killer amendment which really has the effect of prohibiting any spending of the accumulated balances in any of the trust funds.

Now, if we believe that it is fundamentally wrong to have a $30 billion balance, money paid in there by the users, and are now saying that it can never be spent, that is just fundamentally wrong. There are other ways to deal with this, more appropriate ways, and indeed the Committee on Appropriations which sets the annual ceiling. If our legislation passes today, the Committee on Appropriations will still set the annual ceiling, and that is the place to make that decision. But to say today that none of the $30 billion that has accumulated can ever be spent is just fundamentally wrong. This would artificially cordon off that nearly $30 billion in accumulated balances and hold them hostage.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield.

Mr. SHUSTER. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. But it is not a question of them not being allowed to be spent. It is a question of them being spent in the same way that it has been spent since the existence of the trust fund in 1956.

Mr. SHUSTER. Mr. Chairman, I do not believe that is what the amendment does. What the amendment does is say you cannot spend it.

Mr. SMITH of Michigan. No, it just does not take them off budget.

Mr. SHUSTER. Mr. Chairman, it does not take them off budget, and the fundamental issue here is that these should be taken off budget. This gets to the heart of the question. Indeed these are user fees paid in there. They should be taken off budget.

But I would be quick to emphasize that limits should be set on what can be spent, and those limits are what should be set by the authorizers and by the appropriators, and in fact for the past year we have been saying we want to sit down with the appropriators and the budgeteers in order to negotiate a compromise on this kind of an issue, but unfortunately they were never willing to sit down and negotiate with us. So now to come at the last minute with a proposal I think, while I would not want to say it lacks good faith, although others have said that, nevertheless I think that this should be defeated and we should set these limits through the normal process of the authorizing and appropriating committees.

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

This amendment is like so many others that look benign but have a poison pill attached. Clearly, this amendment undercuts a vitally important purpose of this legislation, which is to enable the Congress to spend down in a phased and fiscally responsible manner the $30 billion in surplus built up in the highway trust funds and the aviation and the other trust funds.

The $30 billion of surplus that we have been debating about all afternoon, the gentleman would say, oh, sorry, we are not going to spend the surplus, we can just spend what comes in on an annual basis. That is what this debate is all about, about withholding funds and building up these accumulated surpluses that then are sued to mask the deficit.

These surpluses should be off budget with the trust fund. The surpluses have accumulated because of failure to spend the user taxes we agreed to be taxed for that we have agreeably paid for the purpose of building highways and bridges and airports and deepening our waterways and improving our navigation channels. As budgetary conditions permit, the surplus should be devoted to their intended purpose.

The surpluses will not be spent down overnight, as we have repeatedly said in the course of this afternoon's debate. The bill does not exempt funds or the surpluses from the authorization or the appropriation process. We will have complete control over whether and when the surpluses are drawn down. In fact, over the past year the gentleman for Pennsylvania [Mr. SHUSTER] has been working diligently with the Committee on Appropriations and Committee on the Budget leadership to try to work out a plan under which the spend down would occur. It can be done; we have done so in the past in the aviation bill of 1990, the AIP reauthorization bill.

We worked out a very fine accommodation of reasonable accommodation with the Committee on Appropriations, the transportation appropriation subcommittee, the Office of Management and Budget, the Department of Transportation, the Committee on Ways and Means, under which agreement over a period of time, the very complex adjustment, we would draw down the surplus built up in the aviation trust fund, those moneys to be invested in airport runways and taxiways and parking aprons that were needed to relieve congestion at the Nation's airports, and it worked. That money was not all drawn down overnight in one big fell swoop; gradually over a period of time. Unfortunately, now the surpluses have begun to build up again.

So take the trust funds off budget, the surplus will be spent down in a reasonable and responsible fashion under accommodations between our committee and the Committee on Appropriations, working with the Committee on the Budget as well. We do not need this amendment. This really is a killer amendment. It ought to be defeated and ought to be unmasked for what it is: an attempt to gut the bill.

Defeat the Smith amendment.

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

I just want to emphasize what the distinguished ranking member of the Committee on Transportation and Infrastructure said. If my colleagues vote for the Smith amendment, they kill the bill. This is a killer amendment. The gentleman from Michigan [Mr. SMITH] does not like this bill. So in the option that he has been given he has offered his amendment to simply kill the bill.

We know the purpose of the bill is to take trust funds off budget and permit Congress to set whatever levels of spending it deems appropriate. In the Truth in Budgeting Act this amendment would not allow Congress to determine what trust funds support the aviation and highway system needed.

So I want to support what the ranking member said and advise Members to defeat this amendment because it, in fact, will kill the bill.

Mr. SHAYS. Mr. Chairman, I move to strike the requisite number of words, and with that I yield to my colleague, the gentleman from Michigan [Mr. SMITH] to respond to some of the points made.

Mr. SMITH of Michigan. Mr. Chairman, just very briefly, by not having the so-called cash reserve or the accumulated interest transferred and taken off budget means it will be spent exactly how the total trust fund has been spent since it was first started in 1956. So it is not a question of not spending the money, it is a question of that $30 billion coming under the caps and being spent in such a way through the budget process and the appropriation process as it has always been spent.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. SMITH].

The amendment was rejected.

The CHAIRMAN. The Committee will rise informally.

MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. LAHOOD) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

TRUTH IN BUDGETING ACT

The Committee resumed its sitting.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. MINGE

Mr. MINGE. 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. MINGE: At the end of Section 2 insert the following:

(c) PROHIBITION ON EARMARKING OF HIGHWAY TRUST FUND AMOUNTS.—Subsection (a) shall no longer apply with respect to the Highway Trust Fund after the last day of any fiscal year in which amounts are made available for obligation from the Highway Trust Fund for any highway construction

project or activity that is specifically designated in a Federal law, a report of a committee accompanying a bill enacted into law, or a joint explanatory statement of conferees accompanying a conference report, as determined by the Director of the Office of Management and Budget.

Mr. MINGE. Mr. Chairman, I yield to the gentleman from California [Mr. ROYCE].

□ 1500

Mr. ROYCE. Mr. Chairman, I want to point out that this amendment is supported by both supporters and opponents of H.R. 842. Indeed, the authors of the amendment include both proponents and opponents of the bill, as well as those who are as yet undecided. But very simply put, Mr. Chairman, the amendment says that if the highway trust fund is placed off-budget, there will be no earmarks for specific projects. If earmarks occur, the fund comes back on budget.

Why is this amendment important? Because this bill, H.R. 842, this underlying bill, would have the effect of exempting highway trust fund spending from all budgetary controls, including discretionary caps, pay-go rules, and 602(b) allocations. If we are going to give highway funds special protection from budget rules, then it is reasonable to hold highway funding to a high standard of accountability, and that means no earmarking.

Highway users who pay into the trust fund deserve to have those funds expended in the most efficient and fair manner possible. Earmarking disadvantages everyone in every project not on the list, and projects should be judged on their individual merits, not on patronage.

This amendment guards against pork barreling and protects the integrity of the highway trust fund. Supporters and opponents of the bill should all agree on that point. By way of demonstration, I just want to remind the Members that in 1991, in the highway demonstration projects, 30 percent of those funds went to West Virginia. West Virginia is .7 percent of the population. In 1992, 30 percent went to West Virginia. In 1993, we had one-third of all highway demonstration project dollars going to West Virginia; in 1994, $54 million, which amounted to 43 percent of the highway demonstration dollars; and in 1995, the fiscal year past, Members know the story. West Virginia for two projects got 52 percent of the Senate's money, or 21 percent of the Nation's highway money for demonstration projects.

