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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. LATOURETTE].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 23, 1997.

I hereby designate the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As we pray to You, O God, to reveal the high purposes of life, we also remind ourselves that You have given to us the responsibility to use our minds and hearts and hands to accomplish those high purposes. You have commanded that we follow the road to peace, so may we use our minds to discover those roads; You have told us to feed the hungry, so may we use our hands to till the soil and plant the crops; You have told us to be compassionate to all people, so may our hearts compel us to help heal the broken and strengthen our communities. We thank You, O God, for giving us the heavenly vision and we pray that we will realize that vision in our daily lives. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Colorado, Mr. BOB SCHAFFER, come forward and lead the House in the Pledge of Allegiance.

Mr. BOB SCHAFFER of Colorado led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2016. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2016) ''An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes'', requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BURNS, Mrs. HUTCHISON, Mr. FAIRCLOTH, Mr. CRAIG, Mr. STEVENS, Mrs. MURRAY, Mr. REID, Mr. INOUYE, and Mr. BYRD, to be the conferees on the part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain fifteen 1-minute speeches from each side.

PRESENTATION OF FREEDOM WORKS AWARD TO THE INDIANAPOLIS LEGAL AID SOCIETY

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

Mr. ARMEY. Mr. Speaker, I am excited today to present the Freedom Works Award to the Indianapolis Legal Aid Society for their fine work in providing legal representation to the poor of central Indiana. I established the Freedom Works Award to celebrate freedom by recognizing individuals and groups who take personal and private initiative instead of promoting reliance on the Government. Today I am honoring the Indianapolis Legal Aid Society which is the largest organization in Indiana devoted solely to the nonideological, nonpartisan provision of legal assistance to people who cannot afford to hire a lawyer.

Mr. Speaker, the Society employs four full-time and three part-time lawyers who, with a small group of volunteer lawyers, personally assisted more than 7,000 clients in 1996. In fact, last year the Society received inquiries from more than 15,000 people seeking legal assistance in such matters as family law, custody disputes, and landlord-tenant rights.

Despite operating on a limited budget and not receiving raises for 4 years, the Society's committed staff continues to assist the poor in central Indiana in a compassionate and efficient manner, providing hope for citizens who have nowhere else to turn. This group reminds us of the thousands of lawyers across the Nation who provide free legal assistance to low-income Americans through their own generosity. In fact, pro bono attorneys contribute over five times the number of hours worked annually by the staff attorneys in the Legal Service Corp's network, and Mr. Speaker, this fine

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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group has achieved this success without receiving a single penny of government funding. Instead they have relied on the generosity of private groups and individuals who are committed to the principle of equal justice under the law for all citizens.

Mr. Speaker, access to the legal system by all our citizens is a cornerstone of American democracy. The Indianapolis Legal Aid Society is setting an example for us by recognizing the need and taking private initiative to address it effectively and efficiently. I am very proud today to honor them for their fine achievements.

INDEPENDENT CONTRACTOR CLAUSE WILL MOVE OUR ECONOMY IN THE WRONG DIRECTION

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

Mr. KUCINICH. Mr. Speaker, Federal Government policy has a major impact in the way that employers treat their workers. It is important that Federal policy encourage workers to take the high-skill, high-wage road. For the good of our Nation, employers need to invest in the training benefits and long-term productivity of their workers.

But, Mr. Speaker, the independent contractor provision would move our economy in the wrong direction. It would encourage employers to abandon their commitment to their workers by moving them off the payroll. It would strip them of their health care and pension benefits. Employers who abandon their workers would obtain a competitive advantage over socially responsible companies. This is very unfair to the companies that respect their workers and invest in their skills and benefits.

That is why business organizations such as the Information Technology Association of America oppose the independent contractor clause. With its 11,000 member companies the ITAA says the independent contractor provision will harm legitimate businesses and result in the growth of businesses with no employee benefits.

Mr. Speaker, that is the wrong direction for America. The independent contractor clause needs to be deleted from the final budget bill.

LIBERALS ARE UNWILLING TO GIVE THE MIDDLE CLASS A BREAK

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

Mr. CHABOT. Mr. Speaker, the liberals are simply unwilling to give the middle class a break. They are playing the class warfare card again. They seem to do it all the time; it is happening again. Thanks to the wonders of something called the family economic income, middle-class families are defined as rich, and then of course the government should have the right to take away half of what one earns because the politicians should be allowed to spend that money instead of us.

Mr. Speaker, I think we ought to let the American people keep the money in their own pockets, decide how they want to spend it, not the politicians up here in Washington, and all of this is in the interest of fairness, so to speak. But if the family economic income argument is not working, then the liberals turn to their other rhetorical shenanigans. They want to turn a tax cut into a program, and get this:

They want to give a check to people who are not paying any income taxes.

This tax cut is supposed to be a cut for people who actually pay taxes. It is supposed to help particularly the middle class.

The American people in this country are overtaxed, particularly the middle class. Let us give them a break, and let us do it now.

REPUBLICAN SHIP OF STATE SPINNING OUT OF CONTROL

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

Mr. GUTIERREZ. Mr. Speaker, I read some alarming news lately about a ship spinning wildly out of control. Power was mysteriously cut but nobody could say who pulled the plug. The ship's commander was suffering from nervous palpitations. Rumors spread that he could not fulfill his duties or that his whole crew might have to abandon ship.

People said, ''They've been up there too long, it's time to bring them down.''

Were these the reports of the Russian spaceship *Mir* floating high above? No, it was the Republican ''ship of state'' right here on Capitol Hill spinning out of control, losing power, a nervous captain at the helm. Like the cosmonauts in outer space, the Republicans are far removed from people here on the ground.

How else can we explain the GOP tax bill, a bill with tax cuts for the wealthiest but nothing, zero, for parents working full time to stay above the poverty level? There is only one explanation for tax cuts that are upside down. They must have been written in the weightless atmosphere of outer space.

In the last Congress, the Republicans had a Contract With America. Today they have lost contact with Earth.

REPUBLICAN TAXPAYER RELIEF ACT FOSTERS THE AMERICAN DREAM

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

Mr. GIBBONS. Mr. Speaker, every parent wants to leave their children better off than they were. But as our Government makes it more and more difficult for people to leave the product of their hard work to their loved ones, this American dream is becoming almost impossible.

As hard-working men and women reach retirement, they are forced to sell their farms or small businesses because they cannot afford the death tax. Our Taxpayer Relief Act fosters the American dream by lowering this tax and other tax burdens on the shoulders of working men and women.

Clearly the best thing we can do for future generations is to help strengthen our economy, and we can do this by giving every homeowner, every inventor, every farmer and small businessman incentives to invest in America's neighborhoods and workplaces.

The Republican Taxpayer Relief Act is good for American families, and I urge my colleagues and the liberal Democrats on the other side to stop the distortions, stop the rhetoric, and start supporting real tax relief for the American people.

TAX FAIRNESS FOR WORKING AMERICANS

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute.)

Ms. VELÁZQUEZ. Mr. Speaker, the Democrats have made it clear that they want to offer tax relief to working families. The President has made it clear that he wants to offer tax relief to working families. The American people have made it clear that they know the Republican tax plan favors the wealthy.

Now the chairman of the Committee on Ways and Means tell us that he will not offer a $500-per-child tax credit to all working families, but he wants huge tax breaks for the wealthy.

Mr. Speaker, the Republicans just do not get it. When they signed the Contract With America, they promised a $500-per-child tax credit to working families. Now they are breaking their promise to millions of working Americans. Police officers, nurses, teachers, firefighters, they pay taxes.

Mr. Speaker, the American people need to know are the Republicans going to make good on the contract they signed or is this just another case of promises made, promises broken?

REPUBLICAN AGENDA IS THE ANSWER TO AMERICANS' YEARNINGS FOR FREEDOM FROM GOVERNMENT

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

Mr. HEFLEY. Mr. Speaker, if we look across the sweep of history, we will notice that the human struggle has been a continuous struggle for greater freedom. From the Magna Carta to the Constitution of the United States, the

struggle for greater freedom has been an unending battle against governments in power who fail to resist the temptation to abuse their power. People struggling against government tyranny is a theme that resonates throughout history and across the globe. Political freedom, economic freedom, and religious freedom; the focus of the struggle changes, but the direction of the goal and the inspiration for the cause have always remained the same.

The human soul desires freedom from government oppression, freedom to control one's destiny, and freedom to worship one's God. The Republican agenda is an answer to those yearnings for more freedom, lower taxes, smaller government, and the right to express our faith in the public square.

This is the direction to more freedom for all Americans.

ALL WORKING FAMILIES DESERVE RELIEF FROM TAXES

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

Mr. SNYDER. Mr. Speaker, yesterday President Clinton expressed his firm commitment to stand for children of all working families, not just the ones covered by the Republican tax bill. It is wrong, Mr. Speaker, to ignore millions of taxpaying working families, including thousands of children in Arkansas. It is not class warfare to point out that payroll taxes deducted every 2 weeks out of checks are taxes, and all working families deserve relief from whatever taxes they pay, payroll or income.

CRACK THE CHAMPAGNE AND CALL ROBIN LEACH

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

Mr. KNOLLENBERG. Mr. Speaker, guess what? My colleagues have heard this before, but if someone makes $54,000, they are now the rich. They just do not know it yet. Or at least that is what the Clinton administration has figured with their calculations on who should get a tax cut. With the stroke of a calculator they have created funny money. They have moved millions of Americans from the middle class to Beverly Hills, from Main Street to Rodeo Drive, from the minivan to the limo.

This new wealth in America includes a lot of people. Who are they?

Some 1.7 million union members are rich; 8.1 million government workers are rolling in dough; 2.4 million teachers better crack the champagne and call Robin Leach.

They are all rich according to the President and they just do not need a tax cut.

We should get serious. We have not had a tax cut in more than 16 years, and now we have a real chance to provide relief to our families. It is time for the left to stop twisting the truth about tax relief.

□ 1015

BASIC FAIRNESS IN THE MINIMUM WAGE

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

Mr. BONIOR. Mr. Speaker, yesterday I introduced a bill to raise the minimum wage to $7.25 an hour by the year 2002. We raised the minimum wage a year ago and a lot of Republicans were dead set against it. They predicted it would ruin the economy. What did it do? It boosted wages for 4 million working families, unemployment dropped, inflation has been low, the economy has been moving, but despite this good news, many of my Republican colleagues will oppose another increase in the minimum wage.

I might say, these are the same folks that want to give a tax break to the wealthiest individuals in this country, the same Republicans whose tax bill gives nearly 60 percent of the tax breaks to people making a quarter of a million dollars a year or more, the same Republicans whose tax bill includes an all-out assault on the minimum wage with language about independent contractors that actually encourages employers to pay some workers less than the minimum wage.

If a person works hard in this country day in and day out, they do a good job, they should get a paycheck that is big enough to support their family. They need a tax break that favors them and not the very wealthiest in this country. We are not talking about buying BMWs here, we are talking about being able to have people to afford to buy a used Chevy. That is basic fairness. That is what this minimum wage bill is about. That is what the Democratic tax bill is about.

HOW TO GET RICH QUICK

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

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, over the weekend I saw this entertainer, Ed McMahon, on television. He was talking about how many of the viewers may be rich already and not even know it. I thought how similar that claim was to the ones we are hearing from Democrats today, that the American people, the average hardworking families earning between $20,000 a year and $75,000 a year, are somehow rich and may not even know it.

We do not have to watch the mail in order to find out whether we are wealthy. Under the Democrats' manipulation of income, we can just call the Treasury Department now and find out whether we are rich. In fact, it is the dirty little secret of the White House and the Democrat Party: Get rich quick, call the U.S. Treasury now, find out how they have taken your $45,000 income, and now they call you a millionaire on the House floor and suggest that you do not deserve a tax cut.

Call the number of the Treasury Department and find out about their dirty little manipulation of your income; 202–622–0120, 202–622–0120, the Treasury operators are standing by.

TWO CHOICES IN TAX CUT PLANS

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

Ms. STABENOW. Mr. Speaker, I rise today on behalf of the hardworking people in middle Michigan who want very much to receive the benefits of the tax cuts that are being proposed here and discussed in the House of Representatives. We have two choices: We have individuals who now lead the House, who were the ones that proposed in the 1980's tax breaks for the wealthy, hoping that they would trickle down to our middle-class families and each of us who have been working hard every day; or tax breaks that go directly into the pockets of hardworking middle-class people.

The tax cut that I am supporting, that was put forward by the Democrats and the President, is advocating making sure that if a person has a home and they want to sell it, and that is where most of us put our savings, they get a tax break. If they have children, they get a tax break. If they are trying to send their children to college, they get a tax break. If they have a small business and they have worked hard and put all their sweat equity into their business over the years, they get a tax break. If they have a family-owned farm, they get a tax break.

What we do not do is focus the tax breaks on the top 2 percent. I urge we adopt this program.

LOOK AT THE RECORD ON TAX CUT PROPOSALS

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

Mr. ROGAN. Mr. Speaker, those who are following this debate on taxes may have a hard time trying to figure out which party is being candid on their respective tax-cutting claims. My suggestion is that they simply look at the record. When we do, we see our friends on the Democrat side consistently opposing tax cuts.

Their argument is that middle-class tax cuts are giving a tax break to the wealthy. But the record shows that the so-called wealthy they are talking

about are people earning about $50,000 a year. On the other hand, when they talk about giving a tax cut to working families, they really mean giving a tax cut to people who do not pay any Federal income taxes.

The choice is simply this: We can support the Republican proposal that affirms the right of working families who pay taxes to keep more of the money they earn. Or, we can support our friends on the Democrat side, who tell those same families they are wealthy, and want to give tax money to people who do not pay taxes.

LONG-TERM EFFECTS OF REPUBLICAN TAX PROPOSALS

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

Mr. KIND. Mr. Speaker, I, too, want to rise today to express some concern that I have about the tax cut. We have heard a lot of discussion about who is going to benefit from the tax cut. I want to give a different perspective. That is the perspective of my son, Jonathan, who is approaching his first birthday, and what this tax cut is going to mean to him.

The Treasury Department and even the Congressional Research Service, the independent investigatory research arm of this Congress, have both indicated that sure, although the tax cuts might be able to reach a balanced budget within the first 5 years, it is 10 years from now, 15 years from now the backloaded provisions of these tax cuts are due to explode the deficit again, at exactly the time when my son Johnny and many, many children throughout this country are going to enter the work force.

What kind of message are we going to be sending to them in order to score a short-term political gain right now, by offering these huge tax cuts so they are going to explode the deficit early next century, without identifying the corresponding spending reductions to pay for it?

I did not come to Congress to vote for the type of tax measure that is going to jeopardize my son's future and the future of the children in this country.

GOOD NEWS FOR AMERICANS OBSCURED BY PARTISAN RHETORIC

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

Mr. NEUMANN. Mr. Speaker, first I would respond to my colleague, the gentleman from Wisconsin [Mr. KIND], and invite him to join us in the National Debt Repayment Act for the good of the future and his young child, because that would force us not only to balance the budget, but after we reach that, pay off the Federal debt, so his child may inherit a nation debt free, and they would not have to make interest payments.

But I also rise today to call attention to what is happening in Washington. When we listen to these 1-minutes back and forth, it is so partisan that people are forgetting what good is happening here for America and how much it means to our citizens.

We are on the verge of balancing the budget probably by 1999, 2 or 3 years ahead of schedule. Taxes are coming down for the first time in 16 years, the $500-per-child tax credit, capital gains is coming down, the death tax is coming down, college tuition tax credit, all good news for America. Medicare is restored, so our senior citizens can again rest assured Medicare will be there for them in the future.

I hear all this hysterical rhetoric about who is rich and who is not, but I can tell the Members this much, the folks I see on Sunday that are sitting there with three kids and the two parents next to them, one off in college and two kids still home, they understand a tax cut means they get to keep $2,500 more of their own money next year.

TAX RELIEF FOR AMERICA'S WORKING FAMILIES IS COMMON SENSE AND JUSTICE, NOT WELFARE

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

Mr. STRICKLAND. Mr. Speaker, the American people are probably confused. Part of the confusion may come from the fact that we have so many millionaires serving in this House and in the Senate that I think the two bodies oftentimes lose touch with average Americans.

The average family in my district earns $22,000 a year. Under the Republican plan, most of those families would receive nothing from the $500-per-child tax credit. If they earned $60,000 they would receive benefits, but those who earn $20,000 would receive nothing.

Even Gary Bower, head of the Conservative Family Research Council, has criticized the Republican plan for denying tax relief to these working families who make less than $30,000 a year. He has said, ''The family tax credit ought to go to any working family that pays income or payroll taxes.''

When we provide tax relief to America's working families, it is not welfare, it is common sense and justice.

DEMOCRAT HOSTILITY TOWARD TAX RELIEF FOR THE MIDDLE CLASS

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

Mr. PAPPAS. Mr. Speaker, some things change, some things do not. It seems that the liberals fall into the second category. The truth is, the liberal view of tax relief is about as out of date as Barry Manilow.

Let us be clear. I have not thrown away all of my Barry Manilow cassettes, but I must say I do not listen to them much anymore. The problems with the liberal Democratic ideas are much more serious. They are much more serious because how they view taxes is much more than a matter of taste. It is a question of what is fair and what is not.

Tax policy has a critical effect on how many jobs are created, what kind of jobs are created, and of course, how much money we get to take home with us from working in those jobs. We would never know it from listening to the liberal Democrats. In fact, I cannot even recall the last time when they have even mentioned the importance of economic growth for the middle class, or how the tax proposal would affect economic growth.

So they are still singing the same old song about their hostility toward tax relief for the middle class; oops, I am sorry, I mean, in their eyes, the rich.

A SIMPLE DEBATE: MORE GOVERNMENT OR MORE FREEDOM

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

Mr. RYUN. Mr. Speaker, what we are debating today is very simple: Do we believe, on the one hand, in more government, or, on the other hand, in more freedom?

Throughout recorded history, from the Magna Carta to the Constitution of the United States, the struggle has been the same: freedom from government tyranny. Political freedom, economic freedom, religious freedom, the focus of the struggle changes, but the direction and the goal of the inspiration for the cause have always remained the same: The human soul desires freedom from government oppression, freedom for control of one's destiny, and freedom to worship one's God.

The Republican agenda is an answer to that yearning. Mr. Speaker, we will meet one of those yearnings if we pass, when we pass, the Taxpayer Relief Act of 1997. The hard-working people of my district, the Second District of Kansas, are yearning to keep more of what they earn. After 16 years of wasteful government spending, it is high time that we grant them this freedom.

THE REPUBLICAN BUDGET PLAN IS NEITHER BALANCED NOR FAIR

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

Mr. EDWARDS. Mr. Speaker, I believe there should be two goals that drive any budget plan in this Congress. One is balancing the budget in the short-term and in the long-term, and second is fairness.

I believe that anyone that looks at the Republican proposal as of today would conclude that their plan fails on both parts. It unbalances the budget, and it is unfair. In fact, the Republican tax plan should be called the Unbalanced Budget Act, because like the mistakes of 1981, when Congress exploded the deficit with specified tax cuts and unspecified spending cuts, this plan would provide huge tax cuts not balanced by any spending cuts. This would be the Unbalanced budget Act.

On the issue of fairness, I would simply say that trickle-down economics was unfair in the 1980's, and trickle-down economics is unfair in the 1990's. The fact is that the gap between working low-income and middle-class American families and the wealthiest Americans has increased. The Republican tax plan would make that situation even more unfair.

□ 1030

ANNIVERSARY OF THE PASSING OF HON. HAMILTON FISH

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

Mr. GILMAN. Mr. Speaker, today is the first anniversary of the untimely death of one of our outstanding colleagues, Congressman Hamilton Fish.

As ranking member on the Committee on the Judiciary, Congressman Fish was known as a champion of civil rights and as a Representative of New York's Hudson Valley for 24 years, he was known as a compassionate and effective spokesperson for the interests of his district.

Our crime bill of 1992 included Ham's initiatives to grapple with the challenge of providing safe and secure environments for our young people. It is expected that our Committee on Appropriations will approve continued funding for the institute now named in Ham's memory which seeks solutions for juvenile violence in our Nation's schools.

Congressman Hamilton Fish continued to work with this institute until a week before his passing. It is a fitting and living memorial to a remarkable legislator and to a good friend.

TAX RELIEF

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me really tell you how to spell relief: a tax plan for teachers, police officers, firefighters, nurses, waiters, waitresses, bus drivers, a tax plan for working people. There is something that is very curious about the Republican statistics and analysis of why they want to give 67 percent of their tax plan to the wealthy. They reject the Treasury Department's independent analysis, the Treasury Department that serviced Presidents Bush, Nixon, and President Reagan, which says that categorically the Republican plan has a fairness problem.

America, listen to this debate. It is not frivolous. It is real. If you want a tax plan that addresses a child tax credit for working people who they say do not pay taxes, but yet when you take someone who works every day, they might be working for the janitorial service but they are working every day paying payroll taxes or FICA taxes, you know what we mean. They do not get a child tax credit. Spell relief with a Democratic tax plan for nurses, working people all over America.

TRUTH AND THE TAX PACKAGE

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

Mr. WELDON of Florida. Mr. Speaker, sometimes you have to wonder if those on the other side who are talking about the tax package are misinformed or simply uninformed. Maybe they have not read the bill. Maybe they are so uncomfortable with the idea of tax cuts that they are attacking the bill out of habit more than conviction.

Whatever the case, it seems that the rhetoric I am hearing has no connection to reality. If a person were to call me and say, hello, I make $500,000 a year, how would your tax proposal affect me, I would have to give him bad news. Would he be eligible for $500 per child tax credit? No. Would he be eligible for the education tax credit? No.

That is interesting. I thought that those were the two biggest provisions that were included in this tax package. They are. Not a penny of it goes to high income people. Just from this fact alone, we can see that the charges that this tax cut package goes primarily to the rich are false.

A FAIR TAX PLAN

(Mr. BARRETT of Wisconsin asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of Wisconsin. Mr. Speaker, if Americans are looking for a fair tax plan, they should be looking to the Democratic tax plan and not the Republican tax plan. The Republican tax plan in the second 5 years explodes the deficit.

We just saw the figures from the Treasury which shows that in the last 5 years, there is a second 5 years, over 50 percent of the benefits go to people who are high income earners in this country. That is not a fair tax plan. What we have to do is deliver a tax plan that is fair to all Americans, that means people who are working as well.

I also want to compliment President Clinton because yesterday he recognized and supported the notion of some sort of means testing for Medicare. I thought that this was a brave, bold move because we have to recognize that it is inevitable that in the years to come we are going to have to make some changes to Medicare. We should not have the hamburger flippers at McDonald's subsidizing those who have done very well. I think that this is a change that is going to come and it is best to be done through the IRS. It is best to be done in a worthwhile fair manner.

TAX CUTS AND EXCUSES

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

Mr. LEWIS of Kentucky. Mr. Speaker, the liberal Democrats, the ones that gave us the largest tax increase in the history of this Nation in 1993, go through more excuses why they are opposed to tax cuts than Victor Newman on ''The Young and the Restless'' goes through wives.

Another striking parallel is that these liberal Democrats change excuses with as little shame as Victor has when he changes wives. One excuse is as good as another, it seems. It kind of makes you wonder if these liberal Democrats can be trusted to honor their agreement to tax cuts. After all, sooner or later they will come up with a new excuse why the middle class should be denied a long overdue tax cut.

The excuse does not even have to be a good one, as long as they can act like they are morally outraged. Sure, we can make up new definitions of who the rich are so that millions of middle-class families can kiss their tax cuts goodbye. Or we can falsely claim that letting people keep more of their own money is some kind of lucky tax giveaway. Or we can complain that people with no taxes to cut are not going to get a tax cut. Excuses, excuses.

AMERICANS WERE PROMISED TAX RELIEF

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

Ms. DELAURO. Mr. Speaker, talk about little shame or no shame, I rise today to remind my Republican colleagues including the last speaker and others this morning of a promise that they made to the American people just a few short years ago; do they remember? The Contract With America, item No. 5 of that contract promised a $500 per child credit to all, all of America's families who work and who pay taxes.

Now my Republican colleagues want to deny the child tax credit to millions of families who earn less than $30,000 a year. These parents are carpenters, dental assistants, rookie police officers, kindergarten teachers, but the Republicans call them welfare recipients.

These are working parents. They are not on welfare. They work hard every

single day and they pay taxes, usually more in payroll taxes than in income taxes, and more in payroll taxes, I would imagine, than the wealthiest one 1 or 2 percent that our Republican colleagues would like to reward.

Democrats believe these are the parents who deserve the tax relief. Remember, my friends, the contract that you signed.

SUPPORT THE REPUBLICAN TAX CUT PROPOSAL

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

Mr. HERGER. Mr. Speaker, 2 million low- and middle-income Americans are waiting to see if this Congress will eliminate their tax burden. That is right, Mr. Speaker. According to the nonpartisan Joint Committee on Taxation, 2 million Americans will no longer pay income taxes at all if the Republican House-passed tax cut proposal becomes law; not 2 million rich Americans, as my Democrat friends from the other side of the aisle would have us believe, but 2 million struggling low- and middle-income Americans who barely make enough to support their families but still are forced to pay income taxes. Our tax cuts help 2 million Americans that most need it by taking them off the income tax rolls completely.

Mr. Speaker, I encourage my colleagues to support the Republican House tax cut proposal that will truly benefit all Americans.

OUR QUEST FOR TAX RELIEF

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

Mr. TIAHRT. Mr. Speaker, I feel like our quest for tax relief is like a few lines from the song by the Lord of La Mancha: To dream the impossible dream, to right the unrightable wrong, to bear with unbearable sorrow.

It has been 16 years since we have had tax relief, and still we hear so many reasons why we have to vote against the tax relief plan.

When you do not want to do something like vote for tax relief, any excuse is a good excuse: too much for the rich, even though the rich are considered a family of four where each parent is making $32,000 a year; not enough income tax relief for those who are considered poor, even though they pay no income tax.

There will be only one tax relief package to vote for, it will be the agreement between the Congress, the President, and the American people. There will be no excuse for voting against tax relief.

Mr. Speaker, let us dream the impossible dream. Let us give tax relief to working Americans.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2003

Mr. EDWARDS. Mr. Speaker, I ask unanimous consent that I be removed as a cosponsor of H.R. 2003.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Texas?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2003

Mr. ENGLISH. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2003.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

BUDGET ENFORCEMENT ACT OF 1997

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 192 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 192

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2003) to reform the budget process and enforce the bipartisan balanced budget agreement of 1997. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by Representative Barton of Texas or his designee and a Member opposed to the bill; and (2) one motion to recommit.

The SPEAKER pro tempore. 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 the gentleman from Texas [Mr. FROST], my colleague and friend, 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. GOSS asked and was given permission to revise and extend his remarks and to include extraneous material.)

Mr. GOSS. Mr. Speaker, this rule and today's debate reflect the essence of an agreement reached on June 25 as the House moved to pass legislation implementing the historic budget agreement. That agreement was to allow an up or down vote prior to July 24 on H.R. 2003, which had been offered as an amendment to reconciliation by the gentleman from Texas [Mr. BARTON], the gentleman from Minnesota [Mr. MINGE], and some of our other colleagues. This rule fulfills that agreement. Promises made; promises kept.

Today this House will vote on H.R. 2003, a budget process reform proposal advocated by a bipartisan group of Members. This rule is limited just to provide for the agreement and it does not allow amendment. Not only is this customary for legislation that deals with entitlement and tax legislation within the jurisdiction of the Committee on Ways and Means, but it also captures the moment at which the actual agreement was made to bring this forward to allow the House to consider H.R. 2003 as presented on June 25.

The rule provides for 1 hour of debate in the House to be equally divided by the gentleman from Texas [Mr. BARTON] and an opponent. We have discussed in the Committee on Rules that the time will be divided in such a way as to accommodate Members from both sides of the aisle on both sides of the issue and for all of the committees with an interest. Managers will yield floor time appropriately. In addition the rule provides for the customary motion to recommit.

Mr. Speaker, as I have outlined, Members understand that we have gone through an unusual process here to get to this point. All three of the primary committees with jurisdiction over this legislation, that is, the Committee on the Budget, the Committee on Ways and Means, and the Committee on Rules, have agreed to waive their right to weigh in on this proposal in the interest of granting H.R. 2003 its unfettered vote as promised.

For something of this magnitude and complexity, that in itself is rather extraordinary under Republican leadership. In addition, in doing this Members should be aware of a process that has been under way for some time in the Committee on the Budget, the Committee on Rules, in the policy committee and among various groups of individual Members to reach deliberative and consensus solutions on how best to reform our budget process. In other words, we are focusing on this anyway, and we are now taking this extra step because of this arrangement with the gentleman from Texas [Mr. BARTON] and the gentleman from Minnesota [Mr. MINGE].

I think we all agree that there is a very real need for review and reform of the process of our budget. But that effort should be done, in my view, in a deliberate and inclusive way that takes full advantage of the expertise that can be found within our committee system which has served this institution and this country so well over the years. I have always argued that changing the budget process must lead to an improvement in the process, not just a different, equally flawed approach. Change for change's sake is not going to get us anywhere.

As chairman of the Subcommittee on Legislative and Budget Process, I am a little bit familiar with the problems of our current budget framework. Not only is it complicated and hard to understand, but it frankly does not work very well and it does not hold elected officials accountable enough, of course. Moreover, I agree with the proponents of the legislation before us today that

our current budget process does not adequately confront the challenge of imposing discipline on entitlement spending, which is a very tough subject.

In the Committee on Rules we held three hearings in the last Congress on the subject of budget reform. We have been working closely with the Committee on the Budget this year to develop proposals for reform. The gentleman from New York [Mr. SOLOMON] and the gentleman from Ohio [Mr. KASICH] have committed to developing a comprehensive budget process reform package in this Congress. So we are on our way to doing this anyway.

In the short-term I have been very pleased with the cooperative effort we have had with the Committee on the Budget on a bipartisan basis vetting what I will call cleanup provisions in reconciliation to streamline existing procedures. This is an important first step in budget process reform but obviously it is not comprehensive or complete.

The bill before us today has a different parentage. It is not the business as usual approach of the committee system. It is a product of an evolution from Member to Member, and outside group to outside group over several years. It has not been properly vetted through the committee system, and its authors have admitted as much by saying that further changes are needed.

In the Committee on Rules last night we heard discussion of the need for ''technical amendments and revisions in this bill.''

□ 1045

So it is not quite right even yet.

In my view, the problems with this bill go beyond drafting errors into substance. For instance, I do not think we will be improving the transparency and the credibility of our budget process by grafting 15 new very complicated sections onto the already complicated Budget Act.

In addition, I am troubled by the authority this bill cedes to the President to define the parameters of budget enforcement.

I also have concerns that this bill represents a first step down the very dangerous road toward automatic tax increases. That is what I said. Automatic tax increases. I do not think we are ready for that yet. It threatens to undo all the agreements and commitments that have been made to provide genuine tax relief to America's taxpayers.

I cannot support an approach that gives the President the authority to set in motion indefinite delay in the child tax credit that we are working so hard for, or delay of the capital gains tax we are working so hard for, or delay of the estate tax reduction we are working so hard for, or a host of the indexing provisions we are talking about.

Our budget problems are not the result of too little revenue. They are the problem of too much spending and too much government and we all know it. In this regard, this bill operates under a basic flawed assumption.

With respect to entitlements, this bill is also troubling. I served on the Kerrey Commission on entitlement and tax reform, and I learned a great deal in the process. I well understand the problem we have with entitlements. We are on an unsustainable trend and we have to make some tough decisions, but this bill raises almost as many questions as it answers in terms of the process by which the very important decisions about handling entitlement spending would be made. It puts Social Security COLA's at risk of automatic spending cuts.

Now, I cannot imagine anybody who really would stand up for that proposition to say we are going to put Social Security COLA's into an automatic spending cut process. That is not going to hack it with the people that we represent and it should not.

Also, this approach that we are going to consider today provides for the possibility of automatic increases in Medicare premiums. Again, I do not think the constituency we represent, certainly not mine in southwest Florida, is going to jump up and applaud very loudly automatic increases in Medicare premiums.

Mr. Speaker, the proponents of this legislation are sincere in their effort and I congratulate them on it. They are striving to get enforcement teeth into the budget process, and we need it and I agree. It is just a question of how and when, and I do not think their approach today is how or when.

I admire their persistence in getting today's debate. It shows good leadership and good commitment, and I welcome them into our process through the committee process of budget reform, particularly focusing on enforcement with teeth.

I find the product we are working with today seriously flawed. I hope the House will defeat it so we can get back to work in developing the budget process reform that we have been working on.

Mr. Speaker, I submit for the RECORD the following section-by-section summary of H.R. 2003 and several letters concerning this issue:

SECTION-BY-SECTION SUMMARY OF H.R. 2003, THE ''BUDGET ENFORCEMENT ACT OF 1997'' PREPARED BY THE MAJORITY STAFF OF THE COMMITTEE ON RULES, JULY 22, 1997

GENERAL SUMMARY

H.R. 2003 establishes a new set of budget enforcement procedures specifically for the purpose of enforcing the direct spending levels and the deficit and revenue targets assumed in the Bipartisan Balanced Budget Agreement of 1997. This Act would be a free-standing set of procedures, another layer of budget rules and requirements laid over top of the existing Budget Act. The President and Congress would now be required to follow the rules and procedures of three different, yet comprehensive statutes (the Congressional Budget and Impoundment Control Act of 1974, the Balanced Budget and Emergency Deficit Control Act of 1985 and the Budget Enforcement Act of 1997), all designed to dictate the actions of the budget process.

This Act contains two titles. The first outlines how the goals of the budget agreement will be measured and monitored and what the distinct roles of the President and the Congress would be in this monitoring process. The second title provides the methods by which the spending levels and the revenue and deficit targets will be enforced through sequestration and/or a delay of tax reductions.

Section 1: Short Title and Table of Contents

This section grants this Act the title of the ''Budget Enforcement Act of 1997''. This section also lays out the table of contents for the Act's 15 new free standing budget process provisions.

Section 2: Definitions

This section provides the definitions for various budgetary terms as they are to be understood in implementing the provisions of this Act including the following: ''eligible population,'' ''sequester and sequestration,'' ''breach,'' ''baseline,'' ''budgetary resources,'' ''discretionary appropriations,'' ''direct spending,'' ''entitlement authority,'' ''current,'' ''account,'' ''budget year,'' ''current year,'' ''outyear,'' ''OMB,'' ''CBO,'' ''budget outlays and outlays,'' ''budget authority and new budget authority,'' ''appropriation act,'' ''consolidated deficit,'' ''surplus,'' and ''direct spending caps.''

Many of these terms and definitions are similar to those currently used and defined in the Congressional Budget Act of 1974 and the Balanced Budget and Emergency Deficit Control Act of 1985 (the Gramm-Rudman-Hollings Act). However, there are some new terms and some old terms with new definitions. For example, the definition of ''sequester and sequestration'' is the same as that used in Gramm-Rudman-Hollings while the definition of what constitutes a ''breach'' is different than that contained in current law. Under current law ''the term 'breach' means, for any fiscal year, the amount (if any) by which new budget authority or outlays for that year (within a category of discretionary appropriations) is above that category's discretionary spending limit for new budget authority or outlays for that year, as the case may be.''[1] Under H.R. 2003 ''the term 'breach' means, for any fiscal year, the amount (if any) by which outlays for that year (within a category of direct spending) is above that category's direct sending cap for that fiscal year.'' For the purposes of this Act a ''breach'' is defined as first only applying to direct spending and secondly as only applying to budget outlays as opposed to budget authority or outlays. Since the Act does not repeal any of the current Budget Act, this bill adds a second definition to what constitutes a ''breach''. Other new terms include ''direct spending caps'' and ''consolidated deficit''. Other older terms with new definitions include ''discretionary appropriations'' and ''baseline''.

Title I—Ensure that the Bipartisan Balanced Budget Agreement of 1997 Achieves Its Goal

Section 101: Timetable

This section establishes a new timetable for completion of the new requirements placed on the President and Congress under this Act. This timetable would be an addition to the current timetable relating to the submission of the President's budget, congressional consideration of a budget resolution and any required reconciliation legislation and any sequestration or budget reports required of OMB or CBO.[2]

* Footnotes at end of article.

Due to the fact that these new procedures would be an addition to the current rules, certain difficulties and complications arise. For example, the Congressional Budget Office would now be required to submit two reports to Congress, one by January 15[3] and another by February 15.[4] There is no explanation as to who the two required reports differ or are similar. They are simply required.

Also, under current law, the President is required to submit his budget proposal by the first Monday in February. H.R. 2003 also requires the President to submit a ''budget update based on new assumptions'' by this same deadline. What this actually requires is unclear. Would this require the President to submit two budget proposals based on two different assumptions? Section 103 of the Act actually establishes a new point of order against Congressional consideration of any budget proposal that is not based on the ''new assumptions'' or that is consistent with the levels of this Act. Furthermore, having two timetables for the budget process, each with different requirements for both the President and Congress, in two different statues, further complicates the budget process.

Section 102: Procedures to Avoid Sequestration or Delay of New Revenue Reductions

Under this section the President is required to submit to Congress a legislative remedy if the required report by November 1 (and as soon as practical after the end of the fiscal year) of the Office of Management and Budget indicates any of the following:

1. deficits in the most recently completed year exceeded or in the budget year are projected to exceed the deficit targets established in this Act; or
2. revenues in the most recently completed year were less than or in the budget year are projected to be less than the revenue targets in this Act; or
3. outlays in the most recently completed fiscal year exceeded or in the budget year are projected to exceed the spending caps established in this Act.

The President's legislative remedy may take any one or a combination of three forms:

1. a reduction in outlays;
2. an increase in revenues, or
3. an increase in the deficit targets or spending caps or a reduction in the revenue targets.

However, the Act is unclear whether the President may propose a remedy that seeks to adjust the caps or targets for only a part of the breach or violation or whether the President must adjust the caps or targets to cover the entire breach. While one subsection of the bill lists it as an option for the President's package that same subsection also contains language preventing the President from using such an option. The President may also submit in writing, that because of economic or programmatic reasons none of the variances from the balanced budget plan should be offset. There is no definition as to what constitutes a programmatic reason for not offsetting the variance.[5]

Upon receipt of this report, with its proposed legislative remedy, Congress is required by November 15 to introduce the President's package as a joint resolution by the Chairmen of the Budget Committees of the House and the Senate. If the chairmen do not introduce the bill, any Member of the House or Senate may introduce the joint resolution after November 15. Also, by November 15, the Budget Committees are required to report the joint resolution with or without amendment. The timeline set out these expedited procedures is inconsistent as both the introduction and committee action must be completed by the same date.

Specifically, the Committee may either recommend the President's proposal or may recommend changes similar to those recommended by the President. However, if the President had recommended to adjust the caps or targets, the Committees could not recommend doing so by any amount greater than that originally recommended by the President. In this way the President solely determines the scope of the actions permissible by Congress.

If the Committees do not report by November 20, the committee is automatically discharged from consideration of the joint resolution reflecting the President's recommendation. (There is no explanation as to why the committee has until November 15 to report the joint resolution when the committee is not automatically discharged from further consideration until November 20.) Furthermore, the Act sets up that, upon this discharge, any Member may move to consider the resolution. There is no notice or time layover requirement stated. (Although, the next subsection says that the joint resolution would be considered pursuant to Section 305 of the Budget Act, which states that it is not in order to consider a resolution and its report—at which this point there would not be one—that has not laid over for five days.[6]) The joint resolution would be considered under the same procedures as that required for consideration of a concurrent resolution on the budget. Special procedures for consideration by the Senate and a conference are established. Most notable is the automatic discharge of the Committee on the Budget of the Senate by December 1 of any joint resolution passed by the House and transmitted to the House after a one day layover. Also, the Senate may initially consider a joint resolution which may propose to offset all or part of any reported breach. However, when the joint resolution reaches the stage of a conference, the conference committee may only report a resolution that proposes to offset the entire breach. The most glaring error of these procedures is that they fail to take into consideration the possibility that Congress may have adjourned sine die prior to this report having even been received by Congress. This may actually necessitate Congress coming into a special session after an election. In non-election years, Congress may actually be forced to stay in session until November 1 when the OMB report is due. These procedures are fatally flawed in many areas.

Section 103: Effect on President's Budget Submissions; Point of Order

The President is prohibited by this section from submitting a budget pursuant to Title 31 of the United States Code that is inconsistent with the spending, revenue and deficit levels established by this Act unless it recommends changes to those levels. This section also establishes a new point of order against the consideration of any concurrent resolution on the budget that is inconsistent with the levels established in this Act.

First of all, while the President is able to get around the prohibition placed on the Administration's budget submission by proposing to change the levels, Congress is not granted any exception to the point of order against consideration of a budget resolution that is different. In other words, in order for Congress to consider a budget resolution that calls for changes in the levels, it would have to waive the provisions of this section in order to even consider the President's recommendations. Congress is prohibited from considering the President's recommended changes. Furthermore, the actual legislative vehicle for consideration of changes in caps and/or targets is a reconciliation bill rather than a budget resolution since the latter is not signed into law.

Secondly, while the requirements of the President apply only to the budget submissions for fiscal years 1998 through 2002, the point of order in the House and Senate is indefinite.

Section 104: Deficit and Revenue Targets

This Act places in law the actual dollar levels of the Consolidated Deficit (or Surplus) targets called for in the Bipartisan Budget Agreement for fiscal years 1998 through 2002. It also establishes the consolidated revenue targets assumed in the Agreement for fiscal years 1998 through 2002.

Section 1 of H.R. 2003 defines the ''consolidated deficit target'' to mean ''with respect to a fiscal year, the amount by which total outlays exceed total receipts during that year.'' The term ''consolidated revenue target'' is not defined.

Section 105: Direct Spending Caps

This section establishes direct spending caps on the following major entitlements: the Earned Income Tax Credit, Family Support programs, Federal Retirement (Civilian and Military), Medicaid, Medicare, Social Security, Supplemental Security Income, Unemployment Compensation, and Veterans' Benefits. All other entitlements and mandatory spending programs not included in these major categories are to be lumped together under one account. Furthermore, one overall aggregate cap is to be placed over all of these individual direct spending caps.

Within thirty days of the enactment of this Act, the House and Senate Budget Committees are required to file identical reports containing the account numbers and spending levels for each specific category. Also, within thirty days of the enactment of this Act, OMB is required to submit to the President and Congress a report containing account numbers and spending levels for each category. The specific amounts for each category contained in these reports is deemed to have been adopted as part of H.R. 2003.

While the specific category spending limits established under this section are to be used for the purposes of measurement, monitoring and eventually enforcement, certain complications could arise. First, the reports filed by the House and Senate Budget Committees are nothing more than a statement of the priorities of these committees. The levels in the OMB report are the levels that actually are utilized. While the House and the Senate reports are required to be identical, there is nothing requiring the OMB report to be similar to that issued by these committees. The sole responsibility for determining these individual direct spending caps rests with the executive branch. Consequently, OMB will most probably use their account numbers and category spending limits for the reports they must file. Furthermore, the CBO has no role in these determinations.

Section 106: Economic Assumptions

The entire budget process established under this Act is to be monitored under common economic assumptions as set forth in the joint explanatory statement of managers accompanying H.Con.Res. 84, the budget resolution for fiscal year 1998. Any changes to the caps or targets must be computed using these same assumptions. There is no explanation as to who will be the final arbiter between the CBO and the OMB if any disagreements over economic assumptions arise over the next five fiscal years.

Section 107: Revisions to Deficit and Revenue Targets and to the Caps for Entitlements and Other Mandatory Spending

This section establishes procedures for the implementation and consideration and/or

consultation by Congress of any changes to the spending caps or revenue and deficit targets. Upon the submission of the President's budget proposal in February, the OMB is required to include adjustments to the revenue levels for changes in revenue growth and inflation; adjustments to the direct spending caps for changes in concepts and definitions, net outlays, inflation, eligible populations and intra-budgetary payments; and adjustments to deficit targets as necessitated by adjustments in the other levels. These adjustments would be automatic and would not necessarily need Congressional approval. This type of adjustment is somewhat consistent with current law as applied to the discretionary spending limits.[7]

However, the Act establishes various obstacles in the path of adjusting the caps for any other reason. First, to amend the direct spending caps would require a recorded vote in the House and the Senate. It is also deemed to be a ''matter of highest privilege'' for any Member to insist on a recorded vote. This is required even though Congress did not originally have a recorded vote on establishing each direct spending cap in the first place. Also, there is no current understanding as to what a matter of ''highest privilege'' is. Presumably, such a motion as intended by the sponsors would preclude a motion to rise if in the Committee of the Whole or to adjourn if in the House.

Finally, this section places an unprecedented prohibition on the ability of the Rules Committee to waive any of the provisions of this subsection. (However, the Senate can do so by a three-fifth vote). The rules and procedures relating to the congressional budget process are exclusively within the jurisdiction of the Rules Committee and every legislative initiative enacted with respect to the budget process is done within the Constitutional rule-making authority of the House of Representatives. The Rules Committee still could waive the provisions of this section because it would merely have to report a resolution, which waives this section with respect to another resolution that ''violates'' this section. This is the so called two-step rule.

Title II: Enforcement Provisions

Section 201: Reporting Excess Spending

At the end of each fiscal year, OMB is required to compile a statement of actual deficits, revenues and direct spending for the fiscal year just completed. Specifically, the direct spending levels would be identified by the categories contained in section 105.

Based on this statement, OMB is required to issue a report to the President and Congress by December 15 for any year in which there is a breach, by more than 1% of the applicable total revenues or direct spending, of the targets or caps establish under this Act. The report will include the following:

1. each instance in which a direct spending cap has been breached;
2. the difference between the amount of spending under the direct spending caps for the current year and the estimated actual spending for the categories associated with such caps;
3. the amounts by which direct spending would need to be reduced so that the total amount of direct spending, both actual and estimated, for all of the categories would not exceed the amounts available under the direct caps for the applicable fiscal years; and,
4. the amount of excess spending attributable to changes in inflation or eligible populations.

This report is triggered only if the total violation of the revenue targets or spending caps exceeds 1% of the applicable total revenues or direct spending for that year. A lower percentage violation is deemed to be all right.

Section 202: Enforcing Direct Spending Caps

In any year in which direct spending exceeds the applicable direct spending cap—the individual or the aggregate—the breach would be eliminated pursuant to a sequester. This sequester would apply a uniform percentage reduction to all non-exempt accounts within that category in which the breach occurred. Sequestration in accounts for which obligations are indefinite would occur in a manner to ensure that obligations in the fiscal year in which the sequester occurred and succeeding fiscal years, are reduced. Furthermore, any ''budgetary resources'' sequestered from an account are permanently canceled. This sequester mechanism is similar in many respects to that under current law.[8]

Section 203: Sequestration Rules

In applying the sequester mechanism to the direct spending caps, this section establishes certain general rules to apply to all categories and certain special rules to apply to some categories. In general, a sequester is triggered if total direct spending subject to the caps exceeds or is projected to exceed the aggregate cap for the current or immediately preceding fiscal year. Also, a sequester will reduce spending under each separate direct spending cap by the proportion of the amounts each category breached its applicable spending cap.

Special rules are included with respect to the application of a sequester to certain entitlements involving indexed benefit payments, loan programs, insurance programs, and programs with state grant formulas.

Section 203 also provides that if a law is enacted prior to July 1 of a fiscal year that provides direct spending that would result in a breach of any direct spending cap during the current year, a within-session sequester should occur to eliminate the breach. Again this is similar to the within-session sequester under current law with respect to the enforcement of the discretionary spending limits.[9]

Section 204: Enforcing Revenue Targets

In any fiscal year in which actual revenues are less than the applicable revenue target in the preceding fiscal year or projected to be less than the applicable revenue target in the current year, the mechanism in this section takes effect. Based upon the statement of OMB pursuant to section 201(a), OMB shall issue a report to the President and the Congress by December 15 of any year in which revenues were less than the revenue target established under this Act for the preceding fiscal year or are projected to be less than the revenue target established for the current fiscal year if such a violation is more than 1 percent of the applicable total revenue target for such year. This report shall include the following:

1. all existing laws and policies enacted as part of any reconciliation legislation in calendar year 1997 which would cause revenues to decline in the calendar year which begins January 1, compared to those laws and policies in effect as of December 15 (i.e. any tax cuts scheduled to be phased in during the upcoming fiscal year under current law);
2. the amounts by which revenues would be reduced by the provisions of this section compared to policies in effect on December 15; and,
3. whether delaying the implementation of the provisions called for under current law would cause the total revenues in the current fiscal year and actual revenues in the immediately preceding fiscal year to equal or exceed the total of the applicable targets.

If a revenue target was not met in the preceding fiscal year or is not projected to be met in the current fiscal year, this section requires that no provision of the Revenue Reconciliation Act of 1997 establishing or increasing any credit, deduction, exclusion, or eligibility limit or reducing any rate shall take effect. It also requires the suspension of any new adjustments for inflation scheduled to be made to any credit, deduction or exclusion.

In the event a revenue target is not met this section would require that any remaining tax reductions already enacted into law be suspended indefinitely. There is no provision allowing these scheduled tax cuts to be reinstated should a projection be inaccurate or for Congress to substitute further spending reductions for the loss in revenue. If fact, the various procedural obstacles contained in section 102, section 103, and section 107 of this Act virtually assure that the only option available to remedy the target violation will be a suspension of the tax relief. The President is required to remedy the violation unless Congress and the President can write a new law between November 1 and December 15 of the applicable calendar year resolving the issue in another manner. Allowing the process to proceed by itself will result in an automatic tax increase with respect to current law. Furthermore, there is no discretion given to the President to delay some while implementing others. In any affected year all of the scheduled tax relief for that fiscal year must be suspended permanently.

Section 205: Exempt Programs and Activities

This section outlines those programs which would be exempt from the sequestration mechanism established under this Act. As compared to current law,[10] this section removes from the list of exempted programs the following major programs: Social Security and Tier I Railroad Retirement Benefits, Veterans programs, the Earned Income Tax Credit, Child Nutrition, the Food Stamp Program, Medicaid, Supplemental Security Income, and Women, Infants and Children. The Act retains the current law optional exemption of military personnel from the uniform percentage reductions taken under this Act.[11]

It should be noted that these modifications to the list of programs exempt from sequestration only apply to the implementation of the sequester mechanism established under this Act and not to that under current law. Different rules apply to the application of the two sequester mechanisms.

Section 206: Special Rules

Section 206 establishes further special rules for the application of the sequester mechanism to certain programs such as the Child Support Enforcement Program, the Commodity Credit Corporation, the Dairy Program, the Earned Income Tax Credit, Unemployment Compensation, the Federal Employees Health Benefits Fund, the Federal Housing Finance Board, Federal Pay, Medicare, the Postal Service Fund, Power Marketing Administrations and the T.V.A. and to business-like transactions of the Federal government.

However, each of these special rules do not provide exemptions for these programs but rather spell out in advance how a sequester is to be applied in each respective case. For example, under any program that provides a business-like service in exchange for a fee, sequestration would be accomplished through a uniform increase in the fees paid for the service whatever it may be. In the case of Medicare, sequestration would be instituted under complex procedures which would result in, among other things, increases in Part B premiums for beneficiaries.

Furthermore, in each of the cases, this budget process reform bill establishes how programmatic changes would occur in each of these direct spending programs in order to

produce the required levels of savings in the applicable program. In many of these cases, the proposed method of programmatic change actually conflicts with the stated intent of the underlying policy of the Bipartisan Balanced Budget Agreement which this entire Act is supposed to enforce.

Section 207: The Current Law Baseline

By January 15 of each year, OMB and CBO are required to submit to Congress and the President reports which set forth the budget baselines for the budget year and the next nine fiscal years. These budget baselines are to be based on the common economic assumptions set forth in section 106 of this Act.[12] This new budget baseline would apply to the budget projections of revenues, deficits and spending into the budget year and the relevant outyears based on current enacted laws as of the date of the projection. The baseline for discretionary spending items would remain those for the discretionary spending caps in effect under current law at the time.[13] Revisions to the baseline would occur through adjustments for economic assumptions when CBO issues its Economic and Budget Update and when OMB submits its budget update. Further adjustments could occur as needed by August 1 of each year when CBO and OMB submit their midyear reviews.

The dilemma facing this construct of the budget baseline is the assumption that the baseline and any revisions thereto will remain common economic assumptions throughout the period of FY 1998 through 2002. There is no explanation as to what must occur if CBO and OMB cannot agree on common economic assumptions pursuant to section 106 of this Act.

Section 208: Limitations on Emergency Spending

In an attempt to enable Congress to respond more effectively to natural disasters and other emergencies, this section requires that 1 percent of the total budget authority and outlays available to be allocated, be withheld from allocation to the appropriate committees as reserves to pay for disasters and emergencies. These reserved amounts may be made available for allocation to committees only if three things occur:

1. the President has made a request for these funds,
2. the programs to be funded are included in such a request, and
3. ''the projected obligations for unforeseen emergency needs exceed the 10-year rolling average annual expenditures for existing programs included in the Presidential request for the applicable fiscal year.''

This grants the President an enormous advantage over the congressional prerogative to allocate and spend the reserved amounts. Congress cannot allocate these funds without the prior approval of the President. Therefore, it cannot, without violating these provisions, act unilaterally to respond to any emergency prior to a Presidential declaration of one.

This Act also prohibits states or localities from using any disaster reserve funds to offset state or locality matching requirements. Furthermore, it forbids the President from taking administrative action to waive these matching requirements. Waiving these matching requirements via legislation would require a two-thirds vote of both Houses. These prohibitions seem to go beyond the stated intent of this section.

Furthermore, there seems to be different types of disasters and emergencies (including natural disasters and national security emergencies) referred to in various subsections of this section. It is not clear whether the prohibitions on the availability of these funds would be applicable to both. Some subsections appear to allow its use while others do not.

This final section is the only section of H.R. 2003 that actually amends the Congressional Budget Act of 1974. Section 208 would add a new point of order under Title IV of the Budget Act to prevent the consideration in the House and Senate of any bill, joint resolution or amendment thereto or conference report thereon that is designated as an emergency, if it also contains a non-emergency appropriation or direct spending provision.[14] This is similar to the House rule XXI(2)(e) adopted at the beginning of the 104th Congress. The language is almost identical to that contained in the House rule. The effect of amending the Budget Act would apply the provisions of this rule to both the House and the Senate.

FOOTNOTES

[1] Section 250(c)(3) of the Deficit Control Act of 1985.

[2] Section 300 of the Congressional Budget Act of 1974.

[3] Section 101 of H.R. 2003, as introduced by Rep. Barton on June 20, 1997.

[4] Section 300 of the Congressional Budget Act of 1974.

[5] Section 102(a)(3)(C)(iii) of H.R. 2003 as introduced by Rep. Barton on June 20, 1997.

[6] Section 305(a)(1) of the Congressional Budget Act of 1974.

[7] Section 251(b) of the Deficit Control Act of 1985.

[8] Section 251 and Section 254 of the Deficit Control Act of 1985.

[9] Section 251(a)(6) of the Deficit Control Act of 1985.

[10] Section 255 of the Deficit Control Act of 1985.

[11] Section 255(h) of the Deficit Control Act of 1985. Note the correct cite should be designated as subsection (j).

[12] This is summarized in the joint explanatory statement of managers accompanying H. Con. Res. 84, the budget resolution for fiscal year 1998.

[13] Section 601(a)(2) of the Congressional Budget Act of 1974.

[14] Emergency designations are made pursuant to section 251(b)(2)(D) or section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 or of section 208 of the Balanced Budget Enforcement Act of 1997. The bill actually refers to the latter Act as section 207 of the Balanced Budget Assurance Act of 1997. The correct cite is section 208 of the Balanced Budget Enforcement Act of 1997.

COMMITTEE ON WAYS AND MEANS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, July 18, 1997.

Hon. NEWT GINGRICH,
The Speaker, The Capitol,
Washington, DC.

DEAR MR. SPEAKER: I am writing regarding consideration of H.R. 2003, the ''Budget Enforcement Act of 1997,'' which was introduced on June 20, 1997, by Representative Joe Barton, et. al. The bill, as introduced, was referred to the Committee on Budget, and in addition, to the Committees on Ways and Means and Rules.

Among other things, the bill would separate direct spending caps of the Earned Income Tax Credit, Family Support, Medicare, Social Security, SSI, and Unemployment Compensation programs which are within the jurisdiction of the Committee on Ways and Means. The caps would be enforced through targeted sequestrations of these programs. This could include automatic delays in cost of living adjustments and premium increases. In addition, the bill would provide, if certain revenue targets are not met, for the suspension of the phase-in of any tax reductions provided in the 1997 Taxpayer Relief Act, and suspension of inflation-based adjustments to any credit, deduction, or exclusion enacted as part of the tax bill.

During the recent floor debate on the reconciliation legislation, Representative Barton stated his understanding that the Leadership and the committees of jurisdiction would work in an expeditious fashion to allow H.R. 2003 to receive floor consideration prior to July 24. I now understand that the bill may be scheduled for floor action as early as the week of July 21.

Therefore, in order to expedite consideration of this legislation by the full House, the Committee on Ways and Means will not be marking up H.R. 2003. However, this is only with the understanding that it does not in any way prejudice the Committee's jurisdictional prerogatives in the future with respect to this measure or any similar legislation, and it should not be considered as precedent for consideration of matters of jurisdictional interest to the Committee on Ways and Means in the future.

Thank you for consideration of this matter. With best personal regards.

Sincerely,

BILL ARCHER, *Chairman.*

COMMITTEE ON RULES,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, July 21, 1997.

Hon. NEWT GINGRICH,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: I respectfully ask that the Committee on Rules be discharged from the further consideration of H.R. 2003, the Budget Enforcement Act of 1997.

H.R. 2003 was introduced on June 20, 1997 by Representatives Barton and Minge, and others, and was referred to the Committees on the Budget, Rules, and Ways and Means. During the consideration of a rule for H.R. 2015, the Balanced Budget Act and H.R. 2014, the Taxpayer Relief Act, Representatives Barton and Minge filed an amendment with the Committee on Rules relating to budget enforcement procedures and consisting of the text of H.R. 2003.

In the furtherance of an agreement reached between Representative Barton and the Republican Leadership on June 25, 1997, the Committee on Rules has agreed to waive its original jurisdiction over H.R. 2003 and allow it to be considered by the House of Representatives without committee action. However, I believe the legislation is seriously flawed and I intend to oppose it.

To facilitate the orderly consideration of H.R. 2003 and to uphold the terms of the agreement, it is my intention to report a closed rule for this measure this week.

Sincerely,

GERALD B. SOLOMON, *Chairman.*

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET
Washington, DC, July 22, 1997.

Hon. NEWT GINGRICH,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: I respectfully request that the Committee on the Budget be discharged from the further consideration of H.R. 2003, the Budget Enforcement Act of 1997.

Consistent with an agreement reached between Representative Barton and the Republican Leadership on June 25, 1997, the Committee on the Budget has agreed to waive its original jurisdiction over H.R. 2003 and allow it to be considered by the House without committee action. Nevertheless, this legislation is seriously flawed and I will oppose this bill. Among various other problems, this bill would jeopardize the tax relief we have worked so hard to secure for America's families.

H.R. 2003 was introduced on June 20, 1997 by Representatives Barton, Minge, and others, and was referred to the Committees on the Budget, Rules, and Ways and Means. During the consideration of the rule for H.R. 2015, the Balanced Budget Act, and H.R. 2014, the Taxpayer Relief Act, Representatives Barton and Minge filed an amendment with

the Committee on Rules relating to budget enforcement procedures and consisting of the text of H.R. 2003. It was at this point that the sponsors agreed to drop their proposed amendment to H.R. 2014, and the Committee on the Budget agreed, in return, to waive its jurisdiction.

Sincerely,

JOHN R. KASICH, *Chairman*.

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

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

Mr. Speaker, when the Committee on Rules met in June to consider a rule for the reconciliation bill, our colleagues, the gentleman from Texas [Mr. BARTON] and the gentleman from Minnesota [Mr. MINGE], appealed to the committee to make in order as an amendment to the reconciliation package the text of their bill, H.R. 2003. At that time the gentleman from New York [Mr. SOLOMON] opposed including H.R. 2003 as an amendment in the rule, but he did assure supporters of H.R. 2003 that the rule would have an opportunity to consider budget process reform legislation during the 105th Congress.

The next day, during the debate on the rule on reconciliation, the gentleman from Texas [Mr. BARTON], announced that he had reached an understanding with the gentleman from New York [Mr. SOLOMON] that H.R. 2003 or an amended version of the bill would be brought to the floor for an up or down vote no later than July 24. It is because of that agreement, Mr. Speaker, that we are here today considering the rule.

I should point out that the gentleman from New York, in acknowledging that agreement, said that the consideration of H.R. 2003 in no way prejudices the ability of those committees with jurisdiction over the budget process to consider other budget reform proposals at a later date.

As the ranking minority member of the Subcommittee on Legislative and Budget Process of the Committee on Rules, I would like to appeal to the Republican majority to take advantage of the committee process if the House is to consider significant changes in the congressional budget process. I would hope that in the future that significant proposals such as H.R. 2003 would be considered under regular order.

That being said, Mr. Speaker, the sponsors of H.R. 2003 were guaranteed a vote on their proposal, and I am happy to see that the commitment is being fulfilled. I do have a reservation about the rule reported from the Committee on Rules, since it is a closed rule providing only for an up or down vote on H.R. 2003 as introduced and not in the improved form that its supporters proposed to bring to the floor.

The gentleman from Texas and the other Members of the group pushing this legislation have had an opportunity to review and make changes to their bill since June, and I think, at the very least, if the House is to consider significant changes to the way our budget process works, the House might at least have the opportunity to consider the best work product possible.

It seems that the Committee on Rules is now embarking on making in order bills and amendments which are not what the authors of their proposals bring to the committee, and I would caution my Republican colleagues that to continue to operate in this manner might prove disruptive to the regular order of the House.

Finally, Mr. Speaker, the rule divides the general debate time between the gentleman from Texas [Mr. BARTON] and an opponent of H.R. 2003. I want to make clear the understanding that the Democratic members of the Committee on Rules have about the division of the time, and if this is not what is intended, I would greatly appreciate my colleague, the gentleman from Florida [Mr. GOSS], clarifying that understanding.

I am given to understand that the gentleman from Texas intends to yield one-half of his time to the gentleman from Minnesota [Mr. MINGE].

Mr. BARTON of Texas. Mr. Speaker, will the gentleman yield?

Mr. FROST. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Speaker, I have given the gentleman from Minnesota, DAVID MINGE, and the gentleman from Massachusetts, Mr. MOAKLEY, my word that half of the time that I will control, that I will ask unanimous consent to yield it to the gentleman from Minnesota so that he may control that time as he sees fit.

Mr. FROST. Mr. Speaker, reclaiming my time, I appreciate the assurance of the gentleman.

It is also my understanding that the manager of the opposition to the bill will be the gentleman from Ohio, the chairman of the Committee on the Budget [Mr. KASICH], who will yield half of his allotted time to the ranking minority member, the gentleman from South Carolina [Mr. SPRATT].

I think such a division of time is equitable to all sides and I would ask my colleague, the gentleman from Florida [Mr. GOSS], if that division of the debate time regarding the time in opposition is indeed what will happen once we get to general debate?

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

Mr. FROST. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Speaker, my understanding permits me to answer in the affirmative, and that these arrangements have been made and the gentleman from Iowa [Mr. NUSSLE], has also assured me that the potential person who will rise in opposition, that he is prepared to yield 7½ minutes to that side also.

Mr. FROST. Mr. Speaker, once again reclaiming my time, I thank the gentleman for that assurance and for his clarification.

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

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

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

Let me say to my good friend from Texas that if it were not for a special agreement that was made with the sponsors of this legislation, we would, without question, be following regular order. And let me say that when this is over, we will go back to regular order and our committees will reclaim our jurisdiction with the help of the gentleman from Texas.

Mr. Speaker, I want to speak to three aspects of the debate: the rule, the budget process reform efforts in the House, and the bill itself.

First, the rule before the House today represents the fulfillment of a commitment of the House Republican leadership. Earlier this year, on June 25, during the consideration of this rule on the two reconciliation bills for fiscal year 1998, a public commitment was made by the Republican leadership to the gentleman from Texas [Mr. BARTON], the gentleman from Delaware [Mr. CASTLE], the gentleman from Tennessee [Mr. WAMP], the gentleman from Minnesota [Mr. MINGE], and others to consider H.R. 2003 on the House floor before July 24. Today is July 23 and we are doing just that.

Furthermore, as part of the agreement, the three committees of jurisdiction over this bill, namely the Committee on the Budget, the Committee on Rules, and the Committee on Ways and Means, agreed to be discharged from further consideration of the bill as introduced on June 20 by Mr. BARTON and others.

Now, in response to those Members who have claimed that the rule did not allow the sponsors of the bill to make further substantive changes to the bill, I would make five observations:

First, the agreement between the Republican leadership, the chairmen of the committees of jurisdiction, and the gentlemen from Texas and Delaware involved the bill as pending before the Committee on Rules as an amendment to the budget reconciliation bill.

Second, the text of that amendment was identical to that introduced on June 20 by the gentleman from Texas [Mr. BARTON].

Three, each of the three committees of jurisdiction; namely, the Committee on the Budget, the Committee on Ways and Means, and the Committee on Rules, all agreed as part of those discussions to be discharged from further consideration of the bill, with the expectation that that version of the bill would be the version considered on this House floor.

Fourth, at the point at which the agreement was made, the only text before the Members was that of H.R. 2003, as introduced; and any additional

changes, whether technical or substantive, are outside the scope of this agreement. Think about that.

