Mr. Speaker, it is perhaps not surprising that a city close to insolvency would have difficulty making its matching share to obtain Federal funds. At the same time, my colleagues know that this body has taken definitive action to permanently repair the malfunction that led to the District's financial problems. In April, you approved the establishment of the financial responsibility and management assistance authority, whose work has only recently begun.

What H.R. 2017 does in large part is not only to allow the highway funds that have already been set aside to be used, but the bill of the gentleman from Pennsylvania also does what the financial authority would have done had it not been just established to correct the problems and prevent them from arising in the future.

Mr. Speaker, this waiver does not differ substantially from waivers previously granted to 39 States, except that it poses more stringent conditions on the District than on those States. Like those States, full repayment must be made. Unlike those States, the District must make a cash repayment of its waived funds, while waivers for other jurisdictions have allowed repayment from future highway fund apportionments. Unlike those States, the District is required to establish and maintain a separate dedicated revolving fund account to maintain its matching share. The GAO, the Highway Administration, and the D.C. Financial Authority, are given specific responsibilities to see that all the requirements of this bill are carried out.

Mr. Speaker, the other difference from waivers routinely granted in other States is that the District's waivers are granted individually by the bill at the end of the fiscal year rather than as part of a group of States at the time of the reauthorization of a highway bill.

Mr. Speaker, the individual waiver to the District is more than justified by three circumstances. First, this city is totally dependent on the Congress in time of emergency because under the Constitution, the District of Columbia is not a jurisdiction of any State, but is under the exclusive jurisdiction of the Congress. Other large cities and localities experiencing difficult times would turn on their States to develop a plan like that outlined in the Chairman's bill before you.

Second, the financial condition of the District of Columbia is due in large part to the fact that it must fund State, county and municipal functions that no large city could meet on its own today. These unfunded mandates include programs that cities do not fund at all, including medicaid and prisons. The many unfunded Federal mandates financed solely by District of Columbia residents, such as Aid to Families with Dependent Children, are funded entirely by businesses and residents of a city with less than 600,000 people, with a rapidly diminishing taxpaying population.

Mr. Speaker, it is easy enough to blame the District for its predicament, but fairness requires that the Congress look at the entire picture and ask yourselves whether any large city in the United States today could have carried this heavy State, county and municipal load alone without going under.

Mr. Speaker, finally, this waiver is surely warranted because the District of Columbia is our Nation's capital. Whenever the District has sought the same democratic rights as those enjoyed by citizens of the 50 States and the four territories, our citizens have been told that we cannot have full democracy because we live in the Nation's capital. This justification does not meet the high standards of democracy we have set for ourselves and have insisted upon throughout the world. Until the District of Columbia status is satisfactorily resolved, however, Congress must assume some of the responsibility that attaches to such a weighty denial of democracy.

Mr. Speaker, this is particularly the case for roads. The streets involved are mostly gateway streets traveled far more by 20 million tourists and commuters than by District residents. To miss another construction season is to condemn your constituents as well as mine to unsafe and uncomfortable road conditions. It would be unseemly at best for Congress to force the District to forego 2 years of already apportioned general highway funds while the Congress continue its work in a city collapsing around it.

Mr. Speaker, to its credit, the full committee and subcommittee have chosen a responsible course. The Chairman's version is a risk-free bill for the Congress because repayment is guaranteed, and because the bill contains structural changes to keep the situation from arising gain.

Mr. Speaker, may I once again say that I appreciate the tremendous help we have received on this matter from Speaker GINGRICH, minority leader GEPHARDT, Chairman SHUSTER, Chairman PETRI, ranking member MINETA, ranking member RAHALL, the Regional Delegation and the Clinton administration. I ask for approval of the bill.

Mr. WOLF. Mr. Speaker, I rise in support of H.R. 2017, the District of Columbia Emergency Highway Relief Act. This legislation is of vital importance to our Nation's capital and the Washington metropolitan area and I urge Congress to approve this legislation as quickly as possible.

For the past 1½ years, the District of Columbia has not moved forward with critically important highway projects. As a result of the D.C. financial crisis, the District of Columbia has been unable to fund the matching share required before it may obligate Federal highway funds. The District of Columbia has been unable to plan and implement necessary highway projects. Now, roads and bridges in and around the District of Columbia are literally falling apart. Some roads are barely passable, and without necessary repairs, may need to be closed off to traffic.

Our Nation's capital must have a basic network of transportation which includes safe roads. Transportation is about getting to work, the grocery store, church, and recreational activities. Safe roadways are critical for ambulances, fire and rescue vehicles, and police. Finally, roadways provide access to the Nation's capital, allowing thousands of Federal employees to get to work, and serving thousands more tourists who visit annually.

H.R. 2017 offers a reasonable and necessary solution to the District of Columbia dire financial situation. This legislation will grant the District of Columbia additional time in which to pay its matching share of the highway funds. The District of Columbia would be permitted to use its portion of Federal highway funds now rather than lose these funds forever. I want to underscore an essential aspect of this legislation: The bill does not provide a forgiveness of the matching fund requirement. The District of Columbia will still be required to pay the requisite matching portion. H.R. 2017 merely allows the District of Columbia additional time in which to make this payment while allowing critical road work to go forward.

In addition, as amended by the Transportation and Infrastructure Committee, H.R. 2017 includes important provisions aimed at improving highway program oversight in the District of Columbia by requiring it to institute programmatic reforms and establish a dedicated highway fund. Finally, the District of Columbia is subject to strict enforcement procedures if the repayment requirements of this legislation are not met.

