BEST WISHES TO THE MEMBERS UNDERTAKING THE STUDY OF OUR CURRENT RELATIONSHIP WITH CHINA IN AN ELECTION YEAR

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

Mr. SNYDER. Mr. Speaker, yesterday this House voted to fund a $2.5 million study of our current relationship with China. The newly-appointed chairman, a Republican, the gentleman from California (CHRIS COX) and the ranking member, a Democrat, the gentleman from Washington (NORM DICKS), two well-respected Members of this body, deserve our support and respect as they begin investigating whether our decades-long policy and current procedures allowing commercial American satellites to be launched by Chinese rockets have inadvertently allowed transfer to the Chinese of information useful to the Chinese missile program. These are issues deserving thoughtful analysis, but unfortunately for the gentleman from California and the gentleman from Washington they undertake this investigation at a time of intense rhetoric and prejudgment, and of course elections are 4½ months away.

Mr. Speaker, I encourage this body to let these Members do their work unobstructed by the hot rhetoric that sometimes overtakes this body. The gentleman from California (Mr. COX) and the gentleman from Washington (Mr. DICKS) and the other members of this committee, we wish them well.

KILLER CONGRESSMEN

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

Ms. DELAURO. Mr. Speaker, yesterday's Washington Post headlines says it all: GOP Kills McCain Tobacco Bill. And in this body the Republicans leadership is trying to derail campaign finance reform.

Let me add what the Philadelphia Inquirer says today: Killer Congressmen. So unfair to call this a do-nothing Congress. Top Republicans on the Hill are putting in a lot of hard work right now. Think it is easy to kill off the tobacco bill and campaign financing reform at the same time? That is what they did yesterday, and that is what they continue to try to do.

The gentleman from Georgia (Mr. GINGRICH) and his minions are killing off campaign finance reform. It is an astute gamble. Thwarting the Shays-Meehan bill may hurt their ability to pose as reformers, but it will keep open the soft money spigot they count on to hold their House majority.

What more proof do we need that our political system is hopelessly broken? Vote to fix our political system, vote to end big money in campaigns, and vote for real campaign finance reform. Vote for the Meehan-Shays bill.

PROVIDING FOR CONSIDERATION OF H.R. 4059, THE MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1999

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 477 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 477

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4059) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. Pending the adoption by the Congress of a concurrent resolution on the budget for fiscal year 1999, the following allocations contemplated by section 302(a) of the Congressional Budget Act of 1974 shall be considered as made to the Committee on Appropriations:

(1) New discretionary budget authority: $531,961,000,000.

(2) Discretionary outlays: $562,277,000,000.

(3) New mandatory budget authority: $298,105,000,000.

(4) Mandatory outlays: $290,858,000,000.

□ 0915

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution all time yielded is for the purpose of debate only.

House Resolution 477 is an open rule providing for the consideration of H.R. 4059, the Military Construction Appropriations bill for fiscal year 1999.

The rule provides for 1 hour of general debate equally divided between the chairman and ranking minority member of the Committee on Appropriations. Further, the rule waives points of order against the consideration of the bill for failure to comply with clause 2 of Rule XXI, prohibiting unauthorized appropriations or legislative appropriations in general appropriations bills, and clause 6 of Rule XXI, prohibiting reappropriations in general appropriations bills.

Further, Members who have preprinted their amendments in the Congressional RECORD prior to their consideration will be given priority recognition to offer their amendments if otherwise consistent with House rules.

In addition, the rule grants the Chairman of the Committee of the Whole the authority to postpone votes and reduce voting time to 5 minutes, provided that the first vote in a series is not less than 15 minutes.

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

Finally, because we are still without a budget resolution conference report, the rule provides that the allocations required by the Budget Act, section 302(a) of the Congressional Budget Act of 1974 that sets out the process requiring those numbers, shall be considered as made to the Committee on Appropriations. In other words, Mr. Speaker, we are using last year's budget resolution numbers, as adjusted for economic assumptions.

The Committee on Rules hearing was cordial and bipartisan, which I am told is a reflection of how the Subcommittee on Military Construction of the Committee on Appropriations has acted during the stewardship of the gentleman from California (Mr. PACKARD), the chairman of the subcommittee, and the gentleman from North Carolina (Mr. HEFNER), the ranking member. The gentleman from North Carolina (Mr. HEFNER) has been a tremendous asset to this House, and his contributions to a better quality of life for our men and women in uniform are truly commendable.

I support this open rule as well as the underlying bill. The bill funds military construction, family housing and base closure for the Department of Defense for the fiscal year ending September 30, 1999. The spending level represents a reduction in the underlying bill of $1 billion from last year's bill, $8.2 billion this year versus $9.2 billion for 1998, a reduction from last year's bill, and I believe that the bill contains a reasonable amount of spending, with the majority of the money going to family housing.

I commend the gentleman from California (Mr. PACKARD) and the gentleman from North Carolina (Mr. HEFNER) for their hard work and cooperation in bringing forward this Military Construction Appropriations bill, and I would urge the adoption of both the rule and the underlying bill.

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

Mr. HALL of Ohio. Mr. Speaker, I want to thank my colleague from Florida (Mr. DIAZ-BALART) for yielding me the time, and I yield myself such time as I may consume.

This resolution, which is H. Res. 477, is an open rule. It will allow for full and fair debate on H.R. 4059, which is the Military Construction Appropriations bill for fiscal year 1999.

As my colleague from Florida described, this rule provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

This rule permits germane amendments under the 5-minute rule, which is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer amendments.

The Committee on Rules reported this rule without opposition in a voice vote.

This bill appropriates $8.2 billion for military construction, housing for military members and their families, hospitals, and construction projects associated with base closings. This represents a cut of about 11 percent below the level appropriated last year.

The bill funds necessary capital improvements to our Nation's military facilities. The bill places a special emphasis on the planning and the construction of several barracks, family housing and operational facilities.

