax loopholes. But now the rubber meets the road, and the bill is before us today, and the new leadership does not want to give the President of the United States adequate ability to get rid of tax loopholes.

Mr. Chairman, last year I bolted from my party in good faith because I felt that the Republicans were onto something here. I thought they were sincere in wanting to get rid of both pork barrel spending and tax loopholes. But now in the 104th Congress, when they are in control, it appears obvious to me that, yes, they want to get rid of this port barrel spending because there is no growth in pork barrell spending. It is not a growth industry in this town. But they do not want to give up their ability to slip tax loopholes into revenue bills.

The previous speaker talked about bipartisan cooperation in this House. Since every Republican voted in favor of the language that would give the President the authority to get rid of tax loopholes last year, and virtually every Republican signed the contract, that would give the President that authority. I would ask that my friends on the Republican side of the aisle keep to their word and not break that Contract With America on this issue. Give the President the authority to get rid of tax loopholes.

Mr. BLUTE. Mr. Chairman, I yield myself 2½ minutes to respond to the gentleman from Wisconsin [Mr. BARRETT].

Mr. Chairman, in the Committee on Government Reform and Oversight we adopted an amendment sponsored by the Democrats that would expand the number of individuals, businesses or individuals, who are receiving tax benefits to 100, to allow the President to veto a much broader number of tax benefits. But at the same time we felt it was important not to give the President too much power. That is a concern. I think anything we do that shifts power to the President, we narrowed that to a very defined area to get after the most egregious efforts to reward certain interests in the Tax Code. To expand that further, in an unlimited way, would give the President far too much power and would allow the President to veto things that we do not want the President to be able to veto,

such as a middle-class tax cut, for example, if we were to pass something like that.

Mr. BARRETT of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BLUTE. I yield to the gentleman from Wisconsin.

Mr. BARRETT of Wisconsin. Mr. Chairman, I have a lot of respect for the gentleman from Massachusetts, as he knows. My understanding is that this language, for example, would not give the President of the United States the authority to veto out one of the tax provisions that we have, for example, that would give a special tax credit for drug companies doing business in Puerto Rico. This tax benefit gives 24 companies $2.6 billion in tax credits.

I ask the gentleman, don't you think that the President of the United States should have that ability to get rid of that type of tax loophole?

Mr. BLUTE. Mr. Chairman, if I get the question from my good friend correctly, he mentioned 26 companies?

Mr. BARRETT of Wisconsin. That is correct. There are 26 companies that get $2.6 billion. There are 338 companies that benefit overall, but 26 of those companies get the lion's share, $2.6 billion.

Mr. BLUTE. Well, if it related to specifically 26 companies, then the President would be able to veto that particular benefit. It it goes beyond 100, then he would not.

Mr. BARRETT of Wisconsin. And this provision does go beyond 100. It goes to 338 companies, but again the lion's share goes to that 26 companies.

Mr. BLUTE. I would simply respond that we wanted to narrow the scope of this capability of the President's, to limit it and to target it at the most egregious examples of tax pork. I think we have done that. We adopted a Democrat amendment.

Mr. BLUTE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from the Commonwealth of Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Chairman, I rise today in strong support of H.R. 2—the Presidential line-item veto.

Last week this Chamber passed a constitutional amendment to require a balanced budget in 7 years. The line-item veto is perhaps the best single tool to help us achieve this goal. I would hope that every Member who voted for the balanced budget amendment would support the line-item veto as the next logical step toward eliminating the deficit and balancing the budget.

Today, 43 Governors possess the power of the line-item veto. Many times just having this power does a great deal to discourage legislative add-ons and wasteful spending.

This issue is not a question of partisan politics or political gamesmanship. We Republicans are giving this power to the President, currently a Democrat. This is one of the best tools available to cut wasteful spending.

Some have argued that the line-item veto grants too much power to the Executive and that it represents a dangerous move toward centralization of our Federal Government, which the framers of the Constitution opposed. We must remember that the line-item veto is a way to reduce the size of Government. The line-item veto is simply a modern adaptation of the original Presidential veto which can be overridden by a two-thirds vote of the Congress.

If we are serious in our desire to downsize Government; if we are serious in our desire to see a balanced Federal budget; if we are serious in our desire to be fiscally responsible, then the time has come to stand up and be counted on this proposal.

Mr. Chairman, what is good for 43 of 50 Governors is certainly good enough for the President of these United States. I urge my colleagues on both sides of the aisle to support H.R. 2, and give the President the ultimate weapon needed to reduce the defict—the line-item veto.

□ 1340

Mr. GOSS. Mr. Chairman, may I inquire how much time is left on each side?

The CHAIRMAN. The gentleman from Florida [Mr. GOSS] has 6 minutes remaining, the gentleman from Massachusetts [Mr. BLUTE] has 5½ minutes remaining, and the time of the gentlewoman from Illinois [Mrs. COLLINS] has expired.

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

Mr. Chairman, I will close with a few brief comments.

We have had in this general debate process a preview of some of the proposed amendments that we may be talking about, and they really underscore what the debate is. We have got a debate on a major policy issue of whether we want a real line-item veto with a two-thirds vote required to overturn the President's decision, or whether we want to stick to the simple majority rule of approval that we have had here under various titles and labels over the years, which is not really a line-item veto.

It is a very good debate, and it is one that has already started, and I hope it ends up with the toughest version, but I respect very much those proponents of the other way.

My view on the other way is it clearly has not worked; otherwise we would not be looking at couple-hundred-billion-dollar deficits every year, we would not be looking at a $4.5 trillion national debt, which is growing and predicted to grow over $6 trillion despite our current President's best efforts.

It seems to me is we have to say, ''We surrender. it does not work. We need a better system, better machinery, and better tools.'' And that is what this process is about.

There is a concern that this is somehow going to get out of control. We have built in, as a result of the deliberative process through the committees, some oversight monitoring with GAO. It is a good provision. We have gone into streamlining the time for review by the various bodies, the executive and the legislative bodies, so that we move this thing more quickly and do not interfere with the normal flow of Government business, but we have check and balance points that come more quickly.

We created a new process to guarantee every Member of this institution the right to get an objection to what the President does to the floor of the House for not one vote, not two votes, but in some cases three votes, depending on which procedure is used.

We have picked the toughest way to go, because this is the toughest problem we have in our country right now. There has been some talk about if we do this we will never be able to change it. Well, I hope we are not going to be able to change it, because it is the medicine this country needs. I do not want to change it.

But I would point out I think most people will understand these types of measures in fact can be checked or withdrawn by actions taken on independent appropriations bills only must pass legislation that exempts certain provisions that would override some of the concerns I have expressed here today. I hope that does not happen, because I think that would be weakening, but there is always a back door, it seems, in Washington.

I think there is a real benefit to bringing the President into the loop. It is not just the benefit of accountability and making the President, if he catches a bit of mischief coming out of Congress, being complicit in it. He has the opportunity and responsibility to erase it. And this gives the American voters one more shot at accountability when the November elections come. Of course, it is the November elections that really are the core of democracy.

But beyond that, that extra accountability for the President, we have something that I think is very beneficial that has been alluded to by several of our speakers, and that is the interaction between the legislative and the executive branches in the process of developing the budget for our country as we go through the year.

I think that is a process that clearly is going to yield a better product than we have had so far, less surprises, both happy and unhappy, more predictable results, more efficient use of tax dollars, more on-time targeting of the way we spend our money. And I think we all come out ahead if we do this.

We do not present this legislation lightly. This has been well thought out. It has been through the mill, through the cooperative committee process, and I am very pleased to be associated with this legislation and look

forward to the opportunities for amendments.

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

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

Mr. Chairman, now is the time to give the President of the United States the line-item veto authority. This issue has been kicking around up her on Capitol Hill for decades, and has been discussed and chewed over, committees have heard testimony, and still we have not done what needs to be done and give the President this needed tool.

We already have an example of it working in our system of government. It has been field-tested in the 43 States that now have a line-item veto for their Governors. We have heard testimony in the committees from liberals and conservatives, from Republicans and Democrats, that the line-item veto works as a tool to keep the budget in line. There can be no doubt about that, and it is time that the President had a similar tool.

Beyond that, Mr. Chairman, I think it needs to be pointed out that in the last Presidential campaign, both the Republican candidate, the Democratic candidate, and the independent candidate all supported giving the President a line-item veto authority. It was as close to a consensus issue as there was in that campaign. The American people support it by the polls. I believe it is time we did what the American people want and give the President this very important tool.

Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. NEUMANN], one of the original sponsors of the line-item veto bill.

Mr. NEUMANN. Mr. Chairman, I believe this particular bill is important for a whole variety of reasons. First off, I will tell you when I campaigned last fall, I was concerned as to whether or not we would be able to actually keep the promises in the contract. This is important, because it is another one of those steps to keep the promises we made last fall during the campaigns.

More important than that, our Nation right now today is $3.8 trillion in debt. If every man, woman, and child in the whole country were to take out their checkbook and just pay off their share of the national debt, they would need to pay $18,500. For my family of 5, the Federal Government has borrowed $92,500. Just think about this. Over the last 15 years, this Government has borrowed $92,500 on behalf of my family of five. To just pay the interest on the national debt, my family must write out checks or pay taxes, if you like, of over $6,000 a year. The people in my district back in southeastern Wisconsin have average incomes of $32,000 a year, and yet they must write out checks just to pay the interest on the national debt of over $6,000 a year.

I strongly support this line-item veto and was one of the original sponsors, because I think it is one of two pieces of legislation that will stop this situation.

In Wisconsin, Governor Tommy Thompson has successfully used the line-item veto to hold down spending, to balance budgets without raising taxes on the Wisconsin people, and I believe we should be using those Wisconsin ideas here in Washington, DC.

The other reason I strongly support the line-item veto is because it is a bipartisan effort and it is very encouraging to me to come out here, being outside the world of politics, and be involved in a bill that has bipartisan support, where both sides of the aisle are working together to get it through. It is very, very important if we are going to reduce the Federal spending that we get this piece of legislation through.

I do not think this is the end-all. I think there are many, many more steps that are necessary to actually balance the Federal budget. But this is certainly a very important first step as we move forward on completing the items in the contract that we have pledged to the people last fall.

Mr. EMERSON. Mr. Chairman, I rise today in strong support of the line-item veto legislation. As a longtime author of a constitutional amendment to give the President line-item veto power I am pleased to take part in this important debate today.

As long as Congress continued to send the President jam-packed all-encompassing spending bills, the President often had to choose between signing unnecessary spending into law on one hand and shutting down the Federal Government on the other. Or, signing a bill that was 70 percent necessary, 30 percent unnecessary. A General Accounting Office [GAO] report estimated that if the President had line-item veto authority from 1984 through 1989, the savings would have ranged anywhere from $7 to $17 billion per year.

With the national debt skyrocketing toward $5 trillion and 1995 interest payments on the national debt totaling $339 billion, runaway spending must be stopped. The Federal deficit alone stands at $176 billion this year. To balance the Federal budget, every man, woman, and child in the United States would have to pay an additional $700 dollars in taxes this year. A Presidential line-item veto is the first step toward fiscal responsibility that will save taxpayers billions of dollars. This, coupled with the recently passed balanced budget amendment are important fiscal tools necessary to get our house in order. I urge support of this important legislation.

Mr. CUNNINGHAM. Mr. Chairman, I rise in strong support of H.R. 2, the Line-Item Veto Act. As an original cosponsor of this bill, I believe it is long overdue.

In fact, this is a historic occasion. This is the first time that freestanding line-item veto legislation has been allowed to come to the floor of the House. For years, the Democratic Congress refused to allow an honest vote on line-item veto legislation, despite the request of Presidents Reagan, Bush, and Clinton. Finally, under Republicans leadership, Congress will move to take this necessary and important action.

For years, Americans have been outraged by the provisions snuck into much larger bills by individual Members of Congress. With appropriations bills routinely running into the hundreds of billions of dollars, many Members of Congress grew quite adept in adding their pet provisions. Because the President's current veto authority is limited to an up-or-down decision on a bill, Presidents have been forced to sign bills containing Members' pet projects.

Here are few examples: In the fiscal year 1994 Agriculture appropriations bill, Congress added $221,000 for blueberry research at the University of Maine and $140,000 for swine research at the University of Minnesota. The Commerce/Justice/State bill contained $683,000 for fish laboratory repair in South Carolina and $400,000 to deal with the algal bloom crisis in Maui. The Energy and Water bill contained $50 million for one road project in West Virginia and $4 million for a program at Florida A&M University. The Treasury/Postal bill included $120 million for a courthouse in Phoenix and $96 million for a courthouse in Oregon. All of these items were cited by the Citizens Against Government Waste because they were either only requested by one Chamber of Congress, not specifically authorized, not competitively awarded, greatly increased in funding over the prior year, mainly of local interest, or not requested by the President.

Current rescission authority under the 1974 Impoundment Control Act hasn't worked. Last year, Congress made several sputtering attempts to enhance rescission authority. Given the extreme reluctance of Congress to take up actual rescissions, one wonders if the zeal for enhanced rescission in the past wasn't more directed toward keeping the line-item veto off the agenda than to truly improving the system.

H.R. 2 gives the President a permanent legislative line-item veto. With this authority, the President may strike or reduce any discretionary budget authority or eliminate any targeted tax provision in any bill. The President must prepare a separate rescissions list for each bill and submit his proposal to Congress within 10 days after signing the original bill.

The key to why line-item veto authority is better than enhanced rescission is in what comes next. Under line-item veto, the President's proposed rescissions are approved unless Congress passes a disapproval bill within 20 days after receiving them. Enhanced rescission legislation, on the other hand, disapproves the recommendations unless Congress acts. With line-item veto, the upper hand goes to the cutting side, where with enhanced rescission, the advantage goes to the spending side.

H.R. 2 sets out clear procedures for dealing with a line-item veto. The list sent by the President is unamendable. There are expedited procedures to bring a line-item list to the floor of the House and limits on debate time in the Senate.

The line-item veto will not solve our budget crisis. It will, however, do something equally important—help to restore the confidence of the American people in their government. It is time to give the President the same authority that 43 of the 50 Governors have. It is time for Congress to enact the line-item veto.

Mr. FAWELL. Mr. Chairman, for years I have supported a straightforward way to help solve Congress' lack of spending restraint: the line-item veto. Today, the House begins consideration of H.R. 2, a bill introduced as part of the Republican Contract With America,

which would provide the President with a permanent legislative line-item veto. Line-Item veto authority would permit a President to strike specific, wasteful spending projects from appropriations bills as soon as they reach his desk. The funding for any rescinded items would be canceled unless both the House and Senate could muster a vote of two-thirds to override the line-item veto.

In the past, the rescission procedure has proven to be too cumbersome. The burden has always been on the President to obtain congressional approval during a fixed period of time; Congress need do nothing to defeat a President's proposal. H.R. 2 would reverse this burden: Presidential proposals would become law unless Congress takes action to stop them.

With the line-item veto, Presidents can weed out wasteful pork-barrel spending or tax benefits that are tucked away in otherwise good bills. While some argue that line-item veto authority will have little effect on bringing the Federal budget under control, I submit that if we can't cut wasteful spending we will have little chance to make the tough decisions needed to balance the budget.

Author Brian Kelly, in his excellent book "Adventures in Porkland," described how pork-barrel projects—while not amounting in themselves enough to balance the budget—are the "grease" that lubricates the entire spending machine in Congress. He estimates that pork greases more than $100 billion annually. Members of Congress are often afraid to take on any spending programs for fear that a project funded in their district might be jeopardized. Thus, a few million dollars spent in Congressman X's district might keep him or her from cutting billions of dollars in other programs that they otherwise would oppose. This is where the line-item veto could really make a difference—it could change the culture of spending in Congress for good.

There are numerous examples of how the line-item veto would have remedied wasteful legislation. One of the best examples is the 1994 emergency spending bill intended for California's earthquake victims. In reviewing that bill, I discovered the following items, among others: $10 million for planning and development of a train station and commercial center in New York; $1 million for Hawaiian sugar cane mills; and, $1.5 million to dry dock and repair the Savannah, the world's first nuclear powered commercial ship, among others. Because the majority did not allow amendments to strike this pork from the bill, the President was faced with signing the bill in its entirety, with all of the pork included, or with vetoing the entire bill leaving California's earthquake victims without assistance.

Mr. Chairman, this floor debate on H.R. 2 this week follows on the heels of House passage of a balanced budget constitutional amendment. I urge my colleagues to support this long-overdue reform. A line-item veto will not, by itself, balance the Federal budget. It will, however, be another effective weapon in the fight to reduce the Federal deficit.

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

The CHAIRMAN. All time for general debate has expired. Pursuant to the rule, the amendment in the nature of a substitute as printed in House Report 104–15 is considered as an original bill for the purpose of amendment and is considered as read.

The text of the amendment in the nature of a substitute made in order by House Resolution 55 as an original bill for the purpose of amendment under the 5-minute rule is as follows:

H.R. 2

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Line Item Veto Act".

SEC. 2. LINE ITEM VETO AUTHORITY.

(a) IN GENERAL.—Notwithstanding the provisions of part B of title X of The Congressional Budget and Impoundment Control Act of 1974, and subject to the provisions of this section, the President may rescind all or part of any discretionary budget authority or veto any targeted tax benefit which is subject to the terms of this Act if the President—

(1) determines that—

(A) such rescission or veto would help reduce the Federal budget deficit;

(B) such rescission or veto will not impair any essential Government functions; and

(C) such rescission or veto will not harm the national interest; and

(2) notifies the Congress of such rescission or veto by a special message not later than ten calendar days (not including Sundays) after the date of enactment of an appropriation Act providing such budget authority or a revenue or reconciliation Act containing a targeted tax benefit.

(b) DEFICIT REDUCTION.—In each special message, the President may also propose to reduce the appropriate discretionary spending limit set forth in section 601(a)(2) of the Congressional Budget Act of 1974 by an amount that does not exceed the total amount of discretionary budget authority rescinded by that message.

(c) SEPARATE MESSAGES.—The President shall submit a separate special message for each appropriation Act and for each revenue or reconciliation Act under this section.

SEC. 3. LINE ITEM VETO EFFECTIVE UNLESS DISAPPROVED.

(a)(1) Any amount of budget authority rescinded under this Act as set forth in a special message by the President shall be deemed canceled unless, during the period described in subsection (b), a rescission/receipts disapproval bill making available all of the amount rescinded is enacted into law.

(2) Any provision of law vetoed under this Act as set forth in a special message by the President shall be deemed repealed unless, during the period described in subsection (b), a rescission/receipts disapproval bill restoring that provision is enacted into law.

(b) The period referred to in subsection (a) is—

(1) a congressional review period of twenty calendar days of session, beginning on the first calendar day of session after the date of submission of the special message, during which Congress must complete action on the rescission/receipts disapproval bill and present such bill to the President for approval or disapproval;

(2) after the period provided in paragraph (1), an additional ten days (not including Sundays) during which the President may exercise his authority to sign or veto the rescission/receipts disapproval bill; and

(3) if the President vetoes the rescission/receipts disapproval bill during the period provided in paragraph (2), an additional five calendar days of session after the date of the veto.

(c) If a special message is transmitted by the President under this Act and the last session of the Congress adjourns sine die before the expiration of the period described in subsection (b), the rescission or veto, as the case may be, shall not take effect. The message shall be deemed to have been retransmitted on the first Monday in February of the succeeding Congress and the review period referred to in subsection (b) (with respect to such message) shall run beginning after such first day.

SEC. 4. DEFINITIONS.

As used in this Act:

(1) The term "rescission/receipts disapproval bill" means a bill or joint resolution which only disapproves, in whole, rescissions of discretionary budget authority or only disapproves vetoes of targeted tax benefits in a special message transmitted by the President under this Act and—

(A) which does not have a preamble;

(B)(i) in the case of a special message regarding rescissions, the matter after the enacting clause of which is as follows: "That Congress disapproves each rescission of discretionary budget authority of the President as submitted by the President in a special message on _____", the blank space being filled in with the appropriate date and the public law to which the message relates; and

(ii) in the case of a special message regarding vetoes of targeted tax benefits, the matter after the enacting clause of which is as follows: "That Congress disapproves each veto of targeted tax benefits of the President as submitted by the President in a special message on _____", the blank space being filled in with the appropriate date and the public law to which the message relates; and

(C) the title of which is as follows: "A bill disapproving the recommendations submitted by the President on _____", the blank space being filled in with the date of submission of the relevant special message and the public law to which the message relates.

(2) The term "calendar days of session" shall mean only those days on which both Houses of Congress are in session.

(3) The term "targeted tax benefit" means any provision of a revenue or reconciliation Act determined by the President to provide a Federal tax deduction, credit, exclusion, preference, or other concession to 100 or fewer beneficiaries. Any partnership, limited partnership, trust, or S corporation, and any subsidiary or affiliate of the same parent corporation, shall be deemed and counted as a single beneficiary regardless of the number of partners, limited partners, beneficiaries, shareholders, or affiliated corporate entities.

(4) The term "appropriation Act" means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations.

SEC. 5. CONGRESSIONAL CONSIDERATION OF LINE ITEM VETOES.

(a) PRESIDENTIAL SPECIAL MESSAGE.—Whenever the President rescinds any budget authority as provided in this Act or vetoes any provision of law as provided in this Act, the President shall transmit to both Houses of Congress a special message specifying—

(1) the amount of budget authority rescinded or the provision vetoed;

(2) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved;

(3) the reasons and justifications for the determination to rescind budget authority or veto any provision pursuant to this Act;

(4) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the rescission or veto; and

(5) all actions, circumstances, and considerations relating to or bearing upon the rescission or veto and the decision to effect the rescission or veto, and to the maximum extent practicable, the estimated effect of the rescission upon the objects, purposes, and programs for which the budget authority is provided.

(b) TRANSMISSION OF MESSAGES TO HOUSE AND SENATE.—

(1) Each special message transmitted under this Act shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each special message so transmitted shall be referred to the appropriate committees of the House of Representatives and the Senate. Each such message shall be printed as a document of each House.

(2) Any special message transmitted under this Act shall be printed in the first issue of the Federal Register published after such transmittal.

(c) INTRODUCTION OF RESCISSION/RECEIPTS DISAPPROVAL BILLS.—The procedures set forth in subsection (d) shall apply to any rescission/receipts disapproval bill introduced in the House of Representatives not later than the third calendar day of session beginning on the day after the date of submission of a special message by the President under section 2.

(d) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—(1) The committee of the House of Representatives to which a rescission/receipts disapproval bill is referred shall report it without amendment, and with or without recommendation, not later than the eighth calendar day of session after the date of its introduction. If the committee fails to report the bill within that period, it is in order to move that the House discharge the committee from further consideration of the bill. A motion to discharge may be made only by an individual favoring the bill (but only after the legislative day on which a Member announces to the House the Member's intention to do so). The motion is highly privileged. Debate thereon shall be limited to not more than one hour, the time to be divided in the House equally between a proponent and an opponent. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(2) After a rescission/receipts disapproval bill is reported or the committee has been discharged from further consideration, it is in order to move that the House resolve into the Committee of the Whole House on the State of the Union for consideration of the bill. All points of order against the bill and against consideration of the bill are waived. The motion is highly privileged. The previous question shall be considered as ordered on that motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. During consideration of the bill in the Committee of the Whole, the first reading of the bill shall be dispensed with. General debate shall proceed without intervening motion, shall be confined to the bill, and shall not exceed two hours equally divided and controlled by a proponent and an opponent of the bill. After general debate the Committee shall rise and report the bill to the House. The previous question shall be considered as ordered on the bill to final passage without intervening motion. A motion to reconsider the vote on passage of the bill shall not be in order.

(3) Appeals from the decisions of the Chair relating to the application of the rules of the House of Representatives to the procedure relating to a bill described in subsection (a) shall be decided without debate.

(4) It shall not be in order to consider more than one bill described in subsection (c) or more than one motion to discharge described in paragraph (1) with respect to a particular special message.

(5) Consideration of any rescission/receipts disapproval bill under this subsection is governed by the rules of the House of Representatives except to the extent specifically provided by the provisions of this Act.

(e) CONSIDERATION IN THE SENATE.—

(1) Any rescission/receipts disapproval bill received in the Senate from the House shall be considered in the Senate pursuant to the provisions of this Act.

(2) Debate in the Senate on any rescission/receipts disapproval bill and debatable motions and appeals in connection therewith, shall be limited to not more than ten hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(3) Debate in the Senate on any debatable motions or appeal in connection with such bill shall be limited to one hour, to be equally divided between, and controlled by the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from the time under their control on the passage of the bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(4) A motion to further limit debate is not debatable. A motion to recommit (except a motion to recommit with instructions to report back within a specified number of days not to exceed one, not counting any day on which the Senate is not in session) is not in order.

(f) POINTS OF ORDER.—

(1) It shall not be in order in the Senate to consider any rescission/receipts disapproval bill that relates to any matter other than the rescission of budget authority or veto of the provision of law transmitted by the President under this Act.

(2) It shall not be in order in the Senate to consider any amendment to a rescission/receipts disapproval bill.

(3) Paragraphs (1) and (2) may be waived or suspended in the Senate only by a vote of three-fifths of the members duly chosen and sworn.

SEC. 6. REPORTS OF THE GENERAL ACCOUNTING OFFICE.

Beginning on January 6, 1996, and at one-year intervals thereafter, the Comptroller General shall submit a report to each House of Congress which provides the following information:

(1) A list of each proposed Presidential rescission of discretionary budget authority and veto of a targeted tax benefit submitted through special messages for the fiscal year ending during the preceding calendar year, together with their dollar value, and an indication of whether each rescission of discretionary budget authority or veto of a targeted tax benefit was accepted or rejected by Congress.

(2) The total number of proposed Presidential rescissions of discretionary budget authority and vetoes of a targeted tax benefit submitted through special messages for the fiscal year ending during the preceding calendar year, together with their total dollar value.

(3) The total number of Presidential rescissions of discretionary budget authority or vetoes of a targeted tax benefit submitted through special messages for the fiscal year ending during the preceding calendar year and approved by Congress, together with their total dollar value.

(4) A list of rescissions of discretionary budget authority initiated by Congress for the fiscal year ending during the preceding calendar year, together with their dollar value, and an indication of whether each such rescission was accepted or rejected by Congress.

(5) The total number of rescissions of discretionary budget authority initiated and accepted by Congress for the fiscal year ending during the preceding calendar year, together with their total dollar value.

(6) A summary of the information provided by paragraphs (2), (3) and (5) for each of the ten fiscal years ending before the fiscal year during this calendar year.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member offering an amendment that has been printed in the designated place in the CONGRESSIONAL RECORD.

□ 1350

Those amendments shall be considered as read.

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. BLUTE

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

The Clerk read as follows:

Amendment offered by Mr. BLUTE:

In section 2(c), strike ''paragraph'' and insert ''section.''

Mr. BLUTE. Mr. Chairman, this is a technical amendment called to our attention this morning by the Office of Legislative Counsel. It is due to a drafting error in that office.

It simply makes clear that the special message being referred to is the one described in section 2 as opposed to a nonexistent paragraph.

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

Mr. Chairman, we have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. BLUTE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CLINGER

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

The Clerk read as follows:

Amendment offered by Mr. CLINGER: In section 2(a), strike ''discretionary budget authority'' and insert ''the dollar amount of any discretionary budget authority specified in an appropriation Act or conference report or joint explanatory statement accompanying a conference report on the Act,''.

Mr. CLINGER. Mr. Chairman, the statutory line-item veto proposed in H.R. 2 is broader and stronger, as we have heard in general debate, than a constitutional amendment. It fulfills the President's request that we give him the strongest possible bill, which is what we are attempting to do.

Unlike a constitutional amendment, which simply permits the President to

line out spending items from appropriations acts, H.R. 2 permits the President to reduce or eliminate spending from bills and accompanying bill reports.

In addition, H.R. 2 permits the President to veto targeted tax benefits for 100 or fewer.

The purpose of my amendment is to clarify an area of potential misunderstanding in H.R. 2. Our bill is intended to permit the President to eliminate or rescind congressional earmarks for wasteful spending.

We all know that these earmarks can occasionally be found in bills but are more often hidden in report language to accompany those bills.

I think probably all of us have been sort of victimized by finding things that we were not aware of at the time. My amendment simply clarifies the understanding of our committee, I think, that the President may look to both bills and accompanying reports or manager statements in specifying rescissions proposals. In addition, my amendment makes clear that the President may not look to OMB or agency justifications or other types of documents to rescind funds for programs not specified by Congress.

Mr. Chairman, this amendment will relieve the concerns expressed, I think, legitimately expressed by some, that the President might, for example, retaliate against a particular judicial circuit, and that, I know, has been raised by the gentleman from Pennsylvania [Mr. KANJORSKI], by going beyond bill or report language to zero out funding for that circuit. As was discussed in my committee, that was not the intent and never was the intent of H.R. 2. This amendment simply spells out in statutory language that understanding.

In addition, my amendment addressed the concerns of some Members that the President might attempt to strike statutory language he finds objectionable in an appropriations bill.

While I have been assured by both legislative counsel and CRS that H.R. 2 does not permit such action, my amendment reaffirms that limitation by specifying that the President may only rescind dollar amounts, not bill language.

I think this confusion arises from the fact that in some States the Governor does have the power to actually effect statutory language. It was never our intent to give the President that additional authority, which would really enable him to effect policy and change or undercut congressional actions by changing statutory language.

This will just merely make it very, very clear that all we are talking about is dollar amounts.

I would urge the amendment's adoption.

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

Mr. Chairman, I do so for the purpose of asking the gentleman from Pennsylvania a question regarding his amendment. I know that the language of the amendment is identical to language already in the committee report that purports to describe the bill as reported.

On page 12 of the committee report on H.R. 2, it is stated, and I quote,

> we decided on enhanced rescission for several reasons. It permits Congress to continue appropriating with lump sums. After a President signs an appropriations bill, he may propose for reduction or elimination any dollar amount specifically identified in a bill or committee report or joint explanatory statement accompanying a conference report on that act.

Should we conclude then that the description of the President's line-item veto authority which I read refers to the language in the gentleman from Pennsylvania, Mr. CLINGER's amendment rather than the language of the bill as reported?

