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PROCEEDINGS AND DEBATES OF THE 103d CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Thursday, July 14, 1994*

The House met at 10 a.m.

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

Breathe into us, O gracious God, the breath of life, that spirit of faith and hope and love that overcomes our doubts and gives the assurance of all good things. Lift us, O God, from any self-righteousness or arrogance, so we see more clearly the steps we should take and the paths we should follow. May Your good word that comes new every morning forgive us, bless us, lead us, heal us, and follow us all the days of our lives. Amen.

THE JOURNAL

The SPEAKER. 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. Will the gentleman from Indiana [Mr. VISCLOSKY] come forward and lead the House in the Pledge of Allegiance.

Mr. VISCLOSKY 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 Mr. Hallen, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2182. An act to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense programs of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes;

S. 2206. An act to revise and streamline the acquisition laws of the Federal Government, and for other purposes;

S. 2207. An act to revise, streamline, and reform the acquisition laws of the Federal Government, and for other purposes;

S. 2209. An act to authorize appropriations for fiscal year 1995 for military construction, and for other purposes;

S. 2210. An act to authorize appropriations for fiscal year 1995 for defense activities of the Department of Energy, and for other purposes; and

S. 2211. An act to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy; to prescribe personnel strengths for such fiscal year for the Armed Forces; to revise and streamline the acquisition laws of the Federal Government; and for other purposes.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will receive 15 requests per side for 1-minute statements.

AN "A" FOR DEMOCRATS IN CONGRESS

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

Mr. VISCLOSKY. Mr. Speaker, the midsession economic review is in and I am happy to say that the economic plan put forward by President Clinton and passed by the Democrats in Congress got an "A."

Unemployment for the month of June is at 6 percent—down more than a full percentage point from last year. Now, 6,398 private sector jobs are being created every day. In the first 17 months of the Clinton administration, 3.8 million jobs have been created, compared to only 2.4 million jobs during the entire previous 4 years.

The deficit is down and continuing to fall. The deficit is projected at 2.5 percent of gross domestic product in 1997, down from 4.9 percent in 1992. And, for the first time since Harry Truman was in the White House, the deficit will be cut 3 years in a row.

Government spending has been cut, and the Government work force will be reduced by over 200,000 jobs.

Mr. Speaker, under the Democratic policy the people are clearly better off today because of the economic plan. We must now build on that success and pass real health care reform that providers universal coverage and controls costs.

HEALTH CARE REFORM

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

Mr. THOMAS of Wyoming. Mr. Speaker, national columnist Robert Samuelson had this to say about the drive to reform health care in Congress:

The best thing Congress could do now on health care is to start over next year. The most important social legislation in a quarter century should not be approved as a last-minute, poorly-understood patchwork. From the start the debate has suffered from Clinton's wild promises that they could achieve universal coverage with very little extra cost. This has produced five inconsistent congressional bills that all, in one way or another, fantasize a health care future that will never happen.

I have been one who believes and continues to believe that we need fundamental reform in health care. We need fundamental reform that leaves health care, one-seventh of the economy, in the private sector for delivery.

I am one who believes that we could do this in Congress. However, if it is the Democrats' position to politically insist, and their political insistence keeps us from curing the ills of the health care system without killing the patient, the Democrat partisanship that kept a bipartisan solution from reaching the floor. I think we should have fundamental reforms. If President Clinton is going to insist on his way or the highway, then Mr. Samuelson may be right. Nothing will be done. I hope that is not the case. We need fundamental reform for a private care system that stays in the private sector.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

MORE ON HEALTH CARE REFORM

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.

Mrs. CLAYTON. Mr. Speaker, as we move forward on health care reform, I want to remind my colleagues to be particularly sensitive to the special needs of improving the health care in underserved communities, both in rural and inner cities.

The main problems that need to be addressed in order to improve rural health care are: The shortage and underpayment of primary care providers; the need for capital to upgrade rural facilities; and the problems faced by serving fragile, at-risk patients, especially the elderly.

The director of the North Carolina Office of Rural Health, and my dear friend, Mr. James D. Bernstein, recommends that to work toward solving these problems we must first develop programs that will ensure that rural health care practices offer a package of incentives and a positive practice environment to attract the providers they need.

Also, we need to provide both long-term and short-term work force strategies, such as scholarships and loan repayment as well as long-term financial and reimbursement incentives. We must ensure that our rural health care facilities receive the funding they need for physical upgrades and guarantee rural citizens that their health care will not be second class.

Any health care reform that does not address the needs of rural America will not serve or benefit those hard-working families that made our country great.

POSSIBLE INVASION OF HAITI

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

Mr. GILLMOR. Mr. Speaker, President Clinton is considering a military invasion of Haiti. That would be a mistake and the answer to that idea should be just plain no. There is no doubt that the current dictatorship of Haiti is a brutal dictatorship, but there are brutal dictatorships all around the world. Are we supposed to invade every one of them? The answer is clearly no. We cannot be the world's policeman in every instance.

American lives should be put in harm's way only if there is a clear national interest in doing so and that is not the case with Haiti. Apparently, the reason for this invasion would be to restore to power the person who held power briefly before. When he did, his regime committed human rights abuses similar to the current dictatorship. If we restore him to power by military force and he does it again, does that make the United States an accomplice to these human rights abuses?

If we want to keep him in power and try to prevent the abuses, how many years will our troops have to stay there and how many American lives will be lost.

Bill Clinton's foreign policy has been a continual series of embarrassments and disasters for the United States. This administration's foreign policy is like a foreign policy conducted by Abbott and Costello. We do not need to make another mistake by invading Haiti.

SUCCESS OF THE DEMOCRATS' ECONOMIC PLAN

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

Mr. GEPHARDT. Mr. Speaker, 1 year ago, the Democrats in this House fought for an economic plan to reverse the economic decay and decline that had plagued our Nation for 4 years—by cutting Federal spending, slashing the Federal deficit, and giving tax breaks to working people.

The Republican Party, for all their talk of fiscal responsibility, refused to lift a finger to help us. They called our plan a job killer—even though it has created more than 6,000 private sector jobs every single day.

They said it was a one-way ticket to a recession—a subject the Republicans know a thing or two about, since they plunged our Nation into recession during the Bush years.

But now the verdict is in. We have more than twice the economic growth of the Bush years. New jobs are being created all over the country—more in 18 months than during the entire Bush administration. More new businesses are being incorporated than ever before in our history.

There is a story behind those statistics. When you walk through my own town of St. Louis, you see Help Wanted signs in shop windows. There is so much new construction taking place, they have issued a nationwide call for construction workers, because there are not enough to meet the demand.

We still have a long way to go—more jobs to create, more businesses and families to help.

But as we move toward this November's elections, the American people have to ask themselves a serious question:

Can we really trust a party that played politics when we were trying to make serious economic policy?

If the Republicans still think the Democratic economic plan is a job killer, then let us face it: the jobs they are talking about must be their own.

□ 1010

TIME TO DO SOMETHING ABOUT AN OVERSIZED GOVERNMENT

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

Mr. BOEHNER. Mr. Speaker, the majority leader just outlined for us the plan for the largest tax increase in American history. We all wonder why Americans had to work until July 10, Sunday of this past week, to pay for government, because that was the cost of government day. The average American had to work until July 10 to pay for all of the cost of government at every level. Fifty-three percent of the Nation's income is going to pay for government, and yet President Clinton and the majority leader and other liberal Democrats wanted to impose government-run health care.

Mr. Speaker, part of that plan requires an employer mandate, which is nothing more than a payroll tax. If that plan goes into effect, next year the cost of government day will not be on July 10, it will be on August 15, August 15. Americans will have to work all year until then to pay for the cost of government.

Mr. Speaker, we all know government is too big and spends too much. It is time to do something about it.

THE SUCCESSFUL DEFICIT REDUCTION ACT

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

Mr. DERRICK. Mr. Speaker, last year critics of the 1993 Deficit Reduction Act disparaged the plan, claiming it would increase the deficit and ruin the middle class. Nevertheless, ever since its passage, we have heard nothing but good news as the deficit shrinks and the economy grows.

Today, there is more good news for supporters of the package. Coupled with the strengthening economy, the Deficit Reduction Act has become even more of a success than anticipated.

For the first time in two decades the deficit has decreased 2 years in a row. As a percentage of the gross domestic product the deficit is down to 2.4 percent, half its previous level.

Projections indicate a deficit for 1994 $85 billion less than previously hoped for. However, we can do better. Our job is only half done. Passing a health care reform act will hammer the lid down on the deficit and ensure the economy's growth and the middle class' stability.

DEMOCRAT HEALTH CARE PLANS DESTRUCTIVE TO SMALL BUSINESS

(Mr. DOOLITTLE asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, Americans know this country is in trouble, and it is interesting to hear all of these great confessions of success from the other side today. It is interesting that the President's standing and the Democrats standing continues to drop in the polls as people get more and more worried about the future of this country. I must say, the country does not seem to share this euphoria about the success of the President's economic plan.

Today, Mr. Speaker, the National Federation of Independent Businesses issued a bulletin: "How many employers provide health insurance?" It says, that a Federal law, such as that proposed by President Clinton and Congressional Democrats, requiring all employers to provide coverage to all employees, including part-timers, will have a significant, destructive impact on all small firms.

Elsewhere in this bulletin it observes that less than half—40–45 percent—the employers provide health insurance of any kind to any portion of their employment force. Therefore, the reality, as the NFIB observes, is that the Democrats' health care plans, including the President's plan, will be highly destructive to small businesses because it will raise their costs of doing business. Businesses will have to cut costs in response, and this response will include job cuts. So the very jobs the Democrats claim President Clinton has created with his economic plan will be wiped out by his health care plan—a plan which analysts project could cost up to 1 million jobs.

Mr. Speaker, we need to reform health insurance to make it more affordable, but we do not need any more taxes laid on the backs of business or the American people. They are suffocating from taxes and regulation as it is.

THE CIA'S PINOCCHIO SYNDROME

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

Mr. TRAFICANT. Mr. Speaker, the CIA said Frank Olson committed suicide 40 years ago. The Frank Olson family said the CIA murdered their father. Now documents prove that Frank Olson was an unknowing participant in a secret LSD experiment at the CIA. All we know is he turned erratic. The CIA said he jumped out a window, committed suicide, but they never found any glass fragments, and the hotel night manager said Frank Olson did not commit suicide 40 years ago. Whom do we believe now, Mr. Speaker?

The CIA said we did not mine the harbors in Nicaragua, we did not publish a death threat manual, we had nothing to do with the Chilean coup, we knew nothing about Panama 103. Who do we believe, Mr. Speaker? I say the CIA, if there is any truth, is suffering from a Pinocchio syndrome, and their nose now stretches from Langley to Casablanca, all the way to Disney World, to the Congress of the United States.

Mr. Speaker, I want to know. I want to know what happened to Frank Olson. I am asking for a congressional investigation. Is the CIA responsible for that death? It is time we find out about that agency.

HAITI: A WAYWARD POLICY OR A POLICY IN SEARCH OF A WAY?

(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, lately I have picked up the morning paper wondering if I would not be reading about a United States invasion of Haiti. Such an expedition would of course be understandable. Who could blame us with all the international embarrassment this dreaded Caribbean super power has brought us.

Naturally, Mr. Speaker, I am being sarcastic. What American could possibly enjoy watching their country take a fourth policy flip-flop in no less than 2 years.

And for those colleagues of mine who disagree, I would point out that our record, as a House, is very clear. In fact one might even argue that it is transparent, maintaining the status quo at the expense of our Armed Forces, our international reputation, and our principles.

We need a policy, such as Mr. Goss' Haitian Safe Haven Program, that is based on conviction of beliefs, rather than the latest poll.

Mr. Speaker, I ask you to join me in urging the administration and my colleagues in calling on the administration for a sound Haitian policy. This is fair to the people of both Haiti and the United States. Poorly thought out positions are not.

BULLDAWG STATEMENT ON HEALTH

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

Ms. McKINNEY. Mr. Speaker, I rise today in support of the hard-working, taxpaying, middle class.

I rise in support of strong health care reform.

The "Just-Say-No Club" tells 37 million Americans who have no health insurance, and the millions more who are dangerously underinsured that we need to "slow down" on health care reform. They tell us that our current health care system works just fine—there is no need "fix something that isn't broken." Well, the gridlock gang is at it again.

Their leaders tell the American people that they are for bipartisan reform, though its on their terms. Then they instruct their Members to vote against any idea put forth by a Democrat. There is a great deal of partisan politics holding up health care reform, but it ain't the Democrats.

It is time for the American people to remind those right-wing, ever publicly uttering baloney, "Just-Say-No Club" who they work for.

I rise today to tell the hard-working American taxpayers that we are fighting for you—not the monied special interests.

URGING MEMBERS TO COSPONSOR THE MEDICAL MALPRACTICE FAIRNESS ACT OF 1994

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

Mr. GRAMS. Mr. Speaker, I wonder if anyone at the White House has noticed that none of the health care reform bills reported out of committee in the House has any meaningful medical malpractice reform.

I wonder if the First Lady and the President noticed that their 1,300 page blueprint for Government-run health care had a huge omission in it—no meaningful medical malpractice reform.

Is it not interesting, Mr. Speaker, that the White House claims that special interests are holding health care reform hostage? On the contrary, I contend that it is the White House and the Democrat leadership being held hostage by special interests. These special interests would lose out if serious medical malpractice reform is enacted.

Serious medical malpractice reform would save consumers billions of dollars each year, in particular it would reduce the cost of the typical hospital stay by an estimated $500 or more, reduce the rate of defensive medicine, and reduce the cost of liability insurance.

The Medical Malpractice Fairness Act of 1994, which I will soon introduce will bring about these savings. Many provisions in this bill have the strong support of former Vice President Dan Quayle, a vigorous advocate for serious tort and medical malpractice reform.

I strongly urge my colleagues to help free the White House and Democrat leadership from the vice-like grip of the special interests by becoming original cosponsors of the Medical Malpractice Fairness Act of 1994 and ultimately passing this desperately needed legislation.

□ 1020

ECONOMY STILL GROWING

(Mrs. MEEK of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Speaker, there is good news on the economic front. Unemployment is down, Federal spending is down, the deficit is down, and the economy, well, it is still growing.

New deficit estimates show that the President's economic programs are a remarkable success, reducing the deficit 2 years in a row for the first time in two decades. And, the projected deficit for fiscal year 1994 is now $220 billion, $85 billion less than was projected prior to the President's economic plan, and even $15 billion lower than was projected this February. Mid-year projections show that the 1995 deficit is expected to decline $167 billion, some $135 billion less than projected.

The President's economic policies are moving America forward and putting people back to work. Nearly 6,398 private sector jobs a day are being created, more new jobs have been created in the last year than in all of the previous 4 years.

Yet and still, we hear all of the talk from the naysayers on the other side of the aisle who say that this President is headed in the wrong direction, and that our economy is on the wrong track. I say, tell that to the 6,398 people who find new jobs in the private sector each day. Tell that to all of the people who have come off unemployment and found work in the last year.

Oh, no, our economy is headed in the right direction all right, it is headed up. It is still growing.

Let us hear it for the Democratic administration.

COST OF GOVERNMENT DAY

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

Mr. BARTLETT of Maryland. Mr. Speaker, I rise today to mark Cost of Government Day as July 10, 1994. This is the first day of the year that the average American worker has earned enough gross income to pay off his or her share of the cost of Government including taxes, borrowing, regulations, and mandates. Although we celebrated our national independence on July 4, Americans could not celebrate their independence from Government until July 10.

A constituent of mine, Mr. Bobby Resh of Hagerstown, MD, is the owner of Richardson's Restaurant and has told me over and over again how burdensome regulations have stifled the growth of his small business. Specifically, the Family and Medical Leave Act, although it is well intentioned legislation, has impeded him from expanding his company and caused him to keep his number of employees under 50.

In addition, the threat of employer mandates being included in health care reform had also caused him great concern. He fears that he will not be able to afford this added cost to his business. In fact, the group Americans for Tax Reform Foundation estimates that passage of a Government-run health care system will push Cost of Government Day to August 10.

The Federal Government is too big and it spends, taxes, and regulates too much. The American people are sick and tired of spending over half of the year working for the Government and I think the November election will underscore this fact.

WELFARE REFORM CAPS

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

Mr. BARCA of Wisconsin. Mr. Speaker, Wisconsin has prided itself on our efforts to reform our welfare system because we accept the goal of making it so that people would always be better off by working than not working. We are proud that another Wisconsinite, Secretary Donna Shalala, is leading the effort for the administration.

President Clinton has put forward a very solid road map that we can build on. He has set forward the goals of making work pay, the goals of curbing teen pregnancy, to try and put an emphasis on prevention and having teenagers live with their parents rather than in their own apartments; to collect child support to ease the burden on taxpayers so that they do not have to raise other peoples' children; to put time limits on the system so that we can turn a welfare check into a paycheck.

Mr. Speaker, I applaud our chairman of the Committee on Ways and Means, the gentleman from Florida [Mr. GIBBONS]. He has indicated he is going to try and move this bill forward and I say let us move it forward, pass it, work together and get it done.

REQUEST DENIED FOR FEDERAL GOVERNMENT HANDBOOK CAPS

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

Mr. WALKER. Mr. Speaker, the gentlewoman asked a few moments ago what the American people want from this President. I think the answer is simple. We want competence.

Mr. Speaker, the concern I have this morning is that the Clinton administration is once again stonewalling. In this case one of my constituents has been unable to attain a simple personnel handbook used to train and orient new schedule C or political employees from the U.S. Office of Personnel Management.

My constituent requested the material to review as a part of his academic graduate studies. He has contacted the personnel offices in all 50 States with very positive responses and had hoped to include the Federal Government's handbook.

After several months, several letters, several phone calls and several requests for the handbook, he was told to file a Freedom of Information Act request with OPM's general counsel. After learning that OPM could not comply with the 20-day time period required by law. He was told he could file a court suit against the Federal Government to get he handbook.

Two months after he filed the FOIA, he received an OPM final determination for his request, a denial, get this, for a draft handbook.

Mr. Speaker, why will not the Clinton administration share their personnel handbook which is to train and orient new political appointees? I wonder what is in that book that makes them stonewall on this one?

GOOD NEWS ON DEFICIT REDUCTION

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

Mr. PRICE of North Carolina. Mr. Speaker, this week the House of Representatives passed the 13th of 13 appropriations bills, on budget and on time, and the Office of Management and Budget released its midsession review on the economy. This review contains good news for those who care about deficit reduction and about the health of this economy. The 5-year budget plan passed last year will produce $692 billion in deficit reduction, and it achieves $135 billion in deficit reduction in 1995 alone. As a percentage of the gross domestic product, the 1995 deficit will be 2.4 percent. That is less than half of the 4.9 percent of 1992, and it is the lowest level of any year since before Ronald Reagan's budget-busting Presidency.

The 218 Members who voted for last year's budget deserve credit for getting past the posturing on deficit reduction and making responsible budgeting a reality again. The economy continues to respond well, showing once again how far off base the prophets of doom and gloom have been. Unemployment is down, and we have created 3.5 million private sector jobs since January of last year. That is twice as many as were created in the previous 4 years combined.

Mr. Speaker, those 13 appropriations bills contain some good news, too,

showing the importance of not only spending less but also spending what we do spend in a more intelligent and targeted fashion that pays off for this economy in the future.

We have come a long way, Mr. Speaker, but we have a great deal more to do, particularly in the area of health care reform. Health care costs still threaten to undo the progress we have made on the deficit. In the coming weeks, we have got to pass a reform bill that covers all Americans and gets those costs under control.

INTRODUCING COST OF GOVERNMENT DAY 1994 RESOLUTION

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

Mr. DELAY. Mr. Speaker, while July 4th was Independence Day—the day we celebrated our liberation from Great Britain—it was not until July 10 that Americans were liberated from their own Government. July 10th marked the second annual Cost of Government Day, the day when Americans earned enough income to pay off their share of the combined costs of taxes, Government spending, and regulation.

According to Americans for Tax Reform, Federal regulatory costs are estimated—conservatively—at $600 billion annually. This translates into $2,500 for every man, woman, and child in America. Much of this cost is so hidden that it does not show up on any sales or paycheck receipts.

Our economy cannot bear the burden indefinitely. However, President Clinton wants to impose a health care reform plan on us that would push Cost of Government Day back 31 days—the single greatest jump in the cost of Government in our Nation's history.

As chairman of COGD, today I am introducing a resolution establishing July 10, 1994, as "Cost of Government Day." Additionally, at 11 a.m. today I will hold a press conference to discuss Cost of Government Day, and in particular the burden of regulation on the restaurant industry. I invite my colleagues to join me.

The Government is much too big and much too burdensome. If Americans are to succeed in today's highly competitive economy, we must break the chokehold of regulations around the neck of every budding entrepreneur and let them breathe—and therefore compete—freely.

INTRODUCTION OF SENSE OF CONGRESS RESOLUTION CONCERNING RURAL HEALTH CARE

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

Mr. STUPAK. Mr. Speaker, this morning we have heard much on health care, and let me remind my colleagues that our Nation's citizens in rural communities must receive the same quality health care as their counterparts in the cities. Twenty-seven percent of our Nation's population reside in rural communities and nearly one-third lack adequate primary care. Recruitment and retention of primary care providers in rural areas are vital to true health care reform.

Rural hospitals are experiencing financial shortfalls and many are going broke. In addition, rural communities have a disproportionate share of transportation dependent individuals, yet do not receive their fair share of Federal transit revenues.

I have introduced a sense-of-the-Congress resolution, House Concurrent Resolution 69, which states that rural health care concerns should be addressed in any Federal health care legislation. Mr. Speaker, I urge my colleagues to cosponsor this legislation and provide rural residents with the adequate health care access and services they need and deserve. End the injustice to rural America and cosponsor House Concurrent Resolution 69.

PROTECT THE AMERICAN FAMILY

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

Mr. CALVERT. Mr. Speaker, this week, Americans are celebrating their freedom.

By July 10, the men and women of this country had earned enough for the year to pay their State, local and Federal taxes and the costs of Government regulations.

That leaves a little less than half of the year for most families to earn enough money to pay for their homes, food, automobiles, maybe a family vacation if they are lucky, and possibly some savings for their kids' college education.

Is there any question why our society has so many problems when it now takes most families two incomes to make the equivalent after-tax income of a family with one income in the 1950's?

Mr. Speaker, if we really want to solve America's problems, we have to enlist the help of America's families.

And, the only way to enlist their help, is by freeing them from many of the burdens that the Government has put on them.

A great jurist once said, "the power to tax is the power to destroy."

If we want to protect the American family, we must cease destroying it by taxing it to death.

THE CLINTON ECONOMIC PLAN IS WORKING

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

Mr. MILLER of California. Mr. Speaker and Members of the House, 1½ years ago, President Clinton stood before this House and said that we had some tough decisions as a Nation to make. The most difficult one was to get a handle on the deficit that was soaring out of control, and it has soared out of control for the past 12 years.

He asked the Congress of the United States to join him in an effort to reduce the deficit by over $500 billion over the next 5 years. We made the decision to support his economic plan. Unfortunately, the Republicans would not join in that effort.

But that plan is now in place, and we are starting to see the results, and they far exceed what anybody had anticipated, with lower inflation and greater job growth, with the fact that the deficit reduction now may almost approach $700 billion in that same 5 years.

We have taken the deficit premium out of the interest rates. People once again can afford mortgages. The affordability of houses is greater for the American family now than at any time in 20 years. Businesses have been able to refinance their debt, to pay off debt and to start reinvesting in job-creation investments within our communities. We start to see the homebuilding industry again come alive as people start to look for new homes. As people have been able to refinance their homes and to pay off debt, we see that again consumer confidence is at an all-time high.

The fact is that the Clinton economic plan is working, and it is working for America. America's families and America's businesses are reaping the benefits of the decisions that were made in this Congress to support the President's economic plan. We have to stick with that plan. We have to encourage it, and we have to get the country to understand the difficulties of those reductions, but the benefits that they have given to the country.

MORALE IN OUR MILITARY AT AN ALL-TIME LOW

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

Mr. DORNAN. Mr. Speaker, on Thanksgiving, I took two of my grandchildren to the roof of the Capitol. They helped me fly 196 flags for the 30 men killed in action in Somalia and the 166 who were wounded.

This July 4, just a few days ago, I went back to the Capitol and flew flags for the families of Michael Durant's helicopter crew and the two senior sergeants who went to their rescue, sacrificed their lives, and won the Medal of Honor for their heroic action.

There was a Medal of Honor ceremony at the White House on May 23 for these two deceased heroes. Both of their fathers considered not shaking the President's hand. One of them actually did refuse to shake his hand. After a long discussion, this father told the President that he was not qualified to lead a military operation, that he did not feel he had the experience to be Commander-in-Chief, and that he, as a father, was personally offended that Mr. Clinton flew Mr. Aideed, the warlord killer of his son, down to Kenya using Marine guards and an Army airplane.

Mr. Clinton said, "We are not in the business of assassinating world leaders." Aideed, a world leader? And the father asked, "But it is all right for my son and 18 other Rangers and Special Ops guys to die?"

Then the father told the President he had nothing more to say to him.

The New York Times knew that story and spiked it. USA Today spiked it. CNN spiked it. And I intend to find out why.

I spoke to this father just a few days before I flew a flag for his son. And, yesterday I spoke to a naval officer who felt humiliated that he was asked to carry hors d'oeuvres and finger sandwiches at the White House during a partisan, political reception.

This is about the 11th incident directed against the military topped off this last break by Mr. Clinton sending condolences and referring to a Communist dictator Kim Il-song, as a great leader, who upon his death the world cheered, the world of liberty that is.

Mr. Speaker, the morale in the military is at an all-time low, and I will later do a 5-minute special order and document the specific reasons why.

WHAT THE AMERICAN PEOPLE EXPECT OF CONGRESS

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

Mr. DURBIN. Mr. Speaker, former heavyweight boxing champion Joe Lewis used to say to his opponents, "They can run, but they can't hide."

My Republican friends today have taken to the well to argue about the good old days of Republican leadership, the good old days of Reagan and Bush. Well, I happened to be in Congress during those so-called good old days: runaway deficits which our kids will continue to pay off for decades to come, broken promises time and again about the so-called new economic order, gridlock here on the floor of the House of Representatives so nothing could be done, excuses after excuses and pious speeches about balanced budgets and fiscal responsibility. Those were the so-called good old days of Reagan and Bush.

The American people remember what happened during Bush's Presidency. We had the slowest economic growth in 50 years in this country, the slowest job creation since World War II.

So last year President Clinton had the guts to stand up and say, "We are going to do something about the deficit, and I will take the heat if necessary. I need Members of Congress to stand behind me to get the deficits created by Reagan and Bush under control."

The President could not get one Republican vote to support that effort. But the American people now know that those Members who stood behind the President and voted for that plan are people who can take credit for an economy that is starting to turn around.

Think about yourself and your neighbors who have been able to refinance your home mortgage and save literally hundreds of dollars a month; 5½ million American families have been able to do it. Think about the fact that in my home State of Illinois we have the lowest unemployment this month that we have had in 15 years.

Sure, there is a lot more to be done, but working together on a bipartisan basis to solve our economic problems, standing behind the President to really address these serious economic challenges is what the American people expect of Congress.

STOP! DON'T SHOOT!

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

Mr. HASTERT. Mr. Speaker, Stop. Don't shoot.

That is the message Republicans are sending to President Clinton regarding the employer mandate on small businesses.

The President's employer mandate is a gun aimed at the heart of many struggling small companies in America. And despite the President's assurances, the mandate will not even achieve the goal of universal coverage.

Some experts now refer to triggers as a possible solution to the employer mandate problem. But a trigger is a mandate at a later time. Instead of shooting small businesses today, the trigger would shoot small businesses some time in the future.

Mr. Speaker, the employer mandate is a bad idea. It means an 8 percent payroll tax for each employee. It will kill at least a million jobs. And it will hurt economic expansion.

I urge the President to discard his employer mandate and work with the Republicans towards a common sense approach to health care reform. Don't shoot our small businesses, with or without our finger on the trigger.

SUPPORT HEALTH CARE COVERAGE FOR ALL AMERICANS

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

Mr. HAMBURG. Mr. Speaker, some say we can compromise on the basic goal of universal health care coverage, that covering most Americans is good enough.

But who are the millions of American men, women, and children who would be left out? The people who will be left out are middle-class Americans. They are hard-working people with modest incomes who are unable to afford the full cost of covering themselves and their families. They are working Americans who do not have health care coverage through their employers and who do not qualify for subsides.

Well-off Americans will always be able to afford health care. The poorest in our society will continue to be covered. But it is middle-class Americans who will lose if we pass health care reform that only tinkers around the edges. It is time to support health care coverage for all Americans.

□ 1040

CONGRESS LOVES TO SPEND

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

Mr. LEWIS of California. Mr. Speaker, Members and colleagues, I had not planned to address the House today, but I stood here in fascination watching Democrat after Democrat come to the well displaying charts that suggest the lowest spending pattern in 15 years in this country. A colleague from the Committee on Appropriations came to brag from the fact that we are doing so much to reduce the deficit.

Well, friends, we ought to remember the American public is not fooled easily and the American taxpayer knows a lot better. The reality is that there have been some reductions in spending. They have all been in our defense systems. Every other program in Government is spending more money this year than they were last year. The entitlement programs have expanded. Let us not kid anybody. People know the impact Government is having upon their lives. Somebody who comes and suggests that the Congress, one way or another, should take credit has really got to be kidding. I did not rise to praise or condemn this President or past Presidents. It is the Congress that is to blame. The Congress loves spending. Our committees expand their programs. They have yet to see a program they just do not love. So every year they add to the deficit by expanding Congress-led spending. It is time that Congress led the change to reduce the deficit.

DISCRETIONARY SPENDING IS WAY DOWN

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

Mr. HOYER. Mr. Speaker, I did not know my colleague on the Committee on Appropriations was going to precede me. My colleague surely knows, surely knows that discretionary spending is plummeting. Here is the chart: 1953, 18.3 percent of gross domestic product spent on discretionary spending. That is down to 8.2 percent in 1994.

Gridlock has ended and action has begun; that is the difference.

The economy is growing. The economy is creating jobs. The economy is growing at a faster rate than it did under Ronald Reagan and certainly under George Bush, which had the lowest level of economic growth and job creation in the past half-century.

Ladies and gentlemen of this House, you and I both know that as a result of actions taken in this Congress we are creating 6,000 jobs per day in America. When I pointed out just a second ago about the economic growth, yes, let's talk facts. Here are the facts, not the rhetoric that we have heard, but the facts that exist, and why consumer confidence is up, why business confidence is up, why interest rates are remaining down and job growth is over 3.7 million new jobs, 90 percent in the private sector just over the last 18 months.

Economic growth of 1.5 percent under the previous administration in the 4 years; 3.2 percent, higher than Reagan, higher than Carter, higher than Ford, higher than Nixon. Not until you go back to Johnson and Kennedy do you get the same kind of economic growth.

Let us keep on track, create jobs, and make life better for all our citizens.

DEFENSE SPENDING IS NOT DISCRETIONARY SPENDING

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

Mr. STEARNS. Mr. Speaker, I would just like to say to the last speaker that he has, in his charts, defense spending. He is calling defense spending discretionary spending. So the question is, if you do away with all defense spending, of course discretionary spending will come down. Republicans do not believe defense is discretionary. We believe it is important that we have defense. And so does the Constitution.

WHOSE AGENDA IS IT ANYWAY?

Mr. Speaker, no mandates, no abortion coverage, no price controls, and no restrictions on the right to choose their own doctor. This is what the American people want. Yet, the administration remains steadfast in its efforts to push through a bill which has all these features.

The crime bill is bottled up in conference. We must pass a tough crime bill which will ensure that more prisons are built, that repeat violent offenders are locked up for life, and that the death penalty is given as a sentence if the crime committed warrants it.

Let's listen to our constituency and have both of these tremendously important pieces of legislation reflect the will of the American people.

I believe we can pass a health bill which has no mandates and no new taxes but provide increased access and affordability.

We can deliver a tough crime bill which is balanced and fair.

Mr. Speaker, I do not know about the rest of the country but I know the people in the Sixth District want Congress to listen to them.

TRIBUTE TO LT. COMDR. NANCY S. FITZGERALD

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

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to recognize a truly outstanding naval officer, Lt. Comdr. Nancy S. Fitzgerald, U.S. Navy, who is completing a distinguished tour of duty as a liaison officer at the department of the Navy's Office of Legislative Affairs. It is a privilege for me to recognize several of her many outstanding achievements.

Originally from Plantation, FL, Lieutenant Commander Fitzgerald received her undergraduate degree from the U.S. Naval Academy, Class of 1983. Following her commissioning as an ensign, she reported to flight school in Pensacola, FL. In January 1985, then Ensign Fitzgerald achieved a significant milestone by earning her wings signifying her qualification as a naval aviator.

Lieutenant Commander Fitzgerald's first tour of duty following flight school was flying EC-130Q aircraft supporting TACAMO missions in the Pacific. She qualified as an aircraft commander in the EC-130Q and logged over 1,500 hours on TACAMO missions. These flights were a crucial component in maintaining the submarine leg of the Nation's nuclear triad. In addition to her flying duties, Lieutenant Commander Fitzgerald also served as public affairs officer and manpower officer for her squadron. She was instrumental in the transition from the EC-130Q aircraft to the E-6A as the squadron special projects officer.

In July 1988, Lieutenant Commander Fitzgerald reported to the Naval Training Support Unit in Waco, TX, as a flight instructor for the E-6A aircraft. In this role, she was responsible for training and qualifying numerous pilots in the E-6A to continue the vital TACAMO missions. Following this tour, Lieutenant Commander Fitzgerald was selected to return to her alma mater as a company commander at the U.S. Naval Academy. In May of this year, the plebes she first guided in 1990 graduated and were commissioned ensigns and second lieutenants in the U.S. Navy and Marine Corps.

Due to her outstanding performance at the Naval Academy, Lieutenant Commander Fitzgerald was hand picked to report to the Navy Legislative Affairs Office. During her tenure Lieutenant Commander Fitzgerald's trademarks have been her tireless efforts and cordial professionalism in resolving congressional inquiries. She is now going back to provide direct support to our naval forces in a crucial position on the staff of the Commander in Chief Atlantic Fleet.

A naval officer of Lieutenant Commander Fitzgerald's integrity, commitment and talent is rare. While her expertise will be genuinely missed, it gives me great pleasure to recognize her before my colleagues and wish her "Fair Winds and Following Seas."

ENTITLEMENT EXPENDITURES EXPLODING THROUGH THE CEILING

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

Mr. COBLE. I thank the Speaker.

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

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

Mr. WALKER. I thank the gentleman for yielding to me.

I just think a couple of points probably need to be made, based upon the Democratic leadership effort to try to defend the President's economic program.

They suggest, for example, that discretionary spending is going down. What they fail to point out is the fact that they have converted a lot of discretionary spending over the years into welfare entitlement spending. Food stamps used to be discretionary spending; they have made that now into an entitlement program. So naturally they can show discretionary spending going down but entitlement expenditures are exploding through the ceiling.

So the charts are a little bit misleading.

Second, they are bragging about the fact that they have brought down the deficit numbers. The fact is that the deficit numbers that they are bragging about are higher than the highest point of the Reagan administration. That is not exactly success, in this gentleman's book. I thank the gentleman for yielding.

MAKING NEEDED FINANCIAL MANAGEMENT CHANGES IN DOD

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

Mr. HUTTO. Mr. Speaker, the Federal Government is big, complex, and inefficient. We find this in all departments and agencies. But since I am involved with defense through my chairmanship of the Readiness Subcommittee on Armed Services, I want to take a moment to express appreciation to Secretary of Defense William Perry and DOD Comptroller John Hamre for their commitment to improving financial management. Our subcommittee has been hammering at this for years. The lack of computer standardization and modernization, poor record keeping, and financial mismanagement in the Department of Defense can no longer be tolerated. In this time of funding shortfalls for our military, it is imperative that every dollar is properly accounted for. I look forward to working with Secretary Perry and Comptroller Hamre in making needed financial management changes in DOD.

□ 1050

CONGRESS SHOULD DEBATE AND DECIDE IF HAITI IS TO BE INVADED

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

Mr. MAZZOLI. Mr. Speaker, I just returned from a meeting at which we in attendance were advised authoritatively that, at least as of yesterday afternoon, the administration would not pledge to seek prior approval from the Congress with regard to an invasion of Haiti and that, likely, no such prior approval would be requested.

Now, regardless of one's view on invasion of Haiti, and I myself am opposed to it very forcefully, and just looking back to history shows that that would be a futile act, at least the American people deserve, because it is their daughters and sons who will be put in harm's way in the event an invasion takes place, the American people are entitled to have all of this issue and all of its nuances debated here on the floor of the House.

I happen to agree with yesterday's New York Times editorial entitled "No Good Reason To Invade Haiti." But once again, regardless of one's views on the issue of invasion, I do hope that the administration will, in fact, seek approval from this Congress for the purpose of putting United States troops in harm's way in an invasion of Haiti.

CALIFORNIA DESERT PROTECTION ACT OF 1994

The SPEAKER pro tempore (Mr. VISCLOSKY). Pursuant to House Resolution 422 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 518.

□ 1053

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 further consideration of the bill (H.R. 518) to designate certain lands in the California Desert as wilderness, to establish the Death Valley and Joshua Tree National Parks and the Mojave National Monument, and for other purposes, with Mr. PETERSON of Florida in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, July 13, 1994, the amendment offered by the gentleman from Ohio [Mr. TRAFICANT] had been disposed of, and title VII was open to amendment at any point.

Are further amendments to title VII?

AMENDMENT OFFERED BY MR. THOMAS OF WYOMING

Mr. THOMAS of Wyoming. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. THOMAS of Wyoming: Add the following:

SEC. 801. Within one year of acquiring any non-Federal land or interest therein for any purpose of this Act, the Secretary shall dispose of all right, title, and interest in and to a quantity of Federal lands equal in value to the non-Federal land or interest acquired, as determined by the Secretary. The Secretary shall not dispose of any wilderness areas, wilderness study areas or lands owned by the National Park Service for the purposes of this section.

Mr. THOMAS of Wyoming. Mr. Chairman, I am presenting this amendment in behalf of the gentleman from Texas [Mr. DELAY] who had it prepared and, I think, presented it at previous times. I also have had a bill that would do exactly the same thing. It is quite a simple proposition actually. It says, if we are to acquire additional Federal lands, that we ought to dispose of nonessential Federal lands in equal value, and it seems to me to make a great deal of sense.

In the case of the California wilderness, Mr. Chairman, it has application. There is in the bill a field of, perhaps, $100 to $300 million that would be needed for the acquisition of land; a substantial amount of land would be acquired, mostly inholdings within the proposed acquisitions by the Federal Government. Some 700,000 acres of private land and private holdings would need to be acquired to accomplish the mission of the park as now set forth in the wilderness area.

Actually, Mr. Chairman, 28 percent of the property, real property, in this country belongs to the Federal Government; in the case of California, some 44 percent belongs to the Federal Government. Certainly in the West, in my home State of Wyoming, some 40 percent. These, of course, are not all lands such as Yosemite or Yellowstone National Park. These are lands that are, for the most part, managed by the Bureau of Land Management. They are lands that are residual lands that were left after the homesteading was taken up, and, as a matter of fact, the early organic act of the Bureau of Land Management said specifically that the bureau was to manage them pending disposal. It was never the notion that these lands were to be held. They have no particular unique characteristics such as wilderness, such as parks, which are not involved in this tradeoff.

So, Mr. Chairman, the hope here of this amendment is that, when lands need to be acquired to accomplish the goals of this particular, that lands of equal value that are not set aside or withdrawn could be disposed of, and that, No. 1, it would have something to do with the cost. It would reduce the cost, which I think is quite necessary in that we do have $7 to $9 billion of unfulfilled needs in the parks and in the Federal lands that we have now. I think it is also a concept that is acceptable. These lands are not there for any particular purpose, and there is no arguable reason why the Federal Government should maintain them.

So this amendment would simply say that when private lands need to be acquired to accomplish the goals of this particular bill, Mr. Chairman, that Federal lands of equal amount would be disposed of, and I appreciate this opportunity to explain the amendment.

Mr. MILLER of California. Mr. Chairman, I wonder if we might get a unanimous-consent agreement to limit the time of debate on this amendment to 15 minutes which would give us each 7½ minutes after the author of the amendment has spoken.

The CHAIRMAN. Does the gentleman's unanimous-consent request to limit the time for debate on this amendment include the amendment and all amendments thereto?

Mr. MILLER of California. Yes, Mr. Chairman.

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

Mr. HANSEN. Mr. Chairman, reserving the right to object, we have no objection to the gentleman's proposal. But may I ask, who would control the time on this?

Mr. MILLER of California. Mr. Chairman, if the gentleman will yield, the time would be equally divided, 7½ minutes to be controlled by myself and 7½ minutes to be controlled by the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, I will draw my reservation of objection.

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. MILLER] for 7½ minutes.

Mr. MILLER of California. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Wyoming [Mr. THOMAS] because I think it is a bad amendment, and it is for this reason:

We should not be making decisions on the disposal of the acquisition of land unevenly balanced out. What this amendment says is that for equal amount, an equal amount of land that we would acquire, we would dispose of that land somewhere else, and I assume that that has to be done in the same timeframe. What that means is that, when we are ready to acquire land, we would have to wait until disposal of land somewhere else takes place.

Also this does not limit this to the State of California. This means, if we were to go out and acquire 100,000 acres in the State of California, we could require that this amendment would require the disposal of land, of maybe a hundred thousand acres in Wyoming, or 25,000 acres in Wyoming, 25,000 acres in Oregon, without regard to the interest of those individuals in that area. We are already hearing from numerous communities that do not want this land back because they cannot police the land, they cannot take care of the land, but, if we acquired a hundred thousand acres in the Mojave, we could dump a hundred thousand acres onto other communities in other States and other areas without regard to those communities because we deem it important to be there. The fact is also that this has nothing to do with the acquisition powers, priorities or the power. This is an amendment that was rejected overwhelmingly last year by a vote of 379 to 49 because it simply does not make sense on its face.

Mr. Chairman, we just completed some hearings in the West where people were concerned about what would happen if we started to pull out of these lands. Who would patrol them? Communities do not have the police force. They do not have the health and sanitation facilities. They are not able to cope with these lands, and all of a sudden they would be within their county jurisdiction and in the State jurisdictions. Who would they be ceded to in that kind of authority? To say that we are going to cede these lands because we have a high priority acquisition in the Everglades, or anywhere else, or in the east Mojave, or Yosemite, or any of these other areas, is simply a mindless approach to the disposal of Federal land. That does not mean that we should hold onto all Federal land. That does not mean that we should not reconsider the classifications of Federal lands and whether or not decisions that were made 5 years ago, 10 years ago and 100 years ago we ought to be living with today. But we ought not to say that the acquisition of lands, perhaps to save it from some detrimental use, that that should force the disposal of lands somewhere else, because the two acts are not equivalent acts, and I think that is why the House overwhelmingly rejected this amendment the last time out, and I find it interesting that this disposal could take place anywhere else, and yesterday amendments were offered to reject these kinds of actions only to California.

I also do not know if this means, if we acquire land by acquisition, as opposed to an outright, willing seller/willing buyer purchase.

□ 1100

So the amendment is poorly drawn. It is ambiguous. But, more importantly, it has nothing to do with the real world of trying to acquire and dispose of lands. Both of those are very controversial acts, and what this is an effort to try to keep the acquiring portion from taking place because some other community or some other part of the country will raise an objection to getting land dumped onto them, with the cost of that acquisition, and thwart efforts to try to acquire lands for the protection of the Mojave and other Federal assets.

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

Mr. MILLER of California. I yield to the gentleman from California.

Mr. LEHMAN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to point this out. Maybe some Member on the other side could clarify this, but as I read the amendment, if someone were to offer property for park purposes to the Government as a gift, in order to accept that gift, we would then be required to surrender Federal landholdings somewhere else. So it would in effect inhibit that kind of transaction from taking place. It certainly should not apply in circumstances like that, but that is the manner in which the amendment is drawn at the present time.

Mr. MILLER of California. Mr. Chairman, the gentleman makes a very good point, because it is a simple acquisition of land. It is not acquisition by purchase. It is acquisition by apparently gift or exchange. So if somebody has a time problem and they want to get rid of a property in an estate or they want to make a gift before they die, or what have you, we could lose the access to those assets because we do not have the ability to trade out a like value in a like piece of property. It would be a terrible mistake and a squandering of the opportunities this Government has to protect some of the most vital natural resources in the country.

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

Mr. THOMAS of Wyoming. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, this is interesting. It is interesting that there is a basic concept here—and the gentleman from California defends this idea—that the Federal Government is the only one that should own and control land, the only one that has the ability to manage. It is just very interesting to me that the Federal Government has the only people we can imagine who can manage these kinds of BLM lands. It is amazing to me.

The other point is that it does not matter how it is acquired, if you believe that maybe there ought to be some limit to the amount of Federal ownership. Now, of course, if one's notion is that the Federal Government ought to own everything, then that makes it quite different. But regardless of how it is acquired, if you believe in the concept that there is a limit to how much the Federal Government ought to own, then this does make sense. If you do not, then, of course, it does not make sense.

Mr. Chairman, let me yield 3 minutes to my friend the ranking Republican member, the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, I appreciate very much my colleague's yielding time to me.

Mr. Chairman, as a Member who represents both Inyo and San Bernardino counties in California, let me say that Inyo has in excess of 95 percent federally-owned land, and, much of the land in San Bernardino County, well over 80 percent, is federally owned land.

So it strikes me as rather strange to have territory that involves just in my desert area alone enough territory to put 4 Eastern States in. Yet, as the chairman of the committee suggests, there is not very much land we can afford to get rid of.

It was not so long ago that the Federal Government had signs out by the roadside asking people to come and take sections in 40-acre parcels of land. They recognized that they cannot manage these millions of acres they are controlling.

The arguments of Chairman MILLER and, I presume, of the author of this odious measure, the gentleman from California [Mr. LEHMAN], would suggest that this amendment would result in the selling of cherished national treasures like the Shenandoah National Park in Virginia, the Rocky Mountain National Park in Colorado, or even the Great Smoky National Park in Tennessee.

This amendment is designed in a fashion to be very careful about that. It does involve land that would be wilderness land or wilderness study areas or parkland. That would not be covered by this amendment. Instead, it suggests to the Secretary that somewhere within that huge inventory of millions

and millions of acres we ought to be getting rid of as much property as we are arbitrarily taking in.

There is a philosophy around here reflected in our committee and, I am afraid, reflected by this Secretary that more is better, the more land the Federal Government controls and owns, the better. We are suggesting that perhaps it would be simply a good idea, as people are about the process of trying to expand the Federal largesse, that there ought to be a trading of equally valued lands so we can get it back on the property tax rolls, so we can support government in a way that makes sense instead of continuing to build a national deficit.

This amendment is a very sensible, very logical amendment, and it is about time the Congress took back some authority and gave some direction to that Federal bureaucracy that wants nothing but more and more and more from our American property owners and taxpayers.

Mr. THOMAS of Wyoming. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. MCCANDLESS].

Mr. MCCANDLESS. Mr. Chairman, I thank my colleague for yielding time to me.

Mr. Chairman, my colleague touched very briefly on what I consider to be a critical element of this ownership aspect of government.

In Riverside County, approximately 65 percent of the total land mass is owned by the Federal Government or by some other government on a level at which they do not pay taxes.

Now, in California the State and local governments—and we know about the Federal Government—are having all kinds of problems meeting their debts and meeting their obligations to the people. Now we are saying, "All right, let's continue to increase the stock of Federal land at the expense of State and local governments," the prime source of their revenue being related to land values and land taxes in the form of property that is improved or not improved.

I have a lot of problems with this, I must say, the fact that we continue to absorb property and continue to absorb these obligations.

Another point that I would like to make is that these properties are a direct financial drain upon the Federal Government in that, in Riverside county and other counties where there is a large percentage of National Forests, or other Federal lands, the Federal Government compensates the local county for the loss of tax revenue on that land. Now, if we continue to add to this land, we continue to reduce what it is that people in these jurisdictional areas can receive in the way of property tax, and we increase what the Federal Government then pays these localities for what these Federal lands are worth.

Mr. THOMAS of Wyoming. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. POMBO].

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

Mr. Chairman, I am one of the fortunate Members from California whose district is not owned by the Federal Government. I, like the chairman of the Committee on Natural Resources, have a district that is very low in Federal ownership. But we are at the point right now where over half of California is owned by one government agency or another, and I strongly support this concept that if the Federal Government is going to take over more land, they should have to divest themselves of land to make up for it, for a number of reasons, the main reason being that I think the Federal Government owns too much land already.

Constitutionally, the Federal Government is limited as to what land it can own, and when other States were brought into the Union after the original Thirteen, they were guaranteed the same rights that the original Thirteen States had. One of those rights was that the Federal Government would divest itself of its large land ownership. Somehow that was forgotten when we got west of the Mississippi because most of the land west of the Mississippi is land that the Federal Government owns.

Mr. Chairman, I think it would be a very important and a very good idea to force the Federal Government to give up as much as it is buying so that we can maintain private property in this country.

Mr. THOMAS of Wyoming. Mr. Chairman, may I inquire, how much time do I have remaining?

The CHAIRMAN. The gentleman from Wyoming [Mr. THOMAS] has 1 minute remaining, and he has the right to close debate.

□ 1110

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Let me just say, this is not about whether or not we believe the Federal Government should own more lands or less lands. This is once again whether we want to impose on the Federal Government the kinds of restrictions we would never impose on the private sector.

We have all heard from our constituents, "Why don't you run the government like a business?"

Let me tell Members, no real estate firm worth its salt, no family worth their salt would say, if we acquire a duplex, we have to get rid of something else here. They would say, let us figure out how we can get the best deal for ourselves.

In this case how do we get the best deal for the taxpayers? We have to be able to dispose of land on an orderly basis. We ought to be disposing of land. We ought to be able to acquire land on an orderly basis and to try to get the best deal. If people know that we have to get rid of this, the price goes down. The advantages that we seek, the exchanges that we can bring about, it changes the entire marketplace.

None of my colleagues would suggest this for their local government, for their State government, for the private sector. But somehow they do not care what happens to the Federal Treasury.

When we have got to get rid of Federal assets, we have to put them in a forced sale because people know that time is running out on this end of the bargain or somebody wants to give us land so we have got to get rid of this, what does the buyer say, "Come to me; lower your price; maybe I will take it off your hands."

We would never do that in the private sector. That is how we create deficits. We keep operating in a fashion where we buy high and sell low. We keep operating in a fashion where we force onto the market assets that we do not need to get rid of.

We just went through this with the S&L's. We have gone through this time and again with the management of these properties.

We owe it to the taxpayers to try to get the best deal at any given time and not have forced upon us the disposal of or the management of assets beyond what the marketplace will dictate and what the needs of the various parties dictate.

This is an artificial move to get rid of land without regard to the taxpayer, because we cannot take advantage of any situation that comes up anywhere in the country unless we can immediately get rid of the same amount of land.

This also suggests that the Department should never get rid of any land until it does have an acquisition. So they cannot independently go out and dispose of that land base because it does not make sense anymore. They better hold on to it until sometime when they can work it to their advantage.

We have to reject this amendment as we rejected it last year. We rejected it overwhelmingly in the last Congress because it simply makes no sense for the Treasury. It makes no sense for land management. It makes sense for the Department and for the acquisition of valuable natural assets in this country.

I hope that we would reject the amendment.

Mr. THOMAS of Wyoming. Mr. Chairman, I yield myself such time as I may consume.

I just have to say, the gentleman makes an eloquent statement. I do not disagree with him. The only fact is that it does not work.

We have gone on all these years and not disposed of anything. We can talk

all we want to about it. The fact is that we keep acquiring more.

Mr. Chairman, I yield the balance of my time to the gentleman from Utah [Mr. HANSEN].

The CHAIRMAN. The gentleman from Utah [Mr. HANSEN] is recognized for 45 seconds.

Mr. HANSEN. Mr. Chairman, this Nation was founded upon the idea that there is a whole big nation here and nobody owns any ground. The thirteen Colonies came along and others came along and started saying, this is ours, and they decided it is up to the States. And before long did we find any Federal ground in Massachusetts? Did we find any Federal ground to speak of in New York or any of these Eastern States? Nothing to speak of, infinitesimal amounts in these States.

Yet as we went West all kinds of Federal ground was there. We did not have any people out there so little by little we can ask ourselves this question, where did the Federal ground go that was back here? It all seems to be in the West; 28 percent of America is owned by the Federal Government.

We know how Oklahoma got theirs. They have somebody shoot off a gun and the man that had the fastest horse got the best land.

Now, all we are saying is, instead of buying more ground out there and more regulation and more problem, we are asking that it be limited. I think the gentleman from Wyoming came up with an excellent amendment.

Mr. Chairman, I thank the gentleman for yielding time to me, and I ask support of this amendment.

Mr. VENTO. Mr. Chairman, I rise in opposition to this amendment.

The amendment is neither necessary nor desirable. It would require the United States to dispose of lands equal in value to any lands or interests acquired for any purpose of the California Desert Protection Act.

The amendment does not specify that disposals would be of lands in California, so evidently they could be of any Interior Department lands in any State.

The amendment is not workable. It says that "within one year of acquiring any * * * lands or interests * * * the Secretary shall dispose" of any equal value of lands. What happens if that cannot be done within that timeframe? Does that mean that a disposal must be completed, or merely a contract for a disposal has been concluded?

The amendment would prohibit disposals of wilderness or wilderness study lands, or lands owned by the National Park Service. Of course, the National Park Service does not own lands—they manage some of the lands owned by the American people, that are Federal property—but I assume that the meaning is that there are to be no disposals of lands that are managed by the National Park Service.

However, the amendment does not protect other categories of Federal lands. So, presumably, the amendment would require disposals of lands from the National Wildlife Refuges or BLM-managed public lands, or possibly national forest lands as well.

And, the amendment does not require that these disposals be by sale—so, ready strictly, the amendment might require that Federal lands be given away in order to satisfy the disposal requirement—even if in fact tax dollars had been spent to acquire the lands.

So, this is a very badly thought-out and very unwise amendment.

It is unnecessary. If the amendment is supposed to be a solution, it is a solution in search of a problem.

The amendment seems to reflect a concern that the Federal Government in recent years has been acquiring more and more land.

In 1992, the subcommittee looked into the question of whether there had been a significant increase in Federal land ownership. We found that in fact the extent of Federal land holdings has not been increasing—it has been going down.

We reviewed the information on Federal land ownership that is regularly compiled and reported by the Bureau of Land Management. The BLM's reports show that in fiscal 1979 the National Government owned about 32.48 percent of the land in the United States, but by fiscal 1989—the most recent data available—the total had decreased to about 29.15 percent.

The data for individual States are similar: They show that over the decade—Alaska went from over 89 percent Federal ownership to about 68 percent; Nevada went from over 86 percent Federal ownership to about 82 percent; Idaho went from over 63 percent Federal ownership to about 62 percent; Oregon went from over 52 percent Federal ownership to about 48 percent; Colorado went from over 35 percent Federal ownership to about 34 percent; and, Montana went from over 29 percent Federal ownership to about 28 percent.

It is true that there were some increases in other States, including California—but obviously that is not the concern of the author of the amendment, since the amendment would not require disposals of lands in California or any other particular State. Obviously, the gentleman's concern is a national concern—and, nationally, there has been no net increase in Federal land holdings.

So, Mr. Chairman, this amendment is unworkable, unwise, and unnecessary. It should be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming [Mr. THOMAS].

The amendment was rejected.

The CHAIRMAN. Are there other amendments to title VII?

AMENDMENT OFFERED BY MR. LEHMAN

Mr. LEHMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEHMAN:

Page 69, after line 23, add the following:

TITLE VIII—PROTECTION OF BODIE BOWL

SEC. 801. SHORT TITLE.

This title may be cited as the "Bodie Protection Act of 1994".

SEC. 802. FINDINGS.

The Congress finds that—

(1) the historic Bodie gold mining district in the State of California is the site of the largest and best preserved authentic ghost town in the Western United States.

(2) the Bodie Bowl area contains important natural, historical, and aesthetic resources;

(3) Bodie was designated a National Historical Landmark in 1961 and a California State Historic Park in 1962, is listed on the National Register of Historic Places, and is included in the Federal Historic American Buildings Survey;

(4) nearly 200,000 persons visit Bodie each year, providing the local economy with important annual tourism revenues;

(5) the town of Bodie is threatened by proposals to explore and extract minerals: mining in the Bodie Bowl area may have adverse physical and aesthetic impacts on Bodie's historical integrity, cultural values, and ghosttown character as well as on its recreational values and the area's flora and fauna;

(6) the California State Legislature, on September 4, 1990, requested the President and the Congress to direct the Secretary of the Interior to protect the ghosttown character, ambience, historic building, and scenic attributes of the town of Bodie and nearby areas;

(7) the California State Legislature also requested the Secretary, if necessary to protect the Bodie Bowl area, to withdraw the Federal lands within the area from all forms of mineral entry and patent;

(8) the National Park Service listed Bodie as priority one endangered National Historic Landmark in its fiscal year 1990 and 1991 report to Congress entitled "Threatened and Damaged National Historic Landmarks" and recommended protection of the Bodie area; and

(9) it is necessary and appropriate to provide that all Federal lands within the Bodie Bowl area are not subject to location, entry, and patent under the mining laws of the United States, subject to valid existing rights, and to direct the Secretary to consult with the Governor of the State of California before approving any mining activity plan within the Bodie Bowl.

SEC. 803. DEFINITIONS.

For purposes of this title:

(1) The term "Bodie Bowl" means the Federal lands and interests in lands within the area generally depicted on the map referred to in section 804(a).

(2) The term "mineral activities" means any activity involving mineral prospecting, exploration, extraction, wiling, beneficiation, processing, and reclamation.

(3) The term "Secretary" means the Secretary of the Interior.

SEC. 804. APPLICABILITY OF MINERAL MINING, LEASING AND DISPOSAL LAWS.

(a) RESTRICTION.—Subject to valid existing rights, after the date of enactment of this title Federal lands and interests in lands within the area generally depicted on the map entitled "Bodie Bowl" and dated June 12, 1992, shall not be—

(1) open to the entry or location of mining and mill site claims under the general mining laws of the United States;

(2) subject to any lease under the Mineral Leasing Act (30 U.S.C. 181 and following) or the Geothermal Steam Act of 1970 (30 U.S.C. 100 and following), for lands within the Bodie Bowl; and

(3) available for disposal of mineral materials under the Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. 601 and following).

Such map shall be on file and available for public inspection in the Office of the Secretary, and appropriate offices of the Bureau

of Land Management and the National Park Service. As soon as practicable after the date of enactment of this title the Secretary shall publish a legal description of the Bodie Bowl area in the Federal Register.

(b) VALID EXISTING RIGHTS.—As used in this subsection, the term "valid existing rights" in reference to the general mining laws means that a mining claim located on lands within the Bodie Bowl was properly located and maintained under the general mining laws prior to the date of enactment of this title, was supported by a discovery of a valuable mineral deposit within the meaning of the general mining laws on the date of enactment of this title, and that such claim continues to be valid.

(c) VALIDITY REVIEW.—The Secretary shall undertake an expedited program to determine the validity of all unpatented mining claims located within the Bodie Bowl. The expedited program shall include an examination of all unpatented mining claims, including those for which a patent application has not been filed. If a claim is determined to be invalid, the Secretary shall promptly declare the claim to be null and void, except that the Secretary shall not challenge the validity of any claim located within the Bodie Bowl for the failure to do assessment work for any period after the date of enactment of this title. The Secretary shall make a determination within respect to the validity of each claim referred to under this subsection within 2 years after the date of enactment of this title.

(d) LIMITATION ON PATENT ISSUANCE.—

(1) MINING CLAIMS.—(A) After January 11, 1993, no patent shall be issued by the United States for any mining claim located under the general mining laws within the Bodie Bowl unless the Secretary determines that, for the claim concerned—

(i) a patent application was filed with the Secretary on or before such date; and

(ii) all requirements established under section 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, 37) for placer claims were fully complied with by that date.

(B) If the Secretary makes the determinations referred to in subparagraph (A) for any mining claim, the holder of the claim shall be entitled to the issuance of a patent in the same manner and degree to which such claim holder would have been entitled to prior to the enactment of this title, unless and until such determinations are withdrawn or invalidated by the Secretary or by a court of the United States.

(2) MILL SITE CLAIMS.—(A) After January 11, 1993, no patent shall be issued by the United States for any mill site claim located under the general mining laws within the Bodie Bowl unless the Secretary determines that, for the claim concerned—

(i) a patent application was filed with the Secretary on or before January 11, 1993; and

(ii) all requirements applicable to such patent application were fully complied with by that date.

(B) If the Secretary makes the determinations referred to in subparagraph (A) for any mill site claim, the holder of the claim shall be entitled to the issuance of a patent in the same manner and degree to which such claim holder would have been entitled to prior to the enactment of this title, unless and until such determinations are withdrawn or invalidated by the Secretary or by a court of the United States.

SEC. 805. MINERAL ACTIVITIES.

(a) IN GENERAL.—Notwithstanding the last sentence of section 302(b) of the Federal Land Policy and Management Act of 1976, and in accordance with this title and other applicable law, the Secretary shall require that mineral activities be conducted in the Bodie Bowl so as to—

(1) avoid adverse effects on the historic, cultural, recreational and natural resource values of the Bodie Bowl; and

(2) minimize other adverse impacts to the environment.

(b) RESTORATION OF EFFECTS OF MINING EXPLORATION.—As soon as possible after the date of enactment of this title, visible evidence or other effects of mining exploration activity within the Bodie Bowl conducted on or after September 1, 1988, shall be reclaimed by the operator in accordance with regulations prescribed pursuant to subsection (d).

(c) ANNUAL EXPENDITURES; FILING.—The requirements for annual expenditures on unpatented mining claims imposed by Revised Statute 2324 (30 U.S.C. 28) shall not apply to any such claim located within the Bodie Bowl. In lieu of filing the affidavit of assessment work referred to under section 314(a)(1) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744(a)(1)), the holder of any unpatented mining or mill site claim located within the Bodie Bowl shall only be required to file the notice of intention to hold the mining claim referred to in such section 314(a)(1).

(d) REGULATIONS.—The Secretary shall promulgate rules to implement this section, in consultation with the Governor of the State of California, within 180 days after the date of enactment of this title. Such rules shall be no less stringent than the rules promulgated pursuant to the Act of September 28, 1976 entitled "An Act to provide for the regulation of mining activity within, and to repeal the application of mining laws to, areas of the National Park System, and for other purposes" (Public Law 94-429; 16 U.S.C. 1901-1912).

SEC. 806. STUDY.

Beginning as soon as possible after the date of enactment of this title, the Secretary of the Interior shall review possible actions to preserve the scenic character, historical integrity, cultural and recreational values, flora and fauna, and ghost town characteristics of lands and structures within the Bodie Bowl. No later than 3 years after the date of such enactment, the Secretary shall submit to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a report that discusses the results of such review and makes recommendations as to which steps (including but not limited to acquisition of lands or valid mining claims) should be undertaken in order to achieve these objectives.

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

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

There was no objection.

Mr. LEHMAN. Mr. Chairman, I rise to offer an amendment to H.R. 518 that would protect the integrity of a very important landmark in the Bodie State Park and the surrounding Federal lands.

This amendment is identical to H.R. 240, the Bodie Protection Act, as the bill passed the House. This bill has passed the House BLM twice under suspension of the House rules and is supported by the State of California, and major environmental and historic preservation organizations, among others. Bodie, a former gold mine district and preserved authentic ghosttown was designated a national historic landmark in 1961 and a California State Historic Park in 1962. The National Park Service listed Bodie as a priority No. 1 endangered national historic landmark in its fiscal year 1990 report to Congress entitled "Threatened and Damaged National Historic Landmarks" and every year since then, and recommended protection of the Bodie area.

The 19th century Bodie mining district is located east of the Sierra Nevada Mountains in Yosemite National Park, CA. Today over 200,000 tourists visit Bodie every year to see the 100-plus buildings still standing in the West's oldest mining town. At Bodie, visitors can see firsthand how people lived in the mining camps that cropped up throughout California in the aftermath of the discovery of gold at Sutters Mill in 1848; a discovery that gave rise to the world famous California gold rush. While Bodie stands as testament to the mining days of old—and despite its status as a national landmark and State park—the area is in jeopardy from the threat of modern-day mining activities. In order to extract and process the gold and silver believed to be in the area surrounding Bodie, large-scale mining techniques, such as strip mining, heap-leach piles, cyanide spraying and waste ponds, most likely would be required.

The 450-acre Bodie State Historic Park is closed to mining. However, the area adjacent to the State park and under BLM jurisdiction is open to mining and as such poses a threat to the historic district. In recognition of this danger, the BLM has recently designated the Bodie Bowl as an area of critical environmental concern and—consistent with this legislation—is recommending that the area be closed to mining. H.R. 240 would provide some additional protections to Bodie in order to preserve its historic and visual integrity. The pending amendment would put the nearly 6,000 acres of public land within the Bodie Bowl off-limits to mining under the general mining laws.

Mining on valid claims would be allowed to proceed under rules designed to protect the area's important historic and cultural resources. In addition, mining claims could not be patented in the Bodie Bowl except where rights had been vested by January 11, 1993.

Finally, the amendment would require the Secretary of the Interior to review possible actions to preserve the cultural and natural values of the Bodie Bowl and report back to Congress within 3 years.

Mr. Chairman, I urge immediate passage of this very valuable amendment.

The CHAIRMAN. Is there further debate on this amendment?

If not, the question is on the amendment offered by the gentleman from California [Mr. LEHMAN].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title VII?

AMENDMENT OFFERED BY MR. TAUZIN

Mr. TAUZIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAUZIN: At the end of the bill, add the following new section:

"SECTION 703. LAND APPRAISAL.

Lands and interests in lands acquired pursuant to this act shall be appraised for their highest and best use without regard to the presence of a species listed as threatened or endangered pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)"

MODIFICATION OF AMENDMENT OFFERED BY MR. TAUZIN

Mr. TAUZIN. Mr. Chairman, I ask unanimous consent to make a technical correction to the amendment that was printed in the RECORD for section 703. The language of this modified amendment deletes the language "for their highest and best use," and it is designed to clear up confusion regarding the meaning of highest and best use versus their market value in determining the value of private property.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification of amendment offered by Mr. TAUZIN: Strike out "for their highest and best use".

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

There was no objection.

The text of the amendment, as modified, offered by Mr. TAUZIN is as follows:

At the end of the bill, add the following new section:

"SECTION 703. LAND APPRAISAL.

Lands and interests in lands acquired pursuant to this act shall be appraised without regard to the presence of a species listed as threatened or endangered pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)"

Mr. TAUZIN. Mr. Chairman, the amendment we offer involves the question of the appraisal of property that is purchased pursuant to this act from private property owners to enlarge the land area protected under the act.

Under the law of this country, when the government acquires property from private landowners for a public purpose, be it a road, a bridge, a hospital, a wilderness preserve or a park, the landowner is entitled to compensation under the fifth amendment of the Constitution.

I want to quote the fifth amendment precisely for my colleagues. The fifth amendment, in its last concluding statement, says, "Nor shall private property be taken for public purposes without just compensation."

It does not say simply "without some form of compensation" or "a little compensation" or "somewhat compensation." It says, "just compensation."

The question that is before the House with this amendment is what is just or fair compensation when private property is taken for public purposes, in this case for wilderness protection.

The problem that this amendment addresses is a problem that many Americans face across this country when the government places a restriction on the use of property prior to acquiring it.

Here is the situation. In this case, the government comes along and says that "Your property is now subject to a critical habitat restriction."

□ 1120

"We have decided that in order to protect some plant, bug, bird, or mammal that may be threatened or endangered, that you can no longer use your property the way you used to use it or the way you might propose to use it. We are going to restrict the use of your property. In some cases you may not be able to use it at all, because it is now an important critical habitat of some threatened or endangered species of plant or animal."

Here is the problem. The government says a week later, "I will tell you what we are going to do. We are going to buy your property now, but we are not going to pay you the value of your property before we restricted your use. We want to pay you the value of your property after we have destroyed your ability to use the property."

Let me give some real number kinds of examples. You might have bought property at $20,000 an acre, intending to build a home on it, intending to use it as farm land, intending to sell the timber on it as forest, only to find out the next week that the government has declared your property a critical habitat. In Texas this week, for example, the Fish and Wildlife Service announced a 20.5-million-acre critical habitat proposal for something called the golden throated warbler. Twenty-three counties of Texas would be affected by this immense declaration of critical habitat.

When that habitat declaration is made, if it goes through, as many such habitat declarations have already gone through in areas with the spotted owl, for example, the value of your land tumbles. Who wants to buy a piece of property you cannot see? Who will take the property from you and pay you that $20,000 you spent for your property? Obviously, no one in the marketplace would do that, so the government has literally taken away the value of your property when it declared it a critical habitat.

Two weeks later then the government comes along and says, "No problem, we are going to pay you just compensation under the Constitution." You say, "What am I going to get?" They say, "We are not going to pay you $20,000, we are going to pay you $500 instead, because that is all it is worth now."

The government will have taken your property from you and then refused to pay you the fair market value of the property before the government use restriction hits your property. Is that a real case scenario, Mr. Speaker? I promise that it is.

In my home State of Louisiana, on the West Bank of New Orleans in the parish known as Jefferson Parish, we are trying to build a hurricane protection levee to protect that enormous population from the storms and ravages of hurricanes when they hit the Gulf Coast. To build the hurricane protection levee, we had to get a Corps of Engineers permit.

The Corps said, "You cannot build it out on the wetlands, you have to build it on the high ground in Jefferson Parish." That high ground had been valued at $20,000 an acre.

When the levee board went to acquire it from the landowners, they said. "We do not have to pay you $20,000 an acre. All we have to pay you is $500 an acre."

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. TAUZIN] has expired.

(By unanimous consent, Mr. TAUZIN was allowed to proceed for 5 additional minutes.)

Mr. TAUZIN. They said, "All we have to pay you is what it is worth now, because the government has condemned it as wetland property. All we have to pay you is $500 an acre."

The landowners are in court today. The original court decision, and it is on appeal, said, "No, you cannot do that, government. The Constitution says you cannot take property from people without paying them just, fair compensation, and fair compensation is what the land was worth before you devalued it, before you came along with your new regulations, your new restrictions on use."

Mr. Chairman, that is all this amendment does. This amendment guarantees that for property owners who will lose their property to the government by virtue of an eminent domain taking, that they will get their fair, just compensation. They will not get paid what the property is now worth because the government has devalued it with a critical habitat declaration. They are going to get a fair appraisal of the property based on market value without regard to that designation.

Mr. Chairman, if we do not do that, we will literally be allowing the government to take people's property from them without fair or just compensation as required in the fifth amendment.

The courts of our land have been looking at this question. They have been looking hard at it.

In the Florida Rock decision issued in March of this year, the Court of Appeals here in Washington, DC, the court looked squarely at that issue. It said very succinctly, very clearly, that the landowner who is affected by a regulatory decision like a wetland or endangered species declaration must be paid the difference in value from the market value prior to that decision to what it is worth today, after that decision.

Mr. Speaker, in effect, when the government devalued the property in a wetlands declaration, in that case it owed the landowner the difference in value before and after that declaration. That is what the courts are saying.

In addition to that, the Supreme Court looked at the case of private property rights in a decision rendered just a couple weeks ago entitled "Dolan versus City of Tigert," a case arising out of the Northwest. In that case a city government tried to force a landowner to give up part of that property, in that case for a bike path and a green area, in return for the right to get a building permit.

The court in that case said something very profound. It said that the fifth amendment protection of private property and the requirement to pay just or fair compensation for it when the government takes it is as sacred in this country as are the protections of free speech, the free practice of religion, freedoms of the press, freedoms to assemble in this country, the freedom to be protected in due process from unlawful search and seizures.

In fact, Mr. Chairman, it said it is as sacred as any provision in the Bill of Rights, and that the government in the city of Tigert could not compel that land owner to give up its property just to get a building permit.

In effect, our Supreme Court is increasingly recognizing what all of us believe to be the law in this land, which is that private property is pretty sacred to our economic institution, to the institution of our government and our society in America. It is what separates us from the systems that have fallen apart in Eastern Europe, the communist systems of communal ownership.

If we are to protect the rights of citizens under the fifth amendment to fair and just compensation, this amendment is necessary. It is critical. If people's property will not be appraised fairly and justly before the government devalues it with its regulation, we will be allowing the government to take private property without fair or just compensation. That is what this is all about.

If Members believe, as I do, and as the courts are increasingly saying, that the right to own private property is pretty doggone sacred in America, and that the government cannot take it from you without paying for it one way or the other, then you must support this amendment. It simply says that in the appraisal of private property, when it is taken by the government, the government must pay the fair compensation, the market value before the government devalued your property with a regulatory process called critical habitat or wetlands designation.

If Members believe in that, as I do, then I urge them to support this amendment.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. TAUZIN] has again expired.

(By unanimous consent, Mr. TAUZIN was allowed to proceed for 1 additional minute.)

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

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

Mr. VENTO. Mr. Chairman, the gentleman's amendment, as I understand, though, upsets the Park Service and other land management agencies. He is obviously addressing this only to the Government in an instance where we may have occasion to purchase land, is that correct, in those terms, or to sell it?

Mr. TAUZIN. Mr. Speaker, I am sorry, I do not understand the gentleman's question.

Mr. VENTO. If the gentleman will continue to yield, Mr. Chairman, this amendment is directed to and of course affects, it is directed only to the Government agencies or entities that would be purchasing or selling land, is that correct?

Mr. TAUZIN. That is correct.

Mr. VENTO. That is all this is directed to. If the gentleman will yield further, the point is that the gentleman says the Park Service and others are directed to pay fair market value, and what the gentleman's amendment does is to define what constitutes fair market value.

In other words, normally this is not something that is written in statute. There are many facets to fair market value. This is, of course, contained in an interpretation of the law with regard to the fifth amendment of the Constitution.

Mr. TAUZIN. The gentleman is not defining fair market value. In fact, by unanimous consent I have amended the amendment so it did not refer to highest and best use or any characterizations of market value.

Reclaiming my time, the gentleman's amendment merely says that in the appraisal of property, you cannot deduct it, you cannot lower the value, because of the critical habitat designation under the Endangered Species Act.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. TAUZIN] has expired.

(At the request of Mr. VENTO and by unanimous consent, Mr. TAUZIN was allowed to proceed for 1 additional minute.)

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

Mr. TAUZIN. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, what the gentleman merely does is to begin to interject actions on the floor here in the legislative body in the law as to what constitutes fair market value. While he says he is not doing that, he is qualifying it and saying you cannot consider this fact and you can consider another.

Would it not also be true and possible under this particular procedure, then, to begin to put things into the law that would devalue the land? In a sense, just as the gentleman says you cannot consider this factor, but you can consider this factor, you are down a slippery slope here with the gentleman's proposed policy.

□ 1130

Mr. TAUZIN. Reclaiming my time, I am on no slippery slope. If there is a slippery slope in America, it is the slippery slope on which the Government comes along, devalues your property, then tries to acquire it at the lower value. The bottom line is that Government ought not to be doing that to private citizens. If the Government is going to devalue property before we purchase it, we are not being paid fair compensation.

Mr. Chairman, all we are doing in this amendment is saying that when the Government buys property, it ought to pay the fair market value before the Government devalues it for regulatory taking.

Mr. HANSEN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I think the gentleman from Louisiana did a super job in explaining this extremely important amendment. He talked about the fifth amendment which talks about the right that people will be justly compensated if their ground is taken.

Many of us in this body have come out of the State legislature and many of us have served in city councils. Having spent 12 years on the city council of my little hometown of Farmington, UT, from time to time as we expanded our water system, roads, or whatever it may be, we had to practice eminent domain.

What is eminent domain? When we have to take over some property, we had to establish the value of that private property, and then we would go about a legal procedure. Out of that, the city ended up paying for that ground. We paid what was the fair market value of that property.

In the State legislature, as Speaker of the House, I saw where our department of transportation had to do it,

where the natural resources had to do it, and that is sacrosanct in America and has been around since the Constitution was written. Then in 1973 came along the Endangered Species Act, and we may talk about the Wetlands Act. I do not know if we will have time to do that.

Mr. Chairman, we find people all over America that somebody says, "This particular species is endangered." Did they then go to the person who may have owned the ground since the 1800's? No, they did not go to him and say, "We're going to pay you for this." They said, "If you move this animal, if you hurt this animal, you are going to find yourself in jail, you're going to find yourself with a big penalty."

Is this fair? We have seen houses burned down because of a rat. We have seen problems come about because of a fly. We may ruin the whole Colorado River drainage because of four fish that 30 years ago we called trash fish, and we tried to kill those trash fish and we tried to kill them with rotenone, and now we are going to maybe ruin the whole Colorado River compact because of this Endangered Species Act.

We look through this and we say, "Is this fair and equitable to individuals in America?" The resounding answer is "no."

Mr. Chairman, I could stand up here for 2 hours and give names to Members of citizens of the United States of America who have lost their land and had it devalued, people who have been there, fourth and fifth generation ranchers and owners and developers who wanted to do something with their ground.

Down in Cedar City, UT, the Secretary of Interior, Mr. Babbitt, came in and made this statement. He said: "We are going to value the property with the species on it." These people owned that property long before the 1973 Endangered Species Act. It is totally unfair to these folks to say, "Great, now, you're not going to get the value of your ground." This may be the inheritance for your entire family, but instead of being worth $20,000 an acre in that growing area of Washington County, St. George, which has more retirees go to it than anyplace in the West, they are now going to get $200, $300 an acre for it. It is totally unfair to those people.

In Washington County, we have a group of people who have tried their best to come up with a habitat conservation plan to protect the desert tortoise. We have had all sides together on the thing. After 4 years of working on this, after millions of dollars and thousands of man-hours, the Department of Interior wants to give them 25 percent of the value of their land.

Why should people have to put up with this? I think if I have ever seen an amendment in the last little while on this floor that makes eminent good sense, it is the amendment of the gentleman from Louisiana. I am happy to join with him on that particular amendment and would urge that Members of the body vote in support of this amendment.