Mr. Chairman, while the people of western Virginia are fine people, in my view this is unfair, unjust, inequitable. Some might call it highway robbery. Mr. Chairman, I would like to urge all of the Members to vote for the amendment. It is supported by Citizens Against Government Waste.

Mr. MINGE. Mr. Chairman, we have heard a great deal of debate both today and during this session about the problems that we have faced in this institution with earmarking, with demonstration projects, and abuses of this part of the process.

I certainly respect what the chairman of this committee has attempted to do in regulating and limiting inappropriate earmarks and demonstration projects. I also wish to pay tribute to the Committee on Appropriations, and the work of the honorable chairman of the Subcommittee on Surface Transportation and the guidance he has provided this Chamber in stopping the demonstration highway earmarking process.

Mr. Chairman, the purpose of this amendment is to confirm that if the highway trust fund indeed goes off-budget, we no longer engage in this practice. Instead, what we are doing is, we are collecting funds, we are remitting the funds to the States on a formula basis, and the States are then allocating these funds for projects as the States establish their priorities.

Mr. Chairman, I recognize that some people have problems with the way the States function, but I think the day has come when we need to say to the States, ''We repose in you a certain level of trust and confidence, and if you abuse that confidence we will hold you to a higher standard,'' not that we will attempt to determine on our own here in Washington how funds ought to be micromanaged around the country.

Mr. Chairman, this amendment is designed to avoid that temptation and to still comply with the goals that are motivating this basic bill, which is to make these funds available for public highway projects throughout this Nation.

Mr. SHUSTER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there are several reasons why this amendment should be defeated. First, Mr. Chairman, the amendment would have the effect of preventing these trust funds from ever coming off budget, because it goes far beyond what it is purported to do. Let me explain. The amendment places the highway trust fund back on budget if any funds are made available for any highway construction project or activity that is specifically designated.

As the gentleman knows, funds for highway construction projects and activities were made available in ISTEA for fiscal 1997. Thus, this amendment would automatically return the trust funds on budget forever when the fiscal 1997 transportation appropriation bill passes. It is not our bill, it is not our bill which would cause this to kick in.

Second, a return to on-budget treatment is not only triggered by funds made available for highway projects, but also by funds being made available for virtually any purpose under the Federal Aid Highway Program. These include such basic programs as interstate maintenance, the National Highway System, emergency relief, ferry boat construction, rail-highway grade crossings, innovative financing/toll pilot programs, Orange County's private toll roads, among many others.

This provision would also return the trust funds on budget due to action made in bills reported in the past by other committees, other than this Committee on Transportation and Infrastructure. If this amendment were adopted, then another committee could prevent these trust funds from ever coming off budget simply by making funds available for any highway construction purpose in any appropriations bill, for example.

Fourth, the amendment singles out highway construction for special treatment among all types of transportation trust fund spending. Every year there are numerous earmarks for transit projects. In fact, there were over 130 transit earmarks in the fiscal 1996 transportation appropriations bill. There were also over 20 earmarks in that same bill which would not be prohibited by this amendment.

Finally, this amendment is completely unnecessary. Every dollar in the highway trust fund spending is subject to the recently enacted line-item veto. Congress will have ample authority to review any highway authorization bills that make highway trust funds available if such bill is passed, and indeed beyond that, the President could use his line-item veto.

Rather than being satisfied with this procedure, Mr. Chairman, this amendment would vest OMB with line-item veto authority. For all of these reasons, I would urge my colleagues to resoundingly defeat this amendment.

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

Mr. SHUSTER. I yield to the gentleman from Minnesota.

Mr. MINGE. Mr. Chairman, there were two amendments printed in the RECORD. One of them was broader. I would like to make sure we are talking about the same amendment. There is nothing in this one that deals with transit funds.

Mr. SHUSTER. That is correct. That is exactly the point I am making to the gentleman. There is nothing here that deals with transit funds, which is only one of the many reasons this amendment should be defeated.

Mr. MINGE. But something that would happen with respect to transit funds would not be a highway project, unless it was a specific highway project. Therefore, it would not trigger the reaction that the gentleman is attributing to the amendment.

Mr. SHUSTER. What is good for highways ought to be good for transit.

Mr. MINGE. We would like to deal with transit as well, but as we understand the process within the Department of Transportation, the transit trust fund is handled in quite a different fashion.

Mr. SHUSTER. No, it is not. Mr. Chairman, I would inform the gentleman that the transit account is part of the highway trust fund, and indeed is handled as the highway funds are handled as well.

Mr. MINGE. We understand they have a priority system in the Department of Transportation for the transit trust fund. Is that correct?

Mr. SHUSTER. I am sure this Congress does not want to accede to a particular administration; what procedures they may deem wise to use, we may think they are very unwise, so we are not about to turn over to the bureaucrats downtown some procedure which they say they use for transit.

Mr. MINGE. Would the gentleman agree, then, that we should exclude transit because it is not adequately covered at the Department of Transportation?

Mr. SHUSTER. I agree that for many reasons that I have outlined here, that this amendment should be defeated.

Mr. MINGE. We appreciate it, because we did exclude transit for some of the reasons you have mentioned. That should win the gentleman's support for this.

Mr. SHUSTER. Mr. Chairman, I understand that the gentleman has sent our committee a request for a project which we have here, so I find it a bit amusing that the gentleman would now take this position when indeed we have in our possession a letter from the gentleman asking us to fund a special project for him.

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

Mr. Chairman, this is another one of the killer amendments devised by those who are not in accord with the purpose of taking trust funds off budget. In fact, even some who have originally signed on as sponsor of the bill obviously had second thoughts later on and said they do not want to support this concept, and now they find ways to undermine it, cut it and gut it.

Mr. Chairman, this amendment provides that the trust funds would no longer be off budget if at any time a highway project was specifically mentioned in a bill or a committee report.

What this means in plain English is that the Committee on Appropriations can kill off-budget status for the highway-aviation-waterway trust funds simply by earmarking a project in a bill or a law, in a committee report or in a bill that ultimately becomes law. This hands over to the Committee on Appropriations the total power over the trust funds and their status. What a crazy thing to do.

Mr. Chairman, the gentleman refers to demonstration projects and says he wants to stop pork barreling, and our colleague, the gentleman from California, the gentleman who spoke previously, also talks about pork barrelling. I am not quite sure what they mean by ''pork barrel.'' It usually carries the implication of an individually designated project or fund without merit. That usually is an argument from the perspective of the Speaker. What is meritorious in one district may not be meritorious to a person in another district.

If I may have the attention of the gentleman from California [Mr. ROYCE], is he familiar with the Hacienda Boulevard project? Does the gentleman recall writing to our committee about the merits of the Hacienda Boulevard project? We agreed with the gentleman that it had merit in the 103d Congress, on both sides of the aisle. We thought it was a very meritorious project. We were prepared to support it.

The gentleman is supporting now a provision of law that would gut the ability to help the gentleman achieve a laudatory, necessary, and important purpose that he feels significant for his district, as for my colleague, the gentleman from Minnesota, who also has appealed to our committee in the past on the merits of need in his district.