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

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

Mr. CLINGER. Mr. Chairman, the purpose of the amendment, I am sorry, I did not her the entire statement, but the purpose, I want to reemphasize, is to make it very clear that it was our intent that the President not be able to look beyond statutory or report language. That is the absolute limit as to what he is able to look at or impact. There had been some suggestions that this was kind of an open sesame, that we were going to allow the President sort of to roam through all kinds of extraneous documents and extraneous material to affect the report. We are going to make it very clear that this is a severely limited power and that it is limited to appropriations bills, statutory bills, and committee reports.

Mrs. COLLINS of Illinois. Let me ask then what might be an accurate description of the bill as reported? I understand that the original draft of the committee report, which was distributed to each member in our markup, was actually written by the Congressional Research Service of the Library of Congress and the CRS experts on these matters described the authority this bill gave the President quite differently than the way it is described in the version of the report which I read.

Let me quote from the original draft report which the Congressional Research Service prepared. It said, ''moreover, after a President signs an appropriations bill, he may go as deep as he likes within an appropriations account to propose specific rescissions.''

Clearly, this describes the President as having unlimited authority to reach within a particular appropriation passed by the Congress and to cut spending for specific projects and programs such as administrative expenses for a Federal court that may have rules against a President on an important matter.

The question then is does the gentleman agree with the CRS assessment that the President's line-item veto authority under H.R. 2, as reported, is in fact unlimited, that a President may go as deep as he likes within an appropriations account to cut specific projects?

Mr. CLINGER. Mr. Chairman, if the gentlewoman will continue to yield, he may within the appropriations bill. The purpose of this is to say that he cannot go outside of these specifically enumerated sources to do that. It would allow, yes, deepening. CRS was cooperating with us in that language.

Mrs. COLLINS of Illinois. If the language in H.R. 2 concerning the President's line-item veto authority did not change, the question is, why was this section of the report changed from the original CRS draft in which the President is identified as having unlimited authority to the version in the filed report which identifies limitations on the President's authority. There seems to be considerable confusion on the part of the proponents as to just how broad the President's authority in this bill actually is.

The description of the President's authority in the filed committee report is clearly not accurate. I believe this is a good example of why the majority should not be racing through the legislative process to bring complicated matters like the line-item veto act to the floor of the House. We should first make sure we fully understand what these proposals do.

The gentleman's amendment also makes dollar amounts in committee reports subject to the Presidential rescission. Why does the amendment refer to committee reports? Is it intended to give the President a basis for describing the budgetary authority he is rescinding? Is it not the result that the President is being constrained by Congress through something short of public law, and is that not an action that would run counter to the Supreme Court's decision in INS versus Chadha?

It appears that this would be using the committee report to alter, and I quote, ''the legal rights, duties and relations of persons outside the legislative branch.''

What then is the practical effect of this amendment and does not the amendment merely provide the appearance of definiteness and specificity?

□ 1400

Mr. CLINGER. If the gentlewoman will yield, the amendment's point, I think, is to try to make clear the limitations that we are imposing with this amendment.

I think that the gentlewoman is right, there has been some confusion about this. We have been trying to say, Look, we are trying to limit this to dollar amounts, and we are limiting to dollar amounts in committee reports as well.

The suggestion that somehow we are going to be affecting policy decisions made in committee reports or changing the emphasis is just not right. The whole point of this is to make it very

clear that this is a limited authority we are giving, that we are not allowing a broad-ranging, free-wheeling President to go around changing all kinds of things, so it is a limited thing.

Obviously, the gentlewoman does not think that it is specific enough, but I think from my vantage point it does make it much clearer what we are trying to accomplish.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MS. PELOSI

Ms. PELOSI. 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. PELOSI: Section 2 is amended by adding at the end the following new subsection:

(d) LIMITATION.—No special message submitted by the President under this section may change any prohibition or limitation of discretionary budget authority set forth in any appropriation Act.

Ms. PELOSI. Mr. Chairman, I offer an amendment which states that no special message submitted by the President under this section may change any prohibition or limitation of discretionary budget authority set forth in any appropriation act.

That is what the amendment says.

Mr. Chairman, I propose this amendment as one who rises in opposition to the line-item veto legislation. I oppose the legislation strenuously because I think that it does damage to the balance of power and separations of power set forth by our forefathers in the Constitution.

In fact, I believe that in order for us to truly have a line-item veto as is contained in this legislation, that it should require a constitutional amendment and change in our Constitution, so disruptive do I believe it to be of the balance of power.

Others have referenced in the previous amendment, in fact, and then I know my colleague, the gentleman from Virginia [Mr. MORAN], will have one addressing the judiciary, but it would enable a President to even be able to affect not only the actions of Congress, but also affect the activities of the judicial branch, the third branch of Government, so it is from that perspective, the perspective that says that our forefathers did not want the executive branch to have this much authority.

Indeed, the Presidency of the United States is a very strong position, but our forefathers did not want a king. Hence, they wrote a Constitution which gave the executive branch powers which were appropriate to a system where we had a balance of power, and not a monarchy.

Again, I say, Mr. Chairman, it is from that perspective that I offer this amendment, not in support of the legislation that is on the floor, but in clarification and mitigation of the powers that this legislation gives to the President of the United States.

Mr. Chairman, frequently in legislating appropriation bills Congress retains power to prohibit spending through clauses such as ''no such funds appropriated under the act may be used for,'' and then the list,; for example, years ago that was how funds were withheld from funding the Vietnam war; or to limit spending through such provisions as ''no more than x number of dollars shall be used for,'' and then you fill in the blank for what that limitation may be.

So the purposes of the amendment, Mr. Chairman, is to clarify that under this legislation the President does not have the authority to use the line item veto to strike congressional prohibitions or limitations on spending in any appropriations bill.

While I believe this language is consistent with what was reported from the Committee on Government Reform and Oversight, I believe that this amendment is necessary to make it very clear that this is the congressional intent.

With that, Mr. Chairman, I would like to engage the chairman of the committee, the gentleman from Pennsylvania, [Mr. CLINGER], in a colloquy.

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

Ms. PELOSI. I am pleased to yield to the gentleman from Pennsylvania, the chairman of the Committee.

Mr. CLINGER. Mr. Chairman, I support the gentlewoman's amendment. I think it makes a valuable addition to the bill. It makes it very crystal clear that this authority that we are giving to the President is very limited in what he can do. It is limited to dollar amounts. I think it is a very constructive and helpful amendment.

Ms. PELOSI. Reclaiming my time, Mr.Chairman, that would say, then, that the understanding of this legislation of the chairman of the committee, with the passage of this amendment, is that the President does not have the power to remove prohibitions or limitations on funds?

Mr. CLINGER. If the gentlewoman will continue to yield, that is right, has no power to change authorizing language in any respect whatsoever. I think that is the intent of the gentlewoman's amendment. That is what it does.

Ms. PELOSI. I thank the gentleman.

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

Ms. PELOSI. I am pleased to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, I thank the gentlewoman. I certainly concur with the chairman of the committee, the gentleman from Pennsylvania [Mr. CLINGER].

Mr. Chairman, I wanted to tell the gentlewoman she was making great progress on this issue until she mentioned Vietnam. We will let that go by and just say that we prefer that if we accept her amendment, that she be in favor of the bill. However, nevertheless it is redundant, but it does speak to the clear intent of the bill, and we would certainly have no objection to it, either.

Ms. PELOSI. I thank the gentleman. Mr. Chairman, I think this is an example of where, as the gentleman is a supporter of the bill and I am an opponent of the bill, that I am seeking to mitigate the impact of the legislation, and I am pleased that it is acceptable to the majority side.

I thank the gentleman from New York [Mr. SOLOMON] and the chairman of the committee, the gentleman from Pennsylvania [Mr. CLINGER], for their support of the amendment.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MORAN

Mr. MORAN. Mr. Chairman, I offer amendment No. 1.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MORAN: At the end of section 2, add the following new subsection:

(d) LIMITATION ON APPLICATION.—This Act shall not apply to any discretionary budget authority for the judicial branch of the Government.

Mr. MORAN. Mr. Chairman, the purpose of this amendment is simple. It exempts the judicial branch from the provisions of this bill. It is not meant to gut the intent of this bill in any way, and certainly is not any kind of dilatory tactic. In fact, I trust that there are as many constitutional scholars on the Republican side of the aisle as the Democratic side of the aisle, so I would assume this would be a bipartisan amendment.

Imagine, Mr. Chairman, this scenario: a new President comes to office, promising an activist agenda. In his first 100 days he offers sweeping new initiatives that create new Government programs, impose new regulations on different sectors of the economy, and greatly revolutionizes the current system of Government, but this President's new ideas run up against a very resistant judiciary.

The Supreme Court does not agree with what he wants to do, so one provision after another of this New Deal of legislation is overturned and declared unconstitutional. The President becomes frustrated, and tries to bend the will of the courts. The courts resist, and become even more intransigent. The President tries to pack the court with people that agree with him, but he is unsuccessful.

What does he do? He punishes the courts, but in a number of very subtle ways. He cuts their funds for bailiffs,

he cuts their travel funds so they cannot travel anyplace, he refuses the request for new judgeships, he cripples the court.

Does this sound farfetched? Well, it happened. It happened under President Franklin Delano Roosevelt. Mr. Chairman, this scenario could happen again if this legislation is passed without this amendment.

Mr. Chairman, one of the most important foundations of our system of Government is the separation of powers. It is advanced and guaranteed by the independence of our judicial branch, and the independence of our judiciary is secured by its independent budgeting authority.

This was not always the case. Before 1939, Mr. Chairman, courts were administered through the Justice Department, within the executive branch. They had to submit their budgets through the President, and this placed the power and authority over the fiscal affairs that were necessary for the conduct of those courts in the hands of the chief litigant before those very same courts.

Congress recognized the inherent conflict of interest that dependence of the judicial branch upon the executive branch could cause.

□ 1410

And so it created the Administrative Office of the U.S. Courts, to ensure that the courts were removed from that undue influence.

Today the President does not have the authority to modify the judiciary branch's budget requests. He has to submit them to the Congress unchanged. That is a law. Congress then has the full authority to appropriate funds for the judicial branch. But under no circumstances can the President punish the court because he disagrees with its judgment.

This law would repeal that law, because it returns us to the situation before 1939 and once again gives the chief litigant before the U.S. courts the authority to reduce or to eliminate specific appropriations for those courts.

As the gentleman just explained, he can reach in, inside the line item appropriation that funds the Supreme Court or any other court of appeals, and he can pick out individual activities that would not represent a blip on the budget. They are less than 0.01 percent. But those kinds of activities are dependent upon those thousands of dollars, taking them away could cripple the ability of our courts to conduct the business of this Government, because the law says he can veto all or any part of a line item of an appropriations bill.

That is exactly what some President in the future, will do with this line-item veto authority, and I would remind our colleagues, we are not just passing legislation for 100 days or one term of Congress but in fact for the rest of American history. This is profoundly important.

The CHAIRMAN pro tempore [Mr. HOBSON]. The time of the gentleman from Virginia [Mr. MORAN] has expired.

(By unanimous consent, Mr. MORAN was allowed to proceed for 3 additional minutes.)

Mr. MORAN. Mr. Chairman, I want to emphasize that this amendment has nothing to do with busting the budget, it represents less than .1 percent of the budget, but has everything to do with busting the principle of separation of powers.

The gentlewoman from the District of Columbia [Ms. NORTON], just joined us. I want to mention a point she made in committee, because it is terribly important for us to focus on this. Sometimes when we can focus on specific situations, we understand the principle involved.

The gentlewoman from the District of Columbia [Ms. NORTON] reminded us of how President Eisenhower contacted Chief Justice Earl Warren during consideration of Brown versus Board of Education and told the Chief Justice he did not think the country was ready to desegregate our public schools. But the Chief Justice was able to ignore the President and do what I think was right, what I think the American people know was right, because he did not have to go to the President the next January hat in hand and ask for the money to conduct the Court or for whatever additional bailiffs or clerks were necessary, because he had independence from the President of the United States, from the executive branch.

The goals of this legislation are noble. We must reduce Federal spending and protect the taxpayer from unauthorized and unjustifiable pork spending. But the judiciary is not and never has been part of the problem. Not one dime in the judiciary account is spent for Members' projects or for pork. In the process of accomplishing something else, let us not destroy the independence and the autonomy of our judicial system to cure a disease that simply does not exist.

I implore my colleagues, please pass this amendment. Maintain the separation of powers and show the respect of our Founding Fathers in the Constitution that has endured for the last 200 years.

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

Mr. Chairman, let me say that this issue is an important issue. It is an important one that was considered at great length during deliberations on this matter in the committee. The amendment was offered by the gentleman from Virginia and was defeated 29 to 17 on a bipartisan basis.

I must say that I really respect the gentleman from Virginia a great deal and I know of his interest and concern in this matter. I appreciate his concern for the judicial branch. I certainly share his interest in ensuring that our Federal court system obtains the resources it needs to remain strong. That is the gut issue here.

I am not convinced, however, that an exemption from the item veto is required in order to maintain that strength.

Our Founding Fathers were very deliberate when they established our tripartite system of Government, and I do not believe they accidentally stumbled onto a system where Congress appropriates funds subject to Presidential approval and veto. They devised that system intentionally, made no exception to the general appropriations presentation-veto process for the judiciary. They treated all branches the same, just like any other program, branch or agency, including Congress and the executive branch where there are equal opportunities to engage in the sort of mischievous conduct that the gentleman from Virginia foresees in this instance if we do not exempt the judiciary.

The judiciary was required to seek and justify the funds it needs before both Congress and the President. That process has not been substantially changed in over 200 years. The judiciary is not currently exempt from either the traditional veto or the existing empowerment process.

This would represent a change from existing procedures. Under the empowerment process, the judiciary is not exempted. For Congress to provide what I consider to be a really sweeping and unique exemption without careful consideration would in my judgment be imprudent.

Even though the House and the Committee on Government Reform and Oversight in particular have considered the Federal empowerment process numerous times over the past 20 years and have held dozens of hearings on the issue, I must tell the Committee that our entire consideration of the judicial exemption issue, in addition to the debate we had on the gentleman's amendment, was rally a 15-minute presentation at a single hearing that we held by one Federal court judge about 2 weeks ago.

I might also state that we have reviewed all of the 43 States that have a line-item veto to see if in fact there is an exemption provided for the sort of thing that the gentleman from Virginia seeks to do at the national level, and there is no such exemption on any of the States that have the line-item veto.

Because I do not believe that it is wise for the House to provide an exemption which fundamentally alters the treatment of the judiciary vis-a-vis the other branches and every other Federal account without careful consideration, I must oppose the gentleman's amendment.

Mrs. COLLINS of Illinois. Mr. Chairman, I move to strike the requisite number of words and to support the Moran amendment that exempts appropriations for the judiciary.

Mr. Chairman, this amendment points out very clearly that this bill has implications for our whole system of Government that go far beyond cutting the Federal deficit.

The independence of the Federal judiciary is a cornerstone of our democracy and it is directly threatened by the power H.R. 2 gives the President.

Do we really want the President to have the extraordinary power this bill would give him to cut funds for the administrative expenses of courts whose decisions he might not like?

Some would say the Congress already appropriates funds for the judicial branch, so why not give the President this role?

However, there is an important difference. The legislative branch is not a party to many cases before the Federal judges. However, about 50 percent, half, of all cases before the Federal courts involved the executive branch as a litigant. Clearly the executive branch has plenty of reason to want to influence Federal judges.

Unfortunately, this bill gives the President the ability to exercise that influence in a very deliberate and a very direct way.

I would ask my colleagues to just stop a moment and think back to past Presidents who have had major issues before the courts. As has already been mentioned by the gentleman from Virginia, President Franklin Roosevelt went to great lengths to defend the New Deal programs against challenges before the courts.

□ 1420

President Nixon fought bitterly to prevent the release of the Watergate tapes.

It was also President Nixon's refusal to spend funds Congress appropriated, I would remind my colleagues, that caused Congress to enact the Impoundment Control Act.

Can anyone here say that a strong and determined President would not use the line-item veto authority in H.R. 2 to influence judicial rulings? Of course not. It is far too great a risk for this Congress to be taking in the name of deficit reduction.

I would remind my colleagues that it was concern about Presidential pressure on the judiciary by President Franklin D. Roosevelt again that led to the enactment of the Budget and Accounting Act. We talk about accountability. The Budget and Accounting Act, under this law, the judiciary submits its budget requests to the President, and the President is required to transmit them on to the Congress without change.

If we do not adopt the gentleman from Virginia's amendment, we will have effectively nullified the Budget and Accounting Act. Even though the President would not be able to change the judiciary's budget before it is submitted to Congress, he could use his authority in H.R. 2 to line-item veto the judiciary budget after it is enacted by Congress.

Does this make any sense? I do not believe the American public will think their interests have been well-served when they find out this bill compromises the independence of the Federal court system.

To millions and millions of Americans—minority citizens, women, the poor—the Federal courts have been their strongest, and at times their only defender. In many cases, the issues before the courts have not been popular, and judges have had to make difficult decisions.

I, for one, do not want to make it more difficult for the courts to uphold and protect the civil and constitutional rights of our citizens.

Whether you are for the line-item veto, or not, I firmly believe that it is in all of our interest not to tamper with the independence of our Federal courts. I urge each and every one of my colleagues to vote for this amendment.

It makes good sense to do so, it is constitutional to do so, and it is the right thing to do.

Mr. SOLOMON. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, the gentleman from Pennsylvania [Mr. CLINGER] has made for Members all of the good arguments against this amendment. So we will try not to repeat those.

But as far as the salaries of judges are concerned, article III, section 1 of the Constitution, and you have a copy of it over there, prohibits this body from fooling around with their salaries.

As far as courthouses are concerned, they do not even come under the judiciary budget.

I used to be on the Public Works and Transportation Committee with my friend from Pennsylvania, Mr. CLINGER, over here. Courthouses come under the Treasury and Post Office appropriation, not under the judiciary budget.

But the thing that really gets under my skin is when I hear my good friend, the gentleman from Virginia [Mr. MORAN], stand up and he says this item only counts for one-tenth of 1 percent of the budget. How many times have I heard that?

You know, last March I introduced a balanced budget on behalf of about 50 Republicans and Democrats. It cut everything almost across the board, some more than others because it was program specific. But I got calls from all over this country saying, ''You know, this program only takes one-tenth of 1 percent.'' Well, one-tenth of 1 percent of the budget adds up to a lot of money. We just finished putting people like me in that bind.

My friend, the gentleman from Massachusetts, JOE MOAKLEY, who was chairman of the Committee on Rules, had so much staff running around that they were coming out of his ears, and we cut his staff back in this Congress by a whole third. Do my colleagues know what? It is functioning very, very well. I got about half of what he had, and we are still doing the job.

But we set the example for the rest of the Federal bureaucracy. Now we are going out and we are going to shrink the rest of the Federal bureaucracy, hopefully by a third or more.

And that is true of the judiciary as well. They have got a lot of employees over there. But if we are going to shrink the Congress, and if we are going to shrink the Federal Government, and General Motors and G.E. and IBM and everybody else are going to downsize, I think the judiciary could be downsized a little bit too, if a President saw fit to do so. That is all. It is very clear.

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

Mr. SOLOMON. I am glad to yield to the gentleman from Virginia.

Mr. MORAN. I thank the gentleman for yielding.

First of all, I never mentioned the actual salaries of judges and we know that that is not affected. But certainly the salaries of the clerks, the administrative personnel, any travel money, bailiff money. Now there are incidental expenses, and I think it is an important point to make that this is not really relevant to the budget issues before us.

I would ask the gentleman, has he ever heard of any pork on any issue within the judiciary appropriations? I was on the appropriations subcommittee that provided the money. It is a small amount; it does not increase much each year.

The courthouses which have been controversial, come under the General Services Administration. That is not under this budget, we are talking about that. We are talking about just incidental expenses to conduct the operations of the Supreme Court and the U.S. Circuit Court. Their caseload has gone way up, there is a long delay. We are trying to expedite the process of the criminal justice system in this country and here we are going to make an issue out of this relatively small amount, all in the guise of line-item veto.

Mr. SOLOMON. Let me just reclaim my time by saying last year the judiciary request was for $3.1 billion, a lot of money. This Congress did not give them $3.1 billion, I think we gave them $2.8 or $2.9 billion, because we did not feel they needed it.

We are the keeper of the purse strings.

Mr. MORAN. That is five one-hundredths of 1 percent of the budget.

Mr. SOLOMON. Now a billion here, a billion there, we are talking about a lot of money.

The gentleman's amendment is not the only amendment pending. There are 31 of them out there. A number of them have exemptions in them. There is another one coming up to exempt the legislative branch. Should the legislative branch be exempted? No; the

answer is no. And we should not exempt anybody. Let us put them all in the pot and I think any President, Democrat or Republican, is going to be fair. It is his responsibility to run this Government. Ours ought not to be micromanaging, but legislating and passing laws. Let the President run the country.

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

Mr. Chairman, I rise in strong support of the amendment which I am cosponsoring today with my friends, the gentleman from Virginia [Mr. MORAN] and the gentlewoman from the District of Columbia [Ms. NORTON].

Mr. Chairman, at the outset I want to assure my colleagues that this amendment is not some frivolous attempt to cripple this bill.

It is not our purpose to argue with or pull a fast one on those who feel that the line-item veto is needed to control spending.

The budget of the judicial branch is a minuscule part of the Federal budget. This is not about balancing the budget or cutting pork.

Our amendment is even more important: safeguarding the judicial branch from the possibility of intimidation, the possibility of pressure from the President.

For 200 years, the Federal courts have been the guarantor of individual rights and the dispenser of both justice and mercy in our legal system.

More than any other institution of our Government, the courts made possible—despite enormous opposing power—the full rights of citizenship for millions of African-Americans and other minorities.

The judicial branch of Government also deals with some of the most controversial and emotional issues in our society—issues that are also among the most difficult for us to deal with.

As my colleagues have pointed out, our history is replete with Chief Executives using whatever tools at their disposal to pressure or intimidate the judiciary and thereby exercise improper influence over its decisions.

The Nation's founders did not trust, nor should we trust, the President's good sense, or his sense of duty or honor, to protect the judiciary from undue influence and to insure its independence.

Mr. Chairman, we are all politicians here. All of us know the practical uses of political power in all of its subtleties. We use our power to send messages, to change policy, to influence decisions, and to get results.

Maybe not today, maybe not 10 years from now, but someday in our future—as has been the case in our past—some President will be locked in battle with the courts.

I say to my colleagues, if you believe that every President of the United States will always ''do the right thing''—that the President of the United States will always use his power responsibly, then you should vote against us.

But if you mistrust too much power in the hands of the Executive—as did this Nation's founders; if you believe in our system of checks and balances; if you believe in a free and independent judiciary; if you believe that Congress has the responsibility and the obligation—as we all swore on this floor 4 weeks ago, when we took the oath of office—''to preserve, protect and defend the Constitution of the United States,'' then you should vote for our amendment.

□ 1430

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

Mr. Chairman, I think those of us in the majority have a great deal of respect and admiration for the gentleman from Virginia. He is an able member of the Government Reform and Oversight Committee and adds a lot to the debate on that committee and did on this particular issue which was dealt with extensively in the committee.

We join him in believing in an independent judiciary. We do think that that is a cornerstone of our democracy. But we also believe that his amendment puts the judiciary on a higher plane than the other branches of Government, and in so doing tilts the balance of power toward one branch.

The Founders clearly wanted a system of checks and balance where each branch would be able to counteract the excesses of the other branches, and they particularly wanted that to happen when two branches got together on something, as the gentleman's amendment is putting forward.

The Founders dealt with this particular issue and decided that only salaries—only salaries would be cordoned off and protected in the Constitution, but that everything else would be in play in terms of our system of checks and balances. They did that, I think, in a narrow way for a very good reason, that the judiciary is not above scrutiny, is not above the checks and balances that we seek in our system of Government.

This bill does not change the Budget and Accounting Act. The judicial budgets would still flow through the executive to the legislature unchanged, but after the legislature intervened and dealt with the judicial budgets, then it is proper that the President would be able to exercise his ability to act as a check and a balance on that budget, and that is what the existing situation is, and that is what the line-item veto would allow the executive to do.

We heard great testimony from the State governments and the Governors who have a line-item veto, and in most cases, if not in all cases, the Governors are not precluded from using their line-item veto with regard to judicial expenditures, and that is as it should be. Governor Weld of Massachusetts described a situation that often happens, not only in Massachusetts but in many States in which legislative appropriators get together with the judiciary to form a kind of deal in which levels of budgets are set and, indeed, numbers of court officers are set, and at what court they will be stationed and even to the extent of who will hold those court officer jobs, and more often than not those jobs ultimately end up being held by the political cronies of the legislative appropriators.

I believe that the executive, the Governor, should have the right to discipline that process, to act as a counterbalance when the legislature and the judiciary get together on something like that.

And so it is proper that they would be able to veto, use a line-item veto, to say, ''Hey, folks, wait a minute, that is not proper. It is not good for the taxpayers, the deal that you struck on court officers and the level of your budget, and the Governor is going to veto that.'' That is a proper check and a proper balance.

I would ask, how is the relationship between the Legislature and the judiciary somehow above these checks and balances? They deserve to be scrutinized as forcefully and as vigorously as any other branch.

And finally, with regard to the fact that the Executive is a litigant before the Federal courts, which is true, but it is also true that the courts can interpret legislative laws and, indeed, from time to time strike down congressional action as unconstitutional. So it is not a complete separation with regard to that.

I think the amendment offered by the gentleman from Virginia is a mistake. I think we should reject it. I think we should pass a strong line-item veto bill for the President of the United States.

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

Mr. Chairman, we spent a lot of time in committee. I do not think that it was expected that we would spend as much time, but the debate was, indeed, revealing, and many Members simply had not spent a lot of time thinking about the judiciary and the role it plays or might play generally.

For this amendment, for example, there were Members who thought that in effect what you could do is to strike a line from the judiciary budget, and the debate clarified that you could get down to the lowest level of expenditure, because you could strike a partial expenditure as well.

What was fascinating about the debate was that there was not always a deep appreciation for the uniqueness of the judicial branch. Many Members think of the judicial branch—and you have heard some of the debate this evening—as just like the rest of us, just one of the rest of us. That is what I want to speak to.

Indeed, I rise to speak for the branch that cannot speak for itself, and in that respect it is particularly different

from the two other branches. I do not rise to speak as a lawyer partial to the judicial branch. On the contrary, I was one of the leaders in committee in the 103d Congress to cut 10 percent from courthouses, but we were cutting from the GSA budget, not the Article III budget, the Article III court budget.

This House, of course, can cut from that budget in open debate for the world to hear and see, and you would have to be able to do that because the Framers understood they would have to leave the purse power for all branches here. When we found that there were luxurious courthouses that were heavily influenced by the judges themselves, we took the judges out of what the judges should not be in, the courthouse-building business.

But we do not ever want to give even the appearance of getting into judges' business, and what I have heard here does not show a true appreciation for both fact and appearances from the Congress, a branch for whom appearances do not mean nearly what they must mean for the courts.

Of course, we have a precedent of actual interference with the judiciary through the budgetary process, and I do not speak, of course, of the F.D.R. packing of the Court, because perhaps that kind of overt activity is most easily checked. It is the chipping away at the budget that is far easier to cover up or pass off as budget-cutting, especially when you need a two-thirds vote to override a veto.

Retaliation to the courts does not have to be very large to be very effective or to put in play a branch that should never be in play with us and where we should only have something to say about how much money they spend and just leave it as it be, and particularly leave them far away from the executive.

□ 1440

The courts are a sitting target for the Executive because it is the Executive that is the prime litigator before the courts, and they have a massive opportunity to tick the Executive off precisely because the Executive is always there before them. The Congress was so concerned about what in fact exists in actual precedent that the Budget and Accounting Act says that the Executive has to submit the budget of the Judiciary as is. We are told that nothing here would change this. Nothing would change that, of course; instead of a crack on the front end we open a crack on the back end. If you mean the Budget and Accounting Act, and you act like you mean it, then you don't give up a whole lot when you leave the judiciary independent; you do give up a whole lot when you say we are going to treat the Executive the way we treat everybody else, no different from anybody else.

Go back to Civics 101: You do not have to go to law school to appreciate that the courts are different, and we have to concede that they are different. There are reasons for safeguards here. You have to ask yourselves, ''Yes this will be another check.'' But I ask you is that check on the courts worth it? Is it worth giving the appearance that the Congress would like to get to a part of their independence, allow the Executive to get to a part of their independence, as indeed he could do.

The Executive and the Congress are not independent branches; we are meant to be responsive branches. In that way we are very different from the judiciary. We, the Congress, and the Executive are much more alike than the judiciary is like either of us. They deal with cases and controversies, especially cases and controversies involving the Executive. We do not. We must keep them out of the fray.

The CHAIRMAN pro tempore (Mr. HOBSON). The time of the gentlewoman from the District of Columbia has expired.

(By unanimous consent Ms. NORTON was allowed to proceed for 2 additional minutes.)

Ms. NORTON. I thank the Chairman.

We must keep them out of the fray, we must keep them from appearing even to be in the fray. There is such a strict sense of ethics in the profession that the judiciary may only come to Congress and testify on limited matters, even when those matters involve themselves. We must engage in conflict avoidance when it comes to the judiciary. We must show restraint when it comes to the judiciary.

It was no part of the intent of the sponsors of this bill to alter the balance of power between the Executive and the judiciary. The intent clearly was to alter the power balance between the Executive and the Congress.

We do not seek to alter this balance here. We do not need to alter this balance here. It has never been much of a temptation. Yet we are creating the impression we would like to open up that temptation.

The judiciary cannot speak for itself today. There is a good reason for that. That reason is to completely depoliticize the judiciary. Ironically, their silence, their mandated silence is part of their independence.

So I rise to speak for an independent judiciary. Our bill loses nothing by insisting that the judiciary remain impregnable as a matter of fact and as a matter of appearances.

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

Mr. Chairman, I missed some of the debate, but if I heard correctly, the gentleman from Virginia [Mr. MORAN] says the President cannot alter the budget of the judiciary submitted to him by that branch. I do not think the gentleman from Virginia would argue that somehow the Congress is bound not to alter the request that we get from the judiciary in the appropriations bill. That just would not make sense. Of course, as I believe the chairman of Committee on Rules pointed out, the judicial branch last year actually got a little less from us than they wanted, than they submitted.

The point I am trying to make is I do not think we should treat the branches of government differently and put one above and out and off the reservation because of some concern that someday we might have intimidation or some other thing.