The District of Columbia simply does not have the money necessary to pay its portion of the highway funds at this time. Additional oversight and control over the D.C. financial affairs has been implemented and I am hopeful that the control board can make needed improvement in the D.C. financial position. However, since the District of Columbia cannot pay its portion of the highway funds now, it will lose $82 million in Federal highway funds unless legislation delaying payment of the District of Columbia portion is enacted.

Legislation is needed to allow for needed repairs and upgrades to the most heavily traveled roads leading to and within the District of Columbia. Timely enactment of this legislation will allow the District of Columbia to begin road work right away, during the summer construction period. I urge passage of H.R. 2017.

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

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

The SPEAKER pro tempore (Mr. COMBEST). The question is on the motion offered by the gentleman from Pennsylvania [Mr. SHUSTER] that the House suspend the rules and pass the bill, H.R. 2017, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all

Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 2099, and that I be permitted to include tables, charts, and other extraneous matter.

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

There was no objection.

LIMITING TIME FOR CONSIDERATION OF DINGELL AMENDMENT TO H.R. 2099, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that the time for consideration of the Dingell amendment to H.R. 2099 and all amendments thereto be limited to 30 minutes to be equally divided and controlled.

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

There was no objection.

PARLIAMENTARY INQUIRY

Mr. WILSON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WILSON. Mr. Speaker, is the Durbin-Wilson amendment the pending business before the House?

The SPEAKER pro tempore. It will be as soon as we are in the Committee of the Whole.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 201 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. 2099.

□ 1430

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes, with Mr. COMBEST in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Friday, July 28, 1995, pending was amendment No. 7 offered by the gentleman from Illinois [Mr. DURBIN] and title III was open for amendment at any point.

Pursuant to the order of the Committee of Thursday, July 27, 1995, the gentleman from Illinois [Mr. DURBIN] has 4½ minutes remaining in debate and the gentleman from California [Mr. LEWIS] has 1 minute remaining in debate.

□ 1431

Mr. WILSON. Mr. Chairman, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I think we have had enough debate on this matter. It is a very, very cleverly worded amendment that has a tremendous effect upon EPA, broadening its authority. I ask very strongly for a ''no'' vote of the membership.

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

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. DURBIN].

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

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

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 27, 1995, further proceedings on the amendment offered by the gentleman from Illinois [Mr. DURBIN] will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. Are there other amendments to title III?

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

Mr. Chairman, I rise with great respect for the gentleman from California [Mr. LEWIS], the chairman of the committee, to discuss a matter which I think is of importance to the House.

I have here before me a release from the Chemical Manufacturers Association in which this trade association of the businesses which pay most of the costs of the Superfund tax are complaining.

In the beginning it says, nearly three-quarters of all Americans believe that money paid to the Federal Government to clean up our hazardous waste sites should not be diverted to other Federal programs or to help pay for the Federal deficit according to a recent national public opinion survey.

It goes on to discuss whether or not a prohibition for that use exists, and it points out, more properly, that no such prohibition does exist. Then, Mr. Fred Weber, the president of the Chemical Manufacturers Association which sponsored the research, says, and I quote now, ''Almost from the very beginning, Superfund has been used by the government as a cash cow. This has to stop. Every dollar raised for Superfund should be spent on cleanups, not on other programs, and not on deficit reduction.''

That is the thing, I think, with which every Member of this body fully agrees. It certainly was the intention of the committees of the House, the Committee on Transportation and Infrastructure and the Committee on Commerce, when we adopted that legislation, that this would be a trust fund, it would be protected against being raided for such interesting programs as it has been tapped for, for other purposes.

Mr. Weber in his press release goes on to state as follows: ''Nearly $3 billion originally intended for cleaning up waste sites has been used for deficit reduction and to offset the cost of other Federal programs and administrative costs such as at the Environmental Protection Agency and at other agencies.

''For example, the Congress has used Superfund money to offset the costs of developing the Space Station,'' and he goes on to say the fact that Superfund money has been used by the government on things other than cleaning up waste sites is one of the great untold stories of the program.

It is also one of its greatest outrages, and he goes on to say a little later, ''For years the government has collected more money for Superfund than it spends. For example, in fiscal year 1994, total Superfund receipts were nearly $2.1 billion. However, the Congress appropriated only about $1.5 billion for Superfund activities. By earmarking the nearly $600 million in excess Superfund collections for deficit reduction and for use by other agencies, the Congress avoided having to cut spending to meet other budget guidelines.''

Mr. Chairman, I am telling my colleagues something which is very important. Shortly we are going to be considering an amendment which will address the question of whether we are going to have new starts under Superfund to clean up hazardous waste sites now ready. Moneys which would normally be available for that activity are not being spent here.

I would like the attention of my dear friend and my respected colleague, the gentleman from California [Mr. LEWIS], on this matter, because I am told that the moneys that are being spent for Superfund cleanups are General Fund moneys, and the Superfund moneys in the Superfund account or trust fund are not, in fact, being so spent.

In point of fact, we are going to spend a little over a billion dollars on cleanup, but we have about $1.6 billion in the trust fund. Mr. Chairman, can the gentleman from California tell me whether I am correct on that point?

Mr. LEWIS of California. Mr. Chairman, I would respond to the gentleman and say that we are taking all the authority out of Treasury.

Mr. DINGELL. Mr. Chairman, I am not talking about my amendment; I am asking a question to find out how this money is being spent. I am told that we are going to spend a billion for cleanup. We have $1.6 billion in Superfund, but we are spending General Fund moneys; is that correct?