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent that all debate on this amendment and any amendments thereto end in 40 minutes, with the time to be divided equally.

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

Mr. HANSEN. Mr. Chairman, reserving the right to object, I would object to that request. We have a number of Members who want to speak on this particular amendment and who feel very strongly about it.

Would the gentleman agree to a request for an hour on each side? Is that too much for him?

Mr. MILLER of California. Mr. Chairman, if the gentleman will yield, I would not agree to an hour on each side, no. I thank the gentleman, and I withdraw my request.

Mr. FARR of California. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, the desert bill is symbolic of problems we are having in California. This magnificent State which at one time had a great deal of Federal ownership because it was a U.S. territory before it became a State is now occupied by 32 million people. The issues that are driving California are essentially the management of that population, where it is growing, and how it is going to utilize the resources upon which it lives.

Mr. Chairman, California has got a definite supply of water, a definite supply of air, and as we impact on those, we begin thinking about how we are going to manage the open spaces. That is what this desert act is all about.

What we are flirting with in this amendment is government manipulation of property values. It is a very, very dangerous precedent. Property values are not an exact science. In fact, if we see what really drives up property, it is property that is near open space, it is property that has views, it is property where there is clear air and clean water. In fact, it may be driven up because we have declared the habitat surrounding it as habitat for endangered species. If we begin manipulating these prices, we are going to put serious detriment into land use values, not only in California but in the entire United States.

Mr. Chairman, I served in local government as well as the distinguished gentleman who spoke before me. I served in the State government, have been involved in coastal zone management planning in California, a very regulated process, probably more regulated than any area in the United States. What has come out of that is higher property values. Why? Because the resources are being managed very meticulously and it increases property values.

Mr. Chairman, this amendment, I think, slaps a big burden on trying to determine what indeed those values are and in many cases may drive down from the willing seller the value.

There is a question raised about eminent domain. I do not know of any property that has ever been taken in the United States for habitat protection by eminent domain. Those who have familiarity with it know that eminent domain is usually used in highway procedures where they are trying to drive a road through some property. There is also a liability in using eminent domain because if the government backs out of the agreed upon price, there are treble damages and government oftentimes has to pay more than anyone ever expected for land if they do enter eminent domain.

I would like to point out that a lot of the land in California, people are talking about Federal ownership. Seventeen percent of the State is owned by the Bureau of Land Management. The BLM land is land that nobody wanted in California, and today many people, it cannot be given to them. There is no water, no roads, no access, no good soil. It cannot be mined, it cannot be grazed, it cannot be farmed, it cannot be used. Yet we say, "OK, the Federal Government owns too much land." In fact, they ought to look at what we own.

Lastly, I would like to say that this amendment, I think, is probably well intentioned by those who think we are going to protect property values, but indeed I think we are going to destroy the ability to determine what is real fair market value in California and in other States by adopting this amendment. It is a dangerous precedent. I urge a no vote on the amendment.

Mr. VENTO. Mr. Chairman, will the gentleman yield on that point?

Mr. FARR of California. I yield to the gentleman form Minnesota.

Mr. VENTO. Mr. Chairman, as I perceive the correspondence dealing with the process of land appraisal, the point is made from the code of professional ethics adopted by the Appraisal Institute, one of the leaders is the appraisal industry, prohibits accepting an assignment based on ignoring things like endangered species. Ethical rule 3-3 states, "It is unethical to accept or perform an appraisal assignment if the assignment is contingent upon reporting a predetermined analysis or opinion."

The fact is that the OMB and the various agencies involved have the uniform rules with regard to 18 Federal land management agencies that function. They have adopted these guidelines. They are forced to pay a fair market value for whatever they purchase. This issue that there is some

conspiracy theory, that somehow the Federal Government specifically is the root of all evil and that they somehow are designing in passing these laws and this legislation, whether it be clean air, the Endangered Species Act or wetlands delineation with the idea of somehow taking away from the citizens of this Nation something for less than fair value I think is frankly a very flawed logic.

I can understand that people may be very suspicious, but this gets beyond suspicion and into a conspiracy theory, as I said and should not be the basis for our vote or policy decision today.

□ 1140

I think such conjecture and allegations are not helpful to the debate. The law and the Federal policy is required payment of fair market value. If this Congress can in some way qualify or limit what the Government can look at or consider, they can also exclude other factors that would result in less than fair market value going to people for their property.

So I would just suggest we avoid this pitfall—this slippery slope—and oppose this amendment.

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words, and I rise to support the gentleman's amendment.

Mr. Chairman and Members, I am just fascinated by this debate and the discussion by my colleagues who come largely from the urban center about what they think about our desert territory. My colleague, the gentleman from California [Mr. FARR], who is a dear friend from the urban center of northern California, says there are no roads, no water, powerlines and aqueducts; nobody would buy this stuff in the first place.

To suggest that is to say he has never really visited my desert. You know, Palm Springs is not the only part of the desert, I say to the gentleman from California [Mr. FARR]. The lack of understanding about this issue is really unbelievable.

The east Mojave is filled with fantastic values. There are thousands of miles of roadway. There are endless channels of aqueducts and utility corridors. Those elements are factors that would never be considered to be part of a park, yet, they want to take millions of acres, and say every one justifies park consideration.

In the east Mojave there is a fantastic mix of potential value that would be limited by this committee and, indeed, by this debate. It is incredible that people do not understand the values that exist there today and are to be found there tomorrow.

Just in the last couple of years a spot in the eastern Mojave Desert would be just inside this proposed park by less than 8 miles, one of our prospectors discovered a new mine. It just happened to be a minor item. Who worries about marble in the United States? It is a major deposit of marble that is of quality higher than the best marble to come out of Italy. I have no idea what its future value is. But it is tremendous.

It would not have been available for even access if this bill had passed 8 years ago when the gentleman from Minnesota [Mr. VENTO] and the gentleman from California [Mr. MILLER] would have had it.

It is very important to know the thrust of the gentleman's amendment specifically. To put values on land that involve an endangered species, designated or to be designated, could have a tremendous negative effect upon landowners, property owners in this country.

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

Mr. LEWIS of California. I am happy to yield to the gentleman from Louisiana.

Mr. TAUZIN, Mr. Chairman, I thank the gentleman for yielding.

I think we need to really focus on exactly what this amendment and this debate is really all about.

The gentleman came up previously, the gentleman from California [Mr. FARR], and talked about manipulating value. It is the Government in this case that manipulates value against the landowner.

When the Government comes in and says, "You cannot use your property anymore because we decided it is critical habitat, and then tomorrow we are going to buy it from you but only at the lower value," who is manipulating value? The Government has. The Government has literally taken your private property without paying you for it.

That is forbidden in the Constitution. We ought to forbid it in this act. That is what the amendment is all about.

Mr. LEWIS of California. Mr. Chairman, I appreciate my colleague's contribution as well as his amendment.

The point he makes is emphasized by the following point: It was not very long ago that the gentleman from California [Mr. MCCANDLESS] and I shared territory in Riverside County. I will never forget the issue of the fringe-toed lizard coming to my attention.

Suddenly a newly designated endangered species was impacting territory in and around that area that is Palm Springs, CA. Over time it became very apparent if the Department had its way they would take most of the open land left north of Palm Springs and put it in some kind of preserve.

What eventually had to be done, because there was a designation of the fringe-toed lizard as an endangered species, we actually had to create a preserve; several hundred acres of otherwise extremely valuable property owned by private citizens would have been somehow essentially taken over in terms of its relative value by this Department. That is precisely what the gentleman is trying to get to, that the Government should not be able to manipulate the value of people's property long held or otherwise because they decide to designate "X" endangered.

In my territory, another minor extension, I think expansion, of the original intention of Congress is as it relates to endangered species, the wooly star. I am sure that maybe even the gentleman from Minnesota [Mr. VENTO] has not heard of the wooly star. But it is a cactus-like plant, an ugly little devil, I must say, but for about 3 weekends a year it develops a very small little purple flower, and it grows in watersheds, sandy territory.

Now, frankly, that partially describes much of my desert. Right now it is located in the watershed near the Santa Ana that is very, very valuable property. It is the production point of sand and gravel that leads to building houses and roads, less expensively.

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

(By unanimous consent, Mr. LEWIS of California was allowed to proceed for 3 additional minutes.)

Mr. LEWIS of California. Mr. Chairman, if one were to broaden that definition, pretty soon there would be no sand and gravel for building houses and roads for southern Californians.

The kangaroo rat: Now, I do have a lot of empathy for endangered species, but the kangaroo rat is not on my list, and it is about to drive low-cost housing opportunities out of the Inland Empire in southern California. Young people already, including my kids, are having difficulty buying homes because of what Government is doing.

My colleague from Louisiana is essentially saying we should not have the Government, by these mechanisms, manipulating the value of property.

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

Mr. LEWIS of California. I am happy to yield to the gentleman from California.

Mr. MCCANDLESS. Mr. Chairman, I must express some concern about the logic I heard from the other side of the aisle relative to the appraisal process.

Having spent some time on the Committee on Banking, Finance and Urban Affairs, and going through the savings and loan debacle, assessments and how appraisals and everything are arrived at became a very important part of the legislation coming out of the dark ages there and bringing these things to light.

One of the things that we must understand is that the value of that land is based upon what that land has to offer in the way of development or esthetic value, or whatever else may be involved that the owner and the buyer

wish to trade. If there is a "slippery slope" or however else you may wish to define it, that is a part of the actual land in question. The designation of this land for purposes of the Endangered Species Act totally ignores, totally ignores what is the value of the land, and places a cloud over that value that is not representative of what the land actually represents to its owner.

Now, my experience in this has been rather extensive.

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

Mr. LEWIS of California. I am happy to yield to the gentleman from Louisiana.

Mr. HAYES. Mr. Chairman, I was formerly commissioner of financial institutions for the State of Louisiana, although I do not serve on the Committee on Banking, Finance and Urban Affairs.

My question to you is: If there is a $200,000 mortgage on a piece of property, and it is subsequent to that determination by a financial institution that it was a fair property value to use for that mortgage, and subsequently there occurs a listing under the Endangered Species Act; subsequently to that there is a purchase offered by the United States for $20,000. Is the gentleman simply saying that both the individual who will lose 180 and possibly the board of directors of the financial institution have liability to revalue all of their collateral assets in that institution which were given under one criterion and devalued under another?

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

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

Mr. HAYES. To make it a simple question: What happens to prior mortgaged land?

Mr. McCANDLESS. If the gentleman will yield further, I believe the statement the gentleman made eloquently outlines a framework of the real problem here of a third party, an intangible aspect of the activities around this issue.

Mr. HAYES. If the gentleman will yield further, what is the legal responsibility of the members of a board of directors of a financial institution under title IV of the United States Code if they know for a fact land is worth less than they are holding it on their books even though the devaluation would bust the bank? What is their legal obligation with criminal penalties if they do not act?

Mr. McCANDLESS. We are kind of involved here in the desert. If I may, I believe the obvious response is that many of the criminal actions addressed through the Resolution Trust Corporation and other Federal agencies involved in the savings and loan debacle have reflected the very things that you are talking about here, improper evaluation of property and what goes on as a result of that.

Mr. HAYES. I thank the gentleman.

Mr. LEWIS of California. Mr. Chairman, with the balance of my time, if I might, I mentioned earlier a gentleman who had found a deposit of marble in my district.

□ 1150

Mr. Chairman, my staff has brought to my attention something I did not realize. The Government has already driven Rick Domingo, a native American, out of business. He went to the Bureau of Land Management to attempt to lay the foundation for the creation of this mine, putting in the investment and the like, and because BLM was unsure of the future, they said, "Hey, you had better go talk to your congressman." Well, then they could not get any security as to the future potential use of this property because of the debate in the House. His investors got shaky and Rick Domingo has gone belly up as a result of it. This is an illustration of the problem of excessive Government, wanting too much of our lives. Indeed, in this case even wanting to place a value on our property by their own arbitrary formula.

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

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

Mr. LEWIS of California. Mr. Chairman, I yield to the gentleman from California [Mr. McCANDLESS].

Mr. McCANDLESS. I thank the gentleman for yielding.

Mr. Chairman, my reason for getting up was to talk a little bit about this fringe-toed lizard and what kind of impact that had on the community that I represent and actually live in.

It is a 14,000-acre preserve now I believe, paid for by the Federal Government, paid for by local government, paid for by county government, paid for by the building industry and those who represent it in a consortium of involvement and a payment over a period of time.

It is important to note that for a length of time, which we are still recovering from, that the adjacent properties and the assessments on those adjacent properties to pay for this have substantially reduced the value of that property, whether it be for farming, whether it be for development, or for whatever other purpose.

We briefly mentioned the kangeroo rat. The kangeroo rat has demoralized the county of Riverside, and has reduced values of property far less than what anybody would conceive of if a fire came through or a flood came through and reduced its overall worth or value to an assessment or an evaluation.

The Endangered Species Act has been the most dynamic force in reducing property value below whatever it should be, according to a fair market and other factors, because it is not developable. If the county of Riverside were to say you can put 1 house on every 10 acres and that is the zoning of the property, if the K-rat was eventually found on that property then you could not put the 1 house on that 10 acres, because the county of Riverside would not issue that permit because you would be in violation of the Endangered Species Act.

I had a constituent who wanted to add one bedroom to his house because he had another child. He could not add that one bedroom to the house on the 5 acres that he owns because of the Endangered Species Act.

This is the problem that we are talking about. My colleague, Mr. TAUZIN, his amendment addresses that.

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

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent to proceed for an additional 2 minutes.

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

Mr. VENTO. Mr. Chairman, reserving the right to object, is there some agreement that we could gain on time in terms of the extension that are going on? I would suggest that there has been some over 25 minutes of debate on one side by the proponents of the amendment and 5 minutes by the opponents of the amendment. Is there some agreement we could get, even on an unequal basis, so that we could conclude this is a timely manner, say 35 minutes, for instance for Mr. HANSEN and 25 minutes by Mr. MILLER.

Mr. VENTO. I reserved the right to object, and I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I would suggest that this is by far the most significant amendment remaining on the bill before us today. It involves people's property. I am very hesitant to lightly restrain the time. But I would certainly yield to the gentleman who is the author of the amendment.

Mr. VENTO. Renewing my reservation, under my reservation: The issue is that I am suggesting an additional hour on top of the half-hour, spending an hour and half on this; is there any suggestion on the part of the gentleman?

Mr. LEWIS of California. I do have a suggestion. I suggest to the chairman that there are other amendments that I may very well choose not to take up today. It is very conceivable.

Mr. VENTO. Mr. Chairman, under my reservation, I yield to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. I thank the gentleman for yielding.

Mr. Chairman, we understand the gentleman has a whole series of amendments and that he can continue to drag out this bill. That is certainly his right under the rule that I sought that allows him to do that. The question is whether or not we can have a reasonable time limit on debate here so that we can move on either to the consideration—the gentleman's rights continue no matter what we do here—protecting the rights of all Members who are here on the floor, if we had 40 minutes, Members would have 5 minutes to spend on the amendment.

Mr. VENTO. I yield to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. I thank the gentleman for yielding.

Mr. Chairman, I must say that I would take the leave of the author of this amendment in connection with a specific amendment. But indeed we would not have the number of amendments on the floor that we have today if the committee had originally been halfway responsive or even consulted with Members who are elected to represent the desert.

Mr. VENTO. Reclaiming my time, Mr. Chairman, the issue is here. I seek a reasonable time to consider the amendment before us in terms of this issue, which has been debated repeatedly here on the floor. The issue here is tangential, at best.

Under my reservation——

Mr. LEWIS of California. Mr. Chairman,——

Mr. VENTO. Mr. Chairman, I continue my reservation of objections.

The CHAIRMAN. There is one unanimous consent request on the floor.

Mr. VENTO. And I reserved my right to object under it. I am yielding to the gentleman from Louisiana.

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

The CHAIRMAN. The gentleman will state it.

Mr. McCANDLESS. Mr. Chairman, my colleague asked for an additional 2 minutes, which the gentleman in question took exception to under the unanimous-consent request.

Mr. VENTO. I reserved my right to object. Under my reservation, I yield to the gentleman from Louisiana.

Mr. TAUZIN. I thank the gentleman for yielding.

Mr. Chairman, let me point out that we have not had long debates on this issue. This is the first time we have ever had a chance to bring this issue of property rights and compensation before this body. And to suggest that we have had a lot of time to debate it is wrong. Many Members are just now getting the messages in their offices right now who will want to come to the floor and debate it. I would be very, very careful about limiting time on this debate with Members just now being alerted to this very serious question.

I think we ought to see who is coming to debate it first, and let us have a good debate.

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

Mr. VENTO. Under my reservation, I yield to the gentleman from Louisiana.

Mr. HAYES. I thank the gentleman for yielding.

Mr. TAUZIN sponsored the amendment. The gentleman mentioned two lawsuits earlier today. One was Florida Rock, and the other was Dolan. Have not both of those been going on for over 20 years and are not, in fact, one of the original plaintiffs now deceased?

Mr. VENTO. I cannot give the answer.

Mr. Chairman, I yield to the gentleman from Louisiana to respond to the gentleman from Louisiana.

Mr. HAYES. We are speaking of time here. We will have nothing but dead plaintiffs left while we have wasted time in not enacting legislation to give people their rights.

Mr. VENTO. Mr. Chairman, reclaiming my time, I yield to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. I thank the gentleman for yielding.

I just want to correct the record here.

The fact is that this amendment and all other amendments could have been offered in committee, and they were not offered in committee. So they have chosen to offer this amendment for the first time in this forum to continue the debate.

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

Mr. VENTO. I yield to the gentleman briefly.

Mr. TAUZIN. I point out that this Member does not serve on Mr. MILLER's committee. I would love to have served on this committee. I do not serve on this committee.

Mr. Chairman, this committee is the Committee of the Whole House. This is my chance to get this amendment to the floor and get it debated, and I would like to have a full debate on it.

Mr. MILLER of California. Mr. Chairman, the point is that the gentleman from California [Mr. LEWIS] suggested somehow this is the only place you could consider this amendment because in fact the committee did not allow that. The bill was considered, and any member of the committee could have offered any amendment. The members of the committee on the other side and on our side chose not to offer this amendment. The gentleman is perfectly right.

Mr. VENTO. Mr. Chairman, I withdraw my reservation of objection and let the gentleman [Mr. LEWIS] have his 2 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California [Mr. LEWIS]?

There was no objection.

Mr. LEWIS of California. I thank the chairman for being so kind with his time. I must comment to the chairman's remarks: It happens to be unfortunate that not one Member who is elected to represent the desert, out of the five, serves on the committee. They were not consulted at all by the committee. And were dealt with in an arbitrary manner by the committee, in this Member's judgment.

Mr. Chairman, I yield to my colleague, the gentleman from California [Mr. McCANDLESS], a Representative of the desert.

Mr. McCANDLESS. I thank the gentleman for yielding.

Mr. Chairman, I would like to make one other point regarding evaluation of property. In a recent wildfire in my district, 39 homes were burned down to the ground. Prior to that wildfire, one of the owners of one of these homes asked for a permit to build a tractor shed. That permit was requested and re-requested, but refused by the county because it said, "Your property is on the Endangered Species List." That house and 38 others burned down because the Endangered Species Act did not permit the disking of the property which they owned, around their dwellings and other structures. And as a result, the wildfire came directly through, burning the grass up to and including the house.

□ 1200

My point here is that the Endangered Species Act, whether applied to improved or unimproved land, has been a substantial detriment to the value of the property in question, and so I take exception with those who say that the Endangered Species Act has no impact or should not have any impact upon the assessments of property as it relates to purchase by a Federal agency.

Mr. LEWIS of California. Reclaiming my time, Mr. Chairman, let me mention that I started these remarks by discussing the fact that one of my constituents, Rick Domingo, has essentially been put out of business by government. I know that not too many of my colleagues may care about that native American who now is essentially out of work and has lost the potential value of his claim. I had hoped that the House would at least care about the 70 employees he was planning to hire from Baker, CA.

Mr. VENTO. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Louisiana [Mr. TAUZIN].

Mr. Chairman, there has been a lot of discussion already in terms of the Endangered Species Act. The truth of the matter is, and, of course, this amendment affects the fundamental process of arriving at a fair market value; but the issue here is of whether or not we are going to begin to legislate different qualifications in terms of what fair

market value is for at least some of the land management agencies in the context of this bill.

We are talking about, in this case, the BLM management of land, and the Park Service management of land principally. As I said, there are 18 different and acquiring agencies in the Federal Government which, under the uniform standards, would prohibit such practices as being inappropriate and would result in something less than what fair market value is, and proponents suggest that we are not affecting such standards. We, in a whole host of both national and State laws and zoning laws, have as impact on what the value of land is whether it is zoned for commercial development, residential development, other types of limitations and extensions that the State or national government may place on it, whether it has harmful deposits of toxic materials on it, whether it has other types of value associated with the land in terms of naturally occurring minerals, some obviously semiprecious or high value like gold. All of these factors enter into the fair market value.

Congress has, Mr. Chairman, when attempting to interfere with that, has been put down on the basis of what the constitution provides in the fifth amendment, which is a good protection, and most recently my colleagues quoted cases, the Rock case, the Dolan court case, in which local governments, national governments, the Federal Government, may have taken action or attempted to disallow certain factors or impose certain conditions which reduce the fair market value.

The proponents are intent upon legislating, in this instance and if the Congress can do so and passes laws that limit value and that say, "You can't look at a specific factor or factors; you have to be blind with regard to endangered species," I would suggest one could be blind with regard to certain mineral values on land. One has to disallow that particular value which would, indeed, bring us down a policy path where we would take away this particular function from the courts, form the professional appraisals, and take it upon ourselves to qualify property value judgments.

Now, Mr. Chairman, we pass a whole host of laws if we disagree with the Endangered Species Act, or for that matter, with the toxic waste deposits that are on land or other factors. We can change those laws with regard to that. I do not think in a sense that we should, but, Mr. Chairman, nevertheless we can, and there are some problems that would then be resolved.

One constituent explained that stated it well regulation, zoning land classification is really the hand of the State, local, and national government on the landscape of this Nation. That really is what the power and responsibility of government is, regards land use shaping such uses and limits some take about unfunded mandates. I say, "If you're going to begin to define the context of what is and isn't considered a reduction in property value, you're going to really paralyze both State/local governments, the national land management agencies, in their ability to do fulfill their role, and I mean that job runs the gamut of the 18 land management agencies we have at the Federal level and every State and local government in the country. This would be the granddaddy of all unfunded mandates that one could imagine. It's a way to paralyze the government."

I would say that it is, I think, out of sight to consider the fact that the government somehow has an intention to impose certain conditions on land and private property so that it could take away property from individuals in this instance without payment of a fair value. This amendment, while perhaps well intended in pointing out a problem, is really inappropriate for the National Government to, in fact, not pay fair market value for any land it purchases.

There are problems in these areas because, as we talked about, the fringe toed lizard, and the kangaroo rat, and the woolly cactus that occur in these lands, that simply shows that the likelihood of entire ecosystem in stress; that is, a serious problem, and we are losing those rare species, hopefully we would find solutions to get ahead of the curve, as Secretary Babbitt has articulated in directing the Department of the Interior with regard to the host of fauna and flora that are under stress in the desert and other critical habitats in this Nation, and that we would not take this particular one-sided approach to action or move in the direction we have before us today.

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

Mr. VENTO. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, I think on the discussion when we are talking about the Federal Government, and then we are comparing it to the local governments, I think respectfully there is a difference. In local government we have a board of adjustment. In local government we have an appeal process. In this all we have is the courts, and we can go to the court, I am sure, but it would seem to me that it is not really the kind of comparison we would want to look at because in a local government and on the State basis we have boards of adjustment, people one can go to.

The gentleman talks about Secretary Babbitt. In my home State——

Mr. VENTO. Reclaiming my time, Mr. Chairman, I do not think it has to do with whether we have a court.

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

(By unanimous consent, Mr. VENTO was allowed to proceed for 3 additional minutes.)

Mr. VENTO. Mr. Chairman, I am going to yield to the gentleman from California [Mr. MILLER] in one moment, but my point would be that we are not talking about whether there is an appeal process, whether it is through a court or formal board. We are talking about what the rules are that govern or the values are that govern the value of the land; in essence, what is going to be paid or what is going to be compensated by adjusting that, and what is being suggested. Irregardless of whether there is an endangered species on the land that has an impact in how it can be used; that is the case when we talk about water rights on land. That is the case when we talk about whether there is an air pollution problem or whether there are certain types of mineral deposits on land. We are dealing with the fundamental value that is there, sometimes defined and regulated by reasonable law and Government actions.

There is no difference between two plots of land at a local level except that they zone one for commercial and one for residential, and that is what we are dealing with. We are dealing with changing or structuring in Congress, such value in this amendment not depending on the marketplace, but structuring those.

Now it is true that sometimes laws locally, nationally, federally, statewide, have an impact in terms of what the value of land is. I yield that particular point. But the fact is that you are proposing that Congress mix into such issue—we are not changing the fundamental law. We are saying, "Disregard what the value is and pay that notwithstanding the Endangered Species Act in this instance, and you can do that with any one of the rules or any one of the laws that I just spoke to in the same vein.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

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

Mr. MILLER of California. Mr. Chairman, I just want to say, as my colleagues know, the strong suggestion is somehow this is going to relieve the endangered species problems on lands, and the fact is it is not. The fact is what the Government would do in this case, I guess if this was the land, the gentleman was going to force the Government to pay a higher price in spite of the reality on the land. The Government will come along, and they will make a determination, as they make today, about habitat, about land, that there is an endangered species problem. If, in fact, there is one, they will have to support that and go on about their business. And guess what? That landowner will have that land at that market rate, and they can then deal with

anybody in the private sector they want, and the Government can just stand back and watch that because the fact is there will then be 404 permits, there will be clean water requirements, there will be endangered species, and that is fine.

Now the question is whether or not we then want to, because basically what we are doing here is we are prohibiting the Government, we are prohibiting the Government from going in and acquiring that land if, in fact, they have made an endangered species determination because what we are saying to the Government is they must pay a higher value for that land than the land is really worth out in the market.

□ 1210

So they can let that landowner sit out in the market and determine what it is worth with these requirements, because let me say that if you are a developer, if you are a homeowner, or you are a rancher, and you want to buy that land, you are going to ask, "Is there a species problem?"

They may say, "Yes, this an endangered species habitat, and there is a wetlands problem here." So you are going to say, "Well, I am going to have to pay you a little less because I would have to get a permit. I would have to go through these processes, and I have to wait to see if that gets cleared up."

But you do not want to reserve that right to the Government. So the fact is that what this amendment dictates is that the Government goes ahead and makes its finding and they know that that land is going to be treated in accordance with the Clean Water Act, and so forth.

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

(By unanimous consent, Mr. VENTO was allowed to proceed for 3 additional minutes.)

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

Mr. VENTO. Mr. Chairman, I continue to yield to the gentleman [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, the point is that the Government really does not then have to deal with these lands because they will treat these lands as they can under the existing laws.

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

Mr. MILLER of California. No; I cannot yield. The gentleman has the time, and I have asked him to yield to me. I have not completed my statement, and the gentleman has spoken several times on the amendment already.

Mr. Chairman, the point is this: that the Government does not have to assume the burden because it already has, under existing laws that are not subject to this legislation, the ability to go out and to define whether or not various lands have habitat and species problems and whether various lands have wetlands problems, if it already comes to that, and that will continue. The only thing we have done here is we have taken the Government out of the market as to whether or not they choose to acquire those lands, and in this case most of the lands are not going to be a threat to the Federal reservations. We would like to acquire them for management purposes. A number of people may be there who would like to leave these lands to the Government because they want the Government to acquire them. But what you are simply saying is that if you are going to force this on the Government, a land manager cannot say, "I am going to pay an artificially high price for these lands," because I think in fact we are working to an end which most of us would suggest we do not want. But that is fine because that classification of endangered species problem will be out there and the free market can deal with it, and you will find in fact the free market would treat this as would the Government but for the amendment, because we would be considering whether or not this is in fact a fair market value.

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

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

Mr. McCANDLESS. Mr. Chairman, I appreciate the gentleman's yielding.

The issue here that started this spark was that the Endangered Species Act does not have an impact upon the appraisal of the property based upon the outline that the gentleman read with respect to professional assessments of property.

Mr. VENTO. Mr. Chairman, if the gentleman will let me reclaim my time, I would be happy to share the statement with the gentleman. I read a portion of it.

I did not imply nor did I mean to imply, nor does the statement, I believe, imply that the Endangered Species Act has no impact. I believe we all know that it does, just as other types of laws have an impact, whether they be toxic waste laws or other types of laws, have an impact.

Mr. McCANDLESS. Mr. Chairman, will the gentleman yield further for just one more point?

Mr. VENTO. Yes; I yield to the gentleman from California.

Mr. McCANDLESS. Mr. Chairman, if an area is designated by the Fish and Wildlife Service as an endangered species study area or if it is determined that this area is in the Endangered Species Act requirement, no county in the State of California and, I would assume, other States can issue a building permit for any type of structure, be it commercial, residential, or the improvement of an existing structure, since that cloud has been emplaced upon the property. That is my point. That dramatically reduces the value of the property.

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

Mr. VENTO. Mr. Chairman, I ask unanimous consent that I be allowed to proceed for 2 additional minutes.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, reserving the right to object, this would be based upon the fact that my watch keeps up with everybody else's watch.

Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

Mr. VENTO. Mr. Chairman, let me inquire, has the gentleman from California concluded his statement?

Mr. McCANDLESS. Yes, I have, Mr. Chairman.

Mr. VENTO. Mr. Chairman, let me suggest that I yield to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, let me just say that what we have heard on that point is just not so. The fact is that people have endangered species on tracts of land and they engage in mitigation plans with Fish and Wildlife or with the corps, or whatever the agency is. Because they are both involved in this. We have some of the most valuable golf courses in America that are built across endangered species habitats because mitigation plans were put forth and the species continued to strive and the value is there, and the people still built the course and they are commercially successful. Let us not pretend that that is the end-all. In fact, that has enhanced the value of lands around them.

So this amendment should really read either way. The point is that in fact the setting aside of habitat and the setting aside of wetlands also accrues to the value, and if we are honest about this amendment, we should also say that we should not be able to account any value that was added by governmental action, such as a county road down the front, a freeway down the front of it, a national park along the side of it, or a water project that brought water to the property.

Why is it that the Government always has to take the losers and they never let us share in the values that are increased because of governmental action?

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

Mr. VENTO. Mr. Chairman, I think that points up one of the problems. I am almost out of time, and I do not want to continue to extend my time

because other Members may want to speak.

But the point is, very simply, that if we are looking at something in a community or a city having some special species or plants, or other amenities on it, that can be a desirable feature. In fact, the park designations themselves have had the characteristics of increasing the value of lands around the parks. People want to live by national parks and by local and State parks.

The point is this, Mr. Chairman, I would conclude by saying that if there is a demonstration that there is collusion between the Government designation of an endangered species and then coming back and purchasing the land cheaply, I think obviously in any court they would take action to rectify that situation. That is the Doland case where the local government was determined to overstep its lawful authority.

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

Mr. Chairman, let me say to my colleagues that what we have here is essentially an issue of the process around here. The gentleman from Louisiana [Mr. TAUZIN] and others have tried for sometime to get Endangered Species Act questions on the floor of the House. He has a bill, and the chairman of the Committee on Merchant Marine and Fisheries, the gentleman from Massachusetts [Mr. STUDDS] has another bill. The issues are well understood by Members of the House, but we have had really no opportunity here on the floor to debate these issues or discuss the important parts of it, and I think what we are seeing here today is a real frustration over the ability to get the significant issues in full debate before the House and find out where the votes are as far as amending this act is concerned.

It would certainly be preferable at this point to debate an issue like this in the context of the entire Endangered Species Act, with those problems before us, so the House could act, but since we do not have that opportunity, I think the gentleman from Louisiana [Mr. TAUZIN] is going the only thing he can do here, and that is to try to use this opportunity to bring at least one issue connected with this before the House. This is not a perfect proposal by any means that the gentleman from Louisiana [Mr. TAUZIN] has, because it only affects the Federal acquisition of these lands, and certainly in the private sector between two parties the discount necessitated by the Endangered Species Act application would have to be factored in. But at least here he has made an attempt to deal with this issue.

I would point out that the real tragedy here is that the individual whose land is impacted by the decision, whether that decision is right or wrong, under the existing process has no opportunity for public input into that process that affects his or her land, has no guarantee and in fact has no right to bring the economic issues that are at the core here to the table under the existing act. As to the very issues we are talking about, that person who owns the property has absolutely no possibility to get to the table in the discussion either in the decision to list the species or in the subsequent discussion of the mitigation.

Finally and most egregious, if there is a decision to list, there is no right to go to court on the part of the property who opposes and challenges that decision. Only if there is a failure to list is there a right to go to court. The only instance here in which someone can exercise their right to go to court is under a takings process that could cost hundreds of thousands of dollars and a lot of time, and most people are not in a position to do that.

So my sympathies here lie with what the gentleman from Louisiana [Mr. TAUZIN] is attempting to do. I would hope that a strong vote on this today would send a clear message that we ought to be dealing with this entire issue here on the floor of the House and find out where the votes are. Certainly there is a need for some change.

But in this instance I think there is real injury here to a party that has no opportunity to defend themselves unless they have enough money to go to court and take the appeals process up on a taking.

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

Mr. LEHMAN. I yield to my friend, the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I want to thank my friend for his excellent statement, because that is what is at stake here. What is at stake here is not private manipulation of values or taking advantage of the Government.

□ 1220

What is at stake here is the Government taking advantage of small property owners who can not afford to spend 10 years in the court of claims or the court of appeals, all the way to the Supreme Court, to prove that the Government took their property by devaluating first before they acquired it in an eminent domain situation, where the party did not have a chance to complain and address the issues in advance.

The gentleman is so correct. If we do not adopt this amendment, what we are left with is a situation where the Government can take advantage of small property owners who cannot afford to go to court and fight the Government, the Justice Department, to get justice in America. This amendment says to every small property owner, when your land is taken, you are not going to get some artificial value. You are going to get the real value before the Government took an action to devalue your property, and then tried to acquired it. It is so essential that we establish that in law for small property owners.

Mr. LEHMAN. Mr. Chairman, reclaiming my time, I thank the gentleman for his comments. I think we have the basic question of fairness. I wish we could deal with it in the larger context. I would suggest to Members listening, until we are given that opportunity here on the floor, we are going to continue to see this type of frustration, and maybe a clear vote here will send the right signal.

Mr. TAYLOR of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support for the Tauzin amendment. I think my colleague has laid out a strong case for this amendment by detailing the Florida Rock case. There is another reason for supporting this amendment, and this debate shows the direction we are moving in. It talks about fundamental fairness for the American people.

It is unfair for anyone, especially a government green shirt, to come on to a person's land and declare that individual's land invaluable because of the government regulations that are placed upon it.

You know, we used to prosecute people in this country for devaluing land and running those types of scams, and then trying to come on and buy it at the lower prices. I believe HUD has regulations against that even today as we speak. And here is the Federal Government doing much the same thing.

The people of this country become wary of what the government does in the name of environmental protection. It is precisely because of this type of maneuvering that the public is concerned. If the government is going to pass strong environmental laws, it should pay the price.

Now, we have before us a bill cosponsored by the gentleman from Louisiana [Mr. TAUZIN] and myself, which lies at the desk under a discharge petition, that would allow us to debate this. It would allow us to have a debate on the whole question of takings and how the public is to be compensated.

You know, one of the Members previously mentioned that because of the pressures of population gains, that there is going to be more and more need for the Federal Government to be taking properties, there is going to be more and more pressure for government management and control.

It is precisely because of that that we need to adhere to the protections of the Constitution more strongly than we do today. The fourth and fifth Amendments are going to become more and more important to protect the people of this country.

The Constitution and the Bill of Rights was passed not to protect us

from foreign power, but to protect us from just this type of onerous hand of government. And that is why we as, 435 Members of Congress, ought to be the champions of constitutional rights for the people of this country, not thinking up ways to undercut it, not thinking of ways we can get a cheaper dollar for the government, not thinking of ways we can abuse those rights, but be the champions.

If we are going to err, let us err on the side of the people, not on the side of the bureaucrats.

Now, I served on the board of transportation and in the State legislature as the gentleman from Utah did, and I know there are times when condemnation needs to be used. We tried to find alternative ways.

When I first came to this Congress, we took up a bill in the subcommittee that I sat upon to take a farm that had been in a family's hands for hundreds of years, to provide a view shed for a corpse. Under condemnation of this government, we did that. Now, I do not consider that in an area of highest and public health and safety, which we ordinarily try to use condemnation for.

We know that in many types of legislation, we have reform systems, such as in our State, where the court got its fees from deciding cases. So, naturally, it had to find a lot of people guilty in order to get the funds to operate the court. We abolished that system years ago. Yet we are talking about the same system here.

The government, by pulling from its case a regulation that will devalue your property, can buy that property for a fraction of its value had it not applied those regulations. So it has an incentive to always find a regulation to devalue in order to deprive that person of his fair market value and enable the government to buy it at a lower price.

This kind of chicanery should not be in any system that we have, and it is why we should pass the gentleman's amendment.

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

Mr. Chairman, I rise in strong support of this amendment. I share the concerns of the subcommittee chairman that we not attempt to dictate in statutory language a specific fair market value. I also understand and share the concern of the chairman of the full committee that an amendment ought not to be just one way.

In fact, I do not believe this amendment is just one way. If we read the exact wording, it says lands and interests and lands acquired pursuant to this act shall be appraised without regard to the presence of.

It has nothing to do with just ignoring it if it devalues the land, but not ignoring it if it increases the value of the land. So it really does go both ways. I do not think the amendment is at fault in the language of the amendment.

I believe that one of the very strongest principles in this country protected by our Constitution is the right of ownership of private property. That has been defended in the courts. In fact, recently, a few years ago, in the Lucas case, as this body is well aware, the Supreme Court ruled that when the Government, whether it be Federal or local, when the Government acts through something such as a zoning ordinance, which the subcommittee chairman mentioned may lower the value of land, that that in fact is a taking, even though it is not a condemnation, even though it is not taking all of the rights of ownership of the property; that the very restriction of use through zoning or such ordinances can in fact be a taking which is compensable, which the Government must compensate.

Now, I believe that. In my opinion, the enlisting of endangered species or critical habitat is a similar taking, which must be compensated. I believe, in my opinion, that is in fact a taking.

I would encourage the Supreme Court that when that case appears before it, to find that similarly, under Lucas, to be a taking. I would encourage those people who have the money to pursue this to the Supreme Court to in fact do so, so that we can get a ruling under the court.

I would encourage this body to take up the Private Property Rights Act, so that we can deal with this in substance beyond just the Desert Protection Act, beyond just the Endangered Species Act, so we can deal with this issue of Federal Government action which lowers the value of property being a taking.

I believe it is. It must be under the Constitution, and it should be compensable. But until someone takes that to the Supreme Court, or until this body acts to pass the Private Property Rights Act, we should adopt this amendment so that specifically we are saying that the government cannot benefit by or that we cannot take away the person's property value.

The argument has been made very clearly by both the committee chairman and the subcommittee chairman that the listing of an endangered species or a critical habitat may very well, and often does, lower the value. Yet that is not being compensated.

So what this does is seek in this particular bill to say we are going to compensate them because we are not going to appraise considering the listing of that species. We will appraise it without consideration of the listing of the species.

So I think it is a very good amendment, and would urge adoption of it.

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

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

Mr. VENTO. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, the gentleman raised the Lucas case. I have not read all the details. But the suggestion that if you have a zoning limitation and you reduce the value of the land regarding a zoning the gentleman, Mr. ORTON, suggests that in that practice today for local governments, for State governments, in essence, is compensable and that they are or should be paying compensation.

Mr. Chairman, one of the critical elements I think missing in the discussion here is a black and white argument sort of being portrayed today, the issue of reasonableness. That is exactly the case of the Dolan legal case. So what we are entering into, of course, is not a question of whether it is a reasonableness in terms of use here with regard to this amendment and this very narrow use, but, obviously, we are arguing on a broader ban. But the proponents of the amendment are avoiding the issue of reasonableness, which is at the heart or core of what the courts actually decide, and we are putting in place and substituting our judgment by saying if it is an Endangered Species Act, you cannot consider it as to reducing that value the Federal Government pays for such property.

□ 1230

Indeed, while I suggest and I think the chairman suggests that the Endangered Species Act could reduce the value of land because of limitations that are inherent in the use of it, it also may enhance it. I may want to have the Houston toad in my backyard. To me that may have something of value and I think to other individuals as well.

The CHAIRMAN. The time of the gentleman from Utah [Mr. ORTON] has expired.

(By unanimous consent, Mr. ORTON was allowed to proceed for 3 additional minutes.)

Mr. ORTON. Mr. Chairman, in response to the comments of the subcommittee chairman, indeed the Lucus case is a fairly narrow issue. But the concept that was identified in the Lucas case is that in order to be a compensable taking, you do not need to take the entire rights in the property, that a restriction such as a zoning restriction can in fact be compensable under the Constitution, under the takings clause. I think that is the point that I am raising.

Mr. VENTO. Mr. Chairman, if the gentleman will continue to yield, I think the question is one of reasonableness. Of course, it is not the operative function of our local governments, every time they have a reclassification, whether it increases or limits the use of the land, to either collect money on the increase or to pay money back on the decrease. In fact, that is a common activity, in fact, a major function of local and State government.

Mr. ORTON. Mr. Chairman, I appreciate the comment.

The point we are making is, I think, one in fact of reasonableness. The Supreme Court has said that the action, something less than taking the entire rights of the property, is in fact compensable under the Constitution. I am saying that we ought to take that case to the Supreme Court to determine if this is compensable. I believe it is, in my opinion. Until that is done, I think it is very reasonable to say that when listing an endangered species or critical habitat which then clearly is a lowering value, it is reasonable for us to state that we are not going to reduce that property value through appraisal.

Mr. TAUZIN. Mr. Chairman will the gentleman yield?

Mr. ORTON. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, first of all, let me thank the gentleman for his fine statement in support of the amendment, particularly the argument that if every landowner has to go all the way to the Supreme Court to find out if the Government has taken his property, what awful mess we are in. How small landowners will be denied justice in America.

I hope Members appreciate the strength of that argument. The gentleman is correct. The court, in the Florida Rock Decision, said that zoning cases must in fact be judged on their reasonableness, but were there is shared benefit and burden, there is no taking. But if the burdens fall on the small class of landowners and the benefits fall to the public at large, under Florida Rock that is a taking.

That is what we are talking about here. We are talking about endangered species designation so that the public at large gets the benefit of environmental protection but a single small landowner has to lose the value of his property.

What we are saying in this amendment is, when the Government makes that kind of a decision, it ought not take advantage of that landowner by paying him the smaller degraded value. It ought to pay him the market value before the Government made the decision for the public good.

I also want to thank the gentleman for his support and point out that yesterday or the day before I stood up in support of eminent domain to say the Government does have a right to buy property for wilderness protection. What we are saying today is, when it does it for wilderness protection, it pays real market value, not an artificial value determined after the Government regulates it to death.

The CHAIRMAN. The time of the gentleman from Utah [Mr. ORTON] has again expired.

(On request of Mr. VENTO, and by unanimous consent, Mr. ORTON was allowed to proceed for 3 additional minutes.)

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

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

Mr. VENTO. Mr. Chairman, I just want the attention of the gentleman from Louisiana, because I do not think there is any disagreement that if, indeed, the Federal Government were to be classifying something as an endangered species or putting some other type of limitation on land through its regulatory role and laws that we pass lawfully doing this, that in essence that they ought to be doing so with the intent of actually devaluing or reducing the value of the cost. In fact, the entire impetus of the Federal Government and the 18 land managers we have is to pay fair market value.

I think, as a matter of fact, I would say that very often that results in a higher cost, could result in a higher cost to be paid. We cannot pay less nor more than fair market value. So if there is a demonstration that there was actually an intention on the part of the Park Service, the Forest Service, any land management agencies to reduce the value and to take advantage of a citizen, I think that we would all be in the forefront seeking payment. I do not think there is any demonstration or intention to do that. There is no design to use the law to achieve such objective, as I said earlier there is no conspiracy.

I find such suggestion not helpful in terms of this sensitive policy issue.

Mr. ORTON. Mr. Chairman, reclaiming my time, I do not know of anyone saying that that is the basis of this amendment, that there is some bad action on the part of the Park Service in doing so.

I would simply suggest that I agree with many of the goals of the Endangered Species Act. We do not want to eliminate species from Earth. But we ought to recognize that if it is important enough for this country and this country's laws to protect that species, it is important enough for us to belly up to the bar and pay for it.

Why should one landowner have to bear the brunt of protecting that species? If it is important enough for us to do it, let us pay for it. If we have to raise taxes to pay for it, raise taxes to pay for it. But we should not be imposing these requirements on individual landowners. That is the whole point of this argument.

By devaluing the property and then appraising it and purchasing it at lower value, we are placing the burden of protecting that species on one landowner and not on the public at large. If it is important enough for the public at large to do it, then pay for it.

I would urge the committee to adopt this resolution.

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

Mr. ORTON. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I just want to say, hallelujah.

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

Thank goodness we have finally gotten to the heart of the debate in terms of this particular amendment—private property rights. I think it is ironic and it shows the gulf of the perceptions between two sides in terms of the dialogue that just occurred.

First of all, we are talking about the Endangered Species Act, an act which expired 2 years ago but which is being kept on life support because, frankly, if the Endangered Species Act were here on this floor, a similar debate would be taking place. And I believe a number of Members, especially the chairmen of both the committee and the subcommittee, would be hard-pressed to defend the Endangered Species Act as it is currently written. Why? Because there is no economic impact statement required in the Endangered Species Act. What is society doing when it requires an individual not to be able to use their land for legitimate purposes because there are endangered species on it? That land is taken. How much does that cost the individual? The value of the land and its uses.

The Tauzin-Hansen amendment goes to the heart of it, because it in fact shows what the economic expense would be. And that is, if you have a piece of private property and an endangered species is found on it, it is worth zero. The Tauzin-Hansen amendment is absolutely correct in requiring the Government to value the land on the basis of its market value without considering the Endangered Species Act. The difference between that property, its market value without considering the endangered species, and the zero worth of that land if you considered the Endangered Species Act, is the economic impact of the Endangered Species Act. So let us get honest here.

The reason the opponents of this amendment are scared to death of this amendment is because it truly shows the cost of the Endangered Species Act. The Endangered Species Act does not require a determination of the economic impact of a decision under the act, but the Tauzin-Hansen amendment would require the Government to own up on the actual societal cost of the Endangered Species Act.

I love the chairman's example of the golf course or his example of living next to the park and how valuable that makes the property and how we are not only living with mitigation today, but how mitigation helps people enhance the value of their land.

Let me tell my colleagues what is going on in my district. In my district we do not deal with golf courses for mitigation.

What do we deal with in my district? I represent an area which historically

has the Tulare Lake. That was a lake formed by the Kern River, which ran down the Kern Canyon every year, one of the major white water rivers in the United States.

□ 1240

That land would be flooded, and then when the sun came out, as it does in the Central Valley, the lake would shrink, sometimes almost drying up. The next season it would flood again. Then it would contract, and it would flood and contract in God's design.

Man came and built a dam, and the flow of that river was stopped or regulated by the dam. I have property owners who are attempting to release water on old Tulare Lake land to allow it to percolate back into the underground as it did historically, and the Government has said, "You cannot run water on that land." Why? Because there are endangered species on that land.

Wait a minute, wait a minute, before man ever came and built a dam, these endangered species were living where the lake had contracted, and then, guess what, when the water rose, what did the endangered species do? Ask where is Government to protect us? No. What did they do? They went to higher ground. Believe it or not, the kangaroo rat knows that when its hole is flooded and it ought to go to higher ground.

However, if somebody today tries to release water on what used to be the Tulare Lake basin and there is an endangered species there, they are fined by the Government. They are not allowed to use the land for what was its historic purpose.

Let me give another example, which is not a golf course. The United States has decided to build a Federal prison. We were building it on the west side of Kern County. Some of the land not used for the Elk Hill's Oil Preserve was appropriate land that is federally owned. We went to take a look at it for purposes of building a Federal prison. We could not build it there. Why? Because there are all kinds of endangered species there.

Interestingly enough, the count of endangered species on military reservations, on other Government property don't exist for purposes of a species count. If we have a Government reservation that is absolutely loaded with endangered species, but somebody has 10 acres just the other side of the Federal boundary, the person on the other side of the Federal boundary has to pay mitigation regardless of how many endangered species are on the Government side.

Now we try to build a Federal prison. We cannot do it because we have endangered species on the land. Where can we build a Federal prison? Thank goodness, Chevron Corp. had a 300 acre plot of land that they plowed religiously, did not plant anything there, but plowed it religiously, spring and fall, so that there would be no endangered species on it, and we were able to work a very reasonable deal for the taxpayer to acquire private property to build a Federal prison because we could not build it on Federal property. There was no determination of the actual cost to society on that decision because of the Endangered Species Act.

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

(By unanimous consent, Mr. THOMAS of California was allowed to proceed for 3 additional minutes.)

Mr. THOMAS of California. Mr. Chairman, let met give one more example which is not a golf course, in terms of how wonderful this mitigation operation works. We have a gentleman who is an immigrant. He purchased some land. He wanted to engage in farming. The land was sold for farming purposes.

He went into hock to get a tractor to be able to pursue the American dream of the yeoman farmer in tilling the soil to produce the crop for market. As he tilled that soil, 42 Federal agents descended upon him. This gentleman, and it is very difficult for him to speak English, he tried to understand what was happening to him.

The Federal agents fanned out across the property, picked up pieces of fur, because he was disking the property for purposes of planting it, and he was arrested. Not only was he arrested, but his tractor was confiscated, just like the drug lords get their houses and their boats confiscated, because the Feds said it was a murder weapon.

The fellow who owned the tractor had the tractor held by the Feds. He could not get the money for it. This poor fellow is now subject to all kinds of fines and imprisonment because he tried to till the soil. He might have been able to pay hundreds of thousands of dollars to the Government to be able to till the soil, he might have been able to do it. This is not mitigation, it is blackmail.

What really bothers me the most is these folks talking about the fact that, gee, why will we not let Government do this, because then your property next to it will be more valuable. No, it will not. If you have that piece of property next to a park and there are endangered species on it, unless this amendment passes, your property is worth zero. Worse than it being worth zero, it is worth zero and you cannot do anything with it.

That ultimately is the biggest problem with this bill and with the Endangered Species Act without the Tauzin-Hansen amendment. It is the small landholder who is carrying 100 percent on their backs, the society's desire to protect endangered species. If society thinks it is important, society ought to pay for it.

What is the cost? What is the economic cost of paying for it? We do not know, because the Endangered Species Act does not require an economic impact statement. If the Tauzin amendment is passed, you will have it, what is the market value of the land versus zero, and the difference between the market value and zero is the economic impact of the Government's decision.

Mr. Chairman, all we are asking for in the Tauzin-Hansen amendment is for Government to own up to the societal cost of the Endangered Species Act; that if Government wants it, they ought to pay the market value for it.

If the Government believes preserving endangered species on the property is higher than the private use of the private person, then Government ought to pay for it. If we are honest, society ought to say that preserving endangered species is more important than the economic value that the land brings in use, society ought to pay the market value for it, because society says that preserving species is more important than the private use of the land.

However, I have a hunch that once society finds out exactly how much it costs, they are going to say no way. Pass the Tauzin-Hansen amendment.

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

Mr. Chairman, I want to thank my friend, the gentleman from California [Mr. THOMAS], who just gave a great analysis of what has happened in the extreme, and I think I read the same case that he is referring to. I believe it was rats that the farmer was accused of murdering, and the tractor and disk were in fact confiscated.

Let me just say, as a Member who was doing some other things today and thought I had a few other places I had to be, I saw a piece of this debate on C-Span and I thought it was important to come down and participate in it, because I think this is a very important debate for this House to take up.

One of the most precious rights we have in this country is property rights. We have had a number of speakers who have alluded to it and talked about it. That is what Americans fought for, that is what people lined up by the thousands in land rushes in the last century to be able to get a piece of land that they could call their own, that they could build a home on, that they could farm. Property rights are a key to our society. They are a key to our prosperity. They are a key to our freedom.

Against that backdrop of a very important right, we have the necessary evil of condemnation. The problem with what we are doing in applying condemnation to property rights, in this case, and I want to speak strongly in favor of the Tauzin-Hansen amendment, is we are taking a necessary evil, that is, condemnation, and we are compounding it.

We are taking an agency in the Federal Government that has the power to devalue private property, and that means take a guy who is a plumber or a carpenter or another middle-class worker, who has put his weekly paycheck every year for the last 10 or 15 years at 8 or 9 or 10 percent interest to buy a piece of land at $50,000, and he finds that Government has taken away the value of his property, lowered it down to $20,000. In this case, in this particular bill, that same Government that devalued his land will now profit from that devaluation. That is bad policy, Mr. Chairman.

Mr. Chairman, we are a House that puts checks and balances in place to keep one part of the Government from getting too much control over people's lives. That is bad policy.

Mr. Chairman, obviously property owners who are going to be affected by this desert protection bill come from all walks of life. There are people that have little bitty homesteads out there where they put what is known as jackrabbit houses on them. Those are houses that working people in Southern California put up with $5 and $10 and $15 saved each week to be able to have a piece of property. They could not afford a piece of property, maybe, in urban San Bernardino or Los Angeles or San Diego County, so they go out to the desert and they own a piece of property out there.

Now the Government comes along and finds an endangered rat, in the case of California, and puts limitations on the use of that property, if they have not already built a house on it or built a structure on it, and now the same Government is going to profit from the devaluation it put in place. That is bad, and it is happening not just in California, but it is happening in farmland across the country.

It is happening everywhere where young Americans are going out and trying to save a few bucks every week and buy a piece of land, and find that their piece of land cannot be built on, it cannot be disked up. The only right that we are leaving our private property owners is the right to pay taxes. That is the last right that Government reserves to them.

I want to thank the author of this amendment, the gentleman from Louisiana [Mr. TAUZIN], and the gentleman from Utah [Mr. HANSEN], who also cosponsored this amendment, for their insight and for their advocacy for working people in this country who want to be able to use their property.

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

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

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

Mr. Chairman, let me go through some of the things, and why most of us are opposed to this bill. If we take a look at the whole agenda, we call some of the environmentalists Nazi environmentalists, and let me say why.

There are some that are very, very good, working for the good, working with business, working with the military. However, the agenda of some of these groups is total no growth.

□ 1250

We had an amendment on this floor to where these environmentalists could come on to property without permission and check out things. That is private property rights.

In San Diego, there are areas in which we cannot build. We own our own land but we cannot build on it.

We purchase it, we have bought it, whether our home is on it or we have bought it for the future, but we cannot build in many cases because of the endangered species.

We had a fire in San Diego, a bad fire. Every summer the grass grows up and some of the people wanted to cut down weeds and grass in front of their homes. Because of the Endangered Species Act, they could not cut the grass. It was on national television. One guy said, "The heck with you. I'm going to cut it down." He did. He is the only guy with his house left that did not burn. The rest of them that did not because of the rule lost their homes. This is how degrading and this is how demeaning that this whole environmental movement has become in some directions.

There are some groups that are trying to work and not to extremes.

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

(By unanimous consent, Mr. HUNTER was allowed to proceed for 3 additional minutes.)

Mr. HUNTER. Mr. Chairman, I continue to yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, you were in the Hanoi Hilton and you spent some time as a POW. There you had no rights.

This is what is happening to American citizens. The Government is taking over their rights and using endangered species, parks and recreation, and so on, and that is not right, Mr. Chairman. I think you would agree with it. Would you want somebody to come into your home and be able to check it out, devalue it and say, "We are going to take your land. By the way, we are not going to give you fair market price, we are going to devalue it," something that you have invested in for your future. That is wrong, Mr. Chairman.

I have some other things that I will speak on my own time, but I know the gentleman from California wanted to yield to another gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for his comments.

Mr. Chairman, let me just say that north of my district, in Riverside, CA, we have what is known as a rat fund. A rat fund is the money that is put aside, I think there is something like $100 million in it now, and it comes from every young couple that wants to buy a piece of land and build a house. The rat fund is metered out to about $1,500 per lot. That means a young working couple who comes up and wants to buy a piece of land, they are going to pay interest on $1,500 for the next 30 years to support the rats.

Mr. Chairman, that may play well with those people that are so-called purists with respect to the Endangered Species Act, but what it has done in most of Southern California is it has made it so that 82 percent of our citizens do not have the economic wherewithal to buy the average home. One other driver of that price, of course, is the $5,000-increase in lumber per home that comes about as a result of protecting the spotted owl and closing off large areas of lumber supply.

Mr. Chairman, there is an encroachment on basic rights, basic centerpieces of the American dream, like home ownership, that is created by the acts that we have passed, including the Endangered Species Act, that are environmentally oriented. We have not inserted enough balance into these particular acts, and the Tauzin-Hansen amendment is one that inserts some balance. It says that the same Government that cuts your property in half cannot profit from that reduction. That is an important policy for us to pass and it is right for us in the House of Representatives to pass that policy.

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

Mr. HUNTER. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding. I can give one of the best examples. A fellow named Bowles in Texas who was in court for 10 years because he bought a subdivision lot in Missouri County, TX. His neighbors had houses on their lots. He was told in 1984 he could not build on that lot because of a Government decision.

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

(On request of Mr. TAUZIN and by unanimous consent, Mr. HUNTER was allowed to proceed for 1 additional minute.)

Mr. TAUZIN. Mr. Chairman, if the gentleman will continue to yield, in 1984 he applied for a permit to build his house. The Government said, "No. We have decided that land is now wetland. We are going to protect it under environmental laws."

Mr. Bowles went to court. It took him 10 years. The Government argued

that they ought to pay him only $4,500, which was the value of the lot after they said he could not use it. He argued in the court of claims, through the appeals court, back to the court of claims 10 years that the Government owed him the real value of his lot.

The court finally awarded him $55,000, the value of his real lot and punished the Government with interest, compounded daily since 1984. And the court pleaded with the Congress to make some law in this area, not to make every citizen spend 10 years in court to get justice. That is what this amendment is all about.

Mr. Chairman, we believe in the Endangered Species Act. We simply think when it devalues property that the Government ought not take advantage of that devaluation. When it purchases property, it ought to pay the real value before it devalues the property.

Mr. HUNTER. I thank the gentleman.

Mr. THOMAS of Wyoming. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Wyoming.

Mr. THOMAS of Wyoming. Mr. Chairman, I rise in support of the Tauzin amendment.

Mr. MILLER of California. Mr. Chairman, I would like to inquire as to whether or not there is an ability to get a time limit. I think we have been on this amendment about 1½ hours.

Mr. Chairman, I ask unanimous consent that all debate on this amendment and amendments thereto end in 40 minutes.

Mr. HAYES. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. MILLER of California. Mr. Chairman, may I inquire of the manager of the amendment, is there any interest in arriving at a time limit?

Mr. TAUZIN. Mr. Chairman, the problem is, as I pointed out earlier, Members are just coming to the floor now. Members want to debate this who are not members of the committee. Members of the committee have a preferential right to debate. If we put a time limit on, all we are going to do is to hear a debate by the members of the gentleman's committee and not the other Members of the House. I would only urge the gentleman to allow a few other Members of the House at large to speak first and then perhaps we can talk about a time limit.

Mr. MILLER of California. The gentleman would be allowed under any consideration to manage the time and to give it to whomever he would like.

Mr. TAUZIN. I suggest the gentleman heard an objection by a Member of this House who does not serve on the committee the gentleman chairs. My concern is that they have a chance to speak too, and if we can assure them of a chance to speak, then perhaps we can reach an agreement. I see a lot more Members coming to the floor as this debate begins to catch their attention.

I would only urge, perhaps, that we go a little longer and see whether Members are getting a fair shot at debating.

The CHAIRMAN. An objection has been heard.

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

Mr. Chairman, we certainly heard a number of horror stories here and that raises some concern. Let me relate a story on the other side of the issue. It involves both zoning by Government and the mining law.

In my district, some speculators from the State of Washington filed a claim in the Oregon Dunes National Recreation Area which predated the actual enactment of that as a recreation area. They followed this claim through after 20 years or so of litigation for sand as a scarce raw material given the judgment of one now-dead Forest Service geologist that it was rare sand as opposed to common sand. They got the land for a few thousand dollars from the Federal Government. They have got a couple of problems. The State of Oregon has zoned it as natural resource land, which does not allow any consumptive use such as mining, so they have got a zoning problem there. Beyond that, they got it for a few thousand dollars from the Federal Government. The value of the land is recreational. Now they want the Federal Government to pay them tens of millions of dollars to buy back that which they bought for a few thousand dollars which certainly questions whether they ever really had any intent of mining this scarce sand resource.

What is being proposed here as the gentleman who preceded me, a couple before me in the well, he talked about the highest and best use under the Tauzin amendment. The highest and best use in this case would overturn the State zoning in this situation and would give these speculators tens of millions of dollars for a piece of Federal land in a recreation area for which they paid a few thousand because of a sand claim.

Beyond that, let us think. Let the American people think. What would we like our neighbor to do?

I come from a State where every acre of the State is zoned, but we are ready to grow and it is zoned fairly and people get just compensation when they are deprived of any beneficial use. That is required under the Federal Constitution. The issue is, what is highest and best use? Under this gentleman's proposal, highest and best use, I own a few acres of land, I think that my land—even though it is on the edge of a residential neighborhood, on the edge of the city—would make a really dandy low-level nuclear waste site.

The Government by edict has told me I cannot have a low-level nuclear waste site in the city of Springfield. I have been deprived of hundreds of millions of dollars of value for my acres of land because of edict by the Government and under this sort of legislation I would demand compensation.

□ 1300

We are taking this to the point of overturning all States' rights, all capabilities of States to zone, when you go to this highest and best use, and you take it to its absurd lengths.

Let us get this debate back in context. The debate here really is, and there are a few well-intentioned people coming before us who truly have a concern here, and they have some horror stories to relate, and those should certainly be looked at, we have got to question the actions of the courts or the State legislatures in some of those areas, and that should be looked at.

But in this context with this debate without any prior consideration by committees, what we see is an attempt to derail a park which will benefit the future of the greatest State, the largest populated State in this country, and other people in the West who want to see some of these desert lands preserved for future generations. That is what is going on here. It is an attempt to derail the bill with an amendment many find objectionable.

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

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

Mr. VENTO. Mr. Chairman, obviously I know the intentions of the sponsor of the amendment with regards to the Endangered Species Act. One of the suggestions that came up in the debate was that you had to go all the way to the Supreme Court in order to deal with the modification of what is fair market value or just compensation, in other words, if there is a taking, and the reason for that is of course, that is the law of the land. That is where these decisions emanate from. You cannot change that in a lower court. An appeal process cannot change that. You have to go to the Supreme Court, because that is where the decisions are made. That is the law of the land.

We do not look to the statutes necessarily to define what is fair market value, so what you have and what is being suggested here in a modest way obviously, in a very narrow way, but obviously an expansive debate because of the dynamics of this issue, what is being suggested here is that we begin to rewrite those rules in this House floor and in this body and write them into law. But there is not general consensus on that, and obviously no one here, I do not think, would argue any of the laws we have passed, whether it is wetlands, whether it is clean water, whether it is the Endangered Species Act, or a host of other legislation dealing with toxic waste and so forth, that these laws are perfect, that they are

not flawed. Indeed, they are and need to be modified. We do not want to enshrine certain values and certain conditions into what fair market value is, a decision that has emanated from the Supreme Court under the fifth amendment of the Constitution.

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

Mr. Chairman, I am going to spend just a minute, and I am going to yield to my friend, the gentleman from Louisiana [Mr. HAYES].

But let me tell you about some rights that have been violated in the past. We have gone through these.

Sludge in Colorado: I hunt, and I have been through those mountains, and it is terrible the pollution that mining companies have left in Colorado. It is terrible. Yes, you here me right, I say to the gentleman from Minnesota [Mr. VENTO]. That is a right, and it was violated

The Great Lakes and the pollution it went through that was a violation of rights, people's rights to enjoy the environment, and I agree with you on those things. It probably took some pretty strong-willed people to make sure over businesses interests and the rest of it to clean up those lakes.

There are property rights that were taken away, and even the military by putting in single-lined fuel tanks, it is costing us millions of dollars now to reclaim our Earth and so on. Those are legitimate things and things that I want, and I know the gentleman from Minnesota [Mr. VENTO] and the gentleman from California [Mr. MILLER] want to do the same thing.

This amendment, to me, goes to the middle of the road in taking care of people's rights that if I own a home or property and the Government says, "I want to take it," that is fine, under our existing laws, but where I draw the line and think it is wrong, and it is a Nazi tactic to come in and take it without giving me that compensation that that valuable land is worth, and the Government comes in and says, "I want to devalue that land, and then I want to pay you for it." That is where, to me, it is wrong.

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

Mr. CUNNINGHAM. I only have a little bit of time, and if they will give me extra time at the end, because I promised the gentleman from Louisiana I would give him time.

Mr. VENTO. We are under the 5-minute rule.

Mr. CUNNINGHAM. If you will not object when I ask for additional time, I will be happy.

That is the heart of this whole crunch, I think, is that the people that want to concrete the earth, the people that want to cause the sludge problems in the mining, and I agree with you, there are a lot of violations in our country, and I think we can work.

But to give someone compensation, to keep someone from their property rights without access to a road, to keep somebody from hunting on land that we have hunted since the stone age time, those are the things that come to the heart of the agenda of the groups that are proposing this bill to stop property rights.

Now, there are some good things in the bill, and the gentleman from California [Mr. MILLER] and I have talked about that, and so has the gentleman from Louisiana [Mr. TAUZIN].

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

Mr. CUNNINGHAM. I yield to the gentleman from Louisiana.

Mr. TAUZIN. I take the time to correct the record.

I will not let anyone stand in the well of the House and say that my intentions are to thwart the movement of this bill. That is not true.

Our intention is to get this issue debated and voted on, and we have been trying to get it debated and voted on for many, many, many months. This is the first time we have had that chance.

Second, our intention is not to damage or hurt or do anything to the Endangered Species Act. Nothing we say here changes the rules or the protection. We simply say that when the rules of the Endangered Species Act operate to devalue a person's property and then the Government comes in to buy it, they ought to pay the value first, not last, pay the real value, not the phony value created by the regulations.

Let me, if you will, read what the court said in the case of Bowles versus the United States, in answer to my friend's argument, and we will get him some time, in answer to my friend's argument that everybody ought to go to court to get an answer to this question. This is the court speaking:

> The case presents in sharp relief the difficulty that current takings law forces upon both the Federal Government and the private citizen. The Government here had little guidance from the law as to whether its action was a taking in advance of a long and expensive course of litigation. The citizen likewise and little more precedential guidance than faith in the justice of his cause to sustain a long and costly suit in several courts. There must be a better way to balance legitimate public goals with fundamental individual rights.

We passed the civil rights law in this body to guarantee that every child, white, black, Hispanic, no matter what, had a chance to go to school in America, to sit wherever they wanted on a bus, to eat at a lunch counter, and we passed the civil rights law even though we had a constitutional protection. We did not say to every child in America, "You have got to go to court to find out whether you can go to school." We did not say to every person in America, "You have got to go to the Supreme Court to find out if you can eat lunch with the rest of us." We did not say in this Congress, "We are not going to vote on the civil rights law. We are going to leave it up to the courts to decide what our individual liberties are."

We are talking about the most important property-right vote we are going to face probably in this Congress.

Do we respect property rights enough to say the Government cannot take your property without paying for it? That is what this amendment is about. We ought to pass a law. The courts are begging us to pass a law, not to leave it to every poor citizen to have to go to court to find out what his rights are.

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

Mr. CUNNINGHAM. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes, and I will not ask for any additional time, and I will yield to my friend.

Mr. MILLER of California. Mr. Chairman, reserving the right to object, I am very reluctant to object. We know the leadership has additional legislation that they would like to bring to the floor, and I reluctantly object.

There are other Members who have not spoken, and maybe they will yield time.

Mr. CUNNINGHAM. Mr. Chairman, if the gentleman will yield, I understand. I am just trying to get time for the gentleman from Louisiana [Mr. HAYES].

Mr. MILLER of California. If we can get a time limit, Members could use the time however they want.

The CHAIRMAN. Objection is heard.

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

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

What existing law has provided, and would continue to provide under this bill, is that when land is taken for a public purpose, Government must pay the owner at full market value.

This amendment would take us away from that principle. It would say the owner should be paid at market value as adjusted to reflect an estimate of what the market value would be if conditions were different than they are.

This would take us down a potentially dangerous road. Fair market value under existing conditions is something that is clear and well understood. Fair market value as adjusted for this or for that takes us into very speculative areas, very subject to dispute and litigation and delay.

For example, what if the property value is higher because of something Government has done, such as build a road nearby, or create a popular park. Should landowners' be paid less than fair market value because Government has raised the value higher than it would have been without Government action?

Furthermore, this amendment would require compensation that in many instances would create an unjustified windfall. In a case where someone buys land at low prices because ESA or any other law depresses that value, they could under this amendment turn around and sell it to the Government at a much higher price than they paid for it, reaping a large windfall at the expense of the taxpayers. That's not fair to the taxpayers.

These are the kinds of problems you get into once you depart from the longstanding principle of compensating landowners at fair market value.

I would urge my colleague not to send us down this slippery slope. I urge a "no" vote on the amendment.

□ 1310

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. MINETA. I yield to my colleague in the neighboring district, the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. I thank the gentleman for yielding.

Mr. Chairman, I hope everybody listened to the gentleman's very cogent and accurate statement. I think most of us are watching with interest the confirmation proceedings, going on in the other body, of Judge Breyer, who is the President's nominee for the Supreme Court vacancy.

Judge Breyer was asked the day before yesterday what his interpretation of the fifth amendment's clause is which provides for compensation when the Government takes your property. Judge Breyer answered in the accurate historical way that the founders intended, which has been the law for 230 years and which now our friends on the other side are attempting to overturn. He said that this clause of the fifth amendment that says that the Government must pay for property that it confiscates or condemns is not an absolute right like freedom of speech or freedom of the press. Of course it is not; otherwise you would bankrupt Government. Second, Government would not be able to protect where we live.

You and I, the gentleman from California [Mr. MINETA], are on the San Francisco Bay, one of America's treasures. Before Government wisely intervened and limited the development and destruction of the San Francisco Bay more than one-third of it had been filled.

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

Mr. MINETA. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

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

Mr. MILLER of California. Mr. Chairman, I must reluctantly object. I hate to do it to my colleagues, but I have objected when Members on the other side of the aisle have asked for additional time, and I must be fair.

I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

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

Mr. Chairman, I rise to talk in support of this amendment and to talk a little bit about the debate that has been going on here this morning.

The statement that just came from my colleague, the gentleman from California, about the Supreme Court nominee's interpretation of the fifth amendment is very interesting. I did not see anywhere in the Constitution where they rank which rights were important and which ones took precedence.

I happen to believe that the fifth amendment and the protection of private property is just as important as the first amendment in the protection of free speech. There is no difference between the importance of either one.

We have heard a lot of interesting debate this morning and this afternoon on this topic. I heard one of my California colleagues speak earlier about the California Coastal Commission and how sometimes their actions cause the value of property to increase. Well, that is true. Sometimes their actions do cause the value of those that they decide can build, it causes their property values to increase dramatically. But those who are not so fortunate, who end up in the area that cannot build, their property values immediately go to zero. Those are some of the tough decisions that local government is forced to make. That is some of the tough decisions I had to make as a city councilman before I came here, with respect to land use decisions.

What this amendment is attempting to do is not to overturn land use decisions, the State's rights or the individual's rights. What this amendment is attempting to do is to rein in the regulatory body that we have created called the Federal Government, because what is currently happening in this country today is the Federal Government is designating land critical habitat and then going out and buying it, then deciding that they are going out to buy it.

We have heard a lot about conspiracies. One of my colleagues made the comment that he did not believe that there was anything going on between the Government making a decision of what they were going to buy and then going to find an endangered species to fit it. Well, I happen to believe that that is going on, that they are making a calculated decision in finding endangered species that fit the areas in which they decide that they want to buy. In my home State of California you cannot find 1 square foot of that entire State that is not suitable habitat or habitat for an endangered species which is listed or is on the list of candidates. That is happening today.

The reason that we need this amendment, the reason that we need this amendment to pass, is because there are a number of property owners within the desert whose property is being devalued by the Federal Government and then the Federal Government is going to step in and purchase it at a reduced price. I believe they are doing it on purpose in this instance, and I believe that they have done this throughout this country. It is an incredible situation that needs to be rectified. This is our ability to step in and try to make a difference. This is our ability.

You know, the first day of session of the House of Representatives, we stand up and raise our hands and swear to uphold the Constitution of the United States. That is the inherent right of every one of us to make decisions based on what we feel the Constitution of the United States means. We have a responsibility as Members of this House to uphold the Constitution of the United States, which means protecting the fifth amendment as well as the first amendment and protecting peoples' private property rights .

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

Mr. POMBO. Mr. Chairman, I am happy to yield to the gentleman from Louisiana.

Mr. TAUZIN. I thank the gentleman for yielding.

Mr. Chairman, one of the previous speakers, our good friend, the gentleman from California [Mr. EDWARDS], pointed out a statement by Judge Breyer, who is attempting to become a member of the Supreme Court, regarding the fifth amendment.

Let me read to you what a majority opinion of the Supreme Court just said a couple of weeks ago on that very point regarding the sanctity of the fifth amendment protection:

> We see no reason why the takings clause of the fifth amendment, as much a part of the Bill of Rights as the first amendment or the fourth amendment, should be relegated to the status of a poor relation in these comparable circumstances.

In short, the Supreme Court said the fifth amendment is as important as free speech, free practice of religion, press, assembly, and due process.

Ms. FURSE. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong opposition to this amendment.

It is entirely inappropriate and arbitrary to isolate and remove a single factor—presence of endangered or threatened species—in appraising a property's value.

What about the Government investment and subsidies that greatly increase the value of private property? I will give examples of these givings:

Federally funded highways and bridges that provide easy access to otherwise inaccessible areas; tax benefits for farmers farming lands zoned exclusively for farm use; federally backed flood insurance that protects people who build in shoreline areas; federally acquired parks that provide an economic benefit for adjacent landowners; huge western water projects which provide low-cost water to irrigate otherwise unfarmable land.

The list of the givings goes on and on. But no property owner has ever paid compensation to the Federal Government for those taxpayer-funded Government investments that really amount to nothing less than private windfalls.

□ 1320

Let us be consistent.

If the American taxpayers are going to be asked to pick up the full tab for the protection of endangered species on private lands, than let the American taxpayer be compensated for the taxpayer-funded investments that increase private property values. Our Federal Treasury, our Federal deficit, and our taxpaying constituents nationwide can afford nothing less.

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

Ms. FURSE. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, has the gentlewoman thought of who pays for those public services, the bridges, the roads, that increase values? Those are taxpayers, and, when they do not increase the property values, there are ways of taxing that increase so in fact it is not the Government which is providing these services, it is the taxpayers.

Mr. MILLER of California. Mr. Chairman, will the gentlewoman yield?

Ms. FURSE. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, the point is that in fact, yes, there is $8 billion of unpaid cost to the Central Valley project, that it goes to the direct benefit of farmers in the Central Valley, and, when the Federal Government has to come along and buy that land, they want to sell us that land counting all of the value delivered there by the Federal Government. That is the point, and so there is no accounting system, and these properties that we are worried about under this act, they have country roads punched through, they have State highways punched through, they have Federal park lands and BLM roads, and without those the values of those lands are greatly diminished, but the gentleman does not say, "Isolate that." He does not say, "Isolate that," when we are considering that, that we do not have to count the value. The landowner comes in and says this is an inaccessible piece of land, but the gentleman says, "Yeah, but it's a county road, it's a BLM road, it's got fire suppression policy on it."

That is the point the gentlewoman is making. The gentleman only wants the Government to take the losers. He does not want the Government to recoup its costs, to recoup the benefits that it has bestowed upon these lands by governmental actions. He only wants the Government here to pay an artificially inflated price for the land.

I think the gentlewoman from Oregon [Ms. FURSE] makes exactly the point. There is billions and billions of dollars that go into these lands throughout the country, throughout the country by virtue of Federal action, by virtue of Federal action. We clean up the sewage. We build the highways. Yet nobody here is suggesting that the Government should have the ability to recoup those lands.

Mr. PACKARD. But if the gentlewoman would continue to yield—

Ms. FURSE. Reclaiming my time, Mr. Chairman, what we have to do is we have to balance takings with givings. That is the point. We have got to be consistent in the way we value Federal action.

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

Mr. Chairman, first of all I want to congratulate the gentleman from Louisiana [Mr. TAUZIN] and the gentleman from Utah [Mr. HANSEN]. Certainly they have been in the vanguard of the property rights amendment in this House.

I would encourage my colleagues to read two things before they come to the floor to vote on this particular amendment, Mr. Chairman. First of all, I would ask that they read the 34 words of this simple amendment. I say, "Just read 34 words before you come to the floor."

Those 34 words are these:

> Lands and interests in lands acquired pursuant to this act shall be appraised without regard to the presence of a species listed as threatened or endangered pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)

Mr. Chairman, that is all this amendment says, 34 words.

Then I would ask my colleagues to read 12 words, just 12 words, in the fifth amendment to our Constitution, and those 12 words are these: "nor shall private property be taken for public use without just compensation."

What we are really arguing about today, Mr. Chairman, is what is just compensation. It is not just compensation if the Federal Government makes a decision and in essence takes a person's property, denies that private property owner of their use of that property by declaring an endangered species.

Now, if people think that will not happen, that argument was made in the Florida Rock case where the Government came forward and said because a property was going to be designated or would fall under the wetlands designation, "You had to account the value based on the private landowner not being able to use that particular private property."

So, Mr. Chairman, there is a reason for this amendment, a sincere and real reason for this particular amendment.

