rebuilding could begin. In response to this request, on September 26 in an address before the United Nations General Assembly, I announced my intention to suspend all unilateral sanctions against Haiti except those that affected the military leaders and their immediate supporters and families. On September 29, the U.N. Security Council adopted Resolution 944 terminating U.N.-imposed sanctions as of the day after President Aristide returned to Haiti.

On October 15, President Aristide returned to Haiti to assume his official responsibilities. Effective October 16, 1994, by Executive Order No. 12932 (59 Fed. Reg. 52403, October 14, 1994), I terminated the national emergency declared on October 4, 1991, in Executive Order No. 12775, along with all sanctions with respect to Haiti imposed in that Executive order, subsequent Executive orders, and the Department of the Treasury regulations to deal with that emergency. This termination does not affect compliance and enforcement actions involving prior transactions or violations of the sanctions.

3. This report is submitted to the Congress pursuant to 50 U.S.C. 1641(c) and 1703(c). It is not a report on all U.S. activities with respect to Haiti, but discusses only those Administration actions and expenses since my last report (October 13, 1994) that are directly related to the national emergency with respect to Haiti declared in Executive Order No. 12775, as implemented pursuant to that order and Executive Orders Nos. 12779, 12853, 12872, 12914, 12917, 12920, and 12922.

4. The Department of the Treasury's Office of Foreign Assets Control (FAC) amended the Haitian Transactions Regulations, 31 C.F.R. Part 580 (the ''HTR'') on December 27, 1994 (59 Fed. Reg. 66476, December 27, 1994), to add section 580.524, indicating the termination of sanctions pursuant to Executive Order No. 12932, effective October 16, 1994. The effect of this amendment is to authorize all transactions previously prohibited by subpart B of the HTR or by the previously stated Executive orders. Reports due under general or specific license must still be filed with FAC covering activities up until the effective date of this termination. Enforcement actions with respect to past violations of the sanctions are not affected by the termination of sanctions. A copy of the FAC amendment is attached.

5. The total expenses incurred by the Federal Government during the period of the national emergency with respect to Haiti from October 4, 1991, through October 15, 1994, that are directly attributable to the authorities conferred by the declaration of a national emergency with respect to Haiti are estimated to be approximately $6.2 million, most of which represent wage and salary costs for Federal personnel. This estimate has been revised downward substantially from the sum of estimates previously reported in order to eliminate certain previously reported costs incurred with respect to Haiti, but not directly attributable to the exercise of powers and authorities conferred by the declaration of the terminated national emergency with respect to Haiti.

Thus, with the termination of sanctions, this is the last periodic report that will be submitted pursuant to 50 U.S.C. 1703(c) and also constitutes the last semiannual report and final report on Administration expenditures required pursuant to 50 U.S.C. 1641(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 3, 1995.*

LINE-ITEM VETO ACT

The SPEAKER pro tempore. Pursuant to House Resolution 55 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2.

□ 1103

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2) to give the President item veto authority over appropriation acts and targeted tax benefits in revenue acts, with Mr. BOEHNER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, February 2, 1995, the amendment offered by the gentleman from Pennsylvania [Mr. KANJORSKI] had been disposed of and the bill was open for amendment at any point.

Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Chairman, I offer an amendment, amendment No. 20.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SPRATT: In section 2(a), insert ''or tax incentive'' after ''tax benefit'' the first place it appears.

At the end of Section 4, insert the following new paragraph:

(5) The term ''tax incentive'' means any deduction, credit, preference, or exemption from gross income, or any deferral of tax liability, causing tax revenues to be forgone as inducement for taxpayers to pursue or forbear from certain actions or activities.

Mr. SPRATT. Mr. Chairman, I rise to support the amendment known as the Moran-Spratt amendment.

Mr. Chairman, the advocates of H.R. 2 claim that they have found a way to give the President by statute powers that he does not enjoy under the Constitution, the power, specifically, of an item veto. They claim that this power will allow the President to cut out wasteful, unwarranted, spending in appropriations bills that we adopt every year.

Our amendment simply takes the President's newfound veto power to the realm of quasi-spending sometimes known as tax expenditures or tax incentives.

The committee bill already takes a tentative step in this direction. It delegates to the President the power to rescind targeted tax benefits, special interest tax provisions that benefit 100 or fewer taxpayers. But here it stops. It stops, in my opinion, far short of the right goal.

As to spending, this bill boldly covers virtually every item in 13 different appropriations bills, all with discretionary spending, $540 to $550 billion a year, but with tax expenditures it turns timid. It stops at a limited-interest tax provisions which are really just the tip of the iceberg.

Why is this bill so tough on spending and so easy on special interest tax incentives?

Let me read my colleagues what Newsweek said to explain last week, reading from Newsweek.

The fine print of the item veto bill reveals that though the Republicans are tough on spending, they are lax on special-interest tax giveaways. The vast majority of tax breaks, worth hundreds of billions of dollars, would remain immune from the President's veto. Any lobbyist looking for goodies from the Federal Government in the future could work through the tax code instead of working through spending bills.

For some years we all know that has been a favorite recourse. That has been a practice common here for 20 to 25 years. If we want to give people an incentive to install solar heat in their homes, we are not so obvious as to hand them out a subsidy. We allow them a tax credit for part of the cost.

If we want to promote oil and gas exploration, we do not fork over subsidies to the drillers. That would never be approved in the House, appropriating money for the major oil companies. We give them oil depletion allowances, or we let them expense costs that other businesses would be required to capitalize. Nobody notices because it is buried in the Tax Code, and who is to know when we are allowing one cost to be expensed rather than capitalized that we actually are giving a subsidy to this particular taxpayer.

Our amendment would give the President the power to police these tax expenditures, to comb through the Tax Code the way he will be able to comb through spending appropriation bills and cull out questionable policies and provisions.

Under our amendment, the President would have the right to rescind so-called tax incentives or tax expenditures.

What are tax incentives or tax expenditures? Let me read the definition we use in our amendment for tax incentives. The term ''tax incentive'' means any deduction, credit, preference, or exemption from gross income or any deferral of tax liability causing tax revenues to be forgone as inducement for taxpayers to pursue or forbear from pursuit of certain activities or actions.

So long as we are going to be tough on spending, as this bill certainly will be, let us also be tough on tax giveaways. They amount to the same thing. They have the same bottom line impact on the deficit.

And for that reason, Mr. Chairman, I urge adoption of the Moran-Spratt amendment.

Mr. MORAN. Mr. Chairman, the Spratt-Moran amendment which we are now considering greatly improves upon the Line-Item Veto Act.

In the Contract on America and every piece of literature touting the Line-Item Veto Act, the Republicans are quick to claim that this would give the President the authority to cut out pork spending and targeted tax benefits. But if you look at the actual legislation, you will see that it does not give the President the authority to truly cut targeted tax benefits.

The original Line-Item Veto Act only allowed the President to veto tax benefits if they benefited five or fewer taxpayers. This is a joke. There is no law, no pork project, and no tax cut, no program enacted by this Congress that only benefits five or fewer Americans. This bill was amended in committee to increase the number up to 100, but it still is worthless. No omnibus tax bill contains a tax cut for John Doe of Alexandria, VA, or the Smith family in Fairfax. There are very, very few tax benefits targeted to any class with less than 100 persons.

Tax bills, however, do contain special interest giveaways. They are loaded with individual provisions designed to either induce taxpayers to do a certain activity or discourage taxpayers from doing another. Just last month, the Senate Budget Committee released a compendium of tax expenditures that identified $453 billion in individual tax provisions for fiscal year 1995 alone. We are making a big deal because this bill may open $10 billion in unauthorized spending each year to a potential line-item veto. But in the same breath we are passing on an opportunity to open $453 billion, nine times that amount, to the same authority.

Many of these individual tax provisions are positive and should be continued. But in the same vein, many of the items contained in appropriations bills are justifiable and serve the public interest. But some of these are questionable. On page 41 of this compendium, CRS notes the ''Interest Allocation Rules Exception for Certain Nonfinancial Institutions''. This tax benefit classifies a finance subsidiary of the Ford Motor Co. as a financial institution and costs the Federal taxpayers $200 million. What is the rationale for this tax break? Nobody knows, it was not mentioned in the committee reports on the Tax Reform Act of 1986. There is no pork project in any appropriations act that comes close to $200 million annually. On page 29 of this compendium is the ''Exclusion of Income of Foreign Sales Corporations,'' a tax benefit which allows firms to exclude 15 percent of income of exports sold through special foreign subsidiaries set up as paper corporations. This tax benefit costs the Federal taxpayers $1.1 billion annually.

Some of these individual tax provisions, such as mortgage interest deductions, are positive and benefit almost every American family. But some are giveaways that increase our deficit for the benefit of a few wealthy corporations.

If we are serious about reducing the deficit and are serious about giving the Executive the ability to cut wasteful spending, we must also allow him to cut any and all unnecessary and unjustifiable tax subsidies.

I hope my colleagues will support this amendment.

Mr. CLINGER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment. Having to oppose the amendment, I regret, because the gentleman from South Carolina [Mr. SPRATT] is certainly one of the most thoughtful, constructive, and contributing members of the committee. He has given enormous thought to this issue and to all of the issues involved in this legislation. But I think that he goes beyond, way beyond what we were attempting to get at in this bill, which would allow the President to veto very special, very limited, tax perks for special fat cat friends, ''fat cats'' being a broad term.

This, I think, is too broad, because it would allow the President to veto things like the homeowners mortgage deduction, the earned income tax credit, credits to assist family members in taking care of elderly and indigent relations.

Clearly, Mr. Chairman, this is way outside the scope of what we were attempting to have as a very targeted, very precise rifle shot attack on those egregious examples of overreaching which we have unfortunately seen too many examples of in our Tax Code in recent years.

This is a much broader policy initiative, and I think it is a worthy one. But I think for the purposes of this legislation, it broadens the scope of the legislation too much. I must oppose the amendment.

Mrs. COLLINS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment. This amendment would make any tax incentive subject to the Presidential line-item veto. Tax incentives would include any deduction, credit, preference, or exemption from gross income of any deferral of tax liability. For example, the mortgage deduction and the exemption for dependents could be subject to the Presidential line-item veto.

□ 1110

A very disturbing trend seems to be developing in this debate. The new Republican majority seem to have two contracts with America, one in which they protect the tax loopholes of the wealthy and the other under which they sacrifice the programs for working people on the altar of deficit reduction.

I think that is wrong. And I think the American people can see through it. The majority would like us to believe that it is the middle-income tax cut that they want to protect, but in reality they are protecting many special interests that feed daily at the Federal trough of privilege and preferred treatment.

I have here, for example, a list that I would like for my colleague to know about. One such provision which gets special tax preference that the President would not be able to veto under this legislation is a provision favoring the oil and gas industry by repealing the minimum tax for depletion and intangible drilling costs for independents and oil drillers. Since we have more than 100 oil drillers in the country, the President could not veto this bill.

Another provision we have here gave a tax preference for purchasers of fuels containing alcohol. Since thousands of people can buy gasohol, the President would not line-item veto that provision, even though one company, Archer Daniel Midlands, controls about 90 percent of the gasohol market.

A third benefits purchasers of electric cars and cars powered by natural gas. Even though this provision really benefits a handful of carmakers, the President could not veto it since many people could buy the cars.

Let me cite another example where our Tax Code gives a special tax benefit or credit to drug companies doing business in Puerto Rico; 24 big companies with receipts exceeding $250 million got a total of $2.6 billion in tax credits from this provision in 1992, but because a total of 338 companies got benefits from this provision, the President could not veto it.

You know the Moran-Spratt amendment points out that Republicans like giving tax breaks to the wealthy, and there is no reason why those tax expenditures should not be subject to the line-item veto in the same way spending programs are.

Mr. Chairman, if deficit reduction is the goal, the benefits wealthy Americans and corporations receive must be on the table, not just spending programs for the working people in this country.

I urge my colleague to support the Moran-Spratt amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. SPRATT].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SPRATT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 175, noes 243, not voting 16, as follows:

[Roll No 89]

AYES—175

Abercrombie	Bishop	Clay
Ackerman	Bonior	Clayton
Andrews	Borski	Clement
Baesler	Brewster	Clyburn
Baldacci	Browder	Coleman
Barrett (WI)	Brown (CA)	Collins (IL)
Beilenson	Brown (FL)	Condit
Bentsen	Brown (OH)	Coyne
Berman	Bryant (TX)	Cramer
Bevill	Chapman	Danner

de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
LaFalce
Lantos
Laughlin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mollohan
Montgomery
Moran
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torricelli
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Williams
Wilson
Wise
Wyden
Yates

NOES—243

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

NOT VOTING—16

Bartlett
Becerra
Collins (GA)
Collins (MI)
Gunderson
Hoyer
Istook
Kelly
Largent
Metcalf
Moakley
Sisisky
Stockman
Towns
Waxman
Woolsey

□ 1131

The Clerk announced the following pairs:

On this vote:

Mr. Hoyer for, with Mr. Bartlett of Maryland against.

Mr. Towns for, with Mr. Largent against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. ARMEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have a few words about the schedule as the day proceeds.

I would like to mention to all the Members of the body that we are concerned about the snowstorm that is moving in, especially in the Midwest. We have a lot of Members who are anxious to travel. We have, I think it is four amendments we believe that we can move fast. We are trying to move the amendments as fast as we can. We are hopeful that with the cooperation of all the Members we might be able to complete our work today even before the scheduled 3 o'clock departure time. I think that could be beneficial to a lot of our traveling Members. I just wanted to bring to every Member's attention that insofar as we can move the debate and the amendments fast we might be able to alleviate their travel pressure.

I want to thank all the Members for their attention.

The CHAIRMAN. Are there any other amendments to be offered to the bill?

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

I would like to ask if the distinguished Chair of the full committee would engage in a discussion as to the scheduling.

The majority leader asked that we run amendments at this point. I am not aware of any amendments on the floor at this time. Is it the desire of the majority leader and the committee to go out if that is not the case, to go to the substitutes? What is the will here?

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

Mr. WISE. I yield to the Chair of the full committee.

Mr. CLINGER. I thank the gentleman for yielding.

Mr. Chairman, we have been noticed with a number of amendments that have been published in the RECORD, and we assumed that they would be offered in a timely fashion; that is, Ms. NORTON has an amendment, Mr. OBEY has an amendment, Ms. WATERS has an amendment, Mr. TAUZIN. We had anticipated that those amendments would be coming in due course. Our objective here would be to complete those amendments today, dispose of those amendments today, and deal with the substitutes. I know the gentleman from West Virginia [Mr. WISE] has a substitute which he would offer on Monday.

Mr. WISE. At this point it is my understanding, and I will defer to our ranking member, but it is my understanding that none of the Members are able to offer their amendments at this point or had not expected to.

So the question then becomes if there is concern about the weather, is it better to let Members go at this point; if there is concern about the weather and getting flights to the West and Midwest particularly before they get socked in, is it better, if the amendments are not offered, to——

Mr. CLINGER. If there are no amendments to be offered, I would suggest the gentleman who has a substitute would offer his substitute at this time and we would deal with that, or else we would move to final passage. In that event, we will postpone final passage until Monday.

Mrs. COLLINS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. WISE. I yield to the ranking member.

Mrs. COLLINS of Illinois. I thank the gentleman for yielding.

Mr. Chairman, if we do not have any amendments here now and if we are getting ready to go on the substitute, why would we hold final passage until Monday when we might not be able to get here on Monday?

I have been working here in Washington as long as the gentleman from Pennsylvania [Mr. CLINGER] has, I believe, and we understand that if there is a 12-inch snowstorm there is no way we are likely to be able to get here from wherever we are on Monday.

□ 1140

So it would seem to me, Mr. Chairman, the thing to do would be to go on with this legislation today, get it over with, if we possibly can. There are two options. One is to rise and come back

whenever we can if we are stuck someplace because of the snow, and the other thing is to complete the bill today.

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. CLINGER. Mr. Chairman, in the event the substitute amendment would be offered, a substitute for the bill would be offered at this point, would it preclude the offering of other amendments upon the disposition of the substitute amendment?

The CHAIRMAN. In responding to the gentleman's parliamentary inquiry: not necessarily.

If the substitute were adopted, that would stop the amendment process with respect to the original-text substitute.

Mr. CLINGER. I understand.

Mr. WISE. Excuse me, Mr. Chairman, I could not hear the Chair. What was the ruling?

Mr. CLINGER. Mr. Chairman, I would tell the gentleman that I would encourage, in view of the fact that there are then no Members presently on the floor prepared to offer perfecting amendments, but only the gentleman standing who is prepared to offer a substitute amendment—my understanding is that if the gentleman's substitute would prevail, it would preclude consideration of further amendments. On the other hand, if the gentleman's substitute does not prevail, other amendments would be in order, and I would encourage the gentleman to present his substitute amendment.

Mr. WISE. In that case, Mr. Chairman, we will be happy to proceed.

The CHAIRMAN. Are there any other amendments to the bill?

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. WISE

Mr. WISE. Mr. Chairman, I offer an amendment in the nature of a substitute. It has been printed in the RECORD and is amendment No. 31.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. WISE: Strike all after the enacting clause and insert the following:

SECTION 1. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS AND TARGETED TAX BENEFITS.

(a) IN GENERAL.—Section 1012 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 683) is amended to read as follows:

''EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS

''SEC. 1012. (a) PROPOSED RESCISSION OF BUDGET AUTHORITY OR REPEAL OF TARGETED TAX BENEFITS.—The President may propose, at the time and in the manner provided in subsection (b), the rescission of any budget authority provided in an appropriation Act or repeal of any targeted tax benefit provided in any revenue Act. If the President proposes a rescission of budget authority, he may also propose to reduce the appropriate discretionary spending limit set forth in section 601(a)(2) of the Congressional Budget Act of 1974 by an amount that does not exceed the amount of the proposed rescission. Funds made available for obligation under this procedure may not be proposed for rescission again under this section.

