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 any person exclusively for any use to the extent a credit or refund of the tax imposed by section 4081 or 4091 of such Code is allowable for such use.

(e) EXCEPTION FOR FUEL HELD IN VEHICLE TANK.—No tax shall be imposed by subsection (a) on gasoline or diesel fuel held in the tank of a motor vehicle or motorboat.

(f) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(1) IN GENERAL.—No tax shall be imposed by subsection (a)—

(A) on gasoline held on January 1, 1997, by any person if the aggregate amount of gasoline held by such person on such date does not exceed 4,000 gallons, and

(B) on diesel fuel or aviation fuel held on such date by any person if the aggregate amount of diesel fuel or aviation fuel held by such person on such date does not exceed 2,000 gallons.

The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this paragraph.

(2) EXEMPT FUEL.—For purposes of paragraph (1), there shall not be taken into account fuel held by any person which is exempt from the tax imposed by subsection (a) by reason of subsection (d) or (e).

(3) CONTROLLED GROUPS.—For purposes of this subsection—

(A) CORPORATIONS.—

(i) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(ii) CONTROLLED GROUP.—The term ''controlled group'' has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase ''more than 50 percent'' shall be substituted for the phrase ''at least 80 percent'' each place it appears in such subsection.

(B) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control where 1 or more of such persons is not a corporation.

(g) OTHER LAW APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of such Code in the case of gasoline and diesel fuel and section 4091 of such Code in the case of aviation fuel shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by subsection (a) to the same extent as if such taxes were imposed by such section 4081 or 4091.

SEC. 5. BENEFITS OF TAX REPEAL SHOULD BE PASSED ON TO CONSUMERS.

(a) PASSTHROUGH TO CONSUMERS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) consumers immediately receive the benefit of the repeal of the 4.3-cent increase in the transportation motor fuels excise tax rates enacted by the Omnibus Budget Reconciliation Act of 1993, and

(B) transportation motor fuels producers and other dealers take such actions as necessary to reduce transportation motor fuels prices to reflect the repeal of such tax increase, including immediate credits to customer accounts representing tax refunds allowed as credits against excise tax deposit payments under the floor stocks refund provisions of this Act.

(2) STUDY.—

(A) 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 of 1993 to determine whether there has been a passthrough of such repeal.

(B) 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 subparagraph (A).

SEC. 6. AUTHORIZATION OF APPROPRIATIONS FOR EXPENSES OF ADMINISTRATION OF THE DEPARTMENT OF ENERGY.

Section 660 of the Department of Energy Organization Act (42 U.S.C. 7270) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''APPROPRIATIONS''; and

(2) by adding at the end the following:

''(b) FISCAL YEARS 1997 THROUGH 2002.—There are authorized to be appropriated for salaries and expenses of the Department of Energy for departmental administration and other activities in carrying out the purposes of this Act—

''(1) $104,000,000 for fiscal year 1997;

''(2) $104,000,000 for fiscal year 1998;

''(3) $100,000,000 for fiscal year 1999;

''(4) $90,000,000 for fiscal year 2000;

''(5) $90,000,000 for fiscal year 2001; and

''(6) $90,000,000 for fiscal year 2002.''.

SEC. 7. SPECTRUM AUCTIONS.

(a) COMMISSION OBLIGATION TO MAKE ADDITIONAL SPECTRUM AVAILABLE BY AUCTION.—

(1) IN GENERAL.—The Federal Communications Commission shall complete all actions necessary to permit the assignment, by March 31, 1998, by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) of licenses for the use of bands of frequencies that—

(A) individually span not less than 12.5 megahertz, unless a combination of smaller bands can, notwithstanding the provisions of paragraph (7) of such section, reasonably be expected to produce greater receipts;

(B) in the aggregate span not less than 35 megahertz;

(C) are located below 3 gigahertz; and

(D) have not, as of the date of enactment of this Act—

(i) been assigned or designated by Commission regulation for assignment pursuant to such section;

(ii) been identified by the Secretary of Commerce pursuant to section 113 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923); or

(iii) reserved for Federal Government use pursuant to section 305 of the Communications Act of 1934 (47 U.S.C. 305).

(2) CRITERIA FOR REASSIGNMENT.—In making available bands of frequencies for competitive bidding pursuant to paragraph (1), the Commission shall—

(A) seek to promote the most efficient use of the spectrum;

(B) take into account the cost to incumbent licensees of relocating existing uses to other bands of frequencies or other means of communication;

(C) take into account the needs of public safety radio services;

(D) comply with the requirements of international agreements concerning spectrum allocations; and

(E) take into account the costs to satellite service providers that could result from multiple auctions of like spectrum internationally for global satellite systems.

(b) PERMANENT AUCTION AUTHORITY.—Paragraph (11) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is repealed.

The SPEAKER pro tempore. Under the rule, the gentleman from Texas [Mr. ARCHER] and the gentleman from Florida [Mr. GIBBONS] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. ARCHER].

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on H.R. 3415.

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

There was no objection.

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

Mr. Speaker, today marks a very important moment for this House of Representatives, a place that has often been referred to as the people's House. Today, Mr. Speaker, we have a chance to remember who put us here, and to honor the hardworking men and women of the United States who simply want to keep a little bit more of the money they earn.

For too long, Congress treated the public's money as if it were Congress' own. For too long, Congress raised taxes and spent the money on an ever-growing Federal Government. The hard work and labor of our people was turned into big government largess by the spendthrift habits of the politicians in Washington.

Breadwinners, awakening each day to hard work and returning home each night to their loved ones, were told by Congress that the fruits of their labor did not belong just to them. The Federal Government, Congress said, had first rights to their efforts and first dibs on their taxes.

That explains why Congress, at least until last year, turned to the people's pocketbooks when it came time to solve problems. Instead of entrusting people with more responsibility and more control over their lives, Congress picked their pockets and raided their wallets.

Flash back to 1993, if you will, when Congress debated a major bill about taxing and spending. Faced with a choice between shrinking the size of Government by cutting spending or raising taxes to spend more money, the then-Democrat Congress and President Clinton unfortunately chose the latter. The gas tax was hiked, a $4.8 billion annual increase that hit middle- and lower-income Americans the hardest.

Mr. Speaker, today the House of Representatives has the chance to rollback this tax hike, a tax that never should have been raised in the first place, and our roll back is completely paid for. That is, it does not increase the deficit. Today, the people's House has the chance to show that we know where the money in this great Nation comes from. It comes from the people who made it, the working men and women of the United States. It is only right they get to keep it, because they are the ones who earned it.

A 4.3 cents a gallon decrease may not sound like much to many people in this town, but to the American working people it means a lot. It is a lot because it belongs to them, not us. It is theirs, not ours. The people made it, they earned it, they should keep it. We should return it. Roll back the gas tax. Vote ''yes.'' Show the American people Congress knows where the money comes from.

Mr. Speaker, I include the following correspondence for the RECORD.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 21, 1996.

Hon. JOHN R. KASICH,
Chairman, Committee on the Budget,
U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As you requested, the Congressional Budget Office has reviewed the budgetary effects of the spectrum provisions in H.R. 3415, as modified by the amendment to be offered by Mr. Bliley.

The spectrum provisions of H.R. 3415, as reported, would require the Federal Communications Commission (FCC) to use competitive bidding to assign licenses for 25 megahertz (MHz) of spectrum located below 3 gigahertz (GHz) and currently not designated for auction by the FCC or identified by previous law as spectrum available for transfer from federal to nonfederal use. The amendment would increase that amount from 25 MHz to 35 MHz. Under current law the FCC's authority to assign licenses by competitive bidding is set to expire on September 30, 1998. The amendment to H.R. 3415 would repeal this provision, thereby extending the FCC's authority to use auctions indefinitely.

CBO estimates that the 35 MHz of spectrum to be auctioned under the bill as amended would raise about $2.9 billion in 1998. The receipts from the 35 MHz of spectrum could vary depending upon the types of licenses that the FCC decides to auction. CBO assumes, however, that the FCC would seek to promote the most efficient use of the spectrum, as specified by the bill, and allocate the 35 MHz to the highest value use. Under the authority provided by Mr. Bliley's amendment, CBO also would expect the FCC to auction additional parcels of spectrum over the 1999–2002 period, resulting in estimated receipts of about $5 billion.

In total, CBO estimates that the spectrum provisions in H.R. 3415 as amended would raise about $7.9 billion over the 1998–2002 period. By comparison, we estimated spectrum receipts of $2.1 billion for the version of H.R. 3415 that was ordered reported by the House Committee on Ways and Means on May 9, 1996. Hence, the proposed amendment would increase the estimated spectrum receipts by $5.8 billion over the 1998–2002 period. The following table summarizes the estimated effects of the spectrum provisions of H.R. 3415, as modified by the proposed amendment.

[By fiscal year, in millions of dollars]

	Direct spending						
	1996	1997	1998	1999	2000	2001	2002
Offsetting receipts under current law							
Estimated budget authority	−4,900	−11,600	−2,800	−100	...	...	...
Estimated outlays	−4,900	−11,600	−2,800	−100	...	...	...
Proposed changes							
Estimated budget authority	...	...	−2,900	−800	−1,400	−1,400	−1,400
Estimated outlays	...	...	−2,900	−800	−1,400	−1,400	−1,400
Offsetting receipts under proposal							
Estimated budget authority	−4,900	−11,600	−5,700	−900	−1,400	−1,400	−1,400
Estimated outlays	−4,900	−11,600	−5,700	−900	−1,400	−1,400	−1,400

The budgetary impact of this bill falls within budget function 950.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Rachel Forward and David Moore.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director)

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, May 15, 1996.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means,
U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On May 8, 1996, Representative Seastrand introduced H.R. 3415, ''a bill 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.'' The measure was referred to the Committee on Ways and Means and to the Committee on Commerce. The Committee on Ways and Means ordered H.R. 3415 reported on May 9, 1996.

The bill contains two provisions within the jurisdiction of the Commerce Committee. Those provisions are Section 6, ''Authorization of Appropriations for Expenses of Administration of the Department of Energy,'' and Section 7, ''Spectrum Auctions.'' Section 6 of the measure delineates certain funding authorizations for the Department of Energy through Fiscal Year 2002, and Section 7 provides for the auction of additional spectrum.

Recognizing the need to bring this legislation expeditiously before the House, the Commerce Committee will not act on its sequential referral of H.R. 3415 based on the following agreement: (1) regarding Section 6, it is my understanding that the words ''departmental administration and other activities'' encompass travel, training, human resources, support services, and other administrative activities; and (2) regarding Section 7, it is my understanding that you would not object to the deletion of Section 7(b) of H.R. 3415 entitled, ''Federal Communications Commission may not treat this Section as Congressional action for certain purposes.''

By agreeing not to act on our referral, the Commerce Committee does not waive its jurisdiction over these provisions. Furthermore, the Commerce Committee reserves its authority to seek equal conferees on these and any other provisions of the bill that are within the Commerce Committee's jurisdiction during any House-Senate conference that may be convened on this legislation.

I want to thank you and your staff for your assistance in providing the Commerce Committee with an opportunity to evaluate the provisions in H.R. 3415 within our jurisdiction. I would appreciate your including this letter as a part of the Ways and Means Committee's report on H.R. 3415, and as part of the record during consideration of this bill by the House.

Sincerely,

THOMAS J. BLILEY, Jr., *Chairman.*

HOUSE OF REPRESENATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, May 15, 1996.

Hon. THOMAS J. BLILEY, Jr.
Chairman, House Committee on Commerce,
Washington, DC.

DEAR CHAIRMAN BLILEY: Thank you for your letter today concerning the jurisdictional interest of the Committee on Commerce in sections 6 and 7 of H.R. 3415, a bill to repeal the 4.3-cent increase in the transportation motor fuels excise tax rates.

I wish to acknowledge the Committee on Commerce's jurisdiction over sections 6 and 7 of the bill, dealing with the authorization of appropriations for expenses of administration of the Department of Energy, and spectrum auctions. Accordingly, those provisions were not considered by the Committee on Ways and Means during its markup on May 9. I have no objection to the additional clarifications you are seeking to make on these items, over which the Committee on Ways and Means does not have an interest.

As you requested, I have included a copy of your letter in the Committee report, and will insert a copy of it in the Record during consideration of this bill by the House. Thank you again for your assistance and cooperation in expediting floor consideration of this important legislation. With best personal regards,

Sincerely,

BILL ARCHER,
Chairman.

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

Mr. GIBBONS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, this is another case of Republican mismanagement. Here we are at the end of a 5-day holiday in Congress. I have more people who want to speak against this crazy piece of legislation than I can possibly accommodate. We are gagged again. We cannot say anything.

We do not need this. We are only here because Mr. DOLE is running for President, he is way the heck behind in the polls and he has to do something to jump start his campaign, and he has chosen this. It is ridiculous. It is pandering at its worst. I think the American people recognize it. Mr. Speaker, they realize that our highways and our transportation system are in shambles. This money ought to be going in the highway system and in our transportation system, not to pander to a few voters so they can take a vacation a little cheaper.

In America we have the cheapest gas prices in the world, the cheapest gas prices in the industrialized world. We have the lowest gasoline tax in the industrialized world. There is very little chance that any of this money will ever get back to the consumers.

The oil companies will keep it.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. GEKAS].

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

Mr. Speaker, for me this vote is one of keeping faith with the constituents and voters who sent me here to Washington in the first place. In 1993 I voted against the imposition of the increased gas tax. That was unconscionable then. It made a costly gesture towards the consumers of our country, towards the voters, toward our constituents. Now here today we are on the verge of being able to correct an error made by the Congress and the administration.

I vote to correct the record. I vote to repeal the gas tax. It was a monumental nuisance tax back in 1993, added to the greatest tax increase known to mankind. We can try to set the record straight here today by showing we were against big taxes then and for the repeal of this tax now.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. DINGELL].

