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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. HEFLEY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 5, 1998.

I hereby designate the Honorable JOEL HEFLEY to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer: We place before You, gracious God, the emotions that stir our hearts, awaken our minds and revive our energies. As You have breathed into our souls the very breath of life, so may we gain new energy and refreshment from our prayers of praise and thanksgiving. May our communication with Your spirit, O God, give meaning and purpose to what we do, even as we use the gifts You have given in ways that honor You and serve people wherever they may live or whatever their need.

We pray a special blessing this day on our pages who have served this body with enthusiasm and dedication and who now leave for new responsibilities. May Your benediction, O God, be with them, and grant them all good gifts, now and evermore, Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nevada (Mr. GIBBONS) come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS 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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate passed a concurrent resolution of the following title, in which concurrence of the House is requested:

S. Con. Res. 102. Concurrent resolution recognizing Disabled American Veterans.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize one-minute requests at the end of legislative business today.

USER FEE ACT OF 1998

Mr. SOLOMON. Mr. Speaker, pursuant to the order of the House of June 4, 1998, I call up the bill (H.R. 3989) to provide for the enactment of user fees proposed by the President in his budget submission under section 1105(a) of title 31, United States Code, for fiscal year 1999, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The bill is considered read for amendment and the amendment made in order, pursuant to the order of the House of Thursday, June 4, 1998, is adopted.

The text of H.R. 3989, as amended, is as follows:

H.R. 3989

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''User Fee Act of 1998''.

TITLE I—FOOD AND DRUG ADMINISTRATION FEES

SEC. 101. REFERENCES IN THIS TITLE.

Whenever in this title an amendment or repeal is expressed in terms of an amendment to, a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act.

PART A—USER FEES

SEC. 111. FEES RELATED TO FOOD ADDITIVE PETITIONS.

(a) TYPES OF FEES.—Beginning in fiscal year 1999, the Secretary of Health and Human Services (referred to in this title as the ''Secretary'') shall establish, in accordance with section 121, fees to cover activities of the Food and Drug Administration in connection with—

(1) petitions for food additives submitted pursuant to section 409(b) (21 U.S.C. 438(b));

(2) notifications to the Secretary for food contact substances submitted pursuant to section 409(h) (21 U.S.C. 438(h));

(3) petitions for color additives submitted pursuant to section 721 (21 U.S.C. 379e);

(4) petitions, submitted pursuant to sections 201(s), and 701(a) (21 U.S.C. 321(s), 371(a)) and regulations thereunder, for affirmation that a substance that becomes, or may reasonably be expected to become, a component of food is generally recognized as safe; and

(5) notifications to the Secretary, submitted pursuant to sections 201(s) and 701(a) and regulations thereunder asserting that a substance that becomes, or may reasonably be expected to become, a component of food is generally recognized as safe.

The fees shall be payable at the time the petition or notification is submitted to the Secretary.

(b) FEE AMOUNTS AND AVAILABILITY.—Subject to section 121(a)(1)(A), fees for the activities specified in subsection (a) shall be set for each fiscal year at amounts that the Secretary reasonably estimates to be sufficient to generate revenues totaling $10,335,000 for each of fiscal years 1999

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
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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through 2003, and shall remain available until expended, to the extent provided in appropriations Acts, for the costs of carrying out such activities.

SEC. 112. FEES RELATED TO GENERIC DRUGS.

(a) TYPES OF FEES.—Beginning in fiscal year 1999, the Secretary shall establish, in accordance with section 121, fees to cover activities of the Food and Drug Administration in connection with applications for approval for new drugs submitted pursuant to section 505(j) (21 U.S.C. 355). The fees shall be payable at the time the application for approval is submitted to the Secretary.

(b) FEE AMOUNTS AND AVAILABILITY.—Subject to section 121(a)(1)(A), fees for the activities specified in subsection (a) shall be set for each fiscal year at amounts that the Secretary reasonably estimates to be sufficient to generate revenues totaling $12,377,000 for each of fiscal years 1999 through 2003, and shall remain available until expended, to the extent provided in appropriations Acts, for the costs of carrying out such activities.

SEC. 113. FEES RELATED TO ANIMAL DRUGS.

(a) TYPES OF FEES.—Beginning in fiscal year 1999, the Secretary shall establish, in accordance with section 121, fees to cover activities of the Food and Drug Administration in connection with—

(1) applications, including supplements, for new animal drugs submitted pursuant to section 512(b)(1) (21 U.S.C. 360b(b)(1), including application and other submissions for import tolerances, as described in section 512(a)(6) (21 U.S.C. 360b(a)(b));

(2) abbreviated applications, including supplements, for new animal drugs submitted pursuant to section 512(b)(2) (21 U.S.C. 360b(b)(2)); and

(3) applications for licenses to manufacture animal feeds bearing or containing new animal drugs, submitted pursuant to section 512(m) (21 U.S.C. 360b(m)).

The fees shall be payable at the time the application for approval is submitted to the Secretary.

(b) FEE AMOUNTS AND AVAILABILITY.—Subject to section 121(a)(1)(A), fees for the activities specified in subsection (a) shall be set for each fiscal year at amounts that the Secretary reasonably estimates to be sufficient to generate revenues totaling $10,100,000 for each of fiscal years 1999 through 2003, and shall remain available until expended, to the extent provided in appropriations Acts, for the costs of carrying out such activities.

SEC. 114. FEES RELATED TO MEDICAL DEVICES.

(a) TYPES OF FEES.—Beginning in fiscal year 1999, the Secretary shall establish, in accordance with section 121, fees to cover activities of the Food and Drug Administration in connection with applications for—

(1) premarket approval of devices (including proposed product development protocols) submitted under section 515 (21 U.S.C. 360e);

(2) supplements to approved premarket approval applications for which clinical data are required;

(3) supplements to approved premarket approval applications for which clinical data are not required; and

(4) device premarket notification submissions under section 510(k) (21 U.S.C. 360(k)).

The fees shall be payable at the time the application is submitted to the Secretary.

(b) FEE AMOUNTS.—The fees required under subsection (a) shall be as follows:

(1) $175,000 for applications described in subsection (a)(1).

(2) $100,000 for supplements described in subsection (a)(2).

(3) $6,000 for supplements described in subsection (a)(3).

(4) $4,500 for submissions described in subsection (a)(4).

(c) FEE AMOUNTS AND AVAILABILITY.—Subject to section 121(a)(1)(A), fees for the activities specified in subsection (a) shall be set each fiscal year in accordance with section 121 to amounts that the Secretary reasonably estimates to be sufficient to generate revenues totaling $25,000,000 for each of fiscal years 1999 through 2003, and shall remain available until expended, to the extent provided in appropriations Acts, for the costs of carrying out such activities.

SEC. 115. FEES RELATED TO IMPORT INSPECTIONS AND EXPORT CERTIFICATES.

(a) TYPES OF FEES.—Beginning in fiscal year 1999, the Secretary shall establish, in accordance with section 121, fees to cover activities of the Food and Drug Administration in connection with the review of imported human and animal drugs, medical devices, and food subject to regulation under the Federal Food, Drug, and Cosmetic Act (including activities relating to admission or detention of, refusal of entry to, and the issuance of export certificates for such items). The fees shall be payable at the time of each import entry or request for export certificates for shipment of the item.

(b) FEE AMOUNTS AND AVAILABILITY.—Subject to section 121(a)(1)(A), fees for the activities specified in subsection (a) shall be set for each fiscal year at amounts that the Secretary reasonably estimates to be sufficient to generate revenues totaling $12,000,000 for each of fiscal years 1999 through 2003, and shall remain available until expended, to the extent provided in appropriations Acts, for the costs of carrying out such activities.

(c) COLLECTIONS.—The fees authorized by this section shall be collected on behalf of the Secretary by the United States Customs Service.

SEC. 116. FEES RELATED TO ENTITIES UNDER FDA'S OVERSIGHT.

(a) TYPES OF FEES.—Beginning in fiscal year 1999, the Secretary shall establish, in accordance with section 121, fees to cover activities of the Food and Drug Administration in connection with regulatory activities with respect to regulated products approved for marketing. The Secretary shall assess fees for monitoring establishments that are subject to regulation (including inspections conducted pursuant to section 704 (21 U.S.C. 374), and other regulatory activities), as follows:

(1) FOOD ESTABLISHMENTS.—An establishment subject to inspection under section 704 (21 U.S.C. 374) because it manufactures, processes, packs, or holds food for (or after) shipment in interstate commerce, is subject to assessment of annual fees under this section. The Secretary may impose an annual registration requirement on such an establishment to facilitate assessment and collection of the fees.

(2) DRUG AND DEVICE ESTABLISHMENTS.—An establishment subject to the annual registration requirement under section 510 (21 U.S.C. 360) (with respect to products other than those for which such an establishment is subject to section 736 (21 U.S.C. 379h) is subject to assessment of annual fees under this section at the time of registration.

(3) COSMETIC ESTABLISHMENTS.—An establishment subject to inspection under section 704 (21 U.S.C. 374) because it manufactures, processes, packs, or holds cosmetics for (or after) shipment in interstate commerce is subject to assessment of annual fees under this section. The Secretary may impose an annual registration requirement on such an establishment to facilitate assessment and collection of the fees.

This section does not affect any other statutory or regulatory requirements imposed on these entities.

(b) FEE AMOUNTS AND AVAILABILITY.—Subject to section 121(a)(1)(A), fees for the activities specified in subsection (a) shall be set for each fiscal year at amounts that the Secretary reasonably estimates to be sufficient to generate revenues totaling $57,905,000 for each of fiscal years 1999 through 2003, and shall remain available until expended, to the extent provided in appropriations Acts, for the costs of carrying out such activities.

PART B—GENERAL PROVISIONS

SEC. 121. GENERAL PROVISIONS RELATED TO USER FEES.

(a) ASSESSMENT OF FEES.—

(1) FEE AMOUNTS.—

(A) COLLECTIONS SUBJECT TO APPROPRIATIONS.—The fees authorized by this Act shall be collected in each fiscal year as provided in appropriation Acts for such fiscal year.

(B) RELATION TO COSTS.—Fees assessed and collected under part A shall not exceed amounts which the Secretary estimates to be sufficient to cover costs of the Food and Drug Administration associated with the activities for which the fees are collected (including costs of assessments and collection of the fees).

(C) VARIATION FACTORS.—The amount of fees established may vary to reflect the cost of those activities with respect to different entities or groups of entities, including the type and size of entity, volume of business, and other factors the Secretary may find appropriate.

(2) FEE DETERMINATION AND PUBLICATION.—The Secretary shall annually establish fee amounts under part A, and shall publish schedules of such fees in the Federal Register as an interim final rule. The establishment and publication of such fees shall be solely in the discretion of the Secretary and shall not be subject to the requirements of sections 553 and 801 of title 5 of the United States Code and shall not be reviewable.

(3) REDUCTION OR WAIVER OF FEES.—The Secretary may provide for reduction or waiver of the fees under part A in exceptional circumstances in the public interest.

(b) CREDITING AND AVAILABILITY OF FEES.—

(1) IN GENERAL.—Fees collected pursuant to part A shall be credited to a special fund in the Treasury for user fees collected by the Food and Drug Administration. The fees shall be available in the amounts specified in appropriations Acts, for salaries and expenses necessary to carry out the responsibilities of the Food and Drug Administration in connection with the activities for which such fees were collected, including the conduct of scientific research, development of methods of analysis, purchase of chemicals, fixtures, furniture, and scientific equipment and apparatus, development and acquisition of information technology and information management systems, acquisition, maintenance, and repair of real property, and expenses of advisory committees.

(2) FEES AVAILABLE ONLY FOR THE CATEGORY OF ACTIVITY FOR WHICH ASSESSED.—Fees collected for each category of activities specified in part A shall be separately accounted for, and shall be used only to finance the costs related to carrying out responsibilities in connection with the same category of activities for which the fees were collected.

(c) COLLECTION OF UNPAID FEES.—If the Secretary does not receive payment of a fee assessed under subsection (a) within 30 days after it is due, that fee shall be treated as a claim of the United States Government subject to the provisions of subchapter II of chapter 37 of title 31 of the United States Code.

SEC. 122. AGENCY PLAN AND ANNUAL REPORTING REQUIREMENTS.

The agency plan for the Food and Drug Administration required under section 903(f) (21

U.S.C. 393(f)) shall include objectives with respect to the assessment, collection, and use of the fees authorized under part A, and the annual report required by section 903(g) (21 U.S.C. (g)) shall describe the performance of the Secretary with respect to such objectives.

TITLE II—MEDICARE ADMINISTRATIVE FEES

SEC. 201. COLLECTION OF FEES FROM MEDICARE+CHOICE ORGANIZATIONS FOR CONTRACT INITIATION AND RENEWAL.

Section 1857 of the Social Security Act (42 U.S.C. 1395w–27) is amended by adding after subsection (h) the following new subsection:

''(i) FEES FOR CONTRACT ISSUANCE AND RENEWAL AND ONGOING MONITORING.—

''(1) AUTHORITY TO IMPOSE FEES.—The Secretary shall impose, to the extent provided in appropriation Acts—

''(A) fees for initial Medicare+Choice contracts under this part; and

''(B) annual fees for renewal of such contracts and monitoring of the ongoing operations of Medicare+Choice organizations.

''(2) ASSESSMENT OF FEES.—

''(A) TYPES OF FEES.—

''(i) INITIATION FEES.—Fee amounts assessed against a member of a class of organizations pursuant to paragraph (1)(A) shall not exceed the Secretary's reasonable estimate of the average cost of initiating a Medicare+Choice contract for an organization in such class.

''(ii) RENEWAL AND MONITORING FEES.—Fee amounts assessed pursuant to paragraph (1)(B) against members of a class of organizations shall not exceed the amount which the Secretary reasonably estimates will generate total revenues sufficient to cover total annual costs for renewing contracts and performing ongoing monitoring with respect to such class.

''(B) FEE DETERMINATION AND PUBLICATION.—

''(i) IN GENERAL.—The Secretary shall annually establish fee amounts under this subsection, and shall annually publish schedules of such fees in the Federal Register. The establishment and publication of such fees shall be solely in the discretion of the Secretary and shall not be subject to the requirements of sections 553 and 801 of title 5, United States Code, and shall not be reviewable. Previously published fee schedules shall remain in effect until new schedules are effective.

''(ii) REDUCTION OR WAIVER OF FEES.—The Secretary may provide for reduction or waiver of the fees under this subsection in exceptional circumstances in the public interest.

''(3) COLLECTION AND CREDITING OF FEES.—

''(A) INITIAL FEES.—Fees assessed against an organization pursuant to paragraph (1)(A) shall be payable upon submission of the application to participate in the program under this title as a Medicare+Choice organization (and shall apply whether or not the Secretary approves such application) and shall be credited to the Health Care Financing Administration Program Management Account.

''(B) RENEWAL AND MONITORING FEES.—Fees assessed against an organization pursuant to paragraph (1)(B) shall be payable annually and may be deducted from amounts otherwise payable from a Trust Fund under this title to such organization. Such fees shall be credited to the Health Care Financing Administration Program Management Account.

''(C) OFFSET.—Any amount of fees collected in a fiscal year under this subsection that exceeds the amount of such fees available for expenditure in such fiscal year, as specified in appropriation Acts, shall be credited to the Health Care Financing Administration Program Management Account, and shall be available for obligation in subsequent fiscal years to the extent provided in subsequent appropriations Acts.

''(4) AVAILABILITY OF FEES.—Fees collected pursuant to this subsection shall remain available until expended, in the amounts provided in appropriation Acts, for the costs of the activities for which they were assessed.''.

SEC. 202. FEES FOR SURVEY AND CERTIFICATION.

Section 1864(e) of the Social Security Act (42 U.S.C. 1395aa(e)) is amended to read as follows:

''(e) FEES FOR CONDUCTING CERTIFICATION SURVEYS.—

''(1) AUTHORITY TO IMPOSE FEES.—Except as provided in paragraph (6), to the extent provided in appropriation Acts, the Secretary shall impose, or require States as a condition of agreements under this section to impose—

''(A) fees for surveys for the purpose of making initial determinations as to whether entities meet requirements under this title; and

''(B) annual fees to cover the costs of periodic surveys to determine whether entities participating in the program under this title continue to meet such requirements.

''(2) ASSESSMENT OF FEES.—

''(A) TYPES OF FEES.—

''(i) FEES FOR INITIAL SURVEYS.—Fee amounts assessed pursuant to paragraph (1)(A) against an entity in a class and State shall not exceed the estimated average cost of an initial survey and determination for an entity in such class and State.

''(ii) FEES FOR RECERTIFICATION SURVEYS.—

''(I) IN GENERAL.—Fee amounts assessed pursuant to paragraph (1)(B) against entities in a class in a State shall not exceed the amount which the Secretary reasonably estimates will generate total revenues sufficient to cover the applicable percentage specified in subclause (II) of total annual costs for such surveys and determinations with respect to such class and State.

''(II) APPLICABLE PERCENTAGES.—For purposes of subclause (I), the applicable percentage specified in this subclause is—

''(aa) 33 percent for fiscal year 1999;

''(bb) 66 percent for fiscal year 2000; and

''(cc) 100 percent for fiscal year 2001 and each succeeding fiscal year.

''(B) FEE DETERMINATION AND PUBLICATION.—

''(i) IN GENERAL.—The Secretary shall annually establish fee amounts under this subsection, and shall annually publish schedules of such fees in the Federal Register. The establishment and publication of such fees shall be solely in the discretion of the Secretary and shall not be subject to the requirements of sections 553 and 801 of title 5, United States Code, and shall not be reviewable. Previously published fee schedules shall remain in effect until new schedules are effective.

''(ii) REDUCTION OR WAIVER OF FEES.—The Secretary may provide for reduction or waiver of the fees under this subsection in exceptional circumstances in the public interest.

''(3) COLLECTION AND CREDITING OF FEES.—

''(A) FEES FOR INITIAL SURVEYS.—

''(i) COLLECTION OF FEES.—Fees assessed against an entity in a State pursuant to paragraph (1)(A) shall be payable at the time of the initial survey to the Secretary (or, in the case of surveys performed by a State agency, to such agency).

''(ii) REMITTANCE OF FEE AMOUNT TO SECRETARY WHERE STATE COLLECTS FEES.—In the event a State agency collects a fee pursuant to clause (i), such agency shall remit to the Secretary an amount equal to the Secretary's share of the cost of the activities described in paragraph (1)(A).

''(iii) CREDITING OF FEES.—Fees paid to the Secretary pursuant to clause (i) or remitted to the Secretary pursuant to clause (ii) shall be credited to the Health Care Financing Administration Program Management Account.