The bill contains funding for 3 projects at Wright-Patterson Air Force Base, which is partially located in my district. This includes money to restore 40 units of family housing.

The bill also funds construction of a building to consolidate the Aeronautical System Center's acquisition support functions.

The third Wright-Patterson project will renovate a C–141–C flight simulation training facility for the Air Force Reserve.

I also wish to call to the attention of my colleagues an extra provision in the rule which essentially scraps the budget resolution that we just passed on the floor of this House 2 weeks ago.

The rule we are now voting on establishes that the Committee on Appropriations will use last year's spending targets, not the ones we adopted in the House this year.

Mr. Speaker, passage of this bill is important to our national defense and to our fighting forces.

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

Mr. DIAZ-BALART. Mr. Speaker, we have no further speakers at this time.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, this is really an incredible process that we are going through here this morning. When the majority party took control of the House, they said they would do things differently, and they sure have. If we take a look at what has happened, this House has, or is supposed to have, an orderly budget process. We are supposed to produce a budget resolution which defines priorities and defines overall spending patterns, and then and only then are committees supposed to bring up their legislation which fits within the budget resolution which has been passed.

Instead, this House, this year, under this leadership has blown that process to smithereens. First it started with the highway bill, which before the budget resolution was even considered ran that horse out of the barn. That bill wound up spending about $25 billion more than the budget allowed it to spend.

Then this House passed the Kasich budget, which indicated that they were going to make substantial reductions below the budget which we agreed to last year. This chart demonstrates the difference between the Kasich budget and the budget that had been agreed to on a bipartisan basis with the White House last year. Under that bipartisan agreement last year, we are already supposed to be cutting domestic discretionary spending $43 billion below current services. Under the Kasich plan which this House passed, which that side of the aisle passed, those cuts are increased to $64 billion by the fourth year.

But then, having posed for political holy pictures by saying that they are going to cut that amount in the generic, what has happened? They then bring to the floor appropriation bills which do not meet the Kasich targets, and now we are supposed to, under this rule, for instance, approve a proposal which has a $1.4 billion adjustment in this year alone to the Kasich budget. That is not the only variance from the Kasich budget that we have here today, and it certainly is not the only variation from square budgeting.

Because in addition to this $1.4 billion gimmick, the committee is also bringing appropriation bills to the floor which exempt from the caps, which they just imposed, spending to solve our computer problem for the year 2000; in addition to which they brought additional spending to the floor in the defense bill which provides an additional amount of spending above the cap for computer security.

In addition to that, the majority party which for years has said that the CBO should be the Bible when it comes to determining what spending levels are, they have just decided that they are going to direct the CBO to say that the defense bill costs $2.5 billion less than it actually costs.

So when we total it all up, we have a $1.4 billion gimmick in this rule this morning. We had in the defense bill almost $5 billion in excess of the caps if those caps are going to be counted on a real basis; plus, we have in the Treasury Post Office appropriation bill another $2 billion in excess of where the caps are supposed to bring us in.

So at this point I would simply say, it is very, very difficult to figure out what the rules are, because so far we have been proceeding under 3 different sets of rules, 3 different sets of assumptions within the past 3 weeks.

I have finally figured out what the rules are for spending this year. The rules are whatever the Speaker's office says they are. So I am going to vote against this rule because I think that this is an incredible way to run a railroad.

What has happened is that the Republican leadership has brought to the floor the Kasich budget resolution, which pretended to their most conservative Members within the Republican Caucus that they intended to make these deep reductions shown by this chart. They are now bringing appropriation bills to the floor which totally ignore those levels. All I can say, fellows, if this is your idea of reform, I would hate to see your idea of what the status quo is all about.

Mr. DIAZ-BALART. Mr. Speaker, we have no further speakers at this time.

I yield myself such time as I may consume to simply reiterate that the underlying legislation being brought to the floor this morning has a cut in it, a reduction in funding of $1 billion. That is not a reduction in growth, that is an actual cut of $1 billion from last year's bill, and that the Budget Act of 1974 is complied with with the procedure that we are following this morning.

Equally as important, the legislation that we are bringing to the floor this morning is under an open rule where every Member will have the opportunity to propose any amendment that the membership may wish to.

We are striving to bring as many pieces of legislation to the floor with open rules as possible. We are proud of our record in that regard, and we will continue to bring as much legislation as possible to the floor under this open rule process which grants every Member the opportunity to bring forth any amendment that is germane.

So with that in mind and stating it once again that this is an open rule, I would urge the adoption of the rule and reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, let me explain to the House our problem. This bill has a totally nongermane provision in it, this resolution. For the first time in the 15 or 16 years that I have been in the House, and longer for the gentleman from Wisconsin (Mr. OBEY), we are using a rule to comply with the

Budget Act. We are making budget process procedures here in a rule.

□ 0930

Buried in this rule dealing with military construction appropriations is a major budget resolution provision. No notice. Simply stuck in there with the numbers. So that anyone who did not follow the numbers would not really understand the significance of this provision.

But here is the significance of it. This is an admission of failure. The Budget Act says that the budget resolution must be completed by Congress, through the House, through the Senate, through conference, a concurrent resolution passed by April 15. We are already more than two months delinquent. More delinquent, later than ever before in the 25 years that we have had a budget process.

In order to complete the process, the reason we have this deadline is so that the Committee on Appropriations can begin its allocation process. It has 13 subcommittees. The resolutions that we pass of spending functions has to be allocated to the separate subcommittees. And unless we get this done timely, the Committee on Appropriations cannot get their bills to the floor.

But anticipating that we might not do it timely, there is a provision in the Budget Act that gives the chairman of the Committee on the Budget the authority to file a spending allocation which the Committee on Appropriations can then take and suballocate. It is section 302(a)(5) of the Budget Act.