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

Mr. DINGELL. Mr. Speaker, this bill is a sham. None of this is going to get to the consumer. Every bit of it is going to go to the big oil companies. The proof of it is that when our colleagues and our people go to the pumps the day after this passed, the money is not going to be there. The average citizen is going to get 52 cents a week, two pennies, two quarters. That is all he is going to get our of this. The oil company is going to get $4 billion a year. That seems to me unfair.

Nobody who has appeared before us and nobody on that side of the aisle, where my Republican colleagues have been holding forth the virtue of this, has been able to point where the money is going to go. The money is going to go to the oil companies. That is where it is going to go. No witness on behalf of the oil companies or anybody else who came to the committee could tell us anything else than that the money was going to go to the big oil companies.

If my colleagues really want to do something for the people of this country, and I think it would probably be suitable, we can give the average citizen $40, $40 a week in differences, by simply doing something that really is going to help the ordinary citizens; that is, by passing the minimum wage legislation that we have been trying to get. I do not want to leave this around here too long because my Republican colleagues, when they see money that belongs to ordinary people, want to take it away from them and give it to the oil companies.

But having said that, just make note, this money that we are giving back is going to go only one place. It is going to go to the oil companies, and they are going to thank you for it. It is going to show up in their annual statements, it is going to show up in their quarterly reports, it is going to show up in their 10-Ks and 10-Qs. They are going to enjoy it immensely, and they are going to thank the Republicans for it.

The people that are being deceived today are not going to thank the Republicans, because all they are going to get is 52 cents a week, but the oil companies are going to get $4 billion a year. That is quite a noteworthy difference. It is something which reflects poorly on this House, both as to its integrity and as to its intelligence.

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

Mr. Speaker, I would simply respond to the gentleman from Michigan [Mr. DINGELL] that once again Democrats go, cloaking and obscuring the fact that they do not want to give a tax reduction to anybody. This tax is a retail sales tax on gasoline. It is collected at the terminal rack in order to eliminate fraud and abuse. The refinery gets none of it. The gentleman from Michigan and his colleagues who talk about the refiners being able to pocket this do not understand how the tax is even collected. The refiners cannot benefit because the tax is added onto their price at the terminal rack.

Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. GILMAN], the respected chairman of the Committee on International Relations.

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

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

Mr. Speaker, I want to commend the distinguished chairman of the Committee on Ways and Means for bringing this measure to the floor.

Mr. Speaker, I rise in strong support for H.R. 3415, legislation to repeal the 4.3 cents gas tax. I do so in an effort to express my deep concern over the current rise in gasoline prices.

The current debate over the 4.3 cents gas tax can be attributed to the recent spike in gas prices. In fact the last week of April and first week in May saw a five cent increase in the average price of a gallon of gas. Furthermore, it has been reported that gas prices have increased by more than 10 percent, well above inflation.

During times of continued corporate downsizing mixed with slow economic growth, and the rising cost of living, it is imperative that Congress do all it can to protect our constituents pocketbooks.

Though many will argue that the repeal in the gas tax will not be passed along to the consumer but rather kept by wealthy oil companies, I believe it is imperative that my colleagues support this measure to send a message to these companies informing them of the congressional outrage to the current gas price increases. By supporting this measure I am hopeful that the threat of congressional retaliation against oil companies will be sufficient in motivating those firms to pass along the savings to the consumer.

Accordingly, I urge my colleagues to support this measure and I look forward to working with my colleagues in finding solutions to prevent such practices from happening in the future.

☐ 1745

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. RANGEL].

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

Mr. RANGEL. Mr. Speaker, my dear friend from New York, BEN GILMAN, has the right idea about this. We have got to tell these oil companies that we mean business, that this is not supposed to be just a windfall thing. Why, it took the gentleman from Kansas a long time to come up with this one, took the President a shorter time, of course, to adopt it, but this is that time of the year.

But I think my Republican friend is saying that it is time to let the oil companies know that in the House of Representatives we put the consumer first. That is why I am going to give you an opportunity, when we have a motion to recommit, to vote and make certain that these oil barons pass on this 4.3-cent tax cut to the consumer. If they do not do it, then of course we will make certain that they pay back the 4.3.

The last thing I know my friends on the other side of the aisle would want is that this 4.3-cent tax, which in 7 years really can come to $30 billion, not end up in the pockets of the oil people or the refineries. What we want to do is to make certain that each and every voter, or to put it another way, each and every motorist remembers us in November that we reduced the price for them by 4.3 cents.

So I hope that some of my colleagues that are a little skeptical about these oil people or those who know best might join with me at the end of this bill to make certain that we are talking about consumer protection. I want to thank the gentleman for his good feeling about this.

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

Mr. Speaker, I simply respond to the gentleman from New York that this is another effort on the part of the Democrats at price fixing, which they said was going to keep people from having to pay higher prices back in the 1970's at the gasoline pump. But it was only after President Reagan removed price controls that the price of gasoline went down.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BARTON], a member of the Committee on Commerce.

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

Mr. BARTON of Texas. Mr. Speaker, my good friend and colleague from Michigan, Mr. DINGELL, a member of the Committee on Commerce, asked the question, Where is the money going to go? With all due respect, that is the wrong question. The question is, Where is the money going to come from?

The money has been coming out of the pockets of the American taxpayers, who have about given all they can give. This bill repeals the 4.3-cent gasoline tax and allows the taxpayers to keep some of what they have been giving.

My pockets are dirty and they are empty, I want the RECORD to clearly show that.

This 4.3-cent gasoline tax repeal leaves money in the taxpayers' pockets. It also repeals a tax that most American citizens thought was going to build highways. However, this tax increase actually went into the general revenue fund to increase social spending.

There is a section, section 6 of this bill, that does direct the Committee on Appropriations to reduce the appropriation accounts for departmental administration at the Department of Energy by $542 million over 5 years. The Secretary of Energy has been traveling extensively until this year, in fact, so much so that they have had to transfer funds from a defense program in the Department of Energy to offset some of the increased travel expenditures. In the President's budget they requested a 38-percent increase for departmental administration. This bill would rescind that increase and cut the administration budget for the Department of Energy to offset some of the lost revenue.

So I rise in very strong support of the bill and would congratulate the Committee on Ways and Means for bringing it forward.

Mr. GIBBONS. Mr. Speaker, I yield 2½ minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, the gentleman from Texas says we are asking the wrong question. It is whose pockets it goes into. Good question. Answer: Wholesale prices going down, I tell the gentleman from Texas, retail prices going up. Going up.

I do not know anybody that believes that this is going to be passed directly along to them, and I am surprised the Republicans did not allow us to ensure the fact that it would go in the consumer's pocket, so in fact the pockets of the gentleman from Texas, Mr. BARTON, would have a little more in them and all of our folk's pockets would have a little more in them.

This is one of the most patently political pandering proposals I have seen on this floor, period. The gentleman from Texas voted for a constitutional amendment to balance the budget, but he does not want to balance it in any way other than cutting out school lunches, or cutting out student loans, or cutting out health care, apparently. Let us get real.

Not one of you can show in any demonstrable way that this tax had anything to do with raising the gasoline prices, because in fact after we adopted it, guess what? Guess what? Gasoline prices went down, not up.

But guess what did go down? Something did go down: The deficit, ladies and gentlemen, as a result of the 1993 bill, will go down for the fourth year in a row. Never before in this century, I tell the chairman of the Committee on Ways and Means, has this been accomplished, not once.

Under the economic program that everybody on the Republican side of the aisle not only opposed, but they said if we adopted it the economy would go essentially south in a hand basket, they said it would drop off the end of the world, that it would be an utter failure, in fact, exactly the opposite has happened. Inflation down, employment up, unemployment down, the stock market up. The economy is doing very well, thank you.

Let us not retreat, which is why the Concord Coalition, one of the most responsible bodies in this country on reducing the deficit, says vote ''no'' on this sham.

I rise to oppose this measure that helps neither consumers nor the future of our Nation.

Despite all the rhetoric of recent days, enactment of this legislation would not reduce the price that all of us pay for gasoline.

Disguised as a pro-consumer measure, this bill is simply an excuse for big oil companies to keep more of their profits.

I regret that the Republican leadership is refusing to allow consideration of provisions that would guarantee that the gas tax repeal goes into the pockets of consumers.

Recent experience confirms that the retail prices that you and I pay are not directly linked to wholesale costs—so this bill is little more than an excuse for big business to keep an additional 4.3-cents per gallon.

I would hope that my Republican friends shared my excitement over this morning's reports that, thanks to President Clinton's leadership, the 1996 deficit will be even less than expected and will be our fourth consecutive year of deficit reduction.

Before they took over the leadership of the Congress, my Republican friends talked a lot about deficit reduction.

But now they have brought to the floor a bill that would cost $3 billion this year and reduce revenue by $34 billion over 7 years.

They say they have paid for the reduction but in fact those savings should be used for additional deficit reduction.

As a supporter of the balanced budget amendment to the constitution, I believe we should not waiver from our course. The bill before us is a first step towards unraveling the 1993 economic plan that has now produced four consecutive years of deficit reduction.

The U.S. Gas tax is not unreasonable. In fact, it is substantially less than that of France, Japan, Britain, Spain, Italy, the Netherlands, and Canada.

The Concord Coalition has cautioned against this step backwards. In a May 7 letter they stated:

> It is a sad commentary on the depth of commitment to balancing the budget that after a year of hard work, a balanced budget plan still has not been adopted, while after scarcely a week, a bipartisan stampede to pander to motorists is being allowed to undermine deficit reduction efforts.

We should reject this legislation and 'stay the course' towards elimination of the deficit.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. THOMAS], the respected chairman of the Subcommittee on Health of the Committee on Ways and Means.

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

Mr. Speaker, it just seems to me sometimes we get carried away in our speeches, because we try to get people to believe that the real world does not work the way the real world works. You have heard a number of my colleagues, the most recent one on this side of the aisle, say it is not going to be passed on to the consumers.

How many of you have driven by a gas station at any time in your life when there were two stations on the same corner and there was a nickel difference between the two? The answer is never. All you have to do is have one enterprising station owner decide as a gimmick to sell more gasoline to say, ''I am lowering my price by 4.3 cents and I am passing the savings on to you,'' and how long does he stand alone? What happens is the guy on the next corner says, ''We are passing it along, too.''

What happens, as in any market situation in a highly competitive product, is that once somebody gets the idea that they can get the consumer to come to them rather than someone else by offering something.

And the headlines are going to be, finally we have repealed a tax that never should have been imposed in the first place, and it is going to be passed on to consumers because somebody out there, an entrepreneur is going to be bright enough to say, ''I am lowering the price, you get the tax benefit,'' and it will not be able to be contained to that one bright entrepreneur.

The idea that you have to have government tell people they have got to pass it on is a classic example of the difference between a party that believes in market-oriented entrepreneurs and the government having to tell you how you are supposed to run a competitive market-based structure. All you have to do is to vote here and you will see it out there tomorrow, unless of course you do not have any confidence at all in the American system.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MATSUI].

Mr. MATSUI. Mr. Speaker, I would like to thank the gentleman from Florida for yielding me the time.

Mr. Speaker, I have to say that this debate is kind of interesting, because about 3 months ago when we first talked about the repeal of the 4.3-cent gas tax, the Republicans came in like an elephant, and now that this debate has ensued and now we are near the end of the day, they are walking out like mice.

The reason for it is because the Republicans have put to all of you, the American public, a great, great deception. I do not think anyone knows this, but the fact of the matter is, this great debate is going to result in a 4.3-cent tax cut of the gas tax for 7 months. It expires on December 31, 1996, so we got a 7-month gas tax repeal.

So we are going to get big headlines in the newspaper tomorrow. It is going to be on national TV tonight. You can understand why they tried to do it earlier in the day. But the fact of the matter is they want to get through the election, the election in November of this year. They are going to say, ''We passed a gas tax repeal, 4.3 cents,'' but the reality, on January 1, 1997 that gas tax is going to go up 4.3 cents again.

So I want to congratulate the Republicans because they tricked people. They tricked them over the last 3 months, thinking that you were doing something really great for the American people, but they are walking out like mice.

Let me make one other observation. The gentleman said that the consumers will get this 4.3 cents. Why is it then that the oil refineries, why is it then that the auto dealers or the gas station owners want this cut? Because they know they are going to get a piece of the action. They know it is not going to go to the consumers. We all know that.

In fact, the gentleman from New York [Mr. RANGEL] offered an amendment in the committee, and he was turned down by the Republicans on that issue, to pass this cost on to the consumer.

Mr. Speaker, this is a fraud. Vote ''no'' on this bill.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Mrs. SEASTRAND], the sponsor of this legislation.

Mrs. SEASTRAND. Mr. Speaker, I am always amazed as a freshman coming to this House to do what my constituents have sent me, to change this place and to work against the bureaucracy. I am amazed to hear some of my colleagues on the other side of the aisle. They have never met a tax that they do not like, and they just are holding on to the gas tax, even though we are talking about a temporary repeal of the 4.3-cent gas tax which was enacted by President Clinton and the old 103d Congress, who believed in increasing taxes every time there was a problem.

I just would urge my colleagues to let us do this quickly so that we can provide the relief from the recent surge in gas prices, especially before we go into the summer driving and we see Americans increase their driving, and we also see perhaps an increase in the demand for fuel and increased prices.

Now, I know it is hard for many of the people here that live on Capitol Hill to understand what it is like 3,000 miles away on the central coast of California and how my constituents have to depend on that automobile, that truck, to get them to and from school, to and from work, to and from the supermarket, getting the children where they have to go, so we drive a lot on the central coast.