''(B) FEES FOR RECERTIFICATION SURVEYS.—

''(i) COLLECTION OF FEES.—Fees assessed against an entity pursuant to paragraph (1)(B) shall be payable annually and may be deducted from amounts otherwise payable from a Trust Fund under this title to such entity.

''(ii) REIMBURSEMENT OF STATE AGENCY COSTS.—Of amounts collected pursuant to clause (i), an amount equal to the State's share of the cost of activities described in paragraph (1)(B) shall be transferred to the appropriate State agency.

''(iii) REIMBURSEMENT OF SECRETARY'S COSTS.—The balance of the amount collected pursuant to clause (i) that is not paid to a State agency pursuant to clause (ii) shall be credited to the Health Care Financing Administration Program Management Account.

''(C) OFFSET.—Any amount of fees collected in a fiscal year under this subsection that exceeds the amount of such fees available for expenditure in such fiscal year, as specified in appropriation Acts, shall be credited to the Health Care Financing Administration Program Management Account, and shall be available for obligation in subsequent fiscal years to the extent provided in subsequent appropriations Acts.

''(4) AVAILABILITY OF FEES.—Fees collected pursuant to this subsection shall remain available until expended, in the amounts provided in appropriation Acts, for necessary expenses related to the purposes for which the fees were assessed.

''(5) TREATMENT OF FEES FOR PURPOSES OF COST REPORTS.—An entity may not include a fee assessed pursuant to this subsection as an allowable item on a cost report under this title or title XIX.

''(6) CERTAIN ENTITIES NOT SUBJECT TO FEE.—The Secretary shall not impose fees under this subsection against entities subject to the requirements of the Clinical Laboratory Improvement Amendments of 1988.''.

SEC. 203. FEES FOR REGISTRATION OF INDIVIDUALS AND ENTITIES PROVIDING HEALTH CARE ITEMS OR SERVICES UNDER MEDICARE.

Section 1866 of the Social Security Act (42 U.S.C. 1395cc) is amended—

(1) in the heading, by adding ''AND REGISTRATION OF OTHER PERSONS FURNISHING SERVICES'' after ''PROVIDERS OF SERVICES''; and

(2) by adding at the end the following new subsection:

''(j) REGISTRATION PROCEDURES AND FEES.—

''(1) REGISTRATION.—The Secretary shall establish a procedure for initial registration and periodic renewal of registration of individuals and entities that furnish items or services for which payment may be made under this title and that are not otherwise subject to provisions of this title providing for such procedures.

''(2) FEES.—

''(A) AUTHORITY TO IMPOSE FEES.—The Secretary shall impose, to the extent provided in appropriation Acts—

''(i) fees for initial agreements with providers of services and initial registrations of other entities and individuals that furnish items or services for which payment may be made under this title, and

''(ii) annual fees to cover the costs of renewals of agreements and registrations of such individuals and entities.

''(B) ASSESSMENT OF FEES.—

''(i) TYPES OF FEES.—

''(I) INITIAL FEES.—Fee amounts assessed pursuant to subparagraph (A)(i) against a member of a class of individuals or entities

shall not exceed the Secretary's reasonable estimate of the average cost of initiating an agreement or performing an initial registration for an individual or entity in such class.

''(II) RENEWAL FEES.—Fee amounts assessed pursuant to subparagraph (A)(ii) against members of a class of individuals or entities shall not exceed the amount which the Secretary reasonably estimates will generate total revenues sufficient to cover total annual costs of performing such renewals with respect to such class.

''(ii) FEE DETERMINATION AND PUBLICATION.—

''(I) IN GENERAL.—The Secretary shall annually establish fee amounts under this paragraph, and shall annually publish schedules of such fees in the Federal Register. The establishment and publication of such fees shall be solely in the discretion of the Secretary and shall not be subject to the requirements of sections 553 and 801 of title 5, United States Code, and shall not be reviewable. Previously published fee schedules shall remain in effect until new schedules are effective.

''(II) REDUCTION OR WAIVER OF FEES.—The Secretary may provide for reduction or waiver of the fees under this paragraph in exceptional circumstances in the public interest.

''(C) COLLECTION AND CREDITING OF FEES.—

''(i) INITIAL FEES.—Fees assessed pursuant to subparagraph (A)(i) against an individual or entity shall be payable upon application for billing privileges under the program under this title (and shall apply whether or not the Secretary approves such application) and shall be credited to the Health Care Financing Administration Program Management Account.

''(ii) RENEWAL FEES.—Fees assessed pursuant to subparagraph (A)(ii) against an individual or entity shall be payable annually and may be deducted from amounts otherwise payable from a Trust Fund under this title to such individual or entity. Such fees shall be credited to the Health Care Financing Administration Program Management Account.

''(iii) OFFSET.—Any amount of fees collected in a fiscal year under this paragraph that exceeds the amount of such fees available for expenditure in such fiscal year, as specified in appropriation Acts, shall be credited to the Health Care Financing Administration Program Management Account, and shall be available for obligation in subsequent fiscal years to the extent provided in subsequent appropriations Acts.

''(D) AVAILABILITY OF FEES.—Fees collected pursuant to this paragraph shall remain available until expended, in the amounts provided in appropriation Acts, for necessary expenses related to initiating and renewing such agreements and registrations, including costs of—

''(i) establishing and maintaining procedures and records systems;

''(ii) processing applications;

''(iii) background investigations;

''(iv) renewal of billing privileges; and

''(v) reverification of eligibility.

''(E) TREATMENT OF FEES FOR PURPOSES OF COST REPORTS.—An entity may not include a fee assessed pursuant to this paragraph as an allowable item on a cost report under this title or title XIX.''.

SEC. 204. FEES TO COVER THE COST OF MEDICARE DESK REVIEW, AUDIT, AND COST SETTLEMENT ACTIVITIES.

Section 1893 of the Social Security Act (42 U.S.C. 1395ddd) is amended by adding at the end the following new subsection:

''(f) FEES FOR REVIEW, AUDIT, AND COST SETTLEMENT ACTIVITIES.—

''(1) AUTHORITY TO IMPOSE FEES.—The Secretary shall impose fees on providers of services and other entities furnishing items or services for which payment may be made under this title for performance of review, audit, and cost settlement activities in connection with the audit of cost reports under subsection (b)(2).

''(2) ASSESSMENT OF FEES.—

''(A) IN GENERAL.—Fee amounts assessed pursuant to paragraph (1) against members of a class of entities shall not exceed the amount which the Secretary reasonably estimates will generate total revenues sufficient to cover total annual costs for performing such activities with respect to such class.

''(B) FEE DETERMINATION AND PUBLICATION.—

''(i) IN GENERAL.—The Secretary shall annually establish fee amounts under this subsection, and shall annually publish schedules of such fees in the Federal Register. The establishment and publication of such fees shall be solely in the discretion of the Secretary and shall not be subject to the requirements of sections 553 and 801 of title 5, United States Code, and shall not be reviewable. Previously published fee schedules shall remain in effect until new schedules are effective.

''(ii) REDUCTION OR WAIVER OF FEES.—The Secretary may provide for reduction or waiver of the fees under this subsection in exceptional circumstances in the public interest.

''(3) COLLECTION, CREDITING, AND AVAILABILITY OF FEES.—Fees assessed pursuant to paragraph (1) against an entity shall be payable annually and may be deducted from amounts otherwise payable from a Trust Fund under this title to such entity. Such fees shall be credited to the Health Care Fraud and Abuse Control Account. Fees collected pursuant to this subsection shall remain available until expended, for necessary expenses for the purposes for which the fees were assessed.

''(4) TREATMENT OF FEES FOR PURPOSES OF COST REPORTS.—An entity may not include a fee assessed pursuant to this subsection as an allowable item on a cost report under this title or title XIX.''.

SEC. 205. FEES FOR PROCESSING CLAIMS.

(a) IN GENERAL.—Part D of title XVIII of the Social Security Act is amended by adding at the end the following new section:

''SEC. 1897. FEES FOR PROCESSING CLAIMS.

''(a) AUTHORITY TO IMPOSE FEES.—

''(1) IN GENERAL.—Subject to subsection (b), each claim described in paragraph (2) submitted by an individual or entity furnishing items or services for which payment may be made under this title is subject to a processing fee of $1.00.

''(2) CLAIMS SUBJECT TO FEE.—A claim is subject to the fee specified in paragraph (1) if it—

''(A) duplicates, in whole or in part, another claim submitted by the same individual or entity;

''(B) is a claim that cannot be processed and must, in accordance with the Secretary's instructions, be returned by the fiscal intermediary or carrier to the individual or entity for completion; or

''(C) is not submitted electronically by an individual or entity or the authorized billing agent of such individual or entity.

''(b) COLLECTION, CREDITING, AND AVAILABILITY OF FEES.—

''(1) APPROPRIATIONS REQUIRED.—Fees shall be collected and expended under this section to the extent provided in appropriation Acts.

''(2) DEDUCTION FROM TRUST FUND.—The Secretary shall deduct any fees assessed pursuant to subsection (a) against an individual or entity from amounts otherwise payable from a Trust Fund under this title to such individual or entity, and shall transfer the amount so deducted from such Trust Fund to the Health Care Financing Administration Program Management Account.

''(3) OFFSET.—Any amount of fees collected in a fiscal year under this section that exceeds the amount of such fees available for expenditure in such fiscal year, as specified in appropriation Acts, shall be credited to the Health Care Financing Administration Program Management Account, and shall be available for obligation in subsequent fiscal years to the extent provided in subsequent appropriations Acts.

''(4) AVAILABILITY.—Fees collected pursuant to this section shall remain available until expended for the costs of the activities for which they were assessed.

''(c) WAIVER OF CERTAIN FEES.—The Secretary may provide for waiver of fees for claims described in subsection (a)(2)(C) in cases of such compelling circumstances as the Secretary may determine.

''(d) TREATMENT OF FEES FOR PURPOSES OF COST REPORTS.—An entity may not include a fee assessed pursuant to this section as an allowable item on a cost report under this title or title XIX.''.

(b) CONFORMING AMENDMENT.—Section 1842(c)(4) of such Act (42 U.S.C. 1395u(c)(4)) is amended by striking ''Neither a carrier'' and inserting ''Except as provided in section 1897, neither a carrier''.

SEC. 206. SECRETARY'S AUTHORITY TO ISSUE INTERIM FINAL REGULATIONS.

The Secretary of Health and Human Services is authorized to issue any regulations needed to implement the amendments made by this title as interim final regulations.

TITLE III—MISCELLANEOUS USER FEES

SEC. 301. AUTHORITY OF SECRETARY OF AGRICULTURE TO IMPOSE USER FEES FOR CERTAIN SERVICES PROVIDED BY DEPARTMENT OF AGRICULTURE AGENCIES.

The Department of Agriculture Reorganization Act of 1994 is amended by inserting after section 219 (7 U.S.C. 6919) the following new section:

''SEC. 220. USER FEES FOR CERTAIN SERVICES PROVIDED BY DEPARTMENT AGENCIES, OFFICES, OFFICERS, AND EMPLOYEES.

''(a) USER FEES AUTHORIZED.—Notwithstanding any other provision of law, the Secretary may prescribe and collect fees sufficient to cover all or some portion of the cost to the Department, including administrative costs, of providing services under the laws specified in subsection (b).

''(b) COVERED LAWS.—Subsection (a) applies to the following laws, notwithstanding any provision prohibiting the imposition of user fees in any such law:

''(1) Laws administered by the Animal and Plant Inspection Service (or any successor agency), including the following specific services:

''(A) Biotechnology testing services under the Federal Plant Pest Act (7 U.S.C. 150aa et seq.).

''(B) Biotechnology testing services under the Act of August 20, 1912 (commonly known as the Plant Quarantine Act; 7 U.S.C. 151 et seq.).

''(C) Animal welfare licensing services under the Animal Welfare Act (7 U.S.C. 2131 et seq).

''(D) Veterinary biologics services under the Act of March 4, 1913 (commonly known as the Virus-Serum-Toxin Act; 21 U.S.C. 151 et seq.).

''(E) Services under the Swine Health Protection Act (7 U.S.C. 3801 et seq.).

''(2) Laws administered by the Grain Inspection, Packers and Stockyards Administration (or any successor agency), including the following:

''(A) The Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.).

''(B) The United States Grain Standards Act (7 U.S.C. 71 et seq.).

''(3) Laws administered by the Food Safety and Inspection Service (or any successor agency), including the following:

''(A) The Federal Meat Inspection Act (21 U.S.C. 601 et seq.).

''(B) The Poultry Products Inspection Act (21 U.S.C. 451 et seq.).

''(C) The Egg Products Inspection Act (21 U.S.C. 1031 et seq.).

''(4) Laws administered by the Natural Resources Conservation Service (or any successor agency), including authorities regarding the provision of technical assistance and products for natural resource conservation.

''(5) Laws administered by the Farm Service Agency (or any successor agency), including the authorities regarding the provision of information obtained from information collections from persons participating in the programs administered by the Agency.

''(c) EXCEPTIONS.—Subsection (b) does not include any law or service for which a user fee is specifically required or authorized under another provision of law.

''(d) LATE PAYMENT PENALTIES.—If a person subject to a fee under this section fails to pay the fee when due, the Secretary may assess a late payment penalty, and the overdue fees shall accrue interest, as required by section 3717 of title 31, United States Code.

''(e) TREATMENT OF FEES.—Fees and other amounts collected under this section shall be credited to the Department accounts that incur the costs associated with the provision of the services for which the fees are imposed. Funds so credited shall be merged with the appropriations to which credited and shall be available to the Secretary without fiscal year limitation for the same purposes as the appropriations with which merged.''.

SEC. 302. NOAA NAVIGATION ASSISTANCE FEES.

(a) ESTABLISHMENT AND COLLECTION.—

(1) IN GENERAL.—For fiscal year 1999 and each fiscal year thereafter, the Secretary of Commerce, in consultation with the Secretary of Transportation, shall establish, assess, and collect under section 9701 of title 31, United States Code, fees for the provision of navigation assistance services.

(2) FEE SCHEDULE.—The Secretary shall implement fees under this section by establishment of a schedule for such fees. The Secretary shall publish an interim final rule containing an initial fee schedule not later than 150 days after the date of the enactment of this Act.

(b) CREDITING OF FEES.—Fees collected under this section shall be credited as offsetting collections of the Department of Commerce.

(c) AVAILABILITY.—

(1) IN GENERAL.—Of amounts of offsetting collections credited for fees under this section—

(A) not to exceed $2,500,000 shall be available to the Secretary of Commerce for fiscal year 1999 for expenses of providing services for which the fees are collected; and

(B) amounts in excess of $2,500,000 shall be available to the Secretary of Commerce for fiscal years after fiscal year 1999 for expenses of providing those services.

(2) AVAILABLE UNTIL EXPENDED.—Amounts available under this section shall remain available until expended.

SEC. 303. FISHERIES MANAGEMENT AND ENFORCEMENT FEES.

(a) ESTABLISHMENT AND COLLECTION.—

(1) IN GENERAL.—For fiscal year 1999 and each fiscal year thereafter, the Secretary of Commerce shall establish, assess, and collect under section 9701 of title 31, United States Code, fees for the provision of fisheries management and enforcement services.

(2) MANNER OF COLLECTION.—The Secretary may prescribe the manner in which such fees are collected.

(b) MAXIMUM AMOUNT.—The maximum amount of any fee under this section may not exceed one percent of the ex-vessel value of harvested fish with respect to which the fee is collected.

(c) CREDITING OF FEES.—Fees collected under this section shall be credited as offsetting collections of the Department of Commerce.

(d) AVAILABILITY.—

(1) IN GENERAL.—Of amounts of offsetting collections credited for fees under this section—

(A) not to exceed $19,781,000 shall be available to the Secretary of Commerce for fiscal year 1999 for expenses of providing services for which the fees are collected; and

(B) amounts in excess of $19,781,000 shall be available to the Secretary of Commerce for fiscal years after fiscal year 1999 for expenses of providing those services.

(2) AVAILABLE UNTIL EXPENDED.—Amounts available under this section shall remain available until expended.

SEC. 304. LEVEL OF FEES FOR PATENT SERVICES.

(a) GENERAL PATENT FEES.—Section 41 of title 35, United States Code, is amended by striking subsection (a) and inserting the following:

''(a) The Commissioner shall charge the following fees:

''(1)(A) On filing each application for an original patent, except in design or plant cases, $790.

''(B) In addition, on filing or on presentation at any other time, $82 for each claim in independent form which is in excess of 3, $22 for each claim (whether independent or dependent) which is in excess of 20, and $270 for each application containing a multiple dependent claim.

''(C) On filing each provisional application for an original patent, $150.

''(2) For issuing each original or reissue patent, except in design or plant cases, $1,320.

''(3) In design and plant cases—

''(A) on filing each design application, $330;

''(B) on filing each plant application, $540;

''(C) on issuing each design patent, $450; and

''(D) on issuing each plant patent, $670.

''(4)(A) On filing each application for the reissue of a patent, $790.

''(B) In addition, on filing or on presentation at any other time, $82 for each claim in independent form which is in excess of the number of independent claims of the original patent, and $22 for each claim (whether independent or dependent) which is in excess of 20 and also in excess of the number of claims of the original patent.

''(5) On filing each disclaimer, $110.

''(6)(A) On filing an appeal from the examiner to the Board of Patent Appeals and Interferences, $310.

''(B) In addition, on filing a brief in support of the appeal, $310, and on requesting an oral hearing in the appeal before the Board of Patent Appeals and Interferences, $270.

''(7) On filing each petition for the revival of an unintentionally abandoned application for a patent or for the unintentionally delayed payment of the fee for issuing each patent, $1,320, unless the petition is filed under section 133 or 151 of this title, in which case the fee shall be $110.

''(8) For petitions for 1-month extensions of time to take actions required by the Commissioner in an application—

''(A) on filing a first petition, $110;

''(B) on filing a second petition, $290; and

''(C) on filing a third petition or subsequent petition, $550.

''(9) Basic national fee for an international application where the Patent and Trademark Office was the International Preliminary Examining Authority and the International Searching Authority, $720.

''(10) Basic national fee for an international application where the Patent and Trademark Office was the International Searching Authority but not the International Preliminary Examining Authority, $790.

''(11) Basic national fee for an international application where the Patent and Trademark Office was neither the International Searching Authority nor the International Preliminary Examining Authority, $1,070.

''(12) Basic national fee for an international application where the international preliminary examination fee has been paid to the Patent and Trademark Office, and the international preliminary examination report states that the provisions of Article 33 (2), (3), and (4) of the Patent Cooperation Treaty have been satisfied for all claims in the application entering the national stage, $98.