''(b) TRANSMITTAL OF SPECIAL MESSAGE.—

''(1) The President may transmit to Congress a special message proposing to rescind amounts of budget authority or to repeal any targeted tax benefit and include with that special message a draft bill that, if enacted, would only rescind that budget authority or repeal that targeted tax benefit unless the President also proposes a reduction in the appropriate discretionary spending limit set forth in section 601(a)(2) of the Congressional Budget Act of 1974. That bill shall clearly identify the amount of budget authority that is proposed to be rescinded for each program, project, or activity to which that budget authority relates or the targeted tax benefit proposed to be repealed, as the case may be. A targeted tax benefit may only be proposed to be repealed under this section during the 10-legislative-day period commencing on the day after the date of enactment of the provision proposed to be repealed.

''(2) In the case of an appropriation Act that includes accounts within the jurisdiction of more than one subcommittee of the Committee on Appropriations, the President in proposing to rescind budget authority under this section shall send a separate special message and accompanying draft bill for accounts within the jurisdiction of each such subcommittee.

''(3) Each special message shall specify, with respect to the budget authority proposed to be rescinded, the following—

''(A) the amount of budget authority which he proposes to be rescinded;

''(B) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved;

''(C) the reasons why the budget authority should be rescinded;

''(D) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed rescission;

''(E) all facts, circumstances, and considerations relating to or bearing upon the proposed rescission and the decision to effect the proposed rescission, and to the maximum extent practicable, the estimated effect of the proposed rescission upon the objects, purposes, and programs for which the budget authority is provided; and

''(F) a reduction in the appropriate discretionary spending limit set forth in section 601(a)(2) of the Congressional Budget Act of 1974, if proposed by the President.

Each special message shall specify, with respect to the proposed repeal of targeted tax benefits, the information required by subparagraphs (C), (D), and (E), as it relates to the proposed repeal.

''(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

''(1)(A) Before the close of the second legislative day of the House of Representatives after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of the House of Representatives shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence, then, on the third legislative day of the House of Representatives after the date of receipt of that special message, any Member of that House may introduce the bill.

''(B) The bill shall be referred to the Committee on Appropriations or the Committee on Ways and Means of the House of Representatives, as applicable. The committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of that House after the date of receipt of that special message. If that committee fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

''(C) During consideration under this paragraph, any Member of the House of Representatives may move to strike any proposed rescission or rescissions of budget authority or any proposed repeal of a targeted tax benefit, as applicable, if supported by 49 other Members.

''(D) A vote on final passage of the bill shall be taken in the House of Representatives on or before the close of the 10th legislative day of that House after the date of the introduction of the bill in that House. If the bill is passed, the Clerk of the House of Representatives shall cause the bill to be engrossed, certified, and transmitted to the Senate within one calendar day of the day on which the bill is passed.

''(2)(A) A motion in the House of Representatives to proceed to the consideration of a bill under this section shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

''(B) Debate in the House of Representatives on a bill under this section shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this section or to move to reconsider the vote by which the bill is agreed to or disagreed to.

''(C) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

''(D) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a bill under this section shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any rescission bill introduced pursuant to the provisions of this section under a suspension of the rules or under a special rule.

''(3)(A) A bill transmitted to the Senate pursuant to paragraph (1)(D) shall be referred to its Committee on Appropriations or Committee on Finance, as applicable. That committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of the Senate after it receives the bill. A committee failing to report the bill within such period shall be automatically discharged from consideration of the bill, and the bill shall be placed upon the appropriate calendar.

''(B) During consideration under this paragraph, any Member of the Senate may move to strike any proposed rescission or rescissions of budget authority or any proposed repeal of a targeted tax benefit, as applicable, if supported by 14 other Members.

''(4)(A) A motion in the Senate to proceed to the consideration of a bill under this section shall be privileged and not debatable. An amendment to the motion shall not be in

order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

''(B) Debate in the Senate on a bill under this section, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (C)), shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

''(C) Debate in the Senate on any debatable motion or appeal in connection with a bill under this section shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

''(D) A motion in the Senate to further limit debate on a bill under this section is not debatable. A motion to recommit a bill under this section is not in order.

''(d) AMENDMENTS AND DIVISIONS PROHIBITED.—Except as otherwise provided by this section, no amendment to a bill considered under this section shall be in order in either the House of Representatives or the Senate. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole) or in the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House to suspend the application of this subsection by unanimous consent.

''(e) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.—(1) Any amount of budget authority proposed to be rescinded in a special message transmitted to Congress under subsection (b) shall be made available for obligation on the day after the date on which either House rejects the bill transmitted with that special message.

''(2) Any targeted tax benefit proposed to be repealed under this section as set forth in a special message transmitted by the President shall not be deemed repealed unless the bill transmitted with that special message is enacted into law.

''(f) DEFINITIONS.—For purposes of this section—

''(1) the term 'appropriation Act' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations;

''(2) the term 'legislative day' means, with respect to either House of Congress, any day of session; and

''(3) The term 'targeted tax benefit' means any provision of a revenue or reconciliation Act determined by the President to provide a Federal tax deduction, credit, exclusion, preference, or other concession to 100 or fewer beneficiaries. Any partnership, limited partnership, trust, or S corporation, and any subsidiary or affiliate of the same parent corporation, shall be deemed and counted as a single beneficiary regardless of the number of partners, limited partners, beneficiaries, shareholders, or affiliated corporate entities''.

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking ''and 1017'' and inserting ''1012, and 1017''; and

(2) in subsection (d), by striking ''section 1017'' and inserting ''sections 1012 and 1017''; and

(c) CONFORMING AMENDMENTS.—

(1) Section 1011 of the Congressional Budget Act of 1974 (2 U.S.C. 682(5)) is amended by repealing paragraphs (3) and (5) and by redesignating paragraph (4) as paragraph (3).

(2) Section 1014 of such Act (2 U.S.C. 685) is amended—

(A) in subsection (b)(1), by striking ''or the reservation''; and

(B) in subsection (e)(1), by striking ''or a reservation'' and by striking ''or each such reservation''.

(3) Section 1015(a) of such Act (2 U.S.C. 686) is amended by striking ''is to establish a reserve or'', by striking ''the establishment of such a reserve or'', and by striking ''reserve or'' each other place it appears.

(4) Section 1017 of such Act (2 U.S.C. 687) is amended—

(A) in subsection (a), by striking ''rescission bill introduced with respect to a special message or'';

(B) in subsection (b)(1), by striking ''rescission bill or'', by striking ''bill or'' the second place it appears, by striking ''rescission bill with respect to the same special message or'', and by striking '', and the case may be,'';

(C) in subsection (b)(2), by striking ''bill or'' each place it appears;

(D) in subsection (c), by striking ''rescission'' each place it appears and by striking ''bill or'' each place it appears;

(E) in subsection (d)(1), by striking ''rescission bill or'' and by striking '', and all amendments thereto (in the case of a rescission bill)'';

(F) in subsection (d)(2)—

(i) by striking the first sentence;

(ii) by amending the second sentence to read as follows: ''Debate on any debatable motion or appeal in connection with an impoundment resolution shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event that the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee.'';

(iii) by striking the third sentence; and

(iv) in the fourth sentence, by striking ''rescission bill or'' and by striking ''amendment, debatable motion,'' and by inserting ''debatable motion'';

(G) in paragraph (d)(3), by striking the second and third sentences; and

(H) by striking paragraphs (4), (5), (6), and (7) of paragraph (d).

(d) CLERICAL AMENDMENTS.—The item relating to section 1012 in the table of sections for subpart B of title X of the Congressional Budget and Impoundment Control Act of 1974 is amended to read as follows:

''Sec. 1012. Expedited consideration of certain proposed rescissions and targeted tax benefits.''

Mr. WISE. Mr. Chairman, this amendment, or the substitute that is being offered, is the Wise-Spratt-Stenholm substitute. Some call it expedited rescission; some would call the Republican version offered by the full committee enhanced rescission. Both are forms of line-item veto, and that is the first thing we have to get clear.

There are two goals, it seems to me, with any kind of modified line-item veto such as we are discussing today. The goals are that the President be able to line item items in appropriation bills that he or she thinks should be cut and that the President is entitled to a vote on those items; second, that all Members be held accountable for whether or not they voted to sustain the President, whether they voted to cut.

So, Mr. Chairman, the goals are: the President can veto and the Congress must vote. Underline the word ''must.'' Second is that all Members be held accountable so that the public knows how BOB WISE voted in his district for these cuts and how others voted. In both cases what the gentleman from Pennsylvania [Mr. CLINGER], the distinguished chairman, is offering on behalf of the full committee is a form of line-item veto, and our expedited rescission bill is a form of line-item veto, and both have that process.

Now the Republican version and the Democratic version, the substitute version, in both cases the Congress must vote. That is not the present situation under current law. Under current law the President may issue a rescission, but if the Congress does not take it up and vote affirmatively in both Houses, the rescission fails.

Here it is a different process. In both versions, the Republican version and our substitute, the Congress must take the measure up, and the Congress must vote. So the President gets his vote.

There is one major difference between the two versions. The difference is what does it take to sustain the President's veto? In the case of the Republican version, the full committee version, at the end of the day, after working our way through the whole process and the President sends it back, at the end of the day it takes two-thirds of this body to override a Presidential cut, a Presidential line-item veto. Under our substitute, which is essentially the same substitute that passed with 342 votes last year from the House, Republican and Democrat alike, under our substitute it is a simple majority, a simple majority. What our substitute does is to say that one-third plus one does not determine the fate of every line-item veto.

Now there are some other provisions that I think are important. Our substitute has the option for the President to allocate the moneys saved by the cutting to deficit reduction, in effect a form of lock box. That is in our amendment. Our substitute has in it language that has already been placed in the other version giving 50 Members on the floor the ability to break out a specific rescission for individual attention.

Our substitute also has in it the language that I believe is in the present version, the committee version, that permits the line item-ing of certain tax benefits to go to a class of 100 taxpayers or less.

So essentially what we are talking about here is whether or not my colleagues believe a majority ought to be all that is required to override the President or whether two-thirds. I say to my colleagues, ''I urge you to look at this carefully and think. We don't know who the President will be in 2 years, or 6 years, or 10 years. Do you want to have to always be going up

against a President knowing that one-third plus one in this body can overcome you at every opportunity? You can't even argue to a majority.''

Now the argument is made that, if a majority passed an overall appropriation bill, then why is it likely to think that a majority would be willing to sustain a Presidential veto? In other words, a majority passed the bill; then the majority is not going to turn around and take items out of it, and I ask all of my colleagues to consider how bills, appropriation bills, are passed here. We vote on a total package. We may not like certain provisions in it, but we vote for it on the basis that the overall bill is preferable to a few of the items we disagree with.

However, when confronted with those individual items coming back by themselves, and particularly——

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

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

Mr. WISE. But when confronted with individual items coming back in a Presidential line-item veto or rescission, if my colleagues will, and knowing that the full public scrutiny is, ''How did you vote on this controversial area or this controversial project,'' it is very likely that a majority would sustain that Presidential line-item veto or rescission. So it really gets down to two-thirds, or really gets down to whether one wants one-third plus one to run the appropriations process or one wants a majority vote. I remind my Republican colleagues and Democratic colleagues that 342 Members voted for this language in the past Congress.

So, with the Wise-Spratt-Stenholm substitute, Mr. Chairman, the President can rescind, the President is guaranteed a vote in Congress within 10 days of it coming to the Congress, and there is total accountability because the public sees how we vote on each item. I would ask that my colleagues uphold our substitute and guaranteed majority rule as opposed to one-third plus one.

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

Mr. WISE. I yield to the gentleman from Missouri.

□ 1150

Mr. VOLKMER. Mr. Chairman, as I have reviewed this over the years, as the House has deliberated on the line-item veto—and last year we came to the conclusion that basically the substitute the gentleman is now offering was the one that should become law—the one reason was to maintain the balance of power.

The gentleman has stated this is his opening remarks, and I would like to carry that a little further, because I think we really need to show this to the Members of the House. If the Republican version would ever become law and be held to be constitutional, the House could very well have no input at all. No Member of the House would have any input because with any President, knowing how this total system works, all he needs is 34 Senators. All he needs is 34 Senators, because both Houses have to override the veto. Is that correct?

Mr. WISE. The gentleman is correct.

The CHAIRMAN. The time of the gentleman from West Virginia [Mr. WISE] has expired.

(On request of Mr. VOLKMER, and by unanimous consent, Mr. WISE was allowed to proceed for 2 additional minutes.)

Mr. VOLKMER. Mr. Chairman, if the gentleman will yield further, since both Houses have to override, as we have seen in other instances, other vetoes, those of us who have been here, with such things as the shoe and textile bill we passed and Reagan vetoed and Bush vetoed, all he had to do was get 34 Senators. So what we end up with is that the whole spending policy of this Nation is governed not by you folks, not by me, not by anybody in this House. As long as we have one President and he has 34 Senators he can count on, that is it; is that correct?

Mr. WISE. That is exactly correct.

Mr. VOLKMER. So 35 people out of this whole country would make the decision on spending priorities under the Republican version?

Mr. WISE. That is correct.

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

Mr. WISE. I yield to the gentleman from Virginia.

Mr. DAVIS. Mr. Chairman, I thank the gentleman for yielding. I have a question.

I, too, am uncomfortable about the two-thirds in both Houses having to override. That is a tremendous transfer of power from the legislative to the executive branch. But as I read the gentleman's amendment, in this particular case it appears that either House could kill the veto; is that correct?

Mr. WISE. Absolutely not. Both Houses have to vote. You have a vote in both Houses. For instance, if it came to the House and the House failed to pass the rescission, then obviously it does not go to the Senate because it has died here.

Mr. DAVIS. So in effect if one House approves the rescission but the other House does not, in effect one House can kill the rescission?

Mr. WISE. As is the case with any bill.

If I may continue to explain it to the gentleman, the difference between ours and the Republican version is this: When the President sends his rescission, it is introduced as a bill in the House. It goes to committee, it must be acted upon within 7 days, and it must be on the House floor within 10 days and voted on in the manner of any bill.

The difference here in the Republican version is that the Republican version requires the Congress to act affirmatively to pass a resolution of disapproval. Assuming it passes both Houses, it then goes to the President, who then presumably vetoes it, and it must then be overridden by two-thirds.

Mr. DAVIS. Let me state my concern to the gentleman and see if he can help and tell us what happens when you pork up some of these bills.

I will take the grant to Lamar University last year in the crime bill, which I think Americans looked at and asked, ''Why is that there?'' with the other kinds of programs that were in the bill. It did not seem to fit.

The CHAIRMAN. The time of the gentleman from West Virginia [Mr. WISE] has again expired.

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

Mr. DAVIS. Mr. Chairman, if I may continue and if the gentleman will yield, in that case, that was an appropriation that standing by itself probably could not have survived.

Mr. WISE. I would be happy to talk some more about it, but as I recall, in that case it was not even an appropriation.

Mr. DAVIS. I understand that, but to get the principle once again, that was money that in point of fact both Houses would not have passed initially. It would not have passed muster. Under this, if it passed muster in only one House, it would survive a veto; is that correct?

Mr. WISE. Correct. And having been here when that was on the floor, by the time it got the scrutiny it did—and that is the purpose of the rescission process, the line item veto—by the time it got the scrutiny it did, both Houses overwhelmingly defeated it.

Mr. DAVIS. I am still uncomfortable with either House being able to overturn the President, but I understand the thrust of this.

Mr. WISE. But the gentleman might be equally as uncomfortable with the fact that one-third plus one in either body can control this whole process.

Mr. DAVIS. I am not comfortable with it.

Mr. Chairman, I thank the gentleman.

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

Mr. Chairman, I have a great deal of respect for my colleague, the gentleman from West Virginia, with whom I serve on two committees in this House, but I have to disagree and strongly oppose the Wise substitute.

I believe that we need a procedure strong enough to meet the crisis that we face in our budget situation. If we look at the amount of debt and the deficits we are running, it would indicate that we need a very strong tool to try to discipline that process and to try to end this deficit. Clearly this is not the only thing that will help us reduce our debt, reduce our deficit, but it is an important tool, and I believe we should side with a stronger measure.

It is clear that the Clinger bill we are now debating is prosavings. It leads toward savings, and the Wise substitute is prospending. It leans more toward spending than savings, and if we eventually want to get our deficit under control, if we want to finally deal with the problems we face, I think we need to give the President a strong tool, not a weak tool, and I would, therefore, urge opposition to the Wise substitute.

Mr. TAYLOR of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. BLUTE. I yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Mr. Chairman, will the gentleman please inform this body, within the past 12 years how many budgets have been submitted by the President of the United States that were even within $100 billion of being balanced?

Mr. BLUTE. Reclaiming my time——

Mr. TAYLOR of Mississippi. No, I asked the gentleman a question.

Mr. BLUTE. And I am attempting to answer.

Mr. TAYLOR of Mississippi. How many times has the President of the United States submitted to the Congress a budget that was even $100 billion within being balanced?

Mr. BLUTE. I would say to the gentleman, reclaiming my time, the same number of budgets that the Democratic Congress passed that were balanced.

This is not a partisan issue. It is a bipartisan problem that we all as a country must face.

Mr. TAYLOR of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. BLUTE. I yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Mr. Chairman, if a President, when given total authority—and this is one man who can write a budget all by himself—cannot submit a balanced budget or even a budget that is within $100 billion of being balanced, how on Earth do you think he is going to save us from ourselves? I did not come here to give my job away. I came here because I was elected to represent the people of south Mississippi and fulfill the constitutional duties that were given to me. If I had seen a record from the Presidency, from the Presidents of the United States, that had showed they are more frugal than us, I might think otherwise, but the fact is that over the past 40 years the combined Presidential budget requests have actually exceeded what this Congress has spent. I do not think those people are capable of saving us from ourselves.