That is all part of the give and take of the process. We are trying to open up the process, open it up to the sunshine, saying this is an orderly way to submit a budget, everybody will honor the budget. Then it goes through a process. Then when we add the powers we have to do the business of governance in our Nation and clarify what should be done and should not be done, that is the process. If we find we are spending more than we are taking in, then we have the opportunity for some rescission.

It is at that point that we work together with the executive and say, together, how do we deal with this prioritizing where we want to spend our money. I think that is the point we are trying to make. I think the point you all are trying to make is that we are somehow going to have to set the judiciary off the reservation; it would be out of the process because they are somehow sacrosanct. I just do not think that is an accurate description of the way it is supposed to work. I think we are all supposed to equally participate. If there is belt tightening, it is everywhere. If we accomplish all budgets that are appropriate, then we will do that.

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

Mr. GOSS. I am happy to yield to the gentleman from Virginia.

Mr. MORAN. Mr. Chairman, I thank the gentleman for giving me the opportunity to clarify.

There is a 1939 law that prohibits the executive branch from altering the budget request of the judiciary.

Now, it is up to the legislative branch to pare back, to make sure that it is an appropriate request. We have done that every year. Last year I think we cut it—I think the gentleman mentioned $3.1 down to $2.8 million. They took their share of the cut along with everyone else. We do not have a conflict of interest with the judiciary. We do not litigate half of the cases before the Supreme Court. That is why that 1939 law was put in.

So I have to correct what the gentleman suggested. The President, the executive branch does not have the right to alter the judiciary appropriation, which is a budget request at that point. This law would give the President the ability to change our appropriation level, which does not have to be what was requested. The Appropriations Committee has full latitude to appropriate whatever we want. But we have no conflict of interest with the judiciary. This law says that after we make our decisions then the President can change those decisions and, for

what would not be certainly budgetary reasons but would be political reasons, can change the budget of the judiciary branch; a very small amount of money.

Mr. GOSS. Reclaiming my time, I would say there are no guarantees in any legislation that we are proposing that I am aware of that is going to provide all of the protections from politicalness. I do not believe anybody has come up with that legislation. I think the gentleman has a point on his side of it and we have ours, I think.

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

Mr. GOSS. I yield to the gentleman from Massachusetts.

Mr. BLUTE. I thank the gentleman from Massachusetts.

Mr. Chairman, this bill does not affect the Budget and Accounting Act. The budget would still flow through the executive untouched. But once the legislative branch was involved then, rightly so, the executive branch should be involved also in our system of collection and balances.

If there are tremendous changes made by the legislative, it seems to me the executive should be involved also.

Again, with regard to this idea that somehow the legislature has nothing to do with the courts, there are no conflicts there, there are. The courts ultimately interpret our laws and from time to time strike them down as unconstitutional. That is a pretty intimate relationship.

Mr. MORAN. Mr. Chairman, will the gentleman from Florida [Mr. GOSS] further yield?

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

Mr. MORAN. I thank the gentleman for continuing to yield.

Mr. Chairman, I have to remind the gentleman that the legislative branch is not a litigant before the Court. That is a problem. The Justice Department, the executive branch litigates half of the cases that come before the Court. That is where the conflict of interest exists. We do not have a conflict of interest here except in very minor areas.

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

Mr. Chairman, I wish I had the eloquence and the power to try to reach out to the Members of this House today and give some idea of the depth of harm we are doing. But I know that the die is cast on this bill and that my words would just go into the RECORD and be forever lost.

The Delegate from the District of Columbia was right, we had a lengthy debate on this issue in the committee, and I think frankly it is one of the best that I have ever heard.

I suppose those of us who stand up on the floor from day to day and try to talk about the Constitution, the separation of powers, must sound quaint and even old fashioned because I know that the new day has dawned and the thing they are going to do is to keep their word with the contract.

□ 1450

The question that keeps plaguing me is: What possible reason does anyone have to believe that a President of the United States is going to be infallible, benign, upright, and totally altruistic? As a matter of fact, when someone said awhile ago we did not want to raise the judiciary above the other branches, what we are doing is raising the executive above all other branches, and, as someone said again this morning, that we are giving the ultimate weapon to the executive. When our Founding Fathers decided the best way to keep politics out of government was to have three equal branches of government, they knew what they were doing. If we do not believe in checks and balances anymore, then let us go headlong into this business of simply giving to someone at 1600 Pennsylvania Avenue the right to decide whatever is going to happen in the Congress of the United States.

I have talked to some of the Members whose States have line-item vetoes, and in many cases it amounts to little more than an opportunity for blackmail. One Member told me in his State every member puts in everything in the world in the bills that anybody asks them to knowing they will get about a third of it, and they say, ''The Governor killed it,'' and the Governor can also say, ''If you want that water project in your district, son, you better support me for reelection.''

There is no protection from that and no reason for us to believe that what we are handing over today, would not be a weapon that could be used in a political way. The only protection we have is what we have now, and this is a strong three-part government that we are quickly dismantling.

I do want to make a plea for the amendment offered by the gentleman from Virginia [Mr. MORAN] that the courts are different. We are not talking about the bricks and mortar. It is not the buildings that we are so concerned about, and Lord knows we are going to keep costs down, and we have done that; that is our job here. We are talking about their freedom to make the best judicial decision they can make unfettered by pressure.

Why in the world would we go back to the days that many of us lived through in the Watergate era when a President of the United States did everything he could to influence the courts? But thank G-d for the Constitution of the United States that he was unable to do it.

Surely, as we rush to dismantle the Constitution and the government that has been the envy of the world and that has stood us in such good stead for over 200 years, we can at least make some sense out of what we are doing today, and, if we think, and many Members in this House think, that they do not have the brains, or the will, or the backbone, or the gumption, or the honesty, or even the decency to do the right thing, and they have got to let the President do it for them, at least let us do what has been suggested before. Let us speak for the branch that cannot speak for itself. Let us not destroy the judiciary of the United States which has made sure over the years that we have maintained who we are and maintained what we are.

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

Mr. Chairman, I love the fact that we have for the first time in many, many years an open debate on what truly is a very important piece of legislation, and I know there are some Members who think it may take too long, but I have learned a lot from my colleagues on the other side, and I also have thought a lot about this issue, as they have, and want to weigh in.

I hear talk about an independent judiciary, and I want to say without any hesitation that I want the same independence, that I want the same independence that I see in the judiciary. I want to see that maintained, and I take some exception to an argument that says that somehow this amendment will give them the independence that they would not have if this amendment were not to pass.

This amendment is wrong because it flies in the face of separation of powers. We in this amendment would give to the legislature a power that it does not deserve. We would give the power for the legislature to have the same kind of manipulation that is seen in the President because the President maybe has been a Republican President for so long that they tend to think that way and think that all virtue is in the legislative branch. It is not. That is why our Founding Fathers made sure there were three separate branches with three separate powers.

I want the judicial branch to be the judicial branch. I want the legislature to be able to bring forward appropriations. I want the President to utilize the power to veto when he thinks there is excess. I do not want to create an island unto itself within the judicial branch, so I stand firmly in support of an independent judiciary.

What I think happens if this amendment were to pass is, when the judges come or their people come and sit down in that room with the legislative branch, there is a cozy possibility of a relationship, and somehow the argument that 50 percent of the litigation is the executive branch, implying that the executive branch, as the lawyer for the legislative branch, is totally in agreement with everything it brings before the court, it is enforcing our law, my law, the law of the legislative branch passed into and signed by the President. But maybe it was a previous President. Maybe it was not the President who is now President. He may not even agree with the legislation that he is having to defend because he is required to as the executive branch person.

When I hear questions to the gentleman from Massachusetts [Mr.

BLUTE] and to others implying that somehow the President is the litigant, he is the attorney representing the client. We are the client. But somehow it is all right for the client and the judiciary to be in bed together in the sense of making their budget without the oversight of the executive branch. I think the executive branch should weigh in.

And when I look back at the Federalist Papers, that is what our Founding Fathers thought as well. Madison in Paper 47 said he proclaimed that accumulation of all powers, legislative, executive and judiciary, in the same hands, whether of one, a few, of many, and whether hereditary, self-appointed or elective, may justly be pronounced the very definition of tyranny.

I say to my colleagues, you think, as you argue this, that you are protecting the judicial branch in our government. I think you are hurting it. I think that we want separation. I believe with all my heart and soul, whether you agree with me or not, that I want the separate power. I don't want the executive branch being a judiciary branch. I don't want the judiciary branch being a legislative or executive branch. I want to keep them separate, and by keeping them separate we have a check and a balance.

So, I calmly, I calmly, object to the kind of comment that says that maybe we do not understand what is happening. I think we do, and I think my colleagues do as well. I just think that we come from it from a different perspective.

I believe that our Founding Fathers were right. I say to my colleagues, I believe our Founding Fathers didn't want two to team up against one. I don't think they wanted to leave one branch out so it couldn't weigh in, and I think, when you have three, you guarantee there will be fairness and that one won't become dominant, and just as some of my colleagues, who rightfully know that the judicial branch, in particular as it relates to civil rights issues, has been your champion, just as it has been, there may be some day when it isn't your champion. It may be that the executive branch is your champion, and it may be the judicial branch——

The CHAIRMAN pro tempore (Mr. HOBSON). The time of the gentleman from Connecticut [Mr. SHAYS] has expired.

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

Mr. SHAYS. It may be that the executive branch is your champion and my champion on this issue and that the judicial branch isn't. It could be a different court. It could be filled with different people.

In response to the question, do I think all virtue is in the executive branch: of course not. In response to the question, do I think all virtue is in the judicial branch: of course not. In response to the question, do I think all virtue is in this place: no, I think it is not, and that is why I want that balance, and that is why I want those powers separate, and I will fight as hard as I can to somehow cut out one branch from the process that it was given to us by the Founding Fathers.

I know we are all sincere here, and at the end I could be wrong, but I feel this as passionately as my colleagues do on the other side.

□ 1500

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

Mr. Chairman, I rise in support of the amendment of the gentleman from Virginia [Mr. MORAN] and against the line-item veto.

Mr. Chairman, when the 20th century concludes, there will be but two nations who end this period of history with the same form of government with which the century began. All others have fallen victim to revolution or tyranny, internal or external. Only the United States and Britain remain. And if there is a common thread through their forms of government that may account for their survival, it is the concept of limited executive power and the separation of the powers of government.

Our Founding Fathers believed that the principal threat to American liberty would never be a foreign foe, no invader or tyrant. It would be within us, if anyone succeeded in concentrating executive powers. So, based on their own experiences with the British monarchy, they sought to divide the executive powers of this country to assure that there was no concentration. They recognized, as we have experienced, that it would often be inefficient, sometimes wasteful, always slow, and, as indeed history has proven, it would be very frustrating, but that indeed nothing else could assure the continuation of liberty.

Under this system we have seen the appointment of Presidential powers; taxation powers to the Congress, appropriation powers; declaration of war to the Congress; Commander in Chief to the President. But the balance has worked.

Now some would have us believe that one man, a President, would better serve this country by having the power to rewrite or eliminate entire appropriations. Their argument rests first on the notion that there is no other alternative to reducing spending. This ignores the fact that in our constitutional scheme, there is already a right to reduce spending through rescission. Indeed, in the last 20 years Presidents have proposed 72 billion dollars' worth of rescissions, and this Congress has approved 92 billion dollars' worth of rescissions.

Second, their argument rests on the fact that they believe we are duplicating a constitutional arrangement that is already successfully implemented in the States. But a President, with his vast powers of war and peace, control of our liberties and our economies, is not simply a larger Governor. He has powers of a vastly different proportion.

But even if the argument were accepted, the power of rescission to both reduce and eliminate appropriations is denied 40 Governors, specifically denied them, for the very reasons we cite here today.

So we do not duplicate the experience of the States, we greatly exceed it.

Third, even if these arguments are not accepted, there is not evidence that these powers being given to each executive would in fact have a meaningful impact on expenditures.

Indeed, the Public Administration Review has studied 45 States that have a line-item veto, and concluded:

> It is easier to portray the line-item veto as an instrument of executive increasing power, rather than an instrument for fiscal efficiency. The line item veto probably has had a minimal effect on making state government more fiscally restrained.

Fourth, the entire proposal is based on the assumption that somehow Presidents have a monopoly on good judgment, that somehow they would be fiscally more responsible.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. TORRICELLI] has expired.

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

Mr. TORRICELLI. Mr. Chairman, the experience of this Congress in our own time has been exactly the opposite. Our national debt has increased by fourfold not because of a Congress, but because of the very executive power that you are using today to control spending. It was, after all, during the Reagan and Bush administrations where they proposed spending in excess of the spending proposed by budgets within this Congress against restraint attempted in this Congress that this deficit was created.

But indeed, Mr. Chairman, none of these arguments compare with the concern for our constitutional government. Our country has been blessed with leaders like George Bush, Bill Clinton, Gerry Ford, and Jimmy Carter, who, even if they possessed executive power, would not have abused it. But who here can be certain that will be true for all time? Who would serve on a Watergate Committee if Richard Nixon had this power over your district? How would the Vietnam war have been different if Lyndon Johnson had had the power to control your districts if you voted against appropriations? And what of Harding and Teapot Dome, or Franklin Delano Roosevelt, as the gentleman from Virginia has suggested, over the courts? How would American history have been different?

I know that our country is troubled, and I know that we have problems. But this constitutional arrangement has withstood civil wars, international conflict, and a depression, and served

this country well. Certainly no problem before us today is so great that it would require us to change this balance of powers, as our fathers before us refused to do in times of much greater national peril.

The proper power of this country with regard to appropriations belongs in the People's House. If that power is not handled well, the people have a remedy with elections. It is best not taken away from the people themselves.

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

Mr. Chairman, I would just like to take probably less than 5 minutes to bring forth a couple of points that have been made here. One is, I do not think there is anybody in this Chamber who is any less protective than anybody else of the 435 of us of the three separate branches of government. I think it is something we have all learned and we all recognize. I have never heard anyone in this Chamber at any time before I got here or since I have been here who has in any way attacked that particular premise, and my judgment is that this legislation, the line-item veto legislation, does not really attack that particular premise.

I believe that the three branches of government continue to be protected. If we were really concerned about the involvement of the President with respect to the Federal judiciary, I would think we would have legislation before us to take away the right of the President to appoint the members of the Federal judiciary, who I might add are paid very well, they are paid for life, and they have lifetime appointments. So I do not think they feel very threatened by what this Congress may do in this particular legislation.

Obviously, as has been explained here, I think the gentleman from Virginia [Mr. MORAN] explained it, the money we are dealing with here is really funding of some of the clerical and other functions of the judiciary. It is clearly an issue of concern to them, but I do not think in any way could this Congress or the President of the United States either overturn or influence the judiciary with changes in that particular area.

But I have looked back, and it has been said on this floor before and it should be repeated, that as far as I know, none of the line-item vetoes in any of our 43 States pertains to an exception for the judiciary. It just does not exist. I do not know of any exceptions for any parts of those governments.

Generally when a line-item veto has been granted, when it has been sought in the history of this Congress, it has been sought for the entire spending programs that may be in a budget, and nobody has been exempted before, no part of the budget has been exempted before.

I should also point out that under this particular legislative line-item veto, that Congress can override a presidential veto. Yes, you have to go through a majority vote and a two-thirds vote, but indeed it can happen.

□ 1510

I would suggest by that that if a President would do what some Members have insinuated that a President might do or possibly could do, they would do this at high political risk. There is not a single Member who is opposed to that who would not rise to it and say that the President had no right to line-item veto that particular item. We feel that was wrong and we feel that President should pay for it. I think politically they would pay for it.

I would also point out that in the framework of the work that is done by the Budget Committees and within this Congress and by the President, we have always set the budget of the judiciary. It is something that has always been up to the other two branches of Government. It is not set by the judiciary. I think we need to remember that as we continue to debate this argument.

Also, if we start here with the judiciary, and admittedly we are talking about a branch of Government so it seems to have a greater ring of importance to it, but the bottom line is, if we start there, are we going to start to exempt other areas of importance. How about a President who does not like defense? Are we going to start to deal with that, or EPA or something of that nature?

I think for all of these reasons that the argument is actually, while it is important and the earnestness of those who are making it is absolutely sincere and real, and I believe that, my view is that this particular argument, while it is not de minimis, is of much less importance in terms of the ability to influence the judiciary than has been made here today.

For all these reasons, I oppose this particular amendment. And I assert that the line-item veto should continue as it is, unfettered by any exemptions to it so the President and the Congress can work together to have better budgetary processes in this country.

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

Mr. Chairman, I rise in support of this amendment. I might add I knew nothing of the purpose or the need for such an amendment until I attended the hearing which our committee held on this particular bill. I think it bears emphasizing that this amendment was not originated in our committee. It was requested by the judiciary conference and a representative of the judiciary came and asked for it specifically.

Basically I think it is worth stressing that if we adopt this amendment, we lose very little in terms of strengthening, bolstering, building up the budget process, which is the purpose of this bill, but we gain a great deal in terms of protecting our political processes.

What are the purposes of this bill after all, H.R. 2?

No. 1, it is to cut spending, cut spending and reduce the deficit. Frankly, I think it is vastly oversold. I doubt that it will really have more than a footnote's impact on the deficit reduction when the history of the rest of this decade is written, if it is indeed passed.

I think the more important purpose of it is to restore public confidence in the appropriations process in this Government, particularly in this Congress. The people want to know that the budget has been scrubbed. They want to know that we have culled out and the President has the power himself independently to cull out and clean up the budget and get rid of anything that is unwarranted or wasteful. It gives the public some additional authority, a little more confidence in this institution, which is sorely wanting.

But we can adopt this amendment and should adopt it and not detract one wit from either one of those purposes because the amount of money we are talking about here is miniscule. This will leave, even if we adopt the amendment, the entire discretionary budget, $545 billion on the President's veto pad. He can still wield his veto pen as to all of the expenditures in defense and everywhere else in the budget.

Indeed, if the proponents of this bill, H.R. 2, are concerned about this amendment because it is a tiny exception, it is a small loophole, they really should focus on two amendments that we are going to offer later in this process. One is to expand the coverage of the President's veto so it extends the contract authority implemented in public works bills. That is worth considering. It has vastly more significance than this particular amendment here. Or they should look at the Tax Code and the amendment we will offer that deals with tax expenditures which is spending by another name implemented through the Tax Code.

Those two amendments would vastly expand the reach of the President's veto power and undergird the purpose of this bill a lot more than this minor amendment which we are talking about here, minor in terms of detracting from the budget process.

So we have an alternative, if we want to make this bill more effective. We can pass this bill, as the gentlewoman from the District of Columbia said, and lose nothing, really. But we gain a great deal in terms of our independence. We do not detract in the least from the line-item veto power, but we do defend a concept that has lasted for 200 years, a concept that we cherish in this country, that is judicial independence, the independence of our judicial branch.

Mr. Chairman, I yield to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, I certainly thank my friend, the gentleman from South Carolina. In fact, there is less need to stand up, after listening to my colleagues make the arguments so

eloquently, more eloquently than I have been able to, but I would certainly underscore the point that we are not talking about anything that is particularly relevant to balancing the budget here, we are talking about approximately one one-hundredths of 1 percent of the budget.

So it is not an issue of money and there has never been an issue with regard to the judiciary branch appropriation. We cut it each year, the legislative branch does. And it amounts to a little bit of money.

But even if we eliminate it entirely, all the functions of the judiciary branch, it is not going to create a blip on the Federal deficit. But I think it would do profound damage to the structure of this Government.

And my friend from Connecticut, who has left, said that we might have a different opinion if there was a different party in the White House, if it was a friend versus someone we oppose politically. I would remind my friend from Connecticut and anyone else who was persuaded by that argument that in 1939, when the law was passed that we are really addressing, it was an overwhelmingly Democratic Congress. They had to show a tremendous amount of political courage to say: Wait a minute, there is something wrong here. There is something wrong. The President is abusing the fundamental principle of separation of powers.

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

Mr. Chairman, I rise in support of the amendment of the gentleman from Virginia [Mr. MORAN] which would exempt spending for the judicial branch from the scope of the line-item veto legislation.

In the debate on another amendment, I rose in opposition to this legislation, the line-item veto legislation, because I believe it gives too much power to the executive branch. And the tradeoff, in turn, to reduce deficit spending is not enough to justify that exchange.

But whether we agree or disagree on what form the line-item veto should take, whether it is two-thirds to override a President's veto or whether we agree or disagree on whether there should be enhanced rescission with a simple majority to get a particular project back into the appropriations bill, I think we should remove all doubt in everyone's mind that we all do agree that the separation of power is important to us, that we are true to the commitment of our Founding Fathers of separation of power.

I think this is a sad day when we are abdicating to the executive branch what our Founding Fathers did not give them.

My only hope and encouragement I received is from the leadership of the gentleman from Virginia [Mr. MORAN]. I think it is completely appropriate that he is presenting this amendment, that he has worked so hard on it, and it is in the spirit of our Founding Fathers from Virginia that he carries on their legacy.

Mr. Chairman, I yield to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, I thank my very good friend from California so much, particularly for her very kind words.

There is no question that whereas the Founding Fathers, many of whom came from Virginia, will remain in our memory, I am not going to remain in anybody's memory after I am out of this House. And in fact, the people that stood in this very body and that cast the vote in 1939 to establish a law protecting the separation of powers are lost from memory. We do not remember their faces or their names or even their words.

□ 1520

However, their action was remembered because they did the right thing. They showed a whole heck of a lot of political courage in standing up to an extremely popular and almost domineering President.

Members can be sure that there was a lot of pressure on them to do the easy thing, to let it go, but they would not, because they understood that the structure of our Government was threatened, so they said, ''No, Mr. President, you cannot do that. We have got to make the judicial branch independent,'' because we have three branches of Government.

When we are in conflict, we need that third branch of Government to render an independent judgment. That is what the American people ought to be able to depend upon. Every American voter ought to have the security that the structure of our Government, which has endured for 200 years, which has been a model for the whole rest of the world, will continue in its enduring form.

Mr. Chairman, I do not want to get too melodramatic here on this vote. I do not want to overstate the case. However, I think it would be difficult, really, to overstate this case, because in the process of trying to respond to what the polls tell us and to what the public sentiment seems to be, to cut the budget, to give the President extraordinary powers, to eliminate pork and so on, we are going to do real damage to the fundamental underpinnings of our democracy.

Mr. Chairman, I would urge my colleagues to act as that Congress in 1939 acted, to show the kind of political courage that they showed, to do the right thing as they did, to sustain our separation of powers, and to maintain the independence of the judicial branch of Government.

Mr. Chairman, the issue cannot be overstated. I thank all of my friends and colleagues who have stated the argument so much better than I. Mr. Chairman, I would urge this body to support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. MORAN].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 119, noes 309, not voting 6, as follows:

[Roll No 85]

AYES—119

Abercrombie
Ackerman
Barrett (WI)
Beilenson
Berman
Bishop
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Danner
de la Garza
Dellums
Dingell
Dixon
Doggett
Durbin
Engel
Eshoo
Evans
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoyer
Jackson-Lee
Jefferson
Johnson, E. B.
Johnston
Kennedy (RI)
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Mascara
McDermott
McKinney
Meehan
Meek
Menendez
Mfume
Mineta
Mink
Mollohan
Moran
Obey
Olver
Owens
Payne (NJ)
Pelosi
Peterson (FL)
Pomeroy
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Schroeder
Scott
Serrano
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Thurman
Torricelli
Towns
Tucker
Velazquez
Vento
Waters
Watt (NC)
Waxman
Wise
Woolsey
Wynn
Yates

NOES—309

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Farr
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	Livingston	Roukema
Goodling	LoBiondo	Royce
Gordon	Longley	Salmon
Goss	Lucas	Sanford
Graham	Manzullo	Sawyer
Greenwood	Martinez	Saxton
Gunderson	Martini	Scarborough
Gutierrez	Matsui	Schaefer
Gutknecht	McCarthy	Schiff
Hall (OH)	McCollum	Schumer
Hall (TX)	McCrery	Seastrand
Hamilton	McDade	Sensenbrenner
Hancock	McHale	Shadegg
Hansen	McHugh	Shaw
Hastert	McInnis	Shays
Hastings (WA)	McIntosh	Shuster
Hayes	McKeon	Sisisky
Hayworth	McNulty	Skaggs
Hefley	Metcalf	Skeen
Heineman	Meyers	Smith (MI)
Herger	Mica	Smith (NJ)
Hilleary	Miller (FL)	Smith (TX)
Hobson	Minge	Smith (WA)
Hoekstra	Molinari	Solomon
Hoke	Montgomery	Souder
Holden	Moorhead	Spence
Horn	Morella	Stearns
Hostettler	Murtha	Stenholm
Houghton	Myers	Stockman
Hunter	Myrick	Stump
Hutchinson	Neal	Talent
Hyde	Nethercutt	Tanner
Inglis	Neumann	Tate
Istook	Ney	Tauzin
Jacobs	Norwood	Taylor (MS)
Johnson (CT)	Nussle	Taylor (NC)
Johnson (SD)	Oberstar	Thomas
Johnson, Sam	Ortiz	Thornberry
Jones	Orton	Tiahrt
Kanjorski	Oxley	Torkildsen
Kaptur	Packard	Torres
Kasich	Pallone	Traficant
Kelly	Parker	Upton
Kennedy (MA)	Pastor	Visclosky
Kennelly	Paxon	Volkmer
Kildee	Payne (VA)	Vucanovich
Kim	Peterson (MN)	Waldholtz
King	Petri	Walker
Kingston	Pickett	Walsh
Kleczka	Pombo	Wamp
Klug	Porter	Ward
Knollenberg	Portman	Watts (OK)
Kolbe	Poshard	Weldon (FL)
LaHood	Pryce	Weldon (PA)
Largent	Quillen	Weller
Latham	Quinn	White
LaTourette	Radanovich	Whitfield
Laughlin	Ramstad	Wicker
Lazio	Regula	Williams
Leach	Riggs	Wilson
Lewis (CA)	Roberts	Wolf
Lewis (KY)	Roemer	Wyden
Lightfoot	Rogers	Young (AK)
Lincoln	Rohrabacher	Young (FL)
Linder	Ros-Lehtinen	Zeliff
Lipinski	Roth	Zimmer

NOT VOTING—6

Becerra	Harman	Moakley
Collins (GA)	Miller (CA)	Nadler

□ 1540

The Clerk announced the following pair on this vote:

Mr. Moakley for, with Mr. Collins of Georgia against.

Mr. BRYANT of Texas and Mr. KANJORSKI changed their vote from ''aye'' to ''no.''

Mr. WYNN changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. HARMAN. Mr. Speaker, during Rollcall Vote No. 85 on H.R. 2 I was unavoidably detained. Had I been present I would have voted "no".

Mr. WELDON of Florida. Mr. Chairman, I move to strike the last word.

Today, I rise to fulfill my promises to the people of Florida's 15th District.

We have a debt of nearly $5 trillion.

Our Government has run a deficit in 33 of the last 34 years

Today each newborn's share of the national debt is about $17,000, and will reach over $28,000 by the time this child reaches the 1st grade.

We will spend $310 billion to pay the interest on our debt this year. The interest alone is about $4,600 per year for a family of three, such as my own family.

We must stop burdening our children.

Like the balanced budget amendment, the line-item veto is long overdue.

In combination, these two bills will go a long way in limiting expenditures and helping cut waste out of the budget.

Past attempts at line-item veto legislation have failed to produce cuts, primarily because these bills left the final authority for cutting the funding with those who appropriated it in the first place.

We have all heard the examples of waste that numerous private and government studies have pointed out.

This line-item veto has teeth and gives the President permanent authority to cut out wasteful spending.

For the first time, the weight is in favor of cuts, not against them.

Along with the balanced budget amendment, this will help us bring fiscal responsibility to our Government.

Every expenditure will be forced to stand on its own merit.

Democratic Congresses rejected giving a Republican President the line-item veto, they even rejected giving a Democrat President a true line-item veto.

Today the Republican Congress gives a Democrat President and every future President line-item veto authority.

This is the clearest demonstration of just how serious the new Republican Congress is to ensuring a bright future for our children.

We recognize that our children's future is on the line.

Republicans continue keeping our promises to the American people.

AMENDMENT OFFERED BY MS. SLAUGHTER

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

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

The text of the amendment is as follows:

Amendment offered by Ms. SLAUGHTER: Paragraph (3) of section 4 is amended to read as follows:

(3) The term ''targeted tax benefit'' means any provision which has the practical effect of providing a benefit in the form of a different treatment to a particular taxpayer or a limited class of taxpayers whether or not such provisions is limited by its terms to a particular taxpayer or class of taxpayers. Such terms does not include any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status.

Ms. SLAUGHTER. Mr. Chairman, I offer this amendment in cooperation with my colleagues, the gentleman from Wisconsin [Mr. BARRETT]. This language has attracted strong bipartisan support in the past and we hope that it will continue today.

Mr. Chairman, the title of H.R. 2 says the bill's purpose is, ''to give the President item veto authority over appropriations and targeted tax benefits in revenue Acts,'' but if we examine the statement more deeply we discover it is only half true. The legislation does extend the President's authority over appropriations quite dramatically.

The second half of the stated goal is not fulfilled. The definition of a targeted tax benefit in H.R. 2 is extremely narrow and arbitrary, and as a rule the President is unable to rescind special tax loopholes that are hidden in revenue bills.

I have concerns about the potential I see in H.R. 2 to upset the careful balance of power established by the authors of the Constitution.

I also have doubts about the implicit assumption that the President is necessarily tougher on the deficit than Congress. In the last 20 years Congress has approved $92 billion in rescissions, $20 billion more in cuts than the President has requested in the course of those two decades.

But if the majority party in committed to shifting this power to the executive branch, then I would at least urge that we put everything on the table, both appropriations and tax loopholes.

As introduced, H.R. 2 only allowed the President to use the veto on tax provisions that benefited five or fewer taxpayers. By voice vote, the committee increased this threshold to 100 people or companies.

But whether the number is 5 or 100, however, it does not go far enough. The legislation still protects tax breaks which pander to special interests and add billions of dollars to our budget deficit.