''(13) For filing or later presentation of each independent claim in the national stage of an international application in excess of 3, $82.

''(14) For filing or later presentation of each claim (whether independent or dependent) in a national stage of an international application in excess of 20, $22.

''(15) For each national stage of an international application containing a multiple dependent claim, $270.

For the purpose of computing fees, a multiple dependent claim referred to in section 112 of this title or any claim depending therefrom shall be considered as separate dependent claims in accordance with the number of claims to which reference is made. Errors in payment of the additional fees may be rectified in accordance with regulations of the Commissioner.''.

(b) PATENT MAINTENANCE FEES.—Section 41 of title 35, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) The Commissioner shall charge the following fees for maintaining in force all patents based on applications filed on or after December 12, 1980:

''(1) 3 years and 6 months after grant, $1,050.

''(2) 7 years and 6 months after grant, $2,100.

''(3) 11 years and 6 months after grant, $3,160.

Unless payment of the applicable maintenance fee is received in the Patent and Trademark Office on or before the date the fee is due or within a grace period of 6 months thereafter, the patent will expire as of the end of such grace period. The Commissioner may require the payment of a surcharge as a condition of accepting within such 6-month grace period the payment of an applicable maintenance fee. No fee may be established for maintaining a design or plant patent in force.''.

(b) AUTHORIZATION OF COLLECTION AND EXPENDITURE.—Section 42(c) of title 35, United States Code, is amended by striking the first sentence and inserting the following: ''To the extent and in the amounts provided in advance in appropriations Acts, fees authorized in this title or any other Act to be charged or established by the Commissioner shall be collected by and shall be available to the Commissioner to carry out the activities of the Patent and Trademark Office.''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 1998.

SEC. 305. EXPORT PROMOTION FEES.

There is authorized to be appropriated to the International Trade Administration of

the Department of Commerce $292,452,000, to remain available until expended, of which $6,000,000 shall be derived from fees to be collected and used, to the extent provided in appropriation Acts, by the International Trade Administration for the provision of export promotion services, notwithstanding section 3302 of title 31, United States Code. Any such fees received in excess of $6,000,000 in fiscal year 1999 shall remain available until expended, but shall not be made available until October 1, 1999.

SEC. 306. HARDROCK LOCATION AND MAINTENANCE FEES.

Title X of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66) is amended as follows:

(1) Section 10101(a) (30 U.S.C. 28f(a)) is amended by striking the first sentence and inserting ''The holder of each unpatented mining claim, mill or tunnel site, located pursuant to the mining laws of the United States, whether located before or after October 1, 1998, shall pay to the Secretary of the Interior, on or before September 1 of each year, for year 1999 and subsequent years, a claim maintenance fee of $116 per claim or site.''.

(2) Section 10102 (30 U.S.C. 28g) is amended by striking ''and before September 30, 1998,'' and striking ''$25.00'' and inserting ''$28''.

(3) Section 10105 (30 U.S.C. 28j) is amended by adding the following new subsection at the end:

''(d) AVAILABILITY OF FEES.—Fees collected under sections 10101 and 10102 (30 U.S.C. 28f and 28g) shall be available without further appropriation for Mining Law Administration program operations in the year following their collection.''.

SEC. 307. IMPOSITION AND USE OF DEPARTMENT OF LABOR EMPLOYER FILING FEES UNDER THE IMMIGRATION AND NATIONALITY ACT.

Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by adding at the end the following:

''(s) DEPARTMENT OF LABOR FEES FOR EMPLOYER-RELATED FILINGS.—

''(1) Beginning in fiscal year 2000, the Secretary of Labor shall impose a fee on each person filing with the Secretary an application for a labor certification, an employer attestation, or any similar petition or application, in order to meet a requirement or condition of a program under this title or title I relating to the provision to an alien of an immigrant, or nonimmigrant, employment-based status. The fee with respect a filing under a program shall be in an amount prescribed by the Secretary based on the costs of carrying out the Secretary's duties (including enforcement-related functions) with respect to the program.

''(2) Fees collected under this subsection shall be deposited as an offsetting collection in a fund established for this purpose in the Treasury of the United States.

''(3) No amount shall be collected or obligated for any fiscal year under this subsection, except to the extent provided in appropriations Acts.

''(4) The fees in the fund collected with respect to a program shall remain available until expended to the Secretary, to the extent and in such amounts as may be provided in appropriations Acts, to cover the costs described in paragraph (1) with respect to the program, in addition to any other funds that are available to the Secretary to cover such costs.''.

SEC. 308. COAST GUARD NAVIGATION ASSISTANCE FEES.

(a) ESTABLISHMENT AND COLLECTION.—

(1) IN GENERAL.—For fiscal year 1999 and each fiscal year thereafter, the Secretary of Transportation shall establish, assess, and collect under section 9701 of title 31, United States Code, fees for the provision of navigation assistance services.

(2) FEE SCHEDULE.—The Secretary shall implement fees under this section by establishment of a schedule for such fees. The Secretary shall publish an interim final rule containing an initial fee schedule not later than 150 days after the date of the enactment of this Act.

(b) CREDITING OF FEES.—Fees collected under this section shall be credited as offsetting collections of the Department of Transportation.

(c) AVAILABILITY.—

(1) IN GENERAL.—Of amounts of offsetting collections credited for fees under this section—

(A) not to exceed $35,000,000 shall be available to the Secretary of Transportation for fiscal year 1999 for expenses of providing services for which the fees are collected; and

(B) amounts in excess of $35,000,000 shall be available to the Secretary of Transportation for fiscal years after fiscal year 1999 for expenses of providing those services.

(2) AVAILABLE UNTIL EXPENDED.—Amounts available under this section shall remain available until expended.

SEC. 309. SURFACE TRANSPORTATION BOARD.

Section 721 of title 49, United States Code, is amended by adding at the end the following new subsection:

''(f) USER FEES.—

''(1) SCHEDULE OF FEES.—The Board shall prescribe by regulation a schedule of user fees for carriers subject to the jurisdiction of the Board. The fees—

''(A) shall cover the costs incurred by the Board in carrying out its functions; and

''(B) shall be assessed on each carrier in reasonable relationship to the relative benefits received by the carriers from the functions of the Board.

''(2) COLLECTION OF FEES.—The Board shall prescribe procedures for the collection of fees under this subsection. The Board may use the services of a department, agency, or instrumentality of the Federal Government or of a State or local authority to collect the fees, and may reimburse the department, agency, or instrumentality a reasonable amount for its services.

''(3) USE OF FEES.—Fees collected under this subsection may be used, to the extent provided in advance in appropriation Acts, by the Board for the expenses of carrying out its functions. Any amounts collected in a fiscal year in excess of the amount required for carrying out the functions of the Board for that fiscal year may be retained for use by the Board in a subsequent fiscal year.''.

SEC. 310. WETLANDS PERMIT FEES.

(a) ESTABLISHMENT AND COLLECTION.—The Secretary of the Army shall establish and collect fees, from applicants for commercial permits under section 404 of the Federal Water Pollution Control Act, for evaluation of applications for such permits, the preparation of environmental impact statements under the National Environmental Policy Act of 1969 in connection with the issuance of such permits, and the delineation of wetlands for major developments affecting wetlands.

(b) ARMY CIVIL WORKS REGULATORY PROGRAM.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a special account to be known as the ''Army Civil Works Regulatory Program Account'' into which fees collected by the Secretary under subsection (a) shall be deposited.

(2) USE OF FEES.—Amounts deposited into the Program Account shall be available to the Secretary, as provided in appropriation acts, to apply toward the costs incurred by the Department of the Army in administering laws pertaining to the regulation of navigable waters of the United States, including wetlands. Such amounts shall be in addition to appropriations otherwise available to the Secretary for administering such laws.

SEC. 311. RADIOLOGICAL PREPAREDNESS FEES.

(a) ESTABLISHMENT OF RADIOLOGICAL EMERGENCY PREPAREDNESS FUND.—There is established in the Treasury of the United States a radiological emergency preparedness fund which shall be available under the Atomic Energy Act of 1954 and Executive Order No. 12657 for offsite radiological emergency planning, preparedness, and response.

(b) FEES.—

(1) IN GENERAL.—For fiscal year 1999 and each fiscal year thereafter, the Director of the Federal Emergency Management Agency shall establish (by regulation), assess, and collect fees under this subsection from persons subject to the radiological emergency preparedness regulations issued by the Director.

(2) AGGREGATE AMOUNT.—The aggregate amount of fees assessed and collected under this subsection during a fiscal year shall not be less than the amounts anticipated by the Director to be necessary to carry out the radiological emergency preparedness program of the Federal Emergency Management Agency for such fiscal year.

(3) PROCEDURES.—The methodology for assessment and collection of fees under this subsection shall be fair and equitable. Such fees shall reflect the costs of providing services, including administrative costs of collecting fees.

(4) DEPOSIT.—Fees collected under this subsection shall be deposited in the radiological emergency preparedness fund established under subsection (a) as offsetting collections. An amount equal to the amount of fees so deposited shall become available for authorized purposes on October 1 of the fiscal year in which the fees are collected and shall remain available until expended.

SEC. 312. AVIATION ACCIDENT INVESTIGATION FEE.

(a) ESTABLISHMENT AND COLLECTION.—For fiscal year 1999 and each fiscal year thereafter the Chairman of the National Transportation Safety Board shall establish, assess, and collect under section 9701 of title 31, United States Code, fees from air carriers to partially cover the costs of aviation accident investigations. Such fees shall be established by publication of an initial proposed fee schedule as an interim final rule in the Federal Register not later than 150 days after the date of the enactment of this Act.

(b) MAXIMUM AMOUNT.—The maximum amount of fees collected under this section shall not exceed $6,000,000 in any fiscal year.

(c) USE OF FEES.—Fees collected under this subsection shall be credited as offsetting collections to an account established in the Treasury of the United States for such purpose and shall be available until expended for necessary expenses for the National Transportation Safety Board in conducting aviation accident investigations, including the hiring of passenger motor vehicles and aircraft and services authorized by section 3109 of title 5, United States Code, but at rates for individuals not to exceed the per diem rate equivalent to the rate as authorized by law under sections 5901 and 5902 of such title.

SEC. 313. MONETARY ASSESSMENT ON CLAIMANT REPRESENTATIVES UTILIZING THE SOCIAL SECURITY ADMINISTRATION'S FEE APPROVAL AND DIRECT PAYMENT PROCESSES.

(a) REPRESENTATIVES OF TITLE II CLAIMANTS.—

(1) IN GENERAL.—Section 206 of the Social Security Act (42 U.S.C. 406) is amended by adding at the end the following new subsection:

''(d)(1) In any case in which a fee (exceeding zero) of a person who renders services for compensation in connection with a claim for entitlement to benefits under this title is—

''(A) fixed by the Commissioner pursuant to the last sentence of subsection (a)(1),

''(B) approved by the Commissioner pursuant to subsection (a)(2)(A), or

''(C) determined and allowed by a court pursuant to subsection (b)(1)(A),

the Commissioner shall assess such person an amount determined in accordance with paragraph (2).

''(2) The amount of the assessment under paragraph (1) shall be—

''(A) $165 (or such different amount as the Commissioner may prescribe by regulation), if the Commissioner certifies payment of a fee to a person described in paragraph (1) out of past-due benefits payable under this title pursuant to subsection (a)(4)(A) or (b)(1)(A) (or would so certify such payment but for a reduction to zero authorized by paragraph (3)(A)), or

''(B) $40 (or such different amount as the Commissioner may prescribe by regulation) in any other case.

''(3)(A) Notwithstanding section 3716 of title 31, United States Code, and subsections (a)(4) and (b)(1)(A) of this section, the Commissioner may reduce (to not below zero) the amount otherwise subject to certification for payment as a fee to an attorney from past-due benefits in order to recover any assessment or assessments under this subsection owing by such attorney (without regard to whether such assessments derive from the claim giving rise to the past-due benefits in connection with which the fee payment is subject to certification).

''(B) The Commissioner shall establish by regulation procedures for the collection of assessments under this subsection not recoverable as provided in subparagraph (A).

''(4) Assessments collected under this subsection shall be credited to a special trust fund receipt account established in the Treasury of the United States for assessments on representatives under this subsection. The amounts so credited, to the extent and in the amounts provided in advance in appropriations Acts, shall be available to defray expenses incurred in carrying out this title and related laws.

''(5) From amounts credited under paragraph (4) to the special account established in the Treasury of the United States for assessments on representatives under this subsection, there is authorized to be appropriated an amount not to exceed $19,000,000 for fiscal year 1999, $26,000,000 for fiscal year 2000, and such sums as may be necessary for each fiscal year thereafter, for administrative expenses in carrying out this title and related laws.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 206(a)(4)(A) of such Act (42 U.S.C. 406(a)(4)(A)) is amended by striking the period and inserting '', except that the amount otherwise subject to certification may be reduced (to not less than zero) pursuant to subsection (d)(3)(A).''.

(B) Section 206(b)(1)(A) of such Act (42 U.S.C. 406(b)(1)(A)) is amended by striking the period at the end of the first sentence and inserting '', except that the amount otherwise subject to certification may be reduced (to not less than zero) pursuant to subsection (d)(3)(A).''.

(b) REPRESENTATIVES OF TITLE XVI CLAIMANTS.—Section 1631(d)(2) of such Act (42 U.S.C. 1383(d)(2)) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) The provisions of section 206(d) shall apply to this part to the same extent as they apply in the case of title II, except that—

''(i) references therein to title II shall be deemed to be references to title XVI;

''(ii) references to entitlement to benefits under title II shall be deemed to be references to eligibility for benefits under this title;

''(iii) such provisions shall apply only with respect to assessments applicable to cases other than cases involving certification of payment of a fee to a representative out of past-due benefits; and

''(iv) the total amount of the appropriations authorized in paragraph (5) thereof for carrying out this title and title II may not exceed $19,000,000 for fiscal year 1999 and $26,000,000 for fiscal year 2000.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any person who, for a fee, represents or otherwise assists a claimant with a claim arising under title II or title XVI of the Social Security Act, and whose representation of such claimant in connection with such claim commences on or after the 60th day following the date of the enactment of this Act.

SEC. 314. RAILROAD SAFETY.

Section 20115(e) of title 49, United States Code, is amended by striking ''1995'' and inserting ''2003''.

SEC. 315. INCREASE IN CUSTOMS MERCHANDISE PROCESSING FEE.

Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) is amended as follows:

(1) Subsection (a)(9)(B)(i) is amended by striking ''0.21 percent nor less than 0.15 percent'' and inserting ''0.25 nor less than 0.15 percent''.

(2) Subsection (f) is amended—

(A) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively;

(B) in paragraph (5), as so redesignated, by striking ''paragraph (5)'' and inserting ''paragraph (6)'';

(C) by inserting after paragraph (3) the following:

''(4) Fees collected under subsection (a)(9) in excess of .21 percent ad valorem shall be available until expended for necessary expenses incurred by the Secretary of the Treasury for the National Customs Automation Program established under section 411 of the Tariff Act of 1930, in addition to amounts otherwise available for such purpose.''; and

(D) in paragraph (1)(B) by striking ''paragraph (5)'' and inserting ''paragraph (6)''.

SEC. 316. PESTICIDE REGISTRATION FEES.

Section 4(i) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(i)) is amended—

(1) in paragraph (6), by striking ''(5)'' and inserting ''(6)'';

(2) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(3) by inserting after paragraph (5) the following:

''(6) REGISTRATION FEES.—

''(A) AUTHORITY TO LEVY FEE.—The Administrator may levy fees upon applicants for registration and amendments to registration under section 3 of this Act and applicants for experimental use permits under section 5 of this Act, pursuant to regulations similar to sections 152.410(b), 152.412, and 152.414 of title 40, Code of Federal Regulations (as in effect as of July 1, 1997), in amounts sufficient to cover costs associated with the review of such applications.

''(B) TIME OF PAYMENT.—An applicant upon whom a fee is levied under this paragraph shall pay the fee at the time of application, unless otherwise specified by the Administrator.

''(C) EFFECT OF FAILURE TO PAY BY TIME PRESCRIBED.—The Administrator may, by order and without a hearing, deny the application of any applicant who fails to pay, within such time as the Administrator has prescribed, any fee levied on the applicant under this paragraph.

''(D) AUTHORITY TO REDUCE OR WAIVE FEE.—The Administrator may reduce or waive any fee that would otherwise be assessed under this paragraph—

''(i) in connection with an application for an active ingredient that is contained only in pesticides for which registration is sought solely for agricultural or nonagricultural minor use; and

''(ii) in such other circumstances as the Administrator determines to be in the public interest.

''(E) USE OF FEES.—The Administrator shall deposit in a special fund in the Treasury of the United States all fees collected under this paragraph, and the amount of such fees shall be available, subject to appropriation, to carry out the activities of the Environmental Protection Agency in the issuance of the registrations under sections 3 and 5 in respect of which the fees were paid.''.

SEC. 317. CHEMICAL PRE–MANUFACTURING NOTIFICATION FEES.

Notwithstanding section 26(b)(1) of the Toxic Substances Control Act (15 U.S.C. 2625(b)(1)), the Administrator of the Environmental Protection Agency is authorized to assess, in fiscal year 1999 and thereafter, fees from any person required to submit data under section 4 or 5 of such Act (15 U.S.C. 2603, 2604) without regard to the dollar limitations established in section 26(b)(1) of such Act. Such fees shall be calculated to cover costs associated with administering those sections of such Act, and shall be paid at the time of data submission, unless otherwise specified by the Administrator. The Administrator may take into account the ability to pay of the person required to submit the data and the cost to the Administrator of reviewing such data. The Administrator shall promulgate rules to implement this section. Such rules may provide for allocating the fee in any case in which the expenses of data submission under section 4 or 5 of such Act are shared. Increased fees collected under this section shall be deposited in a special fund in the United States Treasury, which thereafter will be available, subject to appropriation, to carry out the Administration's activities for which such fees are collected.

SEC. 318. NRC USER FEES AND ANNUAL CHARGES.

Section 6101(a)(3) of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214(a)(3)) is amended by striking ''September 30, 1998'' and inserting ''September 30, 2003''.

SEC. 318. BANK EXAMINATION FEES.

(a) FDIC EXAMINATION FEES.—Section 10(e)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1820(e)(1)) is amended to read as follows:

''(1) IN GENERAL.—

''(A) REGULATORY EXAMINATIONS.—Subject to paragraph (6), the cost of conducting any examination under subsection (b)(2) of an insured depository institution described in subparagraph (A) of such subsection shall be assessed by the Corporation against the institution in an amount sufficient to meet the Corporation's expenses in carrying out the examination.