So, Mr. Speaker, we have a procedure established not by rule of the House, not by a resolution, but established by law. It is statutory law of the United States giving the chairman of the Committee on the Budget the authority to notify the chairman of the Committee on Appropriations that this is his spending allocation which he can suballocate.

So the first question is why did we not follow black letter rules? Why did we not follow the statutory law of the United States as prescribed in the Budget Act? Why do we bury in a MILCON rule this arcane provision that nobody would understand unless he followed the letter of the budget process? What is happening here? What is this all about? A totally nongermane provision buried for the first time in a construction bill. Why do not we simply have the chairman of the Committee on the Budget write the letter that is necessary?

Then we notice there is a slight discrepancy, if we consider a billion dollars slight, because these numbers add up to $1.1 billion in budget authority and $1.4 billion in actual spending, we call it outlays, more than was provided for in the Kasich resolution, the House Republican resolution which narrowly passed the House just a couple of weeks ago.

So the whole House spoke on this subject and passed a resolution a couple of weeks ago, and already we are beginning to unravel that resolution. We saw it almost unravel here on the House floor. And the last thing I said about it is we passed a resolution, but what have we passed? Because the black hole in the middle of it leaves as much unresolved as resolved. Here we begin to see one of the mysteries of the black hole in the middle of that resolution. We have to come out here and patch it up with a military construction spending resolution on the House Floor.

But nobody should mistake the import of this. We have just raised spending and, therefore, I guess reduced the tax cut that the Republicans would make in their budget resolution by at least a $1.1 billion. The resolution we passed, even though we had passed ISTEA, the renewal of the highway funding bill called T–21, the Transportation Equity Act for the 21st Century, even though we had passed that and even though that increased spending under the Balanced Budget Agreement above the Balanced Budget Agreement by $35 billion and that had to be accommodated, the budget resolution passed by this House totally ignored it and left it to be worked out later. And here we are working it out in this stealthy fashion. A billion here, a billion there, and pretty soon we are talking real money. This is some way to run a budget process.

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

Mr. SPRATT. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I agree with the gentleman that this is a stealthy process. Will this budget fly in the rain? I know the B–2 will not fly in the rain. Will this budget fly in the rain?

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I must commend my dear friends on the other side of the aisle for their extraordinary imagination and parliamentary ability, parliamentary ability which obviously is connected to imagination.

A number of points have just been made that were fascinating. Number one, that a mysterious provision has been buried in this rule. That was said more than one. Very interesting. My recollection this morning was that the Speaker recognized me first and that I granted time to my dear friend, the gentleman from Ohio (Mr. HALL). The gentleman from Massachusetts (Mr. MOAKLEY) was here on the floor first, so I granted time to the gentleman from Massachusetts and then the gentleman from Ohio has been controlling the time for our distinguished friends on the other side of the aisle.

Now, when the Speaker recognized me and I made a brief statement this morning describing the rule, this open rule with which we are bringing the underlying legislation to the floor, it is not only in the rule but I mentioned on the floor and I will repeat, because we are still without a budget resolution conference report the rule provides that the allocations required by the Budget Act, section 302(a) of the Congressional Budget Act of 1974 that sets out the process requiring those numbers, shall be considered as made to the Committee on Appropriations.

In other words, we are using last year's budget resolution numbers as adjusted for economic assumptions.

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

Mr. DIAZ-BALART. I yield to the gentleman from North Dakota.

Mr. POMEROY. Mr. Speaker, I have a question on that specific point, because the Budget Act provides a way for the appropriations process to go forward in the absence of a budget resolution. It requires a letter from the chairman, and that is specifically provided under section 302(a)(5) of the Federal code.

The Budget chairman is directed then to write a letter relative to the allocations and that allows the appropriations process to move.

Will the gentleman tell us whether the chairman has written a letter as provided in the Budget Act?

Mr. DIAZ-BALART. Mr. Speaker, reclaiming my time, we have complied not only with the spirit but with the letter of the law, the Budget Act. And I have in my possession, and I would be glad to give my distinguished friend a copy, a letter from the chairman of the Committee on Appropriations where the following among other things is stated:

This procedure that we are using, that complies not only with the spirit but with the letter of the Budget Act, has been done in previous years when the conference on the budget resolution was late. And further, the chair of the Committee on Appropriations states if the conference agreement on the budget resolution should adjust these numbers that we are using in this appropriations bill that is brought to the floor today, the committee will adjust, the Committee on Appropriations will adjust its allocation and reflect such changes in further suballocations for later bills.

But what I wanted to make reference to was in regard to the great imagination showed by my colleagues on the other side of the aisle when they talk about the stealth procedures that are being utilized. Stealth procedures. When I brought out, the Committee on Rules brought out in his rule in writing for everyone interested to read, but I brought out in my oral statement this morning opening this debate what we are doing fully in compliance with the Budget Act of 1974. So that is something I think is important to point out.

Also, Mr. Speaker, I would like to point out that was stated more than once by our distinguished friends that we are raising spending. I remember I used to be in the State legislature in Florida and a lot of times when discussions would occur with regard to reductions in the growth of government spending, those would be called cuts.

Here in Washington in the 6 years since I have been here, often we have seen that when reductions in the growth of government are referred to, they are called cuts. And yet the underlying legislation that we are bringing this morning to the floor, the military construction bill, does not reflect a reduction in the growth of government spending. No, no. It brings to the floor an actual cut in the budget of a billion dollars, from $9.2 billion to $8.2 billion.

So what I am saying is obviously what we are seeing this morning is great talent, imagination, parliamentary ability. But I think that I certainly have never seen in the context of an open rule being brought to the floor for legislation so that all these amendments and all these ideas and all this imagination can be reflected in the context of an open rule, where every Member can come to the floor and debate ad infinitum if they wish in the context of our open rule, Mr. Speaker, which is something that was very rare when the other side controlled the majority, we are seeing all these signs of imagination. All of these signs of parliamentary ability. All of these signs of talent.