□ 1550

We have all seen the lobbyists lingering in ''Gucci Gulch,'' the famous corridor outside the Ways and Means hearing room. Their sole purpose is to secure sweetheart deals for their wealthy clients. The Slaughter-Barrett amendment recognizes that any Washington tax attorney worth his salary could get around the ''100 or fewer taxpayers'' provision. As spending caps get tighter, inserting special tax breaks will be the only way Members can take home the bacon. Every forward-looking lobbyist knows that tax breaks are the future of pork.

Simply stated, our amendment ensures that the President can rescind any tax benefit which gives special treatment to a group of taxpayers.

I cannot claim, Mr. Chairman, to be the first office holder to spot this disparity, nor the first to support a broader definition of tax benefits as the solution. In fact, the Slaughter-Barrett

amendment has a long and distinguished pedigree in conservative circles. Republicans have offered the exact same language not once, not twice, but three times. We hope that Republicans and Democrats alike will again support it.

Our definition of ''targeted tax benefit'' was first offered on the floor of the House by former minority leader Bob Michel in April 1993, when he offered a friendly amendment to the Solomon-Castle substitute to H.R. 1578. This amendment passed by a vote of 257 to 157, on an extremely broad bipartisan basis.

I would like to emphasize again that our language is exactly the same as Mr. Michel's, word for word.

This year, our precise definition is found again in S. 14, the line-item veto bill introduced by Senate Budget Committee Chairman PETE DOMENICI, word for word.

More significant, Republicans continued to think that this broad definition of ''tax benefit'' was a good idea, because they included it in the Contract With America. In the best-selling version of the contract that you can find in bookstores today, right on top of page 33, our distinguished Speaker and majority leader explain that a targeted tax benefit is ''a provision that provides special treatment to a particular taxpayer or limited class of taxpayers.'' That language is found here in our amendment, but not in the bill.

When the Republican Conference released the legislative language for the contract, the line-item veto bill again included language identical to the Slaughter-Barrett amendment—word for word. But when the bill was introduced, this broad definition was gone—replaced by the ''five or fewer taxpayers'' wording.

Our amendment also has the support of the Concord Coalition, certainly a leader in efforts to reduce the deficit. In a letter to me written yesterday, the coalition's executive director wrote:

> Many tax provisions function as back-door entitlements and confer substantial economic benefits to upper income individuals and special interests. If Congress passes legislation that creates new tax entitlements or expands existing ones, the President should have the opportunity to veto them.

The CHAIRMAN pro tempore (Mr. HOBSON). The time of the gentlewoman from New York [Ms. SLAUGHTER] has expired.

(By unanimous consent, Ms. SLAUGHTER was allowed to proceed for 1 additional minute.)

Ms. SLAUGHTER. Mr. Chairman, the line-item veto aims to extract pork from legislation passed by Congress. This amendment recognizes that tax pork is every bit as insidious as spending pork.

So I urge my colleagues to practice some truth in advertising. When the reading clerk stood up on the House floor earlier to designate this bill, he said:

> A bill to give the President item veto authority over appropriation acts and targeted tax benefits in revenue acts.

We do not want a half-truth right in the title of this bill. If our goal is truly to continue the progress we've made in cutting our budget deficit, then we must scrutinize both spending and taxes. If they are serious about cutting the pork, then both sides of the aisle will vote for this amendment.

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

Mr. Chairman, I yield to the distinguished gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank my distinguished colleague for yielding.

Mr. Chairman, I wanted to respond to my good friend, the gentlewoman from New York.

I was the original author of the Targeted Tax Relief Disclosure Act for the last five sessions of Congress. I reintroduced it yesterday. I have introduced that legislation in every session of Congress since I have been here, starting in 1987. In fact, Mr. Chairman, I introduced that legislation as a result of a series in the Philadelphia Inquirer about the 1986 tax reform act written by Bartlett and Steel.

That legislation had up to $30 billion of targeted rifle-shot tax provisions stuck in that bill. As a result of that, I introduced my legislation which I have again reintroduced in this session that does not eliminate rifle-shot provisions.

What it says is we must identify ourselves up front, who is going to benefit up front, how much the transition rule or tax break is going to cost the American people.

I find it somewhat ironic that we are debating this on the floor today, because the previous chairman of the Committee on Ways and Means stopped talking to me when I introduced the legislation. As a matter of fact, for the past four sessions I could not even get that amendment ruled in order on the House floor.

I went to the Committee on Rules on every tax bill that came before this body, and the chairman of the Committee on Rules on the majority side and the chairman of the Committee on Ways and Means would not let me offer my amendment, and here we are saying that our side does not want to go far enough.

Well, Mr. Chairman, I find that somewhat ironic, because I have been pushing this issue for the last 9 years.

Now, I am not satisfied. I think we should have a total prohibition in Ways and Means of giving these anonymous transition rules, not that sometimes they are not deserved, but a Member should identify himself or herself and be willing to make the case on this floor or in committee publicly when they want to give those breaks out.

So I think we ought to go further, but to say somehow we have a double standard is just not true.

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

Mr. BLUTE. Mr. Chairman, I yield to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. The gentleman from Pennsylvania [Mr. WELDON] is one of my dearest friends. I am sure he is absolutely accurate. The Committee on Rules probably did not accept his amendment but it has been voted for on the floor.

It may have been they gave Mr. Michel precedence over your request 2 years ago. It was Mr. Michel who made the amendment on the floor.

Mr. WELDON of Pennsylvania. If the gentleman will yield further, it was Mr. Michel. For the past five sessions it has been my bill called the Targeted Tax Relief Disclosure Act which has had bipartisan support which I have argued on every tax bill coming up before the Committee on Ways and Means and eventually on this floor that has been ruled out of order.

Mr. BARRETT of Wisconsin. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I feel betrayed. I feel betrayed standing before my colleagues in the House of Representatives, because last session I went out on a limb, and I did what I thought was right for the American people.

The language that we have before us today is the identical language that was presented to this House by the Republican floor leader last year, Mr. Michel.

I and a number of my Democratic colleagues bolted from our party to support this, because we thought, mistakenly it appears, that he was sincere and that the Republicans were sincere about having a line-item veto be a true weapon in the fight against our deficit.

Let me tell you what Mr. Michel said at that time about the exact same words we have before the House today. Mr. Michel said:

> Quite frankly, if you are for special interests, then vote against my amendment. If you are for a more complex Tax Code, then vote against my amendment. If you believe the President should not be held hostage to special interests, then I say vote for my amendment today. It will make a better piece of legislation.

The cock crowed once.

But that is not the end of the story. During the campaign I spoke out against the Contract With America, but I made it clear that I was in favor of one component of the contract, the component that gave the President the line-item veto, and prior to the election, the Republicans put forth the Fiscal Responsibility Act, and they said that the House Republicans will introduce the following bill. The language in this bill is identical to the amendment we have before us today.

□ 1600

Mr. Chairman, the cock crowed a second time.

Following the election, I went out and bought this handy Contract With

America. It is available in your local bookstore for $10.

I went into this book and again for the third time the Republicans said that they supported giving the President of the United States the authority to get rid of tax loopholes. They went further than that. They said, and I quote from the contract, ''If we break this contract, throw us out.'' Ladies and gentlemen, they are going to break the contract today, because now is the time when we are going to make the decision as to whether or not the President can get rid of tax loopholes.

This is a do or die moment, and this is where the Republicans who unanimously last year said ''Let's give the President the authority to do this'' are going to back off on their word. When they introduced this language last session, I thought ''You know, they are actually sincere about this, they are actually sincere about giving the President the authority to get rid of loopholes.'' But now today we are going to get a chance to vote on it on the House floor, and I do not think they are going to vote for it today.

What is going on here? Why cannot the Republicans get rid of this power? If you were to draw a caricature of a Republican, you would think he was interested in tax loopholes for the rich.

I would argue, I will personally set up a Loopholes Anonymous Club in this House of Representatives for those Members of the majority party who are willing to say ''We are also against loopholes,'' because anybody in this House of Representatives who is serious about the deficit wants to get rid of two things. They want to get rid of pork-barrel spending, and they also want to get rid of tax loopholes for the rich.

So let us not draw this arbitrary number of 100 because if you are going to draw the number of 100 for the tax loopholes, then draw 100 for the tax appropriation. I do not think you should be drawing a number for either. I do not think appropriation bills or revenue bills in this House of Representatives should have either pork-barrel spending or a tax loophole for the rich or tax loopholes for special interests.

But to do that is going to take courage. I have talked to a lot of my new colleagues who are very gleeful because they are here, and they tell me that we are in the midst of a revolution, in the midst of a revolution that is going to change America.

What have we done in the first couple of weeks? We passed the Congressional Accountability Act. A very good bill. Of course, there is no personal liability to it. If someday violates it, the Government pays.

We passed the balanced budget amendment, which does not take effect for at least 7 years. This is the first bill that we have before us today that is going to affect the Members of this House of Representatives today or tomorrow or when this bill passes.

So what happens? The Republicans blink, they do not want to give up that precious power to slip special tax loopholes into revenue bills.

Again, I beg my Members, my fellow Members; last year probably 40 Democrats bolted across this aisle and said ''Mr. Michel and the Republicans were right.'' We defied our party leadership and said let us do what is right for the American people. This is the first opportunity this session where I think the Members of the Republican side should say to their leadership ''Leadership, you are wrong. We think it is wrong to be the party of loopholes.''

The CHAIRMAN pro tempore (Mr. HOBSON). The time of the gentleman from Wisconsin [Mr. BARRETT] has expired.

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

Mr. BARRETT of Wisconsin. Mr. Chairman, this is the first opportunity where I think the Members of the Republican Party should go to their leadership and say ''Mr. speaker, we do not want to be known as the party that cares only about special tax loopholes. We want to be the party that cares about middle America. Let's do the right thing. Let's give the President the authority to get rid of pork barrel spending, and let's give the President the authority to get rid of the tax loopholes for the wealthy.''

Mr. Chairman, we can do it today. We should do it today. I ask you to do it today.

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

Mr. Chairman, I rise because I have to respond to some of the comments I have heard on the floor. It is absolutely amazing to me; this is my ninth year in Congress. I was not planning on speaking on this bill, but to hear my colleagues on the other side saying they have been steadfast in their support to eliminate targeted tax breaks, that is mind-boggling to me, because in the 8 years that I have been here the minority party now was the majority party that controlled the Committee on Ways and Means and the Committee on Rules.

Mr. Chairman, every one of the sessions that I have been here I went before the Committee on Rules and went to the chairman of the Committee on Ways and Means, and I said, ''Please accept my Targeted Tax Relief Disclosure Act,'' which does not eliminate them, but it says publicly identify yourself. I did that because the year before I came to this body the majority party passed the 1986 Tax Reform Act.

Mr. Chairman, the Philadelphia Enquirer, in analyzing that act in a five-part series, which I distributed to every Member of this body as well as the other body, identified up to $40 billion of rifleshot provisions stuck in that bill, primarily anonymously, by Members of the majority party, which I thought was ridiculous. There was a paragraph in the 1986 Tax Reform Act that went something like this: Any citizen residing in Tarrant County, TX owing a tax liability of x amount and being born between such and such a year and such and such a year is hereby forgiven that tax liability. I thought that was outrageous.

There was also a provision in that bill that gave special tax treatment to an individual to finance two ships in Japan that are currently hauling Japanese cars to our American shores. As a matter of fact, I was ready to hold a press conference at the Port of Baltimore to identify this ship and say: ''Who is the Member of Congress that stuck this special tax treatment in the bill?'' Because the Committee on Ways and Means chairman would not let us have access to the records to tell us who put that provision in that bill.

Mr. Chairman, these things have been going on since I have been here for 9 years, and the current minority party did nothing—nothing—to take any one of those provisions out nor to support my effort in the Rules Committee or on the floor of this House, in the Ways and Means Committee, or when I testified before the bipartisan Commission to Reform the Congress, where I said, ''Please accept my targeted tax relief disclosure.''

By the way, Mr. Chairman, that provision was accepted by the bipartisan Commission which my friend and colleague was cochair of. But as it worked its way to the floor last fall, the Speaker and the leadership pulled that provision out.

Now, we hear that our party really does not care about targeted tax relief. I am not a member of the Committee on Ways and Means, I am not a tax lawyer, and I am not an expert on tax policies. I have been told the reason why they will not accept what was the Michel legislative language last year was because it was unworkable and in fact it could be a killer. Now, if it can be workable, I will accept it. I am not a tax lawyer. I will leave it up to the Ways and Means Committee staff and counsel. But to have our colleagues on the other side stand up and say somehow that the majority party does not care about this issue or that somehow we are for giving tax breaks to wealthy citizens and corporations is absolute hogwash—absolute hogwash.

Mr. BARRETT of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Pennsylvania. I am happy to yield to the gentleman from Wisconsin.

Mr. BARRETT of Wisconsin. Mr. Chairman, the gentleman could not have made the point better for me. He talks about what happened in the past. I did not vote with Mr. Rostenkowski in the past. A number of us did not vote with him because we disagreed with him. But that was yesterday, and yesterday is gone.

This is a new day in Congress, and now the gentleman is in the leadership, the gentleman is in the majority, and

three times the Republican Party publicly stated that they were for getting rid of these tax loopholes. This is the do or die moment. Are you or are you not ready to get rid of your tax loopholes?

Mr. WELDON of Pennsylvania. Reclaiming my time, I will say to my colleague and my friend and distinguished gentleman, I am very happy that we have legislation in this particular piece of legislation which gives the President authority that your party would not give him, despite the fact that he is of your party, which we are going to give him. I am happy we have something here. But I will pledge to the gentleman that I will work with him as long as counsel on the Ways and Means Committee says we can do it to bring this legislation or have it even broadened to eliminate all provisions that would give special tax breaks.

I will work as a Member who is not on the Ways and Means Committee to accomplish that. What I object to is Members of the other side all of a sudden seeing a spirit coming down from the skies that they have been pushing this issue for years. That is the absolute most disgusting thing I have heard on this House floor.

The CHAIRMAN pro tempore. The time of the gentleman from Pennsylvania [Mr. WELDON] has expired.

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

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

Mr. WELDON of Pennsylvania. I yield to the gentlewoman from Illinois.

Mrs. COLLINS of Illinois. I thank the gentleman for yielding.

Mr. Chairman, the thing I am so amazed about now is that the gentleman from Pennsylvania is so fired up when we have this amendment here, and I am hoping that his side of the aisle is going to vote for it and we are going to vote for it and the gentleman is finally going to get his wish after 9 long years. It seems to me the gentleman should be happy about that.

Mr. WELDON of Pennsylvania. I am happy that the gentlewoman has brought the issue up. What I am saying is in my opinion it is superficial. I saw no effort over the past 9 years to move this legislation. Now that we have taken the lead, the other side of the aisle wants to come in and try to make it look as though we are not going far enough. I promise to the gentlewoman that I will work with her to toughen up this particular provision.

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

Mr. Chairman, I did not intend to engage in this debate either, but it is very interesting that my colleague from Pennsylvania says we are confessed sinners. We are confessed sinners. I agree with his proposition and would have supported it if it had been part of the bill in previous years.

□ 1610

We do know that one of the most disgraceful things in the Congress of the United States is these special loopholes for wealthy people and wealthy corporations in America. I say to my colleagues: ''Here is the opportunity, if you trust the President, to carry out the stoppage of special loophole provisions. We can give him that authority.''

Now let me suggest that we are about—and I know the majority side with the minority have been working on welfare reform—this is an issue of corporate welfare, of rich persons welfare. As my colleagues know, we can identify a lot of things in this country that the average citizen can learn to hate, but it is a type of corporate welfare with special tax provisions with the very wealthy corporations and individuals of this country that really cause a great portion of the deficit that we are all into the burden of today.

Now my colleagues know we can argue it started out in committee, and I happen to sit on the committee. We wanted to stop a tax loophole for five persons; how ridiculous, for five persons. We finally raised a little devil on that. Some of us wanted to make it without limitation because we really believe, and I fundamentally believe, that the Tax Code of America is only to be practiced if it is fair and equitable to all taxpayers of America equally. This idea that wealthy corporations or wealthy Americans can come and hire the Gucci lobbyists that the majority party campaigned against just last November, and they lined up at the Committee on Ways and Means, and they bring in their high-powered, multimillion-dollar lawyers, and they win these special phrases, these special clauses, or, as the gentleman from Pennsylvania [Mr. WELDON] indicated, the gentleman who is born in some particular county between the years such and such and such and such that only applies to one known living human being on Earth, and they forgive the tax responsibility of this Government, is insane, it is dishonest, it is intellectually dishonest, and it will bring down this Government.

Now, if we are serious, if we are serious about the line-item veto, we ought to stop earmarking for special provisions. We are going to vote for that. We ought to also, on the other side of the ledger, give the President of the United States the authority to strike out special tax provisions for very few people who are smart enough to work the inside Beltway of Washington, DC. Some of us have been here 10 years, and have fought against it for 10 years, and have lost.

If, in fact, this is a new Congress with a new breath of fresh air, and if they are going to live by their contract that they signed in September 1994, this is the true test.

I joined my friend on the committee, the gentleman from Wisconsin [Mr. BARRETT], when he said this is the real test of whether or not the majority party is going to do away with special provisions and special loopholes. This is the time when they are going to decide that corporate reform is as important to do away with corporate welfare as it is to do away with misuse and abuse in public welfare in this country, and it is unfair for us to strike up here and sound like we are suddenly reborn from sinners and that we become pure, but when it goes to the wealthy side of America, we refuse to stop the loopholes and the special taxation favors.

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

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

Mr. VOLKMER. Mr. Chairman, I was anxious, and I wish that the gentleman from Pennsylvania [Mr. WELDON] who started this discourse, would have stayed here because I wanted to commend the gentleman because he is accurate, and we are not without sin on this side. He is true; what he has said is true. In the past there have been examples in those tax bills where there have been special benefits for, like the gentleman from Pennsylvania said, the wealthy or special corporations, for special individuals, et cetera. That has been there. Many of us on this side of the aisle did not like that either. We think it is wrong.

And this is not the first time though that we, as Democrats, have attempted to do something about it. The gentleman from Pennsylvania is wrong. We have. We passed the bill, the line item veto, with just a majority provision last year with a large amount of both Democrat and Republican support. It did no go anywhere in the Senate; like a lot of other things, got stopped by a little filibuster over there, or whatever. It got stopped by both Democrats and——

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

(By unanimous consent, Mr. KANJORSKI was allowed to proceed for 3 additional minutes.)

Mr. VOLKMER. But in there there was a provision for the President having this basically same identical authority. That was a Democratic bill, but basically a bipartisan bill. But it was sponsored by, primarily, the gentleman from Texas [Mr. STENHOLM] and we passed that.

So, we have done things. I say to my colleagues, don't tell us we haven't done things. Some of us have been able to do that, and we feel just as strongly as some of your Members because some of us feel that that is not fair.

Mr. Chairman, as the gentleman says, it is not fair that certain people can use their money to get lobbyists down here to be able to get special treatment in the Tax Code, and therefore we need to stop it, and I agree with the gentleman, but we think right now that the language in this amendment does go better than the language in the bill. I say to my colleagues, the

language that you have in the bill, if you got 101 or 105, you got to make sure you get 105 people there. Then the President can't line-item it. I think that you need to look at that and saying only those are tax benefits.

Before I yield back, and I will get the gentleman from Pennsylvania [Mr. KANJORSKI] additional time, but I just want to make one other observation. I will go back a little further than the 1986 tax bill. I will go back to one in 1981, and, if my colleagues want to talk about some special benefits, I can tell them about some special benefits in 1981 to certain people.

There is a corporation known as General Electric. In the 1981 tax bill, which is known as a Reagan tax bill, General Electric, as a result of that tax bill, not only did not have to pay any taxes on all of their income in 1991 fiscal year, but guess what, folks? They were, because of special provisions in that bill for General Electric under the Reagan tax bill, were able to go back for 2 proceeding years and get all the money back that they had paid in.

And I say to my colleagues, ''They got more back, folks, than you will earn in a lifetime—you will earn, not pay tax, but you will earn in a lifetime.''

That was the Reagan tax bill.

Mr. KANJORSKI. Reclaiming my time, Mr. Chairman, so that this debate is very clear, in committee the markup started out with only five. It was the minority side of the committee that asked the question, ''Why only five? Why should there be limits?'' So apparently between markup and rules, Mr. Chairman, it was raised to a hundred.

I would like the majority to defend why we should allow protection for special tax loopholes for 101 and 102. What is the magic number there? Why?

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

Mr. Chairman, line item veto is an idea whose time has arrived to give the President the right to cut out wasteful spending here in Congress.

Mr. Chairman, the grave concern for my colleagues on the other side of the aisle has been that we are giving the President too much power. The current proposed amendment seeks to give the President the veto for an entire middle class tax cut, if he so desires. The way the bill is currently drafted, the President can veto narrow, special tax benefits for favored friends of powerful Members of Congress, which is good. However the current amendment gives the President far too much power and expands the scope of the veto well beyond that which was intended by the line item veto. Well, H.R. 2 permits veto of special benefits for special friends. The current amendment would open the entire Tax Code to individual line item vetoes. This amendment is too powerful, too expansive and dangerous and should be defeated.

□ 1620

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

Mr. FOX of Pennsylvania. I yield to the gentleman from Massachusetts.

Mr. BLUTE. Mr. Chairman, I appreciate what the gentlewoman from New York and my good friend the gentleman from Wisconsin are trying to do in support of their intent. Unfortunately, I don't believe the amendment fixes the problem H.R. 2 is trying to solve.

The language included in the contract version of the line item veto was intended to accomplish what H.R. 2 does now. The provision's purpose was to permit the President to item veto special tax breaks for special friends of powerful Members of Congress.

Unfortunately, the contract language was unartfully crafted. By stating a targeted tax benefit is one that applies to ''a particular taxpayer or limited class of taxpayers,'' the contract language inadvertently opened the entire Tax Code to possible item veto much in fact, every single item in the IRS code must by its very nature apply to some ''limited tax class of taxpayers.''

Because the intent of the contract language was to permit the veto of rifle shots or special deals for special friends, our committee worked with the Committee on Ways and Means and the Joint Committee on Taxation to more precisely define the term ''targeted tax benefit.''

Following discussions in committee where members concluded that the language of H.R. 2 which limited the category to five or fewer taxpayers was too restrictive, we accepted a bipartisan amendment to change the definition to include 100 or fewer taxpayers, again seeking to get at rifle shots or special deals.

I can tell you the Committee on Ways and Means people are not happy, believing that we have once again broadened the category well beyond fixing the problem. Nevertheless, we support the language reported by our committee and included in the base text as sufficiently broad to fix the problem of special deals, while narrow enough to prevent the President from vetoing such general purpose provisions as the middle class tax cut or child care tax credit.

This is a responsible, well-crafted, middle-of-the-road approach which should be supported, and I urge Members to support the base tax and defeat this amendment.

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

Mr. Chairman, I would like to respond to my colleague that this would not apply to the middle-class income tax. It specifically states in the Contract With America, ''Such term does not include any benefit provided to a class of taxpayers distinguished on the basis of general conditions such as income, number of dependents or marital status.''

Mr. Chairman, I rise very strongly in support of the amendment offered by my distinguished colleagues from the great States of New York and Wisconsin. The line item veto bill addresses the deficit by giving the President the power to cut pork-barrel projects out of appropriations bills. It gives the President broad authority to line item veto any spending, regardless of the amount, from the entire spending to only one dollar of spending.

Yet the authors on the other side of the aisle of this legislation have left the job half done. It gives the President very narrow authority to line item veto tax provisions, only those which benefit 100 or fewer people.

Mr. Chairman, if we are going to be tough on spending, should we not likewise be tough on a tax giveaways? In the committee, and I was a member of the committee, in the original text of H.R. 2, we addressed the problem of targeted tax benefits only in the most limited way. It allowed the President to rescind these sweetheart tax deals, but defined them as provisions which benefited five or fewer people. The Democrats on the committee worked with some of the Republicans and managed to raise the limit to 100 in the markup. But the fundamental problem remains. The artificial numerical number can easily be fudged. Any smart lawyer will easily write tax loopholes to avoid the President's veto. It will simply benefit 101 or 102 people. Then the President will not be able to strike it out.

As we have heard, the Republican Party has long been the champion of a much broader definition, right up to the point that they gained the majority. Now we see a sudden switch. The Republicans' Contract With America, signed by practically every Member on the other side of the aisle, contained the very same language being offered in this amendment today.

Make no mistake, this is a critical vote. Many would view this amendment as the first step on the slippery slope of selling out to special interests. If you are for special interests, then vote against this amendment. I challenge my Republican colleagues to support the amendment and to keep the promises they have made to the American people.

Mr. Chairman, I yield the balance of my time to the gentleman from Illinois [Mr. GUTIERREZ], who has worked on this issue.

Mr. GUTIERREZ. Mr. Chairman, I thank the gentlewoman for yielding, because I want to make one point very clear: This Democrat in the last Congress of the United States voted for the strongest line item veto that was proposed, including this provision. So do not try to argue as though no one on this side of the aisle was supporting the strong kind of line item veto.

As a matter of fact, I suggest to the freshmen and the sophomore who I am in the same class, he defy your leadership. True, it was a little difficult in

my cloakroom, but they still fed me, they still gave me water to drink, and, as you can see, I am still here.

So stand up for what you believe in and do the right thing and vote your conscience. you know what is right. Do it. Others have done it, and we are still here, alive and well, and, thank, God, healthy.

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

Mr. Chairman, I have listened to this debate very attentively. It has been very intense, and I think we have gotten most of the points out. It has motivated me to go back to the RECORD, however, and try to find out who said what when and what was expected and that was not, because I have great respect for the efforts of the gentlewoman from New York who has offered this amendment.

My problem with it is that it seemed very broad, and it seemed, in my view, a little bit unworkable in that it is overbroad. I have some feeling, as we have heard from some of the debate, that the question of over-broadness may very well be a judicial question someday with this legislation.

I went back to the amendment, and if I read the amendment correctly that has been offered, we talk about what the term targeted tax benefit actually means, trying to put a description on something that Mr. Michel himself did describe in his words before this body, and I will get to those words.

But when we get into the definition of the amendment, and I am reading from this, it says, ''Such term does not include any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions.'' That is very broad, but it has been further qualified, ''such as income, number of dependents, or marital status.''

Well, that leaves a very serious ambiguity about other demographic questions such as gender, race, age, sexual preference. These are all points that I think now become an ambiguity. I know that the gentlewoman does not wish to give us am ambiguous piece of legislation.

I did go back and look into the exact language that Mr. Michel used on April 29, 1993, in the RECORD, and he said, using his words in paraphrase, ''You will hear that it is uncertain what I mean by the term 'targeted tax benefits' by those who oppose this.''

I think that is exactly what we have got here. Those who are basically opposed to trying to get at closing these loopholes are basically trying to put words in Mr. Michel's mouth here about what he meant.

If you read the record, it is rather clear that Mr. Michel went through what I am calling special interest tax breaks, all the things we are trying to get at here.

When you get to the bottom of what he said, he said, ''I will confer. I will sit down with the chairman of the Committee on Ways and Means,'' who was his good friend, who is unfortunately no longer here, as Mr. Michel is not, ''and we will work out the details of this.''

We did work out the details. We did it with slightly different people in different areas. We went through the Committee on Ways and Means, the Joint Tax Committee, and now the Committee on Government Reform, and we have done this in the Government in sunshine, openly, and come to a conclusion of what the best definition is that will work, that will withstand the judicial overview and any other test that can be made of it, and I think we have come up with a better solution than the gentlewoman from New York has.

□ 1630

Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. BLUTE].

Mr. BLUTE. Mr. Chairman, I thank the gentleman from Florida for yielding to me.

I think one point that is glaring here is that throughout this debate on the line-item veto authority, the minority, during the general debate, during the debate on the amendments, made a strong case that they felt that this bill ceded too much power to the executive, that it tilted the balance of powers in a way that was not a good thing for our democracy.

And in this amendment, there is a reverse argument that we need to expand the President's power broadly, as this amendment would do.

This bill is attempting to narrow the scope of the President's power. We do not believe he should be all powerful, and we agree with the minority on that. But we do think he should have the power in this narrow sense.

So I would just say that there seems to be two different arguments coming from minority on this bill.

Mr. GOSS. Reclaiming my time, Mr. Chairman, I yield to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Chairman, the gentleman from Florida [Mr. GOSS] is certainly one of the most thoughtful Members of this House and a good friend of mine.

I should say to him that I did not do a lot of research on this. I took the words directly out of the Contract With America, I assumed that after Mr. Michel had done his consultation with Mr. Rostenkowski and come up with what is language is that what——

Mr. GOSS. Mr. Chairman, unfortunately, I did not hear everything.

Ms. SLAUGHTER. Mr. Chairman, my microphone was not on. As I heard the gentleman's remarks, that after Mr. Michel spoke on the floor on the amendment, he decided it was too broad and conferred with Mr. Rosteknowski to come up with what was determined to be the proper language, which is what we have now.

Mr. GOSS. Unfortunately, as the gentlewoman knows, that never transpired into final fruition. So what happened is, we have put it back into a process to complete the concern that Mr. Michel had about what does this really mean. And we have done that process of completing what it means.

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

Mr. Chairman, I am pleased to rise in support of this essential amendment. We have heard a lot of rhetoric today about the importance of eliminating wasteful spending from our budget. And I agree with much of that rhetoric. Far too often taxpayers have been forced to carry the burden in this Nation for our inability to stand up for them and to say no to pet projects of lobbyists and pork barrel projects of special interest groups.

However, today supporters of this bill, despite all of the rhetoric about protecting the taxpayers and promoting fiscal responsibility, have engaged in a sneaky end run around the American people.

This bill does help the President go after pork, some pork. But this bill, without the amendment offered by the gentlewoman from New York [Ms. SLAUGHTER] and the gentleman from Wisconsin [Mr. BARRETT], also goes on record as saying, you know what, some pork is okay. We might be able to go on a little diet, but we are not kicking the habit completely.

Yes, wasteful spending is a problem that is diverting money from the real needs of America. But just as importantly, just as importantly, so are those targeted tax giveaways designed to give a break to your favorite lobbyist, powerful interest group or a privileged group of people. These free rides cost the treasury just like wasteful spending does.

Every time we pass a tax credit, a refund or a break that benefits a particular group or special interest at the expense of America, we are creating more pork. Without the Slaughter-Barrett amendment, we are saying that with one swipe of the pen, the President can eliminate any spending, any spending he so chooses. What if the President decides he wants to eliminate tax benefits for foreign corporation or giveaways to foreign investors?