''(B) INSURANCE EXAMINATIONS.—The cost of conducting any examination of a depository institution under subsection (b)(2) or (b)(3), other than an examination to which subparagraph (A) applies, may be assessed by the Corporation against the institution to meet the Corporation's expenses in carrying out the examination.''.

(b) FEDERAL RESERVE BOARD EXAMINATION FEES.—The 2d sentence of the 8th undesignated paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 326) is amended—

(1) by striking ''may, in the discretion of the Board of Governors of the Federal Reserve System, be assessed'' and inserting ''shall be assessed, subject to section 10(e)(6) of the Federal Deposit Insurance Act,''; and

(2) by striking ''and, when so assessed, shall be paid'' and inserting ''and shall be paid''.

(c) REASONABLE REDUCTION IN EXAMINATION FEES FOR STATE BANKS AND SAVINGS ASSOCIATIONS.—Section 10(e) of the Federal Deposit Insurance Act (12 U.S.C. 1820(e)) is amended by adding at the end the following new paragraph:

''(6) REDUCTIONS AND EXEMPTIONS.—

''(A) REDUCTION FOR DEPOSITORY INSTITUTIONS SUBJECT TO DUAL SUPERVISION.—

''(i) IN GENERAL.—The amount of any assessment or other fee imposed on any State depository institution for an annual regular examination—

''(I) by the Corporation under paragraph (1)(A);

''(II) by the Board of Governors of the Federal Reserve System under the 8th undesignated paragraph of section 9 of the Federal Reserve Act; or

''(III) by the Director of the Office of Thrift Supervision under section 9(a) of the Home Owners' Loan Act,

during any 12-month period may be reduced to the extent the agency determines to be appropriate to reflect the fact that the supervision of such State depository institution by an appropriate State bank supervisor has reduced the need for Federal supervision.

''(ii) LIMIT ON AMOUNT OF REDUCTION.—The amount of any reduction under clause (i) with respect to any State depository institution shall not exceed the amount of an assessment or fee imposed on such institution by the State bank supervisor for the most recent examination of the institution by the supervisor before January 1, 1998 (or, in the case of an institution which was not subject to an examination by the State bank supervisor before such date, the amount which the appropriate Federal banking agency reasonably determines would have been imposed by such supervisor for an examination of the institution as of such date).

''(iii) ADJUSTMENT FOR INFLATION.—For purposes of clause (ii), the amount described in such clause shall be adjusted annually after December 31, 1998, by the annual percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers published by the Bureau of Labor Statistics.

''(B) EXEMPTION FOR STATE DEPOSITORY INSTITUTIONS WITH ASSETS OF LESS THAN $100,000,000.—Notwithstanding any other provision of law, no assessment or other fee for an annual regular examination may be imposed on any State depository institution which has total assets of less than $100,000,000—

''(i) by the Corporation under paragraph (1)(A);

''(ii) by the Board of Governors of the Federal Reserve System under the 8th undesignated paragraph of section 9 of the Federal Reserve Act; or

''(iii) by the Director of the Office of Thrift Supervision under section 9(a) of the Home Owners' Loan Act.''.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 10(b)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1820(b)(2) is amended by inserting ''an examination is required under subsection (d)(1) or'' after ''whenever''.

(2) Section 10(d)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1820(d)(4)) is amended by inserting ''and subsection (e)(6)'' after ''(1), (2), and (3)''.

(e) REPORT ON FEES REQUIRED TO BE IMPOSED ON BANK HOLDING COMPANIES.—Before January 31 of each calendar year which begins after the date of the enactment of this Act, the Board of Governors of the Federal Reserve System shall submit a report to the Congress containing—

(1) the total costs incurred by the Board during the year preceding the year of such report which are attributable to each examination of a bank holding company conducted during such year pursuant to section 5(c) of the Bank Holding Company Act of 1956; and

(2) the total amount assessed against, and paid by, each bank holding company under such section for the examination.

SEC. 319. EXTENSION OF THE RECREATIONAL FEE DEMONSTRATION PROGRAM.

(a) AUTHORITY.—The authority provided to the National Park Service under the recreational fee demonstration program authorized by section 315 of Public Law 104–134 (16 U.S.C. 460l–6a note)—

(1) is extended through September 30, 2005; and

(2) shall be available for all units of the National Park System, except that no recreational admission fee may be charged at Great Smoky Mountains National Park and Lincoln Home National Historic Site.

(b) REPORT.—

(1) IN GENERAL.—Not later than September 30, 2000, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report detailing the status of the recreational fee demonstration program conducted in national parks under section 315 of Public Law 104–134 (16 U.S.C. 460l–6a note).

(2) CONTENTS.—The report under paragraph (1) shall contain—

(A) an evaluation of the fee demonstration program conducted at each national park;

(B) with respect to each national park, a description of the criteria that were used to determine whether a recreational fee should or should not be charged at the national park; and

(C) a description of the manner in which the amount of the fee at each national park was established.

SEC. 320. CONCESSIONS REFORM.

(a) FINDINGS.—In furtherance of the Act of August 25, 1916 (39 Stat. 535), as amended (16 U.S.C. 1, 2–4), which directs the Secretary of the Interior to administer areas of the National Park System in accordance with the fundamental purpose of preserving their scenery, wildlife, natural and historic objects, and providing for their enjoyment in a manner that will leave them unimpaired for the enjoyment of future generations, the Congress finds that the preservation and conservation of park resources and values requires that such public accommodations, facilities, and services as the Secretary determines are necessary and appropriate in accordance with this Act—

(1) should be provided only under carefully controlled safeguards against unregulated and indiscriminate use so that visitation will not unduly impair these values; and

(2) should be limited to locations and designs consistent to the highest practicable degree with the preservation and conservation of park resources and values.

(b) POLICY.—It is the policy of the Congress that—

(1) development on Federal lands within a park shall be limited to those facilities and services that the Secretary determines are necessary and appropriate for public use and enjoyment of the park in which such facilities and services are located;

(2) development of such facilities and services within a park should be consistent to the highest practicable degree with the preservation and conservation of the park's resources and values;

(3) such facilities and services should be provided by private persons, corporations, or other entities, except when no qualified private interest is willing to provide such facilities and services;

(4) if the Secretary determines that development should be provided within a park, such development shall be designed, located, and operated in a manner that is consistent with the purposes for which such park was established;

(5) the right to provide such services and to develop or utilize such facilities should be awarded to the person, corporation, or entity submitting the best proposal through a competitive selection process; and

(6) such facilities or services should be provided to the public at reasonable rates.

(c) DEFINITIONS.—As used in this section:

(1) The term ''concessioner'' means a person, corporation, or other entity to whom a concession contract has been awarded.

(2) The term ''concession contract'' means a contract or permit (but not a commercial use authorization issued pursuant to section 6) to provide facilities or services, or both, at a park.

(3) The term ''facilities'' means improvements to real property within parks used to provide accommodations, facilities, or services to park visitors.

(4) The term ''park'' means a unit of the National Park System.

(5) The term ''proposal'' means the complete proposal for a concession contract offered by a potential or existing concessioner in response to the minimum requirements for the contract established by the Secretary.

(6) The term ''Secretary'' means the Secretary of the Interior.

(d) REPEAL OF CONCESSION POLICY ACT OF 1965.—

(1) REPEAL.—The Act of October 9, 1965, Public Law 89–249 (79 Stat. 969, 16 U.S.C. 20–20g), entitled ''An Act relating to the establishment of concession policies administered in the areas administered by the National Park Service and for other purposes'', is hereby repealed. The repeal of such section shall not affect the validity of any contract entered into under such Act, but the provisions of this Act shall apply to any such contract except to the extent such provisions are inconsistent with the express terms and conditions of the contract.

(2) CONFORMING AMENDMENT.—The fourth sentence of section 3 of the Act of August 25, 1916 (16 U.S.C. 3; 39 Stat. 535) is amended by striking all through ''no natural'' and inserting in lieu thereof, ''No natural''.

(e) CONCESSION POLICY.—Subject to the findings and policy stated in subsections (a) and (b), and upon a determination by the Secretary that facilities or services are necessary and appropriate for the accommodation of visitors at a park, the Secretary shall, consistent with the provisions of this section, laws relating generally to the administration and management of units of the National Park System, and the park's general management plan, concession plan, and other applicable plans, authorize private persons, corporations, or other entities to provide and operate such facilities or services as the Secretary deems necessary and appropriate.

(f) COMMERCIAL USE AUTHORIZATIONS.—

(1) IN GENERAL.—To the extent specified in this section, the Secretary, upon request, may authorize a private person, corporation,

or other entity to provide services to park visitors through a commercial use authorization.

(2) CRITERIA FOR ISSUANCE OF AUTHORIZATION.—(A) The authority of this subsection may be used only to authorize provision of services that the Secretary determines will have minimal impact on park resources and values and which are consistent with the purposes for which the park was established and with all applicable management plans for such park.

(B) The Secretary—

(i) shall require payment of a reasonable fee for issuance for an authorization under this subsection, such fees to remain available without further appropriation to be used, at a minimum, to recover associated management and administration costs;

(ii) shall require that the provision of services under such an authorization be accomplished in a manner consistent to the highest practicable degree with the preservation and conservation of park resources and values;

(iii) shall take appropriate steps to limit the liability of the United States arising from the provision of services under such an authorization; and

(iv) shall have no authority under this subsection to issue more authorizations than are consistent with the preservation and proper management of park resources and values, and shall establish such other conditions for issuance of such an authorization as the Secretary determines appropriate for the protection of visitors, provision of adequate and appropriate visitor services, and protection and proper management of the resources and values of the park.

(3) LIMITATIONS.—Any authorization issued under this subsection shall be limited to—

(A) commercial operations with annual gross revenues of not more than $25,000 resulting from services originating and provided solely within a park pursuant to such authorization; or

(B) the incidental use of park resources by commercial operations which provide services originating outside of the park's boundaries: *Provided,* That such authorization shall not provide for the construction of any structure, fixture, or improvement on Federal lands within the park.

(4) DURATION.—The term of any authorization issued under this subsection shall not exceed 2 years.

(5) OTHER CONTRACTS.—A person, corporation, or other entity seeking or obtaining an authorization pursuant to this subsection shall not be precluded from also submitting proposals for concession contracts.

(g) COMPETITIVE SELECTION PROCESS.—

(1) IN GENERAL.—(A) Except as provided in paragraph (2), and consistent with the provisions of paragraph (7), any concession contract entered into pursuant to this section shall be awarded to the person, corporation, or other entity submitting the best proposal as determined by the Secretary, through a competitive selection process, as provided in this section.

(B)(i) As soon as practicable after the date of enactment of this Act, the Secretary shall promulgate appropriate regulations establishing the competitive selection process.

(ii) The regulations shall include provisions for establishing a procedure for the resolution of disputes between the Secretary and a concessioner in those instances where the Secretary has been unable to meet conditions or requirements or provide such services, if any, as set forth in a prospectus pursuant to paragraph (3).

(2) TEMPORARY CONTRACT.—Notwithstanding the provisions of paragraph (1), the Secretary may award a temporary concession contract in order to avoid interruption of services to the public at a park, except that prior to making such a determination, the Secretary shall take all reasonable and appropriate steps to consider alternatives to avoid such an interruption.

(3) PROSPECTUS.—(A)(i) Prior to soliciting proposals for a concession contract at a park, the Secretary shall prepare a prospectus soliciting proposals, and shall publish a notice of its availability at least once in local or national newspapers or trade publications, as appropriate, and shall make such prospectus available upon request to all interested parties.

(ii) A prospectus shall assign a weight to each factor identified therein related to the importance of such factor in the selection process. Points shall be awarded for each such factor, based on the relative strength of the proposal concerning that factor.

(B) The prospectus shall include, but need not be limited to, the following information—

(i) the minimum requirements for such contract, as set forth in subsection (d);

(ii) the terms and conditions of the existing concession contract awarded for such park, if any, including all fees and other forms of compensation provided to the United States by the concessioner;

(iii) other authorized facilities or services which may be provided in a proposal;

(iv) facilities and services to be provided by the Secretary to the concessioner, if any, including but not limited to, public access, utilities, and buildings;

(v) minimum public services to be offered within a park by the Secretary, including but not limited to, interpretive programs, campsites, and visitor centers; and

(vi) such other information related to the proposed concession operation as is provided to the Secretary pursuant to a concession contract or is otherwise available to the Secretary, as the Secretary determines is necessary to allow for the submission of competitive proposals.

(4) MINIMUM PROPOSAL REQUIREMENTS.—(A) No proposal shall be considered which fails to meet the minimum requirements as determined by the Secretary. Such minimum requirements shall include, but need not be limited to—

(i) the minimum acceptable franchise fee;

(ii) any facilities, services, or capital investment required to be provided by the concessioner; and

(iii) measures necessary to ensure the protection and preservation of park resources.

(B) The Secretary shall reject any proposal, notwithstanding the franchise fee offered, if the Secretary determines that the person, corporation, or entity is not qualified, is likely to provide unsatisfactory service, or that the proposal is not responsive to the objectives of protecting and preserving park resources and of providing necessary and appropriate facilities or services to the public at reasonable rates.

(C) If all proposals submitted to the Secretary either fail to meet the minimum requirements or are rejected by the Secretary, the Secretary shall establish new minimum contract requirements and re-initiate the competitive selection process pursuant to this section.

(5) SELECTION OF BEST PROPOSAL.—(A) In selecting the best proposal, the Secretary shall consider the following principal factors:

(i) the responsiveness of the proposal to the objectives of protecting and preserving park resources and of providing necessary and appropriate facilities and services to the public at reasonable rates;

(ii) the experience and related background of the person, corporation, or entity submitting the proposal, including but not limited to, the past performance and expertise of such person, corporation, or entity in providing the same or similar facilities or services;

(iii) the financial capability of the person, corporation, or entity submitting the proposal; and

(iv) the proposed franchise fee: *Provided,* That consideration of revenue to the United States shall be subordinate to the objectives of protecting and preserving park resources and of providing necessary and appropriate facilities or services to the public at reasonable rates.

(B) The Secretary may also consider such secondary factors as the Secretary deems appropriate.

(C) In developing regulations to implement this Act, the Secretary shall consider the extent to which plans for employment of Indians (including Native Alaskans) and involvement of businesses owned by Indians, Indian tribes, or Native Alaskans in the operation of concession contracts should be identified as a factor in the selection of a best proposal under this section.

(6) CONGRESSIONAL NOTIFICATION.—(A) The Secretary shall submit any proposed concession contract with anticipated annual gross receipts in excess of $5,000,000 or a duration of 10 or more years to the Committee on Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

(B) The Secretary shall not award any such proposed contract until at least 60 days subsequent to the notification of both Committees.

(7) NO PREFERENTIAL RIGHT OF RENEWAL.—(A) Except as provided in subparagraph (B), the Secretary shall not grant a preferential right to a concessioner to renew a concession contract entered into pursuant to this section.

(B)(i) The Secretary shall grant a preferential right of renewal with respect to a concession contract covered by paragraphs (8) and (9), subject to the requirements of the appropriate subsection.

(ii) As used in this paragraph, and paragraphs (8) and (9), the term ''preferential right of renewal'' means that the Secretary shall allow a concessioner satisfying the requirements of this paragraph (and paragraphs (8) or (9), as appropriate) the opportunity to match the terms and conditions of any competing proposal which the Secretary determines to be the best proposal.

(iii) A concessioner who exercises a preferential right of renewal in accordance with the requirements of this subparagraph shall be entitled to award of the new concession contract with respect to which such right is exercised.

(8) OUTFITTING AND GUIDE CONTRACTS.—(A) The provisions of paragraph (g)(2) shall apply only—

(i) to a concession contract—

(I) which solely authorizes a concessioner to provide outfitting, guide, river running, or other substantially similar services within a park; and

(II) which does not grant such concessioner any interest in any structure, fixture, or improvement pursuant to subsection (l); and

(ii) where the Secretary determines that the concessioner has operated satisfactorily during the term of the contract (including any extensions thereof); and

(iii) where the Secretary determines that the concessioner has submitted a responsive proposal for a new contract which satisfies the minimum requirements established by the Secretary pursuant to paragraph (4).

(B) With respect to a concession contract (or extension thereof) covered by this subsection which is in effect on the date of enactment of this Act, the provisions of this paragraph shall apply if the holder of such

contact, under the laws and policies in effect on the day before the date of enactment of this Act, would have been entitled to a preferential right to renew such contract upon its expiration.

(9) CONTRACTS WITH ANNUAL GROSS RECEIPTS UNDER $500,000.—(A) The provisions of paragraph (7)(B) shall also apply to a concession contract—

(i) which the Secretary estimates will result in annual gross receipts of less than $500,000;

(ii) where the Secretary has determined that the concessioner has operated satisfactorily during the term of the contract (including any extensions thereof); and

(iii) that the concessioner has submitted a responsive proposal for a new concession contract which satisfies the minimum requirements established by the Secretary pursuant to paragraph (4).

(B) The provisions of this paragraph shall not apply to a concession contract which solely authorizes a concessioner to provide outfitting, guide, river running, or other substantially similar services within a park pursuant to paragraph (8).

(10) NO PREFERENTIAL RIGHT TO ADDITIONAL SERVICES.—The Secretary shall not grant a preferential right to a concessioner to provide new or additional services at a park.

(h) FRANCHISE FEES.—

(1) IN GENERAL.—Franchise fees shall not be less than the minimum fee established by the Secretary for each contract. The minimum fee shall be determined in a manner that will provide the concessioner with a reasonable opportunity to realize a profit on the operation as a whole, commensurate with the capital invested and the obligations assumed under the contract.

(2) MULTIPLE CONTRACTS WITHIN A PARK.—If multiple concession contracts are awarded to authorize concessioners to provide the same or similar outfitting, guide, river running, or other similar services at the same approximate location or resource within a specific park, the Secretary shall establish an identical franchise fee for all such contracts, subject to periodic review and revision by the Secretary. Such fee shall reflect fair market value.

(e) ADJUSTMENT OF FRANCHISE FEES.—The amount of any franchise fee for the term of the concession contract shall be specified in the concession contract and may only be modified to reflect substantial changes from the conditions specified or anticipated in the contract.

(i) USE OF FRANCHISE FEES.—

(1) DEPOSITS TO TREASURY.—All receipts collected pursuant to this section shall be covered into a special account established in the Treasury of the United States. Except as provided in paragraph (2), amounts covered into such account in a fiscal year shall be available for expenditure, subject to appropriation, solely as follows:

(A) 50 percent shall be allocated among the units of the National Park System in the same proportion as franchise fees collected from a specific unit bears to the total amount covered into the account for each fiscal year, to be used for resource management and protection, maintenance activities, interpretation, and research.