Mr. Speaker, I would say to my colleagues on the other side of the aisle, why not wait and during the open rule which we are granting, which is something that they rarely gave to us, why not wait during all the time in the world that we are granting for all of this maneuvering on the open floor?

Instead, they bring it during the open rule to obfuscate the fact that we are bringing an open rule. To obfuscate the fact that they rarely brought an open rule. To divert the attention of the membership to the fact that this Republican majority has a much higher percentage of open rules that it brings to the floor than the Democrats when they were in the majority.

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

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I thank the gentleman from Ohio (Mr. HALL) for yielding me this time.

Mr. Speaker, I would ask the gentleman from Florida (Mr. DIAZ-BALART), my friend, if he might take a question.

Mr. DIAZ-BALART. Mr. Speaker, if the gentleman would yield, I would be glad to.

Mr. POMEROY. Mr. Speaker, the question gets to that letter that I was asking about, and I did not want to pursue it on the gentleman's time, so he could make his point. But it really relates specifically to the legal requirements before this body under the Budget Act.

Mr. Speaker, I ask the gentleman whether a letter had been submitted by the chairman of the Committee on the Budget, as required under section 302(a)(5) of the Budget Act. I reminded the gentleman that the budget laws for this country say that when there is not a budget resolution passed by Congress, the procedure provided in the statute is to have the Committee on the Budget Chairman submit a letter with the spending allocations.

The gentleman said he had received a letter from the chairman, and quoted from it.

Mr. DIAZ-BALART. Mr. Speaker, of the Committee on Appropriations.

Mr. POMEROY. Oh, the gentleman received a letter from the Appropriations chairman.

Mr. DIAZ-BALART. That is the letter that I have before me.

Mr. POMEROY. Mr. Speaker, reclaiming my time, I appreciate the gentleman for making that distinction.

Mr. Speaker, I have a follow-up question. The Budget Act does not provide or specify in any way about a letter from the Committee on Appropriations chairman. The procedure is that the Committee on the Budget chairman must submit a letter relative to the spending allocations so that the body may proceed.

My question is has the Committee on the Budget chairman submitted a letter pursuant to the legal requirement of the Budget Act?

Mr. DIAZ-BALART. Mr. Speaker, if the gentleman would continue to yield, I am not in possession of that letter. But what I do know is that the procedure set forth by the Budget Act has been fully complied with, and that the Budget Act contemplates the possibility that we are dealing with at this time. This is not the first time we are dealing with it and in that contemplation, if I may answer——

Mr. POMEROY. Mr. Speaker, my time is running, so if the gentleman would get to the point, please.

Mr. DIAZ-BALART. Then I cannot answer the gentleman's question if he will not give me the time to answer his question.

Mr. POMEROY. Mr. Speaker, reclaiming my time, I think we have a filibuster going on. Reclaiming my time. Let me really take issue with the gentleman from Florida from the majority when he says that the Budget Act has been fully complied with. It has not.

There is a procedure. The procedure is, first of all, the House and Senate have to pass a budget resolution by April 15. Obviously, that has not taken place. There is a fail-safe provision, because I will be the first to admit the Democratic majority routinely blew that April 15 deadline. But the follow-up provision is that the Committee on the Budget chairman must submit a letter with the spending allocations. Here the gentleman from Florida says he has no letter from the Committee on the Budget chairman. He says that the act has been fully complied with, but he has no letter. That cannot be case.

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

Mr. POMEROY. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, what needs to be understood is that this is not a rule on the military construction bill. This is a rule which allows this House to totally ignore the budget resolution that just passed 2 weeks ago on this and every another appropriation bill that comes to the House.

☐ 0945

That is the problem, this is not a military construction rule. This is a rule that blows away the votes that my colleagues just cast 2 weeks ago in favor of the Kasich budget, and my colleagues are trying to hide it.

Mr. POMEROY. Reclaiming my time, I hope every Member watching this is aware that, in essence, this is nothing more than a flat-out House amendment of the budget we passed 2 weeks ago, an amendment adding more than $1 billion in spending, because the figures simply do not jive.

This rule would allow spending at the rate of $531.9 billion, and the Budget Act is $530.8 billion, a difference of well over a billion dollars in budget authority, nearly $1.4 billion in budget outlay. What they are trying to do in the rule is essentially amend the budget that we had enacted just 2 weeks ago.

My question, though, continues to be whether or not there is even legal authority for this provision because the Budget Act sets the rules. The rules are you have got a budget resolution. If you do not have a budget resolution, you have a budget chairman letter. We do not have the resolution. We do not have the letter. I seriously question whether or not this procedure comports with the Budget Act.

I will be checking with the Parliamentarian in terms of whether or not a point of order might be raised in terms of whether this body is acting outside of Federal law relative to this budget issue.

I do want to emphasize, as an aside, that this has nothing to do with MILCON. In fact, the gentleman from California (Mr. PACKARD) and the gentleman from North Carolina (Mr. HEFNER) are known for their bipartisan fairness. As a minority member, I can tell you that the MILCON committee has always listened carefully to my concerns and been respectable to them.

Mr. DIAZ-BALART. Mr. Speaker, I would simply reiterate that we are fully complying with the Budget Act of 1974 and all other laws and obviously the rules of the House.

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

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, let me thank the gentleman from Ohio (Mr. HALL) for yielding me this time.

Mr. Speaker, to my friend from Florida, if he wishes to respond, I will be glad to yield him some time. The gentleman brags that this is an open rule.

We have always had open rules on MILCON bills ever since I have been in this Congress. We have always had an open process on military construction. But the amendment in the rule that we are concerned about deals with budget allocations which has nothing to do with the MILCON budget.

My question is, the gentleman is bragging that this is an open process that we will be able to offer any amendments that we want to once this rule is adopted. Once this rule is adopted, will I be able to offer an amendment that will adjust the budget allocations on the MILCON bill?