More importantly, what if the President decides that a capital gains tax cut that overwhelmingly benefits only the richest 5 percent of America deserves the swipe of his veto pen? What if our President decides that we absolutely cannot afford to drain our treasury of billions, yes, my colleagues, billions of dollars for a tax cut for the wealthiest Americans at a time when we are trying to save and cut every dollar that we possibly can?

What if our President decides he wants to side, for a change, with working men and women and say no to a tax giveaway, to a narrowly-directed group of people?

Well, this bill says he cannot do it. You cannot do it, Mr. President, because we are not interested in that

kind of pork. Your veto pen is dry if you want to use it to stop tax giveaways.

That, my colleagues, is a fatal flaw in this bill. But the remedy is simple. There is a cure. The remedy is this amendment.

If we are truly on the side of the American people and against wasteful spending today, then let us go all the way. Let us kick the habit. Let us not protect the special interests, the lobbyists, the favor seekers in these halls who want to leave here today with their tax breaks intact.

My colleagues, I did not know until today that this Contract With America could be amended. I knew there were a lot of amendments to the Constitution in this contract, but I did not know this could be amended. But today we have heard that is was unartfully crafted, not my words, the gentleman from Massachusetts stated that it was unartfully crafted.

Well, I am going to read it again with a good lawyer by my side.

Another gentleman on the other side said, well, we have finally come up, these are not my words, with the best definition to date. It is written, it is printed, but today we came up with the best definition. Maybe we will have to add an appendage for definitions to this so we can all know what it really means.

And lastly, it is certainly good to raise the flag of bipartisanship when it is on the balanced budget amendment, applaud for the bipartisanship; when it is on unfunded mandate, applaud for the bipartisanship; and when Democrats stand up to say, let us do the right thing together and it is good, but I am with you.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. GUTIERREZ] has expired.

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

Mr. GUTIERREZ. I tell the gentleman from Massachusetts, he and I know each other. He knows I have been for a line-item veto. My record is clear. There are many of us on this side, the gentleman from Wisconsin [Mr. BARRETT], many of us. So do not chastise us. Do not ridicule us by saying that somehow we are hypocritical and Johnny-come-latelies on this when we have stood up and now that the gentleman is in the majority, it is bipartisan, too, when I am with him, just like it was bipartisan when other Members of my party joined the gentleman in the past 2 weeks.

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

Mr. GUTIERREZ. I yield to the gentleman from Massachusetts.

Mr. BLUTE. Mr. Chairman, I have a great deal of respect for the gentleman from Illinois. I think his courage is pretty obvious to everyone in this Chamber. I would just simply point out that the amendment in the committee that set the limit of 100 was offered by Members of the minority party and adopted and voted for by Members of the majority party in a bipartisan way. So I agree it should not be a partisan issue.

And in the committee, the committee adopted a Democratic amendment.

Mr. GUTIERREZ. Reclaiming my time, Mr. Chairman, I would just simply suggest one thing. We all know what happens in the committee. We all know how Members get on these committees.

But here we are, in the Committee of the Whole. We can correct and rectify any problem. Because we know they make mistakes in that committee. They get too cozy with each other in that committee. They spend so many years together. It is get along, come along.

This is the Committee of the Whole right here. Let us do the right thing right here. The gentleman and I can do it. I ask the Republicans to join us. They are in the majority. Let us do what we have got to do and let us eliminate these tax breaks.

□ 1640

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

Mr. Chairman, the gentleman from Illinois [Mr. GUTIERREZ], my good friend, we have chatted many, many times. I also know he has had great courage in the past. I know by his own leadership he was chastised for coming out in support of what he really believed, and I respect the gentleman for that.

However, I would like to reiterate this is a Democratic amendment, the amendment of the gentleman from South Carolina [Mr. SPRATT], an amendment in the committee. I do not know what the gentleman meant about how we get appointed on those committees. I asked for my specific committees, and I am sure that my friend, the gentleman from Illinois, asked for his committee, as I did.

The only thing that I would say, we are being chastised for coming up with a line-item veto when the minority party had power for 40 years, and refused to come up with a line-item veto. It is like I wanted to buy a Ford all these years, and now I am buying Chevys and Fords and I am getting chastised for it. It is just not logical.

The line-item veto is very important, whether it is a Republican President or a Democratic President. The pork that we need to take a cut at is all the pork. I agree with the gentleman on that.

However, we are trying to do something in the contract that we feel is very, very important. That is to give the President of the United States what many of the Governors have. That is a line-item veto.

I think that this case of 100 play level, especially since it was adopted in the committee, I am quite serious, I have not looked at it. I am not even sure what it is. However, I also know if it was adopted in the committee, it must have had pretty good bipartisan support to make it. I will take a look at it seriously before we come up on it.

Mr. BARRETT of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Wisconsin.

Mr. BARRETT of Wisconsin. Mr. Chairman, I serve on the committee, so I am certainly familiar with what happened on the committee. This amendment that raised it from 5 to 100 was not the first amendment that was offered on this issue.

The first amendment offered on this issue was offered by the gentleman from South Carolina, Mr. SPRATT. That was defeated. It was a wider amendment than the one we have before us today. That was defeated with every Republican voting against it and one Democrat voting against it. The rest of the Democrats voted in favor of it.

Obviously at that point, Mr. Chairman, having failed to get the wider and the version closer to the Contract With America, there still was a belief, I think, at that time by both parties that 5 was just ridiculously low, and it went from 5 to 100. That was not controversial.

However, the major debate, Mr. Chairman, actually occurred around the amendment, the first amendment from the gentleman from South Carolina, Mr. SPRATT. I understand the gentleman from South Carolina will probably be introducing that amendment tomorrow, as well.

Mr. CUNNINGHAM. Reclaiming my time, Mr. Chairman, and I thank the gentleman for the clarification, but again, I would repeat, he has had the majority for 40 years and they have not come up with a single line item veto. We are trying to do that today, but yet they are still trying to chastise us, or maybe to look at it better, maybe they are trying to improve it. I compliment the gentleman for that.

However, it is very, very important that we get it. It is bipartisan. I ask for the support of the line item veto.

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

Mr. CUNNINGHAM. I am happy to yield to the gentleman from Illinois.

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

I just want to suggest that, No. 1, we are all friends on the committees. We are close to one another on the committees and we do a lot of work there.

Mr. CUNNINGHAM. Most of the time.

Mr. GUTIERREZ. Mr. Chairman, that is simply my point. I do not want anybody to make any other inference of that point, and I apologize if anyone took it any differently, No. 1. No. 2 is, the gentleman is lucky if he gets the complete assignments he wished.

I bought a book called ''Adventures in Pork Land,'' sent it out to the 75 winners of the primary, of the general election in November 1992, sent it out to them. Really, they all got it. I said,

''Read this book, because I think it is something good for us to get to when we organize as a freshman class in 1992.''

How do I get on the Committee on Banking, Finance and Urban Affairs? Great committee, but I got there because there were four slots they could not fill. They could not deny me that committee slot.

Mr. CUNNINGHAM. Reclaiming my time, they begged us to take them, too, right after the S&L, and no one would take them.

Mr. GUTIERREZ. Mr. Chairman, if the gentleman will continue to yield, I have not quite gotten the committee assignments I have asked for, but I have been able to work well here with the gentleman from California [Mr. CUNNINGHAM] with my Democratic colleagues, and look forward to working with all of them.

However, I just suggest that there are some of us, a few of us, maybe, that were for the line item veto, the strongest line item veto. To simply suggest that now, with a stroke of the pen, that we were all against it, just is not quite fair to us and our position.

I thank the gentleman for yielding.

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

Mr. Chairman, I also rise in strong support of the Slaughter-Barrett amendment. Since my first election in Congress, I have been a very strong proponent and supporter of giving the President enhanced rescission authority or a line-item veto. As a self-acknowledged deficit hawk, I believe we have to address all legislation, which includes a large number of special interest provisions, which can increase the deficit.

There are essentially three ways in which we spend money and increase the deficit. They are through direct spending of appropriations money, appropriated spending; they are through contract authority, spending on contract, not appropriated; and they are through special tax incentives, or called tax expenditures. I favor including all three of those in a line-item veto bill, and tomorrow I will be proposing an amendment to include contract authority as well as tax expenditures.

Mr. Chairman, it has been said many times on this side of the aisle, ''I'm not a tax attorney and I don't know,'' or ''I'm not a tax attorney and I can't tell you this.'' I am a tax attorney. I spent 12 years with the Internal Revenue Service, 11 years in private tax practice, and I can tell the Members that the wording of this amendment is no less enforceable or operational than the wording in H.R. 2.

I have very severe questions about and problems with the wording in H.R. 2. As currently defined, it would limit the provisions to those which benefit 100 or fewer beneficiaries.

Two main problems: First of all, it is not clear to me how in the real world the President or we in Congress specifically determine which specific provisions are in fact going to affect 100 or 101 or 99 specific individuals.

To outline this, I think that it is clear to me that this is far too narrow, being the second problem I have, to demonstrate. Let me just cite from the committee's report on H.R. 2, page 8, dealing with enhanced rescission authority.

To start from the committee report, it says ''The special tax benefits Congress added,'' and they are talking about the 1992 Revenue Act, citing that as an example where Congress, in an attempt to do one thing, which was create enterprise zones, Congress added on many different tax benefits: ''The special tax benefits Congress added covered such interests as special exemptions for certain rural mail carriers, special rules for Federal Express pilots, deductions for operators of licensed cotton warehouses, exemptions for some small firearms manufacturers, and exemptions for certain ferry operators.''

That is from the majority's committee report. I would ask the Members of the majority, which of these provisions affect more than 100 and which affect fewer than 100? I would suggest to them that it is impossible under the language in H.R. 2, Mr. Chairman, to accomplish the very purpose and intent which the committee report suggests they are including this language to accomplish.

More importantly, Mr. Chairman, I think that we ought to take a look back at the line-item veto provisions we have already passed in the last session, and to suggest we had the control for 40 years and we have never passed a line-item veto, not true.

We passed a line-item veto bill in the last session of this House. We passed it with bipartisan support. In fact, the language that is proposed in this amendment is not only the identical language which Mr. Michel proposed, and which several of my friends sitting here in the floor and who have been here, the gentleman from Texas [Mr. ARMEY], the gentleman from New York [Mr. BOEHLERT], the gentleman from California [Mr. CUNNINGHAM], the gentleman from Texas [Mr. DELAY], the gentleman from Georgia [Mr. GINGRICH], the gentleman from Florida [Mr. GOSS], the gentleman from Ohio [Mr. HOBSON], the gentleman from New York [Mr. SOLOMON], all of whom voted in support of this specific language, not only in the Michel substitute back in April 1993, but also voted for this bill, which we passed with this language in the last session of Congress, now to suggest somehow that is unworkable language, that it is too broad, that it has language which we cannot put back into the bill, simply is something, I don't understand that argument. I am baffled by it.

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

Mr. Chairman, the gentlewoman from New York earlier today raised the question about what made anybody think that the politician who ends up on the top of the heap in the White House acquires some rectitude or some goodness that is denied to the rest of the participants in the government.

I do not know the answer to that question, because I have served with seven Presidents and I have not seen one yet who underwent that miraculous transformation.

□ 1650

Give this some exercise: How about the term ''presidential pork''? Let me give one example of that.

In the election year of 1992, we had a person in the White House with whom I served in this House and whom I like very much, but he was in a pretty tight spot. He went down to Florida and announced that an obsolete Air Force base would be rebuilt and reestablished. He did not need the line-item veto to do that. He went out to St. Louis and said an airplane that clearly was unneeded for our national defense would be put into production, anyway, if he were reelected. He did not need the line-item veto for that.

Our founders gave to the President one-sixth of the legislative power, and there were no PAC contributions to those Members of that Constitutional Convention. There was no distortion of their point of view. There was no need to contort their wisdom. They thought it through very carefully how much authority would be given to each branch of the government.

But if you are going to enact this surrender of authority in the Congress and you only do it halfway, you are making a sad, sad mistake.

I serve on the Committee on Ways and Means and a few years ago we had an amendment. It was in the usual hieroglyphics of legislative language and hardly anybody knew what it meant. My mother always said, ''Never sign anything you can't read or didn't read'' so I voted against it.

The next morning, Washington Post headlines, Ways and Means Committee Votes Multimillion-Dollar Gift to Certain Group. That certain group was the Gallo Wine Co.

On my way down to work the next day, I stopped by the supermarket and I bought a jug of that foul stuff—oh, it's wonderful stuff—I bought a jug of the Gallo wine and a sheaf of paper cups, and I went up to each member of the committee when they assembled, put the cup down, poured a little bit for each one that voted for it and each time I said, ''Ernest and Julio said thank you.''

Anybody who does not pay his fair tax is stealing from those who do. It is difficult for 6 people to carry a piano, but it is especially difficult if 2 of the biggest ones are riding on it.

I have just this advice: Those of you who have been told to go to the rear and march, let me tell you that when I entered Congress, I was told to go to the rear and march because I ran with

Lyndon Johnson the first time I ran, and we all ran against the Vietnam war. We were going to get out of the Vietnam war. I kept my promise, the President reversed his position and somehow or another with all the PR they had, I was the traitor to my party and I was the traitor to my country.

Be a traitor to your party if you have to be a traitor to your party to keep your promise to your constituents. You will sleep better tonight.

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

Mr. Chairman, I believe that even though it may not appear it is the case, that this is indeed a defining moment for the new majority here in this House. The Contract With America is on the best sellers' list. People are reading it all across the land. The words, as inartful as they have been deemed to be, are fairly clear. That is, that it has been asserted and promised and contracted with that there would be a line-item veto that would allow the President of the United States the opportunity to correct the Tax Code and to do away with special provisions that allow the rich and powerful in this country to get away with not paying their fair share.

Now we have arrived at the moment of decision and we hear this notion about the problem with this language. David Brinkley, whom many of us watch on Sunday morning, once said, ''I was told that campaigning time is promising time and after that is alibi time.''

We have a majority who has read the contract every morning on the floor, at least some of their leadership carry it around in their vest pocket, and that they are determined under all circumstances to implement this contract.

However, when it comes to the point of addressing what is the most outrageous example of improper action by this House, that they are unwilling to step up to the plate and live up to their commitments.

When it comes to taking away a few dollars from a promising kid who is trying to go to college, they are all willing to stand up for that or to attack the few measly dollars that are provided to a single parent on welfare, or to go after affordable housing programs or to attack mass transit funding, they are all eager to march in a straight line towards that goal.

But now when in face of the multinational corporations and billionaires in our country who have somehow ripped off the American taxpayer by their lobbyists making room in the tax code to benefit them, they are unwilling to turn over to the President an opportunity to veto these types of unfortunate loopholes.

Let me just conclude by saying that what we have now is a loophole in the contract. Loose language that has now been added to H.R. 2 makes the entire commitment that has been made by the new majority to be called into question.

I would just suggest, not to the majority because I know they will not change their position, but to the American people, that they look very, very carefully at the votes on this amendment and that they understand that the contract that was promoted as a Contract With America really was a contract that the hands were shook on later on that night in a roomful of lobbyists who were fund raisers at a fund raiser that was a part of that campaign.

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

Mr. Chairman, there have been a lot of pundits that have been talking already about what the 1994 November elections meant. And some people have been saying that they were an endorsement of the contract and some people have been saying that Democrats did not turn out to vote.

I think an interpretation of the 1994 elections were about what we have been doing for the last couple of days. They are about common sense and bipartisanship. They are about common sense: Many of us on both sides of this aisle working together to pass a balanced budget amendment, to prohibit unfunded mandates, to make Congress live under the same laws that it wants other people to live under. We have done that together in a bipartisan way.

Now we have got an amendment before this body that is asking some of your on the Republican side to work in a commonsense bipartisan way with us. We are asking you not to get away from your party and tell them they are wrong. We are telling you that this is language that you voted for, not on one previous occasion but on two previous occasions. Not just to get at pork-barrel spending but to get at special tax breaks when we are going to take provisions and try to balance the budget.

Let me remind some of my colleagues about some of these specific votes. Mr. Michel offered an amendment on April 28, 1993. It passed 257 to 157. Eighty-seven Democrats, 87 of us voted with you to pass that amendment by Mr. Michel. I think every single one of you on this floor probably voted in favor of it.

On July 14, 1994, there was another bill, the Stenholm-Penny-Kasich bill that passed 298 to 121. One hundred twenty-eight Democrats again voted with the Republicans to pass that. Again, many of you Republicans voted for that provision.

I would hope that you see it in your interests to abide by what those elections were about: Common sense and bipartisanship.

The American people get incensed when they hear 6 words: Pork-barrel spending, and we are going to take care of pork-barrel spending with this line-item veto. But they get equally incensed when they hear special tax breaks.

□ 1700

Now we have the opportunity to do something about that, and we have acted in a bipartisan way to do something about that in the past. Let us work together as we have been working together for the last 3 weeks and pass this bipartisan, commonsense amendment.

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

Mr. Chairman, I spoke at a previous time on this question of the line-item veto. I think those of my colleagues who know me here in the Congress, and certainly those who have known me over my legislative career, know that while I may hold strong opinions I do not believe I have ever lectured any other Member of a legislative body in which I served on whether my ideas were superior or my views were superior. But I want to say, and I feel I must say at this juncture with respect to the line-item veto that as a legislator I find it unconscionable.

The entire history of freedom and the march of freedom and democracy has been the commons against the king. We can go back to the time of the Magna Carta and the establishment of the idea of the common people being able to exert their will against the king. Or go back to the loss of what freedoms were defined as freedoms throughout antiquity to the time of the Roman Empire when the Roman Senate ceded its power to the Emperor, after the assassination of Caesar and the ascension of Octavian and Augusta, and even he wanted to give it back to the Senate and back to the people. Oh no, it was turned over to the king, and that is what this is about.

No matter who is the Executive in our contemporary world, it is the legislative against the executive power. If we turn over our responsibilities to the executive, we are undermining the basis of freedom

Nothing so ill becomes any legislative body as to turn over its authority and its obligations and its duties to the executive. The executive has submitted budgets, whether it is under Republicans or Democrats, and this Congress, Republican and Democrat and Independent, has always come in with a budget under that which has been presented.

It is not a question, then, of whether or not we are going to exercise self-discipline. If we do not our constituents can remove us. But we are setting up a situation in which the executive will play one legislator off against another.

We are setting up a situation in which the small States will have to compete against the large States. We are setting up a situation in which we are saying we as legislators are incapable of acting other than in a political fashion, but if we turn over this authority to the executive, the executive somehow will act in an objective, analytical fashion and not in a political fashion.

My friends, I cannot emphasize enough that we are about to embark on something which to me violates the most fundamental tenet which I hold as an elected official. There is only one thing worse in politics than being wrong, and that is being right.

History and sometimes people forgive us being wrong, but we are very seldom forgiven for being right. And I am telling Members today, if we give the line-item veto to this or any other President, we are undermining democracy, we are taking everything that we hold dear in terms of freedom and turning it upside down and saying to the world and everyone in it, all of our voters, we do not believe in democracy, we do not believe in the legislative process, we do not believe in the legacy that has been handed down to us by literally the death of millions in order to provide for us the opportunity to legislate.

If we have any argument about what we do, we have given in our Constitution the power of the President to veto entire pieces of legislation and we must come up with two-thirds of our voting Members in order to overturn that veto. That is incredible power that the President has. And now we want to say that on any given item, in any given piece of legislation where there is an appropriations implication, that the President is to be able to line-item veto that.

This is not a State. We failed earlier to differentiate between capital budgets and operating budgets. I know how scoring goes in my Committee on Armed Services, how we include housing for our military to be included as an item of expenditures in the first year no matter how many years that housing is occupied. I can give example after example where this kind of line-item veto will undermine democracy in the particular and in general.

I pray that we will not be in the situation in which we find ourselves having to say oh, if we had only done the right thing. The right thing to do is to be against the line-item veto and to stand up for freedom and democracy.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York [Ms. SLAUGHTER].

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

RECORDED VOTE

Mr. BARRETT of Wisconsin. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 196, noes 231, not voting 7, as follows:

[Roll No. 86]

AYES—196

Abercrombie
Ackerman
Allard
Andrews
Baesler
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Chapman
Clay
Clayton
Clement
Clyburn
Coburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Foley
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Klug
LaFalce
Lantos
Laughlin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Whitfield
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—231

Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Evans
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)
Petri
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—7

Becerra
Collins (GA)
Dixon
Harman
Manton
Moakley
Waxman

□ 1722

The Clerk announced the following pair:

On this vote:

Mr. Manton for, with Mr. Collins of Georgia against.

Mr. LARGENT changed his vote from ''aye'' to ''no.''

Messrs. HEFNER, PASTOR, and KENNEDY of Massachusetts changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. HARMAN. Mr. Speaker, during rollcall vote No. 86 on H.R. 2 I was unavoidably detained. Had I been present I would have voted "aye."

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state it.

Mr. WISE. Mr. Chairman, since the previous question which was just voted down was an item in the contract, does this constitute a breach of the contract?

The CHAIRMAN. The Chair would state that is not a parliamentary inquiry.

AMENDMENT OFFERED BY MRS. THURMAN

Mrs. THURMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. THURMAN: Section 5(d)(2) is amended by striking the eighth and ninth sentences and inserting the following: No amendment to the bill is in order, except any Member may move to strike the disapproval of any rescission or rescissions of budget authority or any proposed repeal of

a targeted tax benefit, as applicable, if supported by 49 other Members. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion.

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

The CHAIRMAN pro tempore (Mr. RIGGS). Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Mrs. THURMAN. Mr. Chairman, so everyone will know, this amendment is nearly identical to my amendment No. 7, but at the request of legislative counsel the words ''disapproval of'' have been inserted prior to the words ''any rescission'' to clarify the amendment.

Mr. Chairman, I would like to take this opportunity to thank the many Members in this body who have helped along the way to see this amendment to the floor today. I know the gentleman from New Jersey [Mr. ZIMMER] and the gentlewoman from New York [Mrs. LOWEY] are involved with this. I would like to make a few comments about it.

Mr. Chairman, as I have listened, proponents of this legislation have claimed that this legislation grants the President line item authority that 43 of our Governors enjoy. The fact is, only 10 Governors have the kind of broad powers outlined in H.R. 2. My amendment to the Line Item Veto Act seeks to prevent the possible misuse of authority.

The amendment will give the Members of this body the opportunity to carefully consider a President's proposed rescissions and then, supported by 50 Members, vote to remove individual rescissions from a disapproval resolution. As H.R. 2 is currently drafted, there is no mechanism in place for Members to strike individual rescissions from a disapproval resolution. The resolution is only subject to an up or down vote.

It is important that my amendment be adopted. If a President has a package of numerous cuts that are indeed wasteful spending, but decides, for political reasons, to veto an item important to a number of Members, then it is conceivable that the entire disapproval resolution could be approved because of that one important project the President decided to veto, thus leaving items that everyone agrees are wasteful intact.

Members should be given the opportunity to make their case to the entire House as to why individual rescissions should be saved and, in the process, ensure that those wasteful items are indeed canceled.

Under this amendment, the process for striking individual rescissions is as follows: If a Member can convince 49 other colleagues to join in objecting to an individual item in a disapproval resolution, then those Members will be able to debate why an individual line item should be saved. The entire House would still have to vote on that individual rescission and then vote on the whole disapproval bill.

A similar provision was included in the Stenholm-Penny-Kasich substitute to the expedited rescissions bill we considered last July. In addition, the procedure is based on existing provisions in the Impoundment Control Act, wherein, if a requisite number of Members stood to be counted, a motion to strike a rescission would be debatable for 5 minutes.

I believe that my amendment also preserves one of the key concepts of this legislation—accountability. Any Member who wishes to save an item the President has vetoed will have to make a strong argument to preserve the rescission and then convince a majority of the House to agree. Members would have to go on the record and defend saving the proposed rescission and thus be accountable to their constituents.

□ 1730

In addition, I would say to Members that by adding this provision we can maintain our constitutional duty as a part of the legislative branch for appropriating and raising money while still allowing the President the tool to veto appropriations. We can also protect ourselves from the actions of a President who might use the tool to exact retribution against a Member who did not act in a manner that the President desired.

I would urge my colleagues to adopt this amendment and give an even greater degree of accountability to this legislation, and I would also just like to take this time, Mr. Chairman, to also thank the gentleman from Pennsylvania [Mr. CLINGER] for his leadership, and commitment and support to this amendment, and I appreciate it.

Mr. ZIMMER. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from Florida [Mrs. THURMAN].

Mr. Chairman, I want to commend the gentlewoman from Florida [Mrs. THURMAN] for proposing this amendment. I am delighted to have played a part in its formulation.

The basic purpose of this amendment is to give Congress an additional opportunity to cut a particular item of pork that may have found its way into an appropriation bill. The President, under current law, is forced, when he is confronted with an omnibus appropriation bill, to sign the bill or to veto the bill in its entirety. He has no choice but to take it or leave it as a whole. This is the choice that the Congress would be faced with under the legislation before us without this amendment.

When we are faced with an omnibus disapproval bill, which would restore spending as provided by H.R. 2, we want to make sure that there is not pork stowed away in the omnibus bill that does not bear the scrutiny of an up-or-down vote on its own merits. This amendment would simply allow 50 Members to force a vote on that particular spending program so that we are not stuck with a take it or leave it, all or nothing situation, as the President is today.

I believe that the result of this will be an enhanced opportunity to get rid of pork-barrel items which find their way into legislation all too frequently.

This is a pro-taxpayer, anti-pork vote, and I urge my colleagues to support this amendment.

Mrs. COLLINS of Illinois. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment offered by the gentlewoman from Florida [Mrs. THURMAN].

Mr. Chairman, proponents of H.R. 2 argue that current veto authority forces a President to take all or none of the spending in an appropriations bill. To deal with specific spending to which he objects, we are told the President needs more flexible powers such as the line-item veto would give him.

For those same reasons, I believe we should all support the gentlewoman's amendment. Without this amendment, Congress will be forced to accept all or none of the rescissions the President proposes for a particular appropriations bill.

H.R. 2 requires the President to submit one special message containing his rescissions for each of the appropriations bills Congress passes. Members of Congress can only introduce a resolution to disapprove all of the rescissions in each special message submitted by the President. Why should Congress have to reject all of a President's rescissions just because it may disagree with a few of them?

The gentlewoman's amendment would give Members some of the flexibility this bill would give the President.

Under current law, Congress has the flexibility to package rescissions in any way it chooses. Over the last 20 years, Congress has used this authority to enact rescission packages that have reduced Federal spending by more than $92 billion. During this same period, all Presidents, Republicans and Democrats, have proposed rescissions that total only $72 billion, that is $20 billion less than Congress has approved.

If flexible powers are considered important to deficit reduction, I think we want Congress, which has the better track record on rescissions, to have the same kind of flexible powers this bill would give the President.

I urge my colleagues to support the gentlewoman's amendment.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words in support of the amendment offered by the gentlewoman from Florida [Mrs. THURMAN].

Mr. Chairman, as my colleagues well know, the legislation before us permits

the President to send back to the Congress a package of rescissions which will go into effect if we do not pass legislation to reinstate them, but, under H.R. 2, when the rescissions are sent to us, we have one choice and one choice only, take it or leave it. For a number of reasons I think that is ill advised, and this amendment is designed to enable us to look at each proposed rescission item individually and act on its merits.

First, the stated purpose of this legislation is to rid spending bills of unnecessary and wasteful items. That is a goal we all share. But under H.R. 2, with its all-or-nothing approach, it is conceivable that the Congress would find ourselves in the position of voting to reject a rescission package because it includes one or a few items that was strongly felt are important to maintain. In doing so we would have no choice but to protect projects that a majority of us might agree with the President should be cut. The end result: more spending, not less spending.

Let me give my colleagues an example:

The President might decide that we have appropriated funds that he thinks unnecessary for the State revolving loan fund which helps finance sewer treatment plants' upgrades, but a majority might disagree with his judgment. That would be in the VA–HUD appropriations bill. That same bill might include another item that the President feels is pork, and a majority of this House might agree on that. Under the committee bill, without this amendment to save those sewerage treatment funds, we would have to also save that project which we otherwise would be willing to kill. That does not help reduce the deficit.

Second, all of us know that this legislation does directly impact the balance of powers between the three branches of our Government that was carefully developed by the Founding Fathers. In doing so I think we have a responsibility to consider how far we want to go in shifting the balance, and in this instance I firmly believe that this legislation, as currently drafted, goes too far. In effect the bill, in giving the President the power to pick and choose among individual items in appropriations and revenue measures, has denied the Congress the final authority to do the same thing.

Third, advocates of the line-item veto have said time and time again that they are only attempting to give the President of the United States the same line-item veto authority which Governors of various States enjoy. If indeed our goal is to narrow the authority of the various governors, then we should duplicate at the Federal level the authority that most of them in their legislature have.

In my home State of New York, for example, and dozens of others where Governors have line-item veto authority, the legislatures have retained the power to selectively approve or reject from among the line items. Let me share with my colleagues a list of States where the line-item veto protects the role of legislators to examine these items:

Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Idaho, Illinois, Iowa, Kansas, Louisiana, Maryland, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, South Dakota, Tennessee, Texas, Utah, Virginia, and Wisconsin.

In only four, Michigan, Mississippi, Montana, and Pennsylvania, do legislatures face the all-or-nothing situation that this legislation would impose on us, and in the case of Wisconsin, Mr. Chairman, the State constitution would allow item by item consideration, but the legislature has decided in its own rules to respond to line items en bloc. With regard to the balance of the States, our review of constitutional provisions shows that at least in their constitutions their legislators are not restricted to the all-or-nothing option.

□ 1740

Mr. Chairman, I offer this amendment with the gentlewoman from Florida in an effort to improve on this legislation, not to destroy it. When it comes to altering the balance of power under which our Government has functioned for over 200 years, caution should be our guiding principle.

Mr. Chairman, I urge the adoption of this amendment. Ideally I would have preferred that this amendment not include the 50 Member threshold before an item can be voted on separately, but I am pleased to join the gentlewoman from Florida in this compromise. It is an important and valuable step in the right direction, and I urge support of this amendment.