(B) 50 percent shall be allocated among the units of the National Park System on the basis of need, in a manner to be determined by the Secretary, to be used for resource management and protection, maintenance activities, interpretation, and research.

(2) SPECIAL ACCOUNT.—Beginning in fiscal year 1998, all receipts collected in the previous year in excess of the following amounts shall be made available from the special account to the Secretary without further appropriation, to be allocated among the units of the National Park System on the basis of need, in a manner to be determined by the Secretary, to be used for resource management and protection, maintenance activities, interpretation, and research:

(A) $17,000,000 for fiscal year 1998.

(B) $18,000,000 for fiscal year 1999.

(C) $18,000,000 for fiscal year 2000.

(D) $18,000,000 for fiscal year 2001.

(E) $18,000,000 for fiscal year 2002.

(3) EXISTING CONCESSIONER IMPROVEMENT FUNDS.—Nothing in this section shall affect or restrict the use of funds maintained by a concessioner in an existing concessioner improvement account pursuant to a concession contract in effect as of the date of enactment of this Act. No new, renewed, or extended contracts entered into after the date of enactment of this Act shall provide for or authorize the use of such concessioner improvement accounts.

(4) INSPECTOR GENERAL AUDITS.—Beginning in fiscal year 1998, the Inspector General of the Department of the Interior shall conduct a biennial audit of the concession fees generated pursuant to this section. The Inspector General shall make a determination as to whether concession fees are being collected and expended in accordance with this Act and shall submit copies of each audit to the Committee on Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

(j) DURATION OF CONTRACT.—

(1) MAXIMUM TERM.—A concession contract entered into pursuant to this section shall be awarded for a term not to exceed 10 years: *Provided, however*, That the Secretary may award a contract for a term of up to 20 years if the Secretary determines that the contract terms and conditions necessitate a longer term.

(2) TEMPORARY CONTRACT.—A temporary concession contract awarded on a non-competitive basis pursuant to subsection (f)(2) shall be for a term not to exceed 2 years.

(k) TRANSFER OF CONTRACT.—

(1) IN GENERAL.—No concession contract may be transferred, assigned, sold, or otherwise conveyed by a concessioner without prior written notification to, and approval of the Secretary.

(2) APPROVAL OF TRANSFER.—The Secretary shall not unreasonably withhold approval of a transfer, assignment, sale, or conveyance of a concession contract, but shall not approve the transfer, assignment, sale, or conveyance of a concession contract to any individual, corporation or other entity if the Secretary determines that—

(A) such individual, corporation or entity is, or is likely to be, unable to completely satisfy all of the requirements, terms, and conditions of the contract;

(B) such transfer, assignment, sale or conveyance is not consistent with the objectives of protecting and preserving park resources, and of providing necessary and appropriate facilities or services to the public at reasonable rates;

(C) such transfer, assignment, sale, or conveyance relates to a concession contract which does not provide to the United States consideration commensurate with the probable value of the privileges granted by the contract; or

(D) the terms of such transfer, assignment, sale, or conveyance directly or indirectly attribute a significant value to intangible assets or otherwise may so reduce the opportunity for a reasonable profit over the remaining term of the contract that the United States may be required to make substantial additional expenditures in order to avoid interruption of services to park visitors.

(l) PROTECTION OF CONCESSIONER INVESTMENT.—

(1) CURRENT CONTRACT.—(A) A concessioner who before the date of the enactment of this Act has acquired or constructed, or is required under an existing concession contract to commence acquisition or construction of any structure, fixture, or improvement upon land owned by the United States within a park, pursuant to such contract, shall have a possessory interest therein, to the extent provided by such contract.

(B) Unless otherwise provided in such contract, said possessory interest shall not be extinguished by the expiration or termination of the contract and may not be taken for public use without just compensation. Such possessory interest may be assigned, transferred, encumbered, or relinquished.

(C) Upon the termination of a concession contract in effect before the date of enactment of this title, the Secretary shall determine the value of any outstanding possesory interest applicable to the contract, such value to be determined for all purposes on the basis of applicable laws and contracts in effect on the day before the date of enactment of this Act.

(D) Nothing in this paragraph shall be construed to grant a possessory interest to a concessioner whose contract in effect on the date of enactment of this Act does not include recognition of a possessory interest.

(2) NEW CONTRACTS.—(A)(i) With respect to a concession contract entered into on or after the date of enactment of this Act, the value of any outstanding possessory interest associated with such contract shall be set at the value determined by the Secretary pursuant to paragraph (1)(C).

(ii) As a condition of entering into a concession contract, the value of any outstanding possessory interest shall be reduced on an annual basis, in equal portions, over the same number of years as the time period associated with the straight line depreciation of the structure, fixture, or improvement associated with such possessory interest, as provided by applicable Federal income tax laws and regulations in effect on the day before the date of enactment of this Act.

(iii) In the event that the contract expires or is terminated prior to the elimination of any outstanding possessory interest, the concessioner shall be entitled to receive from the United States or the successor concessioner payment equal to the remaining value of the possessory interest.

(iv) A successor concessioner may not revalue any outstanding possessory interest, nor the period of time over which such interest is reduced.

(v) Title to any structure, fixture, or improvement associated with any outstanding possessory interest shall be vested in the United States.

(B)(i) If the Secretary determines during the competitive selection process that all proposals submitted either fail to meet the minimum requirements or are rejected (as provided in subsection (g)), the Secretary may, solely with respect to any outstanding possessory interest associated with the contract and established pursuant to a concession contract entered into prior to the date of enactment of this Act, suspend the reduction provisions of paragraph (2)(A)(i) for the duration of the contract, and re-initiate the competitive selection process as provided in subsection (g).

(ii) The Secretary may suspend such reduction provisions only if the Secretary determines that the establishment of other new minimum contract requirements is not likely to result in the submission of satisfactory

proposals, and that the suspension of the reduction provisions is likely to result in the submission of satisfactory proposals: *Provided, however,* That nothing in this paragraph shall be construed to require the Secretary to establish a minimum franchise fee at a level below the franchise fee in effect for such contract on the day before the expiration date of the previous contract.

(3) NEW STRUCTURES.—(A) On or after the date of enactment of this Act, a concessioner who constructs or acquires a new, additional, or replacement structure, fixture, or improvement upon land owned by the United States within a park, pursuant to a concession contract, shall have an interest in such structure, fixture, or improvement equivalent to the actual original cost of acquiring or constructing such structure, fixture, or improvement, less straight line depreciation over the estimated useful life of the asset according to Generally Accepted Accounting Principles: *Provided,* That in no event shall the estimated useful life of such asset exceed the depreciation period used for such asset for Federal income tax purposes.

(B) In the event that the contract expires or is terminated prior to the recovery of such costs, the concessioner shall be entitled to receive from the United States or the successor concessioner payment equal to the value of the concessioner's interest in such structure, fixture, or improvement. A successor concessioner may not revalue the interest in such structure, fixture, or improvement, the method of depreciation, or the estimated useful life of the asset.

(C) Title to any such structure, fixture, or improvement shall be vested in the United States.

(4) INSURANCE, MAINTENANCE, AND REPAIR.—Nothing in this subsection shall affect the obligation of a concessioner to insure, maintain, and repair any structure, fixture, or improvement assigned to such concessioner and to insure that such structure, fixture, or improvement fully complies with applicable safety and health laws and regulations.

(m) RATES AND CHARGES TO PUBLIC.—The reasonableness of a concessioner's rates and charges to the public shall, unless otherwise provided in the bid specifications and contract, be judged primarily by comparison with those rates and charges for facilities and services of comparable character under similar conditions, with due consideration for length of season, seasonal variance, average percentage of occupancy, accessibility, availability and costs of labor and materials, type of patronage, and other factors deemed significant by the Secretary.

(n) CONCESSIONER PERFORMANCE EVALUATION.—

(1) REGULATIONS.—As soon as practicable after the date of enactment of this Act, the Secretary shall publish, after an appropriate period for public comment, regulations establishing standards and criteria for evaluating the performance of concessions operating within parks.

(2) PERIODIC EVALUATION.—(A) The Secretary shall periodically conduct an evaluation of each concessioner operating under a concession contract pursuant to this Act, as appropriate, to determine whether such concessioner has performed satisfactorily. In evaluating a concessioner's performance, the Secretary shall seek and consider applicable reports and comments from appropriate Federal, State, and local regulatory agencies, and shall seek and consider the applicable views of park visitors and concession customers. If the Secretary's performance evaluation results in an unsatisfactory rating of the concessioner's overall operation, the Secretary shall provide the concessioner with a list of the minimum requirements necessary for the operation to be rated satisfactory, and shall so notify the concessioner in writing.

(B) The Secretary may terminate a concession contract if the concessioner fails to meet the minimum operational requirements identified by the Secretary within the time limitations established by the Secretary at the time notice of the unsatisfactory rating is provided to the concessioner.

(C) If the Secretary terminates a concession contract pursuant to this section, the Secretary shall solicit proposals for a new contract consistent with the provisions of this Act.

(o) RECORDKEEPING REQUIREMENTS.—

(1) IN GENERAL.—Each concessioner shall keep such records as the Secretary may prescribe to enable the Secretary to determine that all terms of the concessioner's contract have been, and are being faithfully performed, and the Secretary or any of the Secretary's duly authorized representatives shall, for the purpose of audit and examination, have access to such records and to other books, documents, and papers of the concessioner pertinent to the contract and all the terms and conditions thereof as the Secretary deems necessary.

(2) GENERAL ACCOUNTING OFFICE REVIEW.—The Comptroller General of the United States or any of his or her duly authorized representatives shall, until the expiration of five calendar years after the close of the business year for each concessioner, have access to and the right to examine any pertinent books, documents, papers, and records of the concessioner related to the contracts or contracts involved.

(p) EXEMPTION FROM CERTAIN LEASE REQUIREMENTS.—The provisions of section 321 of the Act of June 30, 1932 (47 Stat. 412; 40 U.S.C. 303b), relating to the leasing of buildings and properties of the United States, shall not apply to contracts awarded by the Secretary pursuant to this section.

(q) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this Act.

SEC. 321. FEDERAL AVIATION ADMINISTRATION USER FEES.

(a) USER FUNDING OF THE FEDERAL AVIATION ADMINISTRATION.—Section 48104(a) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) any cost incurred by the Federal Aviation Administration after September 30, 1999, that is authorized by law.''.

(b) COST RECOVERY FOR FOREIGN AVIATION SERVICES AND CLARIFICATION OF OVERFLIGHT FEE AUTHORITY.—Section 45301 of title 49, United States Code, is amended—

(1) in subsection (a)(2), by inserting ''or to any entity obtaining services outside the United States'' before the period; and

(2) by striking the period after ''rendered'' and inserting '', including both direct and indirect costs, as determined by the Administrator, using generally accepted accounting principles and internationally accepted economic principles.''.

TITLE IV—TAX INCREASES

SEC. 401. TAX INCREASES.

It is the sense of the House of Representatives that the following tax increases proposed by the President should be enacted as soon as possible:

(1) ACCOUNTING PROVISIONS.—

(A) Repeal lower of cost or market inventory accounting method.

(B) Repeal nonaccrual experience method of accounting and make certain trade receivables ineligible for mark-to-market treatment.

(2) FINANCIAL PRODUCTS AND INSTITUTIONS.—

(A) Defer interest deduction on certain convertible debt.

(B) Extend pro rata disallowance of tax-exempt interest expense that applies to banks to all financial intermediaries.

(3) CORPORATE TAX PROVISIONS.—

(A) Eliminate dividends received deduction for certain preferred stock.

(B) Repeal tax-free conversion of large C corporations into S corporations.

(C) Restrict special net operating loss carryback rules for specified liability losses.

(D) Clarify the meaning of ''subject to'' liabilities under section 357(c).

(4) INSURANCE PROVISIONS.—

(A) Increase the proration percentage for property and casualty insurance companies.

(B) Capitalize net premiums for credit life insurance contracts.

(C) Modify corporate-owned life insurance rules.

(D) Modify reserve rules for annuity contracts.

(E) Tax certain exchanges of insurance contracts and reallocations of assets within variable insurance contracts.

(F) Modify computation of ''investment in the contract'' for mortality and expense charges on certain insurance contracts.

(5) ESTATE AND GIFT TAX PROVISIONS.—

(A) Eliminate nonbusiness valuation discounts.

(B) Modify treatment of gifts of ''present interests'' in a trust (repeal ''Crummey'' case rule).

(C) Eliminate gift tax exemption for personal residence trusts.

(D) Include qualified terminable interest property trust assets in surviving spouse's estate.

(6) FOREIGN TAX PROVISIONS.—

(A) Replace sales source rules with activity-based rule.

(B) Modify rules relating to foreign oil and gas extraction income.

(C) Apply ''80/20'' company rules on a group-wide basis.

(D) Prescribe regulations regarding foreign built-in losses.

(E) Prescribe regulations regarding use of hybrids.

(F) Modify foreign office material participation exception applicable to certain inventory sales.

(G) Modify controlled foreign corporation exception from United States tax on transportation income.

(7) ADMINISTRATIVE PROVISIONS.—

(A) Increase penalties for failure to file correct information returns.

(B) Modify definition of substantial understatement penalty for large corporations.

(C) Repeal exemption for withholding on gambling.

(D) Modify deposit requirement for FUTA.

(E) Clarify and expand math error procedures.

(8) REAL ESTATE INVESTMENT COMPANY PROVISIONS.—

(A) Freeze grandfathered status of stapled or paired-share REITs.

(B) Restrict impermissible businesses indirectly conducted by REITs.

(C) Modify treatment of closely held REITs.

(9) EARNED INCOME TAX COMPLIANCE PROVISIONS.—

(A) Simplify foster child definition under the earned income credit.

(B) Modify definition of qualifying child for purposes of the earned income credit where more than one taxpayer satisfies the requirements with respect to the same child.

(10) OTHER REVENUE-INCREASE PROVISIONS.—

(A) Repeal percentage depletion for certain nonfuel minerals mined on Federal and formerly Federal lands.

(B) Modify depreciation method for tax-exempt use property.

(C) Impose excise tax on purchase of structured settlements.

(D) Reinstate Oil Spill Liability Trust Fund excise tax and increase Trust Fund ceiling to $5,000,000,000 (through September 30, 2008).

(11) REINSTATE HAZARDOUS SUBSTANCE SUPERFUND EXCISE TAX AND ENVIRONMENTAL INCOME TAX.—

(A) Reinstate Superfund corporate environmental income tax.

(B) Reinstate Superfund excise taxes (through September 30, 2008).

The SPEAKER pro tempore. The gentleman from New York (Mr. SOLOMON) and the gentleman from Massachusetts (Mr. MOAKLEY), as the designee for the minority leader, each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. SOLOMON).

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. SOLOMON. Mr. Speaker, I am introducing the bill but opposing the bill. Is there a Member here in favor of the bill to claim the time?

The SPEAKER pro tempore. Is the gentleman from Massachusetts (Mr. MOAKLEY) the designee of the minority leader?

Mr. MOAKLEY. Mr. Speaker, I am opposed to the bill. In fact, I cannot find anybody in the Chamber that is in favor of the bill.

The SPEAKER pro tempore. The answer to the gentleman's inquiry is no, the gentleman need not be in favor of the bill.

Mr. SOLOMON. Mr. Speaker, that does not show very much support for the President of the United States wanting to increase taxes and fees.

The SPEAKER pro tempore. The unanimous consent request only requires that the minority leader or his designee control the time. He does not have to be in favor of the bill.

Mr. SOLOMON. So the Member claiming the time does not have to be in favor of the President's tax and fee increases?

The SPEAKER pro tempore. That is correct.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume. I know it is only 9:00 in the morning and unusual for us to start this early. I know that we were here until the wee hours, I know I was, this morning. I just hope Members are listening if they do not have the opportunity to come to the floor.

Mr. Speaker, this is very, very important. In February of this year, President Clinton sent the United States Congress his budget for fiscal year 1999. In that budget the President proposed to increase spending by $150 billion over the next 5 years, including an actual net increase of $15 billion, that is 3.9 percent, in fiscal year 1999 alone.

Mr. Speaker, the President called for, and this is the thing that I just could not believe, after we have gone through a bipartisan compromise on bringing a balanced budget to this floor last year, the President called for 85 new spending programs, in other words, creating new programs, including, and this is the part that is so bad, 39 new entitlement programs. And we have been trying to turn around this myriad of entitlement programs that have been implemented in this Congress under Democrat control for the past 40 years.

These entitlement programs alone add $53 billion to Federal spending over the next 5 years in new entitlements. Not only is that for the next 5 years but, because they are entitlement programs, they go on forever and ever.

Clearly, Mr. Speaker, the President's declaration that the era of big government is over somehow slipped his mind when he presented Congress with this latest attempt to reach into the pockets of the American people.

While the President's renewed commitment to big government is alarming to America's families and businesses, his renewed affection for tax increases, in my opinion, is just intolerable. Just 6 months ago, the President proposed $130 billion in new tax increases and user fees. From the President and his Democratic friends in Congress who passed the largest tax increase, without my vote, in history in 1993, $240 billion worth, as a matter of fact, new Democrat tax increases should, I guess, come as no surprise.

When a liberal Democrat has the urge to tax and to spend in his blood, not even a blood transfusion or a revolutionary election can drain it out of him, I guess. Whenever the liberals need more money for a new government idea, they just turn to the pockets of the American people and American families to foot the bill.

Mr. Speaker, today the American people have the opportunity to speak out on this return to the good old boy Democrat budgeting philosophy of saying no to nobody and yes to everybody, no to nobody and yes to everybody. That is how we got ourselves into this unconscionable sea of red ink, saddling our children, our grandchildren, with $5.5 trillion in debt, even though the Democrat-controlled Congress was reaching deeper and deeper and deeper into the pockets of the American people.

I recall back in the years of Ronald Reagan when we cut taxes and we put money back into the pockets of the American people. We actually doubled the Federal revenues coming into this Congress. But guess what happened? Congress spent every nickel of the amount, double, I think. If I recall back then, it was like $600 million and it went up to a trillion $100 million, and we managed to not only spend the new money coming in but to spend about 2 percent more on top of that.

Mr. Speaker, for the past few days this House has been debating this budget which will govern this Nation's finances for the coming year and also set the tone for future years down the road, at least for the next 4 years. It should be pointed out that the missing participants in this debate have been key portions of the President's budget. The President's budget is not here. It is not on this floor. It is not incorporated into even the Democrat substitute that is going to be on the floor later today.