Now, if my colleagues wonder why some of our colleagues oppose this amendment, something that is so simple on its face, particularly after they read the amendment, and then they read those 12 words in the Constitution, the answer is we have some colleagues in this House who put the Endangered Species Act, the Clean Water Act, wetlands, other Federal agency decisions, about the Constitution, and they are afraid of the ramifications, that the Government has to pay the real value of property that is denied to the private landowner.

Now for those who might think that there are no more horror stories, just this week in Texas we found out that the U.S. Fish and Wildlife Service is prepared to designate 33 Texas counties as critical habitat for the endangered golden cheek warbler. That is 20.5 million acres in the central and southwest regions of our State. That would be three times as big as the protected home of the Northwest northern spotted owl.

But I think it is really compelling to look at what was said by the biologist in this particular instance, Mrs. Carol Beardmore. She said the regulations would have little effect on private landowners. She said for the private landowner it is more just a means of education, telling them that habitat within this area is essential or considered important for the recovery of the species. She went on to say that is major effect would be to require all Federal agencies within that 33-county area, the 20 million acres, to consult with the Wildlife Service on activity that might harm the species of that habitat. It is that naive thinking; that is, that type of taking, that we are attempting to address today with what is a simple amendment.

I will close with this, Mr. Chairman. The Tauzin-Hansen amendment is essential. It is egregious to think that the true value of property, that compensation would not be paid. Without looking at the real value there is no just compensation, and I am going to close with this sincere admonition to my colleagues. I say:

> Woe to the colleague who votes against this amendment because they're saying to each property owner and their district that the government can take their private property without paying just compensation.

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

Mr. Chairman, the most extraordinary thing that has occurred today is

a fundamental positioning on those who will vote for and against this amendment. Despite the individual instances in which specific references were made, it really boils down to what one believes is government and what one believes is people.

Over two centuries ago, Mr. Chairman, in the first year, the first Congress, Mr. Madison carried to New York the papers for Mr. Jefferson which included 12, that became finally 10, amendments. The question to be decided here today is whether Government derives its power from people or whether Government somehow is above and elevated beyond people. I suggest to my colleagues that the message of that First Congress, those who knew people who had fought and died to make the country free and to whom the name "America" was not new was that the individual people granted to Government its powers.

Now contrast that to young Wayne Dominque in my district who is told by Government and an agency that he cannot on his own land put crawfish, and water, and rice together because he violated an obscure 20-year-old permit process under a Clean Water Act intended to do an entirely different thing, or those under an Endangered Species Act who find a survey made by Fish and Wildlife in order to reduce the value of their property because they wanted it for 20 years, and now they found a way.

□ 1330

I hearken back to Mr. Wayne Dominque, who realizes that if, instead of crawfish and rice in the back of that yard, he was growing marijuana and selling crack, the Government would have had a giving for him. They would have given him a free lawyer; they would have given me an exhaustive remedy in the process; they would have given him a free library if he went to jail; they would have given him years of appeals. But instead, he has no rights, no remedy, and he is told he has one thing he can do—go to the courts, seek the fifth amendment, and pay what is an average of $250,000 per American.

In other words, the message that government gave him was that his country stands for rich people, and "If you have the money, then we'll give you some rights. If you don't then we won't, and we will simply knuckle and muscle you under." That combination of arrogance and ignorance has led to the floor debate here today.

So those with a vengeance have seen the individual disasters and indeed onerous consequences of mindless bureaucracy without any humanity or thought whatsoever, watching foreclosure and losses, watching financial institutions not knowing how to value a dime of property, or watching those who want the legislative authority to "pull the bill under endangered species with a national biological survey and instead do it only through an appropriation bill with no legislative authority."

What we are saying today is the consequence of when a minority of the whole is a majority of one party and they tried to force a minority interest down our throats with a vote, and within a few minutes we are going to have one.

I wish those who believe so much in freedom of democracy and representative government would notice the outcome of that vote and have a few more votes. That is what the people want, and that is what Government does not want. They can decide now what they represent, either the people or an entity which no one can any longer be willing to embrace.

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

Mr. Chairman, I yield to the gentleman from Texas [Mr. BONILLA].

Mr. BONILLA. Mr. Chairman, I rise in support of the Tauzin amendment.

Mr. GILCHREST. Mr. Chairman, I yield to the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Chairman, I rise in strong support of the Tauzin-Hansen amendment.

Land devalued because of meddling Government action and enforcement of extreme environmental laws is being extorted from hard-working taxpaying citizens by the Federal Government.

In my district I can give you several recent examples of Government violating the rights of private property owners: 121 acres of most beautiful property in Dana Point valued at over $1.5 million an acre is being taken from a property owner because of the discovery of 39 pocket mice, an animal on the endangered species list. Years of planning for the use of this land had to be abandoned. The owner even offered to set aside four acres of his land just for the mice, about $150,000 per mouse, but the Government said that wasn't enough and wanted more.

In another instance, a property owner was on the verge of selling his property in escrow for several million dollars, then the city declared it wetland. He was then offered $1 an acre for this useless wetland. This is a travesty.

The city of Carlsbad, in its quest to relieve congestion of a local highway, was thwarted in its plan to enlarge and improve the highway when a gnatcatcher was seen darting in front of a car. Construction was halted immediately.

My colleague from California, Mr. BILL THOMAS, just illustrated the plight of the poor farmer who ran over the kangaroo rat with his tractor. The laws protecting this rat resulted in lost homes to fire when homeowners were prohibited from cutting the brush near their homes.

These examples illustrate the assault on private property rights. You can't sell it, you can't build on it, but you must continue to pay taxes on it—and that is confiscation. If the Government is going to confiscate your land, they must reimburse you the fair market value for that land. I encourage my colleagues to support the Tauzin-Hansen amendment.

Mr. GILCHREST. Mr. Chairman, I would like to start by saying this is the people's house, this is where we debate, and this is where we reflect the Nation's wishes, and I want to make the comment that I know a number of people who want this Government to create laws and regulations that will in fact preserve the quality of life for ourselves and for future generations. In my judgment, that means a vote against this particular amendment.

I also want to make this comment: The gentleman from Texas [Mr. FIELDS] read Mr. TAUZIN's amendment, and I will not read it again, but basically it says that "Species listed as threatened or endangered" cannot be considered as far as the value of the property is concerned when the Government is going to compensate.

Does that mean that if the endangered species actually increase the value of that land, then the Government cannot take the increased value into consideration?

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

Mr. GILCHREST. I will yield after I have finished.

Mr. Chairman, I think that has to be taken into consideration. A basic law of real estate is that property is like owning a bundle of sticks. Property can be used for a variety of things. The emphasis is on the entire bundle, not just on one stick.

A number of Members have referred to the Florida Rock case. In the Florida Rock case, there was an individual who bought a piece of property for $1,900 an acre. He could have sold that for $4,000 an acre, which is what I think is a considerable profit, but he wanted to sell it for $10,000 an acre to put a rubble field there right over a wetland. And we understand the value and function of the wetland. The court did rule in his favor, but that is still circulating in the Federal courts. I think $4,000 is a considerable amount of profit that he could have made.

There are two more points as far as Supreme Court decisions are concerned dealing with the takings law. No. 1, there is no absolute right of use, and the Supreme Court has said: "No one has an absolute right to use his property in a manner that may harm the public health or welfare, or damage the interests of neighboring landowners or the community as a whole."

No. 2, reasonable return or use: "Property owners have a right to a reasonable return or use of their land, but the U.S. Constitution does not guarantee that the most profitable use will be allowed."

Mr. Chairman, I want to bring in another dimension to this debate, which

is something for people to consider. In 1790 the entire population of the United States was 4 million people. In 1890 the population was 76 million. In 1990 the population was 250 million people. What will it be in the year 2090?

The quality of our existence depends upon our ability to manage our growth. We talk a great deal about the wise and frugal use of our resources. We debate here very often and very passionately about the Federal deficit and why we have to use the taxpayers' money wisely. Land use and our resources, including the full range of species, should be managed to preserve the quality of life for us today and for future generations.

Mr. Chairman, I ask the Members to please take these things into consideration. I respect my colleague, the gentleman from Louisiana [Mr. TAUZIN], but I urge a "no" vote on his amendment, and I yield now to my colleague, the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding.

The agreement we have is that the gentleman is yielding and I might close on the amendment and then we might go to a vote.

Let me first thank all the Members for what I think is an excellent debate on the point.

The issue before us is not whether we believe in the Endangered Species Act, whether we like it or dislike it. I happen to believe in it. I think we could reform it to make it better.

The issue is the most important one we are going to face on property rights in this session of Congress, and that is whether or not people will be compensated fully and fairly for the value of their property when it is taken under eminent domain for this park, and that is the eminent domain that I supported just a few days ago. The right of the Government to take the property for purposes of the park is in the bill. What we are now saying is that the right of the owners of the private property to be fully compensated should also be in the bill.

Let me make it clear. Current law does not let that owner get enhanced value because of the Endangered Species Act. Our amendment does not do that. Our amendment simply says the owner should be fully compensated without regard to the devalued property because of the application of the Endangered Species Act.

Mr. Chairman, I think the agreement was that I would close on the amendment, and so I urge a "yes" vote on the amendment, the most important property rights amendment in this session of Congress.

Mr. MILLER of California. Mr. Chairman, I yield to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Chairman, the amendment offered by Mr. TAUZIN is another in a line of recent attempts to bankrupt the Federal Treasury and reinterpret the fifth amendment. I resent the suggestion that Government regulation is a primary force in diminishing the value of either public or private property. This country is more than a collection of individuals. We are a community and all of us must make some sacrifices to make this work.

Without the input of Federal funds and regulations, we would not have the agricultural fields that we now have throughout southern California. By providing water to the desert the Government has indeed manipulated the value of land in southern California and it has increased it substantially with input of funds that were collected from citizens through this country.

The courts will and should continue to mediate any disputes that arise if a landowner feels that he or she has been treated unfairly. This amendment has no place in this desert bill or in any other bill offered in the House.

This bill does not keep private landowners from utilizing their land. This bill will increase the present and long-term value of this land for individuals and for the citizens of this Nation.

Mr. MILLER of California. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Louisiana [Mr. TAUZIN].

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

RECORDED VOTE

Mr. MILLER of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 281, noes 148, not voting 10, as follows:

[Roll No. 325]

AYES—281

Ackerman
Allard
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Brewster
Brooks
Browder
Brown (OH)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cantwell
Castle
Chapman
Clement
Clinger
Coble
Coleman
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Ehlers
Emerson
Everett
Ewing
Fazio
Fields (TX)
Fish
Flake
Fowler
Franks (CT)
Frost
Gallegly
Gekas
Gephardt
Geren
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Grams
Grandy
Green
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hilliard
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kaptur
Kasich
Kim
King
Kingston
Kleczka
Klein
Klink
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
LaRocco
Laughlin
Lazio
Leach
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lucas
Machtley
Manzullo
Margolies-Mezvinsky
Martinez
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Murphy
Murtha
Myers
Neal (NC)
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Rose
Roth
Roukema
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Sawyer
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (IA)
Smith (MI)
Smith (OR)
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sundquist
Swett
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Traficant
Upton
Valentine
Volkmer
Vucanovich
Walker
Walsh
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff

NOES—148

Abercrombie
Andrews (ME)
Andrews (NJ)
Bacchus (FL)
Barrett (WI)
Becerra
Beilenson
Berman
Blackwell
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Byrne
Cardin
Clay
Clayton
Clyburn
Collins (IL)
Collins (MI)
Coppersmith
Coyne
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dingell
Dixon
Durbin
Edwards (CA)
Engel
English
Eshoo
Evans
Faleomavaega (AS)
Farr
Fawell
Fields (LA)
Filner
Fingerhut
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (NJ)
Furse
Gejdenson
Gibbons
Gilchrest
Gonzalez
Goss
Greenwood
Gutierrez
Hamburg
Hastings
Hinchey
Hoagland
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
Klug
Kopetski
Lantos
Levin
Lewis (GA)
Lowey
Maloney
Mann
Manton
Markey
Matsui
McDermott
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Moran
Morella
Nadler
Neal (MA)
Norton (DC)
Oberstar
Olver
Owens
Pallone
Payne (NJ)
Pelosi
Pickle
Porter
Rangel
Reynolds
Richardson
Ros-Lehtinen

Rostenkowski	Skaggs	Unsoeld
Roybal-Allard	Slaughter	Velazquez
Rush	Smith (NJ)	Vento
Sabo	Snowe	Visclosky
Sanders	Stark	Waters
Saxton	Stokes	Watt
Schenk	Studds	Waxman
Schroeder	Synar	Weldon
Schumer	Thompson	Woolsey
Scott	Torres	Wyden
Serrano	Torricelli	Wynn
Sharp	Towns	Yates
Shays	Tucker	Zimmer
Shepherd	Underwood (GU)	

NOT VOTING—10

Bishop	McCurdy	Slattery
Carr	Obey	Smith (TX)
Conyers	Romero-Barcelo (PR)	Washington
Gallo		

□ 1357

The Clerk announced the following pair:

On this vote:

Mr. Smith of Texas for, with Mr. Conyers against.

Messrs. DE LUGO, JEFFERSON, and DURBIN changed their vote from "aye" to "no."

Mr. INSLEE, Mr. FISH, and Mrs. ROUKEMA changed their vote from "no" to "aye."

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

Mrs. LOWEY. Mr. Chairman, I rise today in strong support of H.R. 518, the California Desert Protection Act. Chairman MILLER and Representative LEHMAN are to be commended for their hard work in bringing this important legislation to the floor. I urge my colleagues to support this landmark conservation effort.

The California Desert is one of our most precious natural resources. The 25 million acres which comprise the desert are home to the world's largest Joshua-tree forest, more than 90 mountain ranges, and over 2,000 species of plant and animal life, many of them threatened or endangered. The desert also serves as a sanctuary for the almost 20 million residents of southern California seeking refuge from expanding cities and growing pollution.

The desert's proximity to one of the world's largest urban areas is, however, a mixed blessing. Low annual rainfall and highly variable temperatures make the desert extremely fragile and the damage done by encroaching developers and irresponsible campers almost impossible to repair.

For this reason, it is critical that legislation like H.R. 518 be enacted into law. The almost 9 million acres set aside by the bill as protected areas represent a crucial step in the preservation of a national treasure. For the first time, new mining and mineral leasing claims would be prohibited, as would increased levels of livestock grazing. The new Mojave National Park, as well as the expanded Joshua Tree and Death Valley National Parks, will provide us with the unique opportunity to safeguard a priceless and irreplaceable asset.

I urge my colleagues to join me in this effort to give the California desert the protection it needs and deserves.

Vote "yes" on H.R. 518.

Mr. PACKARD. Mr. Chairman, I rise in opposition to H.R. 518, the so-called Desert Protection Act. This bill is an ill-conceived piece of legislation threatening National Park Service operations throughout the country.

H.R. 518 epitomizes the Federal Government's inclination for bigger bureaucracy by creating three new national parks in a system which is having trouble sustaining its current operations. The National Park Service's own estimates show shortfalls of up to $9 billion. The 367 existing units of the National Park System already struggle with deteriorated facilities for visitors, poor roads, and personnel shortages.

So where is the money going to come from to create these three brand new parks with total acreage exceeding two Yellowstones? The answer—funds will be siphoned away from the park in your area. Secretary Babbitt has stated over and over that no new money will be provided for the new parks. Instead, these new parks will be absorbed into the National Park Service's already overburdened budget.

Furthermore, I ask my colleagues to consider the parks in their area. How much farther down on the list will it fall for construction and maintenance projects when the Park Service is saddled with the burden of sustaining three new parks.

As a Member serving on the Appropriations Subcommittee charged with funding the National Park Service, I am acutely aware of the current fiscal crisis facing the National Park Service. During the fiscal year 1994 appropriations hearings, officials lamented the fact that there already exists a backlog of $2.1 billion in National Park Service construction—projects, already approved, still awaiting funds to get started.

The new parks created in H.R. 518 will only draw scarce funds away from the maintenance of parks in your area. What good are national parks if they cannot be maintained at a level which makes them accessible.

Mr. Chairman, I hope my colleagues will keep in mind that the consequences of the California Desert Protection Act are not limited to California's borders. They will reach into every national park in the country. Vote to defeat the California Desert Protection Act.

□ 1400

Mr. MILLER of California. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. SWIFT) having assumed the chair, Mr. PETERSON of Florida, 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. 518) to designate certain lands in the California desert as wilderness, to establish the Death Valley and Joshua Tree National Parks and the Mojave National Monument, and for other purposes, had come to no resolution thereon.

PROVIDING FOR CONSIDERATION OF H.R. 4600, EXPEDITED RESCISSIONS ACT OF 1994

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 467 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 467

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. 4600) to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed one hour, with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Rules and thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations. After general debate the bill shall be considered for amendment under the five-minute rule and shall be considered as read. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. At the conclusion of consider ation 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.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 seconds to the gentleman from Glens Falls, NY [Mr. SOLOMON], pending which I yield myself such time as I may consume. All time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 467 provides for the consideration of H.R. 4600, the Expedited Rescissions Act of 1994. The resolution allows up to 1 hour of general debate, 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Rules, and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations.

The resolution provides that after general debate the bill will be considered as read, and makes in order only those amendments printed in House Report 103-565 accompanying the resolution, to be considered in the order and manner specified in that report.

The amendments in the report are: First, a technical amendment offered by Representative SPRATT or DERRICK or a designee, debatable for 10 minutes equally divided and controlled by a proponent and an opponent; second, an amendment in the nature of a substitute offered by Representative STENHOLM or a designee, debatable for 30 minutes, equally divided and controlled by a proponent and an opponent; and third, an amendment offered by Representative SOLOMON or his designee as a substitute for the Stenholm amendment, also debatable for 30 minutes equally divided and controlled by a proponent and an opponent.

The amendments are not subject to amendment or to a demand for a division of the question in the House or the Committee of the Whole, and all points of order against the amendments are waived.

Finally, the resolution provides for one motion to recommit, with or without instructions.

Mr. Speaker, shortly after taking office President Clinton outlined his plan to restore the American dream for us and our children.

The President's economic and deficit-reduction plan called for drastic change from the status quo. The President rejected the policies and practices of the past which quadrupled our debt in 12 years and left many Americans believing their Government doesn't work.

Today, nearly 17 months after the President offered his economic plan, and 11 months after its enactment by Congress, things have changed dramatically for the better. Our economy is strong. Employment is up. Unemployment is down. Confidence is up. Wages are up. Industrial production is up. Housing starts are up. Inflation remains low.

Mr. Speaker, most relevant to the measure I being to the House today, the Federal budget deficit is down—way down. The entitlement cuts, revenue increases and 5-year freeze on discretionary spending enacted last year have slashed a deficit that topped $290 billion in fiscal 1992 down to a projected $200 billion or less this year, according to private economists and the Congressional Budget Office.

For the first time since the administration of Harry Truman, America is on the verge of enjoying 3 consecutive years of declining budget deficits. That is no mean feat, and it comes thanks to the tough medicine administered to the budget by the President and the Democrats in this Congress.

Although the deficit is falling and indications are that it will continue to fall in coming years, Americans clearly want us to take additional deficit-reduction action. This is why we are here today.

The legislation made in order by this rule would give the President one of the key deficit-reduction tools he sought last year, and which I believe we desperately need: A modified line-item veto.

Mr. Speaker, wasteful spending sometimes occurs because individual items escape scrutiny by being submerged in large appropriations bills.

Under current procedures a President cannot strike out individual items in appropriations bills. He must sign or veto the whole bill, whatever the consequences. H.R. 4600 would give the President an option he does not now have.

Under H.R. 4600, within 3 days of signing an appropriations bill the President could send the House a message and bill proposing to rescind, or cancel, individual spending items in that bill.

The President's proposal would be referred to the Appropriations Committee. That committee would have to report it to the floor without amendment within 7 days. The House would have to vote, up or down, on the President's bill within 10 days, and during this time the funds could not be spent. If the bill passed the House, it would go to the Senate for expedited consideration there, and if passed by the Senate, on to the President for his signature.

To avoid the chance a President might use this process not to reduce the deficit, but instead to promote his own pet projects, H.R. 4600 would allow the House Appropriations Committee to report to the House, simultaneously with the President's bill, an alternative. To qualify for expedited consideration, the committee's bill must propose to cancel spending from the same appropriations act the President drew his rescissions from, and it must propose to cancel an amount of spending equal to or exceeding the President's total.

If the committee reported an alternative, the House would first vote on the President's bill; if adopted by majority vote, the President's bill would go to the Senate for expedited consideration and the alternative would not be in order. If the House rejected the President's bill and passed the alternative, that bill would go to the Senate instead.

The Senate Appropriations Committee could also report an alternative bill. But it would not be in order to consider anything but the President's bill until the Senate first voted on and rejected the President's bill. The President is thus guaranteed a vote on his proposal.

If both Houses ultimately passed an alternative bill, then those funds would be canceled. Thus, under H.R. 4600, if either the President's bill or an alternative bill passed both Houses, spending will be cut and the American taxpayer would be the winner.

Mr. Speaker, H.R. 4600 is identical to a bill the House passed last year, H.R. 1578. That bill reposes in the two Senate committees to which it was referred over a year ago. We hope that the House passing another such bill will encourage friendly Senators to overcome powerful opposition in that body and pass this important deficit-reduction measure promptly.

Mr. Speaker, the President supports H.R. 4600. he believes with a modified line-item veto millions and maybe even billions of dollars might be saved. These are dollars which taxpayers sent to Washington to finance essential government activities, not to be squandered on low-priority projects which may lack broad support.

Quite simply, H.R. 4600 will create accountability. No longer will a President be able to sign an appropriations act containing wasteful items and claim he was powerless to block them.

No longer will Congress be able to force upon the President the dilemma of vetoing an entire act and shutting down the Government, or signing the whole thing, pork and all.

If Congress wants to indulge in pork-barrel spending, then a majority of either House need only stand up and be counted. If the President does not want to sign pork into law, then he has the responsibility to send it back. It is that simple. I believe it will work and it deserves our strong support.

The rule also deserves our strong support. In addition to a technical amendment by Representative SPRATT or myself, the rule makes in order a substitute for the bill by Representative STENHOLM and a substitute for the Stenholm amendment by Representative SOLOMON. The rule protects the minority's prerogative to offer a motion to recommit with instructions. I urge all Members to support the rule and the bill.

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

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

Mr. Speaker, we are often told around here that there is too little time to do this or that; or that we must have restrictive rules because the session is drawing to a close.

But today we are being told something quite different, even though there are less than 40 legislative days left in this session. We are being told that we have enough time to consider a bill that is identical to one we passed just last year and that is still pending over in the other body.

And the reason we are doing this, according to the Rules Committee majority report, is that we want to impress on the Senate how important we think this issue, and action on it, is.

The average taxpayer might think it would have been cheaper and less time-consuming to have the Speaker send a strongly worded letter to the Senate

majority leader asking them to take up and pass our first bill. But then, that would be too easy; it makes too much common sense.

Mr. Speaker, the real reason we are here again today on the same bill is that the majority leader announced a couple of weeks ago that the House will consider a variety of budget process reforms as an alternative to the A to Z real spending cut plan. That's how it was announced.

Instead of A to Z real spending cuts, we are going to have C-Y-A process reforms. We will give you this transparent fig leaf to hide behind and hope nobody notices you are not really cutting spending.

Mr. Speaker, I can understand the reluctance of the Democratic leadership to enter into an open amendment process to cut spending and instead agree to almost anything else to keep Members off of the A to Z Discharge Petition No. 16, although I am a supporter of A to Z. But I don't understand the need to recycle old bills that are still pending in the other body.

However, we have decided to make the most out of this baffling situation by giving Members a chance to vote on two things they and the American people really want.

And believe me, my constituents in upstate New York and your constituents across this great Nation are not clamoring out there for something called expedited rescissions.

What the people really want is to give the President line-item veto authority to cut wasteful spending—something candidate Clinton said he was for during the 1992 campaign. It's something that 43 Governors already have. And it's something many of you pledged to support back in your last campaign. Now's your chance.

This rule will give Members an opportunity to vote on a real line-item veto in the Solomon-Castle-Cooper-Quinn-Blute substitute that will ultimately require a two-thirds vote to override the President's spending cuts and his repeal of special interest tax breaks.

The other thing the American people really want is for this Congress to reform itself—to change it's way of doing things, make the laws it passes applicable to itself, and become a more representative, responsive and open body.

Unfortunately, that's something this rule does not now provide for. But we will give you a chance to change that by voting down the previous question and supporting an amendment to the rule making in order the joint committee's congressional reform bill under an open amendment process.

That bill has been stalled up in the Rules Committee for 5 months now with only hearings and no action. The time has come to act.

Our colleague, Mr. DREIER, has an amendment that will allow you to consider that bill as a further amendment to the expedited rescission bill, and to offer amendments to it. So vote "no" on the previous question if you want real reform of this Congress.

In conclusion, Mr. Speaker, we can still reform this Congress by voting down the previous question and making in order a bipartisan reform bill under an open rule. And we can still turn this sow's ear into a pork-buster by voting for the true line item veto embodied in the Solomon amendment.

Mr. Speaker, I include for the edification of Members the following documents:

MOTION AND ROLLCALL VOTES IN THE RULES COMMITTEE ON MARKUP OF H.R. 4600, EXPEDITED RESCISSIONS ACT, THURSDAY, JUNE 23, 1994

1. Dreier Motion to Table and Substitute—Motion to table H.R. 4600 and consider and report instead H.R. 3801, the Legislative Reorganization Act of 1994. Motion ruled not in order by Chair.

2. Drier Motion to Table Bill—Motion to table H.R. 4600. Rejected: 3–5. Yeas: Solomon, Quillen and Dreier. Nays: Moakley, Derrick, Frost, Gordon and Slaughter. Not Voting: Beilenson, Bonior, Hall, Wheat and Goss.

3. Solomon Substitute—Motion to substitute text of H.R. 493 as introduced by Rep. Michel, a legislative line-item veto for appropriations and targeted tax benefit. Rejected: 3–5 Yeas: Solomon, Quillen and Dreier. Nays: Moakley, Derrick, Frost, Gordon and Slaughter, Not Voting: Beilenson, Bonior, Hall, Wheat and Goss.

4. Derrick Motion to Report—Motion to favorably report the bill to the House with the recommendation that it pass. Adopted: 5–3. yeas: Moakley, Derrick, Frost, Gordon and Slaughter. Nays: Solomon, Quillen and Dreier. Not Voting: Beilenson, Bonior, Hall, Wheat, and Goss.

VOTES IN THE COMMITTEE ON RULES TO MOTIONS ON THE RULE FOR H.R. 4600, "THE EXPEDITED RESCISSIONS ACT OF 1994" TUESDAY, JUNE 28, 1994

1. Hamilton or Dreier Amendment to Bill—Motion to make in order an amendment to be offered by Rep. Hamilton or Mr. Dreier, or their designees, that would be made in order at the end of the bill, consisting of three new titles which are the text of H.R. 3801, the "Legislative Reorganization Act of 1994." The amendment would be considered as base text for the purpose of further amendment under the five-minute rules, i.e., under an open amendment process. Rejected: 4–5. Yeas: Solomon, Quillen, Dreier and Goss. Nays: Moakley, Derrick, Beilenson, Bonior, and Gordon. Not Voting: Frost, Hall, Wheat and Slaughter.

2. Michel Amendment to Base Bill—Motion to make in order an amendment by Rep. Michel, or a designee, to the base bill, providing for presidential authority to repeal targeted tax provisions subject to the same approval process as H.R. 4600. The amendment would not subject to amendment but debatable for 30-minutes equally divided between the proponent and an opponent, and waiving all points of order. Rejected: 4–5. Yeas: Solomon, Quillen, Dreier and Goss. Nays: Moakley, Derrick, Beilenson, Bonior, and Gordon. Not Voting: Frost, Hall, Wheat and Slaughter.

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	75	17	23	58	77

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through July 12, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.—Continued

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote (May 10, 1994).
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	PQ: 245–172 A: 248–165 (May 17, 1994).
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	N/A	N/A	A: Voice Vote (May 12, 1994).
H. Res. 428, May 17, 1994	MO	H.R. 2108: Black Lung Benefits Act	4 (D–1; R–3)	N/A	A: VV (May 19, 1994).
H. Res. 429, May 17, 1994	MO	H.R. 4301: Defense Auth., FY 1995	173 (D–115; R–58)		A: 369–49 (May 18, 1994).
H. Res. 431, May 20, 1994	MO	H.R. 4301: Defense Auth., FY 1995		100 (D–80; R–20)	A: Voice Vote (May 23, 1994).
H. Res. 440, May 24, 1994	MC	H.R. 4385: Natl Hiway System Designation	16 (D–10; R–6)	5 (D–5; R–0)	A: Voice Vote (May 25, 1994).
H. Res. 443, May 25, 1994	MC	H.R. 4426: For. Ops. Approps, FY 1995	39 (D–11; R–28)	8 (D–3; R–5)	PQ: 233–191 A: 244–181 (May 25, 1994).
H. Res. 444, May 25, 1994	MC	H.R. 4454: Leg Branch Approp, FY 1995	43 (D–10; R–33)	12 (D–8; R–4)	A: 249–177 (May 26, 1994).
H. Res. 447, June 8, 1994	O	H.R. 4539: Treasury/Postal Approps 1995	N/A	N/A	A: 236–177 (June 9, 1994).
H. Res. 467, June 28, 1994	MC	H.R. 4600: Expedited Rescissions Act	N/A	N/A	
H. Res. 468, June 28, 1994	MO	H.R. 4299: Intelligence Auth., FY 1995	N/A	N/A	
H. Res. 474, July 12, 1994	MO	H.R. 3937: Export Admin. Act of 1994	N/A		
H. Res. 475, July 12, 1994	O	H.R. 1188: Anti-Redlining in Ins	N/A		

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. DERRICK. Mr. Speaker, for the purpose of debate only, I yield 1 minute to the gentlewoman from Indiana [Ms. LONG].

Ms. LONG. Mr. Speaker, I rise in support of the rule and in strong support of the Stenholm Penny-Kasich substitute to the bill.

Last year, the House approved enhanced recission authority for the President. Unfortunately, that legislation never went further. The Stenholm-Penny—Kasich substitute, made in order under this rule, is a bipartisan compromise that streamlines the process, allows the President to designate recission savings for deficit reduction, and makes the President and the Congress more accountable regarding questionable spending items and tax provisions.

This Congress has shown itself to be committed to reducing the deficit. Tough choices were made to bring the Federal deficit down to the $220 billion projected for this fiscal year. It is not enough, however. If we are serious about reducing spending and eventually balancing the budget the Stenholm, Penny, Kasich approach is the strongest and most reasonable vehicle for cutting waste out of our annual appropriations process.

I urge my colleagues to support the substitute when it comes up for a vote.

□ 1420

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Claremont, CA [Mr. DREIER] a member of our Committee on rules, but also the vice chairman of the congressional reform committee that you and I had the privilege of serving on with him.

Mr. DREIER. Mr. Speaker, I thank my friend, the ranking member of the Committee on rules, the gentleman from Glens Falls, NY, for yielding me this time.

I would like to say what a great addition he was to the Joint Committee on the Organization of Congress.

Mr. Speaker, with this rule, the House leadership is attempting to bring to the floor a regurgitated, enhanced rescission bill that already passed the House last year and has virtually no chance of being considered by the other body.

If our colleagues are serious about enacting an enhanced rescission package, one that can be passed by both Chambers and signed by the President, it must be done as part of a broader reform package. This is why I am going to urge, as my friend, the gentleman from Glens Falls, NY, has said, our colleagues to vote "no" on the previous question. If the previous question is defeated, I intend to offer an amendment to the rule that would provide for the consideration of a further amendment at the end of H.R. 4600 relating to the issue of congressional reform.

With a very few legislative days remaining in this session of the 103d Congress, defeating the previous question provides one of the best opportunities to bring about real congressional reforms this year to the budget process as well as reforms to an antiquated committee system, legislative procedures, administration of the House, and legislative branch personnel.

In contrast, separating budget reform from the broader congressional reform

package is a tactic designed to kill an enhanced rescission bill, and it substantially diminishes the prospect for any meaningful congressional reform this year.

Mr. Speaker, there is no reason to delay the issue of congressional reform. The Joint Committee on the Organization of Congress held 36 hearings and 4 days of markup last year. The Committee on Rules has completed its hearings, and the Committee on House Administration has also held several hearings.

As my good friend and counterpart, the gentleman from Indiana [Mr. HAMILTON], said in a June 30 letter to the chairman of the Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY], "This is a meaningful package that will allow Members to claim credibly they have taken serious steps to enhance the effectiveness and institutional integrity of Congress."

We cannot make that same claim, Mr. Speaker, about H.R. 4600, the enhanced rescission bill.

I urge my colleagues to move the process of congressional reform along. Join the gentleman from Indiana [Mr. HAMILTON] and me by attempting to defeat the previous question so that we can keep the process of reform, which the American people and I believe a majority of this Congress wants to have, going.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, I rise in strong support of House Resolution 467, the rule before us today which allows for the consideration of H.R. 4600, the Expedited Rescissions Act.

Let me extend high praise to the Rules Committee and our leadership for the rule that has been reported on this bill. Although I am a Member who occasionally must rise in opposition to rules which I feel do not allow a proper airing of major issues relevant to a bill, I also want to be quick to express my appreciation for rules which meet a fairness test. This rule does.

Let me also commend JOHN SPRATT and BUTLER DERRICK for introducing H.R. 4600 so that we can once again focus attention on this issue. I supported this legislation when it was passed by the House last year, and continue to believe that it will make a significant step forward in the accountability of the budget process.

That notwithstanding, I believe there are several areas in which this legislation can be improved. It was in this spirit that TIM PENNY, JOHN KASICH, and I developed the expedited rescissions title to H.R. 4434, the Common Cents Budget Reform Act. Our amendment is similar to H.R. 4600, but includes several differences which will substantially strengthen the legislation. I will elaborate on those differences later in this debate, but at this point I would like to focus specifically on the rule.

There are a number of Members who believe that we should grant the President line item veto authority, that is to say, the ability to eliminate spending items with the support of one-third plus one of either the House or the Senate. That opinion will be ably represented today by my colleagues on the other side of the aisle, Minority Leader MICHEL and Representative SOLOMON.

While I disagree with that approach, I believe it is perfectly reasonable for any Member to think otherwise and I feel this body should express its will on the proper approach to take on this issue. That is also why I went to the Rules Committee asking that the Michel-Solomon amendment be made in order.

Furthermore, that is why I did not object to the structure of this current rule, even though the structure means that if Michel-Solomon passes, the language of my amendment will not even be voted on. Members should not come to the floor expecting to be able to vote for every amendment offered in order that the last one might prevail. This is not a king-of-the-hill rule. It is not a closed rule. It is more like a single elimination rule which, if biased in any way, is biased toward the initial amendment, the Michel-Solomon amendment. I did not object to this bias; in fact I argued for it with Rules Committee members. And I say right now to my colleague, the gentleman from New York, "if your amendment passes, I will support it on final passage," because it definitely strengthens the will of the House regarding this particular issue.

Again, I commend the Rules Committee for bringing to us today this rule. I urge my colleagues to support this rule and, later in the day, I hope they will support the Stenholm-Penny-Kasich amendment as being the most serious approach which can muster majority support.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Bellevue, WA [Ms. DUNN], another valuable Member of this House, a freshman Member, and a member of the congressional reform task force that you and I served on, and who has been so valuable in trying to bring about reforms in this House.

Ms. DUNN. Mr. Speaker, I rise to urge my colleagues to do the right thing: Defeat the previous question so that we can bring real congressional reform to the House floor without any more of the dilatory tactics that have been deployed thus far.

This rule represents a clear effort to approach reform in a piecemeal manner, rather than consider a comprehensive package. As most Members are aware, the esteemed House chairman of the Joint Committee on the Organization of Congress, Mr. HAMILTON of Indiana, has called for rejection of the piecemeal approach so that the House may consider a comprehensive package of reforms.

And make no mistake, this rule today is the first step toward piecemeal and minimalist reforms. The Expedited Recission Act to which this rule applies was only one of the hundreds of reforms considered by the Joint Committee. So, regardless of any rationalizations, Mr. Speaker, it is clear that this effort today splinters the reform effort.

Is watered down reform what the taxpayers desire? No. In 1992, exasperated taxpayers sent a clear signal for institutional reform. The Congress responded with formation of the Joint Committee on the Organization of Congress. Then voters sent a huge new class of freshmen to Congress to institute wide-ranging reforms. The Joint Committee, on which I was privileged to be the only freshman, built a hearing record of unprecedented proportions.

Now, the fix is in. Slow down, water down, limit the reforms.

Mr. Speaker, taxpayers want bold reform. This vote today is our chance to give it to them.

Let us defeat the previous question; let us consider a reform package under an open rule; let us do the right thing.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. ALLARD], another valuable Member of this House who has served on the joint committee to reform the House with you and me.

□ 1430

Mr. ALLARD. I thank the gentleman from New York for yielding this time to me.

Mr. Speaker, I rise to urge my colleagues to vote "no" on the previous question because we need to have real reform come before the House. This rescission bill passed the House last year, then the Senate defeated a similar rescission bill. I believe its fate will be the same again.

The Senate insists on true reform, why should we settle for anything less in this body?

If the Members of this House are ready to discuss serious reform, they need to reject weak efforts such as this and focus on substantial issues. I believe that the best place for us to begin our journey toward actual reform is exactly where the Senate has, with the recommendations of the Joint Committee on the Reorganization of Congress, as specified in H.R. 3801.

Not only does this include budgetary reform but also committee structure, congressional compliance, proxy voting, and administrative reforms. Why should the House waste time on minor, shallow changes when there is a comprehensive reform package ready now?

We know Members from both parties are in favor of it; our colleagues in the other Chamber want it, and our constituents demand it. It is time for the rhetoric to stop and for the Congress to act.

Again I urge vote "no" on the previous question so that we can have a chance to consider real congressional reform and, hopefully, with an open rule.

Mr. DERRICK. Mr. Speaker, I have just one Member left to speak at this time.

Mr. Speaker, I reserve the right to close.

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

I will just recall to the membership what happened in January 1993 when this 103d Congress convened. At that time over 100 new Members, who now have reached, I think, 112 or 113——

Mr. DREIER. If the gentleman would yield, it is 117.

Mr. SOLOMON. There are 117 new Members to this House. Almost every one of these Members on both sides of the aisle, both Democrats and Republicans, came here having been elected on a platform to try to fix what is wrong with this House. Gridlock and other problems have reduced the House to the lowest level of respect, according to the polls, at any time in the history of the United States.

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

Mr. SOLOMON. I yield to the vice chairman of the joint committee which was formed after a meeting in the office of the Speaker. Both the Republican and the Democratic leadership set up a committee that would bring about true reform in this House.

I yield to the vice chairman of that committee, the gentleman from California [Mr. DREIER].

Mr. DREIER. I thank the gentleman for yielding.

I would like to follow on in a statement the gentleman made in his opening remarks; that here we are dealing with an issue that this House has already voted on, the issue of the rescission. Once again we are facing that issue and it is a priority item, very important for us to proceed with. Yet we are too busy to deal with the issue of congressional reform. That is what we continue to hear from this leadership. My friend said that in his opening remarks. It seems to me to be a real tragedy that as we go through a question we have already resolved, that now we are doing this. My friend is absolutely right; the Joint Committee on the Reorganization of Congress was established in the wake of the post office and the House bank and restaurant problems that we have had here, and it was virtually unanimous—that is, the establishment of this committee—and during calendar year 1993 this committee put together the largest compilation of information on this institution, both the House and the Senate, that has ever been gleaned. And what a tragedy that as we look at all the work that was done we are talking about breaking it into bits without really moving forward with congressional reform as was promised last year. Unfortunately, we were in a position where they have said that, "Yes, we want to do it," but they only want to look at the issue of congressional compliance.

This issue of budget reform is a very important aspect of congressional reform, entitlement review; all of these items are encompassed in H.R. 3801, legislation which has been reported out.

We have had hearing after hearing in our subcommittee on rules of the House, and we have had hearings in the Administration Committee. It is a real tragedy that the American people and, I believe, a majority of the membership of this institution who want to see congressional reform proceed, are being blocked by these attempts by the leadership to do that.

You know, when you look at the work that my friend, Mr. SPRATT, and Mr. SWIFT and Mr. SOLOMON and so many of the rest of us put into it in calendar year 1993, 243 witnesses came before our committee, 37 hearings. It was the first bicameral, bipartisan effort in nearly half a century. Not since the Monroney-LaFollette reform came forward in 1947 have we seen the kind of effort that we have seen with this Joint Committee on the Reorganization of Congress. It is a travesty that it is being treated in the way that it has. That is the reason that I am insisting on defeat of the previous question so that we can make in order H.R. 3801. I am not a strong proponent of H.R. 3801; I think there are many modifications that should be made in it. I suspect that several of my friends on both sides of the aisle would support some modification of H.R. 3801. But let us give this House a chance to hear this legislation and this is our chance to do it. That is why we have got to vote "no" on the previous question.

I thank my friend for yielding.

Mr. SOLOMON. If the gentleman will stay in the well for just a minute, I will say he is absolutely right. Our joint committee did meet; we marked up that reform bill. It was not to your satisfaction or to mine, but at least it was a start.

Now we are being informed that not only will we not have a chance to vote on that bill, but it is going to be broken up into pieces and brought to this floor under closed rules so that Members from each individual district will not have a chance to work their will.

Many things really need to be done, such as reducing the number of committees and subcommittees that would automatically reduce by one-third the staff it takes now to man all of those committees. Abolish joint referrals. We have now in the House of Representatives 3 different committes dealing with the health care issue and no less than 10 subcommittees involved with it.

That is why we cannot have a decent health care reform around here. We need to reform joint referrals. We need to ban proxy voting. We need to limit the terms of chairmen and even have term limitations for Members who serve on some committees perhaps. We need to apply the same laws to Congress that we foist on the American people.

Mr. DREIER. Mr. Speaker, will the gentleman continue to yield?

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

Mr. DREIER. I thank the gentleman for yielding further.

Let me just say to my friend that he has reminded me of the fact that I and my colleague from Cape Girardeau, MO [Mr. EMERSON], were the only two who voted to move this process forward. The gentleman from New York [Mr. SOLOMON] very wisely voted against it, and the other Republicans on the committee voted against it, not believing that we would see real congressional reform.

Yet, I being the eternal optimist, always looking for that silver lining in the dark cloud, and the pony when they provide me with a pile of manure, believed that we would be able to bring forward this reform package. Tragically, as we sit here, the issue of reform has been swept aside. I should underscore the fact that the gentleman from Indiana, LEE HAMILTON, joins me in his grave concern over the direction we have taken. There are no fewer than two letters that he has sent to the chairman of our Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY], where he stated how strongly he feels about the need to keep this reform package together so that all those items that my friend from Glens Falls has mentioned, those items such as committee structure reform, proxy voting, congressional compliance, budget reform, can be held together as they were intended to be held together as it was reported out of the joint committee.

Mr. SOLOMON. I certainly hope the gentleman is going to be successful in defeating the previous question. Every responsible Member ought to vote against the previous question so that the gentleman will have that opportunity to bring that open rule to the floor.

Mr. Speaker, let me at this time yield 3 minutes to the gentleman from Sanibel, FL [Mr. GOSS] another member of the Committee on Rules who has just returned to the floor.

Mr. GOSS. I thank the gentleman for yielding this time to me.

Mr. Speaker, everyone knows our budget process is broken. Yet our budget reform effort is like a scratched old

33 LP record skipping on the same line over and over again. Today we are discussing a bill that is virtually identical to one we passed earlier this Congress. H.R. 4600 would make the same slight improvements to the procedure for considering Presidential rescissions that we made by passing H.R. 1578 last year. That bill was dead on arrival in the other body, and there is no sign that this newly dressed up repeat version will do any better. Americans should know that debate and passage of this bill—which in itself will do nothing—is part of a majority leadership buy-off to prevent the A-to-Z spending cut proposal from coming to the floor. We are now providing cover for Democrats who want to say to their constituents in this election year that they took action to solve the budget crisis, but don't actually want to make real cuts. Put another way: We are trading words for action. The rule itself has good and bad points. On the plus side, we will have a chance to vote on two strengthening amendments—without the usual king-of-the-hill routine. The Solomon-Michel amendment is a true line-item veto. It would give the President permanent authority to propose rescissions to spending and tax benefits, and would require a two-thirds majority to override those cuts. The Kasich/Penny/Stenholm proposal, while not a panacea on its own, would expand the President's powers to target spending and tax-benefits. It would also permanently extend expedited rescission authority. Unfortunately, once again the Rules Committee has denied Mr. MICHEL an opportunity to offer a free-standing amendment to allow the President to target new tax-breaks. And it is somewhat ironic that in the so-called Year of Reform, the Rules Committee majority has refused to make in order an amendment encompassing the recommendations of the Joint Committee on the Organization of Congress. I fully support the efforts of my friend, Mr. DREIER, in seeking to defeat the previous question on this rule so we may bring this bill back with some real reform attached.

□ 1440

Mr. Speaker, reform is not about issuing press releases and staging floor votes for the C-Span cameras. Reform is about changing the way we operate so we can regain the trust of the American people which now hovers somewhere in the teen digit area when it comes to the U.S. Congress. We can do better.

We are not talking here today about enhanced rescissions; we are not talking about line item veto. We are talking about expedited rescission, expedited. What, in fact, that means is we are going to move a little faster so we still cannot make the right decision. Instead of taking 3 days not to be able to make the decision, we are now going to take 5 or 10 days.

Mr. Speaker, that is not the kind of improvement the American people are looking for.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Ohio [Mr. FINGERHUT].

Mr. FINGERHUT. Mr. Speaker, I thank the gentleman from South Carolina [Mr. DERRICK] for yielding this time to me, and I rise in support of the rule and the bill.

I, first of all, would note that the rule does provide opportunities, as the gentleman from Florida [Mr. GOSS] just said, to vote for strengthening amendments, as Members would choose, including, as he has characterized, a vote on the true line-item veto, and I intend to vote for those strengthening amendments. That opportunity is provided to us by the Committee on Rules in this rule, and I thank them for it, and we do have the opportunity today to vote as we choose on the strongest possible version of this bill.

The troubling aspect of this debate today is, as the other gentlemen have pointed out, that we are doing again today something very similar to what we have done before, a year ago, a bill which we approved in this House, not as strong as I would have liked or as I voted for a year ago, but that we sent to the Senate, and they did nothing.

So what then is the purpose of us being here today?

Well, I think the purpose of us being here today is to underscore, to reemphasize, that the House of Representatives, a majority of its Members, understands the importance of changing the rules with respect to spending, of giving the opportunity within the budget process to focus in in greater detail on the line items and that we are going to send another version over to the Senate. We are going to ask them again to ask on this issue.

The fact of the matter is, on the merits of changing the rules with respect to spending, the government has changed since our Founding Fathers first framed the division of powers. I believe truly that, if they had seen the complexity of the budget process, if they understood the detail with which these line items must be gone over, that they would have no objection to finding a process by which the Executive and the legislature could work closer together to get at individual line items.

The fact is that we need a process to review individual items of spending in the glare of the spotlight, in that light of day, and for the President to say again to the Congress, "Look at that one again. I want you to stand up, and I want you to decide whether or not, indeed, you want this measure to be an appropriate use of the taxpayers' dollars."

I think we should support this rule and this bill.

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

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

Mr. DREIER. Mr. Speaker, I thank the gentleman from Ohio for yielding, and I would simply like to say that my friend has, in fact on several occasions, testified before the Joint Committee on the Organization of Congress, and I know he has been part of an effort on the other side of the aisle to pursue this issue of reform.

Now, he wisely says that it is important for us to underscore for the other body how important it is to address, rather than ignore, this issue of enhanced rescission. We have seen by their pattern that they have chosen to ignore this legislation that a year ago was reported out of here. But they are interested in the process of reform, and it seems to me that the only way for us to adequately move forward with this enhanced rescission bill that could get a response from the other body would be for us to do it under the rubric of H.R. 3801, a reform package.

Mr. FINGERHUT. Reclaiming my time, Mr. Speaker, the gentleman from California [Mr. DREIER] knows I am supportive of many aspects of congressional reform, but today what we need to do is focus in on the line item veto. Let us send that message to the other body. Let us get them to at least act on this.

Mr. DREIER. We might be able to do that——

The SPEAKER pro tempore (Mr. SWIFT). The time of the gentleman from Ohio [Mr. FINGERHUT] has expired.

Mr. DERRICK. Mr. Speaker, I have one speaker remaining, and I reserve the right to close.

Mr. SOLOMON. Then, Mr. Speaker, I yield 2 minutes to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Speaker, it is déjà vu all over again. We are debating a measure today that has already been discussed at great length last year, and we are doing it for a very familiar reason.

We are debating this bill so the Democratic leadership can once again prevent any real reform of the process they have controlled for 50 years.

We heard a lot about change in the 1992 elections, but we have seen precious little of it around this place. Time and again when reform proposals have been presented—proposals overwhelmingly supported by the American people—the Democratic leadership has found a way to shoot them down.

It is my opinion that we need to make some fundamental changes in the way we do business. You cannot keep doing the same things and expect different results.

We need to find ways to make real cuts in Federal spending. We need to pass term limits. We need to pass a balanced budget amendment. And we need

to give the President line-item veto authority.

It is that line-item veto power we ought to be voting on today, Mr. Speaker, but thanks to the Democrat leadership, we will be voting on a fake.

The line-item veto is an integral part of any true reform effort and vital if we are ever going to end the kind of pork barrel spending that has so long dominated things around here.

Forty-three Governors have the line-item veto power. Opponents say it won't work, it will not cut much; but it does work and it does bring responsibility to the legislative process. It works fine in Wyoming, and it would put some needed integrity into the process in Washington.

Mr. Speaker, we shouldn't be fooled by what is going on here today. The Democratic leadership will do anything they can to avoid having to make real spending cuts and to avoid making any real changes to the way they've run Congress for so long.

Just as the A-to-Z spending cut proposal is picking up steam, the leadership decides to have this exercise today so Members who don't sign the discharge petition can run home and claim they've voted for a line-item veto instead. The two shouldn't be tied together—they are separate issues—and the American people won't be fooled.

I am disappointed we are taking this route, Mr. Speaker. We saw the same tactics used to pass the President's tax increase. We were told we would have a chance to vote for more spending cuts, then the leadership defeated Penny-Kasich.

We saw the same tactics used when we debated the balanced budget amendment. The leadership offered a phony amendment which gave political cover to those who had promised to support a balanced budget amendment then refused to do so.

And today we will have a leadership proposal used to defeat true line-item veto. I encourage my colleagues to vote for real line-item veto. Vote for the Solomon/Michel substitute. If that should fail, vote for Stenholm. But no one who truly supports line-item veto should vote for H.R. 4600.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Cape Girardeau, MO [Mr. EMERSON], another member of the Joint Committee on Reform of the Congress, a gentleman who has been here for many years as a page, now as a Congressman.

Mr. EMERSON. Mr. Speaker, I rise to join my joint committee colleagues in urging the House to defeat the previous question and make in order the joint committee's bill.

It is ironic that the majority leadership in this Congress appears to be in favor of about just every kind of reform for the American people except for reform for the Congress itself. They want to radically reform health care, tell everybody else how to operate, insurance companies, doctors, patients, how to choose their care. They want to fundamentally restructure education, dictating to the States how they are going to spend their dollars, how to structure their curriculum and how to teach their students.

□ 1450

Of course, they want to overhaul wetlands policy, instructing private property owners what they can and cannot do with their land, designating acres and acres of land as off limits and forcing businesses to cease their business activities.

It seems that the majority wants to reform every aspect of everybody else's lives and livelihood. The only thing we refuse to reform here is the Congress itself.

The joint committee was created to develop comprehensive congressional reform, and it did that. The committee went out of existence at the end of last year. Its report, 6 Democrats and 2 Republicans of the 12-person House contingent of that committee voted to report a measure to the House, which has been languishing since last November.

Now the leadership plans to split up that legislative package, which would effectively kill any reform that would actually impact the Congress.

If reform is good for the rest of the country, it should be equally as good for Congress. I urge all of our colleagues to send a message that congressional reform is essential, and that the House can do unto itself what it does to other.

At the point we voted earlier to abolish select committees in this House, there was a grand coalition of what we referred to as, and everybody knows what I am talking about, the old bulls and the freshmen Members, the young reformers of both parties. This was all done in the name of congressional reform.

We had too many committees, so we abolished the select committees. All right, well and good.

Why do we not move on with the rest of the forum? We do need to reform ourselves in so many areas. A blueprint is there, imperfect though it may be. But let us vote to defeat the previous question here, so at least the issue can come up, and we can debate it, discuss it, and vote upon it.

Mr. SOLOMON. Mr. Speaker, I yield the balance of our time to the very illustrious gentleman from Claremont, CA [Mr. DREIER].

Mr. DREIER. Mr. Speaker, my friend from Cape Girardeau, and a very hard working member of our Joint Committee on the Organization of Congress, said it very accurately when he raised the issue of health care reform, wetlands reform, education reform. I should say that he forgot to mention welfare reform. I mean, virtually every area of our economy has attempted to be reformed by this Congress, and yet we are sweeping the issue of congressional reform aside.

After all, if you look at the 1992 election, there are now 117 new Members of this House, most of whom ran on the issue of reform of the Congress, because it was desperately needed. And here we are, charging, just weeks away from the 1994 election, and what is happening? Well, not a lot of people out there are talking about congressional reform anymore, because they are busy talking about health care reform and Haiti and North Korea and welfare reform and a large number of other items.

But, quite frankly, congressional reform was the mandate that sent many of these new members here. And I believe that the American people and a majority of the Members of this Congress want us to deal with reform of this institution. It has not been done in nearly half a century, and it seems to me that this is our opportunity to do it.

We have a chance. On this enhanced rescission bill, what I plan to do, if we can defeat the previous question, is insert at the end H.R. 3801, which is the bill that was reported out of the Joint Committee on the Organization of Congress just before Thanksgiving of last year. It gives us a chance to face the issue of congressional reform the way we should be doing it, straightforward. Not breaking it up into bits, which is nothing but a divided and conquer strategy.

Now, I know there are many people here who thrive on the status quo. But, quite frankly, we need to become more accountable, more deliberative. And I believe that the full House has the right and the responsibility to look at our reform package.

I urge a no vote on the previous question, so that we can make in order the issue of congressional reform.

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

Mr. Speaker, let me say I commend the gentleman who has just spoken, and the gentleman from Indiana [Mr. HAMILTON], for their work. But I would have to say that even if the motion for the previous question were to fail, it is my opinion that the gentleman could not do what he proposes to do, that is, offer an amendment to the rule to enable him to offer H.R. 3801 as an amendment to this bill.

Be that as it may, I find it rather disappointing that we once again take something serious like this reform measure, which is very good, and there are many parts of it that I agree with, and trivialize it. Moreover, to stand here and once again lambast this House of Representatives is disappointing. No one said it was perfect. Our Founding Fathers did not say they were giving us a perfect——

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

Mr. DERRICK. I will not.

Mr. DERRICK. Mr. Speaker, I did not yield to the gentleman.

The SPEAKER pro tempore (Mr. SWIFT). The gentleman from South Carolina has the time.

Mr. DERRICK. Mr. Speaker, I ask for regular order.

The SPEAKER pro tempore. The gentleman from South Carolina has the time and is recognized.

Mr. DERRICK. I go back to what I said, that the gentleman who spoke before lambasted this body.

I think Members of both parties are guilty of it. I think the other party may be a little more guilty, but not enough to argue about, of taking every opportunity they get to denigrate the institutions of this government, especially the House of Representatives.

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

Mr. DERRICK. No; I will not.

The SPEAKER pro tempore. The gentleman from South Carolina has the time.

Mr. DERRICK. Mr. Speaker, what worries me is that if Members continue to denigrate our institutions, they could weaken them to the point where someone could come along who might not have the same great appreciation for democracy that our Founding Fathers had, and we could one day lose this great form of government of ours.

Ours is not a perfect form of government. Our Founding Fathers never said it was. But it works. This House works. This Congress works. It is the most representative body in the world. It serves our Nation and our people well. And I believe many who stand up and denigrate it believe continuously should have more respect for it than they have.

Mr. Speaker, as I pointed out earlier, the Federal budget deficit is down, way down. For the first time since the Truman administration, the United States will experience, thanks entirely to the President and the Democrats in the Congress, 3 years of declining Federal budget deficits.

But we cannot rest. We must continue battling the deficit until victory is won. The legislative line item veto is not the only solution to our problems, but it is part of the solution. We owe it to our citizens to send to the Senate a message that we must give this line item veto a try, for the sake of future generations, if not for our own.

Now Mr. Speaker, what the gentleman from California [Mr. DREIER] is proposing, is defeating the previous question so he can amend the resolution to make in order an amendment consisting of the text of H.R. 3801, the Legislation Reorganization Act.

□ 1500

This is not permissible under House precedents. Such an amendment would not be germane to the resolution and would surely be ruled out of order.

The gentleman well knows it is not in order to amend an order-of-business resolution to accomplish indirectly that which he cannot achieve directly. So let no Member of this House be fooled. Voting against the previous question in hopes of adding H.R. 3801 to the rescission bill simply will not work.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. SWIFT). The question is on ordering the previous question.

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

Mr. DREIER. 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.

Pursuant to clause 5(b) of rule XV, the Chair announces that he will reduce to not less than 5 minutes the time within which a rollcall vote, if ordered, may be taken on the adoption of the resolution.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 240, nays 185, not voting 9, as follows:

[Roll No. 326]

YEAS—240

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—185

Allard
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cooper
Coppersmith
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hamilton
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kanjorski
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Swett
Talent

Taylor (MS)	Upton	Wolf
Taylor (NC)	Vucanovich	Young (AK)
Thomas (CA)	Walker	Young (FL)
Thomas (WY)	Walsh	Zimmer
Torkildsen	Weldon	

NOT VOTING—9

Bishop	McCurdy	Slattery
Carr	Obey	Towns
Gallo	Quillen	Zeliff

□ 1520

The Clerk announced the following pair:

On this vote:

Mr. McCurdy for, with Mr. Quillen against.

Mr. GLICKMAN changed his vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REQUEST TO MODIFY AMENDMENT NUMBERED 1 PRINTED IN HOUSE REPORT 103-565 TO H.R. 4600, EXPEDITED RESCISSIONS ACT OF 1994

Mr. SPRATT. Mr. Speaker, I ask unanimous consent to modify the amendment numbered 1 and printed in House Report 103-565. The modification is reduced to writing and available at the desk.

The SPEAKER pro tempore. The Clerk will report the modified amendment.

The Clerk read as follows:

Substitute Offered by Mr. SPRATT of South Carolina for Amendment Number 1 Printed in House Report 103-565: Page 10, line 17, insert ", unless the House has passed the text of the President's bill transmitted with that special message and the Senate passes an amendment in the nature of a substitute reported by its Committee on Appropriations" before the period.

Page 11, line 21, insert "and by striking '1012 and 1013' and inserting '1012, 1013, and 1014'" before the semicolon.

Page 12, line 1, strike "(2)" and insert "(1)".

Page 13, line 7, insert "or One Hundred Fourth" before "Congress".

Page 13, line 9, insert "or One Hundred Fifth" after "One Hundred Fourth".

Page 13, line 15, strike "One Hundred Third" and insert "previous".

Page 14, strike lines 7 through 11 and on line 12, strike "5" and insert "4".

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

Mr. CLINGER. Mr. Speaker, reserving the right to object, I reserve the right to object to direct some questions to the author of the unanimous-consent request, specifically to inquire whether the bill pending before the committee this afternoon is identical to the bill which passed the House.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SOLOMON. Mr. Speaker, Members are confused about what is taking place. Is it not true that the rule on this bill has just passed and there is no vote pending and probably will not be for the next hour?

The SPEAKER pro tempore. The gentleman is correct.

Mr. SOLOMON. I thank the Chair.

Mr. CLINGER. Mr. Speaker, I have reserved the right to object to inquire of the proponent of the unanimous-consent request if the bill, that is, H.R. 4600 pending before the committee is identical to that which already passed the House, or which was considered and passed by the House last year. I would inquire of the proponent if that is correct.

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

Mr. CLINGER. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Speaker, the bill that is being offered as the base bill is the bill that passed the House, I believe, on April 29, 1993.

Mr. CLINGER. Mr. Speaker, further reserving the right to object, I would like to then ask the gentleman from South Carolina if he had an opportunity to have this consent request considered when the Committee on Government Operations marked up this bill or if the Committee on Government Operations did consider this bill.

Mr. SPRATT. The committee itself did not report this bill. The gentleman is correct, it did not.

Mr. CLINGER. Further reserving the right to object, I would inquire if this amendment that is proposed now as a unanimous consent request was propounded at the time the gentleman appeared before the Committee on Rules or did he present this before the Committee on Rules.

Mr. SPRATT. Part of it was, part of it was not. The upper part of the amendment which would have the bill amend page 10, line 17 was propounded and is made in order and will be offered as an amendment immediately after the bill itself is called in the Committee of the Whole. The balance of the amendment would in effect change the bill in one simple respect.

This bill in order to conform to the bill that the House passed in April 1993 is identical in all respects, but that means that it applies only to the 103d Congress. At that time, a lot of the 103d Congress was yet to be conducted. We would like to amend this bill by this amendment and by this language so that it would apply to the 103d Congress and the 104th Congress as well.

Mr. CLINGER. Mr. Speaker, given the fact that the committee of jurisdiction, that is, the Committee on Government Operations waived its jurisdiction over this bill, this bill has never been considered by the Committee on Government Operations, which is the committee of jurisdiction, and, therefore, this matter was not really given an opportunity to be discussed, debated or amended through the committee process. Because of that fact and the fact that the gentleman could have offered this request at various stages of this proceeding, I must object.

The SPEAKER pro tempore. Objection is heard.

EXPEDITED RESCISSIONS ACT OF 1994

The SPEAKER pro tempore. Pursuant to House Resolution 467 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. 4600.

□ 1529

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. 4600) to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority, with Mr. DE LA GARZA in the chair.

□ 1530

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 South Carolina [Mr. DERRICK] will be recognized for 15 minutes; the gentleman from New York [Mr. SOLOMON] will be recognized for 15 minutes; the gentleman from Michigan [Mr. CONYERS] will be recognized for 15 minutes; and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, today, the House considers H.R. 4600, legislation to provide expedited rescission authority for the President, a matter under the jurisdiction of the Committee on Government Operations.

The Government Operations Legislation Subcommittee has held numerous and wideranging hearings on budget reform issues. The committee has heard the testimony of the administration, the leadership and rank and file Members of both parties in Congress, as well as experts at the Congressional Budget Office, the General Accounting Office, and academia. Earlier, we received the testimony of our former colleague, Leon Panetta, who repeated President Clinton's call for the adoption of expedited rescission authority.

The Committee on Government Operations has worked diligently with the administration and committed Members of Congress to strengthen our

budget process. I would particularly like to thank Congressman JOHN SPRATT, one of the Government Operations Subcommittee chairmen, for his work on these issues. Congressman SPRATT deserves great credit for his strong and continuing contribution in helping to forge consensus where, previously, there has been gridlock.

All of us are committed to eliminating wasteful and unproductive spending. The Committee on Government Operations has vigorously exercised its oversight function, holding a series of hearings to address fraud, waste, and other abuses throughout the Federal Government. Through these hearings, we have identified Government waste, ranging from massive contract overruns on the *Seawolf* submarine and C–17 airlifter contracts, to outright theft of Government funds at the United States Embassy in Mexico City.

Historically, one tool to cut wasteful Federal spending has been rescission authority. Since the adoption of the Impoundment Control Act of 1974, Congress has rescinded approximately $90 billion in unnecessary budget authority, nearly 25 percent more than proposed by the President.

As attractive and successful as rescission authority has been, I want to clarify its limitations. Rescission authority is not a panacea or cure all for the Federal deficit. During our Government Operations hearing, the GAO testified that total enacted rescissions since 1974 have never exceeded 23 percent of any single year's deficit. However, to reduce the current deficit by 23 percent would require rescinding more than $50 billion, the equivalent of rescinding the entire 1995 budget for the Departments of Education, Energy and Commerce. Clearly, rescission authority cannot solve the deficit problem on its own.

I am troubled by the potential for abuse and many of the concerns you have heard or will hear today reflect congressional concern fueled by administrative abuses of the 1970's. In fact, Congress adopted the Impoundment Control Act to address the misuse of an administration's impoundment authority to unilaterally and indefinitely cancel spending for selected programs. Consequently, this expedited rescission authority carefully provides for a trial run and the authority expires following the 103d Congress.

The legislation before the House is a good effort to create an additional deficit reduction tool for the President. The legislation provides the President with a certainty of a vote on the President's rescission proposals, guaranteeing an accelerated, expedited process through Congress. The bill would permit the President to submit rescissions to Congress within 3 days of signing an appropriations bill and Congress must vote on these rescissions within 10 legislative days.

If the Appropriations Committee believes they can draft a better rescission package, they are free to report an alternative rescission proposal as well, provided it rescinds an equal or greater amount of money. If the President's rescissions are defeated, this alternative proposal is automatically brought before the House for a vote. This alternative makes sure Congress is not just debating whether to cut spending, but also, of equal importance, where to cut spending.

Additionally, nothing prohibits or impedes Congress from reporting additional rescissions under our constitutional power of the purse. This bill won't impede our authority to reconsider programs and rescind spending that fails to match with Federal priorities.

President Clinton's budget moves the country forward, addressing both the budget deficit and our national investment deficit, reinvesting in critical spending priorities such as education and health. Earlier this week, our former colleague Leon Panetta announced the budget deficit is lower than previously forecast—President Clinton has reduced the budget deficit he inherited by $85 billion for this year and $135 billion for the next fiscal year, keeping his promise to cut the budget deficit in half when measured as a percentage of our Nation's economy.

While this administration has been aggressive, the President would benefit from additional, stronger deficit reduction tools to rein in unnecessary Federal spending. Consequently, I support H.R. 4600 and urge its adoption.

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

Mr. DERRICK. Mr. Chairman, I yield myself 4 minutes.

I am delighted today to bring to the floor H.R. 4600, the Expedited Rescissions Act of 1994.

The legislation before us is a key aspect of the President's program: a modified line-item vote.

As did his predecessors, upon taking office President Clinton asked Congress to give him the ability to sort wasteful items out of appropriations bills and send those items back to Congress for separate votes. Last year the House passed an identical bill, H.R. 1578, to give him such power. That bill went over to the Senate, which has not acted as of today. The time has come to give this power to the President. Frankly, our hope is that if we pass another bill the Senators will get the message.

The legislation before the House is actually very simple. After the President signs an appropriations act he may, within 3 days, send the House a special message proposing to cancel spending items in the bill which he might oppose.

Within 2 days of receipt of the President's message, either the majority or minority leader would introduce the President's bill. If neither leader introduced it, then on the third day any Member could do so.

The bill would be referred to the Committee on Appropriations, which would have 7 legislative days to report it out.

The committee could not propose changes to the President's bill, but it could report an alternative bill if it chose. An alternative bill would have to rescind at least as much as the President's bill, and draw its rescissions from the same appropriations act as the President.

The President's package would come to a vote in the House within 10 days of its introduction, and would not be subject to amendment. The House would have to vote, up or down, on the President's package as he submitted it.

If approved by a majority, the bill would go to the Senate which would consider it under similar, expedited procedures and constraints. If the legislation passed the Senate by majority vote, it would go to the President, who would presumably sign it into law since it was his proposal. Appropriations would be canceled and the deficit would fall.

If the House rejected the President's bill and instead passed the alternative bill, that bill would go to the Senate. The Senate Appropriations Committee could report the alternative bill with or without change, but for any alternative to be in order in the Senate, the Senate would first have to reject the President's bill. If both Houses ultimately passed an alternative to the President, then that bill would go to the President. If he signed it, those appropriations would be canceled and the deficit reduced. Either way, American taxpayers would be the big winners.

Mr. Chairman, H.R. 4600 would set up an historic experiment with a modified line-item veto. After the experiment, Congress would review the results and decide whether to extend the experiment or make it permanent with or without change.

If H.R. 4600 were the law, no longer could a President sign an appropriations act including wasteful line items, like grants to renovate Lawrence Welk's birthplace, or money to build schools for North Africans in France, and claim he was powerless to block them.

No longer could Congress force upon the President the dilemma of vetoing an entire appropriations act and shutting down the Government, or signing the whole thing, pork and all. Accountability is what we need, and accountability is what this bill will provide. This bill will strengthen accountability in the appropriations process without transferring vast power from Congress to the Presidency, and without advantaging the President's fiscal priorities over those of Congress.

I urge all Members to support the bill.

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

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

Mr. Chairman, the Expedited Rescissions Act of 1994 is identical to H.R. 1578, which passed this House last year. I opposed it at that time, and I oppose it today, because it is not a true line-item veto.

Mr. Chairman, anyone who thinks they can support this and get away with claiming they have voted for a line-item-veto bill had better have another thought coming.

The gentleman from Texas [Mr. Stenholm], who helped originate this expedited-rescission approach, made it quite clear again in the Committee on Rules this year, just the other day, that this bill and his substitute for it are not a real line-item veto he said he is opposed to the real thing because he thinks it give the President too much power.

□ 1540

Now, Mr. Chairman, I respect that point of view though I do not agree with it. I also respect the gentleman from Texas [Mr. STENHOLM], the gentleman from Minnesota [Mr. PENNY], and the gentleman from Ohio [Mr. KASICH], who are up front and honest about what this is and what this is not—and they have been. So we do not have any argument there.

H.R. 4600 provides that for the remainder of the 103d Congress the President would have some additional authority to cancel spending in appropriation bills, subject to the approval of both houses. It basically differs from the current rescission approach by accelerating the time frame for considering rescissions and forcing votes in both Houses on the President's proposals.

Well, what is wrong with this, you might ask? The answer is that H.R. 4600 suffers from many of the same problems as the current rescission process does, which does not work. First, a simple majority of either house could block the President's spending cuts and force the money to be spent simply by voting them down. So we are talking about the same majority that passed these pork-barrel projects in the first place being able to stop the President from terminating them. It's just the same old log-rolling methods they have used all along. Second, the bill, if enacted, would be subject to the rule-making authority of the House and the Senate. That means that the rules could be changed at any time to provide for other procedures. So we really are doing nothing.

The Committee on Rules is going to do what it does every week waive the rules.

For instance, nothing in this bill would prevent the Committee on Rules from suspending the whole expedited process on a particular presidential rescission package, just as they have done before, and then schedule the appropriations alternative in its place.

Third, there is no penalty in H.R. 4600 for not acting. After the 20-legislative-day review period, the money will be released and spent if neither house has acted. That is the interpretation by our parliamentarian on last year's identical bill.

So, nothing has changed. The fact is, Mr. Chairman, that while the intentions in H.R. 4600 are good to expedite things and force votes on the President's cuts, there are no guarantees, especially for as long as this process is subject to the whims of the Democrat leadership and the Committee on Rules where I serve.

The Stenholm substitute, on the other hand—and I give credit to the gentleman from Texas [Mr. STENHOLM] because his approach is meaningful—the Stenholm substitute is a stronger expedited rescission approach in many respects. Instead of applying to this 103rd Congress only, he does give the President permanent rescission authority. And that is good. His substitute completely replaces the current rescission process. And that is good. He extends the process to targeted tax benefits. And that is good. He allows the President to designate rescissions for deficit reduction. So there are all positive things.

In short, it does correct—that is, the Stenholm substitute does correct—some of the criticisms leveled in last year's bill. I commend the gentleman from Texas [Mr. STENHOLM], for making these improvements, but his approach is still subject to being circumvented by a special rule, which means his approach ultimately has no teeth. There still is no penalty if the Congress does not act. The money will be released after the review period.

So, here again we have no deficit reduction. Moreover, the Stenholm substitute contains one new provision which actually weakens its purpose. It allows for separate amendments on individual rescissions or tax break repeals if supported by 50 House Members or 15 Senators. Only 15 Senators. That means the package can be picked apart in both bodies in different ways, forcing a conference that is unlikely to resolve the differences before the 20 legislative days are up.

What it all boils down to, Mr. Chairman, is that there is no real substitute for a true legislative line-item veto that is subject to congressional disapproval rather than approval. All Members know that. We need to make it difficult to override the President by requiring the ultimate two-thirds' super majority to force the money to be spent. That is a true line-item veto. That is the only way we can begin to get a handle on some of this wasteful pork-barrel spending that is contributing to the sea of red ink engulfing us.

Mr. Chairman, I would urge my colleagues to send the strongest possible message today that we want something more than just an expedited rescissions process. Tell the President, tell the Senate, tell the American people that we are ready to lay down the line, we are ready to do what we go home and brag about, vote for a line-item veto. Vote for the Solomon amendment when it comes up, and then you will be doing the right thing for the American people.

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

Mr. DERRICK. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. Chairman, I rise in support of this legislation. There is no doubt about it that if we were to eliminate every ounce of pork-barrel spending in the Federal budget, it would go only a limited way toward eliminating the Federal budget deficit. We all understand that.

I think we all understand that and give a lot of credit to the Committee on Appropriations, the budget leaders in the House, on both sides, for the progress we have made in the past year in reducing the annual Federal deficit by 40 percent in the past 15 months by cutting the share of the deficit relative to the economy in half to the lowest point it has been since 1979. That is all to the good.

Nevertheless, there remain two reasons to pursue a line item rescission legislation. The rule we have here permits debate on the traditional line-item veto on two versions of the line-item rescission.

That is, one, where we can save a dime, obviously we need to save a dime. Second, we need to restore greater public confidence in the budget process to make sure that we do not in fact have items or expenditures that could not stand on their own merits.

And that is the key target for line-item rescission.

I do not support the traditional line-item veto, the two-thirds' vote requirement. Used as it is in the States around the country, it is not used to save money; more often than not it is used simply to enforce the executive's legislative agenda. President Bush saying, "Support more foreign aid, or I will eliminate all the housing in your district," President Clinton presumably saying, "Support my health care plan, or I will eliminate all the water projects or whatever in your district." That is extortion, that is coercion, that is not the democratic process.

But everybody who supports a nickel's worth of expenditure in this body ought to be in a position to stand up

and say, "Yes, I support that expenditure." There ought to be accountability, there ought to be a recorded rollcall vote on controversial spending items, and that is what the enhanced line item rescission legislation does in fact. So we restore public confidence to the process. In so doing, we also save some dollars, which contributes in a small way toward further progress on the Federal budget deficit reduction. That is what the public is demanding. They are demanding accountability within the context of our democratic—small "d"—process in the capital. This finally gives us an opportunity to send that kind of legislation to the other body and to again make that kind of progress. So I think that we need to pass in this body today—my preference is the Stenholm version—but in any event, one of the versions of line-item rescission.

Mr. SOLOMON. Mr. Chairman, I yield 2 minutes to the gentleman from Appleton, WI [Mr. ROTH] one of the hardest-working Members of this body, who represents the district in which is located the Green Bay Packers.

Mr. ROTH. I thank my friend from New York for yielding.

Mr. Chairman, I am very much in favor of the Michel-Solomon substitute amendment for this reason: 75 percent of the Americans support of the line-item veto in every poll that has been taken. In the mid-1980's, the last time we did a study on the line-item veto, the study showed that we could save as much as $12 billion a year if the President had the line-item veto. When the people in America talk about change, this is the type of change they are talking about, giving the President the line-item veto.

I do not mean to be polemical in this debate on the floor here today, but I think it is important we take a look at the paper trail of some of the history of this legislation.

On November 19, 1992, long before Bill Clinton was sworn in, a number of people sent a letter to Bill Clinton, and it said, basically:

> We members of Congress are writing to offer our assistance on a matter on which we mutually agree, the need to give the President the line-item veto.
>
> We strongly support giving the President the line-item veto power which 43 Governors currently hold. This tool can eliminate billions of dollars of wasteful spending tucked away in appropriations bills and can help balance the budget. Giving the President the line-item veto will help bring fiscal responsibility to the federal budget.
>
> This is an issue of good fiscal policy and protecting the taxpayers. We support giving the line-item veto to both Republican and Democratic presidents, because we put fiscal responsibility above partisan politics.
>
> We urge you to make passage of the line-item veto part of your agenda for the first 100 days of your administration. We will work with you for Congressional passage of the line-item veto. Signed by a large number of congressmen, mostly from our side of the aisle.

□ 1550

I think it is important for us, when we are having this debate, to go back and see that we, whether it is a Democrat President or a Republican President, want the President to have the line-item veto because with the line-item veto the President can do effectively what 43 governors are now doing, and we have to give the President this power so that we can bring about the change the American people are demanding.

Mr. DERRICK. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Minnesota [Mr. SABO].

Mr. SABO. Mr. Chairman, I rise in opposition to the base bill, and the various substitutes, in my judgment, to varying degrees, and, if one should pass, and I expect the base will, which has passed before, and it will pass again. It clearly is preferable to have this experiment done on a limited time basis.

But what we have before us today are proposals that do not relate to spending. They relate to transfer of powers from the legislative branch to the executive, and I would argue, and it cannot be argued in a 30-second sound bite, that, if anything, that would increase spending rather than decrease spending because the reality is that, whether the President was Ronald Reagan, or whether the President was George Bush, or whether the President is Bill Clinton, in all three cases they wanted more discretionary spending than what the Congress has approved. In all three cases the Congress has modified their requests. They have changed them. But they have lowered them for all three administrations.

What do these proposals do in varying fashion? They increase the power of the Executive to subtly use their power to achieve their own agenda. It would have meant, I expect under Reagan and Bush, more difficult-to-moderate requests for such programs as star wars, or to modify aid to Nicaragua when that was a hot battle, or in the current administration I expect they would use that additional leverage for the President's investment program, much of which I agree with but which, I think, should be subject to the normal course of discussion, and deliberation, and compromise within the legislative branch.

The new power might be occasionally used, and so someone could say occasionally it saved some money, but the power would be unused most times. But maybe this is a persuasive tool to get some Members of this Congress to vote with the President, on their agenda, which in all three cases has involved more discretionary spending than what the Congress has approved.