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

Mr. Chairman, as I read H.R. 2, I discovered two serious flaws or two problems that I personally had with it. One was addressed in the previous amendment, and that is limiting the corporations or the individuals who are getting a tax break to only 100. I think that is not advisable public policy. However, the floor has spoken and that did not get adopted, or the deletion did not get adopted.

When I first saw the section indicating that we could not pull out various line item vetoed items and vote on them separately, I thought that was a very serious mistake. So when the gentlewoman introduced her amendment, I called and said I would like to support it and would come to the floor and speak in favor of it. However, in speaking to the chairman of the committee, he indicated he did not like that approach and would be supporting the amendment of the gentlewoman from Florida [Mrs. THURMAN].

I thing the compromise gets at the problem, although I think the better way would be to eliminate the necessity for 49 or 50 Members. However, since that is not going to be the will of the House, I think at least by having the 50 Member requirement when there are items in 1 veto message, and let's say there are 10 items, and there is one which I think almost everybody in the House would agree to, we could have the ability to pull that one out, knowing full well we do not need 10 votes because the other 9 will not survive.

The gentlewoman from New York indicated that Wisconsin had a policy on this. As a former State legislator in Wisconsin, that is exactly how we did it. When the Governor sent back line item vetoed items in the budget bill, we would select the ones, with the minority, which would necessitate a vote. The bulk of them were voted en bloc, and the sufficient two-third was not garnered.

So that is the correct procedure, it is one which worked there, it is one which would work here, but that is not going to be the way it is going to go. So let us try the 50 Members signing to request a separate vote and see if that provision works.

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

Mr. Chairman, I do so to commend the gentlewoman for her amendment. There have been points made here today that we were going to be ceding too much power to the President, and that we should in some way limit that. I think what this amendment does is make the case that were the President is deemed to have done an egregious thing in the exercise of the line-item veto, something that was punitive or an improper use, shall we say, of the line-item veto, and that was apparent to 50 or more Members, that that would rise to the level where we should be able to pull that back and say no, he has gone too far.

Our concern with the gentlewoman from New York's amendment is allowing one Member to do that it seemed to us was going to open up perhaps a Pandora's box, where a lot of Members would have various things they would like to see pulled out of that, and we have a cherry picking.

I really think where we are talking about the kind of egregious thing the President might engage in, the gentlewoman's amendment allowing 50 Members to indicate that is strong, and I am pleased to accept the gentlewoman's amendment.

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

Mr. CLINGER. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I thank the gentleman for accepting the amendment. I would have been willing to live with the responsibility to take a vote on each of the amendments, but since it is very obvious it would not have been accepted, I am very happy to support this amendment.

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

Mr. CLINGER. I yield to the gentleman from Florida.

Mr. GOSS Mr. Chairman, I think there is one further point: We worked very hard to try in the committee process to work out a formula that would expedite the procedure to allow any Member to get something to the floor that was of great concern to them. We were concerned at first that this might not fit into the procedures that we worked out. This actually could improve it. I think it is untested. We shall see. But I am very happy from our perspective, from a legislative process point of view, to accept the amendment as well.

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

Mr. Chairman, I rise to oppose this amendment in the strongest possible terms.

I do not know how many are going to listen, I do not know how many heard before about the line-item veto. But how can you say you are for the line item veto the turn over the authority, the explicit, direct authority and obligation that we have in swearing to uphold and defend the Constitution, defend our prerogatives and obligations as a legislative body, a line-item veto, you say, and then when the President comes back with all of those line items taken out which you have just voted to give to him, say, ''But what if we don't like it? What if there are some items we don't want?''

So this is a fewer items bill you are about to pass if you have this in, not a line item. Fewer items. You want to pass a legislative line-item veto bill.

One of the Members from the other side, who I believe is chairing it for the Republican Party, says, ''What if the President does something egregious? Then it comes back to us, and we get to pick 50 Members to go against everybody else and get the rest of us to go along with me on this.''

If you think deals have been cut in the Committee on Appropriations, I now see the Committee on Appropriations as the enemy of us all.

Please, I have been in a legislative body too long. I understand how politics works. I am proud to be a part of that tradition. I am not going to quiver and be some craven cur down there, saying, ''Well, if the President sends us back something that we volunteered on this floor to give him, then if we find some items, we can get 49 other people to stand up with us, we will take it back.''

How can you have the gall to stand up and parade yourselves in front of the American people, talking about, ''We do not have the discipline to do anything for ourselves, we are going to have the President do it for us; however, if there are some items that are taken out that we want and we can get 49 of our buddies to go along with us, then we are going to see if we can't get the other 218 that we need to go along, and we will be able to get ours''?

I warned that the small States were going to be at risk here. You know that the big States and the big-power, special interests you talk about, private interests—I do not care whether you are talking about the space station, I do not care whether you are talking about a particular item, a dam or a river, whatever it is you want to deal with the public works—this is going to open the whole thing back up again.

The hypocrisy of this whole line item veto is made manifest by this amendment.

I am waiting to see whether this is voted through to not, because if it is, let the record state here clearly that this means we have a legislative line item veto bill in which the deal-making and the logrolling will be something like you have never witnessed in the 200-plus years of this Republic.

This is going to be the granddaddy, the mother of all pork-barrel bills, when this comes out if you folks pass this, and it is going to be on the record.

And in honor of this final decline and fall of the Constitution of the United States and the House of Representatives in particular, Mr. Chairman, I ask unanimous consent to be able to enter into the RECORD the disquisition made in the Senate in 1993 by the Honorable ROBERT BYRD on the line item veto.

Mr. GOSS. Mr. Chairman, reserving the right to object, is it parliamentary correct to enter into the RECORD a document?

The CHAIRMAN pro tempore (Mr. RIGGS). That request cannot be made in the Committee of the Whole.

Mr. GOSS. Mr. Chairman, I withdraw my reservation of objection.

Mr. ABERCROMBIE. Mr. Chairman, I will do that at the proper time.

I commend them to you, in conclusion, before you engage on this reckless course for which you will have to answer, read the record as entered by Senator BYRD in 1993. I am sure his office will be happy to present you with some copies. I will be happy to do the same.

We can go over the entire history of the line-item veto as practiced in other times, directly attributable to the decline and fall not just of this Nation, which is what this will be, the decline and fall of this body as a honorable body engaged in legislative practice that it should be engaged in.

□ 1750

Let us stand up for the Constitution that we swore to uphold and defend. Do not pass this amendment and bring shame on ourselves at the very time when we say we are already willing to give up what we should be hanging onto, clinging to with dear legislative life.

This amendment bespeaks the disquietude that is in this body with respect to the line-item veto. It shows that we do not really mean it. If this amendment passes, this is not a line-item veto bill. It is a legislative line-item veto bill, and we will rue the day we passed it.

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

Mr. Chairman, I hope my colleagues heard the remarks of the gentleman from Hawaii, because he is talking good sense. I do not intend to elaborate on what it was that he said about this amendment. But, rather, I want to remind my colleagues about who we are, why we are here and what we are.

I would never support a line-item veto for a Republican President. But I would never support a line-item veto for a Democratic President either.

We have been engaged in a headlong rush over the last 3 weeks or so now to pass the contract on America. This is a remarkable device, because essentially it says a lot of things. It says that when we passed legislation to clean up the environment or deal with the problems of the health of our people or to take care of the young or the unfortunate or the poor, we really did not mean it. And where we mandated the States to do something, we really did not mean that either because, after all, now they are complaining. We only give the States $750 billion a year, and the local units of government get a large part of that. And were we to take that back, we could balance the budget very comfortably.

But I want to talk a little bit of history to my colleagues, because history is important.

As George Santayana observed, ''He who does not learn from history is doomed to repeat it.'' That means if you do not listen to what happened in the past and you do not learn from it, you are going to make the same mistakes. And you are probably going to pay the same price.

My old Daddy used to tell me, Son, there are two kinds of people: there are those who learn from experience and those who learn from the experience of others.

It started at one point in history back around about 1500, when the British parliament and the British people were involved in an intense controversy with the king who said that he ruled by divine right, not by the gift of the people. And that began a battle which culminated with the works of Oliver Cromwell, the great commentator, the man who pulled down the British monarchy. Why? Over the budget. Over the purse, over the power of the people to have control of their budget and their moneys. That is why.

And just a few years later, about 200 years later, a little more, the United States was formed, the colonies. Why? For exactly the same reason, over taxation without representation. We can spend our careers here denigrating and criticizing this institution, and I would say those who do this deserve to be denigrated, because this is a great institution. I would urge my colleagues

to stand up, not only for what they believe right, but to stand up for the constitution, for the powers of the people.

I do not believe any President ought to have the line-item veto power. I think that what it constitutes is a wonderful power that he can use to swing every one of us by the ear or the nose. And he can cut deals that are as every bit or more corrupt than those which my colleagues complain about.

This is a public body. It is a public institution. We try to do our business in the public with openness, with respect for our constituents. Are bad things done here? Of course, this is a human institution. As my colleagues may remember from history, the good Lord got one bad apostle out of 12. But by the large the Members here are keenly aware of their duties and their responsibilities.

Now, I know my new colleagues came in here running against the institution. Well, perhaps after they have served here for a while, particularly the Members on the majority side of the aisle, they will recognize that there is something more at stake here than they might like to admit at this time, the Constitution. We take an oath at the beginning of every session to support and defend the Constitution of United States.

The Constitution was founded on a couple of very important principles, one man, one vote, and that the power of the purse resides in the people.

We carry that delegated responsibility. This body has over the years I have served here been so sensitive that in the old days they would not let the Senate start a piece of legislation which would appropriate money.

It is important that we know why this power is here. It is important why we know we must defend it. There is a constant tension between the executive and the legislative. A weak legislative encourages the encroachment of the executive.

Again, I do not care whether it is a Republican or Democrat in the White House. It is not in the interest of the country, nor is it in the interest of this legislative body to afford the line-item veto power to the President of United States. Let him consider the legislation we send him. Let him veto it.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. DINGELL] has expired.

(On request of Mrs. COLLINS of Illinois, and by unanimous consent, Mr. DINGELL was allowed to proceed for 2 additional minutes.)

Mr. DINGELL. Mr. Chairman, if it is in the public interest that we should have the power of the purse, we should also have the responsibility for it. And we should bear both. If we come to a decision that something is a good project and the President does not like it, let him veto it. Let him send a veto message up here and let us deal with it as the Founding Fathers intended.

This question of the line-item veto is like a lot of other things, a matter which was discussed in the convention in Philadelphia. They looked to see how the purse should be managed and by whom, and they came to the conclusion that it, first of all, should be in the Congress and, second of all, that the primary power for that should be in the House of Representatives.

Again, I have heard a lot of Members talk about how corrupt this institution is. There seems to be a great deal of that sort coming from the majority side of the aisle. That is not a majority view in the country, and it should not be a majority view in the country. And it should not be a majority view here.

If there is something wrong, let us clean it up. But let us not throw away the constitutional powers of United States, the Congress of United States, the people of United States. Let us not give them to a President or anybody else unless we are convinced that that is the proper carrying out of our constitutional responsibilities. I assure you, it is not.

The Constitution is to be protected by all of us. We take an oath on that point. And we should understand that the protection of the power of the purse and the protection of the prerogatives of the House of Representatives are an essential and important part of that oath.

I would urge my colleagues to reject the amendment, and I would urge my colleagues to reject also this outrageous piece of legislation which does nothing other than to denigrate the House, the Congress, and to confer power upon the President of United States, which was the subject of a long struggle between the people and the sovereign and a part of a long struggle on the part of the people of United States.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. DINGELL] has again expired.

(On request of Mrs. COLLINS of Illinois, and by unanimous consent, Mr. DINGELL was allowed to proceed for 4 additional minutes.)

Mr. DINGELL. This was not a struggle which was won easily. In England it cost the head of one king and the throne of another. And it caused a revolution which caused thousands of British subjects to die. It caused a war between the United States and Great Britain, a war which we all revere, which is an essential part of our history, which reminds us of how Americans died at Valley Forge and elsewhere.

□ 1800

Why? Because they wanted independence, because they wanted self-government, because they wanted representative government, and because they wanted the ability to control their own destiny and their own purse. Members can criticize the way we spend the money, but remember, we are all answerable to the people. Every 2 years we go home and we talk to them about the budget.

Mr. Chairman, I have heard my colleagues on the Republican side of the aisle talk about the budget and how irresponsible Congress is. Again, as George Santayana says, ''He who does not learn from history is doomed to repeat it.''

Let me remind Members that during the 12 years of Republican presidency, between 1980 and the commencement of President Clinton's administration, the Congress of the United States cut President Reagan's budget every year except one. Every year except one, the President's budget was cut up here.

The complaint that we heard from Mr. Reagan and then from Mr. Bush was an interesting complaint. They complained that we were taking money from defense and educating kids. They complained that we were taking money from defense and other boondoggles.

Mr. Chairman, they complained that we were taking money from some things like foreign aid and military expenditures and putting it into health, or the needs of senior citizens, or research into health, or into protecting the environment, or into doing things that were going to make this country better.

Mr. Chairman, I would tell my colleagues, when I go to Europe and talk to the Europeans, or when they come here to me, they say:

> We do not understand you in the Congress, and we do not understand your country. When we spend money to educate a child or to build a college or university, or to build a road, or to improve the country, or to build some kind of a navigation project or something of that kind, or when we spend money on research for health or for the betterment of people, or to take care of our senior citizens, or to enable our country to better compete, we regard that as an investment.

In this country, according to what I have been hearing here lately, this is pork. This is subject to a line-item veto. It is criticized.

Well, it is not. We are really the conservators of the well-being of this country. It is our responsibility to see to it that we invest in the future. We are not just spending the treasure that belongs to the youngsters who are going to come. We are making investments on their behalf in their education, in the infrastructure of their country. We are building them roads and highways. We are doing other things that are making this a better and richer place in which they will live.

Mr. Chairman, I would ask my colleagues here to recognize both the constitutional responsibility of Members of this institution, but also to understand what it is that we are doing here, and to try and look at it in a little more expansive way. Do not look at the small end of the telescope, look through the end that is going to reveal to you what the future is, and what our goals and our purposes are.

The saddest thing about this first 30 days of this Congress has been the small-mindedness and the small vision

that I have seen on the part of my colleagues, reluctance to do the things that are necessary to make this a better country, to build, to take care of our young, to make a better environment, and to do other things, and a concentration on minute matters of small importance. Reject the amendment and reject the bill.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida [Mrs. THURMAN].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SKELTON

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

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SKELTON: At the end of section 2, insert the following:

(d) EXCEPTION.—The President may not include in a special message any rescission of more than $50,000,000 of discretionary budget authority for any program, project, or activity within the major functional category for national defense (050).

Mr. SKELTON. Mr. Chairman, I ask unanimous consent to momentarily withdraw the amendment, subject to its being offered in a few moments.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

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

Mr. Chairman, while we have a break in the offering of amendments, I wanted to rise in support of the idea, first of all, and the bill providing for a line-item veto for the President of the United States to reduce the deficits that are produced by the Congress of the United States now and into the future.

Mr. Chairman, my good friend, the gentleman from Michigan [Mr. DINGELL], and I have a disagreement on this point, as Members can readily understand from the speech he just gave and what I am about to say. I deeply respect him and the incredible service he has rendered this country in all the years that he has served in this Congress and led the Committee on Energy and Commerce, on which I serve.

Our disagreement stems from the fact that while I believe, too, that there have been mighty struggles between sovereigns and those with whom they have contested over the years over the issues of who, indeed, has the power to make the laws and the mandates that affect the common welfare, but I believe that a revolution was fought in this country over a very simple proposition called taxation without representation.

If there is a form of taxation without representation that is insidious in this land today, it is the kind of taxation without representation that we now permit for the future generations of children who will be born in this country.

When we decide to spend their money and therefore raise their taxes in the future, for whatever purposes we deem important, because we do not have the money to spend ourselves in our time, we are taxing them and they are not represented in this Chamber today, except among those who are willing to speak for the unborn yet. That taxation without representation is indeed institutionalized in the concept of a deficit.

Every time this body, every time a President signs a budget, signs appropriation bills, rather, that appropriate more money than we have to spend each year, we are in fact taxing future generations who are not represented in this body today, and who deserve better treatment than to be born into this country with a huge debt on their shoulders for taxes that we have imposed upon them without their consent and without their representation.

What does a line-item veto have to do with that concept? The line-item veto as it is employed in all of the States where it is employed, and my State is one which has a line-item veto, is used to enforce the principle of a balanced budget. The line-item veto is exercised by Governors across this land to strike from the budget appropriations that exceed the revenue of that particular State.

States like mine with a requirement to balance the budget and a line-item veto have a pretty good enforcement mechanism in place, because the legislature is admonished if the legislature dares to appropriate more money than the people have presented to it that year for expenditures, then the legislature is subject to having the Governor of that State strike from that budget whatsoever he or she may choose to strike in order to bring that deficit down and balance the budget.

The line-item veto becomes an enforcing mechanism to enforce the balanced budget. In short, if the legislature of Louisiana and the legislature of the some 43 States which have a line-item veto authority, if they are smart enough and wise enough and prudent and responsible enough not to tax future generations without representation, not to create a deficit in their accounts each year, not to build the mountains of debt we have built here in America through this congressional appropriation process, then the Governor of that State does not line item anything.

□ 1810

The legislature protects itself against the line-item veto by balancing its budget each year. And if ever this Congress in the history of our country needed something to enforce the will power of this body to keep its books in balance, it is now and the line-item veto is just that tool.

If the line-item veto is passed in this Congress and the President of the United States, be he Democrat or Republican, has the capacity to line item out of the budget expenditures we create in deficit accounts, we are going to be much more careful about not sending him a deficit budget. We are going to do our level best to balance that budget. We are going to do our best to reach the goal of the balance budget amendment we just passed, Mr. STENHOLM, and sent over to the Senate that will require us to reach a balanced budget by the year 2002.

A little later on in this debate, I hope to offer an amendment to even perfect this theory a little further.

The CHAIRMAN pro tempore (Mr. RIGGS). The time of the gentleman from Louisiana [Mr. TAUZIN] has expired.

(By unanimous consent, Mr. TAUZIN was allowed to proceed for 3 additional minutes.)

Mr. TAUZIN. You and I know something that the American public knows and that has been admitted in the balanced budget debate and admitted by Presidents who have served us now and have preceded us. That is, if we tried today to produce a balanced budget in this fiscal year, it would be practically impossible to do because we have committed ourselves to so much entitlement funding.

Without massive changes in the way we fund entitlements in America, we cannot deliver a balanced budget to the President this year. That makes passing a line-item veto difficult, because it means for the years we cannot balanced the budget, the President is going to enjoy that extraordinary authority.

I am going to suggest a change in the bill that is before us. I am going to suggest a change called the glide path amendment a little later on. The glide path amendment says that if we are smart enough, wise enough, and responsible to stay on the glide path that the CBO predicts we need to stay on to reach the balanced budget by the year 2002, the line-item veto authority would be limited to expenditures in excess of those numbers so that we can legitimately stay within the numbers that take us to a balanced budget by the year 2002 and not give the President this extraordinary authority because we cannot balance the budget this year.

It would mean that the authority we give the President in line-item authority would be used to enforce the will power of this body to stay on schedule, to balance the budget as we have agreed to do in the balanced budget amendment, and to give the President the authority to strike any item that we appropriate in excess of those numbers until we reach the year 2002.

When we have reached that touchdown goal of 2002 and we have balanced the budget, therefore we would be under an obligation to keep the budget in balanced or else the executive would have the authority, as he has in every 50 States, to strike out any appropriation in excess of that balanced budget.

I believe that change will be very important. I would ask you to think about it now. I will be offering it later on to make this thing work in the interim, while we are trying to get the

balanced budget working and in fact to enforce our will power to make it work in the year 2002.

Mr. GENE GREEN of Texas. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Texas.

Mr. GENE GREEN of Texas. I thank the gentleman for yielding.

I say to the gentleman, ''I am supporting the line-item veto just like you because in Louisiana you have that authority just like we do in Texas. Although I also recognize to transfer this authority from the legislative to the executive branch, which is what we are doing, it is because of the budget that we are doing that.

But I am almost sure in having read some of the Louisiana papers over the years and your current governor, oftentimes, the line-item veto is used not only to balance the budget but also to get the attention of those of us who serve in the legislative body and I am sure Governor Edwards just like Governor Briscoe and Governor Clements and White and all the rest of them in Texas have used it over the years to get the attention of us, that is a possibility.

The CHAIRMAN pro tempore. The time of the gentleman from Louisiana [Mr. TAUZIN] has again expired.

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

Mr. TAUZIN. Mr. Chairman, I continue to yield to my friend, the gentleman from Texas.

Mr. GENE GREEN of Texas. I thank the gentleman from Louisiana.

It is used oftentimes by the executive either to punish or to get the attention of the members of the legislative branch. But in the meantime, they are also using it to try to get spending within check.

Mr. TAUZIN. Reclaiming my time, I am not sure what the balanced budget of Texas requires nor what the line-item veto allows, but let me tell you what it does in Louisiana, as I think it does in this bill. The authority to the executive is only to strike out measures that end up reducing the deficit. If there is no deficit, then the governor does not have the line-item veto authority. He cannot use it to punish or get anybody's attention. The only thing he can use it for is to get the budget back in balance. So if the legislature does not want to get punished, does not want to get yanked by the ears, the legislature sends him a balanced budget each year. We badly need that kind of will power here.

Mr. GENE GREEN of Texas. I agree that would probably even be a compromise on this bill, because in Texas we do not have that. When the Governor vetoes the line items, whatever they do, that money, even if it is below the projected revenue, that money just stays in the treasury.

Mr. TAUZIN. Again reclaiming my time, my understanding is the bill we have before us gives the President the authority to line-item any item to reduce a deficit which, if my reading is correct, that means in effect if we send him a balanced budget, he would not have the authority to line-item anything. It is the same kind of procedure we have in Louisiana.

So to the arguments of those who are concerned that this bill would give the President some authority to punish Members, to extort a vote from them on occasion, to yank them by the ears or the nose or whatever it might be to do his will, let me assure you, if you adopt the amendment I am going to suggest, and if we stay within the contours of the path that takes us to a balanced budget, the glide path that gets us there by the year 2002, the President would not have that authority, and the legislature would be protected from that abuse.

AMENDMENT OFFERED BY MR. SKELTON

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

The CHAIRMAN pro tempore. The clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SKELTON: At the end of section 2, insert the following:

(d) EXCEPTION.—The President may not include in a special message any rescission of more than 50,000,000 of discretionary budget authority for any program, project, or activity within the major functional category for national defense (050).

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

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

There was no objection.

Mr. SKELTON. Mr. Chairman, I offer an amendment at this point which would state that the President may not include in a special message any rescission of more than $50 million of discretionary budget authority for any program, project, or activity within the major functional category for national defense.

I also wish to thank the following gentlemen: The gentleman from Pennsylvania [Mr. WELDON], the gentleman from Texas [Mr. EDWARDS], the gentleman from California [Mr. DORNAN], the gentleman from Texas [Mr. LAUGHLIN], and the gentleman from Arizona [Mr. STUMP] for asking to be cosponsors of this amendment.

A special thanks to my friend and colleague from Texas, that very bright, able young Texas, CHET EDWARDS, for his excellent work on this amendment.

This deals with national defense, I speak for the young men and young women in uniform, so that what comes down from this legislature reflecting our constitutional duty may not be undone by someone who might in years or decades ahead sit in the White House and be against the military.

Along that line, however, let me digress for a moment and compliment the President for an announcement he made just a few moments ago. He told our Nation that he is naming the aircraft carrier CVN–75, the U.S.S. *Harry Truman*, and the aircraft carrier CVN–76, the U.S.S. *Ronald Reagan*.

I compliment him on those choices for the famous Missourian who stood so tall and so well as our President and the recent President, Ronald Reagan, who was a patriot and strong for national defense.

Back to the amendment. This amendment, Mr. Chairman, reflects what we ought to think about when it comes to legislation and our own powers.

This legislation reflects the purpose and the spirit of our Constitution. If you go into the Committee on National Security room, you will see in front of the podium a copy of the words from article I, section 8 of our Constitution that gives us, the Congress, not only the authority but the duty to raise and maintain the military and to establish rules therefor.

□ 1820

It is our responsibility. This amendment keeps that responsibility here and does not allow the buck to be passed somewhere else.

There are those who might say what about those special projects, those research projects that some might put into a defense bill? That is taken care of, and the gentleman from Texas [Mr. EDWARDS] came through with this idea that we incorporate that anything under $50 million may be subject to the same veto message that anything else may be subject to in this legislation.

Nothing is more important than the national defense of our Nation. Securing our borders, the vital interests of our country, nothing is better than that. I speak for the young men and young women, I speak for this Congress, because it is our constitutional duty to raise and maintain them. I intend for us to let the buck stop here, where it should.

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

Mr. SKELTON. I gladly yield to my friend, the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to commend the gentleman from Missouri for his amendment. I notice he has adjusted it up to $50 million, so anything under $50 million, where we would get special projects, things of that nature, can be struck out by the President if he thinks that it is not necessary, or unnecessary.

But if we had a major thing, for example, let us say the Congress decided that we needed to have another aircraft carrier which is, say, a $3.5 billion matter, you have worked it out so you could put the money in the budget to do that. The President would not be then in a position to veto that because it is Congress, the gentleman is absolutely right, under the Constitution that has the ultimate responsibility.

The CHAIRMAN pro tempore (Mr. RIGGS). The time of the gentleman

from Missouri [Mr. SKELTON] has expired.

(At the request of Mr. DICKS and by unanimous consent, Mr. SKELTON was allowed to proceed for 2 additional minutes.)

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

Mr. SKELTON. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, it is the Congress that ultimately has the responsibility for the common defense. So I think the gentleman has a good amendment. The buck should stop here on this issue. It will get rid of any kind of special interest problems but protect Congress' prerogatives to maintain the common defense, and I want to commend the gentleman who has been one of the most thoughtful experts on defense policy in the House.

Mr. SKELTON. I thank the gentleman very much.

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

Mr. SKELTON. I yield to my friend and colleague, the gentleman from California.

Mr. DELLUMS. Mr. Chairman, by the gentleman's amendment he would exempt all items above $50 million in the defense category of the overall budget, is that correct?

Mr. SKELTON. Absolutely, absolutely.

Mr. DELLUMS. I am one that opposes the line-item veto, but it is clear to me that the line-item veto is going to pass, and seems to me if it is going to pass this is a question I would like to ask, then: By this amendment if the President of the United States sought to knock out what he perceived or in some event she perceived as cold war relics, like the B–2 bomber, would the President not have the ability to strike antiquated weapons systems that exceeded the $50 million?

Mr. SKELTON. If the gentleman would listen to my response, the President would not be able to strike, under this legislation, anything in excess of $50 million, which would of course include the category of which the gentleman speaks, the very important B–2 stealth bomber.

Mr. DELLUMS. If the gentleman would further yield, then based upon that explanation, this gentleman would be constrained to oppose the amendment because it would seem to me if we are going to do this thing, then the President of the United States ought to have all items before him or her, and it would seem to me in that context if we are going to make any exclusion in the military budget, that is counterproductive if it does not allow the President to strike a weapons system.

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

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

Mr. SKELTON. Mr. Chairman, I yield to the gentleman from California.

Mr. DELLUMS. As I was saying, this gentleman would be constrained to oppose the amendment, Mr. Chairman, because if we are going to have this thing, I oppose it, but if we are going to have it, then give the President the total prerogative. By establishing this limitation, why not do it in other areas?

Mr. SKELTON. If I may reclaim my time, which is limited, there is nothing more important than national defense. That is the purpose of a Federal Government. That is why we are all here. Everything else is in addition thereto.

Further, if carries out the spirit of the Constitution, the buck stops with us here in Congress article I, section 8.

Further, the President still has the right to veto an entire bill. He can still do that and come back and cause us to pass the entire bill.

We are losing nothing by passing this. We are keeping the prerogatives of the U.S. Congress.

I think it should be passed. I would hope it would be passed unanimously. But I appreciate the gentleman's comments.

Mr. DELLUMS. I thank the gentleman. Would the gentleman yield briefly to me?

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

Mr. DELLUMS. I am simply saying I oppose the overall bill for the very constitutional principles the gentleman articulates, and if we are going to do it, give the President the full prerogatives. If you are going to dive off the bridge, give the President the full capacity to flap his wings.

I thank the gentleman.

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

Mr. Chairman, I rise in strong support of IKE SKELTON's amendment and I agree with him that the distinguished gentleman from Texas, Mr. CHET EDWARDS, played a key, instrumental role in this amendment. I went with these two gentleman to the Normandy 50-year commemoration, and many times during those days, from the Cambridge Cemetery for all our K.I.A. air crews from the terrible air war over Hitler's Nazi Germany, to Omaha Beach, to Utah Beach, many times we discussed among ourselves, Democrats and Republicans, exactly what the gentleman from Missouri [Mr. SKELTON] just said, that the principle purpose of our Government, beyond anything else, is to defend our homeland.

To be precise, let's analyze that beautiful Preamble to our Constitution, which I carry with me, that Preamble says: We the people of the United States, in order to, 1, form a more perfect union; 2, establish justice; 3, ensure domestic tranquility, do we ever fail on that one; and 4, provide for the common defense, defense is a priority after ''forming a more perfect union,'' which is ongoing and never ending. It does come after justice. We need justice in our land, we need domestic tranquility, but providing for the common defense is something our Governors do not have to worry about.

Let me give some of my own personal history on this and why I was the last Republican to sign the Contract With America. I was hung up over line-item veto. I have been against it for most of my 16 years and one month here.

Mickey Edwards of Oklahoma and I had a long colloquy on the floor that a President in the White House, whether a flaky Republican or a flaky Democrat, who knows nothing about providing for the common defense could strike out, yes, the whole B–1, the DDG–51 Arleigh Burke destroyers, the V–22, the B–2, or the F–22 fighter. He or she could kill every modernization program, I said I cannot be for that. I am for it for every Governor in the Union. And I slowly evolved to accepting what on principle, like the gentleman from California [Mr. DELLUMS], I was against, because we are facing financial catastrophe and bankruptcy by the turn of the century.

But then this idea comes forward from my distinguished colleagues from Texas and from Missouri, and I said, yes, this is the answer, a slightly amended line-item veto that protects the Preamble to the Constitution, to provide for the common defense.