Mr. Speaker, I yield to the gentleman from Florida to answer that question.

Mr. DIAZ-BALART. The gentleman, as one of the most distinguished Members of this House and someone who is extraordinarily knowledgeable of the rules of the House knows——

Mr. CARDIN. That I will not be able to offer an amendment.

Mr. DIAZ-BALART. That the gentleman can oppose the previous question on this rule and make that point precisely to oppose the previous question.

Mr. CARDIN. Reclaiming my time.

Mr. DIAZ-BALART. Fine.

Mr. CARDIN. For the rule that my colleagues brought out that they brag is an open rule that deals with the budget allocations for this country, if it is adopted, I am not going to be able to offer any amendments to adjust those budget allocations, because it is not even germane to the rule that is being brought out to consider the MILCON bill.

Be honest out here as to how my colleagues are handling this. This is not the regular procedures of the House. The regular procedures of the House would be that we would adopt a budget resolution, and that would become the allocations. That is supposed to be done by April 15. My colleagues missed that deadline.

So now the Committee on the Budget chairman is supposed to give allocations. The Committee on the Budget chairman has different views than the Committee on Appropriations chairman. So the Committee on the Budget chairman is not even here to defend these allocations.

Let me just compliment my friend, the gentleman from South Carolina (Mr. SPRATT), because he offered an alternative budget that dealt with discretionary spending which was in compliance with the Balanced Budget Act of last year.

My colleagues are now accepting some of the allocations from the gentleman from South Carolina (Mr. SPRATT), but our problem is how are we going to pay for it? Are we going to go into the surplus and use the surplus and not protect Social Security? Are we going to cut Medicare? How are we going to pay for this? These are questions we ask when we do a budget resolution.

A budget resolution should mean something around here. But, no, my colleagues bring out a resolution from the Committee on Rules that changes the budget resolution that was passed on this floor. Then my colleagues say it is an open process, and we have no opportunity to offer any amendments to deal with it.

So my colleagues just cannot get their act together on this budget. We understand that. My colleagues have got differences with their own caucus, but they are not willing to bring everybody into the process. If they did, as we did last year, we would be able to reach a bipartisan agreement and be able to move forward with the appropriation process. But that is not what they are interested in doing.

Mr. Speaker, I yield to my friend, the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, the gentleman from Florida makes much of the fact that this is an open rule. I defy him to name one year when the Democratic Party, when it was in control, brought to the floor anything but an open rule on the military construction bill.

Mr. CARDIN. Mr. Speaker, I am glad to yield to the gentleman from Florida if he can tell us when there has not been an open rule on MILCON.

Mr. DIAZ-BALART. Mr. Speaker, what I am most impacted by at this point——

Mr. OBEY. Can the gentleman name a year?

Mr. DIAZ-BALART. If the gentleman wants to interrupt me before I can even answer my questions, then that is his prerogative. I am not going to be answering with constant interruptions. The gentleman thinks he is funny by getting up and saying, will you yield, and before I can even answer, he does not even allow me to answer.

Mr. OBEY. The gentleman is avoiding the question.

Mr. DIAZ-BALART. In the Committee on Rules, neither you there nor anyone else was asking to change this rule.

Mr. OBEY. The answer is there was not a year.

Mr. DIAZ-BALART. So the bottom line is this is an open rule, Mr. Speaker. We are proud of this open rule. It is a lot better than the other side did when they controlled the majority.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The gentlemen will suspend.

The time is controlled by the gentleman from Maryland (Mr. CARDIN). The Chair would ask the indulgence of Members to speak one at a time and only when yielded to.

Mr. CARDIN. Mr. Speaker, I appreciate that. Just to respond, on a military construction rule, I did not think it was necessary for me to go to the Committee on Rules to talk about budget allocations. I would have thought that the Committee on Rules would be dealing with military construction. I admit that was naive on my part. I should know that this Committee on Rules would do anything it wants to do.

But let me tell my colleagues something, in the 12 years that I have been here, to answer the ranking member on the Committee on Appropriations, we have never had anything but an open rule on military construction.

Mr. DIAZ-BALART. Mr. Speaker, I yield as much time as he may consume to the gentleman from New York (Mr. SOLOMON), chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I have been sitting over in my office listening to what has been going on here. I have been a Member of this body for 20 years. I served 16 years in the minority. In those 16 years, I have seen the Democratic majority in an arrogant way treat this minority like they were a piece of you know what.

When we took over 4 years ago, when the American people decided they have had enough of this hypocrisy, we began to produce rules that were fair to both the majority and the minority in this House. Sure, they are not always open rules. They cannot be. You know that. You were in the majority for 16 years.

But when I hear people come on the floor today and start criticizing this military construction rule, which is an open rule, and it has one little addendum that was not even questioned, but when I hear people come on this floor and start saying, oh, you are picking up last year's budget levels, let me tell my colleagues what would happen if we did not do that, Mr. Speaker.

Suppose it were not in here. Do you know how the reverse of this debate would be going? The same people, the same Members would be saying, oh, you know, this is terrible. You Republicans have not adopted the budget yet. So we cannot go ahead with our appropriation bills. It is imperative that we go ahead right now and we pass these appropriations bills.

So my colleagues would be arguing just the opposite of what they are today. The one thing that the American people will not accept is hypocrisy. I mean, stand up here and say it one way or the other, but do not say it both ways.

Mr. OBEY. Mr. Speaker, will the gentleman yield on that?

Mr. SOLOMON. I yield to the gentleman from Wisconsin, one of my best friends in this body.

Mr. OBEY. Mr. Speaker, let me make perfectly clear to the gentleman from New York, there is nothing wrong with the rule on the military construction bill. The problem is the new budget resolution that my colleagues have slipped into it which allows them to spend billions of dollars more than they told the country they were going to spend just 10 days ago. That is the problem. If the gentleman is looking for a definition of hypocrisy, I would suggest that maybe he ought to look at that.