Finally, no other Member of the House, whether Republican or Democrat, and no committees of jurisdiction are able to offer amendments or make changes to this bill.

The Committee on Rules' action was fair to all Members of the House and it was consistent with the original agreement, which went outside regular order, which I objected to in the very beginning.

The second important aspect of this debate involves the overall budget process. During the 104th Congress, the Committee on Rules held three original jurisdictional hearings under the leadership of our colleague, the gentleman from Florida [Mr. GOSS] over here on budget process reform. During these hearings we heard testimony from dozens of witnesses on the need for further budget process reform, which we all agree is needed badly.

Also, during the 104th Congress the Committee on the Budget held a hearing on budget process reform. Both committees have been proactive in the drive to determine just how we can best reform the budget process.

It also must be recognized that there are over a dozen different budget process reform bills that have been introduced during this Congress that are now pending before both the Committee on Rules and the Committee on the Budget. Some have many sponsors, some only a few. Many of the ideas that have been proposed I agree with and many I do not agree with.

H.R. 2003, the bill before us today, is not the only option pending before this House. The gentleman from California [Mr. COX] has introduced a comprehensive bill and has been working on this for 11 years now. The gentleman from Indiana [Mr. VISCLOSKY] also has a complex package.

The point is that we have a committee system through which to comprehensively consider this issue and all the bills seeking to reform it, and we do not need piecemeal legislation on this floor superseding the regular committee process. In addition, we already have the two chairmen of the committees of jurisdiction publicly committed to working with Members on both sides of the aisle and with other interested committees, including the Republican Policy Committee, to devise a budget process reform bill that strengthens those parts of the Budget Act that work and reform those parts that do not work.

The committees have, over the last 2 years, compiled research on which they have begun to work with all interested Members in building reform.

Mr. Speaker, finally, while all three chairmen of the committees of jurisdiction applaud the efforts of our good friends who have worked on this bill, the gentleman from Ohio [Mr. KASICH], myself, the gentleman from Texas [Mr. ARCHER], all stated our opposition to this bill, strong opposition.

It is unfortunate that we have to take this position, but H.R. 2003 is a seriously flawed bill. The substantive flaws of this bill can be summed up under three headings, and I think Members back in their offices had better listen because this affects them politically and it affects the operations and the workings of this House.

No. 1, an increase in procedural complexity; No. 2, a diminishment of Congress' role in the budget process; and No. 3, an incentive toward increased taxes. And that will happen over my dead body.

First, H.R. 2003 greatly increases the complexity of the budget process. Without any hearings at all, the bill adds 15 new sections of law to the budget process. The President and Congress would now be required to follow the rules and procedures of three different, yet comprehensive statutes, the Congressional Budget Act of 1974, the Balanced Budget and Emergency Deficit Control Act of 1985, and now the Budget Enforcement Act of 1997, all designed to dictate the budget process.

Not one section of the current budget rules are repealed or reformed in this legislation before us, despite the fact that many of the bill's new provisions actually conflict with or further complicate the understanding of how the whole process works.

Furthermore, the bill creates a series of new points of order designed to address serious concerns, but they may actually hinder the ability of this House to effectively govern this institution. The bill places unconstitutional prohibitions on the ability of the Committee on Rules to craft rules by actually prohibiting the Committee on Rules from ever waiving certain provisions of this act.

□ 1100

In addition, the timetable established in the expedited procedures created to provide for consideration of any needed legislation to remedy a breach of the direct spending caps are unworkable, confusing, and do not meet their stated objectives.

The bill also diminishes the role of Congress in the budget process. And my colleagues ought to listen to this back in their offices: The executive branch's authority in the process is greatly enhanced at the expense of this Congress, by an expansion of the role and authority of Office of Management and Budget and the Congressional Budget Office. Is that what Members want; by a permanent reliance on common economic assumptions, whatever that might be, for the creation of budget baselines; by a delegation to OMB of the responsibility to determine the actual dollar amounts for each direct spending cap; by granting the President the authority to adjust the direct spending caps, but actually prohibiting we, the Congress, from considering his recommendations; and by establishing a requirement that only the President can determine what constitutes an emergency spending item?

Finally, and my colleagues better listen to this, perhaps the most fatal flaw of this bill is its impact on the ability of this representative body to provide tax relief to the American people.

Since Ronald Reagan delivered the historic tax relief package on the floor of this Congress in 1981, the American people have demanded further tax relief from Washington, because they are taxed too much. Sixteen years later, this Congress now stands on the threshold of delivering America's families and businesses a long-awaited second tax relief package. That is what we are doing here this week.

However, this bill will jeopardize the ability of those families to actually receive this tax relief by allowing the implementation of these tax cuts to be permanently suspended if revenue projections do not hold true. Think about that. Under this bill, if revenues fall below estimated levels, then any tax cut that we might enact this week not fully phased in, such as the capital gains tax cut, the child tax credit and estate tax relief provisions, would be suspended indefinitely.

In other words, planned tax cuts already enacted into current law could be withheld, listen to this, if the President and the Office of Management and Budget say that Washington is not receiving what it is projected to receive in tax revenues. There goes the tax cuts out the window. Not only would this mechanism suspend tax relief if the previous year's revenue levels fall short, but it also would revoke, listen to this, it would revoke these tax cuts if the next fiscal year's revenue levels are projected to fall short. In other words, without any action by this Congress, the tax cuts are null and void.

Furthermore, under this bill there are no provisions for the scheduled tax cuts to be reinstated should a budget projection be inaccurate, or for Congress to substitute further spending reductions for the loss in revenues so that we can keep those taxes in place. In fact, the various procedural obstacles contained in this bill virtually assure that the only option available to remedy a revenue target violation will be a suspension of the tax relief. That is what we are going to be voting on here today.

I would like to just close my remarks with a brief story that back in the Middle Ages, in medieval England, a debate raged between the Parliament and the King of England over who possessed the power to tax the people to raise the funds needed to defend the country. Both sides claimed an exclusive right to this power. Out of that 13th century struggle emerged the Cornwall rebellion in my ancestral home of Scotland, which settled the debate. The people were the final judges over taxation, and their opinions could not be ignored. This historical struggle is partly credited as genesis of the concept we now refer to as parliamentary government, which is what we have here today, which in turn the American

colonies transformed into our representative Government.

The debate and bargain over taxes between the king and Parliament and now between the President and Congress lies at the very essence of our political system. No enforcement policy or budget process should take away the ability of the American people to express their opinions on the level of their taxes through their representative Government.

Mr. Speaker, this bill's automatic revocation of enacted tax relief, if Washington spends more than they raise, chips away at the very heart of this representative process. Again, I am disappointed that I have to oppose this legislation.

Finally, let me just say, if any of the sponsors of this bill, and that includes the gentleman from Texas [Mr. BARTON], the gentleman from Delaware [Mr. CASTLE], and the gentleman from Tennessee [Mr. WAMP] that are Republicans, or the gentleman from Minnesota [Mr. MINGE] or the gentleman from Texas [Mr. STENHOLM] or the gentlewoman from California [Mrs. TAUSCHER] decide to vote against this rule, for whatever reason, then I would argue that we all ought to vote against this rule. But if they are going to come here and vote for the rule, then I am going to urge support for that rule to bring the agreement we made with these sponsors to bring this bill to the floor so that we can have an up-or-down vote, and then I would urge the defeat of the bill.

I appreciate the gentleman yielding me the time.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Speaker, this morning we are debating both the rule and, shortly, legislation that deals with the process that this institution feels would be the correct process for this Nation to follow in attempting to ensure that we actually keep our commitment to balance the budget.

Many may say ''process'' and yawn. ''What is its significance?'' ''Where does it take us?'' The fact of the matter is that if we attempt to actually follow through and balance the budget as we have promised, we must make sure that we have discipline to do that; and if we are to have the discipline to do that, we must have a process to impose that discipline. That is what this bill is about.

The debate that we are having at this moment centers around what is the best way to ensure that this process will be workable. One of the tragedies of the rule that has been presented for the consideration of the legislation is that we have been denied the opportunity to improve the legislation, to improve that process.

To be sure, the gentleman from Texas [Mr. BARTON], my cosponsor, and I are pleased that the legislation is up for consideration. But we would like to have it be the best legislation. We have worked to improve that legislation. We appeared before the Committee on Rules last night with a substitute bill. It is a common occurrence that the proponents of legislation, the chairs of committees, say at the point of consideration in the Committee on Rules that this proposal ought to be adjusted, it ought to be improved. And as a routine matter of courtesy, the Committee on Rules allows the chairman of the committee, the proponent of the legislation, to improve that bill.

We were denied that opportunity. I submit we were denied that opportunity because the leadership in this institution wanted to see the weakest possible bill before the body for a vote, hoping that this bill could be defeated.

What we need to do, I submit, is all of us stand tall and say to the leadership in this institution and of the Committee on Rules, we demand fair treatment for legislation when it comes to the floor. We will not accept second-class treatment of legislation.

If we do not have the opportunity to vote on the best possible bill, then, unfortunately, we have to count on the conference committee or the Senate to improve the product. And altogether too often, that is what happens in this institution, as well.

I urge my colleagues to join with me in supporting this legislation today to bring it to a successful conclusion.

Mr. GOSS. Mr. Speaker, may I have a status report on the time, please?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Florida [Mr. GOSS] has 10 minutes remaining. The gentleman from Texas [Mr. FROST] has 22½ minutes remaining.

Mr. GOSS. Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. BARTON], the distinguished sponsor of the bill.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I thank the gentleman from Florida [Mr. GOSS], the distinguished subcommittee chairman of the Committee on Rules for yielding me the time.

Mr. Speaker, I rise in support of the rule to bring H.R. 2003 to the House floor as one of the chief sponsors, along with the gentleman from Delaware [Mr. CASTLE] and the gentleman from Tennessee [Mr. WAMP]. I think it is long overdue that we attempt to enforce the budget agreement that we are currently negotiating with the President and with the Senate of the United States of America.

If we go back to 1975 or 1972, my colleagues will see that most of the spending in the Federal budget at that time was discretionary spending. We could control it so that the Congress could work its will. In the budget year that we are in now, we can see that that has been reversed. Fifty-two percent of the budget is entitlement spending. It is uncontrollable. And if we combine that with the red part of the pie chart, which is interest on the debt, two-thirds of the total Federal budget is off budget, it is uncontrollable. That is a problem. We need to do something about it.

The budget agreement that is before us, in general, by the year 2002, which is the last year of the budget agreement, 58 percent of the budget agreement is going to be entitlements. Another 14 or 15 percent is going to be interest on the debt. That is, three-fourths of the total Federal budget is uncontrollable.

My colleagues, if we do not do something to really enforce this agreement, we are not going to have a balanced budget in the year 2002. If we look at the components of entitlement spending, these are the top 11. The Federal budget, in their annual rate of growth by program over the last several years, we can see that the Medicaid Program has been growing at 16 percent a year. That is unsustainable over time.

The budget agreement that is currently in negotiations with the President reins in the overall rate of growth in entitlement spending to approximately 7 percent on an annual basis. But there are higher rates of growth for Medicare and Medicaid and lower rates of growth for some of the others.

What we have done, in a bipartisan fashion, with the gentleman from Minnesota [Mr. MINGE], the gentleman from Texas [Mr. STENHOLM], the gentleman from Tennessee [Mr. TANNER], and others on the Democratic side is come up with a simple concept: If we are going to enforce the budget agreement, we have got to enforce everything. What makes up an agreement? Spending and revenues.

So we take on the revenue side and say that $85 billion tax cut package over 5 years is on the table. On the spending side, we say all spending, including entitlement spending, is on the table. This chart right here shows entitlement spending, first year of the budget agreement, $900 billion; tax cuts about $5 billion. Over the life of the agreement, $85 billion in tax cuts, $5 trillion in entitlement spending. That is 50-to-1 spending versus revenue.

How does our enforcement mechanism work? If any target is broached on the revenue side, the President and the Congress can vote to change the package so that the targets are met. The President and the Congress can vote to waive the cap, saying we are not going to force that part of the agreement this year. But if the Congress and the President consciously decide to do nothing, the deficit does not go up. The deficit does not go up. If the Congress and the President decide to do nothing, there is an automatic enforcement that reins in the tax cuts that have not yet been put into place until the revenues are met.

The same thing happens on the spending side. Every program has a

cap. Every program that spends $20 billion or more has its own cap. If a program is within its budget, nothing happens. If the program goes over the budget, the President and the Congress can fix that program, they can decide to waive the cap on that program. But if they do nothing, a procedure called sequestration goes into effect that brings that program back under the cap.

My colleagues, we need to pass this amendment. Vote for the rule. Vote for the bill.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. STENHOLM].

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

Mr. STENHOLM. Mr. Speaker, I come to the floor in opposition to a rule that is a tremendous disappointment to those of us who are serious about budget enforcement. This rule does not provide the type of debate that an issue of this importance deserves. We want the legislative process to work to produce the best possible bill. This rule does not let the legislative process work. We wanted the committee process to work.

We were greatly disappointed when the committees of jurisdiction failed to consider this bill. It is disingenuous for committees to now criticize the process that has brought this bill to the floor and argue that the committee process has been thwarted because they chose not to consider the bill. We have listened to the criticisms that have been raised by the Committee on Ways and Means and the Committee on the Budget and Members on both sides of the bill, both sides of the aisle, as well as the administration, an outside organization.

□ 1115

The bill's sponsors have agreed to several technical changes and other improvements to the bill in response to those concerns that were raised. This rule does not allow us to make those improvements. We wanted this bill to be considered under an open rule so that Members who had additional concerns or criticisms could offer constructive improvements to the bill. We wanted Members who have different ideas on budget process reform to have an opportunity to raise those ideas. This rule prevents the House from working its will on this issue.

Mr. Speaker, I was very disturbed by the threat from the chairman of the Committee on Rules a moment ago to people like me if we have the audacity to oppose this rule, he might just take this bill down and not in fact consider it. It should not be any surprise, ladies and gentlemen. That is what this House has been doing for the last week. Now we have got a threat of a gag rule on the agricultural appropriation bill later today. Why? Not because the ag appropriation bill is any problem, but because this same committee that has been gagging the House from allowing Members to have their ideas voted in a responsible way have refused to allow that to happen.

The gentleman from Texas [Mr. FROST] stated a moment ago that if rules like this one continue, the House might find itself disrupted from its regular order of business. I suggest that we are going to have that to happen. It would be extremely unfair for Members to support a rule that prevents us from making improvements to the bill and then criticize this bill for technical improvements, bringing up Social Security as was heard a moment ago. The gentleman who made that knows there is no possible way Social Security is going to be affected by this bill. But he raises that in order to raise the temperature around here. And Congress being taken out of the process? They have not even read the bill. Listen to what the gentleman from Texas [Mr. BARTON] said a moment ago. Look at the bill before criticizing it. All Members who care about the integrity of the legislative process and believe that we should strive to pass the best possible legislation should vote against this rule.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. EVANS].

Mr. EVANS. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong opposition to this rule. Last night I testified before the Committee on Rules on behalf of an amendment I would like to offer to H.R. 2003, the Budget Enforcement Act of 1997. The Committee on Rules did not choose to make in order my amendment, and our Nation's veterans and their families may suffer as a result. If entitlement program costs are underestimated or if revenue collections fail to meet projected targets, enactment of the Budget Enforcement Act could be no less than catastrophic for many of our Nation's veterans and their dependents. That is why I am asking Members to vote against the proposed rule. By voting no on the rule, Members have the chance to say yes to our Nation's veterans and their families. My amendment exempts veterans benefits and programs from potentially devastating effects of this legislation if cost savings and revenue projections are miscalculated. If enacted without amendment, the Budget Enforcement Act would continue the Congress on a troubling path of neglect toward our Nation's veterans. Adoption of my amendment would be one important way to show that we in Congress are not willing to abandon the obligations we have to the men and women who have faithfully served our country. I urge my colleagues to vote no on the rule and vote yes for our Nation's veterans.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. FILNER].

Mr. FILNER. Mr. Speaker, I rise in strong opposition to the rule, also. Like the gentleman from Texas [Mr. STENHOLM], I believe that this rule prevents real debate on the real issues. The gentleman from Illinois [Mr. EVANS] who just spoke offered an amendment last night that would protect the benefits earned by America's veterans from permanent reduction. Remarkably, this amendment was defeated on a party line vote by the Committee on Rules last night. As written, H.R. 2003 would decimate the benefit programs our grateful Nation has provided for America's heroes, our veterans. It does not protect them. It does not protect service-disabled veterans. It does not protect those who suffered in the Persian Gulf War and who are now sick as a result of that service. I urge my colleagues to defeat the rule so that we can all have the opportunity to vote on the important amendment of the gentleman from Illinois [Mr. EVANS] and tell our veterans that we support them.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. I thank the gentleman very much for yielding me this time.

Mr. Speaker, I rise today to ask for opposition to this rule. I rise in particular as someone who supported the initial budget agreement in a bipartisan manner to emphasize that we can work on the effort of deficit reduction and treating people fairly together. But I would call this rule the hatchet job on the most vulnerable rule. The hatchet job on the most vulnerable. For without any notice whatsoever, this rule would kick in an absolute cut, an automatic cut on those needing Social Security, Medicare, Medicaid, veterans benefits.

I applaud the work of the gentleman from Texas [Mr. STENHOLM] and others who worked to ensure that we might have a protected budget agreement. But this is not the agreement. This is not even the discussion. This is simply a rule that says those who cannot speak for themselves, those who are outside the circle of power, we will make sure that if there is any problem with this budget down the road, we will make sure that we take from those most vulnerable. It ensures that we will take from those who need food stamps, from those who are on SSI. Particularly Medicaid when we are trying now to establish health care for our children, we would cut Medicaid that treats the most vulnerable in this community, those who are most poor and our children.

Mr. Speaker, this is not a fair enforcement rule. This is an enforcement act that takes the enforcement part of it to the very extreme. I would ask my colleagues to recognize, let us not do a hatchet job on those in particular who have given to this Nation, our senior citizens who have worked hard all of their lives and our veterans who have given very much their service to this Nation to protect our freedoms. I

would argue that it is important now to stand up for those who count, those who have already taken a measure of hit from this budget who have come to the table and wanted a fair budget. This is a bad rule. I ask everyone to vote against it.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, there are a number of rules that people say apply here in Washington that we do not think a lot of down in Texas. The first of these is that in Washington apparently a promise is never a guarantee. We have the promise of a balanced budget, but those who have taken the grandstand the greatest portion of the time to talk about how wonderful this balanced budget agreement is, they are unwilling to give us the guarantee of a balanced budget, and that is why this piece of legislation is necessary.

A second rule said to apply here in Washington is that the fact that it did not work the first time does not mean we will not try it again. This is not the first time we have had the promise of a balanced budget. It has happened over and over again. We keep trying the same old thing without having a real guarantee, an enforcement mechanism to be sure we in fact get a balanced budget. There is one gimmick after another in this proposed agreement, as proposed by both sides. If we are to achieve a true balanced budget, it will take an enforcement mechanism like this.

I would suggest that there is a third rule that applies here in Washington, that we are seeing worked out here on the floor today. It is that treachery knows no limits. We saw during this balanced budget agreement a Member stand here on the floor, one Republican promising to another that if we would all just vote for this balanced budget agreement that they would in a matter of weeks have an enforcement mechanism here on the floor. They have honored their agreement in word, but certainly not in spirit, because they have come before us today and they have presented a proposal in a way that they are sure it will be defeated. If they had any confidence in the notion that we will really get a balanced budget by 2002, indeed we could really have it next year. If we would effectively enforce this agreement, they would be here cheering us on and working to develop this agreement.

Mr. Speaker, I am not for this bill in the form that it is here this morning. I am not sure I am for it as it is proposed to be changed. But I know we have to have an enforcement mechanism, and this is the only way to get it.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Mrs. TAUSCHER].

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

Mrs. TAUSCHER. Mr. Speaker, I rise today to support this rule because I frankly have no other choice. As a strong advocate of a balanced budget and a supporter of the balanced budget agreement agreed to by Congress and the President, I am very pleased that we are on the path toward eliminating the deficit. But without strong enforcement language in the reconciliation bills, there is no guarantee that the goal will be met.

When the House considered the budget reconciliation spending and revenue bills, a bipartisan group of Members, including myself, attempted to offer enforcement language as an amendment. The House leadership back in June refused to make our amendment in order and instead promised that our amendment would be brought to the floor as a freestanding bill. What were we thinking about a month ago when we allowed that promise to be given with no guarantee that we would ever see this bill on the floor?

In the intervening 3 weeks, we have responded to some of the criticisms of the bill and made changes to improve it. The Committee on Rules, however, last night decided not to allow us to bring forward that amended bill and has reported a rule that forbids any amendments. This is in direct violation of an agreement by the gentleman from New York [Mr. SOLOMON] chairman of the Committee on Rules, reported in the CONGRESSIONAL RECORD of June 25 to make in order an amended version of our bill by no later than July 24.

Mr. Speaker, this is one more example of the duplicitous manner in which the House leadership treats its Members. I am forced to vote for this rule, and I encourage my colleagues to do the same, because it is the only way we can consider budget enforcement legislation. But this is not the way the House business should be done.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Mr. Speaker, I, too, would like to echo what the gentlewoman from California [Mrs. TAUSCHER] said about this. This is unfortunate. It is sad. We are here and elected by our constituencies to come and try to do the best job we can regardless of party affiliation.

Three weeks ago we were told that if certain things happened in relation to a rule vote at that time, we would be allowed the opportunity to offer a budget enforcement mechanism before July 24. It was pointed out, and there may be some disagreement, but regardless of that, this is the vehicle that translates the idea of financial integrity in this country and in the Nation's books being balanced from an idea to reality for all of these young children that are here today and around the country. And for the Committee on Rules to not allow that to happen last night is just simply sad. I have been here 9 years and I will be the first to vote and did vote against my leadership when they abused the Committee on Rules and did not allow things to come forward for the will of the House to work itself. I would ask the Republican rank and file to do the same today, because without regard of who said what and when, this is a better piece of legislation that we were denied the opportunity to vote on today.

Mr. Speaker, I have been here 9 years. If there was ever a day that Members ought to put their country ahead of their political party, the time is now on this budget enforcement bill. I just hope that the rank and file Members of both sides of the aisle will do that today.

Mr. GOSS. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker, I am very disappointed that we are not going to engage in real, hard debate having aggressive committee consideration of this kind of bill. I have introduced a budget reform bill for the last 4 years. I would like that debate on a budget reform bill include consideration of provisions I think are important. I have also introduced a different budget enforcement bill, H.R. 2037, that was made part of the budget reconciliation language. The bill before us needs more consideration and debate than simply the brief 1 hour debate on the floor. I am disappointed that the rule does not have the options for amendments and debate. I am disappointed that this bill is before us today without being considered by committee or at the very least, requiring a two-third majority like any other suspension bill that has not gone through the committee process.

□ 1130

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, I take the well to protest the unfair rule before us. Legislation is a work in progress. We all know that. No one gets it perfect the first time. And so there is give and take as we listen to concerns and move to change the bill to address those concerns.

Mr. Speaker, that is precisely what has been taking place with this enforcement act.

Now I do not think the act is there yet. I think there are still some changes that need to be made, and I am going to oppose it. But for this rule to bar from consideration the improvements that have been negotiated over the last several days I just think is unconscionable.

Why in the world would they give this House only the flawed first version to consider? It is, I think, really a diabolical, empty gesture to say, ''Okay, you've got your vote, now leave us alone,'' when indeed they owed them much more than that. They owed them a straight-up vote on the best budget enforcement package that the sponsors care to offer, and it is a pity the rule did not allow that.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. KIND].

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

I rise today in strong opposition to the rule today, and as a new Member of Congress, we soon realize that a good piece of legislation is not drafted, is not submitted and drafted with just one crack at it. This has been an ongoing process. There have been concerns raised about the Budget Enforcement Act, considerations that have been taken and drafted into the recent piece of legislation. But we are not going to have an opportunity to present the best piece of policy, the best piece of legislation that we can offer to the American people, because of the way that the rule has been set up.

Now I am not familiar with the politics of the Committee on Rules, but I am learning some lessons awfully fast here, and it is disappointing that our best piece of legislation to enforce a budget agreement is not going to be given a fair consideration or hearing or debate on the House floor today, and that is unfortunate.

But I do not understand what is going on here. What is the message we are seeing? What is everyone so concerned about in regard to the Budget Enforcement Act? All this says is that if the targets are not reached, if they are not able to practice fiscal responsibility year after year after year, then it is time to go back and change some policies.

That is all that we are asking here.

Is it any wonder that over 80 percent of the American people in a recent poll have no confidence at all that this institution is capable of balancing the books?

I mean sure, if my colleagues worship at the idol of tax cuts and tax relief or if they worship at the idol of more spending and unrestrained spending growths, then, yes, oppose the Balanced Budget Enforcement Act. But that does not make any sense.

I have a son who is almost 1 year old, and I want to be able to go home every day after work, look him in the eyes and tell him that I am working in his best interests, that I am working in the best interests of all the children in this country and future generations, and that if we do pull up short, if the economy does slow down, we do not have the projected revenue growth or the corresponding spending reductions to meet our balanced budget guidelines, that we as an institution have a capability of addressing it again; but if we do not, that there is a hammer held over our heads, this Budget Enforcement Act, which will do the job that we should have the courage to do on our own.

Mr. GOSS. Mr. Speaker, I yield 30 seconds to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, the previous speaker wants to know what the problem is. Let me tell him what the problem is, my colleagues. We pass tax cuts here in this body today, and then next week, next month, next year this Congress fails to bite the bullet, they fail to vote for the cuts on the bills that come on this floor every day, and this happens time and time again, and the Tax Code cuts go out the window.

That is the problem, my colleagues. The American people are overtaxed. We are going to cut their taxes. That is why we need to defeat this bill today. Think about that, my colleagues.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. BOYD].

Mr. BOYD. Mr. Speaker, I want to tell my colleagues that this is not about whether the tax cuts will be enforced or not. All this means, this relates to the tax side. It just means that one will meet those projections, revenue projections, that are in place.

Mr. Speaker, as my colleagues know, we learn a lot about a body after we are in it after a short period of time, and there are 71 other freshman Members along with myself in this body, and we learn something about how that body operates.

Now we read every day about the problems the leadership is having in this body, and it is no wonder after what has happened here the last couple of days in reference to this Budget Enforcement Act.

There has been a brilliant strategy move pull by the leadership of this House in getting people who support a budget enforcement and have been working on that for months and months and month, even years, together now are up here speaking for, some for the rule and some against the rule. It is a brilliant strategy move, and it is going to mean that this piece of legislation will go down.

But I must tell my colleagues, just think about that when they read about the problems that exist in the leadership of this House, and there will be more as a result of this particular piece of legislation. The people who support this legislation have been tricked just like the people of the United States of America have been tricked in the previous balanced budget agreements in 1981, 1985, and 1990 when they were told there was going to be a balanced budget, and we did not have one.

Do my colleagues know why? Because we did not have enforcement in place. So, my colleagues, we will get enforcement at some period of time, but I think we have a little ways to go, and the American people have to understand a little bit more about what is happening here in this U.S. House of Representatives.

Mr. GOSS. Mr. Speaker, I am delighted to hear that we have a brilliant strategy over here.

I yield 2 minutes to the distinguished gentleman from Delaware [Mr. CASTLE], my friend, who has been a sponsor and has a strong commitment to this particular piece of legislation.

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding this time to me, and I do not have any brilliant strategy to come forward with, but I feel very strongly about this piece of legislation, and I, too, would have liked to have seen it amended, and I too am concerned that the rules process did not allow that to happen. I have heard the explanations.

But having said that, I regretfully support the rule, regretfully because I think there could have been changes to improve this legislation, and that is what we should have done in the best interests of the American people. But we did not do that.

However having said that, I think we also need to move forward with the legislation; and to not support it I think would be a great mistake.

Why should we move forward with this legislation?

I heard some of the reservations, and I have tremendous support for the Hall of Fame Members of this Congress who have united in opposition to this; but we, the foot soldiers, I think, need to be heard on this as well. And in my judgment, this piece of legislation is a vital cog to the balancing of the budget of the United States in the future. We are going to pass a 5-year balanced budget plan this year, but we are not going to have enforcement mechanisms.

And everybody can cite back over 20 years when we have done something similar to that in Congress and we have not been able to balance the budget out in the different years that come up in the 5-year period, and I am afraid it is going to happen again this year.

There is a great deal of flexibility in this plan. It is not afraid to address any parts of the budget, be they discretionary or entitlements or the tax cuts. But it basically says that somehow the revenue picture changes or spending number changes, we are going to go back and look at it.

And that is all the Congress is requested to do; we have to look at it, and we should do that. That is an absolute responsibility.

How can we vote for a balanced budget amendment, how can we vote for a balanced budget but not be willing to enforce it? And that is what Alan Greenspan essentially agrees, it is what Tim Penny and Bill Frenzel have written today in the Washington Post, it is what almost all budget economic experts across this country have stated, and this is not something that a few of us can come up with in a back room. This was something that was put together by experts who believe in this as well.

Support this outstanding legislation.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. ANDREWS].

Mr. ANDREWS. Mr. Speaker, I thank the gentleman from Texas [Mr. FROST] for yielding this time to me.

Mr. Speaker, there is some brilliant strategy at work here. This legislation which I strongly support has managed to perform the miracle of bringing all different kinds of people together. People who love to see the Government

spend more money oppose this legislation because it would stop the spending from going on. People who love to pay for tax cuts by borrowing money and increasing the deficit oppose this legislation because they hold the tax cuts sacrosanct. Those who worship the committee process do not like this legislation because it did not pass through their portals. I with some sorrow predict that we will not get many votes for this legislation when it comes to the floor because all the interests are offended by it.

People who like this legislation are those that are in the huge majority of taxpaying Americans who really want to see us do what we purport to be doing here, which is to adopt a balanced budget plan and make it work year in and year out, whether the revenues fall or drop, whether the entitlements rise or fall.

This is an idea which will in all likelihood not succeed today, but we will succeed in bringing it back to the floor and succeed in enacting it in the future.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. TURNER].

Mr. TURNER. Mr. Speaker, I rise today in opposition to the rule because I am greatly disturbed that the most important element of the balanced budget, the budget enforcement provisions, have been compromised by failure of the Committee on Rules to allow full amendments that were brought before the committee.

As my colleagues know, we passed a budget resolution here in this Congress a few weeks ago. The problem is a budget resolution is a whole lot like a New Years resolution. It is easy to make but hard to keep. This Congress has been in a long courtship with the balanced budget. We finally got to the point where we adopted a budget resolution, we have made great steps toward achieving the goal of a balanced budget, and yet we are not able to assure the American people that the courtship that we have had and the marriage that will take place when we pass the reconciliation bill is to carry out this budget agreement. We cannot assure the American people that this marriage will last.

I think that we have made a terrible mistake not dealing with the budget enforcement provisions in a serious manner in the Committee on Rules, and for that reason I will oppose the rule.

Mr. GOSS. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Iowa [Mr. NUSSLE].

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

First of all, I do not question anybody. There has been some question about motivation for why people have done what they have done here today, and I do not question the motivation of any Member up here who has spoken in favor or against this particular piece of legislation. In fact, if my colleagues just look around the Chamber at the people who have spoken here today, these are the Hall of Famers. I would say to my friend from Delaware, these are the Hall of Famers in balancing the budget and making sure that we enforce it, and I would start with that.

We have enforcement mechanisms within this budget, within the budget process currently. Are they perfect? No. We all agree that we want to improve the current budget process.

Now the question that we are posed with here today is, is this the time and is this the bill? This is not the time because we are currently in the middle of the negotiations. We are currently in the middle of the process to get to a balanced budget. We do not change the rules in the middle of the game. As much as I would love to at different times during legislation, we do not make that kind of judgment right now during the heat of the battle. We have tried that in the past. Those mechanisms have never worked.

This is also not the bill, and in fact it is interesting to hear all of these folks come forward and say, ''Boy, I love this bill. It isn't quite perfect, and I'd love to see this amendment or that amendment,'' or ''Hey, I know, I've got an idea. Hey, I know, let's put this amendment in. Let's put this mechanism in. Hey, I know.''

We should not legislate by ''Hey, I know.''

Mr. FROST. Mr. Speaker, we have no further speakers at this time, and I yield back the balance of my time.

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

I think we are going to have a multiple choice test for Members after the conclusion of this debate to see if anybody understands what actually has been discussed.

□ 1145

As the gentlewoman from Texas alleged, this is a rule that cuts something. This rule does not cut anything. Rules do not cut anything. Anybody who believes that has not quite read the rule.

Mr. Speaker, we have had a lot of comment about somehow or other this was a perfect product back on June 25 when it was offered, but somehow or other it is not a perfect product now, and somehow or other the Committee on Rules has failed to do its job on that. We need more deliberations, the gentleman from Texas [Mr. STENHOLM] says. Others say no, we need to pass this right away.

The point is we have a committee system here that works. We have had commitments to proceed with a budget reform process and budget enforcement. That is going to happen. We today are looking at an up-or-down vote that was promised in a deal with the leadership on a 25 of June package to have that vote before July 24. Promises made, promises kept. That is what is going on here today.

Some have said the Committee on Rules did not do its job, did not consider waivers or exceptions last night. That is a little disingenuous. We heard the gentleman from Illinois [Mr. EVANS] speak today about a request for exemptions for one class of people. If we opened this up to exemptions to the enforcement of budget, everybody will come forward with an exemption, and we will have a hollow process of enforcement. We all know that. That is why we promised an up-or-down vote.

This is an up-or-down vote on the package of June 25, put together by the gentleman from Texas [Mr. BARTON] and the gentleman from Minnesota [Mr. MINGE]. That is what we promised. That is what is on the floor.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. CASTLE. Mr. Speaker, pursuant to the rule, I call up the bill (H.R. 2003) to reform the budget process and enforce the bipartisan balanced budget agreement of 1997, and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. LATOURETTE). Is the gentleman from Delaware [Mr. CASTLE] the designee of the gentleman from Texas [Mr. BARTON]?

Mr. CASTLE. Yes, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

The text of H.R. 2003 is as follows:

H.R. 2003

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Budet Enforcement Act of 1997''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title and table of contents.
Sec. 2. Definitions.

TITLE I—ENSURE THAT THE BIPARTISAN BALANCED BUDGET AGREEMENT OF 1997 ACHIEVES ITS GOAL

Sec. 101. Timetable.
Sec. 102. Procedures to avoid sequestration or delay of new revenue reductions.
Sec. 103. Effect on Presidents' budget submissions; point of order.
Sec. 104. Deficit and revenue targets.
Sec. 105. Direct spending caps.
Sec. 106. Economic assumptions.
Sec. 107. Revisions to the caps for entitlements and other spending and to the revenue and deficit targets in this Act.

TITLE II—ENFORCEMENT PROVISIONS

Sec. 201. Reporting excess spending.
Sec. 202. Enforcing direct spending caps.
Sec. 203. Sequestration rules.
Sec. 204. Revenue enforcement.
Sec. 205. Exempt programs and activities.
Sec. 206. Special rules.
Sec. 207. The current law baseline.
Sec. 208. Limitations on emergency spending.

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) ELIGIBLE POPULATION.—The term ''eligible population'' shall mean those individuals to whom the United States is obligated to make a payment under the provisions of a law creating entitlement authority. Such term shall not include States, localities, corporations or other nonliving entities.

(2) SEQUESTER AND SEQUESTRATION.—The terms ''sequester'' and ''sequestration'' refer to or mean the cancellation of budgetary resources provided by discretionary appropriations or direct spending law.

(3) BREACH.—The term ''breach'' means, for any fiscal year, the amount (if any) by which outlays for that year (within a category of direct spending) is above that category's direct spending cap for that year.

(4) BASELINE.—The term ''baseline'' means the projection (described in section 207) of current levels of new budget authority, outlays, receipts, and the surplus or deficit into the budget year and the outyears.

(5) BUDGETARY RESOURCES.—The term ''budgetary resources'' means new budget authority, unobligated balances, direct spending authority, and obligation limitations.

(6) DISCRETIONARY APPROPRIATIONS.—The term ''discretionary appropriations'' means budgetary resources (except to fund direct spending programs) provided in appropriation Acts. If an appropriation Act alters the level of direct spending or offsetting collections, that effect shall be treated as direct spending. Classifications of new accounts or activities and changes in classifications shall be made in consultation with the Committees on Appropriations and the Budget of the House of Representatives and the Senate and with CBO and OMB.

(7) DIRECT SPENDING.—The term ''direct spending'' means—

(A) budget authority provided by law other than appropriation Acts, including entitlement authority;

(B) entitlement authority; and

(C) the food stamp program.

If a law other than an appropriation Act alters the level of discretionary appropriations or offsetting collections, that effect shall be treated as direct spending.

(8) ENTITLEMENT AUTHORITY.—The term ''entitlement authority'' means authority (whether temporary or permanent) to make payments (including loans and grants), the budget authority for which is not provided for in advance by appropriation Acts, to any person or government if, under the provisions of the law containing such authority, the United States is obligated to make such payments to persons or governments who meet the requirements established by such law.

(9) CURRENT.—The term ''current'' means, with respect to OMB estimates included with a budget submission under section 1105(a) of title 31 U.S.C., the estimates consistent with the economic and technical assumptions underlying that budget.

(10) ACCOUNT.—The term ''account'' means an item for which there is a designated budget account designation number in the President's budget.

(11) BUDGET YEAR.—The term ''budget year'' means the fiscal year of the Government that starts on the next October 1.

(12) CURRENT YEAR.—The term ''current year'' means, with respect to a budget year, the fiscal year that immediately precedes that budget year.

(13) OUTYEAR.—The term ''outyear'' means, with respect to a budget year, any of the fiscal years that follow the budget year.

(14) OMB.—The term ''OMB'' means the Director of the Office of Management and Budget.

(15) CBO.—The term ''CBO'' means the Director of the Congressional Budget Office.

(16) BUDGET OUTLAYS AND OUTLAYS.—The terms ''budget outlays'' and ''outlays'' mean, with respect to any fiscal year, expenditures of funds under budget authority during such year.

(17) BUDGET AUTHORITY AND NEW BUDGET AUTHORITY.—The terms ''budget authority'' and ''new budget authority'' have the meanings given to them in section 3 of the Congressional Budget and Impoundment Control Act of 1974.

(18) APPROPRIATION ACT.—The term ''appropriation Act'' means an Act referred to in section 105 of title 1 of the United States Code.

(19) CONSOLIDATED DEFICIT.—The term ''consolidated deficit'' means, with respect to a fiscal year, the amount by which total outlays exceed total receipts during that year.

(20) SURPLUS.—The term ''surplus'' means, with respect to a fiscal year, the amount by which total receipts exceed total outlays during that year.

(21) DIRECT SPENDING CAPS.—The term ''direct spending caps'' means the nominal dollar limits for entitlements and other mandatory spending pursuant to section 105 (as modified by any revisions provided for in this Act).

TITLE I—ENSURE THAT THE BIPARTISAN BALANCED BUDGET AGREEMENT OF 1997 ACHIEVES ITS GOAL

SEC. 101. TIMETABLE.

On or before:	Action to be completed:
January 15	CBO economic and budget update.
First Monday in February.	President's budget update based on new assumptions.
August 1	CBO and OMB updates.
August 15	Preview report.
Not later than November 1 (and as soon as practical after the end of the fiscal).	OMB and CBO Analyses of Deficits, Revenues and Spending Levels and Projections for the Upcoming Year.
November 1–December 15	Congressional action to avoid sequestration.
December 15	OMB issues final (look back) report for prior year and preview for current year.
December 15	Presidential sequester order or order delaying new/additional revenues reductions scheduled to take effect pursuant to reconciliation legislation enacted in calendar year 1997.

SEC. 102. PROCEDURES TO AVOID SEQUESTRATION OR DELAY OF NEW REVENUE REDUCTIONS.

(a) SPECIAL MESSAGE.—If the OMB Analysis of Actual Spending Levels and Projections for the Upcoming Year indicates that—

(1) deficits in the most recently completed fiscal year exceeded, or the deficits in the budget year are projected to exceed, the deficit targets in section 104;

(2) revenues in the most recently completed fiscal year were less than, or revenues in the current year are projected to be less than, the revenue targets in section 104; or

(3) outlays in the most recently completed fiscal year exceeded, or outlays in the current year are projected to exceed, the caps in section 104;

the President shall submit to Congress with the OMB Analysis of Actual Spending Levels and Projections for the Upcoming Year a special message that includes proposed legislative changes to—

(A) offset the net deficit or outlay excess;

(B) offset any revenue shortfall; or

(C) revise the deficit or revenue targets or the outlay caps contained in this Act;

through any combination of—

(i) reductions in outlays;

(ii) increases in revenues; or

(iii) increases in the deficit targets or expenditure caps, or reductions in the revenue targets, if the President submits a written determination that, because of economic or programmatic reasons, none of the variances from the balanced budget plan should be offset.

(b) INTRODUCTION OF THE PRESIDENT'S PACKAGE.—Not later than November 15, the message from the President required pursuant to subsection (a) shall be introduced as a joint resolution in the House of Representatives or the Senate by the chairman of its Committee on the Budget. If the chairman fails to do so, after November 15, the joint resolution may be introduced by any Member of that House of Congress and shall be referred to the Committee on the Budget of that House.

(c) HOUSE BUDGET COMMITTEE ACTION.—The Committee on the Budget of the House of Representatives shall, by November 15, report a joint resolution containing—

(1) the recommendations in the President's message, or different policies and proposed legislative changes than those contained in the message of the President, to ameliorate or eliminate any excess deficits or expenditures or any revenue shortfalls, or

(2) any changes to the deficit or revenue targets or expenditure caps contained in this Act, except that any changes to the deficit or revenue targets or expenditure caps cannot be greater than the changes recommended in the message submitted by the President.

(d) PROCEDURE IF THE COMMITTEES ON THE BUDGET OF THE HOUSE OF REPRESENTATIVES OR SENATE FAILS TO REPORT REQUIRED RESOLUTION.—

(1) AUTOMATIC DISCHARGE OF COMMITTEES ON THE BUDGET OF THE HOUSE.—If the Committee on the Budget of the House of Representatives fails, by November 20, to report a resolution meeting the requirements of subsection (c), the committee shall be automatically discharged from further consideration of the joint resolution reflecting the President's recommendations introduced pursuant to subsection (a), and the joint resolution shall be placed on the appropriate calendar.

(2) CONSIDERATION OF DISCHARGE RESOLUTION IN THE HOUSE.—If the Committee has been discharged under paragraph (1) above, any Member may move that the House of Representatives consider the resolution. Such motion shall be highly privileged and not debatable. It shall not be in order to consider any amendment to the resolution except amendments which are germane and which do not change the net deficit impact of the resolution.

(e) CONSIDERATION OF JOINT RESOLUTION IN THE HOUSE.—Consideration of resolution reported pursuant to subsection (c) or (d) shall be pursuant to the procedures set forth in section 305 of the Congressional Budget Act of 1974 and subsection (d).

(f) TRANSMITTAL TO SENATE.—If a joint resolution passes the House of Representatives pursuant to subsection (e), the Clerk of the House of Representatives shall cause the resolution to be engrossed, certified, and transmitted to the Senate within 1 calendar day of the day on which the resolution is passed. The resolution shall be referred to the Senate Committee on the Budget.

(g) REQUIREMENTS FOR SPECIAL JOINT RESOLUTION IN THE SENATE.—The Committee on the Budget of the Senate shall report not later than December 1—

(1) a joint resolution reflecting the message of the President; or

(2) the joint resolution passed by the House of Representatives, with or without amendment; or

(3) a joint resolution containing different policies and proposed legislative changes

than those contained in either the message of the President or the resolution passed by the House of Representatives, to eliminate all or part of any excess deficits or expenditures or any revenue shortfalls, or

(4) any changes to the deficit or revenue targets, or to the expenditure caps, contained in this Act, except that any changes to the deficit or revenue targets or expenditure caps cannot be greater than the changes recommended in the message submitted by the President.

(h) PROCEDURE IF THE SENATE BUDGET COMMITTEE FAILS TO REPORT REQUIRED RESOLUTION.—

(1) AUTOMATIC DISCHARGE OF SENATE BUDGET COMMITTEE.—In the event that the Committee on the Budget of the Senate fails, by December 1, to report a resolution meeting the requirements of subsection (g), the committee shall be automatically discharged from further consideration of the joint resolution reflecting the President's recommendations introduced pursuant to subsection (a) and of the resolution passed by the House of Representatives, and both joint resolutions shall be placed on the appropriate calendar.

(2) CONSIDERATION OF DISCHARGE RESOLUTION IN THE SENATE.—(A) If the Committee has been discharged under paragraph (1), any member may move that the Senate consider the resolution. Such motion shall be highly privileged and not debatable. It shall not be in order to consider any amendment to the resolution except amendments which are germane and which do not change the net deficit impact of the resolution.

(B) Consideration of resolutions reported pursuant to subsections (c) or (d) shall be pursuant to the procedures set forth in section 305 of the Congressional Budget Act of 1974 and subsection (d).

(C) If the joint resolution reported by the Committees on the Budget pursuant to subsection (c) or (g) or a joint resolution discharged in the House of Representatives or the Senate pursuant to subsection (d)(1) or (h)(1) would eliminate less than—

(i) the entire amount by which actual or projected deficits exceed, or revenues fall short of, the targets in this Act; or

(ii) the entire amount by which actual or projected outlays exceed the caps contained in this Act;

then the Committee on the Budget of the Senate shall report a joint resolution, raising the deficit targets or outlay caps, or reducing the revenue targets for any year in which actual or projected spending, revenues or deficits would not conform to the deficit and revenue targets or expenditure caps in this Act.

(k) CONFERENCE REPORTS SHALL FULLY ADDRESS DEFICIT EXCESS.—It shall not be in order in the House of Representatives or the Senate to consider a conference report on a joint resolution to eliminate all or part of any excess deficits or outlays or to eliminate all or part of any revenue shortfall compared to the deficit and revenue targets and the expenditure caps contained in this Act, unless—

(1) the joint resolution offsets the entire amount of any overage or shortfall; or

(2) the House of Representatives and Senate both pass the joint resolution reported pursuant to subsection (j)(2).

The vote on any resolution reported pursuant to subsection (j)(2) shall be solely on the subject of changing the deficit or revenue targets or the expenditure limits in this Act.

SEC. 103. EFFECT ON PRESIDENTS' BUDGET SUBMISSIONS; POINT OF ORDER.

(a) BUDGET SUBMISSION.—Any budget submitted by the President pursuant to section 1105(a) of title 31, United States Code, for each of fiscal years 1998 through 2007 shall be consistent with the spending, revenue, and deficit levels established in sections 104 and 105 or it shall recommend changes to those levels.

(b) POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget unless it is consistent with the spending, revenue, and deficit levels established in sections 104 and 105.

SEC. 104. DEFICIT AND REVENUE TARGETS.

(a) CONSOLIDATED DEFICIT (OR SURPLUS) TARGETS.—For purposes of sections 102 and 107, the consolidated deficit targets shall be—

(1) for fiscal year 1998, $90,500,000,000;

(2) for fiscal year 1999, $89,700,000,000;

(3) for fiscal year 2000, $83,000,000,000;

(4) for fiscal year 2001, $53,300,000,000; and

(5) for fiscal year 2002, there shall be a surplus of not less than $1,400,000,000.

(b) CONSOLIDATED REVENUE TARGETS.—For purposes of sections 102, 107, 201, and 204, the consolidated revenue targets shall be—

(1) for fiscal year 1998, $1,601,800,000,000;

(2) for fiscal year 1999, $1,664,200,000,000;

(3) for fiscal year 2000, $1,728,100,000,000;

(4) for fiscal year 2001, $1,805,100,000,000; and

(5) for fiscal year 2002, $1,890,400,000,000.

SEC. 105. DIRECT SPENDING CAPS.

(a) IN GENERAL.—Effective upon submission of the report by OMB pursuant to subsection (c), direct spending caps shall apply to all entitlement authority except for undistributed offsetting receipts and net interest outlays. For purposes of enforcing direct spending caps under this Act, each separate program shown in the table set forth in subsection (d) shall be deemed to be a category.

(b) BUDGET COMMITTEE REPORTS.—Within 30 days after enactment of this Act, the Budget Committees of the House of Representatives and the Senate shall file with their respective Houses identical reports containing account numbers and spending levels for each specific category.

(c) REPORT BY OMB.—Within 30 days after enactment of this Act, OMB shall submit to the President and each House of Congress a report containing account numbers and spending limits for each specific category.

(d) CONTENTS OF REPORTS.—All direct spending accounts not included in these reports under separate categories shall be included under the heading ''Other Entitlements and Mandatory Spending''. These reports may include adjustments among the caps set forth in this Act as required below, however the aggregate amount available under the ''Total Entitlements and Other Mandatory Spending'' cap shall be identical in each such report and in this Act and shall be deemed to have been adopted as part of this Act. Each such report shall include the actual amounts of the caps for each year of fiscal years 1998 through 2002 consistent with the concurrent resolution on the budget for FY 1998 for each of the following categories:

Earned Income Tax Credit,

Family Support,

Federal retirement:

Civilian/other,

Military,

Medicaid,

Medicare,

Social security,

Supplemental security income,

Unemployment compensation,

Veterans' benefits,

Medicare,

Other entitlements and mandatory spending, and

Aggregate entitlements and other mandatory spending.

(e) ADDITIONAL SPENDING LIMITS.—Legislation enacted subsequent to this Act may include additional caps to limit spending for specific programs, activities, or accounts with these categories. Those additional caps (if any) shall be enforced in the same manner as the limits set forth in such joint explanatory statement.

SEC. 106. ECONOMIC ASSUMPTIONS.

Subject to periodic reestimation based on changed economic conditions or changes in eligible population, determinations of the direct spending caps under section 105, any breaches of such caps, and actions necessary to remedy such breaches shall be based upon the economic assumptions set forth in the joint explanatory statement of managers accompanying the concurrent resolution on the budget for fiscal year 1998 (House Concurrent Resolution 84, 105th Congress).

SEC. 107. REVISIONS TO DEFICIT AND REVENUE TARGETS AND TO THE CAPS FOR ENTITLEMENTS AND OTHER MANDATORY SPENDING.

(a) AUTOMATIC ADJUSTMENTS TO DEFICIT AND REVENUE TARGETS AND TO CAPS FOR ENTITLEMENTS AND OTHER MANDATORY SPENDING.—When the President submits the budget under section 1105(a) of title 31, United States Code, for any year, OMB shall calculate (in the order set forth below), and the budget and reports shall include, adjustments to the deficit and revenue targets, and to the direct spending caps (and those limits as cumulatively adjusted) for the current year, the budget year, and each outyear, to reflect the following:

(1) CHANGES TO REVENUE TARGETS.—

(A) CHANGES IN GROWTH.—For Federal revenues and deficits under laws and policies enacted or effective before July 1, 1997, growth adjustment factors shall equal the ratio between the level of year-over-year growth measured for the fiscal year most recently completed and the applicable estimated level for that year as described in section 105.

(B) CHANGES IN INFLATION.—For Federal revenues and deficits under laws and policies enacted or effective before July 1, 1997, inflation adjustment factors shall equal the ratio between the level of year-over-year growth measured for the fiscal year most recently completed and the applicable estimated level for that year as described in section 105.

(2) ADJUSTMENTS TO DIRECT SPENDING CAPS.—

(A) CHANGES IN CONCEPTS AND DEFINITIONS.—The adjustments produced by changes in concepts and definitions shall equal the baseline levels of new budget authority and outlays using up-to-date concepts and definitions minus those levels using the concepts and definitions in effect before such changes. Such changes in concepts and definitions may only be made in consultation with the Committees on Appropriations, the Budget, and Government Reform and Oversight and Governmental Affairs of the House of Representatives and the Senate.

(B) CHANGES IN NET OUTLAYS.—Changes in net outlays for all programs and activities exempt from sequestration under section 204.

(C) CHANGES IN INFLATION.—For direct spending under laws and policies enacted or effective on or before July 1, 1997, inflation adjustment factors shall equal the ratio between the level of year-over-year inflation measured for the fiscal year most recently completed and the applicable estimated level for that years as described in section 105 (relating to economic assumptions). For direct spending under laws and policies enacted or effective after July 1, 1997, there shall be no adjustment to the direct spending caps (for changes in economic conditions including inflation, nor for changes in numbers of eligible beneficiaries) unless—

(i) the Act or the joint explanatory statement of managers accompanying such Act

providing new direct spending includes economic projections and projections of numbers of beneficiaries; and

(ii) such Act specifically provides for automatic adjustments to the direct spending caps in section 105 based on those projections.

(D) CHANGES IN ELIGIBLE POPULATIONS.—For direct spending under laws and policies enacted or effective on or before July 1, 1997, the basis for adjustments under this section shall be the same as the projections underlying Table A–4, CBO Baseline Projections of Mandatory Spending, Including Deposit Insurance (by fiscal year, in billions of dollars), published in An Analysis of the President's Budgetary Proposals for Fiscal Year 1998, March 1997, page 53. For direct spending under laws and policies enacted or effective after July 1, 1997, there shall be no adjustment to the direct spending caps for changes in numbers of eligible beneficiaries unless—

(i) the Act or the joint explanatory statement of managers accompanying such Act providing new direct spending includes economic projections and projections of numbers of beneficiaries; and

(ii) such Act specifically provides for automatic adjustments to the direct spending caps in section 105 based on those projections.

(E) INTRA-BUDGETARY PAYMENTS.—From discretionary accounts to mandatory accounts. The baseline and the discretionary spending caps shall be adjusted to reflect those changes.

(c) CHANGES TO DEFICIT TARGETS.—The deficit targets in section 104 shall be adjusted to reflect changes to the revenue targets or changes to the caps for entitlements and other mandatory spending pursuant to subsection (a).

(d) PERMISSIBLE REVISIONS TO DEFICIT AND REVENUE TARGETS AND DIRECT SPENDING CAPS.—Deficit and revenue targets and direct spending caps as enacted pursuant to sections 104 and 105 may be revised as follows: Except as required pursuant to section 105(a), direct spending caps may only be amended by recorded vote. It shall be a matter of highest privilege in the House of Representatives and the Senate for a Member of the House of Representatives or the Senate to insist on a recorded vote solely on the question of amending such caps. It shall not be in order for the Committee on Rules of the House of Representatives to report a resolution waiving the provisions of this subsection. This subsection may be waived in the Senate only by an affirmative vote of three-fifths of the Members duly chosen and sworn.

TITLE II—ENFORCEMENT PROVISIONS

SEC. 201. REPORTING EXCESS SPENDING.

(a) ANALYSIS OF ACTUAL DEFICIT, REVENUE, AND SPENDING LEVELS.—As soon as practicable after any fiscal year, OMB shall compile a statement of actual deficits, revenues, and direct spending for that year. The statement shall identify such spending by categories contained in section 105.

(b) ESTIMATE OF NECESSARY SPENDING REDUCTION.—Based on the statement provided under subsection (a), the OMB shall issue a report to the President and the Congress on December 15 of any year in which such statement identifies actual or projected deficits, revenues, or spending in the current or immediately preceding fiscal years in violation of the revenue targets or direct spending caps in section 104 or 105, by more than one percent of the applicable total revenues or direct spending for such year. The report shall include:

(1) All instances in which actual direct spending has exceeded the applicable direct spending cap.

(2) The difference between the amount of spending available under the direct spending caps for the current year and estimated actual spending for the categories associated with such caps.

(3) The amounts by which direct spending shall be reduced in the current fiscal year so that total actual and estimated direct spending for all cap categories for the current and immediately preceding fiscal years shall not exceed the amounts available under the direct spending caps for such fiscal years.

(4) The amount of excess spending attributable solely to changes in inflation or eligible populations.

SEC. 202. ENFORCING DIRECT SPENDING CAPS.

(a) PURPOSE.—This title provides enforcement of the direct spending caps on categories of spending established pursuant to section 105. This section shall apply for any fiscal year in which direct spending exceeds the applicable direct spending cap.

(b) GENERAL RULES.—

(1) ELIMINATING A BREACH.—Each non-exempt account within a category shall be reduced by a dollar amount calculated by multiplying the baseline level of sequestrable budgetary resources in that account at that time by the uniform percentage necessary to eliminate a breach within that category.

(2) PROGRAMS, PROJECTS, OR ACTIVITIES.—Except as otherwise provided, the same percentage sequestration shall apply to all programs, projects and activities within a budget account.

(3) INDEFINITE AUTHORITY.—Except as otherwise provided, sequestration in accounts for which obligations are indefinite shall be taken in a manner to ensure that obligations in the fiscal year of a sequestration and succeeding fiscal years are reduced, from the level that would actually have occurred, by the applicable sequestration percentage or percentages.

(4) CANCELLATION OF BUDGETARY RESOURCES.—Budgetary resources sequestered from any account other than an trust, special or revolving fund shall revert to the Treasury and be permanently canceled.

(5) IMPLEMENTING REGULATIONS.—Notwithstanding any other provision of law, administrative rules or similar actions implementing any sequestration shall take effect within 30 days after that sequestration.

SEC. 203. SEQUESTRATION RULES.

(a) GENERAL RULES.—For programs subject to direct spending caps:

(1) TRIGGERING OF SEQUESTRATION.—Sequestration is triggered if total direct spending subject to the caps exceeds or is projected to exceed the aggregate cap for direct spending for the current or immediately preceding fiscal year.

(2) CALCULATION OF REDUCTIONS.—Sequestration shall reduce spending under each separate direct spending cap in proportion to the amounts each category of direct spending exceeded the applicable cap.

(3) UNIFORM PERCENTAGES.—In calculating the uniform percentage applicable to the sequestration of all spending programs or activities within each category, or the uniform percentage applicable to the sequestration of nonexempt direct spending programs or activities, the sequestrable base for direct spending programs and activities is the total level of outlays for the fiscal year for those programs or activities in the current law baseline.

(4) PERMANENT SEQUESTRATION OF DIRECT SPENDING.—Obligations in sequestered direct spending accounts shall be reduced in the fiscal year in which a sequestration occurs and in all succeeding fiscal years. Notwithstanding any other provision of this section, after the first direct spending sequestration, any later sequestration shall reduce direct spending by an amount in addition to, rather than in lieu of, the reduction in direct spending in place under the existing sequestration or sequestrations.

(5) SPECIAL RULE.—For any direct spending program in which—

(A) outlays pay for entitlement benefits;

(B) a current-year sequestration takes effect after the 1st day of the budget year;

(C) that delay reduces the amount of entitlement authority that is subject to sequestration in the budget; and

(D) the uniform percentage otherwise applicable to the budget-year sequestration of a program or activity is increased due to the delay;

then the uniform percentage shall revert to the uniform percentage calculated under paragraph (3) when the budget year is completed.

(6) INDEXED BENEFIT PAYMENTS.—If, under any entitlement program—

(A) benefit payments are made to persons or governments more frequently than once a year; and

(B) the amount of entitlement authority is periodically adjusted under existing law to reflect changes in a price index (commonly called ''cost of living adjustments'');

sequestration shall first be applied to the cost of living adjustment before reductions are made to the base benefit. For the first fiscal year to which a sequestration applies, the benefit payment reductions in such programs accomplished by the order shall take effect starting with the payment made at the beginning of January following a final sequester. For the purposes of this subsection, veterans' compensation shall be considered a program that meets the conditions of the preceding sentence.

(7) LOAN PROGRAMS.—For all loans made, extended, or otherwise modified on or after any sequestration under loan programs subject to direct spending caps—

(A) the sequestrable base shall be total fees associated with all loans made extended or otherwise modified on or after the date of sequestration; and

(B) the fees paid by borrowers shall be increased by a uniform percentage sufficient to produce the dollar savings in such loan programs for the fiscal year or years of the sequestrations required by this section.

Notwithstanding any other provision of law, in any year in which a sequestration is in effect, all subsequent fees shall be increased by the uniform percentage and all proceeds from such fees shall be paid into the general fund of the Treasury.

(8) INSURANCE PROGRAMS.—Any sequestration of a Federal program that sells insurance contracts to the public (including the Federal Crop Insurance Fund, the National Insurance Development Fund, the National Flood Insurance fund, insurance activities of the Overseas Private Insurance Corporation, and Veterans' Life insurance programs) shall be accomplished by increasing premiums on contracts entered into extended or otherwise modified, after the date a sequestration order takes effect by the uniform sequestration percentage. Notwithstanding any other provision of law, for any year in which a sequestration affecting such programs is in effect, subsequent premiums shall be increased by the uniform percentage and all proceeds from the premium increase shall be paid from the insurance fund or account to the general fund of the Treasury.

(9) STATE GRANT FORMULAS.—For all State grant programs subject to direct spending caps—

(A) the total amount of funds available for all States shall be reduced by the amount required to be sequestered; and

(B) if States are projected to receive increased funding in the budget year compared to the immediately preceding fiscal year, sequestration shall first be applied to the estimated increases before reductions are made compared to actual payments to States in the previous year—

(i) the reductions shall be applied first to the total estimated increases for all States; then

(ii) the uniform reduction shall be made from each State's grant; and

(iii) the uniform reduction shall apply to the base funding levels available to states in the immediately preceding fiscal year only to the extent necessary to eliminate any remaining excess over the applicable direct spending cap.

(10) SPECIAL RULE FOR CERTAIN PROGRAMS.—Except matters exempted under section 204 and programs subject to special rules set forth under section 205 and notwithstanding any other provisions of law, any sequestration required under this Act shall reduce benefit levels by an amount sufficient to eliminate all excess spending identified in the report issued pursuant to section 201, while maintaining the same uniform percentage reduction in the monetary value of benefits subject to reduction under this subsection.

(b) WITHIN-SESSION SEQUESTER.—If a bill or resolution providing direct spending for the current year is enacted before July 1 of that fiscal year and causes a breach within any direct spending cap for that fiscal year, 15 days later there shall be a sequestration to eliminate that breach within that cap.

SEC. 204. ENFORCING REVENUE TARGETS.

(a) PURPOSE.—This section enforces the revenue targets established pursuant to section 104. This section shall apply for any year in which actual revenues were less than the applicable revenue target in the preceding fiscal year or are projected to be less than the applicable revenue target in the current year.

(b) ESTIMATE OF NECESSITY TO SUSPEND NEW REVENUE REDUCTIONS.—Based on the statement provided under section 201(a), OMB shall issue a report to the President and the Congress on December 15 of any year in which such statement identifies actual or projected revenues in the current or immediately preceding fiscal years lower than the applicable revenue target in section 104, as adjusted pursuant to section 106, by more than 1 percent of the applicable total revenue target for such year. The report shall include—

(1) all existing laws and policies enacted as part of any reconciliation legislation in calendar 1997 which would cause revenues to decline in the calendar year which begins January 1, compared to laws and policies in effect on December 15;

(2) the amounts by which revenues would be reduced by implementation of the provisions of law described in paragraph (1) compared to provisions of law in effect on December 15; and

(3) whether delaying implementation of the provisions of law described in paragraph (1) would cause the total for revenues in the projected revenues in the current fiscal year and actual revenues in the immediately preceding fiscal year to equal or exceed the total of the targets for the applicable years.

(c) GENERAL RULES.—

(1) DELAYED PHASE-IN OF NEW TAX CUTS.—No provision of the Revenue Reconciliation Act of 1997—

(A) establishing or increasing any credit, deduction, exclusion or eligibility limit; or

(B) reducing any rate

shall first take effect in the calendar year following a year in which actual revenues were less than the applicable revenue target or revenues in the current year are projected to be less than the applicable target.

(2) SUSPENSION OF INDEXATION.—No new adjustment for inflation shall be made to any credit, deduction, or exclusion enacted as part of the Revenue Reconciliation Act of 1997 if revenues in the preceding year were below the applicable revenue target or revenues in the current year are projected to be less than the applicable target.

(d) SPECIAL RULES.—(1) All provisions of law included in the report pursuant to subsection (b)(1) shall be suspended until such time as the total of projected revenues in the current fiscal year and actual revenues in the immediately preceding fiscal year is equal to or greater than the relevant revenue targets in section 104; and

(2) If subsection (c) would cause the total of projected revenues in the current year and actual revenues in the preceding fiscal year to exceed the relevant revenue targets in section 104, new policies to reduce revenues shall be modified sufficiently to raise revenues to the level of the targets for the relevant years.

SEC. 205. EXEMPT PROGRAMS AND ACTIVITIES.

The following budget accounts, activities within accounts, or income shall be exempt from sequestration—

(1) net interest;

(2) all payments to trust funds from excise taxes or other receipts or collections properly creditable to those trust funds;

(3) offsetting receipts and collections;

(4) all payments from one Federal direct spending budget account to another Federal budget account;

(5) all intragovernmental funds including those from which funding is derived primarily from other Government accounts;

(6) expenses to the extent they result from private donations, bequests, or voluntary contributions to the Government;

(7) nonbudgetary activities, including but not limited to—

(A) credit liquidating and financing accounts;

(B) the Pension Benefit Guarantee Corporation Trust Funds;

(C) the Thrift Savings Fund;

(D) the Federal Reserve System; and

(E) appropriations for the District of Columbia to the extent they are appropriations of locally raised funds;

(8) payments resulting from Government insurance, Government guarantees, or any other form of contingent liability, to the extent those payments result from contractual or other legally binding commitments of the Government at the time of any sequestration;

(9) the following accounts, which largely fulfill requirements of the Constitution or otherwise make payments to which the Government is committed—

Bureau of Indian Affairs, miscellaneous trust funds, tribal trust funds (14–9973–0–7–999);

Claims, defense;

Claims, judgments and relief act (20–1895–0–1–806);

Compact of Free Association, economic assistance pursuant to Public Law 99–658 (14–0415–0–1–806);

Compensation of the President (11–0001–0–1–802);

Customs Service, miscellaneous permanent appropriations (20–9992–0–2–852);

Eastern Indian land claims settlement fund (14–2202–0–1–806);

Farm Credit System Financial Assistance Corporation, interest payments (20–1850–0–1–351);

Internal Revenue collections of Puerto Rico (20–5737–0–2–852);

Payments of Vietnam and USS Pueblo prisoner-of-war claims (15–0104–0–1–153):

Payments to copyright owners (03–5175–0–2–376);

Salaries of Article III judges (not including cost of living adjustments);

Soldier's and Airman's Home, payment of claims (84–8930–0–7–705);

Washington Metropolitan Area Transit Authority, interest payments (46–0300–0–1–401);

(10) the following noncredit special, revolving, or trust-revolving funds—

Exchange Stabilization Fund (20–4444–0–3–155); and

Foreign Military Sales trust fund (11–82232–0–7–155).