Look, Mr. Chairman, I get the honor today of announcing something exciting. CVN–76 will be named the *U.S.S. Ronald Reagan*. And I am expecting a call from the Secretary of the Navy. Some Democrats, every California Republican, 104 of us sent a letter 2 weeks ago to Navy Secretary Dalton, and he has accepted today the name Ronald Reagan, Sec. Dalton is striking the name *U.S.S. United States* for CVN–75, which will be christened in September of next year, 1996, to name it the *U.S.S. Harry S Truman*. And I rather like that. My dad was Harry Dornan, Battery D Commander, Captain, World War I. How can that be when Harry Truman was Battery D Commander, World War I? Simply two different divisions. *U.S.S. Harry Truman* next year, and in 2000 A.D. Ronald Reagan. I have just had the pleasure of telling the Reagan Library that news.

These are important things that we fund in defense. To have the world's largest moving objects, the Nimitz class carriers, named after Presidents is fitting and proper.

□ 1830

We have a *George Washington*. We have an *Abraham Lincoln*. I just went out and shot five landings and five catapults off the U.S.S. *Eisenhower*, the first man-of-war with women on board, we have the U.S.S. *Teddy Roosevelt*, one of my favorites. This naming of ships is important.

I do not want a Republican or Democrat to take a pen and say no CVN–76, U.S.S. *Ronald Reagan*, no CVN–75, *Harry Truman*, scrap it, do something else with the money which is what they did with the Northrop Flying

Wing, the B–49, just line-itemed it out, and Congress did not fight back.

Defense is our responsibility. We have to protect defense. This is a dangerous world with a million poisonous snakes out there, although we are happy to look at a dead evil empire Soviet dragon. I say we protect defense, and for that, I am for the line-item veto with this amendment for all of our future Republican, Democrat, or Prohibition Party Presidents.

Mr. GENE GREEN of Texas. I move to strike the requisite number of words. Mr. Chairman, I rise to oppose the amendment simply because, and I support the bill, by this amendment we are setting apart defense spending, and I understand my colleague from California and my colleague from Texas and from Missouri, their concern about defense spending.

We have a mechanism in this bill to protect from an irrational response or an action by whatever President, and, I say to the gentleman from California [Mr. DORNAN], I hoped we would also see a carrier named the Lyndon B. Johnson since I am from Texas too, someday, I support that also.

But to set aside this measure and not let it go through the procedure that this bill creates for it to come back to Congress for us to vote, and I think we would not have any trouble getting a majority vote in the House or a two-thirds vote, depending on what amendments we actually adopt to reauthorize that, and say, ''Mr. President, no matter who you are, we want this program.'' By this amendment, we are saying, ''Mr. President, you cannot cut the large programs. We have a deficit problem. You cannot cut $50 million or above. We can let you pick around the edges, but we have a $4 trillion deficit, and we are not going to talk about major programs.

I think it would be irrational for us to do that, even for national defense.

Let me talk about what we are saying to the American people by doing this. The national defense is our No. 1 reason for a government. But we are also here to provide for that domestic tranquility, and obviously we are not doing it. But if we set aside and cut nutrition programs that are over $50 million for children, for school lunches, we cut nutrition programs for senior citizens, then we are not providing for that domestic tranquility any more than we are providing for the national defense.

Let me remind this House that the reason we have nutrition programs for our schools is because of national defense. Harry Truman in 1946 said that our service personnel were not up to standard, and we needed to provide that as a national defense issue.

I think this amendment is wrong. We are setting it separate. It is so important we do not send that message to our people.

Senior citizen programs are just as important, chapter 1 funding for Federal funding for education is just as important, and it is much more than $50 million. If we are going to start exempting out defense, and I agree that we need to have those programs from this, then we need to also exempt out education funding, senior citizens' food programs, elementary school programs. I just think this is the wrong method, because if a President does wrong, we can change it by this bill, and we should not start picking out certain issues or we will come with amendments up here today and do the same thing we did on the unfunded mandates and say let us exempt certain programs.

This amendment was not considered in committee, never even discussed, and we had a full day of not only markup but also a full day of hearings, and this never came up.

So I urge a ''no'' vote.

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

Mr. GENE GREEN of Texas. I yield to the gentleman from Wisconsin.

Mr. KLECZKA. Let me echo the sentiments of my colleague who has just spoken.

If we are going to start the exclusion game, we are going to be on this bill longer than the unfunded mandates game. I say to you right now, and I told you earlier in the debate, I support H.R. 2 as drafted.

We did amend the bill with the Thurman amendment, which I thought was a step in the right direction. If you adopt this amendment and take one major portion of the budget, 20-some percent of the budget, off the table for the most part, do not let the President get near that and not do the same for education, health care for young and old alike, medical research, I think what we are doing here, Mr. Chairman, we are purporting a sham on the American people.

And I would like to tell my colleagues there will be a rollcall on this, so if any of you are going to shout loud and run to the Cloakroom, ''It ain't going to happen.''

But note, if you will, the precedent we are setting with this amendment, if adopted, is terrible, terrible, and if you are serious about passing this line, item veto legislation, do not start by putting nonsense like this into the product.

I plead with my colleagues not to do so.

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

Mr. GENE GREEN of Texas. I yield to the gentlewoman from Oregon.

Ms. FURSE. Mr. Chairman, I want to say that this amendment truly sends the wrong message to the American public. It says there are certain things that are sacred cows, and we cannot preserve sacred cows and be serious about line item veto.

If any program is exempt, then all programs are exempt, and we are not putting forward true line-item veto legislation.

So I would oppose this amendment.

Mr. GENE GREEN of Texas. Mr. Chairman, I urge a ''no'' vote on the amendment.

Mr. CLINGER. Mr. Chairman, I move to strike the requisite number of words. I do so to oppose this amendment.

I reluctantly oppose the amendment. I know there are many Members on this side of the aisle and certain Members on the other side of the aisle who feel this is an area that should be exempt, sacrosanct, should be protected from what we are providing for the President with the line-item veto. But I submit, Mr. Chairman, this amendment really flies in the face of the purpose of what we are trying to accomplish in H.R. 2, and would, in fact, restrict the President's rescission authority even more greatly than does current law. It would go beyond what we can do under existing law, and I think the amendment should be defeated.

I think the gentleman's amendment would single out for special treatment defense appropriations of more than $50 million, and I would say to the gentleman and to the Members there are many programs, nondefense-related programs, that rise to the level of pork or could rise to the level of pork which would be exempted from even being considered for a line-item rescission under this bill.

For example, we have active forces transition enhancement, disaster relief, $70 million, disaster relief efforts $50 million, Philadelphia Naval Shipyard economic conversion, one that would be very dear to my heart, but some might consider that pork, $50 million. There are a lot of programs here that would be put off the reservation, not permitted to be touched or even considered for exemption or for line-item veto.

The other point is we have already in this debate over the last day or two exempted or considered whether to expand the judiciary, and there were very strong and powerful arguments made why the judiciary should be protected, the separation of powers and so forth. We rejected that argument and said that nobody, no program rose to the level where it should be exempted from consideration.

What it really says is that we are willing to trust the President to use his good judgment as the President elected by all the people to make determinations with regard to every other program that we deal with except defense.

I recognize that defense is certainly the No. 1 consideration, the No. 1 priority, that we need to deal with here, but to say that it is of such importance that we cannot even consider eliminating pork from that program, I think, is the wrong thing.

We do trust the President to do this. I think we have to trust him in this one as well, and I would also point out there are very few major defense programs that are less than $50 million, so

it seems to me there would be almost no opportunity to really affect wasteful, outmoded, outdated, as the former chairman said, outmoded weapons systems, we would not be able to touch.

It assumes there is no pork in DOD. I think that is clearly wrong. There is pork in every program we deal with. So I must strongly resist and oppose the gentlemen's amendment.

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

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

Mr. TAUZIN. As the gentleman knows, we plan later on to offer an amendment that I think cures this problem, and that is if the legislature, this Congress, stays within the glideslope projections that take us to a balance budget, we are not going to have this problem at all. It is only when we spend in excess that then the President would have to exercise the line-item veto to keep us on line, in which case every program ought to be examined to see if there is pork in it, every single one.

I think the gentleman is correct in that view. I would urge that that view prevail on this floor.

□ 1840

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

Mr. Chairman, I do so to make a couple of points. One is that it is less then clear, I think, to the American public when we say the budget becoming in balance as to what we mean in respect to the national debt that has accumulated. We keep referring to a balanced budget as if just the removal of the deficit would in fact bring the budget into balance. But the real purpose of my remarks at this moment is to speak to the amendment before us.

This amendment, seemingly, would restrict any line-item veto limited to items of $25 million, to no more than $25 million. It would seem to me that with some creative budgeting you could make a number of budgets, programs not presently in the defense budget part of the defense budget, and therefore protect them from the line-item veto. If the majority is trying to legitimately pass a line-item veto, they would not want to create this kind of creativity in the budget process.

Even though I do not degree with the notion of line-item veto, I have talked about my experience with it in Pennsylvania where it has been abused. But if the purpose is a pure one and a sincere one, it would seem to me this amendment would be rejected.

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

Mr. Chairman, I rise in opposition to this amendment. And as I do so I am thinking ''Here we go again.'' We appear to be right back on our debate, about which we were speaking earlier this week, on unfunded mandates.

You cam recall in that bill the sponsors exempted from the definition of unfunded mandates laws dealing with national security. So we had amendments to exempt other laws, like laws protecting the environment, laws protecting children, and laws protecting workers. In each case the proponents of the bill said ''No.'' They said it would open the floodgates to more exemptions.

Here we are again. This amendment exempts defense spending from rescissions. The President could not under the amendment cut defense spending, like a missile system. At the same time there are no other exemptions. There are no exceptions for spending for nutrition programs, programs for the homeless, programs for the elderly, children's programs, programs for the aged, programs for the disabled, and education programs. It is the same set of priorities we saw the last time.

Mr. Chairman, as Yogi Berra said, ''it is deja vu all over again.''

I urge we vote no on this amendment. It is not a good amendment.

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

Mr. Chairman, I have a great deal of respect for the authors of this amendment. I think there are Members who are primarily responsible about keeping our national defense capability at a very, vry high level, which we all think is very important.

I reluctantly rise to oppose this amendment, though, because earlier today we debated the issue of exempting the judiciary from this bill and I think we rightfully did not exempt the judiciary.

I believe we should not exempt the Pentagon. Military spending should not be sacrosanct in terms of budget scrutiny, scrutiny with regard to pork-barrel spending. The President has a responsibility to look at all spending, even as it relates to our national defense, and to decide whether it is necessary. If indeed the President unwisely vetoes a national defense expenditure, the Congress can override that if he makes a serious mistake in judgment.

So I strongly oppose this amendment. I think as the gentlewoman from Illinois said, if we start exempting all these areas we are going to run into real problems.

Let us give the President a strong line-item veto authority and let us get this budget deficit under control once and for all.

AMENDMENT OFFERED BY MR. GENE GREEN OF TEXAS TO THE AMENDMENT OFFERED BY MR. SKELTON

Mr. GENE GREEN of Texas. Mr. Chairman, I offer an amendment to the amendment.

Amendment offered by Mr. GENE GREEN of Texas to the amendment offered by Mr. SKELTON of Missouri: Before the period at the end of the proposed amendment insert the following: ''and Medicare''.

Mr. GOSS. Mr. Chairman, I reserve a point of order on the amendment to the amendment.

The CHAIRMAN. The point of order is reserved.

Mr. GENE GREEN of Texas. Mr. Chairman, this amendment came up very quickly. Again, our committee did not even have the opportunity to discuss it or consider it in the public hearing or even in the markup. And my concern is if we are talking on an important national issue, and national defense is important, and setting up that anything over $50 million the President cannot line-item veto and send back to us for consideration, why should we not also, if we are going to set up a separate classification for important programs that our Government is responsible for, why should not we also include Medicare for our seniors?

Again, it is not necessarily the national defense is in the Constitution, but I make a case I think for domestic tranquillity and health care for seniors even though it was only since the 1965 under President Johnson that this Congress passed it. I think we ought to be able to set that up and send the same message that we do not want a future President of the United States to make the determination that our budget is so high that we are going to cut Medicare because it is obviously over $50 million a year.

I think we need to set up—if we are going to set up a sacred cow, and there are some that I have, and one is Medicare, I think a lot of Members of Congress would recognize that. Even the majority said they would not touch Social Security.

I would put an extension on that to say that we are not going to touch Medicare. I would hope the Members of Congress would consider this, say that if we are making national defense important, over $50 million, let us look at it and let us look at Medicare.

I would encourage Members to support this amendment.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Florida [Mr. GOSS] insist on his point of order?

Mr. GOSS. This gentleman from Florida does insist on his point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state his objection.

Mr. GOSS. Mr. Chairman, I make a point of order against the amendment and ask to be heard on my point of order.

Mr. Chairman, the amendment violates clause 7 of rule XVI, the germaneness rule, and introduces a new subject. It really does. We are getting out of discretionary budget authority into entitlements, mandatory spending, obviously. This is wildly beyond the territory, as I believe the gentleman knows.

I want to assure everybody that that was not the intent. We are talking about discretionary budget authority. I want to put the gentleman's mind at ease that there is no attack on Social

Security or anything else going on here. This is just, unfortunately, out of bounds.

The CHAIRMAN. Does the gentleman from Texas, Mr. GENE GREEN, wish to speak on the point of order?

Mr. GENE GREEN of Texas. Mr. Chairman, if I may be recognized, I would like to speak.

The CHAIRMAN. The gentleman from Texas may proceed.

Mr. GENE GREEN of Texas. Mr. Chairman, obviously, I disagree with the germaneness because it is talking about the line-item veto and setting up a different program. Now, if we want to set up a different sacred cow, so to speak, or protect a different program than we are going to protect from the line-item veto, I think it is germane to the bill. There may be a question about the amendment, but then we could run with a separate amendment. But to save the time of Congress you may want to consider it just as an amendment to the amendment.

The CHAIRMAN pro tempore (Mr. EMERSON). The Chair is prepared to rule.

The amendment is not germane to the Skelton amendment, which relates to national defense budget authority.

The point of order is sustained.

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

Mr. Chairman, I am a prodefense Democrat. I believe that guaranteeing a strong national defense is the first responsibility of the Federal Government. It has been so for 200 years of our Nation's history. Whether you are a Republican or a Democrat, if you believe truly in a strong national defense, you should vote ''yes'' on Skelton amendment.

Let me be very clear: A vote against this amendment is a vote against protecting our Nation's defense.

To my Democratic colleagues and to the gentleman from Missouri [Mr. SKELTON] for his leadership, to my Republican colleagues, the gentleman from California [Mr. DORNAN], the gentleman from Arizona [Mr. STUMP], the gentleman from Pennsylvania [Mr. WELDON], who have cosponsored this in a bipartisan fashion, I say thank you.

To my Republican colleagues who might be thinking about voting against this amendment, let me have you ask yourself a question.

□ 1850

Do you want a President, perhaps the President that you will least like to see in the Oval Office, and only one-third of this House, or only one-third of our Senate, to be able to veto ballistic missile defense, or the B–2, or the V–22, or the F–22, or perhaps a military operation in your district? Do you want that to happen?

Do you want this President that you would like not to see sitting in the Oval Office and one-third of this House to be able to cut the size of the Army by two divisions, and you would be helpless to stop it?

I say to my colleagues, if that's what you want, then oppose the Skelton amendment.

To my colleagues, both Republican and Democratic who are very strong in favor of national defense, I say, if you vote no on this amendment, you are voting to make it easier to gut our national defense period. If that happens, make no mistake about it. You will have done more to hurt our defense programs than any liberal Democrat who believes our defense budget genuinely should be cut in half. The choice is clear. If you believe national defense is the most important responsibility of the Federal Government, then you should vote aye on this amendment. If you believe national defense is more important than the whims or the political agenda of any one President of either party, then you should support this amendment. If you vote no on this amendment, do not try to defend your vote by saying you wanted a pure bill with no exemptions.

Mr. Chairman, defense deserves to be treated differently. If deserves to be exempted because the lives of our young service men and women and the national security of our Nation and our future are far more important than some blind commitment to vote against all amendments.

I say, the choice is clear, my colleagues. If you want to protect a strong national defense, the only vote on this amendment is a yes vote.

Mr. PETERSON of Florida. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Florida.

Mr. PETERSON of Florida. Mr. Chairman, I want to compliment the gentleman and the gentleman from Missouri [Mr. SKELTON] for their comments on this issue.

I think the bewitching hour has arrived. We have had numerous speeches on this floor over my tenure of 4 years of everyone saying, ''I'm for national defense, I'm for national defense, and I stand squarely behind the military of our country.''

This is an opportunity to put really the mark on the way and say, ''I truly believe it,'' by this vote. Absolutely a no vote on this particular amendment will state it is not OK to protect national defense of this country, and I applaud the works of the gentleman from Missouri [Mr. SKELTON] and others who have cosponsored this amendment. I strongly stand in favor of this amendment to make sure that our national defense remains strong under all circumstances.

Mr. EDWARDS. Reclaiming my time, Mr. Chairman, I want to thank the gentleman from Florida [Mr. PETERSON]. I can think of no Member of this House who can speak more sincerely and more genuinely and who has given more to this country in its national defense than the gentleman from Florida [Mr. PETERSON].

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

Mr. Chairman, I listened with great intensity to this. This is a very important subject, and I believe the people who have made this amendment have done it out of the spirit of a very strong conviction about the need for national defense, and we do not do anything here that could possibly interfere with the best possible national security we can provide for every American.

I think, however, that their effort has been a little misguided perhaps because they are not familiar with what else is in this legislation, and I reluctantly, as the gentleman from Pennsylvania [Mr. CLINGER] did, have to come to the conclusion that this is not a good amendment and that there are perhaps other ways to achieve what is being argued for, which I certainly support, which is the best possible national defense, the most efficient cost.

In fact, Mr. Chairman, I am afraid this amendment, as it is reported, as I understand it, may actually tend to undermine the intent of this bill because it opens the door. We have not opened any other door, and we heard the gentleman from Wisconsin has spoken very eloquently about what will happen if we open the door: ''If you open one, they are all going to open.''

Then there is talk a little bit further about what is going to happen if we do not do this amendment. There is no other way to solve these problems to protect the defense.

Well, we have just agreed to the amendment offered by the gentlewoman from Florida [Mrs. THURMAN] which I think will help. We have created an expedited process in committee to make sure that we can deal with these things quickly. We have guaranteed every Member a vote. We have gone the extra length to make sure every Member can get out and get on this concern, whatever it may be, and there will be only defense, and deal with it, and I would even suggest to the gentleman from Missouri [Mr. SKELTON], for whom I have the deepest respect, there may even be better ways outside the scope of H.R. 2 today that we are talking about, and I would be happy to share those with him because in committee we did talk about some of those things, and I think there are a number of other options, and I think we only make exceptions of the magnitude that we would have to make if we favored this that would open those doors that the gentleman from Wisconsin has referred to if there are no other choices, and it is clear there are other choices.

I am very concerned about the trigger that has been set. It is arbitrary. If this is law, it becomes law for a long time. Is that the right number for a long period of time? Will it be changed? Will it be changed and abused after a period of time? Those kinds of questions have be asked.

But perhaps the most serious concerns I have are what we would put

under the, quote, defense umbrella, unquote, if we made this exception.

Now, when I look at the appendix of some of the nondefense-related programs funded by defense in 1993, I get into things like disaster relief, disaster relief, legacy resource management, World Cup USA, environmental impact on Indian lands, World University Games, breast cancer research, AIDS research, prostate research, a whole bunch of things that are critically important programs. I would not doubt that for 1 minute, but wonder if they are really central and paramount to the major defense mission of national security, and what I am concerned about is, if we tried to create an exemption like this, that suddenly everything will be defense related, there really will not be very much else to talk about, and that concerns me very, very much, and I realize that some of those programs, in an abundance of caution and fairness I will say, would not reach the trigger today, but that does not mean they would not reach the trigger tomorrow, as we get more and more into these things, and I say AIDS research might be an area where we might have that number go up dramatically.

But the other point that is perhaps more serious: It seems to me that the gentleman or the gentlelady in the White House is our President, and I wonder why we would exempt the Commander in Chief from jurisdiction over a defense program. That is a puzzle.

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

Mr. Chairman, I, too, am a pro-defense Member of the House of Representatives. I would point out to my colleagues that with the Thurman amendment any 50 of us that took umbrage with any decision that has been made now in either bill, either the H.R. 2 or the substitute that we will offer tomorrow, any 50 standing up may get a separate vote. Therefore, we have covered a good part of the problem that has been a concern by my colleagues who I formerly agreed with in total.

I choose to take a few minutes though to speak on behalf of why I oppose H.R. 2, and my colleagues have just heard the best example of why all of us in this body should be a little bit concerned before we grant to any President one-third-plus-one minority override on decisions of extreme importance to individual Members, whether it be on defense or any other area of our budget.

I have opposed the real line-item veto ever since I first heard of it. We are not discussing the real line-item veto because, if we were doing the real line-item veto, we would have an amendment to the Constitution of the United States for purposes of two-thirds vote in the House, two-thirds vote in the Senate, sending it to the American people to see whether or not three-fourths of the States want to see us grant this tremendous change in power that we are about to do if we adopt H.R. 2, power as defined by the Constitution, by the original writers. That is why we have come to a conclusion that we need a modified version of the line-item, a modified version even of the modification called H.R. 2.

□ 1900

I can no longer explain to my constituents why we do not give the President the right to go into appropriation bills, into tax bills, into any kind of a bill on this floor, and extract certain things that are embarrassing to the entire House. I could not do that. So we came up with the modified version in which we are perfectly willing, and I say this in all sincerity, any President of the United States today or in the future can go into any bill, any bill, and line-item CHARLIE STENHOLM's, i.e., 17th District of Texas, favorite program. Something of benefit specifically to my constituency. I want them to have that power. All I ask is that I have an opportunity to stand on this floor and to argue with you, my colleagues. And if I can find 50-percent-plus-one to agree with me, it stays in. If the President wins, it goes out.

That is the significant part of the debate that we will spend today, tomorrow, and Monday on. We will get further into this debate when we talk to him about the specifics of the substitute that we offer.

I just have a difficult time believing that there is a majority of my colleagues that want to grant one-third-plus-one minority override, particularly now that we are talking about defense. But whatever the area is, that is the fundamental question. And to all who we have managed to muddle this so much, I want to repeat, I am perfectly willing, and want to have the President to be granted new powers to go in and extract those things in budgets that should not be there. Period. The fundamental question you have to ask is: Do you want it to be a minority override? Do you want one-third of the Senate to agree with the President and it be done, one-third of the House to agree with the House? Or do we want to stay with majority rule?

If you needed a good argument for the position of the substitute of the Wise-Spratt-Stenholm amendment, you have just heard it tonight. And to my colleagues who believe that you want it to be that other way, I hope you will think twice overnight and reconsider your position. I believe the substitute is the better way for us to go.

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

Mr. Chairman, I reluctantly rise to oppose this amendment. At the beginning, I thought this might be a pretty good amendment and it was really important to make sure that under the Constitution we maintain a common defense. But let me make two very real points.

To those that are purists, like I am, you cannot come out here on the balanced budget amendment, on unfunded mandates, on this bill, the line-item veto, and be pure about the philosophy that we are trying to accomplish here with the Contract With America and exempt one program.

If we are going to exempt defense, then it is hypocritical not to exempt child issues. It is hypocritical not to exempt education or any other very favorite and solemn program that we are all for.

It disturbs me, first off, in this amendment that you have a threshold of $50 million. It very well concerns me that what in practice, in trying to avoid the President line iteming some of the very favorite programs that do not cost $50 million, defense becomes the welfare pot to throw all kinds of programs into.

Let me just show you some non-defense-related programs that I have. I have two pages that are already put into the pot. Most of these are under $50 million.

The National Guard civilian youth program; the National Guard Outreach Los Angeles program; the Presidio of San Francisco is in this; disaster relief is in this; the World University Games could be put in this. It was put in the defense bill before. Summer Olympics in the defense bill. AIDS research in the defense bill.

Now, most men in this House think it is very important, but in the defense bill there is prostate disease research. I do not know if that is really important to the defense, the common defense, of this country.

I could go on and on. Historically black colleges and universities, that may entice some that are against this amendment to be for it, but it does not belong in the defense bill. United States-Japan management training, and many other programs that could go into the defense bill and seriously harm spending for defense.

Let me tell you, the present President, my President, decides to start line-item vetoing things in the defense bill that are important to pro-defense people, I guarantee you we have the votes in this House right now to stop that President from doing so. I am not afraid to take on the President if he wants to take on the strategic defense initiative and other issues like that. We can take him on, we have the votes, and we will defeat him.

I think you have to keep this line-item veto, and I agree with the gentleman from Texas, I would much prefer to have a constitutional amendment, but this is all we have. And it is a good, very well-structured, worked-out bill, that we do not need to be exempting any one program from another.

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

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

Mr. SKELTON. Mr. Chairman, I want to thank the gentleman from Texas. The gentleman makes my case. Every item that the gentleman mentioned is under $50 million. Every item that the gentleman mentioned could be vetoed under this amendment by the President of the United States. I thank the gentleman for making the case and in essence speaking for my amendment.

Mr. DELAY. Mr. Chairman, reclaiming my time, I disagree with the gentleman. He is right there could be line-item veto, but there are other items in here over $50 million that could not be vetoed. Disaster relief, legacy resource management, Hawaiian volcano observatory, over $50 million, Semetech research. University research grants. Some of them may be pro-defense, but we all know many of them probably are not. And there are many others.

The point that I am trying to make is that it leaves a loophole for those that may want to have a favorite social program stuck into the defense budget, something that many of us oppose.

Mr. GENE GREEN of Texas. Mr. Chairman, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from Texas.

Mr. GENE GREEN of Texas. Mr. Chairman, the gentleman and I have served many years together in the state house, and I am glad to see we agree today on this issue.

The CHAIRMAN. The time of the gentleman from Texas [Mr. DELAY] has expired.

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

Mr. DELAY. Mr. Chairman, I yield to the gentleman from Texas.

Mr. GENE GREEN of Texas. Mr. Chairman, sometimes this aisle gets to be a wall instead of a way we can cross. I am glad the gentleman spoke today and talked about this. We could set up other programs just like this if we wanted to, but this bill needs to be as pure as we can have it. I agree, though, that we might need to look at an amendment later to make it a majority of the House instead of two-thirds, because I do not know if you could get two-thirds of the House to override a Presidential line-item veto. We might look at a majority on a later amendment.

Mr. DELAY. Mr. Chairman, I am more than happy to work with the gentleman on his suggestion, and we will look at it later. I was willing to work on this amendment, but when I really looked at it, I thought in order to be honest and straightforward about this, you cannot exempt any one particular line item.

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

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

Mr. ABERCROMBIE. Mr. Chairman, as much as Hawaii was mentioned, and volcanoes, this is a good point. It makes my case, I must say, I believe why the line-item veto should not be used. We are dealing with the Pohakaka training site. All the training for the Pacific Rim takes place there. The reason for the appropriation is to see to it that our forces are ready for any contingency that occurs out there. It is not pork barrel. Just because it exists in Hawaii does not mean it is not vital to the national interests.

AMENDMENT OFFERED BY MR. WELDON OF PENNSYLVANIA TO THE AMENDMENT OFFERED BY MR. SKELTON

Mr. WELDON of Pennsylvania. Mr. Chairman, I offer an amendment to the amendment, which I have discussed with the initial offerer of the amendment, and I assume he is willing to accept.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WELDON of Pennsylvania to the Amendment offered by Mr. SKELTON: Strike out ''$50,000,000'' and insert ''$200,000''.

□ 1910

Mr. WELDON of Pennsylvania. Mr. Chairman, I rise to offer this amendment, which I have discussed with my friends on the other side, the gentleman from Missouri [Mr. SKELTON] and the gentleman from Texas [Mr. EDWARDS].

Let me say at the outset, Mr. Chairman, we are all in agreement here. The defense budget of this country has already become the cash cow. In last year's defense bill, Mr. Chairman, the total amount of unauthorized appropriations was $4.7 billion; $2 billion of that $4.7 billion was in the subcommittee that I now chair, the Subcommittee on Research and Development.

I asked the staff to provide me a listing of those projects that were included as unauthorized appropriations, and I have them here. There are more than two pages. There are a whole series of pages. And, in fact, Mr. Chairman, most of the projects are under $50 million, and almost all of the projects are under $200 million.

We are in agreement that those projects that are taking dollars away from the defense of this country should be subject to a Presidential line-item veto, which, if we feel strongly enough about, we can keep in the budget. Many of these programs would not withstand that test. But we also agree that there needs to be some limit.

The defense appropriation bill is the largest appropriation bill that we act on each year. We want to make sure that as we go through major weapons systems that some President down the road may not in fact wipe out an entire weapons system that in fact has been fully debated through the committee process.

What we are trying to get at are the add-ons that Members get through the back door. I would say to my colleagues that I do not know of any Member of this body, in the 9 years that I have been here, that has gotten an add-on on the defense bill more than 200 million. I cannot think of a thing. I went through this listing, and I cannot find one.

So I think it is important that we do in fact work to reduce that $4.7 billion unauthorized appropriation level. I have said that in committee. I have said it in subcommittee, and I say it on the House floor.

But I also think it is important that we understand these bigger items, which are important for our security, which are debated in our authorization and Committee on Appropriations, also should not be subjected to that kind of action without full and deliberate debate. That is why the threshold is needed.

I would hope that my good friend and colleague would in fact accept this amendment to his amendment. I would hope that our colleagues would vote ''yes'' on the amendment.

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

Mr. WELDON of Pennsylvania. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I thank my friend from Pennsylvania. His proposed amendment to my amendment corrects the debate that we have just heard. I gladly accept it, and the gentleman from Texas [Mr. EDWARDS] tells me he also accepts it. We appreciate the gentleman's hard work and the sincerity and the research that he has done and just offered us on the floor. And we thank him.

Mr. WELDON of Pennsylvania. I would hope that our colleagues would support this, Mr. Chairman. I consider myself a fiscal conservative. I have as many watchdogs in my office as any of my colleagues, but this is also an issue involving our national security. Please vote ''yes'' on the amendment.

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

Mr. WELDON of Pennsylvania. I yield to the gentleman from Pennsylvania.