We are prepared to support those needs, and we have done in the past. Now they come along and say, oh, sorry, we were only kidding. We did not mean it. We are going to give authority to kill the ability of the Committee on Transportation and Infrastructure to help Members respond to transportation needs that are not being met by their State.

In effect, we hand over authority over Federal funds, over tax dollars that we vote for in this body, to States, and let State governments and State highway departments earmark the designate and specify and determine where those dollars are going to go. That is not pork barreling? That is not individual designating? That is fair?

The reason we get bombarded, we Members of this Body get bombarded by our constituents, is that those very State governments are not responding to the needs of highway users in our respective districts. That is why we went through a very elaborate process of joining with State highway departments and the Federal Highway Administration to set up criteria, 17 criteria, by which we would judge whether a project is meritorious or not and ought to be included in a national piece of legislation.

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

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

Mr. SHUSTER. Mr. Chairman, perhaps what I hear the gentleman saying is that there are those who think that if we designate worthy projects here, that is a terrible thing, but if we shovel the money back to the States, then there are angels in heaven in the State government who makes these dispassionate, objective decisions as to how to spend the money. Politics, that terrible, crass work, politics, never enters into a decision when the States decide how to spend the money that we send to them.

Mr. OBERSTAR. The gentleman is quite right. Actually, the dollars that leave here that go to the State government, and they are sprinkled with holy water and they are absolved of all sin. That is sheer nonsense. If Members believe that, I have some swampland out in Minnesota I would like to sell them.

Mr. Chairman, this is a killer amendment. It is foolish. It ought not to be adopted. We should roundly defeat it.

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

Mr. Chairman, I rise in opposition to many things that were just said, and I to a certain degree, find some of them offensive. Let me just explain why. I do support this bill, and I think that the tax dollars that are collected from gasoline taxes should be spent back out on highway projects; but I also support the fact that the people in the State of Wisconsin have a right to receive the tax dollars that they pay into this system back in the State of Wisconsin.

When we permit projects to be earmarked, those projects that are earmarked take away from the overall kitty that is available to be redistributed in a fair manner to the people in the State of Wisconsin. So I support this amendment strongly, and I rise to support this amendment. I support the bill, but I do not want to see earmarks in the bill. The only way that I can see to eliminate the practice of pork barrel spending or earmarking things in the bill is to make sure this amendment actually goes through.

We do not have to look very far. The Almanac of American Politics noted that out of $6.1 billion, with a b, made available for ISTEA projects, one State received over $930 million. One district in that State received $300 million. That is not fair to the State of Wisconsin and it is not fair to the other States around this country.

The purpose of this amendment is to make sure this money gets distributed in a fair, well-thought-out manner around the country and people in States like the State of Wisconsin receive their fair share of the amount of money back.

The part that I disagree with adamantly is that people that are rising that support this bill would somehow have some other meaning. I support this amendment, and I support this amendment because I believe it is in the best interests for the future of this country and the manner in which we distribute these funds.

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

Mr. NEUMANN. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, the gentleman was not here in the previous Congress or the Congress previous to that, when we went through a very elaborate process in our committee on both sides of the aisle to determine the merits of projects.

Mr. NEUMANN. Mr. Chairman, reclaiming my time, is that the Congress where 30 percent plus of this money was allocated to one State consistently, year after year after year?

□ 1515

That is what this new Congress is all about, is stopping that kind of practice.

Mr. OBERSTAR. That is simply not true.

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

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

Mr. RAHALL. I am advised that in the last ISTEA legislation we did, that Wisconsin was adjusted near the end, and it came out very well. So I am not sure what the gentleman's direct concern is here, but certainly in the future in agreeing with this amendment which he wholeheartedly supports, we will be glad to exempt Wisconsin.

Mr. NEUMANN. We would certainly hope that in the future years we make sure that Wisconsin receives a dollar back for every dollar sent in, and that would solve a vast majority of the problems that we have.

Mr. RAHALL. If the gentleman will continue to yield, if he is talking about highway funding formulas then, I believe that is properly addressed when our committee reauthorizes ISTEA at the proper time.

Mr. NEUMANN. We look forward to that redistribution back to the State of Wisconsin. I would conclude my comments by reiterating that I do support the overall bill, and in theory I support what is being said here, that the tax dollars that are collected at the gas pump from the gasoline users should be spent to build highways and should be reallocated in this manner.

What I do not think should happen is that that money should be pork barreled into certain districts. When we put it into certain districts, it is not available in the general kitty to be reallocated in the general well-thought-out manner that the formula would indicate.

Mr. RAHALL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, we have been talking about here the Truth in Budgeting Act. I would submit that that label perhaps should apply to amendments as well, and that we ought to say we are for truth in amendments as well, and I would like to advance some criteria in just a moment for what truth in the amendment process should be about.

But let me say to the gentleman from Minnesota, one of the cosponsors of this amendment, very similar to remarks I made earlier in this debate addressed to the chairman of the Appropriations Subcommittee on Transportation, that is, these Members who get up and talk about earmarking projects, talk about pork-barrel projects and proceed to label themselves as pork-busters, knowing the way the press loves to headline and loves to pay such Members attention, I would remind the gentleman, as the gentleman from Pennsylvania [Mr. SHUSTER], our distinguished full committee chairman, has already done, and I am sure he is already aware of letters that he has written our committee requesting projects in the past.

Evidently these projects under the current amendment and under the debate that is being conducted are termed bad and thrown out for political purposes, the money is thrown out for political purposes, but the pending amendment that the gentleman offers should indeed be shown for what it is.

Under the truth in amendments criteria that I would advance, Mr. Chairman, I would say must reveal first the startling transformation that has occurred in the sponsor of this amendment, the gentleman from Minnesota [Mr. MINGE]. There is a highway project in Minnesota which I am sure he is aware. It is a good project. It is called trunk highway 212.

In 1994 the gentleman wrote to me in my then capacity as chairman of the Surface Transportation Subcommittee requesting an earmark of $12 million for this particular project. We were able to help the gentleman, maybe not to the full extent to which he was requesting, but nevertheless in that letter the gentleman from Minnesota noted that the project had already received two other congressional earmarks, both in ISTEA and in the fiscal 1992 appropriation bill.

I think it is strange today that the sponsor of this so-called pork-buster amendment now finds the earmarking of money for highway projects so onerous. But be that as it may, there is a more important reason for opposing this amendment, and that is simply the fact that it makes no sense.

The gentleman notes in his April 16 ''Dear Colleague'' in support of this amendment that if the trust funds were taken off-budget, highway demonstration projects will be completely exempt from obligation limitations. The truth is that today under the existing process, ISTEA demonstration projects are exempt from the obligation limits set in the appropriation bills. They are exempt from the obligation limits today. So, therefore, the pending amendment makes no sense and I would urge its defeat.

I would say also in response to the gentleman from California, in his earlier rendition of what he termed highway robbery and appropriations of money that have come to West Virginia, my home State, for highway demonstration projects, I am not entirely clear but I believe some of those moneys to which he was referring are out of general revenues, and that is not what we are talking about in this particular legislation today at all. Yes, West Virginia received those projects, yes, we deserved them, but, no, they would not be affected by this particular amendment. They would not be affected by this particular legislation that we are considering because those were revenues that were appropriated out of general funds of the United States, not highway trust funds.

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

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

Mr. SHUSTER. This is not the place to fight that battle. The place to fight this battle is when we bring ISTEA to the floor for reauthorization. I am sure there will be a bloody battle, in our committee and on the floor, over the whole question not only of special projects but of the formula which is used to apportion the money to the States. That is the place to fight this battle.