(j) OPTIONAL EXEMPTION OF MILITARY PERSONNEL.—

(1) The President may, with respect to any military personnel account, exempt that account from sequestration or provide for a lower uniform percentage reduction that would otherwise apply.

(2) The President may not use the authority provided by paragraph (1) unless he notifies the Congress of the manner in which such authority will be exercised on or before the initial snapshot date for the budget year.

SEC. 206. SPECIAL RULES.

(a) CHILD SUPPORT ENFORCEMENT PROGRAM.—Any sequestration order shall accomplish the full amount of any required reduction in payments under sections 455 and 458 of the Social Security Act by reducing the Federal matching rate for State administrative costs under the program, as specified (for the fiscal year involved) in section 455(a) of such Act, to the extent necessary to reduce such expenditures by that amount.

(b) COMMODITY CREDIT CORPORATION.—

(1) EFFECTIVE DATE.—For the Commodity Credit Corporation, the date on which a sequestration order takes effect in a fiscal year shall vary for each crop of a commodity. In general, the sequestration order shall take effect when issued, but for each crop of a commodity for which 1-year contracts are issued as an entitlement, the sequestration order shall take effect with the start of the sign-up period for that crop that begins after the sequestration order is issued. Payments for each contract in such a crop shall be reduced under the same terms and conditions.

(2) DAIRY PROGRAM.—

(A) As the sole means of achieving any reduction in outlays under the milk price-support program, the Secretary of Agriculture shall provide for a reduction to be made in the price received by producers for all milk in the United States and marketed by producers for commercial use.

(B) That price reduction (measured in cents per hundred-weight of milk marketed) shall occur under subparagraph (A) of section 201(d)(2) of the Agricultural Act of 1949 (7 U.S.C. 1446(d)(2)(A)), shall begin on the day any sequestration order is issued, and shall not exceed the aggregate amount of the reduction in outlays under the milk price-support program, that otherwise would have been achieved by reducing payments made for the purchase of milk or the products of milk under this subsection during that fiscal year.

(3) EFFECT OF DELAY.—For purposes of subsection (b)(1), the sequestrable base for Commodity Credit Corporation is the current-year level of gross outlays resulting from new budget authority that is subject to reduction under paragraphs (1) and (2).

(4) CERTAIN AUTHORITY NOT TO BE LIMITED.—Nothing in this Act shall restrict the Corporation in the discharge of its authority and responsibility as a corporation to buy and sell commodities in world trade, or limit or reduce in any way any appropriation that provides the Corporation with funds to cover its realized losses.

(c) EARNED INCOME TAX CREDIT.—

(1) The sequestrable base for earned income tax credit program is the dollar value of all current year benefits to the entire eligible population.

(2) In the event sequestration is triggered to reduce earned income tax credits, all earned income tax credits shall be reduced, whether or not such credits otherwise would result in cash payments to beneficiaries, by a uniform percentage sufficient to produce the dollar savings required by the sequestration.

(d) REGULAR AND EXTENDED UNEMPLOYMENT COMPENSATION.—

(1) A State may reduce each weekly benefit payment made under the regular and extended unemployment benefit programs for any week of unemployment occurring during any period with respect to which payments are reduced under any sequestration order by a percentage not to exceed the percentage by which the Federal payment to the State is to be reduced for such week as a result of such order.

(2) A reduction by a State in accordance with paragraph (1) shall not be considered as a failure to fulfill the requirements of section 3304(a)(11) of the Internal Revenue Code of 1986.

(e) FEDERAL EMPLOYEES HEALTH BENEFITS FUND.— For the Federal Employees Health Benefits Fund, a sequestration order shall take effect with the next open season. The sequestration shall be accomplished by annual payments from that Fund to the General Fund of the Treasury. Those annual payments shall be financed solely by charging higher premiums. The sequestrable base for the Fund is the current-year level of gross outlays resulting from claims paid after the sequestration order takes effect.

(f) FEDERAL HOUSING FINANCE BOARD.— Any sequestration of the Federal Housing Board shall be accomplished by annual payments (by the end of each fiscal year) from that Board to the general fund of the Treasury, in amounts equal to the uniform sequestration percentage for that year times the gross obligations of the Board in that year.

(g) FEDERAL PAY.—

(1) IN GENERAL.— New budget authority to pay Federal personnel from direct spending accounts shall be reduced by the uniform percentage calculated under section 203(c)(3), as applicable, but no sequestration order may reduce or have the effect of reducing the rate of pay to which any individual is entitled under any statutory pay system (as increased by any amount payable under section 5304 of title 5, United States Code, or any increase in rates of pay which is scheduled to take effect under section 5303 of title 5, United States Code, section 1109 of title 37, United States Code, or any other provision of law.

(2) DEFINITIONS.—For purposes of this subsection—

(A) the term ''statutory pay system'' shall have the meaning given that term in section 5302(1) of title 5, United States Code;

(B) the term ''elements of military pay'' means—

(i) the elements of compensation of members of the uniformed services specified in section 1009 of title 37, United States Code;

(ii) allowances provided members of the uniformed services under sections 403(a) and 405 of such title; and

(iii) cadet pay and midshipman pay under section 203(c) of such title; and

(C) the term ''uniformed services'' shall have the same meaning given that term in section 101(3) of title 37, United States Code.

(h) MEDICARE.—

(1) TIMING OF APPLICATION OF REDUCTIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), if a reduction is made in payment amounts pursuant to sequestration order, the reduction shall be applied to payment for services furnished after the effective date of the order. For purposes of the previous sentence, in the case of inpatient services furnished for an individual, the services shall be considered to be furnished on the date of the individual's discharge from the inpatient facility.

(B) PAYMENT ON THE BASIS OF COST REPORTING PERIODS.— In the case in which payment for services of a provider of services is made under title XVIII of the Social Security Act on a basis relating to the reasonable cost incurred for the services during a cost reporting period of the provider, if a reduction is made in payment amounts pursuant to a sequestration order, the reduction shall be applied to payment for costs for such services incurred at any time during each cost reporting period of the provider any part of which occurs after the effective date of order, but only (for each such cost reporting period) in the same proportion as the fraction of the cost reporting period that occurs after the effective date of the order.

(2) NO INCREASE IN BENEFICIARY CHARGES IN ASSIGNMENT-RELATED CASES.—If a reduction in payment amounts is made pursuant to a sequestration order for services for which payment under part B of title XVIII of the Social Security Act is made on the basis of an assignment described in section 1842(b)(3)(B)(ii), in accordance with section 1842(b)(6)(B), or under the procedure described in section 1870(f)(1) of such Act, the person furnishing the services shall be considered to have accepted payment of the reasonable charge for the services, less any reduction in payment amount made pursuant to a sequestration order, as payment in full.

(3) PART B PREMIUMS.—In computing the amount and method of sequestration from part B of title XVIII of the Social Security Act—

(A) the amount of sequestration shall be calculated by multiplying the total amount by which Medicare spending exceeds the appropriate spending cap by a percentage that reflects the ratio of total spending under Part B to total Medicare spending; and

(B) sequestration in the Part B program shall be accomplished by increasing premiums to beneficiaries.

(4) NO EFFECT ON COMPUTATION OF AAPCC.— In computing the adjusted average per capita cost for purposes of section 1876(a)(4) of the Social Security Act, the Secretary of Health and Human Services shall not take into account any reductions in payment amounts which have been or may be effected under this part.

(i) POSTAL SERVICE FUND.— Any sequestration of the Postal Service Fund shall be accomplished by annual payments from that Fund to the General Fund of the Treasury, and the Postmaster General of the United States and shall have the duty to make those payments during the first fiscal year to which the sequestration order applies and each succeeding fiscal year. The amount of each annual payment shall be—

(1) the uniform sequestration percentage, times

(2) the estimated gross obligations of the Postal Service Fund in that year other than those obligations financed with an appropriation for revenue forgone that year.

Any such payment for a fiscal year shall be made as soon as possible during the fiscal year, except that it may be made in installments within that year if the payment schedule is approved by the Secretary of the Treasury. Within 30 days after the sequestration order is issued, the Postmaster General shall submit to the Postal Rate Commission a plan for financing the annual payment for that fiscal year and publish that plan in the Federal Register. The plan may assume efficiencies in the operation of the Postal Service, reductions in capital expenditures, increases in the prices of services, or any combination, but may not assume a lower Fund surplus or higher Fund deficit and shall follow the requirements of existing law governing the Postal Service in all other respects. Within 30 days of the receipt of that plan, the Postal Rate Commission shall approve the plan or modify it in the manner that modifications are allowed under current law. If the Postal Rate Commission does not respond to the plan within 30 days, the plan submitted by the Postmaster General shall go into effect. Any plan may be later revised by the submission of a new plan to the Postal Rate Commission, which may approve or modify it.

(j) POWER MARKETING ADMINISTRATIONS AND T.V.A.— Any sequestration of the Department of Energy power marketing administration funds or the Tennessee Valley Authority fund shall be accomplished by annual payments from those funds to the General Fund of the Treasury, and the administrators of those funds shall have the duty to make those payments during the fiscal year to which the sequestration order applies and each succeeding fiscal year. The amount of each payment by a fund shall be—

(1) the direct spending uniform sequestration percentage, times

(2) the estimated gross obligations of the fund in that year other than those obligations financed from discretionary appropriations for that year.

Any such payment for a fiscal year shall be made as soon as possible during the fiscal year, except that it may be made in installments within that year if the payment schedule is approved by the Secretary of the Treasury. Annual payments by a fund may be financed by reductions in costs required to produce the pre-sequester amount of power (but those reductions shall not include reductions in the amount of power supplied by the fund), by reductions in capital expenditures, by increases in tax rates, or by any combination, but may not be financed by a lower fund surplus, a higher fund deficit, additional borrowing, delay in repayment of principal on outstanding debt and shall follow the requirements of existing law governing the fund in all other respects. The administrator of a fund or the TVA Board is authorized to take the actions specified in this subsection in order to make the annual payments to the Treasury.

(k) BUSINESS-LIKE TRANSACTIONS.—Notwithstanding any other provision of law, for programs which provide a business-like service in exchange for a fee, sequestration shall be accomplished through a uniform increase in fees (sufficient to produce the dollar savings in such programs for the fiscal year of the sequestration required by section 201(a)(2), all subsequent fees shall be increased by the same percentage, and all proceeds from such fees shall be paid into the general fund of the Treasury, in any year for which a sequester affecting such programs are in effect.

SEC. 207. THE CURRENT LAW BASELINE.

(a) SUBMISSION OF REPORTS.—CBO and OMB shall submit to the President and the Congress reports setting forth the budget baselines for the budget year and the next nine fiscal years. The CBO report shall be submitted on or before January 15. The OMB report shall accompany the President's budget.

(b) DETERMINATION OF THE BUDGET BASELINE.—(1) The budget baseline shall be based on the common economic assumptions set forth in section 106, adjusted to reflect revisions pursuant to subsection (c).

(2) The budget baseline shall consist of a projection of current year levels of budget authority, outlays, revenues and the surplus or deficit into the budget year and the relevant outyears based on current enacted laws as of the date of the projection.

(3) For discretionary spending items, the baseline shall be the spending caps in effect pursuant to section 601(a)(2) of the Congressional Budget Act of 1974. For years for which there are no caps, the baseline for discretionary spending shall be the same as the last year for which there were statutory caps.

(4) For all other expenditures and for revenues, the baseline shall be adjusted by comparing unemployment, inflation, interest rates, growth and other economic indicators-and changes ineligible population-for the most recent period for which actual data are available, compared to the assumptions contained in section 106.

(c) REVISIONS TO THE BASELINE.—The baseline shall be adjusted for up-to-date economic assumptions when CBO submits its Economic and Budget Update and when OMB submits its budget update, and by August 1 each year, when CBO and OBM submit their midyear reviews.

SEC. 208. LIMITATIONS ON EMERGENCY SPENDING.

(a) IN GENERAL.—(1) Within the discretionary caps for each fiscal year contained in this Act, an amount shall be withheld from allocation to the appropriate committees of the House of Representatives and of the Senate and reserved for natural disasters and other emergency purposes.

(2) Such amount for each such fiscal year shall not be less than 1 percent of total budget authority and outlays available within those caps for that fiscal year.

(3) The amounts reserved pursuant to this subsection shall be made available for allocation to such committees only if—

(A) the President has made a request for such disaster funds;

(B) the programs to be funded are included in such request; and

(C) the projected obligations for unforeseen emergency needs exceed the 10-year rolling average annual expenditures for existing programs included in the Presidential request for the applicable fiscal year.

(4) Notwithstanding any other provision of law—

(A) States and localities shall be required to maintain effort and ensure that Federal assistance payments do not replace, subvert or otherwise have the effect of reducing regularly budgeted State and local expenditures for law enforcement, refighting, road construction and maintenance, building construction and maintenance or any other category of regular government expenditure (to ensure that Federal disaster payments are made only for incremental costs directly attributable to unforeseen disasters, and do not replace or reduce regular State and local expenditures for the same purposes);

(B) the President may not take administrative action to waive any requirement for States or localities to make minimum matching payments as a condition or receiving Federal disaster assistance and prohibit the President from taking administrative action to waive all or part of any repayment of Federal loans for the State or local matching share required as a condition of receiving Federal disaster assistance, and this clause shall apply to all matching share requirements and loans to meet matching share requirements under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and any other Acts pursuant to which the President may declare a disaster or disasters and States and localities otherwise qualify for Federal disaster assistance; and

(C) a two-thirds vote in each House of Congress shall be required for each emergency to reduce or waive the State matching requirement of to forgive all or part of loans for the State matching share as required under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

(b) EFFECT BUDGET RESOLUTIONS.—(1) All concurrent resolutions on the budget (including revisions) shall specify the amount of new budget authority and outlays within the discretionary spending cap that shall be withheld from allocation to the committees and reserved for natural disasters, and a procedure for releasing such funds for allocation to the appropriate committee. The amount withheld shall be equal to 1 percent of the total discretionary spending cap for fiscal year covered by the resolution, unless additional amounts are specified.

(2) The procedure for allocation of the amounts pursuant to paragraph (1) shall ensure that the funds are released for allocation only pursuant to the conditions contained in subsection (a)(3)(A) through (C).

(c) RESTRICTION ON USE OF FUNDS.—Notwithstanding any other provision of law, the amount reserved pursuant to subsection (a) shall not be available for other than emergency funding requirements for particular natural disasters or national security emergencies so designated by Acts of Congress.

(d) NEW POINT OF ORDER.—(1) Title IV of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

''POINT OF ORDER REGARDING EMERGENCIES

''SEC. 408. It shall not be in order in the House of Representatives or the Senate to consider any bill or joint resolution, or amendment thereto or conference report thereon, containing an emergency designation for purposes of section 251(b)(2)(D) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 or of section 207 of the Balanced Budget Assurance Act of 1997 if it also provides an appropriation or direct spending for any other item or contains any other matter, but that bill or joint resolution, amendment, or conference report may contain rescissions of budget authority or reductions of direct spending, or that amendment may reduce amounts for that emergency.''.

(2) The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 407 the following new item:

''Sec. 408. Point of order regarding emergencies.''.

The SPEAKER pro tempore. Pursuant to House Resolution 192, the gentleman from Delaware [Mr. CASTLE] and a Member opposed each will control 30 minutes.

Is there a Member opposed to the bill?

Mr. NUSSLE. Mr. Speaker, I am opposed to the bill, and request the time in opposition.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. NUSSLE] will be recognized for 30 minutes.

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent that 15 minutes of the time in opposition be shared with the distinguished gentleman from South Carolina [Mr. SPRATT].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that 15 minutes of the time in support of the legislation be yielded to the gentleman from Minnesota [Mr. MINGE].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware [Mr. CASTLE].

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

Mr. Speaker, we have had some discussion of this legislation already in the rule discussion, and we will have additional discussion here. But there are those of us in this Congress, and I hope it is a large majority of the Congress, who feel very strongly that if we are indeed ever going to balance the budget of the United States of America, we have to do more than just pass something which is going to balance the budget in 5 years. Remember, there will be two elections to Congress in the interim period, as well as an election of the President of the United States during that time. There will have been changes, economic variables that will come into play. It is very possible we will never get to a balanced budget.

We believe strongly that we should have a budget enforcement mechanism. We have worked extremely hard in order to put together a piece of legislation which would do that. I should say this is not something that was drafted by those of us who will speak to it today. This was worked on and drafted by budget experts across the United States of America. It has been reviewed by a lot of people.

It simply has several provisions in it which we will be expanding on, but it says that we have to look forward and look back each year to ascertain where we are with respect to the different aspects of the budget itself, the different components that make up our budget in mandatory and discretionary spending, as well as in the tax cuts which are going into place. And if indeed they fall out of line and do not add up to the numbers, as in the budget reconciliation which we will have this year, then we, the Congress, can either do nothing, in which case there will be self-enacting mechanisms to bring it back into line, or we can step forward and act.

I think the stepping forward and acting is a more likely consequence of this, and it is a reason that those who might say this could impact future tax cuts or Social Security in my judgment just completely overlook the fact that Congress is not going to allow that to happen. The bottom line is that this would be, I think, the ultimate way it would be worked out. We would come back as a Congress and look at it.

We simply have to do this. We have to have a method. We have to have a mechanism. It is like buying a car. We need a guarantee or warranty on that

car. It is what we expect in this day and age. What is going to happen to the engine and the tires and the body of the car, down the line? We feel the same way about the budget.

This is bipartisan. It has been worked on by Members who care a great deal about it. In my judgment, anyone who believes in a balanced budget in this body, of the 435 Members of us, those of us who voted for those balanced budgets in the past, those who voted for constitutional guarantees of a balanced budget, should be supportive of this legislation.

So it is for all of these reasons that I would encourage each and every one of us to follow this argument carefully, to not go for the scare tactics that may be put forward, and to make sure we cast an affirmative vote when it is all said and done.

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

Mr. NUSSLE. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. SMITH], a member of the Committee on the Budget.

Mr. SMITH of Michigan. Mr. Speaker, I think part of the problem is that we have not debated this bill. There are a lot of good things in this budget enforcement proposal before us. However, we do have enforcement within the reconciliation bill that is going to be put before this body in the next few weeks.

My bill, H.R. 2037, included the enforcement provision that is going to be in reconciliation. It says, put caps and limits on discretionary spending, have sequesters, maintain the pay-go provisions for entitlement and tax changes.

So the question before us is; are we prepared to pass this kind of legislation implementing dramatic budget reform and the budget process without undergoing more through examination and consideration of the Committee on the Budget? Legislation such as this, should also be considered by the Committee on Ways and Means and other committees, to bring a studied bill before this body rather then a mostly unread and unconsidered bill with no chance of amendments.

I introduced for the last 4 years budget reform legislation. I am convinced that some of those items that are not in this bill should be considered by this House when we finally pass a budget bill that is going to dramatically change the way this Congress does budget business.

Mr. MINGE. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. DOYLE].

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

Mr. DOYLE. Mr. Speaker, I rise in support of the Budget Enforcement Act of 1997. If history is any kind of lesson, it is obvious that the strong targeted enforcement mechanisms provided by this bill are needed to ensure the budget is balanced by 2002.

Some 229 Members of this House cosponsored the balanced budget amendment. I cannot understand why any of these Members would not support H.R. 2003. However, we are now hearing from Members who cosponsored the BBA, voted for the budget agreement and voted for both reconciliation bills, that the most serious problem with the Budget Enforcement Act is the fact that it may postpone tax cuts for their supporters.

In a sense, they are right. If we enact this bill, tax cuts will indeed be delayed if the country is short of the money needed to balance the budget. But once we are on track, cuts can be enacted. I see nothing wrong with this approach. If we can afford certain tax cuts, let them go through. If we cannot, then we are just going to have to wait. In fact, if Members think it is more important to eliminate the deficit than it is to give away tax breaks that we cannot afford, this should be an easy vote.

Let me close by saying I am disappointed that the Committee on Rules has decided to play politics with this issue, rather than debate it on its merits. The sponsors of this bill have discovered some needed changes. However, the Committee on Rules would not allow these corrections to be added to the bill, and it is my understanding they may be included in a motion to recommit. Consequently, anyone who is serious about deficit reduction should support the motion to recommit.

In addition, even if this motion is not agreed to, I believe it is still crucial we enact this bill. The underlying principles are too important to ignore, and modification can always be made in conference. I urge my colleagues to vote for responsibility. Support the motion to recommit and support the underlying bill.

Mr. Speaker, I rise in support of the Budget Enforcement Act of 1997. If history is any kind of lesson, it is obvious that the strong, targeted enforcement mechanisms provided by this bill are needed to ensure the budget is balanced in 2002.

During the 1980's and early 1990's, public officials said time and time again that the budget would be balanced in a number of years. But, time and time again, the Government lacked the discipline to follow through on these promises.

Attempts were made to hold lawmakers to their word. No one should forget the noble failures of Gramm-Rudman. Unfortunately, these well-intentioned efforts contained a number of loopholes and shortcomings which allowed past Congresses and administrations to tear through the paper ceilings they established. Clearly, something stronger is needed.

A balanced budget amendment would be a strong device, but it is obviously not available at this time. While we did not even have the opportunity to vote on a balanced budget amendment this year, we do have the chance to enact the next best thing—the bipartisan Budget Enforcement Act.

Some 229 Members of this House cosponsored the balanced budget amendment, and I cannot understand why any of these Members would not support H.R. 2003. However, we are now hearing from Members who cosponsored the BBA, voted for the budget agreement, and voted for both reconciliation bills that the most serious problem with the Budget Enforcement Act is that fact that it may postpone tax cuts for their supporters. In a sense, they are right. If we enact this bill, tax cuts will, indeed, be delayed if the country is short of the money needed to balance the budget. But, once we are on tract, cuts can be enacted. I see nothing wrong with this approach. If we can afford certain tax cuts, let them go through. If not, we may just have to wait. In fact, if you think it is more important to eliminate the deficit than it is to give away tax breaks we cannot afford, this should be an easy vote.

I know there are those concerned that H.R. 2003 will lead to reductions in important programs. I would like to ease these concerns by pointing out that this bill does not demand cuts. Instead, it demands that we adhere to our objectives. Congress and the President will be provided with ample time to avert automatic corrections. Similarly, reductions will not be triggered by extra spending that results from inflation or some increased demand for services. To avoid cuts, Congress and the President will have to put more careful consideration into crafting budgets. We will have to work within responsible guidelines, adopt a more long-term outlook, and employ highly accurate economic forecasts. Mr. Speaker, we should have been working this way all along.

Now, thanks to a thriving economy and a handful of tough votes, a balanced budget is within our grasp. This time we cannot allow it to slip away. If all parties involved can show more discipline and tenacity than they have in the past, we will achieve this elusive goal. The bipartisan Budget Enforcement Act will provide the incentives to ensure that we do.

Let me close by saying I am disappointed that the Rules Committee has decided to play politics with this issue, rather than debate it on its merits. The sponsors of this bill have discovered some needed technical changes. However, because the Rules Committee would not allow these corrections to be added to the bill, they have been included in the motion to recommit. Consequently, anyone who is serious about deficit reduction should support the motion to recommit. In addition, even if this motion is not agreed to, I believe it is still crucial that we enact this bill. The underlying principles are too important to ignore, and modifications can always be made in conference. I urge my colleagues to vote for responsibility—support the motion to recommit and support the underlying bill.

Mr. SPRATT. Mr. Speaker, I yield myself 3½ minutes.

Mr. Speaker, this debate is not about ends, it is about means, because I emphatically share the same ends as the sponsor of this bill, which is to balance the budget and balance it for good by no later than 2002.

I will be the first to admit that their bill springs from a valid concern. It is concern that the budget we may soon pass could fall short of its goal. That concerns us because it has happened before. It happened with Gramm-Rudman-Hollings in 1986, for which I voted, and it happened with the budget summit in 1990. In each case the spending cuts we passed did not cut spending in

fact by as much as we figured. As a result, the deficit did not drop as much as we hoped.

This bill is to ensure that that will not happen again. That is a valid concern, but for one very basic fact: We have a solution. It is in place and it is working. When we adopted the Deficit Reduction Act back in 1993, we carried forth the discretionary spending caps and the pay-as-you-go rules that were first adopted in the Budget Enforcement Act of 1990. In a word, they work. Since 1993, discretionary spending has been held at or below the statutory caps and new entitlement spending has been checked by the pay-as-you-go rule.

In addition, we included in that Deficit Reduction Act back in 1993 an enforcement procedure which I recall well because it was my amendment. That procedure was dropped from the bill in the other body because of the Byrd rule, but the President imposed it by Executive order and the House has adopted it as a rule of procedure.

Basically, this rule says that whenever entitlement spending exceeds a given year's baseline, the President with his budget has to report that variance to the Congress, and also recommend to the Congress how the overrun should be rectified. Congress has to take a record vote on the President's recommended action or our alternative before we can take the first step in the budget process. We can vote to do nothing, but we have to vote. We cannot duck the problem. That is a rule of the House. That is an Executive order of the Government.

This procedure has never been invoked because it has never been needed. That is the irony of our situation today. This bill deals with a problem that has not presented itself for the last 5 years, because unlike Gramm-Rudman in 1986 and the budget summit in 1990, the deficit since 1993 has followed the downward, declining path that was plotted in the 1993 budget. In fact, it is running well below that path and headed to a deficit this year of less than $40 billion. So all of this concern about the need for enforcement because we may not attain our balanced budget flies in the face of the facts of the last 5 years.

What is more, what this bill offers is a solution or solutions that are unwieldy and extremely cumbersome and extremely complex. Let me give a few of the problems that I have with the complex processes that this bill would impose.

First of all, it does not address what in my opinion is the largest problem. The largest problem of risk, looking down the next 5 to 10 years, if we adopt the budget bill and the tax reconciliation bill that we have under consideration, is exploding outyear revenues.

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While this bill comes down hard on spending, it says, as to tax cuts, we will defer or postpone only those that have not been implemented for 1 year. There is a disparity of treatment here that means that we will come down a lot harder on spending than on tax cuts, and it leaves an imbalance in this bill.

I will return to this subject again as the debate goes on and deal with other practical problems that I have with this bill. It is well-intentioned but we do not need it at this particular time.

The SPEAKER pro tempore [Mr. BONILLA]. Does the gentleman from Texas [Mr. BARTON] seek to control the time originally designated to the gentleman from Delaware [Mr. CASTLE]?

Mr. BARTON of Texas. Yes, Mr. Speaker, I do.

The SPEAKER pro tempore. The gentleman from Texas [Mr. BARTON] is recognized to yield time.

Mr. BARTON of Texas. Mr. Speaker, could I inquire as to how much time I have remaining?

The SPEAKER pro tempore. The gentleman from Texas [Mr. BARTON] has 12 minutes remaining.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Speaker, I thank my good friend from Texas, Mr. BARTON, and the gentleman from Delaware, Mr. CASTLE, as well for their fine work to get this bill on the floor today for a vote.

For my colleagues I have to say that this bill is much along the lines of the Castle-Upton-Martini approach that was adopted in the last Congress and was supported in fact by the chairman of the Committee on the Budget as well as the chairman of the Committee on Ways and Means. I am proud to be labeled as the deficit hawk because I know that deficits are harmful to our economic growth and our future prosperity. All of us in this body are heartened by the recent news that the deficit in fact is coming down. Who would have guessed the deficit this year could have been as low perhaps as $50 billion?

I once worked at the Office of Management and Budget. I watched a Congress that back in the 1980's promised to cut taxes and cut spending. They only did one: cut taxes, did not cut spending. We saw the deficit balloon by trillions of dollars, of which we are paying almost some $300 billion in interest just this year.

Our country has always been based on checks and balances. That is what this bill does. If we do not hit the deficit target, we will not see the tax cuts come into play. We need this. We need this measure as some version of an accountability so that we can reach a balanced budget. We will not see our deficits increasing the debt. I would urge all of my colleagues to vote for this.

Mr. NUSSLE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Kentucky [Mrs. NORTHUP].

Mrs. NORTHUP. Mr. Speaker, I would like to speak against the Budget Enforcement Act. I really have great appreciation for what the authors are trying to achieve. I believe it is important that we focus on achieving those goals. However, I do not think this is the way to go about it.

I want to emphasize the importance of creative solutions. I believe in 1994 that there was a revolution. It was not just a revolution of who served. It was not just a revolution about where we were trying to go. It was a revolution of we are going to start to think out of the box. We are going to stop doing things that we have always done and get what we have always gotten.

So Congress and the people that were involved in public policy began to think of new ways to fashion new solutions. It is very important that we deal with each one of our spending challenges and each one of our challenges that we face and look for creative solutions. Think about 20 years ago when so many of us were concerned in this country that we would never be internationally competitive. We wondered if our ability to trade competitively, as we saw other countries buying up American industries, would ever return. It was the creative solutions of business, it was the ability to find new ways of doing things, a new way to handle inventory, a new way to downsize businesses that gave us back our competitive edge and made us so internationally competitive. That is true with government.

As we look at Medicaid, as we look at Medicare, as we look at Social Security, I am absolutely convinced that we can make those programs strong. We can make them solvent. We can keep them from absorbing all of our children's income in creative ways instead of putting this government on automatic pilot and letting it happen for us in ways that we do not believe are the best.

Mr. MINGE. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. VISCLOSKY].

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

Mr. Speaker, I rise in strong support of the bipartisan Budget Enforcement Act, and I want to thank my colleagues, the gentleman from Texas [Mr. BARTON] and the gentleman from Minnesota [Mr. MINGE] for their hard work in bringing this bill to a vote today.

The lessons of the previous budget plans are that agreeing to balance the budget is not going to provide a solution. For example, in 1982 the budget resolution called for a balanced budget by 1984. We did not. In 1985, under Gramm–Rudman I, we were told we were going to balance the budget by 1991; we did not. In 1987, under Gramm–Rudman II, we were told that the budget would be balanced by 1993; and it was not. During the 1990 budget agreement, we were told that finally the budget would be balanced. It was not.

There was a common thread in all of these agreements. There were no enforcement provisions included.

Critics today have said that the proposal before us is not perfect. I would respond that neither is the budget agreement we are attempting to enforce. We should not let the perfect be the enemy of the good we want to do today.

Critics have charged that our enforcement provisions are unpalatable. I could not agree more. I remind our colleagues that this is an enforcement bill. It should not feel good if we do not keep our agreement with the American people.

Critics charge that the legislation is too soft on the revenue side. Guilty. But look at the letter that the Republican leadership has sent out. I am convinced that what started out as a budget agreement to balance the budget this year is simply a facade to hide a tax cut. Please support this imperfect legislation. It is an imperfect world but we want to do good today. We do want to enforce an agreement to balance the budget by the year 2002. I congratulate my colleagues, the gentleman from Minnesota [Mr. MINGE] and the gentleman from Texas [Mr. BARTON] and all of the Members who have participated in a bipartisan fashion in this endeavor.

Mr. Speaker, I rise in strong support of the Bipartisan Budget Enforcement Act, and I want to thank my colleagues, JOE BARTON and DAVID MINGE, for their hard work in bringing this bill to a vote today.

There is hardly a Member of this institution who does not believe that balancing the Federal budget is important to the future of this country. For 35 years, the U.S. Government has failed to balance its budget, running deficits of up to $290 billion per year. Since 1980, runaway deficit spending has caused the national debt to more than quintuple in size. The debt is now more than $5.3 trillion, or about 70 percent of the country's gross domestic product [GDP]. Compare this figure to 1979, when the national debt stood at $829 billion, or 33 percent of GDP.

The size and scope of the current Federal debt have a terrible negative impact on the lives of working American families. By consuming nearly 15 percent of all Federal spending, interest on the debt acts to crowd out funding for programs that could be used to invest in our country's infrastructure, hire more police officers, and sustain a healthy economy. The debt also contributes to higher interest rates for everyday expenses, such as home mortgages and car loans. In the end, balancing the budget will reduce interest rates, spur economic growth, and put more money in the pockets of American families.

The failure of past efforts to balance the Federal budget shows how important it is to enforce balanced budget plans like the one Congress and the President agreed to in June.

The lessons of previous budget plans prove that agreeing to balance the budget does not guarantee that the budget will actually be balanced. No fewer than four times over the past 15 years, Congress has approved agreements that were supposed to get us to a balanced budget, but failed to actually do so.

For example, in 1982, the budget resolution called for a balanced budget in 1984. Yet, the budget was not balanced by that date. In 1985, under Gramm-Rudman I, we were told that the budget would be balanced in 1991. It was not.

In 1987, under Gramm-Rudman II, we were told that the budget would be balanced in 1993, but it was not. During the 1990 budget agreement, we were told that, finally, the budget would be balanced in 1994. Again, it was not.

The common thread in each of these failed attempts to balance the budget was the lack of a meaningful enforcement mechanism.

Over the years, many of us have come to realize that the only way to achieve a balanced budget is to pass legislation that would add meaningful enforcement procedures to the budget process. That is why for the past two Congresses, I, along with Congressman STENHOLM and Congressman MINGE, have introduced the Balanced Budget Enforcement Act. Originally sponsored by then-chairman of the Budget Committee Leon Panetta and, after that, our former colleague from Minnesota, Tim Penny, this legislation was one of the first comprehensive efforts to address the issue of budget enforcement.

The Budget Enforcement Act before us today is the next logical step in the fight to enact meaningful enforcement legislation.

Forged by a bipartisan group of Members from across the ideological spectrum, this legislation takes a commonsense approach to enforcing the budget process. It acknowledges that our best hope of actually balancing the budget is to put every section of the budget on the table—accountable for actually balancing the budget by the year 2002.

Put in simple terms, this bill puts in place critical enforcement procedures by establishing caps on the mandatory spending and a floor on revenue at the levels set by this year's budget resolution. If spending goes above the targets, or the tax cuts explode beyond what is projected, comprehensive enforcement procedures will be triggered to make sure that the budget remains on track to balance and the deficit stays under control.

I would like to warn Members against complacency. Though the economy is doing well now and the deficit has been reduced over the past several years, there is no guarantee that these rosy economic times will continue. One of the major failings of past balanced budget agreements is that they failed to anticipate downturns in the economy, and were thrown off track by these changes. Passing this enforcement legislation is the best way to ensure that the balanced budget stays on track, even in the event of an economic downturn.

In many ways, the vote on this bill will be a measure of the Congress's willingness to make the tough decisions needed to balance the budget—this vote is a test of our resolve.

Critics have said that its not perfect. I would respond that neither is the budget agreement we are attempting to enforce, and we should not let the perfect by the enemy of the good we can do today.

Critics charge that our enforcement provisions are unpalatable. I couldn't agree more. I remind my colleagues that this is an ''enforcement'' bill. It's not supposed to feel good if you fail to keep your promise.

Critics charge that the legislation is too soft on the revenue side. Well, given the letter that the Republican leadership has sent out in opposition to this bill, it's clear to me that they are using the balanced budget agreement as a facade for a tax cut and this was the strongest provision we were going to be allowed in a bipartisan measure.

We have tried many times to reach a balanced budget, but failed in each case because the Congress lacked the political will to follow through on its promises. Passage of this legislation will ensure that the Congress does not walk away from the promise it has made to the American people to balance the budget by 2002. It will restore the faith of the American people that the Congress has the will to balance the budget, and show that we are not afraid of making the difficult choices needed to get us there.

Mr. Speaker, I urge my colleagues to vote in favor of the Bipartisan Budget Enforcement Act.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. SABO], distinguished former chairman of the Committee on the Budget.

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

Mr. SABO. Mr. Speaker, I thank the ranking member for yielding me the time.

Sometimes I think we keep fighting old fights. We are fighting the problems of Gramm–Rudman. That is long passed. The reality is that the budget enforcement mechanisms of 1990, extended to 1993 and extended this year, work. Discretionary spending caps, with some flexibility for emergencies, worked. The pay-as-you-go provisions that are current law as they relate to new entitlements have worked.

What cannot work under our current law unfortunately and is not solved by the Minge-Barton bill are the structures of tax cuts that explode beyond the 5-year limit. Those games are being played with backloaded IRA's and capital gains that explode in the outyears. Current provisions cannot prevent it. Unfortunately the current proposal before us solves none of that problem.

The only way we can deal with that problem, where we have backloaded tax cuts that explode in the future, is to say no to those kinds of proposals when they come before the House. The proposed bill does not solve that problem because it is a 5-year bill. And if we extend it beyond 5 years, we then have new baselines from which we are operating.

I urge defeat of this bill. Do not undo a system that is working with ration and reason today.

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee [Mr. WAMP], the father of Weston Wamp, one of the chief sponsors of our legislation.

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

I quit using the word revolution because it implies bloodshed, maybe even chaos. Started using the word correction where all of us, Democrats, Republicans, Independents could follow through on our word, just be consistent, clean this place up together.

I do not want to start on a negative here but, if we lose this bill and lose this vote, it will be basically for three reasons: First, it is a true bipartisan effort. Unfortunately, that is not the way things are done in this city. Actually, we have got Members from all over the place here. We have got Liberals, Conservatives, Democrats, Republicans, we cannot tell who is controlling the time from which side of the aisle because it is a true bipartisan effort and some folks do not like that.

Second, fear is an easy mechanism to use. We are going to hear all kinds of fears. I have heard caps. I have heard delays. I have heard even the word cuts used here today in Social Security, Medicare, that the tax cuts would be delayed or postponed. That is all a what-if scenario.

Theoretically, if Congress and the administration absolutely do nothing, heck, if we did not come back here between now and October 1, the Government would shut down again, but the Congress is not going to let that happen. We should not let this decision be driven by fear of what if. We are responsible Members. We will do what is right for the American folks and they know it.

The third thing is a technicality. There are a couple of technical flaws in this bill that we tried to get corrected, and the Committee on Rules said no. I think that is unfortunate. The Committee on Rules should allow us to improve the bill, and I understand that there was an agreement reached, and in the letter of the law we were going to submit the bill that was on the floor a month ago; but we tried to improve the bill, and we can still improve this bill, and it is not a reason to vote against it.

I am down here in support of this effort because from 1965 to now, the portion of the Federal budget that the Congress actually appropriates has gone from two-thirds of the total budget to one-third. Entitlements are on automatic pilot, and they are running away with the American taxpayers' dollars, and we must rein it in, not cut anybody's benefits, not reduce anybody's benefits, just slow down the growth and be responsible.

As a member of the Committee on Appropriations, I can tell my colleagues that, if the economy hiccups or belches a few times along the road in the next 5 years, all of the offsets, all of the reductions are going to have to come from the Committee on Appropriations. That is going to put pressure on student loans, on cancer research, on the investment dollars in the next generation. We cannot let that happen.

We are going to hear folks from one side of the aisle say, whoa to tax cuts, tax cuts are ok if we are still meeting the discipline and the fiscal restraint on the other side of the ledger. You are going to hear Members on one side of the aisle say, you cannot slow down entitlements.

We must come together and do it all and be serious with the American people. That is what this is about. All of my colleagues should vote ''yes.''

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

Mr. MINGE. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Mrs. TAUSCHER].

Mrs. TAUSCHER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, four times in the last 15 years Congress and the President have told the American people that they had reached an agreement to balance the budget. In each case however, the deficit continued to grow. We now have the opportunity once again to make good on our word. Congress and the President have agreed on the outlines of a deficit reduction plan that will restore fiscal responsibility to our Nation's budget.

Unfortunately the success of this effort hinges on key enforcement provisions that are not yet part of this agreement. The bipartisan Budget Enforcement Act would put in place a mechanism to force Congress and the President to actively address spending that is higher than expected or where revenues have fallen short of expectations. Instead of ignoring excessive spending or revenue shortfalls, we would be forced to confront the causes of the problem and make adjustments accordingly.

We have made historic steps toward placing our economy on a sound footing for the first time in a generation. But without a strong budget enforcement mechanism, there is no guarantee that we will reach the goal of eliminating the deficit and living up to our agreement. I encourage my colleagues to support the motion to recommit on H.R. 2003.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. RANGEL], ranking member of the Committee on Ways and Means.

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

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Mr. RANGEL. Mr. Speaker, I rise in opposition to H.R. 2003. Although I agree with the principles in which we should have some way of enforcing the budget agreement and reducing the deficit, the way this does that, it actually shatters the integrity of the entire House system as we know it, and it jeopardizes the jurisdiction of the authorizing committees as well as the appropriating committees.

Those of us that serve on committee, we take great pride, at least we did before the contract violated that, in the ability that allowed us to legislate, allowed us to get the bills passed to the House, and allowed the conferees to decide what to do.

In this, we will have some separate body outside of the ordinary legislative process making decisions, so that even if we found that the Medicare provisions were out of whack with what we had perceived, the first thing that is attacked is not the cost that the doctors would cause us, but we go straight to the premiums. Some of us would like to believe that there might be a more equitable way to do it.

The same thing applies to Social Security, if that falls short. Instead of trying to see whether we can make it even to enforce the budget, the first thing we go after is the cost-of-living increases and not really trying to see whether we can do something to resolve it.

It requires more cuts in the individual entitlement programs, even if overall there is a surplus in the entitlement programs. Of course, if one were to suspect that entitlement programs is the subject or the target to wipe out, then I would suggest this is the way to do it. But knowing that we are merely trying to enforce the budget agreement, it would seem to me that entitlement programs and spending generally should be what we are looking at and not just waiting for one program to fall behind.

This bill also would require spending cuts, but the tax increases would not be subjected to this even if the deficit is on the right track. So I really think that it hurts the House of Representatives as well as the Senate in years to come.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

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

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding this time to me, and I rise in support of H.R. 2003, the bipartisan Budget Enforcement Act.

Without this legislation, the balanced budget agreement will be devoid of any enforcement mechanism, and it runs the danger of joining the many past well-intentioned and long since forgotten efforts to balance the budget.

The truth is that once a balanced budget agreement is approved, history has demonstrated that it unravels as time passes and economic conditions change. Budget enforcement provisions are necessary to avoid this outcome and to ensure that we will follow-through on this agreement.

The bill has been drafted to prevent problems that developed with past budget enforcement proposals. It is important to remember that we are proposing enforcement of an already existing budget agreement. We are not trying to bypass difficult future decisions.

The act also applies evenly to all parts of the budget agreement, both spending and revenue provisions. And the bill provides flexibility in the case of changing economic circumstances.

Mr. Speaker, these enforcement provisions should serve as a deterrent for any failure to meet the provisions of the balanced budget agreement. Let us translate the rhetoric into action.

Mr. Speaker, these enforcement provisions should serve as a deterrent for any failure to

meet the provisions of the balanced budget agreement. Because every program is included, there will be strong pressure to adhere to the decisions made in the agreement—advocates for every Federal program and advocates for tax cuts will have an equal stake in reaching a balanced budget. Let me repeat: these enforcement provisions are intended to ensure that we keep to our agreement. It is interesting to note that so many Members seem to assume that we will be unable to do so. It is precisely because of this fear that H.R. 2003 is so critical.

Mr. Speaker, a number of Members who oppose this enforcement bill cite their concerns for the potential impact on various elements of the budget agreement—but that is exactly why this legislation is so effective and important. It treats both spending and revenues alike. If revenue projections fall short of the budget agreement, then further tax cuts would be delayed until revenues meet the targets. If entitlement programs grow beyond projected rates, corrective action would be necessary to avoid sequestration. Congress would have the power and adequate time to make alternative policy changes if they are necessary.

Why do some Members find this threatening? I strongly believe that we should delay tax cuts if we find that revenues are inadequate in the later years of the agreement. I also believe that we must control the growth of our entitlement programs—which are still allowed to grow under this bipartisan budget agreement, but which must be reined in if we are to maintain their future stability.

If we say we are committed to a balanced budget and agree that we must avoid the failures of the past, then there is no choice but to vote for H.R. 2003.

Mr. NUSSLE. Mr. Speaker, I yield 4 minutes to the gentleman from Kentucky [Mr. BUNNING], a true Hall of Famer.

We have been talking about Hall of Famers today, but we have a true Hall of Famer, the very distinguished chairman of the Subcommittee on Social Security from the Committee on Ways and Means.

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

Mr. BUNNING. Mr. Speaker, ever since I came to Congress in 1987, I have worked hard for a balanced budget. A balanced budget is the finest guarantee that Government will be able to honor its commitments, and I believe we will keep our promise to balance the budget.

As chairman of the Subcommittee on Social Security under the Committee on Ways and Means, I have made it my job to protect Social Security and make sure benefits will be there for our senior citizens.

Over 43 million people, 43 million, receive Social Security benefits overall. Social Security makes up 40 percent of all the retirement income in this country—40 percent. We cannot desert the people who have worked for 20, 30, 40, 50 years and will soon retire. We must keep our promises. We must not jeopardize their benefits.

That is why I am not going to vote for the Budget Enforcement Act. The fact is the bill caps entitlements, including Social Security. If the Social Security cap is breached, the bill specifies that any cost-of-living adjustment be reduced or eliminated as a first step toward eliminating that breach. This just is not right and it is not fair.

As we all know, Social Security has the largest, best organized, most vocal constituency of any program. Americans are not looking for any nifty fixes to ensure the future of Social Security. Americans want real reform based on informed, thorough, and deliberative debate.

Such a debate is happening now in the Subcommittee on Social Security through an ongoing hearing series on the future of Social Security for this generation and the next. We have already held five hearings.

Social Security must not be the subject of an arbitrary cap. We must step up to the challenge and to our responsibility to protect the future of all Americans through real Social Security reform.

Mr. Speaker, I urge my colleagues to vote ''no'' on this Budget Enforcement Act.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I think we need to address directly what the gentleman from Kentucky [Mr. BUNNING] has just talked about.

First of all, he is absolutely correct that Social Security is a very important program and a very special program. I want to point out that it is a Federal entitlement program. It is an earned entitlement program, but it is a Federal program, so it should be a part of any comprehensive enforcement mechanism.

I would also point out that the caps on Social Security in our bill are not arbitrary caps. They are the estimates of spending on Social Security over the next 5 years that have been put into the bill by the President and the congressional leadership. There is nothing arbitrary about them at all. They are based on the very best estimates of a very well run program.

I would also point out that under our procedure on Social Security, the President and the Congress have three options: They can vote to waive the cap on Social Security, if they want to; they can vote to make some programmatic changes in Social Security, if they want to; and only as a last resort would sequestration go into effect.

Last, I would point out that because of the special nature of the Social Security Program, and the concerns that the gentleman from Kentucky and others have raised, we did offer to the Committee on Rules an amendment yesterday that would have taken the first $100 billion of any budget surpluses and put that towards the Social Security trust fund, to actually put real dollars in the trust fund. The Committee on Rules decided not to make that in order.

So I ask my colleagues not to be scared off by a diatribe or at least an attack on our overall bill because of Social Security. It is a Federal program. We know it is a special Federal program. We want to protect it. We have a lot of flexibilities in our bill to protect Social Security. But we cannot assume that just because it is Social Security, that it should be totally off limits.

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

The SPEAKER pro tempore. Does the gentleman from Texas [Mr. STENHOLM] seek to control the time previously controlled by the gentleman from Minnesota [Mr. MINGE]?

Mr. STENHOLM. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Texas [Mr. STENHOLM] is recognized.

Mr. STENHOLM. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida [Mr. BOYD].

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

Mr. BOYD. Mr. Speaker, I rise today in very strong support of the bipartisan Budget Enforcement Act. I want to thank the gentleman from Texas [Mr. BARTON], the gentleman from Delaware [Mr. CASTLE], and the gentleman from Tennessee [Mr. WAMP] for their work; and also the gentleman from Minnesota [Mr. MINGE] and the gentleman from Texas [Mr. STENHOLM] for getting us to this point where we can now address this issue on the floor.

I have heard Members who claim they support the balanced budget agreement and they support the balanced budget resolution; yet if asked to set their promises into law and make them enforceable, according to many of them, then every program will be cut and tax cuts will not take place.

Either we believe the economic assumptions are correct and the budget will be balanced in 2002 or we do not. Many of my colleagues are trying to have it both ways. They voted for H.R. 2014 and H.R. 2015 and sent out press releases trumpeting their support for a balanced budget agreement. Yet when they are asked to place these promises into law and make them enforceable, they talk about how programs will exceed the caps and revenue will not equal the projections.

This is incredible to me, because it becomes painfully obvious that they do not think the balanced budget agreement will truly balance the budget.

While I am new to Congress, this issue is not new. In 1982 we had a balanced budget agreement. In 1985 we had another balanced budget agreement, followed by another one in 1987, and yet another agreement in 1990. None of them succeeded because they were not enforced.

One of the things that is supposed to define intelligence is the ability to learn from our mistakes, and we must learn from those mistakes that we made previously. I ask my colleagues to support the Balanced Budget Enforcement Act.

The SPEAKER pro tempore. The Chair would advise Members that the gentleman from Texas [Mr. BARTON] has 5 minutes remaining; the gentleman from Iowa [Mr. NUSSLE] has 9½ minutes remaining; the gentleman from South Carolina [Mr. SPRATT] has 7½ minutes; and the gentleman from Texas [Mr. STENHOLM] has 8½ minutes remaining.

Mr. BARTON of Texas. Mr. Speaker, who has the right to close debate?

The SPEAKER pro tempore. The gentleman from Texas [Mr. BARTON] has the right to close.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from North Dakota [Mr. POMEROY].

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

Mr. Speaker, while in concept adding budget safeguards that ensure we stay on track to balance the budget makes all the sense in the world, the measure before us fails to advance that goal in an acceptable fashion.

Now, we all know that the devil is in the details, and the shortcomings in the details before us are very significant. They are much too significant to overlook or to brush aside because we like the notion of budget enforcement.

I want to focus on three of the most glaring deficiencies.

Looking at the budget deal presently being negotiated, this historic effort to balance the budget, I believe that the most significant threats are exploding tax cuts, specifically indexing capital gains, or backloaded IRA's, these that have very dynamic revenue losses in the outyears but not in the early years.

Those tax cuts would not in any way be touched by this measure. This measure is a toothless tiger relative to addressing exploding tax cuts.

Second, it places an exceptionally convoluted process in place that totally tips on its head the standing jurisdictions of this House. Between November and December 15 the Committee on the Budget is given sole discretion over reconciling the accounts. That means jurisdiction over all standing authorizing committees, over the Committee on Appropriations, and over the Committee on Ways and Means. It is as though those committees have no expertise whatsoever. The Committee on the Budget is the where-all and the end-all of the decision-making if this bill would kick in.

Finally, if Congress would not act, it would just be the automatic sequester blade coming down and cutting, and that would include cuts on Social Security, Medicare, Medicaid, veterans' benefits, military retirement.

My goodness, these programs are much too vital to put on automatic pilot heading on down the slicing machine. We can do better than that. We must do better than that.

Budget enforcement, yes, but not this budget enforcement. Vote ''no.''

Mr. NUSSLE. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, we heard earlier someone say something close to this. I will put it a little differently: ''If you always do what you always did, you will always get what you always got.'' And that is pretty much what we have always learned here in the U.S. Congress.

Whenever we try to come in here in a rush to try to change the rules in the middle of the game in order to affect a particular outcome, what invariably happens is that we have an outcome which is not exactly what we intended. In fact, we heard here earlier about the deals and enforcements of 1984 and 1988 and 1989 and 1990 and all sorts of other enforcement provisions in the past. And the question was asked, well, was there a single thread? And the thread was, yes, it was done in a rush.

□ 1230

I would suggest to my colleagues that that is the thread that runs through much of this, is that we try to craft a little gimmick at the end in order to get the job done and get the ball over the goal line to score what we all want to do. And that is make sure that we have a balanced budget that it is enforceable, that we give to the American people tax relief, that we provide for spending reductions, and we do this in a way that we can all be proud of. And, so, we try to figure out little ways to do that.

But what we have done here, I believe, is a rush job, which I do not question as far as motivation, but I do question as far as whether or not it has been thought out to enough of a degree that it will, in fact, work. In fact, I believe this is much akin to ''hey, I know'' kind of legislation. We rush in here and we say, ''hey, I know; I have got an idea.''

In fact, we are going to hear a ''hey, I know'' idea at the very end of this on the motion to recommit. Someone is going to run in here and say, ''hey, I know; I know there is a problem with Social Security. Let us exempt that from this particular enforcement mechanism,'' or say, ''hey, I know; the veterans have a problem with it. Let us exempt them from this motion to recommit,'' or, ''hey, I know; we want to protect these tax cuts, so let us exempt that,'' or, ''hey, I know; let us come up with something else to make sure that we do not do damage to one particular constituency or allay the concerns of one particular part of the membership so that we can get this bill passed.''

We should not legislate by ''hey, I know.'' We should send this to committee. We should go through the process which has been promised by the chairman of Committee on Rules, the chairman of the Committee on the Budget, the chairman of the Committee on Ways and Means so that we can bring back to the floor before the end of the Congress, which has been the goal and commitment of both sides of the aisle, an enforcement mechanism within an overall process reform for this budget. We should do it under the auspices of the committee system with hearings which are ongoing. We should not do it when we know, in fact, that there are problems with this bill.

The chairman of the Subcommittee on Social Security was just down in the well explaining exactly how this might, in fact, affect Social Security. I am not suggesting that it does. We do not know. Part of this whole debate here today is the lack of clarity.

So what I would suggest to Members that are unsure about their vote on this particular bill, because I rise in opposition even though I want an enforcement mechanism, I want budget process reform; and so I know the angst that Members are going through right now saying, ''Gosh, I wish this was the one. It is really imperfect. It does not quite meet the standards of budget process reform. But I just want to do something.''

I would ask my colleagues to consider this: If they are crystal clear about what this is going to do to Social Security, come down here and vote yes. If they are not quite sure, though, they better consider voting no. If they are clear about what this will do to tax increases in the future, come down here and vote yes. But if they think this could, in fact, raise taxes, they better come down here and vote no.

Mr. MINGE. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. SANCHEZ].

Ms. SANCHEZ. Mr. Speaker, today we are opening the doors of Congress to the public. Twenty years ago, sunshine laws brought the light of public scrutiny to the once-secret committee rooms, but those laws did nothing to stop the secret dealings in smoke-filled rooms when it came time to write our Nation's budget.

The public wants a true balanced budget. They want an end to the trillion-dollar debt. They want real middle-class tax relief. Well, my friends, the only way the public is going to get what they want is to know that we have truly kept our promises, and that is through the Budget Enforcement Act.

This bill locks into law the goals of the balanced budget agreement. If Congress and the President want to change the terms of the deal, then they must pass a law to do so. This means that public hearings must be held and Congress can no longer rig the books in the dead of the night.

I am a businesswoman, and in business the marketplace is a gun to the head of any CEO to produce a bottom line and to make a profit. In government, that gun is the balanced budget. We must open up Congress to the public.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. EVANS], the ranking member of the Committee on Veterans' Affairs.

Mr. EVANS. Mr. Speaker, I thank the gentleman from South Carolina [Mr. SPRATT] for yielding me the time.

I oppose the Budget Enforcement Act because I believe our Nation's veterans

and their families may suffer if this bill is passed. If sequestration procedures were triggered, the Budget Enforcement Act could permanently reduce VA compensation benefits for more than 2.5 million service-connected disabled veterans and their surviving spouses next year. At the same time, needs-based pension programs for 710,000 low-income wartime veterans could be reduced, insurance premiums for more than 1.5 million veterans could be increased, and 30,000 veterans could be denied health care from the VA in 1998.

The Budget Enforcement Act would continue Congress' role in neglect toward our Nation's veterans. According to a recent Congressional Research Service report on Federal social spending, veterans benefits programs are the only Federal social programs in the recently adopted budget to suffer a real reduction in purchasing power over the next 5 fiscal years.

We in Congress are not willing to abandon our obligations to men and women who have served in this country. I urge my colleagues to defeat this bill and protect our Nation's veterans.

Mr. MINGE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. STENHOLM].

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

Mr. STENHOLM. Mr. Speaker, listening to this debate, I am reminded of the wisdom of Will Rogers when he observed, ''It ain't people's ignorance that bothers me so much. It's them knowing so much that ain't so which is the problem.''

This bill does not cut Social Security, does not cut veterans' benefits, does not raise taxes, does not put the Government on autopilot. It takes us off autopilot. It simply requires the Congress to act if we do not meet our promise to the people of 2002.

Last fall, many of us ran on a platform of fiscal responsibility. They made countless speeches about balancing the budget, and that plank helped in their election to the House. In March, after voting for the successful balanced budget constitutional amendment, they sent out the press release claiming their portion of that success. In May, my colleagues joined in the press conference hailing the balanced budget agreement between the President and Congress, and they endorsed the plan by voting for the House-passed reconciliation bills in June.

In every townhall meeting this year, my colleagues have insisted to skeptical constituents that, at long last, Congress can be trusted to balance the budget. Just like the national polls say, about four out of every five of their constituents say they do not think the Government can really do that. But my colleagues reassure them, after years of broken promises, this time we really are going to balance the Federal budget and keep it balanced.

That scenario really does not require much imagination, does it? For the vast majority of this body, it is our story. Now imagine this: It is the first week of August and you are addressing the first of two dozen townhall meetings that you will face over the next month. The first person up to the microphone, the one your opponent always plants in these meetings, asks, ''Congressman, how are you going to keep your promises to us? How did you vote on that bill which makes sure we really get a balanced budget, the one that enforces the spending and revenue targets laid out in the budget?''

I do not know about my colleagues, but there is only one answer I can imagine giving to that question: Seal that answer today. Vote ''yes'' on the bipartisan enforcement bill. Take us off autopilot. And force the Congress to act if we do not do that which we say we are doing.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. FILNER].

Mr. FILNER. Mr. Speaker, I thank the gentleman from South Carolina [Mr. SPRATT] for yielding me the time.

Mr. Speaker, I rise in strong opposition to the so-called Budget Enforcement Act. H.R. 2003 will lead to permanent reductions in veterans' benefits. Although its supporters describe this bill as a neutral and benign enforcement mechanism, in reality it would decimate the benefit programs our grateful Nation has provided for America's heroes, our veterans.

If this bill passes, education benefits for veterans would be cut. More than 345,000 men and women who served in our Nation's Armed Forces would be affected. Compensation provided for the men and women disabled as a result of their military service would be permanently reduced. More than 2.5 million veterans and their widows would be affected. The safety net we provide for our aging war veterans would be torn. More than 700,000 old and sick wartime veterans would be affected.

Let us not support a bill that would endanger the benefits earned by America's veterans. Let us tell our veterans that we support them. Vote ''no'' on H.R. 2003.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Delaware [Mr. CASTLE], the chief cosponsor and former Governor of Delaware.

Mr. CASTLE. Mr. Speaker, we have heard the scare tactics they talked about earlier. We heard about Social Security and maybe there will not be increases in Social Security. We heard about possible cuts in the veterans' programs. We heard that tax reductions will not go into place.

What has happened because of what Congress has done over many decades now? We have had this tremendous deficit adding to the debt of the United States. About 16 percent of the cost of the budget goes to pay the interest on the debt of the United States of America. We have had tax increases because of that.

We have to make changes. We need the budget enforcement. The budget enforcement bill provides that if there is a problem in terms of getting to where we need to be over those 5 years that we, the Congress, can waive the caps, that we, the Congress, can make programmatic changes, all of which we would do to protect Social Security or the veterans or the tax reductions; or we could do nothing and by sequestration it would be resolved.

I do not think that is going to happen. I think these are scare tactics. I believe that, if we believe that we should balance the budget of the United States of America, that we have to do more than just say that, we have to have a budget enforcement mechanism; and that is what this legislation is. Vote ''yes'' today.

Mr. NUSSLE. Mr. Speaker, I yield myself 3 minutes to ask a question of the distinguished gentleman from Delaware [Mr. CASTLE].

He mentioned that there has been some scare tactics today. I do not think there has been scare tactics as much as there has been uncertainty. And that is really what I was trying to bring out. Is the gentleman from Delaware [Mr. CASTLE] clear on the fact that Social Security, under his provision, would never be cut or veterans' benefits?

That is what we are suggesting, is that we are unclear. I think Members that are coming here to vote are not necessarily persuaded that there are definite sequestrations because they did build into this some mechanisms. But the concern is that it is unclear, and that is what I think raises so much concern from those of us that oppose this particular enforcement mechanism.

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

Mr. NUSSLE. I yield to the gentleman from Delaware.

Mr. CASTLE. Mr. Speaker, I thank the gentleman from Iowa [Mr. NUSSLE] for yielding. I am clear that if we pass the budget enforcement mechanisms here that we are going to have better protection of the programs, such as Social Security, than if we do not. We are facing crises in Social Security sometime in the near future. In this way, we can look at it and we can make corrections if the money is not there.

I think this is an improved mechanism in terms of dealing with not just Social Security but all of the entitlement programs, the concerns that have been expressed here today.

Mr. NUSSLE. Mr. Speaker, reclaiming my time, my concern, however, is this: It is easy to suggest that my colleagues are clear about this, but then my understanding is that what we are hearing is that there is going to be a motion to recommit that is going to be rushed in here that says, ''because we are real concerned about Social Security, and since my colleagues seem to

be so concerned about Social Security, we will exempt it,'' or veterans, ''we will exempt that,'' or tax cuts, ''we will exempt that.'' Something is going to be exempted because of all of this concern.

So either we are concerned and unclear or we are clear and not concerned. And that is why I think Members out there, while they want to support reform and enforcement, are concerned that this may not be the exact bill that we want to support to get that job done.

I yield to the gentleman.

Mr. CASTLE. Mr. Speaker, I thank the gentleman from Iowa [Mr. NUSSLE] for yielding.

With respect to Social Security, it will not be exempted in the bill that we actually presented to the Committee on Rules yesterday. I do not know if it will be in the motion to recommit or if there will be one here today. What it will do, essentially, is start to deal with the debt of Social Security, which is something I think we need to do. We are building a deficit there. We are having a problem not having the trust fund. That is why we are going to have economic problems with Social Security in the future.

This will be a great mechanism if we could add it to our bill. We probably will not be able to, but I would love to do that. But it does not exempt it per se.

Mr. NUSSLE. Mr. Speaker, reclaiming my time further, I understand that there may be some certainty on the part of the authors based on their careful work on their particular provision. But the rest of us have not had an opportunity to have the hearings, to think through the legislation, to consider all of its ramifications within a total process reform measure. And that is what concerns us.

□ 1245

I think the proof will be in the motion to recommit. If in fact we think this is such a good bill, the motion to recommit will be just some easy motion to recommit. But my feeling is that there is going to be a motion to recommit that comes down here that is going to say, ''Hey, wait a minute, we've got problems. We better move to recommit this and exempt Social Security.'' Or move to recommit this and exempt veterans. Or all of them.

I would suggest to my colleagues on both sides of the aisle that in fact if we believe this is such good legislation and if we believe the enforcement in this legislation is so perfect, then why do we on the one hand say it is not tough enough to take care of Social Security and on the other hand rush in here with a motion to recommit to try and fix it? We need to perfect this legislation in committee.

Mr. MINGE. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DOOLEY].

(Mr. DOOLEY of California asked and was given permission to revise and extend his remarks.)

Mr. DOOLEY of California. Mr. Speaker, I rise in strong support of the bipartisan Budget Enforcement Act. For the vast majority of Republicans and Democrats who stood up and voted for the balanced budget agreement, we were in fact making a promise, a commitment to the American people that we are ensuring that we will balance our budget while protecting the priorities of our American families and also by providing a responsible level of tax reduction.

What this bipartisan Budget Enforcement Act does is it basically provides the American people with an insurance policy, to ensure that Congress will not renege on the promises that are a part of the balanced budget agreement. It is a responsible measure that has the protections for entitlement programs in times of recession. For those people who contend that it is going to cut veterans benefits, it is going to cut Social Security, that it is going to cut entitlement programs, that will only happen if Congress and the President fail to live up to their elected responsibilities of providing some leadership to address some of the problems that emerge when we find that our spending is no longer in line with our revenues, by coming forth to the American people and telling them that we have to make some modifications in order to ensure that we can continue to provide the veterans with the benefits that they need.

Also, it gives us the opportunity to tell the American people that we do not have the ability. This is the enforcement mechanism for us to provide the leadership that the American people deserve.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. I thank the gentleman for yielding me this time.

Mr. Speaker, I oppose the Budget Enforcement Act because it would widen the divide between the wealthy and the poor in America. The legislation enforces spending and revenue targets agreed to in the budget agreement by a combination of entitlement caps and deferred tax breaks. But the bill treats entitlements that benefit the poor differently from tax cuts that benefit the wealthy. This act would permanently cut entitlement spending if it exceeds its cap while it places only a temporary delay on tax cuts if revenues fall short. The bill protects the capital gains cuts for the wealthy, but leaves basic assistance to families, children and the elderly on the chopping block.