☐ 1800

My agriculture industry, which is driving the produce to the markets for all of the people across America, knows what it is about, the extra increase in prices of gasoline, because it is going to be shown in that head of lettuce that people are going to buy at the supermarket.

Well, in California, in the district of Santa Barbara, there was one station, a couple of stations that had gasoline at over $2 a gallon. So what we want to do is give some quick relief.

We all know there is a number of reasons why. It has been stated on the floor here, the harsh winter and we are producing heating oil instead of gasoline. Another reason I would like my colleagues to know in California is there were regulations implemented to get cleaner gasoline so that we can have cleaner air. What does that mean? It means we are going to have to pay for that, in this case about a dime a gallon.

So I would just say, let us give it to the consumer, and let us give them some tax relief.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, fact: Yes, the gas tax was raised 4.3 cents in 1993, among great pain. The reason this happened was the deficit had got out of control, $290 billion. Three years later it came down to maybe $140 billion, possibly even $125 billion.

Fact: This bill is going to pass. Fact: The 4.3 cents is not going to go back to the consumers. The gentleman from California gets incensed. Why do we not believe in the free market? The reason is we have experience. December 31, 1995, just a short time ago, the noncommercial jet fuel tax went down from 21.8 cents to 4.3 cents, four times what we are talking about tonight, down 17.5 cents per gallon. Have we seen any of that? We have not seen 1 penny of reduction.

Mr. Speaker, it is a fact that this gas tax is going to be repealed for 7 months. It is a fact that the deficit maybe will not go down as much as it should. It is also a fact that the candidate for President, Mr. DOLE, should not use any more of these ideas at this point in time. We should get back to work and be doing what we should be doing, not appealing to the electorate of the Presidential race when we are supposed to be doing congressional work.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume simply to respond.

We have a case example of what happens when a tax is removed. Earlier this year, we saw how well competition drives the prices charged to consumers. On January 1, the 10-percent airline ticket tax expired. That same day, most of the motor carriers reduced their air fares by a corresponding 10 percent and within 24 hours the pressures of competition drove another major air carrier to drop its fares by 10 percent.

Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. ROYCE], another sponsor of this legislation.

Mr. ROYCE. Mr. Speaker, in 1992, when he was running for President, President Bill Clinton promised he would not raise Federal gasoline taxes. But just 1 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 cents per gallon hike in the Federal gas tax.

At the time the President assured his colleagues that the 1993 tax increase 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 philosophy of redistribution of income can backfire. The painful increase in the price at the pump gives us an excellent opportunity to repeal the tax that never should have been imposed, while at the same time helping taxpayers keep more of their hard-earned money.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, oil prices are up, profit for oil companies are soaring, oil company executives are recording record increases in their stock options. But crude oil prices are coming down, and oil companies are telling the New York Times it will take maybe to the rest of the year for us to figure out how to get that passed on to the consumer at the pump.

This tax break, however, goes not to the consumer, but to the oil company refiners. And the Republicans say, well, that is the way to do it. Give it to the refiners. Do not you trust the refiners?

Trusting the oil companies is like trusting in the tooth fairy. There is absolutely no guarantee that the oil companies are going to pass this on to the consumer. They have been ratcheting up prices over the last several months. Saddam Hussein yesterday was given the opportunity to sell oil on the world market. What happened? Oil prices continued to rise in this country.

The marketplace which is presumed by the Republicans is not the marketplace observed by consumers at the gasoline pump. They want this tax break. The Democrats wanted an opportunity to give it to the taxpayer in their tax forms next year. The Republicans give the entire tax break to the oil refiners and ask them, pretty please, pass it on to the consumer at the pump.

Well, we will wait for the rest of this year, and maybe, just maybe, some of it will trickle down to the consumer. But the consumer has been trickled on by Republican economic theories for the last 16 years, and they know very well after this last 5 months with the oil companies that there is very little likelihood that it is going to be passed on this year, and in fact what will happen is that not only the $130 they made out of each consumer in price rises, but the tax break itself will wind up in the oil company pockets.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume simply to respond to the gentleman. His rhetoric runs very deep and heavy in an election year. The reality is, and I have said this already twice today, but he does not seem to understand how the tax is collected.

The refiners do not have anything to do with the tax. The refiners will not get a rebate of the tax. They do not charge the tax. In fact, his own colleague, the gentleman from Maryland [Mr. HOYER], just showed that the wholesale price of gasoline, which is what the refiner gets for gasoline, is going down. The refiner is not at all involved in this. The gentleman should go back and learn the basics of how this tax is collected.

Mr. Speaker, I yield 3 minutes to the gentleman from Iowa [Mr. NUSSLE], a respected member of the Committee on Ways and Means.

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

Mr. Speaker, listening to the last speaker, he said how the Democrats want to give it to the American people. They sure want to give it to the American people, the way they did in 1993 when they raised the taxes, the largest in American history.

I would like to go back and talk a little bit about why they raised the tax. You would think that they raised the tax in order to repair roads, or to fix potholes, or for mass transit, or for senior transportation, or to make sure that our bridges were in repair. Is that the reason?

Absolutely not. And now we have the ranking member running into the House today saying it went for deficit reduction.

But you did not, And it did not go to roads, it did not go to bridges, it did not go to potholes. It went for deficit reduction, they say.

But did it work? Absolutely not. Absolutely not. In fact, it went for wasteful Washington spending, so that you could tell the folks back home what kind of great job you were doing in your districts and what kind of great job you were doing on deficit reduction, when in fact all you did was take more money out of their pocket, bring it out here to your pocket, because you believe you spend the money better than they do.

Let me tell you a little bit about gas taxes and how it all works. I have a friend of mine, Don Gentz, who runs Don Gentz Standard in Manchester, IA. He tells me the folks in Manchester do not even realize the price of a gallon of gas.

Do you realize gas prices back in 1965 were only 20 cents? Do you realize in 1975 it was only 45 cents? In 1985, it was only 98 cents? And today, it is only about 80 or 90 cents?

Why are you paying so much money when you pump, stick that nozzle in your tank? Why do you pay $1.20 or $1.30 or $1.40 or $1.50. Why are you not paying what the oil refineries have as their cost? Why do you not pay what Don Gentz pays to put that gas into his tank in the ground? Why do you consumers not pay that?

Because the Democrats believe that they spend your money better than you do. So they raised gas prices through the gas tax. And now, in 1995, instead of paying just 80 cents, you added another 40 cents on.

We just want to take a small part away. The reason is very simple, and this is the whole crux of the debate. Who do you think spends your money better? Do you believe the wasteful Washington bureaucrats and Representatives and Senators in Washington do it, or do you think the people back home, who pump their gas every single day so they can get to work and drive their kids to day care and make sure they get some money in their pocket at the end of the day, that they do a better job of spending that money?

I happen to believe in Don Gentz. I happen to believe in the people that are driving to day care. I believe we ought to reduce this gas tax.

Mr. GIBBONS. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the gentleman in the well who just made these protestations that we are not spending this money on roads and highways, when I made a motion in committee a couple of weeks ago, as I recall, the gentleman is in the well now and can correct me, you voted against my motion to put this money in the Highway Trust Fund.

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

Mr. GIBBONS. I yield to the gentleman from Iowa.

Mr. NUSSLE. Why did it take the gentleman so long? Is that a revelation that just kind of came to him?

Mr. GIBBONS. I tried to get the gentleman to yield when he was down there talking. He would not yield to me.

Mr. NUSSLE. Is it a revelation? ''Let us put it in the Highway Trust Fund?''

Mr. GIBBONS. I gave the gentleman an opportunity to put it in the trust fund, and he said no.

Mr. NUSSLE. Why did the gentleman not take the opportunity in 1993?

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Speaker, I would like to pick up on the comments of the gentleman from Florida [Mr. GIBBONS]. In 1990, in the summit agreement, there was an increase in the gas tax. Half of that went for deficit reduction, not for roads. Who voted for it? A lot of Republicans in this House, and the majority leader in the Senate, or the former majority leader, Mr. DOLE. So we hear all of these rhetorical flourishes, when a lot of Republicans did the same thing in 1990. What credibility is there?

If there is such a passionate belief, why is it temporary? Why is it temporary? We in the committee suggested it be, at least some of us, on a permanent basis. Almost every Republican, including I think the Member who just spoke, voted ''no.''

You have tried extremism. You gorged yourself on it, it does not work. Now you are trying manipulation, no matter how transparent.

Let me say a word about the market. Here is what a very conservative economist said at our hearing. These were his words in the press earlier.

''The Republican-sponsored solution to the current fuel problem is nothing more and nothing less than a refiners' benefit bill. It will transfer upwards of $3 billion from the U.S. treasury to the pockets of refiners and gasoline marketers.''

When we in the committee, Democrats, proposed a solution so it would go directly to the consumer, almost every Republican voted ''no.''

I finish with this: We just debated the budget resolution. There were lots of speeches about the deficit. Now, just a few days later, here we come with a fix, 7 months only, that will increase the deficit and not help the consumer at all, or very much at all.

Mr. Speaker, this is bad policy, and the worst kind of politics. We should vote ''no.''

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. DELAY], the majority whip.

Mr. DELAY. Mr. Speaker, I thank the chairman for bringing this bill to the floor.

Mr. Speaker, I rise in support of this bill to repeal the President's unfair and unwise gas tax.

This is an amazing debate, do you not think? On this side of the aisle, there is not a tax that they do not love. They are trying every way they can to hang on to more taxes on the American family, and they claim ''we did it for deficit reduction.''

One of the reasons that maybe some of the Republicans voted for the gas tax back in 1990, I did not, but they wanted that tax to go to roads.

☐ 1815

It is more of a user fee. What the Democrats did and what the President did in 1993 is take an honored tax, that usually goes for roads, a user fee, and put it into deficit reduction so that they could spend more money.

Let us not be under any illusion about this legislation. It probably will not have a profound impact on the price of gas at the pump. It will lead to slightly lower gas prices, but in the marketplace the laws of supply and demand still play the biggest role in the price of gasoline.

There is, however, a bigger story behind this gas tax repeal. Three years ago, without one single Republican vote, President Clinton and the Democrats raised the largest tax increase in history on the American people. Today, we are saying that those tax increases were wrong. This gas tax repeal is the start, only the start, of a process, an ongoing process, of reversing the President's tax increases.

Now, some of my colleagues on the other side of the aisle will come down here, and we have seen it in speech after speech, and they will argue against this repeal of the gas tax. They will say that the Government should keep this nickel in revenue, it is only a nickel, to pay for more social welfare programs. Well, my friends, I say for 40 years the Congress has been nickel-and-diming the American family to death.

Today, the Government takes over 50 percent, 50 percent, of the average family's paycheck. Today, both parents are forced to work, one to support their family and the other to pay for the Government, and they want to hold on to that money because they can spend it better. The American family can spend it better.

We need to lower the cost of government. We need to lower the levels of taxation and lower the strains on the family and get the country on the right track again. This gas tax repeal is a start in that process, and for that reason I support it and urge my colleagues to support it.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. CARDIN].

(Mr. CARDIN asked and was given permission to revise and extend his remarks and to include extraneous matter.)

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

It is interesting that the proponents are talking about everything but the merits of the particular bill that is before us. My constituents understand this is election year politics and it is very expensive.

Let me, if I might, quote from a letter I received from Henry Rosenberg, who happens to be the chairman and CEO of Crown Central Petroleum Corp., a producer and refiner of gasoline.

Mr. Rosenberg states:

> I am writing to express opposition to the current proposal to reduce the Federal gasoline tax. The 4.3-cents-per-gallon tax, included in the 1993 budget, should remain as a deficit cutting measure. Long-term damage to U.S. economy, caused by repeal of the tax, would far outweigh any short-term gain to the consuming public.

The rationale advanced by the sponsors of this legislation is that the motoring public needs help because of the recent increases in gasoline prices. Well, there are two problems with that. First, as has already been pointed out, the gasoline tax has nothing to do with the recent increase in gasoline prices. In fact, we have seen in recent years a decline in gasoline prices.

The second problem is that the consumer will not get the benefit of the 4.3-cent gasoline tax cut. Economists before the Committee on Ways and Means indicated that it will not be passed through. This is only a 7-month repeal. It comes right back after the elections. The $2 a month a typical family will save will evaporate; will not even be there.

Mr. Speaker, I hope that my colleagues will do the right thing on this proposal. I want to quote from one more letter that was written in the Baltimore Sun by Mr. Jack Kinstlinger, who called the proposal to repeal the gasoline tax foolish and counterproductive.

Let us understand what we are doing. Mr. Rosenberg of Crown Central said, and I want to just quote this, ''Congress should have the courage to support what is right, and that is to be fiscally responsible.''

I urge my colleagues to do that and to defeat this bill.

Mr. Speaker, the letters referred to earlier follow:

CROWN CENTRAL PETROLEUM CORP.,
Baltimore, MD, May 8, 1996.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I am writing to express opposition to the current proposals to reduce the federal gasoline tax. The 4.3 cents per gallon tax, included in the 1993 budget, should remain as a deficit cutting measure. Long-term damage to U.S. economy, caused by repeal of the tax, would far outweigh any short-term gain for the consuming public.

Crown does not traditionally support increased gasoline taxes, especially when the revenue generated is not used directly for the building of highway infrastructure. In this case, however, the roughly $4.5 billion generated by this tax each year is essential to our efforts to reduce the deficit. Putting our economy back in balance is of far greater importance to both our industry and the country than returning a few dollars to motorists.

We currently bequeath to our children a trillion dollars of debt every four years. It is our duty to change this situation, not to make matters worse. A knee-jerk political reaction to the temporary problem of higher gasoline prices is not an appropriate action for Congress. The market, when left to take its course, will correct any imbalances and will put the price of gasoline where it should be. In the meantime, Congress should have the courage to support what is right, and that is to be fiscally responsible.