Mr. BLUTE. Mr. Chairman, reclaiming my time. I would simply respond by saying, as somebody from the minority side said yesterday, that we are facing a new day. There is plenty of blame to go around in the past about who or what or why we have huge deficits and budgets that are out of control.

I certainly was not a Member of Congress during that period. I have been elected, and I think many other Members have been elected to try to reverse that dangerous trend and try to do something new, something that will eventually hopefully lead to a more balanced budget. The way to do that is to support the prosavings Clinger bill and oppose the Wise substitute.

Mrs. COLLINS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the gentleman's substitute.

I have very serious reservations about line-item veto authority in any form. However, I firmly believe the proposed substitute is by far preferable to the authority in H.R. 2.

H.R. 2 is by Chairman CLINGER'S own description, the strongest possible rescission authority there is. Members have equated it during this debate to the authority of many Governors. However, they are wrong, and by making that comparison they show how very little they know about H.R. 2.

The authority in H.R. 2 is so strong that even many proponents of the line-item veto do not support it. In the Senate, Senator DOMENICI supports taking the approach that our colleague, Mr. WISE, takes in the substitute amendment we are now considering.

In addition, many Members clearly do not understand what H.R. 2 actually does. Throughout this debate, we have heard time and again that 43 Governors have line-item veto authority, so why should not the President also have the authority. However, the fact is that only 10 of those 43 Governors have authority that even comes close at all to the authority given the President that H.R. 2 provides.

H.R. 2 does not simply let the President veto a particular line of spending authority in an appropriations bill, as many Governors can do. As the Congressional Research Service said, H.R. 2 would let a President reach ''as deep as he likes within an appropriations account to propose specific rescissions.''

As a result, Dr. Robert Reischauer, Director of the Congressional Budget Office, testified before our committee that H.R. 2 gives the President ''greater potential power than a constitutionally approved item veto.''

The potential for a President to abuse this extraordinary power is enormous. He could threaten to curtail funds for a particular Federal court, if he decides they are ruling against him too often. Given the fact that the executive branch is a party to about 50 percent of all cases before Federal courts, there are many reasons the President may want to exert influence over judges.

However, the greatest abuse of power under H.R. 2 is that the President is assured of being able to make his rescission effective, as long as he has the support of one-third plus one of the Members in either the House or the Senate. This makes it highly unlikely that the Congress would be able to disapprove a Presidential rescission, except on rare occasions.

The substitute being offered strikes a more responsible balance of power between the President and the Congress. The substitute does two very important things. Like under current law, the substitute says a Presidential rescission cannot go into effect unless the Congress approves it.

Unlike current law, however, the substitute requires the Congress to vote on each and every rescission proposed by the President. The proposal offered by the gentleman would require the appropriations committees to report a bill implementing a President's proposed rescission within 7 days, or be discharged from further consideration. The rescission approval bill would then be considered on the floor within 10 days.

This is a very reasonable alternative to H.R. 2. It also has a far better chance of being upheld by the courts. Under the substitute, Congress must fulfill its constitutional responsibility for appropriating revenues; the President's rescissions can only become effective by act of Congress.

However, under H.R. 2 the President can sign appropriations bills and tax bills into law in a form that Congress never passed. Each Member of this body should think very hard before voting to give up his constitutional responsibilities for the Federal purse.

On that point I would note that Assistant Attorney General Walter Dellenger challenged the constitutionality of H.R. 2 in testimony he gave last week before the Senate Judiciary Committee. Referring to authority in H.R. 2 that permits the President to veto targeted tax benefit, Mr. Dellenger said, and I quote:

> It does so by purporting to authorize the President to ''veto'' targeted tax benefits after they become law, thus resulting in their ''repeal''. * * * The use of the terms ''veto'' and ''repeal'' is constitutionally problematic. Article I, clause 7 of the Constitution provides that the President only can exercise his ''veto'' power before a provision becomes law. As for the word ''repeal,'' it suggests that the President is being given authorization to change existing law on his own. This arguably would violate the plain textual provision of Article I, clause 7 of the Constitution, governing the manner in which federal laws are to be made and altered.

Clearly, H.R. 2 has major constitutional problems. If you are for the line-item veto, you should, therefore, vote for the Wise substitute. It gives the President the authority and flexibility he needs, and it allows Congress to fulfill its constitutional responsibilities to tax and appropriate Federal revenues.

I urge my colleagues to support the gentleman's amendment.

□ 1200

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

Mr. Chairman, I must rise in opposition to the amendment by my good friend, the gentleman from West Virginia [Mr. WISE], who is a very

thoughtful and very helpful member of our committee.

President Clinton has asked us to send him the strongest possible line-item veto. This proposed substitute is not the strongest possible line-item veto. This amendment would replace what we have from H.R. 2 with little more than a very weak, in my view, nonfunctioning procedure. There is certainly no guarantee that the procedure would function, that which exists in current law and which has contributed to pass very wasteful spending.

An expedited rescissions procedure, which is the procedure encompassed within the Wise amendment, simply attempts to speed up the current approval process, but it does not do that very efficiently. In fact, I think it does it rather poorly.

The amendment would still permit a single House of Congress to kill the President's rescissions and force the release of moneys, which was the subject of the dialog with the gentleman from Virginia.

Although an expedited rescission process would at least on its surface require Congress to vote on the President's rescissions proposal and therefore improve current law, those assurances are illusory. The proposed expedited procedures are offered solely under the rulemaking authority of Congress and can be readily waived.

As we who have served in this body for sometime know, the rules have been routinely waived on matters of this sort. So there is nothing in this amendment that would ensure us, provide the absolute assurance that we would have a vote on these rescissions.

In fact, that happened in 1992 when the requisite number of House Members sought to discharge appropriations of 96 rescissions. The rules were waived at that time to prevent the discharge, and Members were denied a vote on the President's rescissions proposal. In compliance with law the withheld funds were released, and wasteful spending occurred.

I think the same sort of event could happen here by virtue of just allowing the rules to be waived. We would not get the assurance of a vote.

While an expedited rescissions process attempts to ensure Members' chance to vote, nothing would prevent the Committee on Rules from once again waiving House rules and preventing a vote.

I want to commend the gentleman on his attempt at deficit reduction through the inclusion of a lockbox in this amendment. However, that benefit will really mean little on the process unlikely to produce substantial rescissions in the first place.

In other words, the lockbox is a good idea. In other words, we can get some sort of assurance that if rescissions take place, they will not then be subject to the authorizing committee using it for some other purpose, but would in fact go toward deficit reduction. I think that is a useful contribution.

But if there is no insurance we are actually going to get the rescissions, and I do not think there is one with this process, the lockbox really is sort of meaningless.

So because this amendment does little to improve our failed current system of impoundments and maintains the existing bias against spending cuts, I urge defeat of the amendment.

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

Mr. CLINGER. I yield to the gentleman from West Virginia.

Mr. WISE. Mr. Chairman, the gentleman made a couple of points, one of the same points the gentleman from Virginia [Mr. DAVIS] made. As I understand it, it is criticizing our approach on the grounds that a single House, if the President's rescission were defeated in the House, that it would not even go to the Senate.

But is it not also true that in the gentleman's proposal, one-third plus one in either House can deny a majority who would want to override the President's rescission?

Mr. CLINGER. That is right.

Mr. WISE. So the gentleman has a one-House veto, in effect, as well.

Mr. CLINGER. But both Houses would have initially voted by a majority.

Mr. WISE. That certainly is the case.

Mr. CLINGER. We have a guarantee you get a vote. There is no such guarantee in the gentleman's amendment, because it could be waived.

Mr. WISE. The President's rescission is handled as a bill with a guaranteed time within which there must be a vote in the first House it is introduced. If it is introduced in the House of Representatives, it has to be on the floor within 10 days, it must be voted on, up or down, as is the case with any bill. If it fails to get a majority vote, then, of course, the gentleman is correct, it does not go to the Senate.

As I understand the gentleman, at the end of the day, not the majority vote that sends it back to the President, but at the end of the day, assuming the President vetoes the resolution of disapproval, it is true, is it not, that one-third plus one in either House could defeat the will of the majority in both Houses?

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. CLINGER] has expired.

(At the request of Mr. WISE and by unanimous consent, Mr. WISE was allowed to proceed for 3 additional minutes.)

Mr. CLINGER. Mr. Chairman, the gentleman is correct. But I think fundamentally we have a philosophic difference over how tight this provision should be. What we are saying is we want to make it as difficult as possible, as difficult as possible, for this House, which has proven in the past to not be able to restrain itself, to in fact deny the President the ability to cut spending.

Mr. WISE. If the gentleman will continue to yield for another question, I just wanted to make sure it was understood that in our substitute, you cannot be tied up in committee. That if the committee fails to act within 7 legislative days of having received the package, then it is automatically discharged and put on the calendar for the next appropriate time. So there has to be full consideration by the first House at least.

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

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

Mr. SABO. Mr. Chairman, I am just curious. I just thought I heard the gentleman say that the reason for this bill in this form was the inability of the Congress to control appropriated dollars. Is that accurate?

□ 1210

Mr. CLINGER. Mr. Chairman, reclaiming my time, I am suggesting that the Congress, and I think we can apportion the blame on both sides, there has been an inability under existing procedures, certainly under the existing empowerment procedure for us to really effect cuts in spending, reductions in the deficit.

Mr. SABO. Mr. Chairman, if the gentleman will continue to yield, I am curious. I heard my friend, the gentleman from Mississippi [Mr. TAYLOR], speak of this earlier. I am curious what the record is over the last 40 years in terms of requests for appropriated dollars versus what the Congress has appropriated.

If I am not wrong, Presidents have traditionally, both historically and in recent years, whether it be Reagan, Bush or Clinton, they have all asked for more appropriated dollars than Congress has appropriated.

Am I not right?

Mr. CLINGER. Mr. Chairman, that may well be true, but I am suggesting to the gentleman that we are not blameless in this exercise of deficit reduction. As I indicated to the gentleman, we had an event in 1992, where an effort was made to try and deal with 1996 rescissions. We were not able to do that.

The procedures we have now do not let us deal in an expeditious way with the requests to reduce.

Mr. SABO. Mr. Chairman, if the gentleman will continue to yield, so I can understand this bill and the rationale for it here, to give unprecedented power to the President, is that the history is that Congress has appropriated less money than Presidents have asked for.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. CLINGER] has expired.

(On request of Mr. SABO, and by unanimous consent, Mr. CLINGER was allowed to proceed for 2 additional minutes.)

Mr. SABO. Mr. Chairman, Congress has passed as much or more rescissions in total than Presidents have asked for, that in the budget process we have strict spending limits on appropriated dollars.

I am curious if the gentleman could tell me, clearly, where the large growth in Federal spending has occurred is entitlement programs. How does this bill deal with either existing, expanded, or new entitlement authority?

Mr. CLINGER. Reclaiming my time, Mr. Chairman, this bill does not attempt to solve the problem that the gentleman is referring to. I think we all recognize that entitlements indeed are a major cause of the deficit problem we have. But we are, in this bill, approaching discretionary spending. It is a modest start.

Clearly, the entitlement problem has to be addressed. It cannot be addressed in this bill, but I would join the gentleman in efforts to deal with what is clearly the burgeoning problem that we face in this country and the burgeoning problem that is creating the deficits we have which are the entitlement problem.

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

Mr. Chairman, I rise in support of the Wise amendment, and I know that my friends on both sides of the aisle who feel very strongly that for some reason we need a pure line-item veto, pure being defined as one-third plus one minority control, and there are those on both sides that feel that, I want to point out again that that is not what we are voting on in H.R. 2. This is not a pure line-item veto, because it is not being constitutionally imposed.

I respect those who believe that we need to have stronger language than what is perceived to be in the modified version that the gentleman from West Virginia [Mr. WISE] is offering at this moment. I sincerely respect those who believe that the only way we can make this language stronger is somehow to give a President one-third plus one minority. I could not more sincerely or strongly disagree with that.

What some have called a modified line-item veto or what we prefer to call expedited rescission procedure is the approach that many of us have always found preferable, both sides of the aisle. Under this scenario, a President still would be given the opportunity to propose cuts to individual spending or tax items. That is not in dispute with me. That is not in dispute with the substitute before us today. We all agree that any President may go into any bill, including all of the bills. I believe it ought to be entitlements. I believe it ought to be tax bills. I believe it ought to be everything. If we are going to do what we all want to do, and that is make it more difficult for us to spend money, that is, increase the deficit, we ought to, in fact, allow the President to have a more major role in doing so.

The only question is, how much power do you wish to cede to a President. That is it.

Under our scenario, within 10 legislative days after the President sent such a rescission package to the Congress, a vote on that package would be taken. We keep talking about the world as it has been. The world has changed. We are no longer operating under what we used to do.

I do not anticipate we are going to see supplemental bills this thick hurting people's hands when they are dropped on the table. That is not going to happen under the leadership on this side, I do not believe.

If a majority of Members voted to retain fundings—if, in fact, an individual Member chooses to differ with what a President suggests ought to be vetoed, I believe very strongly that an individual Member who differs with the President ought to have the opportunity to get an up and down vote on that individual item. The base bill was amended yesterday with the Thurman amendment to provide that that can happen. If it is a program of the gentleman from Texas [Mr. STENHOLM] in question, if I can get 49 of my colleagues to agree on a separate vote, it will be taken separately. That is now in both bills.

But if the remainder of the rescissions were approved by a simple majority of the House, the bill would then be sent to the Senate for consideration under the same expedited procedure.

I want to put a little historical perspective to this amendment, because I certainly do not want to stand here and take partisan credit on behalf of the Democratic side for this amendment. Because expedited rescission legislation embodies an idea which many Members, both Democrats and Republicans, have fought hard for over the years. Dan Quayle first introduced expedited rescission legislation in 1985. Tom Carper and the gentleman from Texas [Mr. ARMEY] did yeoman's work in promoting this legislation. On the Democratic side the gentleman from South Dakota [Mr. JOHNSON], Dan Glickman, Tim Penny, the gentleman from Virginia [Mr. PAYNE] have spent years, as have Lynn Martin, Bill Frenzel, the gentleman from New York [Mr. SOLOMON], the gentleman from Illinois [Mr. FAWELL], and others, made meaningful contributions to the language that we are now debating.

Of course, the language which we voted on last year was the Stenholm-Penny-Kasich amendment. The deficit reduction prowess of my two cohorts in that effort is almost legendary and deservedly so. Thanks to effort of these and other Members, the House overwhelmingly passed expedited rescission legislation in each of the past 3 years.

I do not in any way intend to imply that all Members have supported expedited rescission to the exclusion of, or even in preference to, a pure line-item veto, although this proposal was described a few years ago by the gentleman from New York [Mr. SOLOMON] as a tremendous compromise that this House can support overwhelmingly on both sides of the aisle. My friend from New York has always made it clear that he prefers the one-third plus one approach. And again, I say to those who prefer giving the President that much power on any individual item in the budget, I respect that. But I differ strongly with that view.

The CHAIRMAN. The time of the gentleman from Texas [Mr. STENHOLM] has expired.

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

Mr. STENHOLM. What I am saying is that in an overwhelmingly bipartisan way, Members have stated, through their words and their votes, that the expedited rescission procedure is a very good one, and I believe much preferable to the base bill. We must bring greater accountability to the appropriations process and the tax benefits process so that individual items may be considered on their individual merits.

The current rescission process does not make the President or the Congress accountable. We all agree on that. Congress can ignore the President's rescissions. The President can blame the Congress, Congress can blame the President and nothing happens. But my friend from Massachusetts a moment ago, I believe, misunderstands H.R. 2. Because under H.R. 2, I will submit to my colleagues, there is not greater deficit reduction that will occur because under the base bill, if the President chooses to line-item veto *x* amount of spending and the Congress does nothing, that is, lets it take effect, the deficit is not removed because the caps on spending are not changed under the base bill.

□ 1220

Therefore, even though Members say it is much preferable, I believe a close examination of the language will show that the Wise amendment is much preferable if Members are interested in getting the deficit down by removing and lowering the caps.

Another area in which the Wise amendment is much superior to H.R. 2, if Members are concerned about getting the deficit down, is the fact that we only, on tax items, say that there is a 10-day period in which it must be acted upon. Any other spending, the President can do it at any time during the year, not within a short period of time immediately following the appropriations process.

If Members are really serious about getting the deficit down, which this Member is, it seems to me we would want to allow the President to go into these bills at any time and rescind at any point in time those spending measures. That seems to be preferable to only having to do it within a narrow window.

I do not understand how H.R. 2 can be submitted as being stronger than the

Wise amendment when in both of these cases I think a fair examination would show that the Wise amendment is in fact much stronger, if Members are concerned about letting the President go in and veto the unnecessary spending items that we all agree need to be done. The general public is fed up with finger pointing.

I guess I would just like to say in conclusion, Mr. Chairman, the only area of major disagreement that I have, and I think the debate last night on the Skelton amendment suddenly focused a lot of people's attention on what we are talking about, do Members really want to give any President the right to go into any bill, line item, and then only have to get one-third plus one of the Members of this body to agree? Is that really what we want to do? Do we really want to change the separation of powers to that extent?

What we are saying in this substitute, let us let any President go into any bill, veto as much as he wishes to do, send it to us, and we must vote, we cannot duck, we must vote on those particular items. If it turns out to be one of our favorite programs, then we must get 49 of our colleagues to stand up and separate, so we vote on that individually. If it is CHARLIE STENHOLM's favorite project, and I cannot get 50 percent of my colleagues to agree that money ought to be spent, it is gone, period, teetotaled.

Therefore, I think it is very important that in this debate we understand and we read this legislation, because there is a gross misunderstanding of how strong H.R. 2 is for accomplishing the goals that we are all saying.

I believe, upon an honest examination, the work of people going back to Dan Quayle in 1985, and going through a bipartisan effort since 1985, will show that the language in the Wise amendment is much preferable if Members really and truly want to get on with line item vetoing individual appropriation bills, out of appropriation bills, and also going further in the area of tax and even into the area, perhaps some day, of entitlements, et cetera. That is not in the amendment before us.

Mr. Chairman, I ask Members again, do they really want to change the power of the Constitution regarding the separation of powers? That is the only honest-to-goodness argument my colleagues on this side have, and some of my friends on this side.

The only honest difference between the two is whether we want one-third or 50 percent. The rest of it gets pretty hazy. In fact, I will submit again and again, and be glad to discuss privately, why H.R. 2 is weaker than Wise if Members in fact want to accomplish the goal of lowering the caps and lowering expenditures by congressional action.

Mr. JOHNSON of South Dakota. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank the gentleman from Texas [Mr. STENHOLM] who has very ably explained the complication, the difficulty we have with the two-thirds vote.

If in fact this Congress appropriated specific funds for a weapons systems or for a defense appropriations purpose and the President line-item vetoed that expenditure, the President plus one-third and one vote would in fact overrun the will and the priorities of this Congress. The same could be said for any area of the Federal budget.

However, let me say that while all of us are here on the floor today ostensibly to talk about ways to reduce the size of the Federal budget deficit, it distresses me that as this discussion has gone on, it has become very apparent that there are those on the other side, on the Republican side, who have consistently said ''Let's subject children's and veterans' and senior citizens' programs to reductions in spending,'' but have been unwilling to subject special tax favors that benefit largely the very wealthy contributors to Congress to the same kind of discipline. I think that is unfortunate.

Here we are again, talking about ways to save money, to reduce the size of the deficit, when in fact the tax favors contribute as much to the deficit as any of the spending programs. Therefore, I do see this as a one-sided debate. Even so, however, I think it is important that we go forward as best we can.

Mr. Chairman, one of the issues that it seems to me needs greater stress is this reference to the two-thirds vote as somehow being the stronger version. The two-thirds vote approach is not the stronger version, unless we are simply talking about enhancing the power of the President.

If we are talking about cutting spending, the Wise amendment is the stronger version. The two-thirds vote results in a massive shift of authority to the executive branch, of whichever party that President might be.

It will be used, as has often been the case at the State level, not to cut spending but in fact to enforce the budget agenda of the executive. I can imagine President Bush telling Members, individual Members of Congress, that ''Either you support my increase in foreign aid, or you will lose every increase in foreign aid, or you will lose every project in your State.'' I can imagine President Clinton saying ''Support my health care plan, or you will lose every project in your State.''

It is vote extortion that the two-thirds rule permits and in fact encourages. Better that we have the majority vote so the President can lay individual spending items on the table, say ''Congress, if you think this is a good thing to spend money on, you vote up-or-down. Go home and tell your constituents that you took a recorded rollcall vote that you thought that was a good thing to spend money on.''

If the projects in my State are not meritorious enough to gain a majority vote, they should not be passed, but I do not think that a two-thirds vote is the proper shift of power. I think that it is something that this institution will rue for years to come.

The question is, what is pork? I think that is fundamental to this entire debate. Pork is not something, a budget expenditure, the Congress favors over the President. A pork item is a project that is nonmeritorious, that would not stand on its own two legs. It would not stand a majority vote.

What we are saying is let us cut them out. Let us have an opportunity for a recorded rollcall vote. Let us put the spotlight on them, so we reduce that kind of spending, and yet at the same time not give the authority to the executive branch, whether it be Republican or Democrat, to extort, to coerce votes out of the legislative branch. That is what is fundamental in this debate.

Mr. Chairman, what we have here is a debate partly on reducing the deficit, although I think all of us who have looked at the budget carefully understand that pork barrel spending, however it is defined, is a relatively modest part of the problem; although I think we also would agree that if we can save a dollar, we ought to save a dollar, and we need to set about doing that.

But the larger issue is congressional accountability: Will Congress be accountable to the people for its individual spending items? The Wise amendment does that.

The other approach, the two-thirds vote approach, does not result in accountability. It simply results in greater authority for the executive branch to coerce votes for its legislative agenda, rather than for saving money, and rather than for enforcing congressional accountability.

Mr. Chairman, I rise in strong support of the Wise amendment, and encourage bipartisan support for this effort, which I think will be a very positive step in the direction of greater congressional accountability, reducing the Federal budget deficit. This is the approach which passed last year, which stands a chance of passing in the other Chamber. I think it is a badly needed reform.

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

Mr. Chairman, this has been a great debate. These are things that we have needed to talk about for a long time. Going into my eighth year, I have had the opportunity to vote on a line-item veto two times now.

We have passed it in the House of Representatives, but it was blocked in the U.S. Senate. I do not think we will ever have a better opportunity than now. We have our window of opportunity to pass a line-item veto, but which one are we going to pass? Are we going to pass the Wise-Stenholm-

Spratt, which I support, or H.R. 2? In my opinion, the Wise amendment is the best one for us to consider and pass at this particular time.

Mr. Chairman, it took us all the way from George Washington to Ronald Reagan to accumulate a national debt of $1 trillion, and in two administrations, in the Reagan and Bush administrations, we tripled that debt from $1 trillion to $3 trillion.

□ 1230

We saw more spending, or more proposed spending than even what the Congress authorized in those two administrations. We have seen a lot of irresponsibility not only in the presidential administrations, whether they be Democrat or Republican, but we have seen it in the U.S. Congress. All of us are in agreement that we have got to have more discipline than we have had before. But how do we accomplish that?

In my opinion, the modified line-item veto is the answer to many of our problems. Every one of us as a Member of Congress has a laundry list of where we want to cut. Unfortunately, every one of us has a different list. Therefore, we do not cut anything.

Now we have an opportunity, where if we pass some legislation, it goes to the President, and then he has to contemplate, ''Well, do I sign this particular bill or not?'' At least if he finds an area where we have waste and mismanagement, he can send that particular part of that legislation back to the U.S. Congress where he does not have to veto the entire package, and where he can line item and veto a particular part of the legislation, send it back to us where we can then make a determination, are we going to pass it and override it with a simple majority override, or are we going to take a different direction?

But at least we can focus attention in that particular area, and the American people are going to come into the picture. Because even with a simple majority override, the American people are going to speak. They know. They keep up with us. They watch. They know what we are voting on, and they will be able to also influence whether we should vote for an override or not, whether this is waste or mismanagement, and move us toward a balanced budget.

We have already passed a balanced budget amendment in the House of Representatives. Now we have an opportunity to pass the line-item veto. We are doing some great things in the U.S. Congress that I have been trying to do ever since I have been here, long before I knew what it meant when we called it a Contract for America. I did not know what a Contract for America was. Many of those things I will support which I think are in the best interests of America.

Let us support the Wise-Stenholm-Spratt amendment. That is the best approach when it comes to having a modified line item veto, and what the American people need and want to bring about some fiscal discipline once and for all.

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

Mr. Chairman, first I rise in support of the amendment offered by the gentleman from West Virginia [Mr. WISE], my distinguished colleague. But I recognize, as everyone in this Chamber recognizes, this amendment will fail, because that is not the nature of how this House is presently organized.

So my remarks will go to the result of what will happen here.

We are now in the final hours of our discussion and debate on the issue of the line-item veto. I would like to place this action in some kind of stark reality.

Mr. Chairman, what we are about to do today and on Monday is going to, for the balance of our lifetimes, every single person in this Chamber for the balance of our lifetimes, we are changing the nature of American Government. And more people are probably watching a murder trial at this very moment than are paying attention to what we are about to do to the very fragile notion of the balance of power that has made this Government a shining light of democracy throughout the world.

Mr. Chairman, first to the issue of vetoes generally.

When the Founding persons, the Framers of the Constitution, the people who discussed and debated night and day for weeks and months to come up with our form of government arrived at a discussion of the power of the President to use a veto, they never, Mr. Chairman, anticipated that the President would use the veto as an ongoing regular instrument of governance, but that the President would use the veto rarely, only on rare occasions when the President really believed that the fate of the Nation and that the health of the people was in some way endangered; and that when the President on those few occasions used the veto, it would require two-thirds of the body of the direct representatives of the people, the Congress, to overturn that.

When you read the Federalist Papers, you understand that the Framers did not want the President to use the veto on a regular basis because it would change the nature of our government.

You ask the American people: What is the basic principle of American democracy? It is majority rule, 50 percent plus 1. The sad reality is that many American people are not even aware of the fact that it takes two-thirds to override a veto. If you do not believe me, call some town meetings, and you will be shocked at the level of sophistication about this issue, when people said, ''Wait a minute. You mean it takes two-thirds to override a veto?''

Absolutely. And if you have a combination, Mr. Chairman, of a President willing to aggressively use the veto as an instrument of governance, you can govern this country by what I refer to as the tyranny of the minority, because with a President willing to aggressively use the veto, one-third plus 1 can dominate the American political processes. Dominate it.

Now we are talking about a line item veto which guarantees that veto will be used as an ongoing instrument of governance. Ongoing. Vetoes would now be in our lives with even greater flair, greater drama, and greater impact, giving one-third plus 1, not a simple majority, the ability to shape policy, Mr. Chairman.

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

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

Mr. DELLUMS. Mr. Chairman, we are now giving the President of the United States, irrespective of party, power far beyond that contemplated by the persons who framed the nature of this Government. Far beyond it.

But we are going to do this. As I understand the symbolism, we are going to do it by 2 p.m. on Monday, so that you give this legislation as a gift to a former President.

Here is the greater danger. Once you do it, Mr. Chairman, it is not going to ever be undone. The American people need to wake up to the reality that this Government is being changed at such an extraordinary, fundamental level that any reasonable thinking human being should be disturbed by what we are about to do.

Let me tell you why we will not change it. Two years from now, another group of people will come in here. Suppose someone says, ''My God, we gave the President this enormous power. Let's write a bill to rescind it.'' Do you think any President will give back power once you have given it to that President? They will veto it. And guess what? One-third plus 1 can kill it again.

So understand, Members of the Committee you are changing American Government for all time. For all time.

Yesterday someone offered an amendment to put a sunset provision in the bill. Let us stop this madness in 5 years if it does not work.

□ 1240

Vote that down so you do not even have an instrument to recapture the beauty and the magnificence that made this Constitution and this Government as framed by the founding persons, immortalized in the Federalist Papers by what we are doing here. We are rushing to judgment because a campaign promise was made.

I believe in making campaign promises. I do not vilify them, but I have said before, and will repeat again today and tomorrow and after that, that when we move from campaign promise to legislative initiative that has this

kind of extraordinary and dramatic potential impact on the form of this Government, and on the American people's lives, the fundamental contract to the people is that we enter into a thoughtful enough processes to look efficaciously at what it is we are doing.

What is so sacrosanct about 100 days when we are about to change the Government for 100 years? Whatever your politics, left, right, or center, that is not my argument here. I appreciate this system brings us here with different values and principles.

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

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

Mr. DELLUMS. So, Mr. Chairman, we can come and debate and engage each other substantively on the issues. We do not all have to think alike. That is frightening and dangerous anyway. What keeps the body politic honest and flowing healthy is when there are competing ideas. I can appreciate that.

But the one place where we ought to come together and stand shoulder to shoulder and hip to hip is any time we contemplate changing the Government that has brought us over 200 years to this moment.

Mr. Chairman, I know that my colleagues are going to do this thing, and my only hope, my only hope is that enough American people will awake even to the reality that their lives have been fundamentally altered, because their representatives, their responsibilities have been fundamentally changed, the Constitution has been fundamentally altered, the balance of power has been fundamentally altered, and if we ever want to establish an imperial Presidency and impotent Congress, wait until 2:30 on Monday, and that is exactly what we will have and it is frightening and disturbing.

I am happy to engage any Member on this floor in a debate on the critical nature of what we are doing.

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

Mr. Chairman, we have had a constructive debate, and many of the points that our colleague from California emphasized have been brought up in the course of amendments.

This side is disappointed that many of those, all of those amendments really were defeated. Many of them were not even fully considered by most of this body.

We just killed an amendment, the gentleman from South Carolina [Mr. SPRATT] and I had to apply the line item veto to tax bills as well as appropriation bills because those Members who have been around for any period of time, particularly in the last two terms, are aware that anything that is in an appropriations bill that could be considered pork gets subjected not only to the scrutiny of the Committee on Appropriations, but invariably we have to debate it and vote on it on this floor.

Not so with tax bills. Tax bills are replete with special provisions. Newsweek this week pointed out the fact that this is the biggest loophole, and yet a provision to subject tax bills to the same kind of scrutiny was killed in committee, and just this morning killed on the floor.

I offered an amendment to try to protect the separation of powers, reminding our colleagues that the people that served in this body in 1939, and it was an overwhelmingly Democratic Congress and obviously a Democratic President, passed a law designed to protect the judiciary. This line item veto essentially repeals that law.

When President Roosevelt could not pack the Court and the Court would not go along with his New Deal, he started cutting out bailiffs' money, he started cutting the money for Court clerks, he took away their travel funds. He punished them. He used the power of the Presidency, which, in fact, was too much at that time in the view of the legislative branch, and so it passed a law saying that the executive branch has to pass through whatever request is made for the judiciary. The legislative branch, which does not litigate before the Supreme Court and thus does not have that conflict of interest, knowing that the Justice Department brings more than half of the cases before the Supreme Court and has a clear conflict of interest, it has to pass it on to the legislative branch, and the legislative Appropriations Committee does whatever is necessary.

We are talking about a very small amount of money. We are not talking about busting the budget, we are not even talking about any courthouse construction, just small items that allow the Supreme Court to function. But now all of these items are subject to line-item veto.

That was a mistake. When President Eisenhower called Chief Justice Warren and suggested to him it was not time to desegregate the schools and Chief Justice Warren said well, I am going to do what I think is right, he had that independence because he knew there was no way that the President, the executive branch could punish him if he did differently than what the executive branch offered.

But now we are going to repeal that, we are going to give extraordinary power to the executive branch.

I worked for President Johnson, and for President Nixon, and I was on the staff of the Senate Committee on Appropriations during the terms of President Ford and President Carter.

I know that President Ford and President Carter would have observed the basic principle of separation of powers. They probably would not have abused the line-item veto. But let me tell my colleagues that President Nixon would have, in my opinion, and President Johnson, because he knew where everything was buried or he knew every project that had gotten through the Senate, every special tax provision, he would have abused it outrageously.

I think we ought to recognize the threat to the fundamental principles that our forefathers put into the Constitution, the fundamental principle of separation of powers.

That is why this kind of amendment is so important, this substitute amendment, because it preserves some balance. The bill that is invariably going to get enacted because this side is marching in lockstep now, does fundamental damage to the basic structure of this Government.

I would just conclude by saying one last thing.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. MORAN] has expired.

(By unanimous consent, Mr. MORAN was allowed to proceed for 1½ additional minutes.)

Mr. MORAN. Mr. Chairman, no one in the 21st century even, which is about to occur within another 5 years, no one is really going to remember our faces or our names or even the words that we utter here on the floor of the House. But they will remember what we did, because it will affect their lives.

We represent the most prosperous nation on Earth, the freest nation on Earth, the Nation that has the most respect for human rights, for civil rights, a legislative body that people all over the world are coming to study. All these emerging democracies come over here to see how we operate. We are a model for the world, we are a model for the 20th century. We should be going into the 21st century building upon our strength and not eroding it, as this bill does.

□ 1250

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

Mr. Chairman, we are in a crisis in this country, and that crisis is one of fiscal irresponsibility.

We talked about campaign promises, the gentleman from California did, and he is exactly right, because there are three constituents back in my district, my three children, that I have a great responsibility to now.

And we are hearing all sorts of rhetoric from the other side, but there are really two discussions going on on the other side, and I would just like to possibly get some clarification on those, the first of which is that this proposed line-item veto will give two-thirds majority veto power to the President, and that will be too much power. But in the campaign, as I ran against a Democrat incumbent, I was told through the media, through my opponent and from the Democrat Party in general that the reason why my children have such a burden on them is because of 12 years of Republican rule, because for 12 years Republican Presidents spent too much money.

So let us just back up one moment to the Constitution. The Constitution gives the appropriating powers to the U.S. Congress, and if the Congress chooses not to appropriate funds, those moneys are not spent.

So my question is this: As we hear that this will give the President too much power, is this more power than supposedly Ronald Reagan had, more power than supposedly George Bush had to control spending and, therefore, put my children's future in graver risk? Or was it incorrect on the campaign trail, which at times we all tend to get a little verbose on the campaign trail, but was it not true that it was the fault of the appropriating body, according to the Constitution? Was it the problem of the appropriating body that my children have this debt?

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

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

Mr. OBEY. Mr. Chairman, it seems to me that anybody who was here at that time ought to admit that it was a failure of both institutions, the Congress and the President. But I would make quite clear, if the gentleman would bear with me, the fact is that since the Impoundment Act passed, or since the Budget Act passed, in 1974, the Congress has spent $20 billion less, less, than Presidents asked us to spend.

Mr. HOSTETTLER. Reclaiming my time once again, $20 billion less. But how much more in debt? How many times was the debt limit raised?

The CHAIRMAN. The time of the gentleman from Indiana [Mr. HOSTETTLER] has expired.

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

Mr. HOSTETTLER. Mr. Chairman, how many times was the debt limit raised as a result of a majority vote of this House?

Mr. OBEY. If the gentleman will yield further, I was here in 1981. I offered the major alternatives to both the Reagan budget and the Democratic budget, because I thought that both of them broke the bank. Our substitute, which a majority of Democrats voted for, borrowed less and spent less than any other alternative before the body.

I do not think it is useful to get into who shot John in the past. But if the gentleman wants to do that, the record is clear.

Mr. HOSTETTLER. No. But we have today shot John once again in the past. I am not running in lockstep, as you all know, with this side, but what we must do is we must give the President the power, since this body has proven time and time again that it cannot do that. We must give the President the power that was supposedly given to him, according to the campaign rhetoric that was there, and if that is the case, then we will bring fiscal responsibility to this Federal Government, and we will not continue down the same path. That is why we need to give this two-thirds power, not because we are giving overwhelming power to the President, but because we are in a crisis, a fiscal crisis.

Mr. OBEY. Mr. Chairman, I ask that the gentleman from Indiana [Mr. HOSTETTLER] be allowed 2 more minutes.

The CHAIRMAN. The gentleman from Indiana has time remaining.

Mr. HOYER. Mr. Chairman, I ask unanimous consent that the gentleman from Indiana [Mr. HOSTETTLER] be granted an additional 5 minutes.

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

There was no objection.

Mr. OBEY. Mr. Chairman, if the gentleman will yield further, let me simply say I respect the gentleman. I respect the vote he cast last week.

But I want to tell you the same story I told in the Committee on Rules.

The reason that I believe it is so critically important to have majority rather than two-thirds decide this issue is because I think the most fundamental threat to the long-term liberty of this country lies in the unchecked use of Executive power, and I want to give you an example.

I told the Committee on Rules that when I was in the State legislature back in 1968 and I was passionately supporting Lyndon Johnson's reelection, I wrote a letter to the President and simply told him that, in my judgment, if he did not do something to end the Vietnam war, that he was going to lose the Wisconsin primary.

Hubert Humphrey came to town. I showed him the letter, and I told him I was about to send it to LBJ. Hubert said, ''Let me give it to him myself.'' He said, ''I think you are right on the letter. I would like to show it to him.'' I said, ''Look, I will mail it anyway, because I do not want you to get in a crack.'' He took a copy of it and presented it to the President.

A couple weeks later I get a call from a friend, ''OBEY, what is this job you are being considered for in Washington?'' I said, ''What do you mean?'' He said, ''Well,'' he said, ''we had a Federal guy by here asking questions about you.''

To make a long story short, if you had Federal people asking questions about me, checking me out because I had the temerity to tell a sitting President he was going to lose his seat because of a very important public issue, now, if you have that kind of tendency on the part of any President to use whatever Executive power is around, what happens the next time we have a Mexican loan bailout before us and you have a two-thirds requirement to overturn a President's decision? And that President goes to you, or me, and says, ''If you do not vote for that proposition, that $40 billion proposition, I am going to yank every single thing out of your State, and I have got one-third loyalists in this House, and, baby, you will not get a dime''; it will destroy the uniqueness of this Congress.

Mr. HOSTETTLER. Reclaiming my time, the point is that we are in a crisis; this body. You, sir, there is no doubt that you have the responsibility to the Constitution and to your constituents, but this body as a whole has shown time and time again it does not have that responsibility.

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

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

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

What we are trying to do is the Presidents, the early Presidents, had the right of a two-thirds majority to control that, that a bill came to them as a single bill. Now we have got hundreds of bills wrapped up into one. Jefferson and Lincoln and the Presidents had to have a two-thirds vote to override their veto, and that is all we are asking under this.

And, second, we have precedents by our Governors having the same kind of a thing, and it has been very successful.

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

I would appreciate it if the gentleman from Indiana will stay, because I think he has brought up a tremendous question, a very, very important question, and I think it requires some analysis of history.

When you talk about the crisis that we are in, I am not sure that everyone can appreciate, or whether you appreciate, where we are relative to where we have been in the past. I know the gentleman from Indiana probably was not born at the end of the Second World War. I assume that.

Well, at the end of the Second World War, do you know what the debt of the United States was? Well, I mean, if we can just have a give and take.

Mr. HOSTETTLER. Proportionately it was much greater. You are right.

Mr. KANJORSKI. The debt at the end of the Second World War was $350 billion. Do you know what the present value of a 1994 dollar is relative to a 1945 dollar?

Mr. HOSTETTLER. Substantially higher.

Mr. KANJORSKI. It is about 8 cents. So that means the dollar has deflated by 12 times. So if you will multiply $350 billion by 12, you will find today that the debt of the United States is about equal in amount, in dollar amount, real value amount, as it was when we came out of the Second World War.

Now, I have been here for 10 years, and I have heard my friends on the other side talk about debt and dollars and failed to relate real dollars and real debt.

And I want to point out that the magnificence of what happened from 1945 to 1980 was that this country reduced the real debt of the United States by more than 60 percent, even

though in 1980 the dollar debt of the United States was $800 billion. Its real value, relative to 1945 terms, was about $100 billion.

□ 1300

We brought that down 60 percent under a Democrat-controlled Congress from 1945 until 1980. Ronald Reagan entered the Presidency and sold the American people on a campaign that he could double defense expenditures, he could reduce taxation on the wealthy of this country, coming down from 70 percent to 28 percent ultimately during his administration, and he could balance the budget.

He did keep two of those promises. He doubled the defense expenditures of this country. Even though Russia in every study in the 1980's was shown as ready to collapse, we still doubled our military expenses. He also cut the income tax on the wealthiest corporations and the wealthiest individuals from 70 percent to 28 percent. He did make one little error, one little error: He took the debt of the United States from $800 billion to $4.2 trillion in his term of administration of office.

I hear people relating all these dollar terms, you talk about crisis. I want to make sure that you understand that the debt of the United States coming out of the Second World War was about $350 billion, about equal to our debt today. The only difference is that the population of the United States in 1945 was 120 million people and today the population of the United States is about 260 million people. The number of corporations and businesses existing in the United States in 1945 were less than one-fifth of what they are today. So when anyone in America today, and my conservative friends on that side are talking about dollars and dollars, 1995 dollars and 1945 dollars, they are talking about grapefruits and grapes in size. You cannot have an intelligent, intellectual discussion in finance or economics when you do not come down to real values. So if you say we are in crisis today when we have more than twice the population, we have five times as many eceonomic enterprises in the United States, then I cannot imagine what terms you would use in a description of 1945.

The fact of the matter is America is the wealthiest nation on Earth and up until the last 10 to 15 years its population has been benefiting from the increase in productivity in America, but it has stagnated. It has stagnated because of many situations, most of which is the advent of the global market.

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

Mr. KANJORSKI. I am happy to yield to the gentleman from Illinois.

Mr. LAHOOD. I thank the gentleman for yielding.

Mr. Chairman, the gentleman from Pennsylvania, I am afraid, like a number of other of his colleagues on that side, has been around here too long. What he has just said—listen, I am not trying to——

The CHAIRMAN. The gentleman will suspend.

The time of the gentleman from Pennsylvania [Mr. KANJORSKI] has expired.

Mr. KANJORSKI. I appreciate that the gentleman does not appreciate my tenure in office. But I oppose him making an ad hominem attack on the House floor.

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

Mr. KANJORSKI. Mr. Chairman, instead of an ad hominem attack on the floor, let us assume we are both freshmen here.

Mr. LAHOOD. Let me finish here, let me finish.

Mrs. COLLINS of Illinois. Mr. Chairman, regular order, regular order.

Mr. KANJORSKI. Let us talk about the facts and the figures that have been discussed.

Mr. LAHOOD. Is the gentleman going to yield?

Mr. KANJORSKI. I am happy to, but I would appreciate that we not get a personal attack because, quite frankly, I enjoy the individual as he represents his State and his constituents, and I think the comity of the House is that we rise here not for personal purposes or political purposes, but to do the people's business. As long as we talk in terms of doing the people's business, I am very happy to yield to my friend.

Mr. LAHOOD. I thank the gentleman for yielding.

First of all, to the gentleman from Pennsylvania [Mr. KANJORSKI], I in no way meant to offend him. If I did, I apologize for doing that.

Mr. KANJORSKI. No offense.

Mr. LAHOOD. Here is my point, sir, here is my point. Those of us just elected in the last election came here with the idea that this institution has not had the discipline to balance its budget for too long and for many, many years.

Mr. KANJORSKI. OK, let us stop there, reclaiming my time. Let us go through the discussion. I will recall my time and respond to that. I know that the gentleman came here with that intention or that thought process. What I am indicating to him, unfortunately the facts of the economic history of the United States do not bear out this case.

Now, if we are really going to talk about what we are doing and what the fault of the Government is, what the fault of the position of the United States is, there is nothing wrong with discussing the true facts and real facts in trying to resolve good policy for the United States to be fiscally responsible. We want to do that on our side of the aisle, you want to do it your side of the aisle. But to constantly discuss grapefruits and grapes because we are talking about 1995 dollars and 1945 dollars or 1960 dollars and trying to lay down some indictment, as I have heard, 40 years of indictment; well, the 40 years that you are indicting, my friend, this side of the aisle presided over a 60-percent real reduction in the debt of the United States and it was only until the election of a President from your party back in 1980 that that was reversed, and it was reversed on a public relations gimmick. He promised the American people three facts and did not keep them.

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

Mr. KANJORSKI. I yield to the gentleman.

Mr. LAHOOD. I thank the gentleman for yielding.

Mr. Chairman, the results of the last election speak volumes. May I finish, sir? Thank you. The results of the last election speak volumes in terms of this particular issue. Many of us were elected on the idea that this institution has not had the discipline to balance its budgets for whatever reasons. Please let me finish, sir, make my point, and then you may continue, sir.

We believe the way to bring discipline to the institution is to pass a balanced budget amendment, to give the President the line-item veto so that when we have these monumental bills that some have called Christmas trees, where we all load up with our special projects—and it has gone on for years on both sides of the aisle, not just your side but on our side, too—that there is a mechanism in place to deal with it. That is my point.

Mr. KANJORKSI. I reclaim my time, and I will yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman for yielding.

Mr. Chairman, let me make something very clear: I am going to offer an amendment here very quickly, I hope, that will enable us to get at every single project that was adopted last year. But I want to point out something to the gentleman: There is not a single earmark that was added under our congressional processes that has added one dime to the deficit because, as the gentleman very well knows, every subcommittee that comes out on this floor, every appropriations subcommittee comes out under a fiscal cap imposed by this institution under the 602(b) allocation.

The CHAIRMAN. The time is controlled by the gentleman from Pennsylvania [Mr. KANJORSKI], who needs to remain on his feet.

The gentleman may proceed.

Mr. OBEY. As I was trying to say, every single earmark, because of the fact that every single subcommittee comes to this floor under a fiscal cap, those earmarks are provided at the expense of other spending, but do not add one dime to the deficit. If you want to take a look at the root cause of the deficit—you can argue about the propriety of those earmarks, and I will share the gentleman's concern about many of them—but you cannot, with a straight face, suggest that they have added to the deficit because under the

budget rules, which we all helped write, they do not do that. They do not do that. They simply come at the expense of other spending. That may not be good practice, but it does not make the gentleman's point.

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

My colleagues, let me begin with the obligatory statement that I, too, support the line-item veto. I happen to support it in the manner in which it is before us now rather than in the basic bill. That is what I voted for a year or so ago and most of my colleagues in the House, both Republicans and Democrats, voted that way likewise.

My colleagues, if Rip Van Winkle fell asleep a couple of hundred years ago and then reawakened in this gallery anytime during the last 30 days, he would probably believe that he has awakened as a witness to America's second Constitutional Convention. He probably would not recognize this as a Congress legislating individual laws, but rather as a convention either mightily tinkering with or dramatically changing the basic law of the land. But it is not Rip Van Winkle's ghost I want to talk about for a couple of minutes; it is James Madison.

On that May 3d day 208 years ago, James Madison entered the city of Philadelphia, a city of 40,000 people back than, along with several, in fact, several dozen of his colleagues. Elbridge Gerry, whose descendant was standing in the corner just a few minutes ago, George Mason, Colonel Mason, and others. They were attacked by radicals of the day, led primarily by Patrick Henry.

□ 1310

Mr. Chairman, their work, when they finished it, the Constitution of the United States, is perhaps understandably still attacked today. It is attacked continually by the extreme left, by those who say that it excludes ordinary individuals from participation in their government.

Likewise, Mr. Chairman, it has been attacked, as it has been continually during the past 30 days, by the extreme right in this House because they believe that it has created a strong central government that stifles liberty.

Those are the same attacks that were leveled against Madison and his colleagues 200 years ago.

Most Americans understand what the Constitution of the United States is. It is a basic rule of law. It is not a treaty from which one party or the other can withdraw at their convenience. It is not a set of agreements which swing is the political wind and can be altered according to the latest polling results. It is our principles. It is the principles that have been duly established and carefully preserved; yes, on the floor of this House at the cost of the seats of some of the Members in the past who have fought to preserve it. It is to be changed in whole or in part with the greatest care and caution.

While I would not be arrogant enough to presume what James Madison would say were he allowed to stand in the gallery and give us his thoughts over this last month, I think he would say, ''Be careful. Be careful because you are tinkering with the political law of gravity, and when you alter it, you risk throwing out of orbit those items of stability that have kept America connected, and at peace, and sound and whole.''

Mr. Chairman, it is not our economic might; it is the simple set of principles on that piece of paper that continues the stability of this Nation. It is the center of our political gravity, and James Madison would probably look on a supermajority required to legislate; yes, even to overturn the power of a President; as changing that gravitational pull, one branch of government to the other.

As I said, I would not be arrogant enough to say what James Madison might say, so let me say to my colleagues what the gentleman from Montana [Mr. WILLIAMS] might say:

Be careful, be careful, be careful.

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

Mr. Chairman, members of the Committee, I traveled to Paris, France, once in my life—on my own ticket, by the way—and, as a Cajun in Paris, Mr. Chairman, I discovered something that I have had to remind myself about frequently in the course of my life. We Cajuns call a truck a trook. The Parisians call it a camionner. When a Cajun wants to agree with someone or indicate that someone has said something he agrees with, he says, ''tu kar ray.'' It is just sort of a Cajun French-ized expression of ''You're right.'' In French they say, ''Vous avez raison.''

I came to understand, as I struggled to communicate with my fellow Frenchmen in ancestry that, while we spoke the same language, we had a little trouble understanding each other in that same language, and so it is with the English language. Many of us rise today to support the concept of a line-item veto. We believe, as our Constitution provides, that a supermajority of the Members of this body ought to be had to override a President when he vetoes an act of Congress. That is in our Constitution right now, and we believe that that extraordinary authority ought to be extended when this Congress is irresponsible enough to overspend its budget.

So, Mr. Chairman, this amendment comes before us today, this bill comes before us today, in its present form that says the President can use the line-item veto now in extension of the veto authority given to him by the Constitution. ''The line-item veto to reduce the deficit''; that is the language in the bill. In short it says, ''If the Congress is irresponsible and does not balance the budget, the congressional grant of authority to the President is to use the line-item veto to enforce responsibility to bring that deficit down.'' The bill does not say, as do a few States of our Nation, that that authority belongs to the Governor or this President even when the Congress is responsible.

That is a serious change of law, a serious change of the balance of power between the Executive and the legislative branch.

I say to my colleagues, ''We have checks and balances in our Constitution. If you extend the power of the President to line-item veto anything, even when the Congress has been responsible and balanced the budget, you no longer have checks and balances. You got checkmate and imbalance.''

So, Mr. Chairman, I suggest to my colleagues that the question of whether they want the President to override the—I mean the Congress to override the line-item veto by a two-thirds majority or by a simple majority, as in the amendment before us, depends mightily upon whether or not the bill, in its final form, will remain a bill that gives the power to the President to line-item-veto items that constitute deficit spending, or whether my colleagues want to go further and give the President that power even when the Congress is responsible enough to balance the budget.

Later on in this debate I am going to suggest to the Congress an amendment to this bill that would further enforce that notion.

I must apologize. I confused a couple of analogies in this graph. Bear with me. It is called the glidepath amendment to this bill. It is called the glidepath amendment because like an airplane coming in for a landing it follows a glidepath, and that is what we are obliged to do to get to a balanced budget by the year 2002. If we stay on the glidepath, on the CBO-projected numbers each year of how much deficit we are allowed to incur, as we reach the balanced budget amendment date of the year 2002, Mr. Chairman, we will land safely. As to this football field, we score the touchdown. Hence my two analogies.

What I am going to suggest to my colleagues, and I hope that all of us really think about this, is that, if this bill is truly a bill to enforce responsibility on the Congress, if it is truly a bill as are the bills that were passed in 33 of the 43 States that give line-item authority to their Governors, then this amendment is vitally necessary. Why? Because in the 43 States which give line-item veto authority to their Governor, three out of four of those States say that authority is limited to the line-item vetoing of items that constitute deficit spending. In our case, unlike those 43 States, we cannot, and my colleagues know it, I know it, produce a balanced budget this year. We cannot do it without enormously destroying entitlement programs,

many of which, like Social Security, none of us want to hurt.

□ 1320

So it will take us time. We all know it. That is why we passed the balanced budget amendment that gives us this glidepath to the touchdown at the year 2002.

If we know that and are honest and realistic about it, what is the responsibility of the Congress during the years in which we work toward that touchdown of a balanced budget? The responsibility is to stay under those CBO numbers. If we do not, we will not reach this goal. If we do, we have been responsible according to the balanced budget amendment we passed.

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

Mr. TAUZIN. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

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

Mr. SOLOMON. Mr. Chairman, reserving the right to object, and I probably will not object. Let me just take this opportunity to say to my good friend that I know we have been on this amendment for a number of hours now. We wanted to try to rise by 3 o'clock. There is a snowstorm coming. It is hitting out in the Midwest right now in the Chicago area and heaven knows where else.

We have a number of amendments we have to get through, no matter what time it takes. I will say to my good friend, the gentleman is debating his amendment which is going to come up a little later. We just have to move it. Participation on this side is necessary, but let us be as brief as we can and get to final passage of this amendment.

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

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

Mr. TAUZIN. Mr. Chairman, I am not yet debating this amendment. I am saying if we do not adopt this amendment later, we ought to vote for the majority override that is before us.

Mr. SOLOMON. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

Mr. TAUZIN. Mr. Chairman, the bottom line is if you are going to pass a bill that gives the President line-item veto, even when this Congress has been responsible, you are creating all of the problems that many have risen to the mike and spoken about today and yesterday. You are creating the problems of a President who has the authority to cajole, coerce, in some cases even politically blackmail Members of this body, even when the Congress has been responsible.

Now, if you want to give this Congress the same power legislators have to protect against that, and at the same time you want to use a line-item veto as a tool to enforce congressional responsibility, to enforce the balanced budget amendment we recently adopted, this kind of an amendment will do it.

On the other hand, if this bill is changed, as it may be changed, to go beyond deficit line-item reduction by line-item veto, to go beyond that point, then maybe you better consider the majority override. That is my point today.

I will support a two-thirds majority override as long as the line-item veto is like the three-quarters of our States provide, designed to protect against irresponsibility on the part of the legislature, designed to guarantee line-item veto authority to the Governor or the President for any deficit spending beyond the area of responsibility, as in this case beyond the CBO numbers and eventually beyond the balanced budget requirements of the Constitution.

This will come up later. But I caution you, if this bill is changed from a deficit reduction line-item veto into something else, and I am told that amendment may be offered later, then I suggest that the majority override is the right way to go. Perhaps we should get some signal on that before we vote on the amendment pending before us.

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

Mr. Chairman, the question is, majority rule, or minority rule?

This is my voting card. Each of us is privileged to possess one of these. We worked hard for it. It represents a sacred trust, not just between us and our constituents, but between us and all who have come before us in this body and all who will follow.

I was not elected, figuratively or literally speaking, to clip about one-sixth off of this voting card, walk down Pennsylvania Avenue, and throw it over the White House fence. That would be an incredible breach of the sacred trust that every Member of this body should try to honor.

Our responsibility is to the Congresses of the future and to the future generations who will be looking to the Congresses of the future to provide the principal protection against overreaching by Presidents of the United States.

The gentleman from Montana and the gentleman from Wisconsin have given us real reasons to worry about that. This is not some illusory or academic point. The threats to liberty in this country have not arisen here, and they will not. But we should be mindful of the risk that we run by a wholesale transfer of power to the executive branch.

The issue here ought to be one of accountability. The amendment offered by the gentleman from West Virginia [Mr. WISE] meets that purpose. It will put us all on record when we need to be put on record with regard to particular items of spending.

But what we do not need to do in the cause of that accountability is commit an outrage against the Constitution in a wholesale transfer of power, entrusted to us by the Constitution, to the President of the United States.

Let me give one further example of what is really involved here. The budgets sent to this Congress by President Reagan, among other things, proposed, for example, a zeroing out of direct student loans, a zeroing out of aid to public libraries, a zeroing out of Federal-State vocational rehabilitation programs, a zeroing out of college work study, a zeroing out of funding for education for individuals with disabilities.

Had that President had this power, those programs would be gone, because that President would have had the support of a loyal and true one-third plus one, if not in this body, then across the building in the Senate.

This is not some imaginary worry. That is what is at issue here. And if we are to honor the Constitution and to honor our responsibilities and to adhere to our oath of office, the amendment offered by the gentleman from West Virginia [Mr. WISE] meets that responsibility and does not violate the Constitution.

The committee's bill represents a profound breach of our oath and our duty to ourselves and to the Constitution.

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

Mr. Chairman, I rise as one who supported the constitutional amendment to balance the budget. It was the constitutional amendment that did not require, however, an extraordinary majority to pay for what we buy, unlike spending.

The gentleman from Illinois rose and said that he was elected and he thought the American public had responded to a fundamental issue that this body had been fiscally irresponsible. I believe that many voters have been misled to come to that conclusion, and I think it is a fundamental misunderstanding of the facts of the last 14 years in which, as the gentleman from Pennsylvania pointed out, we quadrupled the national debt.

We did so because the President of the United States wanted to buy his priorities, and the Congress of the United States wanted to buy its priorities. And neither the President nor the Congress made choices to bring within revenues its spending objectives.

The gentleman from Illinois again posited that we were here because of congressional irresponsibility and that this rescission bill obviously was a response to that.

It is important for us to remember that for the past 20 years Presidents have asked for $72 billion in rescissions. This Congress over the last 20 years has rescinded $92 billion, more than the Presidents have asked.

So I suggest to the gentleman from Illinois, to the Congress, and to the American public, in fact this Congress

has been willing to do more than Presidents have asked in terms of rescissions.

Now, rescissions are just another way of line-item vetoes, but it does not carry the muscle, which is what the gentleman wants to add.

□ 1330

But his facts do not support it, or at least the facts do not support it.

I want to say also to my friend from New York, who is a very good friend of mine, we agree on much, disagree on some. He wants to move this bill along quickly. I respectfully suggest to him, this bill is not a birthday present. My friend from California referenced that. This is a very fundamental proposition that this Congress is considering.

The minority for the last 40 years in this House is now the majority, but I suggest to them they have not come to grips with majority rule because they, for two previous occasions in their rule on tax increases and on their constitutional amendment, suggest that it ought to be the minority, not the majority, that controls.

And this is the third time that they have proposed that the majority should not rule. That is unfortunate, in a country, as the gentleman from California so eloquently stated, that is the beacon for majorities throughout this world.

Katherin Drinker Bowen wrote of the miracle in Philadelphia in 1787, when the Founding Fathers came together and, like us, had differences. And I am sure that they had great suspicions of what the people might do. In fact, the U.S. Senate was juxtapositioned to the House of Representatives to try to leaven what the people's House might do in fits of passion.

But the fact of the matter is, the Stenholm-Spratt-Wise amendment responds to the concerns of the American public.

What were they? To some degree the gentleman is right. They believed that somehow we were out of control in terms of pork barrel projects. In fact, pork barrel projects are a relatively small portion of the budget, as any fair analysis of the budget will show. But they were concerned about that.

I remember the Lawrence Welk house, the birthplace of Lawrence Welk. Somebody had put in $500,000 to rehabilitate that house and set it aside as a national landmark. Most of us did not know it was in the bill. The American public found out about it and were outraged. We took it out.

I suggest to my colleagues, that is the reason that the line-item veto got a life.

The CHAIRMAN. The time of the gentleman from Maryland [Mr. HOYER] has expired.

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

Mr. HOYER. The American public wanted to say, Mr. President, if you see some projects in there that are not wise policy or not needed or inappropriate to be in appropriations bills, then take them out, Mr. President.

Now, the President of the United States said, ''I don't have that authority. I would have to veto the entire bill.''

And I think that was a good rationale. That is why I am supporting Wise-Stenholm-Spratt, because it says a President can, in fact, take that project out, take that expenditure out and highlight it to the American public and send it back to the House of Representatives in the full light of day, in the open so that the American public can look at each one of us on this floor, 435 of us, and say, I do not believe that was justified or, yes, it was justified and ask us, again, in an accelerated way to vote on that item.

I think that accomplishes what the American public wants without, as the gentleman from California and so many others on this floor have articulated so well, undermining the very critical balance of power between the executive and the legislative branches of government.

Since 1789, no other government in the world, no other form of government in the world has stood as long and as well since that magic day in 1789, when this form of government was adopted and began.

Let us not in an attempt to respond to that relatively pointed concern skew the balance between the President and the Congress to undermine the people's House, the U.S. Senate and, more importantly, the power of the American people.

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

Mr. Chairman, in the rush to pass bad legislation, in an attempt to, so-called, save the budget, again, I want to remind my colleagues that this House for the past 40 years has spent less money than the Presidents have asked us to spend. It has been brought to our attention that things get buried in bills that were never intended to be there. Well, who wrote the bills? And who is in power now? And who can change the system?

For the freshmen, it has not happened yet, but later on this year they will be given the chance to vote on the VA and the HUD appropriation together. I have a lot of veterans in my district; I support them. I do not particularly care for the HUD programs, but they are lumped together. So rather than approaching it and saying, maybe we should separate the bills and have more than just 13 appropriations bills, that let us solve the problem, we are saying, no, we are not smart enough, we are going to give it to the President of the United States.

Well, let me give my colleagues a for instance, since I am talking to my Republican colleagues, how would they like the idea of Bill Clinton on his own deciding whether or not we are going to build any more B–2's at $1 billion apiece? How would they like President Bill Clinton to say, I am going to veto the 20 B–2's in this year's defense budget and that frees up almost $20 billion and if you American people will stick with me, we will spend it on health care? Do they really think they are going to find two-thirds of the Members of this body to stand up to the senior citizens lobby and all the other lobbyists that will be asking for more health care? Because B–2's are built in one congressional district. There are folks that need health care in 435.

Aircraft carriers are built in one congressional district. They cost $4 billion apiece. Do we want to give Bill Clinton the authority to say, if we just kill the next aircraft carrier, I can expand health care by $4 billion. Once again, are we going to pit the gentleman from Virginia [Mr. SISISKY] against 434 other Congressmen, whose people are going to say, give us more health care?

What Members are asking this body to do is to give the President of the United States the authority to dismantle the Defense Department line by line.

The Stenholm approach makes sense, because it makes sense that if a majority in this body thinks it makes sense to build an aircraft carrier, then a majority can put that carrier back in the budget. If a majority thinks it makes sense to put an amphibious assault ship in the budget, then we can put it back in.

But I can tell my colleagues right now, if they search their heart of hearts, they know that there are not two-thirds of the Members of this body who will stand up to the senior citizens lobby or any other lobby when it comes down between a defense program and themselves.

And what we have ensured by the passage of this, if we do not include the Stenholm amendment, is the dismantling of the American military industrial base and, in turn, the dismantling of the world's greatest fighting force.

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

I yield to the gentleman from West Virginia [Mr. WISE].

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

I would just like to say this that this has been a very full debate. I just want to signal to Members, it is my belief, while we are under the 5-minute rule and talking with our side, it is my belief that the gentleman from South Carolina [Mr. SPRATT], who is one of the cosponsors of the Wise-Spratt-Stenholm amendment, will be the concluding speaker, and Members probably should expect to vote within the next 5 to 10 minutes.

In conclusion, I would also like to say that please remember, I want to make sure that we focus on the fact that the Wise-Spratt-Stenholm substitute is a majority rule substitute, not a one-third plus one.

I think that is very significant and needs to be the point that is remembered.

□ 1350

Mr. SPRATT. Mr. Chairman, this is a creditable substitute. Three hundred and forty-two Members of this House said so resoundingly by voting for it. One hundred and sixty-nine of those who cast their votes ''aye'' were Republicans.

How did this provision, this substitute, attract 342 votes, three-fourths of the House? First of all, it works, and second, it is constitutional.

Let me take the second point first. Mr. Chairman, this bill, everyone will admit, is clearly constitutional. That ought to be an important consideration for any bill brought to this floor. We certainly cannot say as much for H.R. 2 as it is presently written.

Last night, Mr. Chairman, the last action we took was to vote on an amendment offered by the gentleman from Georgia, NATHAN DEAL, which will provide expedited review by courts of the constitutionality of this particular legislation. We would not put, and we rarely put such provisions in legislation, except when we have grave and urgent doubts about its constitutionality. Therefore, it is tantamount to admitting that we have abiding doubts about the validity of H.R. 2, its constitutionality. We know we are pushing the envelope. We are taking the delegation of powers doctrine to its outer limits in passing this bill.

Mr. Chairman, we know it, because we do not even know the answers to these basic questions. We will not until the Supreme Court has spoken. Therefore, what we have done, all the huffing and puffing, all the touting we have put into this particular piece of legislation may come to naught, Mr. Chairman, in the immediate future, because there could be a constitutional court challenge to it.

It could be enjoined. It will not even by used by this President. Then it could ultimately be rendered unconstitutional by the court. We do not know if the President can repeal or undo or disenact a spending law or a targeted tax benefit.

It was strongly suggested by the Supreme Court that it took an act of Congress signed by the President to repeal or undo or disenact a law that we have passed, but we are here saying he can do it without our intercession.

We know that Congress can delegate broad powers to the Congress, to the President, to carry out laws that we pass, to enact and execute policies and purposes that we have laid down legislatively. We know we can give him broad discretion to carry out the law, but can we give him, as we purport to do here, the power to cancel out our own purposes as stated in law?

We know we can tell him that he can execute our purposes and policies, but can he eradicate them, erase the, simply thwart them? We do not know the answers to these questions, but we do know this. The substitute before us is constitutional.

Furthermore, and this is vitally important, it works. It gives the President all of the powers to comb through spending legislation and taxing legislation and to cull and clean out things that he disagrees with, that he thinks are unnecessary, unwise, unwarranted. H.R. 2 does this, but so does this bill, just as much.

Second, Mr. Chairman, this gives some additional scope to the President that H.R. 2 does not give him. This substitute goes even further. For example, it allows the President to take rescissions that he sends up and assign them to a deficit reduction account, a lockbox.

In the last election, in the last few months of the last session of Congress, one of the hot and topical issues here was a bill called A to Z. It had a feature in it called a lockbox. You could make spending cuts and have those spending cuts assigned to a permanent reduction in the discretionary spending limit.

For those who supported A to Z, for those who support the concept of a deficit reduction account, a lockbox account, here is you change to vote for it. It is in this bill. As Chairman CLINGER admitted, it is a plus for this bill that is not included in H.R. 2.

There is another huge advantage to this amendment, this substitute. It actually has a scope that is far broader than H.R. 2. That is because, Mr. Chairman, in H.R. 2 there is a very narrow time window for the President to act, 10 days.

This bill literally goes backward and forward. It allows the President to wield the additional item veto authority we are giving him, or rescission authority we are conferring upon him, at any time during the fiscal year, backward or forward at any time, and it will be guaranteed a vote within 10 days in this House and 10 days in the Senate when he sends it up here. Therefore, this particular substitute should not be diminished. It is a powerful tool for subjecting or resubjecting all discretionary spending, all targeted tax benefits, to public scrutiny.

The CHAIRMAN. The time of the gentleman from South Carolina [Mr. SPRATT] has expired.

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

Mr. SPRATT. Mr. Chairman, this substitute moves cautiously, more cautiously, constitutionally, than does H.R. 2, I will admit that, because it leans toward the fundamental concept of our Government, majority rule over minority rule, but it takes us a long stride forward without stepping off a cliff and not knowing where we are going to land.

If we pass this substitute, we can give the President of the United States significant new powers to cull spending, to cut our targeted tax benefits, without tilting the balance of powers between the Congress and the President. Mr. Chairman, I urge my colleagues to support it for those reasons.

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

Mrs. ROUKEMA. Mr. Chairman, I rise in support of the Wise-Stenholm substitute, and I associate myself with the remarks of the gentleman from Texas [Mr. STENHOLM].

Mr. Chairman, at the outset I want to associate myself with the remarks of the gentleman from Texas [Mr. STENHOLM], an author of this amendment. He has very lucidly analyzed the essential elements of this proposal.

I take to the floor this afternoon as a former teacher of history and civics. A constitutionalist, if you will.

We all recognize the genius of the Framers. The Constitution they crafted has stood the test of time. And the foundation of that genius has been the separation of powers and the checks and balances of our three branches of government.

They did not want a king or a dictator or an oligarchy—rule of a few or the minority—controlling purse strings of this Nation unilaterally. So they developed a delicate system of checks and balances. A clear separation of powers. A balance of powers.

I am concerned that H.R. 2 would do serious damage to that balance of power and the principle of majority rule by granting important new powers to the President. And with those new powers come tremendous opportunity for mischief.

The underlying bill here would allow any President, operating in league with 34 Senators, to strip any provision from a bill.

To my Republican colleagues and at the risk of offending my Democratic friends. Can you imagine this power in the hands of a crafty and strong-willed President like Lyndon Johnson?

Mr. Chairman, we are not discussing a genuine line-item veto here today. If we were, we would be debating an amendment to the U.S. Constitution—requiring a two-thirds vote of the House and the Senate and three-quarters of the States. This is a dramatic change, a potential rewrite of the balance of powers and should be subjected to that higher standard of deliberation.

I will support the substitute offered by the gentleman from West Virginia [Mr. WISE]. While not perfect, it will prevent a minority of either Chamber from imposing its will and is perfectly consistent with our serious purposes while focusing responsibility, on the record, and accountability of the public on our spending policies.

The Wise substitute establishes an improved expedited recessions process that will allow each and every Member of Congress to stand up and publicly act on spending and taxing decisions. If that Member can convince 50-percent, plus one, of his or her colleagues of the merit of that item, the Member wins. If not, the President wins and the item is stricken.

From a practical point of view, let me say this to my Republican colleagues. Do we want to give a Democratic President the power to strike items from spending and tax bills when he can simply round up 34 Democratic votes

in the Senate to prevail? Not that the President would do this, but what if he decided to strike only Republican priorities from a defense bill, or a tax bill, or an education bill, or a health care bill. He could succeed with the assistance of 34 Democratic Senators.

Also to my Republican colleagues, this line-item veto is virtually the only proposal in our Contract With America that President Clinton agrees with. Isn't that a sobering thought? Doesn't that tell you something sobering about the balance of powers and why Presidents want that power?

I would add that I am not the only Republican with similar concerns about this potential shift of power. The Senator from New Mexico, the chairman of the Senate Budget Committee, PETE DOMENICI, has expressed the same misgivings and has offered an amendment similar to the one we debate at this time. And he's not alone. It was Senator Dan Quayle who proposed this expedited recession measure a decade ago.

Mr. Chairman, do we actually want to grant the President the power to thwart the will of this institution, no, of this separate-but-equal branch of United States Government? I don't think so.

Vote for the Wise substitute.

Mr. VISCLOSKY. Mr. Chairman, I rise today in support of the Wise-Stenholm-Spratt substitute amendment to H.R. 2. I am voting for this plan because I believe it represents an improvement to the current rescissions process, while preserving the balance of powers that our Founding Fathers so carefully laid out in the Constitution.

The Wise-Stenholm-Spratt amendment requires that questionable spending items stand alone for an up-or-down vote. Projects would have to stand on their own merit and port would have no place to hide. If our goal is truly to eliminate unnecessary spending, I view this as a fundamental improvement to the way we do business.

Under current law, the President has the authority to request the rescission of specific line items. It is Congress' part of the process that is under scrutiny. Once a Presidential rescission is received by the Congress, we have the option of voting. If nothing is done within 45 days, the rescission dies. The Wise-Stenholm-Spratt substitute would fix this problem by requiring Congress to vote on Presidential rescissions within 10 days after their receipt. As a result, the President's hand would be strengthened to control spending, and Congress would be held accountable for our spending decisions.

I do want to caution, however, that the line-item veto issue is somewhat of a red herring. Proponents of a straight line-item veto say that we need it to eliminate wasteful spending. It sounds great, except for the fact that it is not true. The fact is that the Congress rescinds more spending on average than President's request. Indeed, between the years 1974 and 1995, $73 billion in Presidential rescissions have been requested, yet $93 billion worth of rescissions have been passed by the Congress.

Also, there is a fundamental danger in going too far to fix a system that can be improved, but is not broken. The line-item veto legislation encompassed in H.R. 2 goes too far. This bill would require a two-thirds supermajority of Congress to override Presidential line-item vetoes, thereby abrogating majority rule and investing all power in one individual, the President. As a legislator, I am not willing to provide a Democratic or Republican President with power that our Founding Fathers felt were unnecessary.

The Constitution assigned the power of the purse to the people's elected representatives in the Congress. Requiring a supermajority to override Presidential budgetary decisions would be a direct affront to this fundamental principle. It is not wise public policy to amass such discretionary power in one official.

Let's keep the power with the people and pass the Wise-Stenholm-Spratt substitute amendment to H.R. 2.

Mr. MONTGOMERY. Mr. Chairman, I rise in support of the Wise-Stenholm-Spratt substitute. I voted for this measure last year and it passed the House by a wide margin. This procedure will achieve the same thing the line-item veto bill does, but it does so without providing a great shift in power to the executive branch.

I agree the President should have the authority to strike out wasteful and unnecessary spending items in one bill or another, but Congress is still charged with the responsibility of setting spending priorities and I think we should have the chance to vote on these proposed veto items. This amendment requires Congress to vote, on the record, on these proposed cuts. I think that provides a powerful incentive to prevent Members from putting special projects and other pork barrel spending items in these bills in the first place, because they know that the House and Senate could be asked to vote up or down on those items.

There is some question about whether the base provisions of this line-item veto bill are constitutional because they shift too much power to the executive branch. This substitute provides a much more workable alternative that will be a strong tool in controlling Federal spending in the future.

I urge support for the Stenholm-Wise-Spratt substitute.

Mr. RICHARDSON. Mr. Chairman, I rise in support of the substitute. Since the 104th Congress began its work on January 4, we have spent much of our time considering the impact of Government spending on the American people. We will likely spend much of the next 2 years doing the same thing. In repeated polls and town hall meetings, the public has been very clear that they want to eliminate wasteful spending that only helps a small segment of the population. The public does not want to see narrow special interests control Government spending.

Mr. Chairman, I strongly believe that the President should have the power to rescind wasteful spending. But it's also important that once the President flags wasteful line-items and targeted tax benefits, that Congress shares the role of acting on wasteful spending and acting quickly. Several appropriation bills can reach the President's desk at the same time. The President should be able to offer a package of rescissions at anytime and Congress should then act to quickly approve or disapprove of that package.

The approach offered by this substitute preserves the balance of power between the executive branch and the legislative branch, and that is what the public wants. The public wants an efficient government that moves quickly to eliminate wasteful spending. The public does not want a single person or one-third of Congress to be able to protect targeted spending.

I believe it is ironic that at a time when most of the public does not want Washington controlled by a select few with narrow interests, and our colleagues from the other side of the aisle keep talking about spreading power beyond the beltway, that they keep reverting to procedures within Congress that give enormous power to a minority of our Members. Let us do something that makes sense. I urge my colleagues to support the substitute.

Mrs. LINCOLN. Mr. Chairman, I rise today in support of the Wise-Stenholm-Spratt expedited rescission substitute. There's a valuable goal in the line-item veto—to eliminate the practice of burying wasteful spending projects in legislative packages where your only choice is to vote for the entire bill or nothing at all.

But the line-item veto would also give the President excessive power to influence every aspect of the legislative agenda and therefore shift the constitutional balance of power.

Expedited rescission, on the other hand, accomplishes the goal of the line-item veto without fundamentally changing the separation of powers designed by our Founding Fathers. If we pass expedited rescission, everyone in this room is going to have to go on record for or against pet projects. Pork is pork, and I for one have faith that Congress will recognize this when voting on specific spending proposals as expedited rescission would require.

Why should we question the Constitution's wisdom when we can eliminate pork barrel spending with expedited rescission? I strongly encourage my colleagues to support the Wise-Stenholm-Spratt substitute.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from West Virginia [Mr. WISE].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WISE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 167, noes 246, not voting 21, as follows:

[Roll No 90]

AYES—167

Ackerman	Dellums	Hamilton
Baldacci	Dicks	Harman
Barcia	Dingell	Hastings (FL)
Beilenson	Dixon	Hayes
Bentsen	Doggett	Hefner
Berman	Dooley	Hilliard
Bevill	Doyle	Hinchey
Bishop	Durbin	Holden
Bonior	Edwards	Hoyer
Borski	Engel	Jackson-Lee
Boucher	Eshoo	Jacobs
Browder	Farr	Jefferson
Brown (CA)	Fattah	Johnson (SD)
Brown (FL)	Fazio	Johnson, E. B.
Brown (OH)	Fields (LA)	Kanjorski
Bryant (TX)	Filner	Kaptur
Burton	Flake	Kennedy (MA)
Cardin	Foglietta	Kennedy (RI)
Clay	Ford	Kennelly
Clayton	Frank (MA)	Kildee
Clement	Frost	LaFalce
Clyburn	Furse	Lantos
Coleman	Gejdenson	Levin
Collins (IL)	Gephardt	Lewis (GA)
Conyers	Gilman	Lincoln
Costello	Gonzalez	Lipinski
Cramer	Gordon	Lofgren
DeFazio	Green	Lowey
DeLauro	Hall (OH)	Maloney

Manton
Markey
Mascara
Matsui
McDermott
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mollohan
Montgomery
Moran
Myers
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Poshard
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stark
Stearns
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—246

Abercrombie
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Barr
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Combest
Condit
Cooley
Cox
Coyne
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Evans
Everett
Ewing
Fawell
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Luther
Manzullo
Martinez
Martini
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Minge
Mink
Molinari
Moorhead
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Pallone
Parker
Paxon
Peterson (MN)
Petri
Pombo
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Torres
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—21

Ballenger
Bartlett
Becerra
Brewster
Collins (GA)
Collins (MI)
Danner
de la Garza
DeLay
Deutsch
Fields (TX)
Gibbons
Istook
Johnston
Kelly
Largent
Moakley
Sisisky
Stockman
Waters
Waxman

□ 1404

The Clerk announced the following pairs:

On this vote:

Mr. Moakley for, with Mr. Deutsch against.

Mr. Becerra for, with Mr. Largent against.

Mr. Gibbons for, with Ms. Waters against.

Mr. Johnston for, with Miss Collins of Michigan against.

Mr. WARD changed his vote from ''aye'' to ''no.''

Ms. KAPTUR and Mr. STEARNS changed their vote from ''no'' to ''aye.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. KELLY. Mr. Chairman, it was necessary for me to undergo important dental surgery today and, in doing so, I missed two recorded votes on amendments to H.R. 2, the Line Item Veto Act.

Had I been present, I would have voted ''no'' on the Wise amendment.

In addition, had I been present, I would have voted ''no'' on the Spratt amendment.

(Mr. GEPHARDT asked and was given permission to speak out of order.)

LEGISLATIVE PROGRAM

Mr. GEPHARDT. Mr. Chairman, I ask to proceed out of order for the purpose of inquiring about the schedule for next week and the rest of the day.

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

Mr. GEPHARDT. Perhaps, Mr. Majority Leader, I could first ask about the schedule for the rest of today so Members will know when we are probably going to be leaving.

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

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

Mr. ARMEY. We have one or possibly two more amendments we expect to be able to complete today. We are going to try to do that.

In any event, the Members should be advised that we will rise at 3 o'clock today, and hopefully with those amendments completed.

Mr. GEPHARDT. As I understand it, there is an Obey amendment and an Orton amendment that are likely to come next. Would these two gentleman be assured that if we do not finish their amendment by 3 o'clock that we could finish it when we come back on Monday?

Mr. ARMEY. They would, absolutely.

Mr. GEPHARDT. I thank the gentleman. Perhaps I could inquire about next week's schedule.

Mr. ARMEY. Again, if the gentleman will yield, let me first announce the meeting times for the House next week.

On Monday the House will meet at 12:30 for morning hour. Legislative business will begin at 2 o'clock and votes will occur immediately.

Let me also further advise all of the Members that they should expect that every Monday for the remainder of February we would keep to this schedule of 12:30 for morning hour and legislative business convening at 2 o'clock and votes likely to occur immediately, except for Presidents Day.

On Tuesday the House will meet at 10:30 for morning hour. Legislative business will begin at 12 o'clock.

On Wednesday the House will meet at 11 o'clock. On Thursday and Friday the House will meet at 10 o'clock.

On Monday we will return to complete consideration of H.R. 2, the line-item veto.

On Tuesday, subject to a rule, we will take up consideration of H.R. 665, the Victim Restitution Act. Depending upon how that legislation proceeds, we will also consider H.R. 666, the Exclusionary Rule Reform Act, subject again to a rule.

On Wednesday and the balance of the week we will, again, subject to rules being granted, consider H.R. 668, the Criminal Alien Deportation Act, and H.R. 667, the Violent Criminal Incarceration Act.

Again, we would expect to be able to keep our 3 o'clock departure time for the following Friday.

Mr. GEPHARDT. There are two questions or concerns that are being expressed by a lot of Members on this side. The first is by Members on the west coast who have been afforded the opportunity in the past to get here by 5 o'clock on Monday, and if the gentleman is saying we are going to be starting at 2 o'clock on every Monday in February, this really is a difficulty for many of them on being able to get here. I was wondering if perhaps we could plan to work later on Monday to accommodate their schedules?

Mr. ARMEY. I appreciate that observation and there is no doubt the concerns for the west coast Members have been taken into consideration. Nevertheless, we do have a big change and a heavy schedule. Hard work is required and, in our judgment, it is necessary to begin at 2 o'clock on Mondays whenever possible through February to complete that work.

The only solace I can offer is that the contract period is for a finite period of time, 100 days. When the 100 days is passed, certainly we would be able to give much more consideration to the west coast commuters.

□ 1410

Mr. FAZIO of California. Mr. Chairman, I appreciate the gentleman yielding.

I simply wanted to say it is not really a question of hard work. I think the Members want to be able to spend some of their time working hard in their districts. There are many of us who are going to have to leave and really give up our Sunday efforts in the district, and I know that will not necessarily be the impact on many of our colleagues.

So I wanted to see whether or not we could continue the practice that got us to this point which we felt was fair and equitable to the people west of the Rockies.

Mr. ARMEY. Well, I appreciate the gentleman's point. The fact of the matter is we have many Members who wish to talk on each and every amendment. We want to afford every opportunity for that. That takes a lot of time. Still, nevertheless, we have a clear timetable. Committees have worked very hard. You ask the members of the committees to get their work out of committee in time, so it can make the queue line for the floor schedule, and when we have bills on the floor, we really must move those bills off so we can make room for the next bill.

Perhaps if we could find ways for some of us who have so many very important things to say on each and every one of these amendments to say it less often or more quickly we can compress the time requirements and get on.

Mr. FAZIO of California. I think the issue here is that when people feel the need to talk, and I am sure that there will be occasions when all of us in both parties will feel that need, one group of people is paying the price. One group, those of both parties who have the furthest to come, are going to be the ones to pay the price.

I am saying the gentleman is perhaps, from his partisan standpoint, correct. But why do we burden one group of Members because of the propensity of others of both parties from all across the country to speak at some length?

Mr. ARMEY. If the gentleman would yield.

Mr. GEPHARDT. I yield.

Mr. ARMEY. Let me first admire the deftness of the gentleman from California in translating a discussion about geography to one of partisan politics. You are to be admired for your deftness.

Let me acknowledge we all are aware, of course, there are no big talkers from the west coast. So if perhaps we can get some of our east coast talkers to be as respectful of time concerns of the Members as the west coast talkers are, but the fact is we do have a big legislative agenda. We do have a queuing order for each of the committees.

Each of the committees must be considered, and that means we must move the work off the floor.

Mr. FAZIO of California. What the gentleman is saying, I gather, is that we have a 100-day schedule. We have to meet it. And those people who are sacrificed simply have to live with it. Is that correct?

Mr. GEPHARDT. I would like to ask the majority leader another question. There is also a concern on this side, and I assume by many on your side, about the issue of predictability of schedule at night. I know that Members on both sides are sincere about making this a family-friendly Congress, and we have a bipartisan group that is meeting to try to see if we can reach solutions in that area.

A couple of times in the last 2 weeks we have thought that we were going to leave by a certain time in the evening, and then it ran well past that. I realize you are trying to get a schedule completed.

But do you believe that it might be useful to perhaps reconvene the family-friendly task force with you and myself to see if we can find some solutions to this? Members tell their families they are going to be home by a certain time, are able to meet them at a certain time, and they are not able to do that, and it is causing a good deal of difficulty.

Mr. ARMEY. If the gentleman will yield, I think the gentleman from Missouri makes an extremely important point, and I can tell you I would be more than happy for the two of us to get together with some of the people from that task force to see if we can encourage circumstances that will allow us to all get home to our families earlier in the evening.

Mr. GEPHARDT. I yield to the gentlewoman from California [Ms. ROYBAL-ALLARD].

Ms. ROYBAL-ALLARD. I thank the gentleman for yielding. The question I have is, understanding the necessity and the urgency to get the work done, would it be possible to have the work continue from 2 o'clock on, but to wait until at least 5 o'clock and bunch the votes so that those of us who are on the west coast can at least be here for the votes?

Mr. ARMEY. The gentlewoman makes a very reasonable request. Unfortunately, within the context of the rules, you cannot, as it were, roll the votes when you are in the Committee of the Whole, so if we are going to meet and work in the Committee of the Whole, we must be prepared to vote immediately.

Mr. GEPHARDT. It is my understanding that we might entertain an idea of that kind in future rules, and if we are trying to avoid 2 o'clock startups for the rest of February, we would certainly be willing to do that. We could also do it by unanimous consent on Monday, and I do not know whether we could achieve that, but it would be worth a try, and we would offer to try to do that.

Mr. ARMEY. The gentleman is very generous and very respectful of all the rights of all the Members, and I would be happy to sit down and see what we can work out.

Mr. GEPHARDT. I would say to the gentleman we could offer such unanimous-consent requests later today before we finish at 3 o'clock, and I will try to work with the gentleman from New York [Mr. SOLOMON] and the majority leader in that regard.

Mr. ARMEY. If the gentleman will yield, I appreciate again the generosity of the gentleman from Missouri. The distinguished chairman of the Committee on Rules just tells me that at this point in this context that is not a workable alternative, and we will have to stay with the schedule.

Mr. GEPHARDT. I will be happy to talk further with the gentleman.

I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. I certainly support the majority leader's view that we have got a tough work schedule. But many of us have families back in our districts. I just checked with the Parliamentarian, and I have been informed that, by unanimous consent, even when the Committee of the Whole is sitting in this House, you can roll the votes until a later time, and so while we may not be able to do that on Monday, I wish that the majority leader would take that into consideration for those of us that have families back in the districts that we have not seen for a long time, if we could get back a few hours later, it would help us.

So I would just say that if there were unanimous consent, for instance, on a Monday, maybe not this next Monday, but on a Monday, we could roll the votes until 5 o'clock, and then we could still conduct the business in the Committee of the Whole.

Mr. GEPHARDT. The last question has to do with the corrections. I have read a report that there would be a corrections day, and I would just like to ask under what process would this legislation be considered, and would there be hearings and markups prior to floor consideration of these ideas?

Mr. ARMEY. If the gentleman would yield, corrections day is an innovation that is being discussed by the Speaker. We are not at this point ready to announce such an innovation in the calendar, and we would certainly, as we develop the notion into a new innovation in the calendar, we would welcome every opportunity to work with the minority in terms of defining the best parliamentary procedures for a new innovation like corrections day. So I think this is really something that we can be excited about, but we are not at the point yet where any announcement is ready to be made.

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

Mr. GEPHARDT. I yield to the gentleman from New York.

Mr. SCHUMER. I thank the gentleman for yielding.

If I might direct a question at the majority leader, two questions, relative to the crime bill next week or the

crime bills. The gentleman mentioned the first four bills, but he did not mention 729, the Effective Death Penalty Act, or I believe it is H.R. 728, the Block Grants Act. Is it the intention of the majority to bring those up the following week? They would not be on the floor this next week? Is that correct?

Mr. ARMEY. If the gentleman will yield further, let me say to my friend, the gentleman from New York [Mr. SCHUMER], yes, you are exactly right. That is our intention.

Mr. SCHUMER. The second question, if I might, if the gentleman from Missouri would continue to yield to me, will the crime bill be considered under an open and unrestricted rule? I understand the chairman of the Committee on Rules, my good friend from New York, Mr. SOLOMON, made an announcement regarding the rules this morning, but I believe it would be useful to clarify the majority's intention for the Members.

As you know, the crime bills have been divided. One crime bill was divided into six, which limits the amount of amendments, and we were told by the chairman of our committee, the gentleman from Illinois [Mr. HYDE], and the chairman of the subcommittee, the gentleman from Florida [Mr. MCCOLLUM], that it was the intention of the majority, and this is while we marked up the bills in committee, to bring those six bills under an open rule, that anything that was germane to the relatively narrow scope of each of those six bills would be available.

□ 1420

I would appreciate an answer, either from the chairman of the Committee on Rules or the majority leader.

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

Mr. GEPHARDT. I yield to the gentleman from New York.

Mr. SOLOMON. I thank the gentleman for yielding.

Mr. Chairman, let me just say that it is the intention of the Rules Committee to be as open and as fair and as accountable as we possibly can. We have every intention of proceeding with open rules. There could come a time when on the fifth and sixth bills in the crime package, at which time we might have to, because of time constraints we might have to limit the time of debate. That would not mean we would veer away from the 5-minute rule. It means that any amendment would be in order. If I could just briefly, for instance, if we were going to take up H.R. 729, the effective death penalty bill, it would be 1 hour on the rule, 1 hour general debate and perhaps 6 hours of amendments, 4 hours of walking time. That is about 12 hours on that bill.

Mr. SCHUMER. If it is on all six bills, the majority's intention, the Rules Committee intends to allow all amendments to be offered that are germane to each of those bills, is that correct?

Mr. SOLOMON. Within that timeframe, the gentleman is correct.

Mr. SCHUMER. The question I have is what does ''within that timeframe'' mean? Does it mean that after a certain point of time we cannot offer any amendments at all? Does it mean we would be able to offer those amendments and not debate them? Or does it mean that we could offer those amendments and have a limited amount of time to debate them? And then do the House's business and see where the votes are that way?

Mr. SOLOMON. If the gentleman would yield further, that decision has not been made. But if we were going to limit the time for consideration of amendments, we also have a priority, prefiling offer to you, and I would suggest to the gentleman if you have significant amendments that you ought to prefile those amendments. Within the 6 hours or whatever time we arrive at, you certainly would have ample opportunity to debate those amendments, absolutely.

Mr. SCHUMER. If the gentleman will continue to yield, what are those prefling requirements? That is the question I would have.

Mr. SOLOMON. There are no prefiling requirements at all. It is not a requirement.

It might include a provision giving priority and recognition to Members who prefile their amendments. You do not have to come and testify, you do not have to prefile.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentleman for yielding.

Mr. Chairman, I would just like to say that the chairman of the Rules Committee, he said the first four bills would not be restricted and the last two might. I believe that the sixth bill, the one that would redo the program and do the block grants is in fact one of the most important and in fact took the longest time in the Judiciary Committee. So I would hope that they would not be subjected to that kind of restriction simply, because it would not make sense just because that is the number in which they were ordered to take a more important bill and restrict it more just because it comes later rather than earlier on.

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

Mr. GEPHARDT. I yield to the gentleman from New York.

Mr. SCHUMER. I thank the gentleman.

Mr. Chairman, the first three bills, two of the three are completely noncontroversial, the third has very little controversy to it. The whole meat of the thrust of the crime bill we are debating is the fourth, fifth, and sixth bills. So I would ask the Rules Committee and the majority to do whatever they can to make those as open as possible. To only allow 6 hours of debate on the final bill, H.R. 728, which took up more time in committee to debate than the first four put together, would not be fair at all.

I would ask, given the commitments in the contract and everywhere else, that the rules be as open as possible. The Senate, as I understand it, and the gentleman can check me if I am wrong, the Senate is not going to get these bills for a month or two. We were told we would have this week and next week to finish the six bills, and I do not see why such a limitation as the gentleman is proposing would be necessary.

Mr. SOLOMON. I would just say to the gentleman that we would be more open and more fair than we have ever been when a crime package has been brought to this floor, and you can count on that.

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

Mr. GEPHARDT. I yield to the gentleman from Missouri.

Mr. VOLKMER. I thank the leader for yielding.

Mr. Chairman, I inquire of the gentleman from New York, with whom we visited on this issue before, it was my understanding from the gentleman of New York—and you correct me if I am wrong—that on three bills, the bill on the block grant, on what we have passed, called the prevention programs, on the prison construction bill, and then on the habeas corpus bill, those three bills that the gentleman from New York—I cannot remember the exact words, and you correct me if I am wrong—this morning said that on those we do in one day. In other words, you would have a rule, discussion, debate, and then amendments. And when the time came to end on that day on that bill, that any amendments pending thereafter would no longer be in order. Is that correct?

Mr. SOLOMON. Over about a 12-hour period.

Mr. VOLKMER. Over whatever period. So that is basically a closed rule. It is; gentleman, it is a closed rule, gentleman. And you are telling people that even if you have an amendment in the RECORD by that time, if we would take 3 hours on a substitute and 4 hours on several amendments and there are other Members who have amendments that they feel are just as important as the other ones, you are saying that when the time runs out you do not get to offer your amendment, ''I don't care who you are, I don't care how strongly you feel on your idea, you are not going to get to express your viewpoint.'' That is what I want you to think about.

Mr. SOLOMON. We will be glad to take the views of the gentleman into consideration. I have been pleading on this floor all day to expedite this bill. We want to make sure that we are going to be able to finish these six crime bills because of the time constraints.

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

Mr. GEPHARDT. I yield to the gentleman from Virginia.

Mr. WOLF. I thank the gentleman for yielding.

Mr. Chairman, I was in my office and heard the debate, and I ran over. As somebody who was asked by Mr. GINGRICH to be head of the Family Friendly Caucus, let me just make a coupe of comments and observations.

One, I would hope that the votes would be rolled. To ask somebody from California to come in by 2, I live here and I do not have to fly. I am a half-hour from home. Frankly, I am tired. I just think that somehow we all know the ways of working these rules. There ought not be votes until 5 o'clock. No one should have to leave their family.

Second, if I may say two more things, second, we need—and I would ask Mr. ARMEY when we are finished and Mr. GEPHARDT—I heard your exchange about meeting on. Monday, I ask to determine a set hour, so that at a certain hour, whether it be midnight you told you wife or your kids or whether it be 7 o'clock, there are certain and set hours.

Third, speaking from this side, perhaps we cannot have open rules. Perhaps what we need are fair rules, whereby we give the leadership whatever amendments they see fit but it cannot continue to go on. Because one Member the other night said to me, and I am not going to say who, ''I thought you said we were going to have a family friendly Congress.'' Then when I got back to my office, that Member was getting up and objecting and tying the place up.

I cannot make this a family friendly Congress, but we can, all work together, make it a family friendly Congress.

So we do not want to manipulate the rules. I think if we can develop a better spirit we can do it. First, no votes before 5, second, let us get a set time; or third, frankly, we are probably going to have to do away with the open rules and have rules, what I would call fair rules, so that we can then have set times. I hope we can do it.

Mr. GEPHARDT. Mr. Chairman, if I may reclaim my time, and this would be the last statement: I want to commend the gentleman from Virginia [Mr. WOLF]. When I was majority leader, he talked to me a lot about his concerns, which are sincere, about family life, personal life in this institution. I want to work, and I believe our Members want to work, with your Members, Mr. Majority Leader, to see if we can do that. Obviously, we have had some bad experiences early here with a lot of amendments, and we are going to go through a shakedown period here. But I think the minority is sincere in wanting to find an accommodation with regard to the kind of amendments, the time limits on amendments, so that we can make a more predictable schedule.

Before we leave today, I would like to sit down with the majority leader and chairman of the Committee on Rules and see if we can find a way as a start to begin our meeting on Monday at 5 o'clock and roll vote. I will talk to them in a moment.

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

Mr. GEPHARDT. I will.

Mr. ARMEY. I thank the gentleman.

Mr. Chairman, I point out to the chair it has taken us over 15 minutes to announce the schedule. That I suppose as much as anything else validates the need for the kind of schedule that I announced.

I want to thank the gentleman from Missouri [Mr. GEPHARDT] for his kind offer, and certainly we will try to find a way to work around that.

As the gentleman from Virginia [Mr. WOLF] said, with a bit of cooperation from all of us we can all have a more family friendly life.

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

Mr. GEPHARDT. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. I thank the gentleman for yielding.

Mr. Chairman, I am all for—if you want to complain about how far you have to go—I am leaving tonight. I will have to stay overnight in Los Angeles, get home tomorrow; leave Sunday night. I do not mind.

□ 1430

We are doing the business of Congress here.

Now the Constitution of the United States is being messed with here. I say to my colleagues, ''Now you want to be family friendly? I'm all for family friendly, but don't anybody come and tell this Member that in the name of family friendly that we are not going to do our business in a proper fashion. Every Member here is entitled and obligated to take his or her concerns to this floor under the rules, and I don't want to see 1 second of one Member's obligation and duty compromised in any way, shape, or form.''

Is this the 100-day rule, which is not in this Constitution, but in the contract that they signed and I did not sign? I say to my colleagues, ''If it takes a thousand days, 10,000 days, that's what it takes to protect the Constitution of the United States, and that's what we take.''

Mrs. COLLINS of Illinois. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage in a colloquy with the gentleman from Wisconsin [Mr. OBEY].

Mr. Chairman, I noted that the majority leader said that we were going to take up some amendments and that, regardless of where we were, we are going to be out of here, we are going to rise, at 3 o'clock. My concern is that the gentleman from Wisconsin [Mr. OBEY] may not have sufficient time to offer his amendment with the proper responses, so I want to ask Mr. OBEY if he feels he can offer his amendment along with the time that it will take to get a vote on that and be finished at 3 o'clock or if he feels his time would be compromised and the quality of his debate would be compromised by doing so.

Mr. OBEY. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I cannot tell how much time it is going to take. I do feel a requirement to explain why I am doing this because so many Members have been asking me that. But it really is not up to me to determine how much time it is going to take. I just do not know.

Mr. CLINGER. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Chairman, if it would be helpful, I would like the gentleman to know that we have examined the gentleman's amendment, and if it would assist the gentleman from Wisconsin in determining how much time might be involved in consideration of his amendment, I would inform the gentleman that we think it is an excellent addition to what we are trying to do here, which is to get at those elements of pork, wherever they may exist and wherever they exist every year.

Mr. Chairman, we will support the amendment that will be offered by the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I only intend to take about 4 minutes to explain my amendment, and I do not know of anybody else who wants to speak.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment. It is No. 15.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY: At the end of section 2, add the following new subsection:

(d) SPECIAL RULE FOR FY 1995 APPROPRIATION MEASURES.—Notwithstanding subsection (a)(2), in the case of any unobligated discretionary budget authority provided by any appropriation Act for fiscal year 1995, the President may rescind all or part of that discretionary budget authority under the terms of this Act if the President notifies the Congress of such rescission by a special message not later than ten calendar days (not including Sundays) after the date of enactment of this Act.

Mr. OBEY. Mr. Chairman, as Members know, what I am doing is trying to ensure that, if we are going to pass this misguided proposal, that at least we will be able to give the President the ability to reach any and all projects in the 13 appropriation bills which passed last year.

I have in my hand a packet tagged by subcommittee which is entitled ''Questionable Fiscal '95 Projects by Subcommittee,'' and I know that a number

of Members do not like the fact that this is being offered. But I am offering it because I basically believe this bill is flawed.

First of all, I think it is based on the assumption that the Congress spends more than the President, and in fact history will show that in this last decade we have spent considerably less than the President has asked for. When you take a look at specific Presidential requests for rescissions, since 1974, Mr. Chairman, Presidents have asked this Congress to rescind $73 billion in appropriations. This Congress has actually rescinded $93 billion in appropriations, 27 percent more than the President asked us to cut. Those are not my numbers. Those are the General Accounting Office's numbers.

We rescinded double the amount of spending that President Bush wanted us to rescind, and to date we have rescinded 33 percent more in spending than President Clinton has asked us to.

So, I think that record should be cleared up, and, as the ranking Democrat on the Committee on Appropriations, I feel an obligation to do so.

I say to my colleagues, I think, if you really want to get at spending, for instance, you will consider the Orton amendment, which comes next, which if it is not adopted will leave a huge loophole in the item veto process because it will apply only to appropriations and not contract authority, something which I think would be a national joke.

But I am also offering this for a second reason, because I simply believe it is fundamentally wrong for us to be making decisions based upon what one-third plus one in this place thinks ought to be public policy. I believe that this vehicle, as it stands now, is a disgraceful and gutless granting of gigantic Executive power by this institution, and I am ashamed, I am ashamed to see that kind of willing power transfer. Because I think this institution's primary responsibility under the Constitution is to protect the American people from the excessive abuse of Executive power. And in my view, as it stands now, this proposal invites the President to use his powers that are being granted under this proposal to greatly expand his ability to leverage additional spending into each and every bill that goes through this place.

Mr. Chairman, I will explain more when we debate the amendment to be offered by Mr. STENHOLM on Monday what I mean by that.

But if, nonetheless, this institution is hell bent on that kind of a reckless transfer of power, then I think we ought to make it apply to every single project which right now Members of this body and Members of the other body think are safely beyond the reach of Presidential veto, and that is why I am offering this, so that the President will have a 10-day window after the passage of this misguided proposal during which he can examine each and every tidbit in every appropriation bill last year.

□ 1440

Now, I think we did a good job on the Committee on Appropriations last year. We eliminated some 40 programs. We cut 408 programs below the previous year's spending level. And the earmarks that were provided were substantially reduced below the level of the previous year.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. OBEY] has expired.

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

Mr. OBEY. Mr. Chairman, it seems to me nonetheless that the record obviously is not perfect. We had to accept many ''suggestions'' from the other body, for instance. So I think if this is going to go into effect, Members ought not to be allowed to assume that their own specific projects are beyond presidential reach. We ought to know in concrete terms just what is at risk.

So I offer this amendment in that spirit and would hope that it would be accepted and adopted by this House.

Mr. CLINGER. Mr. Chairman, I rise in support to the amendment.

Mr. Chairman, as I indicated before the gentleman offered his amendment, we have examined the amendment and want to commend the gentleman, frankly, on his willingness to open up his own appropriations bills for this line-item veto, appropriations bills which were dealt with last year.

I think when the former chairman of the committee recognizes the need of a line-item veto and admits the benefits it provides in eliminating unnecessary spending, we should take note and thank him for his very good work in this regard.

I think I would ask the gentleman, if he has indicated he knows where the bodies are buried and where the skeletons are, that we would have that list as promptly as possible and perhaps we could rescind or eliminate that spending and save the President the need to exercise the line-item veto.

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

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

Mr. OBEY. I think all you have to do is take a look at every appropriations report, because they are fairly well spelled out. I am not suggesting that most of them are bad items. I think the vast majority of them are infinitely defensible and, in fact, in the national interest. But I just want Members to have very specific and concrete understandings beforehand of the kind of power the President is going to have.

Mr. CLINGER. Mr. Chairman, reclaiming my time.

As I say, Mr. Chairman, we are pleased to accept the amendment, and I yield back the balance of my time.

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state it.

Mr. ABERCROMBIE. Mr. Chairman, is it the Chair's understanding that a ruling was arrived at or an understanding was arrived at with respect to the votes on Monday and the 2 o'clock versus 5 o'clock time? Because that is not clear to me.

The CHAIRMAN. The Chairman of the Committee of the Whole is not in a position to rule on that question.

Mr. ABERCROMBIE. Mr. Chairman, a further parliamentary inquiry. How might I go about making that inquiry? My understanding is that issue was not settled.

The CHAIRMAN. The gentleman should inquire of the leadership who makes those decisions.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. OBEY].

The amendment was agreed to.

Mr. CLINGER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having assumed the chair, Mr. BOEHNER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2) to give the President item veto authority over appropriation acts and targeted tax benefits in revenue acts, had come to no resolution thereon.

NOTICE OF INTENT TO FILE PRIVILEGED RESOLUTION ON MONDAY NEXT

Mr. TAYLOR of Mississippi. Mr. Speaker, pursuant to rule IX, I hereby give notice of my intention to offer a resolution that raises a question of privilege of the House. The form of the resolution is as follows:

H. RES.—

Whereas rule IX of the Rules of the House of Representatives provides that questions of privilege shall arise whenever the rights of the House collectively are affected;

Whereas, under the precedents, customs, and traditions of the House pursuant to rule IX, a question of privilege has arisen in cases involving the constitutional prerogatives of the House;

Whereas section 8 of Article I of the Constitution vests in Congress the power to ''coin money, regulate the value thereof, and of foreign coins'';

Whereas section 9 of Article I of the Constitution provides that ''no money shall be drawn from the Treasury, but in consequence of appropriations made by law'';

Whereas the President has recently sought the enactment of legislation to authorize the President to undertake efforts to support economic stability in Mexico and strengthen the Mexican peso;

Whereas the President announced on January 31, 1995, that actions are being taken to achieve the same result without the enactment of legislation by the Congress;

Whereas the obligation or expenditure of funds by the President without consideration