The other thing which concerns me as we deal with this proposal is the degree that we seem to have lack of self-respect for ourselves as elected Members. We structure programs in a variety of ways. We structure some as formula programs where we appropriate so much money, and it flows by formula to the States or to other units of governments. Sometimes those formulas are done well, sometimes poorly, and impacted by the politics and the geography of this institution and the President. However I find that administrations, whether they be Republican or Democrat, like to have programs where the money is spent at the discretion of the executive branch, and many times that makes sense. Occasionally we designate it in Congress. But administrations like to have programs with flexibility so they can announce where the money is flowing.

Who are those programs run by? People appointed by the President, confirmed by the Senate, often our former colleagues. We have had three that served as Cabinet members in this current administration. Virtually half of the Bush Cabinet was former House Members. We somehow have this perception that when they were in the House, elected by their constituencies, they lacked judgment individually and collectively. But when they were nominated by the President, confirmed by the Senate, suddenly they become saintly and wise.

Well all of these people that have been appointed I think have been good Members from both parties, but their judgment, their wisdom, really did not change. They had different and newer responsibilities, answerable to the President rather than their constituents in dealing with the collective judgment of the Congress. But they did not become different. We do not make perfect judgments here, but neither does the Executive.

So, Mr. Chairman, I would ask the Members to vote no on these proposals for a variety of reasons, but most fundamentally it will cost money, not save money.

Mr. SOLOMON. Mr. Chairman, I would say to the gentleman from Minnesota [Mr. SABO] maybe we need a President like GERRY SOLOMON that will offer a balanced budget, get a vote on it, and then go down in defeat, but nevertheless we tried.

Mr. Chairman, I yield 1 minute to the gentleman from Roanoke, VA [Mr. GOODLATTE].

Mr. GOODLATTE. Mr. Chairman, the American people overwhelmingly want to give the President of the United States a real line-item veto. They have good reason to do so. They expect our Government to be run in a businesslike fashion, but what chief executive of any business in this country could operate when presented with expenditures sometimes in the hundreds of billions of dollars in these appropriations packages, and they have to take the entire package or leave the entire package?

I am not going to agree with every line-item veto that President Clinton will impose, but I do think that he should have the same power that 43 State Governors have, and I think it is important that we have this mechanism to break up the way this Congress does business. It will be a lot less likely that we will have pork-barrel legislation, that we will have log rolling, if we do not know which Member's package is going to be vetoed by the President. I think it is a lot less likely we are going to vote for these enormous packages if we have a situation where the President has an opportunity to veto and we do not know whose particular item he is going to pick out to veto.

So, I would urge the Members to vote for the Michel-Solomon amendment. It is the only amendment that is a real line-item veto.

Mr. DERRICK. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. COPPERSMITH].

Mr. COPPERSMITH. Mr. Chairman, again this year, I rise in strong support of the line-item veto, a tool to discipline the Federal budget.

Last April, the House also considered three different proposals for a line-item veto, adopting one. Unfortunately, the other body has failed to act. I hope today's vote will help stir its members to adopt this powerful budget-cutting tool.

By allowing the President to strike individual spending and tax expenditure items, the line-item veto can cut wasteful pork barrel projects or special interest tax breaks. It will illuminate our budget priorities, helping us to select from those programs that are merely good, those that are good enough.

Today, we will debate the various forms of line-item veto, and others will speak to their merits and demerits. Whichever alternative carries today, however, I think a majority will agree that we need the line-item veto.

Even the base bill, which I hope we will strengthen and which I will vote to strengthen, will shine the spotlight of publicity on irresponsible Federal spending; as Louis Brandeis once said, "Sunlight is the best of disinfectants." By helping to expose and eliminate wasteful spending or tax benefits, any line-item veto represents a great improvement over what we have now.

Mr. SOLOMON. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. DUNCAN], and, Mr. Chairman, the previous speaker voted for the true line-item veto the last time, and we appreciate his support this time, but this gentleman came here in 1989, and he has been a leader on line-item veto ever since he succeeded his father.

Mr. DUNCAN. Mr. Chairman, I rise in strong support of the Michel-Solomon substitute, and I thank the gentleman from New York for yielding and for his outstanding leadership on this very important issue.

The last time we dealt with this issue, the Wall Street Journal ran a lead editorial entitled "Voodoo Line Item Veto," describing basically the committee bill we have today.

The American people, Mr. Chairman, do not want voodoo; they do not want a watered-down version. They want real reform, they want a real line item veto, and that is what the Michel-Solomon substitute is.

The American people, Mr. Chairman, are angry. They are angry because government at all levels is taking almost half of the average person's income in taxes of all types. But they are especially angry because they feel that so much of their hard-earned tax money is being wasted. They do not feel they are getting their money's worth, and, unfortunately, too often they are right. They want us to stop the hemorrhaging. They wanted us to balance the budget and start paying off some of our horrendous national debt. They do not want us to mortgage the future of our children. They want us to do more than just pay lip service to bringing spending under control.

Mr. Chairman, in this week's Christian Science Monitor, former Senator Paul Tsongas, and Jonathan Karl, a reporter for the New York Post, said this.

> If you think sending a chunk of your hard-earned income to the Internal Revenue Service was tough this year, imagine the responses of future taxpayers who will face average lifetime tax rates of an incredible 82 percent.
>
> Confronted with the burdens of a monstrous national debt, an aging population, and runaway Federal entitlement programs, tomorrow's Americans will be turned into a generation of indentured servants. They won't stand for it. Without action today, we are likely to see generational political wars by the end of the decade.

Those are the words of a former Democratic Senator, Paul Tsongas, and this reporter from the New York Post, Jonathan Karl. The people of this country are demanding action. They want real reform. They want what the Governors of 43 States have. Every poll, every single survey, shows 75 to 80 percent of the people want us to pass a line item veto.

Mr. Chairman I urge support for the Michel-Solomon substitute.

Mr. DERRICK. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. STENHOLM].

Mr. SPRATT. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. STENHOLM].

The CHAIRMAN pro tempore (Mr. DE LA GARZA). The gentleman from Texas [Mr. STENHOLM] is recognized for 2½ minutes.

Mr. STENHOLM. Mr. Chairman, I am pleased to come to the floor today to debate proposals to strengthen the ability of Presidents to identify and eliminate low-priority budget items. The Members of the House will have the opportunity to consider three different proposals on this issue, including a substitute which I will be offering along with TIM PENNY and JOHN KASICH. This substitute strikes a balance which grants the President the authority to force votes on individual tax and spending items without disrupting the constitutional balance of power.

Expedited rescission legislation embodies an idea which many Members, both Democrats and Republicans, have fought hard for. Dan Quayle first introduced expedited recession legislation in 1985. Tom Carper and DICK ARMEY did yeomen's work in pushing this legislation. On the Democratic side, TIM JOHNSON, DAN GLICKMAN, TIM PENNY, and L.F. PAYNE have spent the past several years as particularly effective advocates of this legislation. Numerous Republicans, including Lynn Martin, Bill Frenzel, GERALD SOLOMON, HARRIS FAWELL, and others have made meaningful contributions to expedited rescission legislation as it has developed. Thanks to the efforts of these and other members, the House overwhelming passed expedited rescission legislation in the 102d Congress. Last April, JOHN SPRATT and BUTLER DERRICK worked diligently to help pass legislation virtually identical to the base bill before us today.

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

The current discharge process for forcing a floor vote on the President's rescissions is cumbersome and has never been used. The President is required to spend the money if Congress has not enacted the rescissions within 45 days. In other words, Congress can reject the spending cuts proposed by the President through inaction.

According to data compiled by the General Accounting Office, Congress has approved barely one-third of the individual rescissions submitted by Presidents of both parties since 1974. Congress has ignored $48 billion in rescissions submitted by Presidents under the existing process without any vote at all on the merits of the rescissions.

My colleagues on the Appropriations Committee correctly point out that Congress has passed more than $60 billion in rescissions of its own since 1974, but I do not believe that the fact that Congress has approved more spending cuts than the President has submitted

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

Forcing votes on individual items in tax and spending bills will have a very real cleansing effect on the legislative process and will take a step toward reducing the public cynicism about the political process. I urge my colleagues to strengthen the rescission process by voting for the Stenholm-Penny-Kasich amendment.

Mr. SOLOMON. Mr. Chairman, I yield 2 minutes to the gentleman from San Diego, CA [Mr. CUNNINGHAM], a very distinguished member of the Committee on Armed Services, but one who contributes on many issues on this floor.

Mr. CUNNINGHAM. Mr. Chairman, the President and the line-item veto. There is not a bill that would go through this House that if any of us were President, that we would not veto some of those items in those bills. Every single bill. And I have heard colleagues on both sides of the aisle say, "I would really like to support this bill, but it has got a bunch of pork in it," or it has got this or that.

I think the President needs that same responsibility, and I agree to do that.

I have heard that, yes, we are elected as Members of this House, and we work either for or with, however you want to define it, the President. But the President does not always agree with the basics of this House or the other body as well.

By having a line-item veto, it would be difficult at times for the President to make those hard decisions. Why? Because he is responsible to the American public for each of those items that he vetoes. He may not want that responsibility, but the American people want it. And I know if it was president, which will never come, but I would want that power.

Fact: The majority is not going to do anything that takes away power from the majority. The line-item veto, the discharge petition, a balanced budget amendment, are ways to take that power away from this House. And that is why they are fighting this line-item veto, a true line-item veto, so much.

A good case in point: We thank the gentleman from Oklahoma [Mr. INHOFE] for filing a discharge petition. It is driving the majority nuts. Why? Because the Committee on Rules, made up of nine Members from the majority of four Members from the minority, controls every single piece of legislation that comes to this floor; not only controls what legislation, if any, but they control the content with restrictive controls on it to determine its outcome. A discharge petition changes all of that, and they do not like that.

A line-item veto would do the same thing.

Mr. DERRICK. Mr. Chairman, I yield 30 seconds to the gentleman from Wisconsin [Mr. BARCA].

Mr. BARCA of Wisconsin. Mr. Chairman, the President needs desperately the authority that is contained in the bills that we are taking up today. When he is presented with an appropriation bill with billions of dollars of spending and thousands of discrete items, a President is left virtually powerless and almost without any options when it comes time for a veto. Hopefully we will pass a meaningful and strong bill today. We need to send the message to the Senate that this is a bill that must be taken up this session.

Mr. SOLOMON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me just say to the body that I know we are all sincere in what we are trying to do here. But the truth of the matter is, there is only going to be one vote on this floor which is going to deal with a true line item veto, and that is the Solomon substitute.

□ 1610

Mr. Chairman, we can talk about which President did this and which President did not do that. The American people do not really care about all that. The American people do care about this $4.5 trillion debt that is ruining our country. It is turning us for the first time into a debtor nation.

We come up with a new budget gimmick every year. Some Members brag, well, the deficit is only $165 billion this year, or it was only $190 billion last year. We reduced it by this tremendous amount, so they say.

The truth of the matter is, we have not done anything. I am not trying to be critical of this body or to disparage it in any way. The truth of the matter is, we just do not deal with the deficit. I do not think we are going to until we put legislation in place that is going to allow us to deal with it. That means true line item veto. President Clinton has said he wanted it. President Bush and President Reagan and President Carter all wanted the line item veto and they all deserved it, just like the 43 Governors of this great country of ours who have it. They have never abused it, not in any case that I have ever heard of. Even Governor Cuomo in my State has never abused it.

That is why we ought to pass it at the Federal level. We ought to put it on the books and then we can hold the President or this Congress responsible. As it stands now, we just do on and on and on. The debt goes up and up and up, and nothing is ever done about it.

Mr. Chairman, when the votes do take place, the first vote is going to be on the true line item veto in the Solomon amendment. Please vote "yes" on that. If that passes, the gentleman from Texas [Mr. STENHOLM] has said he would not even pursue his amendment. That means that the final bill would then have a true line-item veto.

Vote "yes" on the Solomon amendment in about 45 minutes when it comes up for a vote.

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

Mr. DERRICK. Mr. Chairman, I yield myself the balance of my time.

The modified line-item veto is a good idea. I am going to support it. I supported it last time.

But, let us not try to fool ourselves or the American people. Over the years people in public office have sought many, many gimmicks to avoid having to make the hard decisions themselves. I have heard a number of members refer to the fact that 43 Governors have some form of line-item veto.

They should go one step further and tell Members that very, very seldom, do Governors use it to cut spending. They use it more than anything else to get their pet projects through and ultimately to increase spending.

I agree, it is unfair to ask a President either to veto or sign a multi-billion dollar appropriations bill and not have an opportunity to line-out some of the items in there. I am going to vote for a way to let them do this. But let us not think that the Presidents, whether it be President Reagan, or President Solomon, or President Bush, or President Clinton, are going to use this to cut the deficit. It is just not going to happen.

The CHAIRMAN. Pursuant to the rule, the gentleman from South Carolina [Mr. SPRATT] will be recognized for 15 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 15 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I yield myself 4½ minutes.

Mr. Chairman, I rise in support of the expedited recission bill, H.R. 4600. This bill passed the House last year by a vote of 258 to 157 and comes to the floor today as the first in a series of budget process reforms that the House will be taking up.

Let me review briefly the mechanics of this bill, because I think it is important to emphasize them, particularly when they are called voodoo by some of the opponents.

After the President signs an appropriation bill under this particular procedure allowed by H.R. 4600, the President would have 3 days to send Congress a message proposing to rescind any budget authority that is included in the bill. Before the close of the second legislative day, after the President's message has been received, the

majority leader and the minority leader would have to introduce by request this bill. If they fail to do that, any Member on the third day could do so. Once the President's recission bill was introduced, it would then be automatically referred to the Committee on Appropriations and they would have 7 days on which to act upon it and report it out without substantive revision.

The House would then have to vote on the President's package within 10 days of the date it was introduced in the House of Representatives. It would then be sent to the Senate, and they would consider the package under the same series of expedited procedures, acting within 10 days.

Pending the resolution of this bill, as long as it is still in play, the money proposed for recission by the President could not be obligated by either House or could not be obligated until one of the Houses had defeated the bill and taken the issue out of play.

This is a carefully, very, very precisely crafted bill. And yet we hear today that it could all be undone, all of these procedures where there are guarantees at every turn could be undone and what we could do today could be undone tomorrow just by adopting a rule. That may be a parliamentary possibility. I do not even want to debate it because it is too farfetched. I do not think it would even come to pass as a political possibility.

First of all, the leadership of this House would have to go to the Committee on Rules and, having set up this institutional procedure, this structure, proffered this series of steps to the President for rescinding spending, would have to retract it, would have to pull the rug out from under the President of the United States and say, "What we offered you in the form of legislation and put in statute last year we are undoing by this rule today."

I do not think the leadership is likely to do that. Even if the leadership tried and even if the Committee on Rules went along, the Members of this House would have to pass such an extraordinary rule, and I do not think it would be passed here in the House of Representatives for several reasons.

One is the very basic nature of this bill. The purpose of this bill is to shine a spotlight, to concentrate attention, to focus upon specific elements of bills that sometimes frequently get lost in the fray as they are pushed through this place, to bring them back here in the well of the House with the public looking, the media looking, with the President concentrating his focus upon them to make Members stand up and be accounted for on specific items. I do not think in that context many Members would want to vote against a rule because everybody would immediately translate that to the general public.

They would know that a rule like that that undercut this procedure was a rule for pork-barrel spending, for unwarranted, wasteful spending I do not think we would be able to muster a majority to do it, even if it were proposed.

There is another reason on this bill, because there is a good reason to believe, good reason to construe this language to mean that as long as the President's proposal for rescission is still pending and has not been acted upon, voted upon in this House, as long as it is still pending and still in play then the rescission is still effective. It suspends the obligational authority of the executive branch.

I do not think it is likely to happen for all those reasons. I think this is a good law and, when it goes on the books, it will be an effective procedure that will assure accountability and will give a way to guarantee the President the authority to sort through and cull out unwarranted, wasteful, parochial spending and send it back to us and make us be accountable for it.

Let me tell Members something that is likely to happen if by some unlikely means the statutory line-item veto were to pass. It will be challenged in court because it is of doubtful constitutional validity. I guarantee Members, it will be suspended and joined until the courts have upheld it. We could go 2 to 3 years and get what I think is an inevitable decision of the Supreme Court, which is that it is unconstitutional. Then what will we have. Two years with no line-item rescission authority and an opportunity to start all over again. That is why the effective, efficacious thing to do is to pass this bill, if we can pass it again, send it to the Senate, tell them we are serious, underscore it, emphasize it and adopt it as part of this year's budget reform.

Mr. Chairman, I rise in support of the expedited rescission bill, H.R. 4600. This bill passed the House last year by a vote of 258 to 157. It comes to the floor today as the first in a series of budget process reforms that the House will consider. Next week, the House is to vote on H.R. 4604, the entitlement review bill. And before we adjourn in August, the House is to devote another day to consideration of other entitlement reforms and budget process reforms.

The President, of course, can propose today that any item or part of an appropriation bill be rescinded. He has that authority under section 1012 of the Budget Act of 1974, but he has no assurance that Congress will act on what he proposes. H.R. 4600 gives the President that assurance. It requires Congress, on an expedited basis, to vote on the President's proposal. It also gives the Appropriations Committee the right to offer an alternative rescission package, which the House can consider if the President's package is voted down.

This bill makes it easier to cull out spending projects that are opposed by the President and by majorities in the House and Senate. Under this bill, the only way budget authority can be rescinded is if the President proposed the rescission and majorities in both the House and Senate approve the President's request. If the President opposes a particular project and majorities in both Houses agree with him, the spending should be eliminated. Congress has been subject to public ridicule when individual Members add projects to spending bills which few Members know of and few would support. H.R. 4600 gives us the chance to kill those programs.

Before discussing details of the bill, I would like to take up two concerns that have been raised about this bill. First, some question why we need to bring up a bill that the House has already passed. There are several good reasons:

First, passage of this bill will be an impetus to the other body to do the same. If we pass this bill again, we can underscore its importance to us, and send the other body a blunt message: the House wants to reform the budget process and we want to act this year.

Second, H.R. 4600 is a baseline bill. By bringing it up, we open the opportunity to consider alternatives. We will take up, for example, the Stenholm-Penny-Kasich substitute, which was not before the House in the last debate. Stenholm-Penny-Kasich would allow the President to rescind targeted tax benefits as well as appropriated items. This substitute would also allow 50 Members the right to break out individual items in a rescission proposal and have separate votes on separate items. In addition, the substitute would make expedited rescission permanent law. H.R. 4600 expires at the end of the 103d Congress, because it is offered as a trial procedure. I will ask unanimous consent to amend it and extend it to the 104th Congress.

We will also be giving the House another opportunity to consider the Solomon substitute, which grants the President a traditional type of veto, but by statute rather than by constitutional amendment. It begs, of course, the important question of whether we can grant such a veto without amending the Constitution. I believe that we cannot.

Let me review briefly the mechanics of H.R. 4600. After the President signs an appropriations bill into law, under this bill, he will have 3 days to send Congress a message proposing to rescind any budget authority included in that bill. Before the close of the second legislative day after receiving the President's message, the majority or minority leader of the House shall introduce the draft bill. If neither decides to introduce the package, then on the third legislative day, any Member may introduce it. Once the President's rescission bill is introduced in the House, it is sent to the House Appropriations Committee which has 7 days to report the bill without substantive revision. The House must vote on the President's package within 10 days of the date the proposal is introduced in the House. The package is then sent to the Senate which will consider the package under the same expedited procedure. The money proposed for rescission cannot be obligated until either the House or Senate defeats the bill.

To deal with concerns that appropriators raised last year, the bill gives the Appropriations Committee the power to report an alternative rescission bill. But any alternative rescission bill reported by the Appropriations Committee could only be considered by the House immediately after voting on the President's unamended proposal. Basically, what

this bill does is to guarantee the President a fast track for a clear up-or-down vote on his own proposal.

Because this bill is straightforward, it is clearly constitutional, and CRS has written a memorandum passing judgment on it, which concludes that it complies with the Constitution. Nevertheless, for any who may have doubts, we have language in the bill borrowed from Gramm-Rudman-Hollings which provides for an expedited judicial review of the constitutionality of the bill.

Mr. Chairman, I make no extravagant claims for this bill, but I do believe that it adds an important step to the budget process. I believe that it will add also to public accountability. And I believe that if it is passed, it will become a significant restraint on spending. I urge the House to support H.R. 4600.

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

□ 1620

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

Mr. Chairman, I rise in opposition to H.R. 4600. Let me begin by explaining what H.R. 4600 is not.

H.R. 4600 is not the A-to-Z spending cut proposal. It never has been and it never will be. Nor is H.R. 4600 adequate political cover for Members who vote "yea" on this bill to then turn their backs on the A-to-Z proposal. The American people are not fools and will surely recognize this effort as a pale imitation of real deficit reduction. Members cannot prove their man or womanhood on deficit reduction by voting in favor of this bill, which is going nowhere, and rejecting the A-to-Z spending cut plan, which could result in significantly less Federal spending.

Finally, H.R. 4600 is not a serious effort to reform the Federal budget process and reduce the deficit. On April 29, 1993, we all stood on this floor debating H.R. 1578, also introduced by my honorable friend, JOHN SPRATT, and also called the Expedited Rescission Act. In fact, H.R. 1578 was the same exact bill as the one before the House today. It was approved by a vote of 258 to 157, yet it has gone nowhere for the same exact reason that H.R. 4600 will go nowhere if it is approved today. Namely, it was not meant to go anywhere. Our colleagues in the other body have had well over a year to act on enhanced rescission authority. Yet, they have turned a deaf ear.

What H.R. 4600 is, is disappointing. The bill is called expedited rescission because like many things in Washington, it asks those of us who are concerned about reducing the deficit to simply hurry up and wait. So, I rise today, along with many of my colleagues, in opposition to the Expedited Rescissions Act of 1994 and I do so for the same reasons I opposed the Expedited Rescissions Act of 1993 and perhaps may be obliged to oppose the Expedited Rescissions Act of 1995 and 1996.

I oppose this measure with great reluctance, however, because in the past, and indeed in the present, I have admired and supported budget process proposals from the gentleman from South Carolina. But in this case, there are a lot of very significant things at stake here and I am not willing to jeopardize those for the sake of political cover. We risk, with the vote we cast today, losing an opportunity to get a real tool to do something about a deficit which is still eating us alive.

As I did last year, I am opposing this bill for two major reasons. One is based on procedural grounds and the other is based on the fundamental weaknesses associated with the bill.

First, I oppose this proposal due to the expedited means by which it was brought to the floor. Unfortunately, the Government Operations Committee has all too frequently waived its jurisdiction over budget process issues, as we did in this instance. Although we have held hearings on budget reform proposals, the Government Operations Committee time and time again refuses to mark up budget reform legislation. That practice, coupled with efforts to restrict the ability of Republican Members to offer amendments on the House floor, is a slap in the face of minority rights.

Because H.R. 1600 is identical to the bill we passed through this body a year ago, it has identical flaws. I have already mentioned that this bill is simply designed to give Members on the other side of the aisle political cover to argue that they voted to speed up the rescission process and appear through smoke and mirrors as though they are supporting the line-item veto. That contention is simply not true. If this bill had been considered in the committee of appropriate jurisdiction, Government Operations, I am confident that it would have been improved to provide the President with a true line-item veto.

Mr. Chairman, I am including in the record a copy of a letter sent to Chairman CONYERS, and signed by each Republican on the Government Operations Committee, protesting the waiver of our committee's jurisdiction on this bill. This letter supports my belief that had we had the opportunity to amend this bill in committee, the House would pass today a strong anti-deficit measure.

Second, I oppose this bill because by making the President, the House and the Senate all approve rescission legislation before any cuts are made, this bill gives Congress dictatorial power to block attempts to reduce porkbarrel, special-interest spending. If my colleagues on the other side of the aisle trust the President, elected from their own political party, they would truly trust him with unfettered authority to cut wasteful spending. If Congress wants some of the useless spending items included in nearly every appropriation bill, let them come here to the floor and defend them individually.

Finally, as compared to a true line-item veto, this bill gives the President weak authority to make rescissions. Under this proposal, the President's rescissions will not take effect until Congress takes affirmative action to approve them. In effect, this allows Congress to veto the President's rescissions by doing nothing at all.

It was President Clinton who stated during the Presidential campaign that he wanted a true line-item veto. Let us end gridlock and give him what he wants! Vote "no" on H.R. 4600.

The letter referred to is as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON
GOVERNMENT OPERATIONS,
Washington, DC, June 22, 1994.

Hon. JOHN CONYERS,
Chairman, Committee on Government Operations, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to express our strong objection to your recent waiver of Government Operations Committee jurisdiction over H.R. 4600 and H.R. 4604, the expedited rescissions and entitlement spending reform proposals now pending in the House. Although these matters are central to Government Operations' budget process authority and could, if responsibly crafted, offer much-needed opportunities for federal deficit reduction, for the second time in two years our Members have been denied the opportunity to act on both expedited rescissions and entitlement review.

Last April, Government Operations discharged without consideration H.R. 1578, Congressman Spratt's rescission bill. That legislation, which is identical to H.R. 4600, has since been languishing before the Senate Budget and Governmental Affairs Committees with no action scheduled. Similarly, the Spratt entitlement review proposal contained in H.R. 4604 is identical to language discharged from Government Operations and self-executed into the 1993 House Reconciliation bill. That language was later dropped in conference. Clearly, the Senate has recognized the flaws in both proposals, and yet this committee continues to deny our Members the chance to improve them.

Your latest decision to discharge is particularly disturbing in light of your earlier commitment to ensure Government Operations Committee consideration of H.R. 3801's budget process reforms, which include the very entitlement reforms just waived. The members of this committee were promised the chance to work their will in strengthening the federal budget process and improving federal deficit control. That commitment has now gone by the wayside. We urge you to restore your promise by reasserting this committee's jurisdiction and protecting our members' right to consideration of true budget process reform. As we have repeatedly noted, for Government Operations to maintain its jurisdiction, it must exert its jurisdiction. Now is the time to do so.

Sincerely,

Rob Portman, Stephen Horn, Deborah Pryce, Craig Thomas, Steve Schiff, J. Dennis Hastert, Jon Kyl, Dick Zimmer, William F. Clinger, Al McCandless, Christopher Cox, William Zeliff, Frank Lucas, John Mica, Christopher Shays, John McHugh.

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

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. KLEIN].

Mr. KLEIN. Mr. Chairman, I rise today in support of the Expedited Rescissions Act and the Stenholm substitute.

Mr. Chairman, I voted for H.R. 1578 last year, but unfortunately the Senate has not acted on it. Nevertheless, the time has come for Congress to make the hard choices needed to substantially reduce the deficit. Because the deficit problem is so compelling, we must give the President additional powers to cut spending and we must make Congress accountable to these cuts.

For far too long, Congress has been able to avoid making the difficult decisions regarding spending cuts that the President has proposed by hiding behind current law which does not require a vote on rescissions. This bill will ensure that Congress makes these decisions. Most importantly, it will also give the President the power to cut wasteful and unnecessary items out of appropriations bills to cut the pork out of the budget.

Congress should be forced to go on the record and register its views on the President's proposed cuts. We have already gone a long way toward real deficit reduction and fiscal sanity. We have made progress, but we can and must do more. This bill will provide the tools to make a giant leap forward.

I have urged that we have an early vote on the lock box bill so that rescission cuts will go to deficit reduction and I understand that we will soon have that opportunity. In the meantime, we can give the President that option now by supporting the Stenholm substitute which includes such a provision. These two measures are critical to achieving further deficit reduction and I will continue to fight hard to have them become law.

My friends, it is time to pay the piper. I urge my colleagues to support the Expedited Rescissions Act and require real congressional accountability. Let us show the American people that we can and will make the tough choices in the deficit reduction process.

Mr. CLINGER. Mr. Chairman, I am pleased to yield 4 minutes to the gentleman from California [Mr. MCCANDLESS], the ranking member on the Subcommittee on Legislation and National Security of the Committee on Government Operations, and a very active member of that committee.

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

Mr. Chairman, for the second time this Congress, I rise in strong opposition to this bill, and I urge my colleagues to finally, once and for all, do what is right. I urge you to vote against both H.R. 4600 and the Stenholm-Penny-Kasich substitute, and to vote instead for a chance at real deficit reduction. Join me in support of the Michel-Solomon amendment to give our President a true line-item veto.

Mr. Chairman, H.R. 4600, the Spratt expedited rescission bill, is fatally flawed.

H.R. 4600, applies only to this year's appropriations bills. It has no effect on next year's appropriations or on those of any subsequent year.

The legislation permits any rescission to be unilaterally killed by a simple majority of either House of Congress.

It permits the Rules Committee to waive any or every provision in the bill and thereby prevent consideration of any rescission package at all.

And finally, as if that were not enough, this exact same bill has been languishing in the Senate for over a year, and has no chance whatsoever of ever becoming law.

Given the enormity of its defects, I doubt any Member can be fooled by how little cover this transparent fig leaf of reform really provides.

Similar problems exist in the Stenholm-Penny-Kasich substitute. Although their proposal extends beyond this Congress and provides the President with rescission authority over targeted tax preferences, the Stenholm substitute still permits either House to unilaterally kill any rescission, and it still allows the Rules Committee to waive any and all provisions of the bill. Neither Members nor taxpayers looking for true deficit reduction will be succored by this weak plan.

Of the three proposals pending before the House, only the Michel-Solomon approach ensures real reform and accountability by both Congress and the President. The Michel-Solomon amendment forces Members to vote on rescission proposals and guarantees that rescissions will take effect unless a majority of both Houses vote to override them. In addition, Michel-Solomon will permit the President to take aim at the special tax benefits afforded a few privileged corporations and special friends.

Under Michel-Solomon, the President will no longer be able to blame Congress for forcing him to choose between wasteful spending or shutting down the Government. The President will be able to make reasonable rescission recommendations which must be voted on by both Houses of Congress. Congress, in turn, will be required to vote on questionable spending items which are buried in massive appropriations bills. In addition, we will be able to cancel unfair tax breaks for targeted special interests.

The Michel/Solomon amendment will allow both the President and Congress to more effectively do their jobs, and the American people will undoubtedly benefit.

Mr. Chairman, the U.S. Government is currently $4.6 trillion in debt. If left unchanged, that debt will mount to more than $7 trillion in just another 10 years, and on it goes. Clearly, we must change the way we do business, and that change must be real and substantive. The Michel-Solomon amendment provides that type of change and offers a honest opportunity for deficit reduction. I, for one, would hate to go home having voted for less. I urge my colleagues to do the right thing and support the Michel-Solomon plan.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I rise in support of this legislation and the Stenholm-Penny-Kasich substitute. I do so because I believe the line item veto is a proven and effective procedure to curtail wasteful spending. It is not a gimmick. Rather, it is a serious means to restore fiscal responsibility to the spending process, and is employed by virtually all States, including my State of California.

Currently, Mr. Chairman, House procedures allow two main vehicles for pork: Tax bills and appropriations. Once inserted into an omnibus tax bill, inappropriate tax breaks, and subsidies are impossible to remove without defeating the bill.

Second, even when the House votes to terminate a wasteful project from an appropriation bill, the intended savings may be respent by appropriators on other pet projects.

□ 1630

The Stenholm-Penny-Kasich substitute amendment not only provides for a Presidential line-item veto of appropriations, it also remedies the procedures that shelter pork-barrel projects. This legislation would allow the President to single out both special tax benefits and wasteful projects in appropriations bills. Most importantly, it will establish a separate account in each rescission bill for deficit reduction. This will enable the President to set aside saving from any rescission to preserve spending cuts. As an original cosponsor of the Deficit Reduction Trust Fund and the Deficit Reduction Lock Box, I know this concept can work.

This year's deficit is expected to be about $220 billion—an improvement over prior years with better news to come. But to assure the trend continue downward we need to give the President this effect tool to cut fat from appropriations bills and to reduce the national deficit. I urge my colleagues to help restore fiscal responsibility to Congress by passing this measure and the Stenholm substitute.

Mr. CLINGER. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. COX], a very valuable member of the committee.

Mr. COX. Mr. Chairman, I rise in support of the line-item veto. The line-item veto unfortunately is not before us today. Instead, H.R. 4600 is best described as pointing a garden hose at a forest fire. It is not a bad bill. It moves us a tiny step in the right direction. But we have a much better opportunity in the form of the Michel-Solomon substitute which is closest among our alternatives to the real line-item veto.

Mr. Chairman, there are opponents to the line-item veto certainly in the House. We have debated before the constitutional reasons that people have to oppose a line-item veto. These consist largely in concerns about shifting power from the legislature to the executive. Those arguments have been heard by the American people and the verdict is in. The American people in large numbers want a real line-item veto. That is why this President campaigned for one.

Mr. Chairman, certainly no one can suspect partisan politics in this since I as a Republican want to give Democratic President Bill Clinton a line-item veto. That is why we should vote in favor of the Michel-Solomon substitute.

Mr. Chairman, our deficit spending crisis has been building now for over 20 years. It threatens now to overwhelm our entire economy. H.R. 4600, the bill before us just now, would cause only the most marginal change in the budget act. It would not in any way enhance the President's weak existing power. It would only affect the timing of its use. A line-item veto should encourage budget savings by letting a President cut spending unless both Houses of Congress vote him down. This bill would perpetuate the current bias in favor of spending. It would let either House kill a spending cut simply by failing to vote on it. Worse yet, it is temporary. It applies only for this Congress. We are about to adjourn in 3 months. Worst of all, it does not even let the President channel any savings to deficit reduction, so the Congress is free to spend the found money on something else. This bill forces the President to propose rescissions within 3 days of receiving one of our mammoth appropriations bills. That is unworkable. A real line-item veto, like the Michel-Solomon substitute, would let the President exercise his rescission authority at any time during the fiscal year.

Finally, this bill, H.R. 4600, could be waived at any time by this House. Of course we have seen how over half of the budget measures considered in this House during the last Congress came to us under a rule that waived the Budget Act in its entirety. The Michel-Solomon substitute will not permit that.

Mr. Chairman, it is now too late for toothless tinkering. Before sundown today, our Government will lose $1 billion. We will lose over $1 billion every day that our Government is open for business this year. We will spend according to President Clinton's budget $1.5 trillion, that is $1,500 billion in the next year. In the next 3 years, we will go to $1.6 trillion, $1.7 trillion, and finally in 1998 $1.8 trillion in spending.

Mr. Chairman, our children's jobs are literally vanishing before our eyes, pawned by all of this deficit spending so that Congress and the President can stave off real reform for a few more years. Now we are being offered a bit of camouflage, so-called expedited rescission this week, so-called entitlement caps next week, a legislative costume party where congressional spendthrifts can play Scrooge for a day.

Mr. Chairman, this is an unworthy response to a profound crisis. The American people have told us in no uncertain terms that they demand real change, a real line-item veto, the Michel-Solomon substitute.

Mr. Chairman, I should say a word about the Stenholm-Penny-Kasich amendment. It, too, is worthy of consideration, but the best alternative is the Michel-Solomon substitute.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, I think the debate has left the impression that somehow Congress has not fulfilled its responsibilities on recission of line items appropriations. Historically I think we have done far better than most people realize.

Mr. Chairman, I would like to read into the RECORD the summary of material that I will place in the RECORD about just what has happened in the last 20 years since the modern Budget Act was enacted.

We have had the Presidents who served during that period ask us 1,084 times to rescind spending. That spending reduction requested of us would total just under $73 billion. We have agreed to about $23 billion of the Presidents' requests, but more important we have gone beyond the Presidents' requests and reduced additionally appropriations by almost $70 billion more during that 20-year period.

In other words, Congress has actually rescinded almost $20 billion more than we have been asked for by the Presidents who served between 1974 and the present time. In other words, Congress has exceeded the requests by $20 billion while not agreeing exactly with the priorities of the administrations that have served during this period.

Mr. Chairman, I think it would also be important to point out that the Congress has in 43 of the last 49 years appropriated less money than we were requested to by the various Presidents who served during that period. In fact, we have given the President, in a generic sense, $73 billion less than requested in the last decade; $73 billion less than we were asked to spend in the budgets submitted to us by the two Presidents who served during the last decade.

Mr. Chairman, if we are somehow derelict in our duty to cut spending in the appropriations process in the line items that come to us in the President's budget, I am at a loss to know what more we could have done. We have set an example.

Mr. Chairman, I include the document referred to in my remarks, as follows:

SUMMARY OF PROPOSED AND ENACTED RESCISSIONS, FISCAL YEARS 1974–94

Fiscal year	Rescissions proposed by President	Dollar amount proposed by President for rescission	Proposals accepted by Congress	Dollar amount of proposals enacted by Congress	Rescissions initiated by Congress	Dollar amount of rescissions initiated by Congress	Total rescissions enacted	Total dollar amount of budget authority rescinded
1994	65	$3,172,180,000	45	$1,293,478,546	81	$2,374,416,284	126	$3,667,894,830
1993	7	356,000,000	4	206,250,000	74	2,205,336,643	78	2,411,586,643
1992	128	7,879,473,690	26	2,067,546,000	131	22,526,953,054	157	24,594,499,054
1991	30	4,859,251,000	8	286,419,000	26	1,420,467,000	[1] 34	1,706,886,000
1990	11	554,258,000	0	0	71	2,304,986,000	71	2,304,986,000
1989	6	143,100,000	1	2,053,000	11	325,913,000	12	327,966,000
1988	0	0	0	0	61	3,888,663,000	61	3,888,663,000
1987	73	5,835,800,000	2	36,000,000	52	12,359,390,675	54	12,395,390,675
1986	83	10,126,900,000	4	143,210,000	7	5,409,410,000	11	5,552,620,000
1985	245	1,856,087,000	98	173,699,000	12	5,458,621,000	110	5,632,320,000
1984	9	636,400,000	3	55,375,000	7	2,188,689,000	10	2,244,064,000
1983	21	1,569,000,000	0	0	11	310,605,000	11	310,605,000
1982	32	7,907,400,000	5	4,365,486,000	5	48,432,000	10	4,413,918,000
1981	133	15,361,900,000	[2] 101	10,880,935,550	43	3,736,490,600	144	14,617,426,150
1980	59	1,618,100,000	34	777,696,446	33	3,238,206,100	67	4,015,902,546
1979	11	908,700,000	9	723,609,000	1	47,500,000	10	771,109,000
1978	12	1,290,100,000	5	518,655,000	4	67,164,000	9	585,819,000
1977	20	1,926,930,000	9	813,690,000	3	172,722,943	12	986,412,934
1976	50	3,582,000,000	7	148,331,000	0	0	7	148,331,000
1975	87	2,722,000,000	38	386,295,370	1	4,999,704	39	391,295,074
1974	2	495,635,000	0	0	3	1,400,412,000	3	1,400,412,000

SUMMARY OF PROPOSED AND ENACTED RESCISSIONS, FISCAL YEARS 1974–94—Continued

Fiscal year	Rescissions proposed by President	Dollar amount proposed by President for rescission	Proposals accepted by Congress	Dollar amount of proposals enacted by Congress	Rescissions initiated by Congress	Dollar amount of rescissions initiated by Congress	Total rescissions enacted	Total dollar amount of budget authority rescinded
Total: 1974–1994	1,084	72,801,214,690	399	22,878,728,912	637	69,489,378,003	1,036	[3] 92,368,106,915

[1] The Military Construction Appropriations Act of 1991 approved certain rescissions proposed by the President in 1990 41 days after the funds were released for obligation under the impoundment Control Act Presidential rescission proposals R90–4, R90–5, and R90.

[2] Thirty-three rescissions proposed by President Carter and totalling over $1.1 billion are not included in this table These rescission proposals were converted to deferrals by President Reagan in his Fifth Special Message for Fiscal Year 1981 dated February 13.

[3] The total estimate of budget authority rescinded is understated. This table does not include rescissions which eliminate an indefinite amount of budget authority.

But the truly troublesome facet of the Stenholm proposal is that the President does not have to identify objectionable areas of spending or taxation in the time frame he signs a bill. He can hold those issues back until he needs the vote or votes of the members in question. Perhaps he expects problems on the passage of next year's budget. Perhaps there will be a war powers issue. No President with the political sense to hold the office would send one of these recisions up until the affected member or members crossed the line. What we are doing to our forefathers carefully crafted notion of checks and balances is to hand the branch of Government whose authority has grown most rapidly in recent times, a permanent form of political blackmail to insure our submission. The difference between having a 3-day period in which a recission would receive expedited procedure and an indefinite period might well prove to be the difference between having a President and a king. George Washington helped our Nation avoid a monarchy. Let us not impose one over 200 years later.

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. LUCAS], the newest member of the Committee on Government Operations.

Mr. LUCAS. Mr. Chairman, I thank my ranking Member, Mr. CLINGER, for yielding me this time.

Mr. Chairman, I am happy the House today will have opportunity to pass a true line item veto, a desperately needed reform to get our fiscal house in order. Republicans in Congress have been fighting for the line-item veto for over a decade. We agree with candidate Bill Clinton who, during the 1992 presidential campaign, endorsed the line-item veto to eliminate pork-barrel projects and cut Government waste.

Unfortunately, H.R. 4600 will not give the President what he claims he wants. H.R. 4600 is but a subterfuge, a sad imposter of the true line-item veto. A genuine item veto allows the President to cancel wasteful spending items unless both houses of Congress override the veto by a two-thirds vote. This bill, however, would allow a bare majority of either house of Congress to block any rescission. Even worse, this bill would only apply to this year's appropriations bills, all of which the House has already passed. In short, Mr. Speaker, H.R. 4600 is business as usual, and business as usual is what got us into this budgetary mess in the first place.

In fact, H.R. 4600 is so weak that we must ask why we are even bothering to consider it now. On April 29, 1993, the House passed another measure identical to this one. Why pass the same bill twice? Will that in any way improve its chances of becoming law? Of course not. It seems the only reason for debating this issue again is to give political cover to those Democrats who will be forced by their liberal leadership into withdrawing support for the "A to Z" spending cuts plan, the only opportunity for cutting spending we will have this year. As a proud new member of the Government Operations Committee, I note that all these problems with H.R. 4600 could have been remedied in committee had our chairman not inexplicability waived jurisdiction over this bill.

Despite the weaknesses of H.R. 4600, we will yet have opportunity to enact a true line-item veto. The Michel-Solomon substitute amendment will grant the President permanent authority to veto items in appropriations bills and targeted tax benefits in revenue bills. It requires both the President and Congress to act within 20 days, and provides for a vote on the entire package of rescissions. Most importantly, it requires a two-thirds majority of both houses to override the veto or rescission. While the Stenholm substitute may be an acceptable improvement over H.R. 4600, the Michel-Solomon substitute is preferable because it will genuinely reform the rescission process in order to protect the American taxpayer from wasteful spending.

During my tenure as an Oklahoma State legislator, I witnessed firsthand how the line-item veto helped to restrain excessive spending. Here in Congress, the line-item veto will be an effective check on Congress's unfettered power of the purse, and a good way to counter the pressure special interests place on Congress to hike spending higher and higher. In the name of meaningful budget reform to protect generations of American taxpayers, I urge my colleagues to support the Michel-Solomon amendment.

□ 1640

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. FAWELL].

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

Mr. Chairman, I rise in support of the Solomon-Michel substitute to the expedited rescissions act.

Let there be no mistake about the series of votes we will have today. The Solomon-Michel substitute is the only true line-item veto proposal before us. If you campaigned for the line-item veto you vote for the Solomon-Michel substitute. Accept no substitutes. The Solomon-Michel proposal is the real thing, because it gives the President the authority to not spend money for a project unless Congress passes a bill disapproving the rescission, thus requiring Congress to act to stop the rescission. Then the President could veto the disapproval, and Congress could only force the expenditure of the line item by a two-thirds vote overriding the veto.

The other proposal before us, the Spratt proposal, is not a line-item veto bill. And it is only a temporary provision at best and, of course, it has all of those provisions that allows the Committee on Rules to waive and dismiss the rules.

Our Committee on Rules has sometimes been described as a committee that has a plethora of waivers and then once in a while will enforce the rule.

If we are going to blame the President for not controlling spending, and we like to do that, but we know Congress is in control, then let us at least give him coequal power to do something about it. Give him the real line-item veto.

I urge my colleagues to support the Solomon-Michel substitute, the real thing, the real line-item veto.

Should this substitute fail, I then will support the Stenholm-Penny-Kasich substitute, because it is a vast improvement over the enhanced rescission power we presently have.

Mr. CLINGER. Mr. Chairman, I yield myself 1 minute, the remainder of my time.

Mr. Chairman, in closing, I would just urge a vote for the Michel-Solomon substitute, because as has been indicated here, it is the only true line-item veto.

We are engaged here in, I think, an exercise of futility if we were to pass 4600. It has not been dealt with by the other body in an entire year. I think we need to go on record here today as supporting a true line-item veto.

We may not achieve the goal in this Congress, but we certainly can send a signal that this is what this body supports, not smoke and mirrors, but true

deficit reduction which would be represented by a plus vote, an aye vote, for the Michel-Solomon substitute.

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

Mr. ZELIFF. Mr. Chairman, due to the funeral service of a close, personal friend of mine, Mike Tinios, I was unable to vote on the amendments and final passage of H.R. 4600, Expedited Rescissions Act of 1994. Had I been present, I would have voted to oppose the Spratt-Derrick amendment and supported both the Stenholm-Penny-Kasich amendment and the Michel-Solomon amendment.

Budget process reform is important. Reducing the deficit is vital. If we are ever going to make any progress to cut spending and begin to dig ourselves out from under the staggering debt that we have accumulated over years—a debt which costs the taxpayer over $212 billion a year in interest alone—we must take spending cut action now. That is why ROB ANDREWS and I launched the A-to-Z spending cuts plan, to start a process that will result in real spending cuts, real deficit reduction. We cannot continue spending taxpayer dollars with reckless abandon and, in the process, saddle our children and grandchildren with greater and greater debt.

Make no mistake, Mr. Chairman, the so-called expedited rescissions bill is a transparent political move aimed at derailing the A-to-Z train. 204 members have already signed our discharge petition. It has been no secret that the leadership is terrified at the prospect of returning the power of the purse to the rank and file members of the House. Rather than continuing the status quo, where a few powerful committee chairman dictate our funding priorities, A to Z opens the process to all Members of Congress.

A to Z provides a 56-hour session devoted exclusively to cutting the budget. Everything is on the table, entitlements, discretionary programs, everything. Any Member may offer an amendment to cut spending—no restrictive rules. Programs that stand on their merits will be funded; those that don't will be cut. It's just that simple.

The American people mistakenly believe that Congress follows this process already. We do not, and this must change. The Spratt version of the Expedited Rescissions Act does not give us the reforms that are so desperately needed to cut spending and balance the budget. We need real spending cuts an real deficit reduction now, not the weak process changes called for in H.R. 4600.

For the sake of future generations, we must do better. I hope the House leadership will listen to the people and let the A-to-Z plan move forward. We should support the Stenholm and Solomon budget process reforms. They improve the process, but they don't provide spending cuts now. We need both real budget process reform and we need real A-to-Z spending cuts now.

If the Stenholm or Solomon amendments pass, I would support final passage of H.R. 4600. If both of these amendment fail, then I would vote to oppose final passage.

Finally, Mr. Chairman, had I been present, I would have voted to oppose the rule of H.R. 3937, the Export Administration Act.

Mr. FRANKS of Connecticut. Mr. Chairman, this exact same rescissions bill was considered by the House last year. Here it is again for our consideration. How many more times will the fiscally irresponsible majority in Congress pretend to be fiscally responsible before the public catches on?

The bill that the Democrats have brought up today is not a real line-item veto. It is deceptive to say that it is. A Presidential veto requires Congress to get a two-thirds majority to overrule it. This bill only requires a majority vote. In addition, this bill does not even provide an actual veto. A veto majority overrules a presidential decision. In this bill a majority vote is needed, not to reject the President's request to delete spending, but to approve it. Anything less keeps that wasteful spending in the bill for the rest of the year.

I will support two amendments to this bill to make it more meaningful. The bipartisan Kasich substitute would allow the President the option to put savings from a rescission into an account dedicated for deficit reduction. It would also force Congress to defeat a Presidential veto in order to keep spending in a bill.

My first choice for passage would be the Michel substitute, which would give the President a line-item veto as powerful as the one held by Governors of 43 States. For those Americans, such as those in Connecticut, who are not represented by a Governor with a line-item veto, let me explain this substitute. It would allow the President to reject spending projects unless Congress overruled the rescission with a two-thirds majority vote. This is a true line-item veto. As a sponsor of a constitutional amendment giving the President a line-item veto, I would be very pleased to see the Michel amendment become law.

Mr. LAZIO. Mr. Chairman, like many of us who were elected to the 103d Congress, I was sent to Washington with a mandate for change. For the past 19 months my highest priorities have been reducing the Federal debt and the deficit. Several times in those 19 months I have been faced with challenges to carry out this mandate. Today is another such occasion.

Today, while I voted for the Expedited Rescission Act of 1994, I have to say this Congress could do better for the American people. This bill is a step in the right direction. The existing rescission process is a joke, and makes it harder to cut wasteful spending instead of easier. We have significantly strengthened the process by adopting the Penny-Kasich-Stenholm amendment, for which I voted. However, we could have improved it even more by adopting the Michel-Solomon amendment, which I also supported. Congress needs to deal with the debt and deficit right now. We need to go further and adopt a line-item veto. I will continue to work for opportunities to make the line-item veto a reality.

The Expedited Rescission Act of 1994 should not be considered a replacement for the line-item veto or the A-to-Z spending cuts package. As a cosponsor of the A to Z proposal, and a signer of the discharge petition. I urge the leadership on the other side of the aisle to move A-to-Z to the floor. We must not sit back and point to our minor successes, but must directly deal with America's problems. Our work is just beginning. Let's also enact a line-item veto and the A-to-Z proposal.

Mr. HUGHES. Mr. Chairman, I rise in support of H.R. 4600, the Expedited Rescissions Act of 1994.

At the outset it is significant to note that H.R. 4600 is identical to a bill which just last year passed the House with strong support, yet received no further legislative action. In this regard, it is incumbent upon us to pass this measure in order to once again drive home the importance of achieving real budget process reform.

We are all well aware of the current practice in Congress of bundling the thousands of Federal spending programs we oversee into the 13 appropriations bills. While this process helps to assure that Federal funds are distributed equitably, it is clear that this process has been abused. By passing H.R. 4600 we have the opportunity to prevent further abuse.

All too often we hear reports of errant projects slipped into appropriations bills thereby circumventing the required scrutiny of the authorization process. In other instances, our fiscal needs simply change over the course of the year and we find there is room to reduce substantially, or totally eliminate funding which has been included in appropriations bills.

H.R. 4600 recognizes these possibilities and provides a mechanism to effectuate such spending reductions while still maintaining the constitutionally mandated balance of power between the Congress and the President with respect to the appropriation of funds.

Pursuant to H.R. 4600, the Congressional Budget and Impoundment Control Act of 1974 would be amended to provide for a fast-track process for considering and voting on Presidential proposals embodied in a bill to rescind budget authority provided for in an appropriations measure. The bill also provides for a procedure for the Congress to consider an alternative rescissions package drafted by the House or Senate Appropriations Committees.

Specifically the bill will give the President the authority to pick out of appropriations bills which he signs those items which he feels are wasteful or which should not have been included in the bill in the first place. If the President submits his rescission proposal within 3 days after signing an appropriations bill, a legislative process is automatically triggered whereby a House floor vote on the President's rescissions package must take place within 10 legislative days of introduction.

If the President's rescissions proposal is rejected by the House, a vote on an alternative rescissions bill reported by the House Appropriations Committee must be taken by the close of business on the 11th day following introduction of the President's rescission package. If the House does not pass either the President's rescissions package or the Appropriation Committee's alternative measure, the Senate would not act.

However, if the House passes either the President's rescission proposal or the Appropriations Committee's alternative bill, the Senate would have the opportunity to vote on the President's package. As in the House, if the Senate rejects the President's proposal, the Senate may consider an alternative rescissions package reported by the Senate Appropriations Committee. The Senate would only have 10 legislative days within which to consider the President's proposal and the Appropriations Committee's alternative.

In this regard, H.R. 4600 is similar to the line-item veto authority which many of my colleagues have advocated. However the major difference is that this measure will maintain Congress' constitutional prerogative to appropriate funds without unduly shifting power to the executive branch.

I strongly support the expedited rescissions process. However, it would be a myopic view of the deficit problem we currently face to assume that merely passing H.R. 4600 will resolve this comprehensive fiscal dilemma.

Rather, the expedited rescissions process is a good step in the right direction toward restoring real discipline to the Budget Process. In addition to this initiative, we must continue to carefully scrutinize appropriations bills in order to identify spending programs which we don't need or can't afford. Moreover, we must follow up on that scrutiny by continuing to make the tough choices to cut programs, regardless of their popularity or political appeal.

H.R. 4600 will not only help us tighten the reins on Government spending, but also it will restore a sense of accountability to the appropriations process, and I would urge my colleagues to join me in support of this legislation.

Mr. KYL. Mr. Chairman, I rise in support of the Michel-Solomon substitute, which comes closest to a true line-item veto for the President. I will also support the Stenholm-Penny-Kasich substitute as the next best alternative to the base bill, H.R. 4600.

If the House is serious about a line-item veto bill, it will approve one of the two alternatives, preferably Michel-Solomon, because H.R. 4600 will just not do the job. H.R. 4600 is identical to the weak substitute for a line-item veto that the House passed early last year, and which is still pending in the Senate without action.

If H.R. 4600 passes in its current form, it's nothing more than cover for those Members of the House who won't cosign the discharge petition to ensure action on the A-to-Z spending cut proposal. The National Taxpayers Union—the respected, nonpartisan organization dedicated to protecting taxpayers' interests, first and foremost—has even urged a no vote on the base bill, recognizing it's a fraud.

It won't give the President real line-item veto authority. It won't even ensure that Congress will actually vote on the budget rescissions that the President might propose. The proposed new rescissions process in H.R. 4600 can be set aside, waived or suspended by a special rule of the House. It won't even apply beyond the 3½ months left in the 103d Congress.

Michel-Solomon, by contrast, would provide permanent authority for the President to propose rescissions in spending bills and targeted tax benefits in revenue bills. And unlike the current process whereby Congress can kill the President's proposed spending cuts by doing nothing at all, Michel-Solomon would ensure that the cuts proposed by the President would become effective unless Congress actually votes to reject them.

Mr. Chairman, a vote for H.R. 4600 in its current form is a vote for the status quo, something to make the people back home think the House is supporting budget reform when it's really not. Well I have news for those of our colleagues looking for cover: The American people aren't going to be fooled. They know the real thing when they see it.

I urge a "yes" vote on Stenholm-Penny-Kasich amendment, and another "yes" on the Michel-Solomon substitute. Anything less is nothing at all.

Mr. PORTER. Mr. Chairman, the national debt and the yearly deficits which enlarge it are our Nation's most serious problems. They are nothing less than cancers devouring the economic core of this Nation. Every dollar added to the debt makes us that much more dependent on foreign lenders and condemns another one of our children to a life of diminished economic opportunity. The American people deserve better than what this Congress and the Clinton administration have given them in terms of deficit reduction.

Mr. Chairman, with the economy in recovery, we have a unique opportunity to make further spending cuts to better address our fiscal problems. Unfortunately, the President and the Democratic leadership of this House don't want to do that. They don't want to reduce this bloated Federal Government further and stem the tide of red ink flowing from Washington. Last year, they pulled out all the stops to defeat the Penny-Kasich amendment which would have cut Federal spending by just 1 percent over 5 years and lowered the deficit by $90 billion. Earlier this year, they fought a proposed balanced budget amendment to the Constitution. Today, they have brought this modest rescission improvement proposal to the floor not because they care about eliminating wasteful Federal spending, but instead as part of an effort to undermine support for the A-to-Z spending cuts plan, a plan which I support. Had the leadership run this House with a modicum of openness and fairness, A to Z would never have come to life.

Mr. Chairman, the House last year debated and passed legislation identical to H.R. 4600. I supported passage of that legislation which today finds itself languishing in the Senate as the clock ticks down the final weeks of this 103d Congress. H.R. 4600 is an improvement over the current rescission process, but debating and passing it when we have effectively already done so is a questionable exercise. If the leadership really cared about eliminating waste in Government, if it was truly concerned about reducing the deficit, if it really wanted to strengthen America's economy, it wouldn't have fought Penny-Kasich, wouldn't have opposed the balanced budget amendment, and wouldn't try to undercut the A-to-Z plan by bringing up the same modest rescission bill twice. We can do better, Mr. Chairman. We have to if this Nation wants any kind of prosperity in its future.

Mrs. LLOYD. Mr. Chairman, the news on the economy is good. Job creation, economic growth, consumer confidence are all up. Inflation is holding steady. The deficit is going down, and in fact, more so than originally predicted with passage of last year's reconciliation act. All of these are indeed excellent signs, but Congress should not be content to rest on our laurels. If we want to continue these positive trends, we must find ways to cut spending and reduce the deficit even further.

Toward that end, I rise in strong support of H.R. 4600, major budget reform legislation that will increase congressional accountability in the spending process.

While much of the country's attention has been focused on the health care debate, the calls and letters continue to flow into my office regarding the need to cut spending and reduce the deficit. I could not agree with them more. But we must not only cut spending, we need to institute reforms in the budget process itself.

H.R. 4600, the expedited rescission bill is exemplary of the budget process reforms required for responsible spending. Forcing Congress to vote on rescissions submitted by the President puts every Member on record in support of or opposed to spending on a variety of programs. And the new process demands timely action—the rescission bill must be voted on within 10 days of its receipt in Congress.

I believe H.R. 4600 could be made even stronger if we adopt the Stenholm substitute. Expedited rescission procedures should be made a permanent part of the budget process. I also believe the President should have the authority to reject targeted tax benefits. And Congress should have the right to vote on an individual rescission contained within the package. All of the improvements are contained in the Stenholm substitute.

Mr. Chairman, passage of H.R. 4600 is one step in many that we must take to increase our accountability and credibility with the voters. I urge its unanimous adoption.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered as read for amendment under the 5-minute rule.

The text of H.R. 4600 is as follows:

H.R. 4600

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Expedited Rescissions Act of 1994".

SEC. 2. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS.

(a) IN GENERAL.—Part B of title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 681 et seq.) is amended by redesignating sections 1013 through 1017 as sections 1014 through 1018, respectively, and inserting after section 1012 the following new section:

"EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS

"SEC. 1013. (a) PROPOSED RESCISSION OF BUDGET AUTHORITY.—In addition to the method of rescinding budget authority specified in section 1012, the President may propose, at the time and in the manner provided in subsection (b), the rescission of any budget authority provided in an appropriation Act. Funds made available for obligation under this procedure may not be proposed for rescission again under this section or section 1012.

"(b) TRANSMITTAL OF SPECIAL MESSAGE.—

"(1) Not later than 3 calendar days after the date of enactment of an appropriation Act, the President may transmit to Congress one special message proposing to rescind amounts of budget authority provided in that Act and include with that special message a draft bill that, if enacted, would only rescind that budget authority. That bill

shall clearly identify the amount of budget authority that is proposed to be rescinded for each program, project, or activity to which that budget authority relates.

"(2) In the case of an appropriation Act that includes accounts within the jurisdiction of more than one subcommittee of the Committee on Appropriations, the President in proposing to rescind budget authority under this section shall send a separate special message and accompanying draft bill for accounts within the jurisdiction of each such subcommittee.

"(3) Each special message shall specify, with respect to the budget authority proposed to be rescinded, the matters referred to in paragraphs (1) through (5) of section 1012(a).

"(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

"(1)(A) Before the close of the second legislative day of the House of Representatives after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of the House of Representaitves shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence, then, on the third legislative day of the House of Representatives after the date of receipt of that special message, any Member of that House may introduce the bill.

"(B)(i) The bill shall be referred to the Committee on Appropriations of the House of Representatives. The committee shall report the bill without substantive revision, and with or without recommendation. The bill shall be reported not later than the seventh legislative day of that House after the date of receipt of that special message. If the Committee on Appropriations fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

"(ii) The Committee on Appropriations may report to the House, within the 7-legislative day period described in clause (i), an alternative bill which—

"(I) contains only rescissions to the same appropriation Act as the bill for which it is an alternative; and

"(II) which rescinds an aggregate amount of budget authority equal to or greater than the aggregate amount of budget authority rescinded in the bill for which it is an alternative.

"(C) A vote on final passage of the bill referred to in subparagraph (B)(i) shall be taken in the House of Representatives on or before the close of the 10th legislative day of that House after the date of the introduction of the bill in that House. If the bill is passed, the Clerk of the House of Representatives shall cause the bill to be engrossed, certified, and transmitted to the Senate within one calendar day of the day on which the bill is passed.

"(D) Upon rejection of the bill described in subparagraph (B)(i) on final passage, a motion in the House to proceed to consideration of the alternative bill reported from the Committee on Appropriations under subparagraph (B)(ii) shall be highly privileged and not debatable.

"(E) A vote on final passage of the bill referred to in subparagraph (B)(ii) shall be taken in the House of Representatives on or before the close of the 11th legislative day of that House after the date of the introduction of the bill in that House for which it is an alternative. If the bill is passed, the Clerk of the House of Representatives shall cause the bill to be engrossed, certified, and transmitted to the Senate within one calendar day of the day on which the bill is passed.

"(2)(A) A motion in the House of Representatives to proceed to the consideration of a bill under this section shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the House of Representatives on a bill under this section shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this section or to move to reconsider the vote by which the bill is agreed to or disagreed to.

"(C) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

"(3)(A) A bill transmitted to the Senate pursuant to paragraph (1) (C) or (E) shall be referred to its Committee on Appropriations. The committee shall report the bill either without substantive revision or with an amendment in the nature of a substitute, and with or without recommendation. The bill shall be reported not later than the seventh legislative day of the Senate after it receives the bill. A committee failing to report the bill within such period shall be automatically discharged from consideration of the bill, and the bill shall be placed upon the appropriate calendar.

"(B) A vote on final passage of a bill transmitted to the Senate shall be taken on or before the close of the 10th legislative day of the Senate after the date on which the bill is transmitted.

"(4)(A) A motion in the Senate to proceed to the consideration of a bill under this section shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the Senate on a bill under this section, and all amendments thereto and all debatable motions and appeals in connection therewith, shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(C) Debate in the Senate on any debatable motion or appeal in connection with a bill under this section shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(D) A motion in the Senate to further limit debate on a bill under this section is not debatable. A motion to recommit a bill under this section is not in order.

"(d) AMENDMENTS AND DIVISIONS GENERALLY PROHIBITED.—(1) Except as provided by paragraph (2), no amendment to a bill considered under this section or to a substitute amendment referred to in paragraph (2) shall be in order in either the House of Representatives or the Senate. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole) or in the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House to suspend the application of this subsection by unanimous consent.

"(2)(A) It shall be in order in the Senate to consider an amendment in the nature of a substitute reported by the Committee on Appropriations under subsection (c)(3)(A) that complies with subparagraph (B).

"(B) It shall only be in order in the Senate to consider any amendment described in subparagraph (A) if—

"(i) the amendment contains only rescissions to the same appropriation Act as the bill that it is amending contained; and

"(ii) the aggregate amount of budget authority rescinded equals or exceeds the aggregate amount of budget authority rescinded in the bill that it is amending;

unless that amendment consists solely of the text of the bill as introduced in the House of Representatives that makes rescissions to carry out the applicable special message of the President.

"(C) It shall not be in order in the Senate to consider a bill or an amendment in the nature of a substitute reported by the Committee on Appropriations under subsection (c)(3)(A) unless the Senate has voted upon and rejected an amendment in the nature of a substitute consisting solely of the text of the bill as introduced in the House of Representatives that makes rescissions to carry out the applicable special message of the President.

"(e) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.—Any amount of budget authority proposed to be rescinded in a special message transmitted to Congress under subsection (b) shall be made available for obligation on the earlier of—

"(1) the day after the date upon which the House of Representatives defeats the text of the bill transmitted with that special message rescinding the amount proposed to be rescinded and (if reported by the Committee on Appropriations) the alternative bill; or

"(2) the day after the date upon which the Senate rejects a bill or amendment in the nature of a substitute consisting solely of the text of the bill as introduced in the House of Representatives that makes rescissions to carry out the applicable special message of the President.

"(f) DEFINITIONS.—For purposes of this section—

"(1) the term 'appropriation Act' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations; and

"(2) the term 'legislative day' means, with respect to either House of Congress, any calendar day during which that House is in session.".

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of such Act (2 U.S.C. 621 note) is amended—

(1) by striking "and 1017" in subsection (a) and inserting "1013, and 1018"; and

(2) by striking "section 1017" in subsection (d) and inserting "sections 1013 and 1018"; and

(c) CONFORMING AMENDMENTS.—

(1) Section 1011 of such Act (2 U.S.C. 682(5)) is amended—

(A) in paragraph (4), by striking "1013" and inserting "1014"; and

(B) in paragraph (5)—

(i) by striking "1016" and inserting "1017"; and

(ii) by striking "1017(b)(1)" and inserting "1018(b)(1)".

(2) Section 1015 of such Act (2 U.S.C. 685) (as redesignated by section 2(a)) is amended—

(A) by striking "1012 or 1013" each place it appears and inserting "1012, 1013, or 1014";

(B) in subsection (b)(1), by striking "1012" and inserting "1012 or 1013";

(C) in subsection (b)(2), by striking "1013" and inserting "1014"; and

(D) in subsection (e)(2)—

(i) by striking "and" at the end of subparagraph (A);

(ii) by redesignating subparagraph (B) as subparagraph (C);

(iii) by striking "1013" in subparagraph (C) (as so redesignated) and inserting "1014"; and

(iv) by inserting after subparagraph (A) the following new subparagraph:

"(B) he has transmitted a special message under section 1013 with respect to a proposed rescission; and".

(3) Section 1016 of such Act (2 U.S.C. 686) (as redesignated by section 2(a)) is amended by striking "1012 or 1013" each place it appears and inserting "1012, 1013, or 1014".

(d) CLERICAL AMENDMENTS.—The table of sections for subpart B of title X of such Act is amended—

(1) by redesignating the items relating to sections 1013 through 1017 as items relating to sections 1014 through 1018; and

(2) by inserting after the item relating to section 1012 the following new item:

"Sec. 1013. Expedited consideration of certain proposed rescissions.".

SEC. 3. APPLICATION.

(a) IN GENERAL.—Section 1013 of the Congressional Budget and Impoundment Control Act of 1974 (as added by section 2) shall apply to amounts of budget authority provided by appropriation Acts (as defined in subsection (f) of such section) that are enacted during the One Hundred Third Congress.

(b) SPECIAL TRANSITION RULE.—Within 3 calendar days after the beginning of the One Hundred Fourth Congress, the President may retransmit a special message, in the manner provided in section 1013(b) of the Congressional Budget and Impoundment Control Act of 1974 (as added by section 2), proposing to rescind only those amounts of budget authority that were contained in any special message to the One Hundred Third Congress which that Congress failed to consider because of its sine die adjournment before the close of the time period set forth in such section 1013 for consideration of those proposed rescissions. A draft bill shall accompany that special message that, if enacted, would only rescind that budget authority. Before the close of the second legislative day of the House of Representatives after the date of receipt of that special message, the majority leader or minority leader of the House of Representatives shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence, then, on the third legislative day of the House of Representatives after the date of receipt of that special message, any Member of that House may introduce the bill. The House of Representatives and the Senate shall proceed to consider that bill in the manner provided in such section 1013.

SEC. 4. TERMINATION.

The authority provided by section 1013 of the Congressional Budget and Impoundment Control Act of 1974 (as added by section 2) shall terminate 2 years after the date of enactment of this Act.

SEC. 5. JUDICIAL REVIEW.

(a) EXPEDITED REVIEW.—

(1) Any Member of Congress may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that any provision of section 1013 (as added by section 2) violates the Constitution.

(2) A copy of any complaint in an action brought under paragraph (1) shall be promptly delivered to the Secretary of the Senate and the Clerk of the House of Representatives, and each House of Congress shall have the right to intervene in such action.

(3) Any action brought under paragraph (1) shall be heard and determined by a three-judge court in accordance with section 2284 of title 28, United States Code.

Nothing in this section or in any other law shall infringe upon the right of the House of Representatives to intervene in an action brought under paragraph (1) without the necessity of adopting a resolution to authorize such intervention.

(b) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under paragraph (1) of subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after such order is entered; and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under paragraph (1) of subsection (a) shall be issued by a single Justice of the Supreme Court.

(c) EXPEDITED CONSIDERATION.—It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

The CHAIRMAN. No amendment shall be in order except the amendments printed in House Report 103-565, which may be offered only in the order printed and by the Member designated in the report, shall be considered as read, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question.

Debate on each amendment will be equally divided and controlled by the proponent and an opponent of the amendment.

AMENDMENT OFFERED BY MR. DERRICK

Mr. DERRICK. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DERRICK: Page 10, line 17, insert ", unless the House has passed the text of the President's bill transmitted with that special message and the Senate passes an amendment in the nature of a substitute reported by its Committee on Appropriations" before the period.

Page 11, line 21, insert "and by striking '1012 and 1013' and inserting '1012, 1013, and 1014'" before the semicolon.

Page 12, line 1, strike "(2)" and insert "(1)".

Page 14, strike lines 7 through 11 and on line 12, strike "5" and insert "4".

The CHAIRMAN. Pursuant to the rule, the gentleman from South Carolina will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. Mr. Chairman, I yield myself 90 seconds.

Mr. Chairman, this technical amendment would make three clarifications and corrections to the bill. First, the amendment would clarify that the funds proposed to be rescinded remain unavailable for obligation so long as approval legislation remains viable. Under the bill as reported, funds would be released after Senate rejection of the President's rescission bill even if the Senate instead passed an alternative measure.

Second, the amendment corrects two simple drafting errors in the conforming amendments subsection.

Finally, the amendment deletes section 4 of the bill, which conflicts with subsection 3(a), to clarify that the new procedure applies only to budget authority enacted during the 103d Congress.

Mr. Chairman, I know of no objection to this amendment.

Mr. SOLOMON. Mr. Chairman, I would not seek time in opposition, but I would ask if the gentleman will yield to me for a question.

Mr. DERRICK. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, the technical amendment we are about to vote on is the amendment that is printed in the RECORD and has not been changed in any way? Is that correct?

Mr. DERRICK. That is correct.

Mr. SOLOMON. Mr. Chairman, we certainly have no objection. We would support that amendment.

Mr. DERRICK. Mr. Chairman, I yield 3½ minutes, the balance of my time, to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, we will hear many speeches during the course of this afternoon about the determination of Members of Congress to cut spending and to reduce the budget deficit. In order that this be kept in perspective, I think we should recall that many of the Democrats who spoke, and all of the Republicans who will speak, voted against President Clinton's effort to reduce the deficit with his budget deficit reduction plan of last year. That plan has resulted in the greatest reduction in the Federal deficit that we have seen at any time since the tenure of President Truman. It is anticipated that we will cut almost $700 billion from that deficit.

It must strike many people listening as curious that we find ourselves wrapped in this conversation and dialog about budget deficit reduction, and yet when it came down to an actual vote to reduce the deficit, so many of the Members who stand here proclaiming their personal allegiance to deficit reduction were nowhere to be found.

But let me give you another example closer to home. June 17, almost a month ago, I brought to this floor an appropriation bill, the gentleman can probably recall, for the agencies of the Department of Agriculture, Food and Drug Administration, and several related agencies. This bill reflected what we will see for years to come, because of the Clinton deficit reduction plan, a dramatic cut in spending.

Let me tell you specifically what I am saying: Of the $13 billion in discretionary spending in that bill in last year's appropriation, our subcommittee was forced to cut 10 percent, $1.3 billion. Anyone running a business or managing an agency of Government can tell you that a cut in an appropriation of 10 percent in 1 year is a tough cut. It goes way beyond any cosmetic cut. It is a cut that is part of real deficit reduction.

What I found curious, as a Democrat, when I brought this bill to the floor, was a Member of the Republican side circulated a letter saying these cuts were too deep, that Members on his side of the aisle should vote against my appropriation because we cut too much from programs that he favored, in fact, programs I favored too.

But it is part of the harsh reality of real deficit reduction that we have to face these things. If we are going to reduce the deficit, we must reduce spending.

When that bill was called for final passage, 127 Members of this House of Representatives voted against my bill which cut 10 percent in discretionary spending, cut $1.3 billion from last year's bill, and if you take a look at the 127 Members of the House who voted against my bill, a real budget, guess what, 120 of these are people who have walked up here and ceremoniously signed the A to Z petition saying they want to really cut spending. They would not cut it when I called my bill.

One hundred twenty-two of them are balanced-budget amendment sponsors, people who wear the bumper stickers and make the speeches at home about balancing budgets and come here to the floor and refuse to vote for a appropriation bill that really cuts spending.

One hundred fifteen of them voted for the Kasich budget plan which would have cut even more for agriculture, and yet the Kasich plan was a theory.

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The bill I called up was a fact. But what I am saying to the Members of the House and all those who are listening is that the real test of cutting a budget is whether you will vote for an appropriation bill that cuts spending. When it came to the time for that test, a lot of the people making the greatest speeches today failed.

The CHAIRMAN pro tempore (Mr. DE LA GARZA). Does any Member rise in opposition to the amendment?

Mr. SOLOMON. Mr. Chairman, I would rise in opposition, reserving the right to change my mind.

Mr. Chairman, I yield to a member of the Committee on Agriculture, the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. I thank the gentleman for yielding.

Mr. Chairman, I think it is important that everyone understand exactly the misrepresentation which just occurred about the vote on the agriculture appropriation bill.

Mr. Chairman, I cannot help it if the 602(b) allocation that Mr. DURBIN was able to get for his agriculture appropriation was less than he wanted. Everybody knows it was not reflective of the budget agreement per se, No. 1. No. 2, the reason we all voted and led the fight against the agriculture appropriation, as he well knows, is because it cut funding for production agriculture at the very same time it increased funding for the social programs. That was the fight. There was no money in there for crop insurance, he knows that; there was an 18-percent drop in the Commodity Credit Corporation farm support program.

Now, what the fight about the agriculture appropriation bill was the allocation of the money as it occurred. Many of us are happy to take the bottom-line cuts, but if we are going to take the bottom-line cuts, we are not going to increase food stamps, WIC, all those programs, while we cut agriculture, which is the whole purpose of the agriculture appropriation bill.

Mr. SOLOMON. Mr. Chairman, reclaiming my time, I will take some exception to what the gentleman has said. He has been critical of Members who have taken to the well and supported either the Stenholm approach or the Solomon approach. All of those Members have the highest ratings by the National Taxpayers Union year in and year out. That is how people tell whether we are a big spender or not.

When it comes to deficit reduction and the President's plan, yes, those of us who voted against it did so because it was the biggest tax increase in the history of this entire Congress. It took $120 million out of the pockets of the Social Security recipients in my district alone. So, yes, I offered a balanced budget amendment; Mr. PENNY and a lot of others voted for that balanced budget. It was not an amendment, it was a true balanced budget scored by the Congressional Budget Office. That is what we ought to be supporting on this floor. That is real deficit reduction.

Mr. Chairman, I yield to my friend on the Committee on Appropriations, the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. I thank the gentleman for yielding to me.

Mr. Chairman, I concur with the gentleman's remarks and rise in support of the Solomon amendment, which will be considered shortly.

Mr. Chairman, for weeks we have been anticipating this day, a day which the Democratic leadership would have preferred to avoid. Why? Because their hand has been forced to respond to the drive to 218—the all important milestone in the discharge petition process.

We have watched the Democratic leadership pursue a torturous path in an attempt to derail the A-to-Z spending cut plan because—simply put—it knocks holes in their ability to control the agenda and the purse strings of the Federal Government. And just look at where it has gotten us today.

Even more astounding is what the Democratic leadership has proposed as a substitute to A to Z to provide cover for those who have not signed the discharge petition. H.R. 4600, offered up as the tough budget lion, is nothing but a sacrificial lamb. H.R. 4600 is nothing more than recycled budget process reform. It is a sham and the American public has seen through this ploy.

Instead of a bill that would allow for 56 hours of debate on specific spending cuts that would be directed toward deficit reduction, we have H.R. 4600. Recall that H.R. 4600 came before the House a year ago. It was touted to be a tough new approach to the budget process. It would enhance the current rescission authority. Yet even then it did not enhance. And its toughness could not measure up against a true-line item veto. It is recycled. It is a sham.

Unlike a real line-item veto, which will be offered as a substitute amendment later in the debate, and allows the president to cancel wasteful spending items, subject to override by two-thirds of both Houses, H.R. 4600 requires that a majority of both Houses approve any veto of appropriations items. In other words, a majority of either House can block the President's proposed spending cuts by doing nothing. And there are no penalties or disincentives for inaction. The only change to last year's bill is a stepped-up timetable for consideration. There is no question, the Solomon substitute is the real line-item veto which I will throw my support behind today.

Fortunately, there is still another option available to us today to show the America people we won't be fooled by the H.R. 4600 tactic. The Stenholm-Penny-Kasich amendment has been crafted to strengthen the recycled H.R. 4600.

The objectives of this amendment are the same as the A-to-Z spending cut plan—to provide opportunities for Congress to vote on spending cuts.

The Stenholm-Penny-Kasich amendment provides the President the authority to designate some portion of the savings from a rescission or repealing targeted tax benefits to a deficit reduction account. It would expand rescission authority to targeted tax benefits as well as appropriations. The President could use expedited rescission authority any time—not just during a narrow window of opportunity. And the amendment makes it permanent not just during the 103d Congress.

Let us not let the opportunity to support tough budget reform slip away again. Support the Stenholm-Penny-Kasich amendment to

H.R. 4600. And support the Solomon substitute which would provide real line-item veto authority.

It will not solve all our fiscal problems, but it will help—if the improvements are real—and these are.

Mr. SOLOMON. Mr. Chairman, I respectfully yield back the balance of my time and indicate that I have changed my mind. I am going to support the technical amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from South Carolina [Mr. DERRICK].

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 2, printed in House Report 103-565.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Chairman, pursuant to the rule, I offer an amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. STENHOLM: Strike all after the enacting clause and insert the following:

SECTION 1. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS AND TARGETED TAX BENEFITS.