Mr. Speaker, this Congress does not need another scheme to widen the gap between the rich and families struggling to get by. I urge that we vote against the Budget Enforcement Act today.

Mr. MINGE. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. HARMAN].

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. Mr. Speaker, I thank the gentleman for yielding me this time and commend him above all others in this body for his perseverance on behalf of this important issue. I am pleased to cosponsor this legislation, but also urge support for the motion to recommit, which contains an even more perfected version of it.

As the mother of the deficit lock box, I have seen that mechanism work to reduce the deficit. Some of us insisted as a condition to supporting the 1993 budget agreement that the lock box be attached in Executive order. The result has been unprecedented growth.

Similarly, for those who support the balanced budget agreement, we need an enforcement mechanism, and this is the best we can come up with on a bipartisan basis. If we are going to lengths to balance the budget, why are we not going to lengths to enforce that budget?

I urge support for the motion to recommit. Failing that, I urge support for the legislation. A cut must be a cut and a balanced budget must be enforced.

Mr. MINGE. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. ANDREWS].

Mr. ANDREWS. I thank the gentleman for yielding me this time.

Mr. Speaker, over the last number of years, we have all heard the voices of alarm that we are hearing again today. Those voices are wrong. As the gentleman from Delaware [Mr. CASTLE] said earlier, this bill will not cut Social Security. It will not cut veterans benefits. It will not take well-earned tax reductions away from taxpayers. If Members choose to listen to those voices, I assume that they will have a short-term political gain because they will not be criticized for voting for those things. But we have done enough around here for the last 30 years of making short-term political gains at the expense of the long-term health of the economy of this country.

If my colleagues believe in the terms of the balanced budget agreement, then put it into the law. If my colleagues believe it can and will work the way it has been planned by the President and the congressional leadership, then make sure it works by putting it into the law. Our motto around here for the last 30 years has been, ''The check is in the mail.'' Let us do something real this time. Let us make this agreement enforceable and real for the American people. Vote ''yes'' on this legislation.

Mr. NUSSLE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, if it does not cut Social Security and if it does not cut veterans benefits and if it does not cut Medicare and if it does not affect the taxes and if it does not affect any other sacred cow in the Federal Government, how is it an enforcement mechanism? Everybody is rushing down here and we are

going to get a motion to recommit saying, ''Oh, don't worry about Social Security; don't worry about veterans benefits; don't worry about this. This really isn't as tough as everybody out there is saying it is.'' Then what does this do?

I have been patient about this and I am not going to question anybody's motive. But if in fact this does not do any of those things which it is advertised to do, then we better send this back and find out what it does do, because if it does not do all of those things, then it does not work. And if it does not work, why are we passing it here today in a big rush to say, ''Yeah, we're tough on budgets and, yeah, we're going to balance it and, yeah, we're going to put some teeth into this process''?

Come on. It is either going to be tough or it is not going to be tough. The groups out there that have studied this say it is pretty tough. Let us advertise it that way.

Mr. MINGE. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, this bill is tough because it requires us in Congress to be responsible. That is something that is tough news for all of us, and I hope that we can accept it.

Mr. Speaker, I yield 1 minute to the gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Mr. Speaker, the gentleman from Minnesota [Mr. MINGE] is right. It requires Congress to act. That is why it is tough and that is why it is so necessary.

Mr. Speaker, a nation that is bankrupt is a nation that is vulnerable. It is no more complicated than that. By 2003 if we do not do anything, over 70 percent of the money that comes to Washington will be obligated. We will be on a collision course with debt and deficit. We got here together, Democrats and Republicans, equally responsible for the situation we find ourselves in. We are going to solve it together. This is a bipartisan bill from the rank and file Members of this House. This, make no mistake about it, is the only vehicle to translate the idea of balancing our Nation's budget today from an idea to reality. There is nothing else on the floor that will do it. Today is the time, and I hope that people in this House will have the opportunity to put their country ahead of partisan politics for once. Today is the day to do it.

Mr. MINGE. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. BOSWELL].

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

Mr. BOSWELL. Mr. Speaker, I have some difficulties with the bill.

Mr. MINGE. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. BONILLA). The gentleman from Minnesota is recognized for 1¼ minutes.

Mr. MINGE. Mr. Speaker, we have been journeying on a noble course here. It is a bipartisan course. It is a rank and file course. The leadership on both sides of the aisle has been either lukewarm or opposed to what we are doing. The White House has declined to provide us with any support. But instead Members of this body from around the country, from both parties, from all ends of the political spectrum, have seen that if we are not willing to stand up and take responsibility for what we do, hold ourselves accountable, introduce some discipline to the budget process, that we do not deserve to serve in this institution.

We feel that strong bipartisan budget enforcement is long overdue. It should not just apply to discretionary spending. It should apply to the entitlement programs. We ought to hold our tax cuts to the same standards. For those on my side of the aisle, indeed I would have written this bill differently if I had the opportunity to do it just for myself. I am sure that on the other side of the aisle, the feeling is mutual. But we attempted to come together and craft a bill that would have bipartisan support. It is ironic that the Democrats feel it does not deal harshly enough with the tax cuts. The Republicans feel it deals too harshly. Let us come together and get the job done.

Mr. SPRATT. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from South Carolina is recognized for 2 minutes.

Mr. SPRATT. Mr. Speaker, as we close this debate, I think it is well to remember that deficits have come down. The promises we made in 1993 have been kept. We adopted that budget in a year when the deficit the prior year had been $290 billion. The Bush administration projected the deficit that year would be $332 billion. It was not. It was $255 billion. The next year it was $203 billion. In 1995, it was $164 billion. In 1996, last year, it was $107.8, and this year in a few weeks we will find that it is less than $40 billion.

So in the face of those facts, we are now looking at a hugely complex process to deal with a problem that has not presented itself for the last 5 years. We are imposing enormous complexity on the process. Let me give just one practical problem. This bill dictates that the President and OMB within 30 days of the close of the fiscal year, when the numbers are just coming in, must analyze every entitlement program and propose spending cuts that will not only rectify any past year overrun but also eliminate any excess in the year to come. Then it requires Congress to act on this hastily submitted proposal within less than 45 days, and that 45 days falls in a period when Congress is rarely in session. Indeed, every other year the House will be in a lame duck session.

So the Congress can act within this tight time frame, this bill dispenses with the jurisdiction of the authorizing committees and the appropriations committees and vests extraordinary jurisdiction in the Committee on the Budget. When the Committee on the Budget bring its bill to the floor, it dispenses with the Committee on Rules and allows any Member under the 5-minute rule to present any amendment that is germane to tax or spending measures in the bill before us.

□ 1300

Added to these extraordinary procedures is something else buried in the bill, one other example which deals with disaster relief. It sets up a reserve fund for disaster relief each year and pulls $5.5 billion out of discretionary spending.

Now in the budget agreement, we have cut discretionary spending to the bone. This would take it down another $27 billion over the next 5 years.

It is too much, it is not needed, it is well intentioned, but it should not be passed and is not required.

The SPEAKER pro tempore (Mr. BONILLA). The gentleman from Iowa [Mr. NUSSLE] is recognized for his remaining 1½ minutes.

Mr. NUSSLE. Mr. Speaker, look, there is nobody who really wants to come down here and oppose reform because, quite honestly, I think there is major bipartisan support for reform. In fact, we have seen it here today. I commend, even though I have some concerns with this bill and I oppose it, I commend my friends and colleagues on the committee on which I serve and the conference in which I am proud to be a member and the Congress of which I enjoy the kind of bipartisanship on this particular issue and others. I commend them for the work that they have done.

We have bipartisan opposition, however, as well. I mean I want my colleagues to understand that, yes, there is bipartisan support, but that also means there is bipartisan opposition, and quite strong I would suggest. The committee chairs, the ranking members of the different committees of jurisdiction who want to move forward with legislation and reform are all standing foursquare in opposition to this here today.

I am worried about the advertising, quite honestly. And I do not question the motives of the Members that have written this particular bill, but I am worried about the advertising. This is either advertised as tough enforcement with teeth that is going to do the job once and for all, that is going to hold our feet to the fire, that is going to be automatic, that is going to have tough caps, or it is not. It either is going to go after some of these programs that we have been concerned about on the floor here today by various Members, such as Social Security, Medicare, veterans, all assorted programs that have obvious constituencies within the House and the country, or it does not.

We are not sure, and I think the proof is in the uncertainty. Send us back to committee. Vote against the bill and the motion to recommit.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from

Wisconsin [Mr. NEUMANN], one of the most passionate balanced budgeters in the Congress.

Mr. NEUMANN. Mr. Speaker, I would like to specifically address my good friend from Iowa [Mr. NUSSLE] and his most recent comments about Social Security. This bill is very important. It does not go after Social Security in any way, shape, or form. In fact, the people in Washington, DC, are already going after Social Security because Social Security collects more money than it pays back out to our senior citizens in benefits every year.

That money is supposed to be sitting out here in Washington in a savings account. There is no savings account. Washington puts that money in the general fund, it spends all the money out of the general fund and then some; that is the deficit, and there is no money left to put in the Social Security trust fund so they simply put IOU's in there.

Let me finish; I only got 1 minute. To my good friend, I would normally be happy to yield. The bottom line is this: that money that is supposed to be in the Social Security trust fund is not there, and what we had proposed last night in amendment to this bill is that we take the first money from surpluses, the first hundred billion dollars, and set it aside to start preserving Social Security for our senior citizens. By the year 2012 not 2029, 2012, there is not enough money coming into the Social Security system to make good on our promises to seniors.

This bill does not go after Social Security. As a matter of fact it does not go far enough on stopping the people in Washington from going after Social Security.

Mr. BARTON of Texas. Mr. Speaker, I yield myself the balance of the time.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 3 minutes.

Mr. NUSSLE. Mr. Speaker, will the gentleman yield for a question very briefly?

Mr. BARTON of Texas. If it does not come out of my time.

The SPEAKER pro tempore. It does come out of the time of the gentleman from Texas.

Mr. BARTON of Texas. Mr. Speaker, I will yield to the gentleman very briefly.

Mr. NUSSLE. Mr. Speaker, why is there a cap if this does not affect Social Security?

Mr. BARTON of Texas. Mr. Speaker, last Saturday I took my daughter Kristin and my wife Janet to Philadelphia, the birthplace of freedom in this Nation. I stood in the room where Thomas Jefferson wrote the Declaration of Independence. In the beginning of that declaration it says:

> We hold these truths to be self-evident, that all men are created equal, they are endowed by their Creator with certain unalienable rights, and among those rights are the right to life, liberty, and the pursuit of happiness.

Those are very famous words that continue to echo down through the centuries.

I stand on the floor of the House of Representatives today to issue the following declaration of budget accountability: We hold these truths to be self-evident, that all items in the budget should be on the table, that enforcement mechanisms are necessary and that to implement those mechanisms we should have a bipartisan approach to budget enforcement.

The bill before us today does that.

I would like to point out that the caps and the targets in our bill are not something that the gentleman from Minnesota [Mr. MINGE] and the gentleman from Texas [Mr. BARTON] and the gentleman from Delaware [Mr. CASTLE] and the gentleman from Tennessee [Mr. WAMP] and the gentleman from Texas [Mr. STENHOLM] came up with, they are numbers that President Clinton and the gentleman from Ohio [Mr. KASICH] and the gentleman from Georgia [Mr. GINGRICH] and the gentleman from Missouri [Mr. GEPHARDT] and Mr. DASCHLE and Mr. LOTT came up with. They are not our numbers; they are the agreed-upon numbers.

I would point out that this is a budget accountability bill. It forces us to address the problems.

When the gentleman from Iowa [Mr. NUSSLE] asked is it hard or is it soft, the truth is that as a last resort it is a hard enforcement bill. But the first resort is to give the President and the Congress the opportunity to waive any part of the cap or any part of the revenue target that we consciously vote on the floor to do so. The second option is to reform any program or any contingent tax cut that we consciously vote to do so, but as a last resort.

If we stick our head in the sand and do nothing, under this bill the deficit is not going to go up, it is going to stay within the caps. That is what sequestration is all about or the delayed tax cut is all about.

I would like to point out what the options are. If the spending does not come within the cap, Congress and the President can vote to waive the cap, Congress and the President can change the program, and as a last resort we can do this sequestration.

Everything in our budget under our bill is on the table. Everything. It has to be, my colleagues. Look at this chart. If we do nothing, the uncontrollable part of the budget with interest on the debt is going to be 70 percent in the year 2002, 70 percent. That is a complete reversal of what it was 25 years ago.

Our opponents have said we have to have budget enforcement; they just do not want to do it today or they do not want to do it like this.

I will urge my colleagues to vote for the bill. Let us do the right thing and let us do it now.

Mr. BOSWELL. Mr. Speaker, during the initial stages of the drafting of the Budget Enforcement Act I was supportive of the concept. Unfortunately, today I cannot support the final version of the act. I do however continue my strong support to the concept of enforcing the parameters agreed to in the budget reconciliation. I regret that I cannot support this legislation I had signed as a cosponsor. Sometimes in the legislative process the devil is in the details. Careful examination of the bill's language revealed the potential of severe reductions to vital programs for Iowans. Tax reductions and spending cuts to programs such as veterans benefits, Social Security, Medicare, and Medicaid could be mandated without the matter being brought to a vote in Congress. In this case as the details of the bill came to the surface and were not allowed to be corrected, it became apparent I could not support this legislation in its final form.

The people of Iowa sent me here to Washington to bring our Nation's fiscal house in order and I am working toward that end everyday. One of my first acts in Congress was to cosponsor the balanced budget amendment. I have also supported the reconciliation bill and both the spending and tax reduction bills. However I cannot support today's enforcement bill.

The Rules Committee passed a rule baring any amendments to the bill, forcing a vote on a bill which even many of its supporters including myself desired to amend when we discovered the need to improve the bill. Under the current version of the bill, if spending reduction and tax revenue targets are not met, any necessary revisions would be either mandatorily and arbitrarily imposed without a vote by Congress, or the Budget Committee would have jurisdiction over legislation designed to make any corrections to reach these targets. Neither of these processes are appropriate.

Months of hearings were held by the appropriate committees in an effort to fine tune the intricate details of the spending and taxation provisions of the budget. To throw out the knowledge and expertise of these committee members and place the entire burden on the Budget Committee or arbitrary across the board cuts is an abrogation of our legislative responsibility and squanders this knowledge base. The House's committee system exists for a purpose, to allow for thoughtful debate over policy considerations by members who know the most about that particular area. To subrogate these policy decision to the rushed, politically charged judgment of one committee is a misguided approach.

Additionally, the final version of the bill lacked sufficient incentives to force Congress to make the appropriate charges if spending and revenue targets are not met. The targets could be adjusted by a simple majority vote and therefore avoid the difficult decisions required to reach the end result of a balance budget in 2002.

Although I strongly support efforts to help ensure we do reach a balanced budget in 2002, I cannot support this enforcement bill in its current form.

Mr. STUMP. Mr. Speaker, I rise in opposition to H.R. 2003.

The VA Committee was able to meet our reconciliation targets in the traditional manner as envisioned by the bipartisan budget agreement.

We have a long tradition of complying with reconciliation directives. However, despite our record of responsible stewardship of veterans'

programs, H.R. 2003 would strip authority from the VA Committee and other authorizing committees. Its enforcement mechanism could create unfair results.

If an estimate of projected spending for Social Security or Medicaid turns out to be wrong, why should veterans pay the price?

Under H.R. 2003, that is exactly what could happen if an entitlement program exceeds its target in a given year.

In our budget process, the VA Committee relied on CBO budget estimates and then used our expertise in veterans affairs to meet our reconciliation targets.

H.R. 2003 would take away the VA Committee's ability to provide veterans benefits in an equitable manner.

For example, if the cost of veterans' disability compensation grew past its target because the department ruled that new or additional ailments were service-connected, the caps on allowable expenditures for veterans' entitlements would not be adjusted upward.

Although H.R. 2003 provides for alternatives to automatic cuts, it provides no assurance that benefits will continue to be paid as they are authorized.

Our Nation's veterans are willing to play their part in balancing the budget as long as it is done in a fair way.

The current paygo procedures have contained most increases in entitlement spending in the past and should continue to do so.

Let's move forward with the bipartisan budget agreement and the reconciliation bills and balance the budget.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise this morning to voice my opposition to H.R. 2003, the Budget Enforcement Act. I share with the authors of this legislation commitment to a balanced Federal budget and while I respect the principle underlying this legislation, I cannot support H.R. 2003.

H.R. 2003 is often described by its proponents as a straightforward piece of legislation that is neutral with respect to benefit programs and tax cuts and seeks simply to enforce the bipartisan budget agreement. Such a cursory descriptions of H.R. 2003 fails to provide a full picture of how it would work or the effects it would have. H.R. 2003 is neither simple nor neutral in its impact on benefit programs and tax cuts. In fact, it would have disturbing consequences.

H.R. 2003 would not treat revenue shortfalls and entitlement programs which exceed their target spending figures in the same manner. Under the bill's enforcement provisions, entitlement spending excesses are permanently canceled if spending levels exceeds target levels. These cuts would be triggered, even if the Government was running a surplus. Thus, if expenditures for programs like Medicare and veterans' pensions were slightly higher than forecast, they could be subject to across-the-board cuts although the budget was running a surplus.

Tax cuts, however, are simply delayed until revenue increases to target levels. Therefore, while the bill's provisions to avert revenue shortfalls are weak, on the entitlement side they are like a blunt instrument inflicting permanent loss.

Additionally, while some of the biggest tax cuts for the well-to-do would be shielded from the revenue control mechanisms of the bill, regardless of how much these tax cuts ultimately cost, none of the entitlement programs would be, not even programs providing basic benefits to the poorest children or the elderly and disabled. As a consequence, the bill could easily cause the gaps between the wealthy and other Americans to widen further.

Finally, H.R. 2003 would have no impact whatsoever in preventing an explosion of the costs of the tax cuts after 2002.

I urge my colleagues to join me in opposing H.R. 2003 and in so doing vote to protect programs for our Nation's most vulnerable citizens.

Mr. DAVIS of Florida. Mr. Speaker, today I rise in strong support of H.R. 2003, the Budget Enforcement Act. This legislation represents a commitment by this Congress not only to pass a plan to balance the budget, but to follow up with tough enforcement to ensure that this goal is met.

During the past 5 years, the budget deficit has been reduced dramatically from an all-time high of over $290 billion in 1992, to a level estimated to be well under $50 billion this year. Among the reasons we have been able to bring the deficit down are the statutory budget enforcement provisions covering discretionary spending which were put in place in 1990 and extended in the budget agreement of 1993. This bill builds on the success of those statutory enforcement provisions and for the first time applies similar restraints, with clearly defined safeguards, to mandatory spending and revenues.

For too long, Congress and the President have promised the American people a balanced budget with the result being continued deficits and an escalating national debt. Even after passage of the historic bipartisan agreement earlier this year and strong commitments by both sides of the aisle to this important goal, the American people do not sufficiently believe that the budget will actually be balanced. This skepticism is the result of broken promises of the past and the stark reality that no matter how carefully crafted the plan there are no guarantees of a balanced budget unless strong enforcement language is included. This bill represents a commitment to the American people that we, in Congress, will follow up our rhetoric with tough actions.

Opponents of the bill have argued that the enforceable caps will cause automatic cuts in Social Security and other important entitlement programs. These caps, however, will be adjusted for inflation, economic downturns, and growths in the eligible populations. Therefore, Social Security will not be put at risk. Furthermore, the enforcement provisions simply say that if we are spending much more than we intended on any particular program, then Congress and the President will have to make changes to bring that spending in line with previous estimates. There is also the option of Congress to agree to raising the caps if no agreement can be reached on the necessary changes. Only as a last resort would automatic cuts in any programs be triggered. Unfortunately, history has proven that without an unappealing hammer such as sequestration, Congress will always favor inaction over action.

Furthermore, this legislation for the first time attempts to put some controls on the revenue side of the budget. I believe the greatest threats to maintaining balance over the course of this budget agreement are some of the proposed tax cuts, many of which could explode in the outyears. This enforcement mechanism, although not as tough as I would like, at least prevents a bad situation from getting worse by delaying the phasein of any of the tax provisions if our established deficit targets are not met.

H.R. 2003 is far from perfect and my support for it today does not mean that I am in agreement with all the provisions included in the bill. It is truly unfortunate that improvements to the bill were not made in order by the Rules Committee or that the committees of jurisdiction, including the Budget Committee on which I serve, did not consider the bill. Specifically, there remain valid questions over the timeline established for action, the impact on automatic economic stabilizers, and the effectiveness in controlling exploding tax cuts. But I do not believe that we should make the perfect the enemy of the good. This bill is a strong step in the right direction and I believe these and other questions undoubtedly will be addressed as the bill moves forward.

Mr. Chairman, I urge all of my colleagues to support this legislation and commit to backing up the balanced budget agreement with a strong enforcement mechanism, guaranteeing that the budget will, in fact, be balanced no later than 2002.

Mr. BALLENGER. Mr. Speaker, I am proud to report that I am a cosponsor of the Budget Enforcement Act, a bill to reform the Federal budget process. If enacted, this bill will establish in law the budgetary outcomes projected to result from the 1997 balanced budget agreement, as well as provide for their enforcement. In addition, it includes long-overdue changes to emergency spending rules.

I wish to commend the bipartisan group of House Members who put this bill together. They have worked hard for years to craft this enforcement mechanism. They forced the leadership to allow a floor vote and sought to address everyone's concerns over the impact of this important legislation.

While I do not believe this legislation is perfect, I believe it represents an honest, bipartisan effort to ensure spending and revenue targets, agreed to by the Congress and the President, will actually be adhered to. We are working together to achieve the best alternative to address our Nation's deficit problems and respond to our constituents' concerns over our inability to live within the budgets we adopt.

My interest in the Budget Enforcement Act was sparked, in part, by a constituent letter which I received some months ago. My constituent challenged me to explain how the 5-year budget agreement of 1997 differed from other budget balancing plans which have gone by the wayside. He remembered well the grand promises Congress made to the American people following the Gramm-Rudman-Hollings budget deal in 1985 and three subsequent efforts to balance the budget.

Despite the good intentions of the authors of these budget balancing plans, we have yet to reach balance. Perhaps most disturbing is the fact that the national debt quintupled, to $5.3 trillion, during this sustained period of deficit spending.

For the record, I favor tax cuts every bit as much as my conservative colleagues who argue that the Budget Enforcement Act will result in a suspension of the budget's tax relief—or worse, will permit new tax increases and user fees to pay for deficits. In fact, passage of the Budget Enforcement Act will not

force any rollback of any tax cut that will already have taken effect. Among the respected groups making this analysis of the bill's impact on taxes is the National Taxpayers Union, which considers a ''yes'' vote to be a key vote for its rating of Members in the 105th Congress.

Some opponents of the Budget Enforcement Act argue that the most serious problem with this bill is that it would jeopardize the tax relief in the budget reconciliation bill. However, I do not view this as a major problem. Any unlikely delay in promised tax relief can be addressed immediately after we balance the budget and secure a budget surplus to enable us to take the Social Security trust funds off-budget.

The Budget Enforcement Act provides a separate cap for Social Security which would be adjusted for changes in numbers of beneficiaries and inflation. Since there are no other factors which can cause Social Security costs to rise, Social Security would not be affected. While the Budget Enforcement Act would not cut Social Security, we want to reassure seniors who will be the target of politically motivated distortion campaigns engineered by advocates of higher Federal spending. As such, the bill's supporters had prepared an amendment specifically to protect the Social Security trust funds.

We received a commitment from the House leadership that this amendment to reassure our Nation's seniors would be made in order during floor debate. Since the Rules Committee violated this pledge with its passage of a closed rule, I intend to vote against the rule on the Budget Enforcement Act. I strongly urge my colleagues to do the same.

Mr. PITTS. Mr. Speaker, Republicans have always maintained that fiscal restraint is the key to balancing our budget and generating economic growth. While liberals have attempted to balance the budget on the backs of taxpaying families, Republicans have continuously worked to get to balance by limiting our Government's size, scope, and spending.

I believe the only way we can balance our Federal budget is with increased tax relief and decreased Government. That is why I am introducing the Tax Relief Guarantee Act today.

The Tax Relief Guarantee Act accomplishes three important goals as we try to ensure tax relief and a balanced budget by the year 2002. First, my bill allows any Member of Congress to stop consideration of a bill which raises taxes to enforce the balanced budget agreement. Second, the Tax Relief Guarantee Act prohibits the suspension or revocation of any tax relief given over the next 5 years. And finally, this legislation requires that the budget be in balance by the year 2002.

The Tax Relief Guarantee Act essentially ensures that any revenue shortfall in the balanced budget agreement be mitigated by decreases in spending, not an increase in taxes or a suspension of tax relief. Liberal still contend that we must balance the budget through tax increases in the event of revenue shortfalls. But I think it's about time that we promise the American people that we will not take their money away if difficulties arise in balancing our budget.

Since the beginning of the 105th Congress, my top priorities have been to provide American families permanent tax relief and to balance the budget by 2002. Members of Congress must prove that we have the courage to put money back into the pockets of hard-working Americans, and take it out of the hands of the Washington bureaucrats. I believe that the Tax Relief Guarantee Act will ensure permanent tax relief, and will require Washington to scale back its frivolous spending. Mr. Speaker, I urge my colleagues to join me in supporting this bill and locking in tax relief for all Americans.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 192, the bill is considered read for amendment, and the previous question is ordered.

The question is on 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.

MOTION TO RECOMMIT OFFERED BY MRS. THURMAN

Mrs. THURMAN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. THURMAN. Yes, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. THURMAN moves to recommit the bill to the Committee on the Budget with instructions to report the bill back to the House forthwith, with the following amendment:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Balanced Budget Assurance Act of 1997''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title and table of contents.
Sec. 2. Definitions.

Title I—Ensure That the Bipartisan Balanced Budget Agreement of 1997 Achieves Its Goal

Sec. 101. Timetable.
Sec. 102. Procedures to avoid sequestration or delay of new revenue reductions.
Sec. 103. Effect on Presidents' budget submissions; point of order.
Sec. 104. Deficit and revenue targets.
Sec. 105. Direct spending caps.
Sec. 106. Economic assumptions.
Sec. 107. Revisions to deficit and revenue targets and to the caps for entitlements and other mandatory spending.

Title II—Enforcement Provisions

Sec. 201. Reporting excess spending.
Sec. 202. Enforcing direct spending caps.
Sec. 203. Sequestration rules.
Sec. 204. Enforcing revenue targets.
Sec. 205. Exempt programs and activities.
Sec. 206. Special rules.
Sec. 207. The current law baseline.
Sec. 208. Limitations on emergency spending.

Title III—Use of Budget Surplus to Preserve Social Security Trust Fund

Sec. 301. Ending Use of Receipts of Social Security Trust Fund for Other Programs and Activities.

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) ELIGIBLE POPULATION.—The term ''eligible population'' shall mean those individuals to whom the United States is obligated to make a payment under the provisions of a law creating entitlement authority. Such term shall not include States, localities, corporations or other nonliving entities.

(2) SEQUESTER AND SEQUESTRATION.—The terms ''sequester'' and ''sequestration'' refer to or mean the cancellation of budgetary resources provided by discretionary appropriations or direct spending law.

(3) BREACH.—The term ''breach'' means, for any fiscal year, the amount (if any) by which outlays for that year (within a category of direct spending) is above that category's direct spending cap for that year.

(4) BASELINE.—The term ''baseline'' means the projection (described in section 207) of current levels of new budget authority, outlays, receipts, and the surplus or deficit into the budget year and the outyears.

(5) BUDGETARY RESOURCES.—The term ''budgetary resources'' means new budget authority, unobligated balances, direct spending authority, and obligation limitations.

(6) DISCRETIONARY APPROPRIATIONS.—The term ''discretionary appropriations'' means budgetary resources (except to fund direct spending programs) provided in appropriation Acts. If an appropriation Act alters the level of direct spending or offsetting collections, that effect shall be treated as direct spending. Classifications of new accounts or activities and changes in classifications shall be made in consultation with the Committees on Appropriations and the Budget of the House of Representatives and the Senate and with CBO and OMB.

(7) DIRECT SPENDING.—The term ''direct spending'' means—

(A) budget authority provided by law other than appropriation Acts, including entitlement authority;

(B) entitlement authority; and

(C) the food stamp program.

If a law other than an appropriation Act alters the level of discretionary appropriations or offsetting collections, that effect shall be treated as direct spending.

(8) ENTITLEMENT AUTHORITY.—The term ''entitlement authority'' means authority (whether temporary or permanent) to make payments (including loans and grants), the budget authority for which is not provided for in advance by appropriation Acts, to any person or government if, under the provisions of the law containing such authority, the United States is obligated to make such payments to persons or governments who meet the requirements established by such law.

(9) CURRENT.—The term ''current'' means, with respect to OMB estimates included with a budget submission under section 1105(a) of title 31 U.S.C., the estimates consistent with the economic and technical assumptions underlying that budget.

(10) ACCOUNT.—The term ''account'' means an item for which there is a designated budget account designation number in the President's budget.

(11) BUDGET YEAR.—The term ''budget year'' means the fiscal year of the Government that starts on the next October 1.

(12) CURRENT YEAR.—The term ''current year'' means, with respect to a budget year, the fiscal year that immediately precedes that budget year.

(13) OUTYEAR.—The term ''outyear'' means, with respect to a budget year, any of the fiscal years that follow the budget year.

(14) OMB.—The term ''OMB'' means the Director of the Office of Management and Budget.

(15) CBO.—The term ''CBO'' means the Director of the Congressional Budget Office.

(16) BUDGET OUTLAYS AND OUTLAYS.—The terms ''budget outlays'' and ''outlays'' mean, with respect to any fiscal year, expenditures

of funds under budget authority during such year.

(17) BUDGET AUTHORITY AND NEW BUDGET AUTHORITY.—The terms ''budget authority'' and ''new budget authority'' have the meanings given to them in section 3 of the Congressional Budget and Impoundment Control Act of 1974.

(18) APPROPRIATION ACT.—The term ''appropriation Act'' means an Act referred to in section 105 of title 1 of the United States Code.

(19) CONSOLIDATED DEFICIT.—The term ''consolidated deficit'' means, with respect to a fiscal year, the amount by which total outlays exceed total receipts during that year.

(20) SURPLUS.—The term ''surplus'' means, with respect to a fiscal year, the amount by which total receipts exceed total outlays during that year.

(21) DIRECT SPENDING CAPS.—The term ''direct spending caps'' means the nominal dollar limits for entitlements and other mandatory spending pursuant to section 105 (as modified by any revisions provided for in this Act).

TITLE I—ENSURE THAT THE BIPARTISAN BALANCED BUDGET AGREEMENT OF 1997 ACHIEVES ITS GOAL

SEC. 101. TIMETABLE.

On or before:	Action to be completed:
January 15	CBO economic and budget update.
First Monday in February.	President's budget update based on new assumptions.
August 1	CBO and OMB updates.
August 15	Preview report.
Not later than November 1 (and as soon as practical after the end of the fiscal).	OMB and CBO Analyses of Deficits, Revenues and Spending Levels and Projections for the Upcoming Year.
November 1–December 15	Congressional action to avoid sequestration.
December 15	OMB issues final (look back) report for prior year and preview for current year.
December 15	Presidential sequester order or order delaying new/additional revenues reductions scheduled to take effect pursuant to reconciliation legislation enacted in calendar year 1997.

SEC. 102. PROCEDURES TO AVOID SEQUESTRATION OR DELAY OF NEW REVENUE REDUCTIONS.

(a) SPECIAL MESSAGE.—If the OMB Analysis of Actual Spending Levels and Projections for the Upcoming Year indicates that—

(1) deficits in the most recently completed fiscal year exceeded, or the deficits in the budget year are projected to exceed, the deficit targets in section 104, as adjusted pursuant to section 107;

(2) revenues in the most recently completed fiscal year were less than, or revenues in the current year are projected to be less than, the revenue targets in section 104, as adjusted pursuant to section 107; or

(3) outlays in the most recently completed fiscal year exceeded, or outlays in the current year are projected to exceed, the caps in section 104, as adjusted pursuant to section 107;

the President shall submit to Congress with the OMB Analysis of Actual Spending Levels and Projections for the Upcoming Year a special message that includes proposed legislative changes to—

(A) offset all or part of net deficit or outlay excess;

(B) offset all or part of any revenue shortfall; or

(C) revise the deficit or revenue targets or the outlay caps contained in this Act;

through any combination of—

(i) reductions in outlays;

(ii) increases in revenues; or

(iii) increases in the deficit targets or expenditure caps, or reductions in the revenue targets, if the President submits a written determination that, because of economic or programmatic reasons, less than the entire amount of the variances from the balanced budget plan should be offset.

(b) INTRODUCTION OF THE PRESIDENT'S PACKAGE.—Not later than November 15, the message from the President required pursuant to subsection (a) shall be introduced as a joint resolution in the House of Representatives or the Senate by the chairman of its Committee on the Budget. If the chairman fails to do so, after November 15, the joint resolution may be introduced by any Member of that House of Congress and shall be referred to the Committee on the Budget of that House.

(c) HOUSE COMMITTEE ACTION.—The Committee on the Budget, in consultation with the committees of jurisdiction, or, in the case of revenue shortfalls, the Committee on Ways and Means of the House of Representatives shall, by November 15, report a joint resolution containing—

(1) the recommendations in the President's message, or different policies and proposed legislative changes than those contained in the message of the President, to ameliorate or eliminate any excess deficits or expenditures or any revenue shortfalls, or

(2) any changes to the deficit or revenue targets or expenditure caps contained in this Act, except that any changes to the deficit or revenue targets or expenditure caps cannot be greater than the changes recommended in the message submitted by the President.

(d) PROCEDURE IF THE APPROPRIATE COMMITTEE OF THE HOUSE OF REPRESENTATIVES FAILS TO REPORT REQUIRED RESOLUTION.—

(1) AUTOMATIC DISCHARGE OF COMMITTEES ON THE BUDGET OF THE HOUSE.—If the Committee on the Budget of the House of Representatives fails, by November 20, to report a resolution meeting the requirements of subsection (c), the committee shall be automatically discharged from further consideration of the joint resolution reflecting the President's recommendations introduced pursuant to subsection (a), and the joint resolution shall be placed on the appropriate calendar.

(2) CONSIDERATION OF DISCHARGE RESOLUTION IN THE HOUSE.—If the Committee has been discharged under paragraph (1) above, any Member may move that the House of Representatives consider the resolution. Such motion shall be highly privileged and not debatable. It shall not be in order to consider any amendment to the resolution except amendments which are germane and which do not change the net deficit impact of the resolution.

(e) CONSIDERATION OF JOINT RESOLUTIONS IN THE HOUSE.—Consideration of resolutions reported pursuant to subsection (c) or (d) shall be pursuant to the procedures set forth in section 305 of the Congressional Budget Act of 1974 and subsection (d). Notwithstanding subsection (d) and any other rule or order of the House of Representatives or the Senate, it shall be in order to consider amendments to ameliorate any excess spending or revenue shortfalls through different policies and proposed legislation and which do not change the net deficit impact of the resolution.

(f) TRANSMITTAL TO SENATE.—If a joint resolution passes the House of Representatives pursuant to subsection (e), the Clerk of the House of Representatives shall cause the resolution to be engrossed, certified, and transmitted to the Senate within 1 calendar day of the day on which the resolution is passed. The resolution shall be referred to the Senate Committee on the Budget.

(g) REQUIREMENTS FOR SPECIAL JOINT RESOLUTION IN THE SENATE.—The Committee on the Budget, in consultation with the committees of jurisdiction, or, in the case of revenue shortfalls, the Committee on Finance of the Senate shall report not later than December 1—

(1) a joint resolution reflecting the message of the President; or

(2) the joint resolution passed by the House of Representatives, with or without amendment; or

(3) a joint resolution containing different policies and proposed legislative changes than those contained in either the message of the President or the resolution passed by the House of Representatives, to eliminate all or part of any excess deficits or expenditures or any revenue shortfalls, or

(4) any changes to the deficit or revenue targets, or to the expenditure caps, contained in this Act, except that any changes to the deficit or revenue targets or expenditure caps cannot be greater than the changes recommended in the message submitted by the President.

(h) PROCEDURE IF THE APPROPRIATE COMMITTEE OF THE SENATE FAILS TO REPORT REQUIRED RESOLUTION.—(1) In the event that the Committee on the Budget of the Senate fails, by December 1, to report a resolution meeting the requirements of subsection (g), the committee shall be automatically discharged from further consideration of the joint resolution reflecting the President's recommendations introduced pursuant to subsection (a) and of the resolution passed by the House of Representatives, and both joint resolutions shall be placed on the appropriate calendar.

(2) Any member may move that the Senate consider the resolution passed by the House of Representatives or the resolution introduced pursuant to subsection (b).

(i) CONSIDERATION OF JOINT RESOLUTION IN THE SENATE.—Consideration of resolutions reported pursuant to subsections (c) or (d) shall be pursuant to the procedures set forth in section 305 of the Congressional Budget Act of 1974 and subsection (d).

(j) PROCEDURE IF JOINT RESOLUTION DOES NOT ELIMINATE DEFICIT EXCESS.—If the joint resolution reported by the Committee on the Budget, Way and Means, or Finance pursuant to subsection (c) or (g) or a joint resolution discharged in the House of Representatives or the Senate pursuant to subsection (d)(1) or (h) would eliminate less than—

(1) the entire amount by which actual or projected deficits exceed, or revenues fall short of, the targets in this Act; or

(2) the entire amount by which actual or projected outlays exceed the caps contained in this Act;

then the Committee on the Budget of the Senate shall report a joint resolution, raising the deficit targets or outlay caps, or reducing the revenue targets for any year in which actual or projected spending, revenues or deficits would not conform to the deficit and revenue targets or expenditure caps in this Act.

(k) CONFERENCE REPORTS SHALL FULLY ADDRESS DEFICIT EXCESS.—It shall not be in order in the House of Representatives or the Senate to consider a conference report on a joint resolution to eliminate all or part of any excess deficits or outlays or to eliminate all or part of any revenue shortfall compared to the deficit and revenue targets and the expenditure caps contained in this Act, unless—

(1) the joint resolution offsets the entire amount of any overage or shortfall; or

(2) the House of Representatives and Senate both pass the joint resolution reported pursuant to subsection (j)(2).

The vote on any resolution reported pursuant to subsection (j)(2) shall be solely on the subject of changing the deficit or revenue targets or the expenditure limits in this Act.

SEC. 103. EFFECT ON PRESIDENTS' BUDGET SUBMISSIONS; POINT OF ORDER.

(a) BUDGET SUBMISSION.—Any budget submitted by the President pursuant to section 1105(a) of title 31, United States Code, for each of fiscal years 1998 through 2002 shall be consistent with the spending, revenue, and deficit levels established in sections 104 and 105, as adjusted pursuant to section 107, or it shall recommend changes to those levels

(b) POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget unless it is consistent with the spending, revenue, and deficit levels established in sections 104 and 105, as adjusted pursuant to section 107.

SEC. 104. DEFICIT AND REVENUE TARGETS.

(a) CONSOLIDATED DEFICIT (OR SURPLUS) TARGETS.—For purposes of sections 102 and 107, the consolidated deficit targets shall be—

(1) for fiscal year 1998, $90,500,000,000;
(2) for fiscal year 1999, $89,700,000,000;
(3) for fiscal year 2000, $83,000,000,000;
(4) for fiscal year 2001, $53,300,000,000; and
(5) for fiscal year 2002, there shall be a surplus of not less than $1,400,000,000.

(b) CONSOLIDATED REVENUE TARGETS.—For purposes of sections 102, 107, 201, and 204, the consolidated revenue targets shall be—

(1) for fiscal year 1998, $1,601,800,000,000;
(2) for fiscal year 1999, $1,664,200,000,000;
(3) for fiscal year 2000, $1,728,100,000,000;
(4) for fiscal year 2001, $1,805,100,000,000; and
(5) for fiscal year 2002, $1,890,400,000,000.

SEC. 105. DIRECT SPENDING CAPS.

(a) IN GENERAL.—Effective upon submission of the report by OMB pursuant to subsection (c), direct spending caps shall apply to all entitlement authority except for undistributed offsetting receipts and net interest outlays, subject to adjustments for changes in eligible populations and inflation pursuant to section 107. For purposes of enforcing direct spending caps under this Act, each separate program shown in the table set forth in subsection (d) shall be deemed to be a category.

(b) BUDGET COMMITTEE REPORTS.—Within 30 days after enactment of this Act, the Budget Committees of the House of Representatives and the Senate shall file with their respective Houses identical reports containing account numbers and spending levels for each specific category.

(c) REPORT BY OMB.—Within 30 days after enactment of this Act, OMB shall submit to the President and each House of Congress a report containing account numbers and spending limits for each specific category.

(d) CONTENTS OF REPORTS.—All direct spending accounts not included in these reports under separate categories shall be included under the heading ''Other Entitlements and Mandatory Spending''. These reports may include adjustments among the caps set forth in this Act as required below, however the aggregate amount available under the ''Total Entitlements and Other Mandatory Spending'' cap shall be identical in each such report and in this Act and shall be deemed to have been adopted as part of this Act. Each such report shall include the actual amounts of the caps for each year of fiscal years 1998 through 2002 consistent with the concurrent resolution on the budget for FY 1998 for each of the following categories:

Earned Income Tax Credit,
Family Support,
Civilian and other Federal retirement:
Military retirement,
Food stamps,
Medicaid,
Medicare,
Social security,
Supplemental security income,
Unemployment compensation,
Veterans' benefits,
Other entitlements and mandatory spending, and
Aggregate entitlements and other mandatory spending.

(e) ADDITIONAL SPENDING LIMITS.—Legislation enacted subsequent to this Act may include additional caps to limit spending for specific programs, activities, or accounts with these categories. Those additional caps (if any) shall be enforced in the same manner as the limits set forth in such joint explanatory statement.

SEC. 106. ECONOMIC ASSUMPTIONS.

Subject to periodic reestimation based on changed economic conditions or changes in eligible population, determinations of the direct spending caps under section 105, any breaches of such caps, and actions necessary to remedy such breaches shall be based upon the economic assumptions set forth in the joint explanatory statement of managers accompanying the concurrent resolution on the budget for fiscal year 1998 (House Concurrent Resolution 84, 105th Congress). At the same time as the submission of the report by OMB pursuant to section 104(c), OMB shall submit to the President and Congress a report setting forth the economic assumptions in the joint explanatory statement of managers accompanying the concurrent resolution on the budget for fiscal year 1998 and the assumptions regarding eligible populations used in preparing the report submitted pursuant to section 104(c).

SEC. 107. REVISIONS TO DEFICIT AND REVENUE TARGETS AND TO THE CAPS FOR ENTITLEMENTS AND OTHER MANDATORY SPENDING.

(a) AUTOMATIC ADJUSTMENTS TO DEFICIT AND REVENUE TARGETS AND TO CAPS FOR ENTITLEMENTS AND OTHER MANDATORY SPENDING.—When the President submits the budget under section 1105(a) of title 31, United States Code, and upon submission of the OMB report pursuant to section 201(a) for any year, OMB shall calculate (in the order set forth below), and the budget and reports shall include, adjustments to the deficit and revenue targets, and to the direct spending caps (and those limits as cumulatively adjusted) for the current year, the budget year, and each outyear, to reflect the following:

(1) CHANGES TO REVENUE TARGETS.—

(A) CHANGES IN GROWTH.—For Federal revenues and deficits under laws and policies enacted or effective before July 1, 1997, growth adjustment factors shall equal the ratio between the level of year-over-year Gross Domestic Product, as adjusted by the chain-weighted GDP deflator measured for the fiscal year most recently completed and the applicable estimated level for that year as described in section 106.

(B) CHANGES IN INFLATION.—For Federal revenues and deficits under laws and policies enacted or effective before July 1, 1997, inflation adjustment factors shall equal the ratio between the level of year-over-year change in the Consumer Price Index measured for the fiscal year most recently completed and the applicable estimated level for that year as described in section 106.

(2) ADJUSTMENTS TO DIRECT SPENDING CAPS.—

(A) CHANGES IN CONCEPTS AND DEFINITIONS.—The adjustments produced by changes in concepts and definitions shall equal the baseline levels of new budget authority and outlays using up-to-date concepts and definitions minus those levels using the concepts and definitions in effect before such changes. Such changes in concepts and definitions may only be made in consultation with the Committees on Appropriations, the Budget, and Government Reform and Oversight and Governmental Affairs of the House of Representatives and the Senate.

(B) CHANGES IN NET OUTLAYS.—Changes in net outlays for all programs and activities exempt from sequestration under section 204.

(C) CHANGES IN INFLATION.—For direct spending under laws and policies enacted or effective on or before July 1, 1997, inflation adjustment factors shall equal the ratio between the level of year-over-year change in the Consumer Price Index measured for the fiscal year most recently completed and the applicable estimated level for that year as described in section 106 (relating to economic assumptions). For direct spending under laws and policies enacted or effective after July 1, 1997, there shall be no adjustment to the direct spending caps (for changes in economic conditions including inflation, nor for changes in numbers of eligible beneficiaries) unless—

(i) the Act or the joint explanatory statement of managers accompanying such Act providing new direct spending includes economic projections and projections of numbers of beneficiaries; and

(ii) such Act specifically provides for automatic adjustments to the direct spending caps in section 105 based on those projections.

(D) CHANGES IN ELIGIBLE POPULATIONS.—For direct spending under laws and policies enacted or effective on or before July 1, 1997, the direct spending caps shall be adjusted to reflect changes in eligible populations, based on the assumptions set forth in the OMB report submitted pursuant to section 106. In making such adjustments, OMB shall estimate the changes in spending resulting from the change in eligible populations. For direct spending under laws and policies enacted or effective after July 1, 1997, there shall be no adjustment to the direct spending caps for changes in numbers of eligible beneficiaries unless—

(i) the Act or the joint explanatory statement of managers accompanying such Act providing new direct spending includes economic projections and projections of numbers of beneficiaries; and

(ii) such Act specifically provides for automatic adjustments to the direct spending caps in section 105 based on those projections.

(E) INTRA-BUDGETARY PAYMENTS.—From discretionary accounts to mandatory accounts. The baseline and the discretionary spending caps shall be adjusted to reflect those changes.

(b) CHANGES TO DEFICIT TARGETS.—The deficit targets in section 104 shall be adjusted to reflect changes to the revenue targets or changes to the caps for entitlements and other mandatory spending pursuant to subsection (a).

(c) PERMISSIBLE REVISIONS TO DEFICIT AND REVENUE TARGETS AND DIRECT SPENDING CAPS.—Deficit and revenue targets and direct spending caps as enacted pursuant to sections 104 and 105 may be revised as follows: Except as required pursuant to subsection (a) and (b), deficit, revenue, and direct spending caps may only be adjusted by recorded vote. It shall be a matter of highest privilege in the House of Representatives and the Senate for a Member of the House of Representatives or the Senate to insist on a recorded vote solely on the question of amending such caps. It shall not be in order for the Committee on Rules of the House of Representatives to report a resolution waiving the provisions of this subsection. This subsection may be waived in the Senate

only by an affirmative vote of three-fifths of the Members duly chosen and sworn.

TITLE II—ENFORCEMENT PROVISIONS

SEC. 201. REPORTING EXCESS SPENDING.

(a) ANALYSIS OF ACTUAL DEFICIT, REVENUE, AND SPENDING LEVELS.—As soon as practicable after any fiscal year, OMB shall compile a statement of actual and projected deficits, revenues, and direct spending for that year and the current fiscal year. The statement shall identify such spending by categories contained in section 105.

(b) ESTIMATE OF NECESSARY SPENDING REDUCTION.—Based on the statement provided under subsection (a), the OMB shall issue a report to the President and the Congress on December 15 of any year in which such statement identifies actual or projected deficits, revenues, or spending in the current or immediately preceding fiscal years in violation of the revenue targets or direct spending caps in section 104 or 105, as adjusted pursuant to section 107, by more than one-tenth of one percent of the applicable total revenues or direct spending for such year. The report shall include:

(1) The amount, if any, that total direct spending exceeded, or is projected to exceed, the aggregate direct spending cap in section 105, as adjusted pursuant to section 107.

(2) All instances in which actual direct spending has exceeded the applicable direct spending cap.

(3) The difference between the amount of spending available under the direct spending caps for the current year and estimated actual spending for the categories associated with such caps.

(4) The amounts by which direct spending shall be reduced in the current fiscal year to offset the net amount that actual direct spending in the preceding fiscal year and projected direct spending in the current fiscal year exceeds the amounts available for each cap category.

SEC. 202. ENFORCING DIRECT SPENDING CAPS.

(a) PURPOSE.—This subtitle provides enforcement of the direct spending caps on categories of spending established pursuant to section 105. This section shall apply for any fiscal year in which the statement provided under section 201 identifies actual direct spending in the preceding fiscal year or projected direct spending in the current year in excess of the aggregate direct spending cap, as adjusted pursuant to section 107.

(b) GENERAL RULES.—

(1) ELIMINATING A BREACH.—Each non-exempt account within a category shall be reduced by a dollar amount calculated by multiplying the baseline level of sequestrable budgetary resources in that account at that time by the uniform percentage necessary to eliminate a breach within that category.

(2) PROGRAMS, PROJECTS, OR ACTIVITIES.—Except as otherwise provided, the same percentage sequestration shall apply to all programs, projects and activities within a budget account.

(3) INDEFINITE AUTHORITY.—Except as otherwise provided, sequestration in accounts for which obligations are indefinite shall be taken in a manner to ensure that obligations in the fiscal year of a sequestration and succeeding fiscal years are reduced, from the level that would actually have occurred, by the applicable sequestration percentage or percentages.

(4) CANCELLATION OF BUDGETARY RESOURCES.—Budgetary resources sequestered from any account other than an trust, special or revolving fund shall revert to the Treasury and be permanently canceled.

(5) IMPLEMENTING REGULATIONS.—Notwithstanding any other provision of law, administrative rules or similar actions implementing any sequestration shall take effect within 30 days after that sequestration.

SEC. 203. SEQUESTRATION RULES.

(a) GENERAL RULES.—For programs subject to direct spending caps:

(1) TRIGGERING OF SEQUESTRATION.—Sequestration is triggered if total direct spending subject to the caps in the preceding fiscal year and projected direct spending subject to the caps in the current fiscal year exceeds the total of aggregate caps for direct spending for the current and immediately preceding fiscal year.

(2) CALCULATION OF REDUCTIONS.—The amount to be sequestered from direct spending programs under each separate cap shall be determined by multiplying the total amount that direct spending in that category exceeded or is projected to exceed the direct spending cap for that category by—

(A) the net amount that total direct spending exceeded, or is projected to exceed, the aggregate spending caps, as identified pursuant to paragraph 201(b)(1); multiplied by

(B) the net amount that direct spending by which the category exceeded and is projected to exceed the direct spending cap for that category, divided by the net amount that total spending exceeded and is projected to exceed the applicable direct spending cap for all categories in which spending exceeds the applicable direct spending caps.

(3) UNIFORM PERCENTAGES.—In calculating the uniform percentage applicable to the sequestration of all spending programs or activities within each category, or the uniform percentage applicable to the sequestration of nonexempt direct spending programs or activities, the sequestrable base for direct spending programs and activities is the total level of outlays for the fiscal year for those programs or activities in the current law baseline.

(4) PERMANENT SEQUESTRATION OF DIRECT SPENDING.—Obligations in sequestered direct spending accounts shall be reduced in the fiscal year in which a sequestration occurs and in all succeeding fiscal years. Notwithstanding any other provision of this section, after the first direct spending sequestration, any later sequestration shall reduce direct spending by an amount in addition to, rather than in lieu of, the reduction in direct spending in place under the existing sequestration or sequestrations.

(5) SPECIAL RULE.—For any direct spending program in which—

(A) outlays pay for entitlement benefits;

(B) a current-year sequestration takes effect after the 1st day of the budget year;

(C) that delay reduces the amount of entitlement authority that is subject to sequestration in the budget; and

(D) the uniform percentage otherwise applicable to the budget-year sequestration of a program or activity is increased due to the delay;

then the uniform percentage shall revert to the uniform percentage calculated under paragraph (3) when the budget year is completed.

(6) INDEXED BENEFIT PAYMENTS.—If, under any entitlement program—

(A) benefit payments are made to persons or governments more frequently than once a year; and

(B) the amount of entitlement authority is periodically adjusted under existing law to reflect changes in a price index (commonly called ''cost of living adjustments'');

sequestration shall first be applied to the cost of living adjustment before reductions are made to the base benefit. For the first fiscal year to which a sequestration applies, the benefit payment reductions in such programs accomplished by the order shall take effect starting with the payment made at the beginning of January following a final sequester. For the purposes of this subsection, veterans' compensation shall be considered a program that meets the conditions of the preceding sentence.

(7) LOAN PROGRAMS.—For all loans made, extended, or otherwise modified on or after any sequestration under loan programs subject to direct spending caps—

(A) the sequestrable base shall be total fees associated with all loans made extended or otherwise modified on or after the date of sequestration; and

(B) the fees paid by borrowers shall be increased by a uniform percentage sufficient to produce the dollar savings in such loan programs for the fiscal year or years of the sequestrations required by this section.

Notwithstanding any other provision of law, in any year in which a sequestration is in effect, all subsequent fees shall be increased by the uniform percentage and all proceeds from such fees shall be paid into the general fund of the Treasury.

(8) INSURANCE PROGRAMS.—Any sequestration of a Federal program that sells insurance contracts to the public (including the Federal Crop Insurance Fund, the National Insurance Development Fund, the National Flood Insurance fund, insurance activities of the Overseas Private Insurance Corporation, and Veterans' Life insurance programs) shall be accomplished by increasing premiums on contracts entered into extended or otherwise modified, after the date a sequestration order takes effect by the uniform sequestration percentage. Notwithstanding any other provision of law, for any year in which a sequestration affecting such programs is in effect, subsequent premiums shall be increased by the uniform percentage and all proceeds from the premium increase shall be paid from the insurance fund or account to the general fund of the Treasury.

(9) STATE GRANT FORMULAS.—For all State grant programs subject to direct spending caps—

(A) the total amount of funds available for all States shall be reduced by the amount required to be sequestered; and

(B) if States are projected to receive increased funding in the budget year compared to the immediately preceding fiscal year, sequestration shall first be applied to the estimated increases before reductions are made compared to actual payments to States in the previous year—

(i) the reductions shall be applied first to the total estimated increases for all States; then

(ii) the uniform reduction shall be made from each State's grant; and

(iii) the uniform reduction shall apply to the base funding levels available to states in the immediately preceding fiscal year only to the extent necessary to eliminate any remaining excess over the applicable direct spending cap.

(10) SPECIAL RULE FOR CERTAIN PROGRAMS.—Except matters exempted under section 205 and programs subject to special rules set forth under section 206 and notwithstanding any other provisions of law, any sequestration required under this Act shall reduce benefit levels by an amount sufficient to eliminate all excess spending identified in the report issued pursuant to section 201, while maintaining the same uniform percentage reduction in the monetary value of benefits subject to reduction under this subsection.

(b) WITHIN-SESSION SEQUESTER.—If a bill or resolution providing direct spending for the current year is enacted before July 1 of that fiscal year and causes a breach within any direct spending cap for that fiscal year, 15 days later there shall be a sequestration to eliminate that breach within that cap.

SEC. 204. ENFORCING REVENUE TARGETS.

(a) PURPOSE.—This section enforces the revenue targets established pursuant to section 104. This section shall apply for any year in which actual revenues in the preceding fiscal year or projected revenues in the current year are less than the applicable revenue target, as adjusted pursuant to section 107.

(b) ESTIMATE OF NECESSITY TO SUSPEND NEW REVENUE REDUCTIONS.—Based on the statement provided under section 201(a), OMB shall issue a report to the President and the Congress on December 15 of any year in which such statement identifies actual or projected revenues in the current or immediately preceding fiscal years lower than the applicable revenue target in section 104, as adjusted pursuant to section 107, by more than 0.1 percent of the applicable total revenue target for such year. The report shall include—

(1) all laws and policies described in subsection (c) which would cause revenues to decline in the calendar year which begins January 1 compared to the provisions of law in effect on December 15;

(2) the amounts by which revenues would be reduced by implementation of the provisions of law described in paragraph (1) compared to provisions of law in effect on December 15; and

(3) whether delaying implementation of the provisions of law described in paragraph (1) would cause the total for revenues in the current fiscal year and actual revenues in the immediately preceding fiscal year to equal or exceed the total of the targets for the applicable years.

(c) NO CREDITS, DEDUCTIONS, EXCLUSIONS, PREFERENTIAL RATE OF TAX, ETC.—(1) If any provision of the Internal Revenue Code of 1986 added by the Revenue Reconciliation Act of 1997 establishing or increasing any credit, deduction, exclusion, or eligibility limit or reducing any rate would (but for this section) first take effect in a tax benefit suspension year, and would reduce revenues over the 5-year period beginning with the tax benefit suspension year, such provision shall not take effect until the first calendar year which is not a tax benefit suspension year.

(2) SUSPENSION OF INDEXATION.—No new adjustment for inflation shall be made to any credit, deduction, or exclusion enacted as part of the Revenue Reconciliation Act of 1997 in a tax benefit suspension year.

(d) END OF SESSION.—If the OMB report issued under subsection (a) indicates that the total revenues projected in the current year and actual revenues in the immediately preceding year will equal or exceed the applicable targets, the President shall sign an order ending the delayed phase-in of new tax cuts effective January 1. Such order shall provide that the new tax cuts and adjustments for inflation shall take effect as if the provisions of this section had not taken effect.

(e) SUSPENSION OF NEW BENEFITS BEING PHASED IN.—If, under any provision of the Internal Revenue Code of 1986 added by the Revenue Reconciliation Act of 1997, there is an increase in any benefit which would (but for this section) take effect with respect to a tax benefit suspension year, in lieu of applying subsection (c)—

(1) any increase in the benefit under such section with respect to such year and each subsequent calendar year shall be delayed 1 calendar year, and

(2) the level of benefit under such section with respect to the prior calendar year shall apply to such tax benefit suspension year.

(f) PERCENTAGE SUSPENSION WHERE FULL SUSPENSION UNNECESSARY TO ACHIEVE REVENUE TARGET.—If the application of subsections (c), (d), and (e) to any tax benefit suspension year would result in total revenues in the current year to equal or exceed the targets described in section 104 such that the amount of each benefit which is denied is only the percentage of such benefit which is necessary to result in revenues equal to such target. Such percentage shall be determined by OMB, and the same percentage shall apply to such benefits.

(g) TAX BENEFIT SUSPENSION YEAR.—For purposes of this section, the term ''tax benefit suspension year'' means any calendar year if the statement issued under subsection (b) during the preceding calendar year indicates that—

(1) for the fiscal year ending in such preceding calendar year, actual revenues were lower than the applicable revenue target in section 104, as adjusted pursuant to section 106, for such fiscal year by more than 1 percent of such target, or

(2) for the fiscal year beginning in such preceding calendar year, projected revenues (determined without regard to this section) are estimated to be lower than the applicable revenue target in section 104, as adjusted pursuant to section 106, for such fiscal year by more than 0.1 percent of such target.

SEC. 205. EXEMPT PROGRAMS AND ACTIVITIES.

The following budget accounts, activities within accounts, or income shall be exempt from sequestration—

(1) net interest;

(2) all payments to trust funds from excise taxes or other receipts or collections properly creditable to those trust funds;

(3) offsetting receipts and collections;

(4) all payments from one Federal direct spending budget account to another Federal budget account;

(5) all intragovernmental funds including those from which funding is derived primarily from other Government accounts;

(6) expenses to the extent they result from private donations, bequests, or voluntary contributions to the Government;

(7) nonbudgetary activities, including but not limited to—

(A) credit liquidating and financing accounts;

(B) the Pension Benefit Guarantee Corporation Trust Funds;

(C) the Thrift Savings Fund;

(D) the Federal Reserve System; and

(E) appropriations for the District of Columbia to the extent they are appropriations of locally raised funds;

(8) payments resulting from Government insurance, Government guarantees, or any other form of contingent liability, to the extent those payments result from contractual or other legally binding commitments of the Government at the time of any sequestration;

(9) the following accounts, which largely fulfill requirements of the Constitution or otherwise make payments to which the Government is committed—

Bureau of Indian Affairs, miscellaneous trust funds, tribal trust funds (14–9973–0–7–999);

Claims, defense;

Claims, judgments and relief act (20–1895–0–1–806);

Compact of Free Association, economic assistance pursuant to Public Law 99-658 (14–0415–0–1–806);

Compensation of the President (11–0001–0–1–802);

Customs Service, miscellaneous permanent appropriations (20–9992–0–2–852);

Eastern Indian land claims settlement fund (14–2202–0–1–806);

Farm Credit System Financial Assistance Corporation, interest payments (20–1850–0–1–351);

Internal Revenue collections of Puerto Rico (20–5737–0–2–852);

Payments of Vietnam and USS Pueblo prisoner-of-war claims (15–0104–0–1–153):

Payments to copyright owners (03–5175–0–2–376);

Salaries of Article III judges (not including cost of living adjustments);

Soldier's and Airman's Home, payment of claims (84–8930–0–7–705);

Washington Metropolitan Area Transit Authority, interest payments (46–0300–0–1–401);

(10) the following noncredit special, revolving, or trust-revolving funds—

Exchange Stabilization Fund (20–4444–0–3–155); and

Foreign Military Sales trust fund (11–82232–0–7–155).

SEC. 206. SPECIAL RULES.

(a) CHILD SUPPORT ENFORCEMENT PROGRAM.—Any sequestration order shall accomplish the full amount of any required reduction in payments under sections 455 and 458 of the Social Security Act by reducing the Federal matching rate for State administrative costs under the program, as specified (for the fiscal year involved) in section 455(a) of such Act, to the extent necessary to reduce such expenditures by that amount.

(b) COMMODITY CREDIT CORPORATION.—

(1) EFFECTIVE DATE.—For the Commodity Credit Corporation, the date on which a sequestration order takes effect in a fiscal year shall vary for each crop of a commodity. In general, the sequestration order shall take effect when issued, but for each crop of a commodity for which 1-year contracts are issued as an entitlement, the sequestration order shall take effect with the start of the sign-up period for that crop that begins after the sequestration order is issued. Payments for each contract in such a crop shall be reduced under the same terms and conditions.

(2) DAIRY PROGRAM.—

(A) As the sole means of achieving any reduction in outlays under the milk price-support program, the Secretary of Agriculture shall provide for a reduction to be made in the price received by producers for all milk in the United States and marketed by producers for commercial use.

(B) That price reduction (measured in cents per hundred-weight of milk marketed) shall occur under subparagraph (A) of section 201(d)(2) of the Agricultural Act of 1949 (7 U.S.C. 1446(d)(2)(A)), shall begin on the day any sequestration order is issued, and shall not exceed the aggregate amount of the reduction in outlays under the milk price-support program, that otherwise would have been achieved by reducing payments made for the purchase of milk or the products of milk under this subsection during that fiscal year.

(3) CERTAIN AUTHORITY NOT TO BE LIMITED.—Nothing in this Act shall restrict the Corporation in the discharge of its authority and responsibility as a corporation to buy and sell commodities in international trade, or limit or reduce in any way any appropriation that provides the Corporation with funds to cover its realized losses.

(c) EARNED INCOME TAX CREDIT.—

(1) The sequestrable base for earned income tax credit program is the dollar value of all current year benefits to the entire eligible population.

(2) In the event sequestration is triggered to reduce earned income tax credits, all earned income tax credits shall be reduced, whether or not such credits otherwise would result in cash payments to beneficiaries, by a uniform percentage sufficient to produce the dollar savings required by the sequestration.

(d) REGULAR AND EXTENDED UNEMPLOYMENT COMPENSATION.—

(1) A State may reduce each weekly benefit payment made under the regular and extended unemployment benefit programs for

any week of unemployment occurring during any period with respect to which payments are reduced under any sequestration order by a percentage not to exceed the percentage by which the Federal payment to the State is to be reduced for such week as a result of such order.

(2) A reduction by a State in accordance with paragraph (1) shall not be considered as a failure to fulfill the requirements of section 3304(a)(11) of the Internal Revenue Code of 1986.

(e) FEDERAL EMPLOYEES HEALTH BENEFITS FUND.— For the Federal Employees Health Benefits Fund, a sequestration order shall take effect with the next open season. The sequestration shall be accomplished by annual payments from that Fund to the General Fund of the Treasury. Those annual payments shall be financed solely by charging higher premiums. The sequestrable base for the Fund is the current-year level of gross outlays resulting from claims paid after the sequestration order takes effect.

(f) FEDERAL HOUSING FINANCE BOARD.— Any sequestration of the Federal Housing Board shall be accomplished by annual payments (by the end of each fiscal year) from that Board to the general fund of the Treasury, in amounts equal to the uniform sequestration percentage for that year times the gross obligations of the Board in that year.

(g) FEDERAL PAY.—

(1) IN GENERAL.— New budget authority to pay Federal personnel from direct spending accounts shall be reduced by the uniform percentage calculated under section 203(c)(3), as applicable, but no sequestration order may reduce or have the effect of reducing the rate of pay to which any individual is entitled under any statutory pay system as increased by any amount payable under section 5304 of title 5, United States Code, or any increase in rates of pay which is scheduled to take effect under section 5303 of title 5, United States Code, section 1109 of title 37, United States Code, or any other provision of law.