Mr. Speaker, to highlight the differences in the overall philosophy and the overall vision between we Republicans who oppose tax increases with all our heart and President Clinton and his liberal Democrats who, every 5 minutes, it seems, try to sneak in another tax, try to reach deeper and deeper into the pockets of the American people, today, and that is why it is unusual for this Member of Congress, who has never voted for a tax increase and who has never, certainly, sponsored a bill with a tax increase, it is why I bring to the floor today President Clinton's $130 billion of tax increases and user fees back into this debate, because that needs to be here to show the differences between our two parties.

The bill before us this morning, the Clinton Democrat User Fee Act of 1998, which contains over 100 pages of user fees and tax increases on the American people proposed by the President, Members ought to come down here and look at this, this is 100 pages of fee increases, 100 pages.

Listen to just a brief, I am not going to take the time to read 100 pages of these proposed fee increases, but listen to just this few of some of the 36 discretionary and mandatory user fees worth $25 billion.

Federal Aviation Administration fees, who do Members think is going to pay for that? It is going to be the American people. Bank examination fees; patent and trademark fees going to increase the cost of every product in America today; National Transportation Safety Board fees; farm service fees, going to pile more costs on America's farmers; grain inspection fees; administration licensing fees. I cannot figure out even what those things are, but all I know is it takes money out of the pockets of somebody.

Animal implant service fees; wetland permit fees. These are all increases now that are going to take effect. Fishery management fees; Social Security claimant fees. Here we are going to take more money from senior citizens. National park interests and concession fees are going to skyrocket. Pesticide registration fees, that is not even specified so I cannot tell what that really is. And then, worst of all, Medicare provider fees.

Mr. Speaker, the list goes on and on and on and on and on for 100 pages here.

If Members listened closely to what I have just been saying, they would have seen that the President proposed to increase user fees issued by eight different Cabinet departments, that is

practically all of them out there, and three other major government agencies like the EPA and the Social Security Administration.

There are fee increases on farmers. There are fee increases on landowners, on fishermen, on entrepreneurs who are small businessmen with great ideas who start a business, and they are the ones that create 75 percent of all the new jobs in America every single year, not only for displaced Americans who have been caught up in downsizing, but it also includes young girls and boys coming out of high school and college today.

There are fees on physicians, on just plain employees, on emergency personnel. These are voluntary emergency personnel, people that volunteer their time, things that we Americans are noted for. There are more fees on banks. And what do you think that does? That is going to drive up the cost, again, of doing business with banks.

On national park users, I have got a series of national parks in my district, including the Saratoga National Battlefield, which was the turning point of the Revolutionary War.

Incidentally, while I am just speaking, we have got the Medal of Honor, the Congressional Medal of Honor Society convention with about 100 Medal of Honor recipients coming up to Saratoga Battlefield this weekend. We are going to give an award to a great American and his wife, and those great Americans are former Senator Bob Dole and his wife. I just hope we can get out of here in time for me to catch a plane to go up there and enjoy that dinner and see it tonight.

Mr. Speaker, the last one I did not mention was senior citizens, who just get socked with almost every one of these fees.

User fees are nothing more than a back-door hidden way to raise taxes. As a result, taxpayers have less money in their pockets, and the government has more money to spend. If Members believe in that, I guess they want to come over here and vote for this bill. The American people, in my opinion, contribute enough in taxes to the Federal Government; and imposing user fees is just another way, again, a back-door attempt to raise taxes to reach into their pockets.

□ 0915

What makes President Clinton's user fees especially objectionable? All of you, and I know you are all sincere, and you all were trying to work for this balanced budget, but what makes it especially objectionable is that he uses them as a budgetary gimmick to circumvent the intended discipline of the discretionary spending caps that were an essential part of the balanced budget agreement last year, that we all worked so hard to put together so we could end this further accumulation of this sea of red ink. The President had the opportunity to reform or terminate thousands of Federal programs. Yet out of a $1.7 trillion budget, there are practically no cutbacks there at all in his budget.

Without these fees and without these taxes, the President's discretionary spending would be $5 billion over the discretionary spending caps in fiscal year 1999, and it would be $42 billion over the spending caps over the next 5 years. That is probably hard for the average American person out there to understand when you start talking about spending caps, but it is very, very important because it puts a control on this Congress. It does not allow us to go and spend more. Now we are just throwing that out the window. This means that the President used these user fees as a way to avoid the spending caps established in law, and he can do it. In my opinion it is legal thievery, but he can do it. Mr. Speaker, this is not according to me. This is according to the Congressional Budget Office. Sometime later on today when we get back on the budget that we are debating, Members ought to get the Congressional Budget Office report and they will verify everything that I have just said.

Mr. Speaker, that is the bad news. Now, if you want to hear the worst news, it is the second part of the bill that I just introduced.

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

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

Mr. STARK. Mr. Speaker, in the Republican budget, there are still $11 billion of user fees, flood insurance, homebuyers for FHA, air travelers, barge traffic on inland waterways, veterans seeking housing, health insurance for civil servants. Would the gentleman join with me to remove those user fees that are in the Republican budget? I would like to help him.

Mr. SOLOMON. I sure would. Let us talk about it.

Now, let us get on to the worst part of the news, because these are real taxes. These are real tax increases. Mr. Speaker, for instance, this bill before us, which I took from the President's budget, every word, I have not added anything to it, so it is actually excerpts from the President's budget, contains the 41 different tax increases totaling $33 billion that was proposed by the President.

Let us just look at some of those. Eliminating the dividends received for certain stock. What did we do? We just reduced the capital gains stock which did more to spur this economy with people that have worked all their lives working for Sears Roebuck, a couple with not much salary all those years but they had some stock saved over that time. Now they can sell that stock, without giving it all to the Federal Government. They can keep 80 percent of it now and in some cases 90 percent and here we are fooling around with this thing again. Defer the interest deduction on convertible debt. Change life insurance rules. You ought to look at those, ladies and gentlemen. Changes in the estate and gift taxes. In other words, stick it to the heirs of the deceased. What did we just do? We just rewrote the laws so that people who have worked all their lives, like I intend to do, and I want to leave a little bit to my five children and my six grandchildren, and now you are going to take it back away again? It gets upsetting.

Reduce the depreciation method for tax-exempt property. What does that mean? That means churches, it means Boy Scouts, Girl Scouts, philanthropies. Increased taxes on real estate. We have just about ruined the real estate market in this country as it is. That hurts jobs. The gentleman from Ohio (Mr. TRAFICANT) sitting over there represents a blue collar district. We need to do all we can to create jobs, especially in the construction and building industries. Here we are going to upset that.

Mr. Speaker, the list just goes on and on and on forever, like I said, more than 100 pages. These proposals would have significant impacts on real people, real American people. Take, for instance, one of these tax increases, the President's proposal to raise taxes on financial products which encourage long-term investment and savings. That is terrible.

It is incredible that the President, who is fully aware, he is no dummy, he is one of the most astute, smartest Presidents this country has ever had, he is a Rhodes scholar or one of those guys over there, sometimes they are too smart, but he is fully aware of the impending crisis in Social Security, that it would propose to hike taxes on the products that the American families and business use to plan their own retirements. I see some of you Ways and Means types over here who are grappling with that now. Here is one sitting over here. We need to do all we can to encourage savings by the American people. Millions of American families use these very life insurance products to save for their retirement. Surveys show that many moderate-income families use private sector retirement products such as annuities to plan for their future. This is so important. In fact, many of the owners of annuities are women, 55 percent of them are married, and 28 more percent of them are widowed. Here we are going to take away their savings? The President proposes to increase the tax burden on these same annuities, annuities that 85 percent of the owners intend to use as a fundamental source of their retirement savings. Why should the government discourage these families from saving their money?

We have to remember that every time an American puts a dollar into the bank or puts it into some kind of savings, that creates jobs, because it makes more money available for the private sector to be able to borrow in competition with all of these governments.

The Federal Government. We pay about $270 billion in interest on the accumulated Federal debt today. Then when we look at the State governments and we look at all the counties, towns, cities and villages and their debt, they are all in competition with the private sector. We should be doing everything we can to encourage the American people to save not only for their retirement but because it stimulates the economy.

Mr. Speaker, there is an old saying around this town, ''Don't tax me, don't tax thee, tax that man behind the tree.'' President Clinton's budget enhances his legacy of tax increases with $130 billion in new user fees on taxes on everybody and everything, including that tree, Mr. Speaker.

Mr. Speaker, with the President's mid-session budget report issued just last week reporting that the tax burden as a percentage of the economy will reach an historic peacetime high of 20.5 percent and remain above 20 percent for as far as the eye can see, this House should resoundingly vote down President Clinton's tax increases right now, today, and shed the light on this President who cannot seem to take enough of Americans' hard-earned money.

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

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

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

Mr. MOAKLEY. Mr. Speaker, I really think that some of my Republican colleagues are very embarrassed because of the sham bill that is coming to the floor. The person who brought it to the floor readily admitted to everybody he is opposed to it. I am opposed to it. The President is opposed to it. So what is it doing here? It is just another way to try to embarrass the President.

Yesterday my colleague from New York introduced this bill which includes an assortment of revenue raisers, but it omits the programs from the President's budget. Under normal circumstances, Mr. Speaker, this bill would have been referred to six different committees for the consideration and, after research and hearings, possibly brought to the House floor for a vote.

But, Mr. Speaker, that did not happen on this bill. That did not happen because the gentleman from New York (Mr. SOLOMON) really does not want this bill to pass, and neither do I. In fact, my Republican colleagues want this half-a-bill to lose, and lose badly. Why? In order to deflect attention away from their heartless budget cuts.

My Republican colleagues are so embarrassed by their own budget that they needed to create an even worse one to hide behind for the evening news. My Republican colleagues do not want to stand behind their budget cuts because, and we have heard the litany of cuts, of the increases that the gentleman from New York (Mr. SOLOMON) talked about, their budget cuts Medicaid, their budget cuts their very own welfare-to-work program, their budget cuts Head Start, their budget cuts veterans' health care once again, and it cuts Superfund cleanups, it cuts children's health care and it cuts school lunches.

We do not talk about that. We just talk about what the President talked about but did not bring to the floor.

Mr. Speaker, these are very serious cuts. These are very serious cuts in the programs that the people of the United States of America really want. I can understand why my Republican colleagues are embarrassed by their budget, but today's bill is irresponsibility at its highest.

I would like to make something perfectly clear. President Clinton does not want this bill. In fact, this bill is such a perversion that President Clinton opposes this bill and quite truthfully, I would tell him to veto it if it were to pass.

I have just received a letter from the acting director of the Office of Management and Budget. The last paragraph, it says, ''H.R. 3989,'' that is the bill we are talking about, ''does not reflect the policies of the President's budget, and the Administration opposes its enactment. We regret that diversionary measures such as this one are being presented for consideration at a time when so much more important work remains for the Congress to complete.'' Signed Jack Lew, acting director, Office of Management and Budget.

Mr. Speaker, my Republican colleagues are so opposed to revenue raises, I wonder how they will bring themselves to support the Republican budget which itself contains $10 billion in user fees. That is right, Mr. Speaker, the Kasich budget imposes $10 billion in user fees on the same American people that the gentleman from New York is so concerned about.

In fact, Mr. Speaker, any budget that meets the requirements of last year's balanced budget agreement must contain provisions to pay for each program expansion.

Mr. Speaker, this bill is ridiculous. It is a sham. When the other side is talking about we have only got so much time to go, why do they bring these things to the floor? For one reason, to try to embarrass the President. This is a political action at its very best. It is being introduced to divert attention away from the Republican budget, not to be passed into law.

I for one give the American people a lot more credit than that. I urge my colleagues to give them more respect. I urge my colleagues to vote against this mockery of a bill, and I am sure the American people will see the diversion for what it really is, pure politics.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, June 5, 1998.

Hon. JOE MOAKLEY,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE MOAKLEY: Thank you for requesting the Administration's views on H.R. 3989, The User Fee Act of 1998. The President is serious about his commitment to fiscal discipline, and he has proven his commitment by reducing the deficit from $290 billion in 1992 to the first surplus in 29 years. Many Members of Congress have also shown their commitment to fiscal discipline by voting to approve comprehensive deficit reduction bills in 1993 and 1997.

H.R. 3989, however, does not represent serious fiscal discipline. It is instead a cynical diversion from the substantive debate about important budget issues, including the merits of user fees. The Administration's user fee proposal is based on the idea that user fees bring good business practices to the Federal Government by ensuring that the beneficiaries of Government services—not the general taxpayer—pay for them. H.R. 3989 in many cases breaks this link by raising fees without regard to resources for related services.

H.R. 3989 does not reflect the policies in the President's budget, and the Administration opposes its enactment. We regret that diversionary measures such as this one are being presented for consideration at a time when so much important work remains for the Congress to complete.

Sincerely,

JACOB J. LEW,
Acting Director.

Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. STARK).

Mr. STARK. Mr. Speaker, I thank the distinguished ranking member for yielding me this time.

Mr. Speaker, the Republicans this morning are doing a rather silly exercise, I think. It is duplicitous, I guess, in its best light. They are trying to take out the user fees and revenue raisers for a separate vote, all except those which they have originated and left in. In other words, they are being selective. They will harm children, health care for the frail elderly, food for the poor. Their own user fees will pay for flood insurance and some homebuyers and air travelers, health insurance for civil servants. But not health insurance for people on Medicare, not health insurance for the poor, not health insurance for children.

It is the same duplicitousness that we heard yesterday, the right-wing religious wackos who were talking about praying. Many of them made a claim to be Christians. What kind of a Christian would harm small children? What kind of a Christian would deny health care to the indigent? What kind of a Christian would deny housing to the poor? I do not know if that is ever mentioned.

For the people on the Republican side whose plan is to destroy programs for the poor and to build their budget on the backs of the poor and then try to convince the American people they are Christians is a lie, it is duplicitous, and it is wrong.

□ 0930

So as it is this morning, we are wasting our time and the public's time with political posturing for a bankrupt program. Why are we not spending the time this morning to talk about managed care reform? Why not the Norwood bill which 90 Republicans have joined which would give the American public what they want, and that is protection from the unscrupulous insurance companies who are making huge profits by denying managed care to the people paying for it?

Where are the Republicans when it comes to protecting what 80 or 90 percent of the American people want? They are hiding. They are scared. They do not know what to do. They cannot organize to get the kinds of programs that we need.

What about early buying at no cost to the government for those seniors who retire early and will be without Medicare or without health insurance? Why are the Republicans not bringing that part of the President's program to the floor so we can vote on it? Because they do not dare. Because they know that the American public wants programs that will win.

Tobacco legislation; why are the Republicans burying tobacco legislation while we prattle about this silly bill which nobody wants? This is to distract the people from the fact that the Republican cuts in their own budget are so severe that program after program will be destroyed.

The Speaker's desire to see Medicare wither on the vine is being helped by this plan to destroy all assistance to the people who, through no reason of their own, need assistance for a job, for housing, to feed their children. Those will be dismantled, as the Republicans would like to do.

The Kasich budget does not provide the money to fight fraud and abuse. There is about $20 billion in improper payments under the Medicare program. Instead of providing us the funds to monitor that and save them money and cut those bills; 265 million is what it would take for the Medicare program to be able to save a good portion of that 20 billion; instead of cutting the error rate, we are cutting the budgets to the law enforcement people who could save that money.

This Republican budget is pro-fraud. It is on the side of the criminals. That is who the Republicans are coddling with this. Quality will suffer. Nursing homes will go uninspected. So that those of us who are retiring and may want to go to New York or California and seek succor in a nursing home may find them dirty and poorly managed and of low quality because the Republicans are cutting the budget for the people who inspect those and ensure that our parents and our retiring colleagues who will need care in their senior years will not get it.

The bills will be paid slower. Medicare beneficiaries will be unable to get questions answered about the new proposals the Republicans are sending out in the mail.

So that as we see a small amount of money being denied as a way to obfuscate the bankruptcy of the Republican budget, the problems of this country increase, and the leadership on the Republican side continues to do nothing about it.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore (Mr. HEFLEY). What is the gentleman's inquiry?

Mr. SOLOMON. Mr. Speaker, in my opening remarks about President Clinton I tried to not be disparaging, and I just want to inquire is it appropriate in this House for a Member to accuse other Members, even without mentioning a name, of being religious wackos?

I am looking at a list of Democrats who are good, sincere Democrats that voted for that bill and participated in the debate and there are names like: BAESLER, BARCIA, BERRY, BISHOP, CLEMENT, CONDIT, CRAMER, and it goes on and on and on, and I just do not think that is appropriate or proper, and I hope we can get this debate on a little higher plain.

Is that appropriate or not?

The SPEAKER pro tempore. Members should avoid personalities in debate directed against other Members.

Mr. MOAKLEY. Mr. Speaker, I yield 10 seconds to the gentleman from California (Mr. STARK).

Mr. STARK. Mr. Speaker, I am sure that if any wacko in the House would like to raise to a point of personal privilege that the Speaker would be glad to recognize him for that purpose.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. TRAFICANT).

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

Mr. TRAFICANT. Mr. Speaker, I think we should take ourselves out of the fish bowl and think like everyone else. We talk about user fees, service fees, excise taxes, sales taxes, income taxes, estate taxes, capital gains taxes, property taxes, marriage taxes, school taxes, fuel taxes, aviation taxes, old taxes, new taxes, surtaxes and retroactive taxes, so it is no wonder the American people are, in fact, taxed off. How many ways can we tax our country, Congress?

Let us look at the local level, how screwed up this whole situation is:

If someone fixes up their home, they pay more taxes. If they let it go to hell, they get a tax break.

Now let us look at the Federal level:

If someone is single, divorced or they abandon their kids, they get a tax break. If they are married and live responsibly, they pay $1,400 a year more and get hit over the head for being a good citizen.

As my colleagues know, this is unbelievable to me.

Now, to make it even worse, the American people are looking back and reading the headlines today and saying, ''With our money Uncle Sam now wants to give more MFN to China and another $10 billion, an additional $10 billion in foreign aid to Russia even though the Russian top financial officer says they stole the last American aid.

Beam me up here. I think it is time to make a common-sense statement to the Congress and the people of the country.

An America that rewards even Communists at the expense of mom and dad is an America that may seem to some to be politically correct but, to me, I submit is downright stupid.

Now I am not voting for anybody's budget. There are more taxes in both budgets than I am for.

I think it is time to dramatize this. I want to see some reasonable trade policy in the country. I want to see a budget that starts rewarding good citizens and stops penalizing achievement.

Mr. Speaker, I think we are all screwed up. So I am opposing the Republican budget. I am opposing the Democrat budget. And in God's name I am asking when will we get a common-sense budget that the American people could all identify with, know where the money goes, why it is going and has a trail that we could monitor and audit?

I think it is very simple, so I am going to support this. I am against the taxes in the President's budget, but I am also going to oppose the taxes and user fees in the Republican budget.