Mr. SOLOMON. Let me say to my good friend, he has a photostatic memory. I know him. I have served with

him for 20 years. He pulls things out of the air, and I say how did he remember that. Sometimes, most of the times, it is truthful. But let me do the same thing. I have got a little photostatic memory, too.

Back on July 23, 1985, in H.R. 5231, there is the exact same deeming provision sponsored by the gentleman from Wisconsin (Mr. OBEY). That is what the Committee on Rules did.

Mr. OBEY. But what did it deem?

Mr. SOLOMON. It deemed it. That is exactly what we are doing here.

Mr. OBEY. The difference is what it deems, not whether there is a deeming provision.

Mr. SOLOMON. Regular order.

The SPEAKER pro tempore. The time is controlled by the gentleman from New York.

Mr. SOLOMON. The gentleman knows that, if and when the budgeteers get together over in that other body, and they are a little more arrogant than the Democratic majority used to be over here, as a matter of fact, they are a lot more arrogant in most cases; but when they finally get together and they adopt the budget, I see my good friend from South Carolina rising, then we will revert right back to the same kind of caps that we had before.

Can I go back to my office, I have not been there in 2 weeks, and try to get caught up on my work so I can catch a plane to go back to my district?

Mr. SPRATT. Mr. Speaker, will the gentleman yield before he goes back to his office?

Mr. SOLOMON. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Speaker, I want the gentleman to go back to his office and answer his mail. We cannot meet with the other body until we have a conference committee. We passed a resolution 2 weeks ago. When are we going to conference? After the July 4th break. That is about July 15.

Mr. SOLOMON. Let me say to my good friend, he knows there are 100 egos over there. There are Republican egos. There are Democrat egos. We are dealing with all kinds of people, especially one man named BYRD over there. I mean, you know, he is some bird. He is a very nice gentleman.

Mr. SPRATT. But we cannot deal with anything until we have a conference. We do not even have one established.

Mr. SOLOMON. My colleagues know what is going on right now. I just wanted to set the record straight to my very good friends on that side of the aisle.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would admonish all Members to avoid personal references to Members of the other body.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM).

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

Mr. STENHOLM. Mr. Speaker, we have had a fascinating discussion, and I want to emphasize, too, I have no problem with the rule on military construction. That is not the issue that has me upset and concerned today.

I am glad to see the chairman of the Committee on Rules has stayed on the floor, because, with all of the statements that have been made about fair rules, I would like to take the opportunity now to ask him: Why did the gentleman deny the opportunity of the Blue Dogs to have our budget voted upon on this floor so that some of this might not have occurred today?

Mr. Speaker, I yield to the gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. Mr. Speaker, we have been explaining that for a long time. I brought the President's tax increases on this floor. There were about $78 billion in them.

Mr. STENHOLM. I must reclaim my time.

Mr. SOLOMON. Let me finish. The gentleman asked me to answer his question, I say to my friend.

Mr. STENHOLM. Okay.

Mr. SOLOMON. In other words, we gave an opportunity to the American people through their representatives, and that is exactly why the Blue Dogs were not made in order. We could have made in order 50 alternatives if we wanted to. We asked our side not to do it. We asked your side not to do it. Let us have an up or down vote on the alternatives.

□ 1000

Mr. STENHOLM. Mr. Speaker, with all do respect, and I want to continue to yield to the gentleman, because he did see fit to give the CATs a vote. So what he just said is a little bit disingenuous because he allowed a Republican substitute but he chose not to let the Blue Dogs.

Mr. SOLOMON. Mr. Speaker, if the gentleman will continue to yield, I will say to my good friend that, yes, we did allow the CATs and we allowed the gentleman from South Carolina (Mr. SPRATT), too.

By the way, I want to tell the gentleman from South Carolina that the deeming portion that was in the 1985 bill was offered by one of the most respected and admired members of the Committee on Rules, also from the State of South Carolina, Mr. Butler Derrick. I just wanted the gentleman to know that.

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

Mr. STENHOLM. I yield to the gentleman from South Carolina.

Mr. SPRATT. Could I just ask the gentleman, Mr. Speaker, in 1985, did the deeming resolution raise the allocation above that which the House had just approved 2 weeks before? This is $1.4 billion more than the whole House approved.

Mr. SOLOMON. Well, if the gentleman will continue to yield, the only way to continue with the appropriation process so we do not get into a position of shutting down the government, the only way is to deem last year's figures, which is what we did in 1985. The gentleman knows that.

Mr. STENHOLM. Reclaiming my time, Mr. Speaker, I think it is clear to everyone that we are completely and totally ignoring the rules of the budget process. That is a given.

There is no problem with the military construction bill we will take up. It is an open rule, a fair rule, and one that can be discussed. My problem today, as the ranking member of the House Committee on Agriculture, I have some very strong concerns about the allocation that the leadership of the House, written in the Speaker's office, has given to agriculture. I am sure others will have the same.

I have no problem with the total amount of spending. We have made that very, very clear. The Blue Dog budget, what we have before us today, is a cap on spending. I have no problems with that. But I have a problem with prioritization. Because, in my opinion, there are some real needs in agricultural research, in rural housing, in conservation programs, numerous cooperative State research, education, extension, that are being cut, that are not as high a priority as the legislative branch of government. Why we are increasing $100 million on the House of Representatives and then cutting in these areas of extreme importance, I do not understand, and we will have more to talk about that later.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FAZIO).

Mr. FAZIO of California. Mr. Speaker, we are not here to be critical of the military construction subcommittee. The gentleman from North Carolina (Mr. HEFNER) and the gentleman from California (Mr. PACKARD) have done their job. We are not even here to be critical of the gentleman from New York (Mr. SOLOMON), who is just carrying the burden of leadership. What we are here to say is that this rule, uniquely, among the 13, is designed to pass a budget in real terms that will apply to the appropriations process, and nobody really knows that until we came to the floor this morning and discovered buried in this MilCon rule an increase in allocation of $1.1 billion in budget authority and $1.4 billion in outlays so that we could practically do, even to the degree we can, the business of this country.