(2) DEFINITIONS.—For purposes of this subsection—

(A) the term ''statutory pay system'' shall have the meaning given that term in section 5302(1) of title 5, United States Code;

term ''elements of military pay'' means—

(i) the elements of compensation of members of the uniformed services specified in section 1009 of title 37, United States Code;

(ii) allowances provided members of the uniformed services under sections 403(a) and 405 of such title; and

(iii) cadet pay and midshipman pay under section 203(c) of such title; and

(C) the term ''uniformed services'' shall have the same meaning given that term in section 101(3) of title 37, United States Code.

(h) MEDICARE.—

(1) IN GENERAL.—Any sequestration shall accomplish 90% of the required reduction by reductions in payments for services under title XVIII of the Social Security Act and +10% of the required reduction through increases in beneficiary premiums under part B of title XVIII of the Social Security Act.

(2) TIMING OF APPLICATION OF REDUCTIONS.—

(A) IN GENERAL.— Except as provided in subparagraph (B), if a reduction is made in payment amounts pursuant to sequestration order, the reduction shall be applied to payment for services furnished after the effective date of the order. For purposes of the previous sentence, in the case of inpatient services furnished for an individual, the services shall be considered to be furnished on the date of the individual's discharge from the inpatient facility.

(B) PAYMENT ON THE BASIS OF COST REPORTING PERIODS.— In the case in which payment for services of a provider of services is made under title XVIII of the Social Security Act on a basis relating to the reasonable cost incurred for the services during a cost reporting period of the provider, if a reduction is made in payment amounts pursuant to a sequestration order, the reduction shall be applied to payment for costs for such services incurred at any time during each cost reporting period of the provider any part of which occurs after the effective date of order, but only (for each such cost reporting period) in the same proportion as the fraction of the cost reporting period that occurs after the effective date of the order.

(3) NO INCREASE IN BENEFICIARY CHARGES IN ASSIGNMENT-RELATED CASES.—If a reduction in payment amounts is made pursuant to a sequestration order for services for which payment under part B of title XVIII of the Social Security Act is made on the basis of an assignment described in section 1842(b)(3)(B)(ii), in accordance with section 1842(b)(6)(B), or under the procedure described in section 1870(f)(1) of such Act, the person furnishing the services shall be considered to have accepted payment of the reasonable charge for the services, less any reduction in payment amount made pursuant to a sequestration order, as payment in full.

(4) PART B PREMIUMS.—In computing the amount and method, part B premiums shall be increased by a percentage to be determined by dividing 10% of the amount that medicare spending exceeds the applicable cap by the total amount of all premium collections. All beneficiary premiums shall be increased by the percentage calculated pursuant to the preceding sentence, except that no increase in the premium shall result in a reduction in social security benefit payments to any beneficiary.

(5) NO EFFECT ON COMPUTATION OF AAPCC.— In computing the adjusted average per capita cost for purposes of section 1876(a)(4) of the Social Security Act, the Secretary of Health and Human Services shall not take into account any reductions in payment amounts which have been or may be effected under this part.

(i) POSTAL SERVICE FUND.— Any sequestration of the Postal Service Fund shall be accomplished by annual payments from that Fund to the General Fund of the Treasury, and the Postmaster General of the United States and shall have the duty to make those payments during the first fiscal year to which the sequestration order applies and each succeeding fiscal year. The amount of each annual payment shall be—

(1) the uniform sequestration percentage, times

(2) the estimated gross obligations of the Postal Service Fund in that year other than those obligations financed with an appropriation for revenue forgone that year.

Any such payment for a fiscal year shall be made as soon as possible during the fiscal year, except that it may be made in installments within that year if the payment schedule is approved by the Secretary of the Treasury. Within 30 days after the sequestration order is issued, the Postmaster General shall submit to the Postal Rate Commission a plan for financing the annual payment for that fiscal year and publish that plan in the Federal Register. The plan may assume efficiencies in the operation of the Postal Service, reductions in capital expenditures, increases in the prices of services, or any combination, but may not assume a lower Fund surplus or higher Fund deficit and shall follow the requirements of existing law governing the Postal Service in all other respects. Within 30 days of the receipt of that plan, the Postal Rate Commission shall approve the plan or modify it in the manner that modifications are allowed under current law. If the Postal Rate Commission does not respond to the plan within 30 days, the plan submitted by the Postmaster General shall go into effect. Any plan may be later revised by the submission of a new plan to the Postal Rate Commission, which may approve or modify it.

(j) POWER MARKETING ADMINISTRATIONS AND T.V.A.— Any sequestration of the Department of Energy power marketing administration funds or the Tennessee Valley Authority fund shall be accomplished by annual payments from those funds to the General Fund of the Treasury, and the administrators of those funds shall have the duty to make those payments during the fiscal year to which the sequestration order applies and each succeeding fiscal year. The amount of each payment by a fund shall be—

(1) the direct spending uniform sequestration percentage, times

(2) the estimated gross obligations of the fund in that year other than those obligations financed from discretionary appropriations for that year.

Any such payment for a fiscal year shall be made as soon as possible during the fiscal year, except that it may be made in installments within that year if the payment schedule is approved by the Secretary of the Treasury. Annual payments by a fund may be financed by reductions in costs required to produce the pre-sequester amount of power (but those reductions shall not include reductions in the amount of power supplied by the fund), by reductions in capital expenditures, by increases in tax rates, or by any combination, but may not be financed by a lower fund surplus, a higher fund deficit, additional borrowing, delay in repayment of principal on outstanding debt and shall follow the requirements of existing law governing the fund in all other respects. The administrator of a fund or the TVA Board is authorized to take the actions specified in this subsection in order to make the annual payments to the Treasury.

(k) BUSINESS-LIKE TRANSACTIONS.—Notwithstanding any other provision of law, for programs which provide a business-like service in exchange for a fee, sequestration shall be accomplished through a uniform increase in fees (sufficient to produce the dollar savings in such programs for the fiscal year of the sequestration required by section 201(a)(2), all subsequent fees shall be increased by the same percentage, and all proceeds from such fees shall be paid into the general fund of the Treasury, in any year for which a sequester affecting such programs are in effect.

SEC. 207. THE CURRENT LAW BASELINE.

(a) SUBMISSION OF REPORTS.—CBO and OMB shall submit to the President and the Congress reports setting forth the budget baselines for the budget year and the next nine fiscal years. The CBO report shall be submitted on or before January 15. The OMB report shall accompany the President's budget.

(b) DETERMINATION OF THE BUDGET BASELINE.—(1) The budget baseline shall be based on the common economic assumptions set forth in section 106, adjusted to reflect revisions pursuant to subsection (c).

(2) The budget baseline shall consist of a projection of current year levels of budget authority, outlays, revenues and the surplus or deficit into the budget year and the relevant outyears based on current enacted laws as of the date of the projection.

(3) For discretionary spending items, the baseline shall be the spending caps in effect pursuant to section 601(a)(2) of the Congressional Budget Act of 1974. For years for which there are no caps, the baseline for discretionary spending shall be the same as the last year for which there were statutory caps.

(4) For all other expenditures and for revenues, the baseline shall be adjusted by comparing unemployment, inflation, interest rates, growth and eligible population for the most recent period for which actual data are available, compared to the assumptions contained in section 107.

(c) REVISIONS TO THE BASELINE.—The baseline shall be adjusted for up-to-date economic assumptions for all reports issued pursuant to section 107 of this Act and section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 208. LIMITATIONS ON EMERGENCY SPENDING.

(a) IN GENERAL.—(1) Within the discretionary caps for each fiscal year contained in this Act, an amount shall be withheld from allocation to the appropriate committees of the House of Representatives and of the Senate and reserved for natural disasters and other emergency purposes.

(2) Such amount for each such fiscal year shall not be less than 1 percent of total budget authority and outlays available within those caps for that fiscal year.

(3) No adjustments shall be made to the discretionary spending limits under section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 unless the amount appropriated for discretionary accounts that have been designated as emergency requirements exceed the amount reserved pursuant to paragraph (1). Any adjustment shall be limited to the amount that total appropriations designated as emergency requirements for the fiscal year exceeds the amount reserved pursuant to paragraph (1).

(4) The amounts reserved pursuant to this subsection shall be made available for allocation to such committees only if—

(A) the President has made a request for such disaster funds;

(B) the programs to be funded are included in such request; and

(C) the projected obligations for unforeseen emergency needs exceed the 10-year rolling average annual expenditures for existing programs included in the Presidential request for the applicable fiscal year.

(5) Notwithstanding any other provision of law—

(A) States and localities shall be required to maintain effort and ensure that Federal assistance payments do not replace, subvert or otherwise have the effect of reducing regularly budgeted State and local expenditures for law enforcement, firefighting, road construction and maintenance, building construction and maintenance or any other category of regular government expenditure (to ensure that Federal disaster payments are made only for incremental costs directly attributable to unforeseen disasters, and do not replace or reduce regular State and local expenditures for the same purposes);

(B) the President may not take administrative action to waive any requirement for States or localities to make minimum matching payments as a condition or receiving Federal disaster assistance or take administrative action to waive all or part of any repayment of Federal loans for the State or local matching share required as a condition of receiving Federal disaster assistance. This clause shall apply to all matching share requirements and loans to meet matching share requirements under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and any other Acts pursuant to which the President may declare a disaster or disasters and States and localities otherwise qualify for Federal disaster assistance; and

(C) a two-thirds vote in each House of Congress shall be required for each emergency to reduce or waive the State matching requirement or to forgive all or part of loans for the State matching share as required under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

(b) EFFECT BUDGET RESOLUTIONS.—(1) All concurrent resolutions on the budget (including revisions) shall specify the amount of new budget authority and outlays within the discretionary spending cap that shall be withheld from allocation to the committees and reserved for natural disasters, and a procedure for releasing such funds for allocation to the appropriate committee. The amount withheld shall be equal to 1 percent of the total discretionary spending cap for fiscal year covered by the resolution, unless additional amounts are specified.

(2) The procedure for allocation of the amounts pursuant to paragraph (1) shall ensure that the funds are released for allocation only pursuant to the conditions contained in subsection (a)(3)(A) through (C).

(c) RESTRICTION ON USE OF FUNDS.—Notwithstanding any other provision of law, the amount reserved pursuant to subsection (a) shall not be available for other than emergency funding requirements for particular natural disasters or national security emergencies so designated by Acts of Congress.

(d) NEW POINT OF ORDER.—(1) Title IV of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

''POINT OF ORDER REGARDING EMERGENCIES

''SEC. 408. It shall not be in order in the House of Representatives or the Senate to consider any bill or joint resolution, or amendment thereto or conference report thereon, containing an emergency designation for purposes of section 251(b)(2)(D) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 or of section 208 of the Budget Enforcement Act of 1997 if it also provides an appropriation or direct spending for any other item or contains any other matter, but that bill or joint resolution, amendment, or conference report may contain rescissions of budget authority or reductions of direct spending, or that amendment may reduce amounts for that emergency.''.

(2) The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 407 the following new item:

''Sec. 408. Point of order regarding emergencies.''.

TITLE III—USE OF BUDGET SURPLUS TO PRESERVE SOCIAL SECURITY TRUST FUND

SEC. 301. ENDING USE OF RECEIPTS OF SOCIAL SECURITY TRUST FUND FOR OTHER PROGRAMS AND ACTIVITIES.

(a) If, in any year, revenues are higher than the targets in Section 104, as adjusted pursuant to Section 107, or spending is lower than the caps in Section 105, as adjusted, and the deficits are lower than the targets in Section 105, as adjusted pursuant to Section 107, those amounts shall be applied pursuant to subsection (b).

(b) All funds described in subsection (a) up to $100 billion shall be used to reduce the consolidated budget deficit and, to the extent that funds are available to eliminate the consolidated budget deficit, to retire the outstanding debt of the United States Government held by the public.

(c) Any use of funds described in subsection (a) for any purpose other than provided in subsection (b) shall be subject to the requirements of Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, and any reduction in the amounts described in subsection (a) shall be considered as an increase in the deficit.

(d) When the President submits the budget under section 1105(a) of Title 31, United States Code for any year, OMB shall adjust the Social Security Trust Fund surpluses for each year under this Section, based on the most recent estimates of such surpluses to be provided to OMB by the Secretary of the Treasury.

Mrs. THURMAN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida [Mrs. THURMAN] is recognized for 5 minutes in support of her motion to recommit.

Mr. NUSSLE. Mr. Speaker, I reserve a point of order against the motion to recommit.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. NUSSLE] reserves a point of order.

The Chair recognizes the gentlewoman from Florida [Mrs. THURMAN] for 5 minutes.

Mrs. THURMAN. Mr. Speaker, after the Republican leadership promised to bring this bill to the floor, it was reviewed, as many bills are, by many experts in the various committees and outside organizations who have pointed out several problems in the bill. As a firm supporter of the concept behind this legislation, I believe it is extremely important to correct these problems. I strongly support the principle behind this legislation. We should enforce the budget agreement to ensure that this budget agreement delivers on the promise of a balanced budget.

Everyone in this body agrees that the best thing we can do for working men and women is to ensure that we actually balance the budget. If we do not add legislation enforcing the budget agreement, we could repeat the history of past failed efforts to balance the budget. Because this issue is so important, we should correct these problems so that we can pass an enforcement bill that does not have these problems.

This motion to recommit would correct the unintended problems with the bill that have been pointed out by many of its critics. This motion makes several important improvements to the bill:

First, it begins the process of restoring the integrity of the Social Security trust fund by reserving the first hundred billion dollars of any surplus to take the Social Security trust fund off budget.

Second, it protects Medicare beneficiaries by addressing the concern that Medicare beneficiaries would bear an unreasonable burden of sequestration.

Third, it protects the jurisdiction of the Committee on Ways and Means over enforcement of the revenue provisions.

Finally, it makes several other technical corrections to correct unanticipated problems with this bill.

This motion is in an effort to ensure that the legislation that the House

votes on today is our best effort on this issue. We should not ever vote on legislation that we all know has problems. We should fix those problems with this legislation before we vote on it.

So I agree with the gentleman from Iowa [Mr. NUSSLE]. We should recommit this bill, we should take it back to the committees, we should look at the issues that have been raised here and issues of outside critics, and we should adopt this motion to recommit.

Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. NEUMANN].

Mr. NEUMANN. Mr. Speaker, first off, I would like to also commend the Republican leadership for keeping their word and bringing this bill to the floor. The most important part, in my opinion, of this motion to recommit that is being made here is that we will start to address the Social Security issue. This has gone on since 1983 that this extra money that is being taken out of the paychecks of hardworking Americans that was supposed to be set aside to preserve and protect Social Security, it is going into the general fund, and it is being spent on other Government programs instead of being put aside to preserve and protect Social Security.

This motion to recommit would instruct the committee to take the first hundred billion dollars of surplus and actually start reserving it for Social Security so that when the time comes in the year 2012 that there is not enough money to make good on the promises to our senior citizens, the money would then be available if this motion to recommit were sent back and then the bill were passed and signed into law.

So in my opinion, the most important part of this is that we would start to address a very serious problem facing this Nation, and that is that the money that is supposed to be set aside for Social Security in this savings account, it is not there. It is IOU;s. And under this movement we would force this Government to actually start setting aside money so that Social Security once again would be safe and secure for our senior citizens.

Mrs. THURMAN. Mr. Speaker, I yield to the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Speaker, I would like to thank the gentlewoman for yielding this time to me.

We have had a great deal of discussion today about the inadequacy of the rule, and I am pleased to be able to report that in this motion to recommit we address the problem with the rule and the bill that was offered as a substitute is now available for a vote.

This is a bill that was revised to take into account the criticisms that came from both sides of the aisle to try to make this a better bill. The critics are saying we are looking for the perfect bill. I have heard this over and over in this institution. But let us not make the perfect enemy of the good.

At the same time, let us recognize that if we want any type of enforcement mechanism that deals with the revenue side and the entitlement programs, that we have to move this legislation through the House of Representatives to the conference committee.

This motion to recommit gives us the best shot at providing the conference committee on the reconciliation bills with our best product at this point in time. If it is important to us in the House of Representatives to see the budget balanced and kept in balance, let us move the process ahead.

The SPEAKER pro tempore. All time has expired for the gentlewoman from Florida [Mrs. THURMAN].

Does the gentleman from Iowa [Mr. NUSSLE] insist on his point of order?

Mr. NUSSLE. Mr. Speaker, I withdraw my reservation on the point of order, and I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. NUSSLE] is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, I told you so. There were problems with this bill, and what happened? Here at the last minute, in a rush, without any consideration, without any light of day, without any committee process, without any disclosure to the other side, without any chance for the committees of jurisdiction to look at it, in comes the rushed motion to recommit. Just like my dad used to when as a family we used to go in and raid the refrigerator. We used to call it ''oosh-cum-noosht.'' This is ''oosh-cum-noosht''; that is what this is.

□ 1315

That is what this is. People came out and they said, hey, I know, we can fix Social Security. Let us put in this little provision. We can fix veterans. Let us put in this provision. We can fix Medicare. Let us put in this provision. It does not have enough teeth here. It has too much teeth there. Let us rush in and let us do this, because we want to make sure that in fact we are able to improve this particular piece of legislation at the last minute in a way to save the reform process.

Mr. Speaker, we do not need to save the reform process in this particular motion to recommit. The reform process has a strong foundation, laid very carefully by my good friends and colleagues that have spoken here today. That reform process will go forward. It must. If we are going to save this country from rampant deficits and national debt and bankrupt Social Security and many other problems that face this Nation, we have to go through the entire process, not a rushed bill, not a quick fix, not a quick address of the problems we heard within the debate with a motion to recommit. We have to come in and we have to go through the careful consideration and hearings and processes in order to get this job done.

First we had it down here and we heard there was too much teeth. Then the advertising changed and it was, do not worry about it, there are no teeth. Then we come in and find there are even less teeth. We find out that Social Security is not going to quite have as much teeth, Medicare will not have as much teeth, the spending sequestrations are not going to have as much teeth. Is this really reform?

Mr. Speaker, we need to have a careful process to go through in order to get this job done. This motion to recommit clearly does not even come close to that. I think the effort was admirable. The result missed the mark. This is only the first shot in an effort to reform the budget process. While it missed the mark, it will be heard throughout this Congress, throughout the committees. We will reform the budget process; not today.

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

Mr. NUSSLE. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Speaker, I appreciate the gentleman yielding to me.

Again, it seems to me like we ought to have some kind of a multiple choice test on this thing, based on the debate today, there is so much confusion about it.

I guess what I would say is this. This was advertised as a perfect product on June 25. We were going to bring this forward and we were going to vote on it as part of the deal then. The point was that a commitment was made for an up-or-down vote on that package, the June 25 package. The deal was an up-or-down vote on that. That is what we have brought to the floor today. It is what has been discussed.

As we said at the time, it was not ready. It is not ripe. This is too complex, it is too technical, there are too many people involved in it. We need to work it out through the normal process. We have a commitment from Chairman SOLOMON, we have a commitment from Chairman ARCHER, we have a commitment from Chairman KASICH to go forward in the regular process to do this the right way.

Trying to write budget reform and budget enforcement at this point in a motion to recommit on the floor is insanity. We all know it. Let the process work. The pledges are there, the commitments are there, the homework is there, the record is there, the good will and commitment and bright ideas of all the people who have brought this forward are there.

Not only that, we have a whole bunch of people, of organizations, that have suddenly woken up to this and said this is a very poor way to do this, because they have been listening to the debate and they have been understanding that, oh, my gosh, all of a sudden there may be a need for an exemption from the enforcement.

We have the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, the Paralyzed Veterans of America, AMVETS, Retired Enlisted Association, Blinded Veterans Association, Noncommissioned Officers

Association, Military Order of Purple Heart, Jewish War Veterans, Retired Officers, Fleet Reserve, the AARP, and a whole bunch of other people out there saying, hold on, there is a problem. This is not the way to do this.

Mr. Speaker, I would urge that we defeat the motion to recommit, we defeat H.R. 2003, and we simply go about the normal process of getting on with budget reform.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. NUSSLE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage.

The vote was taken by electronic device, and there were—yeas 148, nays 279, answered ''present'' 1, not voting 6, as follows:

[Roll No. 300]

YEAS—148

Abercrombie
Allen
Andrews
Baesler
Ballenger
Barcia
Barrett (WI)
Barton
Bass
Bentsen
Bilirakis
Bishop
Blumenauer
Boswell
Boyd
Brady
Brown (CA)
Brown (FL)
Camp
Campbell
Canady
Carson
Castle
Chabot
Chenoweth
Clement
Clyburn
Coburn
Combest
Condit
Cramer
Danner
Davis (FL)
Deal
DeFazio
Deutsch
Doggett
Dooley
Doyle
Duncan
Edwards
Eshoo
Etheridge
Farr
Forbes
Fox
Furse
Ganske
Gilchrest
Goode
Gordon
Green
Greenwood
Gutknecht
Hall (TX)
Hamilton
Harman
Hefner
Hill
Hilliard
Hinojosa
Holden
Hooley
Horn
Houghton
Hunter
Inglis
Jefferson
John
Johnson (WI)
Kanjorski
Kaptur
Kind (WI)
Kleczka
Klug
Lampson
Lantos
Largent
LaTourette
Lazio
Leach
Luther
Maloney (CT)
Maloney (NY)
Manton
McCarthy (MO)
McCarthy (NY)
McCollum
McHale
McIntosh
McIntyre
McKinney
Meehan
Miller (CA)
Minge
Mink
Moran (VA)
Morella
Murtha
Neumann
Ney
Norwood
Paxon
Pease
Peterson (MN)
Pickett
Porter
Portman
Ramstad
Regula
Riggs
Roemer
Ros-Lehtinen
Rush
Sanchez
Sandlin
Sanford
Schaefer, Dan
Schaffer, Bob
Scott
Sherman
Shimkus
Sisisky
Skaggs
Smith, Adam
Smith, Linda
Stabenow
Stearns
Stenholm
Stupak
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thompson
Thurman
Turner
Upton
Visclosky
Wamp
Weldon (PA)
Weller
Wexler
Weygand
Woolsey
Yates

NAYS—279

Ackerman
Aderholt
Archer
Armey
Bachus
Baker
Baldacci
Barr
Barrett (NE)
Bartlett
Bateman
Becerra
Bereuter
Berman
Berry
Bilbray
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Cannon
Capps
Cardin
Chambliss
Christensen
Clay
Clayton
Coble
Collins
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Crane
Crapo
Cubin
Cummings
Cunningham
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLauro
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Gutierrez
Hall (OH)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hostettler
Hoyer
Hulshof
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Latham
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Manzullo
Markey
Martinez
Mascara
Matsui
McCrery
McDade
McDermott
McGovern
McHugh
McInnis
McKeon
McNulty
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Moakley
Molinari
Mollohan
Moran (KS)
Myrick
Nadler
Neal
Nethercutt
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Redmond
Reyes
Riley
Rivers
Rodriguez
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sanders
Sawyer
Saxton
Scarborough
Schumer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stokes
Strickland
Stump
Sununu
Thomas
Thornberry
Thune
Tiahrt
Tierney
Torres
Towns
Traficant
Velazquez
Vento
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
White
Whitfield
Wicker
Wise
Wolf
Wynn
Young (FL)

ANSWERED ''PRESENT''—1

Ensign

NOT VOTING—6

Gonzalez
Hutchinson
Pallone
Schiff
Stark
Young (AK)

☐ 1344

Mrs. LOWEY and Messrs. RAHALL, SMITH of Michigan, JACKSON of Illinois, NEAL of Massachusetts, OBERSTAR, GEPHARDT, KENNEDY of Massachusetts, MCNULTY, GEJDENSON, HASTINGS of Florida, KILDEE, BROWN of Ohio, WISE, BORSKI, VENTO, RODRIGUEZ, REYES, and ROTHMAN, Ms. ROYBAL-ALLARD, and Messrs. DIAZ-BALART, SCHUMER, ORTIZ, OWENS, MATSUI, TOWNS, and ENGEL, Ms. SLAUGHTER, Mr. PAYNE, Mr. HINCHEY, Ms. DEGETTE, and Messrs. RANGEL, DICKS, and ACKERMAN changed their vote from ''yea'' to ''nay.''

Ms. WOOLSEY, Ms. FURSE, Mr. RIGGS, Mrs. CHENOWETH, Ms. KAPTUR, and Messrs. WELDON of Pennsylvania, SHIMKUS, BOB SCHAFFER of Colorado, LAMPSON, and SANDLIN changed their vote from ''nay'' to ''yea.''

☐ 1345

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BONILLA). 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. BARTON of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 81, noes 347, not voting 6, as follows:

[Roll No. 301]

AYES—81

Andrews
Ballenger
Barcia
Barrett (WI)
Barton
Bass
Bliley
Blumenauer
Blunt
Boyd
Brady
Campbell
Castle
Chambliss
Coburn
Combest
Condit
Davis (FL)
DeFazio
Deutsch
Doggett
Dooley
Doyle
Duncan
Ehlers
Fawell
Forbes
Gekas
Goode
Goodling
Graham
Gutknecht
Hall (TX)
Hamilton
Harman
Hefner
Hoekstra
Horn
Houghton
Inglis
John
Kind (WI)
Kingston
Klug
Kolbe
Largent
Livingston
Luther
McHale
McInnis
McIntyre
McKinney
Meehan
Minge
Morella
Neumann
Norwood
Peterson (MN)
Petri
Porter
Ramstad
Regula
Roemer
Rohrabacher
Royce
Sanchez
Sanford
Schaffer, Bob
Sensenbrenner
Sisisky
Smith (TX)
Stenholm
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Turner
Upton
Visclosky
Wamp

NOES—347

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Barr
Barrett (NE)
Bartlett
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Chabot
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Collins
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doolittle
Dreier
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
King (NY)
Kleczka
Klink
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHugh
McIntosh
McKeon
McNulty
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Redmond
Reyes
Riggs
Riley
Rivers
Rodriguez
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schumer
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Velazquez
Vento
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—6

Gonzalez
Hutchinson
Pallone
Schiff
Stark
Young (AK)

□ 1354

Mrs. CHENOWETH, Mr. STUPAK, and Mr. CRAPO changed their vote from ''aye'' to ''no.''

So the bill was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 2169, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 189 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 189

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. 2169) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI, clause 7 of rule XXI, or section 401(a) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived except as follows: on page 4, line 1, through line 6; beginning with '', of which'' on page 10, line 20, through ''Fund'' on line 22; on page 52, line 8, through line 15; on page 53, line 3, through page 65, line 6. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. The amendments specified in section 2 of this resolution shall be considered as adopted in the House and in the Committee of the Whole. During consideration of the bill for further 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. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. 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.

SEC. 2. The amendments considered as adopted in the House and in the Committee of the Whole are as follows—

(1) page 31, line 24, strike ''Staten Island-Midtown Ferry service project'' and insert ''St. George Ferry terminal project''; and

(2) page 60, strike line 13 and all that follows through page 65, line 3, and redesignate the following section accordingly.

□ 1400

The SPEAKER pro tempore (Mr. BONILLA). The gentlewoman from North Carolina [Mrs. MYRICK] is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York [Mrs. SLAUGHTER], pending which I yield myself such time as I may consume. During consideration of this resolution, all time is yielded for the purpose of debate only.

On Thursday, July 17, the Committee on Rules met and granted an open rule by voice vote for the consideration of H.R. 2169, the Transportation and Related Agencies Appropriation Act for fiscal year 1998. The rule waives clause 2(L)(6) of rule XI relating to the 3-day availability of the report, clause 7 of rule XXI relating to the 3-day availability of preprinted hearings and section 401(a) prohibiting consideration of legislation containing contract authority not previously subject to appropriation of the Congressional Budget Act against consideration of the bill.

The rule provides for 1 hour of general debate equally divided between the chairman and ranking member of the Committee on Appropriations. It waives clause 6 of rule XXI prohibiting reappropriations in an appropriations bill against provisions in the bill and clause 2 of rule XXI prohibiting unauthorized provisions in an appropriations bill against provisions in the bill, except as otherwise specified in the rule.

An amendment related to the St. George Ferry Terminal project printed in section 2 of this resolution shall be considered as adopted upon passage of this resolution.

The rule also strikes from the bill expedited procedures related to the total

realignment of the Amtrak Commission because it falls under the jurisdiction of the Committee on Rules and should not be included in an appropriations bill before it has been properly considered by the Committee on Rules.

Priority recognition will be provided to those Members who have preprinted their amendments in the CONGRESSIONAL RECORD. The Chairman of the Committee of the Whole may postpone votes during consideration of the bill and reduce votes to 5 minutes on a postponed question if the vote follows a 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, an effective and well-integrated transportation infrastructure has long been one of our Nation's greatest assets. It has enabled us to foster a diverse and expansive economy and made it possible for families to travel easily around the Nation and the world. Each region of the country has distinct needs with regard to transportation.

Each year, we in this House are tasked with the responsibility of guaranteeing that our vast transportation network does not slide into disrepair. I congratulate the Appropriations Subcommittee on Transportation for the fine work they have done on this bill. The gentleman from Virginia [Mr. WOLF], the chairman, and the gentleman from Minnesota [Mr. SABO], the ranking member, worked very hard to make sure that the bill fairly and effectively distributed needed funds across the Nation. They produced a good bill with bipartisan support, and I urge my colleagues to support it.

I also realize that some in this House may have different views on this important issue that they would like to express. That is why I am also happy that this bill will be considered under an open rule so that open and honest debate can be carried out.

This bill is another step toward achieving a balanced budget, but it does not sacrifice the needs and safety of the traveling public. The need for new and improved highway systems connecting our Nation's cities with emerging suburban centers and more rural areas increases every year. H.R. 2169 includes a 20-percent increase in highway funding that is desperately needed.

I am particularly aware of this problem because it is one that I faced while serving as mayor of Charlotte, NC. The growth that we are experiencing in Charlotte is typical of many emerging cities throughout the South and the Nation.

The disaster of TWA flight 800 last year focused a great deal of concern on air travel safety in the United States. Like all of my colleagues and millions of Americans, I spend a great deal of time in the air. Safe air transportation is important not only for commerce but also for a growing number of families on vacations.

Safety issues are a key component of H.R. 2169. The bill increases funding for the FAA, including the installation of airport security devices, alert systems to prevent runway collisions, and improved weather detection and forecasting systems. It also increases FAA personnel by adding 500 air traffic controllers and 326 staff members responsible for safety certification and regulation.

Unfortunately, too many Americans lose their lives on our Nation's highways each year. It seems like every news report during Christmas, Thanksgiving, and other holidays always includes stories about the number of fatalities. Of course, those stories are not limited to holidays, it happens every day.

This bill provides $333 million to programs designed to help reduce those numbers and includes a new prelicensing drug testing program and critical airbag safety initiative. To many, Amtrak is a vital link to work and family, particularly in the Northeast. H.R. 2169 increases capital appropriations to the embattled rail line by $30 million over last year. It also provides a $75 million increase for Amtrak's Northeast corridor improvement program.

The Coast Guard has long been a partner in the war on drugs. They must enforce Federal laws on the high seas and other waterways within its jurisdiction. There has been an increase in drug trafficking in the waters off the United States. The Coast Guard works diligently to put a stop to that activity. Perhaps the most important part of this bill increases funding for the Coast Guard's operating expenses to target efforts to interdict ocean drug trafficking.

I again congratulate the Committee on Appropriations on a fine bill and ask that my colleagues support its passage and the open rule under which it will be debated.

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentlewoman from North Carolina [Mrs. MYRICK] for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, while I do not oppose this open rule, I do have some serious concerns about the impact of the underlying bill on Amtrak. This passenger rail system is vital to the economic needs of millions of train passengers and thousands of communities across the Nation, including my own community in upstate New York.

The bill provides a total of $793 million for Amtrak in fiscal year 1998, but only $283 million of that will go for operating costs. This is the lowest operating budget in 20 years for Amtrak and represents a cut of $61 million below the administration's request for operations. A cut of this size could make Amtrak's cash problems insurmountable. According to Amtrak President Thomas Downs, Amtrak could go bankrupt within a year. Amtrak is already borrowing to go meet the payroll and may soon reach its commercial borrowing limits.

By failing to provide the necessary funding in this bill to allow Amtrak to meet its existing obligations, we are placing at risk 23,000 American jobs. Moreover, we risk losing this essential transportation and economic resource forever.

If that happens, under current law, the Federal Government would be responsible for an estimated $6 billion in costs associated with closing Amtrak. These include the costs of the unemployment benefits, the C–2 label protections, tax revenue losses, and $2.3 billion in debt to public and private investors. I am not convinced that this Congress has fully considered the ramification of dropping this potentially massive liability into the laps of the U.S. taxpayer or the economic consequences on our communities if they were to lose Amtrak.

In the past 2 years, Amtrak has increased ridership and revenues, cut costs, and made important investments to modernize its aging train fleet. While much work remains to be done, unfortunately this bill does not do enough to ensure that Amtrak has the operating resources it needs to remain an economically viable transportation option for the community it serves.

While I have that major reservation about the underlying bill, Mr. Speaker, I urge my colleagues to support this open rule.

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

Mrs. MYRICK. Mr. Speaker, I yield as much time as he may consume to the gentleman from Florida [Mr. GOSS].

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

Mr. GOSS. Mr. Speaker, I thank the gentlewoman from North Carolina [Mrs. MYRICK], a valued member of the Committee on Rules, for yielding me the time.

I rise in support of this fair and open rule. Mr. Speaker, transportation funding is obviously a very important issue to every Member and for all the States in our country, and for growth States like Florida it has a special meaning. And southwest Florida is one of the fastest growing areas in the country and one of the nicest, and it will continue to be fast growing.

In my districts, our roads and airports are stretched nearly to capacity by an ever-increasing flow of new residents and tourists. In the past, we have had some very serious concerns about the inequities in highway funding in ISTEA, our funding program. We certainly are not going to get into the fairness issue today related to the distribution of the gas tax. But I am pleased that we are going to be dividing a bigger transportation pie this year, I think that matters a lot, nearly 20 percent bigger I understand for highway spending. I think that is very good news for America.

Even with the current funding inequities, this bigger pie of $21.5 billion

will mean more dollars for transportation priorities in fast-growth areas like Florida. In the short term, this will help improve safety on our roads and make long overdue improvements, which are obviously needed for those who have been using those infrastructure areas.

In the long term, we are going to be looking for a greater share. And in Florida we say our fair share is the formulas that we find in the upcoming ISTEA reauthorization process.

But today I am also pleased that the bill provides $1.7 billion for the airport improvement program. Southwest Florida International Airport is the third fastest growing airport in the country, and other airports nearby, like Naples and Immokalee, are also feeling the pressure of increased trade and traffic. Without Federal support available through the AIP to supplement local and State funding, these airports simply cannot respond to the need for capacity expansion programs for upgraded air traffic systems and for the runway improvements that we need for safety.

The committee has wisely increased funding levels for this program despite the opposition of the Clinton administration, and I am grateful to the committee.

Another issue on the minds of my constituents is the drug war, and it should be on the minds of all Americans. A major component of that struggle, the war on drugs, must be increased funding for drug interdiction efforts by the U.S. Coast Guard. We all know that. Everybody who reads the newspaper, watches television, draws a breath in this country, and opens their eyes and listens a little bit understands what a valuable role the Coast Guard has in drug interdiction.

Last week, a hearing was held in the Subcommittee on National Security, International Affairs, and Criminal Justice of the Committee on Government Reform and Oversight on the increase in narcotics traffic just through the State of Florida, a serious issue for Florida, obviously, with consequences for the whole Nation. The good news from that hearing is that the different agencies in the war on drugs are increasing coordination so that in south Florida the Drug Enforcement Agency, the Customs Service, and the Coast Guard are all working together. That may sound like a simple thing to say, but it is a hard thing to accomplish. And it is good news when it happens, and it is very effective and it has positive results; and I hope it continues to happen. This legislation ought to help in that direction.

Hopefully, the director of the ONDCP, the so-called drug czar's office, will review the Coast Guard's activities and ensure that these funds that we are providing are being used for their intended purpose of drug interdiction. The Coast Guard must be able to respond on the basis of good intelligence with the interdiction efforts necessary to fight the dangerous inflow of drugs on the high seas before they reach our shores.

I think most people know that the way we get most of these drug busts is through good intelligence, through good tips, through good information, and then we direct the Coast Guard and the other enforcement agencies to go make the bust.

The rest of the time, the random searches and checks just do not have the same kind of success record. I think it is very important that we understand the link between information and the Coast Guard and the money it takes to do enforcement.

I commend the gentleman from Virginia [Mr. WOLF], the chairman, for the work he has done on this bill, and I urge the House to support this fair rule and the bill it makes in order, and I am most thankful for the time.

Mrs. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid upon the table.

□ 1415

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 2169) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes, and that I may be permitted to include, tables, charts, and other extraneous matter.

The SPEAKER pro tempore (Mr. BONILLA). Is there objection to the request of the gentleman from Virginia?

There was no objection.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore. Pursuant to House Resolution 189 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. 2169.

□ 1416

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. 2169) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes, with Mr. BEREUTER 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 Virginia [Mr. WOLF] and the gentleman from Minnesota [Mr. SABO] each will control 30 minutes.

The Chair recognizes the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume. I am pleased to present to the House today H.R. 2169, the fiscal year 1998 transportation appropriations bill.

This bill is the product of a bipartisan effort, and we have endeavored to involve the gentleman from Minnesota [Mr. SABO], the ranking member of the subcommittee. Like last year, I hope this bill will have the overwhelming support of the House today.

Again this year, the No. 1 priority in developing this bill was maintaining and improving safety. In addition, we have placed a high priority on funding for our Nation's infrastructure.

In total, the bill provides $12.48 billion in discretionary budget authority, an increase of $400 million over the 1997 level, and the bill is $10 million over the President's budget request. Outlays mostly needed for transportation infrastructure are up over 4 percent compared to last year. These increases respond to the calls of many Members of this body that sought to increase transportation and infrastructure spending. The bill is $31 million below the subcommittee's allocation for budget authority.

On the safety front, the bill raises funding for Federal Aviation Administration operations by over 8 percent, an increase of over $400 million. This level will fund the requested increase of 500 air traffic controllers and 326 additional staff in certification and regulation. The bill also includes 18 initiatives to improve air safety. These initiatives total $153 million and include additional funds for installing airport surface detection systems, automatic alerting systems to prevent runway collisions and approach lighting systems. Additional funds are provided for research into hazardous weather conditions, aircraft safety, and human factors.

In highway safety, the bill provides more funding for the National Highway Traffic Safety Administration than the President requested. In fiscal year 1998, a total of $333 million is allocated for NHTSA. This organization does critical work in research and public education to make our highways safer. Earlier advances in reducing highway fatalities in this country have flattened out in recent years, and in some States, Mr. Chairman, fatalities are going back up with the repeal of the national speed limit last year and increased alcohol use. These increases will allow the agency to aggressively work on solving the air bag problem and focus more resources on rising alcohol-related highway fatalities. In addition, the bill also includes $9 million for a new occupant protection grant program.

Recognizing the importance of investing in the Nation's infrastructure,

the bill increases funding for the Federal-aid highways program to $21.5 billion. This is an increase, Mr. Chairman, of over $3.5 billion from the 1997 enacted level, or an increase of nearly 20 percent. It is a historic high and represents an increase of $1.3 billion over the assumption in the congressional budget resolution. This answers those who say that the appropriations process and the current budgetary treatment of the trust funds cannot provide increases in highway spending.

Funding for transit capital grants is increased to $2.5 billion, an increase of $350 million, or 16 percent over the 1997 level. Section 3 discretionary capital grants total $2 billion, an increase of 5 percent or $100 million over the previous year. Funding for transit operating assistance, which the administration proposed to eliminate, is reduced to $200 million but it is $200 million above what the administration had requested. Like the highway program, funding for the transit programs is at an all-time high.

Funding for the AIP program is $1.7 billion, an increase of $240 million, or 16 percent. Mr. Chairman, this is 70 percent higher than the budget request of $1 billion.

Funding for the Coast Guard totals $3.9 billion, an increase of $116 million over the 1997 enacted level and $21 million above the President's request. The bill fully funds the Coast Guard's drug interdiction program, of which $34.3 million requires the Office of National Drug Control Policy to certify that these expenditures represent the best investment relative to other possible alternatives.

Funding for Amtrak, Mr. Chairman, totals $793 million, which is $30 million more than in fiscal year 1997 and also $3.5 million above the administration's request. While the bill increases funding above last year's level for Amtrak and in doing so provides funding stability to the railroad, funding alone is not the panacea for Amtrak's financial problems. Comprehensive legislative reform, including unemployment, liability, contracting and labor reforms, must also occur if Amtrak is to address its financial and operating difficulties.

A railroad passenger system is a vital part of a balanced transportation network, and I think most Members of this body want to see Amtrak survive and prosper and thrive and have that opportunity, because with the large country that we have, I think a national rail system is fundamentally important. To that end, the bill establishes an independent commission to conduct an economic assessment of the entire Amtrak system. I regret that the rule does not protect the provisions establishing the commission, and it may be stricken on a point of order. The commission is necessary, since Amtrak's own restructuring efforts have not been as successful as planned and since Congress has mandated that Amtrak continue a number of unprofitable routes.

Modeled after the Base Closing Commission, which was set up to recommend which bases to close, this commission would make recommendations on route closings and realignments needed for the survival of a rail passenger system in the United States. Since these determinations would be made by the commission, painful route closure and realignment choices would be less politicized and the recommendations would then be considered by Congress on an expedited basis.

Finally, the bill is very clean of extraneous provisions. We have tried hard to work with the legislative committees to ensure their support for the bill. There are no major policy changes or time bombs in the bill. For the surface transportation programs authorized by ISTEA, the bill assumes current law and does not presuppose or prejudge the action of the appropriate legislative committees as they consider the reauthorization of ISTEA. In this way the bill can go forward without delay and without needless controversy.

I think it is a balanced bill, it is a bipartisan bill, it is a bill that puts emphasis on our higher responsibility of protecting and enhancing transportation safety. The bill also provides critical investments in our Nation's infrastructure which drives the Nation's economic engine.

In closing, Mr. Chairman, I would like to thank the gentleman from Minnesota [Mr. SABO] for his cooperation. I would also like to thank the following individuals who assisted in developing the fiscal year 1998 Department of Transportation and Related Agencies Appropriations Act. They include John Blazey, Rich Efford, Stephanie Gupta, Linda Muir, Ken Marx, and Cheryl Smith with the minority staff.

I wish to recognize and thank those associate staff members who supported the Members of this House in the preparation and passage of the fiscal year 1998 Transportation and Related Agencies Appropriations bill, H.R. 2169: David Whitestone of my office, Monica Vega-Kladakis of Majority Whip DELAY's office, Connie Veillette of Mr. REGULA's office, Steve Carey of Mr. ROGER's office, Eric Mondero of Mr. PACKARD's office, Todd Rich of Mr. CALLAHAN's office, Joe Cramer of Mr. TIAHRT's office, Mark Zeldon of Mr. ADERHOLT's office, Paul Cambon of Chairman LIVINGSTON's office, Marjorie Duske of Mr. SABO's office, Barbara Zylinski-Mizrahi of Mr. FOGLIETTA's office, Albert Jacquez and Nancy Alcalde of Mr. TORRES' office, David Oliveira of Mr. OLVER's office, Blake Gable of Mr. PASTOR's office, and Paul Carver of Mr. OBEY's office.

Mr. Chairman, I include the following material for the RECORD:

TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 2169)

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I - DEPARTMENT OF TRANSPORTATION					
Office of the Secretary					
Salaries and expenses	52,966,000	56,136,000	60,009,000	+7,043,000	+3,873,000
Office of civil rights	5,574,000	5,574,000	5,574,000		
Transportation planning, research, and development	3,000,000	6,008,000	4,400,000	+1,400,000	-1,608,000
Transportation Administrative Service Center	(124,812,000)		(121,800,000)	(-3,012,000)	(+121,800,000)
Payments to air carriers (Airport and Airway Trust Fund):					
(Liquidation of contract authorization)	(25,900,000)			(-25,900,000)	
(Limitation on obligations)	(25,900,000)			(-25,900,000)	
Rescission of contract authorization	(-12,700,000)	(-38,600,000)	(-38,600,000)	(-25,900,000)	
Rescission	(-1,133,000)			(+1,133,000)	
Rental payments	127,447,000	10,567,000		-127,447,000	-10,567,000
Minority business resource center program	1,900,000	1,900,000	1,900,000		
(Limitation on direct loans)	(15,000,000)	(15,000,000)	(15,000,000)		
Minority business outreach	2,900,000	2,900,000	2,900,000		
Total, Office of the Secretary	193,787,000	83,085,000	74,783,000	-119,004,000	-8,302,000
(Limitations on obligations)	(25,900,000)			(-25,900,000)	
Total budgetary resources	(219,687,000)	(83,085,000)	(74,783,000)	(-144,904,000)	(-8,302,000)
Coast Guard					
Operating expenses	2,319,725,000	2,440,000,000	2,408,000,000	+88,275,000	-32,000,000
Defense function (050)		300,000,000	300,000,000	+300,000,000	
(Transfer from DOD)	(300,000,000)			(-300,000,000)	
Supplemental (P.L. 105-18)	1,600,000			-1,600,000	
Acquisition, construction, and improvements:					
Offsetting collections		-9,000,000	-9,000,000	-9,000,000	
Vessels	216,500,000	186,900,000	191,650,000	-24,850,000	+4,750,000
Aircraft	18,040,000	26,400,000	33,900,000	+15,860,000	+7,500,000
Other equipment	41,700,000	49,700,000	47,050,000	+5,350,000	-2,650,000
Shore facilities & aids to navigation facilities	52,350,000	69,000,000	59,400,000	+7,050,000	-9,600,000
Personnel and related support	46,250,000	47,000,000	47,000,000	+750,000	
Subtotal, A C & I appropriations	374,840,000	370,000,000	370,000,000	-4,840,000	
Environmental compliance and restoration	22,000,000	21,000,000	21,000,000	-1,000,000	
Port Safety Development	5,000,000			-5,000,000	
Alteration of bridges	16,000,000		16,000,000		+16,000,000
Retired pay	608,084,000	645,696,000	645,696,000	+37,612,000	
Supplemental (P.L. 105-18)	9,200,000			-9,200,000	
Reserve training	65,890,000	65,000,000	67,000,000	+1,110,000	+2,000,000
Research, development, test, and evaluation	19,200,000	19,000,000	19,000,000	-200,000	
Boat safety (Aquatic Resources Trust Fund)	35,000,000	50,000,000	35,000,000		-15,000,000
Total, Coast Guard	3,476,539,000	3,910,696,000	3,881,696,000	+405,157,000	-29,000,000
Federal Aviation Administration					
Operations	4,925,500,000	5,036,100,000	5,300,000,000	+374,500,000	+263,900,000
Appropriation of user fees		300,000,000			-300,000,000
Offsetting Collections	-75,000,000			+75,000,000	
Emergency appropriations	(32,400,000)			(-32,400,000)	
Facilities & equipment (Airport & Airway Trust Fund)	1,793,500,000	1,875,000,000	1,875,000,000	+81,500,000	
Emergency appropriations	(144,200,000)			(-144,200,000)	
Research, engineering, and development (Airport and Airway Trust Fund)	187,412,000	200,000,000	185,000,000	-2,412,000	-15,000,000
Emergency appropriations	(21,000,000)			(-21,000,000)	
Grants-in-aid for airports (Airport and Airway Trust Fund):					
(Liquidation of contract authorization)	(1,500,000,000)	(1,500,000,000)	(1,600,000,000)	(+100,000,000)	(+100,000,000)
(Limitation on obligations)	(1,460,000,000)	(1,000,000,000)	(1,700,000,000)	(+240,000,000)	(+700,000,000)
Rescission of contract authorization	(-800,000,000)			(+800,000,000)	
Total, Federal Aviation Administration	6,831,412,000	7,411,100,000	7,360,000,000	+528,588,000	-51,100,000
(Limitations on obligations)	(1,460,000,000)	(1,000,000,000)	(1,700,000,000)	(+240,000,000)	(+700,000,000)
Total budgetary resources	(8,291,412,000)	(8,411,100,000)	(9,060,000,000)	(+768,588,000)	(+648,900,000)
Federal Highway Administration					
Limitation on general operating expenses	(521,114,000)	(494,376,000)	(510,313,000)	(-10,801,000)	(+15,937,000)
Highway-related safety grants (Highway Trust Fund):					
(Liquidation of contract authorization)	(2,049,000)	(4,000,000)		(-2,049,000)	(-4,000,000)
Rescission of contract authority	(-9,100,000)			(+9,100,000)	
Federal-aid highways (Highway Trust Fund):					
(Limitation on obligations)	(18,000,000,000)	(20,170,000,000)	(21,500,000,000)	(+3,500,000,000)	(+1,330,000,000)
Supplemental obligation authority (P.L. 105-18)	(694,810,534)			(-694,810,534)	
(Exempt obligations) (sec. 310 a-d)	(1,783,237,000)	(1,510,571,000)	(1,390,570,000)	(-392,667,000)	(-120,001,000)
(Bonus program) (sec. 310 e)	(241,173,000)		(269,656,000)	(+28,483,000)	(+269,656,000)
(Liquidation of contract authorization)	(19,800,000,000)	(19,800,000,000)	(20,800,000,000)	(+1,000,000,000)	(+1,000,000,000)
Emergency appropriations	(82,000,000)			(-82,000,000)	
Emergency relief program (P.L. 105-18)	(650,000,000)			(-650,000,000)	

TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 2169)—Continued

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Motor carrier safety grants (Highway Trust Fund):					
(Liquidation of contract authorization)	(74,000,000)	(90,000,000)	(85,000,000)	(+11,000,000)	(-5,000,000)
(Limitation on obligations)	(78,225,000)	(100,000,000)	(85,325,000)	(+7,100,000)	(-14,675,000)
Rescission of contract authorization	(-12,300,000)			(+12,300,000)	
State infrastructure banks	150,000,000			-150,000,000	
State infrastructure banks (Highway Trust Fund)		150,000,000			-150,000,000
Transportation infrastructure credit program (Highway Trust Fund)		100,000,000			-100,000,000
Total, Federal Highway Administration	150,000,000	250,000,000		-150,000,000	-250,000,000
(Limitations on obligations)	(18,773,035,534)	(20,270,000,000)	(21,585,325,000)	(+2,812,289,466)	(+1,315,325,000)
(Sec. 310 obligations)	(2,024,410,000)	(1,510,571,000)	(1,660,226,000)	(-364,184,000)	(+149,655,000)
Total budgetary resources	(20,947,445,534)	(22,030,571,000)	(23,245,551,000)	(+2,298,105,466)	(+1,214,980,000)
National Highway Traffic Safety Administration					
Operations and research	80,900,000		74,492,000	-6,408,000	+74,492,000
Operations and research (Highway Trust Fund)	51,712,000	147,500,000	72,415,000	+20,703,000	-75,085,000
Subtotal, Operations and research	132,612,000	147,500,000	146,907,000	+14,295,000	-593,000
Highway traffic safety grants (Highway Trust Fund):					
(Liquidation of contract authorization)	(168,100,000)	(185,000,000)	(186,000,000)	(+17,900,000)	(+1,000,000)
State and community highway safety grants (Sec. 402) (limitation on obligations)	(128,700,000)	(140,200,000)	(140,200,000)	(+11,500,000)	
National Driver Register (Sec. 402) (limitation on obligations)	(2,400,000)	(2,300,000)	(2,300,000)	(-100,000)	
Contract authorization (P.L. 105-18)	2,500,000			-2,500,000	
Highway safety grants (Sec. 1003(a)(7)) (limitation on obligations)	(11,500,000)			(-11,500,000)	
Occupant protection incentive grants (limitation on obligations)		(9,000,000)	(9,000,000)	(+9,000,000)	
Alcohol-impaired driving countermeasures programs (Sec. 410) (limitation on obligations)	(25,500,000)	(34,000,000)	(35,000,000)	(+9,500,000)	(+1,000,000)
Contract authorization (P.L. 105-18)	500,000			-500,000	
Rescission of contract authorization	(-24,800,000)			(+24,800,000)	
Total, National Highway Traffic Safety Admin	135,612,000	147,500,000	146,907,000	+11,295,000	-593,000
(Limitations on obligations)	(168,100,000)	(185,500,000)	(186,500,000)	(+18,400,000)	(+1,000,000)
Total budgetary resources	(303,712,000)	(333,000,000)	(333,407,000)	(+29,695,000)	(+407,000)
Federal Railroad Administration					
Office of the Administrator	16,739,000	20,559,000	19,434,000	+2,695,000	-1,125,000
Railroad safety	51,407,000	57,067,000	56,967,000	+5,560,000	-100,000
Railroad research and development	20,100,000	21,638,000	21,038,000	+938,000	-600,000
Northeast corridor improvement program	175,000,000		250,000,000	+75,000,000	+250,000,000
High-speed rail trainsets and facilities	80,000,000			-80,000,000	
Next generation high speed rail	24,757,000	19,595,000	18,395,000	-6,362,000	-1,200,000
Trust fund share of next generation high-speed rail (Highway Trust Fund): (Liquidation of contract authorization)	(2,855,000)			(-2,855,000)	
Alaska Railroad rehabilitation	10,000,000			-10,000,000	
Rhode Island Rail Development	7,000,000	10,000,000	10,000,000	+3,000,000	
Direct loan financing program	58,680,000			-58,680,000	
Direct loan financing program limitation	(400,000,000)			(-400,000,000)	
Grants to the National Railroad Passenger Corporation:					
Operations	364,500,000		283,000,000	-81,500,000	+283,000,000
Capital	223,450,000		260,000,000	+36,550,000	+260,000,000
Subtotal, Grants to Amtrak	587,950,000		543,000,000	-44,950,000	+543,000,000
Capital grants to the National Railroad Passenger Corporation (Highway Trust Fund)		445,450,000			-445,450,000
(Northeast corridor improvements)		(200,000,000)			(-200,000,000)
(Pennsylvania Station Redevelopment Project)		(23,450,000)			(-23,450,000)
Operating grants to the National Railroad Passenger Corporation (Highway Trust Fund)		344,000,000			-344,000,000
Emergency railroad rehabilitation and repair: Emergency funding (P.L. 105-18)	(18,900,000)			(-18,900,000)	
Total, Federal Railroad Administration	1,031,633,000	918,309,000	918,834,000	-112,799,000	+525,000
Federal Transit Administration					
Administrative expenses	41,497,000		45,738,000	+4,241,000	+45,738,000
Administrative expenses (Highway Trust Fund, Mass Transit Account)		47,018,000			-47,018,000
Formula grants	490,000,000		290,000,000	-200,000,000	+290,000,000
Formula grants (Highway Trust Fund):					
(Limitation on obligations)	(1,659,185,000)		(2,210,000,000)	(+550,815,000)	(+2,210,000,000)
Operating assistance grants	(400,000,000)		(200,000,000)	(-200,000,000)	(+200,000,000)
Subtotal, Formula grants	(2,149,185,000)		(2,500,000,000)	(+350,815,000)	(+2,500,000,000)

TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 2169)—Continued

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Formula programs (Highway Trust Fund, Mass Transit Account):					
(Limitation on obligations)		(3,498,500,000)			(-3,498,500,000)
(Liquidation of contract authorization)		(1,500,000,000)			(-1,500,000,000)
University transportation centers	6,000,000		6,000,000		+6,000,000
Transit planning and research	85,500,000		86,000,000	+500,000	+86,000,000
Metropolitan planning	(39,500,000)		(39,500,000)		(+39,500,000)
Rural transit assistance	(4,500,000)		(4,500,000)		(+4,500,000)
Transit cooperative research	(8,250,000)		(8,250,000)		(+8,250,000)
National planning and research	(22,000,000)		(22,500,000)	(+500,000)	(+22,500,000)
State planning and research	(8,250,000)		(8,250,000)		(+8,250,000)
National transit institute	(3,000,000)		(3,000,000)		(+3,000,000)
Subtotal, Transit planning and research	(85,500,000)		(86,000,000)	(+500,000)	(+86,000,000)
Transit planning and research (Highway Trust Fund, Mass Transit Account)		91,800,000			-91,800,000
Metropolitan planning		(39,500,000)			(-39,500,000)
Transit cooperative research		(8,250,000)			(-8,250,000)
Statewide planning		(8,250,000)			(-8,250,000)
National planning and research		(16,800,000)			(-16,800,000)
National mass transportation institute		(3,000,000)			(-3,000,000)
University transportation centers		(6,000,000)			(-6,000,000)
Advanced Technology Transit Bus		(10,000,000)			(-10,000,000)
Subtotal, Transit planning and research		(91,800,000)			(-91,800,000)
Trust fund share of expenses (Highway Trust Fund) (liquidation of contract authorization)	(1,920,000,000)		(2,210,000,000)	(+290,000,000)	(+2,210,000,000)
Rescission of contract authorization	(-271,000,000)			(+271,000,000)	
Discretionary grants (Highway Trust Fund) (limitation on obligations):					
Fixed guideway modernization	(760,000,000)		(800,000,000)	(+40,000,000)	(+800,000,000)
Bus and bus-related facilities	(380,000,000)		(400,000,000)	(+20,000,000)	(+400,000,000)
New starts	(760,000,000)		(800,000,000)	(+40,000,000)	(+800,000,000)
Subtotal, Discretionary grants	(1,900,000,000)		(2,000,000,000)	(+100,000,000)	(+2,000,000,000)
Rescission of contract authorization	(-588,000,000)			(+588,000,000)	
Major capital investments (Highway Trust Fund, Mass Transit Account) (limitation on obligations)		(650,000,000)			(-650,000,000)
Mass capital investments (Highway Trust Fund, Mass Transit Account) (liquidation of contract authority)		(2,350,000,000)			(-2,350,000,000)
Mass transit capital fund (Highway Trust Fund) (liquidation of contract authorization)	(2,300,000,000)		(2,350,000,000)	(+50,000,000)	(+2,350,000,000)
Washington Metropolitan Area Transit Authority	200,000,000		200,000,000		+200,000,000
Washington Metropolitan Area Transit Authority (Highway Trust Fund, Mass Transit Account)		200,000,000			-200,000,000
Total, Federal Transit Administration	822,997,000	338,818,000	627,738,000	-195,259,000	+288,920,000
(Limitations on obligations)	(3,559,185,000)	(4,148,500,000)	(4,210,000,000)	(+650,815,000)	(+61,500,000)
Total budgetary resources	(4,382,182,000)	(4,487,318,000)	(4,837,738,000)	(+455,556,000)	(+350,420,000)
Saint Lawrence Seaway Development Corporation					
Operations and maintenance (Harbor Maintenance Trust Fund)	10,337,000		11,200,000	+863,000	+11,200,000
Research and Special Programs Administration					
Research and special programs	26,886,000	30,102,000	27,934,000	+1,048,000	-2,168,000
Hazardous materials safety	(15,472,000)		(15,024,000)	(-448,000)	(+15,024,000)
Emergency transportation	(993,000)		(993,000)		(+993,000)
Research and technology	(3,580,000)		(3,596,000)	(+16,000)	(+3,596,000)
Program and administrative support	(6,841,000)		(8,321,000)	(+1,480,000)	(+8,321,000)
Subtotal, research and special programs	(26,886,000)		(27,934,000)	(+1,048,000)	(+27,934,000)
Emergency appropriations	(3,000,000)			(-3,000,000)	
Pipeline safety (Pipeline Safety Fund)	28,460,000	30,660,000	28,186,000	-274,000	-2,474,000
Pipeline safety (Oil Spill Liability Trust Fund)	2,528,000	2,328,000	3,300,000	+772,000	+972,000
Subtotal, Pipeline safety	30,988,000	32,988,000	31,486,000	+498,000	-1,502,000
Emergency preparedness grants: Emergency preparedness fund	200,000	200,000	200,000		
Total, Research and Special Programs Admin	58,074,000	63,290,000	59,620,000	+1,546,000	-3,670,000
Office of Inspector General					
Salaries and expenses	37,900,000	40,889,000	42,000,000	+4,100,000	+1,111,000
Surface Transportation Board					
Salaries and expenses	12,344,000	14,300,000	15,853,000	+3,509,000	+1,553,000
Offsetting collections		-14,300,000	-2,000,000	-2,000,000	+12,300,000

TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 2169)—Continued

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
General Provisions					
Bureau of Transportation Statistics (transfer from Federal-aid Highways)	(25,000,000)	(31,000,000)	(25,000,000)	.....	(-6,000,000)
Transportation Administrative Service Center reduction	-10,000,000	.....	-25,000,000	-15,000,000	-25,000,000
Railroad safety offsetting collections	.....	-60,000,000	.....	.....	+60,000,000
Net total, title I, Department of Transportation	11,983,102,000	13,065,087,000	13,073,031,000	+1,089,929,000	+7,944,000
Appropriations	(12,750,635,000)	(13,103,687,000)	(13,111,631,000)	(+360,996,000)	(+7,944,000)
Rescissions	(-1,719,033,000)	(-38,600,000)	(-38,600,000)	(+1,680,433,000)	.....
Emergency appropriations	(951,500,000)	.....	.....	(-951,500,000)	.....
(Limitations on obligations)	(23,986,220,534)	(25,604,000,000)	(27,681,825,000)	(+3,695,604,466)	(+2,077,825,000)
(Sec. 310 obligations)	(2,024,410,000)	(1,510,571,000)	(1,660,226,000)	(-364,184,000)	(+149,655,000)
Net total budgetary resources	(37,993,732,534)	(40,179,658,000)	(42,415,082,000)	(+4,421,349,466)	(+2,235,424,000)
TITLE II - RELATED AGENCIES					
Architectural and Transportation Barriers Compliance Board					
Salaries and expenses	3,540,000	3,640,000	3,640,000	+100,000	.....
National Transportation Safety Board					
Salaries and expenses	42,407,000	40,000,000	46,000,000	+3,593,000	+6,000,000
Appropriation of user fees	.....	6,000,000	.....	.....	-6,000,000
Emergency appropriations	(6,000,000)	.....	.....	(-6,000,000)	.....
Emergency funding (P.L. 105-18)	(29,859,000)	.....	.....	(-29,859,000)	.....
Emergency fund	.....	1,000,000	1,000,000	+1,000,000	.....
Emergency fund (emergency appropriations)	(1,000,000)	.....	.....	(-1,000,000)	.....
Total, National Transportation Safety Board	42,407,000	47,000,000	47,000,000	+4,593,000	.....
Total, title II, Related Agencies	82,806,000	50,640,000	50,640,000	-32,166,000	.....
Appropriations	(45,947,000)	(50,640,000)	(50,640,000)	(+4,693,000)	.....
Emergency appropriations	(36,859,000)	.....	.....	(-36,859,000)	.....
TITLE III - GENERAL PROVISIONS					
National Civil Aviation Review Commission	2,400,000	.....	.....	-2,400,000	.....
Amtrak route closure and realignment commission	.....	.....	1,000,000	+1,000,000	+1,000,000
Net total appropriations	12,068,308,000	13,115,727,000	13,124,671,000	+1,056,363,000	+8,944,000
Scorekeeping adjustments:					
Emergency appropriations	-289,600,000	.....	.....	+289,600,000	.....
Emergency funding (P.L. 105-18)	-698,759,000	.....	.....	+698,759,000	.....
General provision: Bonuses & awards	-513,604	.....	.....	+513,604	.....
Pipeline safety	1,000,000	.....	1,000,000	.....	+1,000,000
Railroad Safety	-3,000,000	.....	.....	+3,000,000	.....
Total, adjustments	-990,872,604	.....	1,000,000	+991,872,604	+1,000,000
Net grand total	11,077,435,396	13,115,727,000	13,125,671,000	+2,048,235,604	+9,944,000
Appropriations	(12,796,468,396)	(13,154,327,000)	(13,164,271,000)	(+367,802,604)	(+9,944,000)
Rescissions	(-1,719,033,000)	(-38,600,000)	(-38,600,000)	(+1,680,433,000)	.....
(Limitations on obligations)	(23,986,220,534)	(25,604,000,000)	(27,681,825,000)	(+3,695,604,466)	(+2,077,825,000)
(Sec. 310 obligations)	(2,024,410,000)	(1,510,571,000)	(1,660,226,000)	(-364,184,000)	(+149,655,000)
Net grand total budgetary resources	(37,088,065,930)	(40,230,298,000)	(42,467,722,000)	(+5,379,656,070)	(+2,237,424,000)
602B SUMMARY					
Total mandatory and discretionary	11,077,435,396	13,115,727,000	13,125,671,000	+2,048,235,604	+9,944,000
Mandatory	617,284,000	645,696,000	645,696,000	+28,412,000	.....
Discretionary:					
General purposes:					
Defense (050)	.....	300,000,000	300,000,000	+300,000,000	.....
Nondefense	10,460,151,396	12,170,031,000	12,179,975,000	+1,719,823,604	+9,944,000
Total, Discretionary	10,460,151,396	12,470,031,000	12,479,975,000	+2,019,823,604	+9,944,000

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

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

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

Mr. SABO. Mr. Chairman, I rise in support of this bill. Let me start by saying to the gentleman from Virginia [Mr. WOLF] that he has done an outstanding job chairing this committee. I think he ran very good hearings. They were fair, they were to the point, but they were also tough. At times he pushed the administration hard on certain issues. When he did, I thought it was appropriate. He has been fair in writing this bill, and we appreciate that fairness. He has conducted his year as chairman of this subcommittee this year as a real pro. We appreciate the gentleman from Virginia [Mr. WOLF]. He has done great work. He mentioned all the staff, the majority and minority, who worked on this committee. I would share his sentiments toward them. They worked hard, they are knowledgeable, they are open and fair and worked well with each other. I simply say thank you to all of them for myself and for the minority. The majority staff has been very open and very good to work with.