With that, I yield back any common sense left in Congress.

Mr. MOAKLEY. Mr. Speaker, I yield 7 minutes to the gentleman from New York (Mr. RANGEL), the ranking minority member of the Committee on Ways and Means.

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

Mr. RANGEL. Mr. Speaker, all of us are going to miss my friend from New York and the chairman of the Committee on Rules. He is leaving this august body with his charm and his wisdom; certainly he is going to leave a vacuum. But I hope he does not put out the legislative lights before he leaves because since we have had a Republican majority the rules of the game as to how we legislate have dramatically changed.

I can understand why the gentleman from New York (Mr. SOLOMON) keeps yielding to the Democrats: Because hardly any Republican is willing to stand up to defend this thing that has come out of the Committee on Rules.

But I would like to say this, that there used to be a time in the olden, Democratic days where we had standing committees with chairmen and we had senior Republicans. We used to have something, and I forgot the name of it, but I think it was hearings? Yes, hearings. And we used to have witnesses and experts, and they used to testify.

And then along came the gentleman from Georgia (Mr. GINGRICH) and he

says, ''You don't need that. You only need one committee, the Committee on Rules. As a matter of fact, we don't need that. All you have to do is have a meeting in the Speaker's office, go upstairs in the middle of the night, find the most complex tax matters that you want, and forget the eight committees that have jurisdiction because, after all, no committees are meeting unless it is to attack the President of the United States. And then have the chairman of the committee introduce a bill in the middle of the night on a Wednesday and make certain that it comes on the floor when nobody is going to be awake in order to do it.''

The only way that they can do this thing, the only way, the new Republican legislative way, they can do this thing is, first, get a budget, and the budget has to make certain that the first thing to do is get a great tax cut for the wealthy people of the United States. Once that is done, then the rest of it is easy.

What is the rest of it? The rest of it is that we will take $101 billion from the committees of jurisdiction. We will not tell them where its coming from. We will let them have the blood on the floor. But we will say, we will say that it should come from health, it should come from education. And, for God's sake, make certain that we do not miss the American veterans. Hit them, and if we miss them, make certain we hit them twice.

Now the gentleman from New York (Mr. SOLOMON) has indicated, what a modest man, that the tax laws are complicated. Well, it does not take a profile in courage to come to the floor and say that. As a matter of fact, here is the gentleman from New York's list of complicated tax laws. Did he ask the experts in tax laws on the Republican side to take a look at this?

Oh, my chairman is not here, Mr. ARCHER.

Are there any senior Republicans on the Joint Committee on Taxation?

Yes, they are talking.

There are two of them there. There are two Members.

Are we going to have hearings on this, Mr. SOLOMON?

Oh, no, this will not go to hearings.

Why?

It is too complex for the Joint Committee on Taxation to have hearings on it.

The wisdom in legislation is confined now to two areas; one to Speaker, and, God knows, any chairman knows that: Do not have hearings on anything that the Speaker does not want to have hearings on. And the second thing is the Committee on Rules.

I really believe that the gentleman from New York (Mr. SOLOMON) was not selected just because of his good looks and his wisdom but because of his name. The wisdom of Solomon shall prevail on the budget and on the taxes, and he will tell us estate taxes, real estate taxes, financial property, Social Security, woe, woe, woe, this heavy tax system. He figured it all out, my brothers and sisters, my Democrats and Republicans:

Go home, worry not. There is no legislation, there is no hearings, but, God knows, the Social Security of the United States, that, too, shall rest in the wisdom of Solomon on the Committee on Rules after this is over.

Mr. SOLOMON. Mr. Speaker, will the gentleman, my best friend, yield?

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

Mr. SOLOMON. Mr. Speaker, first of all, this bill, everything in it was before the gentleman's committee. He held hearings on it. He personally spoke on it. I have read his remarks.

Secondly, this did not come out of the Committee on Rules. Now wait a minute now. This came directly to the floor under unanimous consent agreed to by the gentleman from New York's minority leadership.

Mr. RANGEL. Mr. Speaker, I thank the gentleman from New York (Mr. SOLOMON) because, if this did not come out of the Committee on Rules, what in God's name are we doing here in the first place?

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

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

Mr. MOAKLEY. Mr. Speaker, the reason we did not go to the Committee on Rules is because we knew it was just a dilatory tactic, and we did not want to waste another hour on the rule so I gave the gentleman unanimous consent.

Mr. RANGEL. And so now we have really reached the epic in legislation without Members.

I made a mistake. I really thought it was just the Speaker and the Committee on Rules. It is just the Speaker and the Speaker, as a matter of fact. All that must be done is to tell the gentleman from New York (Mr. SOLOMON) ''For God's sake don't let the members of the Committee on Rules see this. Just come to the floor. Put your name on it. They'll think it was a legitimate process, and we'll have some debate.''

Oh, no. Listen. First of all, we all know this: that these are recommendations made by the President of the United States.

□ 0945

In the olden days, it was the Committee on Ways and Means that would really legislate and bring it to the floor because of the Constitution, which says that all revenue raisers would emanate from the House of Representatives, and not the Speaker's office and not the office of the gentleman from New York (Mr. SOLOMON).

Second, it does not surprise me that this is the way they would like to deal with the President's budget as it relates to paying for services because, God knows, we will never have hearings in talking about what is in the President's budget.

But I understand it all. They are in the majority, and the further away they can get from substantive legislation, the better they can enjoy the comfort that the President's budget and the surpluses have brought to us.

I am so glad to see that the distinguished chairman of the Committee on Ways and Means, the man who possesses more knowledge on taxes than any Member in the House, has come to the floor, and I hope he is yielded to to explain this tax plan.

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

Mr. Speaker, I just cannot believe what I just heard, because the gentleman would indicate that this Congress never held hearings on the President's budget. I think we held numerous hearings.

Mr. Speaker, I yield 4½ minutes to the gentleman from Texas (Mr. ARCHER), one of the finest, most-respected Members of this body, the chairman of the Committee on Ways and Means, to maybe enlighten us on this.

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

Mr. Speaker, I remember over the years when we were in the minority and we had a Republican President in the White House, the Democrat leadership over and over again brought the Republican budget to the floor so we could have a chance to vote on it. Now I see that the leadership on the other side of the aisle does not seem to want us to have an opportunity to vote on the President's proposals, which we are going to give the House an opportunity to do today.

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

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

Mr. MOAKLEY. Mr. Speaker, the chairman is exactly right. We did. But he is not bringing the President's budget to floor, he is only bringing one piece of it. He is bringing the user fees, not the programs. This is not a fair presentation of the President's budget.

Mr. ARCHER. Mr. Speaker, reclaiming my time, I would say to the gentleman that this could well be the first step, but it is an important first step because no additional spending can occur unless these taxes and fees are approved.

Today the House of Representatives has a chance to stand with the taxpayers who want lower taxes, or with the Washington politicians who want higher taxes. It seems to me our choice is simple. The budget that President Clinton submitted to the Congress is a died-in-the-wool, regular old-fashioned, tried-and-true, liberal tax-and-spend scheme.

Today we will be able to vote on 77 of the President's proposed tax hikes and user fees. In total, they raise taxes and fees by more than $51 billion. Think about it, $51 billion. If one believes in big government and providing the means to make the government bigger, then I would say Members should vote for this bill and vote for the President's plan. If one believes in more

spending, then vote today for this and vote for the President's plan.

But if one is like I am, and believes that the government is too big and spends too much, then join me in opposing the unnecessary presidential tax hikes. His budget raises taxes on people who are trying to save, especially women and widows who depend on life insurance policies to make ends meet. It penalizes small businesses that are struggling to get by, and it punishes companies that create jobs. It works against our ability to compete overseas in the global marketplace, which is an absolute essential to improving the standard of living of the American workers.

In an era of surpluses as far as we can see, why on earth is President Clinton proposing all these tax hikes? It is because the President still believes that a big government that spends more and does more is the best answer to the people's problems.

I remember the comments of Thomas Jefferson when he was in Paris during the writing of the Constitution, and he wrote to his friend, Madison, and he said, ''Europeans are bred to desire a government that is energetic, that can be felt. Godsend that our Nation never have a government it can feel.'' But apparently the President wants more government that the people can feel.

I stand with Thomas Jefferson. President Clinton obviously believes that a big government that spends more and does more is the best answer to people's problems, a government that is energetic, a government the people can feel. Not so Thomas Jefferson, and not so I.

Mr. Speaker, I would say to my friends, if ever there was a reason for the Congress to be a different party than the President, this is it. If we are not here to stop the President from raising taxes again, who will be? We need to stop President Clinton before he taxes again. Join with me. Show you are on the side of overtaxed workers of America and vote ''no'' on Clinton's tax hikes.

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I am a bit puzzled by this debate. If I listened correctly to the other side, they are saying that all of the fees in this resolution are unwarranted.

Now, I guess I would be puzzled that they are saying that with regard to bank examination fees. Are they saying that the depositors who are getting miserable rates of interest and paying exorbitant credit card fees to the bank should also pay for the Federal regulation of the banks, or are they saying there should be no Federal regulation of the banks, like we tried with the savings and loan industry during the Reagan era?

There is a fee for the registration of pesticides. Are they saying that the American people, average taxpayers, should pay for the evaluation of and the registration of the safety of pesticides, or are they saying we should have a pesticide industry that is totally unregulated by the Federal Government, creating and applying whatever it wants, wherever it wants, however it wants, and putting it in our water supply?

I do not believe even the Republicans want to repeal those fees, nor do they believe average working Americans should pay fees for the profits of the pesticide industry or should pay fees for the profits of the banking industry.

But even beyond that, I am extraordinarily puzzled by the inclusion of one of the most onerous fees to come out of Congress and the administration, in my opinion, in the last five years, and that is the fee for those of us who live in the West. Any time we want to drive on, park on, or recreate in our federally owned forests and BLM lands, we have to pay a fee.

Now, the gentleman from New York is always fond of calling us to our consistency and talking about our past votes. I would like to know how the gentleman from New York voted on the two bills that created this fee, both passed by a Republican majority.

H.R. 3019, the balanced budget down payment act, April 25, 1996, I believe the gentleman voted for it, although he would say perhaps he opposed that part. And I believe again the gentleman in all probability voted for H.R. 3610, the Interior appropriations conference report, which I opposed.

Both of those bills created this onerous fee. They came from the proposal of the honorable gentleman from Ohio (Mr. REGULA) in this House of Representatives. This is an incredibly onerous fee on the people of the western United States, created by a Republican Congress, passed by a Republican Congress, never having been authorized by the committee on which I sit. That is an outrageous fee. So let us have some consistency around here.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume to just say to the previous speaker, boy, do I agree with him. We are going to defeat this bill that has got that fee in there.

Mr. Speaker, I yield 3 minutes to the very distinguished Member from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the distinguished chairman of the Committee on Rules for yielding me time, and I welcome the remarks of my friend from Oregon, to the extent that he stands opposed to user fees in the parks. I very much appreciate that. Knowing his reputation for more and more spending and more and more government control, I am very grateful that he joins with me and others to share that concern about fees.

Now, it is very interesting that we take a look at this.

Mr. DEFAZIO. Mr. Speaker, will the gentleman yield on that mischaracterization of my record? The gentleman will not yield?

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore (Mr. HEFLEY). The gentleman will state it.

Mr. HAYWORTH. Mr. Speaker, is it proper for a Member to come to the well while one Member is addressing the House? He could also ask from back there.

The SPEAKER pro tempore. The gentleman from Arizona may decline to yield.

Mr. HAYWORTH. I thank the Speaker. We will try to restore some order.

Mr. Speaker, perhaps the reason why we see such vociferous protests is because, even in good conscience, my friends on the left cannot abide the fear and smear they are offering this morning.

Now, some of my friends on the left wonder aloud, why this is brought to the floor? Let me attempt to inform them. You see, friends, and Mr. Speaker, it is because words mean something. When the President of the United States came and spoke from the podium behind me here, he offered a budgetary plan that really, in terms of oratory, was a wonderfully crafted speech with all the poll data and all of the driven rhetorical phrases to offer empathy and concern for the American people.

But, you see, we are compelled to go beyond words to check the costs. And in the words of the chairman of the Committee on Appropriations, my friend from Louisiana, our President promised everything but stronger shoelaces in that State of the Union message. So if he is going to promise, he has got to follow through with a price tag.

Now my dear friend, the ranking member of the committee on which I sit, the Committee on Ways and Means, lamented what he claimed was an absence of hearings. I would direct his attention to an important date, not only in the Hayworth household, but also in this august body, February 25; not only our wedding anniversary at home, but the day we invited the administration in to defend the budget plan of the President.

I recall distinctly the fact that many of our colleagues on the left joined with us. Indeed our colleagues on the left, Mr. Speaker, were most vociferous in objecting to the revenue raisers that would have to come with the President's budget. So I would remind my friend of February 25.

It is just very interesting to take a look at the reality of what the President offered, almost $52 billion in new taxes.

Mr. MOAKLEY. Mr. Speaker I yield one minute to the gentleman from Texas (Mr. BENTSEN).

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

Mr. BENTSEN. Mr. Speaker, about eight hours ago in the middle of the night we debated the Republican budget resolution when nobody was around.

I think people in Hawaii watched it, but every place else Americans were probably sleeping. The reason we debated it then is because they do not want to get up and defend it. They do not want to defend the $10 billion in user fees.

In my district they want to double insurance premiums on middle class homeowners, just like they wanted to in 1995 and 1996. They want to raise the user fees for the intercostal waterway, where working men and women move barges and product along the Gulf Coast, by 500 percent. That is a pretty big increase.

What is going on here? The process is broken. The Republican leadership in the House has failed in the budget. It is two months after we were supposed to have come up with a budget. We have ceded the process to the Committee on Transportation and Infrastructure. The gentleman who just spoke in the well speaks about big budget Democrats.

□ 1000

They were rushing to vote to spend $22 billion over the balanced budget agreement and take out of the pockets of the veterans 2 weeks ago. The process is broken. The Republican leadership has failed the House once again.

Mr. SOLOMON. Mr. Speaker, I yield 30 seconds to the very distinguished gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, very briefly, this debate is important, because the White House spins the President's budget as a glorious solution of how government can solve problems by spending money. Nobody has talked about where the money comes from. That is the purpose of this debate and vote. Everything in this bill is the President's budget proposal for tax and fee increases.

I think it is important that we look at where the money comes from because it comes out of the pockets of working families in this country. In the President's budget, it takes $129 billion out of those pockets.

I thank the gentleman for yielding to me.

Mr. MOAKLEY. Mr. Speaker, I yield 1¼ minutes to the gentleman from Florida (Mr. BOYD).

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

Mr. BOYD. Mr. Speaker, I guess I just have not been here long enough to be callous to this sort of shenanigans that is going on this morning. But I have to say that I was shocked when I turned on the television and saw that my Committee on Rules chairman, yes, my Committee on Rules chairman, because he is the Committee on Rules chairman of the United States House of Representatives, was bringing to the floor a bill under his name that nobody would vote for, including myself.

With leadership comes a certain amount of responsibility, and I do not understand why, last night, we debated after midnight a piece of legislation, a budget resolution brought to this floor that did not include the highway spending bill that we passed just 2 weeks ago. Now we have to find additional cuts.

Mr. Speaker, also, we were not allowed to work on the Blue Dog budget. I am a Blue Dog, and I vote with the Republican majority on many occasions when I think they are right. But absolutely they are wrong on this case. They did not allow a reasonable Blue Dog budget to be brought to the floor of this House, but today we are bringing this piece of legislation, and I think it is wrong.

I wish my friend, the gentleman from New York (Mr. SOLOMON), who was born and raised in Florida, well in his retirement; and I know he has a very, very tough job running the floor of this House. I happened to chair the Rules committee in the Florida House, and I think he has failed on this account.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, we are supposed to be talking about the budget this morning. The Republicans are afraid to bring it up and talk about it. They ran into a problem. They were taking $10 billion from Medicare. That was not working. They were afraid, so, instead, they decided to take it out of Function 600 and aim it at welfare reform. They were frantic. So they stabbed in the dark, grabbed for Function 600, but what they have done is to stab in the back welfare reform.

The National Conference of State Legislatures says this: This budget, the Republican budget abrogates an agreement reached between State Legislators, governors, and Congress in 1996 regarding welfare reform.

The National Governors Association, Governors Carper, Engler, Miller, Beasley, Chiles, Leavitt, O'Bannon, Romer, Ridge and Thompson say this about it: We urge you in the strongest terms possible to uphold the historic welfare agreement reached in 1996 and reject any cuts in TANF, Medicaid, or other welfare-related program as part of the budget resolution.

Mr. MOAKLEY. Mr. Speaker, I yield the remaining time, which I believe is 4¼ minutes, to the gentleman from California (Mr. MILLER), my final speaker.

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

Mr. MILLER of California. Mr. Speaker, it is very clear what is going on here this morning. The Republican budget process has failed. They cannot reach agreement among themselves, and they have now been forced to cut tens of billions of dollars out of programs serving the most vulnerable people in the United States.

They have chosen in their budget to protect every special interest in the country. They have chosen to protect the chemical companies, the drug companies, the western irrigator water users, the grazers, the oil companies, the timber companies, and the mining companies.

The President thought it might be a better idea that the mining companies in this country pay the American people something, something for the use of their lands. They chose, rather, to cut nutrition programs.

The President thought it made sense that the big timber companies that cost the taxpayers millions of dollars to take the timber off of the public lands pay a little something. They chose, rather, to cut Medicaid.

The President thought it made sense that the oil companies that have been underpaying the taxpayers billions of dollars and admitting to it every day in court, he thought we ought to recover some of that money for the taxpayers. They chose instead to go after Medicaid. They chose instead to go after child nutrition. They chose instead to go after Title I. That is what is going on here, ladies and gentlemen. They have decided to protect the special interests.

The President thought maybe the concessionaires that have made millions of dollars running the concessions in the national parks ought to pay the taxpayers some fair rent for that right. The Republicans have chosen not to do that. They have chosen not to do that. They have chosen, instead, to cut education programs. They have chosen, instead, to cut veterans programs.

That is what their budget is. This is an effort to camouflage the vote that they will have to take later today on their budget that cuts billions of dollars, billions of dollars to the most vulnerable people in this country.

This is not about fees. This is not about the President's budget. This is about trying to get some cover for the Republicans who they have broken the arms to vote for a budget that is essentially bankrupt, a budget where they refuse to put in hard numbers, a budget where they change it in the middle of the night, a budget that is debated here at midnight, covered up by a bill that was never sent to the committee, never sent to the Committee on Rules, and was decided late last night to be brought to this floor.