Mr. FATTAH. I know that the gentleman is sincere, but I wanted to ask one question. What would prevent a group of projects that some might call pork being put together to get over the 200 million mark? There was some creative budgeting done back home where I come from, and I am just trying to understand how would the gentleman guard against that in this particular amendment.

Mr. WELDON of Pennsylvania. I thank my colleague for the question, my good friend from Philadelphia. And what I would say, I am not a member of the Committee on Appropriations, but typically these items are added on line by line. They are specific in nature, and, in fact, we would have that opportunity. In fact, I would be happy to show this list to any of my colleagues. Every one of the items in the R&D account of $2 billion of unauthorized appropriations are in fact individually listed. They, in fact, are not lumped together. I do not think that would be a problem. If it is, we will

have to deal with that on a future legislative issue or effort of this type.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WELDON] to the amendment offered by the gentleman from Missouri [Mr. SKELTON].

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. SKELTON].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 52, noes 362, not voting 20, as follows:

[Roll No. 87]

AYES—52

Bateman
Bishop
Brewster
Browder
Burton
Callahan
Coleman
Cramer
Cubin
Danner
de la Garza
Dicks
Dornan
Edwards
Emerson
Everett
Fazio
Fowler
Frost
Hayes
Hefley
Hilleary
Hunter
Johnson, E. B.
Jones
Klink
Laughlin
Lewis (CA)
Lewis (KY)
McKeon
McNulty
Metcalf
Mfume
Montgomery
Ortiz
Pastor
Peterson (FL)
Pickett
Scarborough
Scott
Sisisky
Skelton
Slaughter
Spence
Stump
Tanner
Taylor (MS)
Tejeda
Thornberry
Ward
Weldon (PA)
Wilson

NOES—362

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Buyer
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Collins (IL)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Crane
Crapo
Cremeans
Cunningham
Davis
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Durbin
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gilchrest
Gillmor
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Heineman
Herger
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manzullo
Markey
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKinney
Meehan
Meek
Menendez
Meyers
Mica
Miller (CA)
Miller (FL)
Mineta
Mink
Molinari
Mollohan
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Orton
Owens
Oxley
Packard
Pallone
Parker
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Rahall
Ramstad
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Skaggs
Skeen
Smith (MI)
Smith (NJ)
Smith (WA)
Solomon
Souder
Spratt
Stearns
Stenholm
Stockman
Stokes
Studds
Stupak
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thompson
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—20

Baesler
Barcia
Becerra
Bliley
Brown (CA)
Collins (GA)
Collins (MI)
Gephardt
Gibbons
Gilman
Harman
Manton
Martinez
Minge
Moakley
Radanovich
Rangel
Smith (TX)
Stark
Waxman

□ 1931

Ms. JACKSON-LEE, Mr. BALDACCI, and Mr. HOLDEN changed their vote from ''aye'' to ''no.''

Mr. HILLEARY changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. HARMAN. Mr. Speaker, during Rollcall Vote No. 87 on H.R. 2 I was unavoidably detained. Had I been present I would have voted "no."

AMENDMENT OFFERED BY MR. DEAL OF GEORGIA

Mr. DEAL of Georgia. 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. DEAL of Georgia: At the end, add the following new section:

SEC. 7. JUDICIAL REVIEW.

(a) EXPEDITED REVIEW.—

(1) Any Member of Congress may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that any provision of this Act violates the Constitution.

(2) A copy of any complaint in an action brought under paragraph (1) shall be promptly delivered to the Secretary of the Senate and the Clerk of the House of Representatives, and each House of Congress shall have the right to intervene in such action.

(3) Any action brought under paragraph (1) shall be heard and determined by a three-judge court in accordance with section 2284 of title 28, United States Code.

Nothing in this section or in any other law shall infringe upon the right of the House of Representatives to intervene in an action brought under paragraph (1) without the necessity of adopting a resolution to authorize such intervention.

(b) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under paragraph (1) of subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after such order is entered; and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under paragraph (1) of subsection (a) shall be issued by a single Justice of the Supreme Court.

(c) EXPEDITED CONSIDERATION.—It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

(Mr. DEAL of Georgia asked and was given permission to revise and extend his remarks.)

Mr. DEAL of Georgia. Mr. Chairman, this amendment is hopefully a noncontroversial one that addresses the issue of expedited judicial review. Since we are proceeding in a statutory form for a line item veto and not a constitutional amendment, it should be obvious that until that constitutionality is clarified, it will be under a cloud.

This would be an expedited process for allowing that issue to be determined and allow this body, if it is determined unconstitutional, to make necessary changes and, if not, to proceed with its use.

I urge the adoption of the amendment.

Mr. Chairman, this should be a non-controversial amendment that can be supported by Members of both sides of the line-item veto issue. My amendment will simply streamline and expedite judicial review of the line-item veto authority in the bill. The amendment will ensure that any questions regarding the constitutionally of line item veto authority are resolved as rapidly as possible.

I endorsed the line-item veto in my campaign and have voted in favor of the strongest possible line item veto at every opportunity since coming to Congress. As a supporter of line-item veto, I believe that it is important that any questions regarding the constitutionally of the line item be resolved as quickly as possible. As long as legal questions remain, the President may be reluctant to fully utilize the line-item veto, and any spending cut through the line-item veto process would certainly be challenged. The effectiveness of the line-item veto will be severely handicapped until the legal questions are resolved. It is in nobody's interest to leave the legal status of line-item veto authority in limbo for an extended period of time.

Under my amendment, any Member of Congress may bring action in Federal district court challenging the constitutionally of the line-item veto. The decision of the district court would be appealed directly to the Supreme Court. Both the district court and the Supreme Court would be directed to advance any case challenging the line-item veto on the docket and expedite consideration of the case.

Hopefully, the procedure established by my amendment will result in a final resolution regarding the constitutionally of line-item veto authority before the fiscal year 1996 appropriations bills are sent to the President. If the courts uphold the constitutionally of line-item veto authority, the President will be free to utilize the line-item veto authority without any question. If the courts strike down the line-item veto authority, Congress will have time to consider legislation to take corrective action and pass legislation strengthening the ability of the President to cut out wasteful items in tax and spending bills that is consistent with the ruling of the court.

If my amendment for judicial review is not added to the bill, it is unlikely that the courts would consider the issue until the President exercises the line-item authority. Every rescission submitted by the President under the line-item veto authority for fiscal year 1996 would almost certainly be challenged and potentially blocked until the issue worked its way through the court system. This will effectively prevent the President from truly utilizing the line-item veto for fiscal year 1996.

Whether or not you support the line-item veto, I encourage you to support the Deal judicial review amendment.

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

Mr. Chairman, this is a good amendment which simply ensures that any court challenge to H.R. 2 be considered on an expedited basis. Because this bill affords a significant new power to the President, it almost certainly will be challenged in court. Rather than permitting any such challenge to linger on overcrowded court dockets, the Deal amendment would provide for fast-track judicial consideration of any court challenge.

The amendment is a significant enhancement to the bill and should be adopted.

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

Mr. Chairman, I rise in support of the Deal amendment. It is one that we should all be able to support whether we support the bill or oppose the line-item veto bill. This amendment makes it possible for the constitutionality of H.R. 2 to be brought before the courts on an expedited basis.

Proponents of H.R. 2 should want to have the constitutional question regarding this bill settled as soon as possible. Those of us who oppose H.R. 2 for constitutional reasons also want the courts to look at this bill as soon as possible.

This amendment says that the courts can go ahead and hear a test case on this legislation constitutionally without having to wait for the President to use the line-item veto authority this bill gives him.

Mr. Chairman, this bill gives the President authority to sign measures into law that are in a form the Congress has never passed. To me, that means we are giving the President authority to make laws, authority that belongs to the Congress under the Constitution. To me that raises serious constitutional questions.

On this point, I would note that in testimony before the Senate Committee on the Judiciary last week, Assistant Attorney General Walter Dellenger challenged the constitutionality of H.R. 2. I am going to read briefly from his statement in which he refers to the authority H.R. 2 gives the President over targeted tax benefits:

> It does so by purporting to authorize a President to ''veto'' target tax benefits after they become law thus resulting in their repeal. The use of the term ''veto'' and ''repeal'' is constitutionally problematic. Article I, Clause 7 of the Constitution provides that the President only can exercise his ''veto'' power before a provision becomes law. As for the word ''repeal,'' it suggests that the President is being given authorization to change existing laws on his own. This arguably would violate the plain textual provision of Article I, Clause 7 of the Constitution governing the manner in which Federal laws are to be made and altered.

Mr. Chairman, I would urge my colleagues to support this amendment. It makes good sense to do so.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. DEAL].

The amendment was agreed to.

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

Mr. Chairman, I do so only to give the Members a sense of where we are.

It is our hope to be able to deal with one more amendment this evening, an amendment to be offered by the gentleman from Pennsylvania [Mr. KANJORSKI], and at that point we will hopefully conclude action on that amendment tonight and rise.

□ 1940

AMENDMENT OFFERED BY MR. KANJORSKI

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment offered by Mr. KANJORSKI: At the end, add the following new section:
>
> **SEC. 7. TERMINATION DATE.**
>
> This Act shall cease to be effective on January 1, 2000.

Mr. KANJORSKI. Mr. Chairman, the purpose of this amendment of course is to add another section indicating termination date; and it is the purpose to sunset this act as of January 1 of the year 2000, the principle being that we would enact extraordinary powers and transfer of powers from the Congress to the Executive, some of which powers are unknown or unreasonable or unthinkable right now as to what the ramifications of this may be. And I think what it does is allows us the opportunity to have a rein on the Executive, that if over the next 5 years there is abuse in the exercise of the line-item veto this Congress would have an opportunity to oversight the use of the line-item veto to either reform the amount of power that would be delegated to the Executive and if the abuse is so excessive by the Executive, it would terminate as of January 1 of the year 2000.

I have never been a supporter of the constitutional amendment of changing the balance of powers between the executive branch of government and the legislative branch of government insofar as the legislative branch would pass over to the executive all of the possibilities that could be used in the appropriation bills and in tax bills. But apparently the will of the Congress is going to be, at least the House of Representatives, is going to be quite firm, that this bill will pass, and that is what the will of the majority is. There is nothing wrong with that.

But now we have to look at the Constitution and we have to look at the precedence that we are establishing and the potential abuse.

I had the pleasure of serving in this House in the 83d Congress as a page. That is the last Congress that the Republican Party was in the majority. When I look back at the history of the 83d Congress, I find that it did some very successful things in America. It attacked clean water for the first time in navigable rivers. It attacked and thought about the Interstate Highway System. It was a Congress that when it concluded did not have to be embarrassed with its operations.

Now we are faced with the 104th Congress and a new majority, and perhaps a new wind in the land. The tool we are about to pass on to the President is a very powerful tool. It does not only affect this generation, but theoretically could affect all generations to come in

America, because as we will get the opportunity to reverse a veto by a majority of this House and the Senate, in order for that to be effective the President will have the constitutional authority to exercise his veto.

If he exercises his veto on any appropriation that this House and the Senate do not agree upon, it will require a two-thirds vote of this House and a two-thirds vote of the Senate to override that veto.

I have examined back as far as I can remember from the 83d Congress until now and I have found no Congress where any single party or coalition in this House or in the Senate ever at any particular time commanded a coalition or a number that would exceed two-thirds of this body or two-thirds of the Senate.

The likelihood that that will happen in the future is quite remote. Historically, if we study the activities of the Parliaments of Europe during the periods of the 1920's and the 1930's, it was not unusual for the Fascist Party or the Communist Party to exercise a majority in those Parliaments, above a third, but below a majority. If for some reason the Executive authority fell into the hands of a party that has a third, and one vote, falls into the hands of the party that captures the Presidency, and a third and one vote of either the House or the Senate, there will be no way that the Congress can capture its constitutional responsibility to properly appropriate the will of the people and in accordance with the first article of the American Constitution.

That is a significant transfer of power.

As we go down this contract and as we go down the changes they want to be made, I hope my colleagues on the Republican side and my colleagues on the Democratic side recognize that what we are doing today is not something that is superficial in any stretch of the imagination, it is not something that can be educationally corrected in the future. The only way we could be certain that the extraordinary powers that this Congress is sending to the Executive, if abused could be changed, is if we have this sunsetting provision that allows this act to cease in 5 years, if an Executive who is now in office or the next Presidency were to violate the trust of the American people and this Congress.

In my time in life I remember only one period of time where excessive Executive authority was used. It was the end of the first term of President Nixon.

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

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

Mr. KANJORSKI. Mr. Chairman, it was in that period of time in the early 1970's, at the end of the first term of the Nixon administration and the beginning of the second term of the administration, and we are all aware of all of the President's men, we are all aware that we have a tarnished history where a President of the United States, as a result of unconstitutional activity, resigned the office of President.

We have the experience that an Executive did exceed his constitutional authority and indeed did abuse legislative authority that was not in his hands. Why would we want to arm and provide for that possibility to occur in the immediate future and ad infinitum until two-thirds of this House or two-thirds of the Senate would be in place to override that?

There are 18 Members of this House that have introduced legislation to bring a 5-year sunset to every piece of legislation that is introduced into the House. I call upon those 18 Members, 16 on the majority side and 2 on the Democratic side, that if they are going to be consistent today, there is not any reasons why they would not support this amendment and start with the line-item veto to provide for a reasonable protection of the constitutional values we all hold high, and to protect the fact that if we delegate this authority to the President and if it is abused, we have a built-in mechanism to stop that unusual and extraordinary power or that extraordinary abuse.

I urge my colleagues on the Republican side and the Democratic side to think in terms that we came here and took another oath of office to the Constitution of the United States and not to a political party.

This is a time not to be a Republican, not to be a Democrat or not to be an Independent, but to be an American, and first of all in American that believes in the Constitution and a constitutionalist. I urge Members to support this reasonable sunset provision.

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

Mr. Chairman, like most Americans, I support the line-item veto. Too often wasteful spending has slipped into a statute, it has hitched a ride into the statute books, and this is a way to try to prevent it.

□ 1950

We need to seize on every tool that we can to oppose wasteful spending. We have the line-item veto in Texas. It has worked up to a point. I think that over the last several sessions Governors, Republican and Democrat alike, have managed to veto through the line item about one-quarter of 1 percent of the 2-year spending budget.

Of course, here, the line-item veto usage would be even more limited since only about one-third of all spending actually occurs in the annual appropriations bill.

We must be very careful with this type of reform. There is no guarantee that, in fact, a line-item veto will be used as a intended, and that is why we offer this amendment tonight. We believe it would be prudent to sunset this legislation every 5 years and, indeed, we believe it would be prudent to sunset every new initiative of this type every 5 years so that the Congress focused on what it was passing and we had a real sense of accountability.

That is why we have proposed sunset provisions for each of these pieces of legislation that are moving through the Congress.

In Texas this has been a process that has led to the repeal of statutes, to the abolition of programs, to the savings of significant amounts of money for the State treasury and, of course, for the taxpayer.

It can work in Washington also.

Mr. Chairman, we know what we hope this reform will accomplish, that a President will be as diligent as the Members who have worked on this legislation to see that wasteful spending is ferreted out and eliminated. But we do not live in an ideal world. It is quite possible that a future President will use the line-item veto for purposes other than those which we intend this evening.

Indeed, Mr. Chairman, it does not take a great deal of imagination to imagine a future President saying that "If you will not vote for this spending program, I will veto through the line item an expenditure program that you want for your district."

Mr. Chairman, this bill in fact could actually give a President a most powerful tool to force members of Congress to vote to increase and toe the line on his spending bill, not just to ferret out waste, but to add spending where it is unnecessary.

It is at least arguable that this is the reason why the Founding Fathers, when confronted with the notion of a line item veto, chose to deny it to the President, to the Chief Executive. We ought to think a long hard time about changing this process and this balance of power, this separation of power.

One of the ways to do that is by sunsetting the procedure and allowing for this Congress, forcing this Congress, to have to refocus its attention on the whole concept in the next 5 years.

You know, the record since the Second World War of Presidents on the question of appropriations is not necessarily a good one. In fact, during that period of time, various Presidents of both parties have requested more appropriations than this Congress has actually voted to spend. Let us suppose, Mr. Chairman, that we had a President of this Nation who could not submit a balanced budget, who came to this Congress session after session after session proposing one unbalanced budget after another, a President who engaged in the strongest rhetoric against an unbalanced budget, who came up with tools to speak about at campaign time, but never could produce a balanced budget. Such a President we have had in this country. He is the very President for whom the members of the majority wish to change the calendar of

this House and dedicate this very bill to on his birthday.

But it is arguable that such a President might not do such a fine job with a line-item veto, that if he could not balance his spending, he cannot cut spending of others. It is for this reason that we ought to look to a sunset process to reviewing the whole concept of a line-item veto rather than taking a blind leap of faith that a line-item veto will actually help us cut the deficit rather than seeing it increased.

Mr. Chairman, virtually every reform has unintended consequences, but there is a way to do something about it, and having the experience of five full sessions of this congress before we review it is exactly what we can accomplish through sunset.

I move adoption of the amendment.

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

Mr. Chairman, I rise in strong opposition to this amendment.

It was suggested that an obtrusive, Socialist government or President might arise and abuse the line-item veto.

It is our contention that every leadership over the last 40 years has tried to prevent the line-item veto, and now they want to sunset it.

Second, it will affect future generations. A balanced budget amendment, unfunded mandates, and line-item veto will keep this Congress from spending our children's and children's children's future away.

The other side has had 40 years to pass this, and in the next 40 years they may have, or the next thousand years, they may take the majority again. We want to establish a line-item veto in which a President is answerable to the American people for that line-item veto on every item that he forces.

If he abuses it, he himself will be answerable at election time.

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

Mr. Chairman, I rise in support of the gentleman from Pennsylvania's amendment to sunset the rescission authority in H.R. 2 in the year 2000.

Anyone who has been listening to this debate can attest to the fact that many of our colleagues really do not know what this bill does. Members continue talking about all of the Governors who have this authority, when in fact H.R. 2 is very different than the authority the Governors have.

Many continue to believe this is a true line-item veto bill when in fact it is not. By the proponents' own admission, this bill contains, instead, the most powerful rescission authority imaginable. The President can pick and choose elements of an appropriation to rescind. He can be as specific or as general as he wants, and nothing can stop him as long as he has the support of just one-third plus one of the Members in either the House or the Senate.

Many seem to believe this authority will let the President run roughshod over the Federal judiciary; others think that concern is unwarranted.

In the Senate, Senator MCCAIN supports taking the approach in H.R. 2, while Senator DOMENICI advocates the expedited rescission authority which our colleagues Mr. WISE, Mr. SPRATT, and Mr. STENHOLM also support.

The one common theme that runs through this debate is uncertainty and confusion. This confusion and uncertainty is not going to be settled here on this floor, or in the Senate, or in conference. If this bill is enacted into law, only time will tell what impact it will have.

I strongly urge my colleagues, therefore, to support the Kanjorski amendment to sunset this authority in the year 2000. The amendment would give this experiment 5 years to run. By then, we should know whether it is a policy that we should continue or terminate, or whether we need to modify it in some way.

If you are a proponent of line-item veto, I would think you would want to see this amendment adopted. There is only one way to clear up the questions and confusion that now surround this proposal, and that is to revisit it in the future. That will only occur, if this sunset amendment is adopted.

I urge my colleagues to support the Kanjorski sunset amendment.

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

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

□ 2000

Mr. KANJORSKI. It is important. I just want you to recall in 1973 the President, having been dissatisfied with the investigation of the FBI and the CIA in the Watergate scandal, all he had to do was use this provision, if it were in law, and strike the appropriations and do away with the FBI and the CIA. My memory escapes me as to what the impeachment resolution vote on Nixon was in this House, But I highly doubt it was more than two-thirds.

I just ask my colleagues on all sides, realize this is not just a housekeeping vehicle we are talking about today, this is a delegation of authority, legislative appropriation authority that is incredible, and allows the chief executive to reach down and punish those elements of the Government that oppose his views, whether his views are legal or constitutional, because we are arming a future President with that capacity.

Mr. SOLOMON. Mr. Chairman, I move to strike the requisite number of words in opposition to the amendment. It will only take me about a minute.

I just want to say, Mr. Chairman and Members, with all due respect to the gentleman, we have great respect for him, there is no need for this amendment. We have already reached a compromise. Those of us who wanted a true constitutional amendment for a line item veto, we have compromised on this statute. That is as far as we want to go.

Let me tell you what you are voting on here: What this line item veto is, it reverses existing law that allows Congress to reject the President's requests to cut pork-barrel spending without even taking a vote. That is what the existing rule and law is today. In other words, Congress can block the spending without doing anything. This line item veto reverses that procedure by saying that the cuts go through unless Congress votes to disapprove the spending cuts.

That is what we are voting on now. We need permanent law.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 153, noes 258, not voting 23, as follows:

[Roll No. 88]

AYES—153

Abercrombie	Gutierrez	Payne (NJ)
Ackerman	Gutknecht	Payne (VA)
Baldacci	Hastings (FL)	Pelosi
Barrett (WI)	Hefner	Peterson (FL)
Beilenson	Hilliard	Pickett
Bentsen	Hinchey	Rahall
Berman	Jackson-Lee	Rangel
Bevill	Jefferson	Reed
Bishop	Johnson (SD)	Reynolds
Bonior	Johnson, E. B.	Rivers
Borski	Johnston	Roemer
Boucher	Kanjorski	Roybal-Allard
Browder	Kaptur	Rush
Brown (FL)	Kennedy (MA)	Sabo
Bryant (TX)	Kennedy (RI)	Sanders
Chapman	Kennelly	Sawyer
Clay	Kildee	Schroeder
Clayton	Kleczka	Schumer
Clyburn	Klink	Scott
Coleman	LaFalce	Serrano
Collins (IL)	Lantos	Sisisky
Condit	Levin	Skaggs
Conyers	Lewis (GA)	Skelton
Costello	Lincoln	Slaughter
Coyne	Lipinski	Spratt
Cramer	Lofgren	Stenholm
de la Garza	Lowey	Stokes
DeFazio	Maloney	Studds
DeLauro	Markey	Stupak
Dellums	Mascara	Tanner
Dicks	Matsui	Taylor (MS)
Dingell	McDermott	Tejeda
Dixon	McKinney	Thompson
Doggett	Meehan	Thornton
Doyle	Meek	Thurman
Durbin	Menendez	Torres
Edwards	Miller (CA)	Torricelli
Engel	Mineta	Towns
Evans	Mink	Traficant
Fattah	Mollohan	Tucker
Fazio	Montgomery	Velazquez
Fields (LA)	Moran	Vento
Filner	Murtha	Volkmer
Flake	Nadler	Ward
Foglietta	Neal	Waters
Ford	Oberstar	Watt (NC)
Frost	Obey	Williams
Furse	Olver	Wise
Gejdenson	Ortiz	Woolsey
Gonzalez	Orton	Wynn
Green	Owens	Yates

NOES—258

Allard	Frisa	Moorhead
Andrews	Funderburk	Morella
Archer	Gallegly	Myers
Armey	Ganske	Myrick
Bachus	Gekas	Nethercutt
Baker (CA)	Geren	Neumann
Baker (LA)	Gilchrest	Ney
Ballenger	Gillmor	Norwood
Barr	Gilman	Nussle
Barrett (NE)	Goodlatte	Oxley
Bartlett	Goodling	Packard
Barton	Gordon	Pallone
Bass	Goss	Parker
Bateman	Graham	Pastor
Bereuter	Greenwood	Paxon
Bilbray	Gunderson	Peterson (MN)
Bilirakis	Hall (TX)	Petri
Blute	Hamilton	Pombo
Boehlert	Hancock	Pomeroy
Boehner	Hansen	Porter
Bonilla	Hastert	Portman
Bono	Hastings (WA)	Poshard
Brewster	Hayes	Pryce
Brown (OH)	Hayworth	Quillen
Brownback	Hefley	Quinn
Bryant (TN)	Heineman	Radanovich
Bunn	Herger	Ramstad
Bunning	Hilleary	Regula
Burr	Hobson	Richardson
Burton	Hoekstra	Riggs
Buyer	Hoke	Roberts
Callahan	Holden	Rogers
Calvert	Horn	Rohrabacher
Camp	Hostettler	Ros-Lehtinen
Canady	Houghton	Rose
Cardin	Hoyer	Roukema
Castle	Hunter	Royce
Chabot	Hutchinson	Salmon
Chambliss	Hyde	Sanford
Chenoweth	Inglis	Saxton
Christensen	Istook	Scarborough
Chrysler	Jacobs	Schaefer
Clement	Johnson (CT)	Schiff
Clinger	Johnson, Sam	Seastrand
Coble	Jones	Sensenbrenner
Coburn	Kasich	Shadegg
Combest	Kelly	Shaw
Cooley	Kim	Shays
Cox	King	Skeen
Crane	Kingston	Smith (MI)
Crapo	Klug	Smith (NJ)
Cremeans	Knollenberg	Smith (TX)
Cubin	Kolbe	Smith (WA)
Cunningham	LaHood	Solomon
Danner	Largent	Souder
Davis	Latham	Spence
Deal	LaTourette	Stearns
DeLay	Laughlin	Stockman
Deutsch	Lazio	Stump
Diaz-Balart	Leach	Talent
Dickey	Lewis (CA)	Tate
Dooley	Lewis (KY)	Tauzin
Doolittle	Lightfoot	Taylor (NC)
Dornan	Linder	Thomas
Dreier	Livingston	Thornberry
Duncan	LoBiondo	Tiahrt
Dunn	Longley	Torkildsen
Ehlers	Lucas	Upton
Ehrlich	Luther	Visclosky
Emerson	Manzullo	Vucanovich
English	Martini	Waldholtz
Ensign	McCarthy	Walker
Eshoo	McCollum	Walsh
Everett	McCrery	Wamp
Ewing	McDade	Watts (OK)
Farr	McHale	Weldon (FL)
Fawell	McHugh	Weldon (PA)
Fields (TX)	McInnis	Weller
Flanagan	McIntosh	White
Foley	McKeon	Whitfield
Forbes	McNulty	Wicker
Fowler	Metcalf	Wolf
Fox	Meyers	Wyden
Franks (CT)	Mica	Young (AK)
Franks (NJ)	Miller (FL)	Young (FL)
Frelinghuysen	Molinari	Zimmer

NOT VOTING—23

Baesler	Gephardt	Moakley
Barcia	Gibbons	Roth
Becerra	Hall (OH)	Shuster
Bliley	Harman	Stark
Brown (CA)	Manton	Waxman
Collins (GA)	Martinez	Wilson
Collins (MI)	Mfume	Zeliff
Frank (MA)	Minge	

□ 2018

The Clerk announced the following pairs.

On this vote:

Miss Collins of Michigan for, with Mr. Collins of Georgia against.

Mr. Manton for, with Mr. Roth against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. HARMAN. Mr. Speaker, during rollcall vote No. 88 on H.R. 2 I was unavoidably detained. Had I been present I would have noted "no."

□ 2020

Mr. CLINGER. Mr. Chairman, I move the committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore. (Mr. LAHOOD) having assumed the chair, Mr. BOEHNER, 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. 2) to give the President item veto authority over appropriation acts and targeted tax benefits in revenue acts, had come to no resolution thereon.

PERMISSION FOR SUNDRY COMMITTEES TO SIT ON TOMORROW DURING 5-MINUTE RULE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit tomorrow while the House is meeting in the Committee of the Whole House under the 5-minute rule: the Committee on Economic and Educational Opportunities, the Committee on the Judiciary, and the Committee on Science.

Mr. Speaker, it is my understanding that the minority has been consulted and that there is no objection to these requests.

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

Mr. DOGGETT. Mr. Speaker, reserving the right to object, under that reservation let me say that we have consulted with the ranking members of each of the affected committees, and that following that consultation I think there is no objection. This pattern of consultation with the minority which has occurred here is an appropriate way of handling this. It will avoid the kind of problems we had the other night.

Mr. Speaker, with the understanding that there has been such consultation, I withdraw my reservation of objection.

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

There was no objection.

SPEAKER GINGRICH ON FREQUENT FLIER PERK

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous material.)

Ms. MCKINNEY. Mr. Speaker, yesterday's Atlanta Journal and Constitution reported that my colleague from the 6th District of Georgia not only likes his frequent flyer perks, he also prefers to fly first class at the taxpayer's expense.

It appears that Government spending is only a problem for my colleague when it is used to help people who actually need it. While many people are scraping by on a minimum wage that makes welfare look attractive, they are supposed to take comfort in knowing that some in this body are using tax dollars for wide-body seats.

Mr. Speaker, the article referred to follows:

COMING UP

Today: Rep. Cynthia McKinney (D–Ga.) and Sen. Mark Hatfield (R–Ore.) reintroduce the "Arms Trade Code of Conduct," which would prohibit the government from selling or giving weapons to regimes that violate human rights or are undemocratic.

A quick look at today's activities involving House Speaker Newt Gingrich of Georgia:

SCHEDULE

8 a.m.: Speaks at Capitol Hill Club Headliner Breakfast.

10:40 a.m.: Regular morning news conference on C–SPAN.

2:30 p.m.: Speaks to National Association of Independent Colleges and Universities.

7 p.m.: Speaks to National Association of Wholesaler Distributors, receives national leadership award.

What fear of flying? New York Magazine says Gingrich, who has been battling to keep frequent-flier miles accruing from government-paid tickets, seems to be partial to flying first class.

The AJC reported that in the year and a half before assuming the speakership, Gingrich flew back and forth between Atlanta and Washington 125 times, traveling first class nearly half of the time. When accompanied by reporters and Delta chairman Ron Allen on a recent flight, says the magazine, he flew economy, boasting that he always travels that way. On the very next flight, he was back in first class, with its wide seats and free liquor.

Now he's in on Out: Gingrich's new fame and position have made him cover boy of a slew of magazines lately. In his latest such sighting, his smiling face graces the cover of Out, on newsstands today. The article, "The Newt Era: Is it good for the gays?" by Newsweek correspondent Mark Miller, considers whether Gingrich's recent statements about tolerance for homosexuals are "a small step in the right direction or an insidious act of political pragmatism."

□ 1020

The Constitution article goes on to say that GINGRICH flew back and forth between Atlanta and Washington 125 times, traveling first class nearly half of the time, but when accompanied by reporters and Delta chairman Ron Allen on a recent flight, he boasted that he always travels economy. On the very next flight he was back in