In fact, the Republicans had a breakdown in the budget process. They have had to promise the moderates, the gentleman from Delaware (Mr. CASTLE) and others, that they would not raise taxes; and they had to prove to the CATs that they would cut taxes $110 billion; they have told the veterans' lobby that they will not cut veterans' programs; and they have told the moderates they would not cut Medicare and Medicaid. At the same time, they have had to promise the gentleman from

South Carolina (Mr. SPENCE) they would increase defense spending.

It does not add up, my colleagues. They cannot pass a budget resolution. I do not even know that Mr. DOMENICI and Senator LOTT have reached any agreement on what the Senate ought to be doing. So what we are doing today is passing the budget resolution.

Everyone ought to know that this is not a rule on military construction. In practical terms, it is a way to get by the inability of this majority to function; to pass a budget. They want to be all things to all people, and it does not add up. As a consequence, the appropriators have to proceed. Because, if not, we will end up shutting the government down again, having a continuing resolution and looking inept.

So my colleagues should vote as they will on this rule, but should not be deluded into thinking it is simply a $1 billion cut in MilCon spending. This rule will define the entire appropriations process for the rest of this summer. If we are going to proceed on this basis, we might as well just forget the Committee on the Budget, forget the conference, that may or may not ever reach a conclusion, and simply go back to the system we had before the budget reforms of the 1970s.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume to say that, first of all, it is important to reiterate, because we have heard so often today it being alleged that we are doing something stealthily, that not only did we have a hearing and a markup in the Committee on Rules for this resolution that we are bringing to the floor today, in order to bring before us the underlying legislation of the military construction appropriations bill, but, today, in our presentation, our initial presentation, we talked about how we are complying with the Budget Act of 1974 through this procedure.

And then with regard to the so-called unprecedented nature of what we are doing, my dear friend, the gentleman from California (Mr. FAZIO), just said that we are, in effect, to paraphrase him, getting rid of the budget process. Our friends, when they controlled the majority in 1985, did this. Because at that time a conference report on the budget had not been passed as well. But they did not do it in June. They did not do it on June 19. No, it was July 24 that year that the budget process had not been completed. And they also brought a rule forward, in order to comply with the Budget Act, doing the same thing, deeming last year's numbers for this year's. So the reality is it has neither been done in a stealthy way, much less in an unprecedented way.

But I want to point out one very important point, because speaker, after speaker, after speaker on the other side have mentioned they have nothing against this military construction bill. Oh, no, no, no, this military construction bill is very good, and the gentleman from North Carolina (Mr. HEFNER), of course, has to be congratulated, and the gentleman from California (Mr. PACKARD). And speaker, after speaker, after speaker reiterate the fact they have nothing against the military construction bill; that it is very important to pass the military construction bill.

Let us keep one thing in mind. If our distinguished friends manage to defeat this rule today, if our distinguished colleagues on the other side of the aisle manage to defeat this rule, what they will be doing is denying our men and women in uniform the military construction bill. And let there be no doubt that all this fancy debate and imaginative performance that we have seen here today will have, if it is successful, the outcome, the effect, of denying the gentleman from North Carolina and the gentleman from California the opportunity to come to the floor today and to present a piece of legislation which is very necessary to our men and women in uniform throughout this country and those who are serving in so-called peacekeeping missions like in Bosnia.

So have no doubt, distinguished colleagues, as to what we are doing. This is not unprecedented. It was done in 1985, and not in June but in July. It was not stealthily done. It was publicly done in the Committee on Rules under the leadership of the gentleman from New York (Mr. SOLOMON). And again today we brought it out in our oral statement at the very beginning. What we are dealing with is bringing forth legislation that is critical to the national security of this country. So let us clarify and make clear exactly where we are and what we are dealing with.

If we want to continue talking as though we were in the model United Nations, like I was in college, because that is what I have been reminded of today with some of the speeches on the other side of the aisle, very theoretical and nice sounding speeches, but we are not talking model United Nations or model parliaments like when we were in high school or college. This is the military construction bill of the United States that we are bringing to the floor today. It is about time that we get to this legislation, and it is about time that we pass it today, and that is why I urge passage of the rule and passage of the underlying legislation.

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

Mr. HALL of Ohio. Mr. Speaker, I yield the balance of my time to the gentleman from South Carolina (Mr. SPRATT), the ranking minority member on the Committee on the Budget.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, let me simply say that the assertion of turning down this rule will deny anything to anybody in the military is absolute, total, flat nonsense.

This military construction bill is going to pass with bipartisan support. The problem is that there is added an illegitimate and, in my view, strange and sneaky way around the Kasich budget in the rule, and that is the objection. So do not drag out the red herring about endangering military. That is absolute, total, bald-face nonsense.

Mr. SPRATT. Mr. Speaker, let me make clear to everybody that this is not a tempest in a teapot. The money is not so significant in a budget of $1.7 trillion, but the precedent is vitally important.

A few weeks ago this House passed a budget resolution, narrowly passed it, which provided $530,863,000,000 for discretionary spending. Budget authority. And $560,885,000,000 for outlays. Now, the chairman of the Committee on Appropriations has requested an increase of $1.1 billion in budget authority and $1.4 billion in outlays. This procedure is not in compliance with the Budget Act.

Section 302(a)(5) allows the chairman of the Committee on the Budget, when there is no budget resolution, to write a letter to the Committee on Appropriations and set a level so that the committee can then suballocate that overall level to 13 different committees and we can proceed with bills like this. But in this case it is not the chairman of the Committee on the Budget, it is the chairman of the Committee on Appropriations, and he is actually requesting more than the House approved.