Sincerely,
HENRY A. ROSENBERG, Jr.

GAS TAX NEEDED TO REBUILD ROADS

Republican proposals to roll back the 4.3-cent federal gasoline tax enacted as part of President Clinton's 1993 deficit reduction package are foolish and counter-productive. The current surge in fuel prices is due to pricing decisions of the petroleum industry, not tax levels.

Rather, what is needed is for the receipts to be deposited into the Federal Highway Trust Fund, which finances the rebuilding of America's deteriorated roads and substandard bridges. Forty percent of bridges in the U.S. are substandard, and 30 percent of interstate highway pavements are deteriorated.

We would need to double our investment in transportation just to maintain current levels of service and safety, according to government studies. The United States invests about two percent of its gross domestic product in infrastructure renewal, one-third the ratio of European nations or Japan.

With that dismal record of capital reconstruction, how much longer can we maintain our world leadership position?

JACK KINSTLINGER.

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

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MILLER].

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, this bill that is before us to cut the gas tax is not about putting more gasoline in the tanks of the American consumers' automobiles, this is about putting fuel in BOB DOLE's campaign for the Presidency that was stalled and out of gas on the side of the road.

Mr. DOLE decided he would give up efforts at deficit reduction and he would try to curry favor with the American public by reducing the gas tax for 7 months or 6 months by maybe 4.3 cents, and we do not even know whether or not that will be passed on. This is about Presidential politics and a failed campaign to try to use the gas tax to jump-start that campaign.

In California, the State I come from, the wholesale price of gasoline has dropped 15 cents since May 6, but at the pump it has only dropped 2 cents. If we take this tax and cut it again, it does not mean that the consumer is going to get the benefit. The refiners now have the ability to hold the price up because there is 4 cents give.

So the refiners, I would say to the gentleman from Texas, can benefit from this because they force it on to the service station owner. They have every ability to do that, or the service station owner simply will not pass it on, as they are not doing currently, as they are not doing currently under the rather dramatic drop in the wholesale price of gasoline in the California market.

What has happened here was this tax was put on because the country said they were tried of the red ink of the deficit. This was part of President Clinton's plan to reduce the deficit, the most successful deficit reduction plan in the last 25 or 30 years. He did not do what the Republicans were doing through the 1980's, talking about balanced budgets, talking about reducing the deficit. He, in fact, reduced the deficit. In fact, he has cut it by more than half, and it has continued to go down and people have continued to receive the benefits of low-interest rates as they have been able to refinance their houses and other things. So the Presidential meant it for real. Now the Republicans want to give up on deficit reduction with this ploy.

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

I do not know how often I have to say it. This bill does not increase the deficit. And why is the deficit down since 1993? Not because of the taxes that are taken out of the pockets of people for gasoline.

It is down because, yes, we did not have to bail out any more insurance on depositors of savings and loans.

That was taken off as a spending item because of the courage of President Bush in taking on that responsibility. But that was no longer there. It declined and went away.

And because of the reduction in defense spending, which was already on the books when President Bush left office, and the down building of the Defense Department.

And then, what I believe was a very, very unwise thing, to convert more long-term debt to short-term debt because temporarily interest rates were lower on short-term debt. So the cost of interest went down.

Those were the major factors that reduced the deficit. But the democrats do not to talk about that.

Let us get back to the focus on this tax increase. They want the American people to believe we can tax people and tax people and tax people and nothing ever happens. They do not pay more. And if we cut taxes, then, of course, the people will not benefit from it. Taxes are an imaginery item in their economic view of things, and so just keep loading them on.

We want to, at least during the time of this unexpected increase in gas prices, which, hopefully, will go away by the end of this year, take away some of this burden on the pocketbook of working Americans.

Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, first of all, I want to point out to my colleagues, since I was preceded by one of my colleagues from California, that according to economists, motorists in California, Texas, Florida, Ohio, and Pennsylvania bear the brunt of the Clinton Democratic gas tax increase. The total cost of the Clinton Democratic gas tax increase to Californians is nearly $550 million a year.

I think it also bears mentioning that when the 1993 Clinton Democratic budget and tax plan first came out of this House, it contained an even broader energy tax, the so-called Btu tax increase, on every single American motorist and household. So if Members are going to stand up and talk about the gas tax repeal, they should at least take a stand on principle; say that they support the tax increase they imposed on the American people.

They should stand by the principle today and not try to waffle all over the place and equivocate and say, well, I might vote against it because I am not sure that the repeal is actually going to be passed on to the American motorist.

Mr. Speaker, I want to introduce into the RECORD letters, actually they are press releases, from the big three oil companies, Chevron, Texaco and Arco, all indicating that they intend to pass the gas tax repeal directly through to the consumer.

Arco's headline: Arco will immediately reduce total gasoline price if 4.3 Federal gas tax is eliminated. Texaco says the same thing. Chevron says, and I quote, 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 United States through reductions, which, on average, would equal the amount of the tax decrease.

So let us be honest here, folks, in this debate. I know that some are caught between a rock and a hard spot, I know they are trying to justify and defend the largest tax increase in American history, which included the 4.3 cent gas tax increase they imposeds on the American people, and I know those revenues never went to highway spending; instead, they went for just more Washington spending and more Washington bureaucracy.

Mr. Speaker, the letters referred to earlier follow:

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.

TEXACO RESPONDS TO GASOLINE TAX REDUCTION PRICE INQUIRIES

WHITE PLAINS, NY, 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.

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 decision 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. GIBBONS. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, I rise against this election-year gimmick; 4.3 cents has nothing to do with the price of gasoline and everything to do with trying to buy an election, but the American people will not be fooled.

Not one voter, but not one voter from the Fifth Congressional District of Georgia has contacted me in support of this ill-conceived idea. Every letter, every phone call I have received has a simple message: Vote ''no''. Do not play games. Do not sacrifice common sense for nonsense.

The Concord Coalition, economists and deficit hawks all agree this is a bad bill. It is a silly bill. It is downright silly.

We must stand for something, my colleagues, or we will fall for anything. We cannot just pay lipservice to deficit reduction, we must vote for it. I urge my colleagues, all of us, to vote no.

Mr. GIBBONS. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia [Mr. RAHALL].

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

Mr. RAHALL. Mr. Speaker, I rise not on behalf of the political ploy that is being perpetrated on the American public by this legislation but on behalf of the Nation's crumbling highway infrastructure.

I would say to my colleagues that the American public recognizes a political sham when it sees one, and that is what this bill represents, nothing but a sham, a pure political sham.

I would suggest as well that if anybody really believes the action we are going to take here today by repealing the 4.3 cents gas tax is going to lead to lower prices at the pump, then I would say if one really believes that, welcome to La-La-Land. Welcome to La-La-Land.

□ 1830

Nothing we do here today is going to lower the price of the gas at the pump. We can argue, and we can argue, and we can argue about the reasons why the prices have gone up, whether it be the new sporty vehicles, whether it be the repeal of the national speed limit that this Congress did or whether it be the weather conditions or crude oil stock supplies, whatever. We can argue about the true reasons for this price increase.

The fact is the American people want this money going to improving our infrastructure. That is where we ought to be spending this money without increasing taxes.

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

Mr. GIBBONS. Mr. Speaker, I yield 1 minute to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, this is bad budget policy. It is going to make it $30 billion-plus harder to balance the budget over the next 6 years. It is bad consumer policy, unlikely that our citizens are going to see very much of this reflected at the pump. It is lousy energy policy.

We ought to be focused on conservation and efficiency. This goes in exactly the wrong direction. It is lousy national security policy because it aggravates our dependence on foreign imported oil and all that goes with that, and it is really lousy politics. It gives pandering a bad name.

Does anyone here remember the budget deficit?

Today, the House will vote on a bill to temporarily repeal the 4.3 cent gas tax increase that was a part of the landmark 1993 deficit reduction package.

That deficit reduction bill was a big step toward getting the budget under control. Because of what we did in 1993, we've had 4 straight years of deficit reduction for the first time in decades. Since then, the deficit has been cut in half.

So, why are we rushing to take up a bill to repeal the 4.3 cent gas tax that is dedicated to deficit reduction?

The answer is that the Republican leadership thinks that there is election-year mileage to be had from pandering to what they think will be popular; and others among us are experiencing some panic about being caught on the wrong side of the issue.

Pandering and panic—that's a potent election-year mix, but a toxic one in terms of good public policy.

If anyone wonders whether the gas tax repeal is election year pandering, you only need to look at the effective dates in the bill—the temporary gas tax cut would last from June until January, just long enough to take us through the election.

Of course, that won't be the end of the story—we're told that the legislation implementing the budget resolution will include a permanent repeal. Permanent repeal of the part of the gas tax that goes to deficit reduction would add $33.9 billion to deficit by 2002. That would increase the deficit by several billion more than it was reduced by all the cuts in the appropriations bills for this year—cuts that the Republican leadership have called the ''down payment'' on a balanced budget.

But that will come later. Today, we have the temporary repeal. The rationale for today's bill supposedly is the recent increase in prices at the gasoline pump. But will this bill reduce prices at the pump? Will it be passed on to the consumer?

Not likely. The benefits of this bill will go directly to the oil refiners and there are many steps between the refiners and the pump. A reduction in gas taxes doesn't necessarily mean a reduction in gas prices.

Energy expert Philip K. Verleger, Jr., an economist at Charles River Associates, has said, ''The Republican sponsored solution to the current fuels problem * * * is nothing more and nothing less than a refiners' benefit bill. It will transfer upward of $3 billion from the U.S. Treasury to the pockets of refiners and gasoline marketers.''

Even the conservative economist William Niskanen, president of the conservative Cato Institute, says, ''I don't think there is anything the Republicans can credibly do to guarantee that the tax reduction gets passed through to the consumer.''

A gas tax cut also won't do anything to address the serious economic, environmental and security issues that flow from our country's dependency on non-renewable sources of energy, especially imported oil.

In poll after poll, when people are asked what the highest priority should be for energy policies, the majority support research and development for energy efficiency and renewable energy. So, what are the priorities of the new majority here in the House? Their budget resolution cuts funding for energy efficiency and renewable energy. As shown in this bill, political posturing about the price of gas.

This bill is also bad policy because it sends exactly the wrong signal about conserving energy. We need to do more, not less, to encourage more efficient use of energy. Because gasoline has again become relatively cheap, and because national policy has stopped stressing the importance of fuel efficiency, we've been seeing the return of gas-guzzling cars, especially the increasingly popular sport utility vehicles. This bill would not do anything to counter this trend.

We also need to continue development of technology for efficient, cost-effective use of solar and renewable energy sources. Petroleum is not a renewable resource, and passing this mistaken bill will only tend to discourage progress regarding better energy sources.

Petroleum is also primarily an imported fuel. Efforts to encourage its use only add to our dependence on foreign sources, and complicate our national security interests and foreign policies.

This bill should not be on our agenda. It won't help the consumer, but it will hurt the country. It's an oil bill all right—political snake oil. It's cheap politics, but with a high price of misplaced priorities and bad public policy.

We should not be carried away by election-year panic. We should reject this bill.

Mr. GIBBONS. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me offer to the American public that unfortunately this is putting a toothless tiger in your tank. This should really be a bipartisan effort. I offered H.R. 3457 to repeal the gas tax and to have an enforcement provision that would in fact ensure tracking the Committee on Ways and Means the fact that it would get back to the consumer.

Mr. Speaker, I am saddened to say that the bill we have on the floor today gives a sense of Congress's position. I think that is nice for me to be able to say I want it repealed. It has no enforcement provision whatsoever. It says that we want the General Accounting Office to do a study.

Well, Mr. Speaker, there are 121,000 households in the 18th Congressional District of Texas making under $25,000. They do not want me to study the issue. They need the repeal at the pump today, right now. I am going to hope that our body and the other body will come together and get a real repeal that comes to those who need it and that we will be able to vote on a gas tax that the American public can be pleased with and benefit from.

Mr. Speaker, I rise to express some serious concerns over H.R. 3415, which would temporarily repeal 4.3 cents of the 18.3 cents per gallon Federal excise tax on gasoline.

First of all, I am concerned that this bill is being considered under a closed rule. Several members submitted amendments to the Rules Committee that would have made this bill a better bill. Unfortunately, on a bill of such major importance to our country, the Rules Committee rejected all amendments.

While I believe that gas prices should be reduced, I am disappointed that this bill does not ensure that the repeal of 4.3 cents of the Federal excise tax on gasoline is passed through to customers.

I introduced a bill, H.R. 3457, to temporarily repeal the 4.3 cents gas tax by requiring the business firms to certify to the Treasury Department that the savings from such repeal would be passed through to consumers or the gas tax would be reimposed on those firms that did not do so.

H.R. 3415 does not contain any such enforcement provision. H.R. 3415 only includes a sense of the Congress provision that consumers receive the benefit and that fuel producers take actions to reduce the fuel price. It also requires the General Accounting Office to conduct a study to determine whether there was a pass through of the repeal to consumers.

There is no question that gas prices have increased by 20 cents since February of this year and that we need to find a way to give consumers and business firms some relief. I know first-hand that the 210,000 workers in the 18th Congressional District of Texas who drive everyday to work or participate in carpools need immediate relief.

If we decide to approve a repeal, we must make up the lost revenue in the amount of $2.9 billion to the Federal Government by reducing spending on other programs.

This bill restores lost revenue by proposing cuts in salaries and other administrative expenses at the Department of Energy in the amount $800 million over the next 6 years. Of this amount, $104 million would be cut in fiscal year 1997. The Energy Department, which has the resources to help the energy industry expand its domestic energy production should not be subject of such major cuts. As we carefully consider whether to pass this bill, let us commit ourselves to expanding our domestic energy production so that we can lessen our need for oil from other countries.

