On April 26, 1986, reactor No. 4 at the Chernobyl atomic energy station ignited, causing an explosion, fire, and partial meltdown of the reactor core.

Ten years have now passed since that terrible day.

Today, the ghosts of history's worst nuclear disaster cannot be avoided in the pines and the farmland, now overgrown, that surround Chernobyl.

The city of Pripyat, once home to 40,000, sits empty.

Dozens of villages have been abandoned.

The 134,000 people who were evacuated from the area won't be returning to their homes.

An area the size of Rhode Island is now a dead zone.

The health effects are equally astonishing.

Sadly, cancer among children has tripled.

Ukraine now has the highest rate of infertility in the world.

Birth defects have nearly doubled.

Mr. Speaker, our government, many charitable organizations and individuals have contributed to efforts to recover from the disaster.

We must continue those efforts, and we must enhance them for the people of Ukraine.

Ukraine faces many challenges, not the least of which are the human and economic costs of coping with the effects of Chernobyl.

Today we must pause to remember those who lost their lives and those whose lives were changed forever.

We learned many lessons from that tragedy ten years ago, and now we must move forward and help our friends in Ukraine prepare for the future.

That is why supporting this resolution is so important.

We remember the past and learn from the past.

But we also look forward to a future in which Ukraine and the United States will enjoy even closer ties, and the people of Ukraine will be able to build a new future.

Mr. Speaker, I urge all my colleagues to join us in passing this resolution today.

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

Mr. Speaker, in closing, I want to take a moment to recognize the outstanding humanitarian work that has been done over the last few years by a group of high school students in my district in New York.

The Ramapo High School Children of Chernobyl fund has provided $12 million in medicines and other contributions to children in Belarus who were affected by exposure to the Chornobyl radiation.

I am so pleased to note for my colleagues such thoughtful, charitable young people.

I am certain those children in Belarus who have benefitted from these students' humanitarian efforts would want this Congress to know of their helping hand and hearts.

Mr. MORAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WICKER). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 167.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all members have five legislative days within which to revise and extend their remarks on House Concurrent Resolution 67, the measure just considered.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 3415, REPEAL OF 4.3-CENT INCREASE IN TRANSPORTATION FUEL TAXES

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 436 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 436

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3415) to amend to Internal Revenue Code of 1986 to repeal the 4.3-cent increase in the transportation motor fuels excise tax rates enacted by the Omnibus Budget Reconciliation Act of 1993 and dedicated to the general fund of the Treasury. All points of order against the bill and against its consideration are waived. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from California [Mr. DREIER] is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to my very good friend, the gentleman from south Boston, MA [Mr. MOAKLEY], 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. DREIER asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. DREIER. Mr. Speaker, this rule provides for consideration of H.R. 3415, legislation to repeal the 4.3 cent increase in the motor fuel excise tax that was instituted back in 1993. This is closed rule providing for 1 hour of debate divided equally between the chairman and ranking minority member of the Committee on Ways and Means. The rule waives all points of order against the bill and its consideration.

The rule provides for adoption of the amendment printed in the Committee on Rules report. The amendment which was crafted by the chairman of the Committee on Commerce is intended to ensure that the revenue loss from the repeal of the Clinton gas tax is fully offset.

Finally, the rule provides for one motion to recommit with or without instructions.

Now, Mr. Speaker, Bill Clinton has had a somewhat spotty and inconsistent record of aligning words with deeds, particularly when it comes to the issues of both taxes and balancing the budget. It began with promises that he made during that 1992 presidential campaign. He promised to provide middle-income families with a tax cut as well as balance the Federal budget. Upon election, his tax cut proposal changed as fast as the calendar turned. The budget deal he struck with the Democrat-controlled Congress in 1993 raised taxes by $275 billion over 5 years. It was clearly the largest tax increase in history. Incredibly, it also allowed Federal spending to increase by $300 billion. His so-called deficit reduction was projected to add $1 trillion to the national debt.

Now, Mr. Speaker, there was no tax cut for middle-income families in the President's 1993 budget.

☐ 1600

That budget was a tax increase, plain and simple. It was a $275 billion tax increase needed for two reasons: so the President could spend money on new Federal programs and cut less waste from old Federal programs.

In light of the President's promise of a middle-class tax cut, the most egregious tax increase in the President's 1993 tax increase bill was a 4.3 cent a gallon increase in the Federal motor fuel excise tax. President Clinton enacted, without a single vote from Republicans in the Congress, the first increase in the gas tax that was not directly tied to spending on highways and bridges. Let me repeat that. It was the first time ever that a gasoline tax increase was imposed that was not tied directly towards spending on highways and bridges.

Mr. Speaker, this tax increase targeted middle-income working families, placing a bull's-eye on the wallet of every American that drives to work, goes to the mall, or packs the family into the car to take a vacation.

I can distinctly remember 3 years ago when, in our Committee on Rules, we heard testimony on the President's 1993 budget and tax proposal. Members of Congress from both sides of the aisle, Democrats and Republicans alike, came before our Committee on Rules to request the ability to offer amendments to strike the tax increases on middle-income families. On top of the list of the bipartisan requests was to be able to vote on the Clinton gas tax separately. Needless to say, the Congress was not given an opportunity to vote on the Clinton gas tax increase. I suspect the liberal leadership knew that it would have been soundly defeated.

Mr. Speaker, it is time for Congress to get that opportunity. It is long overdue. We want a vote, up or down, on President Clinton's gas tax. It is an unfair tax that targets middle-income suburban and rural families, largely exempting those who live in cities and have a chance to take advantage of mass transit that is so often subsidized by the taxes of suburban and rural families. It also falls much harder on large families with children, who tend to drive larger cars that are not quite as fuel efficient as the smaller ones. Four-point-three cents a gallon may not sound like much, and people have constantly said it will work out to only $25 or $35 a year for people, but when market forces push gas prices above $2 a gallon, as they have in some of the cities that I represent in California, the added burden imposed by the Federal Government hurts.

As gas prices have risen over the past few months, government taxation of motor fuel, both at the State and Federal level, has come under increasing scrutiny. The California Assembly recently voted to eliminate the State's double taxation of gasoline, dropping the State's sales tax that was applied to the portion of gas prices accounted for by State and Federal excise taxes. This tax cut should shave off 3 cents a gallon in California, Washington can do its part in reducing prices at the pump by enacting the 4.3-cent reduction proposed by three California Members, the gentlewoman from Shell Beach, CA, ANDREA SEASTRAND, the gentleman from Windsor, CA, ED ROYCE, as well as the gentleman from new Jersey, DICK ZIMMER.

Mr. Speaker, there have been some who have made the absurd argument that reducing the Federal gas tax will not lower gas prices. In response, I would simply recall that there was no question from the Congressional Budget Office or the Joint Committee on Taxation back in 1993 regarding the impact of President Clinton's 4.3-cent a gallon gas tax increase. The money was unquestionably going to come out of the pockets of families and businesses buying gas. The projected tax tables showed that the consumers were the intended target, not the oil companies. Likewise, there is no question today that regarding the benefits of cutting the gas tax, the free market, something liberals neither appreciate nor understand, will ensure that gas prices will be lower after a tax cut than they would be if taxes were not cut.

Two of California's largest oil refining companies, Atlantic Richfield Co. and Chevron, have announced this specific point: The reduction in the Federal tax will be passed along to consumers at gas stations they own. The wholesale price of the gasoline they sell to independent dealers will also be reduced.

Mr. Speaker, I will place in the RECORD at this point the announcements from both Arco and Chevron regarding their policy on gas tax reductions.

The material referred to is as follows:

TEXACO RESPONDS TO GASOLINE TAX REDUCTION PRICE INQUIRIES

WHITE PLAINS, N.Y., May 9.—Texaco stated today the actions it would take in the event Congress repeals the 1993 federal gasoline tax of 4.3 cents per gallon.

There are approximately 13,600 Texaco-branded service stations throughout the United States. For the approximately 1,000 company owned and operated service stations where the company sets the pump prices, Texaco would reduce the gasoline prices it charges to customers, all things being equal, by the amount of the tax decrease. In addition, Texaco would reduce the level of tax it collects from its independent wholesalers by the amount of the tax decrease.

However, at the approximately 12,600 Texaco-branded service stations which are owned or operated by independent business people, Texaco is precluded by law from setting pump prices at these locations.

All of the gasoline inventory held in storage in bulk plants and service stations on the effective date of any tax repeal will have already incurred the full pre-repeal tax of 4.3 cents per gallon. Unless a refund system is put into place, prices consumers pay at the pump could remain at pre-repeal levels until that higher-cost inventory gasoline is sold.

Many factors, including the competitive environment in which a station conducts business, influence the price of gasoline at a service station, thereby making it impossible to predict gasoline prices at any time in the future.

The repeal of the 1993 4.3 cents per gallon federal gasoline tax would reduce the average nationwide state and federal tax on gasoline from 42.4 cents to 38.1 cents per gallon. In the competitive market in which the industry operates, lower taxes will result in lower prices.

CHEVRON RESPONDS TO FEDERAL GASOLINE TAX ISSUE

SAN FRANCISCO, May 8.—In response to many comments in the press and from customers concerning possible oil company actions in the event of a decrease in the federal gasoline tax, Chevron released the following statement:

Any decrease in the federal gasoline tax would be immediately reflected in the prices Chevron charges to motorists at our 600 company-operated stations in the U.S. through reductions which, on average, would equal the amount of the tax decrease. We also separately collect these taxes from our thousands of Chevron dealers and jobbers throughout the U.S., and we would immediately reduce our collections from these dealers and jobbers by the amount of the tax decrease. However, these Chevron dealers and jobbers are independent businessmen and women who independently set their own pump prices at the more than 7,000 Chevron stations they operate.

Many factors influence gasoline prices, which are set by competition in the marketplace. It is impossible to predict where gasoline prices may stand in absolute terms at any time in the future. However, if these taxes are reduced, it is logical in a free market economy that overall prices will in the future be lower for our customers than they otherwise would have been by the amount of the tax decrease.