Mr. RAHALL. The distinguished chairman is entirely accurate. That is the format in which we should make that battle and also, in addition to that, we should not be trying to blur the distinction here between general revenues and highway trust fund moneys, either. If the gentleman has a problem with the appropriation process, then let us take that battle to the Committee on Appropriations and battle it out during the appropriation process.

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

Mr. RAHALL. I yield to the gentleman from Minnesota.

Mr. MINGE. I do not believe the gentleman received a letter from me in the 104th Congress requesting any funds for highway projects.

Mr. RAHALL. 103d Congress. If I misspoke, I stand corrected.

Mr. MINGE. And it would be correct to say that in the 104th Congress some of the rules changed, and we no longer had demonstration projects, so that we were not subject to this type of request from our constituents and, as a consequence, the process here in the House changed and we sort of cleaned up our act a little, if you will.

Mr. RAHALL. I know the gentleman is trying to relate his transformation to a possible transformation in the House rules, but we have not had a highway bill this year.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Minnesota [Mr. MINGE].

Mr. Chairman, the title of the pending legislation is the ''Truth in Budgeting Act.''

I would submit that we should apply that label to amendments as well.

Truth in amendments.

The gentleman from Minnesota has labeled himself a porkbuster. I have two ''Dear Colleague'' letters signed by the gentleman in which he berates so-called porkbarrel highway demonstration projects.

These types of projects are, in his view, apparently bad and as such, the pending amendment would make taking the transportation trust funds off-budget contingent upon there being no further earmarking of funds for a particular project.

Under the Truth in Amendments criteria I am advancing, I find that I must reveal there has been a startling transformation in the gentleman from Minnesota's views as they relate to earmarking of projects.

There is a highway project in Minnesota, and I am sure it is a good project, called ''Trunk Highway 212''.

Now, in 1994, the gentleman wrote to me in my then capacity as chairman of the Surface Transportation Subcommittee, requesting that I earmark $12 million for that project.

In that letter, the gentleman noted that the project had already received two other Congressional earmarks: in ISTEA and in the fiscal year 1992 appropriation bill.

Let it suffice to say that I find it passingly strange that today, the sponsor of this so-called porkbuster amendment, now finds the earmarking of funds for highway projects so onerous.

Be that as it may, there is one major reason to vote against this amendment.

It makes little to no sense.

The gentleman notes in his April 16 ''Dear Colleague'' that if the trust funds are taken off-budget, highway demonstration projects will be completely exempt from obligation limitations.

My colleagues, the truth is that today, under the existing, process, ISTEA demonstration projects are exempt from the obligation limitations set in the appropriation bill.

They are exempt from the obligations limitations today.

So I would urge a ''no'' vote on the pending amendment.

Mr. INGLIS of South Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have a great opportunity today to effectively continue the work that was just described, of eliminating these highway demonstration projects. As I understand it, highway demonstration projects were first designed to demonstrate new road construction techniques. Now they simply demonstrate the Members' ability to bring home the bacon to the district. That is what a demonstration project is all about.

The gentleman from West Virginia has made some point about others requesting demonstration projects. Let me, I guess, establish my credentials on that point.

In 1993, immediately upon being elected to this Congress, I said I would not support a demonstration project in my own district. It created quite a stir, because this is not what Members of Congress are supposed to do. They are supposed to seek the bacon for their district and bring it home. That is how they get reelected, so the story went.

Well, I opposed demonstration projects. I said I would not go to Congress. I said, ''If you're choosing somebody to go on a looting mission for one's friends,'' as George Will has said, ''pick somebody else, not me. And if you want to, throw me out after 2 years.''

What happened? People in my district said, ''That's right, BOB. No more demonstration projects. It's a lousy way to do government.'' What else did they say? Look at this, interesting thing. George Bush said no demonstration projects until he got into some trouble with reelection. Then Bill Clinton says no to demonstration projects. What do you make of it? President Bush and President Clinton agreeing, no demonstration projects.

So our honorable chairman of the committee over here has taken that action, and I am very excited about that. We need to do it right here. We need to make sure that in this bill we have a fail-safe, so if the committee starts spending demonstration money, it goes back on-budget. It is a nice accountability feature.

I think it would make a whole lot of sense to do that right now in this bill so that we make sure that we do not lapse into that old behavior of demonstration projects being clearly designed to win Members reelection. That is what this is all about, and that is why we have got to eliminate these demonstration projects.

The point was made earlier, it goes to holy water, the gentleman from Minnesota [Mr. OBERSTAR] said, when it goes to the State. I do not know about the holy water, but I do know this. If it goes to Columbia, SC, as a lump of money, in Columbia, SC, we are a relatively small State, we can figure out how to spend it. In 2½ hours you can get from Columbia to anywhere in South Carolina on the road system we have, and you can determine what the priorities are.

If I am given carte blanche to come here and be the demonstration project king, what happens is I start earmarking for my own district, and what happens to JIM CLYBURN's district or JOHN SPRATT's district or FLOYD SPENCE's district? It gets all irrational. It gets into complete politics way removed from the situation.

Columbia has no holy water but it is a small State. We can figure it out as a family. We want to send it back there freely, fairly and then let the State divide it up. That is the way it was designed.

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

Mr. INGLIS of South Carolina. I yield to the gentleman from Wisconsin.

Mr. NEUMANN. Listening to the gentleman, the phrase ''trust but verify'' comes to mind, that we trust the procedure that has been initiated in this Congress will continue and this is very simply a verification that what we have started, to make government cleaner and better for the American people, will continue. ''Trust but verify'' just keeps coming to my mind as I listen to the gentleman.

Mr. INGLIS of South Carolina. It says something about the SALT treaties and all that.

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

Mr. INGLIS of South Carolina. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. I thank the gentleman for yielding. If ever there were a man of integrity in this body, it is the gentleman from South Carolina, and if ever there were a gentleman who could do heavy lifting for his district, it is this champion weight lifter who is at the microphone over there.

I am glad to hear that the gentleman has such great confidence in his State government to distribute funds equitably and fairly. I say to the gentleman, I cannot get anywhere in my district in 2½ hours. It is too big.

But there is nothing, in all seriousness, in this legislation that refers to earmarking or designating. That is an issue that will be taken up the next time we have an authorization bill. Furthermore, the language of the gentleman from Minnesota would invite earmarking by the Committee on Appropriations for the simple purpose of killing off-budget status of the highway trust fund.

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

Mr. INGLIS of South Carolina. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. This amendment goes far beyond the issue of special projects. If we want to fight about special projects, ISTEA is the place to do that, not here. But this goes far beyond that. For example, if interstate maintenance, the national highway system, bridge, the ferry boat construction, if any one of these categories were included, it would kick in this amendment. Is that the gentleman's understanding, as well?

Mr. OBERSTAR. Yes.

Mr. INGLIS of South Carolina. If I may reclaim my time, if that were to happen, let us assume the Appropriations Subcommittee on Transportation decided to do such a thing. I would imagine it would be a fairly uncomfortable position and an unenviable position for them to be in, having taken a position against demonstration projects. It would be a rather awkward position.