(a) IN GENERAL.—Section 1012 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 683) is amended to read as follows:

"EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS

"SEC. 1012. (a) PROPOSED RESCISSION OF BUDGET AUTHORITY OR REPEAL OF TARGETED TAX BENEFITS.—The President may propose, at the time and in the manner provided in subsection (b), the rescission of any budget authority provided in an appropriation Act or repeal of any targeted tax benefit provided in any revenue Act. Funds made available for obligation under this procedure may not be proposed for rescission again under this section.

"(b) TRANSMITTAL OF SPECIAL MESSAGE.—

"(1) The President may transmit to Congress a special message proposing to rescind amounts of budget authority or to repeal any targeted tax benefit and include with that special message a draft bill that, if enacted, would only rescind that budget authority or repeal that targeted tax benefit. That bill shall clearly identify the amount of budget authority that is proposed to be rescinded for each program, project, or activity to which that budget authority relates or the targeted tax benefit proposed to be repealed, as the case may be. It shall include a Deficit Reduction Account. The President may place in the Deficit Reduction Account an amount not to exceed the total rescissions in that bill. A targeted tax benefit may only be proposed to be repealed under this section during the 20-calendar-day period (excluding Saturdays, Sundays, and legal holidays) commencing on the day after the date of enactment of the provision proposed to be repealed.

"(2) In the case of an appropriation Act that includes accounts within the jurisdiction of more than one subcommittee of the Committee on Appropriations, the President in proposing to rescind budget authority under this section shall send a separate special message and accompanying draft bill for accounts within the jurisdiction of each such subcommittee.

"(3) Each special message shall specify, with respect to the budget authority proposed to be rescinded, the following—

"(A) the amount of budget authority which he proposes to be rescinded;

"(B) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved;

"(C) the reasons why the budget authority should be rescinded;

"(D) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed rescission; and

"(E) all facts, circumstances, and considerations relating to or bearing upon the proposed rescission and the decision to effect the proposed rescission, and to the maximum extent practicable, the estimated effect of the proposed rescission upon the objects, purposes, and programs for which the budget authority is provided.

Each special message shall specify, with respect to the proposed repeal of targeted tax benefits, the information required by subparagraphs (C), (D), and (E), as it relates to the proposed repeal.

"(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

"(1)(A) Before the close of the second legislative day of the House of Representatives after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of the House of Representatives shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence, then, on the third legislative day of the House of Representatives after the date of receipt of that special message, any Member of that House may introduce the bill.

"(B) The bill shall be referred to the Committee on Appropriations or the Committee on Ways and Means of the House of Representatives, as applicable. The committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of that House after the date of receipt of that special message. If that committee fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

"(C)(i) During consideration under this paragraph, any Member of the House of Representatives may move to strike any proposed rescission or rescissions of budget authority or any proposed repeal of a targeted tax benefit, as applicable, if supported by 49 other Members.

"(ii) It shall not be in order for a Member of the House of Representatives to move to strike any proposed rescission under clause (i) unless the amendment reduces the appropriate Deficit Reduction Account if the program, project, or account to which the proposed rescission applies was identified in the Deficit Reduction Account in the special message under subsection (b).

"(D) A vote on final passage of the bill shall be taken in the House of Representatives on or before the close of the 10th legislative day of that House after the date of the introduction of the bill in that House. If the bill is passed, the Clerk of the House of Representatives shall cause the bill to be engrossed, certified, and transmitted to the Senate within one calendar day of the day on which the bill is passed.

"(2)(A) A motion in the House of Representatives to proceed to the consideration of a bill under this section shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the House of Representatives on a bill under this section shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this section or to move to reconsider the vote by which the bill is agreed to or disagreed to.

"(C) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

"(D) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a bill under this section shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any rescission bill introduced pursuant to the provisions of this section under a suspension of the rules or under a special rule.

"(3)(A) A bill transmitted to the Senate pursuant to paragraph (1)(D) shall be referred to its Committee on Appropriations or Committee on Finance, as applicable. That committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of the Senate after it receives the bill. A committee failing to report the bill within such period shall be automatically discharged from consideration of the bill, and the bill shall be placed upon the appropriate calendar.

"(B)(i) During consideration under this paragraph, any Member of the Senate may move to strike any proposed rescission or rescissions of budget authority or any proposed repeal of a targeted tax benefit, as applicable, if supported by 14 other Members.

"(ii) It shall not be in order for a Member of the House or Senate to move to strike any proposed rescission under clause (i) unless the amendment reduces the appropriate Deficit Reduction Account (pursuant to section 314) if the program, project, or account to which the proposed rescission applies was identified in the Deficit Reduction Account in the special message under subsection (b).

"(4)(A) A motion in the Senate to proceed to the consideration of a bill under this section shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the Senate on a bill under this section, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (C)), shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(C) Debate in the Senate on any debatable motion or appeal in connection with a bill under this section shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the

manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(D) A motion in the Senate to further limit debate on a bill under this section is not debatable. A motion to recommit a bill under this section is not in order.

"(d) AMENDMENTS AND DIVISIONS PROHIBITED.—Except as otherwise provided by this section, no amendment to a bill considered under this section shall be in order in either the House of Representatives or the Senate. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole) or in the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House to suspend the application of this subsection by unanimous consent.

"(e) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.—(1) Any amount of budget authority proposed to be rescinded in a special message transmitted to Congress under subsection (b) shall be made available for obligation on the day after the date on which either House rejects the bill transmitted with that special message.

"(2) Any targeted tax benefit proposed to be repealed under this section as set forth in a special message transmitted to Congress under subsection (b) shall be deemed repealed unless, during the period described in that subsection, either House rejects the bill transmitted with that special message.

"(f) DEFINITIONS.—For purposes of this section—

"(1) the term 'appropriation Act' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations;

"(2) the term 'legislative day' means, with respect to either House of Congress, any day of session; and

"(3) The term "targeted tax benefit" means any provision which has the practical effect of providing a benefit in the form of a differential treatment to a particular taxpayer or a limited class of taxpayers, whether or not such provision is limited by its terms to a particular taxpayer or a class of taxpayers. Such term does not include any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status.".

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking "and 1017" and inserting "1012, and 1017"; and

(2) in subsection (d), by striking "section 1017" and inserting "sections 1012 and 1017".

(c) CONFORMING AMENDMENTS.—

(1) Section 1011 of the Congressional Budget Act of 1974 (2 U.S.C. 682(5)) is amended by repealing paragraphs (3) and (5) and by redesignating paragraph (4) as paragraph (3).

(2) Section 1014 of such Act (2 U.S.C. 685) is amended—

(A) in subsection (b)(1), by striking "or the reservation"; and

(B) in subsection (e)(1), by striking "or a reservation" and by striking "or each such reservation".

(3) Section 1015(a) of such Act (2 U.S.C. 686) is amended by striking "is to establish a reserve or", by striking "the establishment of such a reserve or", and by striking "reserve or" each other place it appears.

(4) Section 1017 of such Act (2 U.S.C. 687) is amended—

(A) in subsection (a), by striking "rescission bill introduced with respect to a special message or";

(B) in subsection (b)(1), by striking "rescission bill or", by striking "bill or" the second place it appears, by striking "rescission bill with respect to the same special message or", and by striking ", and the case may be,";

(C) in subsection (b)(2), by striking "bill or" each place it appears;

(D) in subsection (c), by striking "rescission" each place it appears and by striking "bill or" each place it appears;

(E) in subsection (d)(1), by striking "rescission bill or" and by striking ", and all amendments thereto (in the case of a rescission bill)";

(F) in subsection (d)(2)—

(i) by striking the first sentence;

(ii) by amending the second sentence to read as follows: "Debate on any debatable motion or appeal in connection with an impoundment resolution shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event that the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee.";

(iii) by striking the third sentence; and

(iv) in the fourth sentence, by striking "rescission bill or" and by striking "amendment, debatable motion," and by inserting "debatable motion";

(G) in paragraph (d)(3), by striking the second and third sentences; and

(H) by striking paragraphs (4), (5), (6), and (7) of paragraph (d).

(d) CLERICAL AMENDMENTS.—The item relating to section 1012 in the table of sections for subpart B of title X of the Congressional Budget and Impoundment Control Act of 1974 is amended to read as follows:

"Sec. 1012. Expedited consideration of certain proposed rescissions and targeted tax benefits.".

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. STENHOLM] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

Mr. DERRICK. Mr. Chairman, I rise in opposition to the amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The gentleman from South Carolina [Mr. DERRICK] will be recognized for 15 minutes in opposition.

The Chair recognizes the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I am very pleased to come to the floor with TIM PENNY and JOHN KASICH to offer this substitute amendment to H.R. 4600, the Expedited Rescissions Act of 1994.

Our amendment would allow the President to propose to cut or eliminate individual spending items in appropriations bills throughout the year. The President could place some or all of the savings from proposed rescissions in a deficit reduction account. In addition, the President would be able to propose to repeal targeted tax breaks which benefit a particular taxpayer or class of taxpayers within 10 days of signing a tax bill.

Within 10 legislative days after the President sends a rescission package to Congress, a vote shall be taken on the rescission bill. The bill may not be amended on the floor, except that 50 House Members can request a vote on a motion to strike an individual rescission from the package. If a majority of Members voted in favor of the individual item, it would be struck from the bill. If approved by a simple majority of the House, the bill would be sent to the Senate for consideration under the same expedited procedure.

Any appropriations or tax item that was submitted by the President would be in effect suspended until Congress acts on the President's package. If Congress avoids a vote, the funds would continue to be withheld from obligation or the tax provision would continue to be deemed to be repealed. Unlike current law, Congress could not force the President to spend the money by ignoring the rescissions. If a simple majority in either the House or Senate defeats a rescission proposal, the funds for programs covered by the proposal would be released for obligation in accordance with the previously enacted appropriation, or the tax provision would take effect. If a bill rescinding spending or repealing tax benefits is approved by the House and Senate, it would be sent to the President for his signature.

While I believe that the base bill introduced by JOHN SPRATT is a clear improvement over current law, and I commend my friend from South Carolina for the leadership he has shown on this issue, I believe there are several areas in which this legislation can be improved. It is in this spirit the three of us are offering our substitute. Our amendment would improve the base text in several ways:

First, the President would have the option of earmarking savings from proposed rescissions to deficit reduction in anticipation of lockbox legislation which this body will consider later this year. Under the base bill, the savings from rescissions automatically would be available to be spent on other programs;

Second, the President would be able to single out narrowly drawn provisions in tax bills which are added to tax bills at the behest of large corporations or wealthy taxpayers. Congress would have to vote on these rifle shot tax provisions on their merits.

Third, the President would be able to submit a rescission package for expedited consideration at any point in the year. The base bill would restrict the President to submitting rescissions during a limited window after signing an appropriations bill.

Fourth, the new expedited rescission authority would be established permanently instead of being limited to the few remaining months of the 103d Congress as the base bill would do.

Fifth, if 50 members of the House or 15 members of the Senate request a separate vote on an individual item, they would have the opportunity to convince a majority of the House to strike that item project from the package before the vote on the overall package. Under the base bill, Members could be placed in a position of being compelled to oppose the entire package because of one item included in the package even though they supported virtually all rescissions in the package.

Sixth, our substitute would not lay out a cumbersome new procedure for consideration of an Appropriations Committee alternative as the base bill does. Contrary to some suggestions, our substitute does not prevent Congress from considering an alternative rescission package.

Mr. Chairman, this amendment will give Congress and the President an additional tool for fiscal responsibility and improve accountability in taxing and spending legislation without disrupting the constitutional balance of power. I urge the House to vote for the Stenholm-Penny-Kasich expedited rescission substitute.

Mr. Chairman, I offer a series of questions and answers with respect to our amendment:

QUESTIONS AND ANSWERS STENHOLM-PENNY-KASICH SUBSTITUTE TO H.R. 4600

How does the substitute differ from legislation which was passed by the House last year?

The Stenholm-Penny-Kasich substitute makes several changes to the legislation passed by the House last year to respond to concerns raised by many members and significantly strengthen the legislation. The President would be able to single out newly enacted targeted tax benefits as well as appropriated items for individual votes. Unlike the legislation passed last year, which required the President to submit rescissions within a three-day window after signing an appropriations bill, the President would be able to submit a rescission package for expedited consideration at any point in the year. The President would have the option of earmarking savings from proposed rescissions to deficit reduction in anticipation of lockbox legislation, which no other expedited rescission or line-item veto proposal would permit. The new expedited rescission authority would be established permanently instead of being sunsetted after two years. Members would have the ability to obtain separate votes on individual items in a rescission package that have significant support. The substitute explicitly prevents the President's rescissions from being considered under a special rule which would waive the requirements of the section. Finally, the prerogative of the Appropriations Committee to move their own rescission bill would be preserved without creating a cumbersome new procedure.

How is the procedure under the Stenholm-Penny-Kasich expedited rescission legislation different from the existing procedure for considering Presidential rescissions under Title X of the Budget Control and Impoundment Act?

Under Title X of the Budget Control and Impoundment Act, the President may propose to rescind all or part of any item at any time during the fiscal year. If Congress does not take action on the proposed rescission within 45 days of continuous session, the funds must be released for obligation. Congress routinely ignores Presidential rescissions. The discharge procedure for forcing a floor vote on Presidential rescissions is cumbersome and has never been used. Most Presidential rescission messages have died without a floor vote.

Congress has approved just 34.5% of the individual rescissions proposed by the President since 1974 (350 of 1012 rescissions submitted), representing slightly more than 30% of the dollar volume of proposed rescissions. Nearly a third of the Presidential rescissions approved came in 1981. Excluding 1981, Congress has approved less than 20% of the dollar volume in Presidential rescissions. Although Congress has initiated $65 billion in rescissions on its own, it has ignored nearly $48 billion in Presidential rescissions submitted under Title X of the Budget Control and Impoundment Act without any vote at all on the merits of the rescissions.

In 1992, the threat that there would be an attempt to utilize the Title X discharge procedure to force votes on 128 rescissions submitted by President Bush provided the impetus for the Appropriations Committee to report a bill rescinding more than $8 billion. However, this was an exception. Most rescission messages are ignored. The Stenholm-Penny-Kasich substitute would change that and force Congress to react to Presidential messages and vote on them, increasing the likelihood that unnecessary spending would be eliminated.

Could Congress thwart the provisions of the Stenholm-Penny-Kasich expedited rescission legislation by reporting a rule that waives the requirements of this proposal?

No. The substitute specifically states that "It shall not be in order in the House of Representatives to consider any rescission bill introduced pursuant to the provisions of this section . . . under a special rule." Furthermore, OMB could continue to withhold the funds from obligation until the President's plan was voted on as required by this legislation regardless of any attempts by Congress to waive its internal rules. If Congress used its Constitutional authority to set its own rules to avoid a vote on the President's rescissions, it would give the President the ability to indefinitely impound the funds.

How does expedited rescission legislation ensure that a Presidential rescission is voted on by Congress?

Expedited rescission legislation establishes several procedural requirements ensuring that Congress cannot simply ignore a rescission message. A rescission bill would be introduced by request by either the Majority or Minority Leader. If the Appropriations Committee does not report out the rescission bill as required within ten days, the bill is automatically discharged from the committee and placed on the appropriate calendar. Once the bill is either reported by or discharged from the Appropriations Committee, any individual member may make a highly privileged motion to proceed to consideration of the bill. Although a motion to adjourn would take precedence, the House could not prevent a vote on a rescission message by adjourning because only legislative days are counted toward the ten day clock. By providing for a highly privileged motion to proceed to consideration and limiting debate and preventing amendments to a rescission bill. This proposal ensures that there will be a vote on a rescission bill so long as one member is willing to stand up on the House floor and make a motion to proceed.

The substitute includes language to discourage the House from avoiding a vote on the President's package, by making the release of funds by OMB contingent on Congress voting on and defeating the President's package.

Under current law, OMB withholds funds from apportionment until Congress acts on a rescission message. Funds included in a rescission message would be frozen in the pipeline until Congress either votes to rescind them or to release them for obligation. The substitute provides that the funds must be released for obligation upon defeat of the President's rescission bill in either House. This is different from the requirement in Section 1012 of the Impoundment Control Act of 1974, which states "Any motion of budget authority proposed to be rescinded . . . shall be made available for obligation, unless, within the prescribed 45 day period, the Congress has completed action on a rescission bill rescinding all or part of the amount proposed to be rescinded." By specifically providing that the funds would be released upon defeat of the President's package and not providing for any other circumstances in which OMB must release the funds, the language of the Stenholm-Penny-Kasich substitute clearly provides that OMB will be required to release the funds only when Congress votes on and rejects the rescission bill.

Similarly, the amendment provides that any tax benefits proposed to be repealed be "deemed to have been repealed unless . . . either House rejects the bill transmitted with that special message.

How would the motion to strike individual items from a package of rescissions work?

A member would be able to make a motion to strike an individual item in the rescission bill if 49 members support the motion. This procedure would be similar to existing procedures to call for recorded votes or the procedure for discharging rescission bills under Title X of the Impoundment Control Act in which the members supporting the motion would stand and be counted. If the requisite number of members supported a motion to strike, the motion would be debated under the five minute rule and the House would vote on the motion. If the motion was supported by a majority of members, the item would be struck from the bill. The House would vote on final passage of the rescission bill after disposing of any motion to strike.

If 50 members feel strongly about an individual item to coordinate the actions necessary to obtain a motion to strike, they deserve to have the opportunity to make their case to the full House. They would still have to convince a majority of the House that their project was justified.

Wouldn't the motion to strike deprive the President of a vote on his rescissions?

No. Congress would vote on the merits of each rescission either as part of the overall package or on a motion to strike. While there might not be one vote on the entire package if a motion to strike succeeded, Congress would have voted on the merits of individual rescissions when it voted on the motions to strike items from the package.

The motion to strike increases the chance of passing rescissions submitted by the President by providing a safety valve to take

"killer" items out of a rescission package to avoid the entire package from being defeated because of one item with strong support. If there is a strong core of support within Congress for an individual item, there would be a high likelihood that the supporters of that item could form an alliance to defeat the entire bill. Although the President would presumably make political judgements to avoid including items that would sink the entire package, the administration will not always be aware of all traps that may lie with an individual spending program or tax provision. This safety valve would prevent a political miscalculation from sinking the entire bill.

What types of tax provisions would be subject to the new rescission process?

The provision for expedited consideration of proposal to repeal tax items would be restricted to targeted tax benefits. "Targeted tax benefits" are defined as provisions in a tax bill which provide benefits to a particular taxpayer or limited class of taxpayer. The rescission authority would apply to narrowly drawn tax items, the so-called "tax pork", which are slipped into tax bills to benefit special interests. It will not apply to tax provisions based on general demographic conditions or marital status, such as the earned income tax credit or the personal exemption.

Wouldn't the ability to repeal tax items create uncertainty in the tax code?

No. The substitute provides for swift consideration of proposals to repeal tax provisions so that taxpayers would know the final disposition of any tax provision within a reasonable period of time following the passage of a tax bill. The President must submit a proposal to repeal a tax provision within ten business days after signing a tax bill. Both Houses of Congress would be required to act within twenty legislative days.

Could the President propose to rewrite tax provisions?

No. The President would only be able to propose legislative language necessary to repeal individual tax provisions for expedited consideration. Legislation submitted by the President to rewrite a tax provision would not be subject to the expedited procedures of this amendment.

Doesn't this legislation constitute an unconstitutional legislative veto?

No. This legislation was carefully crafted to comply with the Constitutional requirements established by the courts by I.N.S. v. Chada 462, U.S. 919 (1983), the case that declared legislative veto provisions unconstitutional. Legislative vetoes allow one or both Houses of Congress (or a Congressional committee) to stop executive actions by passing a resolution that is not presented to the President. The Chada court held that legislative vetoes are unconstitutional because they allow Congress to exercise legislative power without complying with Constitutional requirements for bicameral passage of legislation and presentment of legislation to the President for signature or veto. For example, allowing the House (or Congress as a whole) to block a Presidential rescission by passing a motion of disapproval without sending the bill to the President for signature or veto would violate the Chada test. This substitute meets the Chada tests of bicameralism and presentment by requiring that both chambers of Congress pass a motion enacting the rescission and send it to the President for signature or veto, before the funds are rescinded. The substitute does not provide for legislative review of a preceding executive action, but expedited consideration of an executive proposal. Thus, it represents a so-called "report and wait" provision that the court approved in Sibbach v. Wilson and Co., 312 U.S. 1 (1941) and reaffirmed in Chada.

If a majority of Congress has voted for items as part of an appropriations or tax bill, wouldn't the same majority vote to preserve the items when they were rescinded?

Just as President's often sign appropriations bill (or other bills for that matter) that includes individual items that he does not support, Congress often passes appropriations bills without passing judgement on individual items. Expedited rescission legislation would force the President and Congress to examine spending items on their individual merit and not as part of an overall package. Many items included in omnibus appropriations bill would not be able to receive majority support in Congress if they were forced to stand on their own individual merits. Members who voted for an appropriations or tax bill may be willing to vote to eliminate individual items that had been in the omnibus bill.

Isn't requiring an additional vote on items that have already been approved by Congress a waste of time?

As was stated above, the fact that an item was included in an omnibus appropriations or tax bill does not necessary imply that a majority of Congress supported that individual item. For example, when Congress passed the Agricultural Appropriations Bill in 1990, the majority of the members did not endorse spending on Lawrence Welk's home. Requiring a second vote on individual items included in an omnibus appropriation bill is not an unreasonable response to realities of the legislative process.

Doesn't providing the President expedited rescission authority alter the balance of power between Congress and the President?

No. The approach of expedited rescission legislation strikes a balance between protecting Congress' control of the purse and providing the accountability in the appropriations process. Unlike line-item veto legislation, this substitute would preserve the Constitutional power of Congressional majorities to control spending decisions. Expedited rescission authority increases the accountability of both sides, but does not give the President undue leverage in the appropriations process because funding for a program will continue if a majority of either House disagree with him.

Since the rescission process would only apply to the relatively small amount of spending in discretionary programs and a limited number of small tax breaks, isn't this just a political gimmick that won't have a significant impact on the deficit?

The authors of this proposal have never claimed that this proposal would balance the budget or even make a substantial dent in the budget deficit. However, it will be a useful tool in helping the President and Congress identify and eliminate as much as $10 billion in wasteful or low-priority spending each year. Many of the special interest tax provisions that would be subject to expedited rescission have a considerable cost. It will help ensure that the federal government spends its scarce resources in the most effective way possible and does not divert resources to low-priority programs. Perhaps most importantly, by increasing the accountability of the budget process, it will help restore some credibility to the federal government's handling of taxpayer money with the public. This credibility is necessary if Congress and the President are to gain public support for the tough choices of cutting benefits or raising taxes necessary to balance the budget.

Would this proposal apply to entitlement programs funded through the appropriations process such as unemployment insurance and food stamps?

No. Although other versions of expedited rescission legislation would have allowed a President to propose to rescind spending for entitlement programs funded through the regular appropriations bills (as is the case with unemployment insurance and other income support programs), this was changed to clarify that the expedited rescission process does not apply to any entitlement programs.

Doesn't expedited rescission violate the legislative prerogative by requiring action under a specific timetable and preventing amendments to a rescission bill?

The expedited procedure for consideration of rescission messages in this substitute is similar to fast track procedures for trade agreements or for base closure reports, which have worked relatively well. In fact, the scope of the legislation that would be subject to expedited consideration is much more confined under this procedure than in either trade agreements or base closings.

Wouldn't allowing the President to submit rescissions throughout the year give the President undue ability to dictate the legislative calendar?

The substitute preserves the flexibility of Congressional leaders to develop the legislative schedule while ensuring that the President's package is voted on in a timely fashion. It provides that the time allowed for consideration of the bill before a vote is required be counted in legislative days instead of calendar days, ensuring that the House will be in session for ten days after receiving the message before a vote is required. The House could vote on the package at any point within the ten legislative days for consideration.

Could the President propose to lower the spending level of an item, or would he have to eliminate the entire item?

The President could propose to rescind the budget authority for all or part of any program in an appropriations bill. Consequently the President could, if he so chose, submit a rescission that simply lowered the budget authority for a certain program without eliminating it entirely. In comparison, most line-item veto proposals require the President to propose to eliminate an entire line item in an appropriations bill.

Would this proposal allow the President to strike legislative language from appropriations bills?

No. It specifically allows a President to rescind only budget authority provided in an appropriations act and requires that the draft bill submitted by the President have only the effect of canceling budget authority. Legislative language, including limitation riders, would not be subject to this procedure.

Could the President propose to increase budget authority for a program?

No. The substitute specifically provides that the President may propose to eliminate or reduce budget authority provided in an appropriations bill. It does not allow the President to propose an increase in budget authority.

What happens if the President submits a rescission message after Congress recesses for the year?

The House has ten legislative days to consider the rescission message. Since the time allowed for consideration of the rescission message only counts days that Congress is in

session, Congress would not be required to vote on a rescission message until after it returns from recess. However, the funds would not be released for apportionment for proposed rescissions until Congress votes on and defeats a Presidential rescission bill. Congressional leaders would have to decide whether to reconvene Congress to consider the rescission message or to leave the message pending while Congress is in recess. Congress could delay adjourning sine die until the time period in which the President could submit a rescission has expired so that it can reconvene to consider a rescission message if it is submitted after Congress completes all other business. If the funds included in a rescission message are considered by Congress to be important, Congress would have to return to session to vote on the message. If a rescission message is submitted after the first session of the 103rd Congress has adjourned for the year, or if Congress adjourns before the period for consideration of a rescission message expires, the rescission message would remain pending at the beginning of the second session of the 103rd Congress. The House would still be required to vote on the rescission message by the tenth legislative day after the rescission package was submitted.

AMENDMENT OFFERED BY MR. SOLOMON AS A SUBSTITUTE FOR THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STENHOLM

Mr. SOLOMON. Mr. Chairman, pursuant to the rule, I offer an amendment as a substitute for the amendment in the nature of a substitute offered by Mr. STENHOLM.

The CHAIRMAN pro tempore. The Clerk will designate the amendment offered as a substitute.

The text of the amendment offered by Mr. SOLOMON to the amendment in the nature of a substitute offered by Mr. STENHOLM is as follows:

Amendment offered by Mr. SOLOMON as a substitute for the amendment in the nature of a substitute offered by Mr. STENHOLM: In lieu of the matter proposed to be inserted by the amendment in the nature of a substitute by Mr. STENHOLM, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "The Enhanced Rescission/Receipts Act of 1994".

SEC. 2. LEGISLATIVE LINE-ITEM VETO RESCISSION AUTHORITY.

(a) IN GENERAL.—Notwithstanding the provisions of part B of title X of the Congressional Budget and Impoundment Control Act of 1974, and subject to the provisions of this section, the President may rescind all or part of any discretionary budget authority or veto any targeted tax benefit within any revenue bill which is subject to the terms of this Act if the President—

(1) determines that—

(A) such recession or veto would help reduce the Federal budget deficit;

(B) such rescission or veto will not impair any essential Government functions; and

(C) such rescission or veto will not harm the national interest; and

(2) notifies the Congress of such rescission or veto by a special message not later than twenty calendar days (not including Saturdays, Sundays, or holidays) after the date of enactment of a regular or supplemental appropriation act or a joint resolution making continuing appropriations providing such budget authority or a revenue bill containing a targeted tax benefit.

The President shall submit a separate rescission message for each appropriation bill and for each revenue bill under this paragraph.

SEC. 3. RESCISSION EFFECTIVE UNLESS DISAPPROVED.

(a)(1) Any amount of budget authority rescinded under this Act as set forth in a special message by the President shall be deemed canceled unless, during the period described in subsection (b), a rescission/receipts disapproval bill making available all of the amount rescinded is enacted into law.

(2) Any provision of law vetoed under this Act as set forth in a special message by the President shall be deemed repealed unless, during the period described in subsection (b), a rescission/receipts disapproval bill restoring that provision is enacted into law.

(b) The period referred to in subsection (a) is—

(1) a congressional review period of twenty calendar days of session during which Congress must complete action on the rescission/receipts disapproval bill and present such bill to the President for approval or disapproval;

(2) after the period provided in paragraph (1), an additional ten days (not including Sundays) during which the President may exercise his authority to sign or veto the rescission/receipts disapproval bill; and

(3) if the President vetoes the rescission/receipts disapproval bill during the period provided in paragraph (2), an additional five calendar days of session after the date of the veto.

(c) If a special message is transmitted by the President under this Act and the last session of the Congress adjourns sine die before the expiration of the period described in subsection (b), the rescission or veto, as the case may be, shall not take effect. The message shall be deemed to have been retransmitted on the first day of the succeeding Congress and the review period referred to in subsection (b) (with respect to such message) shall run beginning after such first day.

SEC. 4. DEFINITIONS.

As used in this Act:

(1) The term "rescission/receipts disapproval bill" means a bill or joint resolution which—

(A) only disapproves a rescission of budget authority, in whole, rescinded, or

(B) only disapproves a veto of any provision of law that would decrease receipts,

in a special message transmitted by the President under this Act.

(2) The term "calendar days of session" shall mean only those days on which both Houses of Congress are in session.

(3) The term "targeted tax benefit" means any provision which has the practical effect of providing a benefit in the form of a differential treatment to a particular taxpayer or a limited class of taxpayers, whether or not such provision is limited by its terms to a particular taxpayer or a class of taxpayers. Such term does not include any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status.

SEC. 5. CONGRESSIONAL CONSIDERATION OF LEGISLATIVE LINE ITEM VETO RESCISSIONS.

(a) PRESIDENTIAL SPECIAL MESSAGE.—Whenever the President rescinds any budget authority as provided in this Act or vetoes any provision of law as provided in this Act, the President shall transmit to both Houses of Congress a special message specifying—

(1) the amount of budget authority rescinded or the provision vetoed;

(2) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved;

(3) the reasons and justifications for the determination to rescind budget authority or veto any provision pursuant to this Act;

(4) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the rescission or veto; and

(5) all factions, circumstances, and considerations relating to or bearing upon the rescission or veto and the decision to effect the rescission or veto, and to the maximum extent practicable, the estimated effect of the rescission upon the objects, purposes, and programs for which the budget authority is provided.

(b) TRANSMISSION OF MESSAGES TO HOUSE AND SENATE.—

(1) Each special message transmitted under this Act shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each special message so transmitted shall be referred to the appropriate committees of the House of Representatives and the Senate. Each such message shall be printed as a document of each House.

(2) Any special message transmitted under this Act shall be printed in the first issue of the Federal Register published after such transmittal.

(c) REFERRAL OF RESCISSION/RECEIPTS DISAPPROVAL BILLS.—Any rescission/receipts disapproval bill introduced with respect to a special message shall be referred to the appropriate committees of the House of Representatives or the Senate, as the case may be.

(d) CONSIDERATION IN THE SENATE.—

(1) Any rescission/receipts disapproval bill received in the Senate from the House shall be considered in the Senate pursuant to the provisions of this Act.

(2) Debate in the Senate on any rescission/receipts disapproval bill and debatable motions and appeals in connection therewith, shall be limited to not more than ten hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(3) Debate in the Senate on any debatable motions or appeal in connection with such bill shall be limited to one hour, to be equally divided between, and controlled by the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from the time under their control on the passage of the bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(4) A motion to further limit debate is not debatable. A motion to recommit (except a motion to recommit with instructions to report back within a specified number of days not to exceed one, not counting any day on which the Senate is not in session) is not in order.

(e) POINTS OF ORDER.—

(1) It shall not be in order in the Senate or the House of Representatives to consider any rescission/receipts disapproval bill that relates to any matter other than the rescission of budget authority or veto of the provision of law transmitted by the President under this Act.

(2) it shall not be in order in the Senate or the House of Representatives to consider any amendment to a rescission/receipts disapproval bill.

(3) Paragraphs (1) and (2) may be waived or suspended in the Senate only by a vote of three-fifths of the members duly chosen and sworn.

The CHAIRMAN pro tempore. The gentleman from New York will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

PARLIAMENTARY INQUIRY

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

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. SOLOMON. Mr. Chairman, I understand the gentleman from South Carolina [Mr. DERRICK], was recognized in opposition to the Stenholm amendment. Who is recognized in opposition to my amendment offered as a substitute for the amendment?

The CHAIRMAN pro tempore. The Chair is about to inquire.

Mr. SPRATT. Mr. Chairman, I rise in opposition to the Solomon amendment and Mr. DERRICK is willing to rise in opposition to the Solomon amendment. We will divide the time or we will share it.

□ 1700

The CHAIRMAN. The gentleman from South Carolina [Mr. DERRICK] has time in opposition to the amendment offered by the gentleman from Texas [Mr. STENHOLM]. He may also be assigned the time in opposition to the amendment offered by the gentleman from New York [Mr. SOLOMON].

Mr. DERRICK. Mr. Chairman, I rise in opposition to the Solomon amendment as well.

The CHAIRMAN. The gentleman from South Carolina rises in opposition to the amendment offered by the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Everybody is so hesitant to rise in opposition to my amendment. That is nice.

The CHAIRMAN. Therefore, the gentleman from New York [Mr. SOLOMON] has 15 minutes in support of his amendment. The gentleman from South Carolina [Mr. DERRICK] has 15 minutes in opposition to the amendment offered by the gentleman from New York [Mr. SOLOMON]. In addition, the gentleman from South Carolina [Mr. DERRICK] still has the time in opposition to the amendment offered by the gentleman from Texas [Mr. STENHOLM], and Mr. STENHOLM has 11 minutes remaining to him in support of his amendment.

Mr. SOLOMON. Would the gentleman from South Carolina reserve his time and allow me to make an opening statement in the time that he has remaining in opposition to both of our amendments?

Mr. DERRICK. Yes, Mr. Chairman, that is fine.

The CHAIRMAN. Does the gentleman from South Carolina yield time to the gentleman from New York?

Mr. SOLOMON. No, Mr. Chairman. He reserves his time.

Mr. DERRICK. Mr. Chairman, I reserve my time. Let the gentleman from New York [Mr. SOLOMON] proceed.

The CHAIRMAN. The gentleman from South Carolina [Mr. DERRICK] reserves his time. Therefore, the gentleman from New York [Mr. SOLOMON] on his own time will be recognized for whatever time he designates within 15 minutes.

Mr. SOLOMON. I appreciate having this all straightened out, Mr. Chairman.

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

Mr. Chairman, I offer the Solomon substitute for the Stenholm amendment made in order pursuant to the rule.

Mr. Chairman, the amendment I have offered is quite simple and yet fundamentally different from either H.R. 4600 or the Stenholm substitute. This is the real line-item veto. What it says is that a President's cancellation of a spending item or a special interest tax break will take effect unless it is disapproved by a majority of both Houses of Congress within 20 days.

Since the President would likely veto a disapproval bill, it would then require two-thirds of both Houses, under the Constitution, to override the President's veto and force the money to be spent or the tax break to take effect.

Mr. Chairman, that's the kind of line-item veto most Governors have. It is what President Clinton said he wanted during the 1992 campaign, though he has since bought off on these watered-down expedited rescission bills.

We all know that it is not enough to require that both Houses of Congress approve the President's proposed cuts in wasteful spending, since it is the same majority that log-rolled those pork-barrel projects down to the White House in the first place.

If the President's proposals are meritorious, we should be willing to say that they will stick unless a super-majority of Congress is willing to override him.

Mr. Chairman, public support for the real line-item veto has always been over 60 percent. The people understand this issue. They've seen it work in their own States. They've seen how we sometimes lard these spending bills with special projects that don't have merit but are purely political pork.

Mr. Chairman, I don't think anyone has suggested that the line-item veto is the total answer to our deficit problem. But it would certainly contribute to reducing that deficit.

In the first place, we would be more careful about putting things in appropriations bills that we know don't belong there. We wouldn't want to be embarrassed by having the President single them out for a line-item veto.

In the second place, even when we do slip them in, we know that the chances are very slim they will survive this tough process that will require that they repass by a two-thirds vote of both Houses.

As Members have testified of their own State experiences, this is not a power the Executive abuses. It is used frugally and wisely and selectively. But it is a useful fiscal tool in discouraging and restraining wasteful spending to begin with, and in extracting it if need be.

Mr. Chairman, before I close, I want to pay tribute to our Republican leader, BOB MICHEL, whose bill, H.R. 493, this substitute is based on. It was he who extended this veto concept and expedited process into the area of special interest tax breaks, and I think that is a very valuable contribution.

And let me hasten to add this is a bipartisan substitute. It got the votes of 33 Democrats last year and I hope it will get even more today.

I am especially grateful to the leadership of JIM COOPER, JIMMY HAYES, GARY CONDIT, and BILLY TAUZIN for sponsoring this amendment.

On our side we again have the strong leadership on the line-item veto from three outstanding freshmen: MIKE CASTLE, PETER BLUTE, and JACK QUINN.

I strongly urge my colleagues to vote for this only true line-item veto we will have before us this year. Let's start to do things right around here and give the President special authority in partnership with the Congress to curb wasteful spending. Vote "yes" on the Solomon line-item veto substitute.

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

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

Mr. HUTTO. Mr. Chairman, as the gentleman knows, he and I often vote together, and we believe in doing something about the deficit. But I am on the other side of this issue. I am surprised that the gentleman feels that we can turn the Government over to the bureaucracy of the OMB instead of letting the Congress do this. And, as the gentleman knows, we have had, through the years we have had, rescissions, but the Committee on Appropriations has not seen fit to bring it. What we are trying to do with the enhanced rescission is to make sure it comes.

Mr. SOLOMON. Mr. Chairman, let me reclaim my time because I have deep respect for my great friend who is retiring. I am going to miss him dearly. He is wrong on this issue, I say respectfully.

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

Mr. DERRICK. Mr. Chairman, I yield myself 5 minutes.

Mr. SOLOMON. Mr. Chairman, would the gentleman from South Carolina [Mr. DERRICK] be good enough to yield a little time to the gentleman from Florida [Mr. HUTTO]?

Mr. DERRICK. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Chairman, getting back to what I was saying a while ago, I believe that, if we had the line item veto that is being talked about, we would have constant conflict between the executive and legislative branches. I think that we ought to rule in this House and this Congress, and, if we have enhanced rescission where the Committee on Appropriations has to bring these rescissions here, we can vote on it, simple majority, and take care of it.

So, I just want to say to the gentleman that I hope we do not turn our government over to the bureaucracy.

Mr. DERRICK. Mr. Chairman, the Solomon amendment does not improve the bill, and Members ought to reject it for one simple reason: the amendment would enable a one-third-plus-one minority in either House to join with a President to dictate the fiscal priorities of this country.

Under this amendment, a President could within 20 days of signing a revenue or tax bill, propose rescissions of budget authority or the repeal of targeted tax benefits, and they would take effect permanently unless Congress voted to disapprove them within a specified time. Since a President would veto any bill to disapprove his proposals, for Congress' priorities to prevail would require a two-thirds vote in both Houses. Conversely, for the President to prevail, he need convince only one-third plus one of either House to sustain his veto.

Mr. Chairman, the principle which underlies our democratic system of government is majority rule. I do not believe it wise for Congress to create a rescission process in which a President, with the support of only 34 Senators or 146 Representatives, could dictate fiscal or tax policy, on a line-by-line basis, to majorities in both the House and Senate. We should not tilt the balance of the power of the purse so dramatically in the President's favor, no matter who he is or what political party he belongs to.

What reason have we to believe the President's fiscal priorities are inherently better than ours? What reason have we to believe the Executive branch institutionally favors less spending than Congress? None. In fact, there is considerable evidence to the contrary.

Since 1945 Congress has appropriated billions less than the various Presidents have requested. Moreover, since 1974 Congress has actually rescinded more spending than the Presidents have proposed to rescind.

According to the General Accounting Office, from 1974 through last September 20, Presidents have proposed to rescind $69.6 billion in spending, an impressive sum. But during that time Congress has actually rescinded $88.7 billion in spending. In other words, Mr. Chairman, Congress has since 1974 rescinded 27 percent more spending than Presidents have proposed to rescind. That is not widely understood, or something for which Congress receives the credit it deserves.

Mr. Chairman, the goal of the underlying bill, and indeed this whole exercise, is to add accountability for spending decisions to the appropriations process. The goal is not merely to advance and promote the President's brand of spending over Congress' brand of spending, which is what the Solomon amendment would do.

We are dealing with the fundamental relationship between the two political branches. We must not give any President even more power than he already has to shove his priorities down Congress' throat. We have no idea what his priorities might be; we know only they will probably be different. If the President can convince a majority of each House to reject the items he has identified as wasteful and proposed to repeal, then he ought to prevail. But he ought not prevail with only minority support. If he lacks majority support for his position, then he can still use his regular veto; nothing in the bill affects that.

Mr. Chairman, the bill is designed to give the President the responsibility to ferret out arguably wasteful items in appropriations acts and force Congress to approve them again if it wishes. I believe the bill will achieve the desired effect without disrupting the balance of power so carefully created by our Founding Fathers.

The Solomon amendment, on the other hand, would enable the President and a minority in one House to dictate his priorities to majorities in both Houses. In my opinion, the Solomon amendment would also make getting the bill through the Senate tougher, if not impossible. I urge all Members to reject the Solomon amendment, and I reserve the balance of my time.

□ 1710

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

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. DEAL].

Mr. DEAL. Mr. Chairman, last year I joined the gentleman from Minnesota [Mr. MINGE] and 11 other freshmen Democrats in introducing an enhanced revision provision which is very similar to the amendment being offered by the gentleman from Texas [Mr. STENHOLM] this year. I am pleased that he has improved on the base text of the amendment to the bill that is being offered today by incorporating many of those suggestions that we had last year.

Now, I have listened with interest to the argument that we should not pass either of these provisions because we must guard the prerogative of the legislative branch of government over the budgetary process. And I understand that. For after all, we have done a great job, right by ourselves. Our debt is only $4.6 trillion. Maybe we just need a little more time. For after all, it has only been 25 years since we were able to balance the budget. And maybe we should not put anymore power into the hands of someone who would use that power to leverage votes on other legislative issues, for such a concept is obviously an abuse that is foreign to this body.

Well, I am willing to take the chance. I think our debt is too big. I think 25 years of trying is too long. I am willing to put the President, any President, in the caldron with us, to try to make it better.

Now, if the real concern about this proposal is the loss of legislative prerogative, then I, and I am sure many others, would suggest that let us limit it to only those occasions when the budget is out of balance. That might put some incentive on us to do a better job as well.

In conclusion, I am one of those freshmen Democrats who last year supported the Solomon proposal, and intend to do so today. And, if it fails, I intend to vote for the Stenholm amendment. I would urge others to do the same.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, March 30, 1993.

To: Hon. Charles Stenholm. Attention: Ed Lorenzen.

From: American Law Division.

Subject: Application of rescission authority to tax expenditures.

This memorandum provides, at your request, quick analysis of whether the same constitutional principles that govern application of rescission authority to appropriated funds apply as well to rescission of "tax expenditures." We understand as well that the requested context for analysis is H.R. 1013, a bill entitled "Expedited Consideration of Proposed Rescissions Act of 1993." It is proposed that language be added to that bill adding "tax expenditures" as a category within which the President may trigger expedited congressional consideration of proposed rescission legislation.

Some background may be helpful. The same constitutional principles govern application of rescission authority to "appropriations" and to "tax expenditures." These governing principles are set out in previously prepared memoranda enclosed for your review: "Constitutionality of Granting President Enhanced Budget Rescission Authority," June 27, 1989; and "Adequacy of Standards in Bill Granting President Enhanced Budget Rescission Authority," July 21, 1989, both by Johnny H. Killian, Senior Specialist in American Constitutional Law, CRS. The basic issue raised by actual conferral of rescission authority on the President involves delegation of legislative authority, and whether there are adequate standards set forth in the law so that it can be determined whether the executive has complied with the legislative will. In 1989 the Supreme Court held in *Skinner* v. *Mid-America Pipeline Co.*, 490 U.S. 212, 223, that the same principles govern delegation of taxing authority that

govern delegation of Congress' other authority.

[T]he delegation of discretionary authority under Congress' taxing power is subject to no constitutional scrutiny greater than that we have applied to other nondelegation challenges. Congress may wisely choose to be more circumspect in delegating authority under the Taxing Clause than under other of its enumerated powers, but this is not a heightened degree of prudence required by the Constitution.

We note, however, that no constitutional delegation issues are posed by H.R. 1013 or the proposed amendment. Instead, the bill merely provides for expedited congressional consideration of presidential proposals that Congress enact legislation authorizing rescission of "any budget authority provided in an appropriations Act." No authority to effectuate a rescission, to exercise a line-item veto, or otherwise to nullify statutory enactments would be conferred on the President by the bill. Inclusion of "tax expenditures" along with budget authority as a category about which the President may propose legislation that will receive expedited consideration does nothing to change this basic fact that the bill contains no delegation of rescission or taxing authority.

With or without a delegation of authority, the principal constitutional distinction between the categories of budget authority and tax expenditures is the requirement of Art. I, §7, cl. 1 that all bills for raising revenue shall originate in the House of Representatives. A bill providing for "tax expenditures" (currently defined in 2 U.S.C. §622(3) as "revenue losses attributable to provisions of the Federal tax laws which allow a special exclusion, exemption, or deduction . . . or which provide a special credit, a preferential rate of tax, or a deferral of tax liability") might also include measures for raising revenues, and a bill providing for repeal of tax expenditures could be considered to be a bill for raising revenues.

A further point. The President has the power conferred by Art. II, §3 of the Constitution to "recommend to [Congress'] consideration such measures as he shall judge necessary and expedient," and Congress of course cannot prevent the President from proposing consideration of legislation, including legislation that would rescind budget authority or repeal tax expenditures. In conferring authority to propose rescissions that will be subject to expedited consideration by the Congress, the bill also restricts the President's authority to make a second such request and does not explicitly tie that restriction to operation of the expedited procedures. The bill would add a new section 1013 to the Congressional Budget and Impoundment Control Act of 1974, and subsection (a) would provide in part that "[f]unds made available for obligation under this procedure may not be proposed for rescission again under this section or section 1012." A reasonable implication of "proposed . . . under this section or section 1012" is that a proposal may be submitted independently of the cited authority, and that the only restriction is that the expedited procedures authorized by the new section or in connection with existing section 1012 would not be operative. Thus, while the language can and should be interpreted to avoid any constitutional issue that would be created by interference with the President's authority under the Constitution to make recommendations to Congress, a more direct statement tying the restriction to operation of the expedited procedures could eliminate any basis for question.

GEORGE COSTELLO,
Legislative Attorney, American Law Division.

Mr. DERRICK. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from York, SC [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I thank the gentleman from Edgefield for yielding.

Mr. Chairman, for those who support a statutory line item veto, Judge Robert Bork, who is an imminent conservative and a Republican, I believe, has written a recent Law Journal article, and it bears citation. He says:

In particular, the solution of the line-item veto appears dubious, at best. A solution nobody thought of for 200 years has the burden of persuasion in constitutional matters. And the case for the line-item veto seems less than completely persuasive. That is not to say the idea of line-item vetoes should be dismissed out of hand. It is only to say that it is highly unlikely that the courts would be inclined to find such a power in the Constitution as written and ratified. It would probably require a constitutional amendment.

So the first argument you meet, if you want to propose a statutory line-item veto, is that why has no Congress, why has no President, for over 200 years, noticed that the Constitution claimed this? Those who claim that they can find the authority in the Constitution have to answer this question. They have to answer the question why George Washington, who presided over the Constitutional Convention, did not notice it himself, did not know it himself. He said about the Constitution,

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

William Howard Taft, another reputable President, Republican, he was both President and Chief Justice, said:

The President has no power to veto parts of the bill and to allow the rest to become law. He must accept it or reject it.

But where Judge Bork and General Washington, President Washington, and Chief Justice Taft have refused to tread, those who want a line-item veto have rushed in. Essentially what they say is maybe the Constitution does not give this power to the President, but maybe we can confer upon him even this broad power. Maybe we can give it to him even though it is not in the Constitution. Maybe we can amend the Constitution by statute.

The gentleman from New York [Mr. SOLOMON] does not use the term, but as I read his bill, it appears to me the device he is using is delegation. He is suggesting that we can delegate to the President the power to veto items in the bill in lieu of vetoing the entire bill itself.

That is a giant step. We are changing the Constitution by statute, and we are giving the President some broad powers, as everybody here would acknowledge. Powers as broad as the budget we pass every year. Thirteen appropriations bills, with billions of dollars of appropriated money in it, year in and year out, a power so broad, so unique, so unusual, that it has to beg the question, is it constitutional to delegate power so broadly.

Fifty years ago the Supreme Court said sweeping delegations of legislative power are unconstitutional. For a long time that was bedrock constitutional law. It has been eroded by lots of delegations we have given to the executive branch, but it is still on the book.

A lot of water has flowed over the dam at the Supreme Court since that was said, but 7 years ago, in a case dealing with the budget authority of the Congress, the Synar case, challenging the authority of Gramm-Rudman-Hollings, Judge Scalia said the ultimate judgment regarding the Constitutionality of a delegation must not be made on the basis of the scope of the power alone, but on the basis of its scope, plus the specificity of the standards that govern its exercise.

So the broader the scope, the more specific the standards must be, the more precise and rational they may be.

There is no question here that the scope of delegation is immense. It is huge. So the guidelines have to be fairly precise. So let us ask ourselves then what guidelines, what conditions, do we impose, would the gentleman from New York [Mr. SOLOMON], impose upon the President when he chooses to use this power that he would give the President.

First of all, his bill says that the rescission must reduce the deficit or must reduce the debt or limit discretionary spending. That is tautological. Any sort of cut is going to reduce the deficit or reduce spending. So this is not a standard at all.

□ 1720

That is not a standard because any kind of cut will result in a deficit reduction or a reduction in discretionary spending. Then he says, the rescission must not impair essential governmental functions or harm the national interest. We all know those standards are so broad that they are literally empty, totally subjective. And the President can fill them out any way he chooses to. So this is not, consequently, a delegation. It is an abdication. It is an abdication of power to the President and an abdication, in my opinion, of our duty to uphold and defend the Constitution.

If we want to add a line-item veto to the President's powers, this broad, enormous grant of authority, then there is a way to do it, a right way to do it: Amend the Constitution. Let us not pass a bill that will not pass constitutional muster.

Mr. SOLOMON. Mr. Chairman, I wish I had time to tell the gentleman why the American law division does not agree with him. Ours is constitutional.

Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. MICHEL], who Members on both sides of the aisle agree is one of the most respected Members ever to serve in this body. We are going to miss you, BOB.

Mr. MICHEL. Mr. Chairman, I rise today in strong support of the amendment before us to H.R. 4600, cosponsored by the gentleman from New York and myself, the only legislative line item veto proposal that will be voted on today.

Masters of redundancy that we are, we are being asked to vote on the base proposal which is identical to legislation that was debated on April 28 and 29 last year and has received no action in the other body. This exercise in congressional deja vu comes down to one question: Do we really want a true legislative line-item veto. If we do, we must support the proposal offered by the gentleman from New York [Mr. SOLOMON] and myself.

Our substitute calls for two-thirds of those Houses to override the President's decision to rescind wasteful and unnecessary spending. H.R. 4600, on the other hand, only speeds up the process that is already in current law. Furthermore, it limits this additional rescission procedure to the 103d Congress. What a farce.

Supporters of H.R. 4600 argue that their approach provides an ironclad up or down vote on the Presidential rescissions sent to Congress under this procedure. That sounds very inspiring. I am really deeply moved, but let us face it, folks. We all know that a special rule can be adopted by the House to preempt that rescission procedure. And if such a rule can be adopted, it will be adopted.

Let me also mention that H.R. 4600 does not contain my proposal that allows the President to veto special interest tax breaks in large revenue measures. But remember, the House overwhelmingly approved my provision to deal with that problem by a vote of 257 to 157 during our first debate on the issue, by 100 votes. At that time, due to procedural maneuvering, I was allowed to offer my tax amendment only to the Republican substitute line-item veto and not to the base bill.

This year both the Solomon-Michel and Stenholm amendments have incorporated this tax proposal.

In conclusion, let me just remind Members that Mark Twain once said, "Always do right. This will gratify some people and astonish the rest."

So let us gratify the people and astonish ourselves by doing the right thing by voting for the Solomon-Michel substitute. It allows the President to rescind unnecessary and wasteful spending and to veto targeted tax benefits that benefit only a particular taxpayer or limited class of taxpayers. The rescissions and vetoes stand unless overridden by two-thirds majority in each House.

This is a substantial and useful tool to control spending. Many Governors have it in one form or another today.

Let us give this same tool to the President. It will be a step in restoring the confidence of the people in this institution.

Mr. DERRICK. Mr. Chairman, I yield myself 4 minutes.

The committee ought to reject the Stenholm-Penny-Kasich amendment, for several reasons. First, it is simply too broad in terms of timing. The amendment would allow a President potentially to set our agenda by letting him propose rescissions subject to expedited consideration at any time, not just within 3 days after signing an appropriations act.

Mr. Chairman, do we really want to give a President the power to force us to set aside other legislation to consider and vote on his rescission proposals, on a timetable selected by him? Under the Stenholm amendment it would be possible for a President to inundate us with rescissions so as to force us to vote on rescissions, day after day. As long as he did not re-use a rescission, he could literally submit one a day all year long.

By comparison, the committee bill requires a President to decide, within 3 days of signing an appropriations bill, what items in each bill he wanted to rescind, and submit those items to Congress as a package for an up-or-down vote.

This is certainly more akin to a true line-item veto than the Stenholm amendment, under which a President could tie up the appropriations committees and the House and Senate to his heart's content.

Second, and just as disturbing, by allowing the President to propose rescissions for expedited consideration at any time, Congress would give the President a very powerful weapon to use against individual Members to extort votes for more spending, or other concessions, that might not well serve the public interest.

For example, the President could threaten to rescind key spending projects in a Member's district, meritorious or not, unless the member voted for the President's favorite project or program.

A President could say to a Member "I'll send up a bill to rescind your new $20 million courthouse unless you vote for my $20 billion space station."

We heard testimony in my subcommittee in the last Congress that Governors can use a line-item veto power not only to reduce spending, but also to increase spending when it suits them. Clearly the Stenholm amendment offers that potential much more so than the committee bill.

Third, unlike the committee bill, the Stenholm amendment contains no expedited procedures for the consideration of a congressional alternative to the President's rescissions. These procedures were devised last year to ensure that giving a President a modified line-item veto will not just give him another tool with which to promote his brand of spending over ours.

Of course, the Rules Committee could always report a rule to provide for the separate consideration of an alternative rescission bill. But under the committee bill the alternative could be considered along with the President's bill in an efficient, orderly process. Under the Stenholm amendment, it could not.

Finally, the Stenholm amendment would make the new procedure permanent. Even if the Stenholm amendment did not have these other flaws, it ought to be temporary rather than permanent. The committee bill is temporary to force Congress to review the experiment and decide, consciously, if it wants it to endure. The same principles that make a sunset provision on a new or existing Federal program attractive and desirable certainly apply here, and for the same reasons.

Mr. Chairman, I urge all Members to oppose the Stenholm amendment and support the committee bill. The committee bill will give the President the tools he needs to sift out low-priority spending without giving him the power to dictate our agenda or to pressure Members to vote for other initiatives. It does the greatest amount of good for the least amount of harm, and it deserves our support.

□ 1730

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

Mr. SOLOMON. Mr. Chairman, I yield 2 minutes to the gentleman from Wilmington, DE [Mr. CASTLE], an outstanding example of a Governor who did not abuse the line-item veto.

Mr. CASTLE. Mr. Chairman, I thank the gentleman from New York [Mr. SOLOMON] for yielding time to me, and for his balanced energy on this issue, and on the issue in the Committee on Rules as well.

Mr. Chairman, I have never been involved in anything quite like this in my history of involvement in government. I do not know if it is unique here. It is pretty rare, at least, that we are considering the same legislation that we have passed which has not been considered by the Senate.

If I have to pick one thing we have done in this body in the last 2 years that I would say we should do again, it is this particular bill with these particular amendments, because I do not think there is anything that could help balance our budget faster, and I do not think there is anything on which I would like to see more votes than on this. I basically, as a matter of fact, am going to be able to vote yes on budget items right down the line here, probably, maybe for the first time I have been here.

The original H.R. 4600 of the gentleman from South Carolina [Mr. SPRATT] is watered down, but I think, nonetheless, can be supported. The document of the gentleman from Texas

[Mr. STENHOLM] is remarkably improved in the enhanced expedited rescissions, but it is true that the Solomon-Michel amendment is the one that I think we should support, the true line-item veto.

Mr. Chairman, budgeting at the Federal Government level is extraordinarily complex. We authorize, we appropriate, we use base lines, we use budget caps. We have an entitlement commission. it is very hard to figure out everything that we are doing. It is as complex as anybody has ever dealt with.

The simplicity of the line-item veto I think is clear to every American who has ever paid any attention to budgets. It is so simple that the President will take a pen and draw a line through it and initial it and return it to this body. When this body has to override it, then it goes back to the President again for a vote, and then it would take a two-thirds vote, so essentially the burden would be upon this body to do this.

This has worked. It has worked throughout the United States of America, and I think that it can work here. Unfortunately, Mr. Chairman, the Stenholm amendment and the Spratt resolution, the original bills, would allow the House to operate and the Senate to operate with doing very little. The line-item veto would force us to step forward.

Forty-three Governors have a line-item veto. I have never heard a complaint from any State about that line-item veto. In fact, more and more States keep adopting it. I would encourage all of us to adopt the line-item veto, to vote for that if we vote for nothing else today.

Mr. SOLOMON. Mr. Chairman, there are six cosponsors of this amendment, and we have heard from one, the former Governor of Delaware.

I yield 2 minutes to another, the gentleman from Hamburg, NY, [Mr. JACK QUINN] who is very out front with his support of this amendment.

Mr. QUINN. Mr. Chairman, I thank the gentleman from New York for yielding time to me.

Mr. Chairman, I rise in strong support today for the Michel-Solomon substitute amendment—the real line-item veto.

One year ago, this House considered H.R. 1578 the same expedited rescission bill. One year ago, I joined with my colleagues, Mr. BLUTE and Mr. CASTLE, to try and give President Clinton what he asked for in his campaign: the real line-item veto. On April 29, 1992, Bill Clinton said "I strongly support the line-item veto because I believe we need to get Federal spending under control."

What he got last year, Mr. Chairman, was a watered down substitute. Today the Michel-Solomon amendment is very similar to the amendment we offered a year ago—but with improvements. It is the real thing, Mr. Chairman.

Eighty percent of the people in this country want a line item veto. Forty three of our Nation's Governors have it—and the President should have it too. This is not a political issue—it is a budget issue, and, it is and, should be, a bipartisan issue.

I stand here today with my colleagues as a freshman from the minority party. We joined together to give the President, who is from the majority party, this much needed fiscal reform. It does not matter if you have a "D," "R," or an "I" next to your name. If you support fiscal responsibility and real reform of Congress you should vote for the line item veto.

I understand that the House is trying to send a message to the Senate on the importance of this legislation. I would like to remind all the members of the message the American people sent to both bodies of Congress in the Fall of 1992.

The message was change. We may have heard the cries for reform—but have we listened?

The choice we have before us today is clear. A line-item veto that represents real reform. Or, this Congress can once again pass a toothless reform bill that cheats the American people who desperately want reform.

I urge my colleagues to choose the real thing. Choose the line-item veto and support the Michel-Solomon amendment. Let us get wasteful Federal spending under control, let us help the President, and let us make Congress balance its checkbook.

Mr. SOLOMON. Mr. Chairman, I yield 2 minutes to the gentleman from Shrewsbury, MA [Mr. BLUTE], one of the six cosponsors of this amendment.

Mr. BLUTE. Mr. Chairman, I thank my friend and colleague, the gentleman from New York, for yielding time to me.

Mr. Chairman, today we revisit an issue that should have been decided long ago, giving the President of the United States a true line-item veto authority.

Mr. Chairman, as I stand here today it seems like deja vu, in that we had almost the exact same debate last year. But I welcome this opportunity to again debate—and hopefully this time, pass—the true line-item veto.

The Solomon/Michel substitute is the proposal that we will vote on here today which will have the most impact on out-of-control Federal spending—because, unlike the other amendments, it gives the President the ability to maintain cuts without the approval of Congress. This is the key element to the success of the line-item veto, because it is unlikely that Congress will vote to override unless the President proposes a truly egregious cut. Mr. Chairman, this may put some Members of Congress in an uncomfortable position, but frankly, Congress deserves to be in that position, because it has put America under a mountain of debt and shown no significant signs of dealing with the huge yearly deficits that are slowly but surely weakening our economy.

We all know that the need for permanent reform is clear. In 1960 our total Federal budget comprised 18 percent of our gross national product. By 1990 that percentage had risen to 23 percent. This trend is truly ominous, especially in light of our $4.6 trillion debt, and the true line-item veto is one way to help reverse this trend.

If anyone has doubts about the efficacy of a line-item veto let me just cite a few facts. In the 10 States that have an item-reduction veto, which allows the reduction of a line item and not strictly the elimination, Governors were able to cut the rate of spending by 2.7 percent every 2 years. Also, spending in those 10 States was found to be 14 percent lower than in the States that do not have any line item authority.

Mr. Chairman, I urge my colleagues to support the Solomon-Michel amendment, the true line-item veto.

Mr. STENHOLM. Mr. Chairman, I yield such time as he may consume to the gentleman from Utah [Mr. ORTON].

Mr. ORTON. Mr. Chairman, I rise in strong support of the Stenholm-Penny-Kasich amendment to the Expedited Rescissions Act of 1994.

First, I would like to commend the House leadership for bringing this important legislation to the floor of the House. I have supported expedited rescission since coming to Congress. In fact, a very similar proposal is included in title V of my "Comprehensive Budget Process Reform Act," which I introduced in the 102d Congress and at the beginning of the 103d Congress.

There has been a great deal of publicity recently about the A-to-Z proposal. The goal of A-to-Z is to open up the budget process, to allow unlimited opportunities to offer spending cut amendments. With respect to discretionary spending, I would like to commend the House leadership for recently allowing an open rule on spending cut amendments for the last 11 appropriations bills. This far exceeded the thrust of the A-to-Z petition, which was limited to cutting fiscal 1994 spending.

I believe that not only should each Member of Congress have and opportunity to propose spending cuts, but the President should also have such an opportunity to propose reductions in spending. The Expedited Rescissions Act which we are voting on today would be a significant step forward in this regard. Quite simply, it would force the House and Senate to vote on Presidential requests to rescind specific items of spending.

I also commend my colleagues, Representatives STENHOLM, PENNY, and KASICH, for offering their amendment. This is a bipartisan effort to improve and perfect the bill before us. Let me explain these improvements.

First, this amendment would make the expedited rescission procedure permanent. Expedited rescission is a much needed change,

and should not be limited to the current Congress, as H.R. 4600 does.

Second, the Stenholm-Penny-Kasich amendment allows Presidential rescission messages to be sent at any time during the year, rather than only allowing them immediately after the signing of appropriations bills. This ensures that the administration will be able to make a more careful evaluation of spending that has been approved by Congress, prior to any proposals to rescind.

Third, the amendment makes a number of more technical changes. For example, the amendment allows 50 House Members or 15 Senators to request a vote to strike an individual rescission from the President's proposed rescission package.

Finally, the amendment extends the special rescission procedures to allow Presidential proposals to repeal targeted tax benefits in revenue bills. This is a very important change, allowing consideration of special interest provisions inserted in large revenue bills. I would even suggest that we also include contracting authority within the enhanced rescission authority to be given the President under this bill. If the President had authority to request rescission of appropriations, tax expenditures, and contracting authority, he would have the mechanism to request reduction of all types of Government spending.

In conclusion, I believe these changes are important modifications to the bill on the floor. I urge this body to approve the Stenholm/Penny/Kasich amendment.

The CHAIRMAN. The gentleman from New York [Mr. SOLOMON] has 2 minutes remaining.

Mr. SOLOMON. Mr. Chairman, I guess we are being charged for a minute of time that my good friend, the gentleman from Florida [Mr. HUTTO] had used.

Mr. DERRICK. Mr. Chairman, I would be delighted to yield an additional minute to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. If the gentleman is so good as to do that, I yield the remainder of our time, my 2 minutes plus the 1 minute given by the gentleman from South Carolina [Mr. DERRICK], to one of the most distinguished Members of the House, the gentleman from Shelbyville, TN [Mr. COOPER], who is a strong supporter and cosponsor of the true line-item veto, to sum up for our side.

The CHAIRMAN. The gentleman from Tennessee [Mr. COOPER] is recognized for 3 minutes.

□ 1740

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

Mr. Chairman, today the House of Representatives has for the second time in this Congress the opportunity to consider fundamental and far-reaching budget reform, the real line-item veto. The Michel-Solomon amendment should be passed by this House. This is not and should not be a partisan issue. It is ironic that many of my colleagues on the Republican side of the aisle who often criticize our President today want to give him more power. It is also ironic that many of my friends on the Democratic side who praise our President are keeping his hands tied. As has been noted, 43 Governors have this power. It works. It works well. Our President needs this power.

When Governor Clinton campaigned for office, he asked for this power. One quotation has already been read from his remarks, but in his book "Putting People First," on page 25, which is widely circulated around the Nation, it said, "Line-item veto. To eliminate pork-barrel projects and to cut Government waste, we will ask Congress to give the President the line-item veto."

Mr. Chairman, that book did not say expedited rescission, it did not say modified line-item veto. It said line-item veto. Candidate Clinton was right. Presidents do need this power. Presidents get the blame. Presidents need the power to do something about it.

Mr. Chairman, having served under three Presidents, Presidents Reagan, Bush, and Clinton, I have felt that all three Presidents needed and deserved this power. I am for the real line-item veto because the President with the aid of only one-third plus one in the House can uphold the cut. That is maximum cutting power. That is a very sharp blade when it comes to cutting.

Under the Stenholm-Penny-Kasich expedited-rescission approach, the President would need a simple majority, a half plus one of either House, to uphold a cut. That is still new cutting power, but it is a much duller blade. We have had decades of bias in this country in favor of pork-barrel spending. I think it is high time that the bias should be against pork-barrel spending. The sad fact is that it is so easy to load up a bill with pork. It is relatively easy to get majority support, but it is hard to load it up so high that it can get supermajority support. Our President needs the power to root out pork, he needs the power to stop logrolling. Forty-three Governors know that it works, including former Governor Clinton.

The mere threat of a line-item veto can keep pork out of a bill. The GAO has estimated that as much as $12 billion could be saved annually using this device. There is no estimate so far as I know as to what the expedited rescission would do. My guess is it would be less, far less in cutting power.

The House should pass the real line-item veto tonight and force the Senate to act.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON] as a substitute for the amendment in the nature of a substitute offered by the gentleman from Texas [Mr. STENHOLM].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 205, noes 218, not voting 16, as follows:

[Roll No. 327]

AYES—205

Allard	Gillmor	Molinari
Andrews (NJ)	Gilman	Moorhead
Archer	Gingrich	Morella
Armey	Goodlatte	Myers
Bacchus (FL)	Goodling	Nussle
Bachus (AL)	Goss	Orton
Baesler	Grams	Oxley
Baker (CA)	Grandy	Packard
Baker (LA)	Greenwood	Pallone
Ballenger	Gunderson	Parker
Barca	Hall (TX)	Paxon
Barcia	Hancock	Penny
Barrett (NE)	Hansen	Peterson (MN)
Barrett (WI)	Hastert	Petri
Bartlett	Hayes	Pombo
Barton	Hefley	Porter
Bateman	Herger	Portman
Bentley	Hobson	Poshard
Bereuter	Hoekstra	Pryce (OH)
Bilirakis	Hoke	Quinn
Bliley	Holden	Ramstad
Blute	Horn	Ravenel
Boehlert	Houghton	Regula
Boehner	Huffington	Ridge
Bonilla	Hunter	Roberts
Bunning	Hutchinson	Rogers
Burton	Hyde	Rohrabacher
Buyer	Inglis	Ros-Lehtinen
Callahan	Inhofe	Roth
Calvert	Istook	Roukema
Camp	Johnson (CT)	Royce
Canady	Johnson, Sam	Santorum
Cantwell	Kasich	Saxton
Castle	Kim	Schaefer
Clinger	King	Schenk
Coble	Kingston	Schiff
Collins (GA)	Klug	Sensenbrenner
Combest	Knollenberg	Shaw
Condit	Kolbe	Shays
Cooper	Kyl	Shuster
Coppersmith	Lazio	Skeen
Cox	Leach	Smith (MI)
Crane	Levy	Smith (NJ)
Crapo	Lewis (CA)	Smith (OR)
Cunningham	Lewis (FL)	Smith (TX)
Deal	Lewis (KY)	Snowe
DeLay	Lightfoot	Solomon
Deutsch	Linder	Spence
Diaz-Balart	Livingston	Stearns
Dickey	Lucas	Stump
Doolittle	Machtley	Sundquist
Dornan	Mann	Swett
Dreier	Manzullo	Talent
Duncan	Mazzoli	Tauzin
Dunn	McCandless	Taylor (NC)
Ehlers	McCollum	Thomas (CA)
Emerson	McCrery	Torkildsen
Everett	McDade	Upton
Ewing	McHale	Vucanovich
Fawell	McHugh	Walker
Fingerhut	McInnis	Walsh
Fish	McKeon	Weldon
Fowler	McMillan	Wilson
Franks (CT)	Meehan	Wolf
Franks (NJ)	Meyers	Young (AK)
Gallegly	Mica	Young (FL)
Gekas	Michel	Zimmer
Geren	Miller (FL)	
Gilchrest	Minge	

NOES—218

Abercrombie	Bevill	Browder
Ackerman	Bilbray	Brown (CA)
Andrews (ME)	Blackwell	Brown (FL)
Andrews (TX)	Bonior	Brown (OH)
Applegate	Borski	Bryant
Barlow	Boucher	Byrne
Becerra	Brewster	Cardin
Beilenson	Brooks	Chapman

Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCloskey
McDermott
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Olver
Ortiz
Owens
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—16

Berman
Bishop
Carr
Faleomavaega (AS)
Fields (TX)
Ford (MI)
Gallo
Hefner
McCurdy
Obey
Quillen
Slattery
Thomas (WY)
Underwood (GU)
Washington
Zeliff

□ 1803

Mrs. ROUKEMA changed her vote from "no" to "aye."

So the amendment offered as a substitute for the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. DE LA GARZA). The Chair would like to advise Members of the further proceedings.

The pending business is the amendment in the nature of a substitute offered by the gentleman from Texas [Mr. STENHOLM]. The gentleman from Texas has 9 minutes remaining, and the opposition, controlled by the gentleman from South Carolina [Mr. DERRICK], has 14 minutes remaining.

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the Stenholm-Penny-Kasich substitute to the expedited Rescission Act. While I prefer the Solomon-Michel substitute, the Stenholm-Penny-Kasich proposal is an improvement over current law and is a better proposal than the Spratt bill, in my view.

The sponsors of this amendment have been leaders in this House on the important issue of budget reform.

Mr. Chairman, the Stenholm proposal contains a number of improvements over the Spratt bill. First, the Stenholm proposal grants permanent authority for the President to submit rescissions to Congress. The authority under the Spratt bill would vanish in just a few months.

Second, the Stenholm bill allows the President to devote the savings to deficit reduction and prevents Congress from reallocating the funding.

Third, the Stenholm bill allows for votes on individual rescissions rather than bundling all of the rescissions into one all-or-nothing vote on the entire package of rescissions.

Fourth, the Stenholm bill allows the President to submit rescissions any time after an appropriation bill is enacted rather than limiting the President's timeframe to 3 days.

I hope the people will join with me and vote for the Stenholm amendment.

Mr. DERRICK. Mr. Chairman, I yield 4 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

□ 1810

Mrs. KENNELLY. Mr. Chairman, I rise in very strong opposition to the amendment offered by the gentleman from Texas [Mr. STENHOLM], the Stenholm substitute. The notion of expending rescission authority on targeted tax benefits is misguided, to say the least, in my opinion. While the opponents of this amendment talk about giving the President the ability to strike favors for individual taxpayers, the impact of this amendment—the opponents of this bill talk about this substitute as having the ability to give the President the power to strike individual tax favors to people across these United States. As a member, a 10-year member, of the Committee on Ways and Means, I have not seen too many of those individual amendments in the last 2 to 3 years, and I have to tell the Members and be very clear with the Members that this amendment is actually far broader than is being proposed.

What is a targeted tax benefit? I say to my colleagues, "Well, when you think about it, a targeted tax benefit is virtually every provision in the code with the exception of tax rates. Every other provision in the Internal Revenue Code which does not apply to all taxpayers across the board is a targeted tax benefit. Therefore, any change to the tax code can be construed as being a targeted tax credit and would be subject to rescission under the substitute."

For example, Mr. Chairman, would my colleagues say that in the home mortgage interest deduction, a deduction very important to the people of these United States and, in fact, very important to the homeowners of the people of the United States, is a targeted tax benefit because it does not benefit all Americans? Let us remember many people are renters, and they would not be eligible.

Would my colleagues say that the earned income tax credit that some of us are very proud of that passed in the last budget resolution is a targeted tax benefit? After all, only the working poor, those of moderate income, qualify.

Are these provisions abusive? I certainly do not think so, and I do not think many of the Members of this body think so. This provision is nothing more than flatly an abrogation of congressional authority to the executive branch.

As I serve here in this body and am so proud to serve here, we have some very difficult days, but what I always hand on to, what I always can believe in, is that we are the body of the people, and the Constitution made us the body of the people. Our forefathers said we are the ones who will represent the people of these United States. And this substitute takes away power from the body of the people and gives it to the executive branch.

I know this provision only applies to tax bills sent to the President, but that does not mitigate the delegation of authority to the executive branch. I believe the only thing that will be achieved by the passage of this amendment is increased taxpayers' cynicism, and that is something we certainly do not need any more of.

When we make a mistake, and there has been occasion when the Committee on Ways and Means has made a mistake in drafting a provision, people expect us to fix it, and when we find a program that is not working or a program that encourages fraud, people expect us to fix it, and we have an obligation to correct the code under the Constitution of the United States. This provision will make these kinds of changes much more difficult.

When the Committee on Ways and Means contemplates tax policy changes, we establish an effective date. That is so all taxpayers will notice and will not be caught in the middle of a transaction. We still are a capitalist government that does rely on business

transactions. To the extent these dates can be deleted or rescinded as a result of this provision, we are going to see an amazing increase in litigation as taxpayers argue about whether transactions are governed by old and new law.

Mr. Chairman, I can understand that because of the lateness of the day Members do not understand the importance of this. I only hope they look at it and vote "no" on this substitute.

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. SOLOMON], a most able and capable advocate of the last amendment.

Mr. SOLOMON. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Texas [Mr. STENHOLM]. And I want to thank the 205 Members of the House, including 32 good Democrats, who supported the Solomon amendment a few minutes ago. I want to thank the gentleman from Texas [Mr. STENHOLM] because he promised a fair fight. It was a fair fight. My side lost by a swing vote of only 6 votes. Next year we are going to win it. But this year the only major differences between us is this:

I require a two-thirds vote in Congress. That is true line-item veto. The Stenholm substitute requires a majority vote to override the President. That is the real difference. Either way it is going to result in some deficit reduction because the savings, if any, will go to deficit reduction, not new spending.

Mr. Chairman, that is why I am going to support the amendment offered by the gentleman from Texas [Mr. STENHOLM], and I hope everybody else here does.

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

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. PENNY], an original cosponsor and author of this amendment.

Mr. PENNY. Mr. Chairman, I strongly urge support for the Stenholm-Penny-Kasich substitute. This substitute represents several improvements over the Spratt bill.

First of all, Mr. Chairman, our proposal applies to both appropriations and targeted tax benefits while the Spratt bill is restricted only to appropriations. In addition, the President and Congress under our approach would be able to designate the savings from the rescinded funds to deficit reduction. Third, our proposal allows expedited rescission to occur at any time instead of just the 3-day window after an appropriations bill is passed. Finally, our proposal permanently strengthens the rescission process instead of extending it only through the end of this legislative session, as is the case with the Spratt proposal. It is also important to stress that, unlike the amendment offered by the gentleman from New York [Mr. SOLOMON] which was just rejected by the Congress, we do not require a situation in which the President would be successful unless there is a two-thirds override within the Congress. We allow the President's proposed rescissions to be accepted or rejected by a majority vote.

The bottom line, however, is that we require a vote within a relatively limited timeframe. We require that the President's rescission package, having been sent to committee, would be then brought back to the House floor and voted up or down in a limited timeframe.

There are reasons for strengthening the rescission process. Expedited rescission authority would certainly provide the President and the Congress with a stronger tool to reduce the budget deficit. According to a 1992 GAO report, Mr. Chairman, another $70 billion could have been rescinded between 1984 and 1989 if Congress had approved all of the rescissions submitted by the President. Under current law Congress can kill a rescission by simply refusing to bring it to a vote. The magnitude of the deficit crisis should compel us to at least consider every option for cuts that is presented to us by the President.

Under the Stenholm-Penny-Kasich plan, Mr. Chairman, we guarantee that that vote will occur. In addition, expedited rescission authority has greater potential for significant deficit reduction if it is expanded to also include targeted benefits. One of the biggest criticisms of the current expedited rescission process is that it does not include these tax expenditures. Under the Stenholm-Penny-Kasich plan tax items would be included.

Fundamentally we need common sense budget reform at the national level. It is absurd to the American public that in Congress baselines do not represent a freeze on spending. Baselines allow for continuing increases in spending levels. It is nonsense to the American public that in Congress cuts are not cuts. We kill a program, but the money stays in the budget to be spent somewhere else.

□ 1820

It is nonsense to the American public that in Congress cuts are not cuts. We kill a program, but the money stays in the program to be spent somewhere else. It is nonsense to the American public that emergencies are not emergencies. Every time we pass a bill to deal with a natural disaster for one portion or another, we lard it up with pork-barrel spending, and that does not make sense to the American public.

We want to take the budgeting nonsense out of the way we do work in Washington. We want cuts to be cuts. We want the process to make sense. We want to give the President the authority to succeed when he suggests rescissions to the Congress. We want to end the spending bias and put the bias in favor of reducing the deficit.