Mr. Chairman, the bill itself is one I intend to vote for. It has important funding for whole hosts of transportation programs and projects throughout the country that make important investment in our country's infrastructure. I must say I have two reservations about the bill, one that I do not expect to change, one that I hope will change as we go through the legislative process.

I am concerned that we are reducing transit operating subsidies to $200 million. That is a significant reduction from the current level of funding. The level of capital assistance has been going down over a period of years. On the other hand, the bill is $200 million more than requested by the administration for operating assistance. The committee mark is significantly better than what the administration has recommended, and for that I am thankful, but I am concerned with what that reduction is going to do in very important marginal funding for many transit agencies around the country.

My one concern that I hope we can deal with before this bill comes back from conference is funding for Amtrak. In my judgment, that remains a very major problem in this bill. There is very significant funding for capital expenditures by Amtrak. That clearly will help their capacity to develop revenue and ridership in the years ahead. The problem, however, is that the level of operating assistance for Amtrak for the next year is so low that it brings into question whether Amtrak will survive the year. It is an issue and I know the chairman shares my concern that that is not what we want to have happen, and I am hopeful that before this bill comes back to the House again in conference that we can make adjustments to make sure that Amtrak survives the year and goes on. They provide very important, crucial transportation services in this country. Ridership is going up, revenues are going up. It is not a system in decline. They have had problems in part because of what Congress has decided in the past as it relates to operating assistance and requirements on route structures they maintain, particularly what we did last year where we put some mandates on them and did not provide enough money to pay for those mandates.

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But clearly our assistance to Amtrak for operations for the balance of this year, in my judgment it needs to be increased before the bill goes to the President for his signature. Other than that, I think it is a good bill and it is one that I hope the Members will vote for.

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

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Chairman, I rise in strong support of this legislation, and I certainly want to commend the gentleman from Virginia [Mr. WOLF] and the gentleman from Minnesota [Mr. SABO] for the job they have done here. They have been faced with some real budgetary constraints, and they have brought about a balance that I think is really very, very commendable. Indeed they have reached a historic high in the highway obligation ceiling, from 18.6 to 21.5 billion, raised the transit program, and indeed I want to assure them that as my committee proceeds with the reauthorization of ISTEA we will certainly take very seriously their actions where they have identified some transit programs subject to authorization. These new transit starts are important, and we will deal with them in a very, very serious and, I believe, positive way.

On the issue of Amtrak, I agree completely with the gentleman from Virginia [Mr. WOLF] that Amtrak is in very, very serious trouble. I believe it is on a steep curve to bankruptcy, and I want to see us save Amtrak. I disagree with him respectfully on the point on the Base Closure Commission, perhaps the most important reason being that I do not think we have time for that. Amtrak is going to be in bankruptcy in the next 6 to 12 to 10 months on the outside. But we must reform Amtrak. Our subcommittee, under the chairmanship of the gentlewoman from New York [Ms. MOLINARI] is moving ahead with this, and I expect before we leave town this month, in committee we will attempt to move reform legislation.

I say attempt. Last year I emphasized that this House passed Amtrak reform legislation by a vote of 406 to 4, overwhelming, and now I understand the same legislation that passed this House overwhelmingly on a bipartisan basis may not have the same bipartisan support that it had last year. It pains me greatly to hear that, if indeed it is accurate, because if that is the case, then we will not have reform legislation, and if we do not have reform legislation, I do not believe the votes are going to exist to get the funding so necessary to save Amtrak.

So in closing I want to congratulate the chairman and the ranking member for the outstanding job they have done, emphasize my commitment to trying to find a way to save Amtrak and look forward to the other important transportation legislation that we will be dealing with in this Congress in the weeks ahead.

Mr. SABO. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. KUCINICH].

Mr. KUCINICH. Mr. Chairman, I wish to enter into a colloquy with the gentleman from Virginia [Mr. WOLF].

Mr. Chairman, in its committee report, the committee stated clearly its intention that the Coast Guard can, quote, ''do more to lower its operating costs through greater energy conservation,'' unquote.

In 1994 the President issued Executive Order 12902, the goal of which was to encourage cost-effective uses of solar energy by all departments in the Government. Mr. Chairman, there are applications for which solar energy is the lowest-cost energy source and is a promising route towards energy savings. Would it not be consistent both with the Executive order and with the energy consciousness of this committee that the Coast Guard and the Department of Transportation and all agencies under its jurisdiction investigate the cost-effective utilization of solar technology to the maximum extent practical?

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

Mr. KUCINICH. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, the gentleman from Ohio [Mr. KUCINICH] is correct. The intent of the committee was to investigate energy saving possibilities, and solar technology is a promising route to saving energy. The Executive order the gentleman speaks of is relevant here. Therefore we agree that the Coast Guard and all agencies under the jurisdiction of the Department of Transportation should make every effort to uphold the letter and the spirit of Executive Order 12902 and investigate cost-saving utilization and solar technologies to the maximum extent possible.

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

Mr. WOLF. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas [Mr. TIAHRT].

Mr. TIAHRT. Mr. Chairman, I would like to engage in a colloquy with the chairman of the Subcommittee on Transportation of the Committee on

Appropriations for issues very important to the folks of Kansas.

Mr. Chairman, because of the merger between the Union Pacific and the Southern Pacific Railroads, the city of Wichita would be faced with a significant increase in trains traveling through the center of town. These trains will cause significant health, safety and traffic congestion. The Surface Transportation Board has jurisdiction over the Union Pacific-Southern Pacific merger. The board has already required the merger company, Union Pacific, to pay all baseline mitigation costs of this merger. On April 15, 1997, the board stated that the Union Pacific will have to pay the full cost of baseline mitigation resulting from a merger. However, several weeks before this decision was rendered, Union Pacific downscaled the extent of the train traffic increase to 5½ trains and increased the speed of those trains to 30 miles per hour.

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

Mr. TIAHRT. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, that is my understanding too.

Mr. TIAHRT. There is justifiable fear, I believe, in my district that the Union Pacific will significantly increase the number of trains traveling through Wichita after the Surface Transportation's 5-year review period. The board has taken the Union Pacific at its word and adjusted, although not yet officially, the amount of mitigation necessary for Wichita. I am concerned that the Union Pacific will not be able to increase the speed of its trains to 30 miles per hour or will significantly increase the number of trains traveling through Wichita after the 5-year period of the Surface Transportation Board review. Increasing the speed of trains going through Wichita will be extremely difficult even under ideal conditions, and with the breakup of Conrail, train traffic going through Kansas City will probably increase. This will put further pressure on Union Pacific to route more trains through Wichita.

Mr. Chairman, the report language included in this bill is designed to give the citizens of Wichita an avenue to redress in case Union Pacific decides to significantly increase the number of trains traveling through Wichita or if the Union Pacific does not increase the speeds of its trains as they promised.

Mr. WOLF. If the gentleman would yield, that is the purpose of including the language that we have in the report.

Mr. TIAHRT. I ask the committee pay close attention to the Surface Transportation Board and its environmental mitigation study for Wichita. The report language specifies that the committee is concerned with Surface Transportation Finance Docket Number 32760. The committee is instructing the board to use as the basis for its decision verifiable and appropriate assumptions such as train speed and the number of trains. The committee is not telling the board what to base its decision on, but it is saying that the assumption it uses must be verifiable and appropriate. If there is any material change in the facts upon which the board bases its decision, then the committee expects the board to be proactive in exercising its jurisdiction by re-examining the final mitigation measures it would impose upon the Union Pacific Corp. or any of its subsidiaries.

For example, if Union Pacific decides to significantly increase the number of trains going through Wichita or fails to get their speed up to 30 miles per hour going through town, then the committee expects the board to exercise its jurisdiction and increase the mitigation necessary to remedy the situation. Of course the city of Wichita or an interested party must petition the board to reopen the docket. The board does not have to monitor the number of trains or the speed of the trains traveling through Wichita. Wichita will be monitoring this closely.

I appreciate the opportunity for this colloquy, and I want to comment on what a fine job the committee has done with the gentleman's leadership.

Mr. WOLF. If the gentleman would continue to yield, I appreciate that, and I promise the gentleman from Kansas personally, too, we will stay with him throughout this issue to make sure that it does not get out of hand. I thank the gentleman very much for bringing this to our attention.

Mr. PASTOR. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from California [Mr. FILNER].

Mr. FILNER. Mr. Chairman, I thank the gentleman for yielding this time to me, and, Mr. Chairman, this is a good bill, and I will be supporting it. The constraints that the committee has are well known and the attempts they have to fund infrastructure have been done under very difficult situations. I would like to comment, however, on one disappointment I have with our transportation funding, and that has to do with funding projects along the international border between the United States and Mexico.

I represent part of the city of San Diego. I represent the district which has much of the California-Mexico border. The attention that this Nation should pay to building up that infrastructure for our economic future has not been done. Federal mandates that deal with trade and immigration have placed a tremendous strain on our roads and bridges and highways and rail lines that simply cannot accommodate the increased traffic that results from Federal decisions in trade and in immigration.

It is critical, Mr. Chairman, that we find the Federal funding for these highway and rail projects without affecting California's Federal highway assistance. I have introduced legislation along with Senator BOXER in the other body to establish a $500 million border infrastructure fund to pay for these improvements to try to make sure that we realize the potential of the international trade that the passage of NAFTA and other actions have caused.

Let me just give my colleagues a couple of examples of what I am talking about. By Federal order, all of the commercial truck traffic between California and Mexico goes through what we call the Otay Mesa, a border crossing which is in my district. Something like 3,000 trucks a day now traverse across the border through the border crossing, and yet there is no highway of interstate standards that connects that highway, connects that border crossing with our interstate highway system. At first we only had a two-lane city street, it has been enlarged to four lanes and soon to six lanes, but it cannot handle the 3,000 trucks a day that NAFTA and other actions by this body have created.

It is time that the Federal Government address the infrastructure problems that have burdened the city and county of San Diego as we contribute our part to increasing international trade and growing the economy in this Nation.

Another example which I will have an amendment on later: If San Diego's port could establish a direct rail link with eastern railway systems, the whole economy of southern California would be transformed for the better. The transformation of our economy requires that we rehabilitate an old shortline railroad that was built in 1912 or so between San Diego and Arizona. It does not take a lot of money in the scheme of things to rehabilitate that railroad, and the Federal Government can contribute not through any grants, not through any loans, but through merely a loan guarantee that could leverage 20 times what we would appropriate. With the rehabilitation of that railroad, the port of San Diego becomes a working commercial port, thousands and thousands of jobs are created, San Diego finds a new way of economic growth that is not dependent on the defense budget, and southern California and all of America profits from that.

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These are the examples that I am talking about, Mr. Chairman, that hopefully in the future the Subcommittee on Transportation of the Committee on Appropriations will include in their efforts.

We need on the international border, and I speak not just for California now, but for Texas and New Mexico and Arizona, we need attention paid to the infrastructure projects along the border. They are not local pork projects, they are not just provincial kinds of requests. The infrastructure that is required benefits the whole Nation, and as I said earlier, comes from the mandates that Federal trade policy has put on us.

While understanding the constraints we have, I would argue that in the future some attention be paid to these border infrastructure projects, and we begin to really grow the economy of this country in new ways.

Mr. WOLF. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Kentucky [Mrs. NORTHUP] for a colloquy.

Mrs. NORTHUP. Mr. Chairman, I rise today to engage the gentleman from Virginia in a colloquy related to something important for Louisville, KY.

In 1994 the Federal Aviation Administration advised Congress that they would reimburse the Standiford Field in Louisville, KY, for the airport's costs of installing a category III instrument landing system on runway 35 right. It is my understanding that the FAA has provided about $700,000 out of a total estimated funding of $2.4 million for this system. That leaves approximately $1.7 million remaining to be paid. It is my understanding that those remaining funds are included in the FAA's budget request for fiscal year 1998 and that they are included in the committee's reported bill.

Is that the chairman's understanding, as well?

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

Mrs. NORTHUP. I yield to the gentleman from Virginia.

Mr. WOLF. The gentlewoman from Kentucky [Mrs. NORTHUP] is absolutely, positively correct. I have not thought of that airport for years, but I flew in there in 1962 when I went to basic training at Fort Knox, KY.

It was one of the most depressing days of my life. I remember when I landed at the airport I arrived into Fort Knox, KY, and they put me on KP right away. If I had only known the need then. But I do remember the airport well.

The FAA advises me that all the remaining funds needed to reimburse the local authorities for costs related to the ILS are included in the fiscal year 1998 budget, and the FAA intends to provide the final reimbursement by the end of that fiscal year.

I was just wondering, do they still march the men up Misery Hill the way they used to?

Mrs. NORTHUP. Mr. Chairman, they do.

I thank the gentleman for this, and I thank him on behalf of all the young men as they come through that airport and they come through a new door, an open door to a change in their lives. I thank the gentleman very much.

Mr. PASTOR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Indiana [Mr. VISCLOSKY].

Mr. VISCLOSKY. I appreciate the gentleman yielding time to me, and would appreciate being able to engage in a colloquy with the chairman of the committee.

Mr. Chairman, the transportation appropriation measure before us today contains $2 million for the Northern Indiana South Shore commuter rail line. The House report states that this funding is to be used to complete a major investment study. However, previously appropriated funds will be sufficient to complete the major investment study and it will be completed later this year.

The critical problem facing the commuter rail line is the tremendous increase in ridership over the past several years and the lack of adequate car space to meet this growth. Would the chairman agree that this $2 million could be used to allow the Northern Indiana Commuter Transportation District to acquire additional rail cars to relieve overload on the commuter rail line?

Mr. WOLF. Mr. Chairman, if the gentleman will yield, yes, I do.

Mr. VISCLOSKY. Mr. Chairman, I thank the gentleman for his willingness to work with me in accommodating northern Indiana and the Chicago metropolitan transportation needs.

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

Mr. Chairman, first of all I would like to thank Chairman WOLF for the excellent work he has done in putting this bill together. I know that he had a very difficult challenge, but he was able to balance the conflicting interests and needs in a way that everybody should be satisfied with.

I have to tell the Members, this is the first time that I have served on this appropriations subcommittee, and I have to tell the Members that I found the gentleman to be very fair and allowed us to give input, and this is why this bill is a bipartisan effort. I congratulate him and I congratulate the ranking member, the gentleman from Minnesota [Mr. SABO]. I also would like to thank the staff of the majority and of the minority for the fine work they have done.

Mr. Chairman, there are several items included in this bill that I would like to point out for special emphasis. I am pleased by the increased funding for the Airport Improvement Program. The bill increases funding by $700 million over the President's budget request. As the Nation's airports continue to see tremendous increase in traffic, this additional funding is vital to the continued success and modernization of our Nation's airports.

Mr. Chairman, I am also pleased that the committee was able to include a major increase in transit program spending. As cities and localities across the country struggle with increased automobile traffic, it is important that the Federal Government continue to devote its resources to alternative means of transportation. I believe the funding increase to the transit programs is vital to the continued improvement of our Nation's transportation systems, and I appreciate the chairman's inclusion of the additional funds.

The Federal Aviation Administration will also see an increase in funding as a result of this bill. I believe that the continued work in aviation safety, research, and continued modernization of the FAA equipment is one of the most important aspects of this bill. I am pleased with the funding that has been made available to the FAA.

Mr. Chairman, I have made the chairman and the ranking member aware of a concern that I have. This deals with the controllers that we have. As we have more and more controllers reaching the age of retirement at basically a young age, due to the stress that they undertake in doing their job, I do not think we are doing enough in terms of recruiting and providing an adequate salary to retain the younger incoming flight controllers. It is an issue that I know that the chairman and the ranking member will continue to work with.

Overall, Mr. Chairman, this is a great bill. I thank Chairman WOLF, I thank his staff, and I also thank the ranking member, the gentleman from Minnesota [Mr. SABO] for making this truly a bipartisan bill.

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

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. KNOLLENBERG].

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman for yielding time to me this afternoon.

Mr. Chairman, I rise in strong support of this bill which makes the transportation appropriations for fiscal year 1998. It is not easy balancing funds for trains, for planes, for automobiles, for bridges, for asphalt and all the rest that goes into it, but the gentleman from Virginia [Mr. WOLF] I think has perfected this as an art form.

One area that I would like to bring to the attention of this body is in transit, specifically buses and bus facilities. For the past two appropriation cycles the Michigan delegation came to the subcommittee somewhat fragmented in their request, each, of course, wanting the largest funding they could possibly get. That is not surprising. The approach, though, became more troublesome.

During this present cycle the delegation changed its course and decided to unify behind a single funding level. As the sole member of the Michigan delegation on the Committee on Appropriations I was glad, of course, to do my part, but it took a lot of effort, of course, from the chairman and members of the committee. We were able to receive commitments from the Michigan Department of Transportation and each of our members in the delegation that this approach was best.

I want to commend each member of our delegation for their willingness to try this approach. I would hope we continue this in the years to come. It certainly was easier.

Mr. Chairman, I want to thank the Members again for their leadership and their extraordinary effort on this. I would also like to extend a huge thank

you and a salute to John Blazey on the staff, who worked with my staff to bring this to a closure, and I think it all came to a good end.

With that in mind, I want to thank the gentleman again.

Mr. PASTOR. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Wisconsin [Mr. OBEY], the ranking member of the Committee on Appropriations.

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

Mr. Chairman, the first thing I would like to do is to congratulate the gentleman from Virginia [Mr. WOLF] and the gentleman from Minnesota [Mr. SABO] for again bringing a bill to the floor which is absolutely bipartisan. I think the gentleman from Virginia has demonstrated a great degree of fairness. He has tried to deal very openly with virtually every difference in judgment that we have had between the various parties and individuals on this bill.

I think it again demonstrates that within the Committee on Appropriations we are having a lot of success in producing bipartisan legislation. Unfortunately, that legislation often then winds up being blown up because of actions of the Committee on Rules which turn a bipartisan product into a partisan fight on the House floor. I am happy to say that that has not occurred on this bill. I want to congratulate both the gentleman from Minnesota [Mr. SABO] and the gentleman from Virginia [Mr. WOLF] for the fair way in which they have proceeded.

I would also like to simply take note of a couple of local projects which are important to my region of the country.

I am particularly pleased that the bill finally requires that the Coast Guard move forward on a replacement for the *Mackinaw* icebreaker on the Great Lakes. The *Mackinaw* is some 53 years old. It is going to cost a great deal to refurbish. For slightly more than the cost of refurbishing, a new icebreaker can be purchased which will last a whole lot longer, and I appreciate very much the fact that the committee has provided the $2 million to facilitate final decision-making by the Coast Guard on this issue.

It is important to the economy of the region, not just Minnesota and Wisconsin, which the gentleman from Minnesota [Mr. OBERSTAR] and I represent, which is why we pushed this item, but to a number of other States as well, including Michigan, Illinois, Indiana, Ohio, Pennsylvania, and New York.

I would also like to take note that the bill does include $970,000 within the FAA budget to continue the testing and evaluation of new infrared heating technology for deicing commercial aircraft. That technology promises to have very good environmental benefits, and it may be a more cost-effective way to deice airplanes than the existing chemical deicing methods. The additional testing will take place at the Rhinelander-Oneida Airport in Wisconsin, to demonstrate the utility of new technology in an operational environment using commercial aircraft. I again appreciate the fact that the subcommittee on its merits supported the proposal.

Mr. Chairman, I do not think that there is going to be a lot of controversy on this bill. There are some differences. As the gentleman from Minnesota [Mr. SABO] has already indicated, we have substantial concerns about the underfunding for Amtrak. I hope that can be addressed as we move towards conference, but I expect to see a good number of votes for this bill on our side of the aisle as well as the majority side of the aisle. It is good to see in the midst of all that has happened in the last week that at least on this bill, bipartisan comity has for the moment survived intact.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. COLLINS] so he and I may engage in a colloquy.

Mr. COLLINS. Mr. Chairman, I thank the gentleman for yielding time to me. Mr. Chairman, I rise for the purpose of support of this appropriation bill, and also to enter into a colloquy with the chairman.

Mr. Chairman, the committee's recommendation reduces transit operating assistance from $400 million in fiscal year 1997 to $200 million in fiscal year 1998. As a result, transit districts will need to look for ways to reduce their operating and overhead costs. Currently virtually all city and regional transit properties have excess material on hand. Maintaining the surplus is an operating cost which reduces needed resources without providing significant benefits.

□ 1500

Finding material and other properties available for purchase is time-consuming and costly, lacking any centralized means of identifying the materials. I believe that electronic redistribution center to distribute spare parts from transit authorities across the country may be one such opportunity to reduce overhead costs of many of the Nation's transit operators. With a computerized system through which to identify and dispose of surplus parts and materials, transit properties would benefit by not having to maintain large surpluses, and they would also benefit by having a simple, timely, and lower cost means through which to purchase surplus materials.

This proposal seems suited either for the Department's intelligent transportation systems program or the Federal Transit Administration's national research program.

I note that the committee has provided a total of $94 million for continued research in intelligent transportation systems in which the Federal Transit Administration is involved. As for the FTA's research program, the committee's recommendation provides $22.5 million. I believe the Department should fully evaluate the potential of such a system as well as provide a cost-benefit assessment, timetable, and cost estimate of a limited pilot program of electronic redistribution center.

Earlier discussions with the Federal Transit Administration suggest the Department's enthusiasm for such a system.

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

Mr. COLLINS. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I thank the gentleman for his observations and his ideas. I think it is a great idea. We never even thought of it in the committee. I will do everything I can, not only to encourage the Department to work with the various modes to further explore the potential of an electronic redistribution center but also to see if there is some way working together with the other side we can kind of bring it about, because car dealers and many other groups do that. You cannot maintain all of that inventory. And since everybody is electronically connected, you could do that and exchange with other systems. It is not just a good idea, I think it is a great idea. We will do everything we possibly can to see that that takes place, working with the gentleman from Minnesota [Mr. SABO] and the Senate.

Mr. COLLINS. Mr. Chairman, I thank the gentleman for those comments and his support and appreciate the work that he and the minority side have done on this bill.

Mr. SABO. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. OLVER], a valuable member of our subcommittee.

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding me the time. This is a good bipartisan bill, I support it strongly. As with the gentleman from Arizona, who was speaking as I came in a few minutes ago, this is my first year on the subcommittee. I have enjoyed very much working on the subcommittee, working with the chairman, the gentleman from Virginia [Mr. WOLF], and with the ranking member, the gentleman from Minnesota [Mr. SABO].

I want particularly to commend the chairman for his hard work, for his bipartisan work, his very fair work and work of the staff on both the majority and minority side. I want to thank the ranking member, the gentleman from Minnesota [Mr. SABO], for his help and leadership for all of us who are on the minority.

I must say that we have all benefited from the fact that the chairman worked very closely with the ranking member, the gentleman from Virginia [Mr. WOLF] and the gentleman from Minnesota [Mr. SABO], in making this a good bill. The strengths of the bill are many. Many have already been mentioned. I just want to add a couple of comments to this.

There is a strong thread of commitment, commitment of the gentleman from Virginia [Mr. WOLF] as chairman,

to safety, airline safety, transportation safety in general that is reflected in this bill. I want to add my support to that commitment. Air travel is growing. In a good economy there is a great increase in air travel. I note that there is a large increase in the airport improvement fund which I think is very important. We also should shortly have a new FAA administrator, so I think there will be better days in the future for the FAA.

The bill also provides the beginning of funding that is necessary to modernize air traffic control systems in the airport management systems.

I want to thank the ranking member for eloquently stating some other needs. I would express that as a need for and a hope that we will be able to do better by the end of this cycle in operating assistance for transit in order to keep fares affordable and to keep routes available. There is also a need that I recognize for additional Amtrak operating assistance.

I do appreciate the increased funding for the capital funding of the Northeast corridor. And if we can get over the hump of operating assistance for Amtrak for the time that is necessary to get that Northeast corridor capital funding in place, then we should be able to see Amtrak's recovery. In the meantime, this bill continues our commitment to the capital needs for the electrification of the Northeast corridor, which I think is very important. I urge support for this legislation in its entirety.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New Jersey [Mr. PAPPAS].

Mr. PAPPAS. Mr. Chairman, I thank the chairman for yielding me the time and for the opportunity to enter into a colloquy with him.

It is my understanding that there is in the report accompanying H.R. 2169 language relating to the Belford Ferry in Middletown Township, NJ. This language may condition the release of funds by the Secretary of Transportation for this project. The conditions set forth in the report would appear to prevent the Secretary of Transportation from releasing any funds for the Belford Ferry project until a demonstration of adequate ridership is made and the existence of a willing operator is found. Any delay in funding for the project, I believe, will have a negative impact upon my constituents who seek alternative means of travel to New York City.

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

Mr. PAPPAS. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, that is correct. There is language relating to the Belford Ferry project in the report.

Mr. PAPPAS. Mr. Chairman, I would like to certainly inform my colleagues that the county of Monmouth, which is the county that is host to this proposed ferry, is, in fact, a willing operator and will subcontract for the Belford Ferry project and that a study on adequate demand and ridership has already been completed by the Monmouth County Department of Planning. Furthermore, with respect to adequate ridership, the Federal Highway Administration indicates that it will defer to the U.S. Army Corps of Engineers assessment. These conditions having been met Mr. Chairman, I see no reason why the Secretary of Transportation should withhold approval of Federal aid for the Belford Ferry project in Middletown.

Mr. WOLF. Mr. Chairman, if the gentleman will continue to yield, I would concur that these studies have been completed and we checked on them just the other day. Adequate demand for the ferry and ridership for the Belford Ferry has been established and the Federal Highway Administration considers the county of Monmouth the willing operator for the Belford Ferry project. Based on informal discussions that we have had, not in writing but discussions, I believe that the conditions in the report have been met; and if that is the case, there would be no reason for further delay of the project.

Mr. PAPPAS. Mr. Chairman, for purposes of clarification, I ask the gentleman if there is anything in the bill or report language that could further delay this project based upon the information that has been provided to the gentleman?

Mr. WOLF. Mr. Chairman, there is nothing in the bill which would require any other delays or studies.

Mr. PAPPAS. Mr. Chairman, if the gentleman believes we are in agreement that the concerns expressed in the report have been addressed, may I have his commitment to clarify this issue in the conference report?

Mr. WOLF. If the gentleman will continue to yield, before I answer, if I could defer to the gentleman from Minnesota [Mr. SABO].

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

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

Mr. SABO. Mr. Chairman, I am not totally familiar with the project myself and with what the problems are, but there has been some concern over this project by Members on our side. I would just for my own point of view want to keep the reservation open to be able to visit with Members of our side who have had concerns.

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

I would want to visit with the gentleman and the chairman of the committee before conference is finalized, see if we cannot work this out to the satisfaction of everyone.

Mr. WOLF. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey [Mr. PAPPAS].

Mr. PAPPAS. Mr. Chairman, I yield to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Chairman, it is my understanding, if my memory serves me, the gentleman believes that the concerns expressed in the report have been addressed and he sought my commitment to clarify this issue in the conference report. Based on talking to Mr. SABO, I can provide the gentleman my assurance, we will also talk to the gentleman from New Jersey, Mr. PALLONE, but I will work with the gentleman to resolve his concerns regarding the Belford Ferry project. I am aware of the traffic and the transportation and the need to get into New York.

The gentleman has approached me. I understand the gentleman was going to offer an amendment and that is not necessary so; yes, I will work with the gentleman with regard to that project. I appreciate him bringing it to our attention. I understand and I want to assure him after talking to the Federal Highway Administration what the gentleman said is accurate.

Mr. PAPPAS. Mr. Chairman, I spoke with my colleague from New Jersey earlier today. I certainly appreciate and understand his concerns. I happen to believe, by the information that I have received both by the county of Monmouth, the township of Middletown, the various correspondence, copies of correspondence that I have received from the various State and Federal agencies, that these specific concerns that were included in this report language have, in fact, been addressed, that there is adequate ridership that has been identified, there are in fact three or four willing, able operators that are able to fulfill this task, if given the opportunity. Harry Larrison, who is the freeholder director of Monmouth County, supports this. I thank the chairman and the ranking member for their support.

Mr. SABO. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Virginia [Mr. MORAN].

Mr. MORAN of Virginia. Mr. Chairman, I do not rise for the purpose of asking for anything in this bill but simply asking for the Members to take note of what is happening here.

At a time when all of our other bills have been so partisan, contentious, destructive of the comity of this House, we have a bill that sailed through committee, that is going to sail through this floor in just the way that our subcommittee chairman and ranking member and the Chairman and ranking member of the full Committee would like every appropriations bill to go through.

So I would hope that the members of the Committee on Rules and the Members of the majority leadership would take note of what is happening today, what happens when you treat every Member with respect and evenhandedness.

This bill deserves to be passed overwhelmingly. It is a fair bill. It is respectful of every Member in this body. The results are clear.

I would hope for the sake of the chairmen of the other subcommittees that we could have more bills like this.

Mr. SABO. Mr. Chairman, I yield 2 minutes to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, I rise today in very strong support of H.R. 2169. I want to particularly thank the gentleman from Virginia [Mr. WOLF], the chairman. He has been unfailingly kind to me, met with me. This is a wonderful project that I have in this bill. I just want to thank him for his kindness and to the gentleman from Minnesota [Mr. SABO] also.

This bill today continues the subcommittee's tradition of supporting West Side Hillsboro light rail project. I am very delighted to report to all of my colleagues that after this year only 1 year more of funding will be required to complete the West Side project. As the subcommittee is well aware, this light rail project has the greatest and the broadest support in Oregon.

Twice the voters have voted to tax themselves in order to support light rail. Voters support light rail because they are aware that it works so well there because we have these wonderful unique land use laws. Working together we have created viability and livability in this region. The West Side project is almost 75 percent complete. It is on time. It is on budget. It is thanks to this committee that it is those things.

Additionally I would very much like to thank the subcommittee for providing $146,500 in Coast Guard funds for the maritime Fire and Safety Association in Washington and Oregon. This association is an excellent example of a partnership between the private and the public sector. It brings together the people of the Columbia River into this maritime and commercial center. It provides public safety, enhances environmental protection. It enhances fire, oil and toxic spill response, training, equipment, program, administration activities.

□ 1515

And this modest sum that the bill has for this project really makes the difference.

So on behalf of the citizens of the Portland area and all the folks in Oregon who will use this project, I want to thank the gentleman from Virginia [Mr. WOLF], the gentleman from Minnesota [Mr. SABO], and the entire committee, and urge support.

Mr. SABO. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from Minnesota [Mr. SABO] has 4 minutes remaining, and the gentleman from Virginia [Mr. WOLF] has 3 minutes remaining.

Mr. SABO. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. BARCIA].

Mr. BARCIA. Mr. Chairman, I would like to include my two distinguished colleagues from Michigan, Ms. STABENOW and Mr. STUPAK, as part of this colloquy with our other colleague from Michigan Mr. KNOLLENBERG, and the chairman of the Subcommittee on Transportation of the House Committee on Appropriations, the gentleman from Virginia, Mr. WOLF.

Mr. Chairman, our State of Michigan and other donor States have been quite upset at our mistreatment under the funding allocation formulas as established by the Intermodal Surface Transportation Efficiency Act, or ISTEA.

As a member of both the Michigan delegation and the Committee on Transportation and Infrastructure, I am concerned that nothing in this bill lock our committee or State into using the funding allocation formulas in current law.

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

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

Mr. KNOLLENBERG. Mr. Chairman, I want to assure my colleague, the gentleman from Michigan, Mr. BARCIA, and, obviously, my other colleagues from Michigan Mr. STUPAK, and Ms. STABENOW, now that, as a member of the Michigan delegation, I share their concern for the funding equity in the upcoming reauthorization of our Nation's transportation program.

As a member of the Committee on Appropriations, I also want to assure them that nothing in this bill will prevent the Committee on Transportation and Infrastructure from addressing the issue of funding equity within the reauthorization, and I thank the gentleman for inquiring.

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

Mr. BARCIA. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, the gentleman from Michigan is correct, nothing in H.R. 2169 would prevent the authorizing committee from changing the funding allocation formulas for fiscal year 1998 or any year thereafter.

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

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

Mr. SABO. Mr. Chairman, I agree with the chairman that this bill in no way would affect the ability of the Committee on Transportation and Infrastructure to address the funding formulas under ISTEA.

Mr. BARCIA. Mr. Chairman, reclaiming my time, I thank the gentlemen for this colloquy.

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

Mr. REGULA. Mr. Chairman, I thank the chairman for yielding me this time. It has been a pleasure to serve as vice chairman with the gentleman from Virginia in crafting what I think is a responsible bill.

There are three elements I would mention. We have talked a lot about a balanced budget. A balanced budget depends on economic growth. That is the key to it. And the key to economic growth is transportation: air, highways, rail. This bill addresses those very well because they are the arteries of a nation's economic well-being.

Second is safety. We are all concerned about safety; highway safety, air transport safety. This bill has a lot of good features that impact on highway safety; innovative programs, 18 of them to be exact, for increased air safety. So I think that, too, recommends it highly to Members.

And, third, it is a people bill. We have passed a welfare reform bill which envisions people going to work. To go to work they need mass transit, and this bill recognizes that need throughout the Nation by providing funds for mass transit.

Those are all three elements that make this bill responsible. I strongly urge the Members to support this legislation.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Alabama [Mr. CALLAHAN], who serves on the committee.

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

Mr. CALLAHAN. Mr. Chairman, I thank the gentleman for yielding me this time, and I want to say that this is not a perfect bill but it is about as perfect as we can get it.

If it were perfect, it would have some of the 15 things I requested in it that I did not get. But this is a body compromise, a body trying to do what we can do with the limited amount of money that we have allocated to us.

There should be more money for the Coast Guard, there should be less money for Amtrak, there should be more money for my particular projects, there should be more money for FAA. But, nevertheless, the committee has done an outstanding job of crafting a bill that gives the best we can to all of these good agencies.

So I commend the gentleman. I still disagree with him on demonstration projects, but he is right and I am wrong. If it ever comes into being, however, I want to be first in that line to get my demonstration projects funded. I commend him and urge support of this bill.

I am extremely distressed about Amtrak. Amtrak is terminally ill and we have to recognize that. By continuing to feed the system morphine we are only prolonging the inevitable. Still, I suggest at this time that Members vote for the bill.

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

Mr. WOLF. Mr. Chairman, in closing, I would just like to refer Members to page 31, where the committee said the following in the report:

> In following up on the work of the National Civil Aviation Review Commission over the coming months, and to help restore the credibility and effectiveness of the agency, the committee encourages the new administrator to establish an informal working group composed of former FAA administrators to advise her and the Secretary of Transportation regarding the future direction and the need of policies of the agency.

The committee believes the views of these former executives could be invaluable in helping shape the agency's future.

Mr. Chairman, again I thank the gentleman from Minnesota [Mr. SABO] for his help and efforts, and all the committee staff.

Mr. DAVIS of Illinois. Mr. Chairman, I rise today to commend Chairman WOLF and the ranking Democrat Mr. SABO for brining a bill to the floor which will provide billions of dollars for vital transportation and infrastructure projects across the Nation. This measure will allow States and localities to begin much-needed construction and repair on highways, bridges, and mass transit systems.

Transportation has always been vital to our economic prosperity and quality of life since our Nation's founding. From colonial post roads and canals that expanded our frontiers, the railroads and interstate highways that linked a growing country to the mass transit systems that made possible the development of our great cities.

Transportation has opened new markets and enabled the quick economical movement of people and goods that has empowered our economy's growth. In fact, in my congressional district of Chicago, IL, the transportation arena has always been a vital segment of our lifestyle—with over 27 percent of one's income spent on transportation-related expenses.

Further, well-paying, much-needed jobs are created when our transportation systems are revitalized. Finally, mass transit, commuter rail, and other forms of public transportation provide a way to work for millions of Chicago residents.

So, Mr. Chairman, I must express my extreme concerns for the bill's funding levels for mass transit and the adverse effects they could have on my congressional district.

As many businesses relocate to Chicago's suburbs—taking with them well-paying jobs—it is imperative that we continue to provide adequate funding for our public transportation systems. With the recent welfare to work mandates taking effect, it is also important that sufficient transportation services are available for these individuals.

As a result of past actions by the Congress which cut transit funding by nearly 40 percent, the Chicago Transit Authority was recently forced to make draconian cutbacks in service. These service cuts affect the majority of all bus routes and significantly reduces CTA's late night owl service for both rail and bus routes. These service cuts were made in neighborhoods where many of the residents have no other transportation alternatives.

Further, as many of you know, Chicago's EL is one of the oldest public rail systems in the country and is the cornerstone of our public transportation system. As this system continues to age, it cannot afford to loose precious capital funds that will result because of this measure.

It is my hope that as this measure moves to the conference committee funding levels for mass transit will be increased thereby recognizing the transportation needs of our urban, low-income, senior, and disabled residents.

Mr. KUCINICH. Mr. Chairman, I rise today in support of the increase for noise abatement programs for communities that are adversely affected by low flying airplane traffic. Last year, the Federal Government spent approximately $143 million, and this year's proposal is to spend $239 million. As airports continue to expand and air traffic continues to increase, it is clear we need to take steps to mitigate the resulting noise problems.

Airport noise can ruin neighborhoods by destroying the peace to which people are entitled. With the programs funded in this legislation, families that reside in the busiest flight patterns can receive new doors, acoustic window, wall and ceiling modifications, insulation, air condition and ductwork, and electrical wiring. These benefits can make the difference between a daily experience of frustration and anxiety, or a higher quality of life where people can eat dinner in peace, talk on the telephone uninterrupted, and enjoy the homes for which they have worked so hard.

Six communities in my district are in the flight pattern of Cleveland Hopkins International Airport. More needs to be done, therefore, it is important for the Federal Government to continue to fund noise abatement programs adequately. I urge my colleagues to support funding for noise abatement programs, and to work with a bipartisan coalition to support the highest funding possible coming out of the House-Senate conference committee.

Mr. PORTMAN. Mr. Chairman, I rise today to share my support for the fiscal year 1998 Transportation Act and to commend Chairman WOLF and ranking Member SABO for their fine work on this important legislation.

Also, Mr. Chairman, I wish to take this opportunity to reiterate the conditions of my support for a small part of this legislation—Federal funding of the Cincinnati/Northern Kentucky I–71 Corridor project.

My support for all past, present, and future funds allocated from the Federal Transit Administration section 3 program to study, select and construct the locally preferred transportation alternative for the congested I–71 Cincinnati/Northern Kentucky corridor is based on a 50–50 match between local/State sources and the Federal Government. In light of our Federal budget crisis and the inability of the Federal Government to fund the bulk of construction costs for major transportation projects, State and local jurisdictions should cover a substantial part of the cost of any new project. Even more importantly, I believe requiring a strong level of local participation will ensure that local communities select the most cost-effective solution to the region's transportation problems. A 50–50 match ensures that the project makes sense.

Mr. Chairman, I wish to submit into the RECORD the text of a letter I received from the Ohio-Kentucky-Indiana Council of Governments [OK], our regional transportation planning agency, which codifies the agreement reached between myself and OKI and clearly describes the intention of the local authorities to match the Federal money designated for this project.

The text of the letter follows.

On behalf of the I–71 Corridor Oversight Committee of the Ohio-Kentucky-Indiana Regional Council of Governments (OKI), and the local communities that constitute its membership, we thank you for your support of our funding requests for the Northeast Corridor Project.

This letter is provided in response to your request that we address two matters in connection with the Project. First, the issue of the local funding commitment is addressed. We regret any past misunderstandings which may have contributed to some confusion on this issue. Second, this letter explains the method by which OKI's I–71 oversight Committee has arrived at the cost estimates for the Project.

The pending request to the House Appropriations Subcommittee on Transportation for $500,000 in the Fiscal Year 1998 Department of Transportation Appropriations Act to reassess certain technologies in Northern Kentucky, and the projected $600 million in federal funds (half of the estimated $1.2 billion total project cost) needed for both phases of construction of the locally preferred alternative would be matched fifty percent by local funds. With respect to the Fiscal Year 1997 Transportation Appropriations Act approving $3 million for the preliminary engineering and environmental impact statement, the local governments commit to a fifty percent local match, twenty percent of which will be put up at the time our funding is drawn down and the remaining thirty percent of which would be contributed to the Project during Fiscal Year 1999 when construction gets under way. Local funds are not currently available to match the Fiscal Year 1997 funds on a 50/50 basis, which is why we are proposing to spread the match as described. Had we understood that any of the funding for the study phase of the Project was to be a fifty, rather than twenty, percent match, we would have budgeted for that additional $2.4 million.

The second issue on which you have requested clarification concerns the manner in which cost estimates for the Project are prepared. OKI has retained a nationally acclaimed team of consultants headed by Burgess & Niple Limited and includes BRW, Inc. to provide the technical assistance on the major investment analysis, engineering, and other phases of the Project. BRW has assisted other locales where similar transportation improvement projects have been implemented, including Portland Burnside LRT Line, Portland Westside LRT Line, Houston Busway, Salt Lake City LRT South Line, University of Minnesota Busway, I–10 HOV in Phoenix, Los Angeles Blue Line LRT, Calgary LRT System, and the Newark City Subway Extension and Vehicle Base Facility. OKI relies heavily upon the expertise of our consultants in arriving at the best available cost estimates, as each phase of the Project demands. In addition, you should be aware that all of the technologies we have considered are operating in other parts of the country, and, therefore, are ''Known quantities'' with respect to estimating their cost. We share your desire that our estimates be as precise as possible and will continue to make every effort to ensure such precision, despite certain unavoidable ambiguities that are inherent in planning and designing a project of this magnitude.

Again, we appreciate your support and assistance, without which we would not have progressed this far. Please feel free to forward this letter to the relevant Committees for inclusion in their official record of the Project funding requests, and call us or the OKI staff if you need any additional information.

Sincerely,

LARRY CRISENBERY,
President.

BERNARD J. MOORMAN,
Chairman.

Ms. FURSE. Mr. Chairman, I rise today in strong support of H.R. 2169, fiscal year 1998 Transportation appropriations. I want to thank Mr. WOLF, Mr. SABO, and every member of the Transportation Subcommittee for their hard work in crafting an excellent bill.

I am delighted that the bill before the House today continues the subcommittee's tradition

of supporting the Westside-Hillsboro Light Rail project. H.R. 2169 provides $63.4 million for this vital project, the full amount recommended by the administration in the Federal Transit Administration's 3(j) report earlier this year. I am ever more delighted to report that, after this year, only 1 year of funding will be required to complete the Westside project on time and on budget.

As the subcommittee is well aware, the Westside-Hillsboro Light Rail project continues to enjoy broad support. Voters in the metropolitan area have demonstrated their support by voting to tax themselves twice to support light rail, once in 1990 and again in 1994. In each instance, these votes occurred while voters were approving antitax ballot measures. Voters support light rail in the Portland area because they realize that it works in conjunction with Oregon's unique land-use laws and is critical to the future vitality and livability of the region. In addition, there is already more than $90 million in investment along the westside corridor as major corporations, such as INTEL, anticipate the project's opening.

The Westside project is over 75 percent complete and 10 miles of track are in place. Seven of the Nation's first low floor light rail cars are in testing and the first segment of the line is expected to open for service this year. Oregonians are clearly excited about the progress of the project, and are anxious to reap the benefits of this public investment through reduced congestion, improved air quality, economic development, and maintaining the quality of life that we treasure.

Additionally, I am also delighted that the subcommittee's bill provides $146,500 in Coast Guard funds for the Maritime Fire and Safety Association [MFSA] in Washington and Oregon. The MFSA has been an excellent example of partnership between public and private interests, bringing together all of the people who use the Columbia River as a maritime and commercial center. The MFSA facilitates maritime commerce while protecting public safety and enhancing environmental protection of the lower Columbia River. Among other initiatives, the MFSA enhances fire, oil and toxic spill response communication, training, equipment, and program administration activities. The modest funds provided to the MFSA by this bill yield enormous dividends for the entire lower Columbia basin.

On behalf of the citizens of the Portland area, I want to thank Mr. WOLF and the entire subcommittee for their support, and urge all my colleagues to support H.R. 2169.

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

The CHAIRMAN. All time has expired.

Pursuant to the rule, the amendments specified in section 2 of House Resolution 189 are adopted and the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the CONGRESSIONAL RECORD. Those amendments will be considered as read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1998, and for other purposes, namely:

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

Mr. Chairman, I take this time to express my concern that the bill we have before us does not have adequate funding for Amtrak in the coming year.

Amtrak is in an extremely tenuous position in the short term. The railroad has invested heavily in developing high-speed rail for the Northeast corridor, and once these new trains are in place, the high-speed trains, we have to make sure that there is significant revenue in order for the system to operate efficiently.

Amtrak has borrowed heavily to make the investment in high-speed rail, and the railroad, without support from Congress over the next 2 years and an adequate amount of money, will be overwhelmed by that debt. The gentleman from Virginia [Mr. WOLF], the chairman of the Subcommittee on Transportation of the Committee on Appropriations, has recognized this bind but has left the railroad $61 million short from what the President has requested to support the program.

Let me just quote from the statement of the administration policy for the transportation appropriations bill:

The administration is deeply concerned about the level of funding provided for Amtrak. The Federal operating subsidy supports Amtrak's day-to-day operations. Even at the funding levels proposed by the President, Amtrak will be able to remain solvent only by further increasing revenues and reducing costs. If Congress appropriates an amount for operating grants that is less than the $344 million requested by the President, it is questionable whether Amtrak would have cash reserves sufficient to meet its obligations. In light of these considerations, we strongly urge the House to provide Amtrak with operating grants of $344 million in fiscal year 1998.

Mr. Chairman, we have fallen short of this hurdle for Amtrak, and I am concerned that because of the relatively small shortfall this year, we are jeopardizing a realistically promising plan for Amtrak's self-sufficiency by the year 2002.

All this occurs at a time when Amtrak has begun to see the benefits of its reengineering and cost-cutting efforts of the past 3 years. To date, Amtrak has made nearly $400 million in bottom line improvements on an annualized basis to increase the efficiency of its rolling stock, eliminated poorly performing routes, reduced head counts, retired old equipment, reinvested in new equipment, including high-speed rail, and improved its operating ratio. This was done at a time of declining Federal support.

For fiscal year 1995, passenger related revenues were $874 million, last year they climbed to $901 million, and they are expected to be $977 million in the current year. In addition, despite operating fewer trains, ridership is moving up for the first time in several years. Travel industry projections indicate that the economy and travel expect to remain strong through 1998. This is fairly remarkable. Amtrak's ridership is up nearly 2.5 percent at a time when airline travel is up 0.2 percent to 1.2 percent for the Nation's four largest airlines. And revenue is up this year over the previous year by 9 percent.

In late 1999, Amtrak will introduce North America's first high-speed rail service, which will generate nearly $150 million in net bottom line improvements. Mr. Chairman, I could go on and on to tell my colleagues the good things that are happening with Amtrak, but it needs the Federal operating subsidies.

Next week the House Committee on Transportation and Infrastructure will mark up a sweeping Amtrak reform and reauthorization bill which should generate further cost savings for Amtrak. At a time when things seem to be turning around for Amtrak, we would be unwise to underfund their operating needs.

I would hope that we could work with the Senate to restore the funding so that Amtrak can continue to reduce its dependency on Federal support, strengthen its infrastructure, and retain a viable national route structure.

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

Mr. Chairman, I would just say to the gentleman from Maryland that I am really committed to Amtrak; I want Amtrak to do very well.

I think people should understand, so when they think about this bill, that the committee mark has provided $30 million more for Amtrak than enacted in fiscal year 1997. This bill is actually $3.5 million above what the administration requested.

The subcommittee has provided $202 million for operating expenses in fiscal year 1998, which is the same amount as requested by the administration. Funding for capital improvements is $260 million, which is $14.55 million more than requested by the administration and $36.55 million more than last year.

Also, too, the gentleman, both of us have a strong interest in the Amtrak corridor because that is, in essence, the flagship for Amtrak. By making this work very well, it will help the entire system. And the subcommittee provided $250 million for the Northeast corridor, which is $50 million more than requested and $75 million more than was in 1975.

So for Amtrak, the Northeast corridor, we are actually putting more on it. We hope to see that high-speed rail moving up and down there as quickly as possible.

I can assure the gentleman, and I know the gentleman from Minnesota

[Mr. SABO], having sat through all the hearings, knows that I want to do everything we can to protect it. The problem is, though, last year the Congress provided a significant amount of money to keep open a number of routes that Amtrak wanted to close down. We lost that money because four of those six routes are now gone. They are gone.

In addition, Amtrak actually lost more money because they could have taken the train sets from those routes and use them on more productive routes. But I want the gentleman to know that many areas were actually significantly higher.

I believe the opportunity for Amtrak, with monopoles in the Northeast corridor, aggressive mail delivery, and a lot of other opportunities, that that can be the flagship. I am committed to maintaining and having a national rail system because I just think it is important for a first class country to have a first class system.

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

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

Mr. CARDIN. Mr. Chairman, I want to thank the gentleman for his leadership in this area. I know of the gentleman's commitment to rail service in this country and the importance to the Northeast corridor as well as to other regions of our Nation.

The gentleman has provided some significant help for Amtrak, and that is appreciated. I think the area of major concern right now is the operating issue and whether there are adequate operating subsidies in this budget in order to meet the transition until the high-speed trains are on line.

As the gentleman knows, Amtrak has incurred some additional capital debt obligations through its borrowing that now must be met through Amtrak, and I hope that we can continue to work together to make sure that there are adequate resources during this transitional period.

□ 1530

Mr. WOLF. Reclaiming my time, I hope we can. And I am sure the gentleman from Minnesota [Mr. SABO] and I will be able to work something out. I hope the gentleman will take a look at that, and I am going to ask the staff to show how retirement payments were being paid by Amtrak. And there are some problems, but I am committed to working with Amtrak and I am doubly committed to making the Northeast corridor the flagship which will help bring Amtrak a lot more money.

Mr. CARDIN. I thank the gentleman very much.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE I

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $60,009,000, of which not to exceed $40,000 shall be available as the Secretary may determine for allocation within the Department for official reception and representation expenses: *Provided,* That notwithstanding any other provision of law, there may be credited to this appropriation up to $1,000,000 in funds received in user fees: *Provided further,* That no more than $606,000 shall be available for the Office of Acquisition and Grants Management, solely for department-wide grants management activities: *Provided further,* That none of the funds appropriated in this Act or otherwise made available may be used to maintain custody of airline tariffs that are already available for public and departmental access at no cost; to secure them against detection, alteration, or tampering; and open to inspection by the Department.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $5,574,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, and development activities, to remain available until expended, $4,400,000.

TRANSPORTATION ADMINISTRATIVE SERVICE CENTER

Necessary expenses for operating costs and capital outlays of the Transportation Administrative Service Center, not to exceed $121,800,000, shall be paid from appropriations made available to the Department of Transportation: *Provided,* That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further,* That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further,* That no funds appropriated in this Act to an agency of the Department shall be transferred to the Transportation Administrative Service Center without the approval of the agency modal administrator: *Provided further,* That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the budgetary resources provided for ''Small Community Air Service'' in Public Law 101–508 for fiscal year 1998, $38,600,000 are rescinded.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I rise to make a point of order against the paragraph.

The CHAIRMAN. The gentleman from Pennsylvania will state his point of order.

Mr. SHUSTER. Mr. Chairman, I raise a point of order against page 4, line 1, through line 6. This provision violates clause 2 of rule XXI because it rescinds $38.6 million in airport and airway trust fund contract authority, not general fund appropriations, for small community air service.

Airport and airway trust fund contract authority, while a form of direct spending, is legislative in nature, and rescinding such authority is not within the jurisdiction of the Committee on Appropriations. This rescission constitutes legislation on an appropriations bill in violation of the House rules.

The CHAIRMAN. Does the gentleman from Virginia [Mr. WOLF] wish to be heard on the point of order?

Mr. WOLF. No, Mr. Chairman. I concede the point of order.

The CHAIRMAN. The gentleman concedes the point of order. The provision is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of direct loans, $1,500,000, as authorized by 49 U.S.C. 332: *Provided,* That such costs including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $15,000,000. In addition, for administrative expenses to carry out the direct loan program, $400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $2,900,000, of which $2,635,000 shall remain available until September 30, 1999: *Provided,* That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

COAST GUARD

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare; $2,708,000,000, of which $300,000,000 shall be available for defense-related activities and $25,000,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided,* That the number of aircraft on hand at any one time shall not exceed two hundred and twelve, exclusive of aircraft and parts stored to meet future attrition: *Provided further,* That none of the funds appropriated in this or any other Act shall be available for pay or administrative expenses in connection with shipping commissioners in the United States: *Provided further,* That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: *Provided further,* That the Commandant shall reduce both military and civilian employment levels for the purpose of complying with Executive Order No. 12839: *Provided further,* That $34,300,000 of the funds provided under this heading for increased drug interdiction activities are not available for obligation until the Director, Office of National Drug Control Policy: (1) reviews the specific activities and associated costs and benefits proposed by the Coast Guard; (2) compares those activities to other drug interdiction efforts government-wide; and (3) certifies, in writing, to the House and Senate Committees on Appropriations that such expenditures represent the best investment relative to other options: *Provided further,* That should the Director, Office of National Drug Control Policy decline to make such certification, after notification in writing to the House and Senate Committees on Appropriations, the Director may transfer, at his discretion, up to $34,300,000 of funds provided herein for Coast Guard drug interdiction activities to any other entity of the Federal

Government for drug interdiction activities: *Provided further,* That up to $615,000 in user fees collected pursuant to section 1111 of Public Law 104–324 shall be credited to this appropriation as offsetting collections in fiscal year 1998.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $379,000,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which $191,650,000 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 2002; $33,900,000 shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 2000; $47,050,000 shall be available for other equipment, to remain available until September 30, 2000; $59,400,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 2000; and $47,000,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 1999: *Provided,* That funds received from the sale of HU–25 aircraft shall be credited to this appropriation for the purpose of acquiring new aircraft and increasing aviation capacity: *Provided further,* That the Commandant may dispose of surplus real property by sale or lease and the proceeds shall be credited to this appropriation, of which not more than $9,000,000 shall be credited as offsetting collections to this account, to be available for the purposes of this account: *Provided further,* That the amount herein appropriated from the General Fund shall be reduced by such amount so as to result in a final fiscal year 1998 appropriation from the General Fund of $370,000,000: *Provided further,* That any proceeds from the sale or lease of Coast Guard surplus real property in excess of $9,000,000 shall be retained and remain available until expended, but shall not be available for obligation until October 1, 1998.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $21,000,000, to remain available until expended.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, $16,000,000, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55); $645,696,000.

RESERVE TRAINING

(INCLUDING TRANSFER OF FUNDS)

For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $67,000,000: *Provided,* That no more than $20,000,000 of funds made available under this heading may be transferred to Coast Guard ''Operating expenses'' or otherwise made available to reimburse the Coast Guard for financial support of the Coast Guard Reserve.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $19,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided,* That there may be credited to this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

BOAT SAFETY

(AQUATIC RESOURCES TRUST FUND)

For payment of necessary expenses incurred for recreational boating safety assistance under Public Law 92–75, as amended, $35,000,000, to be derived from the Boat Safety Account and to remain available until expended.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities and the operation (including leasing) and maintenance of aircraft, and carrying out the provisions of subchapter I of chapter 471 of title 49, United States Code, or other provisions of law authorizing the obligation of funds for similar programs of airport and airway development or improvement, lease or purchase of four passenger motor vehicles for replacement only, $5,300,000,000, of which notwithstanding 49 U.S.C. 48104(c), $3,425,000,000 shall be derived from the Airport and Airway Trust Fund: *Provided,* That none of the funds in this Act shall be available for the Federal Aviation Administration to plan, finalize, or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of enactment of this Act: *Provided further,* That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for test related thereto, or for processing major repair or alteration forms: *Provided further,* That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further,* That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further,* That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: *Provided further,* That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States: *Provided further,* That none of the funds derived from the Airport and Airway Trust Fund may be used to support the operations and activities of the Associate Administrator for Commercial Space Transportation.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I raise a point of order against the paragraph.

The CHAIRMAN. The gentleman from Pennsylvania will state his point of order.

Mr. SHUSTER. Mr. Chairman, I raise a point of order against page 10, line 20, beginning with ''of which'' through ''fund'' on line 22. This provision violates clause 2 of rule XXI because it alters the funding formula established under the airport improvement program by appropriating $3.425 billion out of the airport and airway fund for FAA.

The correct figure should be approximately $1.88 billion if the formula under existing law is followed. The added funding for operations has the effect of changing existing law and it, therefore, constitutes legislation on an appropriations bill in violation of the House rules.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. WOLF. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The Chair will state that the point of order can extend only to the specific part of the paragraph left unprotected and, as such, it is sustained.

AMENDMENT OFFERED BY MR. WOLF

Mr. WOLF. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Wolf:

On page 10, line 20 of the bill, insert the following after the sum ''$5,300,000,000,'': of which $1,880,000,000 shall be derived from the Airport and Airway Trust Fund.

Mr. WOLF. Mr. Chairman, the point of order just sustained by the Chair eliminates all aviation trust fund support for FAA operations. I believe it is the intent of the authorizing committee to ensure only that the legislative cap on trust fund spending for FAA operations is upheld and not to totally eliminate the trust fund contribution.

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

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

Mr. SHUSTER. Mr. Chairman, I certainly agree with the gentleman from Virginia [Mr. WOLF], the chairman of the subcommittee, and I support this amendment.

Mr. WOLF. Mr. Chairman, there is nothing more to say, then, because it is a technical amendment and is supported, I think, by the majority and minority.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. WOLF].

The amendment was agreed to.

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

Mr. Chairman, I would like to bring to the Members' attention on page 6, line 12, through line 18, this is an area of the appropriations bill of which I have talked to the gentleman from Virginia [Mr. WOLF], the chairman, about

that I have some strong reservations on. What I would like to do is to read the three areas of the bill that I have strong reservations and then speak directly as to what they are.

No. 1, line 5, first of all, the Committee on Appropriations has taken $34 million that was directed to the Coast Guard interdiction program and has effectively given it to the drug czar to determine the best area where this money should be spent.

The authority given to the drug czar is the following, that is the director's office of the National Drug Control Policy. This is the authority given to Mr. McCaffrey. No. 1, Mr. McCaffrey will review the specific activities and associated costs and benefit proposed by the Coast Guard.

I think those reviews of those activities and the cost and benefits have already been reviewed by the authorizing committee, the Coast Guard committee and the transportation. No. 2 compares those activities to other drug interdiction efforts government-wide. This was always done with various other authorizing committees.

But within that, what I have the most disagreement with is No. 3. No. 3 certifies that the drug czar will certify in writing to the House and the Senate Committees on Appropriations, not to the authorizing committee, but to the Committee on Appropriations, that such expenditures represent the best investment relative to other options provided further that, should the director, Office of National Drug Control Policy decline to make such certification after notification in writing to the House and Senate Committees on Appropriations, the director may transfer, at his discretion, up to $34 million of funds provided to the Coast Guard to any other government entity to use this amount of money.

I have some reservations about reporting to the Committee on Appropriations, as opposed to the authorizing committees, this waiver. This part of the bill could have been struck in a point of order, but it was protected by waiver by the Committee on Rules.

Mr. McCaffrey, in a letter to the Committee on Transportation and Infrastructure to Mr. Peña wanted, this is the drug czar now, wanted $34 million sent to the Coast Guard for this interdiction part. The Coast Guard, in the whole area of the Nation's drug problem, in the last few years, in my judgment, has been engaged in a very positive way to drastically reduce the number of drugs coming into the United States.

Now, lastly, Mr. Chairman, I think when we begin to pick apart in the various levels of the appropriations process and the authorizing process an agency such as the Coast Guard, I think we lose sight of the rather large responsibility, increasing responsibility that we give to the Coast Guard every single year.

If the Members will just consider this particular fact: On any 1 day, any one point in time on any given day, every Coast Guard jet that is assigned an area, every Coast Guard helicopter, every Coast Guard cutter, every Coast Guard buoy tender, every Coast Guard boat has the following responsibilities: Drug interdiction, determining who are illegal immigrants, boarding hostile steamship lines with hostile immigrants prepared to wreak havoc, finding boats where people have had accidents, determining the difference between shad, salmon, yellowfin tuna, bluefin tuna, striped bass, when the regulations for fishing are the international standards for boaters' safety, for vessel safety, for oil pollution. Every single Coast Guard person has this and more as their responsibility.

Drug interdiction is just one of these things. And what the Coast Guard is doing now as far as drug interdiction is concerned, they are working in the international arena and they have international cooperation, and the U.S. Coast Guard is seen as a leader in this area.

So I would just request, and the gentleman from Virginia [Mr. WOLF] and myself have had some very good discussions on this prior to this statement, but I think it is important for us to realize the increasing responsibility of the Coast Guard.

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

Mr. Chairman, I appreciate the comment of the gentleman from Maryland [Mr. GILCHREST]. I admire him about as much as I do anybody in the body. And we will talk, and if we are able to keep this language in, I will change it to make sure that the report goes to the authorizing committee too at the same time.

We just want to make sure that the money is wisely spent. I am very concerned about the drug problem coming into the country. I have very strong views about it. We have had a number of drug conferences in my district. I just want to make sure that it is really wisely and well spent.

Second, by doing this, we put a great responsibility on the drug czar and also on the Coast Guard. But I think I understand what the gentleman from Maryland [Mr. GILCHREST] says. And again, if we can, we will make sure that the report goes to the gentleman's committee and the Coast Guard.

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

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

Mr. GILCHREST. First, I have a great deal of respect for the gentleman from Virginia [Mr. WOLF], and I think he knows that. I do look forward to working with him on this particular issue on page 6, but I look forward to working with him on this issue in a very comprehensive way so that we can ensure a reduction in the drug problem in the United States. And all the Federal agencies are working very closely together to do a better job.

Mr. WOLF. I thank the gentleman.

Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 65, line 6, be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The text of the remainder of the bill through page 65, line 6, is as follows:

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this head; to be derived from the Airport and Airway Trust Fund, $1,875,000,000, of which $1,655,890,000 shall remain available until September 30, 2000, and of which $219,110,000 shall remain available until September 30, 1998: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $185,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2000: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development: *Provided further*, That none of the funds in this Act may be obligated or expended for the ''Flight 2000'' Program.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and for noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations, $1,600,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the obligations for which are in excess of $1,700,000,000 in fiscal year 1998 for grants-in-aid for airport planning and development, and noise compatibility planning and programs, notwithstanding section 47117(h) of title 49, United States Code.

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and

investments, within the limits of funds available pursuant to 49 U.S.C. 44307, and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under chapter 443 of title 49, United States Code.

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

None of the funds in this Act shall be available for activities under this heading during fiscal year 1998.

ADMINISTRATIVE SERVICES FRANCHISE FUND

None of the funds in this Act shall be available to establish new activities under the Administrative Services Franchise Fund during fiscal year 1998.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

Necessary expenses for administration, operation, including motor carrier safety program operations, and research of the Federal Highway Administration not to exceed $510,313,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided,* That $202,226,000 of the amount provided herein shall remain available until September 30, 2000.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $21,500,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 1998.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursements for sums expended pursuant to the provisions of 23 U.S.C. 308, $20,800,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

RIGHT-OF-WAY REVOLVING FUND

(LIMITATION ON DIRECT LOANS)

(HIGHWAY TRUST FUND)

None of the funds under this head are available for obligations for right-of-way acquisition during fiscal year 1998.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out 49 U.S.C. 31102, $85,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided,* That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $85,325,000 for ''Motor Carrier Safety Grants''.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under part C of subtitle VI of title 49, United States Code, and chapter 301 of title 49, United States Code, $74,492,000, of which $40,674,000 shall remain available until September 30, 2000: *Provided,* That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under 23 U.S.C. 403 and section 2006 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240), to be derived from the Highway Trust Fund, $72,415,000, of which $49,520,000 shall remain available until September 30, 2000.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred carrying out the provisions of 23 U.S.C. 153, 402, 408, and 410, and chapter 303 of title 49, United States Code, to remain available until expended, $186,000,000, to be derived from the Highway Trust Fund: *Provided,* That, notwithstanding subsection 2009(b) of the Intermodal Surface Transportation Efficiency Act of 1991, none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 1998, are in excess of $186,500,000 for programs authorized under 23 U.S.C. 402, 410, and chapter 303 of title 49, U.S.C., of which $140,200,000 shall be for ''State and community highway safety grants'', $2,300,000 shall be for the ''National Driver Register'', $9,000,000 shall be for ''Occupant Protection Incentive Grants'', subject to authorization, and $35,000,000 shall be for section 410 ''Alcohol-impaired driving countermeasures programs'': *Provided further,* That none of these funds shall be used for construction, rehabilitation or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further,* That not to exceed $5,268,000 of the funds made available for section 402 may be available for administering ''State and community highway safety grants'': *Provided further,* That not to exceed $150,000 of the funds made available for section 402 may be available for administering the highway safety grants authorized by section 1003(a)(7) of Public Law 102–240: *Provided further,* That not to exceed $500,000 of the funds made available for section 410 ''Alcohol-impaired driving counter-measures programs'' shall be available for technical assistance to the States.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $19,434,000, of which $1,389,000 shall remain available until expended: *Provided,* That none of the funds in this Act shall be available for the planning or execution of a program making commitments to guarantee new loans under the Emergency Rail Services Act of 1970, as amended, and no new commitments to guarantee loans under section 211(a) or 211(h) of the Regional Rail Reorganization Act of 1973, as amended, shall be made: *Provided further,* That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: *Provided further,* That such additional sums as may be necessary for payment on the first deed of trust may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation: *Provided further,* That none of the funds for rental payments to the General Services Administration provided herein shall be used to pay the expenses of headquarters' employees outside of the Nassif building after January 1, 1998.