So in two important respects we are deviating from the budget procedures that we have established and followed for 25 years so that we can spend $1.7 trillion in a reasonably fair, orderly and systematic manner.

What we see here is a continuation of a trend, a sort of defiance, an indifference to the established procedure for the budget process. This is the latest budget resolution that we have seen; the longest delinquency in producing a concurrent budget resolution in 25 years. When we finally, 2 months late, got the budget resolution to the House floor, it came to the House floor 10:30 p.m. and we debated it into the wee hours of the morning.

And as we took it up, we noted that this budget resolution, which was a majority resolution, the Republican resolution, had a huge black hole in the middle of it. Because even though we had passed a highway spending bill that exceeded the balanced budget agreement by $35 billion, and set new levels of spending for transportation in that amount, the budget resolution wholly ignored what the Congress had done and left unresolved exactly how those spending increases would be accommodated in the resolution. And then, when there were not enough votes to pass it, it unraveled still further on the House floor.

This is no way to run a budget process, Mr. Speaker.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

What we have been alleging and bringing forth, the military construction bill, is not bald-faced horsefeathers, or some other regional folkloric terminology the gentleman from Wisconsin is so good at using. It is a very serious matter, this legislation, and it is very important to the national security of this country.

And these arguments, I think, we have refuted most effectively, in terms of this having been supposedly surreptitious or unprecedented. That is not true. It is not true, and I feel very proud of the gentleman from California (Mr. PACKARD) and of the chairman of the Committee on Rules in bringing forth this legislation under an open rule. And we have a very distinguished and admirable record of bringing forth important pieces of legislation, and most legislation, under open rules.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SOLOMON), the distinguished chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, let me just briefly say that, first of all, this rule is not going to be defeated because every Republican is going to vote for this rule, and I will see to it. That means it is going to pass. And there are also a lot of good Democrats that are going to vote for this rule, because it is absolutely imperative.

Everyone knows, and the gentleman from Wisconsin (Mr. OBEY) knows, as does the gentleman from Maryland (Mr. CARDIN), that if we do not have this provision in the first appropriation bill coming up, it means a point of order lies against all other appropriation bills. So I will say to my good friend, the gentleman from Miami, Florida (Mr. LINCOLN DIAZ-BALART), it is not just the military construction appropriation bill, it is the veterans' bill, the Departments of Veterans and Housing, but it is every Federal program.

Mr. Speaker, we have some people around here that just want to raise points of order against everything. And we all know that they would do it. It stops dead in its tracks every single appropriation bill for every Federal program that we have today. So Members ought to come over here, vote for this rule, and then vote for the bill. It is terribly important.

When we talk about veterans or the military construction budget, right now we are in a dilemma, because the defense budget of this country, and I see the gentleman from Missouri (Mr. IKE SKELTON), one of the best Democrats that ever served in this body over there, ranking member of the Committee on National Security, he knows if we stop these appropriation bills we are stopping research and development in our military and we are stopping procurement. These contracts have to go forward so that the young men and women serving in our military today have the best state-of-the-art that we can give them. God forbid if they are ever called into harm's way. And with what is happening in nuclear proliferation around this world, it can happen tomorrow, in Kosovo and other places.

Let us use some sense here. Stop being hypocritical and come over here and vote for the rule.

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. PACKARD).

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

I did not intend to speak. I thought this rule would go quickly and we would be done almost an hour ago. There is not anyone more controversial in this body than the gentleman from North Carolina (Mr. HEFNER) and myself. I recognize that. But it was a surprise that we found so much controversy on this rule.

My colleagues on the other side of the aisle cannot have it both ways. They cannot complain about the slowness of the process and the fact that we are not bringing the appropriation bills to the floor, and then proceed to prevent us from bringing our appropriation bills to the floor.

We simply feel that we are following the procedures under the circumstances we find ourselves in. We are following the procedures to allow us to bring this and all the other appropriations bills to the floor as rapidly as we can.

□ 1015

I intend to be on the floor, the gentleman from North Carolina (Mr. HEFNER) and I, next Monday, the very next legislative day. If we do not pass this rule, it obviously prevents us from doing so. If we do not follow that, then each appropriations bill will be delayed and then my colleagues will have another legitimate reason to say that we are not moving forward with the appropriating process and we are leading to a shutdown or a continuing resolution. That is what we heard today.

All we are asking in this rule is to allow us to bring the military construction bill to the floor next Monday and do our job. We have cut this bill over 10 percent from last year's appropriated level. The President cut it 15 percent. We have had to add on in this bill to even make it so that we are doing some semblance of a job of taking care of our military needs.

All we are asking at this time is that they allow us to move forward by passing this rule.

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

Mr. PACKARD. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I simply want to make it clear, we have absolutely no criticism of the job the gentleman has done. He has simply run into an accident that started out to happen to somebody else. That is the problem here.

I want to make clear that when we do get to his bill, there will be a lot of Democrats supporting his bill, including this one.

Mr. PACKARD. But the fact is, my colleagues, we will not get to my bill and the Hefner bill unless we pass this rule. We hope that all Members will help us do that.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

I obviously support this rule. It is a fair rule. It is an open rule. It is important to bring the underlying legislation to the floor as soon as possible. The gentleman from California (Mr. PACKARD) has stated that we will have it on the next legislative day, on Monday, on the floor if we pass this rule. So I urge my colleagues to vote for it.

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

The SPEAKER pro tempore (Mr. LATOURETTE). The previous question was ordered.

Mr. OBEY. Mr. Speaker, I ask unanimous consent to divide the question.

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

Mr. SOLOMON. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

The question is on the resolution.

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

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

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this question are postponed.

The point of no quorum is considered withdrawn.

PROVIDING FOR CONSIDERATION OF H.R. 4060, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1999

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 478 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 478

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4060) making appropriations for energy and water development for the fiscal year ending September 30, 1999, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 7 of rule XXI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for