Under current law, dating from the creation of the Budget Act in 1974, Presidential rescissions automatically expire unless approved by Congress. Like the Spratt bill, our amendment establishes an expedited rescission process whereby the Congress must vote on rescissions submitted by the President. However, we propose a number of changes to the Spratt bill to strengthen this new enhanced rescission process.

First, our amendment grants the President the option of earmarking savings from proposed rescissions to deficit reduction rather than new spending. Second, the President would be able to single out newly enacted targeted tax benefits as well as appropriated items. Third, the amendment allows the President to submit a rescission package for expedited consideration at any point in the year. Fourth, unlike the Spratt bill which establishes enhanced rescission authority for just the remainder of the 103d Congress, the Stenholm-Penny-Kasich amendment permanently extends this new rescission authority. Finally, our amendment provides for separate votes on individual items in a rescission package.

In part, what we attempt to accomplish with this amendment is to alter the prospending bias that exists today in the Congress. According to the General Accounting Office [GAO], just one in three individual rescissions, representing only 30 percent of the total dollar volume of all rescissions, submitted by Presidents since the creation of the Budget Act in 1974 has been enacted. If Presidential rescission messages must be voted on rather than ignored, more wasteful spending will be identified and ultimately extracted from the Federal budget.

The amendment we offer today is a well crafted and modest attempt to inject accountability into the budget process while making the current Presidential rescission authority meaningful. The changes our amendment makes to the underlying bill strengthen and enhance the objective of the author, Mr. SPRATT, and I urge a strong and overwhelmingly vote in support of the amendment.

Mr. DERRICK. Mr. Chairman, I yield 2 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, I would like to follow up on what the gentlewoman from Connecticut [Mrs. KENNELLY] had to say. Just to give you an example, it is very, very difficult for me to believe how the people's House, a body of legislators constitued against the king, this is the commons against the king, and you want to side with the royalists. We have fought since the Magna Carta, from the time of the Magna Carta, to increase the power of the people, and we sit here in 1994 and say we are going to give it back to the royalists? We are going to give it back to the king?

In the last Congress we balanced the request by the executive branch to extend the research development tax credit for major corporations with the provision for low-income-housing tax

credit. If you pass this, you allow the royalists to take care of the corporations and take the benefit away from the poor. This is a matter of the commons versus the king. It is a matter of the people of the United States, the people we represent, against the new royalists. Defeat this amendment.

Mr. STENHOLM. Mr. Chairman, I yield the balance of our time, 4 minutes, to the gentleman from Ohio [Mr. KASICH], another original cosponsor and hard worker on this approach.

Mr. KASICH. Mr. Chairman, I want to thank the gentleman from Texas for yielding, and say that this, we think is the start of good things to come with the gentleman from Texas [Mr. STENHOLM] and the gentleman from Minnesota [Mr. PENNY] in a true bipartisan effort, to bring some dramatic change to the way things are done in this country.

Initially, I want to direct my comments to my Republican colleagues who have been very frustrated with the fact that for the past 2 years we have been voting on enhanced rescission bills that we have felt have been toothless.

In fact, last year we made a number of arguments that we said represented a toothless bill on this House floor. They were essentially four in nature.

One was we said that the expedited rescission authority, in other words, the nearly line-item veto, will only last for 6 months. We permanently extend the authority in this provision.

We said it only applies to appropriation bills, unlike the Solomon-Michel bill. We have now included the tax benefits that we read about the next day after the Committee on Ways and Means brings a foot high bill to this floor that has a lot of sweeteners for people to vote for.

We said there was no guarantee that the savings would go to deficit reduction. Under this bill, the President can designate the savings for deficit reduction.

Finally, it has such a limited window for cuts. Under this bill, the expedited rescission, or the essential line-item veto, can be used at any time.

This, ladies and gentleman of the House, represents the most significant movement on trying to control the deficit through the use of the line-item veto that we have voted on and have a chance to pass in this House since I have been a Member of this House. This is precisely what the American people have been calling for, and under this provision, If the President wants to slice the pork out of a bill, he sends that bill up here to the House of Representatives and we must vote. And if at least 50 plus 1 Member say we agree with you, it is pork, we zero out that program. And if in fact these provisions had been made into law starting all the way back in 1984, between 1984 and 1989, we could have cut $70 billion worth of programs that the Presidents of both parties have felt do not make sense.

I would suggest to those people who have fought long and hard for the line-item veto, a constitutional line-item veto, we should still push for it. We should still work for it. But this comes as close as any bill that has been voted on this floor that has an excellent chance of passing, that gives us something right along the lines of the line-item veto, that will permit the President to make cuts in programs, within categories of programs, to send those targeted cuts to this House floor, and we then must vote. And if 50 plus 1 Member agrees, we get rid of the pork.

The gentleman from Minnesota [Mr. PENNY] referred to the pork that is put in these emergency appropriation bills. If we can find that pork, if the President agrees, if he sends it up here, we will vote on it. Under current law, we do not vote. The way in which they let the pork flow through is we just never have a vote. This will force a vote. It will bring real change.

Finally, as you can see, in absence of this kind of legislation, only 31 percent of the rescission requests, only 31 percent of the cuts that the Executive has made since 1984, have been enacted. Sixty-nine percent of them have never been acted upon. And if this House of Representatives was forced to vote on the President's reductions in spending, if in fact we only needed 50 percent plus 1 Member, we would be in a position of having the opportunity to pass 69 percent more in cuts.

I urge the Members to send the message across this country that we want a line-item veto, that we want to control spending, and that STENHOLM, PENNY, and KASICH are on the right track. Let us give a giant vote and send a message to the other body that we want some fiscal responsibility in this country.

Mr. DERRICK. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. FAZIO].

Mr. FAZIO. The gentleman's comments would lead you to believe that we were derelict in our responsibilities. In fact, we did not rescind every dime requested of us by the President, but we actually rescinded more than we were asked to, by $20 billion, since the Budget Act of 1974 was enacted.

The gentleman would have us believe that the only way we could accommodate the need to rescind spending or use the euphemism we use for line-item veto, is to accommodate the executive branch. The point is, we went beyond the executive branch. We rescinded more money by some $20 billion during that time frame.

This is not a question of whether we save money. It is a question of whether the Congress reasserts its priorities under the Constitution.

The bottom line is the public has been served. We have rescinded some $92 billion. We were asked to rescind $72 billion.

Mr. DERRICK. Mr. Chairman, I yield 1 minute to the distinguished gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding.

Let me follow up on what the gentleman from Ohio [Mr. KASICH] just said by saying first of all, there are parts of this amendment that I support, I like, and I think they are improvements upon the base bill that I sponsored. But there is one particular part that I particularly disagree with, and it cuts against the grain of the gentleman's argument.

The gentleman says with this bill, with this amendment, we are going to be able to do a great deal more on the rescission requests sent up here by the President.

One of the things this bill opens up is the opportunity for us to unpack the package that the President sends down here. Because whereas in our bill, the base bill, you would have to vote on the President's request as he sends it, in your bill, on the petition of 15 Members, you can break out individual items. That means Members from large States and powerful members of powerful committees will be able to pick pieces out of this and ensure the President does not get a full all-up vote on the proposal or package he sends up here, and I think that is a weakness in this proposal.

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

Mr. Chairman, I have a great deal of respect for the gentleman from Texas [Mr. STENHOLM].

We all want to cut the budget, at least we think we do, and the American people certainly want it cut.

□ 1830

I have heard mentioned all afternoon that 43 Governors have some form of line-item veto. My Governor of South Carolina is one of them. Very seldom does a Governor of one of these States use a line-item veto to reduce spending. Most of the time they use it for their own pet projects.

When Presidents complain that their vetoes are not strong enough, they forget that 93 percent of all Presidential vetoes in history have been sustained. So neither one of these arguments holds water; we are not going to see some miraculous cutting of the deficit if we pass the Stenholm amendment or the bill.

There is only one way we are going to do what the gentleman from Texas [Mr. STENHOLM] ultimately wants to do and what we all want to do. We either spend less or take in more. That is how to balance a budget. There are no quick fixes. This will not be a quick fix.

Mr. Chairman, the Stenholm amendment has serious flaws. The committee

bill is a better product, for the reasons I stated earlier. I ask the Members to vote against the Stenholm amendment and support the committee bill.

The CHAIRMAN. All time has expired. The question is on the amendment in the nature of a substitute offered by the gentleman from Texas [Mr. STENHOLM].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 298, noes 121, not voting 20, as follows:

[Roll No. 328]

AYES—298

Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Browder
Bryant
Bunning
Buyer
Byrne
Callahan
Camp
Canady
Cantwell
Cardin
Castle
Chapman
Clement
Clinger
Coble
Coleman
Collins (GA)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Ehlers
Emerson
English
Everett
Ewing
Fawell
Fingerhut
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Herger
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Johnston
Kaptur
Kasich
Kennedy
Kildee
Kim
King
Kingston
Kleczka
Klein
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lloyd
Long
Lucas
Machtley
Maloney
Mann
Manzullo
Margolies-Mezvinsky
Martinez
Mazzoli
McCandless
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McKeon
McMillan
Meehan
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Murphy
Myers
Neal (NC)
Nussle
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Royce
Sangmeister
Santorum
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thornton
Thurman
Torkildsen
Torricelli
Upton
Valentine
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Weldon
Williams
Wilson
Wise
Wolf
Wyden
Wynn
Young (AK)
Young (FL)
Zimmer

NOES—121

Abercrombie
Ackerman
Applegate
Becerra
Beilenson
Bevill
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Clay
Clayton
Clyburn
Collins (IL)
Collins (MI)
Conyers
Coyne
de Lugo (VI)
DeLauro
Dellums
Derrick
Dingell
Dixon
Durbin
Edwards (CA)
Engel
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Gejdenson
Gephardt
Gibbons
Gonzalez
Hall (OH)
Hamburg
Hastings
Hilliard
Hinchey
Hoyer
Jefferson
Johnson, E. B.
Kanjorski
Kennelly
Klink
Kopetski
Lewis (GA)
Lipinski
Lowey
Manton
Markey
Matsui
McCloskey
McDermott
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Nadler
Neal (MA)
Norton (DC)
Oberstar
Olver
Ortiz
Owens
Pastor
Payne (NJ)
Pelosi
Pickle
Rahall
Rangel
Reed
Reynolds
Romero-Barcelo (PR)
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sarpalius
Sawyer
Scott
Serrano
Smith (IA)
Stark
Stokes
Studds
Swift
Synar
Tejeda
Thompson
Torres
Towns
Traficant
Tucker
Unsoeld
Velazquez
Vento
Waters
Watt
Waxman
Whitten
Woolsey
Yates

NOT VOTING—20

Berman
Burton
Calvert
Carr
Faleomavaega (AS)
Fields (TX)
Fish
Ford (MI)
Gallo
Hefner
McCurdy
Murtha
Obey
Quillen
Slattery
Thomas (WY)
Underwood (GU)
Washington
Wheat
Zeliff

□ 1851

Messrs. BREWSTER, RANGEL, and HINCHEY, and Mrs. LOWEY changed their vote from "aye" to "no."

Ms. SLAUGHTER and Messrs. DICKS, PETERSON of Florida, RICHARDSON, and COX changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SWIFT) having assumed the chair, Mr. DE LA GARZA, 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. 4600) to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority, pursuant to House Resolution 467, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

The question is on the amendment.

The amendment was agreed to.

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

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

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 342, noes 69, not voting 23, as follows:

[Roll No. 329]

AYES—342

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (OH)
Bryant
Bunning
Buyer
Byrne
Callahan
Camp
Canady
Cantwell
Castle
Chapman
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Ehlers
Emerson
English
Eshoo
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fingerhut
Flake
Foglietta
Frank (MA)
Franks (CT)
Franks (NJ)
Frost

Furse
Gallegly
Gejdenson
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Herger
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kaptur
Kasich
Kennedy
Kildee
Kim
King
Kingston
Kleczka
Klein
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Meyers
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Moakley
Molinari
Montgomery
Moorhead
Morella
Murphy
Myers
Neal (MA)
Neal (NC)
Nussle
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torricelli
Tucker
Upton
Valentine
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Weldon
Whitten
Williams
Wilson
Wise
Wolf
Wyden
Wynn
Young (AK)
Young (FL)
Zimmer

NOES—69

Abercrombie
Applegate
Becerra
Beilenson
Bevill
Borski
Brown (FL)
Clay
Clayton
Collins (IL)
Collins (MI)
Conyers
Dellums
Dixon
Edwards (CA)
Engel
Evans
Filner
Gephardt
Gibbons
Gonzalez
Hamburg
Hastings
Hilliard
Jefferson
Kanjorski
Kennelly
Klink
Kopetski
Lewis (GA)
Matsui
McDermott
McKinney
Meek
Menendez
Mfume
Mink
Mollohan
Moran
Nadler
Oberstar
Owens
Payne (NJ)
Pelosi
Rahall
Rangel
Reed
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Scott
Serrano
Smith (IA)
Stark
Swift
Synar
Torres
Towns
Traficant
Unsoeld
Velazquez
Vento
Waters
Watt
Waxman
Woolsey
Yates

NOT VOTING—23

Berman
Blackwell
Bonior
Burton
Calvert
Cardin
Carr
Fields (TX)
Fish
Ford (MI)
Ford (TN)
Fowler
Gallo
Hefner
McCurdy
Murtha
Obey
Quillen
Slattery
Thomas (WY)
Washington
Wheat
Zeliff

□ 1911

Mrs. KENNELLY, Mr. RUSH, and Mr. DIXON changed their vote from "aye" to "no."

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

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. FOWLER. Mr. Speaker, on rollcall No. 329, I was unable to vote due to family obligations back home. Had I been present, I would have voted "yes" on final passage on H.R. 4600.

PERSONAL EXPLANATION

Mr. FIELDS of Texas. Mr. Speaker, I was unavoidably detained during votes on H.R. 4600 on July 14, 1994. Had I been here, I would have voted in favor of the Solomon amendment (Roll No. 327); in favor of the Stenholm amendment (Roll No. 328); and in favor of final passage of H.R. 4600 (Roll No. 329).

PERSONAL EXPLANATION

Mr. THOMAS of Wyoming. Mr. Speaker, on Thursday, July 14, I was en route to Wyoming to attend a hearing on the administration's rangeland reform initiative and I was unable to make several votes that afternoon. Had I been present, I would have voted "aye" on rollcall No. 327, the only true line-item veto—the Solomon substitute. After that failed, I would have voted "aye" on rollcall No. 328, the Stenholm substitute. Upon the passage of Stenholm, I would have voted "aye" on rollcall No. 329, final passage.

GENERAL LEAVE

Mr. SPRATT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on House Resolution 467 and H.R. 4600, the bill just considered and passed.

The SPEAKER pro tempore (Mr. SWIFT). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

PERMISSION FOR COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS TO HAVE UNTIL MIDNIGHT FRIDAY, JULY 15, 1994, TO FILE REPORT TO ACCOMPANY H.R. 3838, THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1994

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the Committee on Banking, Finance and Urban Affairs have until midnight on Friday, July 15, 1994, to file a report to accompany H.R. 3838, the Housing and Community Development Act of 1994.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 3937, EXPORT ADMINISTRATION ACT OF 1994

Mr. GORDON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 474 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 474

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. 3937) entitled the "Export Administration Act of 1994". The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed ninety minutes, with fifteen minutes equally divided and controlled by the chairman and ranking member of the Committee on Foreign Affairs, fifteen minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, fifteen minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, fifteen minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, fifteen minutes equally divided and controlled by the chairman and ranking minority member of the Committee on on Ways and Means, and fifteen minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the committee amendments now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of H.R. 4663. That amendment in the nature of a substitute shall be considered by title rather than by section, and each title shall be considered as read. All points of order against that amendment in the nature

of a substitute are waived. No amendment directly or indirectly changing section 111(c)(2)(B)(iii), 111(d)(4)(F), 111(e)(3), or 226(b)(8) of the amendment in the nature of a substitute made in order as original text shall be in order. No amendment affecting the subject of timber shall be in order. It shall be in order to consider the amendments printed in the report of the Committee on Rules accompanying this resolution only in the order printed. Each amendment printed in the report may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. If more than one of the amendments printed in the report is adopted, only the last to be adopted shall be considered as finally adopted and reported to the House. Except as provided in section 2 of this resolution, no other amendment (other than a further amendment in the nature of a substitute) may directly or indirectly change a portion of the amendment in the nature of a substitute made in order as original text addressed by an amendment printed in the report. Except as provided in section 3, no other amendment to the amendment in the nature of a substitute made in order as original text shall be in order unless printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII before the commencement of 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 finally adopted. Any Member may demand a separate vote in the House on any amendment finally adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. It shall be in order immediately after the disposition of the amendments printed in the report of the Committee on Rules accompanying this resolution to consider additional amendments directly or indirectly changing a portion of the amendment in the nature of a substitute made in order as original text addressed by an amendment printed in the report of the Committee on Rules, if offered by a Member designated jointly by the chairman and ranking minority member of the Committee on Foreign Affairs and the chairman and ranking minority member of the Committee on Armed Services. All points of order against such additional amendments are waived.

SEC. 3. It shall be in order at any time for the chairman of the Committee on Foreign Affairs or a designee to offer amendments en bloc consisting of amendments otherwise in order to the amendment in the nature of a substitute made in order as original text or germane modifications of any such amendment. Amendments en bloc offered pursuant to this section shall be considered as read (except that modifications shall be reported), shall be debatable for ten minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the committee of the Whole. For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. All points of order against such amendments en bloc are waived. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendment en bloc.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. GORDON] is recognized for 1 hour.

Mr. GORDON. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, export control laws are designed to keep potentially dangerous technologies out of the hands of nations that threaten the entire international community.

H.R. 3937 takes a major step forward in export control policy by shifting our focus from an outdated cold war framework to the new threat posed by the proliferation of weapons of mass destruction.

This is an important issue and an important bill and I urge my colleagues to support it.

Mr. Speaker, House Resolution 474 is a modified open rule for consideration of H.R. 3937, the Export Administration Act of 1994.

The rule provides a total of 90 minutes of general debate to be divided between the six committees with jurisdiction over the bill.

The rule makes in order the text of H.R. 4663 as an original bill for the purpose of amendment. This compromise text represents an agreement between the various committees of jurisdiction.

Under the rule, this compromise bill would be open to amendment at any point, with two exceptions:

First, the rule does not allow amendments on the sections of the bill reported by the Ways and Means Committee—these provisions deal with sanctions.

Second, the rule prohibits amendments affecting the subject of timber.

The Rules Committee felt it best to leave undisturbed the timber provisions reported by the Foreign Affairs Committee, and consequently, consciously chose the very broad language of this prohibition.

The use of the word affecting reflects a judgment that the rule should foreclose not only amendments making explicit references to timber per se, but also amendments that have effects on timber different from those proposed in the original—text substitute that was derived from the product of committee deliberations.

The rule also requires that all amendments be printed in the CONGRESSIONAL RECORD prior to consideration of the bill.

The rule establishes an orderly procedure for consideration of the matters in dispute between the Foreign Affairs Committee and the Armed Services Committee. The rule provides for the consideration of the Dellums and Hamilton amendments under a king-of-the-hill procedure.

If the matters in disagreement are resolved, the rule allows the bipartisan leadership of the two committees to offer an en bloc amendment consisting of the compromise text.

Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, this is a fair rule, and I urge my colleagues to support it.

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Mr. SOLOMON. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Bellevue, WA [Ms. DUNN].

Ms. DUNN. Mr. Speaker, I rise in support of the bill for the Export Administration Act and ask my colleagues on both sides of the aisle to support this rule.

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

Mr. Speaker, may I say that the gentleman from Tennessee has done a good job in explaining one of the most complicated rules to come before the House in a long time.

I hope that Members will not oppose this rule, because it represents the best that could be done under the difficult circumstances that surround the bill.

Mr. Speaker, the Export Administration Act has always presented difficulties on the floor of the House because it is an extraordinarily important statute which happens also to be highly technical in nature and something that does not lend itself to superficial analysis or debate.

The Export Administration Act sets forth the policies, procedures, and institutional oversight concerning the export of so-called dual-use items—civilian products, commodities, or technologies that have potential for military applications.

In controlling the export of such dual-use items, an appropriate balance must be struck between the absolute imperative of protecting the security of the country and the legitimate needs of the U.S. community to remain competitive in international markets.

It might be said that this rule has to strike a balance, too.

And without repeating everything that was said by the gentleman from Tennessee, I would like to comment on at least one of its most important aspects.

Members are aware that the Committees on Foreign Affairs and Armed

Services have taken sharply divergent positions on the question of which Federal department should have primary responsibility for handling the export licensing review process—indeed, this is one of the most important issues affecting the entire bill.

The rule now before us seeks to settle this controversy by means of a king-of-the-hill procedure.

First, the House will have a 60-minute debate and a vote on a package of en bloc amendments to be presented by the Committee on Armed Services.

Then, the House will have a 60-minute debate and a vote on a package of amendments to be presented by the Committee on Foreign Affairs.

Mr. Speaker, the important thing is this: Every Member will have the chance to cast a clean-cut vote—up or down—on the Armed Services proposals that make the Defense Department a co-equal partner with the Commerce Department in handling the export licensing review process.

If the Armed Services amendment passes and the Foreign Affairs amendment does not, the bill will be substantially improved.

Indeed, I believe that the uncertainties of the times and the complexity of modern technology argue for greater participation by the Defense Department, not less.

But if the House chooses to pass both the Armed Services and the Foreign Affairs amendments, the net effect will be to move the bill at least some distance away from its present position that favors the Commerce Department so decisively.

In any event, the rule provides us with a means of sorting out these questions—and for that reason I can forgo my usual opposition to king-of-the-hill procedures.

Mr. Speaker, it must also be pointed out that the rule provides the Committees on Armed Services and Foreign Affairs with the right to offer a compromise amendment on export licensing if they can somehow work out their differences.

In addition, I believe it is worth noting that the rule does not—repeat, does not—impose any time limit on the consideration of amendments under the 5-minute rule.

So long as amendments are germane and have been printed in the CONGRESSIONAL RECORD prior to consideration of the bill, there is no time limit placed on their consideration under the regular 5-minute rule.

Mr. Speaker, I would like to spend the rest of my time addressing the specific concerns I have concerning the bill this rule makes in order.

H.R. 3937, as reported by the Committee on Foreign Affairs, represents a fundamental shift in the way America will seek to control the export of dual-use items.

The single most important element in this bill is the establishment of a statutory relationship or integration between U.S. policies on the export of dual-use items and the policies maintained by the multilateral export control regimes of which the United States is a member.

In other words, from here on out, our Government will be relying almost exclusively on a multilateral approach for the establishment and enforcement of export control policies.

This causes me great concern, Mr. Speaker, especially when I observe the performance of an administration that seems to view multilateral organizations as a substitute for U.S. leadership—instead of places where America must lead.

Many of the provisions in this bill will have to be subject to further multilateral negotiations before they can be implemented, and they will have to be reinforced constantly and consistently in order to be effective thereafter.

Is the Clinton administration up to this kind of challenge? Frankly, I doubt it.

One need only look at the floundering attempts to establish a new consultative organization among the major Western industrial democracies to see that a multilateral approach to export controls, as envisioned in this bill, is the equivalent of hanging out a fire sale sign.

Then there is the whole issue I mentioned earlier: The question of which Federal department should be the lead agency in this new process.

This bill would give the Commerce Department almost exclusive control, and that really alarms me.

During the 1980's, I found the Export Licensing Office at Commerce to be a shoestring operation more suited for a Charles Dickens story than for keeping up with the analytical demands imposed by modern technology and the multitude of dangerous places to which such technology can be diverted.

Does the Commerce Department have the qualified personnel, the data base, the technical infrastructure and, most importantly, the commitment to undertake these new responsibilities? Frankly, I doubt that too.

In short, Mr. Speaker, I seriously question whether our Government presently has either the political will or the administrative know-how to make good on the multilateral approach to export controls that this bill sets up.

Our country has already fought one war against a dictatorship that managed to arm itself with military aid and dual-use technology from Western sources.

And unless Members think the United States can afford to conduct another operation Desert Storm any time soon, they had better take another look at this bill.

Mr. Speaker, I have grave reservations about much that is contained in this bill.

But debate in the House must go forward. I hope Members will not oppose this rule, which was put together in a very painstaking process in order to be fair to all committees involved.

ROLLCALL VOTES IN THE RULES COMMITTEE ON MOTIONS TO H.R. 3937, EXPORT ADMINISTRATION ACT OF 1994—JULY 12, 1994

1. Highest vote wins on King-Of-The-Hill—(Vote: Defeated 4–5). Yeas—Solomon, Quillen, Dreier, Goss. Nays—Moakley, Derrick, Beilenson, Bonior, Gordon. Not voting: Frost, Hall, Wheat, Slaughter.

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	75	17	23	58	77

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through July 12, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149, Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.—Continued

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173, May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department, H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote (May 10, 1994).
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	PQ: 245–172 A: 248–165 (May 17, 1994).
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	N/A	N/A	A: Voice Vote (May 12, 1994).
H. Res. 428, May 17, 1994	MO	H.R. 2108: Black Lung Benefits Act	4 (D–1; R–3)	N/A	A: VV (May 19, 1994).
H. Res. 429, May 17, 1994	MO	H.R. 4301: Defense Auth., FY 1995	173 (D–115; R–58)		A: 369–49 (May 18, 1994).
H. Res. 431, May 20, 1994	MO	H.R. 4301: Defense Auth., FY 1995		100 (D–80; R–20)	A: Voice Vote (May 23, 1994).
H. Res. 440, May 24, 1994	MC	H.R. 4385: Natl Hiway System Designation	16 (D–10; R–6)	5 (D–5; R–0)	A: Voice Vote (May 25, 1994).
H. Res. 443, May 25, 1994	MC	H.R. 4426: For. Ops. Approps, FY 1995	39 (D–11; R–28)	8 (D–3; R–5)	PQ: 233–191 A: 244–181 (May 25, 1994).
H. Res. 444, May 25, 1994	MC	H.R. 4454: Leg Branch Approp, FY 1995	43 (D–10; R–33)	12 (D–8; R–4)	A: 249–177 (May 26, 1994).
H. Res. 447, June 8, 1994	O	H.R. 4539: Treasury/Postal Approps 1995	N/A	N/A	A: 236–177 (June 9, 1994).
H. Res. 467, June 28, 1994	MC	H.R. 4600: Expedited Rescissions Act	N/A	N/A	
H. Res. 468, June 28, 1994	MO	H.R. 4299: Intelligence Auth., FY 1995	N/A	N/A	
H. Res. 474, July 12, 1994	MO	H.R. 3937: Export Admin. Act of 1994	N/A		
H. Res. 475, July 12, 1994	O	H.R. 1188: Anti-Redlining in Ins	N/A		

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO Mr. Speaker, I thank the gentleman from Tennessee [Mr. GORDON] for yielding a generous amount of time.

This is an extraordinarily important issue which I will bring before the House to the people of the Pacific Northwest and indeed to the people of America, goes to the future of our forest resources and the future of the lumber and sawmill industry in the Northwest. I had intended to offer a totally germane amendment to the Export Administration Act pertaining to the export of raw logs, finding there was a critical short supply of raw logs in the Pacific Northwest and at that point directing the Secretary of Commerce, as the law provides, to restrict such export.

This, as the gentleman said, is a very complicated rule. It is the most unusual and discriminatory rule I have seen in my years in the House. It is, as the gentleman from Indiana [Mr. HAMILTON] requested, nearly an open rule with the exception of the complicated amendments for DOD. It is an open rule with one exception. This rule says that no amendment relating to the subject of timber shall be in order. That is quite unusual, to say the best. The intent of that rule and the intent of that gag order is to keep me and some other interested Members from offering an amendment to stop exporting our logs overseas while we close mills in this country.

Mr. Speaker, in the Pacific Northwest we have 434 sawmills, and we are the timber breadbasket of the world. We are the timber breadbasket of the world. Strangely enough, in Japan, where they do not harvest a single tree, 16,000 sawmills are operating, and they are operating principally with logs exported from the Pacific Northwest. The price of lumber, as we heard earlier, has gone up dramatically. We need to deal with the situation.

The Japanese allow our logs in without restriction, without barrier, without tariff, but our more efficient sawmills are not allowed by tariff and nontariff barriers to bring their lumber and sawmill products, their processed products, their manufactured products, products that are employing working Americans into their country. My colleagues will hear later how there is a great effort to get our lumber products into Japan. We are sending less lumber products into Japan today than we did in 1989.

Are we going to keep acting like a colony? Are we going to keep giving them the logs, or are we going to stand up for the industrial interests and working people of this country?

This is a rare moment. This is a moment where labor and environmental groups stand together. They both wish to see this amendment voted upon.

I do not know what the concern is, why after I submitted testimony to the Committee on Rules, no one testified against the open rule, no one testified against my proposed amendment, but strangely enough these words appear in this rule: No amendment regarding timber. Why is it that some powerful interests in this House are afraid of having a vote on this issue. I ask,

Don't they think they can win this issue? Don't they think they can make the argument that timber isn't in short supply in the Pacific Northwest? Don't they think they can make the argument that the Japanese are great trading partners and we should keep giving them our logs and keep letting them discriminate against our finished products?

Of course not. It is absurd. They would be laughed out of here. People would want to stand up, for once, for America and for our resources.

I would like to insert into the RECORD a letter from a mill owner in my district who previously opposed restrictions on these log exports and now exports them and is operating only today with logs purchased off export docks in Washington State because the Japanese are in a recession, and their market is down, and, as soon as their market goes back up, his mill will close along with dozens of other mills in the Pacific Northwest.

I would urge my colleagues to oppose this rule. I particularly urge my Republican colleagues who normally oppose restrictive rules to be consistent and oppose this rule. This is a gag order. One subject and one subject only will not come before this House, an important subject, whether or not the United States will be an industrial nation and will stand up to the unfair trade practices of Japan and whether or not we will husband these resources and put Americans to work.

This is not an issue of small wood lot owners. It is an interest of the largest log exporting corporation in America. Those small wood lot owners would come out whole if we kept these logs, and the price of stumpage will never come down again. We are headed toward an indefinite shortage of logs. There will be no harvest on Federal lands for the indefinite future. They will make money beyond their wildest dreams of a few years ago. So, this is not going to disadvantage small wood lot owners, but it will disadvantage some very powerful log exporting interests, and it will disadvantage the Japanese and their restrictive barriers against our finished wood products.

MAY 9, 1994.

Congressman PETER DEFAZIO,
Longworth House Office Building,
Washington, DC.

DEAR PETER: As I have told you several times in the past, I am philosophically opposed to the limitation of log exports. I also felt that the type of logs being exported were not the kind we could use and I also thought that the exporting companies would not sell their logs to us but would withhold them from the market.

I was wrong on all counts. We have been existing almost entirely on export quality logs purchased from the exporters since last July when the export market crashed. We would have been all through by now if this hadn't happened. The size and quality of logs has been similar to what we had been buying on Government sales and the price we paid has allowed us to operate at a profit.

We realize that this is a short term phenomena and when ever the Japanese decide to return to the market it will be all over.

I have read your proposed legislation and I agree it is something that is sorely needed to tide us over until some sense can be returned to the Federal timber sale program. I still think that the ultimate solution lies in a sensible sale of Public timber on a sustained yield basis.

In the interim, you have my full support on your proposed bill.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Georgia [Mr. GINGRICH], our minority whip.

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Mr. GINGRICH. Mr. Speaker, I thank my friend for yielding.

Mr. Speaker, I just want to report to the House it is my understanding, checking with our wise colleagues on our side on the Committee on Rules, that on all of the basic, substantive matters in which, for example, the Committee on Armed Services asked for a very broad range of amendments to be made in order, they were made in order.

I just wanted to say to my colleague from Oregon [Mr. KOPETSKI], that if at any time we had ever had his help in voting against any of the gag rules and restrictive rules which we had opposed, I would be sympathetic. In this case I suggest to you this is a good educational experience for you. You might in the future join us in voting for open rules, but I would urge all of my colleagues to vote "yes" tonight.

Mr. GORDON. Mr. Speaker, for the purpose of debate only, I yield 5 minutes to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Speaker, I would like to commend the gentleman from Georgia for his very artful statement.

I just want to stand up here and tell you a little bit about log exports in the Pacific Northwest. I want to make sure that all my colleagues know a couple major facts:

This Congress has passed restrictions so that all Federal logs off of our Federal lands stay at home. And a few years ago, under the leadership of the gentleman from Washington [Mr. SWIFT] and the members of the Washington-Oregon delegation, we passed a second law that said all of our State logs stay at home.

We basically said that all public logs off of public lands will stay home and be available to the industries of the Northwest. We drew the line there because we felt that the private property owners, the small wood lot owners of the Northwest who own this property and have one chance every 50 years or so to harvest it, had a right to sell it where they could make the most money. I mean, this is a basic private property right.

I think we as a Congress should not get into the middle of this. We have got a whole short supply legislation. It is already on the books. It is very carefully drawn, so that when the Secretary of Commerce gets a petition, he holds a hearing, he hears all the evidence.

What the gentleman from Oregon [Mr. DEFAZIO] is doing is prejudging the entire matter. He is saying that there is not to be any weighing of the evidence, there is not to be any hearings, there is not to be any administrative hearing, to determine whether in fact there is a requirement for this to be imposed. He just imposes it.

That is why the entire Northwest delegation, I believe, opposes what the gentleman is attempting to do here today.

I think the rule is a good rule. I think the rule should be supported by the House. The gentleman from Connecticut [Mr. GEJDENSON] was the one who felt very strongly that he did not want this issue to entangle his bill. We have got to get this Export Administration Act legislation through the Congress. There are some very important legislative provisions in the bill.

So I want to say again to my colleagues, we have restricted all public logs. We have kept those at home. We have made a judgment that private logs, the private landowner, ought to be able to export those logs, if that is where the best market is.

I think, frankly, what the gentleman from Oregon [Mr. DEFAZIO] does almost violates GATT, because in a sense, what it does is subsidize some of the mills in his area. What he wants to do, frankly, to get it right down on the table, is take logs from Washington State and move them down to Oregon. If I were in his shoes, I would probably be doing the same thing. But we would just like to keep our logs where they are and let our little wood lot owners and some of our major companies export them, if that is what they want. I hope that they keep a lot of those logs at home.

In fact, when you look at the facts, when they cut down an area, about 50 percent of it is exported, and 50 percent of it goes to these little mills that the gentleman from Oregon [Mr. DEFAZIO] says he wants to help.

So they are benefited by the fact that a Weyerhauser is exporting. Because when they export, they also provide logs to the local mills, because only 50 percent of it is exported. The other 50 percent stays at home.

So I would urge the House to stay with the Northwest delegation and support the Committee on Rules, and protect private property rights again. This will be the test vote on whether you are for private property or not in this session of Congress.

Thank you very much.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York [Mr. GILMAN] the ranking member of the Committee on Foreign Affairs.

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

Mr. Speaker, I am pleased to rise in support of H.R. 3937, the rule, and I want to join my colleague and friend from New York [Mr. SOLOMON] in supporting H. Res. 474, providing 90 minutes of debate and a preprinting requirement of H.R. 3937, the Export Administration Act of 1994.

Mr. Speaker, this rule provides time for a discussion of EAA issues by all committees with a jurisdictional interest in this legislation including Foreign Affairs, Armed Services, Judiciary, Public Works and Transportation, Ways and Means, and Intelligence.

It also makes in order two omnibus amendments from the Armed Services Committee and the Foreign Affairs Committee on the interagency process in controlling exports. As such, it provides both our committees with ample time to present their alternative approaches to reforming the present antiquated export control system.

The bill we bring before you today enjoys bipartisan support and represents a good faith effort on the part of the many members of our committee to compromise their differences between proponents of license liberalization and advocates of greater national security controls.

Some of the provisions in the bill reported out of the Foreign Affairs Committee have prompted our colleagues on the Armed Services Committee to propose an omnibus amendment that would greatly expand the role of the Secretary of Defense in the licensing and listmaking process, in some instances at the expense of State Department and other agencies.

In an effort to bridge our differences with this committee over the role of the Departments of Defense and Energy in the export licensing process, I have actively participated in a process leading to a Foreign Affairs Committee substitute which narrows the key differences between our two committees.

I stand ready to continue these efforts with my colleagues on both committees with the goal of ensuring a compromise effort that overhauls and streamlines our licensing system without compromising our national security or foreign policy interests.

I urge my colleagues to support the rule for this important legislation.

Mr. GORDON. Mr. Speaker, for the purpose of debate only, I yield 3 minutes to the gentleman from Texas [Mr. WILSON].

Mr. WILSON. Mr. Speaker, this is, as the gentleman from Oregon [Mr. DEFAZIO] says, this is an issue that really should be roundly debated and should be voted on by this House.

Now, we allow the Japanese to buy our raw products, to buy our logs, to buy our wood chips, when the Japanese totally deny us access to their markets. It is absolutely crazy for us to continue to do this.

It is environmentally unsound for us to continue to do this. In my district, the Japanese are buying an immense amount of hardwood chips, which brings immense pressure on the forests. And, unlike what the gentleman from Washington [Mr. DICKS] said, the forests in Texas, the public lands, are not protected from exports. Hardwood off the public lands, off the four National Forests in my district, are currently being exported to Japan, and Japan does not allow us to bid on one ton of paper, one package of plywood, or one board foot to lumber. That is extremely important.

I would further like to say, and I think it is the real crux of the matter, the major timber companies of the Northwest closed their mills, they blamed the spotted owl, and then they sent their logs to Japan. It is an unspeakably stupid situation that Americans have placed themselves in.

Mr. DICKS. Mr. Speaker will the gentleman yield?

Mr. WILSON. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, I would just correct the record. I mean, most of our major companies have not shut down. There have been some small independent companies that have shut down, and that is a big pain and very difficult thing for me to accept. That is why we have kept the public logs at home off of our State lands to try and help them out.

Mr. WILSON. Mr. Speaker, reclaiming my time, that is only in the west. That is not in Texas. I have been unable to get that provision added. But my district is full of small independent mills that have come there because of shortage of timber from your district, or from the Northwest.

I would also like to say that the gentleman from Washington has represented this as being an issue on which the Northwest delegation is totally united. I would point out that certainly the gentleman from Oregon [Mr. DEFAZIO] and the gentleman from Montana [Mr. WILLIAMS] would represent the Northwest as well, and certainly they are not together on this.

But the important thing is that we blame the spotted owl, we blame environmental concerns, for the shortage of timber, for the shortage of jobs. And at the same time we do that, we are exporting an enormous amount of raw timber to Japan, who will not give us access to their markets. Therefore, I oppose this rule.

Mr. GORDON. Mr. Speaker, for the purpose of debate only, I yield 3 minutes to the gentleman from Montana [Mr. WILLIAMS].

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

As the gentleman from Texas just said, there is far from unanimity among northwestern Members of Congress. I am in opposition to this rule and its exclusion of a discussion regarding logging exports. Quite frankly, I was surprised to see that out of all the commodities that are affected by this legislation, only timber was selected out for the gag order. I certainly have to ask why that gag was put forward and I hope my inquiry will produce a plausible explanation.

Could it be that the managers of the ultimate legislation are not aware of the constant controversy that surrounds timber harvest in the Pacific Northwest? Could it be that there is someone out there or even more importantly in here that does not know that large timber corporations are squeezing out independent mill operators and doing it through exports and underbidding for sales of Federal timber? Have some folks not heard that the Japanese are hoarding our raw logs in their harbors at the same time that they are trying to reform America's timber management policies?

Could it be that some of our colleagues do not know that more than twice as many jobs are created in the manufacturing and processing of wood products compared to the number of jobs associated with the export of American logs?

Perhaps some Members of the House do not understand that the injustice and the tragedy of the northwest timber crisis does not fall just on the land and the despoiling of the land, but in the small towns and small mills that suffer now as a result of earlier administration policies which ratcheted up timber harvesting at levels which simply cannot be sustained and which were in violation of United States law.

It seems to me that the only winner on the silencing of the very real interests facing my State and the West is the large timber corporate interests that want us to set conservation policy on the needs of their bottom line.

And so I call, as does the gentleman from Oregon [Mr. DEFAZIO], for at least the opportunity to present the case that the majority of our constituents urge us to make.

If my colleagues are unaware of the timber problems out West, the floor of the House is an excellent place to get that information. I urge my colleagues to reject this rule and remove the gag on our concerns about the continued

exporting of American raw logs to the countries of the eastern rim.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, I rise in strong opposition to this unfair rule and urge my colleagues to vote it down. This rule makes every amendment in order except the one offered by the gentleman from Oregon [Mr. DEFAZIO], dealing with timber exports. We can and should defeat it and tell the Committee on Rules to come back with a truly open rule. It seems to me that if we want to do an open rule, let us do an open rule. If we want to do a closed rule, let us do a closed rule. But let us not do a rule which is wide open with the exception of one issue which is of great importance to one section of our country and to millions of our citizens.

Mr. DEFAZIO's amendment is an eminently sensible one. It will allow us to deal with the antieconomic and antienvironmental practice of exporting our timber as raw logs, rather than creating jobs by processing them here at home. This amendment protects both workers and the environment. And I should tell my New England colleagues that the problem it deals with is not just in the Pacific Northwest—it is a growing problem for us in the northeast as well.

More and more logs, especially of valuable hardwoods, are being exported from New England to Europe, Japan, and to Third World countries. Timber industry workers in Vermont have told us how logs are being shipped across the border to Canada, and then returning to us as processed wood products—undercutting their jobs. It is time to stop this. It is time for us to stand up to the big timber companies and tell them to stop exporting American forests and American jobs.

I urge the Members of this body to support fair trade, to support environmental protection, and to support American workers. Vote "no" on this rule.

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

Mr. MILLER of California. Mr. Speaker, I, too, am very disturbed that the DeFazio amendment was not allowed to be made in order under this rule. We had an opportunity to address the concerns of the economy in California and elsewhere in the country by reducing the price of timber or lumber to the home building industry and to others and to address the question of workers in the northwest and to realize what this country has done in trying to settle the northwest dispute and bringing the settlement of that onto Federal lands which would reduce the cut and, therefore, we were hoping that some of the private companies would assist us in putting that timber onto the market so that those mills could stay open in Oregon and Washington. And we could realize the benefits elsewhere in the country in lower lumber prices.

This is good for the home builders. It is good for the real estate industry. It is good for the carpenters. It is good for the laborers and people who work in that field. It is good for the people who are trying to find jobs in small mills, and it is very good for the American economy.

But unfortunately, it was not allowed in. We should vote against this rule for that reason. As has already been pointed out here, this is the only commodity, the only subject matter of this entire bill where we can offer no amendment, no discussion of this, because of the nature of this closed rule. It ought to be voted against. The minority leader ought to vote with me because I have supported open rules all the time. I have been on the floor under an open rule longer than any member in history.

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

We have had a very interesting discussion here about open rules. It sounds like we will have more support for open rules from the other side, which is terrific. The subject of this, however, really goes beyond just the timber discussion.

I think to get back to what this rule is about and the complexity of the subject here, we have got a major confrontation between national security and free enterprise. They came into conflict. We have six committees of jurisdiction and we have three executive agencies out there. We have the Department of Defense squaring off against Commerce and the State Department refereeing. This is a very complicated subject. This debate has gone on a long time. It is going to go on a lot longer.

I think that the Committee on Rules has crafted as good a rule as was possible. I am not sure of all of the ins and outs of the timber problem. I am sorry for the concern. Now Members know how we feel quite often over here.

I do urge my colleagues on our side of the aisle, because of the overriding concerns on national security and the need to get rid of unnecessary entanglements to profitable enterprise, to support this rule so we can get on with general debate and the amendments.

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

Mr. GORDON. Mr. Speaker, in conclusion, let me just say this is a bipartisan modified open rule with broad support.

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 SPEAKER (Mr. HASTINGS). The question is on the resolution.

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

Mr. DEFAZIO. 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 188, nays 157, not voting 89, as follows:

[Roll No. 330]

YEAS—188

Abercrombie	Grams	Pallone
Ackerman	Hamilton	Pastor
Andrews (NJ)	Harman	Paxon
Armey	Hastert	Peterson (FL)
Bacchus (FL)	Hefley	Pickett
Bachus (AL)	Hoagland	Pickle
Baesler	Hobson	Portman
Barrett (NE)	Hochbrueckner	Price (NC)
Bartlett	Hoyer	Pryce (OH)
Bateman	Hunter	Quinn
Becerra	Hutto	Reed
Beilenson	Inglis	Regula
Bereuter	Inslee	Reynolds
Bevill	Istook	Roberts
Bilirakis	Jacobs	Rogers
Bishop	Johnson (CT)	Rohrabacher
Bonior	Johnson, E. B.	Rose
Boucher	Johnston	Roth
Brewster	Kasich	Rowland
Brooks	Kildee	Roybal-Allard
Browder	Kingston	Royce
Brown (CA)	Klein	Sarpalius
Brown (FL)	Kolbe	Sawyer
Canady	Kopetski	Saxton
Cantwell	LaFalce	Schaefer
Chapman	Lambert	Schroeder
Clement	Lantos	Schumer
Collins (GA)	LaRocco	Sensenbrenner
Combest	Laughlin	Serrano
Cooper	Leach	Shaw
Coppersmith	Lehman	Shuster
Cramer	Linder	Sisisky
Crapo	Livingston	Skaggs
Darden	Long	Skeen
de la Garza	Lowey	Skelton
DeLay	Lucas	Slaughter
Dellums	Machtley	Smith (IA)
Derrick	Mann	Smith (NJ)
Dicks	Manton	Smith (TX)
Dixon	Manzullo	Spence
Dunn	Markey	Spratt
Edwards (CA)	Matsui	Stearns
Engel	Mazzoli	Stokes
Eshoo	McDade	Sundquist
Fawell	McDermott	Swift
Fazio	McHugh	Talent
Fields (LA)	McNulty	Tanner
Fingerhut	Meehan	Tejeda
Flake	Mfume	Thornton
Ford (TN)	Michel	Towns
Frank (MA)	Miller (FL)	Traficant
Franks (CT)	Mineta	Unsoeld
Frost	Moakley	Velazquez
Gejdenson	Molinari	Visclosky
Gephardt	Mollohan	Watt
Gibbons	Montgomery	Weldon
Gillmor	Morella	Whitten
Gilman	Myers	Wolf
Gingrich	Neal (MA)	Wyden
Glickman	Neal (NC)	Wynn
Goodlatte	Nussle	Young (AK)
Gordon	Ortiz	Zimmer
Goss	Packard	

NAYS—157

Allard	Barrett (WI)	Brown (OH)
Andrews (ME)	Bilbray	Bryant
Archer	Blackwell	Bunning
Baker (CA)	Bliley	Buyer
Ballenger	Blute	Byrne
Barca	Boehner	Callahan
Barcia	Bonilla	Camp
Barlow	Borski	Castle

Clayton	Horn	Peterson (MN)
Coble	Huffington	Pombo
Coleman	Hughes	Pomeroy
Collins (IL)	Hyde	Porter
Condit	Johnson (SD)	Poshard
Cox	Johnson, Sam	Rahall
Coyne	Kanjorski	Ramstad
Crane	Kaptur	Rangel
Deal	Kennedy	Ravenel
DeFazio	Kennelly	Richardson
DeLauro	Kim	Roemer
Deutsch	King	Ros-Lehtinen
Diaz-Balart	Klink	Roukema
Dingell	Knollenberg	Rush
Doolittle	Kreidler	Sanders
Dornan	Lazio	Santorum
Dreier	Levin	Schenk
Duncan	Levy	Scott
Durbin	Lewis (CA)	Shays
Ehlers	Lewis (GA)	Shepherd
Emerson	Lewis (KY)	Snowe
English	Lightfoot	Strickland
Evans	Maloney	Stump
Ewing	Margolies-Mezvinsky	Stupak
Farr	McCandless	Swett
Filner	McCloskey	Tauzin
Franks (NJ)	McHale	Taylor (MS)
Furse	McInnis	Taylor (NC)
Gekas	McKeon	Thomas (CA)
Gilchrest	McKinney	Thurman
Gonzalez	Meek	Torkildsen
Goodling	Menendez	Torres
Grandy	Miller (CA)	Torricelli
Gunderson	Minge	Tucker
Hall (TX)	Mink	Upton
Hamburg	Moorhead	Vento
Hancock	Nadler	Vucanovich
Hansen	Oberstar	Walker
Hastings	Olver	Waters
Hayes	Orton	Wheat
Herger	Payne (NJ)	Williams
Hinchey	Payne (VA)	Wise
Hoekstra	Pelosi	Woolsey
Hoke	Penny	Yates
Holden		

NOT VOTING—89

Andrews (TX)	Geren	Owens
Applegate	Green	Oxley
Baker (LA)	Greenwood	Parker
Barton	Gutierrez	Petri
Bentley	Hall (OH)	Quillen
Berman	Hefner	Ridge
Boehlert	Hilliard	Rostenkowski
Burton	Houghton	Sabo
Calvert	Hutchinson	Sangmeister
Cardin	Inhofe	Schiff
Carr	Jefferson	Sharp
Clay	Johnson (GA)	Slattery
Clinger	Kleczka	Smith (MI)
Clyburn	Klug	Smith (OR)
Collins (MI)	Kyl	Solomon
Conyers	Lancaster	Stark
Costello	Lewis (FL)	Stenholm
Cunningham	Lipinski	Studds
Danner	Lloyd	Synar
Dickey	Martinez	Thomas (WY)
Dooley	McCollum	Thompson
Edwards (TX)	McCrery	Valentine
Everett	McCurdy	Volkmer
Fields (TX)	McMillan	Walsh
Fish	Meyers	Washington
Foglietta	Mica	Waxman
Ford (MI)	Moran	Wilson
Fowler	Murphy	Young (FL)
Gallegly	Murtha	Zeliff
Gallo	Obey	

□ 2008

The Clerk announced the following pair:

On this vote.

Mr. Houghton for, with Mr. Calvert against.

Messrs. RICHARDSON, ORTON, McHALE, and HUGHES, Mrs. KENNELLY, Ms. PELOSI, and Mr. POMEROY changed their vote from "yea" to "nay."

Mr. ISTOOK changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FOWLER. Mr. Speaker, on rollcall vote No. 330, I was unable to vote due to family obligations back home. Had I been present, I would have voted "no" on the Rule for H.R. 3937.

PERMISSION FOR MEMBERS TO SUBMIT ADDITIONAL AMENDMENTS TO H.R. 3937, EXPORT ADMINISTRATION ACT OF 1994

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that, notwithstanding any commencement of the consideration of H.R. 3937, Members may be permitted through the close of legislative business today to submit amendments for printing in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 6 of rule XXIII, and that each amendment so printed be considered to meet the preprinting requirement of House Resolution 474.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. MICHEL. Mr. Speaker, I have asked to proceed for 1 minute that I might inquire of the distinguished majority leader the program for the balance of this week and for next week.

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

Mr. MICHEL. I am happy to yield to my friend, the gentleman from Missouri.

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

Mr. Speaker, there will be no additional votes today. There will be no votes tomorrow.

On Monday, the House will meet at noon. There will not be business.

□ 2010

On Tuesday and the balance of the week, the House will meet at 10:30 a.m. on Tuesday for morning hour. We will meet on five suspension bills which I believe the gentleman has in front of him; also, a motion to go to conference on the National Competitiveness Act; and the Intelligence Authorization for Fiscal Year 1995.

On Wednesday, July 20, and the balance of the week, the House will meet at 10 a.m. Wednesday, Thursday and Friday. We will be taking up the Export Administration Act, Anti-Redlining in Insurance Disclosure Act, Budget Control Act of 1994, California Desert Protection Act, Housing and Community Development Act, and the Environmental Technologies Act of 1994.

Members should expect votes on Tuesday at about 1 or 2 o'clock and on Friday up until 3 o'clock.

Mr. MICHEL. There is nothing in the program relative to the Oxford Debate. Is that still going forward on Wednesday?

Mr. GEPHARDT. It is my understanding that we will be finishing in time for the Oxford Debate on Wednesday night.

Mr. MICHEL. And would the gentleman volunteer any information on when we might be sending the Campaign Reform bill to conference?

Mr. GEPHARDT. We are hoping that that will happen imminently, maybe even next week.

Mr. MICHEL. Let me also inquire, there have been these stories that, well, if we slipped in our schedule, et cetera, et cetera, the August recess would be delayed. I think the gentleman and I have over a period of time talked about how pretty sacrosanct that is, particularly with families and their schedules and for vacations with their family.

I would just want to make the observation that if we have got a big workload to fulfill, I have no objection to our meeting late at night and, yes, meeting on, you know, Mondays or Fridays, if that is required in order to honor that commitment that we, I think, have made pretty much to all of our Members that on such and such a date we would be out of here for the regular summer recess that most members like to hold with their families.

Would the gentleman want to respond or make a comment on that at all?

Mr. GEPHARDT. Obviously everyone wants to make plans for that break, and we will do everything in our power to get that to happen. As the gentleman knows, we have major legislation coming before us in these 4 or 5 weeks, the health bill, the crime conference, the campaign reform conference, the lobby reform conference, and we hope to finish all of that business.

We are working very hard. I know Members on the other side of the aisle are working very hard on committees and in conferences to get these done. We are going to do everything we can to get them done before that break occurs.

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

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

Mr. DREIER. I thank the distinguished minority leader for yielding.

I simply would like to ask what we can expect on H.R. 3801, the congressional reform package which was debated here earlier today which we have

been told would be considered on the House floor before adjournment of the first session of the 103d Congress, then in early spring, early summer, and here we are into July. There are many Members who have been asking me to pursue this issue of congressional reform.

I know the gentleman from Indiana [Mr. HAMILTON] joins me in expressing concern about some of the reports we have gotten about the prospective breaking up of the package into bits rather than having an overall reform package.

Mr. GEPHARDT. If the gentleman will yield further, we are very concerned and interested in that set of legislation.

I cannot tell the gentleman exactly when it will come, but it will come hopefully in this period. Exactly how it will come up has not been fully discussed, considered and decided. But I understand the gentleman's view. I have heard him in other forums, and I know that he feels strongly, and others feel strongly. We are going to do our best to get that legislation out.

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

Mr. MICHEL. I yield to the distinguished whip on our side, the gentleman from Georgia.

Mr. GINGRICH. Mr. Speaker, I thank the leader for yielding to me.

I want to ask my good friend, the gentleman from Missouri, clearly in about 3 or 4 weeks we are going to take up one of the most important, if not the most important, domestic legislation of this decade. I would hope you could reassure the House on two items. One is we would expect to have a reasonable length of time, and as you know a letter has been sent to you and the Speaker, asking for 10 legislative days to look at any health bill, but certainly some significant length of time for outside experts, for Members, for the country to know what is in the bill; and, secondly, we could agree well in advance on a rule which would ensure that if there was a bipartisan alternative that had broad-based support and that offered a different approach to solving the health problem, that would clearly be made in order in a fair way, and that we would have some sequence of votes that would allow Members to work their will on the floor.

I wonder if you could comment both on the notion of a long enough period of printing a fixed bill, again on both sides, and we recognize that everyone should have their plans on the table for a length of time to be reviewed, and then, second, some assurance on a rule which would genuinely place in order both a bipartisan alternative as well as the Clinton administration's bill.

Mr. GEPHARDT. I understand the comment.

We have received the letter, and my thought is that we will try to have an early meeting with the leadership on the other side to discuss a reasonable procedure.

Obviously some things cannot be finally decided now because we do not know which bills will be coming up. But we can begin to discuss that. I think it is an important moment for the House and an important moment for the country to have this considered in a way that people feel it is fair and all of the issues can be clearly debated and discussed in an informative way.

Mr. GINGRICH. I thank the leader.

Mr. MICHEL. I have two time questions.

On the Oxford Debate, what would be the time for that next Wednesday?

Mr. GEPHARDT. If the gentleman will yield, we obviously try to do this at a reasonable time. We will consult with the minority on what that time would be.

Mr. MICHEL. And the gentleman, in response to an earlier question, said he thought the campaign reform bill going to conference would be imminent. Would the gentleman define imminent?

Mr. GEPHARDT. If the gentleman will yield further, it could be sometime next week or the week after that. That is what we are aiming for.

Mr. MICHEL. We will use that definition for imminent in all things from here on.

I thank the distinguished gentleman.

HOUR OF MEETING ON MONDAY, JULY 18, 1994

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourns to meet at noon on Monday next.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

EXPORT ADMINISTRATION ACT OF 1994

The SPEAKER pro tempore. Pursuant to House Resolution 474 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. 3937.

□ 2018

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. 3937) entitled the "Export Administration Act of 1994," with Mr. SERRANO 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.

The gentleman from Indiana [Mr. HAMILTON] and the gentleman from New York [Mr. GILMAN] will each be recognized for 7½ minutes; the gentleman from California [Mr. DELLUMS] and the gentleman from South Carolina [Mr. SPENCE] will each be recognized for 7½ minutes; the gentleman from Texas [Mr. BROOKS] and the gentleman from New York [Mr. FISH] will each be recognized for 7½ minutes; the gentleman from California [Mr. MINETA] and the gentleman from Pennsylvania [Mr. SHUSTER] will each be recognized for 7½ minutes; the gentleman from Florida [Mr. GIBBONS] and the gentleman from New York [Mr. HOUGHTON] will each be recognized for 7½ minutes; and the gentleman form Oklahoma [Mr. MCCURDY] and the gentleman from Texas [Mr. COMBEST] will each be recognized for 7½ minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

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

Mr. Chairman, I am pleased to rise in support of H.R. 3937, the Omnibus Export Administration Act of 1994, a bill that lays a new statutory foundation for our dual-use export control system. I request unanimous consent to revise and extend my remarks.

At the outset, I would like to compliment my colleague, Mr. ROTH, the ranking member of the Economic Policy, Trade and Environment Subcommittee, one of the leading architects of this bill, and the author of the first comprehensive export control reform bill introduced last year, the Commercial Export Administration Act of 1993.

The bill before us today is largely a reflection of his leadership in the complex area of export control policy.

The chairman of the subcommittee, Mr. GEJDENSON, and the distinguished chairman of the full Foreign Affairs Committee, Mr. HAMILTON, deserve no less credit for their key roles in shaping this legislation, moving it to the floor today and working with this Member in incorporating amendments to strengthen this bill.

At each successive stage of the legislative process, this bill has undergone extensive revisions and improvements to ensure that the bill's overhaul of the licensing process does not inadvertently jeopardize our national security.

As reported out of Foreign Affairs Committee on May 18 and as modified by the House Ways and Means and Intelligence Committees, the bill strikes a balance between our national security interests and our competitiveness objectives.

As technological advances have made existing unilateral controls and policies less effective, this bill encourages the upgrading and strengthening of existing multilateral control regimes to control the proliferation threats of the 1990's.

With the end of the cold war, it is time to reform our export control system to ensure that it not only meets the needs of our exporters, but also provides our policymakers with a sound framework on which to base an antiproliferation policy.

We also need to readjust our controls in light of the diminishing threats from the former Soviet bloc militaries and the emerging proliferation and terrorist threats in other areas of the world.

H.R. 3937 has two critical objectives. First, it shifts the focus of U.S. dual use export controls from cold war military threats to proliferation threats. It would strengthen the major nonproliferation export control regimes which play a critical role in containing the spread of the weapons of mass destruction.

Second, it adapts the export control system to today's more competitive international economy by ensuring that the system can expeditiously process export license applications.

In effect, we are putting up very high fences for any dual use commodities and technologies going to rogue regimes, such as Libya, North Korea, Iran, and Iraq. For other countries of concern, including China and Russia, there are safeguards against the export of goods or items that could be used in the production of weapons of mass destruction.

However, according to a recently released report of the General Accounting Office, the United States does not have an effective postshipment verification program in place to verify the proper use of nuclear-related items.

A Foreign Affairs Committee staff investigation has revealed similar problems for the monitoring of exports of missile-related goods to China.

I intend to offer an amendment to this bill that would further tighten our ability to monitor the use of these goods and items, especially in countries that are unable or unwilling to control the proliferation of these weapons.

The adoption of an effective end use reporting and monitoring system is a key element in the battle against proliferation.

Under the provisions of this bill, the President will be able to impose unilateral export controls that he determines are essential to U.S. national security and foreign policy interests.

It toughens U.S. antiterrorism policy by prohibiting any dual-use technology exports to terrorist countries; it prohibits the export of any item that an exporter knows would materially contribute to the development of a weapon of mass destruction in a country outside the nonproliferation regimes; it toughens our nonproliferation sanctions against countries that use chemical or biological weapons or missiles and against persons that export items in support of a weapon of mass destruction or missile program.

In its consideration of this legislation on May 18, the committee agreed to accept a package of amendments, which I offered, that protect our security interests in our unilateral control policies and strengthen the multilateral control regimes.

The amendments specifically: First, broadened the focus of controls to include terrorist threats to the United States or its allies; second, directed the United States to pursue efforts with its economic partners to establish a policy denying licenses for exports of goods that would directly contribute to acts of terrorism against them; third, required the Secretary of Commerce to evaluate the extent to which regime members have adopted uniform license and no-undercut policies; and fourth, mandated the assignment of an export control officer in key countries, such as China, to monitor the end use of all dual-use items.

Other amendments to the bill clarified the conditions under which a license free export regime could be created, established a workable procedure for Congress to review the proposed termination of unilateral export controls, and provided a set of benchmarks for the administration's policy of encouraging the Arab League to end the secondary Arab boycott.

Since the markup of this legislation, the House Intelligence Committee has unanimously voted to delete language requiring the decontrol of software with encryption capabilities and to substitute language in its place requiring a study of the impact of U.S. encryption export controls and the competitiveness of the U.S. computer software industry.

The incorporation of this study provision in the bill, in my view, satisfactorily resolves this issue by ensuring that the administration will maintain its ability to combat international terrorism, drug trafficking and other threats to our foreign policy interests.

A key remaining issue on this bill is the proper role of the Secretary of Defense in the licensing and the list-making process. In this regard, I would urge my colleagues to support the Foreign Affairs Committee's amendment, which takes into account the provisions in the proposed amendment of the Armed Services Committee.

It gives a key role to the President in drawing up a list of unilateral export controls and establishing a shared consultative role for five agencies, including the Defense Department, in the overall licensing process.

I would also draw the attention of my colleagues to an urgent multilateral export control problem that has not received sufficient attention inside this administration.

Deposit months of on-again and off-again negotiation, the administration appears no closer to reaching a clearly defined and enforceable agreement setting up a successor regime to CoCom. This multilateral Coordinating Committee controlled strategic exports to the former Soviet Union and other Communist States until March of this year.

Thus far, the administration appears to have made little headway in obtaining multiple, and often conflicting, goals in including conventional arms transfers in the new regime as well as the full participation of Russia and other former Communist countries.

While I do not intend to offer any amendments related to CoCom, I do want to stress the urgent need to recreate a successor regime where all members will have the same obligations concerning the export of weapons and major weapons systems to rogue regimes targeted in the bill, including Libya, Iran, Iraq, and North Korea.

Promises and half-hearted commitments will not take the place of sustained high-level diplomatic efforts needed to re-create a proliferation-oriented successor to CoCom.

The administration's failure to build on the CoCom Cooperation Forum, established under President Bush, together with its overly ambitious plans of including conventional arms transfers in the new CoCom, have prolonged the negotiations and led to confusion among our allies about our strategic objectives.

Notwithstanding my concerns about the administration's handling of negotiations with our allies regarding export controls, I believe this bill takes an important step in the right direction. Accordingly I urge its adoption.

□ 2020

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

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

Mr. Chairman, the House today begins consideration of H.R. 3937, the Omnibus Export Administration Act of 1994. This legislation fundamentally reforms the Export Administration Act, the statutory basis for export controls on commercial goods and technology that also have potential military application.

The last time Congress looked at export controls in any serious way was in 1985. The world has changed dramatically since then, and this bill reforms our export controls to meet those changing conditions.

Let me make it clear that this bill covers the export of technology, not

the export of weapons. Arms exports are controlled under the Arms Export Control Act.

H.R. 3937 is important legislation. The present export control system was built to fight the cold war. The system of export licenses now in place was meant to keep sensitive technology from falling into the hands of our enemies, primarily the Soviet Union.

But the cold war is over and the Soviet Union is no more. Those to whom we denied exports of sensitive technology are no longer our enemies. They are now our markets.

The world, of course, is still a dangerous place. But new threats and new dangers have replaced the evil empire. Our concerns are no longer the military prowess of the Soviet. Our fear now is that weapons of mass destruction—or the means to produce or deliver them—will fall into the wrong hands in many corners of the globe.

H.R. 3937 addresses these new threats.

This bill also takes into account another major change from the cold war era. If you are an exporter, it's a competitive world out there. In the cold war, the United States and its allies dominated world markets and controlled key technologies. If we decided not to sell sensitive technology to certain countries, those countries didn't get the technology.

If we decide not to sell technology today, or if we are too slow processing the export license, we lose the sale—and the jobs.

This bill has one very important goal: to ensure that the United States doesn't pursue a go-it-alone export control strategy that hurts American exports and American workers without any benefit to our national security.

Let me outline briefly the key provisions of H.R. 3937.

First, it strengthens the multilateral export control regimes so that the United States doesn't go it alone in controlling the spread of weapons of mass destruction.

It creates incentives for countries to join the multilateral export control regimes and comply with their rules.

It links our own nonproliferation efforts more closely with the multilateral regimes, and requires the president to negotiate with our allies to improve the multilateral regimes and the export control systems of member countries.

Second, this bill shifts the focus of export controls to the new threats to our national security: proliferation.

It strengthens our ability to keep sensitive technology out of the wrong hands. It prohibits the export of any dual-use technology to terrorist countries. No item on international export control lists may be exported to Iran, Iraq, Syria, or North Korea. It also prohibits the export of any item if the exporter knows it could be used to develop weapons of mass destruction, and if it is going to a country that has not signed on to one of the control regimes. Those are tough provisions.

H.R. 3937 also toughens sanctions against countries that use chemical or biological weapons or missiles, and against anyone that exports items that will be used in nuclear, chemical, or biological weapons or missile programs.

In addition, it gives the President the authority to impose unilateral controls when they are needed to protect U.S. national security and foreign policy.

Third, while this bill is tough on proliferation, it also meets the concerns of U.S. exporters. Poorly conceived export controls often hit the wrong target. This bill streamlines the cumbersome export licensing bureaucracy and sets tight licensing deadlines. It scales back unilateral export controls that don't benefit U.S. national security.

Opponents of this legislation will tell you this bill goes too far in loosening our export controls. The only thing I can say is, they haven't read our bill. When it comes to the real security threats we face—the spread of weapons of mass destruction—this bill is tougher than existing law.

H.R. 3937 effectively balances U.S. security and economic interests. It gives the United States a badly needed new export control system, one that responds to new security threats while allowing U.S. exporters to respond to new economic opportunities.

H.R. 3937 protects U.S. national security. It improves our ability to control the spread of weapons of mass destruction.

It is not in our interest—and it does not serve U.S. national security—to keep in place an outdated, cumbersome export control system. Outdated export controls hurt U.S. exports and U.S. workers while doing nothing to benefit our security.

I urge my colleagues to support H.R. 3937.

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

Mr. BROWN of California. Mr. Chairman, I rise in strong support of H.R. 3937, the Export Administration Act of 1994. This measure affords us a historic opportunity to adjust the U.S. export control regime to reflect the new geopolitical realities of the post-cold-war era.

I applaud the combined efforts of the administration and the Committees on Foreign Affairs, Armed Services, and others to craft a bill that tailors export controls on U.S.-made productions to address legitimate threats to our national security. Rather than clinging to the lingering mindset of the cold war, we should recognize the dramatically different world in which we will live in the coming century and how our national policies must be adjusted to keep us strong.

Exports of the products of American ingenuity have become increasingly critical to our Nation's economic well-being, and therefore to our national security. In this new era, whose outlines we can only dimly perceive today, military power will not be enough to guarantee our security. We must also free our economic capacities from the hindrances that were once necessary to protect our freedom but have become relics of a bygone era.

While elements of our Government attempt to hang onto their former roles in the cold war, the economic pace necessary to compete in the world market has quickened. Especially in high technology industries like electronics, computers, and telecommunications, product cycles have moved from decades to years and even months. International and interdependent webs of designers, strategists, and manufacturers have made delays at the border untenable. Today, our standard of living depends on developing, attracting, and keeping industries in the United States that can shift gears rapidly and deploy their resources freely. In short, the economic world in which the Nation must now operate no longer allows for an export control regime left over from the cold war.

Our commercial sector, and its foreign customers, must be able to rely on export controls that are streamlined, can be applied consistently and predictably, and limit access to American products only to the extent necessary to actually accomplish legitimate national security objectives. Countries formerly closed to American industry now represent some of the most promising markets for our products, particularly those high technology industries like telecommunications that can help build sorely needed economic infrastructure.

While the bill makes great strides toward much-needed reforms, I am disappointed that some proposed changes were not accomplished. For example, language included in the bill reported by the Foreign Affairs Committee to put some commercial communications satellites under the Export Administration Act was dropped because of objections from another committee. Communications satellites represent a classic example of how export controls are sometimes used in a way that sacrifices significant U.S. economic interests without any improvement in our national security.

U.S. companies lead the world in the highly competitive communications satellite market. But we are slowly giving away this industry, which we created, to our foreign competitors by hamstringing our companies with export controls. Foreign buyers of United States satellites sometimes want to launch them into orbit on foreign launch vehicles, such as the Chinese Long March. When U.S. satellites contain certain electronic components or propulsion devices, they fall under munitions controls administered by the State Department. Even though such satellites have already been exported and launched under United States Government-approved technology transfer safeguards without any possibility of these components being removed or examined by the Chinese, the cold war bureaucracy refuses to allow these satellites to be treated as dual-use civilian products, rather than as munitions.

Despite the best efforts of the Foreign Affairs Committee and Congresswoman HARMAN, this unfortunate state of affairs will persist. Such satellites can still be exported once a State Department license is issued. However, foreign satellite builders use this situation as a means of convincing potential customers of U.S. satellite makers that they shouldn't buy U.S. satellites by arguing that

they could become hostage to a protracted, national security-oriented State Department regulatory process. I hope that Congress and the administration will work together to find a solution that ensures a quick, routine, and predictable approval process for the export of all U.S.-made satellites, with the application of already-proven technology transfer safeguards where necessary.

On an important related issue, I also want to recognize the legitimate concern of our emerging commercial launch industry and the adverse impact that nonmarket launch providers could have in the absence of launch trade agreements with quantity restraints and pricing standards. I would strongly oppose any statutory linkage between exports of U.S.-made satellites and these agreements. However, it may be prudent to address the need for strict enforcement of commercial launch trade agreements as part of any overall reform of our export control regime.

Mr. Chairman, I urge the passage of the bill.

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

The motion was agreed to.

Accordingly, the Committee rose, and the Speaker pro tempore (Mr. FROST) having assumed the chair, Mr. SERRANO, 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. 3937) entitled the Export Administration Act of 1994, had come to no resolution thereon.

PRIVILEGES OF THE HOUSE—RETURNING TO THE SENATE, SENATE AMENDMENTS TO THE BILL, H.R. 4539, TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1995

Mr. RANGEL. Mr. Speaker, I rise to a question of the privileges of the House, and I offer a privileged resolution (H. Res. 479) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 479

Resolved, That Senate amendment No. 104 to the bill H.R. 4539 making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes, in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill with the Senate amendments thereto be respectfully returned to the Senate with a message communicating this resolution.

The SPEAKER pro tempore (Mr. FROST). In the opinion of the Chair, the resolution constitutes a question of privileges of the House. The gentleman from New York [Mr. RANGEL] is recognized for 1 hour.

Without objection, the Chair will not divide the time.

There was no objection.

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

Mr. Speaker, House Resolution 479 is a simple resolution returning to the Senate the bill H.R. 4539, because it contravenes the constitutional requirement that revenue measures originate in the House of Representatives. H.R. 4539 contains a provision, added on the Senate floor, that would prohibit the Treasury from using appropriations to enforce the Internal Revenue Code requirement for the use of undyed diesel fuel in recreational motorboats.

This provision clearly constitutes a revenue measure in the constitutional sense, because it would have an immediate effect on revenues. Prohibiting the Treasury from enforcing the Internal Revenue Code's diesel fuel requirements would directly affect the amount of tax collected. In fact, the Joint Committee on Taxation has estimated that the provision would result in a loss of $41 million in Federal receipts over the fiscal year period of 1994 through 1999.

Therefore, I am asking that the House insist on its constitutional prerogatives. While the House, by adopting this resolution, will preserve its prerogative to originate revenue matters, I want to make it clear to all Members that our action does not constitute a rejection of the Senate bill on its merits. Our action today is merely procedural in nature. It makes it clear to the Senate that the appropriate procedure for dealing with revenue measures is for the House to act first on a revenue bill and the Senate to add its amendments and seek a conference.

There are numerous precedents for taking the action I am requesting. For example, on October 21, 1988, the House passed House Resolution 604, returning to the Senate H.R. 1315, which would have imposed mandatory fees to finance a Federal uranium reclamation fund. On that same date, the House passed House Resolution 603, returning to the Senate S. 2097, which contained similar mandatory fees for a uranium reclamation fund. On June 15, 1989, the House passed House Resolution 177 returning to the Senate S. 774, which would have conferred tax-exempt status to two newly created corporations that otherwise would have been taxable entities. On October 22, 1991, the House passed House Resolution 251, returning to the Senate S. 1241, which would have made various changes to tax laws and would have had an immediate impact on revenues anticipated by the Internal Revenue Service.

□ 2030

Mr. Speaker, I yield such time as he may consume to my friend, the gentleman from Missouri [Mr. HANCOCK].

Mr. HANCOCK. Mr. Speaker, I rise in support of the privileged resolution offered by my colleague on the Ways and Means Committee, Mr. RANGEL.

As the ranking Republican member on the Select Revenue Subcommittee which he chairs, I want to underscore the gentleman's comment that the procedure we are following does not constitute a rejection of the amendment on its merits.

The resolution does not address the substance of the Senate amendment at all. It simply tells the other body that we must insist on respecting the constitutional requirement that this and all other revenue measures originate in the House of Representatives.

The resolution is truly procedural in nature—but it is an important procedure that protects the rights and responsibilities of the House of Representatives.

There are several House-generated revenue measures currently pending in the Senate which may provide more appropriate vehicles for consideration of the substance of this amendment.

Adoption of this privileged resolution to return the amendment to the Senate should in no way prejudice its consideration in a constitutionally acceptable manner.

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

Mr. RANGEL. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. HOYER], the chairman of the Subcommittee on Treasury-Postal Service-General Government that provided us with this fine piece of legislation that has been worked on by both Republicans and Democrats and that makes it abundantly clear that the objection to the provisions added by the Senate in no way depreciates the value and the merits of the good legislation that the subcommittee and the full committee reported.

Mr. HOYER. Mr. Speaker, I thank the gentleman from New York for yielding this time to me, and I want to thank him for his comments as it relates to the substance of the legislation to which this procedure refers. I want to also say that we agree in our subcommittee on the issue raised by the representatives of the Committee on Ways and Means. We concur with their opinion that the provision added in the other body was inappropriately added and should not have been added. In fact, of course, as the gentleman knows, the chairman of the subcommittee in the other body objected to the addition of this legislation. I made it clear to the members of the committee that the Subcommittee on Treasury-Postal Service-General Government would not have accepted this in conference, but I certainly understand that the privileges of the House have been raised under the Constitution of the United States and certainly have no objection to the actions being taken at this time.

Mr. RANGEL. Mr. Speaker, I thank the distinguished gentleman from

Maryland [Mr. HOYER] and I would want to point out that the gentlemen has been very cooperative, as have all the members of the committee on this issue, and the only thing that we want to do is to protect the constitution of the House by sending a message to the Senate that they accept the constitutional methods of having their will, as it relates to legislation, and not to continue to attempt to legislate in violation of the House prerogatives.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CYNICISM DEPENDS ON WHOSE OX IS GORED

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

Mr. LIVINGSTON. Mr. Speaker, Vice President AL GORE complains of cynicism.

Why should we not be cynical?

We have a President—elected on a moral platform, decrying the decade of greed;

His first acts are to promote open abortion and homosexuality in America;

He is mired in a morass of ethical litigation known as Whitewater;

He is pursued by numerous complaints about his personal conduct—many related directly to his performance as a public official;

He and his wife make the centerpiece of his presidency the health care issue, driving down the prices of securities in pharmaceutical and health insurance companies; and simultaneously engage in the selling short of many of those same securities;

As Governor of Arkansas, he provided favorable treatment to such firms as Tysons Foods, while officials closely connected with that company are enabling his wife to strike it rich in an impossible shot with cattle futures;

While extolling his virtuous performance as Governor on a meager $35,000 salary, his friends and assistants are systematically hustling companies who do business with Arkansas—including Tyson Foods—to help pay off some $400,000 in loans he wangled from a small bank under his indirect control;

Korea looms as a world-class threat with potential for nuclear holocaust, he wants to invade Haiti.

And AL GORE complains about cynicism?

[From the Washington Post, July 14, 1994]

GORE SEES CYNICISM ENDANGERING REFORM

(By Stephen Barr)

Vice President Gore appealed to federal employees yesterday to overcome "a deep and pervasive cynicism" that he portrayed as a barrier to his efforts to reshape the government.

In a speech at the Federal Quality Institute awards luncheon, Gore said that cynicism—"the public's willingness to believe the worst"—has increased because of the nation's speedy and unsettling transformation from an industrial-based economy to an Information Age economy, because the news media feed "voraciously on the failures of government" and because politicians often fail to deliver on their promises.

The public's cynicism, the vice president said, "has fallen heavily on the largest institution in America—the federal government—and it has worn heavily on federal employees for much of the past two decades."

But Gore told the Washington Hilton ballroom audience that the winners of the president's quality awards this year showed that "no leader can lead as a cynic." The award winners, he said, "are not in some ivory tower. They are in the real world, making a difference in the lives of hundreds of thousands of people."

Saying he wanted "our government to address head-on the public's distrust of us," Gore reminded federal employees that the administration was challenging "agencies to provide services to their customers equal to the best in business," to cut red tape, tolerate risk and encourage innovation.

"As you can imagine, cynics need not apply. Leaders must move from control to trust if they want organizations that are the best in business," Gore said.

The vice president then handed out awards to four organizations—all from the Defense Department—that he said had created "learning organizations." Gore paid a special tribute to the Naval Air Systems Command in Arlington, which improved internal operations significantly while in the midst of a downsizing that cut 9,000 people in four years.

Later in the day, Gore went to the Office of Personnel Management, where he praised Director James B. King and his staff for a series of "reinventing government" accomplishments, including the elimination of the 10,000-page Federal Personnel Manual.

"What is the principal enemy of change?" Gore asked the OPM employees. "Very simple. Cynicism—a belief on the part of those who deep down would like to see change that we who are in the federal government are basically not serious about it and not good enough or well-motivated enough to really bring it about," Gore said.

The cynics think the administration's initiative "will sputter out and there will be some sound and fury signifying nothing," Gore added.

He urged the employees to "find your own personal strategy for resisting and defeating the temptation to surrender to that kind of cynicism."

[From the Washington Post, July 14, 1994]

CLINTON PERSONAL LOANS PARTLY REPAID BY DONORS

(By Susan Schmidt and Charles R. Babcock)

President Clinton took out about $400,000 in personal loans from one small Arkansas bank when he was governor of Arkansas, the banker, a former Clinton aide, said yesterday. The money was used for his political campaigns and to promote a state education initiative, and at least part of the debt was repaid with donations from corporations.

W. Maurice Smith, Clinton's top gubernatorial aide until 1985, said in an interview yesterday that Clinton took out between a half-dozen and a dozen unsecured loans between 1983 and 1988 from his Bank of Cherry Valley.

He estimated that about $300,000 of the money lent to Clinton went to campaigns, though Clinton's gubernatorial campaign records show only one $50,000 personal loan to the candidate during those years.

It was previously known that Clinton had raised private money to fund advertising for several legislative programs, but not all the donors were identified publicly. It was not known that some of the money was used to repay Clinton's personal loans.

The White House was unable yesterday to fully explain the loans, first reported by the Associated Press.

Betsey Wright, a former Clinton aide who oversaw the raising and spending of the funds, said in an interview last night from the White House that she turned over her records to Robert B. Fiske, the special counsel investigating Clinton's finances in the Whitewater land deal.

Fiske is investigating whether taxpayer-insured funds from Madison Guaranty Savings & Loan were diverted to pay off the $50,000 campaign loan from Cherry Valley in 1984. Madison was owned by James B. McDougal, the Clintons' business partner in the Whitewater land venture, which itself had borrowed from Smith's bank.

Wright said her records were incomplete so she couldn't elaborate on how much of the Cherry Valley loans were used to promote legislative initiatives and how much were used for the governor's reelection campaigns. Though Clinton borrowed the money from the bank in his name personally, she said, he never saw the money and "not one penny ever went for the Clintons' personal use."

Wright, who is a Washington lobbyist, said she will not release copies of the documents showing the identity of the donors who paid off the loans or how the money was spent. "They are in my custody and I will not release them until Mr. Fiske has completed his task," she said.

"Clinton went out and raised money from the business community to put ads on the media. It was a well-known part of his efforts to move the state forward," said White House aide John Podesta. Two lists of contributors who donated a total of $120,000 to Clinton legislative initiatives in 1988 and 1989 were released publicly at the time.

Smith said he knew of only one legislative initiative funded by his bank. It lent Clinton $100,000 in 1983 to push for education reform in a special session of the legislature. Arkansas corporations, including Tyson Foods, Worthen Bank, Wal-Mart Stores Inc. and TCBY made contributions to an education reform fund that paid off Clinton's loan, Smith said.

"It was my idea," Smith said of the first loan. "We needed the money right quick to promote this education program. I knew I could get my board to okay it."

Smith said the money was in no way a personal or political slush fund for Clinton. "I guarantee if he'd had one I'd have known about it."

Smith said his bank also made a series of loans for Clinton campaigns, none for more than $100,000. He said all were repaid.

Smith, who also served as Clinton's finance chairman, said he does not believe any of the donations that went toward repaying the campaign loans exceeded the $1,500 campaign limit. Some of the donations to promote Clinton's legislative agenda were higher, including one for $25,000 from a TCBY executive.

Smith remains close to the Clintons. He said he traveled to Washington in March and spent the night at the White House.

The Cherry Valley bank charged market interest rates on Clinton's loans, Smith said. The Clintons didn't take any deductions for interest payments on loans at Smith's bank during that period, their tax records show.

Borrowing the money personally and having someone else repay the loans "raises serious questions of taxable income for the Clintons unless they have proof that all the money was for the good of the state and none for themselves personally," said a former high-ranking IRS official. Wright said state law covering political loans, including those for promoting legislation, permitted Clinton to use donations to pay them off.

Scott Trotter, executive director of Common Cause of Arkansas, said Wright's records should be made public.

William Bowen, former head of First Commercial Bank and a former Clinton chief of staff, said he remembers contributing to Clinton's efforts to improve public education in Arkansas but was unaware the money was paying off a loan.

He said the "mechanics" of the fund did not concern him.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IDAHO'S FORESTS: ACT NOW OR RISK CONFLAGRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho [Mr. LAROCCO] is recognized for 5 minutes.

Mr. LAROCCO. Mr. Speaker, having just returned from Idaho following the July 4 break, I rise to convey to my colleagues a sense of urgency about the declining health of national forests in my State and throughout the West.

An aerial inspection of the Boise, Payette and Clearwater National Forests revealed a disaster waiting to happen. I personally viewed overly-dense stands of trees, well outside their historical range of variability, extremely high fuel loads where mortality has outstripped decomposition, and forests riddled with dead and dying trees.

The statistics are startling and telling. On the Payette's timber land, average mortality is 407 board feet per acre, while growth is only 248 board feet. Mortality figures on the Boise are even worse. Between 1988 and 1993, the forest lost more than 400,000 trees on more than 1 million acres of affected forest.

The Intermountain Research Station has found that from the late 1500's to the late 1800's, stand densities in the Boise basin ranged from 6 to 28 drought- and fire-resistant Ponderosa pine per acre. In 1993, stand densities have reached 533 trees per acre, most of which are drought-intolerant Douglas-firs and 60 percent of which are dead.

If these forests begin burning, they risk making the 1992 "Foothills Fire" which burned 260,000 acres on the Boise National Forest, look like a bonfire. The only thing between Idaho's forests and disaster is a lightening strike.

With the build up of fuel loads, the size of fires has greatly increased in recent years. For example, between the years 1955 and 1985 the average number of acres burned by forest fires on the 2.5 million acre Boise National Forest was 3,000 acres per year. In the 5 years from 1986 to 1992, the annual average has shot up to 56,000 acres, due to the overly dense stands, and drought conditions.

In light of this critical situation, and the recent devastating wildfire in Colorado, I am here to encourage the administration and Congress in the strongest possible terms to address Idaho's serious forest health problems immediately.

Mr. Speaker, the tragic fire in Colorado, where 14 brave souls sacrificed their lives to protect our natural resources, is a warning to us all this year. The warning in 1992 was the Foothills Fire on the Boise National Forest. To ignore the condition of our Nation's forests amounts to silvicultural malpractice.

Last June, at my request, the Assistant Secretary of Natural Resources and Environment for the Department of Agriculture, Jim Lyons, toured Idaho's Federal forests and found them to be a "tinderbox waiting to explode." And following the disastrous fire in Colorado, the New York Times quoted Assistant Secretary Lyons as stating, "We need to do prescribed burning, more salvage, more harvesting of dead and dying timber, which is brought about by disease and insects."

In a recent letter to Assistant Secretary Lyons, I recommended forest health pilot projects for Idaho's failing forests. Overstocked stands could be thinned using methods which would be light on the land and which would bring stand densities to within their historical range of variability. In doing so, stands could be created which are more resistant to fires, similar to those which developed naturally before years of fire suppression and outmoded logging practices led to large-scale forest type conversions.

Mr. Speaker, I am satisfied the scientific evidence justifies such a project. In addition to the science, the Forest Service is developing a solid portfolio of forest health projects where stands have been thinned by removing smaller diameter and diseased trees. The accumulation of dead material has been reduced, producing a healthy overstory and a more fireproof stand.

For example, in a place called Tiger Creek, shortly before the 1992 Foothills Fire, the woods were first thinned of underbrush and then lightly burned by the Forest Service. At the height of its intensity, the Foothills Fire raced through the treetops until it reached the Tiger Creek site, where it subsided—and the thinned woods survived intact.

The administration has indicated it possesses much of the authority needed to implement measures included in my bill, H.R. 229, the National Forest Health Act of 1993, and I have strongly urged them to do so without delay.

My bill would authorize the Secretaries of Agriculture and the Interior to carry out forest health improvement programs, in consultation with State and Federal fish, wildlife, and cooperative forestry experts, to reduce further damaged to forest resources and promote management of sustained, diverse, and healthy forest ecosystems.

Mr. Speaker, I believe this is clearly an issue of pay now or pay later. As my colleagues know, each year a great amount of Federal funding is needed to combat wildfires, and most of the time this type of default management is accomplished under dangerous situations where firefighters lives are put at risk and resource values are lost or greatly reduced.

In the 1992 Foothills Fire, suppression costs and emergency rehabilitation for the 140,000 acres of Boise National Forest land burned was $24 million, or roughly $170 per acre. The cost of precommercial thinning of the Tiger Creek area, which the fire skirted, was only $125 per acre. And the commercial thinning in the area returned $30 to $1,500 per acre to the Forest Service, dependent on the timber market.

I would much rather have the Forest Service use Federal dollars for sound pro-active management of our national forests, like in the Tiger Creek area, to reduce the risk of catastrophic wildfires.

At last November's workshop on Assessing Forest Ecosystem Health in the Inland West, the scientists concluded, "the costs and risks of inaction are greater than the costs and risk of remedial action." Mr. Speaker, I could not agree more.

I believe the forest health situation in the West warrants the immediate attention of both Congress and the administration, and I urge my colleagues to join me in the coming months to assure that happens.

□ 2040

COST OF CLINTON HAITI POLICY

The SPEAKER pro tempore (Mr. FROST). Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, today I received, with many other Members, a very good briefing by the U.S. Coast Guard. The new commandant, Admiral Kramek, came up and explained to Members of Congress just what a good job our U.S. Coast Guard is doing with the Haiti situation.

I have great admiration for the Coast Guard. They are working extremely hard. They are putting in 80- to 100-hour weeks under very difficult situations. They work on overloaded cutters, picking people out of the water, shuttling them back and forth, and really carrying out a very difficult mission. My hat is off to the U.S. Coast Guard for the excellent work they are doing and to the commandant for the fine briefing he gave us.

Unfortunately, there is a cost to the Clinton administration's policy in Haiti. While the Coast Guard is concentrating its assets to deal with the refugee problem and the security problems in the area of the Windward Passage off Haiti, they have had to pull resources from other areas. There are only so many cutters. There are only so many resources.

It turns out, of course, that we are therefore letting some of the Coast Guard missions go unattended, primarily in the areas of drug interdiction and fisheries enforcement. Those are matters of great concern, of course, to our commercial fishermen. I think the need for drug interdiction and beating the drug problem in our country is a matter for every American. We are all concerned about it.

I was very concerned myself to learn that the Coast Guard has virtually stripped its drug interdiction capabilities in the Gulf of Mexico in order to take care of the Haitian refugee problem. That is not welcome news, and I am sure as soon as the drug lords and traffickers find out, they will consider that sort of a welcome mat. I presume they know that by now.

The other part of the bad news in the briefing, of course, is the cost, climbing past the tens of millions of dollars already. I don't know what the drain is on our other services from the other aspects of our Haiti policy, but when costs for one service alone is into the tens of millions of dollars, we know the extra costs for this ill-advised policy are going to be gigantic.

We also learned one of the cruise ships we are renting down in Jamaica, at a great rate for the taxpayers, is not being utilized, because an appropriate agreement hasn't been worked out with the Jamaican Government on how to screen people through the process there. We apparently are not using the cruise ship, but, of course, we are paying for it.

My suggestion to the administration this evening might be why not move the cruise ship to Port-au-Prince and let the people seeking to escape from Haiti just go by land to board the cruise ship. That way we get some return for our money anyway.

We also are told the hospital ship down in Kingston, Jamaica, providing a processing center for Haitians who are plucked out of the water, will be moved to Guantanamo, because the overcrowding situation is now so bad there. They are involved, I understand, in double bunking, and they have got sanitation and water problems that are very severe.

The good news was maybe the flow of refugees is slowing a little bit. Maybe there are not quite so many refugees. And the interesting news is, when many of the refugees who turn out not to be political refugees, but to be economic refugees, are given the choice of going to a safe haven somewhere in the Caribbean or going back to Haiti, interestingly enough, thousands are opting to go back to Haiti.

Now, does that belie a little bit some of the statements that we are being given by the administration about the repression by the Cedras military junta in Haiti?

It seems to me people would not be willingly going back into harm's way if there are choices of safe haven elsewhere in the Caribbean.

I wonder if perhaps we have not finally gotten some belated recognition that this repression, much which has been caused by our policy, is a quality of life matter; it is an economic matter, perhaps some of the human rights violations have been somewhat exaggerated. That is not to say there have not been some horrible brutalities created by both sides in Haiti.

The administration in fact has been a lot less than candid about what is going on in Haiti, and that is understandable, because it is very hard to explain what is going on there. It is very hard to explain their policy. It is harder to defend their policy, especially when we see the pictures, the pictures of misery caused by our embargo there: the pictures of people drowned and in overturned boats; of people trying to flee the economic mess with the incentive to come out and maybe get some kind of passage to the United States, if they can just get that leaky boat out to a Coast Guard cutter.

The Clinton administration is overlooking the very good possibility of dealing with Haiti's moderates who don't want us to invade, and don't want the embargo. These are elected members of the Haitian parliament. They are members of the Chamber of Deputies. They want our help at rapprochement. They want help building peace among the warring factions in Haiti. And they want our help to bring relief to the dismal quality of life that we have helped make in Haiti.

I think that that is a very productive course we ought to pursue. It sure beats sending the Marines to Haiti. We have had a proposal by Senator DOLE for fact finding. We have resolution by our colleague, CHRIS SMITH, that we should swap interparliamentary visits and reopen negotiations. We have the safe haven proposals in Haiti, using the Ile de la Gonave or some other Haitian island for the type of relief people are asking for and trying to find.

How much better are those proposals than sending the Marines, to do what? Defeat the Haitian army? Remove Cedras? If you remove Cedras, then what? I think the message is clear. We gain nothing but trouble by invasion; we gain a lot if we pursue a course of negotiation. I urge the President not to invade Haiti.

□ 2050

BOSNIAN UPDATE

The SPEAKER pro tempore (Mr. FROST). Under a previous order of the House, the gentleman from Indiana [Mr. MCCLOSKEY] is recognized for 5 minutes.

Mr. MCCLOSKEY. Mr. Speaker, I have just returned from Bosnia where I traveled with the United States Ambassador and the Bosnian Vice President to some of the towns that have suffered most in this war. Right now is a critical time as to hopes for peace in the Bosnian conflict.

The beleaguered Bosnian Government has just announced its approval of the 51-to-49 percent partition plan to carve up this sovereign country between the Bosnian-Croatian alliance and Serb irredentist thugs.

President Izetbegovic said that he did not want to sign the document, but that other alternatives were worse. These worse alternatives include ongoing war, with the British and French pulling out of the U.N. peacekeeping operation. This would be without Western military support for Bosnia or a lifting of the arms embargo.

President Izetbegovic and Prime Minister Haris Silajdzic are insistent that the borders of a sovereign Bosnia remain intact.

To this end, and for the peace and security of the Bosnian people, it is obvious that peacekeeping troops will need to be placed not only where populations intersect, but also on the borders between Bosnia and Serbia and Montenegro.

Most Bosnian Serb statements indicate opposition to returning ill-gotten lands. And the irredentist Bosnian Serbs seem adamantly opposed to a sovereign Bosnia.

Despite the urging of President Slobodan Milosevic—a war criminal posturing as a peacemaker—the Bosnian Serb parliament may very well refuse the plan this Monday.

If and when they do refuse the plan, should there be any question but that the arms embargo crippling Bosnia's self-defense be lifted with significant aerial support committed from the West to avert an ongoing, one-sided bloodbath?

Think of the splendid basic logic of the British mandate to the warring parties. Britain tells all parties to

agree to the plan, or it will pull out with no lifting of the arms embargo or other increased support for the Bosnians. Why should the Bosnian Serbs disagree with a British green light to gear up their killing machine?

If the Serbs do not sign on, the feckless West would only become more craven by doing a Pontius Pilate hand wash and then getting out.

It continues to startle me that the West has approached blithe acceptance of the right of the Bosnian Serbs to rain down shells on an innocent population—as the Serbs rape, maim and loot as well. For the United Nations to tell the people of Goradze that the siege was not all that bad is an abomination.

And while brutal ethnic cleansing—and we may say the word genocide—continues in the Serb-held areas such as Banja Luka and Prijedor—we blithely expedite the parties to the signing table. Let us hope for peace but this particular peace will be with Serb gains and even rewards from the West.

What can we expect from the tender mercies of the Serbs in Kosovo where daily life for millions of Albanians is a dismal existence in prison-like conditions? What can we expect in the Sandjak region in Serbia and Montenegro where all the democratic Muslim leadership has been jailed? What can we predict for little isolated Macedonia? When will exiled Croatians be permitted to return to their UNPROFOR Serb controlled communities in the Krajina?

Having just returned from Mostar, Vitez, and Sarajevo, I reluctantly report the Bosinan-Croatian alliance, a singular achievement of the Clinton administration, is in peril.

When I was Mostar several months ago immediately after the Horrible Croatian siege of Muslim east Mostar, its people had just emerged stunned, ravaged and maimed after months of shelling and various atrocities.

That breakdown of the previous Bosnian-Croatian alliance can be significantly attributed to the West's dismal stupidity in allowing Serb invasion and land grabs in no way detracts from the guilt of various Croats in and out of Bosnia for perpetrating that siege, the concentration camps, the atrocities, and ethnic cleansing.

But in April, the poor people of east Mostar were drinking untreated, chemically contaminated water from the Neretva River. They in essence has no electricity, and their medical treatment—what little they had, despite the efforts of a few valiant doctors—bordered on medieval.

This last week when I visited Mostar again, things had not gotten much better. In those 3 months since April, the E.C. Administrator Hans Koschnik still had not arrived. He did show up last Sunday to meet with leaders in both communities.

Other than the regular U.N. food aid and a few basic humanitarian supplies, progress in Mostar has been at a near standstill.

Given the fact that forced expulsions of Muslims by gangsters in west Mostar still are going on with little or no law enforcement followup from west Mostar Croatian authorities makes this all the more tragic.

Five Moslem families in east Mostar told me they were forcibly expelled from their homes in the last month. Some were beaten. Some were witness to murder.

But still it goes on with no investigatory followup to speak of. The victims and the east Mostar authorities told me that they have abounding evidence against these particular criminals. This cannot go on.

President Zubak of the Bosnian-Croatian alliance and General Roso, Bosnian Croatian Defense Organization Commander, and perhaps most importantly, Croatian Defense Minister Susak told me that these crimes in Mostar would stop. If they do not, the Bosnian-Croatian alliance will be short-lived indeed.

Another internal threat to the Bosnian-Croatian alliance and all our hopes for peace emerged last weekend when elections of the Bosnian branch of the Croatian Democratic Union Party resulted in the elevation of two Croatian leaders quite unacceptable to Muslims in the region.

One of the men is said by the Muslims and others quite knowledgeable to be a war criminal, the other is reputed to be a radical Croatian ultra-nationalist.

Without more enlightened leadership from Zagreb and a firmer grasp of the situation on the ground by the United States, our hopes for peace will be dashed with ongoing war beyond belief and reason.

E.U. Administrator Koschnik said he will be operating by July 24 in Mostar. Some 80 million deutsche marks are said to be headed to Mostar and the immediate area. Every bit of that will be needed, and more.

Similarly, the people of Vitez—Croats and Muslims—and Bosnians in other areas need help now. The United States must be more active and visible around Mostar and elsewhere immediately if it is to save the alliance that we fostered between Croatians and Muslims.

Many Americans, including some of our highest officials, do not realize the almost transcendent effect of American participation and visibility in the midst of this continuing tragedy.

EMPLOYER MANDATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. KIM] is recognized for 5 minutes.

Mr. KIM. Mr. Speaker, this morning, the Small Business Committee spoke for the first time on the issue of employer mandates.

At the markup of the Small Business Administration reauthorization bill, I offered an amendment expressing the sense of Congress that employer mandates would be destructive to small business and that employer mandates should not be included in any health care reform legislation.

Unfortunately, this amendment was narrowly defeated by a vote of 21 to 24, with all Republicans and only 3 Democrats voting to eliminate these job-killing employer mandates in national health care reform.

I am deeply disturbed that the Small Business Committee voted to support employer mandates, especially when all of the evidence demonstrates that mandates will be extremely destructive to small businesses.

A recent study by the CONSAD corporation, for example, predicted that nearly a million jobs could be lost due to employer mandates, with almost half—470,000 to be exact—coming from small businesses. Even more disturbingly, most of those losses will come at the expense of lower income women, minorities and families. Another study predicts that employer mandates would cost small businesses an extra $29 billion a year.

But we don't have to rely on academic studies to understand the economic carnage that would be caused by employer mandates—all we have to do is listen to the small business owners we are supposed to be representing.

Several months ago I held a health care town hall meeting for small business owners and employees in my district. At that meeting, which was attended by about 100 business people, small business owner after small business owner told me that employer mandates, as proposed by the President, would pose a serious threat to the survival of their businesses.

One owner, who runs several restaurants in my district, testified that "If the Clinton plan were enacted as it stands now, my problems as a small business owner would go away because we simply would not survive. We would have to close * * *" If that small restaurant chain closes, hundreds of employees will lose their jobs. Most small businesses across this country are operating on razor thin margins as it is and they simply can not afford the additional burden of health insurance, not at a time when they are finding it difficult just to keep their doors open. To put it simply, too many of these small companies would be forced to close their doors. That is the tragic end result of employer mandates—the loss of precious American jobs.

But it is not just small business owners in my district who are worried about employer mandates. Over the

last 2 months, the White House has sponsored seven different small business conferences, attended by the owners and employees of small businesses, in seven different States. In 6 out of 7 of those State conferences, held in Delaware, New Hampshire, Wyoming, Wisconsin, Montana, and Idaho, small business owners voted unanimously to reject employer mandates.

The overwhelming opposition of the small business community to employer mandates is easy to understand: Most small businesses simply cannot afford to pay for their employees' health insurance and still stay in business. The fact is that you cannot increase the payroll costs of small businesses by 3.5 to 7.9 percent and expect to continue to provide jobs and fuel economic growth.

My point is simple: Employer mandates are a bad idea and millions of the owners and employees of small businesses are frightened.

However, the Small Business Committee, by voting to support employer mandates, chose to ignore the views of the small businesses it is supposed to represent. It seems that many members on the Committee are more interested in "toeing the party line" than in doing what is right for America's small businesses.

I want to assure the small business owners of this country, that I will not be discouraged by this temporary defeat and will continue to fight to defeat this job-killing proposal.

I am submitting the record from today's Small Business Committee vote into the RECORD.

Small Business Committee voted 19–24 on Kim amendment to Title I of the Small Business Administration Reauthorization which would prohibit the use of funds by the Small Business Administration to promote employer mandates in health care reform legislation:

Ayes: Meyers, Combest, Baker, Hefley, Machtley, Ramstad, Sam Johnson, Zeliff, Collins (GA), McInnis, Huffington, Talent, Knollenberg, Dickey, Kim, Manzullo, Torkildsen, Portman, and Sarpalius

Noes: LaFalce, Smith (IA), Skelton, Mazzoli, Wyden, Sisisky, Bilbray, Mfume, Flake, Poshard, Clayton, Meehan, Danner, Strickland, Velazquez, Fields, Margolies-Mezvinsky, Tucker, Klink, Roybal-Allard, Hilliard, Lancaster, and Andrews

Not voting: Conyers, Waters, Thompson

Small Business Committee voted 21–24 on Kim amendment to Title VII of the Small Business Administration Reauthorization which would express the Sense of Congress that employer mandates would be destructive to small businesses and that employer mandates should not be included in any health care reform legislation:

Ayes: Meyers, Combest, Baker, Hefley, Machtley, Ramstad, Sam Johnson, Zeliff, Collins (GA), McInnis, Huffington, Talent, Knollenberg, Dickey, Kim, Manzullo, Torkildsen, Portman, Skelton, Sarpalius, and Lancaster

Noes: LaFalce, Smith (IA), Mazzoli, Wyden, Sisisky, Bilbray, Mfume, Flake, Poshard, Clayton, Conyers, Meehan, Danner, Strickland, Velázquez, Fields, Margolies-Mezvinsky, Tucker, Klink, Roybal-Allard, Hilliard, Andrews, Waters, and Thompson

□ 2100

REASONS FOR POOR MORALE IN THE U.S. MILITARY

The SPEAKER pro tempore (Mr. FROST). Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, last June 30 I sent a letter to the Secretary of Defense asking him to please, as the senior administration official, convey to Mr. Clinton some thoughts on why the morale is so bad in the U.S. military. This morning during a 1-minute I said that I would list 11 or 12 things, and when my staff reminded me of this letter, and it is now only 14-days-old, I decided I would simply read the letter, let it speak for itself, and hope that this Nation will understand why this is not a President that can put men, and now women, into combat in Haiti when there are no vital U.S. interests at stake.

I wrote, and I will choose to make my own letter public, which it has not been for 2 weeks, to the Honorable William J. Perry, Secretary of Defense:

Dear Mr. Secretary:

As an elected Representative who has the utmost admiration for the uniformed men and women of our great Nation, I am personally outraged at the continued demeaning treatment of members of the military by the President and his administration.

The latest incident involved the use of 'cream of the crop' military officers as servants and tray carriers at a partisan White House political function.

It was for the DNC, Mr. Speaker,

Unfortunately, such insults by the Commander in Chief or his White House staff are not isolated incidents. Recall these others:

Mr. Speaker, I spoke to one of the four officers who were used in this intolerable manner at the White House last month, and he confirmed everything that has been in the press, Mr. Speaker, including that he felt humiliated, and some of the fine Democrats at that event said that they felt embarrassed and humiliated for the officers.

Here in my letter to Perry are some other events that I recalled:

"The verbal abuse of a general officer," a three-star officer, now four-star, and commander of one of our combat commands, "and combat veteran of Vietnam," where he was badly wounded, "and Desert Storm," where he led the key division, the Point of the Spear, the 24th Infantry Mech, the insult to this officer "by a junior White House staffer with no public apology or disciplinary action."

Two, "ordering, for the first time in memory, military personnel to show up at the White House in work clothing," and in this case it was desert camouflage fatigues, "for a phony press event and a ludicrous short march down the White House south lawn to announce the completion of George Bush's Somalia humanitarian effort."

That was May 5 of 1993. Of course, we stayed through the killing of 19 Rangers and Special Forces men on October 3rd and 4th and the 6th.

Three, "using members of the ultra-sharp, ceremonial U.S. Army 'Old Guard'," as they are called, at Fort Myers "as delivery boys to carry defense conversion documents to Members of Congress," including to this Member's office.

Four, "the use of D-day 50th Anniversary ceremonies as a political platform to" attempt to raise the President's low poll ratings, and it failed, he dropped three points, "including 'staged' photo opportunities at the Anzio/Sicily" Nattuno Cemetery "and on the hallowed sand of the Normandy Beaches, when these ceremonies should have focused totally on the senior veterans who died or survived" in that incredible day in history.

The thing that I found most offensive was the pulling at the sleeves of three incredible Army heroes, now with 50 years added to their young years when they performed heroic deeds on the beach, including Colonel, then young Captain, Joe Dawson, who was asked to introduce the President. He was pulled by some of these little pre-pubescent workers of Mr. Clinton's away from the President so he could pretend to reflect in prayer, and there on the horizon was the U.S. *San Jacinto*, an Aegis cruiser, ironically named after the carrier, *San Jacinto*, that George Bush was flying combat missions off 50 years ago as we speak, building up to his almost loss of life and loss of both of his crewmen on September 2nd of this year, the 50th anniversary of young Lieutenant JG George Bush's incident.

"Young White House staffers with zero military experience pilfering towels," 68 of them, "bathrobes," 16 of them, "from the aircraft carrier USS *George Washington*," at the beginning of that D-day morning's ceremonies, "and then attempting to blame the press."

"The use of presidential military helicopters," the white-top H-3s, "which included members of the White House Marine honor guard, by the White House staff for a golf trip."

Mr. Speaker, I will submit for the RECORD the two pages that follow in my letter, and do a 1-hour special order on this next week, for which I will be asking unanimous consent.

The portion of the letter referred to is as follows:

The use of senior uniformed military officials as background props at a staged event at Ft. McNair to announce a new version of a Clinton policy aimed at lifting the 50 year ban against homosexuals in the military. (If the President had prevailed in his early 1993 attempts, our services would be riddled with practicing homosexuals and bisexuals and proliferation of military chapters of G.L.O.B.E. Check with HUD, the Department of Agriculture, DOT/FAA, et al.)

What makes this pattern of behavior especially contemptible is the continued hardship placed on those in the military as a result of official White House policy. Increased

defense reductions including personnel cuts, increased tempo of operations including the constant discussion of using our troops in Haiti and Bosnia, and the cancellation of well deserved but modest benefits, including scheduled pay raises, are all illustrative of this administration's official policy toward the military.

Sort of makes you wonder if the President still "loathes" the military as he wrote on December 3, 1969, to a heroic Bataan Death March survivor.

Dr. Perry, as the Secretary of Defense and senior civilian military official within the current administration, I believe it is your duty, on behalf of all the men and women around the world serving under you, to convince the president to immediately take steps to improve relations with members of our armed forces. Besides common courtesy and respect for uniformed members of the military by all White House officials, I also suggest the following action to improve the already badly damaged morale of members of the armed forces and their families:

Immediately restore and increase annual pay raises for all members of the U.S. armed forces. (A New York Times front page article last week documented again that military pay has fallen way behind the private sector.)

Immediately announce full and complete implementation of Congressional language upholding the ban against homosexuals and bisexuals in military service.

Immediately and fully restore the cost of living adjustments (COLAs) for all military retirees.

Immediately declare that U.S. personnel will not serve under foreign or U.N. command unless a ratified treaty exists, as with NATO.

Immediately begin full development of friendly fire systems designed to prevent fratricide in future combat operations.

Such modest initiatives on the part of the president would provide tremendous dividends in terms of improved moral and combat readiness within the ranks of our uniformed personnel. At the very least, our brave men and women deserve the common respect due to any soldier, sailor, airman, or marine who volunteers to sacrifice his or her life in defense of our nation. That means, quite simply, that they would die for you and me, Mr. Secretary.

Best regards,

ROBERT K. DORNAN.

P.S. In case you're wondering, Bill, whether the father of one of our sacrificed in Somalia heroic medal of honor winners refused to shake the Commander in Chief's hand, I've confirmed first hand—it is true.

Mr. Speaker, this December 3, 1969, letter by the then 23-year-old Clinton explains much about his attitude toward our military forces.

TEXT OF BILL CLINTON'S LETTER TO ROTC COLONEL

I am sorry to be so long in writing. I know I promised to let you hear from me at least once a month, and from now on you will, but I have had to have some time to think about this first letter. Almost daily since my return to England I have thought about writing, about what I want to and ought to say.

First, I want to thank you, not just for saving me from the draft, but for being so kind and decent to me last summer, when I was as low as I have ever been. One thing which made the bond we struck in good faith somewhat palatable to me was my high regard for you personally. In retrospect, it seems that the admiration might not have been mutual had you known a little more about me, about my political beliefs and activities. At least you might have thought me more fit for the draft than for ROTC.

Let me try to explain. As you know, I worked for two years in a very minor position on the Senate Foreign Relations Committee. I did it for the experience and the salary but also for the opportunity, however small, of working every day against a war I opposed and despised with a depth of feeling I had reserved solely for racism in America before Vietnam. I did not take the matter lightly but studied it carefully, and there was a time when not many people had more information about Vietnam at hand than I did.

I have written and spoken and marched against the war. One of the national organizers of the Vietnam Moratorium is a close friend of mine. After I left Arkansas last summer, I went to Washington to work in the national headquarters of the Moratorium, then to England to organize the Americans here for demonstrations Oct. 15 and Nov. 16.

Interlocked with the war is the draft issue, which I did not begin to consider separately until 1968. For a law seminar at Georgetown I wrote a paper on the legal arguments for and against allowing, within the Selective Service System, the classification of selective conscientious objection for those opposed to participation in a particular war not simply to "participation in war in any form."

From my work I came to believe that the draft system itself is illegitimate. No government really rooted in limited, parliamentary democracy should have the power to make its citizens fight and kill and die in a war they may oppose, a war which even possibly may be wrong, a war which, in any case, does not involve immediately the peace and freedom of the nation.

The draft was justified in World War II because the life of the people collectively was at stake. Individuals had to fight, if the nation was to survive, for the lives of their countrymen and their way of life. Vietnam is no such case. Nor was Korea an example where, in my opinion, certain military action was justified but the draft was not, for the reasons stated above.

Because of my opposition to the draft and the war, I am in great sympathy with those who are not willing to fight, kill and maybe die for their country (i.e. the particular policy of a particular government) right or wrong. Two of my friends at Oxford are conscientious objectors. I wrote a letter of recommendation for one of them to his Mississippi draft board, a letter which I am more proud of than anything else I wrote at Oxford last year. One of my roommates is a draft resister who is possibly under indictment and may never be able to go home again. He is one of the bravest, best men I know. His country needs men like him more than they know. That he is considered a criminal is an obscenity.

The decision not to be a resister and the related subsequent decisions were the most difficult of my life. I decided to accept the draft in spite of my beliefs for one reason: to maintain my political viability within the system. For years I have worked to prepare myself for a political life characterized by both practical political ability and concern for rapid social progress. It is a life I still feel compelled to try to lead. I do not think our system of government is by definition corrupt, however dangerous and inadequate it has been in recent years. (The society may be corrupt, but that is not the same thing, and if that is true we are all finished anyway.)

When the draft came, despite political convictions, I was having a hard time facing the prospect of fighting a war I had been fighting against, and that is why I contacted you. ROTC was the one way left in which I could possibly, but not positively, avoid both Vietnam and resistance. Going on with my education, even coming back to England, played no part in my decision to join ROTC. I am back here, and would have been at Arkansas Law School because there is nothing else I can do. In fact, I would like to have been able to take a year out perhaps to teach in a small college or work on some community action project and in the process to decide whether to attend law school or graduate school and how to begin putting what I have learned to use.

But the particulars of my personal life are not nearly as important to me as the principles involved. After I signed the ROTC letter of intent, I began to wonder whether the compromise I had made with myself was not more objectionable than the draft would have been, because I had no interest in the ROTC program in itself and all I seemed to have done was to protect myself from physical harm. Also, I began to think I had deceived you, not by lies—there were none—but by failing to tell you all the things I'm writing now. I doubt that I had the mental coherence to articulate them then.

At that time, after we had made our agreement and you had sent my 1-D deferment to my draft board, the anguish and loss of my self-regard and self-confidence really set in. I hardly slept for weeks and kept going by eating compulsively and reading until exhaustion brought sleep. Finally, on Sept. 12 I stayed up all night writing a letter to the chairman of my draft board, saying basically what is in the preceding paragraph, thanking him for trying to help in a case where he really couldn't, and stating that I couldn't do the ROTC after all and would he please draft me a soon as possible.

I never mailed the letter, but I did carry it on me every day until I got on the plane to return to England. I didn't mail the letter because I didn't see, in the end, how my going in the Army and maybe going to Vietnam would achieve anything except a feeling that I had punished myself and gotten what I deserved. So I came back to England to try to make something of this second year of my Rhodes scholarship.

And that is where I am now, writing to you because you have been good to me and have a right to know what I think and feel. I am writing too in the hope that my telling this one story will help you to understand more clearly how so many fine people have come to find themselves still loving their country but loathing the military, to which you and other good men have devoted years, lifetimes, of the best service you could give. To many of us, it is no longer clear what is service and what is disservice, or if it is clear, the conclusion is likely to be illegal.

Forgive the length of this letter: There was much to say. There is still a lot to be said, but it can wait. Please say hello to Col. Jones for me.

Merry Christmas.

Sincerely,

BILL CLINTON.

THE IMPORTANCE OF MEDICARE C

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994 and June 10, 1994, the gentleman from Washington [Mr. McDERMOTT] is recognized for 60 minutes as the majority leader's designee.

Mr. McDERMOTT. Mr. Speaker, as part of my effort to talk to my colleagues each week about how health care reform issues affect the American people personally, I would like to talk tonight about a part of the new proposal in the health care reform debate.

It is found in the Ways and Means Committee bill for health care reform. that proposal is to create Medicare part C to provide insurance to the nonsenior population the way Medicare provides insurance for senior citizens.

Medicare C is a voluntary program. It will provide insurance to people who cannot afford to purchase their own and it would enable individuals and small business to buy insurance at a price they can afford.

It is simple, it is affordable and it is easy to access. Health insurance through Medicare C is purchased through a payroll deduction. Anyone who does not have insurance is automatically enrolled.

If you prefer to have private insurance, you don't have to be enrolled in Medicare C. It is purely voluntary. But more importantly, enrolling in Medicare C guarantees you free choice of provider. It enables Americans to have a nonprofit, national nonmanaged care health insurance option.

But there is a problem with the way Medicare C is structured in the Ways and Means bill. It is not open to everyone. Only people who are unemployed or employees of small businesses can enroll in Medicare C.

Everyone else is required to enroll in insurance company plans.

Well, Mr. Speaker, I don't think we should lock people into insurance company health plans which increasingly means insurance company interference in patient treatment decisions, even in fee for service plans.

I want to talk to my colleagues tonight about the American people's relationships with their doctors, and about who should make medical treatment decisions.

Because a Medicare C open to anyone who wants to join may be more important to you and your health care and your relationship with your doctor than you would ever imagine.

What Americans are experiencing now in the health care marketplace is a new trend called "managed care."

This change is happening today as the "market" is left to its own devices to solve the health care cost crisis.

And that means that insurance companies interfere more and more aggressively in the treatment decisions of doctors. And they do this not to protect the patients quality of care, but to protect the profit margins for their stockholders. This is happening not only in HMO's. All patients are experiencing the reality that it is their insurance company, not their doctor, who determines whether or not they get admitted to a hospital. It is their insurance company who decides if a child can stay in the hospital overnight after a bad reaction to surgery. It is their insurance company who is deciding that women should be discharged from the hospital on the same day as childbirth or that newborns should be sent home before their first feeding.

These decisions are not being made by the physicians or nurses or other practitioners who actually care for the patient and bear the responsibility for their well-being.

They are being made by company employees who have never seen the patient and are sitting at a 1-800 number just to approve or disapprove care. The American people know in their hearts, in their guts, and in their minds that something is terribly wrong with this arrangement. They know that this cost-control approach by the insurance companies ultimately will ruin the quality of American health care. And I want to be clear. It is not the Government that is doing this. It is the free market approach to health care that is giving the insurance companies unprecedented control over the doctor-patient relationship.

If health care reform fails, this trend is simply going to get worse. There will simply be no restraint on insurance companies' ability to control the medical care you receive.

Without health care reform, insurance companies will completely consolidate their control over the delivery system. Mr. Speaker, I oppose that trend.

One of the most ominous recent developments was the recent announcement that Travelers Insurance Co. and Metropolitan Life agreed to merge their health care operations to create a more efficient managed care entity.

Where are the patients and providers in this merger?

Insurance companies have discovered that the real money in insurance is not processing claims but in denying claims and controlling access to care. They have created a private health insurance trap.

But Medicare C is your escape from that trap. Medicare C is your protection against managed care.

I am a physician as well as a Congressman. I practiced medicine for 25 years. To me, just as the family is the building block of civilization, so is the physician-patient relationship the building block of good medical care.

When the American College of Surgeons endorsed a single-payer approach to health care reform—a system where Americans pay a public premium in the form of a payroll tax and the Government provides health insurance to all Americans the way it does in Medicare for senior citizens—the College of Surgeons stated that physicians could not continue to tolerate the amount of interference by insurance companies in treatment decisions.

Dr. Murray, the chairman of the board of the college, specifically noted that free choice of provider was preserved in Medicare and that clinical interference was not a problem in Medicare.

Patients and physicians in Medicare are much more in control of treatment decisions.

Americans are entitled to have a choice about how they receive their medical care. A nonprofit, nonmanaged care option for insurance that is guaranteed by the Government protects that choice as nothing else will.

But there is another reason to open Medicare C to anyone who wants to join. It will work to keep the insurance companies honest.

Medicare currently administers its entire program for 2.1 percent of its budget. U.S. Health, one of the Nation's largest managed care companies, administers its plan with 28 percent of its budget.

In other words, Medicare pays 98 cents on the premium dollar for actual health care delivered to people, while U.S. Health spends only 72 cents on the premium dollar on actual health care.

Now which system is going to give you more care? The one that pays 98 cents on the dollar or the one that pays 72 cents on the dollar? We all know the answer, and the answer is that Medicare is giving Americans more bang for their buck.

If the insurance companies have to compete with Medicare—if Americans can vote with their feet—then insurance companies might have to bring down their administrative expenses and provide more medical care instead.

So why isn't Medicare open to everyone? Why are most Americans being denied that choice?

Because insurance companies do not want to compete with the advantages of medicare. Insurance companies are working nonstop on Capitol Hill to keep Americans from having that choice. Insurance companies are afraid that people will like Medicare more.

Well, the purpose of health reform is not to protect the insurance companies. The purpose of health reform is to make health care and health insurance better for ordinary people.

Mr. Speaker, the American people should demand that Medicare C be open to everyone who wants to join, that they have the right to choose what's best for them,

That their health insurance choices and health care choices not be dictated by special interests in Washington.

Americans need Medicare C to be open to those who choose it. Medicare

C will help protect their health care futures. Mr. Speaker, I hope they get it.

□ 2120

THIRD ANNUAL REGULATORY RELAY—THE BURDEN OF REGULATION ON THE RESTAURANT INDUSTRY

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994 and June 10, 1994, the gentleman from Texas [Mr. DELAY] is recognized for 30 minutes as the designee of the minority leader.

Mr. DELAY. Mr. Speaker, today I come to the well of the House as chairman of the Republican Task Force on Competitiveness to run the second lap of the Third Annual Regulatory Relay, whose focus for several weeks has been the burden of regulation on the restaurant industry.

Working with the National Restaurant Association, this morning I held a press conference on this topic. Several of my colleagues joined me to tell of regulatory horror stories in their districts, and restaurateurs, including a constituent of mine, told their tales of dealing with the monstrous Federal regulatory bureaucracy. I was very pleased to see that so many are brave enough to join the task force in this race against the perpetual winner of the regulatory marathon—the Federal Government.

Many people do not realize that eating and drinking places are the Nation's largest retail employer, accounting for 3 out of every 10 retail workers. Most of these are small businesses. And while small businesses are the job-creating engine of our economy, they are also extremely vulnerable to the costs of regulation. As a result, almost any increase in Federal regulation has a severe impact on the ability of a restaurateur to succeed.

It is particularly timely to discuss this topic because we recently reached a very important date on the calendar. Sunday, July 10, marked the second annual Cost of Government Day, the day when Americans earned enough income to pay off their share of the combined costs of taxes, Government spending, and regulation. As chairman of COGD on behalf of Americans for Tax Reform, I recently introduced a resolution establishing July 10 as Cost of Government Day.

Federal regulatory costs are estimated—conservatively—to be about $600 billion annually. This translates into $2,500 for every man, woman, and child in America. Much of this cost is so hidden that it doesn't show up on any sales or paycheck receipts. However, the Federal Register tells the story clearly, as President Clinton's first year saw the most regulatory activity since President Carter's last. The page total for 1993 was 69,688 pages, the third highest total of all time.

A not-surprising increase in the number of regulatory bureaucrats corresponds with this proliferation of regulations. While from 1985 to 1992, regulatory staffing increased by over 20 percent, to almost 125,000 employees, under President Clinton, the largest number of Federal bureaucrats ever—128,615 people—was called for to run his Federal regulatory apparatus. It is truly outrageous that while July 4th was Independence Day—the day we celebrated our liberation from Great Britain—it was not until July 10 that Americans were liberated from their own Government.

Our economy cannot bear the burden indefinitely. This is especially true for industries like the restaurant industry, as nearly three-fourths of eating and drinking establishments have annual sales of less than $500,000, and average profit margins run between 3 and 4 percent of gross sales. This thin operating margin makes restaurants highly sensitive to regulations which increase the cost of doing business. And according to this list compiled by the National Restaurant Association, restaurants are by no means suffering from a dirth of Federal regulations. Entitled "Regulations and Restaurants from A to Z," this sample list includes nearly 60 rules and regulations imposed upon the industry by the Federal Government. Of course, this does not include the multitude of State, local, and county regulations that restaurateurs must comply with.

While many of these are well-intended, a lack of cost/benefit analysis—and sometimes simply common sense—in their application often results in ridiculous and even tragic situations. For example:

In Houston, Texas, air quality control authorities ordered that "large" employers (more than 100 employees) must take active steps to encourage carpooling and use of mass transit. They initially ruled that restaurants, open 7 days a week with more than 100 part-time employees, must also comply regardless of the fact that their operating time (and thus employee commute times) did not match the rush hour periods which were slated for control.

A multiunit restaurant operation based in the Washington, DC. area received an OSHA fine of $1,500 because an employee did not use the available cut-resistant gloves while chopping fresh vegetables. In a separate action, the new FDA Model Food Sanitation Code prohibits the use of such gloves when in contact with cooked or ready-to-eat foods. The National Restaurant Association has formally asked OSHA and FDA to clarify which rule take precedence.

Under the OSHA Hazard Communication Standard, employers are obligated to make available safety information about hazardous chemicals using material safety data sheets [MSDS] supplied by chemical manufacturers. MSDS' cover diet soda (because it contains saccharin, a possible animal carcinogen); liquid hand soap (it's an eye irritant, so the MSDS advises one to wear safety goggles when using the product and, if spilled, to remove contaminated clothing and flush skin with running water for 15 minutes); and liquid dish soap like Joy dishwashing liquid (another irritant, but it is also listed as a potential fire hazard because it contains alcohol as an emulsifier).

A small New England bar and grill was cited by OSHA for $3,000 in fines due to a violation of the Hazard Communication Standard. The principal violation was the transference of window cleaner from its original gallon jug to a 10-ounce spray bottle which was not labeled as to content and warning despite the fact that employees stated they were familiar with the contents of the bottle and the cautions for its use.

A restaurant in Pittsburgh was the subject of an OSHA investigation after an employee assisted a patron with a nosebleed. A disgruntled employee lodged a complaint, and OSHA investigated possible violations of the bloodborne pathogens standard. No fine was levied, but OSHA advised the operators to establish a written plan for future compliance. The operators did so, including a contract with a waste-hauling company to provide special "red bags" for medical waste for future incidents.

In Sedona, AZ, a restaurant operator made a technical paperwork error when changing the corporate ownership of his restaurant. In retaliation, the local health department demanded that he close his doors while the new permit was being processed. When he refused, they conducted harassment inspections, citing trivial temperature violations of one or two degrees, including at least one case in which a scoop of potato salad on a plate waiting for the entree to be plated was cited in violation. The case was resolved through an arrangement whereby the operator was ordered to teach local classes in food sanitation to other operators.

As you can see, the regulatory apparatus has reached the level of the absurd going on all over the country. I would now like to take a walk through a little bit of history to demonstrate the incredible growth in the number of rules and regulations the restaurant industry has had to deal with in just the last 10 years.

In 1970, other than local fire, health, and building codes, a typical restaurateur had to deal with about 20 pages worth of Federal law contained in the Fair Labor Standards Act of 1938.

1994 presents a very different picture. Just over the last 10 years a large number of laws have been passed affecting

the restaurant industry. In 1985 an extension of health benefits was mandated by the Omnibus Budget Reconciliation Act. In 1987, the Immigration Reform and Control Act required employers to fill out I-9 forms for all new employees, and the Budget Reconciliation Act required restaurateurs to pay FICA taxes on all employee tips. Employers of 100 or more were mandated in 1988 to give 60 days' advance notice of closings, and in 1989 the Fair Labor Standards Act Amendments raised the minimum wage. In 1990, the Americans with Disabilities Act was passed, and restaurants were forced to meet new Federal criteria on menu labeling in 1991 with the Nutrition Labeling and Education Act. In 1993 the Family and Medical Leave Act was passed, requiring employees of 50 or more to provide 12 weeks of unpaid job-protected family or medical leave to employees.

The National Restaurant Association, along with the Texas Restaurant Association, is kind enough to have compiled a book entitled "The Legal Problem Solver for Foodservice Operators" to help anyone who might be contemplating opening a restaurant. Unfortunately, a typical restaurateur in Texas has to pore through 27 chapters of Federal and State rules, regulations, and paperwork that must be complied with to open and run a restaurant. The topics of these chapters range from how to report tips to the IRS, to how to value meals when it comes to overtime work; from Department of Labor rules on uniforms, to drug policy requirements; from OSHA's bloodborne pathogen standards, to Equal Employment Opportunity Commission guidelines on height and weight. With such a regulatory maze to have to wind through, it is a wonder that anyone is able to open a restaurant at all, much less stay in business.

Perhaps even scarier are the pieces of proposed legislation affecting restaurants which the Clinton administration and/or this Democrat Congress want signed into law. They include a ban on smoking in public, a prohibition on replacing a striking worker, a massively expensive OSHA reform bill, and of course the infamous Clinton health care plan. This plan would push Cost of Government Day back 31 days—the single greatest jump in the cost of Government in our Nation's history.

CONCLUSION

The message of the Regulatory Relay is this: The system for drafting, evaluating, approving, and promulgating rules must be overhauled. The lack of an effective regulatory review process to weigh costs and benefits is wreaking havoc on our economy, resulting in lost jobs, lost productivity, lost competitiveness, and lower standard of living. We must establish a system of cost/benefit analysis, pass the Paperwork Reduction Act, strengthen the Regulatory Flexibility Act, and provide protections for whistleblowers whose firms are being abused by overzealous regulators.

If Americans are to succeed in today's highly competitive economy, we must break the chokehold of regulations around the neck of every budding entrepreneur and allow them to compete freely. I look forward to continuing the fight to bring some sense back into the regulatory process.

Mr. Speaker, I am including at this point in the RECORD the document I referred to earlier, "Regulations and Restaurants From A to Z," as follows:

REGULATIONS AND RESTAURANTS FROM A TO Z

MATTERS RELATED TO RUNNING A RESTAURANT INVOLVING SOME ASPECT OF FEDERAL REGULATION

Accessibility to disabled customers (DOJ).
Advance payment of Earned Income Credit (IRS).
Age discrimination (EEOC).
Alcohol excise taxes (IRS).
Annual occupation tax for alcohol-sellers (BATF).
Bloodborne pathogen program for employees who give first-aid (OSHA).
Citizenship-status discrimination (DOJ).
Commuting plans for employers in high-pollution areas (EPA, beginning late 1994).
Continued health benefits for former employees (IRS).
Copyright law and restaurant music (DOJ).
EEO-1 Form (EEOC).
Egg-refrigeration standards (USDA, proposed for 1994).
Exempt managers (DOL).
Federal income taxes (IRS).
Federal income-tax withholding for employees (IRS).
FICA payroll taxes (IRS).
FICA payroll taxes on tips (IRS).
FUTA payroll taxes (IRS).
Grease-trap waste disposal (EPA).
Hazard Communication Standard (OHSA).
Health claims and restaurant foods (FDA).
Health benefit plans and the Americans with Disabilities Act (EEOC).
I-9 form (Employment Eligibility Verification Forms (INS).
Immigration Reform and Control Act of 1986 (INS).
Independent contractors, reporting of payments to IRS).
Job application forms, permissible questions (EEOC).
Magnetic media reporting of Forms W-2, 8027 (IRS, SSA).
Material Safety Data Sheets (OSHA).
Meal credit (DOL).
Minimum wage (DOL).
National origin discrimination (EEOC).
Notice to employees of eligibility for Earned Income Credit (IRS).
Nutrient-content claims and restaurant foods (FDA).
Overtime pay rules (DOL).
Payroll tax deposits (IRS).
Polygraph ban (DOL).
Poster: Equal employment opportunity (EEOC).
Poster: Polygraph (DOL).
Poster: Minimum wage (DOL).
Poster: Family and medical leave (DOL).
Poster: OSHA (OSHA).
Race discrimination (EEOC).
Reasonable accommodation for workers with disabilities (EEOC).
Refrigeration equipment and CFC phrase-out (EPA, phaseout by 1996).
Religious discrimination (EEOC).
Restaurant closing, 60 days advance notice (DOL).
Sex discrimination (EEOC).
Teen labor: Hours restrictions for workers under 16 (DOL).
Teen labor: Occupational restrictions for workers under 18 (DOL).
Tip credit (DOL).
Tip reporting and IRS Form 8027 (IRS).
Tip allocation (IRS).
Tip-income audits (IRS).
Tip pools (DOL).
Uniforms: Deposits, costs, maintenance (DOL).
Veterans' employment rights (DOL).
W-2 Forms (Wage and Tax Statement (IRS, SSA).
W-4 Forms (Employee's Withholding Allowance Certificate) (IRS).
Workplace phones, hearing-aid compatibility (FCC).

□ 2130

Mr. Speaker, I would be happy to yield to the distinguished gentleman from Michigan, who has worked so long and hard on regulatory reform in this House, as well as many other reforms that ought to be brought to this House.

Mr. HOEKSTRA. I thank the gentleman for yielding.

Mr. Speaker, I am not going to talk specifically about restaurants, but the gentleman mentioned the Clean Air Act and also some of the things he thought needed to be overhauled. I also want to reference a story today in the Washington Post, the national weekly edition, "Why American Hate Congress." I found perhaps one of the most interesting quotes in there: "A survey found large gaps in public knowledge of what this Congress has done, but discovered that those who know more," and that is the American people who know more about what we have done, "actually think less of the legislators' performance." I think I have a wonderful example here. I have good news and bad news on paperwork reduction and on Government regulation. Which would the gentleman like first?

Mr. DELAY. Give me the bad news first.

Mr. HOEKSTRA. The bad news is that under the Clean Air Act and the rules and regulations that are being promulgated, we will have to meet those rules and regulations.

Mr. DELAY. Then what is the good news?

Mr. HOEKSTRA. The good news is that the EPA is going to save hundreds of thousands of dollars because they are not going to publish them in the Federal Register.

Mr. DELAY Wait a minute, I do not understand. We are going to have just hundreds of regulations, as I understand, coming out to implement the Clean Air Act?

Mr. HOEKSTRA. Correct.

Mr. DELAY. They are not going to publish them so Americans will not be able to read them?

Mr. HOEKSTRA. This is correct. The Washington Times, Tuesday, July 12,

Let me tell you why this is so important to my district. Part of my district—we are on the Lake Michigan shoreline, Chicago is about 100 miles to the southwest and Milwaukee is 90 miles directly west of my district. A lot of pollution, it is amazing the EPA has not recognized this fact yet, but air moves. I do not know if the gentleman knows that.

Mr. DELAY. Well, you need about a $10-million study to study how air moves.

Mr. HOEKSTRA. That is right We have commissioned a number of studies. What those studies have shown, the first study we did is we found out that the air above part of my district, what it is doing, it is moving. So, obviously, we now have to meet the Clean Air Act requirements, some of the things the gentleman was talking about. We are not to the carpooling state yet, but we might be.

We thought we were fairly environmentally conscious in west Michigan. We have large rural areas. We wondered why is it that we do not meet the clean air standards. We found out that surprisingly enough air moves and somewhere between 70 and 90 percent of our pollution come from areas to our west. So we are getting windborne pollution.

So, beginning January 1, 1995, the citizens in my district are going to have to start paying $24 every other year for auto emissions testing.

□ 2140

And for us, full well knowing, that even if all of the constituents in these three counties locked their cars in their garage, and did, and put them away, and started riding their bicycles, like I like to do, we would not be able to meet the clean air standards; so, I found it amazing when I went to the Washington Times this week and started reading "Clean Air Rules Published Only in Summary by EPA."

The 1990 Clean Air Act has spawned so many proposed regulations that the Environmental Protection Agency has decided to publish only summaries in an effort to save money.

I ask, "Isn't it amazing that we think that the American people and American businesses, they have all of the money to implement regulations when we here in Washington do not have enough money to publish them?"

It goes on. "There's just an enormous number of new rules that would have cost the agency hundreds of thousands of dollars to publish in the Federal Register," EPA spokesman Lou Kester said.

Later on it goes on:

At least one reader of the Federal Register has written EPA Administrator Carol M. Browner to protest the omission.

"This situation sets a dangerous precedent to which I object," wrote John D'Aloia Jr., a consultant to Prindle-Hinds Environmental Inc. of Albuquerque, N.M., which advises banks, insurance companies and other businesses of pending federal rules.

"The purpose of the Federal Register is to provide citizens with a single source of government action. By forcing interested parties to take additional action to obtain copies of proposed rules, EPA is making it more difficult, and costly, for citizens to participate in the regulatory process."

So, first, we start off with bad legislation. Second, we now make it more difficult for those people that are affected by bad legislation to try and implement bad legislation.

Just think, Mr. Speaker, I came from the private sector, and just think of what, and I am just trying to imagine, what my customers would be telling me if we introduced a new product that was fairly complex, and we said, "By the way, if you would like to understand how to use this product, or what types of problems it might solve, or what the technical specifications are, you know you have to pay extra for that. It's going to cost you an extra—if the product costs $10,000, if you really want to find out how the product works, send us another check, and we'll send you one for a thousand dollars, then we will send you, the technical specifications and the operating instructions." I think that company would be out of business very, very quickly.

I find this an interesting thing. It just builds off of what the gentleman is saying about the cost of regulation. The cost of regulation is immense even when we are passing well-intentioned, well-founded legislation that would have a very good impact. What we are finding is too many bills that are based on faulty premises. We are requiring the American people, the American public, to then implement bad legislation, and now we are making it more difficult for them to find out what they are actually supposed to do.

Why do people hate congress? They see what we are doing.

Just one more comment:

I went to the chairman of the Committee on Energy and Commerce when I came here, and I said, "This doesn't make sense."

The comment was, "I understand. I understand that there are problems with the legislation. I can't open up the legislation because what we may end up with will be worse than what we have."

That may work great for the 49 other States. It may work great for the other 84 counties in the State of Michigan that are not impacted by this.

Try explaining that to the three counties and the people in those counties that have to pay. Explain that to the businesses that now have to compete under those regulations. It does not wash.

When we have bad regulations and laws, it is our responsibility to fix them. We are not willing to recognize the problem.

I thank the gentleman from Texas [Mr. DELAY] for having yielded to me.

Mr. DELAY. I think the gentleman from Michigan has just exhibited his talent in this regard and his diligence in finding that in the case of the first article, a very obscure article, understanding the impact that that article was trying to portray, and then the second article as an example of this outrageous, out of control Federal Government that now, as the gentleman so rightly puts it, that now has gone even a step further, that has given coverup a bad name.

Now for the first time, and I have been here 10 years, and this is the first time that I know of that I have ever even heard of it, that an agency refuses to publish the regulation that it is going to impose upon every American in this country so that, and I do not know the reason; it obviously is not to save money.

This present administration and its agencies are running amok, actually promulgating rules and regulations that they have no authority legally to promulgate, and this may be a way that they are trying to cover up what they are doing, particularly in a piece of legislation as complicated as the Clean Air Act. Of any piece of legislation, that one and its regulations should be published.

I yield to the gentleman from Oklahoma [Mr. ISTOOK], my cochairman of the Task Force on Competitiveness.

Mr. ISTOOK. Mr. Speaker, as the gentleman knows, it seems to me like a lot of people have got to be very confused listening to this explanation because it is normal for a Member of Congress, at least if they are back in their districts, to talk to people and say, "Well, we in Congress have done great things, but then there are these bureaucrats over here that have done the bad things," and maybe it is kind of scapegoatism, but we have people that are supposed to be carrying out the instructions they were given from Congress, and the Members of Congress, when something goes bad, they say, "Well, it's the bureaucrats' fault because of the regulations that came through."

But I think what the gentleman is trying to say is that really it traces back to the Members of Congress that gave the instructions in the first place, that, even if one paid extra money, and they got the instruction manual that Congress sent to these people, they would find that it still does not make sense, and why is it that the public is hit with this constantly? One would think that these Members that say it is the bureaucrats' fault voted against the bills that gave away all this authority and gave this power to the bureaucrats to do these silly things like tell all the people, "You have got an air pollution problem. It's your fault even though you had nothing to do with it."

Why is it that these Members, if we look at the Members' record, we find they did not vote against them, they voted for those bills, and nobody ever seems to look back at that record? Why is that? I am a freshman; what would I know?

Mr. DELAY. The gentleman, I think, knows the answer, but I would like to attempt to answer it in that it has been my experience in the 10 years that I have been here that this House, controlled by the Democrat leadership, passes bills with no intention of being specific, as specific, as to enumerate the kinds of regulations and rules that the bill is intended to promulgate on the American people. The bills are always general in nature so that Members of Congress can vote for the Clean Air Act, go home and say, "I'm for clean air," and not be—first of all make sure it is not implemented for 2, 3 or 4 years down the road so they can get two or three elections in their pockets, and then, when it starts hitting, and the bureaucrats and the agencies start writing the rules and regulations for these poorly written bills that are general in nature, are not specific enough so that people, the American people, can understand what the Members are doing to them, then they start blaming the bureaucrats when in fact this House ought to be the oversight agency, the oversight body, for these rules and regulations.

In fact, the gentleman from North Carolina [Mr. TAYLOR] has an excellent bill that cannot seem to find its way to the floor because it is being stifled by the chairman of the committee it was referred to that says that when agencies promulgate these rules, before they go into effect they have to be sent back to the Congress for approval, for a vote, so that Members of the House have to approve these rules and regulations promulgated by the agencies. I think that would slow down a lot of this mess.

□ 2150

Mr. ISTOOK. If the gentleman would yield further. It reminds me of something that was said by a favorite son of Oklahoma, Will Rogers. Because you are saying that Congress puts out something, they say, "Oh, this sounds like a great idea, but don't bother us with the details, we'll let somebody else work out the details." Of course, they get it all wrong.

Will Rogers, back when the German U-boats were threatening all the shipping around the time of World War I, and so forth, and they were sinking merchant vessels right and left, Will Rogers said, "Well, I've got a great idea. All we have to do is boil the oceans. And when the oceans start boiling, the U-boats will have to come up and they'll pop up to the top, and then we can see if we can shoot them and sink them."

THE HOLLOWING OUT OF AMERICA'S ARMED SERVICES

The SPEAKER pro tempore (Mr. FROST). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Missouri [Mr. TALENT] is recognized for 30 minutes as the designee of the minority leader.

Mr. TALENT. Mr. Speaker, I am happy to yield to the gentleman from Oklahoma to finish his story.

THIRD ANNUAL REGULATORY DELAY—THE BURDEN OF REGULATION ON THE RESTAURANT INDUSTRY

Mr. ISTOOK. We were caught in the middle of the Will Rogers' story.

"If we could stop the German U-boats, boil the oceans, the U-boats will pop to the top and you can shoot them." People said, "I guess that sounds like an okay idea but how do you boil the oceans?"

Will Rogers said, "I'm just an idea man. I'm not a detail man."

I think that is what we see so often in Congress. We are supposed to be permitted to be idea people and not detail people and no matter how impractical things may be, we are not supposed to be judged on the basis of that. We have sure seen examples from you gentleman of improper regulations and it traces right back here to the halls of Congress.

Mr. TALENT. Mr. Speaker, I rise today on the House floor to address again a subject I have addressed on no fewer than 3 occasions, that is, the hollowing out of America's armed services. In fact, in the middle of last year I formed an ad hoc committee on the hollowing out of the armed forces with the gentleman from Arizona [Mr. KYL], the gentleman from Pennsylvania [Mr. WELDON] and the gentleman from New York, [Mr. MCHUGH]. Since then we have done special orders on the general issue of the hollowing out of the forces, on the collapse of modernization programs in the United States Army, and on the terrible situation we have with the shortage of ammunition all throughout the services. My remarks tonight are on the subject of military pay and specifically on what happens when military pay lags behind civilian pay and also behind inflation.

Mr. Speaker, what would you expect to happen under those kinds of circumstances? Well, you would expect that it would become more difficult to recruit high quality people to serve in the armed services and more difficult to retain the high quality people who are already serving there. My points tonight are threefold. First, history shows that in fact that does happen, in fact it did happen in the 1970's, when military pay lagged way behind inflation and when in fact we had great difficulty retaining the high quality people we had in the services and recruiting others.

The second point is that military pay is again falling behind inflation, to approximately the same degree it did in the 1970's.

The third point I want to make tonight is that the force is again hollowing out in the sense that we are losing quality people from the services and are finding it more and more difficult to recruit the kind of people we need to staff a high tech and modern American military.

I begin, Mr. Speaker, with a history lesson and I go back to the years 1973 through 1979. These were the years in which the United States was governed by the Ford and then the Carter administrations. The chart to my left, Mr. Speaker, shows the gap between military pay and inflation that occurred during those years. Specifically the point of the chart is to show whether and to what extent increases in military pay kept up with inflation during those years. Taking 1975 as a base year, you can see very easily that between that year, 1975 and approximately 1980, at the end of the Carter administration, military pay lagged 15 percent behind inflation. In other words, if you had served in the American armed services in 1975 and had stayed in the services through the end of that decade, you would have suffered in real terms a 15 percent cut in the compensation that you received.

Did this hurt the quality of the personnel and the quality of the force during that period of time? There is no question, Mr. Speaker, that it did. This is documented, it is accepted by everybody. I will use 3 indices tonight to measure the quality of the personnel during that time and then compare it to what happened in the 1980's and what is happening now. The first index I will use is the percentage of recruits during those years who had high school diplomas. I will also use the tests that the military gives to new recruits which are designed to show what is colloquially called the trainability of those recruits. In other words, how easy is it to train recruits to perform in military occupations? And I will also use reenlistment rates. What happened to those 3 indices of the quality of the forces from 1975 through approximately 1980?

Let us look first at the percentage of recruits who had high school diplomas. In 1976, 91 percent of the recruits in the American military had a high school diploma. That number is too low. It would be considered a serious problem if it existed today. That is where we were at in 1976.

By 1980 the percentage of recruits who had a high school diploma had fallen to 82 percent. This means that 1 out of 5 of the new recruits in the American military, a high-tech, modern military on which the stability of the international order depends, 1 out of 5 of our recruits did not have a high school diploma. How trainable were those troops? The military gives tests

to new recruits to determine how difficult it is to train them for military occupations. After they give those tests, they place the recruits into four different categories. Category 4 is very low trainability. People in category 4 are very difficult to train for any kind of a sophisticated occupation. In 1976, none of the recruits were placed in category 4. So zero percent of the recruits were considered to be very low trainability recruits. By 1980, 10 percent of the recruits were in category 4. One out of every 10 recruits in the American military in 1980 was considered very low trainability

What about reenlistment rates? First-term reenlistment rates during this period of time held pretty steady but at a very low rate, about 40 percent. As for second term reenlistments, in 1976 70 percent of the personnel who had an opportunity to sign up for a second term did. By 1980 that figure had fallen to 61 percent.

The quality of the force in those days got so bad, Mr. Speaker, that by 1981, early 1981, the U.S.S. *Canisteo* went to the Brooklyn Naval Yard to be overhauled, was refitted and was then supposed to set sail again. The captain of that vessel refused to take it to the high seas, because he refused to certify that there were an adequate number of skilled sailors so that that ship could go on its mission. His decision was reviewed by higher level authorities in the Navy and was upheld. He acted rightly in that decision. It was the only time in the history of the U.S. Navy when a naval vessel has been unable to take to the high seas because it did not have an adequate number of skilled sailors on board. That was the result of the 15 percent real cut in military pay that had occurred to the U.S. Navy and the other services from the years 1975 to roughly the year 1980.

What happened after that? When President Reagan took office, his first step was a very large pay increase, approximately 14.3 percent. That was not an accident. That was what was necessary to move the services back to where they were in terms of purchasing power in 1975. In other words, he made up this gap which had existed in the military services from 1975 through 1980 and brought them back to where they would have been had their pay raises in the meantime kept up with inflation. It was not just the Reagan administration that did this. That pay raise was approved by an enormous bipartisan majority, 417 to 1 in this House alone, and that pay level was pretty much maintained through the end of the Reagan years to approximately 1988 and 1989. There were other measures as well taken during this period of time to maintain morale and maintain the quality of the troops.

Did those measures have an effect? The answer is that unquestionably, indisputably they did.

Let us return again to the 3 indices that we used before. The first is the percentage of recruits having high school diplomas. The House will recall, Mr. Speaker, I said a moment ago that in 1980 only 82 percent of the new recruits had a high school diploma. By 1983, virtually 100 percent of the new recruits had a high school diploma.

The next index. The trainability of the new recruits, what did their test scores show?

□ 2200

In 1980, you will recall, Mr. Speaker, 10 percent of the recruits were in category 4. They were considered of very low trainability. By 1986, that 10 percent had been reduced to zero. There were no new recruits that were considered to be of very low trainability. In fact, 51 percent of the recruits by 1986 were classified in the top two categories. They were classified as highly trainable.

Let us examine reenlistment rates. I spoke before about second term reenlistment rates. In 1980, they were 61 percent. In 1989, they were 79 percent. Moreover, first term reenlistments had gone substantially up during the eighties from 40 to 60 percent.

It was that force, Mr. Speaker, that fought Desert Storm in 1991—the force that was rebuilt in the 1980's by a joint effort from the Reagan administration and Congress. The foundation of that rebuilding, the first step that was taken, was making up for the pay gap that had been created in the late 1970's and that had resulted in the decline in the quality of the American military. People are the foundation of any modern force.

What has happened since President Reagan left office? It is the same tale that we saw in the Ford-Carter years. First, some initial slippage under President Bush. There was a pay gap of about 3 to 4 percent during the Bush years.

Now we see in the Clinton era, in the budgets that have been passed and the budgets projected under the President's 5-year plan, a decline similar to that which occurred in the Carter years.

Mr. Speaker, unless this Congress acts or the administration changes its budget projections, military pay will be cut in real terms by 10 to 12 percent by the end of this decade, from where it was at the beginning of the decade. The impact of these pay cuts is already evident.

Let us go back to those three indices. In 1989, 100 percent of the recruits in the American military had high school diplomas. In the first 6 months of 1994, only 94 percent of the recruits had high school diplomas. We are already moving down in terms of the quality of the new recruits.

What about trainability of those recruits? You will recall, Mr. Speaker, in 1989 zero percent of the new recruits in the American military were in category 4 regarding trainability. That is to say, none of the new recruits were rated very low in terms of their ability to be trained. By 1993, 4 percent of the recruits were in category 4. That means 1 out of 25 of the new people currently recruited in the military are very difficult to train for military occupations. This at a time when the technologies that the military must use are growing ever more sophisticated.

In addition, Mr. Speaker, in 1989, 51 percent of the new recruits were in the top two levels of trainability, were considered to be highly trainable. That number slipped by 1993 to 38 percent.

As far as reenlistment rates are concerned, the evidence is more mixed. The first term reenlistments are down. Second term reenlistments are holding. It is probably unfair to use this index now, because we have been experiencing such a substantial downsizing. It is very difficult to tell whether those who are failing to reenlist are doing so because they don't want to reenlist, or because they want to reenlist but there is no more space for them because of this very substantial downsizing.

What can we say in summing up this chart, Mr. Speaker? In the late 1970's, military pay was reduced in real terms by 15 percent. As a result of that, the quality of recruits and the retention rates dropped and seriously affected the quality of our armed forces.

If the Clinton budgets go as projected, military pay will drop 10 to 12 percent by 1998. In other words, we have begun a trend which is very substantially the same as what occurred in the Carter years. The trend is already having a negative impact on the quality of personnel. That impact is as certain as the turning of the Earth to continue and to deepen, unless the Congress does something to increase military pay so that it keeps pace with inflation in the coming years.

The trend is made worse by another factor which is causing the quality of the force to hollow out, and I want to discuss that very briefly, and that is the increasing length of deployments abroad in the American military.

This is substantially the result of the downsizing at the same time as we have increased what is called OPTEMPO. The American military is obviously undergoing a very substantial downsizing. It has ever since 1986. The trend has accelerated ever since 1989. Yet our commitments abroad have not reduced.

The number of our soldiers and sailors has gone down, but their commitments and the need to commit them abroad has not gone down. When you have fewer people and have more for them to do abroad, it means those left must be away from their home base or their home port longer, and that is what is happening, especially in the

Navy and in the Air Force. Those are the two services I am going to discuss briefly tonight.

The Navy has a rule regarding PERSTEMPO, which is the amount of time each year in which sailors are away from their home port. The Navy's rule is that it cannot keep sailors on board ship on extended tours longer than 50 percent of the time.

If I have heard one admiral and one undersecretary speak to this in the last 18 months in my service on the Committee on Armed Services, I have heard 100. They say you cannot keep sailors away from the "home port" and their families, in peacetime, more than six months out of the year. If you do, they will leave the Navy.

You can do it in war, because the sailors will sacrifice almost anything for America's vital interests, but they are not going to stay in the Navy if you make them do it in peacetime. Who can blame them? They do not sign on to be away from their families and homes more than half the time.

Where are we with PERSTEMPO? Is the Navy meeting that minimum 50 percent rule? Mr. Speaker, in the years 1991 through 1995, 89 Naval units, that is ships, squadrons, 89 Naval units, have been unable to meet the 50 percent requirement. Even worse, the sailors on aircraft carrier battle groups have been away from their families during this 5-year period on average 56 percent of the time. Even where we are now, and the downsizing is not completed, we are not meeting the minimum requirements for PERSTEMPO that all the Navy senior officers and civilian officers agree we must meet.

So we are paying these men and women less, and asking them to stay away from their homes longer. And the simple fact of the matter, as we experienced in the 1970's, is they will not stay in the Navy if we continue to ask them to do that. It is unfair to ask them to do that, and if the trend continues many high quality people will get out of the service.

Mr. Speaker, the trend in the Air Force is even worse. The Air Force has been cut in total personnel by 25 percent since 1988, from 537,000 to 432,000. At the same time, the number of people engaged in contingencies abroad has quadrupled. The OPTEMPO of the Air Force has not gone down since Desert Storm. It has gone up. We have called on the Air Force and are calling on it in Iran, Iraq, Somalia, and Bosnia. We probably will be demanding service of the Air Force in Haiti. And this is at the same time as we are downsizing the troops and pulling people back to the continental United States.

When you have fewer people and more duties away from home, Mr. Speaker, what happens? The troops that you have remaining must stay away from home longer. That is what is happening in the Air Force.

The situation is getting so bad that for the first time the Air Force is beginning to measure the length of the average TDY, or temporary deployment abroad.

In fiscal year 1994, the Air Force had 432,000 personnel, 17,242 people occupied in contingencies during that fiscal year, and the average deployment abroad was 108 days. Men and women do not sign into the United States Air Force to stay 108 days away from home during peacetime.

The problem is not limited to troops stationed in the United States. It is happening, Mr. Speaker, even to personnel who are stationed abroad.

Let me recite some anecdotal evidence. For all air crews stationed in Europe, the average deployment time away from home in support of a contingency is 108 days. Since 1993, the average temporary deployment for AWACS crews has been 167 days. That means that these crews have been away from home for 46 percent of the year.

Over the same period, the average temporary deployment for F-15 crews is 97.9 days, or 27 percent of the year. At Ramstein Air Force Base in Germany, the largest Air Force Base outside the continental United States, home to a major F-16 wing, the average deployment away from home in support of a contingency is 131 days. At Spangdahlm Air Force Base in Germany, the average duty time away from home is 110 days, or 30 percent of the year.

Recently the Marines have experienced a classic example of this problem with extended deployments abroad. It is the kind of thing that destroys morale in the service.

□ 2210

It is what happened to the 24th Marine Expeditionary Unit. The 24th MEU had been stationed in a support role or had been at sea in a support role in Somalia and in Bosnia. They were at sea for 6 months. They came home very recently.

The typical procedure would be they would have a 10-day period completely off, when in essence they could take a vacation. And then they would have an extended period of time working at home port and living with their families. Halfway through the first 10 days home they were redeployed and reassigned to ship and sent out to Haiti. So they had been gone for 6 months. They came home for 5 days. Their families expected that they would have a vacation of an additional 5 days, and then be home for months at a time. And they were put back on board ship and sent to Haiti because we do not have enough people to cover the contingencies that we have abroad.

That incident is going to ricochet, is ricocheting through the Marine Corps. What it says to the Marine Corps is that the administration and the Congress do not care about them, do not care about their families, do not care about their expectations. To do that to those people at the same time we are reducing their pay is criminal, Mr. Speaker.

I have been in the Congress on the House Committee on Armed Services for 18 months. I have sat through a number of hearings in which senior officers have testified about the trends toward a hollow force: trends in pay, modernization, maintenance depots. These officers have expressed their concern over these trends. Publicly they are discreet; privately they are more explicit. But it is clear in either venue that they believe the force is on the ragged edge of readiness and will hollow if we continue underfunding the military.

I have also talked, during that period of time, to a number of senior Members on both sides of the aisle who have expressed the same kinds of concerns to me. These Members are tremendously frustrated, Mr. Speaker, because many of them served in Congress in the 1970's. For them, and for those senior officers who served in the armed services in the 1970's, the situation today is like revisiting a nightmare.

Yet this body, as an institution, as a whole, continues as if it were in a daze, failing to confront, failing even to debate these kinds of issues and to examine the danger towards which we are headed.

Mr. Speaker, this is not an academic debate or a political game. Sooner or later America's military is going back into battle.

If it goes back hollow, if it goes back without quality people, if it goes back without high-maintenance units, if it goes back without adequate ammo, if it goes back without modern weapons, if it goes back without spare parts, if it goes back without adequate training, if it goes back hollow, a lot of people we send someplace around the world are not going to return.