ARCO WILL IMMEDIATELY REDUCE TOTAL GASOLINE PRICE IF 4.3-CENT FEDERAL GASOLINE TAX IS ELIMINATED

LOS ANGELES.—ARCO Chairman and CEO Mike R. Bowlin said today that ''if the federal government reduces the gasoline excise tax by 4.3 cents per gallon, ARCO will immediately reduce its total price at its company-operated stations and to its dealers by 4.3 cents per gallon.''

The ARCO chairman said in an interview on ABC's ''Nightline'' broadcast on May 7, that he had ''simply been cautioning that ARCO is not able to accurately predict industry behavior, cannot legally control its dealers' pricing, and that other factors may influence changes in overall market prices. All other things being equal, we would expect the price of gasoline to fall 4.3 cents per gallon.''

An ARCO spokesman said that ARCO has a proud tradition of acting responsibly in its gasoline pricing decisions in times of national upsets. He noted that during the Gulf War crisis in 1990, ARCO had been a leader in announcing that it would freeze gasoline prices. Eventually, that led to a situation where ARCO was unable to meet demand for its gasoline and was forced to raise prices in line with market conditions in order to prevent its dealers from running out of gasoline.

The ARCO spokesman said that ''gasoline prices have increased some 20 to 30 cents per gallon over the last few months. Obviously no one can promise that even though the marginal cost of gasoline is reduced by a 4.3 cents per gallon tax reduction on a given day, some other factors may not simultaneously influence the market price of gasoline.''

ARCO chairman Bowlin said: ''What we can say is that ARCO will immediately reduce the total price of gasoline at our company-operated stations and to our dealers by 4.3 cents per gallon. I can also tell you that our internal forecasts suggest that gasoline prices are headed lower. We believe that the vast majority of responsible economists would say that a reduction in excise taxes would be passed through about penny-per-penny at the pump.''

Mr. Speaker, I strongly suspect that major refiners around the country will pursue this same policy. The market will dictate that consumers benefit as to this tax cut to the same degree that they suffered from the original tax increase. Arguments to the contrary are nothing but a smokescreen to avoid cutting taxes.

Mr. Speaker, the time has come to give Congress the straight up-or-down vote on the Clinton gas tax that was requested and denied back in 1993. The time has come to begin to pare back the largest tax increase in American history, starting with hardworking middle-income families. Remember, this is just the beginning of our attempt to pare this back. I am one who supports a 15-percent across-the-board personal income tax cut, which would go a long way toward repealing the Clinton tax increase of 1993, and I hope that this will begin our step down that road of trying to bring about a modicum of responsibility.

Mr. Speaker, I urge my colleagues on both sides of the aisle to support this rule and present the American people with a clean up-or-down-vote on a proposal to have the Federal Government stop taxing motor fuel quite so much, letting families keep a little bit more of the money they earn.

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

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

Mr. Speaker, we strongly oppose this closed rule for H.R. 3415, the bill providing for a temporary repeal of the 4.3-cent gas tax.

The rule shuts out all amendments, including those that were offered to ensure that the gas tax repeal goes to consumers, and not to the oil companies. No matter whether one supports the temporary reduction of 4.3 cents or whether one thinks it is an irresponsible action—both fiscally and environmentally—surely everyone expects that the savings will be returned to our constituents in the form of lower prices at the pump when they purchase their gasoline.

Mr. Speaker, we are being required to vote on legislation without being given the chance to consider reasonable alternatives that would, in fact, protect consumers. We think that is completely unjustified and, at the appropriate time, we shall urge our colleagues to defeat the previous question so those amendments can be made in order.

Many of us think the bill itself is an irresponsible political reaction to temporary fluctuations in the market price of oil, and are therefore, also strongly opposed to the legislation. What we are doing today is voting on repealing the 4.3-cents gas tax that was part of the 1993 deficit-reduction package that many Members fought so hard for, without a single Republican vote. Democratic Members took a great deal of criticism at that time and thereafter, at election time, but the fact is, that legislation was a success. This year's deficit will be down to about $155 billion, less than half its 1992 level of $290 billion. Frankly, if Democrats had not made that very difficult decision in 1993 and voted for unpopular deficit-reduction measures, including the additional 4.3-cents gas tax, none of us would even be in the position of talking about the possibility of balancing the budget 6 years from now, in the year 2002.

Proponents of this $2.9 billion gas tax suspension argue that it will not affect the deficit because it is paid for by offsets. But what they don't say is that every tax cut, and every spending increase affects the deficit. Offsets that pay for tax cuts like this one, or for spending increases, consume the increasingly scarce means available to reduce budget deficits, making the task of reaching a balanced budget that much harder.

Furthermore, repeal will not be the great boon to Americans that proponents claim. It will save the typical middle-income family only about $27 a year.

The fact is, even with the 4.3-cents per gallon Congress added in 1993, the Federal and State tax on gasoline is much lower in the United States of course, as Members know, than in European countries and much of the rest of the world where taxes run between $1 and $3 a gallon. Part of the reason we are vulnerable to the kind of sudden surge in gasoline prices that we have seen recently is because we refuse to tax ourselves at a level that will discourage consumption.

Our many years of low gasoline prices have lulled Americans into thinking that we will have cheap gasoline forever. Our expectation of low gas prices has had many harmful effects:

It has lessened the already very minor incentive that exists to conserve energy and reduce our Nation's dependence on imported oil.

It has continued to encourage intensive residential development further and further away from central urban areas; It has provided an incentive for the purchase of larger, heavier vehicles, leading to increased oil consumption and contributing to the ever-rising costs of road repair; It has contributed to air pollution—and the costs of fighting it, which in California is responsible for 5 to 15 cents of the recent gas price increase.

We could slow these trends by letting market forces work and retaining the existing gas tax. Raising the gasoline tax, which I realize is out of the question, but which would be the most sensible move, would obviously lead to even more progress.

For all these reasons, this legislation repealing the 4.3-cent gas tax is a not a wise step for us to take. It would, rather, serve the best interests of our Nation and protect hard-won deficit reductions if this legislation was defeated.

In any event, Mr. Speaker, our Republican colleagues seem determined to make sure this bill will not result in savings for American consumers anywhere near 4.3 cents a gallon.

For that reason, I urge my colleagues to join me in opposing the previous question so we can give this tax cut to our constituents—to American drivers—not to big oil companies.

If the previous question is defeated, I shall offer an amendment to the rule to make in order three consumer protection amendments to guarantee these savings are passed on to the American people. Every single one of these consumer protection amendments was rejected by the majority in the Rules Committee last week, but we feel strongly that the House should have the opportunity to determine who this gas tax repeal is to benefit.

Mr. Speaker, to summarize, we oppose this rule and, at the proper time, we shall urge defeat of the previous question.

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

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

Mr. Speaker, I would respond to my friend by saying that we have the best consumer protection vehicle, and that happens to be the free market. I said in my statement that I have press releases which I have entered into the RECORD that have come from two of the so-called big oil companies based in my State of California.

I am not here as an apologist for the oil companies, but the fact of the matter is that on ABC's Nightline, Mike Bowlin, the chairman and chief executive of the Atlantic Richfield Co., said "If the Federal Government reduces the gasoline excise tax by 4.3 cents per gallon, ARCO will immediately reduce its total price at its company-operated stations and to its dealers by 4.3 cents a gallon." Chevron says, "Any decrease in the Federal gasoline tax would be immediately reflected in the prices Chevron charges to motorists at our 600 company-owned stations in the United States."

My colleagues on the other side of the aisle insist on mandating this, mandating it. My friend, the gentleman from San Diego, during 1-minutes today, kept saying we have to impose a mandate to make sure that this goes on. We happen to believe in the free market. I happen to take these people from these companies at their word. I know it is politically popular to bash the hell out of big oil, but the fact of the matter is they have stepped up to the plate and said that it is going to be passed on to the consumer. Before we pass another law imposing constraints on them, I think we should maybe try the free market.

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

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Claremont, CA, who is vice chairman of the Committee on Rules, for yielding time to me, and for leading off this debate on one of the most important issues that will come before this body this week, that is for sure.

Mr. Speaker, for those members who may be back in their offices, I know this is the first day back today, but I guess if we really want to point out the differences here, my good friend, the gentleman from California, TONY BEILENSON, who will be retiring this year from the Congress and who came here, I think, in 1976, so he has been here a long time, but to point out the differences, my good friend, the gentleman from California, would like to, I think I have heard him say on a number of different occasions, increase the gasoline tax by 50 cents.

In my district, which is about 250 or 260 or 270 miles long, depending on which road you take, 10,000 square miles, it is mostly rural, but we do not have buses and trains and subways. We certainly do not have any subsidized buses and trains and subways. People have to pay their own way. This 5 cent tax already cost them about $40 or $50 more per year. Imagine what a 50-cent increase in the tax would cost them on what it already costs them, if they pay $1.30, $1.40 or $1.50 per gallon to drive back and forth to work. So think about that, because that is the difference between their argument and ours.

Mr. Speaker, this bill does repeal one of President Clinton's most burdensome taxes on the middle class, on working Americans, his 4½ cent increase in the transportation motor fuel excise tax in 1993. Perhaps the only one more onerous than that perhaps was the increase in the Social Security tax during that same bill, which was the biggest tax increase in history.

Mr. Speaker, since gas prices have soared in recent months, there have been some attempts at revisionist history of how the gas tax came about. Let us review the painful legislative history of that. In early 1993, when the Democrats controlled Congress and the White House, that meant they controlled everything, it seemed at the time there was no tax that the Clinton administration did not like. Let me tell the Members, they loaded up that bill. That is how we got the biggest tax increase in history, including this one.

When the 1993 budget reconciliation bill passed the House by a vote of 219 to 213 without a single Republican vote, it contained an excessive energy tax. I think they called it, what did they call it, the Btu tax, I think it was.