Why have they done that? Why have they done that? Because, in their budget, they continue to protect the users of the FDA, the drug companies, and the chemical companies, the mining companies, people who are taking billions of dollars away from the taxpayers of this country, off resources owned by you, the American people. They pay no rents for billions of dollars in gold, billions of dollars in platinum, billions of dollars in silver.

The President thought maybe, just maybe, we ought to run the government like a business, and we are entitled to some rent. But the Republicans have chosen, instead, to say, why do we not go after Chapter 1, trying to help disadvantaged kids?

Republicans have said, instead, why do we not go after the income security

in this country and have ways and means? Where are they going to take it out of? Unemployment, Medicaid, Social Security. We will leave it up to the Committee on Ways and Means.

This is about choices. This is about choices to be made.

Later today, the Republicans will have the glory of not only voting for the user fees in this bill but voting for all of their cuts also on the vulnerable populations in this country.

This bill ought to be rejected. It is a sham. It is a cheap attempt to camouflage, because the Republicans know they have a very difficult vote coming up this afternoon for their Members. They have been meeting around the clock trying to get enough people together so they could pass their budget. Maybe they have achieved that. Maybe that is why we are on the floor.

But what they do know, they need some diversion so Members can go home and say that somehow they engaged in some great scheme to protect the American people from fees.

These fees are about fees on special interests and people who are extracting wealth from the resources owned by the taxpayers. The fees on the Forest Service were put there by the Republicans last year when they decided every Tom, Dick, and Harry who wants to go out with his family and use the forest is going to have to pay, but not the timber companies. They have chosen the special interests.

The President chose to try to protect the people and make sure that those people who are using America's resources should pay something for that.

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

Mr. Speaker, the question was raised by a number of the Committee on Ways and Means Members, the gentleman from New York (Mr. RANGEL) and the gentleman from California (Mr. STARK) and others, about why did we bring this bill to the floor.

We bring it to the floor for two reasons. One is that the President of the United States, no matter who he is, cannot bring a budget or any portion of it to the floor of this House. It has to be brought by a Member of Congress representing a committee, and the Democrats have failed to do that.

We are attempting to show the difference between we Republicans, who are absolutely, with every fiber in our body, opposed to raising taxes and taking more money out of the pockets of the people, and as opposed to the Democrat view, as represented by President Clinton with more and more and more taxes and fees. That is exactly what this bill does.

The President is proposing $130 billion in new taxes, not to mention $150 billion in new spending. By focusing this debate on this issue this morning before we go to final passage, it is going to show the difference in division of our two parties. That is obvious to the American people.

I know that there is going to be a motion to recommit, and we will just have to wait and see what that is. But I would just hope that we would defeat the motion to recommit at the appropriate time and then defeat this bill.

Let us send a resounding message to the President that the American people, as represented by this Congress, overwhelmingly oppose tax increases and fee increases.

Mr. BLUMENAUER. Mr. Speaker, I am increasingly disappointed that Members of the House are presented on an ongoing basis with false legislative choices that distort problems rather than seek to solve them. H.R. 3989 is the latest example of this approach to policymaking, where serious policy questions are demoted to merely political ones. This vote is meaningless when devoid of the larger context of a budget resolution, and everyone here knows that. I refuse to participate in this legislative charade, and I urge my colleagues to do the same. Join me in voting "present" on H.R. 3989. The sooner we stop the pointless political gambits, the sooner we can deal with the people's business.

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

The SPEAKER pro tempore. All time has expired. Pursuant to the order of the House of Thursday, June 4, 1998, the previous question is ordered on the bill, as amended.

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 MR. MOAKLEY

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

The SPEAKER pro tempore (Mr. HEFLEY). Is the gentleman opposed to the bill?

Mr. MOAKLEY. Mr. Speaker, I am opposed to the bill, as everyone in the House is.

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

The Clerk read as follows:

Mr. MOAKLEY moves to recommit the bill, H.R. 3989, to the Committee on Ways and Means to report back forthwith with an amendment:

Strike all after the enacting clause and insert the following:

"It is the sense of the House of Representatives that the following user fees should be enacted as soon as possible:

(1) HOUSING.—

(A) Increase cost to Federal Housing Administration borrowers by ending rebates after mortgage repayment.

(B) Increase National Flood Insurance premiums.

(C) Increase Federal Housing Administration premiums to cover the cost of the multifamily mortgage program.

(2) TRANSPORTATION.—

(A) Establish airport takeoff/landing slot charges.

(B) Increase Federal Inland Waterway System fees to fully recover the costs of operations, maintenance, and new construction.

(3) VETERANS.—

Extend for one year the loan fee for Veterans' Affairs housing loans.

(4) FEDERAL RETIREMENT.—

Raise Federal Employees Health Benefit premiums."

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. MOAKLEY) for 5 minutes on his motion.

Mr. MOAKLEY. Mr. Speaker, my motion to recommit is very simple. Instead of voting on the revenue provisions contained in the President's budget, let us take a vote on the user fees contained in the Kasich budget. We have heard our friends over there saying they are opposed to these fees. Well, let us see.

The Kasich budget contains almost $10.5 billion in user fees, fees on FHA homeowners, fees on airlines, fees on veterans housing loans, fees on inland water users, fees on Federal employees health benefits. There are fees on individuals who participate in the National Flood Insurance Program and, Mr. Speaker, as well as fees on the multifamily mortgage program at the FHA. All of these fees are contained in the Kasich budget.

One thing I have noticed this morning is there has been a lot of talk about revenue provisions that were ripped out of the President's budget. But, Mr. Speaker, the President's budget is not going to be voted on later this morning, the Kasich budget is.

Mr. Speaker, we should not be wasting Members' time by voting on parts of a budget proposal that the House is not even going to consider. The bill proposed by the gentleman from New York (Mr. SOLOMON) is objected to by the President and probably everybody else in the House. Instead, let us take a test vote on the user fees in the Kasich budget, $10.5 billion worth.

I find that ironic that the Republicans are beating their chests about the revenue raises in a bill that is not even going to be considered and strangely silent on the revenue raises that are included in the bill that will be voted on in a matter of hours.

Mr. Speaker, where is the righteous defense of the American taxpayers from the intrusive reach of the Federal Government contained in the Kasich budget? Where is the outrage over the $10.5 billion in user fees being imposed by the Kasich budget on homeowners and veterans?

I suppose it is just too much to expect consistency from my Republican colleagues on this. The desperate urge to score political points is just too strong. My motion to recommit, simply stated, substitutes the Kasich user fee for those proposed by the gentleman from New York (Mr. SOLOMON).

□ 1015

Mr. MOAKLEY. Mr. Speaker, I yield the balance of my time to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I rise in strong support of the motion to recommit. I also rise in opposition to the Republican budget.

Mr. Speaker, as my friend, the gentleman from Tennessee (Mr. JOHN TANNER) pointed out last night, the new Republican majority in 4 years has

truly achieved the level of arrogance that it took the Democratic Party 40 years to have in this body. It did not even allow what is the most important vote of the year, the conservative Democratic alternative to be offered.

If Members have followed this session, they will know that every Tuesday has been spent commending this or condemning that, resolutions that have no effect whatsoever. One week out of every month we have not even been in session. Yet, we cannot find the time to debate and have an open amendment process for the most important thing, which is the budget of the United States, so those of us who would rather spend money getting soldiers off of food stamps can, say, maybe take it from things we do not think are as important, like foreign aid, like the $3 billion that a relatively wealthy Nation called Israel will get of our money, but we cannot find the money to get soldiers off of food stamps.

We will not even be given the opportunity to do so because the budget process, first under the Democrats and now under the Republicans, we cannot even offer an amendment on it. That is wrong.

This is still a democracy, Mr. Speaker. The Speaker may do what he wants to keep that from happening, but every one of us represents the same number of people. Every one of us was elected, and every one of us deserves the opportunity to try to set some priorities for this Nation, and not be handed a load of garbage by one side or the other and say vote on it, take it or leave it.

So I am going to vote against the Democratic budget, I am going to vote against the Republican budget, and I am going to hope for once that we will stick together and provide for this Nation an American budget.

But the only way we can do that is to first vote down the Republican budget, vote down the Democratic budget, vote for the motion to recommit, and let us try to get back to what the Founding Fathers truly had in mind, which is making this body a deliberative body of free expression, where the majority rules and not the lobbyists.

The SPEAKER pro tempore (Mr. HEFLEY). Does the gentleman from New York (Mr. SOLOMON) rise in opposition to the motion to recommit?

Mr. SOLOMON. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from New York (Mr. SOLOMON) is recognized for 5 minutes.

Mr. SOLOMON. Mr. Speaker, the Moakley recommittal would prevent this House from casting a resounding vote against the President's tax and fee increases.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. GINGRICH), the Speaker of the House, a man who personifies the Republican vision of no more tax increases.

Mr. GINGRICH. Mr. Speaker, let me say, first of all, that I was delighted to watch the impassioned pleas of my liberal friends for higher taxes. There was an intensity, a passion, an emotional commitment to higher taxes that I believe is sincere.

These are friends who voted for the 1993 tax increase, passed only with Democratic votes. These are friends for whom higher taxes is a legitimate moral cause, because the American people, in their judgment, are not smart enough to solve their own problems, and only bigger bureaucracy, more power in Washington, less take-home pay, will lead to the liberal utopia they believe in.

But I have to say to my good friends, I just checked two of the last three speakers on the gentleman's side. They voted against the welfare reform bill. It is not fair to get up here and protect the welfare reform bill we wrote, that we passed, working with our Governors, my good friend, John Engler of Michigan, who was in on Tuesday, when we chatted about what we can get done; my good friend, George Pataki, Governor of New York, with whom I have been talking about what we can get done; my dear friend, Tommy Thompson, Governor of Wisconsin, who was the original leader in the welfare reform movement, talking about what we can get done.

We have found that we on our side are the people who actually worked with Governors to write the welfare reform bill. So to have liberals who always vote for tax increases jump up in defense of a welfare reform plan they opposed, and cite Republican Governors to the Republican majority, is a wonderful piece of oratory, but it is not historically very accurate.

Let us talk about why we brought this vote up today. This is, frankly, a very important point. I would urge every Democrat, every Democrat who wants higher spending——

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

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

Mr. MILLER of California. Mr. Speaker, I was just wondering, because I read in the paper this morning that those are the same Republican Governors who will be writing a letter against the budget and are concerned about the money coming out of TANF, the welfare reform proposal I opposed.

Mr. GINGRICH. Let me say to my good friend that very often people around the country, when they read the newspaper version of reality, respond to it. But in a recent conference call with the very Governors the gentleman was talking about, they are quite satisfied with where we are going with welfare reform, and I think they will be quite happy with it.

Mr. MILLER of California. They accept the cuts in TANF?

Mr. GINGRICH. I appreciate the gentleman allowing me to clarify that inaccurate report.

Now that the gentleman knows they are not going to be worried about what we are doing, let us go to the heart of why we have raised this particular motion. I think this is a very important issue.

The President sent up $51.9 billion in higher taxes and fees, not counting the tobacco taxes. We took out all the tobacco taxes he sent up, so this is just a straightforward issue on everything else he wanted to raise, $51.9 billion. Later on this year the President is going to come to the Congress and say, I need higher spending. I know I agreed to the budget deal, I know it was a 5-year deal, but I need higher spending.

So I would urge every Democrat, if they want the President to get higher spending later on this fall, they need to vote no on this motion. They need to say, we want $51 billion in higher taxes. We are for bigger government and more taxes.

But if every Democrat votes with us against $51 billion in higher taxes, then I do not think President Clinton has a leg to stand on in coming to a negotiation later and saying, well, I am really for a balanced budget, but by the way, I need more government, I need more programs.

There are 77 tax hikes and user fees in this particular package, 77 tax hikes and user fees. Why? Because President Clinton is calling for 85 new spending programs, including 39 new entitlement programs.

Mr. Speaker, liberals who had the courage in 1993 to raise taxes may well want to vote with the President for higher taxes and bigger government. So I would urge all of my Democratic colleagues who truly want bigger government and higher taxes, vote no on this.

But for those who want to go home and join us and say the Federal Government is too big, it wastes too much money, we can find 1 percent waste, fraud, and error, we can find 1 percent mismanagement, we can find 1 percent unnecessary programs out of an entire Federal Government of $9 trillion, we can find 1 percent, vote with us.

Those who have a better idea, as our good friend, the gentleman from Mississippi (Mr. TAYLOR) suggested he did, then they get to vote against the President. They do not have to vote with us. But do not vote with us to kill these tax increases, and then come back later and say you really want the money, you just did not want to tell the American people.

We are opposed to tax increases. We think the Federal Government is too big, it wastes too much, it has too much power in Washington. We believe taxes are too high and take-home pay is too low.

I am very proud and very confident that the people who brought us welfare reform, the people who brought us a balanced budget, the people who brought us tax cuts, are in fact capable of finding 1 percent waste.

I urge our colleagues, vote no on their motion to recommit, and stop the Clinton tax increases from further burdening the American people.

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which the vote by electronic device, if ordered, will be taken on the question of passage.

The vote was taken by electronic device, and there were—yeas 0, nays 416, answered ''present'' 1, not voting 17, as follows:

[Roll No. 206]

NAYS—416

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Blumenauer

NOT VOTING—17

Buyer
Cooksey
Furse
Gejdenson
Gonzalez
Harman
Houghton
Johnson, E. B.
Kennedy (MA)
Lewis (GA)
McDade
Mollohan
Pelosi
Reyes
Ros-Lehtinen
Schumer
Sessions

□ 1042

Messrs. BROWN of California, ROTHMAN, LEWIS of Kentucky, WATT of North Carolina, LARGENT, GUTKNECHT, HYDE, LANTOS and WATKINS changed their vote from ''yea'' to ''nay.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. HEFNER. Mr. Speaker, for those of us who sat up last night and watched the interesting debate and slept late this morning on this, is this a sense of the Congress or is this a bill?

□ 1045

The SPEAKER pro tempore (Mr. HEFLEY). We are prepared for the question on final passage of the bill.

Mr. HEFNER. I thank the Chair very much.

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

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

RECORDED VOTE

Mr. HAYWORTH. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 15-minute vote.

The vote was taken by electronic device, and there were—yeas 0, nays 421, answered ''present'' 1, not voting 12, as follows:

[Roll No. 207]

NOES—421

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest

Gillmor
Gilman
Gingrich
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Blumenauer

NOT VOTING—12

Furse
Gejdenson
Gonzalez
Houghton
Johnson, E. B.
Kennedy (MA)
Largent
Lewis (GA)
McDade
Mollohan
Ros-Lehtinen
Schumer

□ 1104

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

So the bill was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1999

The SPEAKER pro tempore (Mr. HOBSON). Pursuant to House Resolution 455 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 concurrent resolution, House Concurrent Resolution 284.

□ 1105

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 concurrent resolution (H. Con. Res. 284) revising the congressional budget for the United States Government for fiscal year 1998, establishing the congressional budget for the United States Government for fiscal year 1999, and setting forth appropriate budgetary levels for fiscal years 2000, 2001, 2002, and 2003, with Mr. HEFLEY (Chairman pro tempore) in the chair.

The Clerk read the title of the concurrent resolution.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on the legislative day of Thursday, June 4, 1998, all time for general debate had expired.

Pursuant to House Resolution 455, the concurrent resolution is considered read for amendment under the 5-minute rule. The amendment in the nature of a substitute printed in part 1 of House Report 105–565 is considered as an original concurrent resolution for the purpose of amendment under the 5-minute rule and is considered read.

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

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1999.

The Congress declares that the concurrent resolution on the budget for fiscal year 1998 is hereby revised and replaced and that this is the concurrent resolution on the budget for fiscal year 1999 and that the appropriate budgetary levels for fiscal years 2000 through 2003 are hereby set forth.

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 1998, 1999, 2000, 2001, 2002, and 2003:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 1998: $1,292,400,000,000.
Fiscal year 1999: $1,318,000,000,000.
Fiscal year 2000: $1,331,300,000,000.
Fiscal year 2001: $1,358,100,000,000.
Fiscal year 2002: $1,407,800,000,000.
Fiscal year 2003: $1,452,600,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1998: $0.
Fiscal year 1999: −$4,000,000,000.
Fiscal year 2000: −$10,000,000,000.
Fiscal year 2001: −$21,000,000,000.
Fiscal year 2002: −$28,100,000,000.
Fiscal year 2003: −$37,800,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 1998: $1,359,500,000,000.
Fiscal year 1999: $1,408,900,000,000.
Fiscal year 2000: $1,443,700,000,000.
Fiscal year 2001: $1,477,500,000,000.
Fiscal year 2002: $1,502,800,000,000.
Fiscal year 2003: $1,571,200,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1998: $1,343,100,000,000.
Fiscal year 1999: $1,401,000,000,000.
Fiscal year 2000: $1,435,900,000,000.
Fiscal year 2001: $1,463,700,000,000.
Fiscal year 2002: $1,473,300,000,000.
Fiscal year 2003: $1,540,700,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1998: $50,700,000,000.
Fiscal year 1999: $83,000,000,000.
Fiscal year 2000: $104,600,000,000.
Fiscal year 2001: $105,600,000,000.
Fiscal year 2002: $65,500,000,000.
Fiscal year 2003: $88,100,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1998: $5,436,900,000,000.
Fiscal year 1999: $5,597,000,000,000.
Fiscal year 2000: $5,777,200,000,000.
Fiscal year 2001: $5,957,200,000,000.
Fiscal year 2002: $6,102,400,000,000.
Fiscal year 2003: $6,269,400,000,000.

SEC. 3. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and budget outlays for fiscal years 1998 through 2003 for each major functional category are:

(1) National Defense (050):
Fiscal year 1998:
(A) New budget authority, $267,400,000,000.
(B) Outlays, $268,100,000,000.
Fiscal year 1999:
(A) New budget authority, $270,500,000,000.
(B) Outlays, $265,500,000,000.
Fiscal year 2000:
(A) New budget authority, $274,300,000,000.
(B) Outlays, $267,900,000,000.
Fiscal year 2001:
(A) New budget authority, $280,800,000,000.
(B) Outlays, $269,600,000,000.
Fiscal year 2002:
(A) New budget authority, $288,600,000,000.
(B) Outlays, $272,100,000,000.
Fiscal year 2003:
(A) New budget authority, $296,800,000,000.
(B) Outlays, $279,800,000,000.

(2) International Affairs (150):
Fiscal year 1998:
(A) New budget authority, $15,200,000,000.
(B) Outlays, $14,100,000,000.
Fiscal year 1999:
(A) New budget authority, $14,200,000,000.
(B) Outlays, $13,800,000,000.
Fiscal year 2000:
(A) New budget authority, $12,100,000,000.
(B) Outlays, $13,700,000,000.