The other source of revenue to pay for the repeal is generated from giving the FCC permanent authority to award licenses for the use of radio broadcast spectrum. In 1998, $2.9 billion would be generated form these auctions.

In the alternative, my bill, H.R. 3457, would have offset the lost revenue by cutting the Department of Defense procurement budget, which is already significantly above the Defense Department's request.

Mr. Speaker, this is an important vote, I urge my colleagues to carefully weigh the facts and consider whether this bill will accomplish what it intends to do. American consumers are watching and waiting.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, the gentleman form Georgia, [Mr. LEWIS] said that the tax did not have any effect on the price of gas. It does, $550 million in California, it affects our taxpayers. Yes, the 1993 Clinton tax package, we took away the increase on Social Security for seniors of the tax. So I assume that that does not affect anything either.

We decreased the luxury tax that we had that cost many, many thousands of jobs. I suppose that does not have any effect. And the gas price, a 1-cent change in gas cost airlines millions of dollars.

Mr. Speaker, I would have us take a look at what the President has said that his deficit reduction package is so good. If it is so good, why did the President have to offer us four different budgets that increased the deficit by $200 billion every year for the next 7 years? When he was forced to present a budget that was scored, 90 percent of those cuts took place in the years 6 and 7, because he does not want it.

Mr. GIBBONS. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Speaker, there are many writers and pundits around Washington who wonder why Americans are cynical about politics. This is the day to understand why Americans are cynical about politics. What do we have here, 6½ months before the Presidential and congressional elections? We have an attempt, and a successful attempt unfortunately, to repeal a gas tax for 7 months. Then it does back on.

The people who are voting for this, the President, Senator DOLE, must think that the American people do not understand. They must think they do not understand cynical politics, because that is exactly what this is. If the people on this side of the aisle did not want this repealed, they would have introduced it a year and a half ago. They would have made it permanent. But that is not what is going on here. What is going on here is the crass political demonstration for the elections. That is all it is. Any American with an IQ over 80 will understand that.

Mr. GIBBONS. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I support a repeal of the 4.3-cent gas tax, but I am disappointed in how the issue was approached. I had hoped that we would not only cut this tax but that we would assure the American people that any change in the tax would ensure that the people of this Nation would have more change in their pockets.

Unfortunately, the Republican leadership stood firm in their support of big oil. They missed their golden opportunities. First, in committee last week and on the floor today the leadership refused a Democratic amendment to guarantee that consumers and not the oil companies would benefit from the repeal. Second, the tax should have been paid for by reforming corporate welfare and eliminating programs like the alcohol fuel credit and the percentage of depletion for oil producers.

Finally, the Republican leadership should have promised the American people that they would hold hearings, that the oil companies may have engaged in price gouging. Without these assurances, the end result is unclear.

I support this because it is important for families in this country to receive a break.

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

Mr. GIBBONS. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, this is a difficult bill to vote against. It is popular, but I think we can all see it for what it is. It is a cynical, cheap, political, election-year maneuver. My Republican colleagues must think that the American public is stupid. Everyone can see through the bill and understand what it is.

Mr. Speaker, if they were so concerned about deficit reduction as they say they are, they would be acting differently. The deficit has been cut in half, less than half, under the President and with the Democratic Congresses. There was not one Republican that voted for it. So when push comes to shove, they really do not care that much about the deficit to play it straight.

Why would the Republican leadership not allow us a vote on this floor to guarantee that the savings would be passed on to the American consumers? I think that the fact that they will not allow us a vote to ensure that the American consumers will benefit from this is again a cynical move. So again they talk a good game. They talk deficit reduction, but in reality, it is only election year politics. Business as usual. Politics as usual.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. PORTER].

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

I might say, this is in a political mode but let me say, I believe this is one of the most mindless things we could possibly do. I did not support the gas tax increase when it was adopted. I would not reduce the deficit by raising taxes. I would reduce the deficit and do reduce it by cutting spending. But this is a tax already in existence. This is a tax now that is reducing the deficit. And while repealing it may be good politics, it is bad Government.

There is no assurance whatsoever that the consumer will get any benefit if this legislation passes. I imagine they will not even get a chance to notice it because as everyone knows, Iraq recently entered into an agreement with the United Nations to put about 700 million barrels of oil a day on the market which is going to drive the price down with increased supply. It is coming down anyway.

I might add, today in this country motor fuel costs are at a historic all-time low. We have more fuel efficient cars. The cost of gasoline is down. It seems to me that this is something that will simply undermine the deficit reduction that is going on. The offset is to sell assets, and anybody knows that this is not the way to run a railroad or a government.

I believe that this legislation simply represents politics I personally want no part of it. I intend to vote ''no.''

The SPEAKER pro tempore (Mr. KOLBE). The gentleman from Florida [Mr. GIBBONS] has 3 minutes remaining.

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

Mr. Speaker, this is political pandering if I have ever seen it, and I have seen a lot of political pandering in my life. But this is about as bad as I have ever seen. Mr. DOLE needed something to jump start his campaign so he poured a little gasoline on it.

Give everybody a tax cut for the user fee that they pay for using the highways of this country. Some of this money does not go into the user fee. I made a motion in the Committee on Ways and Means to put it all in the user fee, and all the Republicans turned it down, Mr. Speaker. So if anybody thinks our highway and transportation infrastructure is in great shape, it is because you have not tried to use it recently. I did this last weekend. It is a mess.

It is overcrowded. It is wearing out. Most families, when they are traveling, will pick out the filling stations that have the best rest rooms to stop and buy their gasoline because the prices are so close to each other. They are very cynical. They do not think that the oil companies are going to let them see any of this gasoline tax repeal. I am cynical like that, too, Mr. Speaker.

I think this is political pandering at its worst. We ought to vote no.

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

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARCHER] has 4 minutes remaining.

Mr. ARCHER. Mr. Speaker, I yield myself the balance of my time, and I yield to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, I just wanted to point out again, so as to not deliberately mislead our colleagues and the American people, following this debate, this 4.3 cents per gallon gas tax increase imposed by the President and congressional Democrats does not go into the Federal highway trust fund, does not pay to maintain our Nation's highway transportation infrastructure or for our mass transit programs.

What I was going to ask the gentleman, I very much appreciate the distinguished chairman yielding to me, if you cannot cut taxes, the repeal of this gas tax increase amounts to a $48 average savings to the American family. If you cannot cut taxes by at least $48 on average for the American family, then you are obviously not going to support any form of tax relief for working American families.

Mr. ARCHER. Mr. Speaker, I have listened to all of the rhetoric today. I must say the gentleman from Florida now says he wants this money to go into the trust fund. I have wanted all gasoline taxes to go into the trust fund and to build highways and bridges so that those who pay the tax will benefit by being able to use the infrastructure paid for by those taxes. Unfortunately, that was not permitted in 1993.

For the first time the compact with the American vehicle users on the highways was abrogated, the compact that existed all the way back to Eisenhower's presidency of this country.

I would hope that if this tax is permitted to continue after January 1, that the gentleman from Florida will join with me to assure that it does go into the highway trust fund where it belongs as a legitimate user fee. Unfortunately, the gentleman will be retiring and will not be here at that time.

There is so much misinformation that has been presented about this legislation. Yes, it is a temporary repeal. Yes, hopefully this will be a temporary spike in the price of gasoline so that we can give some degree of help to working Americans to let them keep more of their weekly paycheck.

□ 1845

And if the price of gasoline is down overall at the end of this year, we will have done our job.

It is interesting that a columnist in the Boston Globe wrote an article, and I quote. This is from the 6th of May:

A group of moguls and powerbrokers gather in their splendid headquarters. As aides and flunkies scurry about, the barons are coming to an agreement on the price of gasoline. Should they raise it? Lower it? Leave it alone? Whatever they decide, drivers everywhere will bear the consequences, for he moguls' influence reaches every gas pump in America.

It doesn't take long. These powerful men and women know what they want. They are hungry for more money. And so, from their elegant chambers, the order goes forth: Raise gasoline prices. Across the land, every filing station satisfy complies. There is nothing customers can do about it. Those who wish to buy gasoline must pay the surcharge the maguls have deserved.

Fiction? Not at all. This scenario actually happened Collaboration did take place. The price of gasoline was artifically hiked. The people who hiked it were motivated by a hunger for more money.

Who were these collaborators? A group of profit-swollen oil industry plutocrats? A handful of Persian Gulf petro-sheiks? A criminal consortium plotting to wreck the domestic oil market?

No. The powerful cabal that deliberately jacked up the price of gasoline, forcing Americans to pay billions of dollars more than the market value, was—the Congress of the United States.

Mr. Speaker, they were reaching an 18.3-cent-a-gallon tax on gasoline. I include the rest of this article for the RECORD.

The article referred to is as follows:

[From the Boston Globe, May 6, 1996]

WHO REALLY DROVE UP PRICE OF GAS?

(By Jeff Jacoby)

In May 1993, the federal gasoline tax was raised to 18.3 cents a gallon. That vote marked the third time in just over a decade that Congress had increased the tax. Since December 1962, the federal levy on gasoline has exploded 357 percent—even as the price of gasoline has trended steadily downward.

Of course, for the last few weeks, as every driver knows, prices at the pump have been a dime or two higher than usual. There's no mystery about why: Inventories were down because of the unusually long winter, a fire in California closed a Shell Oil refinery, and Saddam Hussein's obduracy is keeping 500,000 barrels a day of Iraqi crude off the international market.

No reputable economic or oil expert in the world would attribute the current surge in gasoline prices to anything but the normal interplay of supply and demand.

Politicians, however, are a different story.

Sniffing a chance to turn motorists ire to political advantage, U.S. Rep. Edward Markey, D-Mass, pandered to the TV cameras last week. Tossing around criminal accusations of ''price-fixing, collusion, or deliberate efforts to limit supply,'' he called for the Energy and Justice departments to investigate the oil industry. ''Naked greed!'' he hissed. ''Oil company overcharges!''

Even for Markey, who excels at anti-business cheap shots, this was egregious. It was grandstanding of the trashiest sort, and if it wasn't libel, it came awfully close. Nobody believes that price-fixing is behind the latest price spike. ''We think it's unlikely that there's collusion or anything illegal going on here,'' Markey's own aide admitted on Friday—even as his boss was making exactly those charges.

And just who is Markey to talk about gouging? Nothing is more responsible for inflating the price of gasoline than politicians like him. It isn't the cost of crude oil that accounts for the lion's share of gas prices. It isn't refining. It isn't marketing or distribution. All of those cost considerably less today (in real terms) than they did 15 years ago.

It's taxes.

In 1981, federal and state taxes made up just 12 percent of the retail price of gasoline. Last year, they accounted for 35 percent. The typical driver now pays 42 cents a gallon in taxes—in some states, far more. Rhode Island and California drivers pay 47 cents in taxes for each gallon they buy. Connecticut drivers, a whopping 53 cents. ''The average U.S. consumer,'' reports the Wall Street Journal, ''is paying 72 percent more in gas taxes than a decade ago.'' Talk about colluding to squeeze more money out of American drivers! It's Congress and the statehouses, not the oil companies, that have been ripping off motorists unmercifully.

Which is why Senate Majority Leader Bob Dole and House Speaker Newt Gingrich are absolutely right to call for rolling back the 1993 increases in the federal gasoline tax. The pity is that they didn't call for it 18 months ago, when their party won control of Congress. The only reason the ''Clinton gas tax'' is being targeted now is because Republicans want to show that they, too, can ''do something'' about higher gasoline prices.

But the reason to repeal the gas tax increase is not to undo a temporary jolt at the pump. It is that the increase should never have been passed in the first place. And the reason it should never have been passed is that taxes in America are already far too high. Wasn't that why Republicans unanimously opposed the '93 tax package in the first place?

Markey can demagogue about price-fixing; the Justice and Energy departments can probe for collusion. It's pretty clear who's been gouging U.S. drivers, When the federal gasoline tax was hiked in 1983, Markey voted yes. When it was hiked in 1990, he voted yes. When it was hiked in 1993, he voted yes. If it weren't for the Ed Markeys of this country gasoline would be 30 percent cheaper. Think about that the next time you fill up.

Mr. STOKES. Mr. Speaker, I rise in strong opposition to H.R. 3415, the Temporary Gasoline Tax Repeal Act. In taking this position, let me first make it clear that I have consistently supported efforts for real tax relief for our Nation's working citizens and their families. However, I cannot and will not support this so-called tax relief package that will, in fact, result in a significant, undeserved windfall for our Nation's oil companies.

It would be irresponsible to transfer nearly $2.9 billion to some of the most profitable companies in America with no appreciable benefits for consumers. This shortsighted and politically motivated legislation before us will also hurt our efforts to reduce the deficit.

The stated purpose of H.R. 3415 is to temporarily repeal the 4.3 cent-per-gallon increase in the Federal transportation fuels tax that was enacted as part of the 1993 Budget Reconciliation Act. Furthermore, the measure would only be effective until January 1, 1997, when the tax would be reinstated. In order to offset the lost $2.9 billion in revenue generated by the tax the bill cuts funding from the Energy Department and auctions off new radio frequencies now owned by the Federal Government.

It is important to note that the 4.3 cent-per-gallon gas tax is not actually imposed at the pump. Instead, it is levied on oil companies at an earlier point in the chain of sale and then passed on to the service station and the consumer. In the absence of a provision in H.R. 3415 to ensure that any savings are passed on to consumers the total $2.9 billion savings from the bill will end up benefiting big oil companies.

In an attempt to ensure that consumers would be protected, my Democratic colleagues sought a rule that would have allowed an amendment to H.R. 3415. Had this amendment been made in order, it would have required that the $2.9 billion tax cut was directed to the American public. Unfortunately, the Rules Committee prohibited any such consumer protection amendment.