☐ 1615

Most people never heard of it until it was brought up on the floor that day. I think it was a British thermal unit tax, is what it was, in which an excise tax is levied on all forms of energy based on the thermal or heat content of a fuel. That is how ridiculous that tax was.

When the bill emerged from the conference, it contained a permanent 4.3 or 4½ cent increase in gas taxes. That legislation, if Members recall, passed by just two votes. The American people got saddled with it because of two people who did not switch their vote.

Mr. Speaker, I wish we had time to undo all the damage contained in that 1993 tax package, which was of course, as I have said, the biggest increased in taxes in the history of this Congress.

Mr. Speaker, as Chairman ARCHER of the Committee on Ways and Means testified before the Committee on Rules, the Nation is experiencing a spike in gas prices this year. It is estimated that average national regular gasoline prices have increased from $1.09 per gallon on January 8, 1996, to $1.28 per gallon on May 7, 1996. In some areas, prices are even higher.

I know in the district that I represent, which I have just described, in upstate New York gas is as high as $1.33 per gallon for regular gas today, and that is really a tremendous increase. In Mr. DREIER's State, I think he just mentioned, certainly Mrs. SEASTRAND sitting across the way here, prices in some parts of their States are now over $2 per gallon.

For my constituents who reside in the mid-Hudson Valley in a district that is 270 miles long, this is a severe economic crunch brought about by President Clinton's tax package. Many citizens in my district drive 100 miles a day round trip. That amounts to 25,000 miles per year or more. Any kind of a relief from these exorbitant gas taxes for these people who drive so far on a daily basis is sorely needed, Mr. Speaker.

Mr. Speaker, the severe winter, the Mideast politics and other market forces certainly have contributed to the sharp increases in the price of gasoline. However, no one can deny that the long-term impact of the President's tax increase which has hit consumers directly at the gas pumps.

For those who drive up to 100 miles a day to get to work in the morning and get home at night, any kind of tax relief is greatly appreciated, and this repeal of the 4.3 cent gasoline tax increase is only a minor component of a larger program to provide tax relief to all Americans. But this repeal is a huge step in the direction of beginning to repeal taxes around here instead of incessantly increasing them. Let us stop this, and let us enact this bill.

Mr. BEILENSON. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, I thank my friend and colleague from California, Mr. BEILENSON, for yielding me the time.

Mr. Speaker, one cannot believe that the American consumer will not see through this. Why would the majority not agree to an amendment to ensure that the 4.3 cents goes to the consumer? What is wrong with that? We quote some of the executives of oil companies that say they will do it. If that is the case, it would not hurt them. Why not build that into the law?

Now the reality is that gas prices are gong to drop. The fact is that gas prices are going to drop substantially in the very near future. We just got an agreement that Iraq will be able to sell 2 billion barrels of oil, so we know gas prices are going to drop dramatically.

But this will ensure that we will lose $3 billion of revenue this year if we build it into the budget resolution. We have been talking about $30 billion over the long term, but if it is just 1 year, it is $3 billion that the consumer has to pay for. It increases their deficit, it reduces revenue that they will get from spectrum auctions or whatever else. It does not need to be done. It should not be done.

The fact is that 6 months ago oil prices were at the lowest level in 50 years in terms of real dollars, and that oil prices dropped after the 4.3 gas tax was put in, so this spike in gas prices has nothing to do with this 4.3 cent tax. It has everything to do with a calculated decision on the part of the oil companies. Even knowing that we had experienced a very harsh winter, that demand for oil was going to go way up, they deliberately depleted their supplies, and it worked.

If we look at the first quarter profits for oil companies, they have been up over 40 percent in the first 3 months of the year, and of course the executives that run those oil companies made out beautifully. Consider that the average salaries and expenses for the top six oil companies was $1.5 million per executive. But in addition, just in March and April alone, the value of their stock options rose by $32.8 million as a direct result of this policy. It worked.

Now we hear about the free market system. What free market system? If it was really a free market system, we would see some oil companies coming in and trying to seize a larger share of the market because clearly they do not need to charge this much.

If we look at California, where gasoline prices have jumped more than 30 cents a gallon since mid February, the Los Angeles Times reported that the refiners' profit margin per gallon of gasoline sold at retail has more than doubled since December. The profit margin more than doubled from 21 cents per gallon to 46 cents per gallon. That is where the money is going. The money is not gong to purchase the oil. The money if going into the profit of the oil companies, a calculated decision.

Now we are going to come around and add $3 billion to the taxpayers' debt to reduce their gas taxes? It does not need to be done. We know that gas prices are going to drop because of Iraq selling more oil on the market. This kind of thing is a sham. It is political pandering. It ought not be done. We ought to protect the consumer's interest. We should at least allow an amendment to ensure that the money goes to the consumer.

Mr. DREIER. Mr. Speaker, I yield 4 minutes to my very good friend from Shell Beach, CA, Mrs. SEASTRAND, who represents the Santa Barbara County area. Mr. Speaker, let me just say that she is the lead author of this legislation which calls for the repeal of the 4.3 cent a gallon gas tax.

Mrs. SEASTRAND. Mr. Speaker, I rise in strong support of the rule to H.R. 3415, legislation I introduced to temporarily repeal the 4.3-cent gas tax which was part of the President's and the 103d Congress' $268 billion tax increase package.

It is important that this legislation be considered as expeditiously as possible to provide relief from the recent surge in gasoline prices, particularly before the Memorial Day holiday as the demand and price of gasoline increase as we approach summer and Americans significantly increase their amount of driving.

In my congressional district located on California's central coast, the price of gas has risen sharply since April. In some parts of my district the price of gasoline has actually increased to over $2 for a gallon of 93 octane gasoline.

There are a number of variables that contributed to the gasoline price surge. There has been a reduction in the supply of gasoline due to the extremely harsh winter we just experienced causing oil companies to convert petroleum into heating oil rather than gasoline. Another reason for the surge of gasoline prices in my State is related to recently instituted regulations mandating the refining of cleaner burning gasoline; these new regulations will significantly reduce air pollution in California; however, they do have their price, which is about a dime a gallon of gas.

By repealing the 4.3-cent gas tax by one-third as proposed in my bill, Californians will see a savings of over $225 million in 1996. It is important to bear in mind that the gas tax we are considering today is unlike all other Federal taxes American consumers pay. The revenues generated by this gas tax devised by President Clinton and the 103d Congress, do not go to the highway trust fund to repair and build roads across America. The money go directly to the U.S. Treasury to be spent on miscellaneous Government expenses. Repeal of this law for the remainder of 1996 would reduce taxes for American consumers at the gas pump by over $2½ billion and would reduce the costs for many other goods and services that are currently inflated due to the high price of gasoline. Furthermore, it would reestablish the 8,000 jobs in California and the 69,000 total jobs lost in this country when the tax was enacted in 1993.

This tax repeal is a break the American consumer deserves, is long overdue, and keeps us on target toward balancing the Nation's Federal budget by the year 2002. Mr. BLILEY's amendment to the legislation assures us that the repeal will be paid for by auctioning 35 megahertz of the electromagnetic spectrum. This legislation coupled with reductions of wasteful spending at the Department of Energy provide the necessary offsets to ease the pocketbooks of American consumers.

Again, Mr. Speaker, I urge my colleagues to support the rule and the subsequent legislation that will be considered to repeal the 1993 gas tax.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. HEFNER].

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. HEFNER].

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

Mr. HEFNER. Mr. Speaker, it seems that every debate we have around here, it centers on the President's package of 1993. I would just like to remind the gentleman, I do not know about this district, in my district the package we passed in 1993 with all Democratic votes, 55,000 of my constituents had a tax cut because of the earned income tax credits; 1,100 people had a tax increase.

Now we talk about repealing the 4.3 percent gasoline tax, which I would like to vote for if I could be assured that when my mothers and fathers and aunts and people taking the kids to Little League and going to Disney World, when they drive up to the pump, they are going to get a 4.3 percent decrease in their gas tax.

You say that you believe in the free market, but you do not believe in democracy. You do not believe in giving us a chance to vote on some assurance that the consumer is going to get the benefit of this 4.3 cents a gallon. You are going to trust the oil companies that are in the business of the bottom line, the profits. To me this just does not make any sense.

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

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

Mr. DREIER. Mr. Speaker, if I could respond very briefly by stating that it is very, very clear that when we brought this issue up in 1993, we tried to get a straight up-or-down vote on this tax increase that was a part of the Clinton overall tax increase legislation, and unfortunately we were denied that.

What we are saying now is we do not support mandates. We do not support the constant imposition of constraints from the Federal Government onto the private sector. We have statements that have come from those in the private sector, that they will pass on to your relatives and your constituents who are driving to Disney World or wherever else they want to go this summer, that they will have a 4.3-cents-a-gallon reduction in the tax they have to pay. Now, why we have to proceed with having the Federal Government impose a mandate on us is preposterous to me.

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Mr. HEFNER. Mr. Speaker, let me just make a couple of points. You talk about wanting to give some tax relief to the working Americans, but in your budget that you passed here last week, you cut earned income tax credit, which is going to be a tax increase to working Americans. It seems to me if you wanted to make sure that the consumers get the 4.3 cents benefit from the repeal of the tax cut, that it should be mandated that it be passed on.

You have two letters. I do not know how many oil companies there are in the United States, but that is not even 1 percent of the oil companies in the United States. And if it is such a great idea, why do you not make it permanent? Why did you not go back and pick up the 10 cent a gallon tax that your Presidential candidate helped put on several years ago, and make it like 15 cents? Repeal the whole 15 cents and give the consumer a real break on gasoline prices. This is something that just does not make a lot of sense to me, unless you can mandate the consumer gets the benefit of the tax cut.

Mr. DREIER. Mr. Speaker, I will say I totally concur with my friend. I want to see the consumer benefit from this tax cut.

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

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I am fascinated. I keep hearing about President Clinton's gas tax that was passed in 1993. That was actually part of a much larger bill. I never hear about other parts of that bill. How about President Clinton's tax cut, the tax cut that went to 100,000 working West Virginians making under $26,000 a year, that more than offset any increase they saw in the gas tax? How about President Clinton's deficit reduction plan, that has brought the deficit down far more than anybody thought, from around $290 billion to $135 billion, more than half in 3 years? How about President Clinton's tax cut plan, that actually dropped taxes for large numbers of West Virginians? So the result is that today, we have an economy that has actually been growing when Members of the other side, Mr. Speaker, said it would be retracting.

But my main concern on this is how do you protect the consumer. I am offered two press releases from oil companies, large oil companies, that say trust us, do not worry, we will pass the 4.3 cents along.

I tried that out yesterday, Mr. Speaker, at a gas station in West Virginia, as I was paying $1.32 I believe for regular. I tried that out. They said, ''Bob, how are we going to guarantee the consumer is protected?'' When I said ''That is OK, it is going to be the marketplace,'' they all broke out laughing. They know the 4.3 cents is not coming back.

Yes, you may see the price drop off the tag on the marquee for a day or two, but when it goes back up again, you will say ''You did not pass it along.'' They will say ''Daggone, you know the futures market. It is terrible today.'' That is what concerns a lot of us, Mr. Speaker. Why can your party not simply permit us a vote that says the consumer definitely gets the benefit of this?

I hear a lot about the free markets. The free market works best when the consumer actually gets what they paid for. So if the consumer is to get the benefit of the 4.3 cents, let us offer an amendment. But you will not do it, Mr. Speaker. You will not let us offer an amendment to guarantee the consumer gets the benefit of this.

You instead take the money you save from spectrum sales and cutting $800 million from the Energy Department. That is interesting. The reason we are in this pickle is because we are 50 percent dependent at least on foreign oil producers for our energy, and yet we are going to cut the agency that tries to make us energy independent.

But at any rate, you say there is $3 billion to be found. If there is $3 billion to be found someplace else, could we use that for deficit reduction too? Could we use that, instead of ultimately having to cut education, having to cut highway construction, having to cut infrastructure, and could we use that instead of having to cut the programs that help our economy to grow?

Oil company profits, Mr. Speaker, went up 40 percent in the first quarter of 1996 over the first quarter of 1995. Certainly it seems to me that couple of press releases are not sufficient, and if the consumer is to be guaranteed he or she will get that 4.3 cent a gallon cut, that we ought to be guaranteed something more than two press releases and ''Gosh, we hope so.'' I think it requires legislation.

Please, let us offer the amendment that safeguards the consumer and make sure that this cut in the gasoline tax goes to them. If you are not going to do that, let us not play this game.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. BENTSEN].

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

Mr. BENTSEN. Mr. Speaker, I rise today in opposition to the closed rule on H.R. 3415. Let me say from the outset that I find it a little surprising and a little ironic it has taken the Republicans 18 months to decide to repeal this tax. Why was it not in the Contract With America?

I had hoped to have the opportunity today to offer an amendment to repeal this 4.3-cent gas tax for the remainder of the year, and offset that cost with the repeal and immediate elimination of the ethanol subsidy. However, my colleagues on the Committee on Rules, the majority of my colleagues on the Committee on Rules, would not allow such a vote. Instead, the Republicans have once again asked this Congress to consider important legislation without full and open debate, and perhaps worse, without the full assurance that this will not add to the deficit.

In fact, not one member of the authorizing committee for spectrum sales testified in favor of such spectrum sales or spectrum auctions. No hearings have been held. We do not know whether it will pay the tab.

Furthermore, Mr. Speaker, the American people deserve common sense legislation to provide relief for soaring gas prices. My approach would have repealed the gas tax and provided immediate relief to American consumers, but it would have achieved this goal in a way that is fiscally responsible, environmentally sensitive, and truly responsive.

According to the Joint Tax Committee, a repeal of the gas tax through the end of the year would cost $2.9 billion. Repealing the 54-cent ethanol subsidy would reap $2.6 billion over 5 years and almost $10 billion over 10 years. The ethanol subsidy has proved to be one of the biggest boondoggles in the history of the Congress. According to the Treasury Department, it costs $5.3 billion in the last 10 years. The ethanol subsidy also costs the highway trust fund $850 million per year.

I might add that 50 Members of the House on both sides of the aisle have introduced legislation to repeal this. In fact, a majority of the House voted to repeal the ethanol subsidy last fall, only to see it stripped by the majority in the Senate.

Finally, my amendment would have allowed an alternative to the controversial funding offset of spectrum auctions which the bill proposes. Frankly, as I said, no member of the authorizing committee testified in favor of this spectrum auction before the Committee on Rules, underscoring its dubious fiscal estimates.

We should cut the gas tax, but we should do so responsibly. Unfortunately, this Congress will not have that opportunity today. The Members of this House cannot be trusted with this responsibility according to seven members of the Committee on Rules.

I urge my colleagues as a result of that to defeat this rule, to defeat the previous question, and open this up and let democracy be part of this House.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Utah [Mr. ORTON].

Mr. ORTON. Mr. Speaker, I thank the gentleman for yielding time.

Mr. Speaker, I rise in opposition to this rule. There are no amendments allowed. It is a closed rule. There were amendments proposed to ensure that the tax cuts would be passed on to the consumers, to make it permanent, to ensure that it would cure the defects in this bill, the No. 1 defect being the fact it is not paid for. My former colleague just explained an amendment which would have paid for this. None of these amendments will be allowed. This bill will increase the deficit.

Now, I opposed the gas tax increase in 1993. I felt that it was unfair for people in the West to pay more for deficit reduction than those in the East who had access to mass transit. But the repeal should be permanent and should be paid for, not just election year politics in search of votes. The gas tax will go up right after the election.

This bill is not paid for. The spectrum auction last year was included in last year's budget, by the way, as a method to pay for deficit reduction. Now it is being ponied out to pay for gas tax repeal.

This bill also uses sleight of hand by attempting to decrease future authorizations to pay for this bill, not budget authority. Even the CBO says that will not work and will not pay for the bill.

On the Committee on the Budget last year, there were safeguards put into the budget to ensure that we would not get into the easy route of cutting taxes without balancing the budget and without paying for those tax cuts. There was a mechanism placed in there to prevent that. That was left out of this budget, and I attempted to put it back in last week when we debated the balanced budget that was proposed here. They refused to put it back in.

Why? Because apparently they want to come forward with additional cuts in taxes that are not paid for, that are not part of a balanced budget. The chairman of the Committee on the Budget said, ''Trust me. I will not allow bills to come before this floor which increase the deficit, which cut taxes, and which are not part of a balanced budget proposal.''

Here we are, one week later, also being told by the gas companies, trust them, they will pass it on to the consumers.

Mr. BEILENSON. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Michigan [Mr. DINGELL], the ranking member of the policy committee.

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

Mr. DINGELL. Mr. Speaker, I rise in opposition to this outrageous gag rule, and I urge my colleagues to vote down the previous question. When historians write the results of today's discussions, they are going to write that in a shameful and a shameless fashion, this Congress tried to gull the American people into a belief that some way or another they are going to get 4.3 cents a gallon back on gasoline.

Nothing is further from the truth. The big oil companies are already rubbing their hands and licking their chops, because they are going to get that 4.3 cents per gallon, and it ain't ever going to get to the people of the United States. And if you go home and tell your people so, you are not going to be telling the truth.

Now, beyond that, I wanted to point out that this is a gag rule. Now, I love my dear friend, Mr. SOLOMON. He is a fine gentleman and a fine Member of this body. But I call him ''Closed-rule-SOLOMON'' and have done so for some time. I know it is offensive to him in the supreme to have to offer rules which make it possible for Members like me to have a decent opportunity to amend the legislation such as we have before us.

What this bill does is it is going to give 4.3 cents per gallon to the big oil companies, and they are going to enjoy it mightily. That comes down, my dear friends and colleagues, to $4 billion that you are giving to oil companies, that really do not need it. Their balance sheets are healthy in the extreme and their stock is going up daily.

Members in this body, because of this closed rule, will have no opportunity to vote on amendments that will put this 4.3 cents per gallon gas tax into the pockets of their consumers. The only thing that is going to happen is the oil companies are going to get that money, and the deficit is going to go up by $4 billion.

Fiscal responsibility? No. Oil companies would say so, yes, but the average citizen will say so, no. Indeed, oil prices are going to go down because the Iraqis are now entering the world markets because of the understandings in the U.N. the other day.

Now, there is simply no mechanism in this legislation whatsoever for ensuring that the tax reduction actually reaches the consumer at the pump. In short, this bill and this rule will do nothing for the typical American consumer. That is why I urge a no vote on the rule, and why I urge a no vote on the previous question.

If you have read the papers, you have seen that time after time, spokesmen for everybody, including the big oil companies and economists and government people, have said this money is going to the oil companies, it is not going to the ordinary citizen. Beyond that, when our committee had hearings a couple weeks ago, Dr. Phillip Verleger, a respected energy expert at Charles River Associates and a witness selected by the Republicans, was quoted widely in the press as saying consumers will not see any of this repeal reflected in the pump prices.

Mr. Charles DiBona, an old and respected and valuable friend of mine, a fine and honorable gentleman, who heads the American Petroleum Institute, had a little more optimism on it. He thought consumers might see some of this money back, but he never said when. I asked Mr. DiBona whether he thought the oil industry would support an amendment that would ensure that consumers would get this 4.3 cents per gallon back. He demurred, because he understood full well that his clients and his people and the American Petroleum Institute were going to fatten themselves to the tune of $4 billion at a 4.3 cent per gallon clip at the expense of the American consumers.

We are giving by this legislation and by this closed rule $4 billion to the oil companies. Nothing, nothing, nothing of this is coming back to the American people.

I asked the Committee on Rules, chaired by my dear friend, ''Closed-rule-SOLOMON,'' to make it in order to ensure amendments offered by myself, the gentleman from Massachusetts [Mr. MARKEY] and the gentleman from Florida [Mr. GIBBONS], to assure that the money would come back to the consumers.

That was not permitted by the Committee on Rules, which was doing its proper work, because it is taking care not only of Republican policy, but of their good friends amongst the oil companies, by seeing to it that the oil companies get the money, and not the consumers.

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

Mr. Speaker, I would like to say we have had many more open rules, and to call my friend JERRY SOLOMON ''Closed-rule-SOLOMON'' is clearly a misnomer. We in this Congress have seen a dramatic improvement in the free flow of debate, as has taken place on the floor of the Congress here, and the numbers actually prove that.

Mr. Speaker, I yield 2½ minutes to the gentleman from Louisiana [Mr. TAUZIN], a member of the Committee on Commerce.

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Mr. TAUZIN. Mr. Speaker, I thank my friend from California for the time.

Mr. Speaker, there are many things that may be uncertain about the marketplace, but let us talk about a few things that are certain. The administration, when it passed this 4.3-cent gas tax told us it would not really cost the consumer anything, and now, when we are about to repeal it, they say it will not really save the consumer anything. Let me be clear. Gasoline prices cost 4.3 cents more than they should because of the 4.3-cent a gallon tax.

In 1981, the combined State, local and Federal taxes on gasoline was 13 cents. Today, the average in America is 39 cents. That is 26 cents more than it should be costing because of taxation. When we reduce taxes, we make gasoline cost less. When we raise taxes we make gasoline cost more. What could make more common sense?

But if we really want to look at the price of gasoline, look at the fact today we are more dependent on foreign producers and refiners than ever before. We have not built a refinery in America for 20 years. And those who complain about gasoline prices should think about their votes to create moratoriums against drilling; think about their votes to prevent the production of hydrocarbons and refined products in America; think about the fact that today we are more dependent on Saddam Hussein and Iraq than we were yesterday; think about the fact that the price at the pump includes all of the cost, including our taxes, and includes the cost of escorting ships from the Persian Gulf, includes the cost of the Persian Gulf war, includes the lives of young Americans and the health of young Americans who had to go fight for somebody else's oil because we would not produce it in America.

Yes, we should vote for this rule. We should, indeed, repeal this tax and make gasoline cost just a little less for Americans who depend too much on foreign produced oil.

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

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

Mr. DREIER. Mr. Speaker, I want to ask the gentleman if I am correct in assuming that my friend left the other side of the aisle and came over here because of his understanding of the free market process?

Mr. TAUZIN. Mr. Speaker, I would respond to the gentleman that that was certainly part of it.

Free markets make sense in America. We applaud them. We are pleased with them. My liberal friends who like gasoline taxes believe that the price of gasoline should be really high so Americans will not use it any more. That is their theory. So they keep adding taxes on it.

Those of us who believe in the free markets know that if we produce more at home, if we produce more at home and not depend upon foreigners all the time, then we can really get prices we can depend upon. When we depend on somebody else to make our products, they set the prices and we may not like them. When we raise taxes on a product, we raise the prices to consumers. It is that simple.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA].

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

Mr. FOGLIETTA. Mr. Speaker, with this closed rule, we have run out of gas on gag rules.

It was clear from day one that there would not be opportunity to be heard on this election year gimmick. There is no guarantee that the repeal of this tax will trickle down to our constituents—and thus this is just another Gingrich gift for corporate America and fat cat contributors.

The one way to guarantee that working people will feel any benefit from our action on the gas tax would be through the compromise I wanted to offer today.

I start with the premise that repealing this tax is wrong. In 1993, Democrats, alone, had the courage to pass the largest deficit reduction effort in history and it is working. We have cut the deficit in half, and just today the estimate of the deficit was lowered by another $15 billion. We should not go back.

My compromise recognizes the political reality—it is going to pass. My amendment would repeal half of it. The rest—2.1 cents of it—would be directed toward underfunded mass transportation infrastructure.

If we are really serious about helping working people get to work—cheaply, reliably, and environmentally friendly—than helping mass transit stay alive is where we should invest. Mass transit is also one of the tools for genuine welfare reform.

But mass transit is grinding to a halt—in cities, in the suburbs, and in rural areas: service cuts in Casper, WY, 50-cent fare increases in Montgomery, AL, 22-percent fare increases in suburban Harrisburg, PA, and near bankruptcy for transit system in my district, SEPTA—hurt so badly by the retreat by the Federal and State Governments. Thus, this is not a big city issue. It affects anyone who rides the road, the rails, the buses, senior vans, or subways.

We could really help our constituents get to work—the people who depend on transit, and drivers who depend on transit to avoid the traffic gridlock we face in the next century—by investing some of those gas tax dollars in transit. Let's send this rule back to the Rules Committee so we can have a fair debate.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Fullerton, CA, Mr. ROYCE, one of the coauthors of this legislation.

Mr. ROYCE. Mr. Speaker, I rise in strong support of the rule for this bill, of which I am an original coauthor, to repeal the 4.3 cent per gallon Federal gas tax imposed by the Clinton budget in 1993.

At a time when we in Congress are trying to put money back in the pockets of American families and recharge the Nation's economy, gasoline excise taxes are at an all-time high. In the last 10 years, the Federal gasoline tax more than doubled, from 9 cents to 18.3 cents per gallon. Now, in California, the total gasoline tax has increased to 47.4 cents per gallon.

We are to believe that government can continually increase taxes like this without it affecting the price at the pump? Economists tell us that that is not so. Economists tell us if we increase taxes, and increase taxes, and continue to increase that tax, we will see that reflected in the pump price.

Now, the prior Congress did increase this tax and we want to repeal it. This tax burden takes $422 out of the average American family's household budget per year, and that is a significant amount of money for hardworking American families trying to make ends meet.

When President Bill Clinton pushed through the 4.3-cent-per-gallon hike in the Federal gas tax in August of 1993, as part of the largest tax increase in peacetime history, he assured his colleagues that the tax increase would only affect the rich. In reality, the gas tax increase has had a significant day-to-day impact on middle and lower income American families. These are the folks that are feeling the pinch at the pump, it is not the rich.

And to add insult to injury, none of the 1993 increase goes toward improving our Nation's roads or bridges or highways, which would be of some benefit to the user that is paying that tax. So the recent painful increase in the price of gas at the pump gives us an excellent opportunity to repeal a tax that never should have been imposed.

Cutting the Department of Energy to pay for the fuel tax repeal makes sense. Like the first bill I introduced 3 weeks ago, this legislation recognizes the tremendous inefficiencies of an outdated, overgrown bureaucracy that has long outlived its purpose.

Created by President Jimmy Carter in 1976 to solve the energy crisis, the DOE has grown into a massive $17.5 billion bureaucracy with multiple missions and questionable priorities. It has been plagued with controversy and management problems. In a February 1995 report, the General Accounting Office criticized the Department of Energy, and concluded that the "DOE is not an effective or successful cabinet department."

But this is only part of the story. I urge my colleagues to read my editorial printed in the Washington Times this morning, where I go into much more detail on the inadequacies and failures of a Department that has simply outlived its purpose.

The bottom line is that energy is no different from any other commodity in the marketplace. Energy production and distribution is better directed by market forces than by government planners and bureaucrats. As is the case with so much of our government today, the DOE represents an outdated response to a brief period of crisis and is basically irrelevant today.

While this legislation we are debating today does not go as far as the earlier legislation I introduced, it does focus attention on the blatant mismanagement and abuse of taxpayer funds that plague this Department and reduces its budget.

Again, I urge my colleagues to support this bill. We should repeal the 1993 gas tax, cut the Department of Energy budget, and give the money back to motorists. That's more than the Department has done.

CUTTING THE GAS TAX AND REINVENTING GOVERNMENT

(By U.S. Rep. Ed Royce)

In 1992, when he was running for president, Bill Clinton promised he would not raise federal gasoline taxes. But just one year after he was elected, in August 1993, he pushed through the Congress a budget proposal with over $265 billion in tax increases, including a 4.3 cent per gallon hike in the federal gas tax.

At the time, Clinton assured his colleagues that the 1993 tax increases would only affect the "rich." In reality, the gas tax increase has had a significant day-to-day impact on American families, especially those who are middle and lower-income. These are the folks that are feeling the "pinch at the pump," not the "rich." To add insult to injury, none of the 1993 increase goes toward improving our nation's roads, bridges or highways, which would be of some benefit to the user. This is a perfect case study of how the democrat philosophy of redistribution of income can backfire.

Two years after the ill-fated tax increase, Clinton apologized before a group of Democratic party donors, admitting that he "probably raised taxes too much." But is he sorry enough to do something about it?

If so, he now has a perfect opportunity to partially right his wrong and kick-start his effort to "reinvent government." Two weeks ago I introduced a bill in the House of Representatives to repeal the 4.3 cent gasoline tax increase, paid for by downsizing the Department of Energy (DOE). It is that bill which provided the basis for the proposals now moving through the House and the Senate.

The painful increase in the price at the pump gives us an excellent opportunity to repeal a tax that never should have been imposed, while at the same time helping taxpayers keep more of their hard-earned money. Why offset the cost of the repeal by downsizing the DOE? Admittedly, it's an easy target—the Department is plagued with controversy and management problems. But that's only part of the story. The DOE simply has outlived its purpose, and like any obsolete entity or industry, its got to go.

To put the situation in perspective, in the wake of the Arab oil embargo in 1976, Jimmy Carter campaigned for President on a platform of energy independence. The following year, he created the DOE and charged it to solve the problem. Since then, the DOE has grown into a massive $17.5 billion bureaucracy with multiple missions and questionable priorities. Needless to say, it has not solved the problem.

For example, the department embarked on a massive and expensive program to develop synthetic fuels. Predictably, it failed. After billions of dollars, a half dozen years, and a notorious scandal, the department abandoned its "synfuels" program, and concentrated on overseeing nuclear energy programs. Meanwhile, the market took care of the petroleum shortages and the price of oil dropped from a high of $40 per barrel to $20.

Much of DOE's budget is directed at nuclear weapon or nuclear cleanup activities. These environmental and defense undertakings are best managed by environmental and/or defense agencies, not energy departments. Turning the weapons-related programming over to the requisite agencies makes sense, and helps protect against bureaucratic "mission creep" as was the case at the old Atomic Energy Commission. Additionally, in the case of the Department of Defense, merging the weapons producers with the weapons customers helps ensure coordination of national strategy.

President Clinton has already proposed that we denationalize the DOE's Power Marketing Administration's (PMA), and turn the Bonneville Power Administration into a public corporation because the premises on which they were established is no longer applicable. He's got that right. More than 98 percent of America is already wired for power and there is no cause whatsoever to believe that private companies would somehow "pull the plug" on electrified regions. Governments around the world are privatizing government operated power systems, including Poland, Hungary, Spain, Italy, and Peru. The U.S. should listen to the advice it gives to the former Soviet bloc and denationalize its own "means of production.

We should also sell the Strategic Petroleum Reserves (SPR), and the Naval Petroleum Reserves (NPR). The NPR were originally set aside to ensure the Navy a supply of oil as it converted its fleet from coal to oil before WWI. The SPR was created during the energy crises of the 1970's, when Congress decided the government should produce oil and gas at these fields and sell them on the commercial market. The problem is that the SPR, no matter how large, cannot insulate the American economy from international energy markets. Even if we were to import no foreign oil whatsoever, international supply disruptions would cause price increases just as high here as they would be in a nation that imports all of its oil.

Additionally, much of the SPR is high-sulfur crude that would be amply available in any OPEC-induced crisis. It's low-sulfur crude that the U.S. imports from the Persian Gulf and high-Sulfur crude cannot easily be substituted for low-sulfur crude without a great deal of cost.

Finally, concern over the inability to secure needed oil during a supply disruption has decreased significantly. The number of oil-exporting nations has increased, and the large oil companies have worked to diversify their sources of oil. As Daniel Yergen, President of the Cambridge Energy Research associates and author of The Prize explained, "There is a much more secure base to the world's energy economy than was the case in 1973 . . ."

The bottom line is that energy is no different from any other commodity in the marketplace. Energy production and distribution is better directed by market forces than by government planners and bureaucrats. As is the case with so much of our government today, the DOE represents an outdated response to a brief period of crisis and is basically irrelevant today.

For these reasons, it only makes good sense to terminate unnecessary programs, consolidate others, transfer those serving a valid purpose, and privatize programs that could be better performed outside of the government. The DOE was a government-imposed solution to a world market problem. And it hasn't worked.

We should repeal the 1993 gas tax, cut the Department of Energy budget, and give the money back to motorists. That's more than the Department has done.

Mr. BEILENSON. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I rise in strong opposition to this closed rule and ask the House to defeat the rule and to defeat the bill.

Did the 4.3-cent gasoline tax of 1993 cause the 20-cent, 30-cent, 40-cent increase at the pump in 1996? That is what the Republicans and the oil companies would have us believe.

The truth is that the oil industry dropped its overall inventory by 100 million barrels a day since last June, in a bet, a bet that Saddam Hussein would be allowed to sell more oil on the world market. And when that bet did not pay off, who had to pay? The American consumer had to pay because it is an inelastic gasoline marketplace in the United States. We cannot shift over to coal or to natural gas or to solar for our automobiles. We must pay whatever the market will bear. Because the companies did not have the inventory, we must pay. The consumer must pay.

Now, the oil industry wants a tax break, 4 cents a gallon. The Republicans set up their bill so that the tax break goes to the oil refiners. Not to the consumers, to the refiners. The Democrats, the gentleman from Michigan [Mr. DINGELL], the gentleman from Florida [Mr. GIBBONS], and I, we sought to ensure that the money would go into the pockets of the consumers, but we are not allowed to make an amendment to do that.

I wanted to have it written right into the Tax Code that owners of an automobile get back 30 bucks, which is the average tax on an automobile driver each year. Thirty bucks. An individual would get it back immediately. But no, the Republicans say we are giving the whole break to the oil refiners, who have already seen an increase of $90, $100, $120, $150 more this year that they are going to take out of the average automobile driver's pocket.

Now, what happened? The oil industry drove right past a world awash in oil, all of 1995 and 1996, and did not put any stock in their inventory, betting on Saddam Hussein. After we had sent 500,000 men and women to that country in 1991, they had the temerity then to treat themselves as if they were any other industry and keep stocks at historic lows.

So what happens? As the gentleman from Michigan [Mr. DINGELL] said, we have witnesses before our committee, economists that the Republicans have sent to us, that say that maybe the taxpayer will get back $15, total, if we give the break to the oil refiners, but many others said they are not going to get back any at all because the oil companies will pocket the $15 for themselves.

Well, what they wind up with is $120 or $130, an increased price at the pump, the tax break that went to the oil refiners rather than to the consumer, and the oil companies walk away with $120 or $150 out of every person's pocket in this country.

This is a closed rule. It is wrong. Candidate DOLE is not going to say anything about the oil companies. Candidate DOLE is not going to fight for the consumer at the gas pump. We will not hear him say a word about the oil companies, Candidate DOLE. We are just going to hear him pointing back to a 4-cent gasoline tax in 1993. Well, what about the other $150 for the consumer? All he is concerned about is the $15, and he has not even got a mechanism put together that will get it back into the pockets of the consumers in this country.

So the issue is very clear, ladies and gentlemen. If we believe that the consumer should get a tax break, we must vote against this rule; and then we must vote against this bill because it in no way assures under any circumstance that the consumer is going to see this at the pump. And by the way, the American consumer that pulls up to the gas pump knows this. It is not the guy there with the hose putting it into your tank; it is the refiner, the big boss, big oil that controls who gets this tax break, and Members know they are not giving it to the American consumer.

Mr. DREIER. Mr. Speaker, it is fascinating how my liberal colleagues can come up with excuse after excuse and a smokescreen to avoid cutting taxes.

Mr. Speaker, I yield 1 minute to my very good friend, the gentleman from Marysville, CA [Mr. HERGER], one of those rural areas that in fact does not benefit from all of the Federal subsidization of transit that we heard about from my friend from Pennsylvania.

Mr. HERGER. Mr. Speaker, I rise in strong support of repealing President Clinton's 4.3-cent-a-gallon gas tax increase.

When the first Federal tax on gasoline was enacted in 1932, the tax was only one penny per gallon. Today, in certain areas of California, total Federal, State, and local gas taxes cost drivers 44 cents per gallon. This tax has a crushing impact on rural areas such as northern California where citizens are required to drive longer distances daily. Of all the Clinton tax increases, this was the most obvious Washington tax and spend money grab. This tax alone cost Americans $14 billion. And, contrary to popular belief, this $14 billion was not spent on building roads and bridges. Rather, it was diverted to pay for more big government Washington spending. I urge my colleagues to repeal this wrong-headed tax.

☐ 1700

Mr. BEILENSON. Mr. Speaker, I yield myself the balance of my time and, in the process, I urge a no vote on the previous question.

If the previous question is defeated, I shall offer an amendment to the rule that will make in order three consumer protection amendments that were offered in the Rules Committee last week. All three of these very important amendments were voted down by the Republican majority of the Rules Committee.

The first amendment, offered by Mr. GIBBONS, would guarantee that the gas tax cuts go directly to the consumer. It would reimpose the tax on the seller if the tax reduction is not passed through to the consumer.

The second amendment, offered by Mr. DINGELL, would delay the effective date until the Nation's largest refiners and importers have certified to the Secretary of the Treasury that the savings will be passed on to the consumer.

The third amendment, offered by Mr. MARKEY, provides that if the Secretary of the Treasury is unable to certify that all the benefits of the tax reduction will be passed on to the consumer, there will be a $30 tax credit provided each motorist. This amount represents the average annual savings that would be realized by each motorist if the 4.3 cent tax is repealed.

Mr. Speaker, the bill before us contains absolutely no guarantee that any of this tax cut will be passed on to the consumer. The amendments I have just discussed would do that.

I urge my colleagues to vote "no" on the previous question and give the House the opportunity to consider these very workable and necessary amendments.

Mr. Speaker, I include the text of the amendment and accompanying documents for the RECORD at this point.

At the end of the resolution add the following new section:

"SEC. . Notwithstanding any other provision of this resolution, it shall be in order to consider, without intervention of any point of order, an amendment to be offered by Representative Gibbons, or his designee; an amendment to be offered by Representative Dingell, or his designee; and an amendment to be offered by Representative Markey, or his designee. The amendments are printed in section of this resolution.

SEC. . The text of the amendment are as follows:

AMENDMENT TO H.R. 3415, AS REPORTED OFFERED BY MR. GIBBONS

Strike section 5 of the bill and insert the following new section:

SEC. 5. GAS TAX REDUCTION MUST BE PASSED THROUGH TO CONSUMERS.

(a) GAS TAX REDUCTION ONLY TO BENEFIT CONSUMERS.—It shall be unlawful for any person selling or importing any taxable fuel to fail to fully pass on (through a reduction in the price that would otherwise be charged) the reduction in tax on such fuel under this Act.

(b) RESPONSIBILITIES OF PERSONS LIABLE FOR TAX.—

(c) IN GENERAL.—Every person liable for the payment of Federal excise taxes on any taxable fuel—

(A) shall fully pass on, as required by subsection (a), the reduction in tax on such fuel under this Act, and

(B) if the taxable event is not a sale to the ultimate consumer, shall take such steps as may be reasonably necessary to ensure that such reduction is fully passed on, as required by subsection (a), to subsequent purchasers of the taxable fuel.

(2) ENFORCEMENT.—Any person who fails to meet the requirements of paragraph (1) with respect to any fuel shall be liable for Federal excise taxes on such fuel as if this Act had not been enacted.

(3) WAIVER.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the additional taxes imposed by paragraph (2) to the extent that payment of such taxes would be excessive relative to the failure involved.

(c) DEFINITIONS.—For purposes of this section—

(1) TAXABLE FUEL.—The term ''taxable fuel'' has the meaning given such term by section 4083(a) of such code.

(2) SECRETARY.— The term ''Secretary'' means the Secretary of the Treasury or his delegate.

(d) GAO STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the repeal of the 4.3-cent increase in the fuel tax imposed by the Omnibus Budget Reconciliation Act of 1993 to determine whether there has been a passthrough of such repeal.

(2) REPORT.—Not later than January 31, 1997, the Comptroller General of the United States shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives the results of the study conducted under paragraph (1). An interim report on such results shall be submitted to such committees not later than November 1, 1996.

AMENDMENT TO H.R. 3415, AS REPORTED OFFERED BY MR. DINGELL OF MICHIGAN

Strike subsection (b) of section 2 and insert the following:

(b) EFFECTIVE DATE.—Except as provided in subsection (c), the amendment made by this section shall take effect on the date of the enactment of this Act.

(c) TAX REDUCTION NOT TO APPLY TO FUEL PRODUCED OR IMPORTED BY LARGE REFINERS UNLESS TAX REDUCTION PASSED THROUGH TO CONSUMERS.—

(1) In general.—The amendment made by this section shall not take effect with respect to any taxable fuel produced or imported by any large refiner unless such refiner provides to the Secretary of the Treasury a certification that the tax reduction provided under such amendment will be passed through to the ultimate consumers as a price reduction.

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

(A) LARGE REFINER.—

(i) IN GENERAL.—The term ''large refiner'' means, with respect to a calendar year, any person which refined or imported 500,000,000 gallons or more of taxable fuel during the preceding calendar year.

(ii) RELATED PERSONS.—All persons treated as a single employer under section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person for purposes of this section.

(b) TAXABLE FUEL.—The term ''taxable fuel'' has the meaning given such term by section 4083(a) of such Code.

AMENDMENT TO H.R. 3425, AS REPORTED OFFERED BY MR. MARKEY OF MASSACHUSETTS

At the end of the bill, add the following:

SEC. 8. $80 REFUNDABLE CREDIT FOR HIGHWAY VEHICLES OWNED DURING TAXABLE YEARS BEGINNING IN 1996.

(a) DETERMINATION OF PASS THROUGH TO CONSUMERS.—Notwithstanding section 2(b), if the Secretary of the Treasury certifies to the Congress before the 6th day after the date of the enactment of this Act that it is impossible to guarantee that the benefit of the 4.3-cent tax reduction under section 2 of this Act will be passed through to the consumer, then subsection (b), (c), and (d) of this section shall take effect in lieu of section 2, 3, 4, and 5 of this Act.

(b) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding after section 35 the following new section:

''SEC. 36. HIGHWAY VEHICLES OWNED DURING TAXABLE YEARS BEGINNING IN 1996.

''(a) IN GENERAL.—In the case of a person who is the registered owner of an eligible highway vehicle at any time during the first taxable year of the taxpayer beginning after December 31, 1995, there shall be allowed as a credit against the tax imposed by this subtitle for such taxable year an amount equal to the sum of $30 for each such vehicle.

''(b) ELIGIBLE HIGHWAY VEHICLE.—A vehicle is an eligible highway vehicle for the purposes of subsection 9a) only if all of the fuel consumed by such vehicle during the taxable year is subject to tax imposed by section 4041 or 4081.

''(c) PARTIAL YEARS.—In the case that a person is the registered owner of an eligible highway vehicle for less than the full taxable year, the credit under subsection (a) shall be reduced to reflect only that portion of the taxable year for which the vehicle was registered to such person.

''(d) TREATMENT OF LESSEES.—For the purposes of this section, the lessee on a lease for an eligible highway vehicle shall be treated as the registered owner of such vehicle during the period of the lease.''

(c) CONFORMING AMENDMENT.—Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period '', or from section 36 of such Code''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by adding after the item relating to section 35 of the following new item:

''Sec. 36. Highway vehicles owned during taxable years beginning in 1996.''

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Republican majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual:

''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues:

Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

The vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from California [Mr. DREIER] has 3½ minutes remaining.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Sanibel, FL [Mr. GOSS], my dear friend and chairman of the Subcommittee on Legislative and Budget process.

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

Mr. GOSS. Mr. Speaker, I thank my friend from the Greater Claremont-San Dimas metropolitan corridor in California, Mr. DREIER, for yielding this time, and I rise in strong support of this rule.

This is a customary rule when we do ways and means bills, a closed rule, a reasonable precaution when dealing with the Tax Code. Of course, we have preserved the right of the minority, as they well know, to offer a motion to recommit the bill with or without instructions, so I think the process is in order.

This is a very important debate for every American because everyone who drives a car, takes a bus, or flies on an airplane has been hit by the President's 1993 gas tax hikes which scraped through this House by one vote.

All told, this tax increase costs the people in my State of Florida almost $263 million a year. That is a quarter of a billion, according to one study we have. I think it is right.

Another distressing aspect of the gas tax increase is those who are hit hardest by this are those who are least able to afford it. In my case, it is seniors on fixed incomes and people at the lower end of the wage scale.

In fact, this debate highlights yet again the folly of attempting to solve our Government's financial problems through taxes and more taxes. Six years ago the Democrats in Congress passed a luxury tax on boats in order to make the rich pay their fair share. This supposedly targeted tax provision not only failed to raise the projected income but the Treasury actually lost money trying to collect it.

More importantly, thousands of boat builders, skilled American workers, many in my district, lost their jobs because the boat people went out of business. It was several years before we were able to repeal that foolish tax and the damage is still being felt in Florida and elsewhere.

Mr. Speaker, we are moving to repeal the gas tax. It is what the Americans want us to do, at least for the remainder of 1996. I am especially pleased that this measure is not going to hinder our progress toward balancing the budget because we have fully paid for our relief.

I think it is important to say the oil companies have come out, and I quote, A decrease in the Federal gas tax will be immediately reflected in the prices that Chevron charges to motorists at our pumps at our stations through reductions.

Same statement from ARCO: We will immediately reduce its total price. So forth. Texaco and so on. These have been entered into the RECORD. Big oil understands. This is gas tax. We are repealing it.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from California, [Mr. DREIER] is recognized for 1½ minutes.

Mr. DREIER. Mr. Speaker, this has been a fascinating debate, but all it is is simply our attempt to do what we were denied by the former majority back in 1993. We simply want an up or down vote on whether or not we should impose or continue to maintain a 4.3-cent a gallon gasoline tax on those drivers in this country.

This is a small amount of money. I will acknowledge that it is not hundreds of thousands of dollars but it is indicative of what the largest tax increase in American history was. It was imposed on middle income working Americans, and this is a small step but it is a first step towards rectifying that.

Frankly, it is interesting to see my liberal friends who imposed this tax will do anything they possibly can to avoid cutting taxes. This rule that we have here today is the exact same rule that was applied to cutting the tax as we had for increasing the tax back in 1993.

There was no question back in 1993 that the consumers would be paying the increase in the tax. No question whatsoever. Why should there be a question today as to whether or not the consumers will benefit? The consumers are going to benefit from that.

We have press releases, statements that have been made from those ogres in big oil stating that it will be passed on to the consumers. That is what is going to happen.

We do not want to see another mandate imposed by the liberals on the private sector. We have confidence in it. We believe that we can move ahead and take that small step towards enhancing the quality of life for those middle income wage earners.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. 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. BEILENSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 5 of rule XV, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 221, nays 181, not voting 31, as follows:

[Roll No. 180]

YEAS—221

Allard	Bunning	Cunningham
Archer	Burr	Davis
Armey	Burton	Deal
Bachus	Buyer	DeLay
Baker (CA)	Callahan	Diaz-Balart
Baker (LA)	Calvert	Dickey
Ballenger	Camp	Doolittle
Barr	Campbell	Dornan
Barrett (NE)	Canady	Dreier
Bartlett	Castle	Duncan
Barton	Chabot	Dunn
Bass	Chambliss	Ehlers
Bateman	Chenoweth	Ehrlich
Bereuter	Christensen	Emerson
Bilbray	Chrysler	English
Bilirakis	Coble	Ensign
Bliley	Collins (GA)	Everett
Blute	Combest	Ewing
Boehlert	Cooley	Fawell
Boehner	Cox	Fields (TX)
Bonilla	Crane	Flanagan
Bono	Crapo	Foley
Brownback	Cremeans	Forbes
Bryant (TN)	Cubin	Fowler

Fox	LaTourette	Roth
Franks (CT)	Laughlin	Roukema
Franks (NJ)	Lazio	Royce
Frelinghuysen	Leach	Salmon
Funderburk	Lewis (CA)	Sanford
Ganske	Lewis (KY)	Saxton
Gekas	Lightfoot	Scarborough
Gilchrest	Linder	Schaefer
Gillmor	Livingston	Schiff
Gilman	LoBiondo	Seastrand
Goodlatte	Longley	Sensenbrenner
Goodling	Manzullo	Shadegg
Goss	Martinez	Shaw
Graham	Martini	Shays
Greene (UT)	McCollum	Shuster
Greenwood	McCrery	Skeen
Gunderson	McDade	Smith (NJ)
Gutknecht	McHugh	Smith (TX)
Hancock	McInnis	Smith (WA)
Hansen	McKeon	Solomon
Hastert	Metcalf	Souder
Hastings (WA)	Meyers	Spence
Hayes	Mica	Stearns
Hayworth	Miller (FL)	Stockman
Hefley	Moorhead	Stump
Heineman	Morella	Talent
Herger	Myers	Tate
Hilleary	Myrick	Tauzin
Hobson	Nethercutt	Taylor (NC)
Hoekstra	Neumann	Thomas
Hoke	Ney	Thornberry
Horn	Norwood	Tiahrt
Houghton	Nussle	Torkildsen
Hunter	Oxley	Upton
Hutchinson	Packard	Vucanovich
Hyde	Parker	Walker
Inglis	Paxon	Walsh
Istook	Petri	Wamp
Johnson (CT)	Pombo	Weldon (FL)
Johnson, Sam	Porter	Weldon (PA)
Jones	Pryce	Weller
Kasich	Quillen	White
Kelly	Quinn	Whitfield
Kim	Radanovich	Wicker
King	Ramstad	Wolf
Klug	Regula	Young (AK)
Knollenberg	Riggs	Young (FL)
Kolbe	Roberts	Zeliff
LaHood	Rogers	Zimmer
Latham	Ros-Lehtinen	

NAYS—181

Abercrombie	Edwards	Levin
Ackerman	Engel	Lewis (GA)
Andrews	Eshoo	Lincoln
Baldacci	Evans	Lipinski
Barcia	Farr	Lofgren
Barrett (WI)	Fattah	Luther
Becerra	Fazio	Manton
Beilenson	Fields (LA)	Markey
Bentsen	Filner	Mascara
Berman	Flake	Matsui
Bevill	Foglietta	McCarthy
Bishop	Ford	McHale
Bonior	Frank (MA)	McKinney
Borski	Frost	Meehan
Boucher	Gejdenson	Meek
Brewster	Gephardt	Menendez
Brown (CA)	Geren	Millender-McDonald
Brown (FL)	Gibbons	Miller (CA)
Brown (OH)	Gonzalez	Minge
Bryant (TX)	Gordon	Mink
Cardin	Green (TX)	Mollohan
Chapman	Hall (OH)	Montgomery
Clay	Hall (TX)	Moran
Clayton	Hamilton	Murtha
Clement	Hastings (FL)	Nadler
Clyburn	Hefner	Neal
Coleman	Hilliard	Obey
Collins (IL)	Hinchey	Olver
Collins (MI)	Holden	Orton
Condit	Hoyer	Owens
Conyers	Jackson (IL)	Pallone
Costello	Jackson-Lee (TX)	Pastor
Coyne	Jacobs	Payne (NJ)
Cramer	Jefferson	Payne (VA)
Cummings	Johnson (SD)	Pelosi
Danner	Johnson, E.B.	Peterson (MN)
de la Garza	Johnston	Pickett
DeFazio	Kanjorski	Pomeroy
DeLauro	Kaptur	Poshard
Dellums	Kennedy (MA)	Rahall
Deutsch	Kennedy (RI)	Rangel
Dicks	Kennelly	Reed
Dingell	Kildee	Richardson
Dixon	Kleczka	Rivers
Doggett	LaFalce	Roemer
Dooley	Lantos	Rose
Doyle		

Roybal-Allard	Stark	Velazquez
Rush	Stenholm	Vento
Sabo	Stokes	Visclosky
Sanders	Studds	Volkmer
Sawyer	Stupak	Ward
Schroeder	Tanner	Waters
Schumer	Taylor (MS)	Watt (NC)
Scott	Tejeda	Waxman
Serrano	Thompson	Williams
Sisisky	Thornton	Wilson
Skaggs	Thurman	Wise
Skelton	Torricelli	Woolsey
Slaughter	Towns	Wynn
Spratt	Traficant	Yates

NOT VOTING—31

Baesler	Hostettler	Molinari
Browder	Kingston	Oberstar
Bunn	Klink	Ortiz
Clinger	Largent	Peterson (FL)
Coburn	Lowey	Portman
Durbin	Lucas	Rohrabacher
Frisa	Maloney	Smith (MI)
Furse	McDermott	Torres
Gallegly	McIntosh	Watts (OK)
Gutierrez	McNulty	
Harman	Moakley	

□ 1726

The Clerk announced the following pairs:

On this vote:

Mr. McIntosh for, with Mr. Oberstar against.

Mr. Kingston for, with Ms. Harman against.

Mr. MCHUGH changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. FURSE. Mr. Speaker, on rollcall 180, I was delayed by my plane being delayed by weather. Had I been present I would have voted ''nay.''

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. LOWEY. Mr. Speaker, because of the thunderstorm earlier this evening, I was unavoidably detained on rollcall vote 180. Had I been present, I would have voted ''nay.''

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

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

□ 1730

REPEAL OF 4.3-CENT INCREASE IN TRANSPORTATION FUELS TAXES

Mr. ARCHER. Mr. Speaker, pursuant to House Resolution 436, I call up the bill, H.R. 3415 to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent increase in the transportation motor fuels excise tax rates enacted by the Omnibus Budget Reconciliation Act of 1993 and dedicated to the general fund of the Treasury, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. KOLBE). Pursuant to House Resolution 436, the amendment printed in House Report 104–580 is adopted.

The text of H.R. 3415, as amended by the amendment printed in House Report 104–580, is as follows:

H.R. 3415

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

SECTION 1. PURPOSE.

The purpose of this Act is to repeal the 4.3-cent increase in the transportation motor fuels excise tax rates enacted by the Omnibus Budget Reconciliation Act of 1993 and dedicated to the general fund of the Treasury.

SEC. 2. REPEAL OF 4.3-CENT INCREASE IN FUEL TAX RATES ENACTED BY THE OMNIBUS BUDGET RECONCILIATION ACT OF 1993 AND DEDICATED TO GENERAL FUND OF THE TREASURY.

(a) IN GENERAL.—Section 4081 of the Internal Revenue Code of 1986 (relating to imposition of tax on gasoline and diesel fuel) is amended by adding at the end the following new subsection:

''(f) REPEAL OF 4.3-CENT INCREASE IN FUEL TAX RATES ENACTED BY THE OMNIBUS BUDGET RECONCILIATION ACT OF 1993 AND DEDICATED TO GENERAL FUND OF THE TREASURY.—

''(1) IN GENERAL.—During the applicable period, each rate of tax referred to in paragraph (2) shall be reduced by 4.3 cents per gallon.

''(2) RATES OF TAX.—The rates of tax referred to in this paragraph are the rates of tax otherwise applicable under—

''(A) subsection (a)(2)(A) (relating to gasoline and diesel fuel),

''(B) sections 4091(b)(3)(A) and 4092(b)(2) (relating to aviation fuel),

''(C) section 4042(b)(2)(C) (relating to fuel used on inland waterways),

''(D) paragraph (1) or (2) of section 4041(a) (relating to diesel fuel and special fuels),

''(E) section 4041(c)(2) (relating to gasoline used in noncommercial aviation), and

''(F) section 4041(m)(1)(A)(i) (relating to certain methanol or ethanol fuels).

''(3) COMPARABLE TREATMENT FOR COMPRESSED NATURAL GAS.—No tax shall be imposed by section 4041(a)(3) on any sale or use during the applicable period.

''(4) COMPARABLE TREATMENT UNDER CERTAIN REFUND RULES.—In the case of fuel on which tax is imposed during the applicable period, each of the rates specified in sections 6421(f)(2)(B), 6421(f)(3)(B)(ii), 6427(b)(2)(A), 6427(l)(3)(B)(ii), and 6427(l)(4)(B) shall be reduced by 4.3 cents per gallon.

''(5) COORDINATION WITH HIGHWAY TRUST FUND DEPOSITS.—In the case of fuel on which tax is imposed during the applicable period, each of the rates specified in subparagraphs (A)(i) and (C)(i) of section 9503(f)(3) shall be reduced by 4.3 cents per gallon.

''(6) APPLICABLE PERIOD.—For purposes of this subsection, the term 'applicable period' means the period after the 6th day after the date of the enactment of this subsection and before January 1, 1997.''

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 3. FLOOR STOCK REFUNDS.

(a) IN GENERAL.—If—

(1) before the tax repeal date, tax has been imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 on any liquid, and

(2) on such date such liquid is held by a dealer and has not been used and is intended for sale,

there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this section referred to as the ''taxpayer'') an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on such date.

(b) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this section unless—

(1) claim therefor is filed with the Secretary of the Treasury before the date which is 6 months after the tax repeal date, and

(2) in any case where liquid is held by a dealer (other than the taxpayer) on the tax repeal date—

(A) the dealer submits a request for refund or credit to the taxpayer before the date which is 3 months after the tax repeal date, and

(B) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(c) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this section with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(d) DEFINITIONS.—For purposes of this section—

(1) the terms ''dealer'' and ''held by a dealer'' have the respective meanings given to such terms by section 6412 of such Code; except that the term ''dealer'' includes a producer, and

(2) the term ''tax repeal date'' means the 7th day after the date of the enactment of this Act.

(e) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this section.

SEC. 4. FLOOR STOCKS TAX.

(a) IMPOSITION OF TAX.—In the case of any liquid on which tax was imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 before January 1, 1997, and which is held on such date by any person, there is hereby imposed a floor stocks tax of 4.3 cents per gallon.

(b) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(1) LIABILITY FOR TAX.—A person holding a liquid on January 1, 1997, to which the tax imposed by subsection (a) applies shall be liable for such tax.

(2) METHOD OF PAYMENT.—The tax imposed by subsection (a) shall be paid in such manner as the Secretary shall prescribe.

(3) TIME FOR PAYMENT.—The tax imposed by subsection (a) shall be paid on or before June 30, 1997.

(c) DEFINITIONS.—For purposes of this section—

(1) HELD BY A PERSON.—A liquid shall be considered as ''held by a person'' if title thereto has passed to such person (whether or not delivery to the person has been made).

(2) GASOLINE AND DIESEL FUEL.—The terms ''gasoline'' and ''diesel fuel'' have the respective meanings given such terms by section 4083 of such Code.

(3) AVIATION FUEL.—The term ''aviation fuel'' has the meaning given such term by section 4093 of such Code.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or his delegate.

(d) EXCEPTION FOR EXEMPT USES.—The tax imposed by subsection (a) shall not apply to gasoline, diesel fuel, or aviation fuel held by