RAILROAD SAFETY

For necessary expenses in connection with railroad safety, not otherwise provided for, $56,967,000, of which $5,511,000 shall remain available until expended: *Provided,* That notwithstanding any other provision of law, funds appropriated under this heading are available for the reimbursement of out-of-state travel and per diem costs incurred by employees of State governments directly supporting the Federal railroad safety program, including regulatory development and compliance-related activities.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $21,038,000, to remain available until expended.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

For necessary expenses related to Northeast Corridor improvements authorized by title VII of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended (45 U.S.C. 851 et seq.) and 49 U.S.C. 24909, $250,000,000, to remain available until September 30, 2000.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided,* That no new loan guarantee commitments shall be made during fiscal year 1998.

NEXT GENERATION HIGH-SPEED RAIL

For necessary expenses for Next Generation High-Speed Rail studies, corridor planning, development, demonstration, and implementation, $18,395,000, to remain available until expended: *Provided,* That funds under this head may be made available for grants to States for high-speed rail corridor design, feasibility studies, environmental analyses, and track and signal improvements.

RHODE ISLAND RAIL DEVELOPMENT

For the costs associated with construction of a third track on the Northeast Corridor between Davisville and Central Falls, Rhode Island, with sufficient clearance to accommodate double stack freight cars, $10,000,000, to be matched by the State of Rhode Island or its designee on a dollar for dollar basis and to remain available until expended: *Provided,* That as a condition of accepting such

funds, the Providence and Worcester (P&W) Railroad shall enter into an agreement with the Secretary to reimburse Amtrak and/or the Federal Railroad Administration, on a dollar for dollar basis, up to the first $23,000,000 in damages resulting from the legal action initiated by the P&W Railroad under its existing contracts with Amtrak relating to the provision of vertical clearances between Davisville and Central Falls in excess of those required for present freight operations.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation authorized by 49 U.S.C. 24104, $543,000,000, to remain available until expended, of which $202,000,000 shall be available for operating losses, $81,000,000 shall be available for mandatory passenger rail service payments, and $260,000,000 shall be for capital improvements: *Provided,* That none of the funds herein appropriated for mandatory railroad retirement payments shall be used for payments for National Railroad Passenger Corporation employees: *Provided further,* That none of the funds in this Act may be obligated or expended for operating losses in excess of the amounts specifically provided herein: *Provided further,* That none of the funds provided for capital improvements may be transferred to operating losses to pay for debt service interest unless specifically authorized by law after the date of enactment of this Act: *Provided further,* That the incurring of any obligation or commitment by the Corporation for the purchase of capital improvements prohibited by this Act or not expressly provided for in an appropriations Act shall be deemed a violation of 31 U.S.C. 1341: *Provided further,* That funding under this head for capital improvements shall not be made available before July 1, 1998: *Provided further,* That the Administrator of the Federal Railroad Administration shall submit a quarterly report to the House and Senate Committees on Appropriations detailing the financial status of, and future business forecasts for, the National Railroad Passenger Corporation as well as recommendations for reducing operating losses in the near-term and Federal financial support in the long-term: *Provided further,* That none of the funds herein appropriated shall be used for lease or purchase of passenger motor vehicles or for the hire of vehicle operators for any officer or employee, other than the president of the Corporation, excluding the lease of passenger motor vehicles for those officers or employees while in official travel status.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $45,738,000: *Provided,* That none of the funds in this Act shall be available for the execution of contracts under section 5327(c) of title 49, United States Code, in an aggregate amount that exceeds $15,000,000.

FORMULA GRANTS

For necessary expenses to carry out 49 U.S.C. 5307, 5310(a)(2), 5311, and 5336, to remain available until expended, $290,000,000: *Provided,* That no more than $2,500,000,000 of budget authority shall be available for these purposes: *Provided further,* That of the funds provided under this head for formula grants, no more than $200,000,000 may be used for operating assistance under 49 U.S.C. 5336(d): *Provided further,* That the limitation on operating assistance provided under this heading shall, for urbanized areas of less than 200,000 in population, be no less than seventy-five percent of the amount of operating assistance such areas are eligible to receive under Public Law 103–331: *Provided further,* That in the distribution of the limitation provided under this heading to urbanized areas that had a population under the 1990 census of 1,000,000 or more, the Secretary shall direct each such area to give priority consideration to the impact of reductions in operating assistance on smaller transit authorities operating within the area and to consider the needs and resources of such transit authorities when the limitation is distributed among all transit authorities operating in the area.

UNIVERSITY TRANSPORTATION CENTERS

For necessary expenses for university transportation centers as authorized by 49 U.S.C. 5317(b), to remain available until expended, $6,000,000.

TRANSIT PLANNING AND RESEARCH

For necessary expenses for transit planning and research as authorized by 49 U.S.C. 5303, 5311, 5313, 5314, and 5315, to remain available until expended, $86,000,000, of which $39,500,000 shall be for activities under Metropolitan Planning (49 U.S.C. 5303); $4,500,000 for activities under Rural Transit Assistance (49 U.S.C. 5311(b)(2)); $8,250,000 for activities under State Planning and Research (49 U.S.C. 5313(b)); $22,500,000 for activities under National Planning and Research (49 U.S.C. 5314); $8,250,000 for activities under Transit Cooperative Research (49 U.S.C. 5313(a)); and $3,000,000 for National Transit Institute (49 U.S.C. 5315).

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out 49 U.S.C. 5338(a), $2,210,000,000, to remain available until expended and to be derived from the Highway Trust Fund: *Provided,* That $2,210,000,000 shall be paid from the Mass Transit Account of the Highway Trust Fund to the Federal Transit Administration's formula grants account.

DISCRETIONARY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $2,000,000,000 in fiscal year 1998 for grants under the contract authority in 49 U.S.C. 5338(b): *Provided,* That there shall be available for fixed guideway modernization, $800,000,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $400,000,000; and there shall be available for new fixed guideway systems $800,000,000, to be available as follows:

$44,600,000 for the Atlanta-North Springs project (subject to authorization);

$46,300,000 for the Boston Piers MOS–2 project (subject to authorization);

$2,300,000 for the Canton-Akron-Cleveland commuter rail project (subject to authorization);

$1,000,000 for the Charlotte South corridor transitway project (subject to authorization);

$500,000 for the Cincinnati Northeast/Northern Kentucky rail line project (subject to authorization);

$5,000,000 for the Clark County, Nevada fixed guideway project (subject to authorization);

$800,000 for the Cleveland Blue Line extension to Highland Hills project (subject to authorization);

$700,000 for the Cleveland Berea Red Line extension to Hopkins International Airport (subject to authorization);

$1,200,000 for the Cleveland Waterfront Line extension project (subject to authorization);

$14,000,000 for the Dallas-Fort Worth RAILTRAN project (subject to authorization);

$8,000,000 for the DART North Central light rail extension project (subject to authorization);

$1,500,000 for the DeKalb County, Georgia light rail project (subject to authorization);

$21,400,000 for the Denver Southwest Corridor project (subject to authorization);

$7,000,000 for the Florida Tri-County commuter rail project (subject to authorization);

$1,000,000 for the Galveston, Texas rail trolley system project (subject to authorization);

$1,000,000 for the Houston Advanced Regional Bus Plan project (subject to authorization);

$51,100,000 for the Houston Regional Bus project (subject to authorization);

$1,000,000 for the Indianapolis Northeast corridor project (subject to authorization);

$4,000,000 for the Jackson, Mississippi intermodal corridor project (subject to authorization);

$76,000,000 for the Los Angeles MOS–3 project (subject to authorization);

$27,000,000 for MARC commuter rail improvements (subject to authorization);

$1,000,000 for the Memphis, Tennessee regional rail project (subject to authorization);

$9,000,000 for the Metro-Dade Transit east-west corridor project (subject to authorization);

$9,000,000 for the Miami-North 27th Avenue project (subject to authorization);

$1,000,000 for the Mission Valley East corridor project (subject to authorization);

$54,800,000 for the New Jersey-Hudson-Bergen project (subject to authorization);

$27,000,000 for the New Jersey Secaucus project (subject to authorization);

$8,000,000 for the New Orleans Canal Street corridor project (subject to authorization);

$2,000,000 for the New Orleans Desire Streetcar project (subject to authorization);

$6,000,000 for the North Carolina Research Triangle Park project (subject to authorization);

$2,000,000 for the Northern Indiana South Shore commuter rail project (subject to authorization);

$5,000,000 for the Oceanside-Escondido light rail project (subject to authorization);

$1,600,000 for the Oklahoma City MAPS corridor transit project (subject to authorization);

$4,000,000 for the Orange County transitway project (subject to authorization);

$31,800,000 for the Orlando Lynx light rail project (subject to authorization);

$500,000 for the Pennsylvania Strawberry Hill/Diamond Branch rail project (subject to authorization);

$8,000,000 for the Phoenix metropolitan area transit project (subject to authorization);

$3,000,000 for the Pittsburgh airport busway project (subject to authorization);

$63,400,000 for the Portland-Westside/Hillsboro project (subject to authorization);

$20,300,000 for the Sacramento LRT project (subject to authorization);

$42,800,000 for the Salt Lake City South LRT project (subject to authorization);

$1,000,000 for the San Bernardino Metrolink project (subject to authorization);

$3,000,000 for the San Diego Mid-Coast corridor project (subject to authorization);

$54,800,000 for the San Francisco BART extension to the airport project (subject to authorization);

$25,700,000 for the San Juan Tren Urbano (subject to authorization);

$21,400,000 for the San Jose Tasman LRT project (subject to authorization);

$4,000,000 for the Seattle-Tacoma commuter rail project (subject to authorization);

$2,000,000 for the Seattle-Tacoma light rail project (subject to authorization);

$30,000,000 for the St. Louis-St. Clair LRT extension project (subject to authorization);

$5,000,000 for the St. George Ferry terminal project (subject to authorization);

$2,000,000 for the Tampa Bay regional rail project (subject to authorization);

$2,000,000 for the Tidewater, Virginia rail project (subject to authorization);

$1,000,000 for the Toledo, Ohio rail project (subject to authorization);

$20,000,000 for the Twin Cities transitways projects (subject to authorization);

$2,500,000 for the Virginia Rail Express Fredericksburg to Washington commuter rail project (subject to authorization);

$5,000,000 for the Whitehall ferry terminal project (subject to authorization); and

$5,000,000 for the Wisconsin central commuter rail project (subject to authorization).

MASS TRANSIT CAPITAL FUND

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out 49 U.S.C. 5338(b) administered by the Federal Transit Administration, $2,350,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For necessary expenses to carry out the provisions of section 14 of Public Law 96–184 and Public Law 101–551, $200,000,000, to remain available until expended.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operation and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, including the Great Lakes Pilotage functions delegated by the Secretary of Transportation, $11,200,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, $27,934,000, of which $574,000 shall be derived from the Pipeline Safety Fund, and of which $4,950,000 shall remain available until September 30, 2000: *Provided*, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $31,486,000, of which $3,300,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2000; and of which $28,186,000 shall be derived from the Pipeline Safety Fund, of which $14,839,000 shall remain available until September 30, 2000: *Provided*, That in addition to amounts made available for the Pipeline Safety Fund, $1,000,000 shall be available for grants to States for the development and establishment of one-call notification systems and shall be derived from amounts previously collected under section 7005 of the Consolidated Omnibus Budget Reconciliation Act of 1985.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), $200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2000: *Provided*, That none of the funds made available by 49 U.S.C. 5116(i) and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $42,000,000: *Provided*, That none of the funds under this heading shall be for the conduct of contract audits.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $15,853,000: *Provided*, That notwithstanding any other provision of law, not to exceed $2,000,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated for the general fund shall be reduced on a dollar for dollar basis as such offsetting collections are received during fiscal year 1998, to result in a final appropriation from the general fund estimated at no more than $13,853,000: *Provided further*, That any fees received in excess of $2,000,000 in fiscal year 1998 shall remain available until expended, but shall not be available for obligation until October 1, 1998.

TITLE II

RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $3,640,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–18; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $46,000,000, of which not to exceed $2,000 may be used for official reception and representation expenses.

EMERGENCY FUND

For necessary expenses of the National Transportation Safety Board for accident investigations, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–18; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902), $1,000,000, to remain available until expended.

TITLE III

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 302. Such sums as may be necessary for fiscal year 1998 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available (1) except as otherwise authorized by title VIII of the Elementary and Secondary Education Act of 1965, 20 U.S.C. 7701, et seq., for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents, and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 305. None of the funds in this Act shall be available for salaries and expenses of more than one hundred seven political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 306. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 308. The Secretary of Transportation may enter into grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of State or local government, any educational institution, and any other entity in execution of the Technology Reinvestment Project authorized under the Defense Conversion, Reinvestment and Transition Assistance Act of 1992 and related legislation: *Provided,* That the authority provided in this section may be exercised without regard to section 3324 of title 31, United States Code.

SEC. 309. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 310. (a) For fiscal year 1998 the Secretary of Transportation shall distribute the obligation limitation for Federal-aid highways by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways that are apportioned or allocated to each State for such fiscal year bear to the total of the sums authorized to be appropriated for Federal-aid highways that are apportioned or allocated to all the States for such fiscal year.

(b) During the period October 1 through December 31, 1997, no State shall obligate more than 25 per centum of the amount distributed to such State under subsection (a), and the total of all State obligations during such period shall not exceed 12 per centum of the total amount distributed to all States under such subsection.

(c) Notwithstanding subsections (a) and (b), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways that have been apportioned to a State;

(2) after August 1, 1998, revise a distribution of the funds made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 103(e)(4), 104, and 144 of title 23, United States Code, and under sections 1013(c) and 1015 of Public Law 102–240; and

(3) not distribute amounts authorized for administrative expenses and funded from the administrative takedown authorized by section 104(a) of title 23, United States Code, the Federal lands highway program, the intelligent transportation systems program, and amounts made available under sections 1040, 1047, 1064, 6001, 6005, 6006, 6023, and 6024 of Public Law 102–240, and 49 U.S.C. 5316, 5317, and 5338: *Provided,* That amounts made available under section 6005 of Public Law 102–240 shall be subject to the obligation limitation for Federal-aid highways and highway safety construction programs under the head ''Federal-Aid Highways'' in this Act.

(d) During the period October 1 through December 31, 1997, the aggregate amount of obligations under section 157 of title 23, United States Code, for projects covered under section 147 of the Surface Transportation Assistance Act of 1978, section 9 of the Federal-Aid Highway Act of 1981, sections 131(b), 131(j), and 404 of Public Law 97–424, sections 1061, 1103 through 1108, 4008, and 6023(b)(8) and 6023(b)(10) of Public Law 102–240, and for projects authorized by Public Law 99–500 and Public Law 100–17, shall not exceed $277,431,840.

(e) During the period August 2 through September 30, 1998, the aggregate amount which may be obligated by all States shall not exceed 2.5 percent of the aggregate amount of funds apportioned or allocated to all States—

(1) under sections 104 and 144 of title 23, United States Code, and 1013(c) and 1015 of Public Law 102–240, and

(2) for highway assistance projects under section 103(e)(4) of title 23, United States Code, which would not be obligated in fiscal year 1998 if the total amount of the obligation limitation provided for such fiscal year in this Act were utilized.

(f) Paragraph (e) shall not apply to any State which on or after August 1, 1998, has the amount distributed to such State under paragraph (a) for fiscal year 1998 reduced under paragraph (c)(2).

SEC. 311. The limitation on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation under the discretionary grants program.

SEC. 312. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 313. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 314. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant. The FAA shall accept such equipment, which shall thereafter be operated and maintained by the FAA in accordance with agency criteria.

SEC. 315. None of the funds in this Act shall be available to award a multiyear contract for production end items that (1) includes economic order quantity or long lead time material procurement in excess of $10,000,000 in any one year of the contract or (2) includes a cancellation charge greater than $10,000,000 which at the time of obligation has not been appropriated to the limits of the Government's liability or (3) includes a requirement that permits performance under the contract during the second and subsequent years of the contract without conditioning such performance upon the appropriation of funds: *Provided,* That this limitation does not apply to a contract in which the Federal Government incurs no financial liability from not buying additional systems, subsystems, or components beyond the basic contract requirements.

SEC. 316. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under ''Federal Transit Administration, Discretionary grants'' for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2000, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 317. Notwithstanding any other provision of law, any funds appropriated before October 1, 1993, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 318. None of the funds in this Act may be used to compensate in excess of 350 technical staff years under the federally-funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 1998.

SEC. 319. Funds provided in this Act for the Transportation Administrative Service Center (TASC) shall be reduced by $25,000,000, which limits fiscal year 1998 TASC obligational authority for elements of the Department of Transportation funded in this Act to no more than $96,800,000: *Provided,* That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included in each account for the Transportation Administrative Service Center.

SEC. 320. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's ''Limitation on General Operating Expenses'' account, the Federal Transit Administration's ''Transit Planning and Research'' account, and to the Federal Railroad Administration's ''Railroad Safety'' account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 321. None of the funds in this Act shall be available to prepare, propose, or promulgate any regulations pursuant to title V of the Motor Vehicle Information and Cost Savings Act (49 U.S.C. 32901, et seq.) prescribing corporate average fuel economy standards for automobiles, as defined in such title, in any model year that differs from standards promulgated for such automobiles prior to enactment of this section.

SEC. 322. None of the funds in this Act may be used for planning, engineering, design, or construction of a sixth runway at the Denver International Airport, Denver, Colorado: *Provided,* That this provision shall not apply in any case where the Administrator of the Federal Aviation Administration determines, in writing, that safety conditions warrant obligation of such funds: *Provided further,* That funds may be used for activities related to planning or analysis of airport noise issues related to the sixth runway project.

SEC. 323. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to the provisions of section 6006 of the Intermodal Surface Transportation Efficiency Act of 1991, may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided,* That such funds shall not be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 324. None of the funds in this Act may be obligated or expended for employee training which: (a) does not meet identified needs for knowledge, skills and abilities bearing directly upon the performance of official duties; (b) contains elements likely to induce high levels of emotional response or psychological stress in some participants; (c) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluations; (d) contains any methods or content associated with religious or quasi-religious

belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; (e) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace; or (f) includes content related to human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) other than that necessary to make employees more aware of the medical ramifications of HIV/AIDS and the workplace rights of HIV-positive employees.

SEC. 325. None of the funds in this Act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation: *Provided*, That this shall not prevent officers or employees of the Department of Transportation or related agencies funded in this Act from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

SEC. 326. None of the funds in this Act may be used to support Federal Transit Administration's field operations and oversight of the Washington Metropolitan Area Transit Authority in any location other than from the Washington, D.C. metropolitan area.

SEC. 327. Notwithstanding any other provision of law, the Secretary may use funds appropriated under this Act, or any subsequent Act, to administer and implement the exemption provisions of 49 CFR 580.6 and to adopt or amend exemptions from the disclosure requirements of 49 CFR part 580 for any class or category of vehicles that the Secretary deems appropriate.

SEC. 328. No funds other than those appropriated to the Surface Transportation Board shall be used for conducting the activities of the Board.

SEC. 329. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF CONGRESS: REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 330. Notwithstanding any other provision of law, receipts, in amounts determined by the Secretary, collected from users of fitness centers operated by or for the Department of Transportation shall be available to support the operation and maintenance of those facilities.

SEC. 331. Notwithstanding 49 U.S.C. 41742, no essential air service shall be provided to communities in the forty-eight contiguous States that are located fewer than seventy highway miles from the nearest large and medium hub airport, or that require a rate of subsidy per passenger in excess of $200 unless such point is greater than two hundred and ten miles from the nearest large or medium hub airport.

SEC. 332. None of the funds made available in this Act may be used for improvements to the Miller Highway in New York City, New York.

SEC. 333. None of the funds in this Act shall be available to implement or enforce regulations that would result in the withdrawal of a slot from an air carrier at O'Hare International Airport under section 93.223 of title 14 of the Code of Federal Regulations in excess of the total slots withdrawn from that air carrier as of October 31, 1993 if such additional slot is to be allocated to an air carrier or foreign air carrier under section 93.217 of title 14 of the Code of Federal Regulations.

TITLE IV

AMTRAK ROUTE CLOSURE AND REALIGNMENT

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Amtrak Route Closure and Realignment Act of 1997''.

SEC. 2. THE COMMISSION.

(a) ESTABLISHMENT.—There is established an independent commission to be known as the ''Total Realignment of Amtrak Commission'' (in this Act referred to as the ''Commission'').

(b) APPOINTMENT.—The Commission shall be composed of eleven members as follows:

(1) Three individuals appointed by the President, including—

(A) the Secretary of Transportation;

(B) one representative of a rail labor union; and

(C) one representative of a rail management.

(2) Four individuals who collectively have expertise in rail finance, economic analysis, legal issues, and other relevant areas, of which three shall be appointed by the Majority Leader of the Senate and one shall be appointed by the Minority Leader of the Senate.

(3) Four individuals who collectively have expertise in rail finance, economic analysis, legal issues, and other relevant areas, of which three shall be appointed by the Speaker of the House of Representatives and one shall be appointed by the Minority Leader of the House of Representatives.

Appointments under this subsection shall be made within 15 days after the date of the enactment of this Act. Individuals appointed under paragraphs (2) and (3) shall not be employees of the Department of Transportation or representatives of a rail labor union or rail management.

(c) CHAIRMAN.—Within 10 days after the 15-day period described in subsection (b), or the appointment of the last member of the Commission under such subsection, whichever occurs first, a majority of the members of the Commission may elect a chairman from among its membership. If a chairman is not elected within such 10-day period, the President shall select a chairman for the Commission from among its membership.

(d) MEETINGS.—(1) Each meeting of the Commission shall be open to the public.

(2) All the proceedings, information, and deliberations of the Commission shall be open or available, upon request, to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate, and to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.

(e) PAY AND TRAVEL EXPENSES.—(1)(A) Each member, other than the Chairman, shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(B) The Chairman shall be paid for each day referred to in subparagraph (A) at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(C) Notwithstanding subparagraphs (A) and (B), officers and employees of the Federal Government shall not be paid under this paragraph for service on the Commission.

(2) Members shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(f) DIRECTOR OF STAFF.—The Commission shall appoint a Director, who shall be paid at the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(g) STAFF.—(1) Subject to paragraph (2), the Director, with the approval of the Commission, may appoint and fix the pay of not more than 5 additional employees.

(2) The Director may make such appointments without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and any personnel so appointed may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(h) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(i) INFORMATION.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairman of the Commission, the head of that department or agency shall furnish that information to the Commission to the extent otherwise permitted by law.

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

(k) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(l) EXPERTS OR CONSULTANTS.—The Commission may procure by contract, to the extent funds are available, the temporary or

intermittent services of experts or consultants pursuant to section 3109 of title 5, United States Code.

(m) TERMINATION.—The Commission shall terminate 30 days after transmitting a report under section 3(e).

SEC. 3. DUTIES.

(a) ECONOMIC PERFORMANCE RANKINGS.—The Commission shall examine economic data for Amtrak's system and develop system-wide performance rankings of all routes based on long-term economic loss.

(b) IDENTIFICATION OF CANDIDATE ROUTES FOR CLOSURE OR REALIGNMENT.—(1) The Commission shall identify routes which are candidates for closure or realignment, based on the performance rankings developed under subsection (a) and on the following principles:

(A) The system which remains after closure and realignment of routes shall not be required to be a national, interconnected system.

(B) Federal operating subsidies for Amtrak shall be assumed to decline over the 4-year period to the point of zero Federal operating subsidy by the year 2002.

(C) The rail labor protection costs of Amtrak shall be calculated both—

(i) at the level required under rail labor laws as in effect when the Commission is identifying routes under this subsection; and

(ii) at the level which would be required if amendments to rail labor laws were enacted that—

(I) limit to a maximum of 6 months any wage continuation or severance benefit for an employee of Amtrak whose employment is terminated as a result of a discontinuance of intercity rail passenger service; and

(II) permit Amtrak to require any employee whose position is eliminated as a result of such a discontinuance to transfer to another part of Amtrak's system.

(2) The Commission shall specifically examine ridership forecasts and other assumptions supporting continued service on the Northeast Corridor, particularly with respect to the continuation of the electrification of the Northeast Corridor between New Haven, Connecticut, and Boston, Massachusetts.

(c) CONSIDERATION OF QUALITY OF LIFE FACTORS.—(1) Each route identified under subsection (b) as a candidate for closure or realignment shall be reviewed to determine whether there are important social, environmental, or other quality of life factors which should be considered in determining whether to close or realign the route. The commission shall also consider the effect on airport congestion and the availability of alternative modes of transportation, especially in rural areas, before recommending any closure or realignment.

(2) The Commission shall hold public hearings to obtain testimony from State and local officials, and other interested parties, with respect to factors described in paragraph (1).

(d) OPTIONAL USES FOR ABANDONED RAIL LINES.—The Commission shall also examine optional uses for abandoned rail lines.

(e) RECOMMENDATIONS.—The Commission shall, within 120 days after the election or selection of its chairman under section 2(c), transmit to the Congress and the President a report on its activities under this Act, including recommendations developed under this section for the closure and realignment of routes in Amtrak's passenger rail system.

SEC. 4. MAKING APPROPRIATIONS FOR THE COMMISSION.

There are appropriated $1,000,000 for carrying out this title.

POINTS OF ORDER

The CHAIRMAN. Are there any points of order to the remaining portions of the bill?

Mr. SHUSTER. Mr. Chairman, I raise a point of order against section 331.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SHUSTER. Mr. Chairman, I raise a point of order against section 331. This provision violates clause 2 of rule XXI because it establishes criteria involving distance from a hub and subsidy for passengers that have the effect of excluding some small communities from eligibility for subsidized air service under the essential air service program.

□ 1545

The communities excluded are those that are eligible for service under subchapter 2 of chapter 417 of title 49. Changing the eligibility rules constitutes legislation on an appropriations bill in violation of House rules.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

If not, the Chair would rule. Section 331 of the bill explicitly waives existing law and therefore constitutes legislation in violation of clause 2(b) of rule XXI. The point of order is sustained and section 331 is stricken from the bill.

Are there further points of order?

Mr. SHUSTER. Mr. Chairman, I make a point of order against title IV.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SHUSTER. Mr. Chairman, I raise a point of order against page 53, line 3 through page 65, line 6.

This provision violates clause 2 of rule XXI because it establishes an independent commission called the Total Realignment of Amtrak Commission to renew Amtrak's route system and identify candidates for closure or realignment similar to the commission established to close military facilities. This constitutes legislation on an appropriations bill in violation of House rules.

The CHAIRMAN. Does the gentleman from Virginia wish to be heard on the point of order?

Mr. WOLF. I do, Mr. Chairman.

Mr. Chairman, I concede the point of order. I understand why the gentleman from Pennsylvania is doing it. I appreciate the concern.

I would urge the Congress to work and support the efforts of the gentleman from Pennsylvania [Mr. SHUSTER] to reform and change Amtrak, because as we are putting all of the money into Amtrak, if there is no reform and GAO and IG has looked at it, it has continued getting worse and it is, in essence, perhaps this is not an apt example, but putting money down a rathole.

I think what the gentleman from Pennsylvania [Mr. SHUSTER] is doing with regard to the restructuring is very, very important. I would have hoped that this language could have stayed in, but it is important that the Congress pass legislation, because I think we are going to see dwindling support if some restructuring is not done.

I concede the point of order.

The CHAIRMAN. The gentleman concedes the point of order and the matter included in the bill as title IV is, in fact, entirely legislative. The point of order is sustained, and that matter is stricken from the bill.

AMENDMENT OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FILNER: Page 22, line 1, strike ''loan guarantee'' and all that follows before the period on line 2 and insert the following:

loan guarantee subsidy shall be made in excess of $490,000 during fiscal year 1998.

Mr. WOLF. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Virginia reserves a point of order.

Mr. FILNER. Mr. Chairman, I rise today to introduce an amendment that is critical to the economic development not only of San Diego, my own district, but other communities throughout this Nation.

My amendment will appropriate $490,000 for the section 511 railroad loan guarantee program in order to leverage approximately $10 million in private sector loan guarantees necessary to help reestablish and rehabilitate small regional freight railroads like the San Diego & Arizona Eastern Railroad.

I repeat, this is a loan guarantee which leverages approximately 20 times that amount of private sector funding. Reestablishment of this railroad is on the top of everyone's priority list in San Diego and enjoys wide bipartisan support. Several colleagues from San Diego County on the other side of the aisle support this, as do the city of San Diego, the County Board of Supervisors, the San Diego Association of Governments, the Port of San Diego, the Greater San Diego Chamber of Commerce and the San Diego Economic Development Corporation. All agree that reestablishing this rail link is the area's highest priority for economic development.

Many of our Nation's regional and short line railroads find it difficult to obtain private financing because of high interest rates and short terms. Government assistance in the form of loan guarantees often becomes the only viable means to rehabilitate these vital links in our transportation infrastructure. I believe that the section 511 program, because it is not a grant program, it is not even a loan program but a loan guarantee to leverage private sector loans, is precisely the type of public-private partnership this Congress ought to encourage. Unfortunately, this program does not receive any funding in the bill before us.

Mr. Chairman, the economies of communities like San Diego and others would be greatly helped by rehabilitation of these small freight railroad

lines, and they need help now. I hope my colleagues can support this investment in economic growth.

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

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

Mr. BACHUS. Mr. Chairman, I rise in support of this amendment. I think it is important for all of us in Congress to understand what the loan guarantee program is and what it provides assistance to. What it provides assistance to are the short line railroads in our country.

Most of us in this Congress do not know what those short line railroads are. They have no appreciation for them. They do not know of their importance to the community. If they did, we would be providing funding for or we would be providing these loan guarantees.

In this bill, we have provided assistance for our airlines, for aviation, we have provided assistance for highways, for our motor freight carriers, we have provided assistance for our waterways and for passenger railroad. The one area that we have not addressed is our railroad system. We heavily subsidize all forms of transportation and transport except our freight railroads. Today within the freight railroads, there is definitely a segment that needs some assistance and recognition from the Federal Government. That is our short line railroads.

Mr. Chairman, I will tell my colleagues about one short line railroad in my district. A short line railroad in my district is 52 miles long. Over 4,000 employees work for small plants on that railroad. That railroad has not turned a profit for 4 years. It has had two washouts. If that short line railroad goes defunct, it will result in over 2,000 blue-collar workers being laid off in my district. That is only one of over 300 short line railroads. Most of them are minimally profitable or marginally profitable or not profitable at all.

I would simply appeal to the Committee on Appropriations and to the Transportation chairman and to this subcommittee to learn more about this important segment. These are the have-nots of the freight railroads. These companies, they are sort of the grassroots, they are the fingers and the toes.

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

(By unanimous consent, Mr. FILNER was allowed to proceed for 5 additional minutes.)

Mr. FILNER. Mr. Chairman, I continue to yield to the gentleman from Alabama.

Mr. BACHUS. Mr. Chairman, I want to address my remarks to the entire body and specifically about the short line railroads.

The short line railroads are the result of the Class I railroads. There used to be over 30 Class I railroads. In certain areas, the density of the track, the amount of freight over those lines was insufficient for them to operate. So what those large railroads did is they tried to abandon that track in most cases. But State and local governments came in and Federal agencies and said that you cannot abandon that track because it is necessary for the economic vitality of a certain region. These short line railroads came in and are now operating those tracks.

As I have said, people's jobs, people's welfares, communities' existence depend on these railroads. Wherever we have large agricultural areas, grain roads, the farmers depend on those roads to get their crops out. In high industrial areas, they depend on those small railroads. Those railroads may not be known, they may not be appreciated by Members of this body, but they are absolutely critical to those communities, and they are absolutely critical to the economic welfare of our country. To me it is a sad day that probably because of simply a lack of understanding, a lack of knowledge about where these railroads are, what factories they serve, what they mean to the people they serve and the fact that if we do not continue these loan guarantee programs, these railroads will go out of existence, and with them factories and jobs.

I do plan to have some conversations with members of the Committee on Appropriations. I plan to ask them, among other questions, do they know how many factories are served by short line railroads? How many of those short line railroads are profitable? How many employees work for those plants that are served by those short line railroads? And whether or not they feel that this minuscule amount of money that the Committee on Transportation and Infrastructure had authorized and urged the Committee on Appropriations to set aside, if they think that that was too much money for the livelihood of over 2 million American workers that depend on these short line railroads for a paycheck every Friday. It is something that we ought to ask ourselves. These workers are blue-collar workers, they are in industries that sometimes are competing fiercely with foreign companies, and by jerking this loan program, we will put people out of business, we will cause people to lose their jobs, we will cause some of these 16,000 small businesses, not the railroads, but the 16,000 small businesses to declare bankruptcy and go out of business to foreign competition. I am just sad that we have made this decision.

I am going to vote for the bill on the whole, and I know that this was not willfully done, I know it was not intentionally done, but when we vote through this bill and it does not have these loan guarantees in, we are putting at jeopardy over 2 million jobs, over 16,000 factories in this country.

The CHAIRMAN. Does the gentleman from Virginia continue his reservation?

Mr. WOLF. Yes, I do, Mr. Chairman.

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

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from California. Let me take a little different tack. On a bipartisan nature, both Republicans and Democrats in the California area, when the Federal Government induces or causes a problem or at least contributes to it, then it should have that responsibility to take care of those problems.

With the advent of the border States and NAFTA, especially along the Mexican border, the infrastructure and our highway and transportation system have been beaten to death by trucks, cars, and additional travel. The gentleman's amendment would ease that problem.

Second, that the interstate transportation along a border State with a major port like San Diego actually enhances the economy of this great country with the Asian markets in which we have a current deficit, so it helps reduce that deficit. The gentleman has given a lot of thought to this amendment. We have not received the support that we think that it should receive.

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

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

Mr. BILBRAY. Mr. Chairman, there was a lot of discussion here about the problems and the opportunities of NAFTA on this floor, but this is a situation where we need to recognize that with all the hand-wringing and the complaints about NAFTA not creating enough jobs in the United States or pulling jobs away from the American worker, here is a project that has the opportunity to make NAFTA, at least in some part, a major positive in job generation. Here is a possibility of bringing jobs into the United States by having the proper infrastructure to be able to capitalize on the opportunity of the United States to be part of the export network from Mexico into Asia. This gives the capability to creating jobs in the Southwest that would not exist without this infrastructure and without NAFTA, frankly.

I would just ask that all my colleagues who feel that NAFTA has not gotten the job done for the workers of America to recognize that though there are problems, there are also opportunities, and with those opportunities comes Federal obligations to take advantage of those opportunities and create the jobs, not just sit here in the House and say, well, the jobs just are not there, it is not working out, and complain.

□ 1600

But then look at these opportunities, as my colleague from California has pointed out, to build the infrastructure, to create the jobs, to make the opportunities so that the private sector can do what it does all too well, and that is to create the opportunities for those jobs.

And I want to point out about border control, Mr. Chairman, I do not think anyone who sat on the House floor in the last 2 years has been more vocal than I have about border control. I think those of us who want to see border control need to recognize that there are rights and responsibilities of the Federal Government along this border. We need to control the border, but we also need to encourage the good things. We need to stop the illegal activity but also encourage the legal commerce that will make the border a prosperous opportunity for America rather than the problem that we have seen for all too long.

Mr. CUNNINGHAM. Reclaiming my time, Mr. Chairman, before I yield back the time, I mention just one more benefit from this, not only the Federal Government's responsibility for helping create jobs in NAFTA, not only in our rail but other rails, but to take a look at the environmental concerns when we put trains on and take heavy trucks and transportation off of our highways, the environmental and the pollution with EPA and so on is also benefited.

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

The CHAIRMAN. Does the gentleman from Virginia [Mr. WOLF] wish to continue his reservation of objection?

Mr. WOLF. I do, Mr. Chairman.

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

Mr. Chairman, I was not going to speak on this because it is clear that the committee is and the chairman of the committee is prepared to execute his reservation against any of these loans, loan guarantees for short-track rail, and therefore it is not necessary to take a vote on this, on this issue. But I do want to, since my colleagues, the gentleman from California [Mr. CUNNINGHAM] and the gentleman from California [Mr. BILBRAY] and the gentleman from California [Mr. FILNER] have spoken about the prospects for this guaranteed program with respect to a San Diego to points east rail line, I thought it was important to come out and just say a few things about that specifically.

First, there is a broken down railway between San Diego and points east that goes mainly and starts out in the district of the gentleman from California [Mr. FILNER], goes mainly through in terms of mileage, through my district going east, but I do not think that is really relevant, whose district it goes through.

I think what probably is more relevant is the commentary that was elicited recently from the gentleman from Texas [Mr. REYES] who is one of our esteemed Members of Congress, former Border Patrol chief in El Paso. And if my colleagues walk through this problem with him with respect to border control problems, that is, having a short-track rail line that actually goes into Mexico. This is the area in Mexico where we are now having fire fights between border patrolmen and smuggling elements on the other side of the border; goes into Mexico, goes through about 50, 60 miles of rugged country, comes back along a series of precarious canyons, and then comes back into the United States. The gentleman from Texas [Mr. REYES] has made a couple of statements with respect to that railroad that I think should be considered by any Member of Congress before they pass this thing.

First, he said that this railroad will be vulnerable to robberies, just like the railroad in El Paso which was robbed 600 times last year. The gentleman from Texas [Mr. REYES] himself in an interview, a television show that I did with him, mentioned he himself was in a gunfight between train robbers on the other side of the border and American Border Patrol agents on our side. In recent weeks we have had a series of fire fights, very brief fire fights, across the border where Border Patrol agents were shot at in some cases; in the first case, actually shot by drug agents on the other or by drug operatives on the other side, forced to return fire, and we have actually had more fire back and forth across the southwest border in the San Diego region than we have had in Bosnia in the same period of time. It is a very dangerous area.

I would suggest that the gentleman from Texas [Mr. REYES] should be listened to when he says, ''First you should get the guarantee of the government of Mexico that they will, in fact, patrol that area on the Mexican side. Otherwise,'' he said, ''you're not going to have control.'' He said we should do that before we rehabilitate that rail line.

Second, he showed several areas where in remote areas we are going to have problems. Now we had over 600 robberies in 1 year with the rail line in El Paso. We had it with the rail line that comes into Laredo, we had over 36,000 illegal aliens pulled off that rail line last year, and the President of Southern Pacific in that area asking the President of the United States for the entire increase in border patrol for the Nation. That is 500 new border patrolmen going just to protect his railroad.

Now the happy talkers in San Diego say that will never happen to us, and that is all they say. They do not offer any experience that is any better than the gentleman from Texas [Mr. REYES] who was chief of the Border Patrol for some 20 years, who was in fire fights on the border, who understands across-border crime problems. They just say it will not happen, and I would just suggest to my colleagues we have had a vote on this thing before. It was overwhelmingly defeated because we do not have that guarantee of security for Mexico, we do not have that guarantee from the Clinton administration that they have an extra thousand Border Patrol agents to put 500 in south Texas just to guard one railroad and to put another contingent similar to that in southern California.

Right now, our eyes should be on the ball. The ball is border control. We are building fences, we are building roads, we are building lights, and we are putting more border patrolmen at the border, and the last thing we need to do is complicate the security situation by weaving a railroad in between this situation on rickety tracks across precipitous canyons and inviting at least in the words of, in the opinion of probably the best expert on border control in this Congress, and that is the gentleman from Texas [Mr. REYES], at least the complexity in border patrol.

The CHAIRMAN. Does the gentleman from Virginia [Mr. WOLF] wish to continue his reservation of objection?

Mr. WOLF. I do, Mr. Chairman.

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

Mr. Chairman, I understand that there is a point of order raised against this amendment and the amendment may be withdrawn. I would like to speak from the perspective of my congressional district in somewhat reference to the reservations of the gentleman from California [Mr. DUNCAN HUNTER] about precipitous railroad tax and dangerous canyons for the shortline railroads to run across the border to Mexico and to be used or abused, and I recognize the problems that he has in his congressional district.

In my congressional district the shortline railroads are absolutely indispensable, and I think that the Federal Government, when we subsidize the automobile industry, the airport industry, and just name it, I think if we target with these loan guarantees, and this is not a direct subsidy, it is not a direct appropriation; this is a loan guarantee program. The shortline railroads in my district haul stone for roads, they haul grain for livestock, they haul manufactured goods. They are an absolutely indispensable, very important part, a critical part of the infrastructure of the economic base of my congressional district, and I am sure that they are a critical part of a whole range of congressional districts around this country.

This is not a subsidy that we want to prop up an industry that has no value. This is an interest in an industry that is virtually, in my judgment, indispensable for the economic health of this country via those small areas, whether they be urban areas, suburban areas or rural areas, to provide the important link between the major rail systems in this country.

So I am not sure what is going to happen in the next few minutes, but I strongly urge this Congress today or tomorrow to deal very effectively with this vital link, this vital part of our infrastructure, this vital link of our economic base.

The CHAIRMAN. Does the gentleman from Virginia wish to be heard upon his reservation of objection?

Mr. WOLF. Mr. Chairman, I yield to the gentleman from California [Mr. FILNER] first.

Mr. FILNER. Mr. Chairman, I am very grateful for the support from people from both sides of the aisle and different parts of the country. I hope the chairman and the ranking member would seriously consider these aspects in coming years. I understand the pressures they are under, the debate that we see here, especially with the San Diego situation.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The CHAIRMAN. The amendment offered by the gentleman from California [Mr. FILNER] is withdrawn.

Are there further amendments to the bill?

The Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''Department of Transportation and Related Agencies Appropriations Act, 1998''.

The CHAIRMAN. Are there further amendments?

If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. GILCHREST] having assumed the chair, Mr. BEREUTER, 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. 2169), making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes, pursuant to House Resolution 189, he reported the bill, as amended pursuant to that rule, 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.

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 passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were— yeas 424, nays 5, not voting 5, as follows:

[Roll No. 302]

YEAS—424

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NAYS—5

Campbell
Dingell
Hostettler
Paul
Sanford

NOT VOTING—5

Graham
Pallone
Schiff
Stark
Young (AK)

□ 1639

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO ADJOURN

Ms. DELAURO. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. ROGAN). The question is on the motion offered by the gentlewoman from Connecticut [Ms. DELAURO].

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

RECORDED VOTE

Ms. DELAURO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 122, noes 279, not voting 33, as follows:

[Roll No. 303]

YEAS—122

Abercrombie
Ackerman
Andrews
Barrett (WI)
Becerra
Berman
Berry
Bishop
Bonior
Boswell
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Carson
Clay
Clayton
Clyburn
Costello
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dingell
Doggett
Engel
Eshoo
Evans
Farr
Fazio
Filner
Flake
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefner
Hinchey
Hoyer
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Klink
Lampson

Levin
Lewis (GA)
Lipinski
Lowey
Maloney (NY)
Manton
Markey
Matsui
McCarthy (NY)
McGovern
McNulty
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Moran (VA)
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pascrell
Pastor
Payne
Pelosi
Pickett
Rangel
Rodriguez
Rush
Sabo
Sanders
Sandlin
Sawyer
Sisisky
Skaggs
Smith, Adam
Snyder
Spratt
Stokes
Strickland
Tauscher
Thompson
Tierney
Torres
Towns
Turner
Velazquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Yates

NAYS—279

Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bereuter
Bilbray
Bilirakis
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boyd
Brady
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crapo
Cubin
Danner
Davis (FL)
Davis (VA)
Deal
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fattah
Fawell
Foglietta
Foley
Forbes
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilliard
Hinojosa
Hobson
Hoekstra
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lantos
Largent
Latham
Lazio
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Manzullo
Mascara
McCarthy (MO)
McCollum
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Metcalf
Mica
Miller (FL)
Minge
Molinari
Mollohan
Moran (KS)
Morella
Murtha
Nethercutt
Neumann
Ney
Northup
Nussle
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Salmon
Sanchez
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Spence
Stabenow
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Wynn
Young (FL)

NOT VOTING—33

Bateman
Bliley
Buyer
Christensen
Clement
Conyers
Crane
Cunningham
DeLay
Doolittle
Ensign
Ford
Fowler
Frank (MA)
Ganske
Graham
Hilleary
Holden
Kasich
LaTourette
Leach
Martinez
McCrery
Myrick
Norwood
Oxley
Pallone
Schiff
Serrano
Slaughter
Souder
Stark
Young (AK)

□ 1659

Ms. ROYBAL-ALLARD and Messrs. BONO, WYNN, and SCARBOROUGH changed their vote from ''aye'' to ''no.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2160, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 193 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 193

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 the further consideration of the bill (H.R. 2160) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, and for other purposes. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived except as follows: page 56, line 18, through line 24; and page 68, line 12, through line 16. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. No further amendment shall be in order except amendments printed before July 22, 1997, in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII, the amendments printed in the Congressional Record and numbered 21, 22, and 23 pursuant to clause 6 of rule XXIII, and the amendment by Representative Obey of Wisconsin pending when the Committee of the Whole rose on July 22, 1997. Each amendment shall be considered as read and shall be debatable for ten minutes (except as otherwise provided in section 2 of this resolution) equally divided and controlled by the proponent and an opponent. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. After a motion that the Committee rise has been rejected on a day, the Chairman of the Committee of the Whole may entertain another such motion on that day only if offered by the Chairman of the Committee on Appropriations or the majority leader or their designee. After a motion to strike out the enacting words of the bill (as described in clause 7 of rule XXIII) has been rejected, the Chairman of the Committee of the Whole may not entertain another such motion during further consideration of the bill. 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. 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.

SEC. 2. The time for debate on the following amendments shall be thirty minutes:

(1) The amendment by Representative Obey of Wisconsin pending when the Committee of the Whole rose on July 22, 1997, which shall be debatable for thirty minutes notwithstanding the time consumed on the amendment on July 22, 1997;

(2) the amendment numbered 17;

(3) the amendment numbered 3; and

(4) the amendment numbered 21.

MOTION TO ADJOURN

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore [Mr. ROGAN]. The question is on the motion to adjourn offered by the gentlewoman from Texas [Ms. JACKSON-LEE].

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

RECORDED VOTE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 105, noes 311, not voting 18, as follows:

[Roll No. 304]

AYES—105

Abercrombie
Ackerman
Andrews
Barrett (WI)
Becerra
Berry
Bishop
Bonior
Boswell
Boucher
Brown (FL)
Brown (OH)
Carson
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dingell
Doggett
Engel
Eshoo
Evans
Farr
Fazio
Filner
Flake
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Hall (OH)
Harman
Hastings (FL)
Hefner
Hinchey
Hoyer
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kaptur

Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Klink
Lantos
Levin
Lewis (GA)
Lowey
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McGovern
McNulty
Meehan
Meek
Millender-McDonald
Miller (CA)
Mink
Moakley
Nadler
Neal
Oberstar
Obey
Olver
Owens
Payne
Rangel
Rodriguez
Rush
Sabo
Skaggs
Slaughter
Smith, Adam
Snyder
Tauscher
Thompson
Tierney
Torres
Towns
Turner
Velazquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Wynn
Yates

NOES—311

Aderholt
Allen
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boyd
Brady
Brown (CA)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
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Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
Diaz-Balart
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Dicks
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Doolittle
Doyle
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Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
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Everett
Ewing
Fattah
Fawell
Foglietta
Foley
Forbes
Ford
Fox
Franks (NJ)
Frelinghuysen
Gallegly
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Gibbons
Gilchrest
Gillmor
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Goode
Goodlatte
Goodling
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Goss
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Green
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
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Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Manzullo
Martinez
Mascara
McCarthy (MO)
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Menendez
Metcalf
Mica
Miller (FL)
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Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Young (FL)

NOT VOTING—18

Archer
Bateman
Crane
DeLay
Fowler
Frank (MA)
Ganske
Leach
Manton
Norwood
Pallone
Pelosi
Sanders
Schaffer, Bob
Schiff
Snowbarger
Stark
Young (AK)

□ 1724

Mr. THUNE and Mr. HOUGHTON changed their vote from ''aye'' to ''no.''

Mr. DINGELL changed his vote from ''no'' to ''aye.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2160, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore [Mr. ROGAN]. The gentleman from Washington [Mr. HASTINGS] is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume.

Ms. KAPTUR. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Washington. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Speaker, I appreciate the gentleman yielding before he begins his formal remarks, because it is a little unclear to me and to many of the Members regarding the proceedings that are about to ensue.

May I ask the gentleman a couple of questions to clarify how this rule that we will be debating differs from the rule under which we were operating last evening.

Mr. HASTINGS of Washington. Mr. Speaker, I would just advise the gentlewoman when I finish my remarks, perhaps the questions that she has will be answered. If not, then maybe we can engage in a colloquy at that time. If she allows me to finish my remarks, I will point out what is in the rule, then we can proceed from there.

Ms. KAPTUR. Will the gentleman point out how this is different from the open rule under which we were debating last evening?

Mr. HASTINGS of Washington. Mr. Speaker, if the gentlewoman will let me finish my remarks, then she can ask me, and if there is any question specifically, I will be more than happy to respond.

Ms. KAPTUR. Will the gentleman cover which Members will not be allowed to offer amendments under this rule?

Mr. HASTINGS of Washington. I think that is pointed out in the rule because in the rule all amendments that were preprinted are in order.

Ms. KAPTUR. That were preprinted. But there were several amendments where Members under the open rule would have been permitted to offer their amendments but now they cannot. Will the gentleman list which amendments those are?

Mr. HASTINGS of Washington. There are three amendments that have been made in order. Taking back my time, if the gentlewoman will let me finish my remarks, and then if she has any questions, I will be more than happy to respond.

During consideration of this resolution, Mr. Speaker, all time yielded is for the purpose of debate only.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, the Committee on Rules had no intention of reporting a rule on H.R. 2160, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies. Indeed, the Committee on Appropriations requested no rule and brought this bill to the floor as a privileged resolution, open to amendment at any point.

Regrettably the decision by certain Members of this body to engage in an extended series of delaying tactics by offering dilatory motions has required us to offer this rule governing debate on this bill in order that the House may move forward with its legislative business in a timely and responsible fashion.

Accordingly, the Committee on Rules reported last night a modified closed rule. The rule waives clause 2 of rule XXI prohibiting unauthorized and legislative provisions in an appropriations bill and clause 6 of rule XXI prohibiting reappropriations in an appropriations bill against provisions of a bill except as otherwise specified in the rule.

The rule provides that no further amendments shall be in order except those amendments printed before July 22, 1997 in the CONGRESSIONAL RECORD; the amendments printed in the CONGRESSIONAL RECORD numbered 21, 22 and 23; and the amendment by the gentleman from Wisconsin [Mr. OBEY] pending when the Committee of the Whole rose on July 22, 1997.

□ 1730

The rule provides that each amendment made in order shall be considered as read and shall be debatable for 10 minutes except as otherwise specified in section 2 of the rule, equally divided and controlled by a proponent and an opponent.

The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on any postponed question if the vote follows a 15-minute vote.

The rule also provides that after a motion that the committee rise has been rejected on a day, another such motion on that day may be entertained only if offered by the chairman of the Committee on Appropriations, or the majority leader, or their designee.

The rule provides that after a motion to strike out the enacting words of the bill has been rejected, the Chairman of the Committee of the Whole may not entertain another motion during further consideration of the bill.

Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, let me reiterate what I said in my opening remarks, that the Committee on Rules regrets that the rule now pending before the House is, in fact, before us. But it was necessary, and I urge its passage so that the House may move forward with the important business it must complete prior to the August recess, week after next.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HALL of Ohio asked and was given permission to revise and extend his remarks.)

Mr. HALL of Ohio. Mr. Speaker, I want to thank my colleague from Washington, Mr. HASTINGS, for yielding me the time. This is a modified closed rule which will allow for further consideration of H.R. 2160, which is a bill making appropriations for agriculture, rural development, Food and Drug Administration and related agencies in the fiscal year 1998. The rule was opposed by the minority during the Committee on Rules consideration because the rule denies House Members full and fair debate over the bill.

Mr. Speaker, hunger and malnutrition are a constant threat to hundreds of millions of people throughout the world, and despite the riches of our Nation, millions of Americans face hunger on a regular basis. We have made many inroads to reducing hunger and malnutrition, but we can do more. The bill provides funding for lifeline programs that feed hungry people both in the United States and abroad, and I want to commend the members of the Committee on Appropriations for crafting this bipartisan bill which supports adequate funding for many of these programs.

However, I believe this bill can be improved. Therefore I will be supporting an amendment offered by the gentlewoman from North Carolina [Mrs. CLAYTON] and the gentlewoman from Texas [Ms. JACKSON-LEE] to increase funding for the food stamp program, and I also support the amendment offered by the gentleman from Wisconsin [Mr. OBEY] which would increase funding for the WIC Program which provides nutritional food for poor mothers and their children. These two amendments are consistent with the goals of H.R. 1507 which is the Hunger Has a Cure Act of 1997, and I am among the 86 cosponsors of this bipartisan bill to reduce hunger in the United States.

Mr. Speaker, as important as this bill is, the rule we are now considering is unnecessary, it is arbitrary, and it is overly restrictive. The rule is unnecessary because the bill can be brought up without a rule, and, in fact, it was brought up last week for general debate, and the amending process is already underway.

The bill contains no extraneous or controversial riders, it complies with the rules of the House, but the rule is arbitrary because it makes in order only those amendments that were printed in the CONGRESSIONAL RECORD before July 22, with four exceptions. Members were not given the customary advanced notice that the Committee on Rules would restrict the rule. In fact, the Committee on Rules was suddenly called into session late last night, making it difficult for Members to testify about the rule.

This rule is also overly restrictive. By permitting only those amendments printed in the CONGRESSIONAL RECORD, Members may not offer new striking amendments to eliminate what they consider wasteful or unnecessary spending, and this process is an important part of almost all the appropriation bills.

And furthermore, the time limits for debate on the amendments are too restrictive. We all know about the series of events that led up to this rule, but there is another way to avoid the continued breakdown between the majority and the minority parties. I regret that by forcing the rule on the House, the majority party chose not to negotiate but escalate the confrontation. The result is more than denying House Members of both parties full and fair debate over the agriculture appropriation bill. It is a deep mistrust between the parties.

I must oppose the rule, as the Members in the minority on the Committee on Rules will do, and with this statement of opposition I make the plea for leaders of both parties to seek negotiation, not confrontation, in resolving our difficulties. I would urge colleagues to vote against the rule and against the policy to tighten debate restrictions as a response to misunderstandings between the parties.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield 4 minutes to the gentleman from Florida [Mr. MILLER].

Mr. MILLER of Florida. Mr. Speaker, I thank the gentleman for yielding this time to me.

I support this rule. I think it is unfortunate we must have a rule at this time, but under the circumstances we need to have this rule. I like to think of this as a very sweet rule, and, speaking about sweet rules, one of the amendments made in order is 30 minutes of debate time on a bill, on an amendment to reform the sugar program in this country. It is only incremental change in the sugar program, but it is very important.

Last year when I tried to present a sugar repeal program, unfortunately I had a very difficult time getting a rule made in order that would allow that amendment under freedom to farm, so I am very pleased that it was made in order today. Even though I prefer more than 30 minutes, I think 30 minutes will give us enough time for both the proponents and the opponents of this program because the sugar program is a very complex program, it is a cartel-type arrangement in this country where the price of sugar is kept at twice the world price of sugar so that in Canada, Mexico, Australia, other countries that have a free market of sugar, sugar sells for half the price it does in the United States.

Mr. Speaker, it has been that way for years. It was not reformed. In the freedom to farm bill last year, there was no change in the sugar program of any significance, just minor changes, and that is unfortunate because last year's freedom to farm bill was truly historic legislation. We really did make some meaningful changes in the farm programs of this country, but because the fact sugar was not changed, we are not getting full credit for all the reforms that were put through last year.

This cartel arrangement works such that we cannot grow enough sugar to supply the demand in the United States so we must import sugar into the United States, and what the cartel is allowed to do with the Federal Government is restrict imports. By restricting the imports, we constrain the supply of sugar, thus the demand kept; demand is greater than the supply, and the price is forced up, and that is what happens with this program.

And what I am proposing in this legislation and this amendment is the incremental change which is only addressing the nonrecourse loan, only the nonrecourse loan which does not go to farmers, it goes to processors, and what it does is it gives the incentive to the Federal Government. Because the nonrecourse nature, the Federal Government does not want to repossess sugar, they want to get paid for their sugar, the sugar loans. So the idea is let us do away with the nonrecourse part of the loan.

The sugar program is a bad program for consumers, it is bad for jobs, it is

bad for taxes, it is bad for the environment, and that is the reason we need to have some incremental changes, not total repeal. It is only addressing the issue of the nonrecourse loan.

The consumers get ripped off because of the cost of almost $1.4 billion a year, according to a General Accounting Office report. The jobs, because we pay such a high price for sugar, we cannot compete with companies, for example, in Canada. The classic illustration is Bob's Candy in Albany, GA, largest candy cane company in the United States, but the candy canes which use a lot of sugar can be produced a lot cheaper in Canada and a lot of other countries because we have to pay this outrageously high price for sugar.

The taxpayers get hit because of major purchases of food. It is estimated to be $90 million a year. We pay more as Federal taxpayers because of all the food purchases in the programs in the veterans area and the military and such.

And then we have the environment, environment so dear to us in Florida because of the Everglades, and the impact of the sugar program on the Everglades. What is happening is we are having to buy a lot of the land in the Everglades to help preserve the Everglades. In fact, this year's appropriation bills has $300 million for the Everglades. A lot of that is used to buy the land of the sugar companies.

And so a recent report from the administration shows we are going to spend an extra $100 million of taxpayers' money buying land because we have inflated the price, we have inflated the price of that land used for sugar, and we are growing far more sugar than this land can support down there.

I think I look forward to having a full debate on that issue, and I appreciate the opportunity, and I hope my colleagues will support this rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, since last Friday, this House has been in a virtual stall on appropriations, and a lot of Members in both parties are asking why. I want to take this opportunity to try to explain why I think that is happening.

On the Committee on Appropriations on each of these bills except one, we have worked out a very effective bipartisan working relationship where we may have had very strong differences of opinion on all of those bills, but with the exception of the legislative appropriation bill, we have had tremendous bipartisan cooperation and goodwill.

The problem is that when those bills have moved out of the Committee on Appropriations, they have then gone to the Committee on Rules, and the Committee on Rules has imposed a partisan straightjacket on the debate for those bills, and it has in the process turned those bipartisan products into partisan war zones.

Now I greatly regret that, but what has happened is that, first of all, the Committee on Rules has systematically attached nongermane amendments to be offered by Republican Members of the House, and at the same time they have systematically then denied alternatives to those amendments when the request was made to put those amendments in order by the Democratic managers of each of those bills.

It happened first to the gentlewoman from Ohio [Ms. KAPTUR], then it happened to the gentleman from Illinois [Mr. YATES], then it happened to the gentlewoman from California [Ms. PELOSI].

Now that unfairness has been recognized on the majority side of the aisle. We have had two Appropriations subcommittee chairs who have told me personally that they prefer to go to the floor with an open rule rather than going to the Committee on Rules because they, in their words, ''did not want the Committee on Rules to screw up bipartisan bills.'' And we have in the case of the Subcommittee on Foreign Operations, Export Financing and Related Programs, for instance, we have had an excellent bipartisan bill produced. We have had the Chair of that foreign operations subcommittee perfectly willing to take a bill to the floor without a rule to avoid the attachment of extremely divisive, nongermane authorization language to that bill, and he has been supported in that effort by those of us on this side of the aisle.

So there have been no differences in working relationships between members of the committee. But because the Committee on Rules has imposed a partisan grip on these bipartisan bills, we have been engaged in a protest to try to get the Committee on Rules to change its mind.

Now instead of responding to that in the way that a majority party has responsibility to respond, by trying to work out those differences, what has happened instead is that the majority leader has evidently chosen to impose an even more draconian rule on this bill. As a result, the gentleman from Massachusetts [Mr. MEEHAN] will be able to debate a major tobacco amendment for exactly 5 minutes. The gentlewoman from Oregon [Ms. FURSE], who has a legitimate amendment, would not be allowed to offer the amendment at all. And the committee will even be precluded from the traditional ability of any Member of this House to strike spending items in the bill. That is so out of line that the Taxpayers for Common Sense oppose the passage of this rule, as I understand it.

Now there is not much we, the minority, can do to persuade those in the Committee on Rules and in the majority party leadership to reconsider this rule. What I would say to each and every rank-and-file Member on both sides of the aisle is that all we are asking is that the Committee on Rules respect the bipartisan work which has been done, night and day, by virtually every subcommittee on the Appropriations Committee. Let us work our way through to common ground. That is what is being prevented by the actions of the Committee on Rules. I deeply regret it, because it turns this House into a needlessly partisan battle zone.

We all have an obligation to our parties to define differences.

□ 1745

But after those differences are defined, we also have an obligation to try to overcome those differences and find a resolution on behalf of all the taxpayers we represent.

In my humble judgment, the Committee on Rules is continuing to get in the way of that obligation and that process. Until it ceases to do that, we will have this needless dragging out of the process, which does neither party any good and certainly does not serve the interest of taxpayers.

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. OBEY] may be allowed to proceed for 5 more minutes.

The SPEAKER pro tempore [Mr. ROGAN]. The time is controlled by the gentleman from Ohio [Mr. HALL].

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say, a lot of us regret being here for different reasons. I would agree with the gentleman that the Committee on Appropriations has worked very closely in trying to work these things out on a bipartisan basis, but unfortunately, the reason we are here is because of tactics that were by others, starting last Friday, because on a bipartisan basis this bill was supposed to have been done last Friday. Unfortunately, it did not because there were numerous motions to rise, which slowed down the process. We had the same process yesterday.

Because the House wants to complete its business before the August recess, and I know Members on the gentleman's side of the aisle share that, as do we, we felt, regrettably, regrettably, that we had to have a rule, which is one of the responsibilities of the Committee on Rules, in order to expedite the process. But we made every amendment that was offered, that was printed, in order, plus three others.

So I regret, as does the gentleman, that this happens. We just come at it from different ways. We want to expedite the process.

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

Mr. GOSS. Mr. Speaker, I thank my distinguished associate, colleague, and friend, the gentleman from Washington, a member of the Committee on Rules, for yielding to me.

Mr. Speaker, I want to confirm that we do not have the unanimous-consent request approved, which would be contrary to the rules. Can the Speaker

confirm that to me, that we do not have a unanimous-consent request for an additional 5 minutes?

The SPEAKER pro tempore. The gentleman is correct.

Mr. GOSS. Obviously, Mr. Speaker, I am here rising in support of this rule. I have listened very closely to what the distinguished gentleman from Wisconsin [Mr. OBEY] has to say.

This rule provides ample debate on all amendments and major issues in the bill that were pending as of yesterday. I realize that leaves a few out. But I want to make sure that Members are clear what has happened to this bill.

Simply, this bill has been hijacked because of a series of unrelated issues and agendas. I think really the underlying question seems to be, who is in the majority in the House of Representatives. I think the majority is trying to operate under bipartisanship, but I do not think the majority is prepared to let the minority hijack the majority.

The majority, in the great spirit of our former colleague, Mr. Natcher, and I should say bipartisan spirit, attempted to bring forward the fiscal year 1998 agriculture appropriations bill without a rule, actually letting Members offer amendments and conduct debate under the standing rules of the House. Some of our newer Members may not be aware of the fact, but actually it is within the regular order of the House to move appropriations bills without a rule. There was a time I guess when it was done. I commend Chairman SKEEN for his hard work in crafting a bill that could come forward under what was standard practice in this House.

Unfortunately, in this case we soon found that some Members had different plans for the proceedings on the floor, unrelated, as it seems, to the bill; that they felt it more important to use the agriculture bill to make points about a larger set of issues that in my view really have nothing to do with the issues in the agriculture spending bill. We heard as much from those Members today during 1-minute remarks on the floor, when one of our colleagues on the other side of the aisle informed us of the ''bigger picture relating to the supposed rights of ranking members.''

We believe very much in cooperation, goodwill, yes. That is what we are trying to do in a bipartisan way. But special rights that somehow are coming forth for ranking members? This is something that is not provided for. We do not know about that. If there was a proposal to do something like that I would suggest that an offer be made. But again, I do not believe that it is fair to say that some special rights are being denied. It seems to me that perhaps a hijacking of the bill is going on under the false flag, in this case, of bipartisanship.

I must say that I, too, am disappointed that we had to bring the agriculture bill under a rule. I would have preferred not to. It would be my hope that Members could conduct an open and unstructured debate on the substance of our national agriculture programs in a responsible way, without getting sidetracked or bogged down, allowing for the completion in an orderly manner.

We have tobacco, peanuts, sugar, and a whole bunch of other stuff out there we are all interested in and want to get to, not to say the fact that we have domestic situations and social disorders in our country that are affected by this. It is unfair to keep these people waiting, just like it was unfair to keep the flood victims waiting. Now we are being held up by what is clearly a political problem on the other side of the aisle.

We saw that this could not be the case in the environment, that we have to go forward in a bipartisan manner, so sometimes, as happens in the House, the Committee on Rules, which is provided for in the House rules, properly stepped in to restore order to the process.

Any Members who are offended by the rule must first look to their own decisions and actions over the past several days for an explanation of how we have gotten to this point. The House has work to do on the Nation's business and it is vital business. We are not going to let the deliberative process be derailed. The majority's responsibility is to proceed. Dilatory tactics are provided for in the procedures. We all know it. There are ways to trump dilatory tactics, and there are ways to expose dilatory tactics. Those are provided for as well.

I hope Members are going to support this rule. Regrettably, we had to come forward with it. But the majority is bringing forth this rule to exercise the overall priority responsibility we have not to become bogged down in nonsense by those who disagree with our politics or want to derail our responsible agenda.

