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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. NUSSLE].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 6, 1995.

I hereby designate the Honorable JIM NUSSLE to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leaders limited to not to exceed 5 minutes.

LINE-ITEM VETO

The SPEAKER pro tempore. The Chair recognizes the gentleman from Indiana [Mr. HOSTETTLER] for 2 minutes.

Mr. HOSTETTLER. Mr. Speaker, I come to the floor today for a number of reasons. It is my hope and expectation that later this evening, this Chamber will pass H.R. 2 and give the President a much overdue line-item veto. I commend my colleagues for this effort and look forward to casting my vote in support of this very useful tool as it will be a good first step in eliminating unnecessary Federal spending and put a bit of balance into the Federal budget process. However, I think the words that I should most emphasize here would be ''first step.'' Giving the President the power and authority to rescind spending that is viewed as wasteful or excessive is only the first step in the long and arduous journey toward fiscal responsibility. However, given the fact that President's Clinton's budget, which was just released today, contains an annual budget deficit of over $190 billion for the next 5 years, Congress is obviously going to have to take the lead in instilling some kind of fiscal control in the Federal budget process.

Line-item veto or no-line-item veto, from the looks of the red ink in this President's budget, it is readily apparent that if anything is going to be done about this country's fiscal crisis, it is going to be done by us. And at the risk of sounding cynical or pessimistic, we have not even begun to make the difficult decisions that we will undoubtedly have to make to put the Federal budget process and Federal spending back on the path toward fiscal health. It is because I am ready, even anxious, to make these decisions that I decided to run for Congress last year at this time. I looked around me, at what was happening to the priorities our Federal Government had established when doling out Federal tax dollars, my tax dollars, and I became concerned, actually frightened, and I thought about the future of my children. I began to seriously worry about the burden that trillions of dollars in debt will place on my children and on the children of all Americans. Each year, lawmakers seem to ignore what is fiscally sound economic advice from their constituents and endlessly deficit spend the hard working citizens' tax dollars. And every year that this happens, the financial security of our children, and our children's children is jeopardized. I am no longer willing to take this kind of chance with the future of our country. Today we celebrate the birthday of former President Ronald Reagan, a man whose commitment to fiscal responsibility was acknowledged and respected far and wide. Today I celebrate the birthday of another gentleman who taught me about fiscal accountability. My father turns 72 today, and it is from him that I learned about the duty, responsibility, and obligation for family that I try to incorporate into my life every day. It is because of this overwhelming sense of commitment to my family that I stand before you today. As we undertake this enormous task in front of us, I urge us not to lose sight of the fact that it will be our children that will actually suffer from our lack of dedication to true fiscal responsibility.

WELFARE REFORM AND INCREASING THE MINIMUM WAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, as the prior gentleman in the well was talking about, this is a week where we are really going to be focusing on the budget. But I think there is an awful lot of other issues as we all sit down as Americans around the budget table and try and figure out how we get our budget under control.

The first thing that strikes me is that tomorrow night, February 7, there is going to be a dinner in this town, and they are going to charge $50,000 a plate for the Speaker. That is an awful lot of money.

While that dinner is going on, many of us are trying to increase the minimum wage. But let us think about how many minimum wage people are going to be at that dinner. I do not think

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Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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there is going to be any there eating the dinner. There may be some serving the dinner because a minimum wage employee, if they work full time an 8-hour day throughout the year would make $10,500. And that would not get them even to the hors d'oeuvre course if they took their whole year's salary and put it there.

A $50,000-a-plate dinner and the minimum wage and the Federal budget, how do we bring all of that together, because the issue in the budget is what we spend our money on, and who we think has the greatest claim to getting Federal attention.

My guess is most of the people who buy those dinners have something they want. It just does not pass the straight face test to say, oh no, they paid $50,000 for dinner because they believe in good government or they wanted a decent meal. No, no, I think they want something. And I think we know what they want. They probably want some little tax benefit.

One of the things that we have done over and over again is we talk about spending programs, but we never talk about the fact that special tax benefits to individuals are also spending much, because we are taking money away that would be coming in.

We had last week on this floor a very important amendment pointing to that when we talked about the line-item veto. We said not only should the President be able to line item veto spending that looked like pork, but the President should be able to line item veto any special tax privileges.

Guess what? That lost. So I guess the dinner is going on because people still figure that is a possibility if they go to their dinner.

But I think when we look at America and when we look at our long historic tradition we have felt that there should be room in the budget for those who need the most help. That is how families do it. When American families sit around the table and they are in tough times they do not cut the kids out first, for heaven's sake, they do not say we will drop education first because they happen to think that is an investment. They tend to look at the parts of the budget that really are going to those who are best off in the family. And yet, somehow, because of how we collect revenues to run for office and everything else, we tend to distort our budget priorities.

Think how many people who get the minimum wage can make much of a campaign contribution. If you make $10,500 a year, what kind of campaign contribution do you think you could make? How many fancy dinners do you think you can go to? What kind of clout do you think you are going to have in Washington trying to bring your case to the table? Does your case have to be traded off with balancing it for those who are the most well off?

We now understand there is a new deal on the table, and that is maybe people will go along with the minimum wage increase if we can have a capital gains cut. I am not sure we are ever going to get to balancing the budget if we continue to do that, saying we just absolutely cannot do anything for those who are struggling along on the lowest rung unless we continue to do things for those who are on the upper rungs because otherwise I do not know what rich people will do. Maybe they will just get mad and not give money to campaigns anymore. Would that not be a terrible thing?

So, I think as we look at all of these issues that are floating around out there, I hope everybody listens to several very key things. No. 1, we have to stop kidding people we are going solve the deficit by finding some waste, fraud, and abuse. Anywhere we find waste, fraud, and abuse, sure, cut it, just cut out the tea tasters and those things, but we know that is not going to balance the budget. We have to do some other thing too and let us think about our very core priorities as we get to that.

SUPPORT FOR THE LINE-ITEM VETO

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from Georgia [Mr. NORWOOD] is recognized during morning business for 5 minutes.

Mr. NORWOOD. Mr. Speaker, I rise today in support of the line-item veto. This is an action we need to take to save this country from our runaway debt. It is an action we must take to end the irresponsible practices by this body. It is an action that is completely consistent with the wishes of our Founders.

Mr. Speaker, we are making significant changes in the way the Federal Government operates. I have listened to the arguments made by the other side against these changes, and I am struck by how little regard is shown for our Federal debt. Perhaps we do not understand the amount our debt costs us? Perhaps we think that these programs we are so afraid of cutting will survive even if we bankrupt the Nation. We owe $4.8 trillion. I hear the other side talk about us hurting programs that benefit young people. They do not seem to understand that we are trying to save the future for young people all over America. We have no right to fund any program, no matter how well intentioned, at the expense of the children of the next generation.

I ran for this office because I have two little grandchildren. I saw the ever-rising debt and the dreadful impact it will have on their future. I am here to do something about the debt and free that burden from their future and from the future of young people throughout my district and throughout America. I support the line-item veto because the students in Sallie Bullock's calculus class at Madison County High in Danielsville, GA already owe $310,760'. I support it because Mary Mills fifth grade class at Oconee County Intermediate School in Watkinsville, GA already owes $365,600. I support it because Martha Scroggs' kindergarten class at Episcopal Day School in Augusta already owes $457,000. Mr. Speaker, the line-item veto is an important step for the future of these young people.

I have listened to the constitutional arguments against the line-item veto. To those people, I would share the words of Alexander Hamilton in Federalist No. 73. In response to those who stated that the veto would give the President too much power, Hamilton argued that the veto power was important because it limited the power of Congress.

> The propriety of the thing does not turn upon the supposition of superior wisdom or virtue in the executive; but on the supposition that the legislative will not be infallible; That the love of power may sometimes betray it into a disposition to encroach upon the rights of the other members of the government; that a spirit of faction may sometimes pervert its deliberations; that the impressions of the moments may sometimes hurry it into measures which itself on maturer reflection condemn.

Mr. Speaker, if Alexander Hamilton only knew what we have come to in this body. When $20 million for a fingerprint facility in West Virginia is inserted into an emergency assistance bill for Los Angeles earthquake victims, we prove that Hamilton was right. When $11½ million are spent on powerplant modernization in a shipyard about to be closed, we prove that we need to give the President the line-item veto. If Hamilton could see what we do here today, he would certainly support it as well.

One other argument that we hear is that it will be used by the President as a political weapon. Mr. Speaker, 43 Governors have the line-item veto. If it was being used as this evil political weapon as our opponents would suggest that it is, you would certainly think that far fewer States would have them. If it were being used irresponsibly by those who have it, it would be taken away. I believe that our opponents greatly overstate the danger of the use of the line-item veto. The veto power possessed by the President today is a far more powerful tool, but it has been used wisely. We have no reason to expect otherwise with the line-item veto.

Mr. Speaker, we are making significant changes in the way business is conducted by the Federal Government. The line-item veto is one more way for us to show the American people that we are making their Government more responsible.

INCREASING THE MINIMUM WAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from California [Mr. MILLER] is recognized for 5 minutes.

Mr. MILLER of California. Mr. Speaker, later in this session we will be

discussing efforts at reforming the welfare system in this country, and it is clearly the goal of both the Republicans and the Democrats to make sure that people move from welfare into the American economic system and that those individuals move into that economic system in the hopes of achieving economic self-sufficiency. It is clearly what the President has announced as he has discussed welfare reform and as he has discussed the minimum wage.

The minimum wage becomes key to that effort of moving people from welfare, from public assistance, from dependency, to economic self-sufficiency. We must make it clear that in this country those individuals that choose to go to work, those individuals that later we will seek to require to go to work, that they are making a logical economic choice for them and for their families.

The key to doing that is making sure that the minimum wage will boost people above the poverty level in this country; that when they make a decision to get up every morning and go to work and go to work all day long, that in fact when they come home to their families and their children, they will know they succeeded in lifting their family out of poverty. If we do not do that it is very difficult to rationalize to those individuals why in fact they should go to work.

The $4.25 minimum wage that we have today does not do that for individuals, and it clearly does not do that for individuals who are working on behalf of themselves and their families.

What we see today is more children under the age of 6 are living in poverty than at any time in recent history, and 58 percent of those children are living in families where individuals go to work every day. They go to work on a part-time or full-time basis but they do not receive, they do not receive wages sufficient to keep their family above the poverty line.

We have got to make sure that that no longer is true. And that is why the increase in the minimum wage is so terribly important. Clearly, work must pay, and that is the signal that we must send in this country; that you go to work, it is worth your while to go to work to do that job and to provide for your family. That simply is not true.

The increase in the minimum wage that the President has asked us to support, 45 cents this year and 45 cents next year, will raise an individual above the poverty line. It unfortunately still does not address an individual that is working on behalf of a spouse and/or children in that family. But we have got to make that effort. This is the minimum that we can do on the minimum wage.

Historically, the increase in the minimum wage has had very, very substantial bipartisan support. When we addressed this exact same increase, 45 cents one year and 45 cents the next year, when it was presented to us by President Bush it was passed overwhelmingly on a partisan basis; 383 Members in this House voted for it, 135 Democrats voted for it, crystallizing again that President Bush had the same goal that President Clinton did, and that is to make work pay, to get people to go to work and to be able to provide for their families.

I think it is unfortunate that we now see the Republican majority leader say to this country that he will oppose the minimum wage with every fiber in his body, that he will deny these individuals who are seeking to provide for their family the ability to go to work and come home above the poverty line.

I think it is unfortunate when we see the people of this House suggest that we cannot raise the minimum wage because we have to compete with wages in Mexico. I think we should have told the people of this country that that was the conditions on the passing of NAFTA, and that now Americans' wages are going to be tied to the wages of Mexico.

Is that the message we have for people that go to work in this country every day, that you can live at the standard of living provided people in Mexico? That simply cannot be.

□ 1250

That simply cannot be. That cannot be the underpinnings of the American system of economics. It cannot be the underpinning of the free enterprise system, and it cannot be the underpinning for support for families in this country.

We have got to understand that Americans who go to work are entitled to participate in the American standard of living on behalf of themselves and for their families.

I am delighted to see that apparently the support for the minimum wage is not complete across the Republican spectrum, because this weekend we found out Senator DOLE is not opposed to it. The question is only what we will have to pay to achieve the minimum wage, and the indications are that if you cut the capital gains tax, where 75 percent of the benefit goes to 10 percent of the population, then and only then are the Republicans prepared to try to help the millions of American families who go to work every day yet remain in poverty.

BAILOUT OF MEXICO

The SPEAKER pro tempore (Mr. NUSSLE). Under the Speaker's announced policy of January 4, 1995, the gentleman from Kentucky [Mr. BUNNING] is recognizd during morning business for 5 minutes.

Mr. BUNNING. Mr. Speaker, article I of the U.S. Constitution vests the power of the purse in the Congress. Unfortunately, the President of the United States has taken it upon himself to do an end run around the Constitution, the Congress, and the American people to bail out Mexico.

Mr. Clinton has pushed the barriers past the breaking point. He is basing his power grab on a twisted reading of his authority under the Gold Reserve Act of 1934. That is the law which established the Exchange Stabilization Fund that Mr. Clinton has raided to save Mexico.

The Exchange Stabilization Fund was not meant for the kind of shenanigans that Mr. Clinton is trying to pull. It was designed to ensure that we would have an orderly and stable system of exchange rates.

In other words, the Gold Reserve Act gives the President authority to stabilize the U.S. dollar and protect its value. It does not give the President the authority to prop up the currency of Mexico.

It seems that Mr. Clinton needs to take a refresher course in constitutional law. Only Congress has the authority to appropriate money.

Apparently, the chairman of the Federal Reserve, Alan Greenspan, doesn't think too much of Mr. Clinton's bailout scheme either.

The Washington Times reported on February 1 that the Exchange Stabilization Fund, the IMF and the BIS do not have the resources to deal with Mexico's problems. He went on to say that the bailout should be addressed by the political leaders of the country because of its broad implications.

Mr. Greenspan is not alone in thinking that this financing scheme is a multibillion-dollar disaster waiting to happen.

The Hertigage Foundation had warned that this bailout was a bad deal as early as January 25. A study by Heritage warned,

> The proposed loan guarantees may bail out Mexico this year, but they will not prevent another crisis unless the Mexican Government corrects the fundamental structural problems that caused the peso's collapse.

Our financial partners in Europe seem to understand the problem. When it came to a vote at the International Monetary Fund, Germany, Britain, Denmark, the Netherlands, Belgium, and Switzerland all abstained from voting rather than support Mr. Clinton's plan.

I applaud my colleague, Mr. TAYLOR of Mississippi, for pushing the envelope on this issue by introducing a privileged resolution that will put the House on record as to where we stand on this bailout.

His resolution will put us on track to determine whether the President has acted outside the scope of his authority.

We have all sworn to defend the Constitution of the United States. If the President is wrongly seizing power from the legislative branch, it is our duty to stop him.

Mr. TAYLOR's privileged resolution is just the thing to start the inquiry into what I believe may be the power grab of our time. Congress, not the President or the Courts, is charged with the power to spend the money.

We cannot sit on our hands and watch the President shred the Constitution and ignore the will of the Representatives of the American people. We must let everyone know that this body looks out for the interests of the American people, not the Government of Mexico.

CALCULATION OF CONSUMER PRICE INDEX SHOULD BE OUTSIDE POLITICS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Oregon [Mr. WYDEN] is recognized during morning business for 5 minutes.

Mr. WYDEN. Mr. Speaker and colleagues, I am a Member of the House who has felt that the calculation of the Consumer Price Index for our country should be a concern that was outside politics, one that was going to be nonpartisan. Making sure that the Consumer Price Index is calculated accurately is of enormous importance to, for example, low-income senior citizens who depend on their Social Security to pay for their necessities, but it is also important to millions of middle-income taxpayers, because our brackets are now indexed for inflation, and the tax brackets and the personal exemption, the standard deduction. A number of these concerns for middle-income people are affected by the Consumer Price Index.

But recently is seems to me politics has been introduced to these discussions, because the Speaker has said that unless the Consumer Price Index is changed within the next 30 days, the agency that calculates it, the Bureau of Labor Statistics, would be zeroed out.

I think this is very unfortunate. We understand why someone might want to do this, because if you lower the Consumer Price Index, you can have a no-fingerprints way to cut the deficit by about $150 billion, if you cut the Consumer Price Index by just 1 percentage point. But what you will do in the process is hurt those low-income seniors and, ironically, there are some new studies by the Bureau of Labor Statistics that show because of the high medical expenses of seniors their Consumer Price Index may be understated rather than overstated. So you will hurt those seniors.

But you will also hurt the middle-income taxpayers who will find they will be paying more in taxes as a result of these changes.

Now, I am one of the Democrats who voted on the first day of the session to make it tough to raise income taxes, because I thought it was important to protect small businesses and seniors and others. So last Friday, with the minority leader, the gentleman from Missouri [Mr. GEPHARDT], and a number of our colleagues, I introduced a piece of legislation stipulating that to cut the Consumer Price Index in this Congress and raise the taxes on middle-income people and hurt low-income senior citizens you would have to comply with rule XXI that was passed the first day saying that a tax increase has got to be approved by a three-fifths majority. I am very hopeful that this bill will not be necessary.

I want that Consumer Price Index calculated on nonpartisan bases by professional economists, but if there is going to be an effort to politicize the Consumer Price Index, it will come out on the floor of the House of Representatives and cutting it and hurting the senior citizens and the middle-income taxpayers, for those who want to do it, they will have to comply with the rule making it tougher to raise income taxes.

SUPERFUND LIABILITY MORATORIUM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Florida [Mr. CANADY] is recognized during morning business for 5 minutes.

Mr. CANADY of Florida. Mr. Speaker, I rise today to offer an avenue of relief to small businesses and individuals throughout the country who have done nothing wrong, but are nonetheless being held liable for the expensive task of Superfund site clean up.

As you know, Mr. Speaker, Congress passed the Superfund law in 1980 to clean up the country's most polluted waste sites. The merits of the Superfund effort are without question. Superfund sites are environmental disaster areas which have a clear potential for impact on public health and safety. Superfund sites must be cleaned up.

But while the Superfund law may have a noble purpose, the details are a nightmare. The framers of Superfund, adhering to the concept of ''polluter pays,'' created a scheme of joint and several and retroactive liability. This wrongheaded provision has forced many individuals and small businesses to pay a portion of the clean up costs although they are not in fact responsible for the pollution.

Mr. Speaker, this structure has resulted in a notorious tangle of litigation and enforcement, and it has wreaked havoc on the lives of innocent citizens while accomplishing very little in the way of actual clean up.

These innocent individuals had no knowledge of the release of hazardous substances into the environment. They were simply trying to do the right thing by contracting with a third party for proper disposal. Now they are liable, under Superfund, for the cleanup of environmental disasters they did not create.

Such liability without culpability is patently unfair. It runs contrary to common sense and the fundamental requirements of justice. Further, it can be financially devastating to innocent individuals who are caught in the Superfund trap.

There is general agreement, in this body and elsewhere, that the Superfund liability structure must be changed. I am aware that the appropriate committees and subcommittees in both Houses of Congress are working on a comprehensive reform effort. I support this effort.

However, as Congress debates the shape and scope of reform, individuals in my district and elsewhere continue to be pursued and persecuted for something they did not do. This is not right, Mr. Speaker. We must stop this injustice and prevent this law from further disrupting the lives of innocent individuals.

It is for this reason that I introduced H.R. 795 last week to provide relief for innocent parties while we proceed with comprehensive reform of the law. My bill instructs the Administrator of the Environmental Protection Agency [EPA] to cease all agency actions against the nonpolluters. It also places a moratorium on the authority for contribution actions under the statute.

It is important, Mr. Speaker, to explain what my bill does not do. It does not abolish the Superfund Program, it does not repeal Superfund funding authority and it does not stop the clean up of Superfund sites. It allows the EPA to continue its enforcement actions against the true polluters—the culpable owners and operators of the contaminated sites and all others who had prior knowledge of illegal or environmentally harmful disposal activities.

H.R. 795 simply suspends the practice of financing Superfund clean ups on the backs of innocent people who had no knowledge of wrongdoing and no intent to harm the environment.

This legislation is needed to provide relief to the innocent individuals caught in the Superfund liability trap. The Superfund nightmare has gone on far too long. We should stop the injustice without further delay. I encourage my colleagues to join me in this effort.

THE LINE-ITEM VETO

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 1995, the gentleman from Oregon [Mr. DEFAZIO], is recognized during morning business for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, today we have before the House the issue of the line-time veto, or did we really have a viable form of the line-item veto pending before this House? This could be a useful tool in the armamentarium of a President who is truly concerned about reducing the budget, a President who just does not want to use it in a political or punitive manner to go after a few programs, that he or she in the future could not convince the Congress to otherwise not fund.

But the question is, is this a viable form, or is it a grandly symbolic gesture, a gesture intended for the 84th birthday of ex-President Ronald

Reagan? We have heard that a lot from the other side.

Well, let us just recount a few of the Reagan years so we can get this in perspective. Remember, President Reagan promised the people of the United States of America that he would balance the budget by 1984. Instead, his administration worked hand in glove with Congress to pile up the greatest amount of debt ever seen for this Nation. It took us 200 years to amass the first $900 billion of debt, but in a mere 8 years, President Reagan's administration more than tripled the national debt to over $3 trillion. Yes, they talked a great game about reducing the deficit and balancing the budget, but they never ever submitted a balanced budget. They never ever even submitted a budget within $100 billion of balance.

And then finally in the twilight years, in the last year of the Reagan administration, Budget Director Miller submitted a list of what he said Ronald Reagan would have used the line-item veto on if only he had that power.

The deficit in 1988 was $150 billion. After tremendous efforts downtown at the White House, President Reagan and Mr. Miller came up with a list of $1 billion in cuts that they would have made had they had the line-item veto. So instead of $150 billion deficit, it would have been $149 billion, and, of course, not a penny would have come from the Pentagon, the largest single source of general fund spending.

Last year we passed a constitutional version of a line-item veto called an enhanced rescission. This year we have before us an empty gesture. Clearly, the bill that will be voted on finally today, the Stenholm amendment, the bill we passed last year having been defeated in a vote last Friday on the floor of this House, is unconstitutional, and will be thrown out by the courts.

So if what we want is a grandly symbolic empty gesture, then vote ''yes'' on final passage today.

Happy birthday, of course, to the ex-President.

His legacy of a $3 trillion will stand as a monument for generations of Americans to come. I would hope this House would begin to take real steps toward cutting the Federal deficit and the Federal debt and no more gestures. Do not vote today for this empty gesture.

THE PRESIDENT'S PROPOSED BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from California [Mr. BAKER] is recognized during morning business for 1½ minutes.

Mr. BAKER of California. Mr. Speaker, in response, today President Clinton just introduced his budget, and if you heard, the previous speaker said the last 2 years of Ronald Reagan was $150 billion in deficit and $155. Today's budget introduced by President Clinton the deficit is $210 billion.

The first 4 years of the Clinton administration will show a deficit of over $1 trillion. This budget is not balanced.

But it is not the President's fault. It was not the President's fault for the last 26 years. Pick your favorite, was it Carter, was it Reagan, was it Ford, was it Clinton? Who is your favorite for unbalancing the budget? And the answer is this Congress. This Congress has had its foot on the accelerator for 26 years.

Never once has this Congress balanced the budget in 26 years. Never once has this Congress balanced the budget in 26 years.

Well, today is President Ronald Reagan's 84th birthday, and today we are going to give President Reagan and President Clinton a little present, and that is the line-item veto, because we need new tools. We have shown we cannot balance the budget ourselves.

Last week this Republican Congress passed the balanced budget amendment. This week we are going to give the President, whomever the President is, the tool to help us balance the budget with the line-item veto.

Let us remember it is not the President, it is the Congress. And we are going to allow the Executive and Congress to sit down together to continue to work toward a balanced budget in 2002 so that our grandchildren will not have to pay for the Government we use and are afraid to pay for.

FISCAL RESPONSIBILITY AND THE LINE-ITEM VETO

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Michigan [Mr. KNOLLENBERG] is recognized during morning business for 1½ minutes.

Mr. KNOLLENBERG. Mr. Speaker, today I rise in strong support of the line-item veto which will effectively give the President the ability to strike out pork-barrel projects from otherwise good legislation.

The line-item veto will end the ''Christmas Tree'' practice of tacking on pet projects to wholly unrelated legislation—burying the details away from the public's eye.

Last year and in 1993 we saw this practice expand to an unprecedented level. The most flagrant abuse was after the city of Los Angeles was devastated by the earthquake. Congress eventually passed the emergency supplemental earthquake assistance bill, but not before slipping in $10 million for a train station in New York, $1.3 million for Hawaiian sugar cane mills, and $20 million to add employees to the FBI in West Virginia.

This list of abuses goes on and on and the taxpayers are stuck with the bill and asked to pay more of their fair share. I don't think they would think that their share should include $1.1 million for a national pig research facility in Iowa or $35 million to eradicate screw worms in Mexico.

Mr. Speaker, tacking on these types of pet projects has become a runaway train and the American taxpayers are getting taken for a ride toward economic disaster. Let us keep the train on the tracks.

I urge all of my colleagues, on both sides of the aisle, to support this critical piece of legislation.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12, rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 1 o'clock and 9 minutes p.m.) the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. LINDER] at 2 p.m.

PRAYER

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

Open our eyes, O gracious God, so that we may see the magnificence of Your creation; open our minds to the promises of Your true and lively word; open our ears to hear the words of others and to listen to their thoughts and experiences; open our intellect so we can understand the mysteries of knowledge and the fruits of wisdom, and open our hearts so we can love and forgive, so we can hope and have faith, so we can be thankful for all Your good gifts of life and the blessings of each new day. Amen.

THE JOURNAL.

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House is approval thereof.

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The gentleman from Alabama [Mr. EVERETT] will please come forward and lead the House in the Pledge of Allegiance.

Mr. EVERETT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PERMISSION FOR SUNDRY COMMITTEES AND SUBCOMMITTEES TO MEET TODAY DURING THE 5-MINUTE RULE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that the following

committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule.

The Committee on Economic and Educational Opportunities and the Committee on the Judiciary.

Mr. Speaker, it is my understanding that the minority has been consulted, and that there is no objection to these requests.

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

Mr. WISE. Mr. Speaker, reserving the right to object, the gentleman is quite correct. The minority has been consulted in the case of the Committee on Economic and Educational Opportunities and the Committee on the Judiciary. Once again we want to applaud the majority. This consultation, we think, is a very helpful and healthful process, and we look forward to continuing it in the future.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate disagrees to the amendments of the House to the bill (S. 1) ''An Act to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates, on State, local, the tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and for other purposes,'' agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ROTH, Mr. DOMENICI, Mr. KEMPTHORNE, Mr. GLENN, and Mr. EXON to be the conferees on the part of the Senate.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated tot he House by Mr. Edwin Thomas, one of his secretaries.

REPUBLICAN CONTRACT WITH AMERICA

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

Mr. BALLENGER. Mr. Speaker, our Contract With America states the following:

On the first day of Congress, a Republican House will: Force Congress to live under the same laws as everyone else; cut committee staffs by one-third, and cut the congressional budget; we have done that.

It goes on to state that in the first 100 days, we will vote on the following items: A balanced budget amendment—we have done this; unfunded Mandates Legislation—we have done this; Line-item veto; a new crime bill to stop violent criminals; Welfare reform to encourage work, not dependence; family reinforcement to crack down on deadbeat Dads and protect our children; Tax Cuts from Families to lift Government's burden from middle income Americans; National Security Restoration to Protect our Freedoms; Senior Citizens; Equity Act to allow our seniors to work without Government penalty; Government regulatory reform; commonsense legal Reform to end frivolous, lawsuits, and Congressional term limits to make congress a citizen legislature.

This is our Contract With America.

PRESIDENT'S BAILOUT OF MEXICO RAISES SERIOUS CONSTITUTIONAL QUESTIONS

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

Mr. VISCLOSKY. Mr. Speaker, if NAFTA is such a great deal, why do we have to bailout Mexico? That is the central question that must be answered before a single dime of our money is placed at risk.

The $47 billion bailout is a raw deal for the American taxpayer. Adding insult to injury, the President is taking an end run around the people's elected Representatives and unilaterally placing our money at risk. Since Congress controls the power of the purse, this action raises serious constitutional questions.

A depression in the steel industry in the late 1970's and early 1980's cost the northwest Indiana district I represent 50,000 good jobs. The U.S. Government did not bailout a single person who had a mortgage, a car payment, or children attending college.

It is flat out wrong for our Government to bail out Mexico without first seeking permission from the American people, through their elected Representatives, whose money will be placed at risk.

Mr. Speaker, I urge acceptance of Mr. TAYLOR's privileged resolution so that we can find out what the bailout really means for the American taxpayer.

WHAT TOOK US SO LONG

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

Mr. NORWOOD. Mr. Speaker, for years, the American people have supported the line-item veto as another tool to help control Government spending and balance the budget. In November 1994, a poll showed that 77 percent of the American people supported the line-item veto, and in 1992, a poll showed a 68-percent approval rating. With this kind of support for a good Government measure, I have to ask what took us so long?

Putting aside any notion of partisan politics, the Republican majority has finally brought the line-item veto to the floor for a vote. We are delivering to the President a necessary tool to allow him to control Government spending and to kill pork-barrel politics. We are keeping our promise to the American people through our Contract With America. I hope my Democrat colleagues join me in supporting this legislation. Its time has finally come.

WELFARE QUEENS AND THE WELFARE KINGS OF THE CORPORATE WORLD

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

Mr. TRAFICANT. Mr. Speaker, the President's budget is already under attack, and that is par for the course. There are people who are still blasting welfare queens, but keep in mind that AFDC helps American children and food stamps help feed America's poor.

What bothers me is that no one talks about those welfare kings, with that $51 billion in direct subsidies to corporations and $53 billion in tax breaks for fat cats. And no one talks about welfare kings. Check this out: $18 million for Sunkist to sell orange juice; $5 million for Gallo to sell wine; $1 million for M&M to sell candy; half a million to Ronald McDonald to sell chicken; and half a million to Campbell's Soups to sell V–8 juice. Beam me up, Mr. Speaker.

President Clinton's budget may not be perfect, but it has a heart and it has a soul, and that may be just a good place to start our debate from. Think about that.

TODAY'S VOTE ON THE LINE-ITEM VETO: A PRESENT FOR EX-PRESIDENT REAGAN

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

Mr. HEFLEY. Mr. Speaker, we are doing something today that the Democrat-controlled Congress over the past 40 years could never bring itself to do. Today we are going to vote on a line-item veto to give the President, regardless of party affiliation, the ability to control spending and Government growth. The President will finally be able to exert the same power that 43 Governors already enjoy—the line-item veto.

I am proud to stand here today in support of this important budget-control issue. It finally took a Republican majority to bring this item to the floor for a vote. Let us pass the line-item

veto and help eliminate unnecessary and wasteful Government spending.

Happy birthday, President Reagan. You are finally getting the present you dreamed about.

THE MANY FACES OF POVERTY

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

Mr. HILLARD. Mr. Speaker, I rise today in favor of increasing the minimum wage for the working poor, a group of individuals who are helping themselves but because of inflation and laws passed by governing bodies, including this body, their wages have been eroded over the years. We must raise the minimum wage.

Families headed by women are much more likely to be poor and for a longer period of time. For example, 35 percent of families headed by women, as compared to 7 percent of two-parent households, fell below the poverty level in a given month in 1990.

These are the working poor, a group of individuals who have rejected welfare and who are trying hard to make it. We must take them out of poverty. An increase in the minimum wage is only the first step.

□ 1410

PASS THE LINE-ITEM VETO

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

Mr. EVERETT. Mr. Speaker, in a speech to the City Club of Cleveland a little over 7 years ago, former President Ronald Reagan had this to say about the line-item veto: ''No President should be faced with the all-or-nothing proposition. The time is here for giving the President the same thing that 43 Governors have—a line-item veto.''

Mr. Speaker, the Contract with America calls for a vote on the line-item veto. Hopefully this measure will pass with the same measure of bipartisan support that unfunded mandates did.

President Reagan was right 7 years ago and his words are true today.

Republicans are working hard to deliver on our promise to the American people to give the President a tool to help fight waste and redundancies in the Federal budget.

INCREASE MINIMUM WAGE

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

Mr. WATT of North Carolina. Mr. Speaker, I want to commend the President on his proposal to increase the minimum wage and encourage my colleagues to have hearings on the proposal and move it to passage immediately. Over two-thirds of working people making the minimum wage are adults over 21 years of age. They work 40 hours a week and still live below the poverty level.

Let us be blunt: All the current minimum wage and 40 hours of work will get you is poverty. That is shameful. While the rich get richer over the last 15 years, the real value of the minimum wage has fallen 27 percent since 1979. If we expect working people to be responsible, we need work to pay. Let us pass the President's proposal and increase the minimum wage.

END THE BOTTOMLESS PIT: ENACT THE LINE-ITEM VETO

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

Mr. HORN. Mr. Speaker, for decades now Congress has treated the American taxpayer as an unlimited source for revenue. Congress has spent millions and ultimately billions of dollars on programs and policies which have limited our freedom and imperiled the dignity of millions of Americans by entrapping them on welfare.

The spending habits of this body over the last quarter century has come at a terrible cost. The Federal Government has racked up almost $5 trillion in debt. This is the height of irresponsibility. It is an utter disregard for future generations.

Mr. Speaker, today we will vote on the line-item veto. This measure will give the President the power to review our budgets and veto unneeded projects, and thus help eliminate budgetary fat.

Last November the American people sent a clear message to this body. They said they were tired of the waste, tired of the deficits, tired of the mismanagement, and thus tired of Government.

Mr. Speaker, in the last 4 weeks this body has worked on a bipartisan basis to pass unfunded mandates reform and a balanced budget amendment. Now we must pass the line-item veto on a similar basis and stop treating the American taxpayer as an unlimited bottomless pit.

CUT FAT, NOT GROWTH

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

Mr. WISE. Mr. Speaker, make no mistake about it, the President's budget coming to Congress today contains some serious cuts. For West Virginia, the Appalachian Regional Commission, which is the underpinning of so many community development projects, is cut at least one-third. The Economic Development Administration, which recently provided the underpinnings as part of the Swearingen aircraft industry deal, that would be cut 27 percent. Veterans should know they would be basically protected. Medicare, Social Security, and Medicaid, so important to our State legislature right now, would be protected. A class tax cut would affect thousands of West Virginians, and would be paid for.

Significantly, this budget will continue the deficit reduction pattern of reducing the deficit by one-half in relation to our economy and with no tax increase this year.

I understand this budget will only be the starting point and there will be additional cuts, but I do hope that people understand we cannot be cutting growth at the same time we are cutting fat.

SUPPORT H.R. 2, THE LINE-ITEM VETO

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

Mr. HEINEMAN. Mr. Speaker, I rise today in strong support of H.R. 2, the line-item veto.

With the passage of the balanced budget amendment, the 104th Congress has taken an important first step in controlling rampant Federal spending. Now we must take the next step—we must give the President the line-item veto.

This past November, the people of my district—and the people all across America—voted for change. They sent a message loud and clear to Washington—it is about time we listened.

Congress has abused the trust of the American people over and over again, spending far beyond its means. Now it is time to stop this runaway Federal spending and to regain the trust of the taxpayers. We can balance the budget. We can bring some fiscal restraint to the Federal budget process.

It is time to change business as usual in this city. It is time to let the people know that we are serious about making this Government work for them. It is time to give the President of the United States the same power that 43 Governors have to control spending.

Mr. Speaker, it is time to pass the line-item veto, and I say to my colleagues today—just do it. Vote for H.R. 2, vote for the line-item veto—vote for common-cents fiscal reform.

LINE-ITEM VETO A NECESSARY TOOL

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

Ms. HARMAN. Mr. Speaker, I rise in strong support of the line-item veto. Opponents of the line-item veto say they believe it would take power away from Congress and give it to the President. But I see it as a way of taking power away from pork-barrel programs and giving it to people who want to cut

spending and reduce the deficit, regardless of which side of Pennsylvania Avenue they work on, and regardless of which party they call home.

My only regret about the line-item veto we will pass later today is that it does not allow the President to veto pork in tax incentive programs. There is no difference between a program that appropriates $100 million to directly subsidize a certain activity and a tax incentive that cuts taxes by $100 million for the same activity. Both increase the deficit and neither is available to the average citizen.

I urge my colleagues to support the line-item veto. It is a good tool in the hands of both Republican and Democratic Presidents.

REDUCE FEDERAL SPENDING

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

Mr. BAKER of California. Mr. Speaker, if it is one thing the American people have had their fill of, it is seeing their hard-earned tax dollars squandered on frivolous special interest projects. Whether it is a $500 toilet seat for the military or $100 million interstate to nowhere, the American people have had it with paying for someone else's pork.

Up until now America's real pork producers, referring, of course, to Congress, has buried their pet pork projects in important legislation. That is why our line-item veto is such an important part of the Contract With America. It gives the President the power to search out and destroy wasteful spending before it starts.

With the line-item veto, the buck isn't all that stops at the President's desk. The pork stops there too. Several minutes ago the President delivered to Congress his budget, which is out of balance by over $210 billion, the 27th year in a row.

It is time the President and Congress worked together to reduce Federal spending. When Mr. Clinton ran for President, he said he wanted a line-item veto. Our Contract With America gives him just that.

Happy birthday, Ronald Reagan.

SURGEON GENERAL NOMINEE HAS GOOD CREDENTIALS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous material.)

Mrs. SCHROEDER. Mr. Speaker, I think every American would agree that one of the most critical health problems we have in this Nation is the raging incidence of teen pregnancy. I was very proud when President Clinton came forward with a nominee for Surgeon General who has credentials that are better than almost any other American in dealing with this very important issue of teen pregnancy. Dr. Henry Foster, Jr., is a very distinguished Ob-Gyn in Tennessee who has worked in the housing projects, who has worked in his State tirelessly to tackle teen pregnancy, and this country could make great strides with his knowledge.

How sad I am that some people on the other side want to treat this President as though he is road kill. They are saying they will not deal with this nominee because of his associations with Planned Parenthood of America.

Now, I thought the right to free association still stood. I think that Planned Parenthood of America is a very honorable group to be associated with, and I certainly hope they change their mind.

SUPPORT FOR RAISING THE MINIMUM WAGE

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

Mr. WARD. Mr. Speaker, I rise today in support of an increase in the minimum wage by 45 cents over each of the next 2 years. I spoke last week on this issue. However, due to new opposition and a new Republican proposal, I find it necessary to address the minimum wage increase again.

The proposal was offered by Senator DOLE to strike a deal with Democrats whereby we would support a capital gains tax cut in return for support of the increase in the minimum wage. This is ludicrous and it clearly demonstrates the sharp differences between the two parties.

Mr. Speaker, the Democratic Party is not interested in making deals that would give a tax cut to the richest in our society. When we are trying to break the cycle of welfare dependency, our Republican colleagues are trying to ensure that the wealthy are protected from paying their fair share.

The January 29 issue of the Washington Post, they state that ''Republicans want to replace welfare with work.'' If we do not increase the minimum wage, we are making that even harder.

ONE FOR THE GIPPER

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

Mr. BUNN of Oregon. Mr. Speaker, today is Ronald Reagan's birthday. As one of our greatest Presidents, Ronald Reagan won the cold war, expanded the economy, and restored America's faith in herself. He inspired us because in his heart, he knew the American people were crying our for a smaller Government, lower taxes, and a strong defense.

Ronald Reagan fought for these goals over the unending objections of a do nothing Democrat Congress. Now, as he fights against the cruel indignities of Alzheimers disease, a Republican Congress meets to take up the line-item veto.

Mr. Speaker, I cannot imagine a more appropriate birthday present than the passage of the line-item veto Ronald Reagan so desired, and so deserved. So, to my friends on the Republican side of the aisle—let us go to work, pass the line-item veto, and win one for the Gipper!

MINIMUM WAGE INCREASE

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

Mr. KLINK. Mr. Speaker, I rise today also to talk about the increase in the minimum wage.

I was talking to a woman from my district on Friday. She said, ''Congressman KLINK, I don't want to be forced to go on welfare.'' And then she listed off the expenses that she would have to pay when she goes to work, with child care and with her rent and with food and with transportation costs.

And she said, ''for $4.25, I can't afford to go to work; I don't want to go on welfare.''

In fact, that is the position so many people find themselves in. They want the pride of going to work each day, of having sweat on their brow at the end of the day and talking about a job well done. They want to get some discipline back in their lives again. But at $4.25 an hour, they just cannot afford to do that.

I think it is among Members of this House and the other body also to say to people that $4.25 an hour is not a livable wage and to increase the minimum wage of this Nation.

LINE-ITEM VETO: AN IDEA WHOSE TIME HAS FINALLY COME

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

Mr. WELLER. Mr. Speaker, today we will vote to add one more disciplinary tool to the budget and appropriations process, the line-item veto. Along with the balanced budget amendment, which we passed 2 weeks ago, the line-item veto will help bring fiscal sanity to Congress' out-of-control spend-a-thon over the last 40 years.

Former President Ronald Reagan used to say the line-item veto was not a partisan issue but a good-government issue. Unfortunately, the Democrat-controlled Congress refused, refused to put aside partisan differences to pass this important legislation. But today we will finally throw aside partisan politics. We will pass this good-government measure.

Happy birthday, Ronald Reagan. The line-item veto is an idea whose time has come. It is too bad we could not

have done this years ago when Ronald Reagan was President.

LINE-ITEM VETO WILL HELP CUT WASTEFUL SPENDING

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute.)

Mrs. VUCANOVICH. Mr. Speaker, today we will note on H.R. 2, the Line-Item Veto Act. Having recently cast a historic vote to pass the balanced budget amendment, we are on our way to sound fiscal management. But if we are genuinely interested in bringing the Federal budget under control, we must look at additional means of restraining spending. H.R. 2 is an important tool in this process.

H.R. 2 gives the President true line-item veto authority, empowering him to disallow specific items in spending bills without having to veto the entire legislation—which may contain worthwhile and necessary programs. Perhaps more importantly, H.R. 2 places the burden on Congress to act initially to reject a President's rescission message.

Too often, spending bills passed by Congress contain items, especially pork-barrel projects, that would not stand up to the test of an individual vote. If used in a conscientious manner, the authority that H.R. 2 confers on the President could indeed help effectively cut wasteful spending out of the Federal budget.

I support H.R. 2 and urge my colleagues to likewise support this important measure.

RESTORE SANITY AND ACCOUNTABILITY TO FEDERAL SPENDING

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

Mr. HUTCHINSON. Mr. Speaker, here is a list of good reasons why the line-item veto must be passed:

A $58 million bailout of George Steinbrenner's shipbuilding company; $15 million for never-authorized courthouses which were opposed by the Federal judges whom they were built for; $11.5 million to upgrade a powerplant for the soon-to-be-closed Philadelphia Naval Shipyard; and $35 million to eradicate screwworms in Mexico.

It is time to end the spending sprees and get off the pork-barrel merry-go-round. The American people are watching and they are demanding greater accountability in the budget process. We should pass the line-item veto with the same bipartisan majorities that the unfunded mandates and the balanced budget amendment had.

Mr. Speaker, the line-item veto is a no-brainer. We need it; the American people want it. And we should act now to restore sanity and accountability to Federal spending.

AND THE BEAT GOES ON

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

Mr. HAYWORTH. Mr. Speaker, that sound you hear from the other side of the aisle is the last drumbeat of the old order. Our liberal friends continue to march to the beat of Government mandates, Government spending, and Government taxing. That is why they are so quick to endorse an increase in the minimum wage, so quick to oppose the balanced budget amendment, so desperate in their opposition to the line-item veto.

But the American people are marching to the beat of a different drummer. They look to the future and to us for new solutions, smaller Government and fewer mandates.

The American people want the private sector to be able to create jobs that pay more than just the minimum wage. They want a future free of nonsensical, repetitive, and unproductive regulations. And that is why the people voted against liberal Democrats in overwhelming numbers last November.

Mr. Speaker, the tired, old drumbeat of bigger Government, bigger taxes, and bigger spending goes on. Thankfully, the American people have stopped listening. They have started reading the ''Contract With America,'' soon to be No. 1 on the best seller list and the No. 1 priority of this New Republican Congress.

□ 1430

RAISING THE MINIMUM WAGE WILL HELP MAKE WORK PAY

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

Mr. RICHARDSON. Mr. Speaker, I received a letter last week from Harvey Nehring, who lives in Farmington, NM. Harvey cannot understand how anybody could even think of opposing a raise in the minimum wage.

Harvey stated that people who oppose an increase in the minimum wage do not realize that it costs the working poor $40 an hour to get their car repaired and $60 an hour to fix their plumbing. The working poor have no health insurance, no retirement benefits. They receive no gifts from lobbyists, and do not receive frequent flyer miles. In Harvey's words, the working poor are simply honest Americans who work hard to keep this country going.

Mr. Speaker, raising the minimum wage is a bipartisan issue. In 1989, the vote on increasing the minimum wage was 382 to 37 in the House. It was proposed by then President Bush. Mr. Speaker, we should all agree that in order to get people off welfare, we need to give them a salary that will help their ends meet.

Mr. Speaker, I agree with Harvey. Let us raise the minimum wage.

THE TAXPAYER WILL BE THE WINNER WITH THE LINE-ITEM VETO

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

Mr. JONES. Mr. Speaker, last fall, we asked the American people to vote for us, the Republican Party, and in return, we would change the way Congress does business. We promised a three-part attack consisting of change, reform, and fiscal accountability.

We pledged to adopt the Fiscal Responsibility Act, combining the balanced budget amendment and the line-item veto. Two weeks ago, we soundly passed the balanced budget amendment, and now it is our responsibility, to pass the line-item veto.

The bill continues the fight we began for the American people in January. The veto requires Congress to justify or eliminate all spending projects. Ultimately, it changes business as usual, no longer will the President blindly sign a bill with hidden pork projects.

It is the ultimate budget reform initiative. Let us continue the fight and pass this much needed legislation. The taxpayer will be the definite winner.

INCREASING THE BUDGET DOES NOT CUT SPENDING

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

Mr. NEUMANN. Mr. Speaker, I rise today to call attention to the spending increases in the budget recently proposed by President Clinton. Only in Washington, DC, would we look at spending increases from year to year and talk about budget cuts.

Mr. Speaker, look at the numbers. In fiscal year 1995, we will spend $1,539 billion. In fiscal year 1996, if we do as the President has proposed, that number goes to $1,612 billion. Mr. Speaker, that is a spending increase of $73 billion, and all I am hearing discussion about is how we have cut spending. We have not cut spending, we have increased spending by $73 billion.

Carry this thing out to the year 2000. In the fiscal year 2000, if we do as is proposed today in the President's budget we will spend $1,905 billion. That is an increase of $366 billion. We have not cut spending, Mr. Speaker, we are increasing spending. It is about time the American people knew what was going on here, so we can get down to the serious business of balancing this budget.

Mr. Speaker, we can do better. We must do better. Our children deserve it.

A PROMISE TO FORMER PRESIDENT REAGAN: THE HOUSE WILL PASS THE LINE-ITEM VETO

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

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

Mr. CHRISTENSEN. Mr. Speaker, Republicans have promised a lot lately. We promised to make Congress subject to the same laws that the rest of the American people have to live with. We kept that promise. We promised to give the American people a balanced budget amendment. We kept that promise. We promised to put an end to burdensome unfunded mandates, and we kept that promise.

Mr. Speaker, Republicans are keeping every single promise we have made to the American people. Today we will fulfill another promise by voting and passing the line-item veto.

Mr. Speaker, I would like to make one more promise. Seven years ago President Ronald Reagan delivered his final State of the Union Address. He asked Congress to give the future Presidents the line-item veto. He would not have it, but he was asking for the American people and for every President to come after him to have that opportunity.

I promise to him on his 84th birthday today that we will give the President of the United States the line-item veto. I ask my colleagues to vote in favor of that today.

CONGRESS MUST RESTORE THE 25-PERCENT DEDUCTION FOR HEALTH CARE EXPENSES TO FARMERS AND SMALL BUSINESS PEOPLE

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

Mr. GANSKE. Mr. Speaker, I am going to vote today for the line-item veto. Two summers ago in the State of Iowa when we had floods, we saw the disaster bill pay for courthouses in New York and strips of highway in West Virginia. However, I want to address another issue, also. I rise today to express the frustration of the people of Iowa over the failure of this body to restore the 25-percent deduction for health care expenses for self-employed individuals.

America's farmers, the heart and soul of this Nation, do not qualify for the same tax deduction for health care expenses which are available to employees of large corporations. Instead, they are provided with only a thin 25-percent deduction, and that expired at the end of 1993. Congress has still failed to take the steps necessary to restore this.

Mr. Speaker, farmers and other self-employed individuals across the State of Iowa and the rest of America are waiting for this important tax provision to be extended. At a time when every Member of Congress is working to expand this health care insurance, we must make this available again.

URGING CONGRESS TO DO JUSTICE TO RONALD REAGAN'S BIRTHDAY AND PASS A STRONG LINE-ITEM VETO

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

Mr. ROTH. Mr. Speaker, I want to join all of our colleagues this afternoon who have endorsed the line-item veto and are going to be voting for it today. I think it is important to recall the exact words of President Reagan when he was here January 21, 1988, and asked the House to do that. He said:

> Let's help ensure our future prosperity by giving the President a tool that, though I will not get to use it, is one I know future Presidents of either party must have.
>
> Give the President the same authority that 43 Governors use in their States: The right to reach into massive appropriation bills, pare away the waste, and enforce budget discipline. Let's approve the line-item veto.

Today we are going to carry that through on the President's wishes. Mr. Speaker, the line-item veto is an invaluable instrument in the arsenal to cut Government spending, and an absolute necessity to give the Congress the discipline we need to change the spending culture in Washington.

I applaud my colleagues for putting forth the hard work and finally bringing us to the line-item veto which we will face today.

KEEP MOVING FORWARD ON THE CONTRACT—SUPPORT THE LINE-ITEM VETO

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

Mr. LATHAM. Mr. Speaker, I rise to encourage my colleagues to take the next step forward on fulfilling the Contract With America and approve the Presidential line-item veto.

During meetings with constituents over the last several weeks, I have been extremely pleased to hear their message. They say ''We see you working hard, making real changes and keeping your promises, and we like what we are watching.''

The line-item veto is the next step in making it harder for Congress to tax, spend and pile up debt. Asking the President to cut unnecessary spending without line-item veto is like asking a surgeon to do this work with a meat ax. His prospects for success are so slim, the most likely result is that he will not take the chance. That is why we need to provide him with a precision instrument, the line-item veto.

Members of Congress should not be afraid of the line-item veto or any other tool that increases accountability. By making ourselves more accountable, we are winning back the people's trust. And that is the most important tool in any democracy.

RAISING SPENDING IS NOT A SPENDING CUT

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

Mr. STEARNS. Mr. Speaker, in President Clinton's State of the Union that he gave just about 2 weeks ago in this Chamber, this is what he said: ''Should we cut the deficit more? Well, of course we should.'' As many of the Members will remember, that was a great line, and many a lot of us applauded. However, his 1996 fiscal year budget came in, and the question is, why did he not?

I wonder, Mr. Speaker, does the Clinton administration still have as its highest priority reduced spending? Not only does his budget ring up almost $200 billion in deficit for fiscal year 1996, but it projects deficits of almost $200 billion every year to the year 2005. It uses the same old accounting gimmicks that we have seen before, and it claims $144 billion in cuts in Federal spending over 5 years. The reality is that in fiscal year 1996 alone, the administration proposed increasing spending by $50 billion.

Mr. Speaker, do we have to say it again? Raising spending by less than we plan is not a spending cut.

PRESIDENT CLINTON'S BUDGET INCREASES THE DEFICIT

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

Mr. SMITH of Michigan. Mr. Speaker, Members of Congress were given the President's budget today, and once we look at that budget, I hope every Member, Republican and Democrat, as well as the American people, will be as upset as I am as I have gone through this budget.

Here is what I see: Spending every year goes up faster than inflation. Even the so-called reductions are gimmick accounting. They are not truly reductions.

Let me tell the Members what happens to the national debt.

□ 1440

At the end of 1994, the national public debt of this country was $4.6 trillion. This budget, by the year 2000, increases the debt to $6.67 trillion, from $4.6 to $6.67 trillion in this 5-year period. Ladies and gentlemen, the interest on the public debt this year is going to be $339 billion. That is 25 percent of all revenues coming into the Federal Government.

We have to do it better. Let us do it.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, February 3, 1995.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Friday, February 3, 1995 at 4:30 p.m. and said to contain a message from the President whereby he informs the Congress of his intent to add Armenia to the list of beneficiary developing countries for the purposes of the generalized system of preferences program.

With great respect, I am
Sincerely yours,
ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

ADDITION OF ARMENIA TO LIST OF BENEFICIARIES UNDER THE GENERALIZED SYSTEM OF PREFERENCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–26)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed.

To the Congress of the United States:

The Generalized System of Preferences (GSP) program offers duty-free treatment to specified products that are imported from designated beneficiary countries. It is authorized by the Trade Act of 1974, as amended.

I am writing to inform you of my intent to add Armenia to the list of beneficiary developing countries for purposes of the GSP program. I have carefully considered the criteria identified in sections 501 and 502 of the Trade Act of 1974. In light of these criteria, I have determined that it is appropriate to extend GSP benefits to Armenia.

I am also writing to inform you of my decision to terminate the designation of The Bahamas and the designation of Israel as beneficiary developing countries for purposes of the GSP program. Pursuant to section 504(f) of the Trade Act of 1974, I have determined that the per capita gross national products of The Bahamas and of Israel have exceeded the applicable limit provided for in section 504(f). Accordingly, I have determined that it is appropriate to terminate the designation of The Bahamas and Israel as GSP beneficiaries.

This notice is submitted in accordance with sections 502(a)(1) and 502(a)(2) of the Trade Act of 1974.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 3, 1995.*

UNITED STATES BUDGET, FISCAL YEAR 1996—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–3)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed.

To the Congress of the United States:

The 1996 Budget, which I am transmitting to you with this message, builds on the Administration's strong record of economic progress during the past two years and seeks to create a brighter future for all Americans.

When I took office two years ago, the economy was suffering from slow growth, inadequate investment, and very low levels of job creation. We moved quickly and vigorously to address these problems. Working with Congress in 1993, we enacted the largest deficit reduction package in history. We cut Federal spending by $255 billion over five years, cut taxes for 40 million low- and moderate-income Americans, and made 90 percent of small business eligible for tax relief, while increasing income tax rates only on the wealthiest 1.2 percent of Americans. And while we placed a tight ''freeze'' on overall discretionary spending at 1993 levels, we shifted spending toward investments in human and physical capital that will help secure our future.

As we fought for our budget and economic policies, we moved aggressively to open world markets for American goods and services. We negotiated the North American Free Trade Agreement with Canada and Mexico, concluded negotiations over the Uruguay Round of the General Agreement on Tariffs and Trade, and worked with Congress to enact implementing legislation for both.

Our economic plan helped bring the deficit down from $290 billion in 1992, to $203 billion in 1994, to a projected $193 billion this year—providing three straight years of deficit reduction for the first time since Harry Truman was President. Measured as a percentage of our economy—that is, Gross Domestic Product (GDP)—our plan will cut the deficit in half.

By reassuring the financial markets that we were serious about getting our fiscal house in order, our plan also lowered interest rates while holding inflation in check. That helped to stimulate private investment and exports, and sparked the creation of 5.6 million new jobs—more than twice the number in the previous four years.

Now that we have brought the deficit down, we have no intention of turning back. My budget keeps us on the course of fiscal discipline by proposing $81 billion in additional deficit reduction through the year 2000. I am proposing to save $23 billion by reinventing Cabinet departments and two other major agencies, to save $2 billion by ending more than 130 programs altogether, and to provide better service to Americans by consolidating more than 270 other programs. Under my plan, the deficit will continue to fall as a percentage of GDP to 2.1 percent, reaching its lowest level since 1979.

Despite our strong economic record, however, many Americans have not shared in the fruits of recovery. Though these Americans are working harder and harder, their incomes are either stagnant or falling. The problem is particularly acute among those with less education or fewer of the skills needed to compete in an increasingly global economy. To build a more prosperous America, one with rising living standards for all Americans, we must turn our attention to those who have not benefited from the current recovery.

My budget proposes to do that.

PROMOTING A RISING STANDARD OF LIVING FOR ALL AMERICANS

I am proposing a Middle Class Bill of Rights, which will provide tax relief to middle-income Americans. The Middle Class Bill of Rights includes a $500 per child tax credit for middle-income families with children under 13; expands eligibility for Individual Retirement Accounts and allows families to make penalty-free withdrawals for a range of educational, housing, and medical needs; and offers a tax deduction for the costs of college, university, or vocational education. Also as part of my Middle Class Bill of Rights, I am proposing to revamp our confusing array of job training programs by consolidating some 70 of them. In my G.I. Bill for America's Workers, I propose to offer dislocated and low-income workers ''Skill grants'' through which they can make their own choices about the training they need to find new and better jobs.

The G.I. Bill for America's Workers is the final element of my effort to improve the education and skills of Americans, enabling them to compete in the economy of today and tomorrow. In the last two years, we enacted Goals 2000 to encourage States and localities to reform their education systems; revamped the student loan program to make post-secondary education affordable to more Americans; and pushed successfully for the School-to-Work program that enables young Americans to move more easily from high school to training or more education.

And I am proposing to pay for this Middle Class Bill of Rights with specific spending cuts. In fact, I am proposing enough spending cuts to provide more than twice as much in budget savings—$144 billion—as the tax cuts will cost—$63 billion—over five years.

CREATING OPPORTUNITY AND ENCOURAGING RESPONSIBILITY

By itself, the Federal Government cannot rebuild America's communities. What it can do is give communities some of the tools and resources to address their problems in their own way.

My national service program provides incentives for Americans of all ages to volunteer their services in local communities across the country, and earn money for their own education. The budget proposes to invest more in our urban centers as well as in rural areas, and to continue our efforts to build stronger government-to-government relations with American Indian and Alaska Native Tribes. And I will work with Congress to enact comprehensive welfare reform that embodies the principles of work and responsibility for abled-bodied recipients, while protecting their children.

My Administration has worked with State and local law enforcement agencies to help retake the streets from the criminals and drug dealers who, in far too many places, now control them. Congress enacted my crime bill last year, finally answering the cries of Americans after too many years of debate and gridlock. We pushed successfully for the ''three strikes and you're out'' rule for violent criminals, and we are making significant progress on my promise to put 100,000 more police on the street. Congress also passed the long-overdue Brady Bill, which provides for background checks that will keep guns out of the hands of criminals. In this budget, I am proposing new funds with which States and localities can hire more police, build more space in prisons and boot camps, invest in prevention programs for first-time offenders, and provide drug treatment for many more drug users.

My Administration inherited deep-seated problems with the immigration system, and we have gone a long way toward addressing them. This budget proposes the strongest efforts yet, including funds for over 1,000 new Border Patrol agents, inspectors, and support staff. While working to fulfill the Federal Government's responsibility to secure our borders against illegal immigration, the budget also proposes funds to assist States that are unduly burdened with the health, education, and prison-related costs associated with illegal immigrants.

We must redouble our efforts to protect the environment. My Administration has sought more innovative, effective approaches to do so, and this budget would build upon them. In particular, I am proposing to work more with State and local governments, businesses, and environmental groups on collaborative efforts, while seeking more funds for high-priority programs.

Because investments in science and technology pay off in higher productivity and living standards down the road, I am seeking significant new funding for the Advanced Technology Program at the Commerce Department's National Institute of Standards and Technology, NASA's New Technology Investments, the Defense Department's Technology Reinvestment Project, biomedical research at the National Institutes of Health, and research and development at the National Science Foundation. I am also seeking to strengthen our coordinated efforts through the Administration's National Science and Technology Council and to improve the payment system for federally-sponsored research at colleges and universities.

I remain committed to comprehensive health care reform. The problems that prompted me to send Congress the Health Security Act in November 1993 have not gone away. Health care costs have continued to soar for individuals, businesses, and all levels of government. More Americans are losing their health coverage each year, and many others are staying in jobs only out of fear of losing their own coverage. I am asking Congress to work with me on a bipartisan basis, to take the first steps toward guaranteeing health care coverage to every American while containing costs.

PROJECTING AMERICAN LEADERSHIP AROUND THE WORLD

We have begun the post-Cold War era and welcome one of its most significant fruits—the continuing efforts of Russia and the newly-independent states to move toward democracy and economic freedom. We propose to continue our support for this fundamental change that clearly serves the Nation's long-term interests.

My proposals for international affairs also promote and defend this Nation's vital interests in Central Europe, the Middle East, and Asia. The budget supports the important role we play in fostering our historic peace process in the Middle East.

With the global economy offering the prospect of new markets for American goods, we are redoubling our efforts to promote an open trading system in Asia, as well as in Latin America and the rest of the globe. I am, for instance, proposing increased funding for our trade promotion agencies, such as the Export-Import Bank, which strengthen our trade position. I am also asking for continued support for the bilateral and multilateral assistance to less-developed nations that can prevent humanitarian crises, as well as support for a strong American response to these crises.

Our military strength works in synergy with our foreign policy. Our forces defend our interests, deterring potential adversaries and reassuring our friends. My Defense Funding Initiative, a $25 billion increase in defense spending over the next 6 years, marks the third time that I have raised defense spending above my initial funding plan in order to support and maintain the most capable military force in the world. I am determined to ensure a high level of readiness of U.S. military forces, to continue to improve the pay and quality of life for the men and women who serve, and to ensure that our forces are modernized with new systems that will be available near the end of the century.

MAKING GOVERNMENT WORK

None of our efforts can fully succeed unless we make Government work for all Americans. We have made great progress with the National Performance Review (NPR), which I established early in the Administration and which Vice President Gore has so ably run at my direction.

Specifically, departments and agencies across the Government have made substantial progress on each of the NPR's four themes: putting customers first, empowering employees to get results, cutting red tape, and cutting back to basics. The departments and agencies have established customer service standards and streamlined their operations. They also are working with my Office of Management and Budget to focus more on ''performance''—what Federal programs actually accomplish. And they are doing all this while we are cutting the Federal workforce by 272,900 positions, bringing it to its smallest size since John Kennedy was President.

We also greatly improved the Federal regulatory system, opening it up more to public scrutiny. We plan to build upon our efforts, to make sure that we are protecting the public while not unduly burdening any one industry or group. We also overhauled the Federal procurement system, cutting mountains of red tape and enabling the Government to buy high-quality goods and services at lower cost.

Despite such progress, however, we are only beginning our efforts. I recently announced a major restructuring of the Departments of Housing and Urban Development, Energy, and Transportation, the General Services Administration, and the Office of Personnel Management. The budget contains details of these restructurings and our related proposals that affect hundreds of other programs.

In the coming months, the Vice President will lead Phase II of our crusade to reinvent Government—an effort to identify other agencies and programs to restructure or terminate, to sort out responsibilities among the Federal, State, and local levels of government, and to choose functions better performed by the private sector.

CONCLUSION

Our agenda is working. By cutting the budget deficit, investing in our people, and opening world markets, we have begun to lay the foundation for a strong economy for years to come. And by reinventing the Federal Government, cutting red tape and layers of management, we have begun to make Government more responsive to the American people.

This budget seeks to build upon those efforts. It seeks to spread the benefits of our economic recovery to more Americans and give them the tools to build a brighter future for themselves. It also seeks to continue our reinvention efforts—to eliminate or restructure agencies and programs, and to better sort out responsibilities

among the Federal, State, and local levels of government.

These proposals will help us to create a stronger economy and more effective Government. I will ask for Congress's help in these efforts.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 6, 1995.*

VOTE FOR THE LINE-ITEM VETO

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

Mr. SANFORD. Mr. Speaker, I stand before you and the rest of this body to encourage the adoption of the line-item veto. In fact, I have a scary couple of numbers here in front of me.

What do $1.75 million for national pig research have in common with $1.7 million for plant stress have in common with $600,000 to ease fish migration up a western river? The thing they all have in common is I cannot do anything about them.

I came here to affect the way Government is spending money, and yet the way Congress works is that I cannot get my hands on them.

The line-item veto would allow the President to do what 43 Governors can do, and that is to reach in, say this is a piece of fat, it does not make sense and it needs to go.

Please vote with me for the line-item veto.

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.

□ 1445

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2), to give the President line-item veto authority over appropriation Acts and targeted tax benefits in revenue Acts, with Mr. HOBSON (chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Friday, February 3, 1995, the amendment offered by the gentleman from Wisconsin [Mr. OBEY] had been disposed of and the bill was open for amendment at any point.

Pursuant to the order of the House of Friday, February 3, 1995, only the following further amendments, if offered, will be considered:

An amendment by the gentleman from Utah [Mr. ORTON] debatable for 1 hour;

An amendment by the gentlewoman from California [Ms. WATERS] debatable for 30 minutes;

An amendment by the gentleman from Louisiana [Mr. TAUZIN] debatable for 30 minutes;

An amendment by the gentleman from Ohio [Mr. TRAFICANT] debatable for 30 minutes;

An amendment in the nature of a substitute by the gentlewoman from New York [Ms. SLAUGHTER] debatable for 1 hour; and

An amendment in the nature of a substitute by the gentleman from Texas [Mr. STENHOLM] debatable for 1 hour.

No amendment to the specified amendments are in order. Debate on each amendment will be equally divided and controlled by the proponent and an opponent of the amendment.

The chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment.

The chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

For what purpose does the gentleman from Utah [Mr. ORTON] rise?

AMENDMENT OFFERED BY MR. ORTON

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ORTON: At the end of section 4, add the following new paragraph:

(5) The term ''discretionary budget authority'' includes authority to enter into contracts under which the United States is obligated to make outlays, the budget authority for which is not provided in advance by appropriations Acts.

The CHAIRMAN pro tempore. Pursuant to the unanimous consent request, the gentleman from Utah [Mr. ORTON] will be recognized for 30 minutes and a Member opposed will be recognized for 30 minutes.

The Chair recognizes the gentleman from Utah [Mr. ORTON].

PARLIAMENTARY INQUIRY

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

The CHAIRMAN pro tempore. Will the gentleman please state his parliamentary inquiry.

Mr. GOSS. Mr. Chairman, I just wanted to make sure that we understood the rule the Chair read in its entirety. It was also our understanding, I believe the gentleman would agree, there would be no secondary amendments offered on votes that were going to be held and amendments that were going to be held for rolling; is that a correct assumption?

The CHAIRMAN pro tempore. Under the rule, no secondary amendments are in order.

Mr. GOSS. I thank the Chair.

Mr. ORTON. Mr. Chairman, I yield myself 8 minutes.

Mr. Chairman, I am a Member who has supported the line-item veto since before being elected to Congress. This is not a partisan issue, and the line-item veto did not begin with the Contract With America. Many Members on both sides of the aisle support the line-item veto and many new Members have come to the floor of the House today to support the line-item veto.

I would ask those new Members especially to carefully consider the amendment which I now offer. It will be very difficult to explain a ''no'' vote against this amendment which does not weaken but strengthens the President's line-item veto.

The purpose of H.R. 2, the line-item veto, is to single out specific projects of pork barrel spending which are tacked on to larger billions. In fact, last Friday Chairman CLINGER, in accepting the Obey amendment said that the purpose of the bill was to ''get at pork wherever and whenever it may occur.'' My amendment does that in a very simple and straightforward manner. It states, ''the term discretionary budget authority includes authority to enter into contracts under which the United States is obligated to make outlays, the budget authority for which is not provided in advance by appropriations Acts.''

□ 1450

The most visible type of pork-barrel spending are the earmarked projects tucked neatly into large appropriation bills. H.R. 2 will subject this type of pork to line-item veto.

We are also aware of targeted tax expenditures wherein a limited group of taxpayers get a special deduction or credit. H.R. 2 will subject some of this pork to line-item veto.

However, there is a third type of pork which H.R. 2 does not reach without my amendment. It is direct spending which is not appropriated in advance but, rather, is obligated under contract authority. The most common types of contract authority spending are transportation projects authorized by the Transportation and Infrastructure Committee which are not appropriated but, rather, spent directly from the trust funds.

Most funding under the Federal Aid Highways Program goes out to the States by formula based upon total highway miles, transportation tax revenues, et cetera. This spending is included in the annual 602(b) caps, and the Appropriation Committee limits the total amount which can be expended under such contract authority.

However, the Transportation Committee also earmarks certain demonstration projects. Demonstration projects are not subject to appropriations limitations but are subject to the

spending caps. Therefore, and this is critical, any dollar spent on a demonstration project is a dollar which cannot be given to the States under the general formula law. Demonstration projects are priorities set by Washington, DC, while projects funded under the general formula are priorities set by State and local governments.

In a ''Dear Colleague'' letter opposing my amendment, last Friday it was suggested that contract authority is spent from trust funds and does not contribute to the deficit. Therefore, it should not be subject to the line-item veto. I would suggest this is ridiculous.

Should we be any less concerned over wasteful spending from the trust funds than we are wasteful spending from the general Treasury? Cutting wasteful spending could result in better spending or reducing taxes.

H.R. 2 was designed for precisely this sort of spending. There were hundreds of demonstration projects in the 1991 ISTEA bill which totaled over $6 billion. Here is what President Bush said about it:

> The authorization levels in the bill are excessive. H.R. 3566 earmarks $1.2 billion for 27 projects on 20 priority corridors and $3.8 billion for 460 other highway demonstration projects which could ultimately cost over $23 billion. Many of them are not the highest State priorities and would not survive the normal process of selection on their merits. More than three-quarters of the mass transit new start projects earmarked by the bill either failed to meet basic cost-effectiveness criteria or lack sufficient information for meaningful evaluation.

The gentleman from Illinois [Mr. FAWELL], known for his work on the pork busters coalition, said,

> I cannot support this version of reauthorization, because it contains 455 highway demonstration projects totaling $5 billion. These projects are given contractual authority for the next six years creating what amounts to a pork entitlement program. Secretary of Transportation Samuel Skinner has recommended a veto of the bill because of these demonstration projects.

The majority leader, the gentleman from Texas [Mr. ARMEY], said that this bill again spends, first, on where it is needed in the parochial interest, special interests, in the local interest, what they call pork-barrel spending.

The chairman of the Committee on the Budget, the gentleman from Ohio [Mr. KASICH], filed an amendment to H.R. 2 in the RECORD which would do the same thing as my amendment, extend line-item veto to contract authority. I am not aware whether or not he will offer his amendment. I hope he will. I would support it.

Of the 1991 ISTEA bill, the gentleman from Ohio [Mr. KASICH] said, ''This bill includes $4.9 billion in demonstration projects that I feel should not be included in this bill.''

Mr. Chairman, the American people are sick and tired of this place. They are sick and tired of perks. They are sick and tired of demonstration projects. They are tired of pork, and we have got to clean it up.

The other people that are getting the shaft in this bill are the American taxpayers who are sick and tired of pork.

The gentlemen from Indiana [Mr. BURTON] listed project after project which he suggested were ridiculous saying, ''The fact of the matter is there are 455 pet projects in this bill. Now, not all of them could be considered pork-barrel projects, but much of it, much of it is.''

Mr. Chairman I wish to speak just for a moment about a matter of great concern. It is very sensitive and I raise it for only one purpose, to demonstrate why this amendment should be adopted.

I want to share with my colleagues a telephone call which I received from a mayor in my district last Friday. The mayor called to question my amendment and expressed concern over funding for a highway project in the city. The mayor states that the staff of the chairman, the gentleman from Pennsylvania [Mr. SHUSTER], had let it be known that they are looking at transportation projects in my district, and if I offered this amendment, there will be retaliation. It was suggested that we would neither get any further contract authority nor authorization for appropriations for future funding of projects in my district.

The only difference between appropriated spending, which H.R. 2 covers, and contract authority, which H.R. 2 does not cover, is the committee which hands our the pork.

I understand why members of the Committee on Appropriations would oppose line-item veto, and I understand why members of the Committee on Transportation would oppose my amendment.

Contract authority for direct spending which can be given to Members to reward proper voting or taken away to punish Members is exactly the kind of spending the line-item veto is designed to cover, and I urge adoption of my amendment.

The Chairman, I reserve the balance of my time.

Mr. CLINGER. Mr. Chairman, I yield 5 minutes to my colleague, the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the Committee on Transportation and Infrastructure.

Mr. SHUSTER. Mr. Chairman, I thank my good friend for yielding this time to me.

Mr. Chairman, I believe that this amendment should be overwhelmingly defeated for four reasons. First of all, it is very poorly drafted. There are unintended consequences which could flow from this if it were to be adopted. This amendment does not simply reach to projects. Rather, entire highway programs could be canceled by any President. A President could decide to wipe out a rural highway program, not a particular project, but an entire program. He could decide to wipe out an entire urban funding program, not a specific urban project, but a whole urban program. So it is poorly drafted and it should be defeated for that reason alone.

Further, it should be defeated, second, because highway and aviation programs already have spending controls. They are among the few programs around this place which are deficit proof. In fact, the Secretary of the Treasury must certify every year that the money is going to be there to pay for the programs or the money cannot be spent. That is the second reason why this should be defeated.

And, third, this amendment should be defeated because it saves no money. The law clearly says that the money from those trust funds not spent will remain in the trust funds. So the only thing that can be done is it can be reallocated by some faceless, nameless bureaucrats or it can be left in the trust fund to build up a surplus, and then the American people, who paid their gas tax and paid in their airline ticket tax, will not get the benefit of those trust funds.

And, fourth, rather than targeting this kind of a spending program which is a pay-as-you-go program, we should be working to have more programs like this in the House.

My good friend mentions projects in his own district and a mayor calling him. Well, I am a little surprised. I am told the gentleman has five projects which were in ISTEA, and if he is so opposed to projects, then I would think that he would not want his community to benefit from these projects. If these projects are terrible pork-barrel projects, then I think he would step forward and say, ''They should not be in my district.''

So for all of these reasons, we should overwhelmingly defeat this amendment.

And, finally, let me point out that this amendment does not touch any of the projects to which the gentleman referred to. It only will touch the future, and as I have said before, and I will emphasize again, any Member of Congress who comes before our committee with a project, a high-priority project for his State or his district, must have a letter from the Secretary of Transportation of his State endorsing the project.

These projects must be worthwhile projects, and if they are not, we will not permit them to go forward.

So for all of those reasons, for the protection we have provided and for the overwhelming reason that this amendment goes far beyond individual projects, for all of those reasons, this amendment should be overwhelmingly defeated.

□ 1500

Mr. ORTON. Mr. Chairman, will the gentleman yield for a question?

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

Mr. ORTON. Mr. Chairman, I yield myself 1 minute to ask the gentleman a question.

Mr. SHUSTER. Mr. Chairman, if the gentleman will yield, I would be happy to respond.

Mr. ORTON. Mr. Chairman, could the gentleman tell me from which funding the Bud Shuster Highway in Pennsylvania, which runs parallel to——

Mr. SHUSTER. I am delighted; yes, I will be happy to answer.

Mr. ORTON. It is my time—which runs parallel to the Pennsylvania Turnpike, and runs a four-lane highway through a town of 1,700 people; is that from contract authority? Was that from the general formula funding that the State determined? Or where did that funding come from?

Mr. SHUSTER. Mr. Chairman, will the gentleman yield for an answer?

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

Mr. SHUSTER. Mr. Chairman, I presume he is referring to Route 220. That came from contract authority as a high-priority project. It has been in operation for 5 years, and in the past the old highway experienced six fatalities a year, and since that new highway has been built, there have been zero fatalities.

On top of that, 53 businesses have been located, and 4,000 jobs have been created. These are the kinds of projects we need in this country; more of them, not less of them.

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

Mr. ORTON. Mr. Chairman, I yield myself an additional 30 seconds.

Mr. ORTON. Mr. Chairman, I suggest that this Member, nor other Members I know supporting this amendment, do not question whether the projects which are funded are valid projects, good safety projects, or et cetera. The question is:

This is authority which a chairman, or a ranking member or members of one committee, can choose where to spend this money in their own districts or in other districts, and it is not being selected by the States. It is not subjects to the same criteria——

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

Mr. CLINGER. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. PETRI].

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

Mr. PETRI. Mr. Chairman, I am opposed to the amendment offered by the gentleman from Utah for a variety of reasons.

First, the amendment includes contract authority within the definition of ''discretionary budget authority.'' In a letter to Members of the House, Mr. Orton has cited only spending from the aviation and highway trust funds as examples of programs his amendment would cover. But what other programs might be affected? We really do not know what the effect of this amendment might be.

Second, it is important to note that rescinding aviation or highway trust fund dollars does not result in any real savings. Instead, these funds would simply languish in the trust funds since, by law, these funds which have been collected from the users of our highway and aviation systems may not be used for any purpose other than transportation. In addition, these programs are deficit-proof since outlays are restricted to the amount of receipts taken in. Those interested in deficit reduction should look elsewhere in our budget.

Third, Members should be aware that this amendment does not simply affect highway projects—in fact, entire highway programs where funds are provided in multi-billion-dollar lump sums and distributed to States by formula would be subject to rescission. One of the major purposes in establishing the highway trust fund almost 40 years ago, was to provided to the States assurances that they could rely with some certainty on the level of Federal highway funding which would be received over the years. This is essential for administering an efficient highway program where each project involves literally years of study, planning, design, engineering and construction. If States could never be certain which programs might be rescinded at any given time in the future—perhaps interstate maintenance or the National Highway System Program or others—the effect on State programs would be devastating.

Mr. Chairman, it is my understanding that the chairman and ranking Democrat of the Government Reform and Oversight Committee as well the chairman of the Rules Committee are all opposed to this amendment. The rest of the membership should be as well, and I urge a ''no'' vote on the Orton amendment.

Mr. CLINGER. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Chairman, the gentleman from Utah [Mr. ORTON], my friend, would not want to misstate the facts. The facts are, when he says that a chairman and a ranking member can do this, that is baloney. A ranking member and a chairman first must get it through the subcommittee, must get it through the full committee; our committee, 61 members, the largest committee in the House; and then must come to the floor, and this Congress must vote in favor of that legislation, or it will not pass.

So, it is very misleading, and I am sure my good friend does not intentionally mean to do that, to suggest that two Members can make this happen.

Mr. ORTON. They, however, cannot vote item by item.

Mr. ORTON. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Chairman, I am amazed. Just 4 days ago, the House Republican leadership effectively killed the Skelton amendment which would have exempted major national defense programs from the line-item veto. By opposing the Skelton amendment just last Thursday and opposing the Orton amendment today, Mr. Chairman, the Republican leadership of this House and everyone who follows it is saying this: ''It's OK for a President to be able to veto strategic missile defense, and the B–2 bomber, and the F–22, the C–17, the V–22 helicopter. It's OK to veto military pay increases. But it's not OK to be able to veto a bridge, or a road, or pork-barrel highway projects if you call them demonstration projects.''

The Republican leadership is saying, ''We won't fight to protect major defense programs, but we will go the wall to protect pork-barrel projects and highways if you just call them demonstration programs.''

Mr. Chairman, any Member who voted against the Skelton amendment on Thursday, an amendment that would have protected national defense, should think twice before opposing this amendment today.

I say to my colleagues, ''If you believe in a strong national defense, if you have a military base in your district or defense jobs in your district, I wish you good luck in trying to explain to your constituents why you voted today to protect bridges and roads but voted just last Thursday, 4 days ago, not to protect national defense from the line-item veto.''

Mr. Chairman, I think most Americans will be shocked to find out that the Contract of America now says that highway pork is more important than national defense. Our motto ''Don't Tread on Me'' has taken on a new meaning. It means now a President can veto defense, but cannot veto highway pork. For years, for years, my Republican colleagues have attacked Democratic pork. Now, less than 30 days into this new session, are we seeing the beginning of new Republican pork? It might have a different label on it, but it has got the same fat level as the old pork, and it surely is just as well going to clog the arteries of our taxpayers' pockets.

When new Republican Members of Congress were elected by saying there would be no sacred cows in the Federal budget, surely the American people did not think sacred cows would be replaced by sacred pork. As one retired Republican Member said not too long ago, to paraphrase, ''Members, you can't hate pork but keep protecting the bacon.''

Vote no on pork. Vote ''yes'' on the Orton amendment.

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the distinguished minority leader, the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Chairman, I rise to speak against this amendment which would threaten our Nation's vital infrastructure programs. Our Nation's budget problems are not caused by excessive spending on highways, transportation, and airports. These programs, as has been stated, are financed through self-supporting trust funds and, by law, cannot spend more than they take in. If anything, we should spend more on our Nation's infrastructure needs, not less.

The American people know the dismal state of our highways, subways, and bridges. They drive on them every day. Many of our bridges are more than

50 years old, and of course some have actually collapsed while motorists were driving on them.

The greatest expansion on our Nation's road network was begun more than 40 years ago in one of the greatest demonstrations of Government working on behalf of the people and promoting the market and private sector through the Interstate Highway System in the 1950's, and delays due to our Nation's infrastructure problems cost American businesses more than $100 billion a year. We could help the working men and women of this country, and we can help our commerce by spending what is needed to make sure that our roads, our bridges, our highways, our transportation systems, our airports, meet the standards that are necessary to make this economy, a free market economy, grow.

So, Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Utah [Mr. ORTON].

Mr. ORTON. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. SABO], the ranking minority member of the Committee on the Budget.

Mr. SABO. Mr. Chairman, Members, I rise in support of this amendment, maybe for reasons different than others. I do it for the sake of consistency, not for the sake of pork versus goodness, or whatever else may be talked about today. But the reality is the base bill today transfers incredible power to the President to modify spending decisions by the Congress, and the President, with the support of one-third of the Congress, can maintain those decisions. When the gentleman from Pennsylvania [Mr. SHUSTER] says that a President might be able to wipe out a highway program, he is right, but that also applies to a whole host of other worthwhile expenditures.

Why have one covered and the other exempt? I know of no good reasons.

Mr. Chairman, I am not one——

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

Mr. SABO. Let me finish a minute. I am not one who talks about pork. I think there is good cause at times for demo projects. I do not condemn them. I have been involved with them. Sometimes they are contract authority, sometimes they are authorized and appropriated money. I have got a couple right now that are partially one, partially the other. The authorized part would be subject to line-item veto; the contract authority would not. There is absolutely no reason for the distinction.

Mr. SHUSTER. Mr. Chairman, would the gentleman yield on that point since he mentioned my name?

Mr. SABO. I yield to the gentleman because the gentleman is right in what he says in terms of the ability of the President with the support of one-third of the Congress to wipe out a whole program, but that would also include education programs, legal aid, a variety of other things.

Mr. SHUSTER. Mr. Chairman, the gentleman used my name.

The difference is this is out of a trust fund. This is contract authority. There can be no deficit spending. That is the distinction here, and that is why this amendment should be overwhelmingly defeated.

Mr. SABO. Reclaiming my time, Mr. Chairman, all expenditures by the Federal Government go into making up what our outlays are each year.

□ 1510

We have hundreds of trust funds in the Federal budget. If we said every one of them was exempt, we would be talking about tiny portions of the budget. The reality is that if our judgment is to pass this base bill, it should apply to appropriated dollars, it should apply to contract authority, frankly it should apply to new or expanded entitlement authority, and it should also apply to tax expenditures and tax cuts.

If we really wanted to have a fair bill, it would be in toto. There is no reason for the sake of consistency to say that it should apply to appropriated dollars which would be going to good programs, maybe bad programs, maybe some in between, and the same with the contract authority—lots of good programs, some maybe not so good—but what we are saying in this bill is we want to subject those kinds of expenditures to the scrutiny of the President, who can prevail if one-third of the House or the Senate will stay with him.

Mr. Chairman, for consistency's sake, let us have it apply uniformly.

Mr. CLINGER. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Iowa [Mr. LATHAM], a member of the Committee on Transportation and Infrastructure.

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

Mr. Chairman, I rise to oppose the Orton amendment to the Line-Item Veto Act.

The line-item veto is, as many Members of this House have stated, an idea whose time has come. The American people have reached their boiling point over unnecessary and wasteful Federal spending; $10 million here, $20 million there of special interest spending have added billions to our national debt over the years. No part of discretionary spending should be off-limits to the line-item veto.

The Orton amendment, however, shoots at the wrong target. Discretionary transportation spending is already on the table and will be scrutinized under the line-item veto. The President will be able to wield his veto knife against special interest transportation spending that comes at the expense of veterans, children, the elderly, or other important highway projects.

However, no money would be saved under the Orton proposal. Program transportation funding is allocated from money in the highway or aviation trust funds, and spending for these purposes is the only allowable purpose for these funds. Thus, a Presidential veto of contract authority spending would merely send money back to the trust funds.

Rather than sending money back to the Treasury, these contract authority funds would continue to collect in the trust fund. Adding the Orton amendment to the line-item veto bill would be giving the President a deficit-masking tool, not a budget cutting tool.

This amendment would move us in exactly the wrong direction. I know that my colleague from Utah has been an advocate for fiscal responsibility in this House, but this amendment is simply off-the-mark. I urge my colleagues to vote ''no'' on the Orton amendment and yield back the balance of my time.

Mr. ORTON. Mr. Chairman, I yield myself 1 minute to speak in response to the gentleman's statement.

Mr. Chairman, I am sure my friend and colleague would not want to misspeak or misrepresent the facts. In fact, discretionary spending for transportation programs includes the contract authority spending. It does come under the 602(b) allocations. It is all part of discretionary spending, only this part would not be subject to the veto. That is the difference.

I would also suggest to the gentleman that under the current language of the line-item veto, H.R. 2, any amount which is vetoed by the President goes back into the appropriation cycle to be reallocated among other programs. Without a deficit reduction trust fund, it does not lower the deficit either.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. STENHOLM].

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

Mr. STENHOLM. Mr. Chairman, I rise in support of the Orton amendment for the same reason that the gentleman from Minnesota [Mr. SABO] a moment ago did, and that is for the sake of consistency.

Having been involved in the line-item veto and being opposed to giving any President one-third plus one minority override on any of the issues, and then working gradually to this point, I come to the expedited rescission process in which I am perfectly willing to give any President 50 percent plus one line-item veto over any project in the 17th District of Texas.

Having listened to the arguments of the appropriators for years opposing either line-item veto or modified rescission for getting into the decisions that the appropriators make and then listening to the members of the Committee on Ways and Means make the various all-substantial and very good arguments as to why the President should not get involved in tax matters, and now listening to the Public Works Committee giving all the very valid reasons why this should not be applied

to public works, I come to the same basic conclusion, and that is why we will be offering our amendments later this afternoon to strengthen H.R. 2 to allow the President to go into any bill at any time, whether it is contract authority, tax authority, or spending authority, and to make an independent judgment as to whether or not that project is as good as we might have believed it to be when we came to the Public Works Committee and asked in this case for contract authority. I am perfectly willing to do that, and if we are going to do it for one, I think we should do it for all.

We have heard the statement made that the trust funds are somehow different. They are not different, Mr. Chairman. Trust funds come from taxes that are in fact paid by the American people for the purposes for which we pay them into the trust fund.

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

Mr. STENHOLM. I am happy to yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I say to my friend they are user fees. It is not a general tax paid by all Americans, but rather by the traveling public who buys a gallon of gasoline or pays a ticket tax. They are user fees, and, therefore, they are fundamentally different from other taxes.

Mr. STENHOLM. Mr. Chairman, I reclaim my time and say they are not fundamentally different because they are user fees, because the users have the right to believe those funds are being expended in the most efficient way possible. Therefore, the argument we make, I think, is extremely valid.

What we are saying today in H.R. 2, and hopefully as amended, with all the amendments added, is that we all agree the basic thrust we want to see is that the President of the United States have the right to go into appropriation bills, Ways and Means tax bills, and now Public Works bills, and if he has a different opinion, then we shall have to vote up or down on the floor on those individual projects.

This is what the argument is about. As I say, in my particular feeling, I get nervous about one-third plus one, but I do not get nervous about a 50 percent plus one independent judgment.

Mr. CLINGER. Mr. Chairman, I am very pleased to yield 4 minutes to the gentleman from California [Mr. MINETA], the former chairman and now ranking member of the Committee on Transportation and Infrastructure.

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

Mr. MINETA. Mr. Chairman, I really appreciate our colleague, the gentleman from Pennsylvania [Mr. CLINGER] leading the committee on this issue, as well as my very fine colleague, the gentleman from Pennsylvania [Mr. SHUSTER], and I rise in very, very strong opposition to the Orton amendment.

I think there are two things that bother me about the discussion that is going on. One is that there is no recognition whatsoever about the user taxes that are being generated right now through a gasoline or a ticket tax, and they are treating those dollars the same as general tax revenues.

There is no tax for a V–22, a C–17, or for defense in general, but there is a dedicated fund, a highway trust fund or an aviation fund that has revenue coming either from a ticket tax on passengers on airlines or on the gasoline and diesel tax from the users of the highway system.

There is another thing that is starting to bother me, and that is that there is no distinction between a dollar spent for operations and a dollar spent on capital items. A dollar spent on capital items is an investment that brings back or generates economic growth and other kinds of activities.

Those who have advocated a line-item veto have argued that if we are going to get serious about deficit spending, we have to have this tool—the line-item veto—to bring spending down.

This amendment would extend the line-item veto to contract authority programs, which is to say the trust fund supported aspects of the highway, transit, and airport programs.

But all this contract authority spending is fully supported by dedicated revenues into the trust funds. This is all spending which does not contribute one dime to the deficit. These are the ultimate in pay-as-you-go programs. This is what we want more of the Federal budget to look like.

Whether you think the line-item veto is a good idea or not with respect to most Federal spending, it just makes no sense with regard to contract authority. Our contract authority programs already are prohibited by law from contributing to the deficit. That's iron-clad protection against deficit spending. You might say that with regard to the contract authority programs, we already have the balanced budget amendment in pace. A line-item veto on contract authority is not needed and makes no sense.

If this amendment were adopted, entire programs could be reduce or eliminated, even though they are now entirely pay-as-you-to. The programs we are talking about are key to our States, our communities, and our businesses. I'm talking about programs like the interstate construction program, the interstate maintenance program, the National Highway System, the minimum allocation, the congestion mitigation program, and a variety of other highway, transit, airport, and safety programs, all of which are 100 percent fund supported. Any of these programs could be reduced or eliminated in their entirety by the line-item veto, even though we were already taxing our constituents more than enough to fully fund these programs through the trust funds.

This is ultimately an issue of truth in taxing. When we approved these trust fund taxes, and when most of our constituents agreed to support these trust fund taxes, it was the promise that these monies could and would be spent on needed transportation improvements. That's what the trust in trust funds is all about. If we now create a situation where the taxes will go on being collected, but the line-item veto can be used to block spending those taxes back out as promised, we will have fundamentally broken trust with our constituents, and that would be profoundly wrong.

I strongly urge my colleagues to oppose this amendment.

☐ 1520

Mr. ORTON. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. CONDIT].

(Mr. CONDIT asked and was given permission to revised and extend his remarks.)

Mr. CONDIT. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Utah [Mr. ORTON]. The measure we are debating today, the line-item veto, attempts to put some control over Federal spending. The line-item veto as drafted in H.R. 2 controls appropriation spending. The line-item veto as drafted in H.R. 2 applies to targeted tax benefits. The line-item veto as drafted in H.R. 2 does not apply to contract authority, that is, Federal trust funds such as the Federal highway and airport trust funds.

Why should the line-item veto apply to appropriations funding and funding from the tax fund, but not apply to spending from the Federal trust fund? As the gentleman from Utah [Mr. ORTON], has already pointed out, the highway reauthorization bill, what we call ISTEA, contains numerous highway demonstration projects that were nothing but pork-barrel projects in the districts of powerful Members.

Mr. Chairman, if we are to have an effective line-item veto, it must apply to all forms of Federal spending. Without the Orton amendment, a good portion of Federal pork-barrel spending will be off limits. That is unfair and unwise and unworkable.

We need to have this be applicable to all spending here. We need to make sure that we are able to scrutinize every bit of Federal spending, and the Orton amendment will ensure us we have the opportunity to do that.

We have an obligation, if we are going to pass this line-item veto, to make sure it works and works in a fair fashion. I would urge all my colleagues, my colleagues on the Democratic side, my colleagues on the Republican side, who absolutely know that this is fair and right, You have been here before, even your own colleagues have proposed this, and it is a fair amendment, and we ought to pass it.

Mr. Chairman, as an original cosponsor of H.R. 2, I rise in strong support of the line-item veto.

Since the early 1980's, our national debt has soared. The national debt expands by $1 trillion every 4 years. The debt has skyrocketed to such an extent that interest payments on the debt are one of the largest items in the Federal budget. Something must be done to change course.

Before coming to the floor, I was up in my office watching the debate and I have to tell you that I have a hard time understanding what some have said about H.R. 2. Many of the opponents of the line-item veto have criticized this bill because they believe that it gives too much power to the President. Even though I disagree, I can understand this argument. But others have said that our Nation has survived tougher times than we find ourselves in today without having to upset the constitutional balance between the executive and the legislative branches. It is this argument that I do not understand. Do the Members of this body realize that we have a $4.6 trillion debt? Do the Members of the body realize that we are getting closer and closer to financial insolvency every day? Do the Members of this body realize that future generations will have to pay 82 percent of their income in taxes because we have left them with this terrible debt? From the comments on the floor today I am not sure.

I firmly believe that if we do not take decisive and dramatic action to reduce and eliminate our wasteful spending habits, we will condemn our children and grandchildren to pay for our excesses. As a father and a grandfather, I can tell you that this would be wrong and unfair.

For these reasons, I am a strong supporter of a pure line-item veto. The current budget process is woefully inadequate in this regard. It is true that the President can propose budget rescissions. However, we in Congress can thwart the will of the President and allow pork barrel spending to be spent by simply ignoring the President's rescission requests.

H.R. 2 will fundamentally change this process by requiring us to consider the President's rescissions. But most importantly, H.R. 2 will require us to muster a two-thirds vote to restore a spending program that the President has targeted for elimination. It is this two-thirds requirement that distinguishes H.R. 2 as the true line-item veto.

Finally, Mr. Chairman, the line-item veto is a commonsense issue. President Clinton supports it. Forty-three State Governors have this authority. And most importantly, the American people believe that we should give it to the President.

Mr. CLINGER. Mr. Chairman, might I inquire how much time is remaining on both sides?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] has 18 minutes remaining, and the gentleman from Utah [Mr. ORTON] has 8½ minutes remaining.

Mr. CLINGER. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from Pennsylvania [Mr. MASCARA].

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

Mr. Chairman, I rise in opposition to the Orton amendment. While I do not doubt the sincerity of the motives of the gentleman from Utah [Mr. ORTON], I know firsthand how harmful enactment of this amendment could be to a section of the country, southwestern Pennsylvania, struggling to overcome the economic upheavals of the 1980's and the early 1990's.

For the past 25 years, citizens of my southwestern Pennsylvania district have struggled to win approval and funding for a road called the Mon-Fayette Expressway. Like the playing field in the movie ''Field of Dreams,'' they hope if this highway is built, businesses and jobs will follow.udies all around the world have indicated a strong correlation between highway and infrastructure development and economic development. I served for 15 years as a member of the southwestern Pennsylvania Regional Planning Commission, where I served as chairman of the planned policy committee which had the responsibility of fulfilling the obligations under the 1990 Clean Air Act amendments and the 1991 Intermodal Surface Transportation Efficiency Act.

Passage of the Orton amendment would allow this President or some other President to reach into a bill, and, with the stroke of a pen, wipe out this highway. I do not think that is right.

While I support the concept of the line-item veto, I must say that the trust fund programs targeted by the Orton amendment are not part of the problem this legislation is trying to solve.

The highway trust fund that will hopefully be used one day to fund the Mon-Fayette Expressway is totally financed, as some of my colleagues said earlier, by gasoline taxes, paid by motorists and truckers across this country. For every 1 penny, there is $1 billion going into that plan. So I ask Members on the Republican side and the Democratic side to oppose this amendment.

Mr. CLINGER. Mr. Chairman, I am very pleased to yield 4 minutes to the gentleman from West Virginia [Mr. RAHALL], a member of the Committee on Transportation and Infrastructure and ranking member on the Subcommittee on Surface Transportation.

Mr. RAHALL. I thank the distinguished chairman for yielding and appreciate his leadership, as well as the leadership of our Committee on Transportation and Infrastructure Chairman, the gentleman from Pennsylvania [Mr. SHUSTER] and our ranking member, the gentleman from California [Mr. MINETA].

Mr. Chairman, I, of course, rise in opposition to the spending amendment. I could perhaps understand the rationale for its introduction if its author were a new Member of the majority party. But I am rather dumbfounded by the rationale of its current author, considering his background and his work in the past with our Committee on Transportation and Infrastructure. The gentleman certainly comes to this debate with no clean hands, protest notwithstanding.

As most of us know, the airport, highway, and transit projects are financed through the trust funds supported by users fees, as has been repeated during this debate. This is entirely different from last week's debate on exempting defense from the line-item veto. Defense has no dedicated user financed trust fund.

Expenditures from these highway trust funds are achieved through contract authority contained in authorizing bills under our jurisdiction on the Committee on Transportation and Infrastructure. Our highway and aviation programs are already covered by spending controls. I repeat, they are already covered by spending controls. Annually our appropriators impose obligation limitations on transportation contract authority which in turn controls outlays for these programs.

Second, rescissions of highway and aviation contract authority will not save any money. By law the funds not expended from these trust funds remain in the trust fund and may not be used for any other purposes. These are dedicated funds, derived from user fees.

□ 1530

We ought to be putting more trust into these highway trust funds, not detracting from the trust in these highway trust funds

This is about truth in taxing, Mr. Chairman, using the people's money for what they believe the money is going toward when they pay that fee at the gas pump or buy that airline ticket. It is what they truly believe their money is going for, improved airports and security at our airports, improved highways.

This is about truth in taxing, putting trust back into these highway trust funds, being honest with the American taxpayer about where his or her money is going, not into some black hole in Washington known as deficit reduction, for which they may never see any positive results.

These trust funds are deficit proof. By law, by the Byrd amendment, they cannot spend more money than they take in. They should not, therefore, be target for deficit reduction.

Road building in our respective States is a jobs issue as well. When we build roads, we provide jobs in both the short term and in the long term.

And finally, enactment of this amendment would cause havoc in our transportation programs. State and transportation contractors have no assurance that once a project is initiated, the funds necessary for its completion would be there. There would be no smooth flow of funds to our States to conduct transportation policy and build projects with any amount of certitude.

Who can conduct a transportation and road building project like that? And talk about unfunded mandates. If

the President vetoes an entire highway safety program or the national highway system program, who is going to build these projects in the States, these lifelines to many a community? Obviously States are going to have to pick up the tab themselves. Talk about unfunded mandates.

This is not the type of way, this is not the manner in which we should be conducting transportation policy in this country, especially as we look into the 21st century and try to adopt a new and sound policy of intermodalism.

I tell my colleagues that this vote will send an important message, not individually, I might add, but collectively, to this body and to the world as we begin writing a transportation policy this year.

Mr. CLINGER. Mr. Chairman, I yield 4 minutes to the gentleman from Minnesota [Mr. OBERSTAR], a very prominent member of the Committee on Transportation and Infrastructure and ranking member of the Subcommittee on Aviation.

Mr. OBERSTAR. I thank the gentleman for yielding and congratulate him on the dignified manner in which he has conducted the debate from his position as chairman.

The Orton amendment strikes at two of the Federal programs that have been the most successful, the most universally accepted and which are deficit free and do not contribute to deficit and by their very constitution and establishment cannot run a deficit and never have and never will.

Contract authority, which is the underlying principle of the aviation trust fund, and the highway trust fund were invented in 1956, with the establishment of the highway user tax because the founders of the interstate highway program realized that we needed a dedicated revenue stream, one that States could count upon year after year to build these projects that took years to design and engineer and years more to construct and to complete. We cannot complete a bridge or a highway from one day to the next, from one fiscal year to the next. It takes several, years and that is why they established the principle of contract authority to make sure that there would be this dedicated revenue stream to complete these projects after their initiation. And then the same concept was adopted in the 1970's with establishment of the aviation trust fund and the airline ticket tax which finances our airport improvement program.

We specifically, in the airport improvement program, the gentleman from Pennsylvania and I worked together on this for years, kept individually designated projects out. But that did not stop States from designating one project having more significance than another. And the same with the highway program. States made choices as to where those dedicated revenues are going to go. They make choices of one project over another. State legislatures make those decisions. Governors make those decisions. We, too, are the people's elected representatives. And we have a responsibility to the people that elect us and who pay their taxes into the highway trust fund and who expect that dedicated revenue stream to operate.

Now, under this amendment, the president would have the authority to abolish the contract authority itself. The money then could not be spent on any other purpose. It would not be spent on highways or airports. It would just sit there and build up surplus to offset the deficit and make the President's program, whichever President that happened to be, look better.

I do not think we want that. I do not think our people sent us here to just be a rubber stamp for a President. We are not a rubber stamp Congress. We have the responsibility to represent, and that is to represent the people who sent us here, to stand for something, and that something is a highway trust fund that has built the finest system of highways that is the envy of other countries in the world and the finest network of airports that is the envy of other countries in the world. And we should not undermine it by adopting this provision, I hate to dignify it with that term, that would undermine the very purpose of building infrastructure, serving the economy of this country, serving the needs of transportation and movement of people and goods throughout America.

Defeat the Orton amendment.

Mr. ORTON. Mr. Chairman, I yield myself 10 seconds to suggest that the President, under H.R. 2, could also veto the entire funding for the Central Intelligence Agency. I do not know why he would do that, or the transportation funding.

Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I thank the gentleman from Utah for yielding time to me.

There is an old country song that goes, ''I was country when country wasn't cool.''

I was for the line-item veto long before being for the line-item veto was cool, and those who support the line-item veto, who believe that it really ought to work in this country to enforce congressional will power, to stop deficit spending, and stop pork-barrel projects, ought to be for the line-item veto in its purest form, ought to make sure we exempt no discretionary spending that is deficit spending from this bill.

I joined many of my colleagues in voting to make sure we did not exempt military spending, defense spending from this bill, and I am amazed today that we are debating whether to leave an exemption for highway funding in this bill. How can we be consistently for the line-item veto and all it means for us to enforce the balanced budget and to end deficit spending, to stand up, as I did and others did, against exempting defense spending from this bill, and then be for exempting highways and bridges?

Well, my colleagues know there is a little log-rolling goes on once in a while. I am not saying highways and bridges are not important, any more than I thought defense was not pretty important for our country. But when we start exempting things that are discretionary spending from the line-item veto, designed to stop deficit spending in our country, we are on a slippery slope, rather, that I think destroys the whole purpose of the line-item veto.

Those in America who believed in that contract provision are going to be sadly surprised when they wake up tomorrow morning and find out we adopted a bill that leaves out highway funding as an item for the line-item veto when we would not leave out defense spending. They are going to be sadly surprised that some Members who support the line-item veto do not really support it in all its purposes.

Mr. CLINGER. Mr. Chairman, may I again inquire as to the amount of time remaining on both sides?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] has 8 minutes remaining, and the gentleman from Utah [Mr. ORTON] has 6½ minutes remaining.

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. BLUTE], a principal, prime cosponsor of this legislation and a member of the Committee on Government Reform and Oversight.

□ 1540

Mr. BLUTE. Mr. Chairman, I rise in strong opposition to the amendment offered by the distinguished gentleman from Utah [Mr. ORTON]. While I am sure that gentleman's intentions are of the highest order in offering his amendment, this is simply a bad idea which will have dire unintended consequences.

The line-item veto is a tool that allows for the surgical removal of wasteful spending items from large spending and tax bills. The whole idea behind this device is to save money. However, the gentleman's amendment has zero potential to save even one dime.

Contract authority allows for money to be spent from trust funds. If a contract authority item is vetoed out of an authorizing bill, the money would go back into the trust fund, where it would simply continue to sit. There would be no saving associated with such a move.

The whole matter of trust funds has become the focus of much discussion and debate in the Congress. There is certainly no clear consensus on whether and how these funds should be spent down.

There are two schools of thought. Some would like to see the trust funds stockpiled to match the size of our Federal deficit. Others feel these funds should be spent on the types of things for which they are intended.

Mr. Chairman, this is neither the time nor the place to conduct the next round in this debate. As we work to reduce our debt, we also have to make sure our transportation infrastructure is modernized through prudent investments.

Thus, these expenditures are key to future economic growth, and thus key to future Government revenues. If Members want to see our debt explode, watch as our economy declines, as our transportation infrastructure declines, and we are unable to move goods and consumers in an effective way.

Our goal with this legislation, Mr. Chairman, is to save money and to reduce the amount of waste that taxpayers have to pay for each year. This amendment does absolutely nothing toward that goal, Mr. Chairman. I urge my colleagues to defeat this misguided amendment.

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BAKER], a very valued member of the Committee on Transportation and Infrastructure.

Mr. BAKER of California. Mr. Speaker, this is not a question of protecting pork in highway infrastructure bills. This is a question of protecting the highway fund, paid for by motorists into a trust fund which cannot be overspent and which is earmarked for highway and rail projects. At last accounting, the highway trust fund had involuntarily loaned to the general fund $13 billion for cash flow for that $210 billion deficit this year.

Therefore, Mr. Chairman, the purpose of the line-item veto, bringing deficit spending in line, does not exist in the highway trust funds which are already in line. Indeed, both the Bush budget debacle of 1990 and the Clinton tax increase of 1993 robbed the gas taxpayers of over an additional $6.5 billion a year, which will not build rail or road projects, which was, rather, sent to the Bermuda Triangle known as the general fund budget balancing act.

No more transportation funds to the general fund. Vote no on this amendment.

Mr. CLINGER. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. LIPINSKI].

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

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

Mr. Chairman, I rise in strongest possible opposition to the Orton amendment to H.R. 2. Although I support efforts to cut excessive Federal spending, the amendment offered by the gentleman from Utah could have a devastating effect on our Nation's transportation system.

The Federal Government supports investment in our Nation's infrastructure because it is a critical need beyond the scope of any individual State. The aviation and highway trust funds are designed to ensure that transportation needs are consistently met throughout the country. The trust funds are simply the wrong target for this effort.

Mr. Chairman, highway and aviation programs are already covered by spending controls. Each year, the Appropriations Committee sets obligation limitations on transportation contract authority. These limitations in turn control outlays from the programs. Contract authority, like any funding appropriated by Congress, is simply a piece of the pie—not a lifetime supply of pie.

In addition, rescissions of highway and aviation contract authority will not actually save any money. Because of the importance of transportation funding, the law clearly establishes that funds from the transportation trust funds cannot be used for any other purpose—even deficit reduction.

The transportation trust funds are the wrong target for deficit reduction. By law, they cannot spend more than they take in. Rather than trying to slash them, we should be looking to the aviation and highway trust funds as a model for other programs. Every Federal program should pay for itself as these trust funds do and not contribute to the deficit.

Under this amendment, all the aviation and highway grant programs could be in jeopardy of rescission by the President. Nearly all highway and aviation funds are statutorily provided in multibillion dollar blocks of formula distributed funds. The President might only have the option of eliminating an entire program in order to reach a particular project. Surely we do not wish to advocate that. That would be cutting off your nose to spite your face.

The bottom line is that this amendment is a really bad idea. Its impact would be devastating for transportation programs—as well as any nontransportation programs which use contract authority. We can cut spending and given the President a line-item veto today, but we cannot pass this amendment. Although it may be well-intentioned, the impact on the Nation's transportation system is intolerable. Vote "no" on the Orton amendment.

Mr. CLINGER. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. GOSS].

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

Mr. GOSS. Mr. Chairman, I rise in opposition to the Orton amendment.

Mr. Chairman, this amendment would include under the definition of "discretionary budget authority" in the bill the concept of "contract authority."

This runs contrary to all existing definitions under the Budget Act which clearly distinguishes between discretionary budget authority and contract authority.

This exercise reminds me of a riddle Abraham Lincoln used to pose: If you call a tail a leg, how many legs does a horse have?

While many would answer, five, Lincoln responded that the answer is still four because calling a tail a leg doesn't make it a leg.

By the same token, calling contract authority "discretionary budget authority" doesn't make it so. Contract authority is the authority given to agencies to enter into contracts. It does not obligate the money to be spent and therefore does not involve discretionary appropriations.

If we begin to give the President the authority to selectively item veto what is in effect enacted, authorization language, we are raising serious constitutional questions, and we are going against the grain of this bill as it is currently drafted.

We have already agreed by way of language in the bill and the report that we are talking about allowing the President to reduce or eliminate dollar amounts in appropriations bills. And we have explicitly adopted language to ensure that the President cannot eliminate legislative language.

According to testimony last month of Walter Dellinger, Assistant Attorney General for the Office of Legal Counsel in the Department of Justice, the pending line-item veto bill does not raise constitutional questions because, in his words, "The President would merely be authorized to decline to expend certain appropriated funds, not alter or repeal an enacted law."

To permit the President to sign a law containing contractual authority, then turn around and propose to cancel it by way of the line-item veto process, goes contrary to the lawmaking process of the Constitution.

In the words of the Department of Justice testimony, it violates the "specific textual requirement of Article I, section 7 of the Constitution governing the manner in which laws are made" because it "amends a duly enacted law which is inconsistent with Article I, section 7."

Mr. Chairman, we have already adopted an amendment that provides for an expedited judicial review of the constitutionality of this act.

I would hate to see us jeopardize the constitutionality of the bill as it now stands by inserting a clear red flag in the form of permitting the President to cancel duly enacted contractual, legislative language in a manner other than through the normal lawmaking-veto process established by the Constitution.

I therefore urge rejection of this amendment.

Mr. CLINGER. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from New York [Mr. QUINN], a long time sponsor of this legislation.

Mr. QUINN. Mr. Chairman, as a member of the House Committee on Transportation and Infrastructure, I, too, rise in strong opposition to the Orton amendment.

The amendment blurs the Budget Act's clear distinction between mandatory and discretionary funding. Proponents of the measure today have said we must be consistent, that we must vote for the line-item veto and not have any exceptions. The exceptions that we talk about this afternoon, however, make a clear distinction how that money is raised.

This is a trust fund, a dedicated trust fund where residents and constituents that I represent do not want to see their money and their tax dollars go to Washington and be put in the rest of the black hole where their money goes, and never see a return. A dedicated trust fund like this gets a bang for their buck. They know it is going to be used for highway or aviation programs. That is certain. They know it will not be put in with all the rest of the money where those Washington tricks are played.

I urge all my colleagues to vote no on the Orton amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] has 4

minutes remaining, and the gentleman from Utah [Mr. ORTON] has 6½ minutes remaining.

Mr. ORTON. Mr. Chairman, I yield myself 10 seconds to point out that these user fees, as they are being called, just a couple of years ago in the President's budget when they raised gas taxes, were ranted and railed against as gasoline taxes against the people. Now they are user fees.

Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. OBEY], the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, I rise to support the Orton amendment.

Mr. Chairman, I want to make clear from the start that the issue is not whether or not projects being built with contract authority are good ones or bad ones. That is beside the point. Some of them are good and some of them are bad, no doubt.

The question simply, to me, Mr. Chairman, is whether or not we are going to treat all spending the same when it comes to making spending vulnerable to the President's ability to review it. Mr. Chairman, the issue is simply why should contract authority be exempt when money spent through direct appropriations is not exempt from the President's review?

As the ranking Democrat on the Committee on Appropriations, I stood on this floor last week and offered an amendment which was accepted by this committee which enabled the President to review every single project approved for fiscal 1995 in the appropriations process.

I happen to think most of those projects are perfectly defensible. I happen to think that most of the projects that are financed by the Committee on Transportation and Infrastructure under contract authority are perfectly defensible. However, that is not the question.

I also think that we can make the same argument with respect to deficit reduction on appropriated earmarks that the gentleman has made with respect to contract authority. It is alleged that because we do not add to the deficit, because this represents trust fund spending, therefore, these projects ought to be exempt.

Mr. Chairman, I would point out not a single appropriation earmark adds to the deficit, either, because each of the appropriation subcommittees comes to the floor within a budget ceiling. They cannot exceed it. That means if we provide an earmark, those dollars come from other projects that would otherwise be funded.

It seems to me, Mr. Chairman, in both cases the issue is not whether the spending adds to the deficit. The issue is whether or not, if an occasional project is acutely embarrassing, whether the President ought to have the right to reach that project or not.

Mr. Chairman, I say if we are going to require each and every project in the appropriations process to be subject to presidential review, then we ought to do the same thing for contract authority.

To me the issue is not whether these projects add to the economy or not. I suspect most of them do, just as most of the appropriated earmarks do. The issue is not whether or not these projects are useful. Most of them probably are.

The issue is whether or not we are going to exempt one kind of spending from presidential review when we are subjecting all other kinds to that review. And it seems to me, especially when we recognize that in any fiscal year the amount of money being provided under contract authority is at least four to five times as large as that being provided under appropriations, that we ought not to exempt the kind of spending which is four and five times as large as the appropriated direct spending which was made subject to this review just last week. I would urge a vote for the Orton amendment.

Mr. CLINGER. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Florida [Mr. MICA] a member of the Committee on Government Reform and Oversight.

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

Mr. MICA. Mr. Chairman, I am probably one of the most fiscally conservative Members of this body. I am a strong supporter of the legislation before us to provide the President with a line-item veto authority. However, quite frankly, I do not think that this particular amendment proposed by the gentleman from Utah [Mr. ORTON] really deserves our support at this point.

The reason is, first of all, while his intent may be good and sound good, the policy, in fact, is bad policy. We could have some serious unintended consequences by instituting this legislation.

Most importantly, Mr. Chairman, the rescission of highway and aviation contract authority will not save any money. By law, funds that are not expended from these trust funds remain in the trust fund, and may not be used for any other purpose, so we are not saving any money with adoption of this amendment.

Therefore, I oppose this amendment, and I urge my colleagues to also oppose it when it come before the House.

□ 1550

Mr. ORTON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the gentleman from Minnesota [Mr. SABO] and the gentleman from Wisconsin [Mr. OBEY] have said it better than I could. This is not a question of pork. Any qualified projects will stand the scrutiny of the line-item veto and, in fact, will survive. The question is, why should we be treating spending under an appropriations bill any different than treating spending under a transportation bill? Should we be any less concerned about earmarked spending from gas tax trust funds than we are from general revenues?

I would just suggest some quotes from some of my colleagues during this debate on H.R. 2. The gentleman from Pennsylvania [Mr. CLINGER] said that we have rejected the argument about whether to exempt spending from the judiciary and said that ''no program rose to this level where it should be exempted from consideration.''

The gentleman from New York [Mr. SOLOMON] said, ''And we should not exempt anybody.''

The gentleman from Florida [Mr. GOSS] said, ''If there is belt tightening, it is everywhere.''

The gentleman from Massachusetts [Mr. BLUTE] said, ''If we start exempting all of these areas, we are going to run into real problems.''

The gentleman from Texas [Mr. DELAY] said, ''If we are going to exempt defense, then it is hypocritical not to exempt child issues. We do not need to be exempting any one program from another.''

Mr. Chairman, the critical point: Money that is vetoed under appropriation bills does not reduce the deficit. It goes back and is subject to the same 602(b) allocations and is reallocated among other appropriated spending. Spending under contract authority which would be vetoed would not reduce the deficit. It would go back into the trust fund and would therefore be eligible to be spent through the general formula funding.

In ISTEA we funded a little over $100 billion of spending from the trust funds under the general formula. We funded about $6 billion in demonstration programs. Those demonstration programs, some of them are very, very good. Some of them may not be so good.

If we want to give the President the authority to look into appropriation bills, to circle out those items that are embarrassing, that are wasteful, that should not be spent, why on Earth should we not allow the President to look into contract authority authorized by the Committee on Transportation and Infrastructure to do the same thing? To look at those projects, demonstration projects, most of which are good and valid projects, but to circle out those items which are embarrassing, which should not be spent, which cannot be justified.

How can we say simply because this money is raised from a gasoline tax and is in a trust fund to be spent only for transportation projects that we do not have to be concerned about how wisely those transportation funds are spent?

We are not trying to attack the transportation trust fund program or to stop funding for transportation programs. What we are saying is the President ought to be able to look at how wisely we are spending those transportation trust funds, and it is not any

less responsible of us to look at appropriations versus transportation contract authority.

I would urge adoption of my amendment.

Mr. CLINGER. Mr. Chairman, I yield 10 seconds to the gentleman from Florida [Mr. GOSS] to respond.

Mr. GOSS. I thank the gentleman for yielding me the time.

Mr. Chairman, I just wanted to point out, it is true I did say that if there is belt tightening, it should be shared by all. But I would like to point out, H.R. 2 talks about discretionary budget and talks about numbers. It does not talk about policy because as so many have articulately expressed, we are concerned about shifting the balance of power.

Mr. CLINGER. Mr. Chairman, I yield briefly to the gentleman from Pennsylvania [Mr. SHUSTER] to respond to another matter that was raised.

Mr. SHUSTER. Mr. Chairman, I thank my good friend for yielding me the time.

My friend from Utah made the allegation that a member of my staff called the mayor of Provo, UT, to pressure him to get him to withdraw this amendment.

I have not only talked to my staff, I have just gotten off the phone from talking to the office of the mayor of Provo, UT. No one from my staff spoke to the mayor of Provo, UT.

I am sure my good friend in the heat of the moment made an honest mistake, but I would simply like the record to reflect that.

Mr. ORTON. Mr. Chairman, will the gentleman yield to me so that I can at least answer or respond?

Mr. CLINGER. I yield 10 seconds to the gentleman from Utah.

Mr. ORTON. I thank the gentleman for yielding me the time.

Mr. Chairman, I did not make an allegation that they called the mayor of Provo, UT. If you will read the RECORD, it is clear what I said, and the information came from various lobbying sources who lobbied this city in behalf of a mayor in my district, and the comments were made to the lobbyist.

Mr. CLINGER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I rise in opposition to this amendment. I believe I am also speaking on behalf of the gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules, in opposing this amendment.

I think one of the things that has been sort of part of this whole debate is the suggestion at least that there are many, many projects out there that may not be worthy and that the President should be given an opportunity to look into those and deal with them in this veto. But I think it needs to be pointed out that when we are talking about trust funds here, 96 percent of those funds go to the States, directly to the States. They are distributed by formula, they are not earmarked, and that is the overwhelming amount of the money that is involved in these trust funds, come from us to the States. Only about 3 to 4 percent for very high-priority projects and ones that have been carefully vetted, all of which have been approved by the State departments of transportation, are approved by the State DOT's before they are approved, before they are funded. I think it is distorting the debate a bit to suggest that there are massive numbers of projects the President might want to reach.

The other item I would just respond to is the transportation trust funds presently have or have had a cash surplus of $33 billion. One of the suggestions the Committee on Transportation and Infrastructure has had over the years is that that has been used to mask, to hide the deficit, to make the deficit look better, and to make the general fund look better. It has been a smoke-and-mirrors device that has been used over the years because the trust funds cannot spend more than they take in. I think we do not need to contribute to this problem by providing a veto of contract authority.

Mr. Chairman, rescissions of highway and aviation trust authority are not going to save any money. I think that is the bottom line. This is a deficit reduction provision. The Orton amendment will do nothing to reduce the deficit. I urge opposition to this amendment.

Mr. GILCHREST. Mr. Chairman, I rise in opposition to the Orton amendment.

Mr. Chairman, there is only one good reason to provide line-item veto authority to the President—to reduce the deficit. Providing a line-item veto just for the sake or doing so would be an example of Congress cutting off our nose to spite our face. The amendment before us, while well-intentioned does exactly that.

Contract authority comes out of trust funds which are fenced off for explicit transportation purposes. If the President were to line-item veto a highway project or an airport grant, it would have no impact on the deficit. It would merely require that a given amount of money sit unused in the trust fund until the next fiscal year.

Our transportation trust funds represent a user fee to our highway and airway travelers. They pay for improvements to the Federal transportation infrastructure through taxes levied on fuel and airline tickets. The expenditure of this money is the Government fulfilling a contract with these travelers. If we instead use this money for deficit reduction, we will have turned an ostensible user fee into a tax, changing the rules in the middle of the game.

As an aside, Mr. Chairman, I might point out that the language of the bill requires a Presidential finding that his veto of the line item would reduce the deficit. Although I am not an expert on this, I would wonder how the President could make such a finding when the line-item in question was contract authority.

Mr. Chairman, a line-item veto for contract authority makes no sense. It doesn't save any money and it doesn't reduce the deficit. Let's defeat the Orton amendment and preserve the integrity of the transportation trust funds.

Mr. DUNCAN. Mr. Chairman, I rise in opposition to the Orton amendment but in strong support of the underlying bill, H.R. 2.

As I mentioned on the floor yesterday, I have introduced line-item veto legislation almost identical to H.R. 2 on the first day of every Congress since I was elected in 1988.

I think it is fair to say that there are not many Members of this House who support giving the President true line-item veto authority more strongly than I do.

But Mr. Chairman, this amendment is aimed very specifically at the aviation trust fund and the highway trust fund, which were created with the understanding that the money they contained would be used exclusively for aviation and highway projects.

The ultimate goal of this amendment appears to be to get at the money in these trust funds so that it can be used for nontransportation purposes, which violates the very concept of a trust fund.

I strongly believe that these funds should be off-budget and should be used for the purpose for which they were created, namely to fund various airport and highway improvement projects and to strengthen our overall transportation system.

When these trust funds were originally established, it was made clear that the money they contained would be set aside for such projects.

If we are going to turn around and violate that pledge, then we should just be honest and stop referring to them as trust funds at all.

Mr. Chairman, the money that is in these trust funds comes from fees that are paid by the users of our Nation's airlines and highways.

I believe that this money should continue to be used for the types of improvement projects that we have promised these users it will be used for.

At a time when use of our airlines is increasing rapidly each year and use of our highways is at an all time high and still climbing, it does not make sense to make an end run around these funds.

If this amendment is approved, we will end up hurting our transportation system at the very time that we should be doing everything we can to make it stronger.

Mr. Chairman, there is almost no one in this House who is more fiscally conservative than I am or who has voted to cut spending more often than I have.

But I must oppose this targeted attack on our aviation and highway trust funds and I urge my colleagues to join me in opposing the Orton amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah [Mr. ORTON].

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

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

The CHAIRMAN. Pursuant to the order of the House of Friday, February 3, 1995, further proceedings on the amendment offered by the gentleman from Utah [Mr. ORTON] will be postponed.

The CHAIRMAN. Are there other amendments to the bill?

AMENDMENT OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. WATERS: The first sentence of paragraph (3) of section 4 is amended by inserting ''or which the President determines would yield at least 20 percent of its benefit to the top 1 percent of income earners'' before the period.

The CHAIRMAN. Pursuant to the order of the House, the gentlewoman from California [Ms. WATERS] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment I am offering today is about fairness. I am trying to bring a measure of accountability to this process.

Mr. Chairman, we all know the impression of how law is made in Congress. Many people believe special interests have too much influence and that the rich are getting their way with too many politicians.

□ 1600

Unfortunately, this impression is often too close to reality. My amendment would give the President the authority to veto any provision which gives the lion's share of benefits to the rich.

Make no mistake about it, my amendment makes this bill stronger. My amendment would increase the chance that H.R. 2 would reduce the deficit.

Specifically, my amendment would change the definition of targeted tax benefit in the bill to include any tax benefit which would accrue more than 50 percent of its benefit to the top 10 percent of income earners. As I said, this is only fair and this is common sense.

Anyone looking at this legislation, or listening to us debate it, may concede that a targeted tax benefit should include one that goes mainly to the wealthy. This amendment goes to the heart of the legislation. We know from the pollsters who have brought us all of this information about the Contract With America that a majority of Americans support the line-item veto, but the important question is why? The answer is because the American people believe that special interests and corporate America exert too much influence on our spending and revenue decisions.

My amendment would merely bring any tax break which disproportionately benefits the rich under the provisions of the line-item veto. It would not prohibit Congress from passing such a tax break, it would not require the President to veto such a tax break, it would simply give the President, Democrat or Republican, the option of striking such a regressive, narrow tax break from a bill.

My amendment would not change the procedure of the bill in any way. The President, through the Office of Management and Budget, would make a determination of the beneficiaries of the tax legislation we send him. Under my amendment, if it is determined that any tax change would severely disproportionately benefit the rich, the President would be given the option of vetoing that portion of it.

The majority of Americans are tired of struggling to make ends meet while they see the economic elite get more and more from Government. While economic factors in the past 20 years have exacerbated the trend toward inequality, tax policy has made matters worse.

Since 1977, the effective tax rate for the top one-fifth of wage earners went from 27.2 to 26.8 percent, a net reduction of $450 in tax liability. For the top 5 percent, the effective tax rate has dropped from 30.6 to 28.3 percent, which translates into a $5,311 tax cut. Finally, the top 1 percent, those earning over $675,000 per year, have seen a reduction in their tax rate from 35.5 percent down to 29.3 percent, the equivalent of nearly $42,000 in net tax reduction.

Amazingly, in the same time period the after-tax income of the families in the top 1 percent of income has increased from 7.3 percent of all U.S. earnings to 12.3 percent. This has taken place at the same time as the income of the bottom four-fifths has declined. It is no wonder that despite the economic recovery, most Americans still feel quite insecure and they think the Government is not on their side. These trends have caused Americans to distrust Washington. The tax policies enacted here in the past 15 years are a direct contributor to this mistrust.

The bill before us, as currently drafted, is just too narrow. The targeted tax benefit only includes those tax breaks which affect 100 or fewer entities. While I agree that any tax benefit which benefits asfew entities as this certainly qualifies as a targeted tax benefit, a broader definition better serves Congress, the President, and most importantly, the American people.

Words, symbols, and definitions are important when public officials communicate to the people. Any tax break in which half the revenue would go to the top 10 percent of income earners in this country is a targeted tax benefit. It only makes common sense.

I do not know how many tax breaks would fall into the category I am proposing today, but that is not important. What is important is that we set a standard. It is important that American taxpayers know that any tax provision which benefits the rich, excessively, will be carefully—not carelessly—considered by the President and Congress. Without my amendment I am afraid we are not doing all that we can to protect American taxpayers from special breaks for the wealthy and well-connected.

Let us send a powerful message to the American people today. Let us show them that the days of corporate influence, the days where rich people can pick the pockets of the Federal Treasury are over. Let us make it a little more difficult for the wealthy to get more than their fair share.

In conclusion, I appeal to my colleagues who support the bill before us to adopt this amendment. It strengthens the underlying legislation. This amendment would help reduce the budget deficit. My amendment could save billions in taxpayer money.

So please, before Members vote, think about the budgetary consequences of what I am proposing, and at the time that we do vote I am asking my colleagues for an ''aye'' vote.

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

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

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] is recognized for 15 minutes.

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I commend the gentlewoman from California because she is well known for the efforts that she has exerted over the years to bring greater equity, I think, to the Federal Government and deserves commendation for that. But I think I was a little surprised by this amendment which, in my view, would create some unexpected perhaps, and unnecessary tensions where none existed before. I think we have to focus on what the very limited provisions in this bill, in H.R. 2, is designed to get at.

We have had in the past, we are all familiar with where there have been egregious examples of abuse in allowing certain tax advantages to be written into the legislation which benefit a very few, very few fat cats, if you will, or others, and this provision is designed to attack that very narrow problem. There should not be an effort, I think, in this bill to basically determine tax policy, and I think that is what the gentlewoman's amendment would do. It would really broaden very dramatically the scope of what we are proposing in this bill which is very narrowly to focus it, rifle shot it, I guess, instead of a shotgun approach to this issue saying yes, the President should be able to identify those outrageous examples of tax preferences that are given. Whether it is wine makers in California or whoever it might be, this is an effort to say the President should have an opportunity to deal with those kinds of examples, and eliminate them.

But to broaden it to the extent that the gentlewoman has, and I understand what she is trying to do, but I think she is basically giving the President an ability to second-guess Congress on policy matters by vetoing out entire

tax provisions out of the code. I think that goes beyond.

So I think because the gentlewoman's amendment creates a previously unforeseen differential, and that is what is really involved, and because it obscures the purpose of H.R. 2, which is to ensure the ability to assure everyone pays his fair share, this amendment, Mr. Chairman, should be defeated.

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

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message from the President.

MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. QUINN) assumed the chair.

FURTHER MESSAGE FROM THE PRESIDENT

A further message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

□ 1610

LINE-ITEM VETO ACT

The Committee resumed its sitting.

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Pennsylvania is to be commended for his attempt to protect that part of the bill that speaks to the 100 entities, and I understand that that is a very small attempt to talk about fairness in a certain way. Certainly we need to do that.

We need to say that if there is any tax legislation that will benefit as few as 100 entities, then something is wrong with that, because both you and I and others know far too well that we have had legislation in this Congress that benefited one or two persons, and certainly it is usually those who are well connected, the rich and the powerful who have influence with a particular elected official who are able to do that.

And I am saying, yes, let us have that measure of protection, but let us go a little bit further. I think it is important for us to go a little bit further, because it has been documented time and time again that the top 1 percent in this society have a disproportionate share of the wealth. And as I cited in my opening remarks, the tax income of the families in the top 1 percent of income has increased from 7.3 percent of all U.S. earnings to 12.3 percent.

I think we can in this legislation put a stop to that. We are simply saying if there is anything that is put together that allows that top 1 percent to further benefit, if there is anything that is done that allows the top 10 percent to have over 50 percent of the tax breaks, then we need to give the President the opportunity to veto it, and this is no small matter.

The gentleman from Pennsylvania identifies that this would in some way have too great an influence on tax policy. That is precisely what I wish it to do. I wish it to do that, because at some point in time we must send a signal to the American people that somebody is doing the business of the average working person in this Congress. The average working man or woman does not have a lobbyist here. They cannot be represented but by the people they elect to represent them.

Sometimes we get a little bit too insulated, and oftentimes when we produce tax policy, as we did in 1981 during the Reagan years where we allowed the selling of tax credits and major corporations in America ended up paying no taxes, if I recall during that time, many of the top corporations, Fortune 500 corporations in America, ended up paying no taxes. General Motors ended up paying no taxes. They even got a tax rebate.

At the same time, the taxes of the average working person have increased, and so I am saying we can take a big step as we give the line-item veto to the President of the United States and say:

> Mr. President, it looks fishy if what we have done allows the top 10 percent to get over 50 percent of the tax breaks in anything that we have done. So we want to make sure that we protect against that.

And we are going to allow this line-item veto to operate under those circumstances. I do not think it is too much to ask. I know we do not oftentimes think like that. We do not oftentimes think that we can take the broad strokes on behalf of just average working Americans, but I am saying with this line-item veto, which is rather novel, which is quite different, that it is big enough. It is creative enough to allow room for some more creativity.

And I am simply saying that we can broaden the measure of protection and not just do a very small thing such as protect against 100 entities, but we can protect the majority of Americans if we have the will to do so.

So, Mr. Chairman, I would ask that my amendment be adopted.

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

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Chairman, I want to congratulate the gentlewoman for addressing this amendment, as well, on this subject. It is a subject we took up under the Slaughter amendment on these targeted tax credits, and how we do it.

I do not agree with the amendment. I hope the fact they have the amendment indicates that perhaps the gentlewoman will support the line-item veto legislation with or without the amendment.

Ms. WATERS. Mr. Chairman, if the gentleman will yield, all things are possible.

Mr. GOSS. That is good, We are making progress.

Mr. Chairman, I think there are a couple of things that need to be clarified.

The last time I heard about a change in the tax rate it seems to me there was a special top rate including a surtax of up to 39.6 percent for the people at the top end of the scale, and actually those cuts that I believe the gentlewoman was referring to back in 1981 for the rich were cuts for every American who were paying taxes.

But I am glad that she has brought that up on Reagan's birthday, because I think the idea of trying to get spending under control and reduce taxation is something President Reagan stood for.

With regard to the amendment itself particularly, I am a little concerned that we have a very vague definition here, ''income earners.'' Now, that would presumably excuse coupon clippers from this, or people from rents, royalties and other types of income, perhaps pensions, that are not earned income under that definition. I am not sure where stock options or other things like that would come in.

Certainly when you start talking about large corporations under the definition that is being used in H.R. 2, I would point out that large corporations pay an awful lot of wages to blue collar workers who depend on those to keep food on the table and shelter over their head. So I think maybe it has been mischaracterized a little bit for what it would do, and I would, therefore, be opposed to it. But I am glad the gentlewoman has an interest in this subject.

Ms. WATERS. Mr. Chairman, I yield myself the balance of my time. I would just simply close.

I thought it was very important that we try and strike a blow for the people. I really do believe that we are at a time in our society when people are very unhappy with the way public policy is made, with elected officials in general.

I have watched over the past 10 years or so as we have exported jobs of Americans to third world countries for cheap labor; I have watched wage earners be able to buy less with their dollars; I am watching young people with an inability to purchase their own home, to have a down payment, I am watching as the rich get richer basically, and the poor get poorer.

I really do believe that somehow we have to use this forum to begin to engage each other in a debate about what are we going to do for the average wage earner. What are we going to do to represent their interest?

I know that many people believe that we know best and that somehow whatever we do is all right. I do not think so anymore.

I think there are a lot of bright people in this body. I think there are a lot of well-meaning people in this body. But however bright and well meaning we are, we have not done a good job for the average working person who is earning less and less, and able to purchase less and less, is extremely unhappy. They are unhappy with us because we have not been able to represent their interests.

I would simply ask that we adopt this amendment. This amendment would send a signal that we in fact care about those who work every day, and that we are not here simply to do the bidding of those who were well connected, those who have already a disproportionate share of the income, and those who are very powerful.

Mr. CLINGER. Mr. Chairman, I yield myself 30 seconds just to suggest to the gentlewoman that she is a very articulate and forceful and powerful advocate for the very people she is concerned about being affected by this.

□ 1620

I am very confident that it is unlikely that any such overreaching in terms of tax policy is going to occur which would warrant the President having this veto so long as the gentlewoman from California [Ms. WATERS] is here to defend those interests, which she does so well.

Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. BLUTE].

Mr. BLUTE. Mr. Chairman, at a time when many people are decrying our Tax Code as too complicated, the amendment offered by the gentlewoman from California would increase that complexity. How would the President determine if a tax credit provided half its benefit to 10 percent of the population? In order to accelerate the process, the Committee on Government Reform and Oversight shortened the length of time the President had to submit rescissions. Trying to determine who will reap what benefits will likely take longer than the deadline allows.

Mr. Chairman, it is unclear what is meant in this amendment. Does it mean that half of the beneficiaries will be in the top 10-percent income bracket, or does it mean that half of all the revenues lost would be lost to the top 10 percent?

In addition, the committee accepted an amendment offered by a Democrat which broadened the definition of targeted tax breaks to a hundred or fewer taxpayers. This House has already resoundingly turned back an attempt to alter that and should do likewise with this amendment.

Mr. Chairman, let us give the President the strongest line-item veto possible, one that is narrowly and clearly defined and able to let the President get the job done. I ask that the House oppose the gentlewoman's amendment

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. BLUTE. I yield to the gentlewoman from California.

Ms. WATERS. Will the gentleman agree that, if we take any steps that would give 10 percent in our society 50 percent of the tax breaks, that something would be wrong with that, that that would not be fair? Would the gentleman agree?

Mr. BLUTE. I am sorry; would the gentlewoman repeat that?

Ms. WATERS. If we adopted any measures that would give 10 percent of our society 50 percent of the tax breaks, would the gentleman agree that that would be unequal and unfair?

Mr. BLUTE. Well, Mr. Chairman, I would only say, reclaiming my time from the gentlewoman, that implicit in that argument is that all income belongs to the Federal Government and that the Federal Government should decide how they will share it with each taxpayer. Tax cuts are not Government giveaways. It is simply less taking of people's earnings.

Mr. CLINGER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Idaho [Mrs. CHENOWETH] who has some general comments on the legislation we are considering this afternoon.

Mrs. CHENOWETH. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and that my remarks appear during the general debate.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Idaho?

There was no objection.

Mrs. CHENOWETH. Mr. Chairman, I rise in opposition to the line-item veto.

Mr. Chairman, I have heard as a major argument in support of the line-item veto, as suggested by former President Ronald Reagan, that we should, quote, give the President the same authority that 43 Governors use in their States, and whereas I adore Ronald Reagan and I believe he was an impetus to believe, have the people believe in America again, we must not confuse the powers given to the States with the powers given to the Federal Government by the Constitution. There is a distinct difference between the authority allowed for State governors and authority given to the President.

The States, according to the 10th amendment, are given more leeway as they formulate their own laws. The 10th amendment says that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to their people, and therefore individual States may give their Governors line item veto authority, but we may not give the President that authority delegated only to the Congress because article I, section 1, states all legislative powers herein granted shall be vested in a Congress of the United States which shall consist of a Senate and a House of Representatives, and this section specifically states that it is the Congress that has the power. Since Congress was given this power by the Constitution, Congress cannot give this power to the President to formulate legislation.

This violates, this law, H.R. 2, violates the separation of powers. This bill gives to the President the ability to form and to shape legislation proffered by the Congress by allowing him to cut out parts of an appropriations or revenue bill for continued legislative consideration while allowing him to approve other parts of the passed legislation. The President has no role under article I, section 1, in legislating or shaping law.

The Founding Fathers were correct in instilling the separation of powers, and they had reflected on and examined thousands of years of world history and have established the negative effect of when the ruling powers were allowed to thread upon one another's jurisdiction. It was Montesquieu's fundamental contention that men entrusted with powers to abuse it would abuse it, and hence it was desirable to divide the powers of government first in order to keep to a minimum the powers lodged in any one single organ of the government, and, second, in order to be able to oppose organ to organ.

Federalist No. 76, which is stated in the Federalist Papers which the gentleman from Georgia [Mr. GINGRICH] our Speaker, asked us to read, and I read, does state that, without the one separation or the other, the former would be unable to defend itself against the depredations of power of the latter, and he might gradually be stripped of his authorities by successive resolutions.

I ask this body to be very cautions in this vote to make sure that we are not giving powers to the President that the Constitution specifically gives only to the Congress.

Mr. CLINGER. Mr. Chairman, just in closing I would urge a no vote on this amendment. I think that the amendment, while well intentioned, is really irrelevant to this bill. I think the question of the kind of outrageous attacks on a bill that might be passed here should clearly be thought out in subcommittee, and committee and on the floor of this House, but I think it is irrelevant to say that we should give the President this line item veto.

The CHAIRMAN. All time having expired, the question is on the amendment offered by the gentlewoman from California [Ms. WATERS].

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

Ms. WATERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of Friday, February 3, 1995, further proceedings on the amendment offered by the gentlewoman from California [Ms. WATERS] will be postponed.

Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. CLINGER

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

The Clerk read as follows:

Amendment offered by Mr. CLINGER: In section 3(a)(1), strike ''unless'' and all that follows through the period and insert the following: ''unless, during the period described in subsection (b), there is enacted into law a rescission/receipts disapproval bill that disapproves the rescission of that amount of budget authority.''.

In section 4(l), insert '', as introduced,'' after ''which''.

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

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

There was no objection.

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a technical amendment which simply cleans up two minor drafting changes omitted when the House adopted the amendment offered by the gentlewoman from Florida [Mrs. THURMAN] earlier in this debate on this measure. The Thurman amendment permits 50 Members to move to strike an individual rescission or tax benefit repeal. This amendment corrects H.R. 2 to fully conform the bill to our acceptance of the amendment offered by the gentlewoman from Florida [Mrs. THURMAN]——

The CHAIRMAN. If the gentleman would suspend, the chair must inquire whether this amendment was included in the order of February 3?

Mr. CLINGER. Of the unanimous consent request of that evening?

It was not included in that. I thought I would be permitted to offer a strictly technical amendment, I believe it has been approved by both sides. There will be no debate on it. I just wanted to offer it at this time.

Mr. Chairman, I ask unanimous consent to offer the amendment.

The CHAIRMAN. An order of the House cannot be superseded by an order of the Committee of the Whole.

The Committee of the Whole may not materially vary an order of the House.

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. CLINGER. Would it be in order to offer this amendment when we sit in the House?

The CHAIRMAN. In response to the gentleman's inquiry, only a order of the House can make this amendment in order, and once we are back in the House, the gentleman could inquire of the House whether to make it in order to be considered.

Mr. CLINGER. At that point it would be appropriate to ask unanimous consent to have the House consider it in order?

□ 1630

The CHAIRMAN. For that, the Committee of the Whole would have to rise. Then the House would have to move back to the Committee of the Whole for the consideration of the amendment.

Because the amendment offered by the gentleman from Pennsylvania [Mr. CLINGER] was not in order under the previous order of the House, the proceedings are vacated on that amendment.

AMENDMENT OFFERED BY MR. TAUZIN

Mr. TAUZIN. Mr. Chairman, I offer an amendment that is in order.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TAUZIN: Section 2 is amended by adding at the end the following new subsection:

(d) SPECIAL RULE.—Notwithstanding subsection (a), in the case of fiscal years 1996 through 2002, the President may only rescind any budget authority or veto any targeted tax benefit under that subsection necessary to reduce the projected deficit for the fiscal year to which that rescission or veto pertains to the level set forth below:

Maximum deficit level

Fiscal year:	*In billions of dollars*
1996	$174
1997	155
1998	116
1999	71
2000	59
2001	26
2002 and thereafter	0

The CHAIRMAN. Pursuant to the order of the House, the gentleman from Louisiana [Mr. TAUZIN] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the other day as we debated the issue of the line-item veto itself, I noticed to the Members of the House the likelihood of my offering this amendment in the Committee of the Whole. This amendment is called the glide path amendment and is offered in an attempt to make the line-item veto a more practicable, workable solution to a problem that plagues this Congress and has plagued Congresses in years past.

The graph on my right, as I indicated earlier, is a confusion of metaphors, but nevertheless accomplishes the purposes intended. The graph at the right indicates the CBO estimates of where this Congress needs to be every time we have an appropriation for the next budget year if we are in fact to accomplish the purposes of the balanced budget amendment recently sent to the Senate, and if we are in fact to balance the budget by the year 2002.

For example, in the next fiscal year, 1996, we are expected to have no more than about $174 billion in deficit if we are to be on the path that takes us to this balanced budget, as we have dedicated ourselves to when we adopted the balanced budget amendment.

Each year thereafter, the deficit must be reduced pursuant to this graph if we are to reach that point by the year 2002.

Now, if you saw recently in the news the President's announcement of his budget plans for the next 5 years, you will be astounded to find out that the President is proposing that we stay at $200 billion deficit for the next 5 years. His budget plans as outlined just yesterday indicate that for the the next fiscal year, 1996, he is proposing a $200 billion deficit. For the year 1997, he is proposing a $200 billion deficit. For the year 1998, approximately a $200 billion deficit. In fact, to use the analogy of this football field, he would have us stepping out of bounds a few of those years, running over cheerleaders and the bands and everything else on the sideline. We would simply never begin to get on this glide path to the line-item veto, and that is unfortunate.

That means, of course, we here in Congress are going to have to do a better job than the President yesterday proposed if we are going to carry out the promise we made to the American people in a contract signed by many Members here to carry out the promiseof a balanced budget amendment by the year 2002.

Now, what the glidepath amendment to this bill does is it attempts to make the line-item veto a very practicable tool to be used by this Congress, the Presidency, and the American people, in achieving these numbers.

Now, why do I suggest it? I suggest it because in three out of the four States that have a line-item veto, those States provide that the line-item veto is used by the Governor to delete from the budget bill approved by the legislature any appropriations he deems necessary to reduce their budgets down to a balanced budget.

The bill as it comes before us today is written very similarly. It says in effect that the President of the United States, when we adopt the line-item veto later today, would have the authority to strike from our budgets each year any appropriation he deems necessary in order to reduce the deficit.

Now, here is the problem. Unlike the States that have that a line-item veto, we cannot pass a balanced budget for next year. If you believe we can, please raise your hand. I do not see any hands. And if all the Members were here, I would probably not see many hands.

The bottom line is we cannot find $200 billion of spending cuts in the next years's budget, and everybody knows it. The best we can do is get on this glidepath that takes us to a balanced budget by the year 2002.

So what authority ought we give the President during this 7 year period when Congress should be responsible enough to stay on this glidepath not to adopt budgets that give us $200 billion deficits each year. It seems to me the practicable way in which to use a line-

item veto and to enforce responsibility in this Congress is to say that the Presidents should use that line-item veto authority to excise from the budget every expenditure that rises above this line in order to enforce responsibility in this Congress, to ensure that we stay on this glidepath, that we land safely in the year 2002 with a balanced budget.

Now, I understand that my friends on the Republican side are not going to accept this amendment, and I understand why. They want to think about it some more. They want to think whether or not this derogates from the contract provisions of a line-item veto, and I appreciate that, and for that reason I will not even ask for a recorded vote today.

But I did want to bring it up. I think it is the most practicable way to make this thing work, to enforce responsibility in the House, to ensure that this House and the other body lives up to the promise of the balanced budget amendment and delivers each year a budget that meets the CBO estimates, that gets us to the balanced budget by the year 2002.

The amendment also provides once we hit that balanced budget in the year 2002, that every year thereafter the President would have a line-item veto, every year, to excise from the budget any expenditure that went above the balanced budget from the year 2002 thereafter. So unlike the sunset amendment that came earlier, that I think was an amendment to weaken this bill, this amendment actually strengthens it, and makes it in fact more workable.

Now, I want to caution my friends in the Republican Party who have signed what I consider to be a pretty dog-gone good Contract With America, many of its provisions will find a great deal of support, as you did in the last few weeks, from Democrats in this body who have long fought for things like unfunded mandates, have long fought for a balanced budget amendment, long fought for property rights amendments and reform of some of the regulatory processes, long fought for lowering the taxes on businesses and workers in America, particularly the taxes that act as a disincentive to investment and job creation in our society. That is why so many of us have cosponsored so many of the features of the contract. We have in fact pursued those bills ourselves for many years.

But I want to caution you. If we are going to pass into law, into a law that really works for the American people, the provisions of that contract, not just to vote on them today, pass them in the House and see them die in the Senate, not to just pass them even in the Senate and see them vetoed by the President, not even just to pass them and see them become law and then fail because we have not written them properly, my caution is let us do it right the first time. Make sure when we pass a line-item veto it really works for the purposes intended, that it works to discipline the Congress, to ensure that we follow the promises we made when we adopted the balanced budget amendment just a week or so ago, and that we do in fact get on a glide path that gets us down safely to a balanced budget by the year 2002.

This amendment is an attempt to do that. It is offered in a very friendly fashion. I will vote for the line-item veto without this amendment.

□ 1640

I only hope that my friends on the other side who believe as I do, as strongly as I do, in the line-item veto, in fact, as they saw just recently, I even voted against exempting highway funding from the line-item veto. If they believe as strongly as I do in it, then work to see possibly in the process that an amendment like this gets considered, perhaps in the conference between the House and the Senate, perhaps somewhere along the way, that when we get through we have an amendment, a line-item veto probably that really works for the good that we intended it for, that it works to discipline this body toward a balanced budget by the year 2002 and does not unnecessarily, unnecessarily reshape the balance of powers so critical in our Constitution.

Let me make that final point. This grant of a line-item veto authority, as the States have given their Governors, as we are about to give it to the Presidency, is an extraordinary grant. It says to the President, you have more authority, rather than just veto an entire bill to take on the entire Congress on a bill, it gives the authority to the President to take on every single Member of the House and Senate and every line they write in every bill that appropriates money in this Nation. And it requires two-thirds of the body to overrule him. That is a pretty strong grant of authority, pretty extraordinary.

I think we can constitutionally do that. But I think we ought to limit it to the cases where the Congress has failed to meet its responsibility, failed to live up to its obligation to balance our accounts, failed to stay, if Members will, on this glide path that gets us to a balanced budget and eventually stays in a balanced budget posture after the year 2002.

If we grant this extraordinary authority for that purpose and that purpose alone, I think we will have written a good bill today. If we create a new authority in the President that has nothing to do with congressional responsibility, which allows the President to take on any Member of this House and Senate regardless of whether this body has been responsible, then perhaps we are going too far and we ought to think about that before we finally adopt this bill. Mr. Chairman, I reserve the balance of my time.

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

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] is recognized for 15 minutes.

Mr. CLINGER. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Chairman, I thank the distinguished chairman for yielding time to me.

I, too, rise in opposition, but very reluctantly. My good friend, the gentleman from Louisiana [Mr. TAUZIN] I think has explained his glidepath on a football field very well. First, that glidepath is so steep it pops my ears every time I think of going down it. Then when I get to the bottom of it, I see there is not a landing field. I think there is probably a brick wall there. And I do jest a bit.

I want to let the gentleman know, we have given this a lot of thought. It is an intriguing idea. It gets away, though, from what we are trying to do.

Basically what the gentleman is saying, that the President loses his line-item veto if we happen to hit our reduction targets year by year. That seems like a very intriguing proposition. The problem is those sort of moving targets. I am not sure exactly who is going to set them.

I have got a list here, CBO. CBO is always very good and without any, usually, challenge to their targets. That causes me some concern that somebody might challenge them. Those are the kind of pragmatics I have and am a little bit concerned about.

I guess there are some other points, too, that are more generic. What we are trying to do here is get a handle on wasteful spending. And the reason we are trying to do that is for two purposes. It is to get rid of wasteful spending, spending that is unnecessary, redundant, off target, not necessary, out-of-date programs, all of those things. And we should encourage the President to do that any time. That should not just be relative to the deficit. That is something we should never do. We should always give some kind of encouragement.

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

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

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

While I agree that that is a good idea, that is not what the bill does. The bill refers only to deficit-reduction line-item veto authority.

Mr. GOSS. Reclaiming my time, Mr. Chairman, I recognize that. That was just an aside. The purpose is the deficit reduction and the problem with that is, I am afraid that if we ever did, let us hope we do someday get to zero, even in 2002, would that not be wonderful? You would be interested to know that my text reads 20002 through a typo. I am not even sure that is good enough.

But I wanted to point out that this is a little bit like the lion tamer going into the cage with the lions. Those lions are going to do the right thing as

long as they know that fellow has got the whip. But the minute that tamer puts the whip down, the lion gets a slightly different perspective of what his capabilities are relative to the fellow who used to have the whip. And I think that is a very important point as we go through this process.

I want to make sure that we keep this whip out there. If we ever do get the lion tamed, I want to make sure this lion is never going to get in a position where it can get out of the cage or eat the trainer again.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume to respond.

Mr. Chairman, I hate to think that we have just confused a metaphor with the circus analogy.

But the point of the matter is that the bill as we have it before us today is very much like the bills that came before I think 33 of the 43 legislatures that have a line-item veto authority. It says in effect that the President is going to have this authority to reduce deficit spending. That is what this is all about.

Hopefully we will use it to get rid of wasteful, incorrect spending, but the purpose is to reduce the deficit. And my point in this amendment, and I hope the gentlemen on the other side will continue to consider it as we go through this process, is that if the Congress of the United States cannot deliver a balanced budget next year, the question ought to be what can be deliver, what ought we deliver? And the answer is, we ought to stay on that glidepath. If we do not stay on that glidepath, as steep as it looks to my friend, as dangerous as it seems, as risky as it may appear, we will never reach the balanced budget by the year 2002. We simply have to get on that glidepath, and we have to stay on it.

It seems to me that if we use the line-item veto properly, as other States do, to insist that the Congress stay on that glidepath, that that will be the most important thing we do to make the line-item veto work and to make the balanced budget of the Constitution work, if indeed the Senate approves that amendment that we have sent over just last week.

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

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. BLUTE].

Mr. BLUTE. Mr. Chairman, I rise reluctantly to oppose the amendment by my good friend from Louisiana. I believe he has the best intentions and is someone who in this House has proven time and time again that he is dedicated to reducing our great deficit, to getting the debt lowered, and to establishing a balanced budget here in the U.S. Government.

I oppose it because I think it does muddy the procedures that are clearly spelled out in this bill. The gentleman's amendment is more like a Gramm-Rudman approach that brings an automatic sequestration trigger if the budget goes over the CBO time line, but I believe that the line-item veto is more important than that and should go beyond that. It is a means of bringing the President into the appropriations process, as the Founders envisioned, and also as we have added to this bill and to the tax benefit issues that may come up in a particular bill.

Whether they are above or below the CBO glidepath or not, it is my understanding the Governors in the States that we heard testimony from use the line-item veto not just to balance the budget, although that is a very important tool to be able to do that, but also to go after the type of spending that cannot be justified.

I just want to use an example, once again, from the State of Massachusetts. We had Governor Weld testify about using his line-item veto to discipline a deal between the judiciary and the legislative appropriators that was not proper, that attempted to set their budgets high in exchange for the judiciary saying, using those dollars to hire appropriators' political cronies in the court system.

Those dollars were not dollars that put the budget out of balance, but they were improperly spent according to the Governor. The Governor was able to use his line-item veto to discipline that process. I think the gentleman's amendment is well-intentioned, but I would oppose it on those grounds.

□ 1650

Mr. TAUZIN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, just in quick answer to my friend, the gentleman from Massachusetts [Mr. BLUTE], no, the amendment does not act as Gramm-Rudman did to set caps and have automatic rescissions. It simply says that the authority of the President to line item any item of the appropriations would occur when the Congress appropriated funds in excess of the glidepath numbers set by CBO to take us to that balanced budget amendment.

If, for example, this Congress this year approved the budget that President Clinton just submitted yesterday, we would be approving a $200 billion deficit for the next fiscal year. Under the glidepath amendment I suggested, the President would have the authority to line item 26 billion dollars' worth of appropriations out of that bill. He certainly could look for all the wasteful spending in $26 billion.

If we approved his budget for the next 5 years, in each one of those successive years his line item authority would be $45 billion in 1997, $84 billion in 1998, $129 billion in 1999, and $141 billion in the year 2000. I want Members to think for a second about what authority and how that authority might be used when the President had the authority to line item 141 billion dollars' worth of appropriations out of this Congress.

This amendment I am offering, Mr. Chairman, is by no means a weakening amendment. This amendment is meant to strengthen, in fact, the application, the practicalities of this bill, and to make it work.

Mr. Chairman, I ask Members to think about this. It may be, by the time the Senate gets through with this bill and we get to a conference, this may be just the tool to make it work, to get enough of the Members of the other body to accept it, and to get a bill on the statute books, not just past this House, that really works.

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

Mr. CLINGER. Mr. Chairman, to close, I yield myself such time as I may consume, to say to the gentleman from Louisiana [Mr. TAUZIN], I think this is a very thoughtful and helpful addition to the debate we are having on this matter.

I do think it goes to far. Frankly, there are implications of the amendment that I do not fully understand at this point. I think there may well be, as we proceed to further consider this matter and move to the Senate and so forth, it may well be that something in this nature can be done.

I do think, however, that at the moment it does seem to strike me more as a sort of Gramm-Rudman rescission. The gentleman says it is not the same, but it seems to me there are implications of that.

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

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

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yield to me.

Mr. Chairman, a previous speaker rose to question whether or not we can constitutionally pass this line-item veto. I think that argument needs to be answered. I would like to try to answer it just for a second.

This Congress could, if we wanted to, instead of appropriating in 13 appropriation bills or 11 or 3 or 1, we could appropriate in hundreds of appropriation bills. We could appropriate every single appropriation in a single bill, if we wanted to.

Clearly, under the Constitution, the President would then have the right to veto that appropriation, and we would have a two-thirds obligation to override that veto. Clearly, Mr. Chairman, we could if we wanted to create a line-item veto authority through that mechanism.

If we can create it that way, my argument to the gentlewoman from California, who argued against the constitutionality of what we are trying to do today, is that if we could create it that way, we can most certainly, under the Constitution, create it the way we are trying to create it today.

I want, last of all, to commend my friend, the gentleman from Pennsylvania [Mr. CLINGER], for the excellent job he did in this bill. I will join him in support of the bill.

I only ask that before we get through with this process, that some of the arguments I have made today, the suggestions I have made today, be considered in this process, because I want this bill eventually to be signed into law and I want it, most of all, to work.

I thank the gentleman for yielding to me.

Mr. CLINGER. Reclaiming my time, Mr. Chairman, I share the gentleman's desire to get a bill that is ultimately going to be passed into law and signed by the President. We appreciate the contributions the gentleman from Louisiana has made to all of these budget-cutting, deficit-reducing efforts.

I can certainly commit, from my point of view, to work with the gentleman to achieve the goals that are common to both of us. However, I would now have to urge a no vote on this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. TAUZIN].

The amendment was rejected.

AMENDMENT OFFERED BY MR. TRAFICANT

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

The CHAIRMAN. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TRAFICANT: At the end, add the following new section:

SEC. 7. TERMINATION DATE.

This Act shall cease to be effective on January 1, 1997.

The CHAIRMAN. Pursuant to the order of the House, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I thank the gentleman from Ohio, who is chairing this debate, and I want to commend him, my good friend, for the fine job he has done in dispatching the duties of the Chair in keeping this debate in order. I think he has done a fine job.

Mr. Chairman, my amendment says that this line-item veto authority, if passed, would sunset in 2 years. Actually, I would like this to sunset in 2 weeks. I would not even like to see the Sun shine on the line-item veto.

However, I would just like to say this, Mr. Chairman. I want to warn the Congress of the United States, who continues to transfer power from the Congress, which is that of the people, to the Presidency, I do not want to see President Bill Clinton have a line-item veto.

It is nothing against President Clinton. I do not want to see any President, Democrat or Republican, or Independent, I might add, which I see coming down the pike in the future, a third party that I predict will in fact surface and ultimately elect a President in our country, because of the tremendous problem that we continue to agitate with legislation that does not in fact deal with the problems.

However, Mr. Chairman, in this warning, I would like to say that while we make the Presidency much stronger and weaken the government of the people, keep in mind that powerful groups out there just have to concentrate on electing one political figure in America, the President,

The way Congress is going, that is where the emphasis will be: Get that President, keep that President, control the power, and then get 35 Senators in lockstep, and be damned with the rest. That is about the new constitutional construct of the people's Congress.

I have heard of the House of Commons and the House of Lords. I think we are going further and further toward a House of Lords in America, where few people really govern. In fact, today few people really govern. What we say here today, Mr. Chairman, may not make great shock waves in the CONGRESSIONAL RECORD for the future, but I think there is a lot of common sense in that, Mr. Chairman.

Therefore, I say again, be careful, Congress. If we are just sending to 1600 Pennsylvania Avenue more and more power, the real powerful interest in America do know that, do recognize it, and they are concentrating their efforts to elect that one person.

Mr. Chairman, I would also like to say, as the gentleman from Texas [Mr. STENHOLM] readies his notes and some other machination of a line-item veto authority, which I hate to admit this, I will have to oppose, I would say to the gentleman from Texas, because I oppose not just the line-item veto, I oppose what it stands for. It stands for the transferring of power from the people in the Congress to 1600 Pennsylvania Avenue. That is a cancer, I believe, that should be stopped.

However, what do I know? I am still trying to figure out my taxes. I will say this, tough, before I close, trying to take up a couple more minutes in a little bit of filibuster for the gentleman from Texas [Mr. STENHOLM], because I love him dearly, and I am sure I am going to support one of these good initiatives if I should see the light.

Mr. Chairman, I want to say happy birthday to former President Ronald Reagan. I want to say that much of the machinations going on with the majority party now are directly attributable to Ronald Reagan. I did not oppose a lot of his trickle-down programs. In 1986 he threw a lot of it out.

Mr. Chairman, I want to say this about Ronald Reagan on his birthday, as a Democrat that did not totally agree with some of those policies: Never was there a President that was so well respected around the world. When Reagan said he was going to do something, by God, he did it. I hoped to God that the old Gipper would have taken on trade, because he was just the person to make it happen for us.

So I want to say here, here, President Reagan, Nancy, the best to you.

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

Mr. TRIFICANT. I yield to my good friend, the gentleman from New York [Mr. SOLOMON].

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

Mr. Chairman, I was going to rise to congratulate the gentleman on his wishing Ronald Reagan a happy 84th birthday, because he was in my opinion, a great, great President. He had vision and he focused us on that vision. It is too bad that he could not accomplish all the things he wanted to do.

Mr. Chairman, I just want to point out to the gentleman that today is Ronald Reagan's birthday and we want to pass this line-item veto as a birthday present, for not only him but for the American people.

□ 1700

But, we were also going to hold a special order, which means that a few of us were going to get up and talk about Ronald Reagan and what we think about him. But because there is a dinner in his honor tonight. If and when we finish this bill, some of us are going to that dinner, so we are going to postpone that special order tonight. But tomorrow night we will be holding that special order in honor of the great President Ronald Reagan, and I appreciate the gentleman yielding me this time.

Mr. TRAFICANT. I did not vote on some of those issues with former President Reagan, but I have great admiration for former President Reagan and I do mean this. He was assertive, and when Ronald Reagan said he was going to do something, by God, he did it, and the world respected him and I totally respect him.

To in fact further an opportunity for the majority party to have that meeting tonight and to honor President Reagan on his 84th birthday, and not to belabor the debate longer so that Members can have a vote, I want to say to make everybody happy over there, I would like to see this thing sunset in about 2 weeks, maybe not let sunshine in at all.

But I am going to withdraw my amendment. Happy birthday, former President Ronald Reagan.

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

Mr. Chairman, I ask unanimous consent that my great amendment that should have been passed without prejudice be withdrawn. Knowing that I do no have the votes and do want to honor President Reagan and let the Members get out in time, I ask unanimous consent that my great amendment be withdrawn.

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

Mr. WATT of North Carolina. Mr. Chairman, reserving the right to object, I wanted the opportunity to vote

on this amendment because I agree with the gentleman, this thing ought not to see the light of day. I wanted to amend it maybe to reduce it to 2 days instead of 2 weeks.

Having said that, Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

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

Mr. STENHOLM. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment.

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

Amendment in the nature of a substitute offered by Mr. STENHOLM:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Line Item Veto Act''.

TITLE I—LINE ITEM VETO

SEC. 101. LINE ITEM VETO AUTHORITY.

(a) IN GENERAL.—Notwithstanding the provisions of part B of title X of The Congressional Budget and Impoundment Control Act of 1974, and subject to the provisions of this section, the President may rescind all or part of the dollar amount of any discretionary budget authority specified in an appropriation Act or an accompanying committee report or joint explanatory statement accompanying a conference report on that Act or veto any targeted tax benefit which is subject to the terms of this Act if the President—

(1) determines that—

(A) such rescission or veto would help reduce the Federal budget deficit;

(B) such rescission or veto will not impair any essential Government functions; and

(C) such rescission or veto will not harm the national interest; and

(2) notifies the Congress of such rescission or veto by a special message not later than ten calendar days (not including Sundays) after the date of enactment of an appropriation Act providing such budget authority or a revenue or reconciliation Act containing a targeted tax benefit.

(b) DEFICIT REDUCTION.—In each special message, the President 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 total amount of discretionary budget authority rescinded by that message.

(c) SEPARATE MESSAGES.—The President shall submit a separate special message for each appropriation Act and for each revenue or reconciliation Act under this paragraph.

(d) SPECIAL RULE.—For any rescission of budget authority, the President may either submit a special message under this section or under section 1012 of the Impoundment Control Act of 1974. Funds proposed to be rescinded under this section may not be proposed to be rescinded under section 1012 of that Act.

SEC. 102. LINE ITEM VETO EFFECTIVE UNLESS DISAPPROVED.

(a)(1) Any amount of budget authority rescinded under section 101 as set forth in a special message by the President shall be deemed canceled unless, during the period described in subsection (b), a rescission/receipts disapproval bill making available all of the amount rescinded is enacted into law.

(2) Any provision of law vetoed under section 101 as set forth in a special message by the President shall be deemed repealed unless, during the period described in subsection (b), a rescission/receipts disapproval bill restoring that provision is enacted into law.

(b) The period referred to in subsection (a) is—

(1) a congressional review period of twenty calendar days of session, beginning on the first calendar day of session after the date of submission of the special message, during which Congress must complete action on the rescission/receipts disapproval bill and present such bill to the President for approval or disapproval;

(2) after the period provided in paragraph (1), an additional ten days (not including Sundays) during which the President may exercise his authority to sign or veto the rescission/receipts disapproval bill; and

(3) if the President vetoes the rescission/receipts disapproval bill during the period provided in paragraph (2), an additional five calendar days of session after the date of the veto.

(c) If a special message is transmitted by the President under section 101 and the last session of the Congress adjourns sine die before the expiration of the period described in subsection (b), the rescission or veto, as the case may be, shall not take effect. The message shall be deemed to have been retransmitted on the first Monday in February of the succeeding Congress and the review period referred to in subsection (b) (with respect to such message) shall run beginning after such first day.

SEC. 103. DEFINITIONS.

As used in this title:

(1) The term ''rescission/receipts disapproval bill'' means a bill or joint resolution which only disapproves, in whole, rescissions of discretionary budget authority or only disapproves vetoes of targeted tax benefits in a special message transmitted by the President under this Act and—

(A) which does not have a preamble;

(B)(i) in the case of a special message regarding rescissions, the matter after the enacting clause of which is as follows: ''That Congress disapproves each rescission of discretionary budget authority of the President as submitted by the President in a special message on ''', the blank space being filled in with the appropriate date and the public law to which the message relates; and

(ii) in the case of a special message regarding vetoes of targeted tax benefits, the matter after the enacting clause of which is as follows: ''That Congress disapproves each veto of targeted tax benefits of the President as submitted by the President in a special message on ''', the blank space being filled in with the appropriate date and the public law to which the message relates; and

(C) the title of which is as follows: ''A bill disapproving the recommendations submitted by the President on ''', the blank space being filled in with the date of submission of the relevant special message and the public law to which the message relates.

(2) The term ''calendar days of session'' shall mean only those days on which both Houses of Congress are in session.

(3) The term ''targeted tax benefit'' means any provision 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.

(4) The term ''appropriation Act'' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations.

SEC. 104. CONGRESSIONAL CONSIDERATION OF LINE ITEM VETOES.

(a) PRESIDENTIAL SPECIAL MESSAGE.—Whenever the President rescinds any budget authority as provided in section 101 or vetoes any provision of law as provided in 101, the President shall transmit to both Houses of Congress a special message specifying—

(1) the amount of budget authority rescinded or the provision vetoed;

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

(3) the reasons and justifications for the determination to rescind budget authority or veto any provisions pursuant to section 101;

(4) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the rescission or veto; and

(5) all actions, circumstances, and considerations relating to or bearing upon the rescission or veto and the decision to effect the rescission or veto, and to the maximum extent practicable, the estimated effect of the rescission upon the objects, purposes, and programs for which the budget authority is provided.

(b) TRANSMISSION OF MESSAGES TO HOUSE AND SENATE.—

(1) Each special message transmitted under section 101 shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each special message so transmitted shall be referred to the appropriate committees of the House of Representatives and the Senate. Each such message shall be printed as a document of each House.

(2) Any special message transmitted under section 101 shall be printed in the first issue of the Federal Register published after such transmittal.

(c) INTRODUCTION OF RESCISSION/RECEIPTS DISAPPROVAL BILLS.—The procedures set forth in subsection (d) shall apply to any rescission/receipts disapproval bill introduced in the House of Representatives not later than the third calendar day of session beginning on the day after the date of submission of a special message by the President under section 101.

(d) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—(1) The committee of the House of Representatives to which a rescission/receipts disapproval bill is referred shall report it without amendment, and with or without recommendation, not later than the eighth calendar day of session after the date of its introduction. If the committee fails to report the bill within that period, it is in order to move that the House discharge the committee from further consideration of the bill. A motion to discharge may be made only by an individual favoring the bill (but only after the legislative day on which a Member announces to the House the Member's intention to do so). The motion is highly privileged. Debate thereon shall be limited to not more than one hour, the time to be divided in the House equally between a proponent and an opponent. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote

by which the motion is agreed to or disagreed to shall not be in order.

(2) After a rescission/receipts disapproval bill is reported or the committee has been discharged from further consideration, it is in order to move that the House resolve into the Committee of the Whole House on the State of the Union for consideration of the bill. All points of order against the bill and against consideration of the bill are waived. The motion is highly privileged. The previous question shall be considered as ordered on that motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. During consideration of the bill in the Committee of the Whole, the first reading of the bill shall be dispensed with. General debate shall proceed without intervening motion, shall be confined to the bill, and shall not exceed two hours equally divided and controlled by a proponent and an opponent of the bill. No amendment to the bill is in order, except any Member may move to strike the disapproval of any rescission or rescissions of budget authority or any proposed repeal of a targeted tax benefit, as applicable, if supported by 49 other Members. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion.

(3) Appeals from the decisions of the Chair relating to the application of the rules of the House of Representatives to the procedure relating to a bill described in subsection (a) shall be decided without debate.

(4) It shall not be in order to consider more than one bill described in subsection (c) or more than one motion to discharge described in paragraph (1) with respect to a particular special message.

(5) Consideration of any rescission/receipts disapproval bill under this subsection is governed by the rules of the House of Representatives except to the extent specifically provided by the provisions of this title.

(e) CONSIDERATION IN THE SENATE.—

(1) Any rescission/receipts disapproval bill received in the Senate from the House shall be considered in the Senate pursuant to the provisions of this title.

(2) Debate in the Senate on any rescission/receipts disapproval bill and debatable motions and appeals in connection therewith, shall be limited to not more than ten hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(3) Debate in the Senate on any debatable motions or appeal in connection with such bill shall be limited to one hour, to be equally divided between, and controlled by the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from the time under their control on the passage of the bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(4) A motion to further limit debate is not debatable. A motion to recommit (except a motion to recommit with instructions to report back within a specified number of days not to exceed one, not counting any day on which the Senate is not in session) is not in order.

(f) POINTS OF ORDER.—

(1) It shall not be in order in the Senate to consider any rescission/receipts disapproval bill that relates to any matter other than the rescission of budget authority or veto of the provision of law transmitted by the President under section 101.

(2) It shall not be in order in the Senate to consider any amendment to a rescission/receipts disapproval bill.

(3) Paragraphs (1) and (2) may be waived or suspended in the Senate only by a vote of three-fifths of the members duly chosen and sworn.

SEC. 105. REPORTS OF THE GENERAL ACCOUNTING OFFICE.

Beginning on January 6, 1996, and at one-year intervals thereafter, the Comptroller General shall submit a report to each House of Congress which provides the following information:

(1) A list of each proposed Presidential rescission of discretionary budget authority and veto of a targeted tax benefit submitted through special messages for the fiscal year ending during the preceding calendar year, together with their dollar value, and an indication of whether each rescission of discretionary budget authority or veto of a targeted tax benefit was accepted or rejected by Congress.

(2) The total number of proposed Presidential rescissions of discretionary budget authority and vetoes of a targeted tax benefit submitted through special messages for the fiscal year ending during the preceding calendar year, together with their total dollar value.

(3) The total number of Presidential rescissions of discretionary budget authority or vetoes of a targeted tax benefit submitted through special messages for the fiscal year ending during the preceding calendar year and approved by Congress, together with their total dollar value.

(4) A list of rescissions of discretionary budget authority initiated by Congress for the fiscal year ending during the preceding calendar year, together with their dollar value, and an indication of whether each such rescission was accepted or rejected by Congress.

(5) The total number of rescissions of discretionary budget authority initiated and accepted by Congress for the fiscal year ending during the preceding calendar year, together with their total dollar value.

(6) A summary of the information provided by paragraphs (2), (3) and (5) for each of the ten fiscal years ending before the fiscal year during this calendar year.

SEC. 106. JUDICIAL REVIEW.

(a) EXPEDITED REVIEW.—

(1) Any Member of Congress may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that any provision of this title violates the Constitution.

(2) A copy of any complaint in an action brought under paragraph (1) shall be promptly delivered to the Secretary of the Senate and the Clerk of the House of Representatives, and each House of Congress shall have the right to intervene in such action.

(3) Any action brought under paragraph (1) shall be heard and determined by a three-judge court in accordance with section 2284 of title 28, United States Code.

Nothing in this section or in any other law shall infringe upon the right of the House of Representatives to intervene in an action brought under paragraph (1) without the necessity of adopting a resolution to authorize such intervention.

(b) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under paragraph (1) of subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after such order is entered; and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under paragraph (1) of subsection (a) shall be issued by a single Justice of the Supreme Court.

(c) EXPEDITED CONSIDERATION.—It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

TITLE II—EXPEDITED CONSIDERATION OF PROPOSED RESCISSIONS AND TARGETED TAX BENEFITS

SEC. 201. 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 of 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 to 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 each 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.

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; 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.

(4) For any rescission of budget authority, the President may either submit a special message under this section or under section 101 of the Line Item Veto Act. Funds proposed to be rescinded under this section may not be proposed to be rescinded under section 101 of that Act.

''(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 or 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 of 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) AMENDMENT 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;

''(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; and

''(4) the term 'beneficiary' means any taxpayer or any corporation, partnership, institution, organization, item of property, State, or civil subdivision within one or more States. 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.''.

The CHAIRMAN. Pursuant to the order of February 3, 1995, the gentleman from Texas [Mr. STENHOLM] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

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

Mr. STENHOLM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Stenholm-Spratt amendment that I offer at this time is the same amendment that passed the House of Representatives July 14, 1994, with a 342 to 69 vote, basically the same amendment in my judgment. We offer it today and it is the same amendment we offered last week as a substitute, but the will of the House was we should not substitute majority override for one-third plus one override and I respect the will of the House. Today we offer this amendment not as a substitute but as a supplement, amendment to, and I will make the argument to my friends on the other side that this does not weaken H.R. 2. In fact it strengthens H.R. 2, because in the words of the gentleman from Florida a moment ago when he was arguing against the Tauzin amendment, when he was saying we need to be able to get rid of wasteful spending at any time in any circumstance, regardless of glide path, I happen to agree with that statement. That is precisely why we offer our amendment today as a supplement to H.R. 2, because as everyone I know understands by now, under H.R. 2 it is only during that window of opportunity of 10 days after an appropriation bill is signed and sent to the President do we have the opportunity to rescind spending.

Under the modified rescission process that the gentleman from South Carolina [Mr. SPRATT] and I offer today, the President will have the opportunity to rescind spending at any time during the year.

For example, if after October 1 comes and we see that spending is getting out of hand and we are on the glide path that we have already agreed by a 300 vote to 102 I believe the number was the other day on the balanced budget amendment, that the President would have the opportunity to go into any appropriation bill and rescind spending as he can today.

□ 1710

So there is, it seems to me, a kind of a schizophrenia in the approach that the gentleman has meant to take by giving two versions. I do think it is a helpful addition. I think obviously, if the amendment that we are dealing with here is declared unconstitutional, it is certainly one we would want to revisit, but I think to include it in the H.R. 2 provision is premature, and is weakening from that extent, and so I would have to oppose the amendment.

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

The CHAIRMAN. The Chair was mistaken when he recognized the gentleman from Texas for 15 minutes. Under a previous order of the House, the gentleman is recognized for 30 minutes.

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

Mr. STENHOLM. Mr. Chairman, how much time did I consume on my opening remarks?

The CHAIRMAN. The gentleman from Texas consumed 4½ minutes.

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. CARDIN].

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

Mr. Chairman, I rise in support of the Stenholm-Spratt amendment. I would just urge my colleagues to support this amendment.

It accomplishes the purpose for why a line-item veto is needed, and that is to shine light on an individual appropriation so that it cannot hide within a massive appropriation bill.

I am a supporter of the line-item veto legislation. I am going to vote for it. But I think this gives us an alternative in the event that the traditional two-thirds override is declared to be unconstitutional, to have on the books a procedure that works and will accomplish the exact same purpose.

The amount of the vote is not important. It is important to segregate that appropriation to allow an individual consideration of it so that it cannot be hidden in a large appropriation bill.

I congratulate my colleague for bringing forward an alternative and urge my colleagues to support the amendment.

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. BLUTE], again a prime cosponsor of H.R. 2 and one of the architects of this measure.

Mr. BLUTE. Mr. Chairman, I thank the distinguished chairman of the Committee on Government Reform and Oversight for his work on this important bill, and also the chairman of the Committee on Rules for reporting out an open rule.

I think we have had a very good and long debate on this very important issue.

I rise in strong opposition to the Stenholm amendment. While I acknowledge the great leadership of the gentleman from Texas on deficit reduction, the most recent authoring with the gentleman from Colorado [Mr. SCHAEFER] the balanced budget amendment to the Constitution, I believe that this amendment has the intention of weakening the base bill. If the amendment's sponsors are worried about the constitutionality of H.R. 2, I believe the CRS, the Congressional Research Service, American Law Division, wrote a brief last year confirming that the process involved in H.R. 2 would stand up to judicial review.

CRS said:

> In sum, we generally conclude this bill is an exercise of delegation which, under the precedents, is permissible. Further, we conclude that the precedents establish no constitutional barrier to delegation of power to the President to set aside or void an Act of Congress.

While getting the thumbs up from the CRS is not the same as getting the OK from the Supreme Court, precedents show the courts are hesitant to rebuff Congress' delegation of its power to the Executive.

I urge my colleagues not to buy into this argument, and beyond that, Mr. Chairman, I think the line-item veto, the strong line-item veto, is exactly what is needed in our system to check the growth of the deficit and the debt that has piled up over the years, and I believe by adopting the Stenholm amendment we are giving the other body an out, giving them a fall back position that too many unfortunately will see.

Let us give the President the strongest line-item veto we can. He asked for it. His budget director asked for it. Eleven State Governors have it, and it works to keep spending under control.

Give the President the strong line-item veto.

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, I think the question in the debate is: Is this about illusion or reality, substance or not? This is a tough amendment. It is fair, and it is constitutional.

I think there are significant constitutional problems with H.R. 2, and it is likely it may be rescinded by the

Court. So it will be wise to append this to that legislation so you have a backup, if you believe in line-item authority for the President.

Remember this is not a panacea. I know we are going to honor Ronald Reagan on his 84th birthday, but he did send a message to Congress on March 10, 1988, saying, ''These are the items I would delete if I had the line-item veto,'' and out of a budget deficit of $150 billion, Ronald Reagan could only find $1.5.

This is not a panacea for the deficit. We are going to make some tough choices and decisions right here in this body if we want to get the deficit under control.

Mr. BLUTE. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise reluctantly against the amendment offered by my good friend, the gentleman from Texas [Mr. STENHOLM], because without question his amendment would strengthen existing law, but the fact is it weakens the bill before us, and it clouds the issue.

Seriously, we have a problem here, ladies and gentleman, and this is the budget that the President of the United States gave us today. Let us just look at it. Ronald Reagan at one time dropped a bill on the floor back in the early 1980's and broke his finger doing it.

This bill before us, this budget, reflects an additional debt service, debt for this year, and over the 5 years it is another trillion. As a matter of fact, I think it is $1.4 trillion it is going to add to the deficit.

So, you know, line item veto is not going to balance the budget. The balanced budget amendment is not going to balance the budget. Only the will of this Congress is. But you need the prodding of the balanced budget amendment. You need the prodding of this legislation, and this legislation is constitutional.

The Congressional Research Service, as has been stated, says it is. The Attorney General says it is. There is no question about it.

What the bill before us does, without the Stenholm amendment, is reverse existing law that allows Congress to reject the President's requests to cut pork barrel spending without even taking a vote. That is what the law is today. In other words, Congress can block the spending cuts requested by a President by doing absolutely nothing.

This line-item veto reverses that procedure by saying that the cuts go through unless Congress votes to disapprove those spending cuts.

Now, that is real line-item veto, and that is what we need to give Congress this prod to try to do something about this.

I shudder to think what is going to happen. I hope this Congress, Republicans and Democrats alike, have got the guts to at least adopt a budget this year that in 7 years will balance the budget. Otherwise, this country is going down the drain, Mr. Chairman.

Mr. STENHOLM. Mr. Chairman, I yield myself 1 minute for purposes of entering into a colloquy with the gentleman from New York, because I would like to believe that the gentleman misspoke a moment ago when he said our amendment weakens H.R. 2. Because in all interpretation that we have received, this strengthens H.R. 2, because we do not get into anything of the merits of H.R. 2.

In fact, under H.R. 2, would you not agree, that only in the 10-day window can a President veto under H.R. 2?

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

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

Mr. SOLOMON. I will say to my what it does——

Mr. STENHOLM. Yes or no?

Mr. SOLOMON. It continues. No, I do not think it does.

Mr. STENHOLM. I believe you will find it does. Therefore, under our amendment, we provide the President the other 355 days out of the year may rescind, and the Congress must vote on individual Presidential rescissions. So I do not see how you can represent our amendment as weakening. I believe it must be strengthening.

Mr. SOLOMON. Because it sets up a dual system, and it continues that dual system, and it gives the President, it gives the Congress another way out. I do not want him to do that. I want him to have to stick to this real line-item veto. That is the whole point. I know your intentions are very well, and I hope we defeat your amendment.

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. COLEMAN].

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

Mr. COLEMAN. Mr. Chairman, I rise in strong opposition to H.R. 2, the line-item veto act on constitutional grounds.

In addition, I rise in strong support of the Stenholm amendment which is an alternative, an expedited rescission bill, which would require the Congress to vote on proposed Presidential rescissions within a time certain and can uphold them with simple majorities in the House and the Senate.

This alternative, as most Members will remember, is very similar to legislation passed by the House last year but killed by the other body.

This system does not turn the Constitution really upside down, but, instead, focuses congressional action on disputed items without disrupting the balance of powers.

□ 1720

It would have the same impact as the line-item veto because Members would be certainly less inclined to include special-interest provisions in either appropriations or tax bills. Nor would Members probably be willing to risk recorded votes on items identified by a sitting President as either narrow or parochial.

I would say to my friends that, as we rush forward in passing this Contract on America, we do need to be aware of putting the Federal taxpayer into the courthouse and having to pay for the costs of litigating these many provisions, and this one will be litigated.

Mr. BLUTE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida [Mr. GOSS], a member of the Committee on Rules.

Mr. GOSS. Mr. Chairman, I spent a lot of time working this over, and we talked a lot about expedited rescission, and enhanced rescission, and line-item veto, and the different formats, and what one of those terms used to mean, and whether one would or would not have to have a vote under an approval process, and, as I understand it, the gentleman from Texas [Mr. STENHOLM] has come up with a very good program which tries to get the best of two worlds, and I really congratulate him on that because at first sight this appears to be a very good idea, to be able to say, ''Well, we can get the tough version, and then in the outdays of the given year we can go with a simple majority vote,'' and my understanding is that, if we use that process, it would come under the rulemaking powers of the House, and there is probably the single flaw that I see rise now, and maybe the gentleman will disagree with me. I am afraid that, as was shown in our unfunded mandates discussion about the rules, the powers of the Committee on Rules, to deal with different situations, no matter what the plan or the intent is, when those are delivered to the Committee on Rules, it is very clear in the history of this House, certainly clear in the history of the Committee on Rules since I have been on it, and I point out that was under another regime, that we did some things that people did not think we could do, and I am not sure we could, but we did them anyway because we are the Committee on Rules.

Then we get down to this subject on unfunded mandates. As my colleagues remember, we have points of order, and we go into this long process of creating a new rule, a new setup, a new process for Members to be guaranteed a way to get something identified or defended under an unfunded mandate, to waive a point of order against it, another elaborate process.

I would certainly admit that the gentleman has an intriguing prospect here. The concern I have is one that the chairman made, that it binds the clear-shot vote we had on the Contract With America, line-item veto, up or down, but I think the gentleman is onto a

point that our current budget process is definitely weak, should be made better, and in my view in another day I would rather take this approach on in that process.

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

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

Mr. STENHOLM. Mr. Chairman, I thank the gentleman from Florida [Mr. GOSS] for yielding; he brings up a very good point on the rule.

I say to my colleague, ''But if you will read more carefully our substitute, the substitute specifically states that it shall not be in order in the House of Representatives to consider any rescission bill introduced pursuant to the provisions of this section under a special rule. Furthermore, OMB would continue to withhold the funds from obligation until the President's plan was voted on, as required by this legislation——

The CHAIRMAN. The time of the gentleman from Florida [Mr. GOSS] has expired.

Mr. BLUTE. Mr. Chairman, I yield an additional 15 seconds to the gentleman from Florida.

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

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

Mr. STENHOLM. Mr. Chairman, I thank the gentleman from Massachusetts for his generosity.

But this, I think, is very important.

Furthermore, OMB could continue to withhold the funds from obligation until the President's plan was voted on, as required by the legislation regardless of any attempts by Congress to waive its internal rules. If Congress used its constitutional authority to set its own rules to avoid a vote on the President's rescissions, it would give the President the ability to withhold indefinity the funds in question.

So, Mr. Chairman, we are really strengthening the legislation.

Mr. Chairman, I yield 1 minute to the gentlewoman from Missouri [Ms. MCCARTHY].

Ms. MCCARTHY. Mr. Chairman, I rise in support of the Stenholm-Spratt amendment to H.R. 2. This amendment would expedite the rescission process, as well as retain the line-item veto language in the bill.

I would like to point out to those Members who are serious about ending the practice of deficit spending that this amendment makes sense. By including both rescission and line-item veto language in the bill, the Stenholm-Spratt amendment guards against the Congress and the President being without the tools needed to balance the budget.

One strength of the Stenholm-Spratt amendment is that it requires Congress to vote on rescissions submitted at any point in the year. Currently, H.R. 2, rescissions submitted by the President 10 days after signing an appropriations bill would not require congressional action. Under expedited rescission language, congressional action would be mandatory, regardless of when the rescission package is sent to Congress.

The Stenholm-Spratt amendment will provide us with two instruments, expedited rescission and the line-item veto, to help restore fiscal integrity to the Federal budget process. If we want Congress to be accountable and responsible for the money it spends, then the expedited rescission language in the amendment will make us answerable by forcing a vote on a Presidential rescission package, something that is not currently required.

President Clinton supports expedited rescission and the line-item veto, and I believe we should grant him the choice of either vetoeing or rescinding frivolous spending and tax breaks. Therefore, I urge bipartisan support of the Stenholm-Spratt amendment.

Mr. STENHOLM. Mr. Chairman, I yield 6 minutes to the gentleman from South Carolina [Mr. SPRATT], the coauthor of the amendment today.

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

Mr. SPRATT. Mr. Chairman, I rise to support the Stenholm-Spratt amendment, and I want to stress from the start what this amendment does not do:

It does not replace H.R. 2, the bill before us. It does not even weaken H.R. 2. It adds to that bill extra rescission powers, and broadens the timeframe for the use of those powers, and gives the President a plus, an option, that H.R. 2 does not give him, the option of entering any spending saved from any rescission into a so-called locked box or deficit reduction account.

So, Mr. Chairman, this expedited rescission lock-box amendment is a supplement and not a substitute to H.R. 2. It would not conflict with, or weaken, or change one whit the powers that are delegated to the President under H.R. 2.

The gentleman from Texas [Mr. STENHOLM] and I offer this amendment for several reasons:

First, I am genuinely concerned that the courts may hold the line-item veto power which we confer upon the President here under a novel interpretation of law unconstitutional, unconstitutional because it is a broad, broad, sweeping delegation of authority with very scant standards to govern the use of that authority. No court has ever decided the exact question that we are putting to the courts and will be putting to the courts here, and virtually everyone in this Chamber acknowledged that this is a novel question, acknowledged his uncertainty about how the court would rule when several days ago the Deal amendment came up, and with very little debate and very little dispute the Deal amendment—providing for expedited judicial review—was approved virtually unanimously.

But even in the case of expedited review, it will take months, surely the rest of this budget year, before we have a definite opinion from the Supreme Court as to the constitutionality of H.R. 2. During that period of time, Mr. Chairman, we are providing the President this as a standby, fall-back authority. In case the courts invalidate H.R. 2, then the President has this authority on the books. He can use it, put it to good use, because the scope of this, as I point out, is even broader in many respects than H.R. 2.

And what if the courts find H.R. 2 constitutional? In that case, this amendment gives the President one more weapon to use to wipe out unwarranted, unnecessary, or wasteful spending or spending that he finds we cannot afford given the status of the economy or the state of the budget in the middle of a fiscal year. The rescission authority we provide here is not redundant for that reason by any means. Actually, it is more useful in some respects, in many respects, than H.R. 2 as it now stands.

I do not need to explain H.R. 2 in detail because this is virtually the same as the Stenholm-Penny-Kasich expedited rescission bill which this House passed on July 14, 1994, by an overwhelming vote. By my count, every single Republican then in the House, 169 in all, voted for its passage. Three hundred forty-two Members of this House thought enough of the efficacy and utility of this bill to vote for it then. Only 69 Members opposed it.

□ 1730

This amendment, as I said, is broader in scope than H.R. 2 because it allows the President to rescind appropriations at any time during the fiscal year. The veto power under H.R. 2, on the other hand, has to be used within a very narrow window of time, 10 days after a passage of appropriation bills. Under our amendment in H.R. 2 the President can only repeal targeted tax benefits within 10 days, but under our bill he can send spending rescissions up at any time and under our bill he will be guaranteed an up or down vote on his package in the House within 10 days and a vote in the Senate within 10 more days. And for any Member who wants a separate vote on any particular item in the package, it is important to his or her district, then if he can muster 50 Members on the House floor to support his request, he can have it broken out.

This bill, as I said, also allows the President the authority, the extra power which the gentleman from Pennsylvania [Mr. CLINGER] acknowledged in debate the other day, was a commendable provision, to put any savings that were realized under a rescission into a lock box. The lock box was part of a popular bill that many Members subscribed to in the last session called A to Z. The lock box allows the President to direct that the discretionary spending account will be lowered to the extent that we adopt any rescission that he sends up here, lowered by that

amount so the savings cannot be spent upon something else.

Once the President has sent his bill up, the rescission message will be converted to a bill. The bill has to be introduced within 3 days, the Committee on Appropriations has to act upon it and report it to the floor, and we have to vote within 7 days. When it leaves here it goes to the Senate on the same fast track.

So let me sum up, Mr. Chairman, by saying this amendment in no way weakens, detracts from, or is inconsistent with H.R. 2. It is a plus to H.R. 2. It is a fall-back alternative if H.R. 2 is found to be unconstitutional, and at the very least it is a temporary alternative for the President to use if H.R. 2 is restrained or enjoined pending the outcome of a challenge in court.

Furthermore, our amendment is broader in scope than H.R. 2 because it applies throughout the fiscal year, not just for 10 days following the enactment of an appropriation bill, and, of course, it has the lock box feature I spoke of earlier. This amendment is a plus for H.R. 2, and I urge support for its adoption.

Mr. BLUTE. Mr. Chairman, I yield 4 minutes to a distinguished new Member of this body, the gentleman from Wisconsin [Mr. NEUMANN], an original cosponsor of the line-item veto bill.

Mr. NEUMANN. Mr. Chairman, I rise to speak in opposition to anything that would in any way, shape, or form complicate or weaken this line-item veto bill as we have proposed it here today. The line-item veto bill needs to maintain its strength so we get at the root of the problem facing this Nation, which is a debt in the amount of $4.8 trillion.

I was an original cosponsor on the line-item veto bill because I feel as we look at the debt facing our Nation today, it is time we actually do something about it, and the only way we are going to do something about it is if we actually get to the point where we can reduce spending.

The balanced budget amendment passed last week is important, but as we move forward, we must look at line-item veto to go with the balanced budget amendment so we can actually get at the root of the problem, and that is spending.

Why do we need a line-item veto here? I have the numbers with me today and can show Members the impact on the children of this Nation if we do not pass the line-item veto bill today. I do not want to see anything that weakens it in any way, shape, or form.

Today this Nation stands $4.8 trillion in debt. For the folks that have not seen this number, it looks like this. The number is very, very real. We are paying interest on that debt each and everyday, and it impacts the families in my district and the families all across America. $4.8 trillion has been borrowed on behalf the American people in the last 15 years. Something needs to be done about it.

I am a former math teacher. As a former math teacher I like to look at this number as it relates on an individual basis to each person across this Nation. If we take that $4.8 trillion and divide it by the 260 million people in the United States of America, each and every person in the United States of America is responsible for $18,500 of debt. Again, if we take the $4.8 trillion and divide by the 260 million people in this Nation, every man, woman and child is responsible for $18,500 worth of debt. For a family of four in America, from my district back home in Wisconsin, the Federal Government has borrowed $74,000 on behalf of the American people. It is not OK, folks, and it is not OK if we let this continue forward.

For a family of five like my own, the Federal Government has borrowed $92,500. The real problem is not when we look at just the debt, but when we look at the interest that has to be paid on the debt. I would like to point out that this family of four is going to pay approximately $5,180 in interest alone on the national debt. Just think about this number for a second. A family of four in our district earns about $32,000 a year. This family of four is going to pay about $5,100 out of that $32,000 of income to pay just the interest on the national debt. It does not get any goods or services from the American Government. That simply pays the interest on the national debt.

Why am I so adamant? Why can I come here and work so hard for the line-item veto and the balanced budget? Because it is time the American people do something about this situation. When we start thinking about a family in our district paying over $5,000 a year to do nothing but pay the interest on the national debt, you think it is time we get serious about doing something about the budget, something about balancing the budget, and in fact I think we should start talking about paying off the debt.

The day has come where we need to think about how we are going to get to the balanced budget and then go the next step. How can we get rid of this atrocious debt that is costing the family of four in my district over $5,000 a year in just interest? It is time we get past it.

There are two things that are necessary to do that in my opinion. One is the balanced budget amendment which the House passed not very long ago, and the other is this line-item veto, a very strong line item veto needs to be passed. It needs to be passed today.

The CHAIRMAN. The gentleman from Texas [Mr. STENHOLM] has 14½ minutes left, and the gentleman from Massachusetts [Mr. BLUTE] has 15½ minutes left.

Mr. STENHOLM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I realize there has been considerable confusion and misinformation about just what this amendment would do. The last chart in all honesty has nothing to do with this amendment. It has everything to do with why I too offer this amendment. Because we do want to get after spending. The Stenholm-Spratt amendment is offered as a supplement to the line-item veto authority in H.R. 2.

Even though it is presented here as a substitute here at the end of the debate, it includes all of H.R. 2, as reported. I want to repeat, this amendment we offer includes all of H.R. 2 as reported. In addition, this amendment incorporates all of the amendments approved by the Committee of the Whole only Thursday and Friday of last week, namely the Clinger, Thurman, Neal, and I will ask the same unanimous consent request that Mr. CLINGER asked to add Obey to my amendment so it will do what we intended for it to do when we go into the House. This expedited rescission authority portion of this amendment would allow the President to propose to cut or eliminate individual spending items in appropriations bills throughout the year. The President could earmark some or all of the savings for deficit reduction.

In addition, the President would be able to propose to repeal targeted tax breaks which benefit a particular taxpayer or class of taxpayers only within the 10 days of signing the bill.

The House would have 10 legislative days after the President sends up a rescission package to bring it to the floor. There has been some debate as to whether or not that 10-day limitation would actually occur. I believe the answer is clearly yes, it would. First the rules would not permit consideration of other matters until the rescission package was dealt with. Second, any appropriation or tax item that was submitted by the President in effect would be suspended until Congress acted on the President's package.

Now, just a moment ago we were talking, the gentleman from Wisconsin was talking about guaranteed cuts, guaranteed deficit reduction.

□ 1740

I must submit, again, H.R. 2 does not guarantee deficit reduction. Only with our amendment can we have guaranteed deficit reduction, because we included the lock box provision. And that was as a result of last year's debate in which the gentleman from Ohio [Mr. KASICH] was very instrumental in changing the language of the amendment that we in fact bring to Members today.

The line-item veto includes no guarantee that the savings from the President's rescissions would go to deficit reduction. Congress would be free to spend the savings from rescissions proposed by the President on other programs.

Although H.R. 2 allows the President to propose to reduce the discretionary caps, there is no provision for a vote in Congress to reduce the spending caps.

In other words, rescissions submitted under the line-item veto would not save one dime. We believe our substitute provides for that alternative should we, the Congress and the President, believe that was important.

The Stenholm-Spratt amendment includes provisions to ensure that the savings from spending cuts would go to deficit reduction.

Furthermore, under H.R. 2, standing alone, the President would have the veto option for only the first 10 days after signing a bill. Although H.R. 2 is intended to increase the ability of the President to identify and eliminate wasteful and low priority spend, it dramatically restricts the President's flexibility by setting this artificial 10-day deadline.

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

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

Mr. SPRATT. Mr. Chairman, we had the Congressional Research Service do some research which I think is extremely helpful in understanding the importance of this power that we give the President to use this additional rescission authority throughout the fiscal year.

According to CRS, the Congressional Research Service, 99 percent of all rescissions sent up here by the President were sent beyond the 10-day period after the adoption of appropriation bills. That points up that frequently the rescission authority is not used to knock out pork barrel stuff, but to try to adjust the budget in midyear when we have got underfunded accounts for the Veterans Administration, underfunded accounts for operations and maintenance and defense, and we have to pay for the supplementary budget authority by rescinding other budget authority on the books. Then the President has the authority to formulate his request, send it up here and be guaranteed under our bill a quick 20-day turnaround.

Mr. STENHOLM. Mr Chairman, I would conclude my remarks at this time by saying that I believe it grossly unfair to categorize our amendment as being weakening. If we are truly concerned about deficit reduction, I believe the language of our amendment, as a supplement to, not as a replacement for, but a supplement to, clearly stands out as being more able to reduce the deficit because of the language which we put into our amendment.

As the gentleman said, again, Members have talked about this language from the standpoint that somehow current law is better. It is not. And unless we in fact add our amendment, we will have current law 355 days out of the year but 10 days out of the year, 10 calendar days out of the year we will have a much improved situation over the current system.

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

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

Mr. STENHOLM. Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, let me say that what we have offered here supplements, does not substitute for or replace, it supplements H.R. 2, and it does not do it in any sort of redundant or cosmetic way. We give the President some important additional rescission authority. He can use this authority pending any court challenge to the constitutionality of H.R. 2 and he may have well need that authority this budget year because there is likely to be a constitutional challenge to this bill if it becomes law.

Second, we give him authority that he can use throughout the budget year, not just in that narrow period of time 10 days after the adoption of an appropriations bill.

The Congressional Research Service says, as we were just pointing out, that 99 percent of all rescissions typically sent up here by presidents since 1976, 99 percent of them have been sent well beyond that 10-day period of time.

Our bill covers that additional period of time, when by tradition 99 percent of the rescission bills have been sent up.

Finally, we allow the President to say, we want to take these savings, put them in a deficit reduction account and not have the money spent elsewhere during the course of the fiscal year. Three strong features that add to, do not detract from or conflict in any way, strengthen this bill and should be adopted to perfect it.

Mr. STENHOLM. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in summation I would just like to say if Members want to replace the cumbersome and unworkable process for year-round authority with teeth, they need to vote for the Stenholm-Spratt amendment. This amendment has had a proud bipartisan history, despite the effort recently to portray it as partisan.

Mr. Chairman, I am submitting for the RECORD some material on past Republican support for the amendment. I also am submitting two legal opinions. Finally, I am submitting for the RECORD a list of some of the most commonly asked questions about this amendment, along with the answers that have been prepared.

Mr. Chairman, whether Members think H.R. 2 is constitutional or not, whether they prefer line item veto authority or expedited rescission authority, there is a reason for Members to vote for the Stenholm-Spratt amendment. This amendment provides a rare opportunity in the legislative process, a win-win scenario.

I urge my colleagues on both sides of the aisle to approve my amendment.

Mr. Chairman, I include for the RECORD the information to which I referred.

[From the Congressional Research Service, the Library of Congress, Washington, DC., Feb. 3, 1995]

To The Honorable Nathan Deal, Attention Ed Lorenzen.

From Virginia A. McMurtry, Specialist in American National Government, James V. Saturno, Specialist on the Congress, Government Division.

Subject: Submission dates of Presidents' rescission request.

In response to your request for figures on the dates of submission to Congress of rescission requests from the President under the Impoundment Control Act since 1974, we have prepared the attached table.

The table provides the number of rescission requests, by month, for each fiscal year. The actual unit of analysis is the individual rescission, not rescission messages as we initially discussed. If five separate rescission requests were included in a single message during a given month, the number entered on the table would be five. This provides a more accurate way for considering the transmission of rescission proposals, since under current law there is no requirement for the President either to combine or to separate rescissions transmitted at the same time. The number of rescissions included in a single message have varied considerably, even within the same Administration.

As indicated in the notes accompanying the table, the End-of-Year Cumulative Reports on Rescissions and Deferrals, prepared by the Office of Management and Budget, provided the source. Actually, for one year, Fiscal Year 1990, OMB prepared no end-of-year report. In this instance we used the monthly cumulative report for September, 1990, which happened to include a complete listing of rescissions for that year.

We hope that this information proves useful to you. If we can be of further assistance, you may reach Ginger at 7–8678, or Jim at 7–2381.

PRESIDENTIAL RESCISSION REQUESTS SUBMITTED TO CONGRESS BY MONTH, FISCAL YEAR 1976–94

Fiscal year [1]	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sep.	Total
1976	0	6	13	17	0	0	0	0	0	[2] 6	0	[3] 4	46
1977	0	0	0	9	0	0	0	1	0	[4] 10	0	[5] 1	21
1978	0	0	0	3	0	0	0	1	1	1	0	1	7
1979	0	1	0	10	0	0	0	0	0	0	0	0	11
1980	1	0	0	2	0	1	53	2	0	0	0	0	59
1981	0	0	0	34	0	120	0	0	10	1	0	0	165
1982	2	1	0	0	22	1	0	0	1	3	1	0	31
1983	0	0	1	0	19	0	0	0	0	1	0	0	21
1984	0	0	1	0	8	0	0	0	0	0	0	0	9
1985	0	0	0	0	241	0	0	2	0	0	0	1	244
1986	0	0	0	0	77	3	3	0	0	0	0	0	83
1987	0	0	0	73	0	0	0	0	0	0	0	0	73

PRESIDENTIAL RESCISSION REQUESTS SUBMITTED TO CONGRESS BY MONTH, FISCAL YEAR 1976–94—Continued

Fiscal year [1]	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sep.	Total
1988	0	0	0	0	0	0	0	0	0	0	0	0	0
1989	0	0	0	6	0	0	0	0	0	0	0	0	6
1990	0	0	0	0	0	0	3	8	0	0	0	0	11
1991	0	0	0	0	26	0	1	0	2	1	0	0	30
1992	0	0	0	0	1	98	29	0	0	0	0	0	128
1993	7	0	2	0	3	0	1	0	6	0	0	0	19
1994	0	38	0	0	27	0	0	0	0	0	0	0	65
Total	10	46	17	154	424	223	90	14	20	23	1	7	1,029
Percent	0.97	4.47	1.65	14.97	41.21	21.67	8.75	1.36	1.94	2.24	0.10	0.68	100

[1] Although the Impoundment Control Act became effective upon enactment (July 12, 1974), the fiscal year calendar change did not begin until Oct. 1, 1975, for FY 1976. In addition to the rescission messages listed there were also eight rescission messages in July 1975 concerning spending for FY 1976 and the transition quarter (July–Sept. 1975).

[2] Of the five rescission requests received in July 1976 one concerned spending for FY 1977.

[3] Of the four rescission requests received in September 1976, three concerned spending for FY 1977.

[4] Of the ten rescission requests received in July 1977, four concerned spending for FY 1978.

[5] the rescission requests received in September 1977 concerned spending in FY 1978, and was later reclassified as a deferral by the Comptroller General.

Source: Office of Management and Budget End-of-Year Cumulative Report on Rescissions and Deferrals for each FY1976–94.

REPUBLICAN SUPPORT FOR EXPEDITED RESCISSION

99TH CONGRESS

Bills introduced

S. Con. Res. 65—The Porkbusters Resolution of 1985. Introduced by Senator Dan Quayle (R–IN) on September 17, 1985. Required Congress to vote on resolutions approving Presidential rescissions by a majority vote within fifteen days after the rescission was submitted.

H.R. 3675—a bill providing the President with modified rescission authority while preserving the authority of Congress in the budget process. Introduced by Rep. Ralph Regula (R–OH) on November 1, 1985. Required Congressional votes on Presidential rescissions within 45 days.

Floor consideration

On September 19, 1985, Senator Quayle offered the text of S. Con. Res. 65 as an amendment to the Omnibus Reconciliation Act of 1986. The amendment was ruled non-germane and defeated on a procedural motion of 34–62.

100TH CONGRESS

Bills introduced

S. Con. Res. 16—a bill providing for expedited consideration of a bill or joint resolution approving a Presidential rescission. Introduced by Senator Quayle on February 5, 1987. The bill was cosponsored by two Republicans.

H. Con. Res. 119—similar to S. Con. Res. 16. Introduced by Rep. Lynn Martin (R–NY) on May 8, 1987. Cosponsored by 15 Republicans.

H.R. 3129—Line-item Rescission Act of 1987. Introduced by Rep. Tim Johnson (D–SD) on August 6, 1987. Cosponsored by 20 Republicans, including Rep. Gerald Solomon (R–NY) and Rep. Dan Coats (R–IN).

Floor consideration

Rep. Dick Armey (R–TX) attempted to add an amendment to the FY88 Long-term Continuing Resolution granting the President enhanced rescission authority over funds included in the CR. Under the amendment, a simple majority of Congress could overturn the rescission. The effort was unsuccessful.

Notable quotes

Senator Dan Quayle (February 5, 1987, S3136 Congressional Record)

''The Pork-Buster Resolution is based on a simple, fundamental premise. Before the taxpayers' money can be spent, the President and a majority of both the Senate and the House of Representatives should be required to agree those funds should be spent. Congress should be made—and held—accountable to the American people on rescissions that a President believes are appropriate. By using the rulemaking power of each House, the Pork-Buster Resolution would require expedited consideration of Presidential rescission messages.''

Rep. Dick Armey (Dear Colleague dated November 2, 1987)

''Enhanced rescission authority will involve the Administration and the Congress in a meaningful deficit reduction process in a manner that ensures both institution's prerogatives are protected.''

Rep. Dick Armey (November 5, 1987, H30961 Congressional Record):

''I will go to the Rules Committee and I will request a rule that will allow me to amend that long-term continuing resolution to include in it enhanced rescission authority that would allow the President to examine that large omnibus spending bill line item by line item and make line-item vetoes, as it were, with a simple majority override capacity remaining for the House.''

101ST CONGRESS

Bills introduced

H.R. 235—Line-item Rescission Act of 1989. Introduced by Rep. Tim Johnson (D–SD) on January 3, 1989. Cosponsored by 9 Republicans.

H.R. 962—Current Level Rescission Act of 1989. Introduced by Rep. Dick Armey on February 9, 1989 and cosponsored by 105 Republicans. Provided for expedited consideration of Presidential rescissions if the rescission did not reduce any program below its prior-year level.

H.R. 3800—a bill providing for expedited consideration of certain Presidential rescission. Introduced by Rep. Tom Carper (D–DE) along with Reps. Armey, Johnson, Martin, Dan Glickman (D–KN), Bill Frenzel (R–MN) and others as a bipartisan consensus expedited rescission bill on November 21, 1987. Cosponsored by 65 Republicans.

Notable quotes

Rep. Dick Armey and Rep. Tim Johnson (Dear Colleague dated March 1, 1989)

''The Current Level Enhanced Rescission Act is a realistic, rational proposal that protects Congress' own spending priorities and restores the President's role in fighting the deficit.''

102D CONGRESS

Bills introduced

H.R. 2164—a bill providing for expedited consideration of certain Presidential rescissions. Introduced by Rep. Carper on May 1, 1991. Cosponsored by 108 Republicans. Required votes in Congress on Presidential rescissions within ten days of their submission. Limited the amount that the President could rescind authorized programs to 25%. Established the new procedure for two years.

H.R. 5700—Expedited Consideration of Proposed Rescissions Act of 1992. Introduced by Rep. Solomon on July 28, 1992. Identical to H.R. 2164 except that it eliminated the distinction between authorized and unauthorized programs included in H.R. 2164.

Floor consideration

July 30, 1992—Rep. Solomon attempted to defeat the previous question on the Commerce, Justice and State Appropriations bill so that he could offer a motion to make in order what he described as ''a slightly different line-item veto rescission amendment'' which consisted of the text of his expedited rescission bill. Reps. Bob McEwan (R–OH), David Dreier (R–CA), John Duncan (R–TN) and Bob Walker (R–PA) spoke in support of Solomon's motion. The effort failed on a vote of 240–176.

October 3, 1992—The House passed H.R. 2164, the expedited rescission bill introduced by Rep. Tom Carper, by a vote of 312–197. It was supported by 154 of 159 Republicans voting.

Notable quotes

Rep. Dick Armey (May 5, Rules Committee Hearing on H.R. 4990):

''I think the President's authority should be enhanced, perhaps enhanced in the way Mr. Solomon suggests, but even enhancing it a little bit in the way Mr. Carper will later recommend. That would be an improvement.''

Rep. Harris Fawell (R–IL) (May 5, Rules Committee Hearing)

''When Tom Carper comes up in reference to his enhanced rescission bill, it isn't everything I would want, but I could support it. It does valuable things. It moves us down that road.''

Rep. Jerry Solomon (May 7, 1992, H3029 Congressional Record):

''We moved to make in order an amendment by Mr. Carper, a Democrat, and Mr. Stenholm, a Democrat, to provide for expedited rescission procedures for the next two years, similar in concept to my line item veto bill, but watered down considerably. Still, it is a strong step in the right direction.''

Rep. Bob McEwan (July 30, 1992, H6988 Congressional Record):

''The Solomon amendment would mandate that Congress consider legislation approving the President's rescissions within twenty days. If either House fails to pass the bill, then the money would be obligated. Mr. Speaker, in the name of fiscal responsibility, the House must be given the opportunity to at least consider the Solomon amendment.''

Rep. Jerry Solomon (July 30, 1992, H6992 Congressional Record):

''If we defeat the previous question, I will offer the Carper line-item rescission amendment that simply requires Congress to vote up or down on the President's request not to spend the money. This requires only a simple majority vote.''

Rep. Jerry Solomon (July 30, 1992, H6992 Congressional Record):

''For those of you who really believe in the line-item veto, we have reached a tremendous compromise here that you can vote for. It should be something that this House can support overwhelmingly on both sides of the aisle.''

Rep. Harris Fawell (October 2, 1992, H10811 Congressional Record):

''(H.R. 2164) is at least the first step of a 1,000 mile journey toward hopefully someday being able to balance the federal budget.''

Rep. Jerry Solomon (October 2, 1992 H10813 Congressional Record):

''I favor the bill before us today (H.R. 2164) because it is an improvement over the current rescission process * * *. It is a step in the right direction.''

103D CONGRESS

Bills introduced

H.R. 1013—Expedited Consideration of Proposed Rescissions Act of 1993. Introduced by Rep. Charlie Stenholm (D–TX) on February 18, 1993. Cosponsored by 33 Republicans. Required the President to submit rescissions within a three-day window after signing an appropriations bill. The expedited rescission authority would have a 2 year sunset. Does not include targeted tax credit.

H.R. 1578—Expedited Rescissions Act of 1993. Introduced by Rep. John Spratt (D–SC) on April 1, 1993. Required the President to submit rescissions within a three-day window after signing an appropriations bill. The expedited rescission authority would have a two year sunset. Does not include targeted tax credit. A framework would be established for consideration of an appropriations committee alternative if the President's package was defeated.

H.R. 4600—Expedited Rescissions Act of 1994. Introduced by Rep. John Spratt (D–SC) on June 17, 1994. Applies only to appropriations, may be used only within 3-day window after an appropriations bill passes, applies only to the 103rd Congress.

H.R. 4434—Common Cents Budget Reform Act of 1994. Introduced by Reps. Stenholm (D–TX), Penny (D–MN), and Kasich (R–OH). Cosponsored by 14 Republicans. Guarantees a vote on every rescission bill submitted by the President. The President can designate any portion of the savings for deficit reduction. The President can submit a special message repealing a targeted tax credit within 10 days after a bill is enacted. The President can submit a special message to rescind appropriations at any time. Permanently extends authority.

Floor consideration

July 14, 1994—The House passed the Stenholm substitute to H.R. 4600 on final passage by a vote of 342–69. The Stenholm substitute was agreed to by a vote of 298–121. The Solomon substitute failed 205–218. All 169 Republicans present and voting voted yes on final passage, and all 170 Republicans present and voting voted yes on the Stenholm substitute.

Notable quotes

Rep. John Kasich (July 14, 1994, H5728 CONGRESSIONAL RECORD):

''This (Stenholm-Penny-Kasich amendment), ladies and gentlemen of the House, represents the most significant movement on trying to control the deficit through the use of the line-item veto that we have voted on and have a chance to pass in this House since I have been a Member of the House * * *. This (Stenholm-Penny-Kasich amendment), is precisely what the American people have been calling for * * *. It will bring real change.''

Rep. Jim Kolbe (July 14, 1994, H5715 CONGRESSIONAL RECORD):

''Let us not let the opportunity to support tough budget reform slip away again, Support the Stenholm-Penny-Kasich amendment to H.R. 4600.''

Rep. Rick Lazio (July 14, 1994, H5711 CONGRESSIONAL RECORD):

''We have significantly strengthened the process (existing rescission process) by adopting the Penny-Kasich-Stenholm amendment, for which I voted.''

Rep. Harris Fawell (July 14, 1994, H5710 CONGRESSIONAL RECORD):

''Should this substitute (Michel-Solomon) fail, I then will support the Stenholm-Penny-Kasich substitute, because it is a vast improvement over the enhanced rescission power we presently have.''

QUESTIONS AND ANSWERS REGARDING EXPEDITED RESCISSION AUTHORITY

How does the Wise and Stenholm-Spratt substitutes differ from H.R. 1578 and H.R. 4600, the versions of expedited rescission reported by the Rules Committee in the 103rd Congress?

Both substitutes incorporate several changes from earlier expedited rescission legislation made by the Stenholm-Penny-Kasich amendment to H.R. 4600 on July 14, 1994. The Stenholm-Penny-Kasich amendment made several changes to respond to concerns raised by many members and significantly strengthen the legislation. The President would be able to single out newly enacted targeted tax benefits as well as appropriated items for individual votes. Unlike H.R. 1578 and H.R. 4600, which required the President to submit rescissions within a three-day window after signing an appropriations bill, the President would be able to submit a rescission package for expedited consideration at any point in the year. The President would have the option of earmarking savings from proposed rescissions to deficit reduction, which no other expedited rescission or line-item veto proposal would permit. The new expedited rescission authority would be established permanently instead of being sunsetted after two years. Members would have the ability to obtain separate votes on individual items in a rescission package that have significant support. The Wise and Stenholm substitutes explicitly prevent the President's rescissions from being considered under a special rule which would waive the requirements of the section. Finally, the prerogative of the Appropriations Committee to move their own rescission bill would be preserved without creating a cumbersome new procedure.

How is the procedure under expedited rescission different from the existing procedure for considering Presidential rescissions under Title X of the Budget Control and Impoundment Act?

Under Title X of the Budget Control and Impoundment Act, the President may propose to rescind all or part of any item at any time during the fiscal year. If Congress does not take action on the proposed rescission within 45 days of continuous session, the funds must be released for obligation. Congress routinely ignores Presidential rescissions. The discharge procedure for forcing a floor vote on Presidential rescissions is cumbersome and has never been used. Most Presidential rescission messages have died without a floor vote.

Congress has approved just 34.5% of the individual rescissions proposed by the President since 1974 (350 of 1012 rescissions submitted), representing slightly more than 30% of the dollar volume of proposed rescissions. Nearly a third of the Presidential rescissions approved came in 1981. Excluding 1981, Congress has approved less than 20% of the dollar volume in Presidential rescissions. Although Congress has initiated $65 billion in rescissions on its own, it has ignored nearly $48 billion in Presidential rescissions submitted under Title X of the Budget Control and Impoundment Act without any vote at all on the merits of the rescissions.

In 1992, the threat that there would be an attempt to utilize the Title X discharge procedure to force votes on 128 rescissions submitted by President Bush provided the impetus for the Appropriations Committee to report a bill rescinding more than $8 billion. However, this was an exception. Most rescission messages are ignored. Expedited rescission would change that and force Congress to react to Presidential messages by voting on them, increasing the likelihood that unnecessary spending would be eliminated.

Could Congress thwart the provisions of expedited rescission legislation by reporting a rule that waives the requirements of this proposal?

No. The substitute specifically states that ''It shall not be in order in the House of Representatives to consider any rescission bill introduced pursuant to the provisions of this section . . . under a special rule.'' Furthermore, OMB could continue to withhold the funds from obligation until the President's plan was voted on as required by this legislation regardless of any attempts by Congress to waive its internal rules. If Congress used its Constitutional authority to set its own rules to avoid a vote on the President's rescissions, it would give the President the ability to indefinitely impound the funds.

How does expedited rescission legislation ensure that a Presidential rescission is voted on by Congress?

Expedited rescission legislation establishes several procedural requirements ensuring that Congress cannot simply ignore a rescission message. A rescission bill would be introduced by request by either the Majority or Minority Leader. If the Appropriations Committee does not report out the rescission bill as required within ten days, the bill is automatically discharged from the committee and placed on the appropriate calendar. Once the bill is either reported by or discharged from the Appropriations Committee, any individual member may make a highly privileged motion to proceed to consideration of the bill. Although a motion to adjourn would take precedence, the House could not prevent a vote on a rescission message by adjourning because only legislative days are counted toward the ten day clock. Action is also promoted by providing for a highly privileged motion to proceed to consideration and limiting debate and preventing amendments to a rescission bill. This proposal ensures that there will be a vote on a rescission bill so long as one member is willing to stand up on the House floor and make a motion to proceed.

The substitute includes language to discourage the House from avoiding a vote on the President's package, by making the release of funds by OMB contingent on Congress voting on and defeating the President's package.

Under current law, OMB withholds funds from apportionment until Congress acts on a rescission message. Funds included in a rescission message would be frozen in the pipeline until Congress either votes to rescind them or to release them for obligation. The substitute provides that the funds must be released for obligation upon defeat of the President's rescission bill in either House. This is different from the requirement in Section 1012 of the Impoundment Control Act of 1974, which states ''Any amount of budget authority proposed to be rescinded . . . shall be made available for obligation, unless, within the prescribed 45 day period, the Congress has completed action on a rescission bill rescinding all or part of the amount proposed to be rescinded.'' By specifically providing that the funds would be released upon defeat of the President's package and not providing for any other circumstances in which OMB must release the funds, the language of the Wise and Stenholm-Spratt substitutes clearly provide that OMB will be required to release the funds

only when Congress votes on and rejects the rescission bill.

Similarly, the amendment provides that any tax benefits proposed to be repealed be ''deemed to have been repealed unless . . . either House rejects the bill transmitted with that special message.''

How would the motion to strike individual items from a package of rescissions work?

A member would be able to make a motion to strike an individual item in the rescission bill if 49 members support the motion. This procedure would be similar to existing procedures to call for recorded votes or the procedure for discharging rescission bills under Title X of the Impoundment Control Act in which the members supporting the motion would stand and be counted. If the requisite number of members supported a motion to strike, the motion would be debated under the five minute rule and the House would vote on the motion. If the motion was supported by a majority of members, the item would be struck from the bill. The House would vote on final passage of the rescission bill after disposing of any motion to strike.

If 50 members feel strongly enough about an individual item to coordinate the actions necessary to obtain a motion to strike, they deserve to have the opportunity to make their case to the full House. They would still have to convince a majority of the House that their project was justified.

Wouldn't the motion to strike deprive the President of a vote on his rescissions?

No. Congress would vote on the merits of each rescission either as part of the overall package or on a motion to strike. While there might not be one vote on the entire package if a motion to strike succeeded, Congress would have voted on the merits of individual rescissions when it voted on the motions to strike items from the package.

The motion to strike increases the chance of passing rescissions submitted by the President by providing a safety valve to take ''killer'' items out of a rescission package to avoid the entire package from being defeated because of one item with strong support. If there is a strong core of support within Congress for an individual item, there would be a high likelihood that the supporters of that item could form an alliance to defeat the entire bill. Although the President would presumably make political judgements to avoid including items that would sink the entire package, the administration will not always be aware of all traps that may lie with an individual spending program or tax provision. This safety valve would prevent a political miscalculation from sinking the entire bill.

What types of tax provisions would be subject to the new rescission process?

The provision for expedited consideration of proposals to repeal tax items would be restricted to targeted tax benefits. ''Targeted tax benefits'' are defined as provisions which provide a deduction, credit, exclusion, preference, or other concession to 100 or fewer taxpayers. The rescission authority would apply to narrowly drawn tax items, the so-called ''tax pork'', which are slipped into tax bills to benefit special interests. It will not apply to broader tax breaks that apply to a larger number of taxpayers such as a capital gains tax reduction or middle class tax cut.

Wouldn't the ability to repeal tax items create uncertainty in the tax code?

No. The substitute provides for swift consideration of proposals to repeal tax provisions so that taxpayers would know the final disposition of any tax provision within a reasonable period of time following the passage of a tax bill. The President must submit a proposal to repeal a tax provision within ten business days after signing a tax bill. Congress would be required to act within twenty legislative days.

Could the President propose to rewrite tax provisions?

No. The President would only be able to propose legislative language necessary to repeal individual tax provisions for expedited consideration. Legislation submitted by the President to rewrite a tax provision would not be subject to the expedited procedures of this amendment.

Doesn't this legislation constitute an unconstitutional legislative veto?

No. This legislation was carefully crafted to comply with the Constitutional requirements established by the courts by *I.N.S.* v. *Chada,* 462 U.S. 919 (1983), the case that declared legislative veto provisions unconstitutional. Legislative vetoes allow one or both Houses of Congress (or a Congressional committee) to stop executive actions by passing a resolution that is not presented to the President. The *Chada* court held that legislative vetoes are unconstitutional because they allow Congress to exercise legislative power without complying with Constitutional requirements for bicameral passage of legislation and presentment of legislation to the President for signature or veto. For example, allowing the House (or Congress as a whole) to block a Presidential rescission by passing a motion of disapproval without sending the bill to the President for signature or veto would violate the Chada test. This substitute meets the Chada tests of bicameralism and presentment by requiring that both chambers of Congress pass a motion enacting the rescission and send it to the President for signature or veto, before the funds are rescinded. The substitute does not provide for legislative review of a preceding executive action, but expedited consideration of an executive proposal. Thus, it represents a so-called ''report and wait'' provision that the court approved in *Sibbach* v. *Wilson and Co.,* 312 U.S. 1 (1941) and reaffirmed in Chada.

If a majority of Congress has voted for items as part of an appropriations or tax bill, wouldn't the same majority vote to preserve the items when they were rescinded?

Just as President's often sign appropriations bills (or other bills for that matter) that include individual items that he does not support, Congress often passes appropriations bills without passing judgment on individual items. Expedited rescission legislation would force the President and Congress to examine spending items on their individual merit and not as part of an overall package. Many items included in an omnibus appropriations bill would not be able to receive majority support in Congress if they were forced to stand on their own individual merits. Members who voted for an appropriations or tax bill may be willing to vote to eliminate individual items that had been in the omnibus bill.

Isn't requiring an additional vote on items that have already been approved by Congress a waste of time?

As was stated above, the fact that an item was included in an omnibus appropriations or tax bill does not necessarily imply that a majority of Congress supported that individual item. For example, when Congress passed the Agricultural Appropriations Bill in 1990, the majority of the members did not endorse spending on Lawrence Welk's home. Requiring a second vote on individual items included in an omnibus appropriation bill is not an unreasonable response to realities of the legislative process.

Doesn't providing the President expedited rescission authority alter the balance of power between Congress and the President?

No. The approach of expedited rescission legislation strikes a balance between protecting Congress' control of the purse and providing the accountability in the appropriations process. Unlike line-item veto legislation, this substitute would preserve the Constitutional power of Congressional majorities to control spending decisions. Expedited rescission authority increases the accountability of both sides, but does not give the President undue leverage in the appropriations process because funding for a program will continue if a majority of either House disagree with him.

Since the rescission process would apply only to the relatively small amount of spending in discretionary programs and a limited number of small tax breaks, isn't this just a political gimmick that won't have a significant impact on the deficit?

The authors of this proposal have never claimed that this proposal would balance the budget. However, it will be a useful tool in helping the President and Congress identify and eliminate as much as $10 billion in wasteful or low-priority spending each year. Furthermore, the existence of expedited rescission authority will have a cleansing effect on the Appropriations process which will prevent many wasteful programs from being included in the Appropriations bills in the first place. Many of the special interest tax provisions that would be subject to expedited rescission have a considerable cost. It will help ensure that the federal government spends its scarce resources in the most effective way possible and does not divert resources to low-priority programs. Perhaps most importantly, by increasing the accountability of the budget process, it will help restore some credibility to the federal government's handling of taxpayer money with the public. This credibility is necessary if Congress and the President are to gain public support for the tough choices of cutting benefits or raising taxes necessary to balance the budget.

Would this proposal apply to entitlement programs funded through the appropriations process such as unemployment insurance and food stamps?

No. Although other versions of expedited rescission legislation would have allowed a President to propose to rescind spending for entitlement programs funded through the regular appropriations bills (as is the case with unemployment insurance and other income support programs), this was changed to clarify that the expedited rescission process does not apply to any entitlement programs.

Doesn't the expedited rescission process violate the legislative prerogative by requiring action under a specific timetable and preventing amendments to a rescission bill?

The expedited procedure for consideration of rescission messages in this substitute is similar to fast track procedures for trade agreements or for base closure reports, which have worked relatively well. In fact, the scope of the legislation that would be subject to expedited consideration is much more confined under this procedure than in either trade agreements or base closings.

Wouldn't allowing the President to submit rescissions throughout the year give the President undue ability to dictate the legislative calendar?

The substitute preserves the flexibility of Congressional leaders to develop the legislative schedule while ensuring that the President's package is voted on in a timely fashion. It provides that the time allowed for consideration of the bill before a vote is required be counted in legislative days instead of calendar days, ensuring that the House will be in session for ten days after receiving the message before a vote is required. The House could vote on the package any point within the ten legislative days for consideration.

Could the President propose to lower the spending level of an item, or would he have to eliminate the entire item?

The President could propose to rescind the budget authority for all or part of any program in an appropriations bill. Consequently the President could, if he so chose, submit a rescission that simply lowered the budget authority for a certain program without eliminating it entirely. In comparison, most line-item veto proposals require the President to propose to eliminate an entire line item in an appropriations bill.

Would this proposal allow the President to strike legislative language from appropriations bills?

No. It specifically allows a President to rescind only budget authority provided in an appropriations act and requires that the draft bill submitted by the President have only the effect of canceling budget authority. Legislative language, including limitation riders, would not be subject to this procedure.

Could the President propose to increase budget authority for a program?

No. The substitute specifically provides that the President may propose to eliminate or reduce budget authority provided in an appropriations bill. It does not allow the President to propose an increase in budget authority.

What happens if the President submits a rescission message after Congress recesses for the year?

The House has ten legislative days to consider the rescission message. Since the time allowed for consideration of the rescission message only counts days that Congress is in session, Congress would not be required to vote on a rescission message until after it returns from recess. However, the funds would not be released for apportionment for proposed rescissions until Congress votes on and defeats a Presidential rescission bill. Congressional leaders would have to decide whether to reconvene Congress to consider the rescission message or to leave the message pending while Congress is in recess. Congress could delay adjourning sine die until the time period in which the President could submit a rescission has expired so that it can reconvene to consider a rescission message if it is submitted after Congress completes all other business. If the funds included in a rescission message are considered by Congress to be important, Congress would have to return to session to vote on the message. If a rescission message is submitted after the first session of the 103rd Congress has adjourned for the year, or if Congress adjourns before the period for consideration of a rescission message expires, the rescission message would remain pending at the beginning of the second session of the 103rd Congress. The House still would be required to vote on the rescission message by the tenth legislative day after the rescission package was submitted.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, March 31, 1993.

To: Hon. Charles W. Stenholm.
From: American Law Division.
Subject: Validity of the Approval Mechanism in the ''Expedited Consideration Rescissions Act of 1993''.

Under H.R. 1013, the Expedited Consideration of Proposed Rescissions Act of 1993, as modified, the Budget and Impoundment Control Act of 1974, 2 U.S.C. 681 et seq., would be amended to provide for a fast-track process for considering and voting on presidential proposals embodied in a bill or joint resolution to rescind budget authority provided in an appropriations act. If the President submits rescission proposals within three days after enactment of an appropriations measure, a legislative process is triggered whereby a House floor vote may be had within 10 legislative days after receipt of the proposal, and a Senate floor vote will be held within 10 days after transmittal of the House-passed measure. The resultant legislative action is subject to the President's veto.

You inquire whether the proposed rescission process embodies a legislative veto proscribed under the Supreme Court's ruling in *INS* v. *Chadha,* 462 U.S. 919 (1983), and subsequent cases,[1] or is otherwise violative of the constitutionally mandated lawmaking process prescribed by Article I, rec. 7. For the reasons set forth below, we do not believe it is.

The constitutional defect of the legislative veto disclosed by the Chadha Court was that Congress sought to exercise its legislative power without complying with the constitutionally mandated requirements for lawmaking: bicameral passage and presentation to the President for his signature or veto. There, and in two subsequent cases, the Court found unlawful legislative actions which sought to accomplish the reversal of exercises of executive actions taken pursuant to lawfully delegated authority without presentation to the President. But the Court carefully noted in Chadha that it was not casting doubt on so-called ''report and wait'' provisions which it had previously approved in *Sibbach* v. *Wilson & Co.,* 312 U.S. 1 (1941). Under such provisions a proposed executive action does not become effective unless a specified contingency occurs, i.e., a set period of time passes without congressional action preventing it from going into effect or Congress takes affirmative legislative action approving its effectiveness.

H.R. 1013, as modified, utilizes both methods of contingent legislation. For all rescission recommendations a presidential proposal does not become effective unless it is approved by a bill or joint resolution with 10 legislative days of continuous session after the date on which the bill or joint resolution is received by the House, and an additional 10 legislative days after it is transmitted by the House to the Senate for consideration. Rescission proposals cannot become effective unless affirmatively enacted into law. Both methods comply with Chadha since the legislative action to be taken meets the constitutional requirements of bicameralism and presentment. Moreover, under the proposed contingency scheme, the Executive has not been delegated any legislative authority at all; he has been directed to recommend and that proposal has no legal effect unless Congress gives it such effect through further legislation. Thus it is a classic reporting provision of the type approved in Sibbach. Similar report and wait mechanisms requiring affirmative legislative action have been enacted several times since Chadha. See, e.g., Reorganization Act Amendments of 1984, Pub. L. No. 98–614, sec. 3(a)(1), 98 Stat. 3192 (1984); Pub. L. 98–473, 98 Stat. 1916–1918, 1935–1937 (1984)(proscription on use of intelligence agency funds for Nicaragua); Pub. L. No. 98–441, 98 Stat. 1701 (1984)(obligating funds for MX missile).

MORTON ROSENBERG,
Specialist in American Public Law.

[1] *Process Gas Group* v. *Consumer Energy Council,* 463 U.S. 1216 (1983)(one-House veto of rules invalid); *United States Senate* v. *F.T.C.* 463 U.S. 1216 (1987)(two-House veto of rules invalid).

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, March 30, 1993.

To: Hon. Charles Stenholm.
From: American Law Division.
Subject: Application of Rescission Authority to ''Tax Expenditures.

This memorandum provides, at your request, quick analysis of whether the same constitutional principles that govern application of rescission authority to appropriated funds apply as well to rescission of ''tax expenditures.'' We understand as well that the requested context for analysis is H.R. 1013, a bill entitled ''Expedited Consideration of Proposed Rescissions Act of 1993.'' It is proposed that language be added to that bill adding ''tax expenditures'' as a category within which the President may trigger expedited congressional consideration of proposed rescission legislation.

Some background may be helpful. The same constitutional principles govern application of rescission authority to ''appropriations'' and to ''tax expenditures.'' These governing principles are set out in previously prepared memoranda enclosed for your review: ''Constitutionality of Granting President Enhanced Budget Rescission Authority,'' June 27, 1989; and ''Adequacy of Standards in Bill Granting President Enhanced Budget Rescission Authority,'' July 21, 1989, both by Johnny H. Killian, Senior Specialist in American Constitutional Law, CRS. The basic issue raised by actual conferral of rescission authority on the President involves delegation of legislative authority, and whether there are adequate standards set forth in the law so that it can be determined whether the executive has complied with the legislative will. In 1989 the Supreme Court held in *Skinner* v. *Mid-America Pipeline Co.,* 490 U.S. 212, 223, that the same principles govern delegation of taxing authority that govern delegation of Congress' other authority.

''[T]he delegation of discretionary authority under Congress' taxing power is subject to no constitutional scrutiny greater than that we have applied to other nondelegation challenges. Congress may wisely choose to be more circumspect in delegating authority under the Taxing Clause than under other of its enumerated powers, but this is not a heightened degree of prudence required by the Constitution.''

We note, however, that no constitutional delegation issues are posed by H.R. 1013 or the proposed amendment. Instead, the bill merely provides for expedited congressional consideration of presidential proposals that Congress enact legislation authorizing rescission of ''any budget authority provided in an appropriations Act.'' No authority to effectuate a rescission, to exercise a line-item veto, or otherwise to nullify statutory enactments would be conferred on the President by the bill. Inclusion of ''tax expenditures'' along with budget authority as a category about which the President may propose legislation that will receive expedited consideration does nothing to change this basic fact that the bill contains no delegation of rescission or taxing authority.

With or without a delegation of authority, the principal constitutional distinction between the categories of budget authority and tax expenditures is the requirement of Art. I, §7, cl. 1 that all bills for raising revenue shall originate in the House of Representatives. A bill providing for ''tax expenditures'' (currently defined in 2 U.S.C. §622(3) as ''revenue losses attributable to provisions of the Federal tax laws which allow a special exclusion, exemption, or deduction . . . or which provide a special credit, a preferential rate of tax, or a deferral of tax liability'') might also include measures for raising revenues,

and a bill providing for repeal of tax expenditures could be considered to be a bill for raising revenues.

A further point. The President has the power conferred by Art. II. §3 of the Constitution to ''recommend to [Congress'] consideration such measures as he shall judge necessary and expedient,'' and Congress of course cannot prevent the President from proposing consideration of legislation, including legislation that would rescind budget authority or repeal tax expenditures. In conferring authority to propose rescissions that will be subject to expedited consideration by the Congress, the bill also restricts the President's authority to make a second such request and does not explicitly tie that restriction to operation of the expedited procedures. The bill would add a new section 1013 to the Congressional Budget and Impoundment Control Act of 1974, and subsection (a) would provide in part that ''[f]unds made available for obligation under this procedure may not be proposed for rescission again under this section or section 1012.'' A reasonable implication of ''proposed . . . under this section or section 1012'' is that a proposal may be submitted independently of the cited authority, and that the only restriction is that the expedited procedures authorized by the new section or in connection with existing section 1012 would not be operative. Thus, while the language can and should be interpreted to avoid any constitutional issue that would be created by interference with the President's authority under the Constitution to make recommendations to Congress, a more direct statement tying the restriction to operation of the expedited procedures could eliminate any basis for question.

GEORGE COSTELLO,
Legislative Attorney,
American Law Division.

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

Mr. BLUTE. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Chairman, I just want to say to the distinguished gentleman who brought this point forward that we have been watching and listening very carefully. We agree, at least I agree and I think others do, too, that what he is proposing does strengthen the present expedited rescission process, which is extremely weak. It never requires a vote; doing nothing spends the money. That is too much temptation for almost anybody to overcome, and I think we are proof that that temptation is true and is not overcomeable.

I think the gentleman has some good ideas. We have gone back and taken a look at section 904 of the Budget Act and matched that up with the gentleman's title II section under the requirement to make available for obligation and his reliance on the antideficiency process. I believe there is some area to work in there. I do not think it is quite right.

I would like to state to the gentleman I hope to work with him in cleaning up the budget process. We would like to take a clear shot at this one for the tough two-thirds disapproval vote, which is primarily our main concern. We are worried about the confusion. I do think the gentleman has some good ideas which are worthy of further attention as we clean up the budget process.

Mr. BLUTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in closing, I want to commend the Committee on Rules for giving us an open rule in which we had a very, I think, thorough debate on a whole range of issues surrounding the line item veto authority. With regard to the Stenholm-Spratt amendment, I would only say that it complicates matters and that H.R. 2 freestanding is the strongest line item veto authority that we could give the President. President Clinton asked for the strongest version, his budget director asked for the strongest version, and this bill is the strongest version that we could give the President to help him reduce the deficit and discipline the budget process.

I would also say that the Congressional Research Service has issued a report on its constitutionality. But the larger issue, Mr. Chairman, is that the line item veto has been kicking around up here on Capitol Hill for a very, very long time. We have an opportunity tonight to give the President this tool and to do something tangible about our Federal budget deficit and about the expenditures in our yearly budgeting process.

I urge this House to tonight pass the line item veto authority for the President, send it over to the other body, and ultimately to give the President this important tool.

Mr. RICHARDSON. Mr. Chairman, I rise in support of this amendment. The President should have the power to rescind wasteful spending. But it is also important that once the President flags wasteful line-items and targeted tax benefits, that Congress should share the role of acting on wasteful spending and acting quickly. The balance of power between the executive and legislative branches must be preserved. One should not be given greater power to identify and rescind government spending. The framers of our Constitution did not foresee the need to give greater rescission power to one or the other, nor should we.

In practice, several appropriation bills can reach the President's desk at the same time. The President should be given the flexibility to offer a package of rescissions at anytime and Congress should then act to quickly approve or disapprove of that package. We have already rejected a substitute that would have provided greater flexibility for rescinding funds while not tipping the balance of power. I urge my colleagues not to reject this kind of common sense a second time. The approach offered by this amendment preserves the balance of power between the executive and legislative branches, 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's 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's do something that makes sense. I urge my colleagues to support this amendment.

Mr. BLUTE. Mr. Chairman, I yield back the balance of my time.

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

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

Mr. STENHOLM. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the order of the House of February 3, 1995, further proceedings on the amendment in the nature of a substitute offered by the gentleman from Texas [Mr. STENHOLM] will be postponed.

The point of order of no quorum is considered withdrawn.

□ 1750

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the order of the House of Friday, February 3, 1995, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

The amendment offered by the gentleman from Utah [Mr. ORTON], the amendment offered by the gentlewoman from California [Ms. WATERS], and the amendment in the nature of a substitute offered by the gentleman from Texas [Mr. STENHOLM].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. ORTON

The CHAIRMAN. The pending business is the demand of the gentleman from Utah [Mr. ORTON] for a recorded vote on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The CHAIRMAN. A recorded vote has been demanded.

RECORDED VOTE

A recorded vote was ordered.

The CHAIRMAN. This is a 15-minute vote, to be followed by several 5-minute votes.

The vote was taken by electronic device, and there were—ayes 65, noes 360, not voting 9, as follows:

[Roll No. 91]

AYES—65

Andrews	Gutierrez	Peterson (FL)
Barrett (WI)	Hoyer	Peterson (MN)
Beilenson	Inglis	Pomeroy
Bentsen	Johnson (SD)	Rivers
Berman	Kasich	Rohrabacher
Browder	Kennedy (MA)	Royce
Brownback	Kennedy (RI)	Sabo
Bryant (TX)	Lincoln	Schroeder
Coleman	Lofgren	Schumer
Condit	Lowey	Sensenbrenner
Dellums	Luther	Serrano
Doggett	Maloney	Shays
Dooley	McHale	Skaggs
Durbin	Meehan	Slaughter
Edwards	Miller (CA)	Smith (MI)
Eshoo	Minge	Spratt
Fawell	Obey	Stenholm
Fazio	Orton	Tauzin
Furse	Pallone	Taylor (MS)
Gibbons	Pelosi	

Visclosky
Wilson
Wolf
Wyden
Yates
Zimmer

NOES—360

Abercrombie
Ackerman
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Evans
Everett
Ewing
Farr
Fattah
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Istook
Jackson-Lee
Jacobs
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kelly
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (FL)
Mineta
Mink
Moakley
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Rush
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Scott
Seastrand
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stark
Stearns
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Woolsey
Wynn
Young (AK)
Young (FL)
Zeliff

NOT VOTING—9

Becerra
Bryant (TN)
Ford
Frost
Jefferson
McDade
Mollohan
Tucker
Watts (OK)

□ 1808

Ms. JACKSON-LEE and Messrs. FATTAH, FOGLIETTA, and LEWIS of Georgia changed their vote from ''aye'' to ''no.''

Messrs. SKAGGS, McHALE, INGLIS of South Carolina, Ms. ESHOO, Mrs. MALONEY, and Ms. PELOSI changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the order of the House of Friday, February 3, 1995, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each further amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MS. WATERS

The CHAIRMAN. The pending business is the demand of the gentlewoman from California [Ms. WATERS] for a recorded vote on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 144, noes 280, not voting 10, as follows:

[Roll No. 92]

AYES—144

Abercrombie
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Cramer
Danner
Deal
DeFazio
DeLauro
Dellums
Dingell
Dixon
Doggett
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hamilton
Hastings (FL)
Hilliard
Hinchey
Jackson-Lee
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kleczka
Klink
LaFalce
Lantos
Lewis (GA)
Lincoln
Lofgren
Luther
Manton
Markey
Martinez
Mascara
McCarthy
McDermott
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Pomeroy
Rahall
Rangel
Reed
Reynolds
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Schroeder
Scott
Serrano
Skaggs
Slaughter
Stark
Stenholm
Stokes
Studds
Stupak
Taylor (MS)
Thompson
Thurman
Torres
Towns
Traficant
Velazquez
Vento
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—280

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brownback
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kennelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Maloney
Manzullo
Martini
Matsui
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)

Molinari
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Torricelli
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Becerra
Bryant (TN)
Chenoweth
Ford
Frost
Jacobs
Jefferson
McDade
Tucker
Watts (OK)

□ 1818

Messrs. MARTINEZ, CRAMER, MOLLOHAN, TAYLOR of Mississippi, and WYDEN changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

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

The CHAIRMAN. The pending business is the demand of the gentleman from Texas [Mr. STENHOLM] for a recorded vote on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 156, noes 266, not voting 12, as follows:

[Roll No. 93]

AYES—156

Ackerman
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Brewster
Browder
Brown (CA)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clement
Clyburn
Coleman
Condit
Costello
Coyne
Cramer
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Eshoo
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E.B.
Johnston
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
LaFalce
Lantos
Laughlin
Levin
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDermott
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Moakley
Montgomery
Moran
Nadler
Neal
Obey
Olver
Ortiz
Orton
Pastor
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Poshard
Richardson
Rivers
Roemer
Rose
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torricelli
Towns
Vento
Visclosky
Volkmer
Ward
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—266

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

NOT VOTING—12

Becerra
Bryant (TN)
Crane
Ford
Frost
Gekas
Jefferson
McDade
Morella
Peterson (MN)
Tucker
Watts (OK)

□ 1825

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

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

The result of the vote was announced as above recorded.

Mrs. MINK of Hawaii. Mr. Chairman, I rise in opposition to H.R. 2.

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks.)

Mrs. MINK of Hawaii. Mr. Chairman, I rise in opposition to H.R. 2 on constitutional grounds. The issue is the principle of separation of powers. The line-item veto power that H.R. 2 grants to the President violates this principle. The Constitution states that all legislative power resides in the Congress, article I, section 1. It provides only that a bill can be returned unsigned by the President which then to become law must have a two-thirds vote of approval, article I, section 7. Further the Constitution states that it is the Congress that has the power to collect taxes, pay debts, and to provide for the general welfare, article I, section 8. Finally and most importantly the Constitution states that ''No money shall be drawn from the Treasury but in consequence of appropriations made by law.''

No bill passed by this Congress can alter the clear meaning and intent of the Constitution. Only a constitutional amendment can change that. H.R. 2 is a simple bill. It is not a constitutional amendment. If the proponents of this idea were serious, they would propose a Constitutional amendment and not try to circumvent the constitution.

Why didn't the committee go the constitutional amendment route? I have to assume that it is because they realize that the people of this country are not prepared to give any President even more power than he already possesses, and because the idea of giving one-third of the House and the Senate the power to kill a duly enacted appropriations item was a subversion of the basic concept of majority rule.

The legislative process would be seriously skewed if the lineitem veto were interjected.

Items could be added knowing that the President could remove them. Majority will would be compromised. The President could use the veto power to punish Members who did not go along with the White House on key votes. Small States would be especially vulnerable.

During the course of this debate an expedited judicial review amendment was accepted. This acknowledges the very point that I make. That this bill is incompatible with the Constitution of the United States.

Further, this bill would grant power to the President to item veto targeted tax benefits. Another word to describe what a targeted tax benefit is a tax loophole. The bill initially allowed the President veto power only over tax loopholes which affected five or fewer people. The committee extended this veto power to tax loopholes affecting 100 or less taxpayers. We should not be protecting any special tax loophole no matter what the size of the group receiving this selective treatment under the Tax Code. No matter how we stand on this issue of the line-item veto, we ought not be protecting a group of taxpayers merely because there are more than 100 of them in the group. If it is a bad loophole, the President ought to have the power to veto it no matter whether if affects 100 or 5,000 taxpayers or more. This selective treatment of targeted tax benefits by number of taxpayers who enjoy it, is clearly inequitable and should be stricken from the bill to allow the President power to strike any and all of them.

I do not understand the rationale of those who argue that the line-item veto is needed to balance the budget. The record will show that the Congress has systematically underspent the President's budget recommendations. Further, the Congress has exceeded the President's rescissions submitted to the Congress after the appropriations bills have been signed into law. Over the past 20 years the President has proposed $72 billion in rescissions and the Congress has passed $92 billion in rescissions, $20 billion more than the President.

Finally, the most egregious power granted to the President under this bill is not only that he can veto any item in an appropriations bill, but he can reduce any discretionary budget authority. This is tantamount to Congress abdicating the power to appropriate. The Constitution clearly grants to Congress the legislative power to appropriate. Only the Congress can by majority vote decide against funding a project and only Congress can cut the funding of a project or of a department.

If the Congress, for instance, votes by a majority vote to fund the Corporation for Public Broadcasting, or Head Start, it is inconceivable that we would allow the President to not only rescind this decision or veto it, but to also reduce the funding which then can only be reversed by a two-thirds vote. What this means is that one-third of the House and the Senate will ultimately decide what gets funded and what does not.

The foundations of our democracy will be shattered. However you feel about congressional funding decisions, there is no justification for enlarging the power of the President to appropriate money as well as to rescind. The tyranny of one-third of the Congress in combination with the White House could cut funding of programs that a clear majority of the people of this country support.

If we are to submit our spending bills to this inordinate executive power, then surely it should only be by constitutional amendment.

If this measure went to the States for ratification as a constitutional amendment, it clearly would fail to receive the three-fourths vote of 38 States. Thirteen small States could see the handwriting on the wall, and not vote to ratify. I suspect this is why the line-item veto is not being proposed as a constitutional amendment. It simply would not be ratified.

I urge H.R. 2 be voted down. It is an unwarranted invasion of the most important legislative powers granted to the Congress by the Constitution.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

LINE-ITEM VETO

Mr. LAZIO. Mr. Chairman, in passing the balanced budget amendment by an overwhelming margin, the House of Representatives took an historic first step to finally controlling Federal spending. Now, for the second time in the 104th Congress we have another opportunity to pass a measure which will give us the tools needed to tackle the huge task of balancing the budget. I urge my colleagues to join me in giving the President of the United States the line-item veto that 43 of our Governors already have.

Passing the line-item veto will better enable Congress and the executive branch to do what we should have done a long time ago—cut wasteful spending. The line-item veto will force Congress and the President to be fiscally responsible and answerable to the American people.

According to the General Accounting Office [GAO] a presidential line-item veto could have cut $70.7 billion in needless spending from fiscal years 1984–89. We need to learn from what has not worked in the past and pass this bill that will help in the future.

The American people want us to cut unnecessary spending. Let us pass this measure and continue our journey to a balanced budget.

Mr. BENTSEN. Mr. Chairman, I rise today in opposition to House Resolution 2, the Line-Item veto legislation.

I want to be clear about my intentions. I support giving the President the authority to eliminate wasteful spending. For too long, Government has spent more than it receives. In addition, projects have been funded which are not merited. Both Congress and the President have participated in this exercise.

However, this legislation is not the correct mechanism to reduce Federal spending. As drafted, House Resolution 2 will disrupt the balance of power between the legislative and executive branch and concentrate too much power in the Executive. The President will dictate the spending priorities to Congress that the founding fathers clearly placed under the legislative branch.

I am committed to reducing our Federal deficit. However, I am concerned that this legislation will not actually reduce spending. Taxpayers should have full disclosure on how this legislation will work. House Resolution 2 does not require Congress to reduce spending caps, when it approves spending cuts. In effect, Congress could support spending cuts, without applying the reductions to the federal deficit.

Today, we considered an amendment offered by Congressmen STENHOLM and SPRATT that would have ensured that any generated savings from spending cuts are applied directly to the deficit. This lock-box requirement is critical to successful deficit reduction. House Resolution 2 does not contain such a mechanism.

Another important feature of the Stenholm-Spratt amendment is a provision that gives the President authority to submit rescissions for projects within a larger program. If the President disapproves of a certain project, the President could lower the budget authority for a certain program without eliminating the entire program. For instance, the President may wish to eliminate the Lawrence Welk Museum without eliminating other agriculture programs.

House Resolution 2 is further flawed in that it does not cover all Federal spending including contract authority for infrastructure, and special tax breaks for wealthy individuals and corporations.

Finally, I am concerned about the provision in House Resolution 2 that would require a two-thirds vote to overturn the President's package of rescissions. That concentration of power in the hands of a minority of the Congress is contrary to our Constitution.

Congress must learn to review Federal spending more carefully each year. We have the opportunity to vote upon each program during the appropriations process. I strongly believe that we must exercise our rights to kill inefficient, wasteful projects.

For all of the reasons outlined above, I cannot support House Resolution 2 in its present form.

Mr. BUYER. Mr. Chairman, the American people have spoken and we in return have proposed an aggressive agenda for the 104th Congress. We made a promise that this new Congress would bring to the floor of the House a true line-item veto bill. Today, Republicans will again hold true to our promise in the Contract With America and we will vote on the line-item veto, H.R. 2.

In the Fifth District of Indiana, whether it be Wabash, Kokomo, Plymouth, or Crown Point, Hoosier families continue to be concerned about wasteful Federal spending. They do not want their legacy to their children to be one of saddling future generations with increasing debt. They want Congress to pass a line-item veto.

The line-item veto will no longer allow useless projects to be funded and buried in the budget without accountability. H.R. 2 forces the President and Congress to be responsible. In essence, it makes Congress stop its habitual practice of wasteful and excessive spending. This is an opportunity we cannot let pass.

By giving President Clinton and those who follow him the same tools for which 43 Governors currently use, we will take a giant step in restoring fiscal responsibility to the Federal budget process.

We must answer the public's call for a leaner, more efficient, and less costly effective Federal Government. I support passage of the line-item veto as a necessary budget reform

tool. We must restore our Nation's fiscal responsibility.

Mr. STOKES. Mr. Chairman, I rise in strong opposition to H.R. 2, the Line-Item Veto Act of 1995. While I am aware of the excitement in the Congress to do anything perceived as promoting deficit reduction, I am also mindful of my duty as a Member of Congress to act in the best interest of the people I represent and in the best interest of the U.S. Constitution I have sworn to uphold. We cannot and should not, in an attempt to decrease the deficit or put an end to pork-barrel programs, shirk our responsibility to act in the best interest of the American people by disrespecting the founding document of this Nation—the U.S. Constitution. This shortsighted and rushed legislation will not only fail to put a dent in the deficit, but will endanger the delicate balance of power so skillfully and wisely laid down in the U.S. Constitution.

The bill before us today, the Line-Item Veto Act of 1995, will not only attempt to curtail unwanted spending, but will also make it more difficult to pass into law good legislation to which the President alone may object. Such an abdication of congressional responsibility will certainly undermine many of our most important efforts to improve the quality of life for all Americans.

Mr. Chairman, the stated purpose of the Line-Item Veto Act is to provide a statutory item veto for both appropriations and targeted tax benefits. The bill will permit the President to rummage through legislation so that he can eliminate whatever he wants to of all or part of any appropriation item or any targeted tax benefit. Under this bill, Presidential line-item vetoes would take effect unless both Houses obtain a two-thirds vote to override the veto.

This legislation to limit Congress' ability to fulfill the will of the American people warps the constitution to such an extent that the constitutionality of the Line-Item Veto Act is obviously in question. While I agree that Congress should continue to make significant strides to reduce the budget deficit, this proposed measure goes well beyond the legitimate objective of balancing the budget. In fact, this bill is specifically designed to inhibit the will of the people by transferring congressional power to the President that has been granted exclusively to Congress by the U.S. Constitution.

Mr. Chairman, transferring the power of the purse to the President is clearly contrary to the explicit language in the Constitution. The Constitution clearly places with the Congress the power to legislate appropriations bills. The Line-Item Veto Act will transfer a significant portion of this constitutional power to the President. The great constitutional significance of the separation of powers cannot be questioned. In his famous *Myers* v. *United States,* 272 U.S. 52 (1926) dissent, Justice Louis D. Brandeis said:

> The doctrine of the separation of powers was adopted by the Convention of 1787, not to promote efficiency but to preclude the excercise of arbitrary power. The purpose was not to avoid friction, but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy. (P. 293).

It is also apparent that the Line-Item Veto Act is also redundant. Under current law, the Constitution gives the President two opportunities to provide input into the Federal budget process. The President's budget is his first opportunity to express his views regarding funding for particular programs. Congress may then either accept or reject the President's recommendations.

The President may also veto any appropriations bill if he does not agree with the funding provisions contained in it. On several occasions we have seen Presidents exercise this option in order to prevent Federal funds from being used for various programs. Congress did not override these vetoes and the President's will prevailed. Therefore, granting the President an additional means through the line-item veto to attack legislation is completely unnecessary and duplicative. The President already has all of the veto power that is constitutionally permissible.

Mr. Chairman, I must also stress that reports of the deficit reducing impact of the line-item veto have been greatly exaggerated. Of the 43 States which have already enacted a line-item veto, there has been, overall, negligible progress toward State deficit reduction as a result of this law. A study conducted by the University of Wisconsin examining the deficit reducing power of the line-item veto revealed that vetoes produce budget cuts that ranged from .006 to 2.5 percent. Several other studies also reveal that, contrary to the representations made in the slick sales packaging of this bill, line-item vetoes are primarily used as a tool of policymaking and partisan advantage rather than fiscal restraint.

Such a compromise of authority could result in the undermining of important legislation and Government programs that a majority of Congress has deemed necessary for this Nation. Considering the majority party's historic hostility toward antipoverty programs, it is not a surprise that they support legislation that would grant the President greater power to use the line-item veto to act as a tool of policymaking and political advantage. I fear that the election of a President hostile to antipoverty and equal opportunity legislation would initiate an unwarranted and unprecedented line-item veto attack on aid to families with dependent children, public housing, food stamps, equal opportunity efforts, and other programs for the disadvantaged.

Mr. Chairman, this legislation is unsurpassed in its compromise of the balance of powers in our Nation. With very little opportunity for open hearing, and with limited debate, this measure has been placed before us. A measure of this kind requires detailed analysis of the impact it may have on the American people, and the greatest pillar of the American Republic: The separation of powers—but no such review has, or will, take place. In the current rush to force this bill through the House, the will of the American people and the Constitution I have sworn to uphold will certainly be compromised. I urge my colleagues to join with me and vote against this bill.

Mr. YOUNG of Florida. Mr. Chairman, I rise in support of H.R. 2, the Line-Item Veto Act, which I have cosponsored in this 104th Congress and in the six previous Congresses.

With the passage of this legislation, we fulfill our commitment made in the Fiscal Responsibility Act, the first legislative item in our Contract With America. We completed the first half of this act last month with the passage of the balanced budget amendment. Tonight we send the Senate legislation giving current and future Presidents the line-item veto authority already available to 43 Governors.

The American people have made clear their desire to eliminate wasteful Federal spending and this powerful tool gives the President a way to eliminate programs he deems wasteful without having to veto an entire appropriations bill or other major legislation that may also contain many important and timely programs.

Under current law, wasteful or questionable projects or programs often find their way into law because the President cannot afford to veto the important overall legislation in which they are included. Today's line-item veto legislation will change that procedure by allowing the President to single out specific projects and force Congress to vote on each of them individually. This makes both Congress and the President more accountable to the American taxpayers for every dollar in the Federal budget, and injects greater honesty and openness into the budgetary process, another important goal of the Contract With America.

More than any other provision of our Contract With America, our support for this bill indicates Republicans' deep commitment to cut the budget deficit, balance the Federal budget, and restore fiscal sanity to the Federal Government.

In the past, Democrat-controlled Congresses not only refused to give this authority to Republican Presidents, they also failed to give it to Presidents of their own party. The Republican Contract With America puts the welfare of the country above partisan differences, and will not only give future Presidents of any party a greater ability to keep the size and scope of the Federal Government under control, but this legislation, when enacted, will give President Clinton a line-item veto authority the day he signs it into law.

By granting Presidents greater power to control spending, Congress also places upon them a responsibility to use this tool to cut waste as demanded by the American taxpayers. The line-item veto creates a bias in the Federal Government in favor of saving tax dollars, not spending them. I urge my colleagues to join me in voting for this important governmental reform to take another step toward getting our Nation's fiscal house in order.

Mr. HALL of Texas. Mr. Chairman, I rise today in support of legislation that will save taxpayers billions of dollars by eliminating wasteful and unnecessary spending, namely, H.R. 2, the Line Item Veto Act of 1995. For too many years Congress has been spending the taxpayers' money as if there were no tomorrow. Mr. Chairman, yesterday's tomorrow has become today's reality. We can no longer pretend that the problem will go away.

The House measured up to the first challenge last week when we passed a balanced budget amendment to the Constitution. That was the first step toward restoring fiscal accountability and responsibility in the Federal budget. The next step is before us, Mr. Chairman, in the form of the Line-Item Veto Act, which would give the President the authority to strike all or part of any appropriation item or any special tax benefit. Congress would still have the option of disapproving this action and then overturning a Presidential veto, if necessary.

There has been much publicity in recent years about waste in government, and there has been a lot of finger-pointing. Actually, most Americans probably have benefited in

some way, at some time, from some special authorization, whether in the form of a tax benefit, a special service, or simply a new bridge in their district. The time has come, though, to review our budget item by item and make the difficult choices that every family in America must make when they attempt to balance their budgets and live within their means each year.

We are talking about tough choices for tough times, Mr. Chairman. The line-item veto will give the President a check and balance on the budget process and ultimately will encourage Congress to submit fiscally responsible budgets. It also will help restore the American people's confidence and trust in government and help ensure that they are getting the most value for their tax dollars.

Mr. Chairman, I urge my colleagues to overwhelmingly approve this legislation and send a message to the Nation that ''the buck stops here.''

Mr. ENSIGN. Mr. Chairman, by the close of business today, the House will have taken another great strike toward its commitment to greater fiscal responsibility.

The House's approval of H.R. 2, the Line-Item Veto Act, will ensure that the budget President Clinton sends to Capitol Hill today, and the budgets of future Presidents, are no longer considered dead on arrival. Congress will have to start paying attention to what's in those budgets.

The Line-Item Veto Act, along with the balanced budget amendment, are the only measures strong enough to hold Congress accountable for its spending. The line-item veto is crucial in our efforts to eliminate wasteful pork in the budget because the President can require the Congress to justify, with the veto, its spending priorities. Current rescission powers granted to the President have failed miserably because the law simply allows Congress to sit on its hands and do nothing. Forty years of hand sitting has given us an annual deficit of $200 billion.

Mr. Chairman, 43 of our Nation's Governors have the power to pare down wasteful pork-barrel spending. Beginning today, we take yet another step and recognize that Washington should live under the same discipline that our State governments have exercised for some time.

Support for the line-item veto is bipartisan; 77 percent of Americans favor it. In the spirit of bipartisanship, the Republican Congress will give line-item veto authority to our Democratic President. Passage of the Line-Item Veto Act will give future Presidents—Republicans and Democrats—the necessary authority to scrutinize every dollar of discretionary spending.

Mr. Chairman, I urge my colleagues to join me in support of the Line-Item Veto Act, and I yield back the balance of my time.

Mr. SKAGGS. Mr. Chairman, the Framers of the Constitution set up a system of three branches of Government because they knew that concentration of power is dangerous. No matter how much faith we might have in any individual, or branch of Government, we should remember the warning of Lord Acton about the corrupting effects of power. That warning is especially on point today as we consider the line-item veto.

Once again, we are engaged in tampering with the Constitution simply to comply with an obsession to meet a mindless 100-day goal for enacting, without careful consideration of the consequences, the Contract With America.

We should have passed the Wise-Stenholm-Spratt amendment last week. It provided for expedited rescissions, and represented a constitutionally acceptable approach to this issue, requiring each member of Congress to be accountable with a specific vote on any items a President might find objectionable enough to rescind. Without it, H.R. 2 is clearly unconstitutional.

Last month we passed a change to the House Rules to require a three-fifths majority vote to raise tax rates. I argued then that the Constitution permits no such way to change the basic rules of the Republic. And we can no more change the basic constitutional requirement of majority rule by statute than by House rules. So, to the sponsors of this legislation, I say: If you want to make this kind of change in how our laws are passed, you must do so through an amendment to the Constitution.

Article I, section 7, clause 2 states that:

> Every Bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a Law, be presented to the President of the United States; If he approve it, he shall sign it, but if not, he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their journal and proceed to reconsider it.

The Framers then went on to spell out the two-thirds majority requirement for overriding the veto.

The language in the Constitution clearly gives Congress the responsibility for crafting legislation, while the President is limited to simple approval or disapproval of bills presented to him. Article I, section 7 refers to the President returning a bill, not pieces of a bill. Yes, the Constitution allows the President to state his objections to a bill upon returning it, but the objections merely serve as guidelines for Congress should it choose to redraft the legislation.

Thus, there's a clear constitutional delineation of responsibilities, and we are obliged by our oath of office to adhere to it. The Constitution does not allow the President to approve only those parts of a bill with which he agrees. We have no legitimate power to pass a statute to the contrary. The Constitution does not allow the President to amend a bill by striking a spending level approved by Congress and substituting another of his own choice. We have no legitimate power to pass a statute to the contrary.

As the Supreme Court noted in its decision in I.N.S. versus Chadha, ''Explicit and unambiguous provisions of the Constitution prescribed and define the respective functions of the Congress and of the Executive in the legislative process.'' The Court continues, ''These provisions of Article 1 are integral parts of the constitutional design for the separation of powers.'' The line-item veto proposal in H.R. 2 would impermissibly alter that ''constitutional design for the separation of powers'' between the executive and legislative branches by allowing the president singlehandedly to amend legislation which Congress has already approved.

The Framers were deliberated and precise in dividing legislative powers. In the Federalist papers, Hamilton and Madison both expressed the view that the legislature would be the most powerful branch of Government. Thus, they also recognized the need for some checks on its powers. So, the Constitution provides for a bicameral legislature, with each body elected under different terms and districts. And it affords the President a veto power. Other constraints are also imposed, such as requirements for origination of certain legislation in the House.

The President's veto power, as a check on Congress, was recognized to be a blunt instrument. As Hamilton explains in Federalist 73, the Framers acknowledged that with the veto power ''the power of preventing bad laws includes that of preventing good ones.'' It was their sense, however, that ''the negative would be employed with great caution.''

The line-item veto proposed in H.R. 2, by providing the President with the authority to veto subsidiary parts of legislation, turns the framework defined in article I, section 7 on its head. What the President might decide to eliminate is simply eliminated, unless the Congress goes through an entire repetition of the article I legislative process, including a two-thirds vote of both Houses. This would allow the President and a majority in only one House of Congress to frustrate the will of the majority—an outcome that flies in the face of the constitutional principle of majority rule.

Mr. Chairman, this proposal goes too far in fuzzing the separation of powers set forth in the Constitution. I urge my colleagues to reject it before it is rejected by the courts.

The problem here isn't just that this measure is unconstitutional. It's also unwise. Common sense tells us that enactment of the line-item veto would make the operation of the Federal Government less responsive to the will of the people.

Consider just one recent example of the sort of havoc a single individual might wreak if that individual—the President—is given this additional authority. Some of us here remember that during the 1980's, President Reagan sent up budgets proposing to end most Federal aid to education. He wanted to zero out direct student loans. He wanted to eliminate aid to public libraries. He wanted to end aid for disadvantaged students at the elementary and secondary level, and Federal/State vocational rehabilitation programs, and college work study programs, and funding for the Individuals With Disabilities Education Act. To be fair, he did propose replacing some of these programs with block grants to the States for ''educational purposes.'' But if he had the line-item veto, it's fair to assume he would have used it on many or most of these items.

If President Reagan had been able to exercise a line-item veto like the one in H.R. 2 to kill these education programs, he almost certainly would have succeeded, even though those programs were supported by a vast majority of Americans and of their representatives in Congress.

How could he have prevailed with only minority support? Because under the bill before us, even if every single Member of the House, and a large majority of the Senate, voted to pass a joint resolution disapproving his line-item veto, the President could, and presumably would, veto that joint resolution. And if just 34 Senators out of the entire 535 Members of Congress voted to uphold that veto, the veto would stand. And, by the way, it's possible to have a group of 34 Senators who

represent barely 7 percent of the American people.

Mr. Chairman, that would represent an enormous shift in the constitutional balance of power. And that should trouble us much more than any of the problems inherent in our current appropriations process, in which Presidents have frequently succeeded with the veto of an entire bill in order to force the excision of an offensive item or two.

The Framers gave Members of Congress the power of the purse for a reason. Congressional decision reflect a consensus of the many elected representatives, not the solitary decision of a single individual. Members of Congress are closer to the people they represent, and know better their needs and views. And Members of the House, where all spending bills originate, are accountable to the electorate every 2 years, making them more immediately accountable to the people than the President. The tremendous power of setting the budget is diffused among hundreds of people working together, and responsible to each other. We should not now cede it to a single individual.

None of this should be taken to mean that we shouldn't find a way to make it easier to eliminate wasteful programs. For example, I supported the enhanced rescission bill that was passed by the House in the last Congress. That bill would have forced Congress to act on every proposed Presidential rescission, but Congress would have had to act affirmatively for the rescission to take effect. Unfortunately, the Senate failed to take action on that legislation. The text of that enhanced rescission bill was before us again as the Wise-Spratt-Stenholm substitute to H.R. 2, but unfortunately it failed to pass. Without the mitigating effect of that substitute, H.R. 2 remains an unmitigated affront to the Constitution. I urge my colleagues to defeat it.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise today in support of H.R. 2, the Line-Item Veto Act. I firmly believe that we cannot have meaningful budget reform without the Presidential line-item veto. Regardless who is President, we need this added check and balance on spending if we have any hope of getting Federal spending under control.

Most people don't fully understand the importance of the line-item veto. If it does nothing else, the line-item veto will place the public spotlight on Federal spending that deserves closer scrutiny.

Under current Federal law, Congress sends the President legislation containing hundreds of spending items and the President, whoever he or she may be, has only two options—sign the bill or veto it.

With this act, we are proposing that the President would have a third option—to choose those individual spending items that are questionable, and just veto those items, while signing the bill as a whole.

Congress would be given the power to override the President's veto with a two-thirds vote.

The line-item veto will force Congress and the President to work more closely on spending decisions, as the Governors and legislators in 43 of the 50 States do now.

As the chairman of the New Jersey Assembly Appropriations Committee in Trenton, I worked with Jim Florio, a Democrat, and Christine Whitman, a Republican, under the line-item veto law, and I can tell you that I defend the line-item veto for all chief executives, regardless of party as necessary and desirable.

I don't worry about the transfer of power from the legislative to the executive branch, because I know that it may end gridlock by forcing everyone to sit down at the same table and work out our differences. We have seen the alternative in Washington year after year, and it is not the best way to run the Government.

Mr. CARDIN. Mr. Chairman, I rise in support of a strong line-item veto proposal.

The debate over the line-item veto is mostly about shining the bright light of public attention on bad small ideas. Battles in Congress tend to be fought over big ideas. When Congress and the President clash over major policy issues, the constitutional authority of the President to veto legislation serves as a meaningful tool.

President Bush used the veto effectively in headline issues like most-favored-nation status for China, the gag rule on abortion counseling, family and medical leave, and campaign finance reform legislation. Individual Members might agree or disagree with those vetoes, but we can agree that the veto power served the President well and functioned as the Founding Fathers envisioned.

The reason we are here today is that the veto power provided the President is virtually useless to combat small bad ideas. Any of the individual 13 regular appropriations bills sent to the President each year is likely to include major spending decisions that are supported by broad majorities of the American people. Funding for the interstate highway program, for instance, enjoys broad support.

But the bills are also likely to include special pet projects, sought by individual Members, that might not have the same national base of support. Under the current structure, the President has a choice. He can stop the smaller projects, at the risk of delaying the national priorities and shutting down entire agencies of Government. Or he can hold his nose and sign the bill, accepting the crumbs in order to keep the main program on track.

Those of us who support the line-item veto say the President should have a third choice. He should be able to weed the garden. He should have the option of identifying spending or tax items which he considers wasteful and unjustified and forcing Congress to act specifically on those items.

The value of line-item veto is in its potential to help restore confidence in Government. The public perception of Members of Congress hiding away goodies in spending and tax bills underscores the public's suspicion and distrust of this institution and their Government. Let's shine a spotlight on wasteful spending and tax loopholes, and help restore the confidence of the American people that we're managing their money wisely.

Mr. BUNNING. Mr. Chairman, I rise in strong, enthusiastic support for H.R. 2, the long overdue line-item veto bill that we are considering today.

Persistence does pay off.

When I came to Washington, a little over 8 years ago, the first two pieces of legislation I cosponsored were the balanced budget amendment—which we finally passed the week before last—and the line-item veto—which we are going to pass today.

And it's about time.

The balanced budget amendment will give Congress the budgetary backbone it has always lacked.

And the line-item veto that we pass today will give the President the scalpel he has always needed to trim out unnecessary spending from major appropriations bills.

It's time for the Christmas tree to come down. The line-item veto will do that.

It's time to take the pork out of the barrel. The line-item veto will do that.

It's time to establish a rational way for the President of the United States to strip wasteful, special interest or local interest projects out of omnibus spending bills. The line-item veto will do that.

It is not cure-all. Nobody claims that it is. By itself, it won't balance the budget.

But this bill will give the President a very valuable tool that will help him cut Federal spending, weed out Federal waste and root out Federal boondoggles.

That might not balance the budget—but it will reduce spending and it will help restore the confidence of the American people that the system works.

Considering the size of our Nation's national debt, there is simply no way that we can refuse to take advantage of such a promising tool.

It would be foolhardy to turn back now that we are so close.

There is no magic or voodoo or smoke and mirrors here. We know the line-item veto works. We have seen it work at the State level. 43 Governors have—and use—the line-item veto authority. It works.

This is not a partisan issue. Presidents of both parties get the same authority.

It is a good government issue. And I urge my colleagues—of both parties—to join me in supporting this measure and give the President of the United States the line-item veto authority.

In November, the American people made it very clear that they want a leaner, cleaner, smaller Federal Government. The line-item veto will be a great help in achieving that goal.

Mr. CRANE. Mr. Chairman, I rise in strong support of H.R. 2, the Line-Item Veto Act.

As a supporter of the line-item veto since the 98th Congress, I believe that floor consideration of such legislation is long overdue. While Congress has failed to address its wasteful spending habits, our annual deficits have routinely exceeded $200 billion. Inaction is no longer an option.

When our Founding Fathers wrote article I, section 7 of the Constitution, they provided for the means by which a bill becomes law. According to section 7, legislation passed by both Houses of Congress shall be presented to the President for approval. If the President does not approve of the bill, he may return it to Congress, with his objections.

I provide this history lesson because some of my colleagues who oppose H.R. 2 apparently believe that Congress would somehow abdicate its constitutional obligations to the Executive by enacting a line-item veto. Clearly, the Executive plays a vital role in the process by which bills become law. I assure my colleagues that the line-item veto is completely appropriate, and, in fact, would argue that it has always been a legitimate prerogative of the Executive.

The line-item veto, while not a panacea to our runaway national debt, will provide an important check on wasteful pork-barrel spending. When combined with the balanced budget requirement just passed by the House, we will finally be able to tilt the effort of the Federal Government away from the profligate spending habits that have left us with a $5 trillion debt.

The benefits of a line-item veto have been demonstrated by 43 of the Nation's Governors who have this prerogative. One study has estimated that if the executive branch had exercised such fiscal restraint, the budget deficit for 1995 would be almost $23 billion smaller.

I urge my colleagues to vote for H.R. 2.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. KLUG) 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, pursuant to House Resolution 55, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

Mr. CLINGER. Mr. Speaker, I ask unanimous consent that the gentlewoman from Illinois [Mrs. COLLINS] be permitted to speak out of order for 5 minutes and then I be permitted to follow her remarks for 5 minutes out of order.

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

There was no objection.

□ 1830

Mrs. COLLINS of Illinois. Mr. Speaker, we have heard a lot during this debate about the need to reduce the Federal deficit and to control Federal spending. However, we have not heard very much about what H.R. 2 the Line-Item Veto Act, will actually do.

This bill does one thing: It makes it possible for a President acting on his own to change a law after it has been signed. Is there any one of us who would claim that changing a law is not a legislative function? Is there any circumstance from the past in which changing a law has been regarded as an executive function rather than a legislative function? I think not.

The Constitution, which each of us has sworn to uphold, is very clear on who has legislative responsibility. Section 1 of Article I of the Constitution states unequivocally that all legislative powers herein granted shall be vested in a Congress of the United States which shall consist of a Senate and a House of Representatives.

Now, let me repeat this for my colleagues. All legislative powers shall be vested in a Congress of the United States.

This is critical. The Constitution did not say only some legislative powers shall be exercised by the Congress. It does not say the Congress has to share its legislative responsibilities with any other branch. Perhaps most importantly from the standpoint of this debate, the Constitution does not give the Congress the power to delegate its legislative powers to the President or to anyone else.

Under the Constitution, you, my colleagues and I, are solely and exclusively empowered to make the laws of our land. If we do not vote as an assembled body to enact a bill, that bill under the Constitution cannot become law. The Framers gave Congress the exclusive power to legislate as a check on the power of the President. Once Congress passes legislation, the Constitution surely does give the President the power to veto, which he can use if he disagrees with the matter Congress presents him.

The Framers understood that provisions needed to be made for those instances in which the Congress, like the President, may abuse its power or legislate unwisely. The line-item veto authority in H.R. 2 is very-different than the veto authority the Framers of the Constitution had in mind. Rather than enabling the President to check abuses by the Congress, H.R. 2 allows the President to be virtually certain that he can abuse and infringe on the legislative powers of this body, of the Congress.

Under this legislation, the President is guaranteed that he can make his rescission effective as long as he has the support of a mere one-third plus one of the Members of this House or of the Senate. This makes it highly unlikely that the Congress will ever disapprove a Presidential rescission.

The authority of H.R. 2 is so extraordinary that even some proponents of the line-item veto did not support the bill. For example, Senator DOMENICI supports taking the approach that our colleagues, the gentleman from Texas [Mr. STENHOLM] and the gentleman from South Carolina [Mr. SPRATT], advocated in the expedited rescission authority they proposed to add to H.R. 2. In addition, many of my colleagues appear to not fully understand the authority H.R. 2 would give the President that is very different than the authority most Governors have. They have repeatedly said that 43 Governors have this and therefore the President ought to have it too.

Well, the fact is that only 10 of the 43 governors have anything like the authority that the power of H.R. 2 gives to the President. It does not simply let the President veto a particular line of spending authority in the appropriation bill as many governors certainly do have. Instead, as the director of Congressional Budget Office says, H.R. 2 gives the President ''greater potential power than a constitutionally approved item veto.''

We have heard time and again during this debate that President Clinton has asked Congress to give him the strongest possible line-item veto authority. Of course he wants that. Every President wants that. My colleagues should know, however, that President Clinton's own Justice Department thinks H.R. 2 gives the President, any President, Democrat or Republican, too much power. His own Justice Department says that.

Testifying before the Senate Committee on the Judiciary, Assistant Attorney General Dellenger challenged the constitutionality of H.R. 2. He said it is constitutionally problematic and would appear to ''violate the plain textual provision of Article I, Section 7 of the Constitution, governing the manner in which Federal laws are to be made and altered.''

He very clearly states further that the Congress, not the President, has the responsibility for making and changing Federal laws. That power, Mr. Speaker, is ours. If we give it away in this legislation, we will never, ever get it back again.

While it is questionable what effect this legislation might have on Federal spending, there is absolutely no doubt that this legislation will give the President power to threaten elimination or cuts in spending for projects and programs Members of Congress may find critical. That kind of leverage ensures that future Presidents will be able to stop any effort to change or alter his line-item veto authority, once Congress gives it to him.

I, therefore, urge my colleagues to think carefully about the vote they will cast on this legislation. At issue is not just needed cuts in Federal spending. Instead, our whole structure of government is at stake. If H.R. 2 becomes law, the President—any President, Democrat or Republican—would, for the first time, have legislative power that the Constitution gives exclusively to the Congress.

I urge my colleagues to vote against H.R. 2.

The SPEAKER pro tempore. (Mr. KLUG). The gentleman from Pennsylvania [Mr. CLINGER] is recognized for 5 minutes.

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

Mr. Speaker, after years of talking about giving the President the line-item veto, we are on the threshold, the verge, of giving him that power, a power which 43 governors have had and have not abused, a power which has been sorely needed to bring some order to our fiscal house.

I want to thank everybody who participated in this debate. I think it was a very, very open debate. We did this bill again under an open rule. Everybody who had an amendment to offer

had an opportunity to offer it and to fully discuss it. I think it was in the best traditions of this House to have an open, complete debate on all of the issues involved.

I want to particularly thank the staff who was instrumental in helping us throughout, particularly Monty Tripp on my staff, who did a superb job, and all who participated in this historic debate.

Mr. SPEAKER, I yield the balance of my time to the Speaker of the House, the gentleman from Georgia [Mr. GINGRICH].

The SPEAKER pro tempore. The gentleman from Georgia [Mr. GINGRICH] is recognized for 4 minutes.

Mr. GINGRICH. Mr. Speaker, I thank the Chair, and I thank my friend from Pennsylvania for recognizing me, and I thank the House for the orderly speed with which we have managed this bill, only 3 days, as opposed to unfunded mandates. I think we are moving and learning how to do some of this.

I think of this evening as a very historic evening. We have a bipartisan majority that is going to vote for the line item veto. For those who think that this city has to always break down into partisanship, you have a Republican majority giving to a Democratic President this year without any gimmicks an increased power over spending, which we think is an important step for America, and therefore it is an important step on a bipartisan basis to do it for the President of the United State without regard to party or ideology. I think compared to what people all too often expect of this city, this is the kind of positive effort to work together that is good for America.

The line-item veto is an idea which has been around a long time. Ronald Reagan campaigned on it, but, frankly, Jimmy Carter used it when he was governor of Georgia, and Bill Clinton used it when he was the governor of Arkansas. Again and again on a bipartisan basis, president after President has said it is something that would be good for America, because it would allow the President to cut out some of the worst of the spending, to set some fiscal discipline, and to indicate where the President stood. Yet it is being done in such a way that when it is totally inappropriate, the Congress can override it and the Congress can insist on spending if there is a distinct disagreement.

Governor after governor, I think 43 governors have this power. Again and again they say it does help, it cuts the cost of government, it does cut spending.

□ 1840

It is particularly, I think, symbolic to be passing it today. There are two birthdays today, as many of my colleagues know.

This is President Ronald Reagan's 84th birthday. I think the hearts of every Member of this body go out, without regard to party or to ideology, to what President Reagan and Nancy Reagan are going through. I think all of us have them in our prayers. I think he will appreciate the symbolism of the scheduling. I particularly commend the majority leader, the gentleman from Texas [Mr. ARMEY], for his thoughtfulness in arranging for this debate and insisting that we do it on this date.

Secondly, this is the 100th anniversary of the birthday of Babe Ruth. In a sense this is a very symbolic home run for this Congress to hit out of the park for the people of the United States.

On behalf of the former President, on behalf of the many millions of Americans who want this to pass, I urge all of my colleagues to vote yes and help us pass the line-item veto.

The SPEAKER pro tempore (Mr. KLUG). The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT OFFERED BY MRS. COLLINS OF ILLINOIS

Mrs. COLLINS of Illinois. Mr. Speaker, I offer a motion to recommit.

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

Mrs. COLLINS of Illinois. I am, in its present form, Mr. Speaker.

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

The Clerk read as follows:

Mrs. COLLINS of Illinois moves to recommit the bill H.R. 2 to the Committee on Government Reform and Oversight with instructions to report the same back to the House forthwith the following amendment:

Paragraph (3) of section 4 is amended to read as follows:

(3) The term ''targeted tax benefit'' means any provision which has the practical effect of providing a benefit in the form of a different treatment to a particular taxpayer or a limited class of taxpayers whether or not such provision is limited by its terms to a particular taxpayer or class of taxpayers. Such term does not include any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status.

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

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

There was no objection.

The SPEAKER pro tempore. The gentlewoman from Illinois [Mrs. COLLINS] is recognized for 5 minutes.

Mrs. COLLINS of Illinois. Mr. Speaker, under my motion, the line-item veto authority, originally proposed in the Contract With America would be adopted. Unlike H.R. 2, the line-item veto authority in my motion would apply to all tax benefits designed to reduce tax obligations of persons or classes of persons in order to promote certain types of activity. Thus, all tax loopholes intended to benefit particular industries would be subject to line-item veto under my motion.

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

I think that is wrong, and I think the American people see through it.

The majority would like us to believe that it is the middle income tax cut they want to protect; but in reality they are protecting many special interests that feed daily at the Federal trough of privileged and preferred treatment. Let me cite on example:

Our Tax Code gives a special tax benefit or credit to drug companies doing business in Puerto Rico. Twenty-four big drug companies with receipts exceeding $250 million got a total of $2.6 billion in tax credits from this provision in 1992. Because a total of 338 companies get benefits from this provision, the President could not veto it.

The authors of H.R. 2 chose to change the definition that was contained in the Contract With America. They limited it to a tax benefit that helped 5 or fewer people. We increased that number to 100.

However, the definition that was in the Contract With America is a much better definition of a special interest tax break. It is broader. It focuses on real special interests, and the tax breaks worth millions of dollars.

It does not apply to tax benefits based upon income, such as an earned income tax credit. Nor does it apply to tax benefits generally available, such as deductions for dependents.

When this amendment was offered in 1993 by the then minority leader, Bob Michel, it passed with unanimous support from the Republican members, and it passed with support from Democratic members.

There is no reason for the supporters of this bill to rewrite the contract in order to save special interest tax breaks. I commend Congresswoman SLAUGHTER and Congressman BARRETT for raising this amendment earlier in debate.

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

Mr. BARRETT of Wisconsin. Mr. Speaker, what we see in this highly politicized Chamber for the last month is Republicans trying to portray Democrats as big spenders. And Democrats trying to portray Republicans as guardians of the wealthy and the privileged. What do the American people want?

The American people want the President of the United States to get rid of both pork barrel spending and tax loopholes for special interests.

This language, which is identical to the language of the Contract With America, does just that. It keeps a promise with the American people that those Members in this Chamber care about deficit spending and want to cut deficit spending. Anybody in this

Chamber who is serious about that wants to get rid of both pork barrel spending and tax loopholes for the rich. This is the only way to do that.

The new Speaker talked about honoring President Reagan and Babe Ruth. I think we should hit a home run in honor of Babe Ruth today and do this bill right and give the President the authority to get rid of both.

Mrs. COLLINS of Illinois. Mr. Speaker, I would hope that now that Members have heard the balance of this debate that they would conclude that this amendment just makes good sense, and I would say that I would urge them not to protect the special interests and vote for the motion to recommit.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. CLINGER] is recognized for 5 minutes.

Mr. CLINGER. Mr. Speaker, I would urge a ''no'' vote on the motion to recommit. This is an amendment that was debated fully and at great length in the House this week and earlier in this debate and was defeated by a vote of 196 noes to 231 ayes.

Basically the argument for this is, of course, that it is going to enable the President to have a broader approach to getting rid of unnecessary spending.

It goes so far beyond what the purpose of the language in H.R. 2 is designed to do, which was to get at those egregious, outlandish, outrageous special tax privileges for fat cats and others on a limited basis. It was not intended by this language to give the President the power to really shape tax policy unilaterally by changing provisions in the tax laws which he would otherwise be precluded from doing. So it goes enormously beyond where the President should be permitted to go in terms of shaping tax policy.

What H.R. 2 does is focus it very directly on those outrageous examples where we have snuck things into tax bills or into appropriations bills and should be eliminated. So I would urge a ''no'' vote.

Mr. Speaker, I yield to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I would simply like to thank the gentleman from New York [Mr. SOLOMON] and members of the Committee on Rules and staff who have worked so hard to work closely with the gentleman from Pennsylvania [Mr. CLINGER] and his committee to bring an open rule and to conform two bills and bring them together and solve some of the complexities of the problem of this discussion.

I think it is very important we do that, particularly as we speak to that issue, just briefly, at this section, because there has been a lot of confusion about what we are doing.

I think we have improved Mr. Michel's words very clearly by saying what he meant in the RECORD in this bill. It is clear what the RECORD has said, and I think we have made it clear for everybody. We have read those words in the RECORD, and our bill reflects that.

We have debated it, and we voted on it—one amendment.

□ 1850

However, Mr. Speaker, I have to say there has been confusion. I note the gentlewoman from New York, as well as the gentlewoman from Illinois, have both voted against the Michel language when it first come out, the language they are offering today. Then I notice that they voted for the Wise substitute last Friday, which in fact had the version that we are trying to agree on now in H.R. 2.

Then I went back and read the committee report, and I discovered that this in fact was a positive aye vote by voice in the committee, which I believe was supported by the Democratic members of the committee when that vote was taken.

We have gone around all the circles and corners. We have all taken our sides and positions. What we have finally done is take Mr. Michel's intent, get it into language we can all understand, and put it into the bill. Now I think we should go forward and pass it.

I thank the gentleman for yielding.

Mr. Speaker, I would urge a ''no'' vote on the motion to recommit.

Mr. HOYER. Mr. Speaker, will the gentleman from Pennsylvania yield?

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

Mr. HOYER. Mr. Speaker, before we vote, I understand what the gentleman from Florida, [Mr. GOSS] said, but the gentlewoman from Illinois [Mrs. COLLINS], the ranking member of the committee, has said that the language proposed now is exactly what was in the Contract.

Mr. Speaker, I would ask the gentleman, is that correct?

Mr. CLINGER. Reclaiming my time, Mr. Speaker, it is correct, and I would tell the gentleman that I would be the first to say that that language was inartfully drafted to accomplish what we hope to be able to accomplish with this language, which is a much more targeted approach. Therefore, Mr. Speaker, we would concede the point that this language was broader than was intended to reach the goal we are trying to reach, which was to eliminate those most outrageous tax breaks that people get.

Mr. HOYER. I thank the gentleman for those comments.

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

There was no objection.

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

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

RECORDED VOTE

Mrs. COLLINS of Illinois. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 15-minute vote.

The vote was taken by electronic device, and there were—ayes 185, noes 241, not voting 8, as follows:

[Roll No 94]

AYES—185

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

NOES—241

Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
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

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

NOT VOTING—8

Becerra
Bryant (TN)
Ford
Frost
Jefferson
McDade
Tucker
Watts (OK)

□ 1906

Ms. WOOLSEY, Mr. GONZALEZ, and Mr. COYNE changed their vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. KLUG). The question is on the passage of the bill.

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

RECORDED VOTE

Mrs. COLLINS of Illinois. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 294, noes 134, not voting 7, as follows:

[Roll No. 95]

AYES—294

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Browder
Brown (CA)
Brown (OH)
Brownback
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeFazio
DeLay
Deutsch
Diaz-Balart
Dickey
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (RI)
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Luther
Manton
Manzullo
Martini
Mascara
McCarthy
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stockman
Stump
Stupak
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—134

Abercrombie
Ackerman
Beilenson
Bentsen
Berman
Bishop
Bonior
Borski
Boucher
Brewster
Brown (FL)
Bryant (TX)
Chenoweth
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
de la Garza
DeLauro
Dellums
Dicks
Dingell
Dixon
Durbin
Engel
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Gejdenson
Gephardt
Gonzalez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoyer
Jackson-Lee
Jacobs
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennelly
Kildee
Klink
LaFalce
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Maloney
Markey
Martinez
Matsui
McDermott
McKinney
Meek
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Murtha
Myers
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Rahall
Rangel
Reed
Reynolds
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Shuster
Sisisky
Skaggs
Slaughter
Stark
Stenholm
Stokes
Studds
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Yates

NOT VOTING—7

Becerra
Bryant (TN)
Frost
Jefferson
McDade
Tucker
Watts (OK)

□ 1925

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BRYANT of Tennessee. Mr. Speaker, I was unavoidably delayed in transit because of inclement weather coming out of my district in Tennessee. I just made it in running, but I understand I did miss the vote on H.R. 2. I would like the RECORD to reflect had I been here, I would have voted for the passage of H.R. 2.

PERSONAL EXPLANATION

Mr. WATTS of Oklahoma. Mr. Speaker, I was unavoidably detained today due to weather in Memphis. I missed about five votes.

Mr. Speaker, had I been present, I would have voted ''no'' on rollcall No. 91, ''no'' on rollcall No. 92, ''no'' on rollcall No. 93, ''no'' on rollcall No. 94, and ''yes'' on rollcall No. 95.

PROPOSED RESCISSIONS OF BUDGETARY RESOURCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore [Mr. KLUG] laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations, and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report 23 rescission proposals of budgetary resources, totaling $1.1 billion. These rescissions, when combined with other discretionary savings proposals contained in the FY 1996 Budget, will reduce FY 1995 budgetary resources by $2.4 billion.

The proposed rescissions affect the Departments of Agriculture, Commerce, Education, Health and Human Services, Housing and Urban Development, Labor, and Transportation; the Environmental Protection Agency; the National Aeronautics and Space Administration; the Small Business Administration; the Chemical Safety and Hazard Investigation Board; and the National Science Foundation.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 6, 1995.*

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 665, VICTIM RESTITUTION ACT OF 1995

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 104–19) on the resolution (H. Res. 60) providing for the consideration of the bill (H.R. 665) to control crime by mandatory victim restitution, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 666, THE EXCLUSIONARY RULE REFORM ACT OF 1995

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 104–20) on the resolution (H. Res. 61) providing for the consideration of the bill (H.R. 666) to control crime by exclusionary rule reform, which was referred to the House Calendar and ordered to be printed.

PERMISSION FOR VARIOUS COMMITTEES AND THEIR SUBCOMMITTEES TO SIT DURING 5-MINUTE RULE TOMORROW

Ms. PRYCE. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit tomorrow while the House is meeting in the Committee of the Whole House under the 5-minute rule: Committee on Agriculture; Committee on Commerce; Committee on Economic and Educational Opportunities; Committee on Government Reform and Oversight; Committee on International Relations; Committee on the Judiciary; Committee on Resources; Permanent Select Committee on Intelligence; and the Committee on Transportation and Infrastructure.

Mr. Speaker, it is my understanding that the minority has been consulted and that there is no objection to these requests.

The Speaker pro tempore. Is there objection to the request of the gentlewoman from Ohio?

Mr. WATT of North Carolina. Mr. Speaker, reserving the right to object, I have conferred with the leadership and have been advised by the minority leadership that, notwithstanding the fact that this appears to be inconsistent with the rule adopted by the majority which does away with absentee voting in committees, and notwithstanding the fact that it will require some Members to be in two places at one time, we will not object to this request.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

SPECIFIC SPENDING CUT SUGGESTIONS

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

Mr. GOSS. Mr. Speaker, today I present my annual list of specific funding cut suggestions. These 75 discretionary, not entitlement, discretionary cuts, would save an estimated $275 billion over the next 5 years, which is almost double the amount of spending cuts the President has presented in his budget.

The vast majority of these suggestions were contained in my ''Spirit of 76'' package introduced in the last Congress. Unfortunately, since the programs named here escaped intact, as they often do, most are the same old suspects we have talked about eliminating for years. I urge colleagues to look at the list.

These suggestions apply only to discretionary spending, because we must prove to the American people that we have truly cut all the waste out of the discretionary budget before we ask for changes in their quality of life programs.

We have a balanced budget amendment. We are controlling unfunded mandates. We have a line item veto under discussion. We are talking about a supermajority to raise taxes. All great ideas, but we must cut wasteful spending first.

Thrifty Fifty Plus: Seventy-Five Suggestions

(In millions of dollars/5 years)	*Savings*
Cancel the National Aerospace Plane (NASP)	300
Continue partial civilian hiring freeze at DOD	8,850
Eliminate below-cost timber sales from National Forests	235
Lower target prices for subsidized crops 3 percent annually	11,000
Eliminate the Market Promotion Program	500
End the Federal Crop Insurance Program and replace with standing authority for disaster assistance	1,660
Limit Federal highway spending to the amount brought in by motor vehicle fuel taxes	8,850
Repeal the Davis-Bacon Act	3,080
Reduce Commodity Credit Corporation subsidies to those with off-farm incomes over $100,000	660
Reduce the Attending Physician Office by 33 percent	2.5
Fully implement H.R. 2452 (102d) to provide additional energy conservation measures for Federal agencies	1,900
Enact H.R. 1620 (103d) to prohibit direct Federal benefits and unemployment benefits to illegal aliens	27,000
Eliminate the Tobacco Price-Support Program	100
Consolidate the Bureau of Indian Affairs	53
Close 20 under-utilized black lung offices	0.3
Allow private sector investment in the Space Shuttle	1,522
Eliminate Rural Economic and Community-Development (RECD) duplication with the Small Business Administration (SBA)	913
Eliminate the Rural Electric Administration	3,000
Terminate all highway ''demonstration projects''	2,590
Lower the travel budgets of all non-postal, civilian agencies by 15 percent	858
Lower by 10 percent per annum the projected growth rate of non-postal, civilian agency's overhead (excluding travel)	64,000
Abolish Cotton Price Support and Loan Programs	12,700
Cut the Foreign Aid budget (150 Account) by 15 percent and make all earmarks in that account subject to a two-thirds vote for passage	13,125
Phase out the Foreign Agricultural Service Cooperation funding	150
Eliminate the Appalachian Regional Commission	690
Roll back Congressional pay raise to $89,500	118
Sell the National Helium Reserves to a joint venture comprised of current employees and other private investors	692
Reduce the ''Franking'' allocation to Members of Congress by 50 percent	167
Cut National Endowment for the Arts by 50 percent	2,600
Cut funding for the Corporation for Public Broadcasting by 50 percent	883
Phase out subsidies for AMTRAK	2,660
Phase out ACTION (umbrella organization for domestic volunteer activities) as a tax-supported program	660
Facilitate contracting out and privatization of military commissaries	4,170
Terminate the Interstate Commerce Commission	188
Phase out U.S. Fire Administration	10
End funding for all non-energy Tennessee Valley Authority (TVA) activities	580
Eliminate Essential Air Services subsidies	195
Eliminate Consumer Homemaking grants	140
Privatize the House and Senate Gymnasiums	1.1
Reduce the Legislative Branch Appropriations by 20 percent	2,844
Reduce the Executive Office of the President appropriation by 20 percent	284
Close the Bureau of Mines and merge its data gathering activities with other Interior Department research agencies	140
Raise the level and schedule of the Power Marketing Administration's debt repayment	970

Eliminate the Clean Coal Program	300
Reduce the fill rate for the Strategic Petroleum Reserve	1,000
End all new Bureau of Water Reclamation water projects	7,400
Eliminate the Dairy Subsidy Program	5,000
Merge the Agricultural Research Service, the Cooperative State Research Service, and the Agricultural Extension Service; cut funding by 50 percent	3,950
Privatize the Government National Mortgage Association (Ginnie Mae)	2,000
Eliminate the Economic Development Administration	1,140
Eliminate non-targeted vocational State funding	3,400
Consolidate the administrative costs of the AFDC, Food Stamps, and Medicaid programs	6,300
Replace new public housing construction with vouchers	610
Increase Medicare safeguard funding by $540 million over 5 years (net savings)	5,400
Eliminate the Legal Services Corporation	1,900
End postal subsidies to not-for-profit organizations (excluding blind and handicapped individuals)	2,000
Eliminate HUD special-purpose grants	990
Reform vacation and overtime for the Senior Executive Service	540
Eliminate DOD payments for indirect research and development; substitute direct R&D	14,740
Reduce DOE energy technology spending	2,550
Scale back Rural Rental Housing Assistance Program	1,400
Reduce mass transit grants; eliminate operating subsidies	6,250
Eliminate Rural Development Association loans and guarantees	1,380
Eliminate ''Impact Aid'' to school districts with military bases	3,850
Consolidate Social Services programs	1,000
Reduce NIH funding by 10 percent, concentrating on overhead	4,900
Freeze the number of rental assistance commitments	5,700
Scale back Low Income Home Energy Assistance grants	5,150
Service Contract Act reform	900
Reduce overhead in federally-sponsored university research	1,000
Strengthen and restructure NASA (NPR proposal)	1,500
Eliminate redundant polar satellite programs	250
Streamline HUD	144
Reform prison construction	580
Eliminate Travel, Tourism and Export Promotion Administration	1,002

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KLUG). Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

[Mr. FOX of Pennsylvania addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

[Mr. OWENS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

SURGEON GENERAL SHOULD REPRESENT TRADITIONAL AMERICAN VALUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. COBURN] is recognized for 5 minutes.

Mr. COBURN. Mr. Speaker, I rise tonight to consider the characteristics that should be present in any individual nominated to the position of Surgeon General of the United States.

As a physician whose entire medical career has dealt with adolescent sexual activity, teenage pregnancy and sexually transmitted disease, I know that we have had exactly the wrong leadership over the past 2 years from Washington.

The underlying assumptions of the safe sex policy are flat wrong and the statistics bear out this fallacy. The predicate of the safe sex policy is that our children cannot and will not act responsibly if given correct and factual information. In other words, our children are incapable of reason.

We have not assumed this predicate in any other area of risk presented to our children. Look at the basis for our educational efforts on alcohol, tobacco, and drugs for example.

The basis for our illogical predicate of safe sex is to rationalize our own lack of self control and sexual promiscuity and our children end up paying the price.

If you have ever been faced with telling the parents of a 19-year-old female that their daughter is dying of AIDS you would truly understand my lack of comprehension with a vision that says to a teenager we know you cannot control yourself and that you are unable to make a reasoned choice so here is a condom.

Mr. Speaker, we currently have a sexually transmitted disease epidemic that is out of control and studies now tell us that over 40 million Americans are carrying some type of viral sexually transmitted disease. In my practice alone, one in three sexually active teenagers is carrying a sexually transmitted disease.

Now what principles should a Surgeon General nominee possess in regard to the present epidemic of sexually transmitted disease and illegitimacy?

I believe that at a minimum the candidate should:

First, be dedicated to the future of our children by supporting their positive attributes and discouraging dangerous behavior. The foundation of a condom clinic is that we have failed to teach the benefits of abstinence and consequently we have given up;

Second, recognize the failure of the present ''safe sex'' message;

Third, recognize that the growth of the current AIDS epidemic is secondary to a failed public health policy and is directly related to substituting political correctness and its irrationality for a rational public health policy based on medical facts and the current epidemiology of the human immunodeficiency virus;

Fourth, recognize that abortion is a poor alternative for any unwanted pregnancy;

Fifth, recognize that all life is valuable, even when unintended, and that the consequences of abortion, even though legal, seriously impairs us as a society; and

Sixth, recognize that illegitimacy is born out of a society which does not value life and consequently our costs for supporting such a society are a direct result of illicit sexual activity outside of a monogamous married relationship, that is, the traditional American family.

Mr. Speaker, in conclusion I would like to say that it is high time that our Surgeon General represents the traditional American family and the values that the majority of Americans hold and voted for on November 8, 1994.

I plead with our President to nominate such a person.

SUPPORT COMMUNITY POLICING

Mr. STUPAK. Mr. Speaker, tomorrow we will begin the debate on a new Republican crime bill. There will be six bills, and we expect the debate to go for a week to 10 days.

One of the first victims in the new GOP crime bill will be cops on the street, or community policing as we know it.

Cops on the street may be the first victim actually victimized and mugged under the new proposed crime bill. In August 1994, a crime bill was passed by this body. Even though I may not have supported the final committee conference version of the crime bill, I believe that the community policing program is an invaluable tool in the fight against crime.

No one law will stop crime, no one program will stop crime in this country. The revamping of the crime bill that is going to be proposed in the next day on this floor certainly will not stop crime in this country.

In order to stop crime we must all join in the fight against crime. We must all share that responsibility. Police officers cannot do it alone. We must each work in our respective communities and work with the police officers if we are going to have an impact on crime. That is what community policing is all about, law enforcement officers living and working in their beat, in their patrol area, to gain the respect and trust of the citizens they serve.

To gain that trust, respect and confidence, community policing requires the law enforcement to actually live in

the community they serve. Therefore, if there is a crime, the initial complaint is handled by the police officer. The follow-up investigation is handled by the same police officer. That same police officer goes to the prosecutor to secure the warrant, and that is the same police officer that goes with you at the time of a criminal trial, if one takes place.

What community policing does is personalizes crime to build the trust and confidence between the community and a police officer. Your crime will no longer just be your crime, but it will be a crime that will be shared with your police officer. You are working with, you are standing with, you are living with, not only your community, but you are living with the police officer who is there to serve you.

As a police officer for almost 12 years myself, we had an old saying back when I was working the road: ''If you want to know what is going on in any community, ask a 12-year-old kid on a bicycle, for they know what is going on in their communities.''

□ 1940

They will not tell the police officers what is going on until there is that confidence, that trust and that respect.

In the last crime bill, the community policing program, commonly referred to as Clinton Cops, was a program that is being used throughout this nation. It has only been in effect for the last 3 or 4 months. But the forerunner to this Clinton Cops program was back in 1978 and 1979, in the Department of Justice, a pilot program which was put forth in northern Michigan.

Northern Michigan, my district, is a sparsely populated area in the north end of Michigan, and three rural, sparsely-populated townships were put together to form a community policing program.

The program was a smashing success, with over 70 percent of all the reported crimes being solved.

Unsolved crimes from years past were cleaned up by the community police officer. In fact, in this case, it was a Michigan State police trooper, and he was referred to as the resident trooper.

It was the first community policing program in Michigan. Community policing is now currently at work in communities as rural as northern Michigan with our three townships or in the highly populated cities such as Houston. Community policing works because police officers live in the community and near the neighbors which they police.

These police with the faith and confidence and trust of the people they serve, their constituents.

It is one program that is highly successful. To dismantle the President's community police program would be a crime in and of itself. It will be dismantled if the votes hold up as they have in recent days, not because there is waste in the program. It will be dismantled not because it does not work, because we all know it does. The reason why it will be dismantled will be purely for political reasons.

In a crime bill, we need a combination of police, prevention and prisons. A balance of these three principles will be most successful in fighting crime.

We must leave community policing intact. We must leave the Clinton Cops program alone. It may only have been in existence for 3 or 4 months, but in city after city, in rural area throughout this country, it has worked.

APPOINT A SURGEON GENERAL WHO SUPPORTS ABSTINENCE

The SPEAKER pro tempore (Mr. KLUG). Under a previous order of the House, the gentleman from Florida [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I rise to first commend my colleague, the gentleman from Oklahoma [Mr. COBURN], on his, I believe, very timely and very cogent comments.

I ran for the U.S. Congress not only because I though our Nation needed things like the line-item veto, passed tonight, as well as the balanced budget amendment, some real welfare reform, but I also ran because I was concerned about the moral and spiritual direction of our Nation.

I believe that our Nation because the great nation that it is not only because our Founders worked hard but also because they were a disciplined and virtuous people who planted the seeds that grew into the great nation that we are today.

I, too, am a physician, and I began to become concerned about the future of our Nation when working in inner-city obstetrics clinics. I began to see many, many young people coming in with not only unwanted pregnancies but also venereal diseases that in many cases were incurable and that were going to lead to permanent scarring that would affect their future, their future ability to have a family.

And then after I finished my training and my time in the military, I went into practice in Florida. I has the opportunity to work with a very skilled and knowledgeable infections disease specialist, Dr. Tim Poyer, who was the only physician in our part of the county seeing AIDS patients at the time. And I spent a good part of the last 7 years taking care of AIDS patients.

I have had the opportunity to treat some of the most terrible, devastating complications of AIDS that I could ever imagine seeking. I have had the opportunity to counsel grieving families. I have had the tragic opportunity to have to pronounce many of these young people dead, to fill out their death certificates. And I have to say that we have a terrible problem in our Nation today with AIDS, and that it is very wrong for our leaders here in Washington to propose that the distributions of condoms is a solution to this problem. The failure rate of these devices in preventing pregnancy in various studies ranges from 5 to 25 percent.

Mr. Speaker, a women can only get pregnant 1 day out of the month, and yet the failure rate preventing pregnancy is that high. The failure rate for preventing AIDS is much, much higher. Nobody would risk their life to anything that has a failure rate that high.

There are many Americans who are afraid to get on an airplane out of a fear of a plane crash, when the failure rate of an airplane is something in the range of one in a million, yet the failure of a condom to prevent AIDS is much, much higher than that, probably in the order of 5 percent or more. Yet our leaders in Washington and now our new nominee for Surgeon General is proposing this device as the solution to our problem.

The problem, Mr. Speaker, is the morality that was presented to America's youth in the 1960's, that sex outside of marriage is safe and acceptable, is wrong. It is leading to unprecedented problems of terrible disease amongst our Nation, amongst our young people. And it is yielding terrible problems of infertility in our Nation.

Mr. Speaker, we need a nominee for Surgeon General who will tell the young people of America the truth, who will expose the lie of the safe sex proselytizers who would have our young people believe that a condom is the solution to the problem.

The solution to the problem is abstinence, Mr. Speaker, and I would urge our President to appoint a Surgeon General who supports that philosophy.

COMMUNITY POLICING WORKS—THE KEY TO FIGHTING CRIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FILNER] is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I rise today to talk about one of the strongest weapons we have in fighting crime, and that is community-oriented policing.

I join my colleague, the gentleman from Michigan [Mr. STUPAK], who has taken a strong lead in this, and other colleagues who will follow me, on what we believe to be the direction that our communities ought to be taking with the support of our Congress.

If we truly want to take back our streets and improve the quality of life in our cities, police officers cannot do it alone. Local residents cannot do it alone. They must work together. That is exactly what community policing does. It allows police officers to work together with local community residents to fight crime.

Now certain Members of Congress want to eliminate this critical approach to crime prevention. And I strongly oppose any efforts to cut community policing programs, and I ask my colleagues to take a good, hard

look at exactly what community policing does for our towns and cities.

Community policing works, and it works because it asks the experts to create crime-fighting strategies.

When I say experts, I am not talking about bureaucrats in Washington offices. When I say experts, I am talking about the people who actually live in the neighborhoods plagued with crime. I am talking about the police officers who patrol these neighborhoods every day.

So when the crime bill says it will put 100,000 new community police officers on the beat, we must remember that these officers will know both the neighborhoods they patrol and the people in them.

I talk from experience. I served on the city council of the city of San Diego for 5 years. San Diego is the sixth largest city in the Nation.

My district, both on the city council and in Congress, includes some of the poorest areas of our city, areas which both have high crime and also a traditional fear of and hostility toward police officers.

Yet we established in those areas of highest crime and highest fear walking patrol teams, teams of police officers who got to know their communities and the communities got to know the cops.

They all had beepers that could be paged at any time. They all had first names, which the residents knew, and they got to know the kids in the community. They got to know the storekeepers in the community.

□ 1950

They got to know the seniors. They knew where people lived and worked and played, and a confidence developed.

I tell the Members, I am one of the few city councilmen in this Nation, I thought, that could walk into a meeting of people in my district, working people, poor people, and the cops would get a standing ovation from those residents, because they had established the trust. They had established the confidence.

Mr. Speaker, I have worked hand-in-hand with neighborhood residents and community policing teams. I have seen the effect this partnership has had in reducing crime. The police officers become real human beings, and the cops become real human beings. They are there working together.

Mr. Speaker, the first year we established in San Diego the walking teams, crime went down a minimum of 10 percent in every major category. However, more than this, more than the rate going down, fear went down in those communities. The community got involved in fighting the crime. The cops had a stake in that community. The cops felt accountable. There were real, objective reasons why the crime rate went down.

Yes, we need to be tough on crime. We need stiffer penalties. We need to make sure criminals serve their full sentences. However, we also need to work together as communities.

What the crime bill proved last year was that Congress was serious about fighting crime. We had enough foresight to make it a comprehensive fight and a comprehensive effort.

Mr. Speaker, let us not move backward from this effort. Let us understand the central role of community policing in fighting crime. Let us join together to oppose any cuts in these critical programs. It works.

The people have confidence in their police force. The police force know the people they are working with and protecting. The crime rate goes down, and community spirit goes up. Let us keep it.

THE MINIMUM WAGE INCREASE

The SPEAKER pro tempore (Mr. KLUG). Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE. Mr. Speaker, this Congress should affirm work more by our actions than our words.

At the current minimum wage rate of $4.25 an hour, a full-time year-round worker earns $8,500 per year. The President announced his plan last week to raise the minimum wage 45 cents a year over a 2-year period, bringing the wage to a $5.15 an hour rate by 1997. A 90-cent per hour increase in the minimum wage means an additional $1,800 per year in the worker's pay check—as much as the average family spends on groceries in over 7 months. Such increases are significant and should be implemented by this body without hesitation.

Sixty percent of all minimum wage workers are women—most of whom are trying to raise a family as a single parent. People who work 40 hours a week, 52 weeks a year should not be living in poverty. When citizens take responsibility to work full-time, they should be able to raise a family on their wages. We have begun to take up the issue of welfare reform, but if we refuse to make work pay, how will our arguments be effective? Who can afford to listen?

While considering these increases, I am cautious not to upset the balance between the needs of the workers and the economic means of the small business owners. I believe that small businesses are the backbone of this Nation and I would never want to move forward with a proposal that would severely paralyze productivity or adversely affect profit margins. I am confident, though, that raising the minimum wage will do no harm to either, because I believe we should carefully assess any other burdens proposed for such businesses so as not to burden them twice.

Adjusted for inflation, the value of the minimum wage has fallen by nearly 50 cents since 1991, and is now 27 percent lower than it was in 1979. We must bring these wages back up to a respectable level. We must reward hard work with fair wages. We must take pride in our workers' skills and empower them to be a contributing force in our Nation's growing economy. Prosperity should not be reserved for an elite few—it belongs to all of America's working-class.

Let us keep this in mind when considering the arguments for and against increasing the minimum wage. We should not make this debate more difficult than it needs to be, because despite current posturing, increasing the minimum wage traditionally garners bipartisan support. Although President Bush did not support the measure, the 1989 vote to increase the minimum wage was passed 382 to 37 in the House and 89 to 9 in the Senate. With Presidential support this round, I hope the numbers will continue to enjoy such company in this Congress. I urge my colleagues to join me in support of the proposal to raise the minimum wage.

COMMUNITY POLICING WORKS TO LOWER CRIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. CHAPMAN] is recognized for 5 minutes.

Mr. CHAPMAN. Mr. Speaker, I would like to congratulate the gentleman from Michigan [Mr. STUPAK] for arranging for those of us whose experience has been in the field of law enforcement prior to our duties in the Congress to come and express this evening, and for some time in the evenings in the future, our concerns about what we see as perhaps the direction in the new crime bill, as part of the Contract for America, that may do some serious damage to some of the good things this Congress did last year.

Mr. Chairman, tonight a couple of my colleagues have already addressed the issue of community policing. I want to join them this evening. Before I came to the House of Representatives, I served for 8 years as an elected district attorney in a rural district in northeast Texas.

In that job, I found two things to be true: one, that the best deterrent to criminal conduct was effective prosecution, the certainty of punishment;and even more importantly, the presence of law enforcement on our streets, in our communities, all over the country.

Mr. Speaker, last year's crime bill provides for 100,000 new cops on the beat in a community policing effort. I don't know any law enforcement official that would not tell the Members that one of the most effective things we can do or they can do or anyone can do to fight crime in America is to increase the presence of police on our streets.

You don't have high crime where you have a high number of police officers. You don't have folks breaking into homes if they know the policeman may walk by in the next few minutes. You

have a lower incidence of crime where you have a higher presence of police.

Mr. Speaker, in our State just about 4 years ago, in the city of Houston, a mayoral candidate ran on the platform that he would dramatically increase the size of the Houston Police Department if he was elected, and he did so. In that city, the violent crime rate decreased in 1 year by 27 percent. Crime went down all over the city of Houston, and the mayor was recently reelected with one of the largest percentages of any big city mayor in the country.

Mr. Speaker, I can tell the Members that the new cops program is going to work because I have been there and I know, and so will every law enforcement association in America who have endorsed this program and who share our concerns with the direction of turning everything in the arena of law enforcement into some kind of block grant, where we send a check from Washington and just trust the folks at home to know what to do with it.

Our cities, our communities, our neighbors, our homes, our schools deserve to have the very best that we can offer. One of the good things Congress did last year in passing the crime bill was to put the cops on the beat, 100,000. We say without understanding, sometimes, ''What does 100,000 new policemen mean?''

□ 2000

When you think in the context that in our country we only have about 600,000 police officers, what it means is a 17 percent increase in the number of policemen in our communities, on the streets, in the patrol cars, working with our kids, working in the schools, working to make sure that our neighborhoods are safe.

Mr. Speaker, I hope we do not undo the good we did. Clearly there are some things in the crime bill that we can improve on. I hope we do that in this debate and the votes that we will face in the days and weeks ahead. But one of the things that Congress did right, joining together in a bipartisan way, was to put the cops program in place.

Given a chance to work, that program will reduce crime, increase the confidence of American citizens in their police, will increase the assurance that those who violate the law will pay the price. It is a good policy, it is a good program, it is one that is working and it is one we ought to keep.

Mr. Speaker, I hope we do not undo the good things we have done.

DISENFRANCHISING CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. ENGEL] is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, during the debate earlier today on the line-item veto, Members were not permitted to strike the requisite number of words and speak before the vote. And therefore I want to take this opportunity to put my thoughts out in terms of the vote that just happened.

I voted against the line-item veto. I must say, Mr. Speaker, that I believe we in this Congress are going to rue the day that we voted for the line-item veto, and as was said many times by many colleagues, this line-item veto, in my opinion, is nothing more than an unconstitutional ceding of power to the executive branch.

I believe that in order for a line-item veto to be put forward we need a constitutional change, and therefore, a constitutional amendment, and surely when there is a legal challenge to the line-item veto I believe it will ultimately be declared unconstitutional without a constitutional amendment.

Congress is granted the power of the purse. I do not believe Congress has the right to cede that power to the Executive.

This to me has nothing to do with partisan politics, it has nothing to do with Congress being controlled by the Democrats or the Republicans or the President being a Democrat or a Republican. It simply to me reflects the very serious nature that I feel about our Constitution. I feel it is a very sacred document and I do not think any vote of Congress ought to be allowed to alter that.

Much is said today about this being President Reagan's birthday and the gesture of passing this on his birthday, but I must say with all due respect to President Reagan, he was President for 8 years, and while he talked about the importance of a line-item veto in terms of bringing the budget deficit down, he never once in his 8 years as President submitted a balanced budget to Congress. President Bush in 4 years in the Presidency never submitted a balanced budget to Congress.

So I think this fervor that people are rushing toward in terms of both the balanced budget amendment and the line-item veto is a bit misplaced.

What also scares me, Mr. Speaker, is that now if this becomes law, and the Senate concurs, two-thirds will have to pass something to override the President's veto.

I think that is very, very dangerous. It means simply that the President, plus one-third, plus one, of either House, would have control not just over entire spending bills, but each detail within them. To me that is a huge increase in Presidential power, and an increase in Presidential power, I might add, not just to affect the composition of spending, but also to punish and reward.

Simply put, the President might send to the Senate certain nominees to be confirmed and might make it very, very clear that unless his putting forth the line-item veto was sustained, that Congress would be in big trouble in terms of the confirmation. In other words, unless the Senate confirmed the Presidential appointments, the President might line-item veto certain appropriations.

So the President could use the line-item veto not only to stop spending, but can use it as a wedge over the heads of Congress to say if you do not do what I want, I am going to line-item veto what you want.

When there are negotiations between the executive branch and the legislative branch, Mr. Speaker, everyone knows how negotiations go, be they labor-management negotiations or any other kind. Baseball is now on strike and owners and players in negotiations whenever there is a settlement there is give and take on each side, each side gives a little, each side accepts a little bit of the other person's side, and they come out with a final document that may not be to everyone's liking, but it is a compromise document.

Now if the President has a line-item veto, what will happen I fear is when Congress and the President sit down and each gives a little, the little that the Congress gives to the President will be sustained, and the little that the President gives to the Congress will be line-item vetoed, altering the balance.

I want to just read in conclusion the first paragraph from the editorial of the Washington Post last week entitled ''Disenfranchising Congress,'' and I will put the entire editorial in the RECORD, but I want to just conclude by reading this first paragraph. It says,

> The version of the line-item veto now on the floor of the House is dangerous legislation. Too little attention has been paid to what it would do. It would likely do very little to reduce unnecessary spending and the deficit, the stated purpose. It would, however, transfer an enormous amount of power from Congress to the President, which the President could use for other purposes. It would also greatly strengthen congressional minorities at the expense of majority rule. That threatens to become a pattern; the balanced budget amendment to the Constitution that the House approved last week would also disenfranchise the majority.

I am sorry to say, Mr. Speaker I think with the passage of this, it is a very sad day for out country and I believe that those of us who voted no will be proven right in the future.

The text of the article referred to is as follows:

DISENFRANCHISING CONGRESS

The version of the line-item veto now on the floor of the House is dangerous legislation. Too little attention has been paid to what it would do. It would likely do very little to reduce unnecessary spending and the deficit, the stated purpose. It would, however, transfer an enormous amount of power from Congress to the president, which the president could use for other purposes. It would also greatly strengthen congressional minorities at the expense of majority rule. That threatens to become a pattern; the balanced budget amendment to the Constitution that the House approved last week would also disenfranchise the majority.

There's a better way to give the president line-item veto authority, which Reps. Bob Wise, Charles Stenholm and John Spratt are offering as an amendment, and which Budget Committee Chairman Pete Domenici supports in the Senate. The House should adopt this benign version.

A president now can't choose among the items in an appropriations bill. He must sign or veto the whole thing; then he can ask Congress to rescind the items he regards as ill-advised; but Congress is free to ignore him. A line-item veto would let him pluck out offending items and force separate votes on them. But there are different ways of doing that.

The proposal on the House floor would give him what is known as enhanced rescission authority. He'd sign an appropriations bill, then announce his intention not to spend—in effect to impound—some of the money in it. The money couldn't be spent unless Congress next passed a separate bill within a set time ordering him to do so, and he could veto the bill. Two-thirds votes of both houses would be required to override the veto; the president plus one-third plus one of either house would thus have control over not just entire bills but each detail within them. That's a huge increase in presidential power not just to affect the composition and level of spending but to punish and reward.

The alternative, called expedited rescission authority, would not upset the present balance of powers to the same degree. It's the same system as now, except that Congress couldn't ignore a rescission request but would have to vote on it within a certain time. If it passed, the money wouldn't be spent; if it failed, that would be the end of it. The president's only new power would be to turn a spotlight on a disputed item and force Congress to cast an explicit majority vote to adopt it. That's fair enough, and all you need.

In purely fiscal terms, the line-item veto is more a symbol than anything else. Presidents Reagan and Bush both suggested they could reduce the deficit significantly if given the power to cut the pork out of spending bills, and President Clinton has asked for the power as well. But domestic appropriations are only a sixth of the budget and already under tight control; the pork in the budget amounts to much less than the mythology surrounding federal spending would suggest. Congress makes a huge mistake if on the basis of mythology it disturbs the traditional balance of power between the elected branches to the extent that this bill would do.

REVISING THE CRIME BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. MEEHAN] is recognized for 5 minutes.

Mr. MEEHAN. Mr. Speaker, I too rise to join with my colleagues, the gentleman from Michigan [Mr. STUPAK], the gentleman from California [Mr. FILNER], and the gentleman from Texas [Mr. CHAPMAN] to discuss what is going to happen before this body this week, and that is action on the crime bill.

Just this past September President Clinton signed into law the smartest, most comprehensive, toughest crime bill in the history of this country. This legislation was the result of input over a 6-year period from Members of Congress and law enforcement officials all across this country. It puts more cops on the streets. It builds more prisons, it pays for crime prevention programs and imposes tougher penalties for violent crimes.

Before I got elected to Congress I had an opportunity to learn a little something about crime because I ran the Middlesex County district attorney's office. We had 13,000 criminal cases in that office a year. I worked with 54 cities and towns, police departments, in urban areas and suburban areas working on a daily basis in the fight against crime, on the front line of the fight against crime.

This week the Congress will begin consideration of a crime bill designed by Republican political strategists based on focus groups and political polls. I have to tell my colleagues that you do not determine a strategy for fighting crime by reading a political poll or talking to a focus group, or sticking your finger in the wind to determine which way the political winds are blowing.

Fighting crime is a profession, fighting crime requires research, and experience on the front lines. And it is not ironic that the Attorney General of this country is a woman who has experience in the front lines of the fight against crime.

When I heard the rhetoric during the crime bill, it was so painfully obvious to me that there were so few Members of this institution that really had experience in the front lines against crime.

But not even 4 months after we passed and the President signed into law this crime bill, we are going to vote changes on this crime bill based on partisan politics, all in the name of partisan politics and solely for the purpose of claiming ownership of the crime issue.

□ 2010

What makes matters even worse is that the changes are not going to help but going to hurt the fight against crime. The bill will not put 100,000 new police officers on the streets. It eliminates community policing programs.

Community-based policing is one of the most effective proven ways to fight crime. My home city of Lowell just put a report out, because we instituted community policing, the new Lowell police chief with 13 new police officers as a result of a community policing initiative. Since instituting community policing, car theft, larceny, home burglary, and business burglaries are all down significantly. The Republican plan will put fewer cops on the streets by eliminating this community policing program and allowing local officials to do what they deem necessary, perhaps buy more fax machines, perhaps buy more automobiles. That is not effective community policing. Community policing involves community partnerships.

The city of Lowell has instituted a model program in community policing, forming partnerships, because that is the hallmark of community-oriented police departments. They have put in neighborhood police precincts, cutting the rate of crime in those neighborhoods, establishing a relationship with the people in those neighborhoods. They have closed down more than 150 buildings in 1994 which were identified as drug houses.

Other special units have resulted in the community response team having made over 350 arrests, school visits by precinct officers where precinct officers actually go into the schools and lecture about crime prevention and lecture about what the goals of the police department are and how the community can play a role, a flag football league where members of the Lowell Police Department actually volunteer their time to get involved with the community in that flag football program, street worker program, basketball leagues where the police officers again, they are volunteers, operating within the community to get to know the community and get those kids headed in the right direction. Community policing works. It is not a debatable proposition.

There is not a law enforcement professional in the country who will say that community policing is not in the best interests of fighting crime. Gov. Bill Weld, a Republican Governor from Massachusetts, is in favor of community policing.

While we look and watch the debate this week, let us put aside partisan politics and look at what really works. We cannot afford to dismantle this community policing program.

QUESTIONS ABOUT THE NOMINEE FOR SURGEON GENERAL

The SPEAKER pro tempore (Mr. KLUG). Under a previous order of the House, the gentleman from Colorado [Mr. MCINNIS] is recognized for 5 minutes.

Mr. MCINNIS. Mr. Speaker, this evening I would like to talk about the President's appointment for the Surgeon General of the United States of America. I think it is absolutely crucial that the Surgeon General be somebody who has a great deal of credibility, and I think that credibility is going to be the issue in this nomination.

As many of us know, the last Surgeon General of the United States, Joycelyn Elders, drew a lot of focus off what I think are main health care issues of this country by some of the positions that she took. Those positions apparently she felt would move this country forward in its progress on health care to the average American. But it did not do that. What it did do instead was draw attention to the issue of abortion or to the issue of sex education and draw attention away from the important issues like health care in rural America, like immunization for children throughout America, like prenatal programs throughout America.

Well, I am concerned now with the new appointment or the new nomination that the President has made that this country is headed down the same path. It comes back to the issue of credibility.

Folks, whether you are pro-choice or whether you are pro-life, the focus of the Surgeon General for this country and of that nomination process needs to be on credibility. How is the credibility going so far with this nomination? Mr. Foster and the people supporting this nomination sent information to Senator NANCY KASSEBAUM, who is the chairwoman of the committee which will handle this nomination, saying that Dr. Foster was only involved in one abortion, and, in fact, that abortion involved saving the life of the mother, hardly objectionable in some circles, in some other circles, maybe, but just maybe. But just one abortion.

Then within hours, there is a revision of that statement. Now Dr. Foster comes out and says,

> Well, not exactly one abortion, but less than 12 abortions, and not all to save the life of the mother, but mostly to save the life of the mother.

And now if you read your news reports this evening, a new press conference, press release, comes out. It seems Dr. Foster served on a panel in 1978 under which testimony was taken from a Dr. Foster, and he was the only Dr. Foster on that panel where that Dr. Foster boasts or talks of performing up to 700 abortions.

What is the truth, Dr. Foster?

President Clinton said, if, and he is referring to Dr. Foster, he has done what he said he has done, the abortion issue should not be a disqualification. Well, Mr. President, has he done what he said he has done?

He did not do one abortion. He did less than 12. And if the evidence shows 1 more abortion than 12, then the issue should leave abortion and go immediately to the center focus of credibility.

Why do I stand up here today in front of you talking about that issue? Because, doggone it, folks, we have got a lot of people in rural America that need a Surgeon General that will address the health care issues of this country. We need a Surgeon General who is going to focus on health care issues and not this abortion issue.

The abortion issue cannot continue to be the focus of the Surgeon General's office with the kind of health crisis we have in every State in this country.

If the Surgeon General nominee is not telling the truth, if, in fact, it has now gone over 12, he has an obligation to the United States of America to step forward and announce the withdrawal of his nomination. If the President of this country determines that his nominee for Surgeon General has, in fact, been less than straightforward, has, in fact, performed more of these procedures than he admits to, then it is the President's obligation not to stand by his nominee, but to stand by the country and say, ''Your credibility has now been damaged to the extent by credible evidence, by the way, that it cannot be repaired. You must then step down as my nominee.''

Mr. President, do us a favor. If your nominee is not being straight with us, dump him, and move on to somebody who is qualified to do this job, and whom the No. 1 question that is asked of him will not pertain to their credibility.

COMMEMORATING PRESIDENT REAGAN'S 84TH BIRTHDAY

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

Mrs. SEASTRAND. Mr. Speaker, today is former President Ronald Reagan's 84th birthday and thus a fitting time to remember his striking record of accomplishment and his uniquely American life.

Late this year, President Reagan once again tugged at the heartstrings of our Nation by revealing he was in the early stages of Alzheimer's disease—an act of great courage. His intent was typically Reagan. It was not to gather sympathy, but to be an example and a beacon of hope for the millions of people who suffer from this disease.

Today, as the Republican-controlled Congress tries to move the Contract With America through the House of Representatives, we are reminded of the first revolution—the Reagan revolution—that swept through Washington during the 1980's. Many of the things President Reagan championed throughout his Presidency have found a home and a new life in the Republican contract.

Mr. Speaker, Ronald Reagan was one of the finest President's in our Nation's distinguished history. Despite the arguments put forth by revisionist thinkers, President Reagan's place in history is secure. As he fights with courage, conviction, and that famous Reagan optimism against Alzheimer's, let us remember and pay tribute to a man who embodies the American dream.

THE MEXICAN RESCUE PACKAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 60 minutes as the designee of the minority leader.

Ms. KAPTUR. Mr. Speaker, we are holding this special order this evening because our various offices here on Capitol Hill have been inundated with telephone calls and inquiries regarding the Mexican rescue package, and many questions are being asked by constituents and citizens of our country that we can not, in fact, answer.

I was asked today how much money has already left our U.S. Treasury as part of the drawdown on the deal that was announced last week by the Secretary of the Treasury and the President. The facts are that we cannot tell you.

□ 2020

Therefore tomorrow morning, likely after the morning business, there will be a special resolution brought up here in the House, and it will be a privileged resolution. In that resolution we will be asking for a vote of the House and a ruling of the Speaker so that we can obtain the information that we cannot give you this evening about the terms of the arrangement that was made by our Government with the nation of Mexico. Our resolution requires that the Comptroller General of the United States report back to us within a 7-day period.

So, we would try to draw to the Members' attention that this vote will likely occur tomorrow morning after the regular morning business, the 1-minutes and, perhaps, a vote on the Journal, and we will look forward to that moment.

It is likely that in the way that the resolution will be brought up there will be very little time for debate. There may actually be an effort by certain interests in this Chamber to table the resolution, and we would ask the Members to vote against tabling the resolution so that, in fact, we will have an opportunity to get the facts that we really want.

Mr. Speaker, I yield to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. So, the situation we are confronted with is the Treasury, in concert with the Federal Reserve Board, agencies of the Federal Government of the United States, have extended, as far as we know, in excess of $40 billion of credits, loan guarantees, currency swaps and other instruments to Mexico, that our questions regarding the source of these funds, the exact amount and the terms of these funds, whether or not these funds are somehow secured—you know, what authorization exists for extending these funds without coming to Congress for appropriations; the gentlewoman saying that there is a possibility that this House will not ask to have those questions answered, that we could just be shut down here on the floor by ruling of the chair, and we will have no opportunity for debate, no opportunity to go forward and ask these questions.

I, for one, as a Representative of a district from the Far West United States, feel that my constituents—this is not the greatest issue before them, but they would certainly like to know what authority the President, the Secretary of the Treasury, and the Federal Reserve, have, if it was extended to them by Congress, what amounts of money are controlled, what risk are involved, what collateral are involved. I mean all sorts of things we would like to know about even a small business transaction let alone one of this magnitude.

But in this ruling we could just be shut down and not have any opportunity to discuss that?

Ms. KAPTUR. That is really what the vote tomorrow is about. We know that the constitutional authority of the House as the place within the Congress; that is, the first to authorize and appropriate dollars through the U.S. Treasury, was essentially shut off. Our Members were muzzled. We were not privy to information that should be ours in relation to the dollars of our taxpayers being put at risk either inside the United States or outside the United States, and we thought we were going to have full debate and disclosure on this matter when a decision was made without the involvement of the legislative branch of the United States of America.

We now have to resort to special parliamentary tactics in order to bring this measure to a vote on the floor, and the gentleman is correct, that there are so many questions we want answers to that we are being asked, which are impossible for us to obtain, and we think that that is not what the Constitution intended, that in fact this is not a monarchy, this is not a parliamentary government. We are not an arm of the executive branch. We have our own status within the Constitution, and our constituents have an absolute right to know when their tax dollars are at risk, as they are, in this agreement, what the terms of that agreement are, what the terms of repayment are, what the nature of the collateral is. We need to know how fast money is being drawn down. Otherwise you cannot make a judgment as to what might happen in the future.

What type of precedent does this set? It is our understanding that never has the authority of this particular set of institutions within the Government of the United States been used to such a degree, and, therefore, we think there are some very serious constitutional questions to be asked, as well as questions to be asked about the nature of the agreement itself.

You know, I say with some humor this evening, ''I hope the Mayor of Washington DC, will take it in the humor that I offer it, but, you know that the District of Columbia here in our Nation's Capital has been having a lot of difficulty with its finances and is about to go bankrupt. It has been on all the pages here in the Nation's Capital and in other parts of the country, and we know that it's going to cost the District of Columbia real money to bail itself out, and it's money that we don't have in this Congress.''

So I had an idea over the weekend that what we ought to do for the Mayor of Washington and the citizens of the Nation's Capital is to get the executive branch involved because they obviously are very creative in figuring out how to make things happen and make it seem as though you are not spending any real money, and they ought to work up a Mexico-type deal for Washington.

Mr. DEFAZIO. Perhaps, if the gentlewoman would yield, I like that idea, and perhaps what the Government of the District of Columbia could do would be similar to what Wall Street has been doing.

They can go down to Mexico, get a bunch of pesos, which are declining rapidly in value, and then they can take and exchange them to the Federal Reserve Board for United States dollars at a preferred rate, and by arbitraging this they can probably earn up to a billion quite readily, and they can pay off their debts.

I mean, if we can do this for the Government of Mexico and the Wall Street speculators, why would we not do it for the District of Columbia?

Ms. KAPTUR. I figure, if the capital of Mexico can draw on the taxpayers of the United States, why should not the Capital of the United States be able to draw on the taxpayers of the United States? I agree with the gentleman, and, knowing that those pesobonos are paying anywhere between 20 and 40 percent interest rates, the Mayor of Washington would certainly be well advised to get in on that because he could probably get the money he needs in a flash.

Mr. DEFAZIO. I bet, if the gentlewoman would yield further, I would imagine, if the city were to engage, perhaps, Goldman Sachs as their financial adviser, perhaps they could do very well on this matter because, if I could go back to the questions the gentlewoman is asking, as I recall, the gentlewoman from Ohio and a number of us signed a letter with a series of questions probably 3 weeks ago——

Ms. KAPTUR. There were 13.

Mr. DEFAZIO. To the Treasury and the Secretary of the Treasury and asked many of these same questions in a just straightforward and friendly manner. We thought it was things it was essential we know before any sort of bailout go forward.

Have we had any response?

Mr. KAPTUR. I am glad the gentleman put that on the RECORD.

We asked over 12 questions, over a dozen questions; the first one: Who are the creditors that Mexico was paying off, seeing as how they were going to be borrowing the money from us to do it. We wanted to know specifically. We did not want to know some sort of general answer.

We have received no reply from the Department of Treasury to our questions.

Mr. DEFAZIO. So, if the gentlewoman would yield further, it is not exactly like we are sandbagging them with this resolution of inquiry. We have been waiting 3 weeks on issues of national concern involving tens of billions of taxpayers dollars, and we have had no response to a group of Members of Congress who have asked these questions.

Ms. KAPTUR. That is correct.

I yield to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. You know, as bad as we thought, as bad an idea as we thought the bailout was 3 weeks ago, in the last few days, with Alan Greenspan and the Federal Reserve raising interest rates in this country, it only exacerbates the problem in Mexico. If you remember 2 weeks ago, 3 weeks ago, Mr. Greenspan was all over the Congress, lobbying, talking to Republicans, talking to Democrats, meeting with Speaker GINGRICH, talking to the President, everybody he could, about this Mexican bailout on the one hand. Then on the other hand we began to hear stories that he was leaking out that the Federal Reserve is about to increase interest rates.

When that happens, when interest rates are increased in this country, which happened late last week, in addition to what it does to home buying, homebuilding, the cost of credit, the costs to borrowed money for small businesses, all the hurt that puts on the economy, what it does with the Mexico situation is simply pull the rug out from under this whole bailout situation whereas the price, the cost, as the dollar gets stronger, the peso by definition gets weaker, which means that the $16 billion or so that Mexico already owes back to western investors gets more expensive so that it decreases the chance of pay back. It means those loan guarantees and direct loans may in fact not be paid back, but increases the chances there, and at the same time it undercuts the whole ability of the Mexican Government to get back on its feet in the Mexican society.

□ 2030

It simply does not make sense that the Federal Reserve did both of those things, or the Federal Reserve Chairman did both of those things the same month.

Ms. KAPTUR. If I might reclaim my time just for a second, does it not interest you that over the last year the Federal Reserve of our country raised interest rates six times, and during that period of time, of course, it became more lucrative for funds to be drawn into the United States and away from Mexico? This was all going on at the same time. We were asking ourselves why are interest rates going up in the United States when there is no inflation.

Mr. BROWN of Ohio. American investors were benefiting. There were incentive for American investors to pull their money out, and that is what accelerated the whole downward plunge of the peso. You couple the politics of NAFTA, that the Mexican Government and the American Government did not want any peso devaluation during NAFTA, the Mexican government did not want any peso devaluation, although it could have been done in small increments during their own Presidential elections. So the politics of Mexico and the easy availability of money sent to Mexico, and the American bankers and American investors

sending their money there, the Mexicans glad to receive it, certainly with the NAFTA stamp of approval, yes, our Government was saying it is OK to invest there, all played into this.

Ms. KAPTUR. If I might yield time to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. I thank the gentlewoman from Ohio. We are back together again, right.

Mr. DEFAZIO. After hours.

Mr. SANDERS. Fourteen months ago many of us, all of us, and many other of our colleagues told the American people that we thought the NAFTA Agreement was going to be a disaster. On the other side we had the President, we had the Republican leadership, we had virtually every major corporate newspaper in America, who were telling us what a wonderful deal NAFTA was going to be for American workers, for Mexican workers, and for the people in general.

Fourteen months have come and gone, and sadly, sadly, virtually every concern that we had at that time has proven to be true. And after the 14 months, instead of our friends who supported NAFTA coming forward and saying, ''OK, we admit it, we made a mistake, we were wrong, everybody is wrong, they were wrong''; but instead of coming forward and saying they were wrong, what they now come forward and say is, ''Hey, we need a $40-plus billion loan guarantee to Mexico, becuase NAFTA has been such a success that the Mexican economy is disintegrating, their Government is extremely unstable, and therefore, at a time when small business in America is in trouble and we do not offer them loan guarantees, family farmers in America, we do not offer them loan guarantees, we have a $200 billion deficit.''

And what irritates me very much is every single day on the floor of this House Members of Congress say, ''Hey, we have got to cut back on Social Security, on Medicare, on Medicaid, on nutrition programs for hungry children and hungry senior citizens. We have got to do that.'' We do not have enough money. And yet apparently there is not quite that concern for putting $40 billion of taxpayers' money at risk for this bailout.

The first point I would like to make this evening in terms of this bailout is it is very interesting who is for it and who is against it. Polls indicate, I think the latest poll I saw is that some 80 percent of the American people are against this bailout. Maybe some of the viewers would say, well, obviously all the Mexican people are for this bailout.

Wrong. Polls indicate, as I understand it, that a healthy majority of Mexicans are against the bailout because they are concerned about the sovereignty of their nation.

Mr. BROWN of Ohio. If the gentleman will yield, including one of the major presidential candidates in Mexico who has come out against and spoken at a rally of literally tens of thousands of Mexicans, I would add.

Mr. SANDERS. So you have the American people against the bailout, you have the Mexican people against the bailout. And one of the frustrations that all of us share is that we know that, if that vote had come to the floor of the House, the U.S. Congress, House and Senate, Republicans and Democrats, and the only independent, were all against the bailout.

Mr. TAYLOR of Mississippi. How did the gentleman vote on this issue?

Mr. SANDERS. Well, that is a very interesting question. I was about to vote no for the bailout. Unfortunately, it never came to the floor of the House. I have not yet voted on it.

Mr. TAYLOR of Mississippi. How did Ms. KAPTUR vote on the issue?

Ms. KAPTUR. On this bailout issue, we have not had a chance to vote on it.

Mr. TAYLOR of Mississippi. How did the Speaker of the House vote on the issue?

Ms. KAPTUR. The Speaker of the House has not had a chance to vote on this matter.

Mr. TAYLOR of Mississippi. The chairman of the Committee on Ways and Means, the chairman of the Committee on Appropriations?

Ms. KAPTUR. The chairman of the Committee on Appropriations I spoke with the other day. There has been no bill referred to his committee. There is not a bill that has been brought up here to the Congress.

Mr. TAYLOR of Mississippi. Twenty billion dollars of American tax dollars, and there was not a vote in the Congress of the United States. Is that what you are telling me?

Ms. KAPTUR. There has not been a vote here in the Congress of the United States.

Mr. TAYLOR of Mississippi. When will Congress get a chance to vote on this?

Ms. KAPTUR. We were trying very hard to get a vote, hopefully tomorrow. We introduced a bill on Friday. Because the Speaker will not bring up the bill, we have to use very unusual procedures to force a bill on the floor, which we expect will come up tomorrow sometime after 11 o'clock, under very prescribed rules where we will have very little opportunity to debate. But we have not been able to get any hearings in the committees of any significance. We have not been able to get a bill. The executive branch did this completely on their own, without the Congress being involved.

Mr. TAYLOR of Mississippi. Ms. KAPTUR, is it really fair to say the executive branch did this entirely on their own? Let us go back the 13 months that my friend Mr. SANDERS made reference to. What was then minority whip, now Speaker of the House GINGRICH'S position on NAFTA?

Ms. KAPTUR. Mr. GINGRICH was a very strong supporter of NAFTA, and in fact when NAFTA got in trouble, he ended up rounding up the votes to ultimately pass it. There were I think 43 votes that were switched at the end.

Mr. TAYLOR of Mississippi. So again going back to what Mr. SANDERS had to say, what incentive then does Speaker of the House GINGRICH have to bring this to a vote? After all, his folks got their $20 billion. The American people are left holding the bag. Four hundred and thirty-five Cngressmen never voted on it. Folks back home do not know if they were for it or against it. What recourse is there for a Member of Congress who feels like his constituents have gotten the short end of this stick, and that his constituents' children have gotten the short end of the stick? After all, they have already lent $20 billion. But it is my understanding, please correct me if I am wrong, there is $35 billion in this fund. That means there is $15 billion still to be left at the whim of the President. To put that as a reference to the citizens of this country, $35 billion is roughly what this Nation will spend on its veterans this year. Yet, you are telling me without a vote in this body, up to $35 billion can be pledged by the United States, with little or no guarantee that it will ever be repaid. As a matter of fact, I have heard the Mexicans have only made one debt payment one time in the past dozen years of so.

Ms. KAPTUR. If the gentleman will yield, what has been very interesting is if you look back over the decade of the 1980's, this fund was used every once in a while, especially around the 1982 Presidential elections in Mexico, to prop up that Government. There were loans made from this fund, $500 million, $1 billion. Then you went up to 1988 when there was another Presidential election in Mexico, and they used $1.1 or $1.2 billion out of the funds to prop up the existing Government there.

Now the Presidential elections of this past August 1994: The fund was used again over these numbers of years. Mexico has never really paid back its money. It has refinanced its debt, which is getting larger and larger and larger.

□ 2040

That is like if you had a credit card and you never paid the principal and you just kept adding more and more debt and then you were charged a higher interest rate.

Mr. TAYLOR of Mississippi. So if you would explain to the Members who might still be watching, what is it that you are trying to accomplish tomorrow?

Ms. KAPTUR. What we are trying to accomplish tomorrow is to give the 435 Members of this House a chance to vote against the Mexican rescue package. We have essentially been muzzled. The executive branch, in conjunction with the leadership of this institution, went around the other 434 Members of the Congress of the United States.

We want our chance to vote.

Mr. DEFAZIO. Mr. Speaker, if the gentlewoman will continue to yield, I would like to clarify, I think that we do not even have to characterize it in exactly that fashion. We are asking the basic questions regarding the extension of these credits to Mexico. How much money is involved? What risks are there for the U.S. taxpayer? And the series of interrogatories, someone could vote in support of our resolution tomorrow, not having made up their mind but saying as a representative of the people they need more information.

So I would say that the Members who would support our resolution would be both Members who already feel that they have enough information to say no to the bailout for Mexico, but I would say for the other Members of this body, I cannot imagine that any single person in this body who has not had those questions answered could vote in support of it.

I can see where you could still have an open mind and say, I would like to know what risks we have, how much it is costing, what the terms are, what our exposure is. But we do not have that. So I would characterize the vote tomorrow a little differently.

Ms. KAPTUR. The gentleman is correct. If one reads the resolution, it asks for us to have the constitutional authority retained here as we would hope we could tomorrow, and then it asks the Comptroller General to report back on the specifics of the package that was negotiated by the administration. I think the gentleman from Mississippi would like to comment.

Mr. TAYLOR of Mississippi. I wanted to get back to something the gentleman from Vermont mentioned, when he said that Wall Street was all in favor of NAFTA and Wall Street was all in favor of the bailout.

In fact, former U.S. Trade Representative, Ms. Carla Hills, who used to come regularly up to Congress and tell us what a great deal NAFTA was, has written an article for the Washington Post saying we have to bail out these poor people.

It was funny that just 1½ years ago, when Ms. Hills came before the Merchant Marine Committee and I brought to her attention that a lot of shrimpers in the gulf coast, a lot of people in the garment plants would probably lose their jobs as a result of NAFTA, she said, ''that is economic Darwinism. You just have to have some people who are going to suffer when things like this happen, but it is for the benefit of everybody that this happens.''

Would someone explain the wisdom to me why it is OK to let somebody who makes $5.50 an hour working at a sewing machine all day lose their job, but when some Wall Street investor loses a couple of bucks on his investments down in Mexico, or maybe a lot more than a couple bucks, that it suddenly becomes the responsibility of the working people of this country, the very same working people that you may have put out of work to bail them out, to go on the line and cosign that loan? And above all, why is it right that this huge expenditure, the equivalent of the Veterans Administration budget, is being made available for the President alone to spend and the Congress of the United States, which is given the constitutional duty, not privilege but the constitutional duty to see how our money is spent, what kind of debts we incur, where is the Speaker? Where is the minority leader? Is this not crazy that neither party's head is demanding a vote on this and that 6, 7, 12 Members have to be the ones to come forward and, by using the rules of the House, demand a vote on this? It is just not right.

Ms. KAPTUR. It is interesting, because I come from the Midwest, midwestern part of our country, as did the gentleman from Ohio, Congressman BROWN, who has joined us, the gentleman from Vermont, Congressman SANDERS, comes form the northeast, the gentleman comes from the Deep South in Mississippi, the gentleman from Oregon, Mr. DEFAZIO, it has been very interesting to me to see the breadth of support inside this institution on this issue.

Mr. TAYLOR of Mississippi. If I may interrupt, on both sides of the aisle.

Ms. KAPTUR. On both sides of the aisle.

Mr. TAYLOR of Mississippi. There are, I believe as many Republican sponsors of this resolution as Democrats. I think that is very important, because I think a number of the Republicans are at odds with what their leadership has done, which is, again, to deprive the majority of the Members of this body just expressing this sentiment, yes or no, this is a tremendous obligation.

I know it is more than three times the State budget for a whole year of my home State.

Mr. DEFAZIO. If the gentlewoman would yield further, I was talking to a freshman Republican Member today, and that freshman stated unequivocally that they had done a whip of their own group and there were 3 Members of the 73-Member Republican freshman class who were prepared or leaning toward voting for the bailout of Mexico.

So I think what has happened here is the leaders on both sides can count, and they did count. When they counted, they found probably out of this entire institution, the representatives of the people of the United States of America, duly elected and all equal under the Constitution, that probably less than 100 were willing to vote for this bailout.

Now I guess what we are being told is we just do not know, we just do not know the facts. Well, then, give us the facts. That is what we are asking here. If there are facts that would change my mind, bring them forward. But there is an absence of fact and we are being treated as though we, as elected representatives of the people, well, we just do not know better. This is something that the big folks on Wall Street, the Federal Reserve decided in secret, Robin Rubin, managing director of Goldman, Sachs and the President behind closed doors, and public discussion is foreclosed and votes of the people are prohibited.

Mr. SANDERS. My friend from Oregon is exactly right, as is my friend from Mississippi.

My friend from Mississippi makes an interesting point, if he will allow me to amplify his statement a little bit, that all over this country there are people who work for $5 an hour and $6 an hour and $8 an hour. And they go to work every day and many of them do not have any health insurance, and we are told that the Government does not have the money to provide health insurance. Their jobs are uprooted and taken to Mexico or to China and we are told, ''Hey, that is the way life goes, that is what the market system is about, no security, you are out on the street.'' They pay unfairly too much in taxes, that is the way the system goes.

And nobody is hearing their pain. And then suddenly our friends from Wall Street, who by the way, let us be honest about this, in the last few years have made out like bandits in their investments in Mexico. In the city of Burlington, VT, people put their money in the savings bank to make 3 percent, 4 percent, 5 percent, safe investment; in Mexico people were making 50 percent, people were make 100 percent of their investments. And then suddenly, for reasons that we do not fully know, we know some of them, the economy of Mexico took a tumble and their investments went sour.

And how amazing it is, and I remember this when I was mayor of the city of Burlington, it was not the poor people and the working people who came into my office to ask for help. It was always the powerful and the wealthy who tell us, ''What can you do for us?'' and they are back again. These people who have the money, who have made out like bandits, have suddenly taken a loss.

Well, when you invest in a risky proposition, that is the nature of the game, is it not? You stand to win a lot if things go well, you stand to lose if things go badly.

I absolutely agree with my friend from Mississippi that it is an outrage to go back to the working people in this country, some of them who have lost their jobs from these very same folks who have taken their plants to Mexico, and then to ask working people of America to bail them out.

To pick up on the point from my friend from Oregon, what makes me really sad is not only the horror of this whole agreement, but in fact as a result of it there will be even more people giving up on the democratic process. We just had an election recently and 62 percent of the people did not come out to vote. They no longer believe that the Government of the United States represents their interests.

What do you think this action on the part of the President is going to do to the political process?

□ 2050

You are standing up from Oregon, you are standing up from Mississippi, you are standing up from Ohio, many of us are standing up and the people are saying ''What difference does it make? Thanks for standing up for us, but you don't have any power. We send you here to represent us but you can't do anything about it. Why do you want me to come out and vote for you or vote for anybody else?''

I think one of the other aspects about this agreement which disturbs me is not only the agreement itself, which we disagree with, but the process which denies the elected officials of this country to stand up and do what is best for their districts.

Ms. KAPTUR. Mr. Speaker, I think the gentleman raises some excellent, excellent points. I know that there are working people across this country who feel that they have lost voice at the highest levels of our Government.

What is equally disturbing to think about, Mr. Speaker, is that for the people of Mexico who have no voice, the working people of Mexico who have no voice, if our Government, and I think they were in cahoots with the top leaders of Mexico, has now caused the standard of living in Mexico to be cut by half, and it wasn't very high anyway, there are people who are hungry and there are people who are streaming across our borders now because our Government was too greedy for some of the interests that supported it and some of the top leaders in the Government of the United States, then shame on us as the most powerful economic force on this continent.

I yield to the gentleman from Mississippi [Mr. TAYLOR], who wanted to make a comment.

Mr. TAYLOR of Mississippi. The only point I wanted to make, Mr. Speaker, and I wanted to get back as to the very eloquent delivery by the former mayor of Burlington, could he not just vote against the appropriation for this when it comes up?

Mr. SANDERS. If the gentleman knows, Mr. Speaker, if I had the opportunity to, I could and I would, but I do not have the opportunity. Unfortunately, as we have been discussing, we do not have that opportunity.

Mr. TAYLOR of Mississippi. Mr. Speaker, isn't it interesting that every group—there are groups like the National Taxpayers Union, Common Cause, groups that represent the defense industry, groups that represent the homeless, everyone has a score card on how you voted. You hear the Nation has incurred at least a $20 billion liability and there was not even a vote on it, and there will not be a vote on it next year or the following year or the following year, unless something happens.

Mr. Speaker, I think the point all of us are trying to make, and maybe not saying as well as we can, is that the reason we need the information, the reason for the vote tomorrow morning, is that, No. 1, we find out just how far our liability goes with this; just what kind of assets, if any, the Mexicans have pledged. I have heard they pledged oil revenues that have already been pledged to pay other bills, so, therefore, they are really not available to get our money back. What kind of track record do the Mexicans have in paying things back? Where did this money come from?

Isn't it interesting, Mr. Speaker, that while everything comes before this body, from the amount of money we will have to mail letters home to our constituents, the amount of money we will spend on B–2 bombers, the amount of money we will spend on housing and urban development, the amount of money we will spend on veterans, all these things, sometimes much, much smaller amounts dealing in just tens of thousands of dollars, we will get an up-or-down vote on, but for $20 billion, neither the President of the United States nor the Speaker of the House nor the minority leader even though we ought to have a vote. The only chance we get to rectify that starts tomorrow.

Mr. SANDERS. If the gentlewoman will yield further, Mr. Speaker, the gentleman makes a very important point. There almost seems to be an inverse relationship between the amount of money that is being spent and the level of discussion that takes place here.

We are seeing a whole lot of discussion on the National Council on the Humanities and Public Broadcasting, right? Every day people are down here, some on one position, some on the other. It is a matter of a few hundred million dollars.

What we are talking about is more than $20 billion, and as of this moment, we do not have a vote on that, and that is clearly an outrage.

Mr. DEFAZIO. If the gentleman will continue to yield, Mr. Speaker, in an answer to the gentleman's earlier inquiry, there has not been a vote on an appropriation for the Economic Stabilization Fund since 1934, 60 years since an appropriation has been voted for, yet the fund has continued to garner money through Treasury withdrawals, through having money printed, and they exchange some sort of bizarre notes which they obtain from the International Monetary Fund. They give them to our Treasury in exchange for dollars which the Treasury orders printed at the Mint.

If you want to talk about creating something out of nothing but obligating the American people, and if Alan Greenspan is concerned about inflation, how about the inflation that is caused when you just run the presses overnight, running out whatever the largest denomination of bills is, I don't know, a thousand $10,000 bills, so we can shovel that money over to the Economic Stabilization Fund, so we can send it to Mexico, or so that we can secure the loans of Mexico?

Also, Mr. Speaker, the gentlewoman put together an excellent list in response to your query here. I have heard a little bit about this ''We will guarantee these funds with the oil revenues.'' There is a list here put together by the gentlewoman from Ohio [Ms. KAPTUR].

The gentleman is right, those funds are already 100 percent committed. In fact, they are so committed that the Mexican oil company has not been able to invest any money in exploration or maintenance, because their funds are so over committed already.

You go through the list: Pemex bonds, 7.75 percent; French francs, $750 million; Euro notes, Pemex, 8.375; $400 million, Austrian bond, dated July 23, 1993, due 1998. The list goes on and on and on. They are already well in hock for any oil they can pump until their supplies are exhausted, and we are going to take security out of this? You can't get blood out of a turnip.

Ms. KAPTUR. If the gentleman will yield on that, Mr. Speaker, Oil and Gas magazine also reported about that by the end of this decade, by 1997, 1998, 1999, Mexico will be a net importer of oil because the number of barrels she has been able to produce has been cut in half, and because capital investment has not been able to be made in capital plant, and because of instability among the workers in the oilfields in Mexico, where conditions are just terrible.