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

Mr. Chairman, I support this amendment. I do not think it is going to pass. I hope it passes. But what we ought to be doing, and maybe this would be the prelude to next year, is we ought to just take a percentage of the 18.5 cent gasoline tax and turn it back to the States, because I think they know better about where the money ought to be spent than frankly we do in Congress. And when you have a problem in that individual State, then you go defeat that Governor or you change their legislature or you do something.

What the gentleman from Wisconsin was saying was a fact. The great State, my neighbor State of West Virginia, in that 1 year got 47 percent of all the highway demo money out of the Committee on Appropriations. Forty-seven percent.

There are three wonderful, and I like the gentlemen very much, three good Members of Congress and two outstanding Senators. Let me just say that for the record. I have great respect for Senator BYRD. I think he is a good person, a decent person. But the fact remains that that State has three Representatives, got 47 percent of the money and the rest of the country got 53 percent. Texas got nothing. Florida got nothing. California got nothing.

We in the Committee on Appropriations made a decision that was supported on a bipartisan basis, Republicans and Democrats, that we would

do away with highway demo projects. Some people thought when I got to be chairman of the committee that we would just do everything for my State, and I said, ''That's not why we're here, and we're going to do away with it,'' because I had watched the way that demonstration projects were determined. It was if you voted a certain way, if you did a certain thing. So I thought it was a good idea, and I thought the Minge amendment and the gentleman from California have a good idea. We should be changing the formula. Right now we are disbursing the money on 1980 census data, when the world has changed in 1996 in California and South Carolina. And the gentleman from South Carolina, your State gets 87 percent. You do worse than any other State.

□ 1530

So this is a good amendment. Hopefully it will not pit the two committees together. Some people said, ''You are here because you have a jurisdictional issue.'' Let me say, if the highway trust fund is taken off budget and it passes the House and the Senate and is signed by the President, I am going to get out of this committee. It will be a joke. It will be a waste. It will be a fraud.

Second, even if this does not pass, I do not want to be chairman of the Subcommittee on Transportation of the Committee on Appropriations for the rest of my life. I sit publicly in hearings. I may ask the gentleman from Louisiana [Mr. LIVINGSTON], ''Hey, put me on another committee.'' Put me on the Committee on Foreign Operations. I can do other things other than transportation. So it is not a jurisdictional thing.

I commend the gentleman from Pennsylvania [Mr. SHUSTER] for the effective work here, and the gentleman from Minnesota [Mr. OBERSTAR] for the effective work here, but this amendment makes sense.

Nobody should abuse this amendment, make it look like a stupid amendment. It is a good amendment, and I think it is a way the Congress ought to go. Let us reduce the gasoline tax; let us let the States run it. Whatever we keep at the Federal level, let us change on a formula based on census and fairness.

Last, let us not hold anyone accountable who may vote the wrong way because they voted their conscience.

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

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

Mr. RAHALL. Mr. Chairman, I would just ask the gentleman from Virginia, what was that pledge he made if this became law?

Mr. WOLF. Mr. Chairman, reclaiming my time, I said if this bill becomes law and is signed by the President, I would step down as chairman of the Subcommittee on Appropriations, because I think it would be a fraud to be there.

Mr. RAHALL. I just wanted to hear it repeated.

Mr. WOLF. Is the gentleman looking forward to that date to take my place, my friend? Although West Virginia has lost a little bit under the change with regard to that, the gentleman was not involved in those other things. It came from the other body.

Mr. RAHALL. Mr. Chairman, if the gentleman will yield further, would the gentleman clarify in this particular Member's mind his distinction between highway demonstration projects and earmarking?

Mr. WOLF. Mr. Chairman, a highway demonstration project is the State, and we have found out many times the State does not want the money, but the Congress gives them the money for whatever reasons, and you can fill in the blank what those reasons are. After the money ends, the State stops building it.

We had the GAO look at it, and many of these highway demonstration projects were never completed because the States did not want it. Once they get the money, they use the money, once they run out, they end it.

I would like to give back to the States whereby the Governor of the States can make the decision, and not the handful of people up here based on the fact you like the way the guy voted, or he did not offend you, or whatever the case may be.

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

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

Mr. WOLF. Mr. Chairman, I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, as the gentleman is aware, in ISTEA, when I chaired the Subcommittee on Surface Transportation, with the complete cooperation of the gentleman from Wisconsin, Chairman PETRI, and the gentleman from Pennsylvania, Mr. SHUSTER, chairman of the full committee, and the gentleman from Minnesota, Mr. OBERSTAR, or then Chairman Mineta, we developed a set of criteria by which projects had to answer, a long list of questions. One of those questions at the very top was about whether the State supported the project or not. We did not put a project into ISTEA without full 100-percent written testimony from the States that they supported such projects.

As I said earlier, these projects were scrutinized, scrubbed, and there was not a one put in there without State support, not without State support.

Mr. WOLF. Mr. Chairman, reclaiming my time, what happens is though the States say ''If I am going to get it, I will take it.'' Even my own State said we are against these projects, but if everyone else is doing it, can you do it.

So I think it is better that it fits into the overall State's plan. I think the Governor is the best one to determine it and the money ought to go back on a systematic formula.

There are good and decent people on both sides. I am not questioning anybody for the way they do this. I think the amendment makes sense, and I ask strong support for the amendment. I am not going to hold my breath until it passes, but it would be a good thing.

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

Mr. WOLF. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, the gentleman has been a strong supporter of the Woodrow Wilson Bridge rehabilitation. The gentleman understands that under the language of the amendment of the gentleman from Minnesota [Mr. MINGE] that any project or activity that is specifically designated in Federal law, that the Woodrow Wilson Bridge would specifically be stricken?

Mr. WOLF. The difference is, I would tell the gentleman, the Woodrow Wilson Bridge is the only bridge owned by the Federal Government.

Mr. OBERSTAR. It would still be stricken.

Mr. WOLF. It is in a totally different capacity. The Federal Government and Federal Highway Administration has come up to your committee and said that is their responsibility.

Mr. OBERSTAR. It would still be stricken by this language.

Mr. WOLF. It is a different situation, because it is a federally owned bridge.

Mr. OBERSTAR. It is still in the trust fund.

Mr. WOLF. I urge support of the amendment.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair must remind all Members to avoid personal reference to Members of the Senate.

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

Mr. Chairman, yes, we are trying to change the process here so that it is done in the future proportionately on the basis of fuel taxes paid in by the various States and not affected by earmarking. It is because earmarking favors Sates with Members on key committees and communities with the resources to hire Washington advocates at the expense of other States and localities.

State transportation departments, in my view, and State legislatures are in a much closer position of being closer to the people to determine which highway projects are most deserving of funding than Congress. This is my view. Although individual Members may be knowledgeable about projects in their district or State, Congress as a whole is not in a position to make decisions about the merits of individual projects across the country.

Lastly, the process of earmarking funds for demonstration projects encourages the use of transportation funds for high profile politically popular new construction projects at the expense of the less visible but more important repair and maintenance projects.

So I urge and an ''aye'' vote on the amendment.

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

Mr. ROYCE. I yield to the gentleman from Minnesota.

Mr. MINGE. Mr. Chairman, I would like to also point out, complimenting the gentleman on his remarks, that we have remarkably capable committee leadership in the Committee on Transportation and Infrastructure and many other committees in this Congress. I submit that if some States are not responsibly allocating the Federal funds that come through, that our committees have oversight jurisdiction. It provides us with an opportunity to watch what the States are doing, to correct it with legislative response immediately, if that is what is necessary.