And it will not be because it was necessary for them to die. It will be because Congress did not live up to its responsibility to adequately prepare America's military for battle.

A lot of families are going to lose husbands and fathers and brothers and sons, and it is not going to be their fault, Mr. Speaker. It is not going to be the fault of their comrades or their commanding officers. The fault is going to lay at the door of the institution which is assigned the constitutional responsibility of maintaining the armies and navies of the United States. That is the Congress of the United States.

To hollow out the military, to make a mistake of that size once in a generation is a tragedy. To make it twice is unforgivable.

Mr. Speaker, it is not the politicians who pay the price of a hollow force. It

is the men and women of America's armed services who go into battle and do not return.

CONGRESSIONAL REFORM

The SPEAKER pro tempore (Mr. FROST). Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 30 minutes.

Mr. DREIER. Mr. Speaker, I have taken this time out to talk about an issue which was addressed here on the floor earlier today and, quite frankly, it will be addressed by me and several other Members in a bipartisan way until it is resolved. That is the issue of congressional reform.

In August 1992, in a clear bipartisan effort, both Democrats and Republicans joined together to establish for the first time in nearly half a century what has become known as the Joint Committee on the Organization of Congress.

The committee was established in a bipartisan way because of the fact that we in this House were in the midst of a number of scandals. Frankly, as we look at those items, which led to the establishment of the Joint Committee on the Organization of Congress, the House Restaurant, House Bank and the Post Office scandals, many of the problems continue to loom.

They led to the establishment of the committee, and I believe that we have, unfortunately, ignored not only those but many of the other institutional issues which desperately need to be addressed as we move towards the 21st Century.

In the early years of this country, when the Census was taken, following the Census, that 10-year period of time, the committee structure for the Congress was modified. Unfortunately, if we look at the reforms that took place in the 1940's, under what is known as the Monroney-La Follette Committee, we have seen virtually no reform of the committee system.

That is nearly half a century, and we have not, as we have observed tremendous changes throughout the world, changed this institution.

Earlier today one of my colleagues on the Joint Committee on the Organization of Congress, the gentleman from Cape Girardeau, Missouri [Mr. EMERSON] talked about the fact that we in the Congress have spent a great deal of time talking about reform of the health care system, reform of the welfare system, reform of wetland policy, reform of the educational structure, reform of virtually every area. And yet, while there has been a great deal of talk, there has been no action here in the Congress.

Now, this committee was put into place to serve for 1 year and 1 year only. I was very enthused about the prospect of serving on a committee in Congress which would actually go out of existence because it is a real rarity around here. Once a committee is established, it is like moving heaven and Earth to try and bring that committee, even if it has completed its work, to a close. So when I was asked to serve on this committee that would go into effect on January 1, 1993, and out of existence on December 31, 1993, I thought, wow, what a terrific opportunity to buckle down, work hard and spend every moment that I possibly could outside of my work on the Committee on Rules and other items that I had, focusing on reform of this institution.

It was a wonderful experience. We worked in a bipartisan way. The great thing about this committee was that there were an equal number of Republicans and an equal number of Democrats, an equal number of House Members, an equal number of Members from the Senate.

With that 28-member committee, we were presented with this chance to come forward and be bold and do the kinds of things that the American people and, I sincerely believe, a majority of the Members of this body want us to do. We had, on our side of the aisle, my colleagues, Mr. SOLOMON, Mr. WALKER, Ms. DUNN, Mr. ALLARD. We had people who spent a great deal of time focusing on this issue of congressional reform, along with Mr. EMERSON who I mentioned earlier. They very sincerely wanted to do it.

On the other side of the aisle, many of the Members, I believe, sincerely recognize the need to bring about institutional reform and they want to do something. Some of the items that we wanted to address in that committee and, in fact, did address in a positive way were issues like congressional compliance.

Now, it is not what I believe should be the case. It is, frankly, rather weak. But it is a step in the direction of congressional compliance.

□ 2220

There are other things that I think were, unfortunately, not addressed in the Joint Committee, but based on conversations that I had with Members on the other side of the aisle, they wanted us to address those things right here on the House floor, allowing the House to work its will on issues like proxy voting.

For anyone who has followed the debate, and my colleagues know, Mr. Speaker, that proxy voting is a system where Members are allowed to have their votes cast while they are not in the room. Unfortunately, as we look at that pattern which has gone on, we often see committee chairmen and others cast the votes for many Members who are not present at all, do not know about the debate on an issue, when a vote is being taken, and Members who are in the room, in the minority, who are there working, listening, participating in the markup of legislation, are overruled by proxies in a virtually empty room.

We believe, Mr. Chairman, that since the American people have to show up for work, that Members of Congress should have to show up to their committees if their votes are going to be cast, and in our Committee on Rules, as you know, Mr. Speaker, where you and I sit, we have no proxy voting. Sometimes we have to wait to get a quorum into the room so that we can cast the votes that we do, but I think that it works out rather well. If I am not upstairs on the floor just above here, on the third floor, my vote is not cast.

We have that same provision in the Committee on Appropriations, which I believe is the largest committee in the House. We have that in the Committee on Veterans Affairs and in the Committee on Standards of Official Conduct, but on the other committees, unfortunately, proxy voting is allowed, and we have often seen real abuse of that.

I think that the American people recognize that their Members of Congress should be on the job, should be in the committees working, rather than allowing their votes to be cast by someone, and they have no idea how that vote is being cast.

Another thing that I believe needs to be addressed is the issue of committee structure reform. Mr. Speaker, there are 266 committees and subcommittees for the House and Senate. That is for 535 of us who serve here.

I often joke, Mr. Speaker, that if I am walking down the hallway and happen to see a Democrat whose name I do not quite remember, I just say, "How are you doing, Mr. Chairman," because chances are he or she chairs some committee or subcommittee. The proliferation has been very great, and I believe needs to be addressed.

Mr. Speaker, we also have jurisdictional overlap and a desire by Members to serve on so many committees that that is used often as an excuse for proxy voting, because if they have markups in three or four committees taking place at the exact same moment, how can they possibly be in all of those committees at the same time?

Obviously, it is impossible, so I believe that the responsible thing for us to do would be to reduce the number of committees and subcommittees so that we could do what I believe is really the major charge of our Joint Committee, and that is, enhance the degree of accountability and our ability as Members of Congress to deliberate on these public policy questions which we face.

Mr. Speaker, when I mentioned jurisdictional overlaps, my friend, the gentleman from Glens Falls, New York [Mr. SOLOMON], in our debate earlier today, when we were attempting to defeat the previous question and move

congressional reform forward, referred to the fact that on the health care issue alone, we have had three committees and about 10 subcommittees involved in the issue of health care reform.

There are a wide range of issues which, with referrals to many committees, create a great many problems. Those problems, Mr. Speaker, tragically hurt the American people in their attempt to get responsible legislation moved from the Congress of the United States. As they do that, Mr. Speaker, on a regular basis, as we see that obliterated, people, unfortunately, are not getting the kind of representation which they deserve.

As we look at one of the other items which has been discussed, it is congressional compliance. Virtually everyone here knows, Democrat and Republican alike, that if we go out to a town hall meeting, if we talk to any audience, virtually any audience, there is one way to guarantee that we are going to get a standing ovation. How is that? We say, "The Congress of the United States of America should not exempt itself from the laws which we impose on the American people."

Yes, everyone stands up and cheers and believes that that is the case. Democrats and Republicans alike have found from their public meetings that that is the issue, which is a real hot button with the American people.

What is it that has happened? What has happened is, there is an attempt by the leadership to simply bring up the issue of congressional compliance, passing what tragically is a very weak plan that emerged in our legislation. As I said earlier, the issue of congressional compliance calls for the establishment of basically a committee that is going to a compliance office, we call it, which is going to make recommendations back to us on what regulations we might consider imposing on ourselves. They want to be able to call that congressional compliance.

Obviously, that is riddled with loopholes and creates a situation which allows Congress to continue to exempt itself from the laws which we impose on the American people. One of the things that is very controversial, I know, is this issue of the Occupational Safety and Health Act. A number of my colleagues, some in the other body, have raised real concerns about the cost that would be imposed on the United States Congress if we had to actually comply with OSHA here.

As we look at that, the very simple and basic response is, ah ha, maybe we should realize the cost which we are forcing American businesses to shoulder to comply with these onerous and duplicative regulations which are imposed. It seems to me that we have a real responsibility to strike a balance on that.

The leadership, knowing that people out there are concerned about congressional compliance, want to pass this very weak package of congressional compliance and all that congressional reform. Unfortunately, Mr. Speaker, I think they may get their way, because I have heard of some meetings which have taken place over the past several days in which the leadership wants to maintain the status quo when it comes to issues like proxy voting, budget process reform, looking at the line item veto, looking at the committee structure reform, and they want to maintain the status quo, but they know that something needs to be done in the name of congressional reform, so they will pass that one hot button, congressional compliance.

That would be an outrage, and I believe a major attack on the gentleman from Indiana [Mr. HAMILTON], who served as the chairman of the committee from the House side, and my colleagues in the other body, DAVE BOREN and PETE DOMENICI, who are our counterparts in the Senate working on this issue. It really would be basically saying that calendar year 1993 went for naught because of the fact that we have ignored the findings of this effort, which put together the largest compilation of information ever gleaned in the history of the Congress.

We have 243 witnesses, 37 hearings. We heard from people in the private sector, we heard from academicians, we heard from former Members of Congress. I find it rather interesting that some in the Majority leadership have argued that there is really not a great deal of interest for congressional reform here in the House. We had scores and scores of Democrats and Republicans come before our committee and talk about the necessity to bring about real congressional reform.

It seems to me, Mr. Speaker, that as we look at that challenge, it is one which we cannot ignore. It is my hope, and I have been working very closely with my colleague, the gentleman from Indiana [Mr. HAMILTON], who shares my concern about the fact that attempts are being made to break up this legislation, H.R. 3801, and deal with it in a piecemeal way and call that congressional reform, he is concerned about it.

Mr. Speaker, I very much appreciate the fact that we work together in a bipartisan way. Earlier today when I was speaking on the rule, trying to defeat the previous question so that we could make our reform package in order, one of my colleagues on the other side of the aisle was saying that I was attacking the institution, demeaning the institution. It seems to me that as we look at that, we should recognize that this truly is the greatest deliberative body known to man.

□ 2230

We all know that Winston Churchill described democracy as the worst form of government of all except for all of the rest. And we know that there are problems. We know that the approval rating of this place is extraordinarily low.

What I want to do in bringing about congressional reform is not to trash this institution. It is to improve it, to improve it so that the American people can once again have respect.

I know that there is always going to be a degree of cynicism as they look at the institution. We all know that Will Rogers, whose statue is outside the door there, regularly poked fun at the institution, you know, one criminal class is the Congress and all of these great stories. And it is fun to poke fun at the institution itself. But we need to recognize that it is the greatest deliberative body known to man, and we should be doing the kinds of responsible things that the American people want us to do to make our Representatives and Senators more accountable to the American people.

So often around here when tough issues want to be swept under the carpet they use our Rules Committee to deny consideration of amendments. One of the amendments that I offered in our Joint Committee on the Organization of Congress was a requirement that we have a three-fifth vote if we are going to waive the rules, which for those who regularly follow the proceedings here now happens day in and day out. I say pass the rules of the House by a majority vote, change the rules of the House by a majority vote, but when we are going to come from our Rules Committee down here to the House floor to waive the Budget Act, to waive the 3-day layover provision which gives 3 days for Members to consider legislation before it is voted on, if we are going to waive those kinds of rules, let us have a supermajority and say that this is so important that we have to get a three-fifths vote to waive the rules, because tragically what we regularly see is violations of the standing rules of the House. In fact, during several of our hearings I said that the greatest reform of the United States Congress would be to see us simply comply with the existing rules of the House. That would be a great reform for us, because unfortunately we regularly waive the rules by simple majority vote. It seems to me that that is a real violation of this issue of accountability.

The reason for that is that tough questions are left upstairs, so the full membership does not have to vote on them, because we deny the opportunity for Members to offer their different proposals here on the House floor. So it seems to me, Mr. Speaker, we have an obligation to increase the accountability. Members should be accountable for votes that they cast.

I always say to my constituents and other groups when I speak, "Don't listen to what a Member of Congress says,

look at how he or she votes. That is really the key." But, unfortunately, because people have started to look at the voting record, we often have very tough votes that are never faced right here on the floor of Congress. They are left upstairs in the Rules Committee where we deny in the Rules Committee the opportunity for those ideas to even be heard.

The issue of budget reform is something that also has been a real concern to a wide range of Members and I believe the American people. We have looked at this question of baseline budgeting and baseline budgeting basically creates a situation where the inflation rate that is built in actually can be called what is an increase to comply with inflation, they can call that a cut, because they begin the next year based on that rate of inflation. I happen to think that we should have zero-based budgeting as everyone else does out there. We start from where we left off the year before rather than starting at a rate that is at the level of inflation. I mean, a 3-percent or 4-percent increase to comply with the rate of inflation is considered a cut, and that I believe is a real mistake and should not be utilized. That is just one of the proposals for budget process reform.

We dealt today here with this issue of the line-item veto. I think that is a very important item, to provide the opportunity to deal with the profligate spending that is emanating from this institution on a regular basis. Unfortunately, we have not gotten the other body to deal with an enhanced rescission proposal, and yet they have looked at the question of reform, and we had included the reform package, which had the enhanced rescission process in it, and I frankly am more sanguine at the prospect for action on enhanced rescission over in the other body. So it is going to be a tough battle. I hope that my colleagues will join with us and urge the majority leadership to keep the congressional reform package together.

Why is it that we put this committee together, all of these Republicans, Democrats, Senators, House Members to look at this issue and then come back with nothing more than a cosmetic modification of the congressional compliance issue? It seems to me that that is a great attack on the major mandate of the election of 1992 which was to bring about reform of the Congress. One of the things that my predecessor who served as a cochairman briefly before he chose to retire, Bill Gradison, said, was that with what were now 117 new Members of Congress who ran, most of whom ran on this issue of congressional reform, that unfortunately they really do not want to go back to their voters without having voted for congressional reform. So unfortunately a number of them who want to be able to have a vote on congressional reform have now joined with the status quo forces around here and indicated that they would be just as happy with this very mild, weak congressional compliance package. And they will go home and say yes, I voted for congressional reform, when it has been anything but that.

I think Members have a responsibility, because most all of those new Members, because the television cameras were on regularly, came to the Joint Committee on the Organization of Congress and testified about the need for the elimination of proxy voting and congressional compliance and committee structure reform and budget process reform, all of these different items on a regular basis, and yet now a number of them have said, "Oh yeah, well, I think we should probably break that up because we cannot put a consensus together here to deal with the full issue of congressional reform."

Mr. Speaker, I believe very sincerely that if we were to hold together the whole package and bring it to the House floor, allowing for a generous rule which would take each of the major categories that we addressed and have votes up or down on those, that we would pass meaningful congressional reform. I believe that we could get the majority of this institution to vote in favor of the kind of reform that they campaigned on when they ran in 1992 and that the American people truly want them to pass.

We do not have much time left, and as I said earlier today, it was rather ironic that we dealt with the enhanced rescission measure again after we did it last year, and yet people say, "Well, we've got a schedule which is too busy to deal with the whole issue of congressional reform." There have been many people who have put a great deal of time and effort into it. Let us not cast it aside. Let us insist that the leadership keep H.R. 3801, our reform package intact and have an up or down vote.

NATIONWIDE INITIATIVE AND REFERENDUM ON REFORMING CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Michigan [Mr. HOEKSTRA] is recognized for 30 minutes.

Mr. HOEKSTRA. Mr. Speaker, tonight I intend to update my colleagues on the work that has been going on on some proposals and a process that I started 18 months ago, the process of initiative and referendum on a nationwide basis. The things that have been going on around the country are much more exciting than the things that we have been doing here in Washington. We have had communications with citizens in over 40 States who are now working to help influence this institution on the initiatives and the bills that we have been working on.

□ 2240

Here is what people around the country are saying about our efforts to get this body to move and to start working and implementing real reforms that will reconnect the American people with the agenda that we are setting here in Washington. "Those of us that are working on initiative and referendum were putting into words many of the issues that I feel strongly about," is what somebody in Indiana writes. "The views and the perspectives that you are taking are very refreshing. I support referendum. All Americans should have a voice in government" is what somebody from West Virginia writes. "Thanks for trying to get national referendum, even if it is unpopular in Washington" is what somebody else in Indiana writes. "It is just what we need" is what someone writes from Minnesota.

Here is what the national poll numbers say: The Washington Post, April 20, 1994, says 64 percent of those interviewed favor conducting national referendums on major issues and want the Government or want Congress to give a referendum approved by the majority the same weight as legislation passed by Congress.

In addition, 66 percent favor submitting tax increases that pass Congress to a vote of the people in the next general election. A tax hike would become law only if a majority of voters approved it. This comes from the Americans Talk Issues Foundation. It is apparent that the issue of reconnecting Congress, the agenda here in Washington, with the American people through some form of an initiative and referendum process is something that the American people strongly support, and I believe that they strongly support it because I think that they believe it will not only make us more responsive to their agenda but will overall improve the effectiveness of our Government and will move us to a point where today over 61 percent of the American people believe that Congress is not doing a good job, that we can get back to a situation where the majority of people have a high agree of faith and confidence in what is going on here in Washington.

I can also tell my colleagues that organizations—organizations that are organizing at the grassroots level—have taken this on as a primary agenda item for their members because they really think it can make a difference. The National Tax Limitation Committee, they are doing nationwide mass mailings. They are coordinating State-based referendum groups to help us and to force us to change the way that we do business here in Washington. Citizens Against Government Waste, the topic has been featured in a national

newsletter. It is featured on their Taxpayers' Action Network. It is featured at their regional conferences.

Specifically what Citizens Against Government Waste has been talking about, they have been talking about the proposal here in Washington that I have introduced to allow a nationwide advisory referendum on term limits, the balanced budget amendment, and the line-item veto in the November elections of 1994 so that the American people can let their feelings on these issues be known to this Congress. They believe that term limits will change politics. People will have a direct link with Washington, and they believe, Citizens Against Government Waste believe that this advisory referendum process will give Americans the opportunity that they should have, which is an opportunity to have a voice on what the agenda is here in Washington.

The Heritage Foundation in their policy review have published an article that talks about breaking the congressional lock grip, the case for a national referendum; it talks about the problem. What is the problem? The problem is that there is a crisis of confidence in National Government, one that threatens to permanently cripple our republican democracy. That is the problem.

We have a serious trust deficit between the American people and this institution in Washington. Perhaps the best way to restore confidence in the political process is to rebuild the connection between national elections and national issues. We need a new constitutional device that lets voters help set the Nation's agenda. I propose, through a process of indirect initiatives and elections, voters should be allowed to instruct Congress about Government priorities and goals.

We are not talking in this article about pure democracy, but we are talking about, again, an opportunity for the citizens of this country to help set the agenda in Washington. It is something, a change, that we do not take lightly.

James Madison believed a republican form of government would refine and enlarge the public views by passing them through the medium of a chosen body of citizens whose wisdom may best discern the true interests of their country and whose patriotism and love of justice will be least likely to sacrifice it to temporary and partial considerations.

Madison is usually considered one of the more level-headed of the Founders, and his critique of direct democracy is sound and broadly admired. His optimism, however, and think about the words used there. Think about how often the American people are describing this body in using these terms: the deliberative body, about the wisdom, the patriotism, the love of justice of elected representatives now seems naive and anachronistic.

The brakes against mob rule written by and into the Constitution should not be lightly dismissed. There are, on the other hand, a number of constitutional changes that promote the democratic impulse. These include a wide sufferage, short election terms for House Members, so what we are saying here is the process of becoming a more open government is not inconsistent with what the Founding Fathers envisioned and where they thought this country might move to.

But what are some of the other criticisms of this initiative and referendum? What are some of the problems that many of you have, or have expressed to me, about why letting the voters into the process just will not work? Criticisms that I hear, the first criticism is direct lawmaking by the people may undermine the legitimacy of elected government by taking power away from elected representatives. But I believe that in many cases we are already losing this legitimacy because we are not responding to the agenda that the American people have set for us.

Another argument against initiatives is that they encourage legislative inertia, that the legislative will wait for the public to act on controversial matters to avoid blame. I believe many people in America today would describe that situation as exactly what is happening in Congress today. We are not dealing with the tough issues.

What do other critics say? They say that initiatives are potentially the tools of special-interest groups. I think many people in the country today would say that the way this Congress works today is the result, or the decisions we make or that we have become a creature of special-interest groups.

Let us open up the process and let the American people into the process.

Some other critics contend that a national initiative destroys federalism and its important protections for States and regions. We are already destroying federalism by the actions we are taking here with Federal mandates, the shrinking power of the 10th amendment, the supermajority requirements; and legislative review of proposals limit the possibilities.

But the thing, the process, is we are already implementing and mandating to the States.

And, finally, critics of the initiative process say that proponents have undue faith in the masses and a lack of respect for the elected elites. I will have to say that that is absolutely true.

Admittedly, I have a lot more confidence in the masses, in the American people's ability to understand the issues and the pressures that are facing this country; I believe that they could provide a powerful insight into the types of decisions and the direction that we should be setting for this country.

The initiative and referendum process: What are some of the many benefits other than helping set the right agenda? It will help stimulate the voters. Turnouts for elections in this country are dismal, and in a Presidential election we get excited when 55 percent of the voters decide to participate in the election. In a nonpresidential election year, the turnout may go down to 40 percent.

We need a process that is going to get voters back involved in the election process.

□ 2250

I think initiative and referendum will help stimulate voters to become more active in the process. And what else might initiative and referendum do? They will end, I believe, business as usual. After being here for 18 months, if there is anything more important for this Congress, we need to end business as usual.

As with any major reform, national indirect initiatives and referendum will disrupt comfortable relationships and break up cozy alliances. It may well mean the end of business as usual in Washington, DC. But business as usual is not what this Nation needs or what the voters want.

Indirect initiative process will help restore the Democratic nature of our Republican institution before growing public frustration brings even greater alienation or a stampede to more radical measures of change.

I think the Heritage Foundation has done us a great service. I will send this out in a "Dear Colleague," this article about breaking the congressional lock grip, the case for a national referendum. What else is going on at the grass roots? There is an intellectual argument for changing the process. But also, United We Stand, United We Stand America started a national petition drive so voters in every congressional district can let you know how they feel about the opportunity to vote on term limits, to vote on a balanced Federal budget and vote on a true presidential line item veto. They are gathering signatures around the country right now which they are going to be sending to you to encourage you to sign a discharge petition which will bring this bill to the floor and allow us to vote to change the process and then allow the American people to vote on those issues this fall.

Let us talk specifically about the different kinds of ways that I have seen that we can use initiative and referendum here in Washington and around the country.

I talked about House Resolution 3835, which would allow a national advisory referendum on term limits. We now have House Resolution 409, which seeks to discharge that bill that was filed by Congressman JIM INHOFE. The rule would allow us to add to that bill an

advisory referendum on a balanced budget and a line item veto.

So that is one way that we can use initiative and referendum, that we can use it to get an advisory in a nonbinding format, the opinion of the American people on some critical issues that we want their input on. It is more than a poll, it is a debate on these issues before the vote takes place.

Think of our role in an advisory referendum, as Members of Congress, to understand the issues, to then debate, to inform and educate the American people about the positives, the negatives of these advisory referenda, worthy educators, worthy informers.

The American people then would have the opportunity to express their opinion to us at the polls in November. The advisory referendum, this is again published by the American Political Report, the advisory referendum, you take what is happening with term limits and imagine what we are doing, moving the issue from Washington. We think we are moving it to the American people, but really where has the issue on term limits gone? Moreover, the advisory referendum, if implemented, would effectively preempt a court decision and keep the debate political rather than judicial.

Why do we say that? Because term limits with, all the States that have passed term limits for Congressmen, they are now being challenged in the courts. The issue of term limits is not now a political decision. We are giving away our responsibility for taking the lead and deciding that issue, and the decision is going to be made by the courts. That is wrong. Congress should take the responsibility for dealing with these issues.

We should not turn it over to the courts.

More recently, in the Committee on Education and Labor we came up with another place where an advisory, in this case it would be a binding referendum, would work. Think about this: We are going through the Committee on Education and Labor and debating a National Health Security Act. One of the amendments that comes up says we should exempt Hawaii. I am a freshman, and I am not sure exactly what is going on, but it is a little surprising to me we have a National Health Security Act and we are starting to go exempting people specifically, not by a set of criteria but by name. So surprisingly we exempt Hawaii from the national health care plan. So now we do not have a national health care plan, we have a continental health care plan.

So we take the next logical step in committee, which I think is a logical step, and say rather than exempting just Hawaii, let us take and identify the criteria as to why we believe Hawaii should be exempted and let us make that a generic set of criteria and say that whatever State meets this set of criteria, like Hawaii does, will be exempted had from the national health care plan.

Surprisingly enough, well, maybe not surprisingly, that amendment is defeated.

Then when you really start taking a look at the essence and you recognize that the 50 States, the county governments, the local governments have been the ones that have been doing all the experimentation on health care, how to solve our health care crisis. So maybe not trying for everyone—not for everyone to try to meet the criteria for Hawaii, which they cannot do anyway, but it is maybe a plan that works for Hawaii, is legitimate, but perhaps the plan that works for Michigan is legitimate for Michigan's needs and that the plan for Florida is appropriate for Florida's requirements and that for Arizona is appropriate for Arizona's.

So what right does the centralized Washington Government have for dictating a plan that now is going to be imposed on 49 States? Perhaps we should allow the States the right to opt into the system. So we propose—and remember what was done is done after Hawaii was exempted—we proposed an amendment that said no State shall be considered to be a participating State for purposes of this act unless a majority of voters in the State, by State referendum, approve the State becoming a participating State.

Now, that is the legalese, What does it mean in plain English? In plain English it means that Washington will not be imposing on the State of Michigan a national health care plan. We in Washington can develop a framework for a health care plan, but then the people in the State of Michigan would have the opportunity through a statewide referendum, analyzing the plan that we have come up with here in Washington, that is, the generic plan that is going to work for all 49 continental States, and compare it to what we have. If they want to opt into the Federal system, they can have that and they can have their statewide referendum and we can become part of the plan. If the majority of the people in Michigan like what we have, think that we are making progress in addressing the problems that we in health care, are confident that the solution that we have developed in Michigan is more appropriate for our circumstances than what was developed in Washington as a generic national model, we stay with the Michigan system.

If that is what the people is Florida decide, they stay with the Florida system. But we are empowering, at that point, the people in the States to study an issue, which I am not even sure the Federal Government has a right in doing, determining where in the Constitution does it say the Federal Government will take over health care. What this now says is that the people in the States will have the right to determine whether they want to be a part of the national health care system. Those are some of the areas that we have been experimenting with, that we have been moving on, that we are trying to find a way to get initiative and referendum into the process so that we can connect Washington with the American people.

We are also beginning to write legislation in one additional area. I believe this maybe perhaps the most promising area of all of the different items that we are working on in National Initiative and Referendum.

□ 2300

And what this says is that, if Congress passes a tax increase, and it passes it without a super majority, and we are thinking right now about defining that super majority as a 60-percent vote, if Congress passes a tax increase without a super majority vote, without a 60-percent majority of the House and without a 60-percent majority of the Senate, that before that tax increase is implemented; that is, before the American people, before our constituents, have to start sending more money to Washington, they will have the right to either approve or disapprove that tax increase.

Like I said, that is a proposal that we are now currently working on. We think it starts to fill out and round out the packages of where an initiative and referendum might be most appropriate, and, like I said, I believe that it, perhaps, has the greatest potential of all of these suggestions to actually become a piece of legislation that can come to the floor of this House to be voted on.

I would like to say that I am optimistic that, through the efforts of United We Stand, through the efforts of Citizens Against Government Waste and other groups, that we will have the opportunity to vote on the floor of this House about whether we want the American people to have the right to vote on term limits, and the balanced budget amendment, and the line item veto this November. But I am not at all that optimistic that we are going to be able to do that. I would like to say that with a national health care plan, that when it comes to the floor of this House that we will have the opportunity to vote on an amendment that says, "No State will be a participating State until the voters approve that through a national referendum." We may have a shot at doing that, and I say to my colleagues, "I hope you support the effort to let that be a part of the national health care debate."

But I really think that this third item now provides an opportunity for all of us to work together, for all of us to start a process that reconnects us to the American people by allowing them the opportunity to vote on any future

tax increase that we here decide to impose on them, and, when we cannot do it with a super majority, when there is not a strong consensus to increase taxes, to increase spending in this House, that the American people will have the final say, initiative and referendum, strong support at the grassroots level. I think over a period of time it will generate strong support here in Washington. The grassroots effort is going to continue putting pressure on all of us because we are not dealing with an agenda that the American people want us to deal with.

I believe in the coming months, and I believe in the next Congress, we are going to have a deal with this issue. Get ready. Start getting ready to debate the intellectual arguments. Start considering how best to implement this process. The American people want it. It will help. It will help restore confidence in this institution because we will be reconnected to the American people in a way that is genuine and will have a genuine impact on the way that we do business here in Washington.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ZELIFF (at the request of Mr. MICHEL) after 3 p.m. today on account of attending a funeral.

Mr. FALEOMAVAEGA (at the request of Mr. GEPHARDT) for today after 5 p.m. on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GOSS) to revise and extend their remarks and include extraneous material:)

Mr. KIM, for 5 minutes, today.

Mr. DORNAN, for 5 minutes, today.

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. LAROCCO, for 5 minutes, today.

Mr. MCCLOSKEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GOSS) and to include extraneous matter:)

Mr. FIELDS of Texas.

Mr. YOUNG of Florida.

Mr. WELDON.

Mr. SMITH of New Jersey in two instances.

Mr. BURTON of Indiana in three instances.

Mr. OXLEY.

Mr. FRANKS of New Jersey.

Mr. YOUNG of Alaska in two instances.

Mr. BEREUTER.

Mr. PACKARD in two instances.

Mr. SHAW.

Mr. TAYLOR of North Carolina.

Ms. SNOWE.

Mrs. MORELLA.

Mr. GILLMOR.

(The following Members (at the request of Mr. MCDERMOTT) and to include extraneous matter:)

Mr. REED in two instances.

Mr. DURBIN.

Mr. STARK.

Mr. ACKERMAN.

Mr. PETE GEREN of Texas.

Mr. RUSH.

Ms. SHEPHERD.

Mr. MARKEY.

Mr. WILLIAMS.

Mr. VISCLOSKY.

Mr. HOYER.

Mr. TOWNS.

Mr. STOKES.

Mr. TAUZIN.

Mr. FRANK of Massachusetts.

Mr. MATSUI.

Mr. BARLOW.

Mr. KANJORSKI.

Mr. EDWARDS of Texas.

BILLS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, bills of the House of the following titles:

On July 13, 1994:

H.R. 3567. An act to amend the John F. Kennedy Center Act to transfer operating responsibilities to the Board of Trustees of the John F. Kennedy Center for the Performing Arts, and for other purposes.

H.R. 4454. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1995, and for other purposes.

ADJOURNMENT

Mr. HOEKSTRA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until Monday, July 18, 1994, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3511. A letter from the Acting Assistant Secretary for Manpower and Reserve Affairs, Department of the Army, transmitting the Department's report entitled, "Involuntary Reductions of Civilian Positions," pursuant to section 371 of the National Defense Authorization Act of 1993; to the Committee on Armed Services.

3512. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act of 10-282, "Miner Building Conveyance Temporary Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3513. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-271, "Single-Room-Occupancy Rental Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3514. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-270, "Evidence of Intrafamily Offenses in Child Custody Cases Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3515. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-283, "Alcoholic Beverage Control Act and Rules Reform Amendment Act of 1994 Temporary Technical Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3516. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-272, "Jury Fee Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3517. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-281, "Metrobus Commercial Advertising Temporary Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3518. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-275, "Police Truancy Enforcement Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3519. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-274, "Primary Caretaker Insurance Coverage for Minors Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3520. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-273, "Imminently Dangerous Premises Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3521. A letter from the Secretary, Department of Health and Human Services, transmitting a report on the status of children in Head Start Programs, pursuant to Public Law 101-501, Sec. 119 (104 Stat. 1234); to the Committee on Education and Labor.

3522. A letter from the Secretary of Education, transmitting final regulations—administration of grants and agreements with institutions of higher education, hospitals, and other nonprofit organizations; definitions that apply to Department regulations, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3523. A letter from the Secretary of Education, transmitting final regulations—Federal Family Education Loan Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3524. A letter from the Secretary of Education, transmitting final regulations—Federal Family Education Loan Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3525. A letter from the Secretary, Federal Trade Commission, transmitting the report to Congress for 1992 pursuant to the Federal Cigarette Labeling and Advertising Act, pursuant to 15 U.S.C. 1337(b); to the Committee on Energy and Commerce.

3526. A letter from the Secretary of Health and Human Services, transmitting the report of the Interagency Task Force on the Prevention of Lead Poisoning, pursuant to 42 U.S.C. 247b-3 et seq.; to the Committee on Energy and Commerce.

3527. A letter from the Chief Staff Counsel, U.S. Court of Appeals, District of Columbia Circuit, transmitting one opinion of the U.S. Court of Appeals for the District of Columbia Circuit; to the Committee on Energy and Commerce.

3528. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 94-31, authorizing the furnishing of assistance from the Emergency Refugee and Migration Assistance Fund for unexpected urgent needs of Haitian migrants, pursuant to 22 U.S.C. 2601(c)(3); to the Committee on Foreign Affairs.

3529. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Eileen A. Malloy, of Connecticut, to be Ambassador to the Kyrgyz Republic, also by Curtis Warren Kamman, of the District of Columbia, to be Ambassador to the Republic of Bolivia, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3530. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting notice on leasing systems for the western Gulf of Mexico, sale 150, scheduled to be held in August 1994, pursuant to 43 U.S.C. 1337(a)(8); to the Committee on Natural Resources.

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. MILLER of California: Committee on Natural Resources. H.R. 1426. A bill to provide for the maintenance of dams located on Indian lands by the Bureau of Indian Affairs or through contracts with Indian tribes; with an amendment (Rept. 103-600). Referred to the Committee of the Whole House on the State of the Union.

Mr. GIBBONS: Committee on Ways and Means. H.R. 3600. A bill to ensure individual and family security through health care coverage for all Americans in a manner that contains the rate of growth in health care costs and promotes responsible health insurance practices, to promote choice in health care, and to ensure and protect the health care of all Americans; with an amendment (Rept. 103-601 Pt. 1). Ordered to be printed.

Mr. MOAKLEY: Committee on Rules. H.R. 4604. A bill to establish direct spending targets, and for other purposes (Rept. 103-602 Pt. 1). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE 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. BROOKS: Committee on the Judiciary. H.R. 810. A bill for the relief of Elizabeth M. Hill (Rept. 103-603). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. H.R. 2194. A bill for the relief of Merrill Lannen (Rept. 103-604). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. H.R. 2793. A bill for the relief of Kris Murty (Rept. 103-605). Referred to the Committee of the Whole House.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. LAFALCE: Committee on Small Business. H.R. 4263. A bill to promote the participation of small business enterprises, including minority small businesses, in Federal procurement and Government Contracts, and for other purposes, with an amendment; referred to the Committee on Government Operations for a period ending not later than August 5, 1994, for consideration of such provisions contained in the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(j), rule X (Rept. 103-606, Pt. 1). Ordered to be printed.

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. BROWN of Ohio (for himself and Mr. STUDDS):

H.R. 4755. A bill to provide for demonstration projects for worksite health promotion programs; to the Committee on Energy and Commerce.

By Mr. BROWN of Ohio:

H.R. 4756. A bill to amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services to take into account the health of a primary caregiver in determining whether an item of durable medical equipment is considered medically necessary and appropriate under part B of the Medicare Program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. MILLER of California (for himself, Mr. RICHARDSON, Mr. INSLEE, Mr. DICKS, and Ms. DUNN):

H.R. 4757. A bill to provide for the settlement of the claims of the Confederated Tribes of the Colville Reservation concerning their contribution to the production of hydropower by the Grand Coulee Dam, and for other purposes; to the Committee on Natural Resources.

By Mr. FRANKS of New Jersey (for himself, Mr. PALLONE, and Mr. FLAKE):

H.R. 4758. A bill to strengthen and improve the Natural Gas Pipeline Safety Act of 1968, and for other purposes; jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

By Mr. SAWYER:

H.R. 4759. A bill to establish within the Department of Energy a national Albert Einstein Distinguished Educator Fellowship Program for outstanding elementary and secondary mathematics and science teachers; to the Committee on Science, Space, and Technology.

By Mr. STUDDS (for himself and Mr. MANTON) (both by request):

H.R. 4760. A bill to implement the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, adopted by the Conference on the Food and Agriculture Organization of the United Nations on November 24, 1993; to the Committee on Merchant Marine and Fisheries.

By Mr. TEJEDA:

H.R. 4761. A bill to amend title 38, United States Code, to authorize educational assistance for alternative teacher certification programs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. YOUNG of Alaska:

H.R. 4762. A bill to amend title 39, United States Code, to require the Postal Service to accept a change-of-address order from a commercial mail receiving agency and to forward mail to the new address; to the Committee on Post Office and Civil Service.

By Mr. CONYERS:

H.R. 4763. A bill to amend chapter 44 of title 18, United States Code, to increase certain firearm license application fees and require the immediate suspension of the license of a firearm licensee upon conviction of a violation of that chapter, and for other purposes; to the Committee on the Judiciary.

By Mr. FRANKS of Connecticut:

H.R. 4764. A bill to provide for the payment of aid to families with dependent children through the use of debit cards; to the Committee on Ways and Means.

By Mr. HORN (for himself, Mr. BEILENSON, Mr. CANADY, Mr. CONDIT, Mr. GALLEGLY, Mr. PETE GEREN of Texas, Mr. KYL, Mr. THOMAS of California, Mrs. THURMAN, and Ms. WOOLSEY):

H.R. 4765. A bill to provide for the negotiation of bilateral prisoner transfer treaties with foreign countries and to provide for the training in the United States of border management personnel from foreign countries; jointly, to the Committees on Foreign Affairs and the Judiciary.

By Mr. KANJORSKI (for himself, Mr. RIDGE, Mr. TRAFICANT, and Mr. HINCHEY):

H.R. 4766. A bill to enhance the availability of credit to businesses in order to foster economic growth and stabilization and to create new employment opportunities in communities facing economic distress, and for other purposes; to Committee on Banking, Finance and Urban Affairs.

By Mr. MATSUI (for himself, Mr. MILLER of California, Mr. BECERRA, Mrs. CLAYTON, Mr. CLYBURN, Mr. FILNER, Mr. FRANK of Massachusetts, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KOPETSKI, Mr. MCDERMOTT, Ms. MCKINNEY, Mr. MINETA, Ms. NORTON, Mr. RAHALL, Mr. RANGEL, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SABO, Ms. VELAZQUEZ, and Mr. WAXMAN):

H.R. 4767. A bill to reform the welfare system; jointly, to the Committees on Ways and Means, Education and Labor, Energy and Commerce, Banking, Finance and Urban Affairs, Foreign Affairs, Veterans' Affairs, and Agriculture.

By Mr. MONTGOMERY (for himself, Mr. STUMP, and Mr. HUTCHINSON):

H.R. 4768. A bill to amend title 38, United States Code, to make changes in veterans' education programs, and for other purposes; jointly, to the Committees on Veterans' Affairs and Armed Services.

By Ms. SNOWE:

H.R. 4769. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of long-term care insurance, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. TAUZIN:

H.R. 4770. A bill to require the Director of the U.S. Fish and Wildlife Service to conduct a study to determine the lands and waters comprising the LaBranche Wetlands in St. Charles Parish, LA, and to acquire those lands and waters for inclusion in the Bayou Sauvage Urban National Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

By Mr. TOWNS (for himself, Mr. CONYERS, Mr. MORAN, Mr. BARRETT of Wisconsin, and Mr. PAYNE of New Jersey):

H.R. 4771. A bill to strengthen the partnership between the Federal Government and State, local, and tribal governments, to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities, to better assess both costs and benefits of Federal legislation and regulations on State, local, and tribal governments, and for other purposes; jointly, to the Committees on Rules and Government Operations.

By Mr. TRAFICANT (for himself, Mr. LANCASTER, and Mrs. CLAYTON):

H.R. 4772. A bill to designate the Federal building and U.S. courthouse located at 215 South Evans Street in Greenville, NC, as the "Walter B. Jones Federal Building and United States Courthouse"; to the Committee on Public Works and Transportation.

By Mr. WALKER:

H.R. 4773. A bill to eliminate the exemption for the payment by Amtrak of certain costs relating to pedestrian bridges over Amtrak rights-of-way; to the Committee on Energy and Commerce.

By Ms. KAPTUR:

H.J. Res. 388. Joint resolution recognizing the anniversaries of the Warsaw uprising and the Polish resistance to the invasion of Poland during World War II; to the Committee on Foreign Affairs.

By Mr. KENNEDY (for himself, Mr. ANDREWS of New Jersey, Mr. BACCHUS of Florida, Mr. BATEMAN, Mr. BILBRAY, Mr. BARRETT of Wisconsin, Mr. BILIRAKIS, Ms. BROWN of Florida, Mrs. BYRNE, Mr. CLAY, Mrs. CLAYTON, Mrs. COLLINS of Illinois, Mr. COOPER, Mr. CRAMER, Mr. DEFAZIO, Mr. DE LUGO, Mr. DINGELL, Mr. EMERSON, Mr. ENGEL, Mr. EVANS, Mr. FILNER, Mr. FINGERHUT, Mr. FISH, Mr. FLAKE, Mr. FRANK of Massachusetts, Mr. FROST, Ms. FURSE, Mr. GONZALEZ, Mr. GORDON, Mr. GENE GREEN of Texas, Mr. HEFNER, Mr. HINCHEY, Mr. HILLIARD, Mr. HOCHBRUECKNER, Mr. HUGHES, Mr. HUTTO, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of South Dakota, Mrs. KENNELLY, Mr. KLECZKA, Mr. KLEIN, Mr. LAFALCE, Mr. LANCASTER, Mr. LANTOS, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. MCCLOSKEY, Mr. MCDERMOTT, Mr. MCHALE, Mr. MCNULTY, Mrs. MEEK of Florida, Mr. MINETA, Mr. MONTGOMERY, Mr. MORAN, Mrs. MORELLA, Mr. MURTHA, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. ORTON, Mr. PARKER, Mr. POSHARD, Mr. PRICE of North Carolina, Mr. QUILLEN, Mr. QUINN, Mr. RANGEL, Mr. REED, Mr. REYNOLDS, Mr. RICHARDSON, Mr. ROEMER, Mr. ROSE, Mr. SAXTON, Mr. SANDERS, Mr. SCOTT, Mr. SERRANO, Mr. STOKES, Mrs. THURMAN, Mr. TOWNS, Ms. VELAZQUEZ, Mr. VENTO, Mr. WALSH, Ms. WATERS, and Mr. WYNN):

H.J. Res. 389. Joint resolution to designate the second Sunday in October of 1994 as "National Children's Day"; to the Committee on Post Office and Civil Service.

By Mr. YOUNG of Alaska:

H. Con. Res. 266. Concurrent resolution expressing the sense of the Congress concerning the need to preserve the traditional lifeways in certain Alaska Native villages; to the Committee on Natural Resources.

By Mr. BROWN of Ohio:

H. Res. 478. Resolution to recognize Mennonite Mutual Aid; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. RANGEL:

H. Res. 479. Resolution returning to the Senate the Senate amendments to the bill H.R. 4539; considered and agreed to.

By Mr. DELAY (for himself, Mr. BAKER of California, Mr. BARTLETT of Maryland, Mr. BOEHNER, Mr. DOOLITTLE, Ms. DUNN, Mr. EWING, Mr. HEFLEY, Mr. HUTCHINSON, Mr. KINGSTON, Mr. LUCAS, Mr. ROHRABACHER, and Mr. SOLOMON):

H. Res. 480. Resolution establishing July 10, 1994, as "Cost of Government Day"; to the Committee on Post Office and Civil Service.

By Mr. DOOLITTLE (for himself, Mr. SMITH of New Jersey, Mr. MCINNIS, Mr. BARRETT of Nebraska, Mr. SMITH of Oregon, Mr. SAXTON, Mr. WOLF, Mr. SUNDQUIST, Mr. SOLOMON, Mr. CRAPO, Mr. BILIRAKIS, Mr. DUNCAN, Mr. HEFLEY, Mr. LIVINGSTON, Mr. STUMP, Mr. ROHRABACHER, Mr. CRANE, Mr. BALLENGER, Mr. STEARNS, Mr. LINDER, Mr. BACHUS of Alabama, Mr. EWING, Mr. BLUTE, Mr. GOODLATTE, Mr. BATEMAN, Mr. BUYER, Mr. GRAMS, Mr. MILLER of Florida, Mr. INGLIS of South Carolina, Mr. DELAY, Mr. KIM, Mr. BLILEY, and Mr. MCKEON):

H. Res. 481. Resolution expressing the sense of the House regarding the case of United States versus Knox; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BONIOR:

H.R. 4774. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Gibraltar*; to the Committee on Merchant Marine and Fisheries.

By Mr. UNDERWOOD:

H.R. 4775. A bill for the relief of Vincente Babauta Jesus and Rita Rios Jesus; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. BROWN of Ohio.

H.R. 35: Mrs. SCHROEDER.

H.R. 84: Mr. CRAMER.

H.R. 127: Mr. HEFNER, Mr. TRAFICANT, Mr. DICKS, Mr. LANCASTER, Mr. GUNDERSON, Ms. LAMBERT, Mr. INHOFE, Mr. BARRETT of Nebraska, and Mr. KILDEE.

H.R. 146: Mr. KIM and Mr. INHOFE.

H.R. 157: Mr. HOLDEN.

H.R. 417: Mr. CONDIT, Mr. HOLDEN, Mr. STEARNS, Mr. DICKS, Mr. FRANKS of New Jersey, Mr. HUNTER, Mr. TALENT, Mr. SARPALIUS, Mrs. BYRNE, Mr. STUMP, Mr. ZIMMER, Mr. MCKEON, and Mr. TRAFICANT.

H.R. 930: Mr. OLVER.

H.R. 1127: Mr. KINGSTON.

H.R. 1128: Mr. KINGSTON.

H.R. 1277: Mr. FIELDS of Texas.

H.R. 1289: Mr. TORRES and Mr. KLUG.

H.R. 1293: Mr. GLICKMAN.

H.R. 1330: Mr. LUCAS, Mr. MCCURDY, and Mr. HOKE.

H.R. 1737: Mr. GILMAN.

H.R. 1767: Mr. HUGHES and Mr. WELDON.

H.R. 1823: Mr. NEAL of North Carolina.

H.R. 1843: Mr. YOUNG of Florida.

H.R. 1928: Mr. DORNAN and Mr. ARMEY.

H.R. 2424: Mrs. MORELLA.

H.R. 2513: Mrs. BYRNE.

H.R. 2741: Ms. VELAZQUEZ.

H.R. 2866: Mr. NEAL of North Carolina and Mr. STRICKLAND.

H.R. 2919: Mr. WYNN.

H.R. 2929: Mr. GOODLING.

H.R. 2959: Mr. GREENWOOD and Mr. KOLBE.

H.R. 2967: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2995: Mr. HALL of Ohio.

H.R. 3224: Mr. FROST, Mr. HANSEN, Mr. KIM, Mr. KYL, Mr. LEWIS of California, Mr. LIPINSKI, Mr. MCINNIS, and Mr. SCHIFF.

H.R. 3251: Mr. BALLENGER, Mr. EWING, Mr. MORAN, Mrs. VUCANOVICH, Mr. PETE GEREN of Texas, Mr. KYL, and Mr. SCHIFF.

H.R. 3288: Mr. CRANE.

H.R. 3440: Mr. FROST, Mr. HANSEN, Mr. KYL, Mr. LIPINSKI, Mr. MCINNIS, Mr. SCHIFF, and Mr. STUMP.

H.R. 3458: Mr. ROHRABACHER and Mr. BARRETT of Wisconsin.

H.R. 3491: Mrs. MEYERS of Kansas.

H.R. 3523: Mr. PACKARD, Mr. CANADY, and Mr. LEVY.

H.R. 3546: Mr. ROGERS, Mr. SCOTT, and Mr. DEAL.

H.R. 3658: Mr. MINETA and Mr. ROYCE.

H.R. 3820: Ms. VELÁZQUEZ.

H.R. 3830: Ms. FURSE and Mr. HOAGLAND.

H.R. 3875: Mr. KOLBE, Mr. HUFFINGTON, Mr. BILIRAKIS, Mr. HASTINGS, and Mr. VOLKMER.

H.R. 3926: Mr. ENGEL.

H.R. 3932: Mr. KREIDLER.

H.R. 3971: Mr. FIELDS of Texas and Mr. SUNDQUIST.

H.R. 3973: Mr. VALENTINE and Mr. MACHTLEY.

H.R. 4000: Mr. PAXON, Ms. MOLINARI, Mr. BAKER of Louisiana, and Mr. PORTMAN.

H.R. 4040: Mrs. KENNELLY, Mr. REYNOLDS, and Mrs. CLAYTON.

H.R. 4050: Mr. NEAL of North Carolina.

H.R. 4138: Mr. WATT and Mr. VALENTINE.

H.R. 4142: Mr. GEJDENSON, Mr. DINGELL, Mr. LIPINSKI, Mr. FROST, Mr. MCKEON, Mr. SANGMEISTER, Mr. HUGHES, Mr. CARDIN, Mr. MACHTLEY, Mr. CALVERT, Mr. BROWN of California, Mr. KYL, and Mr. LEVY.

H.R. 4163: Mr. ZELIFF and Mr. FALEOMAVAEGA.

H.R. 4251: Mr. NEAL of North Carolina.
H.R. 4257: Mr. SMITH of New Jersey.
H.R. 4303: Mr. KOPETSKI, Ms. DUNN, Mr. MANN, Mr. SISISKY, and Mr. MCDERMOTT.
H.R. 4315: Mr. WASHINGTON.
H.R. 4371: Mr. FRANK of Massachusetts and Mr. UPTON.
H.R. 4475: Mrs. LLOYD.
H.R. 4481: Mr. BEILENSON.
H.R. 4527: Mr. CALVERT, Mr. WILSON, and Mr. LEVY.
H.R. 4528: Mr. MORAN.
H.R. 4570: Mr. FILNER, Mr. OLVER, Mr. DELLUMS, Mr. ANDREWS of Maine, Mr. MURTHA, Mr. JOHNSTON of Florida, Mr. FROST, Mr. ABERCROMBIE, and Mr. YATES.
H.R. 4589: Mr. KLINK.
H.R. 4592: Mr. DORNAN, Mr. MANZULLO, and Mr. YOUNG of Alaska.
H.R. 4643: Mr. EDWARDS of Texas.
H.R. 4657: Mr. ANDREWS of New Jersey and Mr. POMBO.
H.R. 4699: Mr. UNDERWOOD, Mr. WASHINGTON, Mr. SYNAR, and Mr. RICHARDSON.
H.J. Res. 160: Mr. DORNAN.
H.J. Res. 199: Mr. STUDDS, Ms. SHEPHERD, Mr. PALLONE, Mr. HOEKSTRA, Mr. FILNER, Mr. VISCLOSKY, and Ms. VELAZQUEZ.
H.J. Res. 210: Mr. DICKEY.
H.J. Res. 268: Mr. WISE, Mr. DEUTSCH, Mr. YATES, Mr. MCCLOSKEY, Mr. LANCASTER, Mr. KLEIN, Mr. FOGLIETTA, and Mr. GIBBONS.
H.J. Res. 297: Ms. LOWEY, Ms. MOLINARI, and Mr. PAXON.
H.J. Res. 337: Mr. KLECZKA, Mr. WHITTEN, Mr. SAWYER, Mr. FROST, Mr. DELLUMS, Mr. SPENCE, Mr. BROWN of California, Mr. MAZZOLI, Mr. DUNCAN, Mr. CARR, Mrs. BENTLEY, Mr. MOLLOHAN, Mr. MCCLOSKEY, Mr. SMITH of Oregon, Mr. BAESLER, Mr. MARTINEZ, Mr. WELDON, Mr. BUNNING, Mr. BILIRAKIS, Mr. SWETT, Mr. PICKLE, Mr. CALVERT, Mr. MCCOLLUM, Mr. LIVINGSTON, Mr. CAMP, Mr. KASICH, Mr. SMITH of Texas, and Mr. WOLF.
H.J. Res. 358: Mr. RAVENEL.
H.J. Res. 383: Mr. BORSKI and Mr. HUGHES.
H.J. Res. 385: Mr. COOPER.
H. Con. Res. 20: Mr. MINETA.
H. Con. Res. 69: Mr. WHEAT, MR. CLYBURN, Mr. LEHMAN, and Mr. KLUG.
H. Con. Res. 91: Mr. STRICKLAND.
H. Con. Res. 148: Mr. STOKES.
H. Con. Res. 168: Mr. ROYCE and Mr. KYL.
H. Con. Res. 173: Mr. STUPAK, Mr. SYNAR, Mr. HALL of Texas, Ms. WOOLSEY, Mr. ANDREWS of Maine, Mr. STENHOLM, and Mr. COPPERSMITH.
H. Con. Res. 228: Mr. ENGEL.
H. Con. Res. 235: Mr. FISH, Mr. JOHNSON of South Dakota, and Mr. KREIDLER.
H. Con. Res. 255: Mrs. JOHNSON of Connecticut, Mr. MOLLOHAN, and Mr. CLAY.

PETITIONS, ETC.

Under clause 1 of rule XXII,

106. The SPEAKER presented a petition of the Washington State Association of Counties, Olympia, WA, relative to the "Passenger Vessel Development Act;" which was referred to the Committee on Merchant Marine and Fisheries.

DISCHARGE PETITIONS

Under clause 3 of rule XXVII, the following discharge petition was filed:

Petition 24, July 12, 1994, by Ms. SNOWE on the House Resolution 459, was signed by the following Member: Olympia J. Snowe.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 11 by Mr. RAMSTAD on House Resolution 247: David L. Levy and Newt Gingrich.

Petition 17 by Mr. SHAW on House Resolution 386: Henry Bonilla and Jerry Lewis.

Petition 19 by Mr. EWING on House Resolution 415: Joe Skeen, Roscoe G. Bartlett, Harris W. Fawell, and David L. Levy.

Petition 22 by Mr. INHOFE on House resolution 409: Jim Ramstad.

Petition 23 by Mr. TAUZIN on the bill H.R. 3875: Ernest J. Istook, Jr., Spencer Bachus, Bob Goodlatte, Bob Inglis, Rod Grams, Y. Tim Hutchinson, 3rd, and Solomon P. Ortiz.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3937

By Mr. DEFAZIO:

—Add the following at the end of section 107:

(1) The President shall prohibit the export of a commodity to any nation when—

(1) such commodity is typically used as a raw material for manufacturing purposes;

(2) the nation's demand for such commodity is contributing to domestic supply shortages of such commodity for domestic manufacturing purpose; and

(3) the National Trade Estimate Report on Foreign Trade Barriers, prepared by the U.S. Trade Representative, finds that such nation maintains significant tariff or non-tariff barriers that impede the import of items manufactured in the U.S. using such commodity.

—Add the following at the end of section 107:

(1) COMMODITIES USED AS RAW MATERIALS FOR MANUFACTURING PURPOSES.—

(1) MONITORING.—The Secretary shall monitor—

(A) exports of, and contracts to export, commodities typically used as raw materials for manufacturing purposes, and

(B) domestic supplies of such commodities, for the purpose of determining whether a critical shortage of such commodities exists in any State or region.

(2) EXPORT RESTRICTIONS.—If the Secretary finds that a critical shortage of any such commodity exists in any State or region, then the Secretary shall impose restrictions on the export of such commodities sufficient to ensure that there is an adequate supply of such commodities to meet domestic manufacturing needs in that State or region. The Secretary may remove such restrictions upon reporting to Congress, under paragraph (3)(A), that such restrictions are no longer required under this subsection.

(3) REPORTS TO CONGRESS.—(A) The Secretary shall submit to Congress, not later than 30 days after the end of each calendar quarter, a report on the results of the monitoring conducted under paragraph (1), the Secretary's determination of whether a critical shortage of any commodities typically used as raw materials for manufacturing purposes for domestic manufacturing purposes exists in any State or region, and any export restrictions imposed or to be imposed as a result of such determination.

(B) Each report under subparagraph (A) shall—

(i) specify the quantity of exports, by port, of commodities typically used as raw materials for manufacturing purposes during the period covered by the report;

(ii) estimate, as of the date of the report, the domestic supplies, by State, of such commodities;

(iii) determine whether such supplies of such commodities were sufficient to meet the needs of domestic manufacturers;

(iv) include a formal finding as to whether a critical shortage of such commodities for domestic manufacturing purposes exists in any State or region; and

(vi) if such a shortage or shortages exist, specify the export restrictions imposed or to be imposed to satisfy domestic needs.

(4) PRESIDENTIAL AUTHORITY.—The President is authorized, after suitable notice and a public comment period of not less than 90 days, to suspend any export restrictions imposed under paragraph (2) if a ruling is issued under the formal dispute resolution procedures of the General Agreement on Tariffs and Trade finding that such restrictions violate Article XI prohibitions on export restrictions and are not allowable under the exception to Article XI.

By Mr. SISISKY:

(PURSUANT TO THE RULE, PAGE AND THE LINE NUMBERS ARE TO H.R. 4663)

—Page 8, lines 1 and 2, and page 21, line 20, strike "pose a threat to the national security" and insert "prove detrimental to the national security".

—Page 9, line 10, page 60, lines 7 and 8, and page 66, lines 16 and 17, strike "essential to" and insert "necessary to further significantly".

—Page 11, line 22, strike "30 days" and insert "50 days".

—Page 118, line 14, strike "30 days" and insert "50 days".

—Page 120, line 13, strike "10 days" and insert "30 days", and line 16, strike "10-day period" and insert "30-day period".

—Page 121, line 11, strike "30 days" and insert "50 days".

—Page 23, line 7, strike "which includes export" and all that follows through "end users" on line 10.

—Page 23, insert the following after line 2 and redesignate the succeeding paragraphs accordingly:

(2) PROCEDURE FOR INCLUDING ITEMS ON THE SECURITY CONTROL LIST.—The Secretaries of Defense and Energy and the heads of other appropriate departments and agencies shall identify commodities and technology for inclusion on the security control list. Those items which the Secretary and the Secretary of Defense concur shall be subject to export controls under this section shall comprise the security control list. If the Secretary and the Secretary of Defense are unable to concur on such items, as determined by the Secretary, the Secretary of Defense may, within 20 days after receiving notification of the Secretary's determination, refer the matter to the President for resolution. The Secretary of Defense shall notify the Secretary of any such referral. The President shall, not later than 20 days after such referral, notify the Secretary of his determination with respect to the inclusion of such items on the security control list. Failure of the Secretary of Defense to notify the President or the Secretary, or failure of the President to notify the Secretary, in accordance with this paragraph, shall be deemed by the Secretary to constitute concurrence in the implementation of the actions proposed by the Secretary regarding the inclusion of such items on the security control list.

—Page 24, strike lines 16 through 19.

—Page 28, line 1, strike "EXCEPTION.—" and insert "EXCEPTIONS.—(A)"; page 28, line 8,

strike "(A)" and inset "(i)"; page 28, line 15, strike "(B)" and insert "(ii)"; and add the following after line 24:

(B) If the Secretary of Defense determines that the absence of a requirement of licenses for any exports described in paragraph (2) would prove detrimental to the national security of the United States the Secretary of Defense may request that a license be required for such export. If the Secretary refuses to require the license, the Secretary shall report to the Committees on Armed Services of the House of Representatives and the Senate, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Foreign Affairs of the House of Representatives on the reasons for refusing to require a license.

—Page 36, line 15, and page 38, line 14, strike the comma and insert "with the concurrence of the Secretary of Defense, and"

—Page 36, lines 19 and 20, strike ", or will be available in fact within 2 years in the future,".

—Page 37, line 1 strike "or would be ineffective" and insert "ineffective".

—Page 38, lines 19 and 20, ", or will be available in fact within 2 years in the future,".

—Page 38, lines 24, "or would be ineffective" and insert "ineffective".

—Page 39, line 18, strike "or will be".

—Page 37, line 17, insert "and the Committee on Armed Service" after "Urban Affairs"; and page 37, line 18, insert "and the Committee on Armed Services" after "Foreign Affairs".

—Page 39, line 7, insert "and the Committee on Armed Service" after "Urban Affairs"; and page 39, line 8, insert "and the Committee on Armed Services" after "Foreign Affairs".

—Page 41, line 21, strike "In" and all that follows through page 42, line 4.

—Page 43, beginning on line 23, strike "The Secretary's determination of foreign availability shall not require the concurrence or approval of any such department or agency.".

—Page 44, insert the following after line 10:

(D) ROLE OF SECRETARY OF DEFENSE.—All determinations of the Secretary under this subsection of whether foreign availability exists shall be made with the concurrence of the Secretary of Defense.

—Page 45, line 11, insert ", with the concurrence of the Secretaries of Defense and Energy," after "retary".

—Page 46, line 22, insert ", with the concurrence of the Secretaries of Defense and Energy," after "The Secretary".

—Page 47, line 2, strike "The" and all that follows through line 5.

—Page 50, line 22 and 23, strike "after consultation with appropriate departments or agencies," and insert "with the concurrence of the Secretaries of Defense and Energy,".

—Page 58, line 16, insert

"(A) IN GENERAL.—" before "The authority", indent the text 2 ems to the right, and add at the end the following:

(B) NATIONAL SECURITY ITEMS.—The Secretaries of Defense and Energy and the heads of other appropriate departments and agencies shall identify commodities and technology, the export of which would prove detrimental to the national security of the United States, for control under this section. If the Secretary and the Secretary of Defense are unable to concur on such items, as determined by the Secretary, the Secretary of Defense may, within 20 days after receiving notification of the Secretary's determination, refer the matter to the President for resolution. The Secretary of Defense shall notify the Secretary of any such referral. The President shall, not later than 20 days after such referral, notify the Secretary of his determination with respect to the control of such items under this section. Failure of the Secretary of Defense to notify the President or the Secretary, or failure of the President to notify the Secretary, in accordance with this paragraph, shall be deemed by the Secretary to constitute concurrence in the implementation of the actions proposed by the Secretary regarding the control of such items under this section.

—Page 60, strike lines 11 through 15 and redesignate succeeding subparagraphs accordingly.

—Page 60, strike lines 11 through 15 and redesignate succeeding subparagraphs accordingly.

—Page 62, line 24, strike "(F)" and insert "(E)".

—Page 66, strike lines 19 through 23 and redesignate succeeding clauses accordingly.

—Page 67, line 6, strike "(E)" and insert "(D)".

—Page 82, insert the following after line 2:

(1) TREATMENT OF CERTAIN SENSITIVE ITEMS.—

(1) FINDINGS.—The Congress makes the following findings:

(A) The United States continues to play a leadership role in controlling the export of sensitive dual use items and munitions items to dangerous countries.

(B) The importance of maintaining this leadership and securing the adherence of friendly nations to export restrictions similar to those of the United States was demonstrated by the large number of dual use and munitions items Iraq was able to secure from Western exporters prior to Desert Storm.

(C) Besides Iraq, the United States has voiced its concern about Libya, North Korea, Syria, Cuba, and Iran acquiring dual use and munitions items from Western sources, republics of the former Soviet Union, and the Peoples' Republic of China.

(D) Since Desert Storm, the United States has learned that a substantial number of sensitive items Iraq received from Western nations were not sent directly, but were reexported from third-party destinations.

(E) The threat of third-party reexports of sensitive exports could be aggravated by proposals to send dual use items to friendly nations "license-free" or under "substitute" licensing schemes that would be less restrictive than individual validated licensing, which requires prior United States consent for any reexport.

(F) Eliminating or reducing individual validated licensing requirements on sensitive dual use and munitions exports to friendly countries increased the risk that such items will be reexported to rogue countries, including Iran, Iraq, Syria, Libya, Cuba, and North Korea.

(2) POLICY STATEMENT.—It shall be the policy of the United States to maintain its international leadership in restricting the export of sensitive dual use items and of munitions to rogue countries such as Iran, Iraq, Syria, Libya, Cuba, and North Korea by—

(A) maintaining existing unilateral controls whenever necessary to keep sensitive United States dual use items and munitions from being exported to these countries;

(B) encouraging all other countries producing such items to restrict the export of these items in a similar manner;

(C) working with the republics of the former Soviet Union and of the members of COCOM to create a successor COCOM that would prohibit the export of the most sensitive dual use items and munitions to rogue countries such as Iran, Iraq, Syria, Libya, Cuba, and North Korea; and

(D) not reducing existing levels of controls on the export of sensitive dual use items and munitions through the creation of license-free zones and substitute licensing schemes.

(3) LICENSING REQUIREMENT.—

(A) LIST OF SENSITIVE ITEMS.—Notwithstanding any other provision of this title, the President, in consultation with the Secretary and the Secretaries of State, Defense, and Energy and the Director of the Arms Control and Disarmament Agency, shall compile a list of the most sensitive dual use and munitions items the export of which to the countries set forth in subparagraph (C) the President believes the United States should restrict. This list shall indicate whether the item is being controlled unilaterally or with other countries and shall be published in the Federal Register not later than 60 days after the date of the enactment of this Act.

(B) INDIVIDUAL VALIDATED LICENSE REQUIREMENT.—The President shall instruct the Secretary to require an individual validated license for the export to any destination of any item on the list compiled under subparagraph (A).

(C) LIST OF COUNTRIES.—The countries referred to in subparagraph (A) are Iran, Iraq, Syria, Libya, Cuba, and North Korea.

—Page 116, insert the following after line 3 and redesignate the succeeding paragraphs accordingly:

(2) ROLE OF SECRETARIES OF DEFENSE AND ENERGY.—(A) Notwithstanding any other provision of this section, the Secretaries of Defense and Energy are authorized to review any license application for any proposed export of commodities or technology that is controlled under section 105(a)(1) or controlled for national security purposes under section 106. Whenever—

(i) the Secretary of Defense or the Secretary of Energy determines that the export of such commodities or technology will directly and significantly enable a country or end user to acquire the capability to develop, produce, stockpile, use, or deliver weapons of mass destruction, or

(ii) the Secretary of Defense determines that the export of such commodities or technology will directly and significantly contribute to the military capability of a country so as to prove detrimental to the national security of the United States or its allies,

the Secretary of Defense or the Secretary of Energy (as the case may be) may recommend to the President that such export be disapproved.

(B)(i) Notwithstanding any other provision of this section, the Secretary of Defense and the Secretary of Energy shall determine, in consultation with the Secretary, and confirm in writing the types and categories of transactions which should be reviewed by the Secretary of Defense or the Secretary of Energy in order to make a determination referred to in subparagraph (A). Whenever a license for export or other authority within such type or category is received by the Secretary, the Secretary shall notify the Secretary of Defense or the Secretary of Energy (as the case may be) of such request, and the Secretary may not issue any license or other authority pursuant to such request until the Secretary is notified by the Secretary of Defense or Energy under subclause (II) or (III) or notified by the President under clause (ii). The Secretary of Defense or the Secretary of

Energy (as the case may be) shall carefully consider any notification submitted by the Secretary pursuant to this paragraph and, not later than 30 days after notification of the request, shall—

(I) make a recommendation to the President referred to in subparagraph (A);

(II) notify the Secretary that he or she would recommend approval subject to specified conditions; or

(III) recommend to the Secretary that the export of the commodities or technology be approved.

(ii) Whenever the Secretary of Defense or the Secretary of Energy makes a recommendation to the President under subparagraph (A), the Secretary shall also submit his or her recommendation to the President on the request to export if the Secretary differs with the Secretary of Defense or the Secretary of Energy. The President shall notify the Secretary of his decision on the matter before the end of the 50-day period set forth in subsection (c). If the President notifies the Secretary, after receiving a recommendation from the Secretary of Defense or the Secretary of Energy, that the President disapproves such export, no license or other authority may be issued for the export to such country of the commodities or technology involved.

(iii) If the Secretary of Defense or the Secretary of Energy fails to make a recommendation or notification under this paragraph within the 30-day period specified in clause (i), the Secretary shall approve or deny the request for a license or other authority to export without such recommendation or notification.

—Page 123, insert the following after line 14 and redesignate succeeding subsections accordingly:

(e) TIME LIMIT EXTENSION.—If required for national security reasons, the President may increase the time periods set forth in subsections (a), (c), and (d) to not more than 2 times the number of days in each time period, for not more than 4 percent of the export license applications filed with the Secretary during any calendar year.

—Page 173, line 23, strike "109(h)(1)" and insert "109(i)(1)".

—Page 211, line 4, strike "109(g)" and insert "109(h)".

—Page 125, line 12, insert "and the Committee on Armed Services" after "Foreign Affairs".

—Page 125, line 14, insert "and the Committee on Armed Services" after "Urban Affairs".

—Page 125, line 15, insert "for validated licenses under section 105 or 106" after "plications".

—Page 125, line 16, strike "and which required" and all that follows through "applicant" on line 20.

—Page 126, strike lines 12 through 25.

—Page 133, lines 21 through 24, strike "in consultation with the Secretary of State, the Secretary of Defense, and the heads of other appropriate departments and agencies,".

—Page 134, insert the following after line 15 and redesignate succeeding subparagraphs accordingly:

(B) ROLE OF OTHER DEPARTMENTS AND AGENCIES.—The Secretary of Defense and the heads of other appropriate departments and agencies shall identify goods and technology for inclusion on the list referred to in subparagraph (A). Those items which the Secretary and the Secretary of Defense concur shall be included on the list shall comprise the list. If the Secretary and the Secretary of Defense are unable to concur on such items, as determined by the Secretary, the Secretary of Defense may, within 20 days after receiving notification of the Secretary's determination, refer the matter to the President for resolution. The Secretary of Defense shall notify the Secretary of any such referral. The President shall, not later than 20 days after such referral, notify the Secretary of his determination with respect to the inclusion of such items on the list. Failure of the Secretary of Defense to notify the President or the Secretary, or failure of the President to notify the Secretary, in accordance with this paragraph, shall be deemed by the Secretary to constitute concurrence in the implementation of the actions proposed by the Secretary regarding the inclusion of such items on the list.

—Page 134, line 23, strike "(B)" and insert "(C)".

—Page 135, lines 14 through 17, strike ", in consultation with the Secretary of State, the Secretary of Defense, and the heads of other appropriate departments and agencies".

—Page 135, insert the following after line 24 and redesignate succeeding subparagraphs accordingly:

(B) ROLE OF OTHER DEPARTMENTS AND AGENCIES.—The Secretary of Defense and the heads of other appropriate departments and agencies shall identify goods and technology for inclusion on the list referred to in subparagraph (A). Those items which the Secretary and the Secretary of Defense concur shall be included on the list shall comprise the list. If the Secretary and the Secretary of Defense are unable to concur on such items, as determined by the Secretary, the Secretary of Defense may, within 20 days after receiving notification of the Secretary's determination, refer the matter to the President for resolution. The Secretary of Defense shall notify the Secretary of any such referral. The President shall, not later than 20 days after such referral notify the Secretary of his determination with respect to the inclusion of such items on the list. Failure of the Secretary of Defense to notify the President or the Secretary, or failure of the President to notify the Secretary, in accordance with this paragraph, shall be deemed by the Secretary to constitute concurrence in the implementation of the actions proposed by the Secretary regarding the inclusion of such items on the list.

—Page 136, lines 14 and 19, strike "(B)" and insert "(C)".

—Page 137, lines 16 through 18, strike "in consultation with the Secretary of Defense, and the heads of other appropriate departments and agencies," and insert "with the concurrence of the Secretary of Defense,".

—Page 138, line 24, strike "in consultation" and all that follows through "agencies," on page 139, line 1, and insert 'with the concurrence of the Secretary of Defense,".

—Page 227, insert the following after line 18;

(b) CONTROL OF ARMS EXPORTS AND IMPORTS.—Section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended by striking subsection (a)(1) and inserting the following:

"(a)(1) In furtherance of world peace and the security and foreign policy of the United States, the President is authorized to control the import and the export of defense articles and defense services and to provide foreign policy guidance to persons of the United States involved in the export and import of such articles and services. The Secretary of State, with the concurrence of the Secretary of Defense, is authorized to designate those items which shall be considered as defense articles and defense services for the purposes of this section. The Secretary of State is also authorized to promulgate regulations for the import and export of such articles and services. The items so designated shall constitute the United States Munitions List."

—Page 227, line 19, strike "(b)" and insert "(c)".

—Page 229, line 6, strike "(c)" and insert "(d)".

—Page 230, line 15, strike "(d)" and insert "(e)"

—Page 230, strike lines 20 through 24; and page 222, strike line 12 and all that follows through page 227, line 18, and insert the following:

(a) COMMODITY JURISDICTION.—

(1) COORDINATION OF CONTROLS.—The authority granted under this title and under section 38 of the Arms Export Control Act (22 U.S.C. 2778) shall be exercised in such a manner as to achieve effective coordination between the licensing systems under this title and such section 38 and to share information regarding the trustworthiness of parties.

(2) ELIMINATION OF OVERLAPPING CONTROLS.—No item may be included on both the control index and the United States Munitions List after the effective date of this title.

(3) COMMODITY JURISDICTION DISPUTE RESOLUTION.—Under such procedures as the President shall establish, disputes regarding conflicting claims of jurisdiction between the control index and the United States Munitions List shall be resolved in a timely fashion by the Department of State, in consultation with other departments and agencies. Consultations shall be carried out through committees chaired by representatives of the Department of State at the level of Assistant Secretary or Under Secretary. The procedures of the committees shall allow the Department of State or other departments or agencies to initiate the resolution of disputes, including in response to requests made to the Departments of State and Commerce. Consultation procedures within the committees shall provide for inter-agency meetings to permit the free exchange of views regarding jurisdictional issues. Disputes that cannot be resolved may be referred to the President by the Secretary of State, the Secretary of Defense, or the Secretary of Commerce.

—Page 231, strike lines 1 through 7 and insert the following:

(f) CIVIL AIRCRAFT EQUIPMENT.—Notwithstanding any other provision of law, any civil aircraft product that is standard equipment certified by the Federal Aviation Administration and is an integral part of such aircraft shall be subject to export controls exclusively under this title.

—Page 236, strike line 8 and all that follows through page 237, line 25.

By Mr. STARK:

—Page 297, add the following after line 6:

TITLE III—RELATIONS WITH NORTH KOREA

SEC. 301. CONGRESSIONAL FINDINGS.

The Congress makes the following findings:

(1) Before the death of Kim Il Sung, United States officials indicated publicly that the United States, as part of an overall agreement to limit nuclear activities in North Korea, would be willing to help arrange financing for the construction of light water reactors in North Korea, help broker the possible transfer to North Korea of technology associated with such reactors, and provide technical assistance with respect to such reactors.

(2) Independent nuclear nonproliferation experts have noted that light water reactors

can be used to produce significant quantities of nuclear weapons usable plutonium and that United States assistance to North Korea in constructing such reactors would afford North Korea a possible cover for a variety of dangerous nuclear activities.

(3) Providing assistance to North Korea for such light water reactors would undermine current efforts by the United States to persuade other countries not to sell to Iran or Iraq technology to build similar reactors.

(4) North Korea under Kim Il Sung agreed, in the North-South Korean Denuclearization Agreement of 1991, to open its nuclear facilities to South Korean nuclear inspectors and not to reprocess reactor fuel.

(5) United States officials became concerned in the spring of 1994 that the North Korean Government under Kim Il Sung might violate this agreement by reprocessing materials from one of North Korea's reactors.

(6) The new leadership in North Korea may be even more unreliable and pose more of a threat than that of Kim Il Sung.

(7) The new leadership in North Korea has yet to agree to resume direct talks between North and South Korea, which would reveal more about the character of the new leadership in North Korea and its intentions toward South Korea and with respect to Korean unification.

(8) Any agreement reached between the United States and North Korea to limit nuclear activities in North Korea will only be as good as the character and intent of the new leadership in North Korea.

SEC. 302. SENSE OF CONGRESS.

It is the sense of the Congress that the United States Government should not offer or discuss giving any form of assistance to the Government of North Korea to develop or construct new nuclear reactors, including light water reactors.

H.R. 4299

By Mr. GILMAN:

—At the end of the bill insert:

TITLE IX—INTERDICTION OF AERIAL DRUG TRAFFICKING

Section 901. Policy of the United States.

It is the policy of the United States to provide intelligence assistance to foreign governments to support efforts by them to interdict aerial drug trafficking. In providing such assistance, the United States seeks to facilitate efforts by foreign governments to identify, track, intercept, and capture on the ground aircraft suspected of engaging in illegal drug trafficking, and to identify the airfields from which such aircraft operate. The United States does not condone the intentional damage or destruction of aircraft in violation of international law, and provides assistance to foreign governments for purposes other than facilitating the intentional damage or destruction of aircraft in violation of international law.

Sec. 902. Authorization.

The President is authorized to provide intelligence assistance to foreign governments under such terms and conditions as he may determine in order to carry out the policy stated in section 901. Activities directed by the President pursuant to this title shall not give rise to any civil or criminal action against the United States or any of its officers, agents, or employers.

Sec. 903. Sense of Congress.

The Congress urges the President to review in light of this title all interpretations within the Executive branch of law relevant to the provision of assistance to foreign governments for aerial drug interdiction, with an eye to affirming that continued provision by the United States of such assistance conforms fully with United States and international law.

By Mr. SKAGGS:

—At the end of title VII (page 39, after line 4), insert the following:

SEC. 703. REPORT CONCERNING THE COST OF CLASSIFICATION.

Not later than 7 days after the date of the enactment of this Act, the Director of Central Intelligence shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report (in a classified and unclassified form) which identifies the following:

(1) The cost of classifying documents and keeping information classified by each agency within the intelligence community.

(2) The number of personnel within each such agency assigned to classifying documents and keeping information classified.

(3) A plan to reduce expenditures for classifying information and for keeping information classified, which shall include specific expenditure reduction goals for fiscal year 1995 for each such agency.