Mr. Speaker, I think any wise investor would question that, oil being used as collateral.

If I might respond to the gentleman from Vermont [Mr. SANDERS], who raised a good point, when it is a small item involving the budget, we get tied up in knots here, right?

When we are talking about $20 or $40 billion or however much the American people will be on the line, it is like the Stealth bomber. It goes through here, nobody saw it, we didn't vote on it. It happened, it is a happening in America, but we didn't have anything to do with it.

Mr. Speaker, I remember when the President came up here with his State of the Union speech. He didn't like the fact that the Department of Agriculture had spent a few thousand dollars trying to eliminate ticks. He spent a long time talking about ticks.

If you come from a rural area, a lot of my district is rural, that can be a pretty significant problem for people. In fact, we had one gentleman here in Congress, Berkeley Bedell, who had to leave Congress because he got Lyme disease. If you know anything about what can happen, it is a pretty serious area to be doing research on, so I didn't quite understand why he picked that particular few thousand dollar expenditure out.

Here we are talking about an enormous amount of money, and the gentleman from Mississippi [Mr. TAYLOR] said ''Could we vote on it in the Committee on Appropriations?''

I asked one of the subcommittee chairs of Appropriations, ''Will this come up before your subcommittee this year? Will we get a vote? How do we get a vote on this?''

He said ''Well, you know, yes, the Treasury Department is under our subcommittee's jurisdiction, but this particular fund, I guess it is more like foreign aid, so we don't think it would come under us.''

This is the kind of fund, it is like mercury. If you have ever seen mercury and you try to put your finger on it, it keeps moving around. You can't pin it down, really; $20 billion, maybe $40 billion, and it is rising every day.

So here we stand, at 9 o'clock at night Washington time, trying to say it is our responsibility to vote on this kind of money, and putting our taxpayers at this kind of risk.

I yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Again, Mr. Speaker, I would like to point out that in the past couple of weeks this Chamber has taken some steps toward getting our financial house in order.

Regardless of where you stand on it, the House has passed a line-item veto. The Speaker as we speak is holding a press conference bragging about how that is somehow going to save the House of Representatives from itself, but we passed it.

A few weeks ago we passed the balanced budget amendment, which I supported, because I think we have to be accountable. We passed earlier on the first day a resolution calling for an audit of every single House office and every single budget within the House of Representatives.

But going back to what Mr. SANDERS says, if it makes sense, and the Speaker will support an audit for a congressional office that has a budget of about $600,000, don't you think he would support an audit of a fund that has $35 billion in it; we think $35 billion, because no one really knows for sure, and it is the taxpayers' money. It is not the Speaker's money, it is not the money of the gentleman from Vermont [Mr. SANDERS], and it is certainly not my money.

But don't the taxpayers deserve to know where it came from, where it is going, and don't they deserve an up-or-down vote of their elected representative on how this money ought to be spent, especially when our Nation's veterans are being told ''There is not enough room in the military hospitals for you;'' especially when every university within short order in the continental United States is going to get a letter saying ''Don't ask for as much money as you got last year, money is tight;'' especially when highway funds are getting ready to get cuts; especially when everybody's State's budget, at least the money they receive from the Federal Government, is going to get cut?

□ 2100

How on Earth can we say domestically we want all you people to share in the pain, but if you are south of the Rio Grande, or if you happen to be a big shot up on Wall Street, here is a blank check for $20 billion, and here is $15 billion more when you need it? And the vote tomorrow morning is the only chance the people in this body are going to get to have an accounting on that.

I hope the Speaker will rule that this resolution is in order. But if he does not rule it is in order, then we have got to wonder whose side is he on. Is he on the side of accountability or is he on the side of hiding all of this from the public?

I had an interesting call today from an Under Secretary of the Treasury, and he will meet with a number of us tomorrow morning. Interestingly enough, he said, ''You know, I can't give you all that information publicly.'' Why? I can understand a military secret being kept from the public, we would not want our enemies to know our capabilities of our weapons or troop strengths, but why should not the public know how their money has been invested and where it has been invested and what kind of return they have on it, and what kind of promise we have to get this money back? That troubles me. That is sort of like the old Washington mentality, ''We know it all and those folks back home don't know.''

Tomorrow morning, the Members of this body will decide who they are with, whether they think the people of America are smart enough to know and ought to know where their money is coming from, and where it is going, or whether they just think a couple of guys, the Speaker, the President, the minority leader, a couple of guys from the Treasury Department, whether they think they alone ought to have the responsibility for $35 billion. That is really what the vote tomorrow morning is all about.

No. 1, I would certainly encourage the Speaker to rule that this resolution is in order so that we can have a vote on it. But, No. 2, if he decides that he will not rule it in order, then I think he ought to at least be man enough to give us an hour to decide, to make our pitch in front of the full body before any sort of a motion is made to table it, because the people of America deserve to know what in the heck is going on, and they deserve an opportunity to fix this problem.

I want to thank the gentlewoman and both gentlemen for their time.

Ms. KAPTUR. I want to thank the gentleman from Mississippi for being the lead sponsor of this privileged resolution. The people of Mississippi should be very proud of the gentleman, an independent, strong-minded Member who stood up to the most powerful interests in America, both political and economic.

In response to something the gentleman said, let me just mention that I received a letter this week from a woman from Coral Gables, FL. She supports us in our efforts to get a vote on this measure tomorrow. She sent this beautiful letter really saying the people of America understand what is going on and encouraging us in our efforts to get at the truth and to get the figures for the American public.

But it was very interesting. She attached a letter to her letter to me that had been written to her by the chairman of the Banking Committee in the House 2 years ago, Congressman HENRY GONZALEZ. In this letter, and she even highlighted it in yellow ink for me, she quotes some of his statements which I think are so instructive I wanted to read them tonight, in which he said that during NAFTA, the NAFTA debate, that he endeavored to bring out that NAFTA was more than just a trade agreement. It is a free trade and finance agreement. And he underlined finance. And he was concerned that the finance and banking portions would turn out to be the driving force, backed by the largest banks and financial interests in this hemisphere. And he said NAFTA will have profound implications for the safety and soundness of the U.S. banking and financial services industries, the integrity of the basic banking laws of this country and counteraction against international money laundering.

Now that NAFTA has passed he said the stage may also be set for another savings and loan style bailout as United States bankers pursue risky investments in the unregulated Mexican market.

To his letter he then attached even more lengthy hearings that he has held in his committee. I just want to read one paragraph here by two gentlemen, Mr. Niko Valance and Mr. Andres Penaloza, who testified before his committee that the omission of an exchange rate stabilization mechanism in NAFTA was deliberate and a mistake. Mr. Valance argued that without an established exchange rate, stabilization mechanism, it is possible for foreign corporations to exert pressure on the Mexican Government to devalue the peso, thus lowering wages in terms of other currencies.

In addition, Mr. Davidson cautions that the relatively volatile currency in Mexico poses increased potential exchange and interest rate risks to U.S. financial institutions. The fact that these issues are not addressed in NAFTA was of considerable concern to many of the witnesses.

Mr. DEFAZIO. If the gentlewoman will yield, it is interesting to hear those statements from 2 years ago, because we have heard most recently from the proponents of NAFTA, the apologists for NAFTA, the Secretary of the Treasury and others, that no one

could have anticipated the circumstances. But yet the gentlewoman is saying that letter from the chairman of the Banking Committee, a neighbor to Mexico who lives just over the border, who understands that country well and is sympathetic to the needs of that country, he discerned these problems. What was the date on that letter?

Ms. KAPTUR. The date on the letter was December 6, 1993, but the respective sections from the CONGRESSIONAL RECORD were dated November 15, 1993, remarks by Mr. GONZALEZ on NAFTA, page H9661.

Mr. DEFAZIO. That is absolutely extraordinary. So perhaps a rational person could have anticipated that the peso was overvalued, that there were problems with political manipulations of the currency values in Mexico and, in fact, that inextricably tying the fate of our economy to Mexico, which seems to be what our administration is telling us, was a mistake.

I would ask the gentlewoman if she noticed the statement in the Washington Post last weekend where the Speaker said there was a relationship between the minimum wage and the value of the peso in Mexico and Mexican workers, and said he was hesitant to support an increase in the minimum wage in the United States of America for people who work in this country because that would probably drive more jobs across the border.

So we have just seen the value of the wages in Mexico, which were pitiful to begin with compared to U.S. wages, dropped by 50 percent, and now we have to withhold any increase in the standard of living for the people of the United States because be might lose yet more manufacturing jobs to Mexico.

What happened to the promise of hundreds of thousands of jobs in America as we sold goods to the Mexican people? I am puzzled.

Mr. SANDERS. Mr. Speaker, if the gentlewoman will yield, in Sunday's Washington Post Raul Avila, president of the National Maquiladora Industry Council, said that during the first 10 months of 1994 maquiladora employment increased 6.2 percent, over 600,000 employees, and importantly enough, as the gentlewoman has just indicated, ''The industry forecasts the opening of another 600 assembly plants this year.''

Mr. DEFAZIO. If the gentlewoman will yield, that, I believe, was because of the drop in the value of the peso.

Mr. SANDERS. The gentleman is exactly right. With cheaper labor it becomes a better investment in the maquiladoras, and we can expect more American companies to be going down there.

The gentleman and the gentlewoman raised interesting points a while ago. I am a member of the Banking Committee that dealt with the S&L fiasco, and as my colleagues will recall the concept ''too big to fail.'' Do my colleagues remember that concept? What too big to fail means is that the taxpayers of America were obligated to bail out very, very large banks because if they failed, the repercussions of that failure were supposedly so great that it would have been worse than bailing them out.

I would like my colleagues to comment on this thought. It seems to me that that is precisely what is happening with regard to Mexico. We are now asked, well, not asked, but the President is proposing to put $40 billion of loan guarantees into Mexico. Maybe the President is right and we do not know. Maybe, in fact, this will improve the Mexican economy, everything will work out well, and there will not be a loss of taxpayer money. That may be true.

But let us look at the other side of the story. Maybe in fact the Mexican economy will not improve and we will lose that $40 billion. What I would like to ask my colleagues is this: Is it not possible that a year from now or 2 years from now a President will come back and say we have got to provide even more loan guarantees to Mexico because we already have $40 billion in the hopper there; we cannot afford to lose that. We have to protect that investment and, therefore, we need to put even more money into Mexico?

□ 2110

And I think the implications of that are very, very frightening. This Congress and this President are having a difficult enough time running the American economy that we know something about on behalf of American workers. We are not doing very well at that.

The idea that we have the knowledge or the ability to sustain the Mexican economy, upon which we are dependent, is really quite beyond me.

But I am afraid that we are going to have this too-big-to-fail concept once again. Then we are going to have to pump more and more money into Mexico, because if it fails, then we have lost all the money we put into them last year.

Mr. DEFAZIO. I guess to bring it down to something smaller than billions, I think I heard very early on in my life and the old saw, you know, ''If you owe the bank $1,000 and you cannot pay, you have got a problem. If you owe the bank $100,000 and you cannot pay, the bank has got a problem.'' That is where we are at here.

It is not only ultimately an obligation of the economic stabilization fund, and it does admit in here that losses can be incurred, and those losses would have to be made up, but also the interest earnings, gains or losses of the economic stabilization fund are reflected in the budget of the United States of America. So if the economic stabilization fund loans to Mexico, $20 billion or so to Mexico go bad, then suddenly we are told that not only do we have to come up with the money but that counts as $20 billion more deficit for the United States of America.

Ms. KAPTUR. On that point, if you look at what we are spending on as a Nation, the very first set of categories have to do with Social Security, and especially Medicare, the cost that the taxpayers subsidize Medicare. Defense is a large expenditure. Then comes interest rates. Right after that, the fourth largest category of spending in this Government is to pay the interest on the savings and loan bailout which totals over $1 trillion. Our children's children will be paying for that.

So when we get in these debt financing arrangements, what we are talking about is obligating the people of our country so far down the road you can hardly even see the end of it.

But in this situation with Mexico, we are not talking about money we own to ourselves. We are talking about money that is owed to investors and creditors to foreign nations. This is a very different animal than that exchange stabilization fund was meant to be used for in the past.

I think what we are seeing is a different form of foreign aid, which does not have to be voted on here in the Congress, and that is not how a democracy should function or a democratic republic should function. We should have the debate here. We as a people must make a decision about what our relationship is to various countries around the world.

Mr. SANDERS. My recollection—and help me out here—is that foreign aid that we do vote on is about what, $15 or $16 billion?

Ms. KAPTUR. That is right.

Mr. SANDERS. There is lot of debate. Many people throughout this country think that is too much.

Ms. KAPTUR. Half of that is weapons.

Ms. SANDERS. All right. What we should appreciate is that this loan guarantee to Mexico puts us at risk for over double what our entire foreign aid package is today. Is that correct?

Ms. KAPTUR. That is correct. The gentleman is correct. I kept listening to the President when he said, ''Oh, this is not anything serious. This is just cosigning a loan.'' I would say to the gentleman from Oregon and the gentleman from Vermont what if someone came up to you and said, ''Would you sign a loan with me for $50,000? Right now, sign it?''

Mr. SANDERS. For you, Mr. KAPTUR, absolutely.

Ms. KAPTUR. But maybe you do not know what my finances are like. I mean, would you not want to know the credit history of that person, what kind of assets the person had? And there is absolutely a risk that something might go wrong. Cosigning the loan does not absolve risk.

Mr. SANDERS. I was on a national television program the other day and one of the proponents of his bailout was saying, well, the Mexican economy is basically in good shape; they are having a short-term cash flow problem. But basically it is strong. One of my

colleagues here talked about the national debt of Mexico. Is, in fact, the Mexican economy strong and stable?

Ms. KAPTUR. The Mexican economy is not strong and stable, and the nation is not politically stable, which is why there is all of this moving up and down of the value of the peso. Mexico owes somewhere between $160 and $200 billion. That is with a ''b.'' That is in public debt that is owed to other creditors. This is only one small piece of it. This is probably the piece that they thought they might be able to bite off without too many people disagreeing, but there is a lot more money owed, and then inside Mexico, because of the strange relationship between their private sector and their public sector and their banks, there are all kinds of debts internal to Mexico, and with interest rates going up there and with the inflation rates going up, it is a very unstable economic situation inside of Mexico.

The value of their money has just been cut in half. Lots of businesses there have loans. The relationship of those businesses to their banks, to the inflation rate, et cetera, is a very unstable situation, and the largest revenue generator to the Government is Pemex, the oil company.

Over, I think, nearly half the revenues of that Government are generated by Pemex, so that is another place that the oil revenues are pledged as collateral to their own Government.

I happen to believe that Mexico's main problems are not economic but, rather, social and political; in other words, if you could get a system there that operated in a more democratic fashion, could you begin to put the pieces in place of an economic order that shared the wealth with the vast majority of people rather than just at few people on the top.

Mr. SANDERS. The main point I wanted to make very briefly is that it is not for sure that this $40 billion loan guarantee is without significant risk, and that is the main point I wanted to make.

Ms. KAPTUR. It is absolutely with significant risk.

Mr. DEFAZIO. I think this was a question I asked very early on when I was contacted, when I filed my legislation to withdraw from NAFTA. They brought up all of these concerns about how it would further destabilize the economic situation. They said we are only cosigning, and I said, well, I understood if someone had impeccable credit they would not need a cosigner. Usually you get a cosignor because no one else wants to extend you credit, and they think maybe you would not be good for it. If Mexico's credit is so great, I suggest they go to the same Wall Street financiers who have made 20- to 50-percent interest, nice rate of return, and perhaps say, ''Look, you have been making a lot of money down in Mexico, how about extending some loans on favorable terms, maybe only 15–20 percent interest per year as opposed to what we have been paying you, still better than you can get generally in the United States stock market, S&P index, United States Treasury, better than you can get anywhere else.''

I would assume the Wall Street financiers, thinking there is no problem, if they want the Government to cosign, why do they not just do it directly. Why do not they do it themselves? They are telling us we will make money on this. The taxpayers might make money on it. Might lose $40 billion on it, but, this is a river boat gamble. We are river boat gamblers with $40 billion of assets of the United States of America that belong to the people of this country. I do not think so. That is not our role here. Let the people on Wall Street be the river boat gamblers, not the people on Main Street.

Ms. KAPTUR. I am telling you, if those people on Wall Street and in the banks around this country made as risky investments as this group did down in Mexico, our entire banking system would be in a state of collapse.

Mr. SANDERS. Essentially what we want is two things. We need far more information about this bailout and, second of all, and most importantly, we want the U.S. Congress, which presumably was elected to represent the American people, to be able to vote this thing up or down, and in my view, the Congress would vote it down.

Now, I think if the American people are upset about this process, it is terribly important that they stand up, they tell the President and the Republican leadership that they understand what is going on, that they want a vote on the floor of the House, they want the Members of Congress to represent their interest and not put $40 billion at risk.

So we hope very much that the people will stand up, fight back, and start callng their Members of Congress, the President's office, and the leadership to demand a vote on this important issue.

Ms. KAPTUR. I want to thank the gentleman from Vermont [Mr. SANDERS] for joining us this evening, the gentleman from Oregon [Mr. DEFAZIO], the gentleman from Mississippi [Mr. TAYLOR], and the gentleman from Ohio [Mr. BROWN].

RULES AND PROCEDURE FOR THE COMMITTEE ON THE BUDGET FOR THE 104TH CONGRESS

(Mr. KASICH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KASICH. Mr. Speaker, pursuant to clause 2 of rule XI of the Rules of the House of Representatives, I am pleased to submit the Rules of the Committee on the Budget for the 104th Congress and ask that they be printed in the CONGRESSIONAL RECORD. These rules were adopted by the committee in open session on January 6, 1995.

RULES OF THE COMMITTEE ON THE BUDGET

MEETINGS

Rule 1—Regular meetings

The regular meeting day of the committee shall be the second Wednesday of each month at 11 a.m., while the House is in session.

The chairman is authorized to dispense with a regular meeting when he determines there is no business to be considered by the committee, provided that he gives written notice to that effect to each member of the committee as far in advance of the regular meeting day as the circumstances permit.

Regular meetings shall be canceled when they conflict with meetings of either party's caucus or conference.

Rule 2—Additional and special meetings

The chairman may call and convene additional meetings of the committee as he considers necessary, or special meetings at the request of a majority of the member of the committee in accordance with House Rule XI, clause 2(c).

In the absence of exceptional circumstances, the chairman shall provide written or verbal notice of additional meetings to the office of each member at least 24 hours in advance while Congress is in session, and at least 3 days in advance when Congress is not in session.

Rule 3—Open business meetings

Each meeting for the transaction of committee business, including the markup of measures, shall be open to the public except when the committee, in open session and with a quorum present, determines by roll-call vote that all or part of the remainder of the meeting on that day shall be closed to the public in accordance with House Rule XI, clause 2 (g)(1). No person other than members of the committee and such congressional staff and departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This rule shall not apply to any meeting that relates solely to matters concerning the internal administration of the committee.

Rule 4—Quorums

A majority of the committee shall constitute a quorum. No business shall be transacted and no measure or recommendation shall be reported unless a quorum is actually present.

Rule 5—Recognition

Any member, when recognized by the Chairman, may address the committee on any bill, motion, or other matter under consideration before the committee. The time of such member shall be limited to 5 minutes until all members present have been afforded an opportunity to comment.

Rule 6—Consideration of business

Measures or matters may be placed before the committee, for its consideration, by the chairman or by a majority vote of the members of the committee, a quorum being present.

Rule 7—Procedure for consideration of budget resolution

It shall be the policy of the committee that the starting point for any deliberations on a concurrent resolution on the budget should be the estimated or actual levels for the fiscal year preceding the budget year.

In developing a concurrent resolution on the budget, the committee shall first proceed, unless otherwise determined by the committee, to consider budget aggregates, functional categories, and other appropriate matters on a tentative basis, with the document before the committee open to amendment; subsequent amendments may be offered to aggregates, functional categories, or

other appropriate matters which have already been amended in their entirety.

Following adoption of the aggregates, functional categories, and other matters, the text of a concurrent resolution on the budget incorporating such aggregates, functional categories, and other appropriate matters shall be considered for amendment and a final vote.

Rule 8—Rollcall votes

A rollcall of the members may be had upon the request of at least one-fifth of those present. In the apparent absence of a quorum, a rollcall may be had on the request of any member.

Rule 9—Parliamentarian's Status Report and Section 302 Status Report

(a) In order to carry out its duty under section 311 of the Congressional Budget Act to advise the House of Representatives as to the current level of spending and revenues as compared to the levels set forth in the latest agreed-upon concurrent resolution on the budget, the committee shall advise the Speaker on at least a monthly basis when the House is in session as to its estimate of the current level of spending and revenue. Such estimates shall be prepared by the staff of the committee, transmitted to the Speaker in the form of a Parliamentarian's Status Report, and printed in the Congressional Record.

The committee authorizes the chairman, in consultation with the ranking minority member, to transmit to the Speaker the Parliamentarian's Status Report described above.

(b) In order to carry out its duty under section 302 of the Congressional Budget Act to advise the House of Representatives as to the current level of spending within the jurisdiction of committees as compared to the appropriate allocations made pursuant to the Budget Act in conformity with the latest agreed-upon concurrent resolution on the budget, the committee shall, as necessary, advise the Speaker as to its estimate of the current level of spending within the jurisdiction of appropriate committees. Such estimates shall be prepared by the staff of the committee and transmitted to the Speaker in the form of a Section 302 Status Report.

The committee authorizes the chairman, in consultation with the ranking minority member, to transmit to the Speaker the Section 302 Status Report described above.

HEARINGS

Rule 10—Announcement of hearings

The chairman shall publicly announce the date, place, and subject matter of any committee hearing at least 1 week before the commencement of that hearing, unless he determines there is good cause to begin such hearing at an earlier date, in which case public announcement shall be made at the earliest possible date.

Rule 11—Open hearings

Each hearing conducted by the committee or any of its task forces shall be open to the public except when the committee or task force, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security, or would compromise sensitive law enforcement information, or would tend to defame, degrade, or incriminate any person, or would violate any law or rule of the House of Representatives. The committee or task forces may by the same procedure vote to close one subsequent day of hearing.

For the purposes of House Rule XI, clause 2(g)(2), the task forces of the committee are considered to be subcommittees.

*Rule 12—Quorums**

For the purpose of hearing testimony, not less than two members of the committee shall constitute a quorum.

Rule 13—Time for questioning witnesses

Committee members shall have not to exceed 5 minutes to interrogate each witness until such time as each member who so desires has had an opportunity to interrogate such witness.

After all members have had an opportunity to ask questions, the round shall begin again under the 5-minute rule.

In questioning witnesses under the 5-minute rule, the chairman and the ranking minority member may be recognized first, after which members may be recognized in the order of their arrival at the hearing. Among the members present at the time the hearing is called to order, seniority shall be recognized. In recognizing members to question witnesses, the chairman may take into consideration the ratio of majority members to minority members and the number of majority and minority members present and shall apportion the recognition for questioning in such a manner as not to disadvantage the members of the majority.

Rule 14—Subpoenas and oaths

In accordance with House Rule XI, clause 2(m) subpoenas authorized by a majority of the committee may be issued over the signature of the chairman or of any member of the committee designated by him, and may be served by any person designated by the chairman or such member.

The chairman, or any member of the committee designated by the chairman, may administer oaths to witnesses.

Rule 15—Witnesses' statements

So far as practicable, any prepared statement to be presented by a witness shall be submitted to the committee at least 48 hours in advance of presentation, and shall be distributed to all members of the committee in advance of presentation.

Rule 16—Committee prints

All committee prints and other materials prepared for public distribution shall be approved by the committee prior to any distribution, unless such print or other material shows clearly on its face that it has not been approved by the committee.

BROADCASTING

Rule 17—Broadcasting of meeting and hearings

It shall be the policy of the committee to give all news media access to open hearings of the committee, subject to the requirements and limitations set forth in House Rule XI, clause 3. Whenever any committee business meeting is open to the public, that meeting may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any such methods of coverage, in accordance with House Rule XI, clause 3.

STAFF

Rule 18—Committee staff

(a) Subject to approval by the committee, and to the provisions of the following paragraphs, the professional and clerical staff of the committee shall be appointed, and may be removed, by the chairman.

Committee staff shall not be assigned any duties other than those pertaining to committee business, and shall be selected without regard to race, creed, sex, or age, and solely on the basis of fitness to perform the duties of their respective positions.

All committee staff shall be entitled to equitable treatment, including comparable salaries, facilities, access to official committee records, leave, and hours of work.

(b) Associate staff for members of the committee may be appointed only at the discretion of the chairman (in consultation with the ranking minority member regarding any minority party associate staff), after taking into consideration any staff ceilings and budgetary constraints in effect at the time, and any terms, limits, or conditions established by the Committee on House Oversight under clause 6 of House Rule XI. Such staff members shall be compensated at a rate, determined by the member, not to exceed $60,000 per year; provided, that no member shall appoint more than one person pursuant to these provisions; provided further, that members designating a staff member under this subsection must certify by letter to the chairman that the employee is needed and will be utilized for committee work and, to the extent space is available, will spend no less than 10 hours per week in committee offices performing committee work.

Rule 19—Staff supervision

Staff shall be under the general supervision and direction of the chairman, who shall establish and assign their duties and responsibilities, delegate such authority as he deems appropriate, fix and adjust staff salaries (in accordance with House Rule XI, clause 6(c)) and job titles, and, in his discretion, arrange for their specialized training.

Staff assigned to the minority shall be under the general supervision and direction of the minority members of the committee, who may delegate such authority as they deem appropriate.

COMMITTEE RECORDS

Rule 20—Preparation and maintenance of committee records

An accurate stenographic record shall be made of all hearings and business meetings.

The proceedings of the committee shall be recorded in a journal which shall, among other things, include a record of the votes on any question on which a record vote is demanded.

Members of the committee shall correct and return transcripts of hearings as soon as practicable after receipt thereof, except that any changes shall be limited to technical, grammatical, and typographical corrections.

Any witness may examine the transcript of his own testimony and make grammatical, technical, and typographical corrections.

The chairman may order the printing of a hearing record without the corrections of any member or witness if he determines that such member or witness has been afforded a reasonable time for correction, and that further delay would seriously impede the committee's responsibility for meeting its deadlines under the Congressional Budget Act of 1974.

Transcripts of hearings and meetings may be printed if the chairman decides it is appropriate, or if a majority of the members so request.

Rule 21—Access to Committee Records

(a) The chairman shall promulgate regulations to provide for public inspection of rollcall votes and to provide access by members to committee records (in accordance with House Rule XI, clause 2(e)).

Access to classified testimony and information shall be limited to Members of Congress and to House Budget Committee staff and stenographic reporters who have appropriate security clearance.

Notice of the receipt of such information shall be sent to the committee members. Such information shall be kept in the committee safe, and shall be available to members in the committee office.

*(b) The records of the committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule XXXVI of the Rules of the House of Representatives. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination on the written request of any member of the committee.

APPLICABILITY OF HOUSE RULES

Rule 22—Applicability of House Rules

Except as otherwise specified herein, the Rules of the House are the rules of the committee so far as applicable, except that a motion to recess from day to day is a motion of high privilege.

CONFEREES

Rule 23—Appointment of conferees

Majority party members recommended to the Speaker as conferees shall be recommended by the chairman subject to the approval of the majority party members of the committee. The chairman shall recommend such minority party members as conferees as shall be determined by the minority party, provided that the recommended party representation shall be in approximately the same proportion as that in the committee.

MISCELLANEOUS

Rule 24—Waivers

When a reported bill or joint resolution, conference report, or anticipated floor amendment violates any provision of the Congressional Budget Act of 1974, the chairman may, if practical, consult with the committee members on whether the chairman should recommend, in writing, that the Committee on Rules report a special rule that enforces the act by not waiving the applicable points of order during the consideration of such measure.

Rule 25—Report on the budget resolution

The report of the committee to accompany a concurrent budget resolution shall include a comparison of the estimated or actual levels for the year preceding the budget year with the proposed spending and revenue levels for the budget year and each out year along with the appropriate percentage increase or decrease for each budget function and aggregate. The report shall include any rollcall vote on any motion to amend or report any measure.

Rule 26—Oversight

Not later than February 15 of the first session of a Congress, the committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Oversight and the Committee on Government Reform and Oversight in accordance with the provisions of clause 2(d) of House Rule X.

* Written rule required by House Rules.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FROST (at the request of Mr. GEPHARDT) for Monday, February 6, and Tuesday, February 7, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. STUPAK) to revise and extend their remarks and include extraneous material:)

Mr. OWENS, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. JACKSON-LEE, for 5 minutes, today.

Mr. CHAPMAN, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Mr. MEEHAN, for 5 minutes, today.

(The following Members (at the request of Mr. COBURN) to revise and extend their remarks and included extraneous material:)

Mr. COBURN, for 5 minutes, today.

Mr. WELDON of Florida, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. MCINNIS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. STUPAK) and to include extraneous matter:)

Mr. BRYANT of Texas in three instances.

Mr. CARDIN.

Mr. ACKERMAN.

Mr. HINCHEY.

Mr. TRAFICANT.

Mr. TOWNS in two instances.

Ms. RIVERS.

Mr. ORTIZ.

Mr. BARRETT of Wisconsin.

(The following Members (at the request of Mr. COBURN) and to include extraneous matter:)

Mr. FIELDS of Texas.

Mr. ENSIGN.

Mr. MCINNIS in four instances.

Mr. SEASTRAND.

Mr. WOLF.

Mr. PACKARD.

Mr. YOUNG of Florida.

(The following Members (at the request of Ms. KAPTUR) and to include extraneous matter:)

Mrs. MORELLA.

Mr. FILNER.

□ 2120

ADJOURNMENT

Ms. KAPTUR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, February 7, 1995, at 9:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

303. A communication from the President of the United States, transmitting his request to make available emergency appropriations totaling $150 million in budget authority for the Forest Service of the Department of Agriculture, and to designate these amounts as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to 31 U.S.C. 1107 (H. Doc. No. 104–27); to the Committee on Appropriations and ordered to be printed.

304. A letter from the Deputy Assistant Secretary of Defense (Installations), Department of Defense, transmitting a report entitled, ''Report on the Performance of Department of Defense Commercial Activities'', pursuant to 10 U.S.C. 2461(c); to the Committee on National Security.

305. A letter from the Assistant Administrator for Legislative and Public Affairs, U.S. Agency for International Development, transmitting a report on human rights in countries receiving development assistance, pursuant to section 116(d)(3) of the Foreign Assistance Act of 1961, as amended; to the Committee on International Relations.

306. A letter from the Chairman, Federal Election Commission, transmitting 63 recommendations for legislative action, pursuant to 2 U.S.C. 438(a)(9); to the Committee on House Oversight.

307. A letter from the Chairman, Federal Election Commission, transmitting proposed regulations governing personal use of campaign funds, pursuant to 2 U.S.C. 438(d); to the Committee on House Oversight.

308. A letter from the Administrator, Federal Railroad Administration, transmitting the Administration's report entitled, ''Train Dispatchers Followup Review,'' pursuant to Public Law 102–365, section 17 (106 Stat. 981); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SPENCE: Committee on National Security. H.R. 7. A bill to revitalize the national security of the United States; with an amendment (Rept. 104–18, Pt. 1). Ordered to be printed.

Mr. GILMAN: Committee on International Relations. H.R. 7. A bill to revitalize the national security of the United States; with an amendment (Rept. 104–18, Pt. 2). Ordered to be printed.

Mr. COMBEST: Permanent Select Committee on Intelligence. H.R. 7. A bill to revitalize the national security of the United States; with amendments (Rept. 104–18, Pt. 3). Ordered to be printed.

Ms. PRYCE: Committee on Rules. House Resolution 60. Resolution providing for the consideration of the bill (H.R. 665) to control crime by mandatory victim restitution (Rept. 104–19). Referred to the House Calendar.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 61. Resolution providing for the consideration of the bill (H.R. 666) to control crime by exclusionary rule reform (Rept. 104–20). Referred to the House Calendar.

Mr. MCCOLLUM: Committee on the Judiciary. H.R. 667. A bill to control crime by incarcerating violent criminals; with an amendment (Rept. 104–21). Referred to the

Committee of the Whole House on the State of the Union.

Mr. MCCOLLUM: Committee on the Judiciary. H.R. 668. A bill to control crime by further streamlining deportation of criminal aliens; with an amendment (Rept. 104–22). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CLINGER (for himself, Mr. SISISKY, Mr. MCINTOSH, Mr. DAVIS, Mr. SOLOMON, and Mr. BLUTE):

H.R. 830. A bill to amend chapter 35 of title 44, United States Code, to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. ARCHER (for himself, Mr. MATSUI, Mr. THOMAS, and Mrs. JOHNSON of Connecticut):

H.R. 831. A bill to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provisions permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes; to the Committee on Ways and Means.

By Mr. BARTON of Texas (for himself, Mr. HEFLEY, Mr. SAM JOHNSON, Mr. COMBEST, Mr. CUNNINGHAM, Mr. SCHAEFER, Mr. HOEKSTRA, Mr. MCCOLLUM, Mr. STENHOLM, Mr. HUTCHINSON, Mr. SMITH of Texas, Mr. MILLER of Florida, Mr. LARGENT, Mr. THORNBERRY, Mr. LATHAM, Mr. HANCOCK, Mr. SHADEGG, Mr. LIVINGSTON, and Mr. BREWSTER):

H.R. 832. A bill to establish limits on wage continuation and severance benefits for Amtrak employees displaced by a discontinuance of service, and for other purposes: to the Committee on Transportation and Infrastructure.

By Mr. GREENWOOD (for himself, Mr. PORTER, Mr. WAXMAN, AND Mrs. LOWEY):

H.R. 833. A bill to require the Secretary of Health and Human Services to ensure that pregnant women receiving assistance under title X of the Public Health Service Act are provided with information and counseling regarding their pregnancies, and for other purposes; to the Committee on Commerce.

By Mr. JACOBS:

H.R. 834. A bill to nullify the 25 percent pay increase that was afforded to Members of Congress and certain other Government officials by the Ethics Reform Act of 1989; to repeal section 225 of the Federal Salary Act of 1967, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committees on House Oversight, the Judiciary, Ways and Means, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MEEK of Florida:

H.R. 835. A bill to amend the Public Health Service Act to provide for expanding and intensifying activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases with respect to lupus; to the Committee on Commerce.

By Mrs. MORELLA:

H.R. 836. A bill to amend the Metropolitan Washington Airports Act of 1986 to provide for reorganization of the Metropolitan Washington Airports Authority and for local review of proposed actions of the Airports Authority affecting aircraft noise; to the Committee on Transportation and Infrastructure.

By Mr. OLVER:

H.R. 837. A bill to promote quality environmental research by permitting the Administrator of the Environmental Protection Agency to enter into cooperative research and development agreements; to the Committee on Science.

By Mr. PETERSON of Minnesota:

H.R. 838. A bill to amend the Internal Revenue Code of 1986 to treat for unemployment compensation purposes Indian tribal governments the same as State or local units of government or as nonprofit organizations; to the Committee on Ways and Means.

By Mr. TATE (for himself, Mr. METCALF, Mr. HASTINGS of Washington, Ms. DUNN of Washington, Mrs. SMITH of Washington, Mr. MCINTOSH, Mr. WHITE, Mr. STOCKMAN, Mr. SCARBOROUGH, and Mr. FOX):

H.R. 839. A bill to establish a moratorium on regulatory rulemaking actions respecting small business; to the Committee on Government Reform and Oversight, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TRAFICANT:

H.R. 840. A bill to designate the Federal building and U.S. courthouse located at 215 South Evans Street in Greenville, NC, as the ''Water B. Jones Federal Building and United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. WOLF (for himself, Mr. BARTON of Texas, Mr. ARMEY, Mr. DELAY, Mr. PACKARD, Mr. FOX, Mr. ENGLISH of Pennsylvania, and Mr. HORN):

H.R. 841. A bill to provide an equitable process for strengthening the passenger rail service network of Amtrak through the timely closure and realignment of routes with low economic performance; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. SOUDER and Mr. SPENCE.

H.R. 62: Mrs. CHENOWETH, Mr. RADANOVICH, and Mr. NORWOOD.

H.R. 70: Mr. EDWARDS, Mr. CHAPMAN, Mr. STUMP, Mr. TAYLOR of North Carolina, and Mr. SKEEN.

H.R. 77: Mr. RADANOVICH, Mr. STEARNS, Ms. RIVERS, and Mr. SMITH of Michigan.

H.R. 104: Mr. EMERSON and Mr. CALVERT.

H.R. 110: Mr. FATTAH.

H.R. 127: Mr. GILCHREST, Mr. CRAMER, Mr. EVANS, Mr. FATTAH, Mr. KLECZKA, and Mr. SKAGGS.

H.R. 199: Ms. MOLINARI, Mr. ENGLISH of Pennsylvania, Mr. SMITH of Texas, Mr. ROYCE, Mr. DOOLITTLE, Mr. NEY, Mr. PARKER, and Mr. SENSENBRENNER.

H.R. 216: Mr. RIGGS.

H.R. 218: Mrs. MYRICK and Mr. FORBES.

H.R. 219: Mr. BEILENSON and Mr. GALLEGLY.

H.R. 230: Mr. STEARNS.

H.R. 259: Mr. ROYCE and Mr. DOOLITTLE.

H.R. 260: Mr. YOUNG of Alaska.

H.R. 325: Mr. BUNNING of Kentucky, Mr. GUTKNECHT, Mr. MILLER of Florida, Mr. REGULA, Mr. WICKER, Mr. BROWNBACK, Mr. POMBO, Mr. BOEHNER, Mr. BARR, Mr. LAUGHLIN, and Mr. DUNCAN.

H.R. 328: Mr. LIVINGSTON and Mrs. SEASTRAND.

H.R. 343: Mr. FROST, Mr. PETE GEREN of Texas, Mr. LEWIS of Georgia, and Mr. VENTO.

H.R. 353: Ms. RIVERS, Mr. WAXMAN, Mr. MARKEY, Mr. HORN, and Mr. VENTO.

H.R. 354: Mr. SOLOMON and Ms. DANNER.

H.R. 363: Mr. RUSH, Mr. RANGEL, Mr. OLVER, and Mr. WATT of North Carolina.

H.R. 399: Ms. NORTON and Mr. ACKERMAN.

H.R. 450: Mr. BREWSTER, Mr. WELDON of Florida, Mr. ROBERTS, and Mr. BARRETT of Nebraska.

H.R. 488: Mr. GILMAN.

H.R. 511: Mr. SHAYS.

H.R. 559: Mr. UNDERWOOD, Ms. PELOSI, and Mr. VENTO.

H.R. 579: Mrs. CHENOWETH.

H.R. 585: Mr. GUTKNECHT, Mr. HALL of Ohio, Mr. PETE GEREN of Texas, Mr. MONTGOMERY, Mr. JOHNSTON of Florida, Ms. MOLINARI, and Ms. FURSE.

H.R. 592: Ms. DANNER, Mr. EWING, Mr. MCKEON, and Mr. DOOLITTLE.

H.R. 599: Mr. COOLEY.

H.R. 605: Mr. FOX, Mr. SHUSTER, Mr. SAXTON, Mrs. CHENOWETH, and Mr. HANCOCK.

H.R. 612: Mr. ROHRABACHER.

H.R. 663: Mr. FORBES, Mr. HOLDEN, and Mrs. LINCOLN.

H.R. 667: Mr. BRYANT of Tennessee, Mr. BLILEY, and Mr. ENGLISH of Pennsylvania.

H.R. 668: Mr. KING, Mr. BLILEY, and Mr. ENGLISH of Pennsylvania.

H.R. 682: Mr. BONO.

H.R. 697: Mr. CRAMER, Mr. MCDADE, Mr. BONO, Mr. GUNDERSON, Ms. DANNER, Mr. JOHNSON of South Dakota, Mr. BALLENGER, Mr. GALLEGLY, and Mr. NORWOOD.

H.R. 698: Mr. CRANE, Mrs. CHENOWETH, Mr. GOODLATTE, Mr. HUTCHINSON, Mr. SCHAEFER, Mr. BASS, Mr. NEY, Mr. EMERSON, Mr. CUNNINGHAM, Mr. BUNN of Oregon, Mrs. VUCANOVICH, Mr. MCCRERY, Mr. MYERS of Indiana, Mr. FUNDERBURK, Mr. COBLE, Mr. NORWOOD, Mr. WAMP, Mr. ROHRABACHER, Mr. CANADY, Mr. SCARBOROUGH, Mr. SOLOMON, and Mr. YOUNG of Alaska.

H.R. 703: Mr. JOHNSTON of Florida, Mr. BROWN of Ohio, Mr. WYDEN, Mr. EVANS, Ms. SLAUGHTER, and Mr. VENTO.

H.R. 728: Mr. BRYANT of Tennessee and Mr. BLILEY.

H.R. 729: Mr. BRYANT of Tennessee, Mr. BLILEY, and Mr. ENGLISH of Pennsylvania.

H.R. 752: Mr. BORSKI, Mr. HANCOCK, Mr. ROHRABACHER, and Mrs. VUCANOVICH.

H.R. 759: Ms. PRYCE.

H.R. 789: Mr. NEUMANN, Mr. MCHUGH, Mr. ZELIFF, Mr. BARRETT of Nebraska, Mr. HORN, Mr. WOLF, and Mr. SMITH of New Jersey.

H.R. 791: Mr. COOLEY, Ms. DANNER, Mr. NORWOOD, Mr. MILLER of Florida, and Mr. MCKEON.

H.R. 793: Mr. SENSENBRENNER and Mr. HOLDEN.

H.R. 795: Mr. GIBBONS.

H.R. 810: Mr. MARKEY.

H.J. Res. 3: Mr. MINGE.

H.J. Res. 8: Mr. TALENT.

H. Con. Res. 12: Mr. GEKAS, Mr. HORN, Mr. BARTLETT of Maryland, and Mr. SCHAEFER.

H. Res. 15: Mr. BEILENSON and Mr. DEAL OF GEORGIA.

H. Res. 40: Mr. MEEHAN, Mr. SPRATT, and Mr. JACOBS.

H. Res. 57: Mr. BUNNING of Kentucky, Mrs. CHENOWETH, Mr. BILIRAKIS, Mr. DELLUMS, and Mr. LIPINSKI.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 665

OFFERED BY: MR. SANDERS

AMENDMENT NO. 1: Page 4, line 24, after the period insert ''A restitution order shall direct the offender to give appropriate notice to victims and other persons in cases where there are multiple victims or other persons who may receive restitution.''.

H.R. 665

OFFERED BY: MR. SANDERS

AMENDMENT NO. 2: Page 9, after line 24, add the following:

(c) JUSTICE DEPARTMENT GUIDELINES RELATING TO COMMUNITY SERVICE.—The Department of Justice shall establish minimum guidelines for seeking community service by offenders in cases where such service would provide restitution to members of a community harmed by the criminal conduct of such offenders. Such service may include a requirement that a set percentage of the future profits of an organizational offender be used to educate the public about corporate crime and its control.

H.R. 666

OFFERED BY: MR. CONYERS

AMENDMENT NO. 1: Page 3, line 12, strike ''Rule'' and insert ''Rules''.

Page 3, line 14, after ''proceeding.'' insert ''Nothing in this section shall be construed so as to violate the fourth article of amendment to the Constitution of the United States.''.

H.R. 666

OFFERED BY: MR. CONYERS

AMENDMENT NO. 2: Page 2, strike line 1 and all that follows through the end of the bill and inserting the following:

SEC. 2. SEARCHES AND SEIZURES PURSUANT TO AN INVALID WARRANT.

(a) IN GENERAL.—Chapter 109 of title 18, United States Code, is amended by adding at the end the following:

''§ 2237. Good faith exception for evidence obtained by invalid warrant

''Evidence which is obtained as a result of search or seizure shall not be excluded in a proceeding in a court of the United States on the ground that the search or seizure was in violation of the Fourth Amendment to the Constitution of the United States, if the search or seizure was carried out in objectively reasonable reliance on a warrant issued by a detached and neutral magistrate or other judicial officer ultimately found to be invalid, unless—

''(1) the judicial officer in issuing the warrant was materially misled by information in an affidavit that the affiant knew was false or would have known was false except for his reckless disregard of the truth;

''(2) the judicial officer provided approval of the warrant without exercising a neutral and detached review of the application for the warrant;

''(3) the warrant was based on an affidavit so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable; or

''(4) the warrant is so facially deficient that the executing officers could not reasonably presume it to be valid.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of chapter 109 of title 18, United States Code, is amended by adding at the end the following new item:

''2237. Evidence obtained by invalid warrant.''

H.R. 666

OFFERED BY: MR. CONYERS

AMENDMENT NO. 3: Page 2, strike line 1 and all that follows through the end of the bill and inserting the following:

SEC. 2. SEARCHES AND SEIZURES PURSUANT TO AN INVALID WARRANT OR STATUTE.

(a) IN GENERAL.—Chapter 109 of title 18, United States Code, is amended by adding at the end the following:

''§ 2237. Good faith exception for evidence obtained by invalid means

''Evidence which is obtained as a result of search or seizure shall not be excluded in a proceeding in a court of the United States on the ground that the search or seizure was in violation of the Fourth Amendment to the Constitution of the United States, if the search or seizure was carried out in objectively reasonable reliance—

''(1) on a warrant issued by a detached and neutral magistrate or other judicial officer ultimately found to be invalid, unless—

''(A) the judicial officer in issuing the warrant was materially misled by information in an affidavit that the affiant knew was false or would have known was false except for his reckless disregard of the truth;

''(B) the judicial officer provided approval of the warrant without exercising a neutral and detached review of the application for the warrant;

''(C) the warrant was based on an affidavit so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable; or

''(D) the warrant is so facially deficient that the executing officers could not reasonably presume it to be valid; or

''(2) on the constitutionality of a statute subsequently found to constitutionally invalid.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of chapter 109 of title 18, United States Code, is amended by adding at the end the following new item:

''2237. Evidence obtained by invalid means.''

H.R. 666

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 4: Strike all after the enacting clause and insert therein:

''SECTION 1.

(a) IN GENERAL.—Chapter 223 of title 18, United States Code, is amended by adding at the end the following:

''§ 3510. Reaffirmation of the Bill of Rights.

''(a) The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.''

H.R. 666

OFFERED BY: MR. REED

AMENDMENT NO. 5: Page 1, strike line 6 and all that follows through the end and inserting the following:

SEC. 2. SEARCHES AND SEIZURES PURSUANT TO AN INVALID WARRANT.

(a) IN GENERAL.—Chapter 109 of title 18, United States Code, is amended by adding at the end the following:

''§ 2237. Evidence obtained by invalid warrant

''Evidence which is obtained as a result of search or seizure shall not be excluded in a proceeding in a court of the United States on the ground that the search or seizure was in violation of the Fourth Amendment to the Constitution of the United States, if the search or seizure was carried out in reasonable reliance on a warrant issued by a detached and neutral magistrate ultimately found to be invalid, unless—

''(1) the judicial officer in issuing the warrant was materially misled by information in an affidavit that the affiant knew was false or would have known was false except for his reckless disregard of the truth;

''(2) the judicial officer provided approval of the warrant without exercising a neutral and detached review of the application for the warrant;

''(3) the warrant was based on an affidavit so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable; or

''(4) the warrant is so facially deficient that the executing officers could not reasonably presume it to be valid.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of chapter 109 of title 18, United States Code, is amended by adding at the end the following new item:

''2237. Evidence obtained by invalid warrant.''

H.R. 666

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 6: Page 2, line 13, strike all after the word ''States,'' and insert the following:

''provided that the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.''

H.R. 667

OFFERED BY: MS. SLAUGHTER

AMENDMENT NO. 1: After paragraph (2) of section 503(b) of the bill, add the following:

''(3) laws which allow the court to impose a sentence of life in prison without parole on a defendant in a criminal case who is convicted of a State offense for conduct which—

''(A) is an offense under section 2241 or 2242 of title 18, United States Code; or

''(B) would have been an offense under either of such sections if the offense had occurred in the special maritime or territorial jurisdiction of the United States;

after having previously been convicted of another State or Federal offense for conduct that was an offense described in subparagraph (A) or (B).''

H.R. 667

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 2: Page 3, line 6, strike the word ''assurances'' and insert in lieu thereof the word ''confirmation''

Page 3, line 12, strike the word ''and''

Page 3, line 15, strike the period and add '';and''

Page 3, after line 15, insert the following:

''(4) decrease the rate of violent offenses committed in the State, taking into account the population of such State, at a level at least equivalent to the lesser of the percentage increase confirmed in section (1), (2) or (3) above.''

Page 4, line 2, strike the word ''assurances'' and insert in lieu thereof the word ''confirmation''

Page 4, line 17, strike the comma and replace it with a semicolon

Page 4, after line 17, insert the following:

''(C) procedures for the collection of reliable statistical data which confirms the rate of serious violent felonies after the adoption of such truth-in-sentencing laws.''

Page 5, line 3, strike the ''—'' and insert instead ''confirms that''

Page 5, line 4, strike the word ''and''

Page 5, line 8, strike the period and insert instead ''; and (3) the rate of violent felony offenses committed in such State has decreased since such State commenced indeterminant sentencing for such offenses.''

H.R. 667

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 3: Page 12, strike lines 5–16 and insert instead the following:

''Prospective relief in a civil action with respect to prison conditions shall extend no further than necessary to remove the conditions that are causing the deprivation of Federal rights. The court shall not grant or approve any prospective relief unless the court finds that such relief is narrowly drawn and the least intrusive means to remedy the violation of the Federal right. In determining the appropriateness of the relief, the court shall give weight to any adverse impact on public safety or the operation of a criminal justice system caused by the relief.

Page 13, strike lines 1–17 and insert instead the following:

''In any civil action with respect to prison conditions, any prospective relief shall terminate upon a finding that the conditions against which prospective relief was ordered have been remedied.''

H.R. 667

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 4: Page 14, strike lines 1–11.

H.R. 667

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 5: Page 15, strike lines 8–18.

Page 15, line 19, strike the letter ''g'' and insert instead the letter ''f''

H.R. 729

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 1: Page 4, line 21, strike the period and insert the following:

''or a substantial showing that credible newly discovered evidence which, had it been presented at trial, would probably have resulted in an acquittal for the offense for which the sentence was imposed or in some sentence other than incarceration.''

Page 4, lines 21–22. Strike the entire sentence beginning with the word ''The'' and ending with ''standard.''

Page 13, line 12, delete ''and''

Page 13, line 17, delete the period and insert instead '';or''

Page 13, after line 17, add:

''the facts underlying the claim consist of credible newly discovered evidence which, had it presented to the trier of fact or sentencing authority at trial, would probably have resulted in an acquittal of the offense for which the death sentence was imposed.''