Mr. Speaker, because of the exclusion of any savings to consumers, H.R. 3415 represents one of the majority's most audacious attempts to transfer Federal funds to wealthy corporations. It is cynical and repugnant to me that this bill, under the guise of providing tax relief to Americans, will simply be increasing the profit margins of oil companies.

While I applaud all Americans who have been able to enrich themselves through hard work, innovation, and creativity, I cannot support a tax relief package that so unevenly benefits a specific industry to the detriment of the American public. In addition to providing tax breaks to America's richest oil companies, this bill also hurts our efforts to achieve meaningful deficit reduction. While the Republican controlled Congress has claimed that they support meaningful efforts to reduce the deficit, this bill makes that goal much more difficult. H.R. 3415 directs over $2.9 billion that cold have been used for deficit reduction to big oil companies as a giveaway. The fact is, under current law, the deficit fighting characteristics of the gas tax have played a key role in President Clinton's 3 year historic effort to control deficit spending.

In addition to the harm this legislation will cause to our Nation's fight to reduce the national deficit, H.R. 3415 misdirects Federal resources away from programs that could help our Nation's citizens. The $2.9 billion that this bill uses to line the pockets of rich oil company executives could have been used to provide housing to the poor, food to the hungry, job opportunities to the jobless, and better education for America's children.

Mr. Speaker, it is my belief that H.R. 3415 and the circumstances under which it is presented in this House is an attempt to mislead the American people to believe that this so-called tax cut will help citizens and businesses hurt by rising fuel prices. Nothing could be further from the truth. This legislation unfairly and unjustifiably expands the gap between rich oil companies and the rest of America. The American people elected us to act in their best interest, not compromise their welfare because the new Republican majority wants to satisfy campaign promises and grant tax breaks to the wealthy. I strongly urge my colleagues to vote against this bill.

Mr. BORSKI. Mr. Speaker, I rise to oppose H.R. 3415, the temporary gas tax repeal, election year opportunism that will do virtually nothing to help the taxpayers of our country.

H.R. 3415 is simply politics—it has nothing to do with good government or good policy. There is no guarantee that any of the 4.3 cents per gallon that is being repealed will end up in the pockets of taxpayers. The money is more likely to find its way to the coffers of the big oil companies.

This Congress should be finding constructive ways of helping the people of our Nation's working class. H.R. 3415 is a political gimmick that will end up helping big corporations and not the people who need the help.

At a time when serious Democrats and serious Republicans are doing everything they can to reduce the budget deficit, H.R. 3415 would add $1.7 billion to the fiscal year 1996 deficit. This bill only makes sense if the money will end up in the taxpayers' pockets and if sensible, reasonable offsets in spending are found. So far, this bill falls short on both counts.

As a member of the Transportation and Infrastructure Committee, I believe that the Federal gas tax should be dedicated to maintaining and improving our transit and highway systems. Since 1956, the gas tax has provided support through the highway trust fund for highway and transit programs. We should maintain the principle of using the gas tax money for infrastructure programs.

The alternative proposed by H.R. 3415 is that instead of using a 4.3 cent per gallon gas tax to reduce the deficit, we should allow it to go back to the big oil companies. If H.R. 3415 is passed, I fear that all chance of directing that 4.3 cents per gallon into badly needed infrastructure improvements will be lost.

My colleague, Representative RAHALL, has introduced H.R. 3372, which I have cosponsored, to recapture the 4.3 cents per gallon for the highway trust fund to be used for the highway and transit programs. With tremendous needs for future investment just to maintain our roads, bridges and transit systems at their current level, the additional $5 billion a year would mean more jobs and more productivity growth.

I have proposed combining this common sense approach with the kind of innovative financing that is needed to meet our vast infrastructure needs. Last week, I introduced H.R. 3469 which would create an infrastructure reinvestment fund.

This fund would use the 4.3 cent per gallon gas tax as leverage to issue bonds for the transit and highway program. This future stream of revenue could produce as much as $50 billion in the first year for needed infrastructure improvements.

It is estimated that investment of each $1 billion in infrastructure will create 50,000 new jobs. The infrastructure reinvestment fund would be a huge boost for our economy, both in the short-term and long-term.

The U.S. Department of Transportation found that an annual investment of $50 billion will be needed during the next 20 years just to maintain our highways in their current condition. An annual investment of $7.9 billion will be needed to maintain our transit systems in their current condition.

True national leadership is needed to find the money for our highway and transit systems. Instead, we are faced with H.R. 3415, politics at its worst with no thought for our nation's economic future, no thought for our Nation's consumers and no thought for the budget deficit.

Only if H.R. 3415 contained an assurance that consumers would receive some benefit from the repealed gas tax would it be worth considering. Instead, this bill benefits the big oil companies at the expense of our nation's long-term economic interests.

I urge the defeat of H.R. 3415.

Mr. FAZIO of California. Mr. Speaker, I rise today in support of H.R. 3415.

Gas prices have hit $1.54 where I live in West Sacramento, and they are on the rise. Davis and Woodland range from $1.52 to $1.56. Further north in our congressional district, prices are similar—$1.58 in Yuba City, $1.55 in Red Bluff.

That's just too high, and I support this bill to cut gas prices by temporarily repealing 4.3 cents in Federal gas taxes.

At the same time, we need to make sure we're not just rolling windfall profits down the freeway to big oil companies.

The point of reducing gas taxes is to reduce gas prices at the pump for consumers. I also hope it will contribute to a greater trend—keeping gas prices down permanently. Recent activity on the commodities futures market indicates that gas prices could begin to drop later this summer.

But the problem is urgent, and we need to do something now so that Californians can get to work without leaving their wallets at the gas pump, and so that farmers and others in fuel-intensive businesses have long-term confidence that their costs won't skyrocket. California is finally in economic recovery, and we need to keep it moving.

To solve the problem, we have to determine the cause. Some have made the point that a 4.3 cent gas tax, passed as part of the 1993 deficit reduction package, is the primary culprit for the sharp rise in gasoline prices throughout the country.

That flies in the face of the evidence. After the imposition of the tax in 1993, gas prices remained unchanged. In some cases, prices went even lower. In fact, the Department of Energy says that in 1994 gas prices hit a 45-year low in real dollars. They have stayed low for more than 2 years until the precipitous rise of the last few weeks.

What are the real reasons why gas prices have spiked up? Simply put, supply is down and demand is up—that means higher prices.

A nationwide, long brutal winter with higher demand for oil reserves has contributed. But that doesn't tell the whole story. Oil companies reduced their production in anticipation of Iraq reentering the world oil market. Those low inventories contributed to a short supply of oil. When talks between the Iraqis and the United Nations broke down, oil companies are left waiting by the side of the road with empty gas cans.

In California, special factors have come into play as well. New regulations issued by Governor Wilson and the California Air Resources Board [CARB] call for cleaner burning gasoline. Because California is essentially a self-contained gas producer, the transition to a cleaner, reformulated gasoline has further reduced the supply of gas. It's exerted enough extra pressure in our region that California gas prices lead the nation.

Finally, let's face it. American driving habits play a major part of supply and demand. Speed limits have been raised. Americans are buying sports utility vehicles in record numbers. People are simply driving faster and using more gas.

However, even industry representatives have stated in hearings that all of these circumstances still do not account for the total price increase. That's why some Members of this body have asked Attorney General Janet Reno to investigate all possible reasons behind high gas prices. President Clinton has since ordered her to do so.

So, it is clear that factors other than the gas tax are responsible for the recent increase in gas prices.

Does that mean we shouldn't cut gas taxes?

No, cutting gas taxes is a great idea if it results in lower gas prices. The trick is to make sure prices actually go down and that consumers, not the oil companies, are the beneficiaries. That may be a tall order. In 1994, New Mexico repealed their State gas tax. Consumers saw gas prices drop—for nearly a week. But almost immediately, gas prices rose to previous levels.

Further, our progress in reducing the deficit should not be compromised. Repealing the 4.3 cent gas tax sets us back some $2.9 billion over the next 7 months. While I am pleased that the Republican leadership chose not to slash education to pay for this offset, I am dismayed that the Republican leadership will not incorporate provisions of a committee amendment that would have guaranteed the savings from the gas tax on to the American people.

It's never a bad idea to rethink previous actions by Congress. Certainly, Democrats have supported efforts to take a comprehensive look at the tax burden of working Americans and the steps we might take to put more money in their pockets through a fairer tax structure, by raising the minimum wage, or by providing tax credits to families for education.

I'm for lower gas prices, and the sooner the better. Support H.R. 3415 and let's deliver lower prices to American consumers.

Mr. COSTELLO. Mr. Speaker, I rise in opposition to H.R. 3415, and I would like to submit for the RECORD a recent op-ed I wrote regarding the gas tax.

ELECTION-YEAR POLITICS ON GAS TAX WILL END UP COSTING US IN THE END

Frustration over rising gasoline prices unrelated to federal transportation or energy policy has resulted in a typical election-year tactic: how to use an unfortunate situation to partisan advantage. Sen. Dole and President Clinton are currently engaged in a battle over who can most equitably ease the pain on gasoline consumers, but efforts to repeal the 4.3-cent per gallon addition to the federal gas tax will only end up hurting those same consumers.

The 4.3-cent per gallon tax was part of the 1993 Deficit Reduction Act, proposed by President Clinton and opposed by every Republican in Congress. I supported this legislation, because deficit reduction is one of my major goals as a Member of Congress. I support a Constitutional Amendment to balance the federal budget, and I supported the 1993 Deficit Reduction Act because of its balance in spreading the pain of deficit reduction. It raised income taxes only on the very wealthy, cut spending, and asked all consumers to pay a little more at the pump to reduce the deficit.

It's also been a success. For three straight years, for the first time since Harry Truman was President, the deficit has gone down. Compared to the growth in the economy, the deficit is now at its lowest level since 1979. And, as I noted when I voted last week for an additional $23 billion in spending cuts as part of the 1996 federal budget, we are continuing on a path toward a zero deficit in the year 2002.

That is, unless Congress begins to roll back this progress by repealing the balanced package we passed in 1993. ''Partisan panic'' has set in throughout Washington, D.C., and I predict in the days to come we will see a variety of competing packages on which party can move most quickly to try and lower gasoline prices. It's wrongheaded for these reasons:

Cutting the gas tax is no guarantee for lower gas prices. Because gasoline prices are market-driven and unrelated to federal policy, if we repeal the 4.3-cent gas tax, I predict that gas prices will remain the same, with no windfall for the consumer.

Repealing a few cents at the pump will certainly increase the deficit. By rolling back 4.3 cents per gallon, we instantly add $5 billion to the federal deficit this year, and if we extend the repeal beyond 1997, we could add $35 billion to the deficit by the turn of the century, making our task of balancing the budget by 2002 that much more difficult.

Gas prices should fall without any intervention. According to industry experts, gasoline prices will fall on their own during the summer. By the time Congress passes legislation to try and reduce gasoline prices, they may already be lower than our targeted goal.

It's a bad precedent. If we begin to unravel the progress on the 1993 budget agreement, picking it apart, what's next? Will Congress move to repeal the tax on the wealthy? After all, wasn't the goal of the ''Contract with America'' a balanced budget by 2002?

In the end, middle-income consumers will pay more. Repealing the gas tax adds to the deficit, putting more debt (and interest on that debt) on the backs of tomorrow's generation. Who will pay that tab? We already know—the young people of tomorrow, and families of today.

Believe me, I don't like high gasoline prices. If Congress is going to pass any legislation, it should first examine whether there has been any price gouging at the pump and take action to force oil producers to reduce their prices. But for years, we have became accustomed to gasoline prices that have made it affordable to buy larger, less fuel-efficient cars. We need to keep in mind that in the U.S. we pay substantially lower prices for our gasoline than other modern countries.

Finally, the American people need to get out their hypocrisy meters when they watch this debate unfold. If Sen. Dole is proposing repealing the 4.3-cent per gallon gasoline tax passed in 1993, why not repeal the 10-cent federal gas tax he proposed which was signed into law under President Reagan and Bush? Isn't the ''Dole Dime'' as important to deficit reduction as the ''Clinton Nickel?'' Of course it is, which is why we should repeal neither.

Mr. CONYERS. Mr. Speaker, I rise today in opposition to the temporary repeal of the 4.3-cent-per-gallon gas tax. This misdirected legislation will do very little to help our constituents who have been paying more at the pump.

The problem with this legislation is that there is no guarantee the consumer would see any of the savings created by the repeal of the tax, which generates nearly $4 billion per year for the Treasury. Any gas tax repeal would create a huge windfall for the oil companies, not the motorist.

Because the gas tax is levied on the oil companies, the tax is not actually imposed at the pump. Instead, it is imposed at an earlier point in the sale, then passed on to the service station and the motorist. Contrary to the arguments from our friends on the other side of the aisle, repealing the gas tax will not automatically reduce the prices at the pump.

We cannot afford to wait and hope that, if we eliminate this tax, consumers will get a discount at the pump. There is no mechanism in this bill to assure that gas prices will fall, that the savings will go to the motorist.

All we need to do is look to see what the oil companies have done to prices in the last month. Wholesale gasoline prices have dropped nearly a nickel since President Clinton's decision to release Government oil reserves—but the nationwide retail prices rose 0.2 cents per gallon. In California, the gap is more extreme: Wholesale prices have fallen an incredible 31 cents per gallon—but retail prices have shown no decrease. Oil companies are keeping the difference, padding their balance sheets and wallets.

Even if the average motorist saw a 4.3-cent discount at the pump, it would only save that motorist $15 per year. Is this the Republican idea of a middle class tax cut?