But this is a function that we can play very well, oversight. We have a national vision. But it is very difficult for us to provide the local supervision and the local decisionmaking that is so important in allocating funds between communities, even within our respective districts.

I would also point out that I, and I expect almost every other Member, have from time to time requested a project. I and many other Members have had communities in our districts request support for specific projects. As long as the game plan in Congress is to have demonstration projects or earmarks, it is very difficult to represent an area without playing the game.

I am not here to say that the gentleman from West Virginia or the gentleman from Pennsylvania or my colleague from Minnesota has done anything untoward. I am simply saying, let us engage in the oversight function. Let us not engage in the business where we each beseech the other for some local project and try to evaluate what is going on in each others' districts.

This is an extremely difficult task to perform from Washington. I certainly compliment the gentleman from West Virginia or South Carolina on his resolution to avoid that type of temptation. I know that is a stronger temptation than almost anyone else in this body has been able to withstand.

In closing, I would like to urge the Members of this body to support the amendment. We see this as an opportunity to improve the functioning of our institution and to avoid some of the criticism which unfortunately from time to time has brought our institution into disrepute in the Nation's press.

This, I submit, is a way for America, for the Congress, to improve our function, and to improve the way that we handle the important task of allocating Federal funds.

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

Mr. Chairman, I am here in vigorous opposition to this amendment. I think if you listen to the debate, you focus in on highway demonstration projects. I agree with much of what the gentleman from Wisconsin says and the gentleman from South Carolina. There are too many pork barrel projects. There are too many demonstration projects. But this amendment does not address highway demonstration projects. That is not what this amendment is about.

What this amendment does do is it would gut this legislation. That is why I am opposed to it. This legislation would assure that when people in our States pull up to the gas pump and they pay 18.5 cents a gallon in Federal taxes, which they believe will go to transportation projects, that when that money comes up here, all 18.5 cents goes back. It is not dipped in and taken out and spent on projects that are 1 million years and 1 million miles away from highway projects.

The gentleman from Wisconsin and I agree that this legislation before us is good. This amendment has a good sound to it, and I compliment the gentleman from Wisconsin for bringing it. But when I read it, I realized that it is not what he, I believe, even intended. Because what it would do in fact, I am concerned about these Canadian trailers, where you put three of them together, and a truck can haul trailers longer than a 10-story building. I want to stop that.

But this bill says that if we spend any money to address highway activities, if we try to stop these tractor-trailer trucks longer than a 10-story building, that we cannot do it, because we are obligating money for highway activities, and it goes out the window.

I am concerned about those four teenagers that died in Talladega County, AL, a few months ago at a grade crossing. I would like to address that. Several of us in this body are looking to make grade crossings safer. We would like to commit money to this activity. But it is a highway activity, and with this amendment, it goes out the window.

All someone would have to do that wanted to stop dedicated highway funds from highway projects, all they would have to do is slip something into our bill which was an activity, and it is out the window. So I vigorously oppose this amendment.

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

Mr. BACHUS. I yield to the gentleman from Tennessee.

Mr. DUNCAN. I just want to comment to the gentleman from Alabama, I certainly agree with the points he is making. I might make a couple of comments in addition.

Any highway project at any time probably has been called pork by somebody. So we almost have a choice of doing no highway construction at all in the country or doing projects that possibly somebody, some small minority someplace, is going to call pork. But we have got to do this construction.

All of this legislation we deal with, whatever subject it involves, it has to get specific in many different ways. But we run the risk if this amendment passes that if we get specific in highway legislation from now on, it would put this money back on budget and it would start being used for all these other things, foreign aid and everything else, instead of being used for highway construction and the purposes for which it was designated, which is what the American people want.

So I rise in opposition and join the gentleman from Alabama in his opposition to this amendment.

Mr. BACHUS. Mr. Chairman, reclaiming my time, in conclusion, I want to warn the Members of this body, if you are concerned about those triple trailers, which in negotiations they are trying to turn loose on our highways, and they will kill our senior citizens, and if you are concerned about these string of trailers, if you want to do something about them, that is a highway activity. Read this amendment.

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

Mr. BACHUS. I yield to the gentleman from Alabama.

Mr. CRAMER. Mr. Chairman, I thank my colleague from Alabama. I accept the gentleman's points. I rise in opposition to this amendment as well, and I accept the points the gentleman has made.

I additionally want to say on behalf of Alabama that we have worked very constructively with this committee, with the chairman of the committee, the ranking member of the committee. We have dotted every i, crossed every t. That first question we answered was, our State in support of a specific project? We from the Alabama delegation worked with a delegation with the committee.

So I think many misunderstand this process and misunderstand what we have to do in order to look after certain projects in the State. I just think this is a bad way to accomplish what the sponsors of this amendment want to accomplish, and I would urge my colleagues to oppose this amendment.

Mr. BACHUS. Mr. Chairman, reclaiming my time, I will simply close by saying read the amendment. It not only says highway construction projects, it says any highway activity, totally tying our hands to address important safety issues.

□ 1545

The CHAIRMAN. The question is on the amendment of the gentleman from Minnesota (Mr. MINGE).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 129, noes 298, not voting 5, as follows:

[Roll No. 121]

AYES—129

Allard
Andrews
Archer
Armey
Ballenger
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bereuter
Bilbray
Boehner
Bonilla
Brownback
Bunn
Bunning
Burr
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Coleman
Cooley
Cox
Crane
Cubin
Cunningham
Deal
DeLay
Dicks
Dixon
Doggett
Everett
Foglietta
Foley
Franks (CT)
Frelinghuysen
Funderburk
Furse
Gallegly
Goss
Graham
Gunderson
Gutknecht
Hall (TX)
Hancock
Harman
Hayworth
Hefley
Herger
Hilleary
Hoekstra
Hoke
Inglis
Johnson, Sam
Johnston
Jones
Kasich
Kennedy (MA)
Klug
Knollenberg
Kolbe
Largent
Leach
Lightfoot
Linder
Livingston
Luther
Maloney
Manzullo
McCrery
McInnis
Meehan
Meyers
Miller (FL)
Minge
Morella
Myrick
Nethercutt
Neumann
Nussle
Obey
Orton
Packard
Pelosi
Peterson (FL)
Porter
Portman
Pryce
Radanovich
Ramstad
Regula
Roemer
Rohrabacher
Roukema
Royce
Salmon
Sanford
Sensenbrenner
Shadegg
Shaw
Shays
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Stark
Stearns
Stenholm
Stockman
Stump
Taylor (NC)
Thornberry
Thurman
Tiahrt
Torkildsen
Walker
Watt (NC)
Waxman
White
Wolf
Yates
Young (FL)
Zimmer

NOES—298

Abercrombie
Ackerman
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Barcia
Barr
Bateman
Beilenson
Bentsen
Berman
Bevill
Bilirakis
Bishop
Bliley
Blute
Boehlert
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TN)
Bryant (TX)
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Chapman
Chrysler
Clay
Clement
Clinger
Clyburn
Coble
Coburn
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Costello
Coyne
Cramer
Crapo
Cremeans
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dingell
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frisa
Frost
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Green (TX)
Greene (UT)
Greenwood
Gutierrez
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hefner
Heineman
Hilliard
Hinchey
Hobson
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
LaFalce
LaHood
Lantos
Latham
LaTourette
Laughlin
Lazio
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lincoln
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Lucas
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McDade
McDermott
McHale
McHugh
McIntosh
McKeon
McKinney
McNulty
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Murtha
Myers
Ney
Norwood
Oberstar
Olver
Ortiz
Owens
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Poshard
Quillen
Quinn
Rahall
Rangel
Reed
Richardson
Riggs
Rivers
Roberts
Rogers
Ros-Lehtinen
Rose
Roth
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Serrano
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Spence
Spratt
Stokes
Studds
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Tejeda
Thomas
Thompson
Thornton
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Wamp
Ward
Waters
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Williams
Wise
Woolsey
Wynn
Young (AK)
Zeliff

NOT VOTING—5

Fattah
Jackson-Lee (TX)
Nadler
Neal
Wilson

□ 1606

Messrs. BURTON of Indiana, RUSH, CONDIT, KINGSTON, LAFALCE, CREMEANS, DOOLITTLE, and Ms. MCKINNEY changed their vote from ''aye'' to ''no.''