Yes, there are casualties, yes, there are consequences for actions, and I would suggest that the gentlemen or the gentlewomen who are left out in the process go to those on the other side of the aisle who have caused us to take this step of restoring order to the rule in this case, because therein lies their problem.

PARLIAMENTARY INQUIRY

Ms. KAPTUR. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman may state her inquiry.

Ms. KAPTUR. When the gentleman from Washington [Mr. HASTINGS] made his opening statement, Mr. Speaker, he granted me the right to ask me a few questions. When he completed his remarks, he called on other Members. I wonder if he would be willing to answer the few questions that I have at this point. Would that be appropriate?

Mr. HASTINGS. Mr. Speaker, I would be more than happy——

The SPEAKER pro tempore. The gentleman will suspend. That is not a proper parliamentary inquiry. The gentlewoman certainly has the right to make inquiry if the gentleman would yield time when he is controlling time.

At this time, the gentleman from Ohio [Mr. HALL] is recognized.

Ms. KAPTUR. Mr. Speaker, could I ask unanimous consent that the gentleman be allowed to yield time to me or answer my questions at this point?

The SPEAKER pro tempore. The time is already controlled by both the majority and the minority. At this time the gentleman from Ohio [Mr. HALL] is recognized.

Ms. KAPTUR. Would the gentleman yield for a question?

The SPEAKER pro tempore. The gentleman from Ohio [Mr. HALL] is recognized.

Ms. KAPTUR. Mr. Speaker, I feel like I am being silenced, just as our amendments are being silenced here.

The SPEAKER pro tempore. The gentlewoman will suspend.

Ms. KAPTUR. Mr. Speaker, may I make a parliamentary inquiry?

The SPEAKER pro tempore. The gentlewoman from Ohio [Ms. KAPTUR] will suspend.

Ms. KAPTUR. May I make a parliamentary inquiry?

The SPEAKER pro tempore. The gentlewoman will suspend.

At this time, the gentleman from Ohio [Mr. HALL] is recognized. Following that, the gentleman from Washington [Mr. HASTINGS] will be recognized. He controls time for the majority. If the gentlewoman wishes to inquire of the gentleman from Washington [Mr. HASTINGS] when he is recognized, she may do so to see if he wishes to yield time.

With that having been said, if the gentlewoman has a legitimate parliamentary inquiry, she may state it at this time.

Ms. KAPTUR. Mr. Speaker, I want the opportunity to engage with the gentleman, and I will wait until after the gentleman from Ohio [Mr. HALL] makes his statement. Then I will ask for the opportunity for the gentleman to speak to answer my questions.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio [Mr. HALL].

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Speaker, I rise in strong opposition to this unfair rule. As a member of the Committee on Rules, I am angry. The Committee on Rules passed this rule late last night with virtually no notice to the members of the Committee on Rules. In fact, I did not really know about it until this morning on my office answering machine, so I was not present, nor were the members of the committee of jurisdiction, the appropriators.

I want my colleagues to know that this is a truly extraordinary rule. Buried within it is language that limits the rights of the minority to move that the committee rise, so Members can no

longer use that procedure to protest the majority's repeated failure to make in order key amendments on majority bills. I am willing to stand corrected, Mr. Speaker, but I recall no time as a majority member on the Committee on Rules when we made a rule that restricted the minority's right to procedural motions.

As the former minority leader, Robert Michel, once said, ''Procedure has not simply become more important than substance; it has, through a strange alchemy, become the substance of our deliberations.''

The Committee on Rules has fallen into a pattern that does not bode well for the future of the democratic process within this House. This Congress is supposed to operate under procedures that allow for full and fair debate of the legislation we consider, and that permit all sides to be heard. But instead, this committee has repeatedly refused to permit Members, not just Members but ranking members, to offer key amendments. While it may not be written in the rules that all ranking members may have amendments, it has certainly been a courtesy of this House.

This has happened in several instances in this Congress. The Committee on Rules refused to make in order an amendment to the defense authorization bill regarding the B–2 bombers that was presented by the ranking member, the gentleman from California [Mr. DELLUMS]. Indeed, they took off the name of the gentleman from California [Mr. DELLUMS] and stuck it onto another amendment, which he objected to strenuously. They relented later, as I pointed out, but they put his name on.

The gentlewoman from Ohio [Ms. KAPTUR] who is trying so hard to speak here today, the ranking member on the Committee on Appropriations, had an amendment to restore WIC funding which was taken away from her altogether and given to another Member of the House, but later reversed.

The gentleman from Illinois [Mr. YATES], an august Member of this House and a ranking member of the Subcommittee on the Interior, just recently was disallowed offering an amendment to the Interior appropriations bill, where he has served with distinction for a number of years, to restore the NEA funding. And just last week the Committee on Rules refused to make in order an amendment regarding international family planning to the foreign operations appropriations requested by the gentlewoman from California, Ms. NANCY PELOSI, the ranking member on the Subcommittee on Foreign Operations, Export Financing and Related Programs.

This is certainly more, Mr. Speaker, than a pattern. The majority's determination to subvert the right of the minority to offer these amendments is not a matter of procedural maneuvering, it is substantive. It is not merely discourteous, it is undemocratic.

I might add that the majority's actions are profoundly disrespectful to these ranking members, who have earned through their years of service in this institution the right to offer an amendment. But, in the middle of the night last night, the majority apparently decided that even cutting off the minority's ability to offer key amendments to legislation was not enough.

Now with this rule, not only are they limiting the amendments that we can offer, but our right to offer procedural motions on the floor is limited as well. In other words, not only can we not offer amendments that we need, but now we cannot even use the procedural motions to protest the procedures. We are effectively muzzled. I urge my colleagues in the strongest possible terms to defeat this rule.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 5 minutes to the gentleman from Alabama [Mr. CALLAHAN], chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations.

Mr. CALLAHAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, certainly I have all respect for the gentleman from Washington [Mr. HASTINGS] as well as the gentleman from Florida [Mr. GOSS], as well as all of the members of the Committee on Rules. Sometimes we get so caught up in personalities, and we get so caught up in passions, that we lose sight of where we are going.

I happen to agree with the minority. I think they should have had a different rule. I was there for most of the time during the Committee on Rules. I saw what transpired. I saw what transpired in the back when the Greenwood amendment was presented in a different fashion from the manner in which the gentlewoman from California wanted. So what? Big deal. It disappoints her. So why should she not, as the ranking member of this committee, who has worked in a bipartisan fashion to establish a bill that could be passed by this House, and this is a very difficult bill to handle under the best of circumstances. So I have no quarrel with the gentlemen, and I have no quarrel with them. I think she has a right to be heard on an issue that she is tremendously interested in.

Where are we at this point? We are at a stalemate. Now they are disappointed. They think that they should have the right to be heard. Incidentally, Mr. Speaker, we are talking about 10 minutes. We are not talking about a 3-day debate. She wanted the opportunity to present her amendment and she wanted 10 minutes to talk about it. So, big deal? We have wasted 10 hours because of the controversy.

□ 1800

I have no fault with the Committee on Rules. I do not care when you bring my bill up. There is not a single person in Alabama that is going to lose a single night's sleep if we do not pass the foreign aid bill. So I do not care whether we pass one or not.

The administration has sent me a request and they have said, SONNY, why do you not give us about, they wanted $16 billion, and I crafted a bill and convinced the Democrats that we are not going to give them $16 billion. We are only going to give them $12 billion. We are going to cut last year's appropriation. We are going to be below the budget allocation. We are going to be $4 billion below the President's request. And lo and behold, I think that is a pretty good day's work. The people of Alabama would like that.

So now we are involved in a controversy that I have no jurisdiction over. I sit on the floor sometimes and I listen to the chairmen of the authorizing committees chastising the Committee on Appropriations. What is wrong with you idiots, they say. How in the world can you possibly put authorization language in your bill. Maybe they are right. We ought not be doing that.

So I tried to comply with those requests. And now here I am, faced with the proposition where the chairman of the authorizing committee is insisting that I pass authorization language. I do not want to pass authorization language. I am not an authorizer. I am an appropriator. I think we should be debating the appropriation bill.

There is nothing wrong with this ag bill. I do not know of too many Members in the House that are disappointed with the ag bill. I think it is going to pass by a pretty good vote. Why do we not bring it up and pass it? If there is that much controversy on my bill, why do we not just bring up my bill without a rule? I do not care whether I have a rule or not.

I respect what you all are doing, respect why you are doing it, but I really do not care. If you do not want to bring my bill up until September, I do not care either. I will go home and tell the people from Alabama that I have not given foreign aid any money. They are not going to throw me out of Congress for that, I will assure you. But we must work in a harmonious situation in order to resolve this dilemma that we are in.

I would suggest that rather than go through all of these dilatory tactics, rather than cause further disharmony between the two parties here in the House, that we bring up the appropriations bills, that we have general debate. There is no problem on the rule or no problem with anybody in the House that I know of on general debate.

We give every Member the opportunity to stand and talk about the bill. And when we get done with general debate we rise. What is wrong with that? I do not know anything wrong with it. I think it certainly would be a response and a favorable response from the minority side if we would do that. It

would be a step in the direction of trying to create some harmony in the House.

But once again, I am a team player. I am a Republican. I am in the majority now. You all have to remember that. You have to understand that. I am going to go along with my leaders on this side.

But I am just here to say to my leaders on this side that I think there might be a smoother way to do this. If we work out a solution to this, if we can just delay all of the controversial part of the foreign operations bill, then that is the way we ought to proceed.

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

Mr. SOLOMON. Mr. Speaker, let me just say to my good friend, you are talking about an issue that is controversial and it is very, very important before this body. It is a question of the pro-life position and the pro-choice position. It is extremely important to those that carry strong feelings about it on either side. You have those on your side that feel the same.

Now, when it comes to my good friend the gentlewoman from California [Ms. PELOSI], when she came before our committee, see if I can recall exactly what she said, and I would then ask her to go upstairs, if she would care to, and examine the record, but I recall her saying specifically, If, however, the Rules Committee chooses to make legislative amendments in order, I would request that I would be allowed or someone would be allowed, listen to that now, I would be allowed or someone would be allowed to offer a perfecting amendment to the Smith amendment, in particular, again, if Mr. Smith's amendment imposes the Mexico City language.

I recall saying to her specifically, The question of abortion, however, will have to be dealt with. If it is dealt with, if CHRIS SMITH, if he has an amendment that is made in order, certainly there will be an amendment for the alternative viewpoint made in order as well.

The gentlewoman from California [Ms. PELOSI] I recall saying, Thank you, Mr. Chairman.

That is what happened.

Now, we did exactly as we were requested, trying to be as fair as we could to both sides. I have attempted to do that at all times in the Committee on Rules.

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

Mr. SOLOMON. No, I will not yield right now.

Then the question arises, I happen to be over in my office for the first time all week trying to sign some mail and take care of some constituent business and I hear my good friend, the gentleman from Wisconsin [Mr. OBEY] saying this is the first time ever that the ranking members have ever been denied the ability to offer an amendment.

Well, I have had staff go back halfway through the 103d Congress, during 1993, 1994, and 1995. On the Campaign Finance Reform Act, no ranking Republican was allowed to offer his substitute. On the National Voter Registration Act, no ranking Republican, the gentleman from California [Mr. THOMAS], was allowed to offer his substitute. On the Independent Counsel Reauthorization Act, Mr. Fish, ranking member, was not allowed. And it goes on and on and on.

Mrs. LOWEY. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. No, I will not yield until I am through, and then the gentlewoman can get some time and I will be glad to respond.

We have made a vow in the Committee on Rules for the last 3 years that we will be at all times more fair to the minority than we were ever treated when we were in the minority. I sat there for 10 years suffering under that kind of arrogance and, believe me, nobody feels more for the minority than I do.

I am going to insist that when we have amendments filed with the Committee on Rules that we are going to make in order Republican amendments and we are going to make in order Democrat amendments and try and be as fair as we can. That is my job, even though I am criticized by some in my own party and some in your party for doing that because they want the rules closed down on both sides of the aisle. We are going to try to keep them as open and fair as we possibly can.

I would say to the gentleman, he has a right to stand up here and defend the Committee on Appropriations. But the gentleman knows that this issue on abortion cuts both ways. It is terribly important. I will assure the gentleman it is going to be dealt with in this piece of legislation or this piece of legislation is never going to see the light of day. The gentleman can count on it.

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

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, I just would like to respond briefly to my good friend and colleague from New York [Mr. SOLOMON], just following up on what the distinguished chairman of our committee has said, rather than go backward, Mr. Speaker, rather than talk about what happened and what did not happen, I think what our distinguished chairman, the gentleman from Alabama [Mr. CALLAHAN] wants to do is move forward. Our bill is ready. The appropriation bill is ready to go on the floor.

The discussions and the differences of opinion have to do with authorizing language. Our distinguished chairman is just saying, we have a bipartisan solution. Let us move it. Let us make that determination now and let us do it. Otherwise, if we do not resolve this now, we are going to be having great differences of opinion for the next week and not get our business done.

I would just respectfully suggest and request of the chairman that either we bring this bill to the floor without a rule or that the leadership has the responsibility to put a rule together.

I would say to my distinguished friend, the gentleman from Florida [Mr. GOSS], the issue is not the agriculture bill. The issue is that the Republican leadership can put together a rule in a bipartisan way to move the foreign operations bill forward.

Mr. HASTINGS of Washington. Mr. Speaker, may I inquire of the Chair how much time remains on both sides?

The SPEAKER pro tempore (Mr. ROGAN). The gentleman from Washington [Mr. HASTINGS] has 6½ minutes remaining, and the gentleman from Ohio [Mr. HALL] has 16½ minutes remaining.

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

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Speaker, I think it is interesting, anybody that has ever taken their first drag off a cigarette knows they can make you gag, but I never thought that the power of that cigarette would force the entire Committee on Rules to gag the House of Representatives.

It is not just tobacco that is being gagged here today. It is also the tactics that we have seen in just the last 20 minutes or so. We heard a very reasonable presentation by the gentleman from Alabama on what it seems to me is a fair and evenhanded way of handling the kind of disputes that we are elected to have out here on the floor of the House of Representatives.

There is an issue pertaining to abortion. Have it out on the House floor. Let Members talk about what is dividing them. Let us come together and vote on those issues but not have the rules of the House of Representatives turned into mush up in some back room and take away the intent of the individuals that offer amendments.

All this comes down to is not all the yakking that we are hearing on the floor of the House of Representatives. What it comes down to is the fact that the gentlewoman from California [Ms. PELOSI] had an amendment that was changed in the Committee on Rules and was told to her was the same amendment that she had initially offered. That is all that this comes down to.

Mr. SMITH of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. KENNEDY of Massachusetts. No, I will not yield.

I want to come back to what I came down on the House floor to discuss, which is the fact that we have got courageous Members of Congress like the gentleman from Massachusetts [Mr. MEEHAN] and the gentlewoman from New York [Mrs. LOWEY] who have come

out here on this ag bill to try to shut down the tobacco lobby once and for all, to try to deal with the fact that there are 3,000 kids that are going to be addicted to smoking today because we are unable to defeat the tobacco lobby. We are not even able to have a discussion about the power of the tobacco lobby here in the Congress of the United States because if we did so, maybe that would be exposed and maybe we would actually take action to stop smoking in this country, at least stop subsidizing those individuals that are making money off of this product which is killing so many of our children.

It is time that we had an open debate, that we shut down smoking. Stand up for the Members that have the courage to shut down smoking in America.

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

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Speaker, I would just like to say on the record what happened in the Committee on Rules with the gentlewoman from California [Ms. PELOSI] since she is not here to speak for herself. The gentlewoman from California [Ms. PELOSI] did come to the Committee on Rules and say, if the Smith amendment was made in order she would like another amendment made in order. She did not have one of her own. I want to be clear on that. She did not offer an amendment.

However, the gentlewoman from California [Ms. PELOSI] believed that the amendment that would be offered was one put in by the gentleman from Pennsylvania [Mr. GREENWOOD]. The Greenwood amendment was then changed and another amendment was written by the gentleman from California [Mr. CAMPBELL] and I believe the gentleman from New York [Mr. GILMAN] and the gentleman from Illinois [Mr. HYDE], AFTER THE GENTLEWOMAN FROM CALIFORNIA [MS. PELOSI] had left the room.

Recognizing that this was not the amendment the gentlewoman from California [Ms. PELOSI] was talking about, I then requested that the gentlewoman from California [Ms. PELOSI] be allowed to put forth the Greenwood amendment as the ranking member and that was denied.

So I want to have the record perfectly straight on what happened in the Committee on Rules that evening.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding me the time.

I just want to say something, because I have served in this House for 15 years. I say to the gentleman from Washington [Mr. HASTINGS], I never would have done to you what you just did to me. You said to me that you would yield me time and then you did not do it, as a representative of your committee. It made me extremely angry that you said it to me twice. It is right in that record.

I am the ranking member on this committee. I have to say no to our Democrats that cannot bring amendments up because of the rule that you have filed. I have to say no to the gentlewoman from Oregon [Ms. FURSE]. I have to say no to the gentleman from Maryland [Mr. WYNN]. I have to say no to the gentleman from Ohio [Mr. HALL]. I have to say no to Members who are not going to be allowed to bring their amendments to the floor.

I have a responsibility to the Members on my side just like you have a responsibility to the Members on your side. And I am very angry. I am glad the gentleman from New York [Mr. SOLOMON] is here on the floor because I do not think you are calling the shots here. I think they are being called above your pay grade in this House by the leadership. And when I, as a ranking member, was denied the right to offer my WIC amendment and it was given to the gentleman from California [Mr. RIGGS] on your side of the aisle, he is not even on our committee, and I have the experience, I thought, well maybe I am a woman, they kind of ignored me. Then you did it to the gentleman from Illinois [Mr. YATES] ranking member on the Subcommittee on Interior and now it is being done to the gentlewoman from California [Ms. PELOSI], ranking member on the Subcommittee on Foreign Operations, Export Financing and Related Programs.

□ 1815

So it is a pattern. I can recognize a pattern. And I am embarrassed for the other side of the aisle as a party that they will not allow us to conduct decent debate on this floor. So I stand here today being sorry for them.

I have never said this, maybe three times on the floor in my 15 years have I really felt outraged, and I am sorry that I have to say this to the gentleman in public, but my feelings are hurt. I would never have done to the gentleman what he has just done to me. And it is in that RECORD.

So I want to say to my good friend the gentleman from Illinois [Mr. YATES] and to my good friend the gentlewoman from California [Ms. PELOSI] and now to myself, we are all in the same boat. I do not know whether it is the Speaker, [Mr. GINGRICH], I do not know if it is the gentleman from Texas [Mr. ARMEY], I do not know who is doing this, but we have always brought the Agriculture bill to the floor in a bipartisan way. We have agreed. It has been usually under an open rule. We have had a good debate.

Mr. HASTINGS of Washington. Mr. Speaker, will the gentlewoman yield?

Ms. KAPTUR. I would say to the gentleman that nobody yielded to me; I refuse to yield to him, and that is the problem with the way things are operating in this House today.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 30 seconds, and I would like to respond to my friend from Ohio.

The gentlewoman asked me very respectfully if she had some questions, if I would respond, and I said, and I remember saying this because I did not want to use my time, that if she wanted to ask me a question on her time I would be more than happy to respond if my remarks, if my remarks regarding the rule did not answer all her questions.

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

Mr. HALL of Ohio. Mr. Speaker, I yield 1½ minutes to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Speaker, I rise in opposition to this rule. I have an amendment that is a very important amendment, very important not only to this House but very important to young people all across America. It is a bipartisan amendment that gives the FDA the resources it needs to effectively inform retailers of what they need to be doing; namely, carding potential consumers of tobacco.

Now, I had 24 Members who were ready, willing, and able to come up and speak on this particular amendment. And after this rule came out of the committee at 11:30 last night, I only get 5 minutes to try to discuss this very, very important and critical amendment.

We are at a critical and historic juncture in this country on tobacco. At the Federal level we have a unique opportunity to protect our children from nicotine addiction and tobacco-related disease. There is no better time to act than now.

Attorneys general from all across America have been negotiating for months an effort to try to give the FDA the regulation and the teeth they need in order to protect America's children. All across America there has been a dialog in the health care community about the effects of tobacco on children, and here we are with the unique opportunity to fund the FDA, to help them protect America's children, and we do not want to debate. We give 5 minutes to an issue of critical importance.

This particular rule is an outrage. No Member in good conscience should vote for this rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I rise in opposition to this rule which unfairly curtails debate in the House of Representatives.

I have worked hard on the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies and at the full Committee on Appropriations to make a strong case for strong measures to curb smoking amongst our children.

This is about saving lives. That is what the Meehan amendment is all about.

I am disturbed that we are not going to be able to have a full and open debate about this issue in the people's House. The American people deserve to have a debate on the Meehan amendment, a debate about whether or not to back efforts to prevent our kids from using tobacco or, in fact, to provide more money and more commissions to crop insurance agents that is needed.

This is wrong. Our current system clearly is not working to keep cigarettes and chewing tobacco out of the hands of children. Selling tobacco products to minors is illegal in 50 States. Nonetheless, 13 studies showed that children can buy tobacco 67 percent of the time in this country. Three thousand young people under the age of 18 will begin to smoke each day; a third of them will die. They will join the ranks of the 400,000 people who die each year from tobacco related illnesses.

Passing the Meehan amendment, fully funding the anti-tobacco program outlined by the FDA, will ensure that the FDA can enforce laws against tobacco sales to minors, also to conduct the needed outreach and education efforts. This has got to be a priority for all of us.

I urge my colleagues to adopt the Meehan amendment, let us provide the $34 million to prevent young people from starting to smoke.

Mr. HALL of Ohio. Mr. Speaker, I yield 1½ minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, I rise in strong opposition to this closed rule which would severely restrict debate on several very important and complex issues.

I will be offering an amendment shortly to eliminate federally subsidized crop insurance for tobacco. It makes no sense that we spend almost $200 million each year on programs designed to prevent the terrible health effects of smoking and then we turn around and spend millions of dollars more to encourage the growth of tobacco. My amendment will simply make our tobacco policy more consistent.

Now, whether Members support my amendment or oppose it, this rule denies all of us the right to debate the issue fully.

I will be the first to admit that some of my very good colleagues on both sides of the aisle disagree with me on the issue of tobacco subsidies, and many more of my colleagues agree with me. All of us deserve to be heard on this matter, but few of us will have that opportunity.

Last year we spent more than 7 hours having a thorough debate on these issues. This year we will spend a fraction of that. There are new amendments, new facts, new Members that deserve much more than this rule gives them. I have a list of more than 25 Members that want to speak on this amendment.

Mr. Speaker, I urge all of my colleagues, no matter whether they support or oppose the amendments, to oppose this restrictive rule. These issues deserve to be heard and to get a full hearing.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Speaker, I rise in opposition to this unfair rule. Before stating my reason for that let me just commend, first, the chairman, the gentleman from New Mexico [Mr. SKEEN], because this action is not a part of his doing. He has been fair and open and cooperative, and certainly he has been a friend to the farmer.

I also want to recommend and commend not only the dignity but the depth of our subcommittee's ranking minority member, the gentlewoman from Ohio [Ms. KAPTUR], for her persistence and her independence in standing up to unfairness.

Now, there are differences on the amendment that the gentlewoman from New York [Ms. LOWEY] will put, but I still think we need more time for this. Some of us know that when these amendments are considered, 15 minutes is not sufficient time to hear the pros or the cons.

I happen to believe it is unfair, unfair to take the great decision about whether children should smoke or whether that is a public policy, and address it to the American farmer. That is a cheap shot. The other side may feel good about that, but that is not the way to do public policy. We are really making the most vulnerable people in the society responsible for all the acts we should hold others responsible for.

That amendment will have nothing to do about keeping kids from smoking. It will have absolutely nothing to do about morality or mortality. The death of those 400,000 people should be addressed, but keeping insurance from small tobacco farmers simply means we remove the opportunity for them to make a decent living.

If we want to make it illegal for them to smoke, that is a different question, but my colleagues I cannot let our consciences go unchallenged. We are doing nothing to keep children from smoking. We will do nothing to end the great mortality that is caused by smoking.

So if we are to have this discussion, hopefully we will be fair. The question should be about fairness and access to opportunity.

PARLIAMENTARY INQUIRY

Mr. HEFNER. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore (Mr. ROGAN). The gentleman may state his parliamentary inquiry.

Mr. HEFNER. Mr. Speaker, is a motion to adjourn in order at this time?

The SPEAKER pro tempore. No, there has already been one motion pending the rule.

Mr. HEFNER. Was that in this rule that we are considering now, Mr. Speaker?

The SPEAKER pro tempore. That is correct.

Mr. HEFNER. But this rule we are considering now is not passed yet.

The SPEAKER pro tempore. There was previously a motion to adjourn once this rule was brought up, so a motion to adjourn at this time is not in order.

Under clause 4 of rule XI, there may only be one motion to adjourn during the pendency of a rule. There was previously a motion made to adjourn. That motion was defeated. So a motion at this time would not be in order.

Mr. HEFNER. I thank the Chair.

Mr. HALL of Ohio. Mr. Speaker, how much time is remaining on each side?

The CHAIRMAN. The gentleman from Ohio [Mr. HALL] has 5 minutes remaining and the gentleman from Washington [Mr. HASTINGS] has 6 minutes remaining.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Speaker, I rise in strong opposition to this unfair gag rule.

This rule was written in the middle of the night, midway through debate on this bill, and it blocks me and others from offering amendments that the Subcommittee of Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the Committee on Appropriations had known about for over a week.

The amendment I planned to offer would have saved the American taxpayer over $11 million. It would have reduced a sweetheart deal with the Western livestock industry and the animal damage control program. We were told originally that no preprinting of the amendment was required, yet this rule, which happened last night, has barred any amendment that was not preprinted on Monday or earlier. That is great. It means that as of last night at midnight, when Members first heard of this rule, they were already too late to comply with the rule.

The argument for this gag rule is that Members are merely being obstructionist in offering frivolous amendments. Let me tell my colleagues that the American people do not think it is frivolous to save $11.3 million, their dollars. What is more, it is no secret that I intended to offer this amendment. I had sent out four ''dear colleagues'' including one bipartisan letter signed by six Members.

The Committee on Rules has chosen to gag me and other Members. I say to my colleagues, if they do not like my amendment, so be it, they are free to vote against it. But under this rule they will not be given the opportunity, the opportunity to save the American taxpayer $11.3 million. Maybe they would have liked that opportunity.

And I say to my colleagues, if they want to vote ''yes'' for democracy, vote ''no'' for this unjust rule.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, for the 17 years that I have been a Member of Congress, abortion advocates have often let the Republican abortion advocates offer pro-abortion amendments. It has played well with the press, it is contrarient, 80 percent of our caucus is pro-life, and the gentleman from Pennsylvania [Mr. GREENWOOD], the gentleman from California [Mr. CAMPBELL] and the gentleman from New York [Mr. GILMAN] certainly have pro-abortion credentials. They were among 7 members of our caucus who voted against the partial-birth abortion ban.

Let me just make it very clear that when the gentlewoman from California [Ms. PELOSI] appeared before the Committee on Rules, and I listened intently to every word she said, she said that either she or someone else would be allowed to offer a perfecting amendment. That someone else is the so-called pro-choice Republicans.

Their perfecting amendment, let it be very clear, absolutely guts the Smith–Hyde-Oberstar-Barcia amendment. It is a totally gutting amendment. So they get their opportunity, which makes me wonder about this whole proceeding that we are watching.

I also wanted to make the point that the gentleman from Alabama [Mr. CALLAHAN] said he does not want to deal with legislative policy language on an appropriations bill. Then do not authorize the appropriation itself. At some point there will have to be a waiver. Let there be no waiver; let the authorizing committees do both, the funding and the policy.

□ 1830

The SPEAKER pro tempore [Mr. ROGAN]. Does the gentleman from Washington [Mr. HASTINGS] seek recognition at this time?

The gentleman reserves his time to close.

Mr. HALL of Ohio. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Ohio [Mr. HALL] has 3 minutes.

Mr. HALL of Ohio. I wanted to inquire of the gentleman from Washington [Mr. HASTINGS], there was a possibility of a change in the rule of an amendment that could be offered to the rule; and actually, that is what I have been kind of waiting for, to see if they are willing to make the change. Because I am willing to speak to the amendment and, at least from my portion, to accept on this particular amendment a change in the rule. It is very necessary. But I am waiting for them to make the motion.

Mr. HASTINGS of Washington. Mr. Speaker, we are waiting for this to be drafted. Does the gentleman have some time that maybe perhaps he would like to yield.

Mr. HALL of Ohio. Mr. Speaker, I would be glad to explain it. I yield myself such time as I may consume.

The problem with the rule and the situation that we have today, when we had the rule on the floor, originally the Agriculture appropriations bill, the gentleman from California [Mr. COX] had an amendment, and I had a perfecting amendment to his amendment. His amendment, I felt, went way too far, because what would happen is it would cut off all humanitarian aid to North Korea.

I amended that, with his support, saying that no food aid, no humanitarian aid should go to the government or to the military of North Korea but do not deny, do not deny humanitarian aid to the people, the innocent people. These are always the people that get the short end of the stick.

So, as a result of that, as a result of passing this modified closed rule, I am prohibited from offering a perfecting amendment to the amendment of the gentleman from California [Mr. COX]. Therefore, what we will have is an amendment that really does injustice and great harm to a lot of innocent people that are now facing famine. And this is the problem with the rule that we now have before us.

So what is needed is a change in the rule. It is my understanding that the gentleman from New York [Mr. SOLOMON] or the gentleman from Washington [Mr. HASTINGS] was going to offer a change in the rule that they could offer an amendment to change the rule to accept a compromise amendment from Cox-Hall, which would be acceptable to me. That is about the best explanation I can give.

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

Mr. HALL of Ohio. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would just say to the gentleman, he has explained exactly what we would like. We would just as soon do it by unanimous consent.

Also, the gentleman from Wisconsin [Mr. OBEY] had mentioned to me that there was a possibility of a Wynn compromise as well, and I believe that they would be willing to accept that over here, too, either with a unanimous consent request. So I just offer that to the gentleman in the spirit of comity and trying to cooperate.

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

Mr. HALL of Ohio. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Speaker, for Members that are not privy to what my colleagues are doing, that are not familiar with the Committee on Rules, what have you, is there any way that the membership watching in their offices, or wherever, might know what these amendments are going to be, what they are going to say that you are going to amend here on floor?

I have never seen this happen before, a rule amended on the floor. Could we know what is in the Cox amendment and the one so-called Wynn amendment. I do not know what they are.

Mr. HALL of Ohio. Mr. Speaker, do we have any time remaining?

The SPEAKER pro tempore. The gentleman from Ohio has 15 seconds remaining.

Mr. HALL of Ohio. Mr. Speaker, I ask unanimous consent to be able to speak for 5 additional minutes on this. Can I do that?

The SPEAKER pro tempore. It would be appropriate for the gentleman to ask for both sides to have an additional 5 minutes.

Mr. HALL of Ohio. Mr. Speaker, I ask unanimous consent that both sides have an additional 5 minutes.

The SPEAKER pro tempore. Does the gentleman from Washington yield for that purpose?

Mr. HASTINGS of Washington. Mr. Speaker, I yield to the gentleman from Ohio.

The SPEAKER pro tempore. Without objection, the gentleman from Washington [Mr. HASTINGS] and the gentleman from Ohio [Mr. HALL] each will be recognized for an additional 5 minutes.

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

Mr. HALL of Ohio. I am glad to yield to the gentleman from North Carolina.

PARLIAMENTARY INQUIRY

Mr. HEFNER. Mr. Speaker, I would like to know, I have not heard what is in these amendments. This is like we are marking a bill here and somebody has offered an amendment nobody has seen. It has not been printed. I would just like to know what it entails. I am pretty sure that a lot of Members that are watching would like to know what we are doing here.

Mr. HALL of Ohio. There is an amendment that has been printed in the RECORD by the gentleman from California [Mr. COX]. That is, there is an amendment and it is amended by myself. I believe the amendment is with the Clerk at this particular time. I have explained the amendment.

What it has to do with is cutting off humanitarian aid to North Korea. That has already been printed in the RECORD Except for aid going to the military. There will be no humanitarian aid going to the military of North Korea, but humanitarian aid will not be cut off to the other people.

All I am trying to do is get that amendment in order so that we will have a chance once the bill comes up to debate it.

Mr. HEFNER. I do not know if I want to make a parliamentary inquiry or if we need more than 5 minutes here. Because if we are going to correct this rule and allow amendments that are not in the rule, why do we not have several amendments here that allow some of these and clear up some of the things the gentleman from Alabama [Mr. CALLAHAN] was talking about where we can go ahead with all of this and get it over with and not waste a lot of time here.

It seems to me we are amending a rule here and nobody knows what we are doing. I do not know what is in the amendment. Was not the amendment

that the gentleman wanted to offer, was it not made in order by the rule and we are correcting that now? Is that what we are doing? Was Mr. COX not in order?

Mr. COX of California. Mr. Speaker, will the gentleman yield?

Mr. HALL of Ohio. I yield to the gentleman from California.

Mr. COX of California. My amendment is in order under the rule.

Mr. HEFNER. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will suspend.

Mr. HEFNER. The gentleman's amendment is not in order.

The SPEAKER pro tempore. The gentleman will please suspend.

The Chair reminds all Members that the gentleman from Ohio [Mr. HALL] controls time. Does the gentleman from Ohio wish to yield to the gentleman from California?

Mr. HALL of Ohio. I am glad to yield to the gentleman from California [Mr. COX].

Mr. COX of California. I thank the gentleman for yielding just to clarify a point that I think my colleague has already made, and that is that the Cox amendment is made in order by this rule unamended, but that the minority and the concerns especially represented by the gentleman from Ohio [Mr. HALL] have offered a way to improve that that the author of the amendment accepts.

And so, out of deference to the minority, I would be happy, on the grounds that it would improve the amendment that is already made in order by the rule, based on suggestions from the other side, to accept a unanimous consent request to make that improved amendment in order. If that unanimous consent request is not accepted, then I would just go ahead and offer my amendment as permitted by the rule, which, to my understanding, is less acceptable to the minority.

Mr. HEFNER. This amendment is not in order until this rule passes.

The SPEAKER pro tempore. The Chair again reminds all Members that the gentleman from Ohio [Mr. HALL] controls the time.

Mr. HALL of Ohio. I would say to the gentleman from North Carolina [Mr. HEFNER] the Cox amendment is in order. My amendment to his is not in order. The only way for my perfecting amendment to make his amendment acceptable to most of us on this side is for them to change the rule.

This is a very awkward situation. It is terribly awkward. Because what we are doing is amending the rule on the floor of the House, and the problem is if we do not amend the rule at this particular time, what my concern is is that with Mr. COX's original amendment, which is in order, cuts off all aid to North Korea, and that goes against everything that this country is all about. With Ethiopia, Angola, we never cut off humanitarian aid to innocent people. We cut off aid to the military.

So that is what our compromising amendment does. Both sides are caught in a very awkward situation. And if we do not pass this amendment, what could happen is a very odious thing, a lot of innocent people will lose out on medicines and foods.

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

Mr. HALL of Ohio. I yield to the gentleman from North Carolina.

Mr. HEFNER. Well, if you can do that with the Cox amendment, why can you not amend it to allow these other Members to offer their amendment? It does not make any sense to me. It seems that this is something that you can do, you can tie that to the Cox amendment. I just do not understand the procedure.

The SPEAKER pro tempore. The time of the gentleman from Ohio [Mr. HALL] has expired.

PARLIAMENTARY INQUIRIES

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

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. OBEY. Mr. Speaker, it is my understanding that there is an effort being made or that there is an intention on the part of the chairman of the Committee on Rules to offer an amendment to the rule accommodating the amendment that the gentleman from Ohio was seeking and that there will be a rollcall on that issue followed by an effort on the part of the chairman of the committee to offer a unanimous consent request to allow the Wynn amendment to be made in order.

Could I ask, what is the proper method by which the gentleman can explain that to the House so Members know what they are voting on and we might be permitted to ask a couple questions of him about that?

The SPEAKER pro tempore. There is still debate time remaining with the gentleman from Washington [Mr. HASTINGS]. However, there is no amendment to the rule pending before the House at this time. The Chair is not privy of any negotiations between the Members and the parties.

Ms. FURSE. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman from Oregon will state her inquiry.

Ms. FURSE. Would the Chair tell me how I might go about getting a unanimous consent request so that I too could have my amendment made possible?

The SPEAKER pro tempore. The manager of the rule must yield for a unanimous consent.

The gentleman from Washington [Mr. HASTINGS] is recognized.

AMENDMENT OFFERED BY MR. HASTINGS OF WASHINGTON

Mr. HASTINGS of Washington. Mr. Speaker, I hope we can have closure on this. Mr. Speaker, I offer an amendment, which is at the desk.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS of Washington:

Page 2, line 17, strike ''and'' and all that follows through ''1997'' on line 19, and insert in lieu thereof: ''the amendment by Representative OBEY of Wisconsin pending when the Committee of the Whole rose on July 22, 1997, and one amendment by Representative COX of California regarding assistance to the Democratic People's Republic of Korea''.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

This amendment cosponsored by the gentleman from California [Mr. COX] and the gentleman from Ohio [Mr. HALL] is intended to be a substitute for the Cox amendment published in the CONGRESSIONAL RECORD on July 15, 1997. It is a compromise fashioned by the gentleman from California [Mr. COX] and the gentleman from Ohio [Mr. HALL] to address the critical issue of food aid delivery for North Korea.

I stress that it is a bipartisan amendment, and I urge its adoption.

Mr. OBEY. Mr. Speaker, will the gentleman yield for a question?

Mr. HASTINGS of Washington. I am happy to yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I ask that question so that the Members might understand what is about to transpire. Is it correct that the gentleman is offering this amendment, that this amendment will be subjected to a rollcall vote, and that after the vote on that amendment, the gentleman from New York, or the bill manager, I am not sure which, will then offer a unanimous-consent request to also place in order the Wynn amendment? Could I ask if that is the understanding of the gentleman from New York? I do not know if there is general concurrence in that or not.

Mr. HASTINGS of Washington. Mr. Speaker, I would just say to the gentleman that those negotiations are going on as we speak.

Mr. Speaker, if I may, to indulge the gentleman, since we have time, I yield 3 minutes to my friend, the gentleman from Colorado [Mr. MCINNIS]. And maybe at the end of that time, we can have closure on this.

□ 1845

Mr. MCINNIS. Mr. Speaker, there are a few things that I think we should clarify. I am glad to see that the floor has settled down. It seems that both sides here are attempting to negotiate. But I do think it is important to discuss what the function is of the Committee on Rules. The primary function of the Committee on Rules is to manage bills on the House floor.

In doing that, of course we did have a Committee on Rules when the Republicans were in the minority, and that was run by the Democratic Party. In fact, during that period of time when the minority, which was the Republicans, had a motion to recommit, they were not allowed at times to offer that motion to recommit with instructions. We changed that. The Republicans changed that because we wanted to see more fairness on the floor, more openness on the floor.

When we took office, what we did is we always guaranteed the minority a motion to recommit with instructions. What does that mean? That means that the minority has the right to be heard. Under the type of governmental system that we have in this country, the majority has the right to rule, but the minority has a right to be heard, and that is exactly what that motion to recommit does.

We have heard from a couple of people, frankly from the State of Massachusetts, who complained about the fact that the tobacco amendment was not going to be heard. In fact, it is going to be heard. It has got as much time or more time than any other amendment that is going to be on there. But the fact is that both of these gentlemen on a continuous basis talked about how important it is that we immediately hear the tobacco amendment, that we not be evasive, that we put this to the forefront, and then they continue to vote for motions to adjourn.

The reason we went to the Committee on Rules last night is because we in good faith, the Committee on Rules, determined not to put a rule onto this bill, go ahead, put the bill out on the floor and let it run its course. Well, what happened is we ran into delay tactic after delay tactic. I hope now that these negotiations calm the floor down, allow us to pass this rule and allow us to get on with the business of the House, which is the business of the people that we represent. This time that we are wasting is precious time that we cannot recover.

We have a lot of major issues, including the tax cut that is sitting out there, the children's tax credit, the education tax credit, the capital gains reduction, the death tax exemption, raising up the exemption. Instead of addressing issues like that, we see people up here continuing to delay and delay. I do not know how many motions we have had to adjourn or motions to rise, which of course takes a half-hour to an hour each time that is made and a vote is requested upon it.

It is important for us to remember that when that Committee on Rules met last night, it was not because it was a regularly scheduled Committee on Rules. It is because we were forced by a few individuals who wanted to do delay, delay, delay, and that is why we met, to bring some order to the floor. This Committee on Rules meeting was not held in the middle of the night, not at all. It obviously was an open meeting. The minority had their chairman up there. In fact, we sat in our chairs up there waiting for 30 or 40 minutes for the printing process to be done. So last night when our committee met, it was forced to meet.

I used to be a police officer. I would see somebody speeding. Most of the time if the speeding was not egregious, I would give a warning. Time after time after you give somebody a warning, at some point you have got to do something. In this case, you give them a ticket, and then the person that gets the ticket is complaining.

Here is what has happened in the last few days. We have warned and warned this body. The Committee on Rules has determined that the business of this House must move forward. The American people are demanding we do something, quickly, on this tax cut. We need to move on these appropriations bills. It is important for the lives of the people that we represent. And if some Members out there continue to stall and stall and stall, we will have to adjourn, we will have to go upstairs to the Committee on Rules, have an open committee hearing where the minority is represented as well as the majority, put out a rule which manages this bill, and that is exactly what happened. It is not unfair. It is certainly not unnecessary. It became necessary as the result, frankly, of abuses that we observed here on the floor.

Now, that meeting, and I want to stress this because it came up several times. I heard that somebody called it the mesh meeting. Somebody called it in a dark room in the Capitol. Somebody said it was unannounced. One member of the committee itself said, we wondered why they were not there, they said they did not get notice. They sure did get notice. Everybody on the Committee on Rules got notice. It is necessary.

Again, I want to soften my comments by saying that the comity that we are now seeing on the floor, frankly it is about time. The Republicans feel it is very important for us to move forward with this business. The Republicans feel very strongly about this tax cut that we want to deliver to the American people. In order for us to deliver a tax cut to put money back into the taxpayers' pocket, we need to get on with the House's business. I urge my colleagues to support the rule.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the amendment.

The SPEAKER pro tempore (Mr. ROGAN). The question is on ordering the previous question on the amendment.

Does the gentleman also move the previous question on the resolution?

Mr. HASTINGS. No; just on the amendment.

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

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 269, nays 160, not voting 5, as follows:

[Roll No. 305]

YEAS—269

Aderholt
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cummings
Cunningham
Davis (FL)
Davis (VA)
Deal
DeGette
Delahunt
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
Markey
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McKinney
Metcalf
Mica
Miller (FL)
Molinari
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Pastor
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Rivers
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Rush
Ryun
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stearns
Stump
Stupak
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Velazquez
Vento
Walsh
Wamp
Waters
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Young (FL)

NAYS—160

Abercrombie
Ackerman
Allen
Andrews
Baesler
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop

Blumenauer
Bonior
Borski
Boucher
Boyd
Brown (CA)
Brown (OH)
Capps
Cardin
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Danner
Davis (IL)
DeFazio
DeLauro
Deutsch
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Green
Gutierrez
Hall (TX)
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Jefferson
John
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Neal
Oberstar
Obey
Olver
Owens
Pascrell
Payne
Pelosi
Peterson (MN)
Pickett
Poshard
Price (NC)
Rangel
Reyes
Rodriguez
Roemer
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Stabenow
Stenholm
Stokes
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Visclosky
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Wynn
Yates

NOT VOTING—5

Barton
Pallone
Schiff
Stark
Young (AK)

□ 1914

Messrs. COYNE, BLUMENAUER, and DAVIS of Illinois changed their vote from ''aye'' to ''no.''

Messrs. RILEY, DELLUMS, FRANK of Massachusetts, and VENTO, Ms. JACKSON-LEE of Texas, Messrs. BOSWELL, FORD, CUMMINGS, KANJORSKI, SMITH of Texas, DELAHUNT, DICKS, HOYER, Mr. JACKSON of Illinois, and Ms. RIVERS changed their vote from ''no'' to ''aye.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. HASTINGS OF WASHINGTON

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that the amendment on which the previous question has just been ordered be modified in the form that I have placed at the desk and be considered adopted.

The SPEAKER pro tempore (Mr. ROGAN). The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment, as Modified, Offered by Mr. HASTINGS of Washington: Page 2, line 17, strike ''and'' and all that follows through ''1997'' on line 19, and insert in lieu thereof: ''the amendment by Representative Obey of Wisconsin pending when the Committee of the Whole rose on July 22, 1997, one amendment by Representative Cox of California regarding assistance to the Democratic People's Republic of Korea, and the amendment printed in the Congressional Record and numbered 35 pursuant to clause 6 of rule XXIII''.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the resolution, as amended.

There was no objection.

The SPEAKER pro tempore. The question is the resolution, as amended.

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 226, noes 202, not voting 6, as follows:

[Roll No. 306]

AYES—226

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)

NOES—202

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—6

Barton
Pallone
Porter
Schiff
Stark
Young (AK)

□ 1934

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2203, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1998

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 105–198) on the resolution (H. Res. 194) providing for consideration of the bill (H.R. 2203) making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 196) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 196

Resolved, That the following Members be, and they are hereby, elected to the following standing committees of the House of Representatives:

Committee on Banking and Financial Services: Mr. Redmond.

Committee on National Security: Mr. Redmond.

Committee on Small Business: Mr. Pitts.

Committee on Veterans' Affairs: Mr. Redmond.

The resolution was agreed to.

A motion to reconsider was laid on the table.

URGING MEMBERS TO VOTE AGAINST THE RULE ON THE AGRICULTURE APPROPRIATIONS BILL

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

Ms. KAPTUR. Mr. Speaker, I rise as the ranking member on the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the Committee on Appropriations, which means I am the lead Democrat, and to protest the action of the Committee on Rules last night in putting a tourniquet on the debate that was to have occurred on our bill.

Yesterday we had that bill on the floor, and generally it comes to the floor under an open rule. I might remind the membership that agriculture is America's most important industry. It provides our most positive balance-of-trade figures, and is an exceedingly important bill to our farmers, our food processors, our people involved in the fiber industry, the forestry industry, the fuel industry. This is not an unimportant bill.

Yet, because of anger for other reasons, for other reasons, because Members like the gentlewoman from California [Ms. PELOSI], the gentleman from Illinois [Mr. YATES], and myself, the gentlewoman from Ohio [Ms. KAPTUR], as ranking members of our respective committees were summarily blocked in prior weeks from bringing our amendments to the floor on other bills, we are now being punished by putting a tourniquet on the debate on the agriculture bill today.

As ranking members, we have not only been blocked from offering the amendments, but our amendments have then been given to Members of the other party. This is outrageous. In past years, I can assure you agriculture appropriations bills moved to the floor with bipartisan support. They were not the victim of "gag" rules. They were not used to send messages to the minority that they better behave or be punished.

So now, our agriculture bill is being forced to be debated under such limited time, that key provisions will be given short shrift, not even allowing time to explain their full meaning to the Members.

For example, on the important subject of youth tobacco prevention, the time allowed for debate is 10 minutes—to be divided 5 minutes on each side. On important commodity programs on which our families' livelihood depend—sugar, peanuts, tobacco—debate will be limited to 15 minutes per side. This is ludicrous.

Further, the rule retroactively denies many Members the ability to offer their amendments—for example, Representative FURSE of Oregon on Animal Damage Control; Representative WYNN of Maryland on Civil Rights Enforcement; Representative HALL of Ohio on food assistance to Korea; and Representative MEEHAN of Massachusetts is allotted 5 minutes only to discuss the important Youth Tobacco Prevention initiative.

This is not the way to legislate.

I urge my colleagues to vote "no" on the rule. It truly is unfair.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. STARK (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of a family medical emergency.

Mr. BARTON of Texas (at the request of Mr. ARMEY), for today after 7 p.m. and 8:30 p.m. on July 24, on account of attending a funeral.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. TIERNEY) and to include extraneous matter:)

Mrs. MALONEY of New York.
Ms. ESHOO.
Mr. PRICE.
Mr. RAHALL.
Mr. MILLER of California.
Mr. BLAGOJEVICH.
Mr. REYES.
Mr. HAMILTON.
Mr. VENTO.
Mr. DAVIS of Illinois.
Mr. LANTOS.
Mr. OBEY.
Mr. FATTAH.
Mr. STARK.
Mr. KUCINICH.
Mr. UNDERWOOD.
Mr. BERMAN.
Mr. STRICKLAND.

(The following Members (at the request of Mr. WALSH) and to include extraneous matter:)

Mr. SHAW.
Mr. BASS.
Mr. PITTS.
Mr. FAWELL.
Mr. GILMAN.
Mr. LIVINGSTON.
Mr. HOUGHTON.
Mr. BOB SCHAFFER of Colorado.
Mrs. KELLY.
Mr. LEWIS of California.
Mr. DREIER.

ADJOURNMENT

Mr. WALSH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 40 minutes p.m.) the House adjourned until tomorrow, Thursday, July 24, 1997, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4321. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Brucellosis in Cattle; State and Area Classifications; Iowa [Docket No. 97–036–1] received July 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4322. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Brazil, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

4323. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revised Requirements for Designation of Reference and Equivalent Methods for PM 2.5 and Ambient Air Quality Surveillance for Particulate Matter [AD–FRL–5725–6] (RIN: 2060–AE66) received July 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4324. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's "Major" final rule—National Ambient Air Quality Standards for Particulate Matter [AD–FRL–5725–2] (RIN: 2060–AE66) received July 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4325. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's "Major" final rule—National Ambient Air Quality Standards for Ozone [ADA–95–58; FRL–5725–3] (RIN: 2060–AE57) received July 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4326. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Nonresident Aliens and Foreign Corporations [Revenue Ruling 97–31, I.R.B. 1997–32, dated August 11, 1997] received July 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 194. Resolution providing for consideration of the bill (H.R. 2203) making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–198). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DEFAZIO (for himself, Ms. FURSE, Ms. HOOLEY of Oregon, Mr. BLUMENAUER, Mr. DELLUMS, Mr. BONIOR, Mr. BROWN of California, Mrs. MALONEY of New York, Mr. BARRETT of Wisconsin, Mr. HINCHEY, and Mr. TRAFICANT):

H.R. 2222. A bill to amend the Federal Water Pollution Control Act relating to Federal facilities pollution control; to the Committee on Transportation and Infrastructure.

By Mr. HAYWORTH:

H.R. 2223. A bill to amend the Act popularly known as the Recreation and Public Purposes Act to authorize transfers of certain public lands or national forest lands to local education agencies for use for elementary or secondary schools, including public charter schools, and for other purposes; to the Committee on Resources.

By Mr. ACKERMAN:

H.R. 2224. A bill to amend title 10, United States Code, to extend commissary and exchange store privileges to veterans with a service-connected disability and to certain dependents of such veterans; to the Committee on National Security.

By Mr. ENSIGN (for himself and Mr. GIBBONS):

H.R. 2225. A bill to designate the Federal building and United States courthouse to be constructed on Las Vegas Boulevard between Bridger Avenue and Clark Avenue in Las Vegas, NV, as the ''Lloyd D. George Federal Building and United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. FAWELL (for himself, Mr. PAYNE, and Mr. GOODLING):

H.R. 2226. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to clarify treatment of investment managers under such title; to the Committee on Education and the Workforce.

By Mr. LAZIO of New York:

H.R. 2227. A bill to amend the National Flood Insurance Act of 1968 to reauthorize the national flood insurance program, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. MILLER of California (for himself, Mr. MARTINEZ, Mr. FORD, Mr. STARK, Mr. OBERSTAR, and Mr. FALEOMAVAEGA):

H.R. 2228. A bill to increase the number of qualified teachers; to the Committee on Education and the Workforce.

By Mr. PASCRELL:

H.R. 2229. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act with respect to penalties for powder cocaine and crack cocaine offenses; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PITTS:

H.R. 2230. A bill to amend the Congressional Budget Act of 1974 to establish a point of order that precludes raising revenues to enforce the bipartisan budget agreement if there is a revenue shortfall in any of fiscal years 1998 through 2002; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PRYCE of Ohio (for herself, Mr. PORTMAN, Mrs. JOHNSON of Connecticut, and Mr. CHRISTENSEN):

H.R. 2231. A bill to amend the Internal Revenue Code of 1986 to provide a sound budgetary mechanism for financing health and death benefits of retired coal miners while ensuring the long-term fiscal health and solvency of such benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. ROYCE:

H.R. 2232. A bill to provide for increased international broadcasting activities to China; to the Committee on International Relations.

By Mr. SAXTON (for himself and Mr. ABERCROMBIE):

H.R. 2233. A bill to assist in the conservation of coral reefs; to the Committee on Resources.

By Mr. SCHUMER (for himself and Mr. GONZALEZ):

H.R. 2234. A bill to amend the Electronic Fund Transfer Act to eliminate confusion about consumer liability for unauthorized transactions involving debit cards that can be used like credit cards, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. RAHALL (for himself, Mr. MILLER of California, Mr. VENTO, Mr. ROMERO-BARCELO, Mr. KENNEDY of Rhode Island, Mr. DEFAZIO, Mr. ABERCROMBIE, Mr. PICKETT, Mr. ORTIZ, Ms. CHRISTIAN-GREEN, Mr. FALEOMAVAEGA, and Mr. HINCHEY):

H. Con. Res. 119. Concurrent resolution expressing the sense of the Congress that the health, safety and general welfare of the residents of the Nation's coalfields should continue to be enhanced by the implementation of the Surface Mining Control and Reclamation Act of 1977 by State and Federal regulatory authorities, and that Congress hereby reaffirms the goals of the Act on its 20th anniversary, August 3, 1997; to the Committee on Resources.

By Mr. GILMAN (for himself, Mr. HAMILTON, Mr. BEREUTER, Mr. PORTER, Mr. FALEOMAVAEGA, Mr. BERMAN, and Mr. LEACH):

H. Res. 195. Resolution concerning the crisis in Cambodia; to the Committee on International Relations.

By Mr. HASTINGS of Washington:

H. Res. 196. Resolution designating majority membership to certain standing committees of the House. Considered and agreed to.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. DICKEY and Mr. SHAYS.
H.R. 45: Mrs. LOWEY.
H.R. 125: Mr. WICKER.
H.R. 176: Mr. CLEMENT, Mr. HORN, and Mr. DAVIS of Illinois.
H.R. 192: Mr. LEWIS of Georgia.
H.R. 230: Mr. GORDON.
H.R. 339: Mr. GIBBONS.
H.R. 372: Mrs. MORELLA, Mr. RAHALL, Mr. BROWN of California, Mr. FOX of Pennsylvania, Mr. BONIOR, Mr. DAVIS of Virginia, Mr. BORSKI, Mr. CUMMINGS, Mr. FRANK of Massachusetts, Mr. SANDLIN, Mr. ACKERMAN, and Mr. FATTAH.
H.R. 450: Mr. FRANKS of New Jersey.
H.R. 551: Mr. LEWIS of Georgia.
H.R. 631: Mr. FOX of Pennsylvania and Mrs. EMERSON.
H.R. 687: Mr. KIND of Wisconsin, Mr. STRICKLAND, and Mr. EVANS.
H.R. 696: Mr. RUSH and Ms. WOOLSEY.
H.R. 774: Mrs. LOWEY and Mr. DAVIS of Illinois.
H.R. 777: Mr. BERMAN, Mr. BORSKI, Mr. GORDON, and Mr. MORAN of Virginia.
H.R. 857: Mr. HUTCHINSON, Mr. HALL of Texas, Mr. PETERSON of Minnesota, and Mr. KIM.
H.R. 859: Mr. PAUL.
H.R. 875: Mr. SANDLIN, Mr. SHIMKUS, Mr. HINCHEY, and Mr. RODRIGUEZ.
H.R. 916: Mr. GRAHAM, Mr. SABO, and Mr. SHERMAN.
H.R. 967: Mr. GIBBONS, Mr. SAM JOHNSON, Mr. MCINTOSH, Mr. SPENCE, Mr. ROYCE, Mr. HUNTER, and Mr. SHADEGG.
H.R. 977: Mr. BOEHLERT.
H.R. 992: Mr. SOLOMON.
H.R. 1054: Mr. KIM, Mr. BURR of North Carolina, and Mr. LEWIS of Georgia.
H.R. 1126: Mr. PRICE of North Carolina and Mr. DAVIS of Illinois.
H.R. 1232: Mr. ROHRABACHER and Mr. POSHARD.
H.R. 1285: Mr. PASTOR.
H.R. 1296: Mr. EHLERS.
H.R. 1350: Mrs. EMERSON and Mr. CAMPBELL.
H.R. 1398: Mr. HOEKSTRA.
H.R. 1427: Ms. KILPATRICK, Mr. COYNE, Mr. MEEHAN, and Mr. SAXTON.
H.R. 1440: Mr. TIERNEY.
H.R. 1493: Mr. HUNTER and Mr. TRAFICANT.
H.R. 1507: Mr. ANDREWS, Ms. KILPATRICK, Ms. BROWN of Florida, Mr. NADLER, Mr. SAWYER, Mr. BROWN of Ohio, Mr. WAXMAN, and Ms. ESHOO.
H.R. 1541: Mr. SHAYS.
H.R. 1542: Mr. SISISKY and Mr. DEAL of Georgia.
H.R. 1544: Mr. SENSENBRENNER, Mr. STARK, and Mr. WICKER.
H.R. 1578: Mrs. MORELLA.
H.R. 1579: Mrs. MORELLA.
H.R. 1619: Mrs. EMERSON.
H.R. 1679: Mr. DEUTSCH.
H.R. 1680: Mr. FROST, Mr. SNYDER, and Mr. SOUDER.
H.R. 1719: Mr. CHRISTENSEN.
H.R. 1814: Mrs. LOWEY and Ms. FURSE.
H.R. 1839: Mr. COX of California, Mr. RUSH, Mr. WISE, and Mr. WHITFIELD.
H.R. 1903: Mr. WELDON of Pennsylvania and Mr. LAMPSON.
H.R. 1970: Mr. RUSH.
H.R. 1984: Mr. BAESLER, Mr. GOODLATTE, Mr. BLUNT, Mr. MORAN of Kansas, Mr. RYUN, Mr. SOUDER, Mr. BARR of Georgia, Mr. HASTINGS of Washington, Mr. COLLINS, Mr. BUYER, Mr. PITTS, Mr. STUMP, Mr. GOODE, Mr. TURNER, and Mr. GRAHAM.
H.R. 1993: Mr. MCGOVERN.
H.R. 2003: Mr. ROEMER.

H.R. 2005: Mr. LOBIONDO.

H.R. 2023: Mr. DAVIS of Illinois.

H.R. 2064: Mr. BRADY and Mr. SESSIONS.

H.R. 2120: Mr. KANJORSKI, Mr. SCHUMER, Mr. VENTO, Mr. UNDERWOOD, and Mr. STARK.

H.R. 2125: Mr. SAXTON.

H.R. 2129: Mr. FRANK of Massachusetts, Ms. FURSE, Mr. FROST, Mr. REGULA, Ms. KAPTUR, Mr. JOHNSON of Wisconsin, Mr. LIPINSKI, and Mr. MASCARA.

H.R. 2153: Mr. LAFALCE.

H.R. 2163: Mr. MCINTOSH.

H.R. 2185: Ms. ROYBAL-ALLARD.

H.R. 2200: Mr. SERRANO and Mr. TORRES.

H.R. 2202: Mr. MCCOLLUM, Mr. STARK, Mr. COOK, Mr. SESSIONS, Mr. SHAYS, Mr. BENTSEN, Mr. HOBSON, Mrs. KELLY, Mr. GONZALEZ, Mr. DAVIS of Florida, Mr. WALSH, Ms. STABENOW, Mr. MCDERMOTT, Ms. PRYCE of Ohio, Mr. MARKEY, Mr. DAVIS of Illinois, Mr. CARDIN, Mr. SKEEN, Mr. CLYBURN, Mr. BILIRAKIS, Ms. MCKINNEY, Mr. GEKAS, and Mr. FATTAH.

H. Con. Res. 13: Mr. GUTIERREZ and Mr. OBEY.

H. Con. Res. 55: Mr. ROGAN and Mr. DAVIS of Illinois.

H. Con. Res. 111: Mr. BOYD, Mr. KUCINICH, Ms. LOFGREN, Ms. HARMAN, Mr. DREIER, Mr. CLYBURN, Mr. LEVIN, Mr. ETHERIDGE, Mr. HINCHEY, Mr. CANADY of Florida, Mr. SCOTT, Mr. GORDON, Mr. CLEMENT, Mr. LAMPSON, Mr. MARTINEZ, Mr. GILMAN, Ms. STABENOW, and Mr. EHLERS.

H. Con. Res. 112: Mr. WATTS of Oklahoma, Mr. KENNEDY of Massachusetts, Mr. MARKEY, Mr. KING of New York, Ms. KAPTUR, and Mr. MCNULTY.

H. Con. Res. 116: Mr. BROWN of Ohio, Ms. SLAUGHTER, Mr. LANTOS, Ms. WOOLSEY, Mr. COX of California, and Mr. DEFAZIO.

H. Res. 37: Mrs. EMERSON, Mr. GUTIERREZ, and Mr. BARRETT of Wisconsin.

H. Res. 139: Mr. THUNE.

H. Res. 182: Mr. STUPAK, Mr. KENNEDY of Rhode Island, and Mr. MARKEY.

H. Res. 190: Mr. HUNTER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2003: Mr. EDWARDS and Mr. ENGLISH of Pennsylvania.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2159

OFFERED BY: MR. BEREUTER

AMENDMENT NO. 53: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. (a) None of the funds appropriated in this Act may be made available directly to the Government of Cambodia.

H.R. 2159

OFFERED BY: MR. OBEY

AMENDMENT NO. 54: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SENSE OF CONGRESS ON THE PALESTINIAN AUTHORITY

SEC. 572. (a) SENSE OF THE CONGRESS.—It is the sense of Congress that the Palestine Liberation Organization (hereafter the ''P.L.O.'') and the Palestinian Authority should do far more to demonstrate an irrevocable denunciation of terrorism and to ensure a peaceful settlement of the Middle East dispute and in particular we condemn—

(1) the withdrawal of the Palestinian Authority from the joint security arrangements provided by the Oslo Peace Accords;

(2) the pursuing of the death penalty for Arabs who sell land to Jews, and;

(3) the misuse of funds by officials of the Palestinian Authority.

(b) the Congress directs the Secretary of State to prepare and submit a report to Congress within 120 days of enactment of this Act which addresses the degree of progress made in addressing the concerns expressed in subsection (a), and in addition addresses:

(1) the Palestinian Authority's cooperation with Israeli security forces;

(2) repeal of the Palestinian Covenant;

(3) steps taken to expunge from all official documents and publications of the Palestinian Authority depiction of a Palestinian state which does not acknowledge the presence of a sovereign state of Israel;

(4) the Palestinian Authority's honoring of extradition requests from the United States, Israel and other countries;

(5) the Palestinian Authority's progress toward repealing edicts imposing the death penalty on anyone who sells land to a Jew;

(6) whether senior Palestinian officials involved in any way with terrorist operations affecting the state of Israel;

(7) and, provide a detailed accounting of all U.S. assistance provided to the Palestinian Authority or its representatives, affiliates, and agents.

H.R. 2160

OFFERED BY: MS. FURSE

AMENDMENT NO. 36: Insert before the short title the following new section:

SEC. . (a) LIMITATION ON USE OF FUNDS.—Not more than $1,900,000 of the funds made available in this Act for the Animal Damage Control Program may be used for livestock protection efforts in the western region of the United States.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided by this Act for salaries and expenses with respect to the Animal Damage Control Program under the heading ''ANIMAL AND PLANT HEALTH INSPECTION SERVICE'' is hereby reduced by $11,300,000.

H.R. 2203

OFFERED BY: MR. GIBBONS

AMENDMENT NO. 2: Page 19, line 11, strike the colon and all that follows through the period in line 20 and insert the following: ''Of the funds appropriated under this paragraph $1,500,000 may be provided to the State of Nevada solely to conduct scientific oversight responsibility pursuant to the Nuclear Waste Policy Act of 1982 and $6,175,000 may be provided to affect local governments as defined in such Act to conduct appropriate activities pursuant to such Act.''.

H.R. 2203

OFFERED BY: MR. GIBBONS

AMENDMENT NO. 3: Page 35, insert before the short title the following:

SEC. 502. None of the funds appropriated in this Act for ''Nuclear Waste Disposal Fund'' may be used for interim storage of nuclear waste materials.

H.R. 2203

OFFERED BY: MR. PETRI

AMENDMENT NO. 4: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act may be used to pay the salary of any officer or employee of the Department of the Interior who plans, authorizes, or implements the acquisition of land for, or construction of, the Animas-La Plata Project, in Colorado and New Mexico, pursuant to the Act of April 11, 1956 (43 U.S.C. 620 et seq.) and the Colorado River Basin Project Act (43 U.S.C. 1501 et seq.).

H.R. 2209

OFFERED BY: MR. ROEMER

AMENDMENT NO. 1: Page 8, insert after line 5 the following new section:

SEC. 106. Of the funds appropriated in this Act for ''HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS' REPRESENTATIONAL ALLOWANCES'', any amount remaining in a representational allowance of a Member of the House at the end of the session of Congress or other period for which the allowance is made available shall be returned to the Treasury, to be used for deficit reduction.