It is quite clear that this bill is just another Republican give-away to their favorite corporate friends. Republicans issued a closed rule to assure that the oil companies would get to keep every penny of the tax repeal. The average American motorist will never see a decrease at the pump because of this repeal. We're giving oil companies another $4 billion per year if we pass this bill.

Mr. ALLARD. Mr. Speaker, I support this legislation to rollback the 1993 4.3 cent per gallon tax hike. I voted against this tax hike 3 years ago, and I support its repeal today.

The average American family now pays 38 percent of its income in Federal, State, and local taxes. This is more than families spend on food, clothing and shelter combined.

The Federal tax on a gallon of gas is now 18.3 cents and the average State tax is another 20 cents. The tax now constitutes nearly one-third of the price of gasoline. This hurts the poor and the middle-class particularly hard since gasoline constitutes a significant portion of their consumption. I think it is time for relief.

Traditionally, the gas tax went into the Highway Trust fund in order to construct and repair highways. This is not the case with the 1993 increase, it is undedicated revenue sent to Washington for more spending.

Some argue that we should not cut the gas tax if it would increase the deficit. I agree, that is why I will insist that any tax repeal be offset with a reduction in Government spending or subsidies. Unlike past Congresses, this Congress is willing to reduce spending. In 1995 and 1996 over $40 billion was trimmed from the appropriations bills that Congress controls.

I have always felt that the budget should be balanced through spending reduction, not tax increases. Higher taxes simply permit Congress to continue the growth in Federal spending.

It is time we downsize the Federal Government, and a reduction in the gas tax is a small but important step in that direction. Our next step should be to make this repeal permanent.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise in opposition to the Gingrich-Armey Republican proposal to reduce a Federal tax on gasoline by 4.3 cents. This is just another political move that sounds good on the evening news, but doesn't play out at the gas pump.

No rebate would be passed on to the American people and the big oil companies would get to pocket the windfall. With all their corporate tax breaks they would probably even not pay taxes on the tax rebate.

Because the Gingrich Republicans will not accept any provisions in the bill to guarantee that any repeal of the 4.3-cent Federal tax could or would be passed on the American people as a reduction in the price of a gallon of gas, I will vote against this cynical election-year stunt.

This is the latest effort by the Republicans to play politics with the American people's pocketbook. Recently Mr. ARMEY was credited with a prediction that the Gingrich-Armey proposed gasoline tax repeal might make Americans happy because it would save the average motorist about $27.00 a year. They evidently think that the American voter can be bought for $27.00 a year.

If the authors of this legislation would just do a little math on comparing the proposed gasoline tax repeal with a raise in the minimum wage, they would see that the average American minimum wage earner would benefit to the tune of about $36.00 per week by an increase from $4.15 to $5.25 per hour. that's $1,872 a year. Now I ask you, would any hardworking American prefer $27.00 a year to $1,872.00 a year? As the young people say these days, ''I don't think so!''

In fact, the proposed rebate by repeal of $27.00 per year wouldn't even be a drop in the bucket to most Republicans, pocket change to those who usually avoid any comparison with the average American unless it is an election year. But, even as an election year ploy, the Gingrich-Armey Republicans ought to be able to do better than $27.00 a year.

Once again, the Gingrich-Armey Republicans have shown that they are completely out of touch with the American people. Because there is no assurance nor expectation that the American people would ever see an extra penny in their pocket as a result of this windfall to the oil companies, I urge my colleagues to vote against this bill.

Mr. KIM. Mr. Speaker, I rise today in support of H.R. 3415, legislation that would repeal the 1993 Clinton gas tax hike.

As my colleagues are aware, the coming Memorial Day weekend is one of the biggest driving holidays of the year. All over the country, Americans will be getting in their cars and driving—to family picnics, to the mountains, to the beach, to visit relatives. Of course, this driving has a cost. In order to do all of this driving, Americans will have to buy gas—over 60 million gallons of gas, in fact.

This year, American families are in for a nasty shock when they fill up for the holiday: Exorbitant gas prices. Gas prices that are approaching $2 dollars a gallon. That's $30 just to fill up an average car. Suddenly, that family trip to the beach just got a great deal more expensive.

Not surprisingly, much of the political rhetoric in this town has been focused on assigning blame for this gas price crisis. Politicians blame the oil companies, the oil companies blame mother nature, others blame our dependence on foreign oil.

To me, this blame game seems like a waste of time. Assigning blame may feel good, but it doesn't change the facts: Americans are paying more at the pump than at any time in recent memory. Instead of arguing about who is to blame, I believe that we should do something concrete that will actually help consumers cope with the skyrocketing price of gas.

That's why we are here today. The bill we are considering, H.R. 3415, would give American consumers relief from the recent escalation of gas prices. It would do so by repealing the 4.3 cents-per-gallon gas tax increase that was passed as part of the 1993 Clinton budget. For the record, this 4.3 cent Clinton tax hike does not go to rebuilding our infrastructure—as the rest of the Federal gas tax does. Instead, it was implemented solely to fund additional social programs. This bill would take this 4.3 cents and return it to the taxpayers.

Now, 4.3 cents may not sound like much, but it adds up. In fact, by repealing the Clinton tax increase, this legislation will put $1.7 billion dollars back in to the pocketbooks of American consumers between now and the end of the year. That's $1.7 billion dollars that can be used for family trips—or for more basic items like food, clothing and education. And, by cutting wasteful government bureaucracy, this bill gives Americans this needed tax relief without adding to the deficit.

In short, this legislation represents a unique opportunity to help working folks cope with the escalating price of gas. By supporting the repeal of the Clinton gas tax hike, we can give the American people a Memorial Day present: Lower gas prices and more money to spend on their own families.

For these reasons, I urge my colleagues to support H.R. 3415. It's time to repeal the Clinton gas tax increase and let working folks keep more of the money they have earned.

Mr. STENHOLM. Mr. Speaker, the Congress stands poised to vote on a bill to repeal the 4.3 cents-per-gallon gasoline tax increase which was included in the 1993 deficit reduction bill. What we actually have here is the Election Year Seven Month Temporary 4.3 Cents Tax Repeal Bill, and it is a textbook example of poor public policy being driven by election year politics.

Let me say for the record that my opposition to this gasoline tax increase was one of several reasons I voted against the 1993 budget on final passage. But here we are, 3 years later, still racking up annual budget deficits to pass on to our children and grandchildren, and we are nitpicking about a 7-month break from paying this 4.3-cent tax.

Last year, the House and Senate leadership included language to prohibit tax cuts until the Congressional Budget Office certified that Congress has sufficiently reduced spending to pay for tax cuts and balance the budget. Unfortunately, that language was removed from the budget just approved by the House. It appears Congress still hasn't learned the lessons of the early 1980's, when we passed the popular tax cuts before the harder spending cuts, and ended up adding $4 trillion to the deficit.

Before we cut any taxes, we should set aside partisan differences and work out an agreement to achieve the $700 billion of spending cuts needed to being the budget into balance. The simple fact is that, until we balance the budget, any tax cut is really done with borrowed money. I cannot justify putting more debt on the backs of our children and grandchildren though a temporary tax cut designed to gain short term political gain.

I was encouraged by the bipartisanship that was evident in the most recent vote on the Coalition budget. But instead of working toward a balanced budget plan, the Majority leadership has squandered a historic opportunity to set aside partisan differences that could result in result in real deficit reduction in the overall context of the budget.

I find it interesting that some of the strongest advocates of the 7-months temporary gas tax repeal are usually such vocal opponents of intervention in the marketplace. When it comes to agriculture policy, many of my colleagues are only too willing to take away the price supports and subsidies that have helped our own producers compete against our heavily subsidized trading partners. They say we should let the market place work, but when gasoline prices temporarily increase 21 cents over a 4-month period, all of a sudden it is time for the Federal Government to come in and save the day—at least for 7 months.

There is no mystery about the market forces that increased gasoline prices. The coldest winter in years drove up demand, which production failed to meet. The high demand for heating oil delayed gasoline production. Market speculation about Iraqi oil caused uncertainties within the marketplace. The bottom line is this: the 4.3-cent gasoline tax enacted 3 years ago did not increase pump prices this year; a reduction in this tax will not necessarily be passed on to the consumer; and reducing the gas tax is not the solution to current market conditions, or the budget deficit. In fact, the majority's short-sighted decision to terminate Federal support of fossil fuels research and development will leave us even more vulnerable to future disruptions in the energy market.

There is no question the U.S. Tax Code needs reform to bring about tax relief and incentives to invest in our country's future. But let the American consumer be forewarned; the 4.3-cent gasoline tax repeal, as supported by the majority and the President, will last through December 31, 1996, less than 2 months after the November election. On January 1, 1997, all the rhetoric heard about tax relief will be worth just about as much as the noisemakers used to bring in the New Year.

Mr. BUNNING of Kentucky. Mr. Speaker, I rise today in strong support of the repeal of the Clinton gasoline tax. It was a mistake when the Democratic Congress imposed this tax and today is our opportunity to correct it.

Historically, motor fuel taxes have been dedicated to the upkeep and improvement of our Nation's highways and other transportation infrastructure. The Clinton gas tax was not.

While it was passed under the rubric of deficit reduction, the Clinton tax on gasoline was simply used to fund more spending by a bloated Federal Government that already spends too much. In this Kentuckian's view, the way to cut the deficit is not by raising taxes but by changing Washington's bad spending habits.

Fortunately, the Republican majority understands that we are spending money earned by working people, not magically pulled out of the air. And, this Congress has made great strides in restraining the Federal leviathan.

We have fully covered the revenue change from the gas tax cut by cutting overhead spending at the Department of Energy and selling part of the broadcoast spectrum. We are not just raising another tax to offset this cut.

This repeal of the gasoline tax represents one more example of the difference between the way things used to work in Washington and the way they work under the Republican majority. We believe that the people should get to keep more of what they earn.

For some, this is a novel concept. But for most of us it is a bedrock principle that the American people do a better job of spending their money than bureaucrats in Washington do.

Mr. Clinton has said that he raised taxes too much in 1993. I agree with him; and, now I encourage my colleagues to pass this gasoline tax repeal and give Mr. Clinton the chance to show us that, for once, his actions will match his words.

Ms. MOLINARI. Mr. Speaker, I would first like to thank Mr. ARCHER, the distinguished chairman of the Ways and Means Committee for introducing this bill and giving us the opportunity to give back to the taxpayers what should not have been taken from them in the first place.

No one would argue that the President's 4.3-cent increase in the gas tax enacted by the Omnibus Budget Reconciliation Act of 1993 isn't being felt at every gas station across the Nation and that relief is quickly needed. The gas tax increase cost Americans more than $4.8 billion at the pump. Further, the revenue generated from this increase for the first time, was dedicated to deficit reduction rather than from transportation projects. This is a sneaky maneuver to tax Americans for deficit reduction and leaving them to believe nothing is being directly taken from their paychecks. Rather than reforming inefficient Government programs to reduce the deficit, the administration decided to tax the public once more.

Rolling back the gas tax would not affect any of the motor fuels excise taxes that are already set aside for the Highway Trust Fund, nor would it effect the Federal budget. However, this bill would save Americans almost $5.5 billion annually and recoup the approximately 6,000 jobs New Yorkers alone have lost.

I would also like to thank those national chains which have already agreed to lower their prices the second we pass this law. I hope our local distributors will do the same.

Finally, this bill also requires that all fuel taxes collected be deposited in transportation trust funds rather than the Treasury's general fund. Our streets and bridges are falling apart, our air traffic control systems need upgrading, and our ferry terminals are in dire need of repair. This bill ensures the revenue will be used only for those programs for which it is intended.

Congress can be proud to relieve Americans of this burdensome tax and let them keep more of what they earn knowing that the Government will not guzzle their hard-earned dollar at the pump.

Mr. BLILEY. Mr. Speaker, I rise in support of the rule for H.R. 3415, a bill to repeal the 4.3-cent increase in the transportation motor fuels excise tax. Two provisions—section 6, which deals with authorizations for the Department of Energy, and section 7, which deals with spectrum auctions—are within the jurisdiction of the Committee on Commerce.

Section 6 of H.R. 3415 would authorize an average of $96 million per year for ''departmental administration and other activities'' during fiscal years 1997 through 2002, compared to an appropriations level of $226 million in fiscal year 1996. According to the Congressional Budget Office, assuming appropriation of the authorized amounts, section 6 would reduce outlays by $542 million during fiscal years 1997 through 2002. This provision is necessary to address serious concerns regarding Secretary O'Leary's extensive and costly travel, very large expenditures by the Secretary on public relations, and a serious lack of controls over spending on training. Problems in these and other areas have arisen as a result of an investigation being conducted by the Subcommittee on Oversight and Investigations of the Committee on Commerce.

As modified by my amendment incorporated in this rule, section 7 will require the Federal Communications Commission to identify and auction 35 megahertz of radio spectrum under the 3 gigahertz band. It promotes efficient spectrum use by having the marketplace determine the highest and best use of the spectrum. In identifying such spectrum, the Commission is required to take into account the needs of public safety services.

The provision is consistent with the sound public policy initiatives previously established by Congress. In 1993, the FCC was authorized, through enactment of the Omnibus Budget Reconciliation Act, to auction portions of spectrum for commercial licenses. Congress determined at that time that the FCC's current methods of distributing spectrum—by lottery and comparative hearings—were problematic because they robbed the American taxpayers of compensation for the use of a scarce public resource and led to subjective judgments by a Government agency, respectively.

The overwhelming financial success of auctions for the U.S. Treasury, coupled with the soundness of auctions from a public policy prospective, led the Commerce Committee to extend the auction authority in the last budget cycle. My amendment is wholly consistent with the spectrum policy established in last year's legislation. The committee has held two hearings this Congress which confirmed the wisdom of this policy. Additionally, my amendment will not affect or apply to the spectrum identified for the transition to digital television. Finally, in recognition of the success of the auction process my amendment makes the FCC auction authority permanent.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 436, the previous question is ordered on the bill, as amended.