Messrs. JONES, BILBRAY, BURR, DIXON, EVERETT, and Ms. PILOSI, Ms. HARMAN, and Mr. HALL of Texas changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to the bill?

Mr. SHUSTER. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from New York [Mr. GILMAN].

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

Mr. GILMAN. Mr. Chairman,I rise in support of the Truth in Budgeting Act.

Mr. Chairman, I rise in strong support of H.R. 842, the Truth in Budgeting Act and commend its sponsor, the gentleman from Pennsylvania [Mr. SHUSTER] for his bringing this important measure to the floor.

H.R. 842 transfers the highway, aviation, inland waterways and harbor maintenance trust funds off budget and provides that trust fund balances will not be used in calculations by the Congressional Budget Office regarding the Federal budget.

This bill guarantees that transportation taxes such as, that taxes that our constituents pay when they fill up their gas tank or when they buy an airline ticket are used for their stated purpose, to improve and reinforce our country's transportation infrastructure. Currently cash balances in the transportation trust funds total $30 billion. It is wrong that this funding is being used to mask portions of our Nation's budget deficit as opposed to upgrading our country's transportation infrastructure.

H.R. 842 is a positive step toward ensuring that our highways and airports get the help they need. According to the Congressional Budget Office this is an action that is budget neutral.

Accordingly, Mr. Chairman, I urge our colleagues to support this worthy legislation.

AMENDMENT OFFERED BY MR. ROYCE

Mr. ROYCE. 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. ROYCE:

Page 3, line 10, insert ''(a) IN GENERAL.—'' before ''Notwithstanding''.

Page 4, after line 14, insert the following:

(b) PROHIBITION ON EARMARKING OF HIGHWAY TRUST FUND AMOUNTS.—Subsection (a) shall no longer apply with respect to the Highway Trust Fund after the last day of any fiscal year in which amounts are made available for obligation from the Highway Trust Fund for any highway construction project or activity that is specifically designated in a Federal law, a report of a committee accompanying a bill enacted into law, or a joint explanatory statement of conferees accompanying a conference report, as determined by the Director of the Office of Management and Budget.

Mr. ROYCE. Mr. Chairman, this amendment is designed to comply with the spirit of the bill by providing for a complete segregation of highway trust funds and general funds. If the Highway Trust Fund is to be dedicated strictly to transportation programs, then the general fund should be dedicated exclusively to nontransportation programs. That is what this amendment does.

This principle should be supported by both supporters and opponents of H.R. 824, and I would just share with my colleagues that taking the transportation trust funds off budget will effectively reduce the amount of discretionary funds available under the discretionary spending limits for nontransportation programs. Allowing transportation projects that should be funded through the trust funds to receive general revenues in addition to trust fund revenues will further exacerbate the squeeze on all other discretionary spending.

It is unfair to both allow transportation programs to be funded off budget outside of the discretionary caps and also receive funds from general revenues.

I urge an aye vote on the amendment.

The CHAIRMAN. The Chair believes that the incorrect amendment has been designated.

The Clerk will report the amendment offered by the gentleman from California [Mr. ROYCE].

The Clerk read as follows:

Amendment offered by Mr. ROYCE:

At the end of section 2, insert the following:

''(c) PROHIBITION ON FUNDING TRANSPORTATION PROGRAMS FROM GENERAL REVENUE.—Subsection (a) shall no longer be effective after the last day of a fiscal year in which any amounts were made available from the general fund of the Treasury of the United States for construction, rehabilitation and maintenance of highways, except for highways under the direct supervision of a department or agency of the federal government, as determined by the Director of the Office of Management and Budget.''

□ 1615

Mr. SHUSTER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is a well-intentioned amendment, but the consequences of it go far, far beyond what is apparent.

Stop and consider, if $1 from the general fund is spent on a highway, then the whole highway trust fund budget is thrown out. Consider, if my colleagues have a flood in their district, if they have an earthquake in their State and FEMA comes in and FEMA spends $1 to repair the highway from the earthquake or the flood, then this amendment kicks in.

If money goes to my colleagues' local community block grant development, we no longer have any control over that money; and my colleagues' local CDBG decides to spend some of that money on a highway, then this amendment kicks in. If money goes to my colleagues' State or their local community development district, and they decide to spend $1 on a highway, then this amendment kicks in.

So this goes far, far beyond, and for that reason I would urge its defeat.

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

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

Mr. VOLKMER. Mr. Chairman, effectively, this amendment does the same thing as the amendment we just voted on. Effectively it is the same old thing.

Mr. SHUSTER. Sure. It is even worse in the sense that they spend $1, FEMA spends $1 on a flood on an emergency. They spend $1 out there in Oklahoma City near the building that was blown up to fix up the street, and this kicks in. It really does not make much sense.

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

Mr. SHUSTER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Again I point out to all the supporters of the Appalachian Regional Commission program and Economic Development Administration program, $1 of those moneys going to a highway project kills off-budget status for the highway trust fund.

Mr. SHUSTER. Right.

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

Mr. Chairman, the purpose of this amendment is to say that either we have a highway trust fund that is off budget, that is dedicated to and used to fund the highway projects in the various States around this country, or we do it on the budget; and if we are going to mix general fund moneys for highway purposes with trust fund monies for highway purposes, we altogether too easily can engage in a shell game and the accounting is going to be frustrated.

So the purpose of this amendment is very simple. We are not saying that we should not use funds in the trust fund for highway purposes, we are not trying to eliminate the earmarking, the demonstration projects, such as was considered in the previous vote. We are simply saying let us have it one way or the other.

If we have a disaster, and if there are highway repairs to be made, finance the highway repairs out of the trust fund. If the trust fund is not adequate, we can look at the gasoline tax again.

But this is not an attempt to frustrate the bill. We have spoken with the appropriators. The appropriations subcommittee that has jurisdiction over transportation projects has assured us that they are not interested in somehow delving into this matter and trying to force upon this Chamber some small measure which would end up putting the trust fund back on budget.

I submit that the leadership of the committee, the Committee on Transportation and Infrastructure, is extremely capable. They will know when other committees are attempting to usurp their authority. They will identify this, they will report it to the body, and we can deal with it appropriately.

This is a situation where we are simply trying to say that we need to bring integrity to the accounting process and have the funds within the trust fund and off budget or on budget entirely.

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

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

Mr. ROYCE. Mr. Chairman, according to the Congressional Research Service, over $38 billion has been spent from the general revenue on highway projects since the highway trust fund was created in 1957. These general funds have effectively masked the true cost of Federal highway spending. If these funds had been charged to the highway trust fund, arguably there would not be a surplus.

So this bill that we are going to vote on creates a firewall that would prevent gas tax revenues dedicated to the trust fund from being used for any programs outside the highway trust fund; very well. Then this amendment would create a corresponding firewall preventing transportation projects from being funded by general revenues.

I ask for my colleagues' ''aye'' vote.

Mr. KIM. Mr. Chairman, I rise in opposition to this amendment because it prohibits general fund expenditures on transportation.

This is not fair because gas taxes pay billions of dollars into the general fund each year.

GAS TAX

If you are not going to allow general fund expenditures for highway projects, then you should send all of the gas tax money to the trust fund.

But that doesn't happen now:

Take the 18.4-cent Federal gas tax: 6.8 cents for social programs/deficit reduction, 2.5 cents for mass transit, 0.1 cents for leaking underground storage tanks and only 12 cents for highways.

Over 30 percent of the gas tax goes to deficit reduction already.

This money should go to the trust fund.

AVIATION

The aviation trust fund is paid for by a 10-percent ticket tax.

This was created to pay for airport capital improvements.

That means airports, new towers, and runways.

The trust fund was not originally designated to pay for FAA operations.

That was always supposed to come out of the general fund.

But over the years, we've taken money out of the trust fund to pay for part of the FAA's operations.

Right now, the trust fund pays for about 70 percent of FAA operations.

If this amendment passes, then we would have to raise the ticket tax.

Perhaps if the sponsor would be willing to send all the gas taxes to the trust fund then I would support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. ROYCE].

The amendment was rejected.

The CHAIRMAN. Are there further amendments to the bill?

If there are no further amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BARRETT of Nebraska) having assumed the chair, Mr. DREIER, 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. 842) to provide off-budget treatment for the Highway Trust Fund, the Airport and Airway Trust Fund, the Inland Waterways Trust Fund, and the Harbor Maintenance Trust Fund, pursuant to the House Resolution 396, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SHUSTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 284, noes 143, not voting 5, as follows:

[Roll No. 122]

AYES—284

Abercrombie
Ackerman
Allard
Andrews
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Bryant (TN)
Bunn
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Chambliss
Chapman
Chenoweth
Chrysler
Clay
Clement
Clinger
Clyburn
Coble
Coburn
Collins (GA)
Collins (MI)
Combest
Conyers
Cooley
Costello
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Danner
de la Garza
Deal
DeFazio
Deutsch
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fields (TX)
Filner
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frisa
Frost
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Heineman
Herger
Hilleary
Hilliard
Hinchey
Holden
Horn
Hostettler
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kelly
Kildee
Kim
King
Kleczka
Klink
Klug
LaHood
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Lucas
Manton
Martinez
Martini
Mascara
McCarthy
McCollum
McDermott
McHale
McHugh
McIntosh
McKeon
McKinney
McNulty
Meek
Menendez
Metcalf
Mica
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Myers
Neumann
Ney
Norwood
Oberstar
Ortiz
Owens
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Poshard
Quillen
Quinn
Rahall
Richardson
Riggs
Rivers
Roberts
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roybal-Allard
Rush
Sanders
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Scott
Seastrand
Serrano
Shaw
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solomon
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Tejeda
Thomas
Thompson
Thornton
Tiahrt
Torricelli
Towns
Traficant
Upton
Volkmer
Vucanovich
Walsh
Wamp
Ward
Waters
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Williams
Wise
Woolsey
Wynn
Young (AK)
Zeliff

NOES—143

Archer
Armey
Barrett (NE)
Barrett (WI)
Becerra
Beilenson
Berman
Boehner
Bonilla
Bonior
Brown (OH)
Brownback
Bryant (TX)
Bunning
Burr
Castle
Chabot
Christensen
Clayton
Coleman
Collins (IL)
Condit
Cox
Cunningham
Davis
DeLauro
DeLay
Dellums
Dicks
Dingell
Dixon
Doggett
Dooley
Eshoo
Fazio
Fields (LA)
Flake
Foglietta
Frank (MA)
Franks (CT)
Frelinghuysen
Furse
Goss
Hall (OH)
Hancock
Hayworth
Hefner
Hobson
Hoekstra
Hoke
Houghton
Hoyer
Inglis
Jefferson
Johnson, Sam
Johnston
Kasich
Kennedy (MA)
Kennedy (RI)
Kennelly
Kingston
Knollenberg
Kolbe
LaFalce
Lantos
Largent
Lazio
Levin
Livingston
Luther
Maloney
Manzullo
Markey
Matsui
McDade
McInnis
Meehan
Meyers
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moran
Morella
Murtha
Myrick
Neal
Nethercutt
Nussle
Obey
Olver
Orton
Packard
Pelosi
Peterson (FL)
Porter
Portman
Pryce
Radanovich
Ramstad
Reed
Regula
Roemer
Rogers
Roukema
Royce
Sabo
Salmon
Sanford
Schroeder
Sensenbrenner
Shadegg
Shays
Skaggs
Smith (MI)
Smith (TX)
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Taylor (NC)
Thornberry
Thurman
Torkildsen
Torres
Velazquez
Vento
Visclosky
Walker
Watt (NC)
Waxman
White
Wolf
Yates
Young (FL)
Zimmer

NOT VOTING—5

Jackson-Lee (TX)
McCrery
Nadler
Rangel
Wilson

☐ 1640

Mr. STOKES and Mr. SPENCE changed their vote from ''aye'' to ''no.''

Mrs. VUCANOVICH and Ms. DUNN of Washington changed their vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. RANGEL. Mr. Speaker, I missed rollcall vote 122 because I was at a meeting in a room that the bells did not ring in. Had I been here, I would have voted in the negative.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 45 legislative days within which to revise and extend their remarks on H.R. 842, the bill just passed.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

EXPRESSING APPRECIATION FOR EFFORTS IN SUPPORT OF H.R. 842

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

Mr. SHUSTER. Mr. Speaker, I want to emphasize the extraordinary bipartisan support on this extraordinary victory here. Without the gentleman from Minnesota [Mr. OBERSTAR] and his colleagues, this simply never could have happened.

Beyond that, however, this has been a battle that we have been dedicated to for so many years, that there are many former chairmen and ranking members of our committee who I know, those who are still alive have to be smiling, and those who are up there looking down have to be smiling as well.

On our side Bill Harsha, Don Clausen, Gene Snyder, John Paul Hammerschmidt, Jim Howard, God bless him, Glen Anderson, Bob Roe, Norm Mineta, they all contributed to this victory today, and I thank them.

☐ 1645

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

Mr. SHUSTER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. I want to pay tribute, well deserved tribute to the gentleman from Pennsylvania for the leadership he has exhibited on this issue. He has worked tirelessly, brought together a coalition of people of different fiscal views on this issue, geographic views on this issue and brought them together to understand and to pass this very, very important, as the gentleman has stated, long-standing legislation. He has marshaled an extraordinary outpouring of support for a principle that will reestablish the trust of people in Government. The impact reaches far beyond this bill. For that, I salute our chairman.

Mr. SHUSTER. I thank the gentleman.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 735, COMPREHENSIVE TERRORISM PREVENTION ACT OF 1995

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 104–522) on the resolution (H. Res. 405) waiving points of order against the conference report to accompany the bill (S. 735) to prevent and