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

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

MOTION TO RECOMMIT OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. RANGEL. Yes, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. RANGEL moves to recommit H.R. 3415 to the Committee on Ways and Means with instructions to report the bill back forthwith with an amendment striking all after the enacting clause and inserting the following:

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 any person exclusively for any use to the extent a credit or refund of the tax imposed by section 4081 or 4091 of such Code is allowable for such use.

(e) EXCEPTION FOR FUEL HELD IN VEHICLE TANK.—No tax shall be imposed by subsection (a) on gasoline or diesel fuel held in the tank of a motor vehicle or motorboat.

(f) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(1) IN GENERAL.—No tax shall be imposed by subsection (a)—

(A) on gasoline held on January 1, 1997, by any person if the aggregate amount of gasoline held by such person on such date does not exceed 4,000 gallons, and

(B) on diesel fuel or aviation fuel held on such date by any person if the aggregate amount of diesel fuel or aviation fuel held by such person on such date does not exceed 2,000 gallons.

The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this paragraph.

(2) EXEMPT FUEL.—For purposes of paragraph (1), there shall not be taken into account fuel held by any person which is exempt from the tax imposed by subsection (a) by reason of subsection (d) or (e).

(3) CONTROLLED GROUPS.—For purposes of this subsection—

(A) CORPORATIONS.—

(i) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(ii) CONTROLLED GROUP.—The term ''controlled group'' has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase ''more than 50 percent'' shall be substituted for the phrase ''at least 80 percent'' each place it appears in such subsection.

(B) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control where 1 or more of such persons is not a corporation.

(g) OTHER LAW APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of such Code in the case of gasoline and diesel fuel and section 4091 of such Code in the case of aviation fuel shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by subsection (a) to the same extent as if such taxes were imposed by such section 4081 or 4091.

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.—

(1) 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.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS FOR EXPENSES OF ADMINISTRATION OF THE DEPARTMENT OF ENERGY.

Section 660 of the Department of Energy Organization Act (42 U.S.C. 7270) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''APPROPRIATIONS''; and

(2) by adding at the end the following:

''(b) FISCAL YEARS 1997 THROUGH 2002.—There are authorized to be appropriated for salaries and expenses of the Department of Energy for departmental administration and other activities in carrying out the purposes of this Act—

''(1) $104,000,000 for fiscal year 1997;

''(2) $104,000,000 for fiscal year 1998;

''(3) $100,000,000 for fiscal year 1999;

''(4) $90,000,000 for fiscal year 2000;

''(5) $90,000,000 for fiscal year 2001; and

''(6) $90,000,000 for fiscal year 2002.''.

SEC. 7. SPECTRUM AUCTIONS.

(a) COMMISSION OBLIGATION TO MAKE ADDITIONAL SPECTRUM AVAILABLE BY AUCTION.—

(1) IN GENERAL.—The Federal Communications Commission shall complete all actions necessary to permit the assignment, by March 31, 1998, by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) of licenses for the use of bands of frequencies that—

(A) individually span not less than 12.5 megahertz, unless a combination of smaller bands can, notwithstanding the provisions of paragraph (7) of such section, reasonably be expected to produce greater receipts;

(B) in the aggregate span not less than 25 megahertz;

(C) are located below 3 gigahertz; and

(D) have not, as of the date of enactment of this Act—

(i) been assigned or designated by Commission regulation for assignment pursuant to such section;

(ii) been identified by the Secretary of Commerce pursuant to section 113 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923); or

(iii) reserved for Federal Government use pursuant to section 305 of the Communications Act of 1934 (47 U.S.C. 305).

(2) CRITERIA FOR REASSIGNMENT.—In making available bands of frequencies for competitive bidding pursuant to paragraph (1), the Commission shall—

(A) seek to promote the most efficient use of the spectrum;

(B) take into account the cost to incumbent licensees of relocating existing uses to other bands of frequencies or other means of communication;

(C) take into account the needs of public safety radio services;

(D) comply with the requirements of international agreements concerning spectrum allocations; and

(E) take into account the costs to satellite service providers that could result from multiple auctions of like spectrum internationally for global satellite systems.

(b) FEDERAL COMMUNICATIONS COMMISSION MAY NOT TREAT THIS SECTION AS CONGRESSIONAL ACTION FOR CERTAIN PURPOSES.—The Federal Communications Commission may not treat the enactment of this Act or the inclusion of this section in this Act as an expression of the intent of Congress with respect to the award of initial licenses of construction permits for Advanced Television Services, as described by the Commission in its letter of February 1, 1996, to the Chairman of the Senate Committee on Commerce, Science, and Transportation.

Mr. RANGEL (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the Record.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from New York [Mr. RANGEL] is recognized for 5 minutes in support of his motion to recommit.

Mr. RANGEL. Mr. Speaker, I do know that election time causes us to do a lot of strange things, and certainly if anyone is serious about taking off 4.3 cents from the Federal gasoline tax on a permanent basis, then we are talking about some $31 billion.

Now, it may be true that we have just learned about balancing the budget, but certainly for those of my colleagues that have been advocating this for so long, what a heck of a time to be thinking about balancing the budget and cutting back revenue.

Now, when I was on the committee trying to make certain that this bad idea, at least that it would be the consumer that would be the beneficiary, the protectors of the oil companies said, ''No, if you are trying to pass this through to the consumer, then you're manipulating the marketplace. What you have to do is to trust the oil people. They'll do the right thing. They'll pass it through to the consumer.''

And so my motion to recommit merely says that we should make it mandatory, requiring the oil companies to pass the full tax savings on to the consumer and reimposing a tax if the company violates this requirement.

So I want people to listen very carefully to those people who advocate this reduction in taxes.

Please, do not tell me that it cannot be done because the whole idea is not to give the benefit to the oil companies. Even if our cousin Jake does have a gas pump, he should be getting the break to pass through to the people who come by his gasoline station.

Now, if my colleagues are going to tell me that it is too complicated to do or that they do not understand the free market system or that we cannot find out where the 4.3 cents is going to go, then why do we not quit the sham and get on with something else? If it cannot go to the consumer and my colleagues do not know how it is going to get to them, then let us leave this thing alone and try to find something else for the campaign. God knows we got a couple of months left.

But if my colleagues want to help the consumer, then all they have to do is say this: We mandate that the 4.3 between now and election passes on to the consumer. And everybody has to say on the penalty of having the tax reimposed that they would pass it on to the consumer, and that should not be a very complicated thing for our colleagues to figure out. But just in case there is a problem, our colleagues have in their bill a method in which they have a General Office of Accounting finding.

We will mandate that there be a General Office of Accounting report on November 1 before the election to see whether or not the Republican tax removal is passed on to the American people.

Mr. Speaker, I yield to the distinguished gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I thank the gentleman very much for yielding.

The reason that the gentleman from New York [Mr. RANGEL] has framed this recommittal motion is that the American consumer has seen in the last 3 or 4 months an increase of 20 cents to 40 cents at the gas pump for the price of gasoline. Now, that means that oil companies are taking from $100 to $200 more this year out of the pockets of consumers for gasoline than they did last year. The Republican motion says that the 4 cent gasoline tax from 1993, which is their idea of relief for the consumer who is losing 100 to 200 bucks, they are going to get this 4 cent break, which is about 15 or 20 bucks, should go to the oil refinery level. That is where the bulk of their tax break goes. They give it to the oil refiners, largely, and they ask them to pass it on to the consumer.

The gentleman from New York says, well, if that is how they are going to do it, we need that to be certified, we need to have some evidence that the large oil companies pass that tax break on down to the consumer.

Now, we had alternatives to give the money right to the consumer, but the Republicans will not put those amendments in order.

So the gentleman from New York's recommittal motion is quite simple. If my colleagues want to guarantee that the large oil companies pass that 4 cent gasoline tax break, 15 or 20 or 30 bucks, on to the consumer, then they must vote for this recommittal motion, or else the oil companies will gobble it up like a nice tasty snack.

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARCHER] is recognized for 5 minutes in opposition to the motion to recommit.

Mr. ARCHER. Mr. Speaker, the motion to recommit attempts to regulate the market price of motor fuels with the threat of monetary penalties for failure to pass on the motor fuels tax reduction to customers. The mechanics of the motion offered by Mr. RANGEL are flawed. More importantly the motion lacks a fundamental confidence in our free market system which has served us so well. Instead the motion smacks of price controls and the longhand of gargantuan government.

Even before I speak to the bad economics of this motion, let me explain why the provisions before us do not work. First, Federal taxes on gasoline are paid well before the customer pulls into the gas station.

These taxes are paid at some 1,700 bulk storage terminals. From there, some 15,000 wholesale dealers or jobbers buy the product which then is delivered to retail service stations which total over 195,000 nationwide and sell nearly 200 brands of gasoline.

Keeping this universe in mind, the Rangel motion would essentially make 600 taxpayers, those at the terminal facilities, pay penalties equal to all or part of the tax reduction which does not flow to customers. Very simply, the terminal taxpayers will pay dearly if even one of the nearly 210,000 wholesale dealers and gas station operators fail to pass-through the tax reduction. The motion raises basic fairness questions since taxpayers are held responsible for another person's inability to account for a tax reduction.

Furthermore, the motion begs the question over how the already strained resources of the IRS will monitor and audit some 210,000 persons who buy and sell some 200 brands of gasoline.

Putting aside the unworkable machinery, it is essential that my colleagues focus on the real message behind this motion. Its proponents will make the deceptively attractive claim that the motion will put the tax reduction into the pockets of consumers instead of the oil industry. But if proponents really mean what they say then what is before us is yet another attempt, albeit flawed, to control the profit margins of every individual who buys and sells gasoline and diesel. The motion discards the fact that petroleum prices respond to the basic economics of supply and demand and are set by the world's most competitive marketplace.

Earlier this year we witnessed just how well competition drives the prices charge to consumers. On January 1, the 10-percent airline ticket tax expired. That same day, most of the major carriers reduced air fares by a corresponding 10 percent. Within 24 hours, the pressures of competition drove another major air carrier to drop its air fares by 10 percent.

Interestingly enough, the penalties for failure to pass through the tax reduction do not apply to aviation jet fuels and special motor fuels.

But, market forces are not limited to the airlines. They are known to all segments of America's industries for the simple reason that business, in order to survive, they must bear the scrutiny of the America consumer.

Make no mistake, the motion offered by Mr. RANGEL is a poorly constructed and dangerous attempt to control the laws of economics, all in the name of feel-good politics. The motion should be rejected.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. RANGEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The Sergeant At Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 183, nays 225, not voting 25, as follows:

[Roll No. 181]

YEAS—183

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green (TX)
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McHale
McKinney
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Montgomery
Moran
Murtha
Nadler
Neal
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NAYS—225

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Coble
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Funderburk
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Mollohan
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Walker
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—25

Baesler
Bunn
Clinger
Coburn
Durbin
Frisa
Gallegly
Gutierrez
Harman
Kingston
Klink
Largent
Lucas
Maloney
McDermott
McNulty
Molinari
Oberstar
Ortiz
Peterson (FL)
Rohrabacher
Smith (MI)
Taylor (NC)
Torres
Watts (OK)

☐ 1915

Ms. PRYCE and Mrs. SEASTRAND changed their vote from "yea" to "nay."

Mr. CUMMINGS and Mr. GEJDEBSON changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Mr. WALKER. Mr. Speaker, I ask unanimous consent on the suspension vote to follow final passage on the bill that it be reduced to 5 minutes.

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

There was no objection.

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

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

Mr. ARCHER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 301, nays 108, not voting 24, as follows:

[Roll No. 182]

YEAS—301

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Coble
Coleman
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Funderburk
Furse
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss

Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoke
Holden
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kildee
Kim
King
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Manton
Manzullo
Martinez
Martini
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McKinney
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Mink
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Ney
Norwood
Nussle
Obey
Olver
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Peterson (MN)
Petri
Pombo
Pomeroy
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Reed
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanders
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Solomon
Spence
Spratt
Stearns
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—108

Barrett (WI)
Becerra
Beilenson
Berman
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Campbell
Cardin
Clay
Clayton
Clyburn
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Dellums
Dicks
Dingell
Dixon
Doggett
Ehlers
Fattah
Flake
Foglietta
Ford
Frank (MA)
Gibbons
Hastings (FL)
Hilliard
Hoekstra
Houghton
Hoyer
Jackson (IL)
Jacobs
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Klug
Lantos
Leach
Levin
Lewis (GA)
Luther
Markey
Matsui
McCarthy
McHale
Meehan
Meek
Millender-McDonald
Miller (CA)
Minge
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Neumann
Owens
Payne (VA)
Pelosi
Pickett
Porter
Rahall
Rangel
Rivers
Roybal-Allard
Rush
Sabo
Sanford
Sawyer
Schroeder
Scott
Serrano
Shays
Skaggs
Slaughter
Smith (WA)
Souder
Stark
Stenholm
Stokes
Studds
Thompson
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
White
Williams
Wilson
Wise
Wolf
Woolsey
Yates

NOT VOTING—24

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

□ 1935

The Clerk announced the following pairs:

On this vote:

Mr. Ortiz for, with Ms. Harman against.
Mr. Clinger for, Mr. Klink against.
Mr. Kingston for, Mr. Oberstar against.

Ms. LOFGREN changed her vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

TENTH ANNIVERSARY OF CHORNOBYL NUCLEAR DISASTER

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 167.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. 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, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 0, not voting 29, as follows:

[Roll No. 183]

YEAS—404

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Funderburk
Furse
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kleczka
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Olver
Orton
Owens
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Waxman
Weldon (FL)
Weller
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer