



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

Vol. 142

WASHINGTON, WEDNESDAY, JUNE 26, 1996

No. 96—Part II

House of Representatives

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997

(Continued)

AMENDMENT OFFERED BY MR. GUTKNECHT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GUTKNECHT: Page 95, after line 21, insert the following new section:

SEC. 422. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1.9 percent.

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent, if the gentleman would agree, that we have a time limit agreement on the gentleman's amendment and all amendments thereto of 20 minutes.

Mr. GUTKNECHT. Mr. Chairman, I would cede to the chairman of the subcommittee, yes, 20 minutes, 10 each side.

Mr. LEWIS of California. Ten minutes to each side.

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

There was no objection.

The CHAIRMAN. The gentleman from Minnesota [Mr. GUTKNECHT] will control 10 minutes in support of his amendment and the gentleman from California [Mr. LEWIS] will control 10 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Minnesota [Mr. GUTKNECHT].

Mr. GUTKNECHT. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, some of us were extremely disappointed a few weeks ago

when we passed the conference committee report on the budget because in that budget, we reneged on a promise that we made last year and we increased spending by about \$4.1 billion over what we had agreed to spend in last year's budget resolution.

Back in November 1994, the people of the United States I think sent a pretty clear message. They wanted us to put the Federal Government on a diet. They wanted us to balance their budget. I think, by backtracking on some of the commitments we made last year, we made a serious mistake and not only a breach with the taxpayers of America today but, more importantly, with our children.

So I am offering again the same amendment that I offered last week, and I intend to offer it to every appropriation bill from this point forward to eliminate the 1.9-percent in discretionary spending on every appropriation bill that comes through this House. Now, if we will do that, we can recover that fumble and get back the \$4.1 billion that we overstepped in the budget agreement just a few weeks ago. I want to just briefly say what this 1.9-percent amendment will not affect, because I think there will be some misstatements on this floor of the House, and I think there is some misunderstanding. First of all, this amendment will not affect compensation of veterans. It will not affect pensions for veterans. It will not affect veterans insurance and indemnities. It will not affect the readjustment in education benefits for veterans, and it will not affect burial benefits, because I think sometimes people are concerned about that. It will not affect mandatory spending.

So, Mr. Chairman and Members, what will the amendment affect? Well, it will affect discretionary spending, including administrative costs for the Federal bureaucracy. It will include \$1.2 billion for Mission to Planet Earth, \$4.3 billion for community development

block grants. It will affect the \$50,000 travel budget for the VA Secretary. And it will affect up to \$15 million for the EPA employee bonus program.

Finally, it will affect, although a previous amendment may have changed this, the \$365 million for AmeriCorps. So it will have some impact.

Mr. Chairman, what we are really talking about is less than 2 cents. It is about keeping our faith with the American people, set about keeping the promise we made just 1 year ago and the promise that many of us made in the elections 2 years ago. Mr. Chairman, I hope that Members will support the amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. STOKES] and I ask unanimous consent that he be permitted to control that time.

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

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I yield myself 2 minutes.

Mr. LEWIS of California. Mr. Chairman, I rise in the strongest of opposition to the gentleman's amendment. We all know the potential impact of across-the-board cuts, but this 1.9-percent cut indeed could be devastating to this very delicately developed bill. Let me tell the Members what this amendment would do.

For those of us who care about VA medical care, this across-the-board cut would impact those programs by no less than \$323 million, a minor little cut in VA medical care that we fought so hard today to increase by \$40 million. Under those circumstances, that would mean that thousands of veterans would not be able to receive inpatient medical treatment and thousands would not receive their outpatient care.

□ 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.



Printed on recycled paper containing 100% post consumer waste

H6917

It also would cut \$124 million from EPA, \$375 million from our housing programs, \$258 million from NASA, and \$62 million from the National Science Foundation.

Mr. Chairman, I think most around here know that this subcommittee has done very diligent work in an attempt to reduce the rate of growth of government. We made by far the largest contribution to those reductions we are looking toward as we move in the direction of a balanced budget by 2002. We are not in that process, though, interested in destroying these programs and particularly undermining our ability to deliver the services out there to people in communities that we all really care about and really need many of those services.

So while I know my colleague from Minnesota is sincere in his efforts to cut the budget, we believe we have done the job in as balanced a manner within the committee as possible, and we urge a very strong "no" vote on this across-the-board cut.

Mr. GUTKNECHT. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I certainly do not want to cast any ill feelings toward the chairman of this subcommittee or to the other subcommittees. In fact, I think the entire Committee on Appropriations has done a very good job. If some will remember the Fram oil filter commercials from years ago, "you can pay me now or you can pay me later." What we are really saying is we do not have the moral fortitude, we do not have the courage to actually cut an additional \$4.1 billion this year from domestic discretionary spending, but somehow in just 2 years, we will find the courage to cut \$47 billion.

Mr. Chairman, we are talking about 2 cents this year. I do appreciate the work that the subcommittee has done, and I certainly appreciate these programs and I appreciate the veterans as much as anybody. But I think most veterans understand that balancing the budget transcends all of our responsibilities, and I think if we say, well, this group is going to be exempt and this group is going to be exempt, we will never get to the goal of balancing the budget.

So with all due respect, I think that this is a good amendment.

Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. NEUMANN].

Mr. NEUMANN. Mr. Chairman, today this great Nation of ours stands \$5.2 trillion in debt. That is literally \$20,000 for every man, woman, and child in the United States of America. Every year as we keep spending more money than we are talking in, we just keep adding to that debt and our children get to get that debt. This is their inheritance, that is what we are going to pass on to our children.

When this Congress came in here 2 years ago, we said we are going to be different. We said we were going to balance the budget, we were going to do it

by the year 2002. We got off to a great start. For the first year, we met our targets and we did what we said we were going to do and stayed on track, and things were going pretty good until about 2 weeks ago.

Two weeks ago, we passed a budget plan through this Congress that literally has the deficit going back up again. Let me say that one more time. The budget plan that we passed 2 weeks ago has the deficit going back up again next year. That is not OK.

Tonight we offer an amendment that literally reduces spending by 1.9 percent to help get us back on track to a balanced budget, back to where we belong, 1.9 percent. That is not 20 percent. That is less than 2 cents out of every dollar. Is there really anyone out there in this entire country that does not believe we can find 2 cents out of every dollar of waste in government spending? I believe we can. I honestly believe we can go into these bills and we can find 2 cents on the dollar of waste.

We are not talking 20 cents here. Two cents on the dollar. If we are able to do that, we can get ourselves back on track to a balanced budget and do what is right for the future of this great country of ours. That is what this Congress is all about. That is what our service to our country is all about. It is what we ought to be doing here tonight.

Mr. Chairman, I strongly encourage support of this amendment.

Mr. STOKES. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this is a bad amendment. It is a bad amendment because if the Members of this House were to vote for this amendment, it would certainly show irresponsibility. This is because earlier today the House accepted a 0.4 percent across-the-board reduction amendment sponsored by the gentleman from Arizona [Mr. STUMP].

I think we need to take a moment and just understand what that amendment has already done as an across-the-board reduction amendment. The Stump amendment cuts \$79 million from HUD, an area of the budget that has already been cut \$2.3 billion. It cut \$26 million from EPA, an area that already had been cut \$494 million. It further cuts \$54 million from NASA, which has already been cut \$1.1 billion.

Now, the offerer of the amendment would have us think this is just a 1.9-percent small reduction that does not amount to anything. But we have to consider the amounts already cut from these important areas and add to it the fact that, as the chairman of the subcommittee has just said, this 1.9 percent is not so small. It cuts VA medical care, which was protected from reduction under the Stump amendment. This amendment cuts medical care by \$323 million, an area that all day long through one amendment after another we have protected on behalf of the veterans. This one hurts the veterans.

It cuts HUD, in addition to the cuts of the Stump amendment, by \$374 mil-

lion. This is an area of the budget already cut \$2.3 billion. It cuts EPA by \$124 million, an area already cut by \$494 million. And it cuts NASA by \$258 million, an area already cut \$1 billion, as I said before.

I think the amendment, under these circumstances with these facts, ought to be strongly rejected by the Members of this House.

Mr. Chairman, I yield myself an additional 30 seconds and yield to the gentleman from Mississippi.

□ 1900

Mr. MONTGOMERY. The gentleman is absolutely right. Under medical care for veterans, under this amendment, we are going backward. We are losing by \$280 million. We are going down, down, down. So this amendment should be soundly defeated if we have any care for veterans and their medical care.

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

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. STUMP].

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

Mr. Chairman, let me say that while a 1.9-percent cut does not seem like much, we have to understand what this does. With all due respect, the gentleman is correct when he says it will not affect mandatory veterans benefits, but what he is not saying is it will affect our ability to deliver those benefits to them and to process them.

As the ranking member just mentioned, the thing that hurts me the most in this amendment is the cut to medical care. That is the worst place in the world that we could cut veterans benefits. So I would ask the gentleman to reconsider this; \$323 million out of medical care certainly does hurt our honored veterans, as the gentleman put it a while ago.

Mr. GUTKNECHT. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. SOUDER].

Mr. SOUDER. Mr. Chairman, I want to first comment briefly on the question of veterans benefits. Should this amendment pass, I would be more than willing, as I am sure many others would, to look at how to transfer money into veterans medical inside this bill from HUD or other sections.

That is not the question we are trying to get at here. Veterans benefits go up. We are trying to keep some of them out. I am willing to back more, and have looked at several amendments to back more money for veterans. But overall we have to look at the Federal deficit. Many of us are very upset that the deficit is increasing in our second year of office. This amendment is not targeted at this bill, it is being offered to every bill.

We talk a lot about balancing the budget. The fact is we are not moving toward a balanced budget. We took a step in the wrong direction. Maybe we will over 7 years. We cannot bind Congress over 7 years, unless there is a

constitutional amendment. We cannot bind the next Congress. All we can be held accountable for is what we do during our 2 years in office.

A 1.9-percent cut across the board would get us, if we went back to our other appropriations bills, back to no bump-up in the second year. That is the intent of this amendment.

Had others balanced off and figured out what priorities were inside that bill, we would not be faced with this. But we cannot constantly say, oh, well, we want to balance the budget but not here, but not here; 1.9 percent is a very small amount, yet it is what the difference is as to the trend line of where this country is going.

I, and many others, came here to reduce the size of Government, to put more power back to the States, and to make sure we stopped mortgaging our children's future. At this point, my children will be saddled with such a debt and such a high potential of bankruptcy of Medicare, of Social Security, of all of our Federal programs, unless we get a handle on it, that I believe it is time that we do at least these small steps.

Every year in this budget it gets harder. If we cannot change 1.9 percent now, how in the 3d year or the 4th year, the 5th year, the 6th year, and the 7th year are any of those numbers realistic? I urge this body to vote "yes" on this simple amendment.

Mr. STOKES. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I just want to respond to the statement made by the gentleman from Minnesota who just left the well and who acknowledged that money would be taken out of the medical care account, which I have already stipulated would be about \$323 million. He commented that, if this amendment passed, he would be willing to look at ways that we can transfer that money back into that part of the bill.

Well, I submit to Members of the House that is not the way we legislate and that is not the way that this House should legislate. In addition to that, that particular gentleman does not sit on the Subcommittee on VA, HUD and Independent Agencies. He will not be involved in the conference on this bill. He will not have the ability to be able to do anything else about this bill.

We have to act on this bill based upon what would happen tonight if we were to pass this irresponsible amendment. I would urge the Members again to vote "no" on this. The gentleman from Minnesota says 1.9 percent is very small. I contend that there is nothing small about a \$323 million reduction in medical care.

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

Mr. GUTKNECHT. Mr. Chairman, I yield myself such time as I may consume to say that this debate really is about what is responsible, and I think that is what this Congress should do.

Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. HOSTETTLER].

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

Mr. HOSTETTLER. Mr. Chairman, I rise in strong support of this amendment to reduce across the board the VA-HUD appropriations bill by 1.9 percent. First of all, let me reiterate the fact that, in fact, we spend \$121 million more on VA medical expenditures than we did over 1996 in this bill with the 1.9 percent cut, so that even with the reduction in spending, even with the savings for the next generation, we will increase VA medical expenses by \$121 million.

Mr. Chairman, this is a responsible amendment. My dad was a veteran and he served in North Africa, Sicily, Italy, France, and was on his way into the South Pacific when he got the good news that World War II was over. But my father, who passed away earlier this year, never meant for that victory in World War II to result in a time when his grandchild, who is going to be born later this year, is going to have a \$187,000 bill to pay in interest on the debt.

Mr. Chairman, this is a responsible amendment, and I ask for its adoption.

Mr. GUTKNECHT. Mr. Chairman, I yield 30 seconds to the gentleman from Wisconsin [Mr. NEUMANN].

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

Mr. NEUMANN. Mr. Chairman, I just rise because I keep hearing all this stuff about cutting, cutting, cutting, cutting. I think we have an obligation to let the American people know that this bill is not going down in spending, it is going up in spending by about \$4 billion from last year to this year.

So when we get all done talking about all these cuts, the American people have a right to know that spending is increasing in this bill. And even if our amendment is passed, spending from last year to this year, in good old Wisconsin language, is going up because we are spending more of the American taxpayers' money.

The CHAIRMAN. The gentleman from Minnesota [Mr. GUTKNECHT] has 1½ minutes remaining, the gentleman from California [Mr. LEWIS] has 2 minutes remaining, and the gentleman from Ohio [Mr. STOKES] has 1½ minutes remaining.

Mr. STOKES. Mr. Chairman, I believe I have the right to close.

The CHAIRMAN. The gentleman from California [Mr. LEWIS] is the gentleman who originally opposed the amendment and claimed the time, but yielded to the gentleman from Ohio [Mr. STOKES]. Under the procedure today, the gentleman from California [Mr. LEWIS] has the right to close.

Mr. STOKES. Mr. Chairman, I have no problem with the gentleman from California closing.

Mr. LEWIS of California. Mr. Chairman, I will even yield that to the gentleman from Ohio, if he would like.

Mr. STOKES. Mr. Chairman, I do not need the additional time.

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

Mr. MONTGOMERY. Mr. Chairman, I appreciate the gentleman yielding me this time, and I should point out that I hope my colleagues would oppose this amendment. We were able earlier today to get for the veterans benefits an additional \$17 million. Under this amendment it takes \$19 million out of the benefits, so we actually lose \$2 million out of the benefits program.

This is based on claims, that it takes 158 days now to process a claim in the benefits department. If we keep taking money away from us, it is going to take us forever to process these claims. It should be less than 90 days. Because we do not have the staff, and we are going to lose 600 employees anyway if we defeat this amendment, so by taking another \$2 million out of the benefits, it does not make any sense at all.

On the VA health care, we are trying to open up outpatient clinics so we can take care of more veterans. We are cutting this \$323 million more under this amendment, so certainly I believe that the House should defeat this amendment.

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

I want to go over again, and I do understand that there will be cuts as a result of this 1.9 percent reduction, but if we look down the path, sooner or later we are going to have to pay the price for this. If we cannot make \$4.1 billion worth of cuts this year, how are we going to make \$47 billion worth of cuts in a couple of years? The answer is we probably are not.

Let me just say this. Again, this 1.9 percent reduction will not affect mandatory spending on veterans benefits, including compensation of veterans, pensions for veterans, veterans insurance and indemnities, readjustment in education benefits and burial benefits. This amount will affect none of those. It affects domestic discretionary spending.

If we could adopt this simple little amendment that is less than 2 cents on every dollar, we can recover the fumble this House made a few weeks ago when we reneged on the promise we made last year.

Mr. Chairman, my grandmother said, "If you always do what you have always done, you will always get what you have always got." Unfortunately, this Congress is starting to do what previous Congresses have always done.

We are starting to say well, manana, manana. We will balance the budget in 2 years or 3 years. Well, some of us will not be back next year, and maybe this amendment will cause some of us not to be back, but, ladies and gentlemen, as long as we are here, we ought to do the right thing, and the right thing is to keep the promises we made in the campaign of November 1994.

To keep the promises we made last year with our 7-year budget plan, we need to get back on our path towards a

balanced budget; 1.9 percent on the rest of the appropriations bills will get us there. I hope Members will support the amendment.

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

I am very impressed by the presentation by my colleague from Minnesota, Mr. GUTKNECHT. And to paraphrase his grandmother, I would say, "If you do not always do what you have always done, you are not going to get what you always got."

The objective of the gentleman is not different than our mutual effort to eliminate the deficit. The subcommittee takes this work very seriously. It is very important for all of us to know that the House, particularly this Member, as well as the gentleman from Minnesota [Mr. GUTKNECHT] are committed to changing the pattern of spending that have been a part of our past. But that does not mean that we have to overnight tear the heart out of important programs or undermine very carefully crafted efforts to move in the direction of reducing all traditional patterns of spending.

What we are about here, in all of these efforts, is to reduce the rate of growth of our government. We all recognize that there are other elements to the government process than just spending. There are growth opportunities in terms of our economy. The taxing system is producing more revenues. Indeed, over time, as we reduce the pattern of spending and the revenues grow, we get to 2002 and we have a balanced budget. That is our objective.

The time we suggest that the way to solve the budget is to cut every program, eliminate programs that are very important to people, is the time we have a counterrevolution. That could lead to real disaster in terms of our economy. We are attempting to make sense out of this process in this bill.

So far, through the rescission process, the 1996 bill this year, this subcommittee will have passed over \$17 billion of reduced spending, a significant shift in pattern for this subcommittee. I tell the author of this amendment, as I oppose the amendment and ask that the Members vote "no," I tell the author that I too am committed to balancing this budget.

I am absolutely convinced we are on a pathway to help with that, especially in terms of discretionary spending.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT].

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

Mr. GUTKNECHT. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 456, further proceedings on

the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT] will be postponed.

The point of no quorum is considered withdrawn.

□ 1915

AMENDMENT OFFERED BY MR. HOEKSTRA

Mr. LEWIS of California. Mr. Chairman, at the request of the gentleman from Michigan [Mr. HOEKSTRA], I ask unanimous consent that the pending demand for a recorded vote on the amendment offered by the gentleman from Michigan be withdrawn.

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

There was no objection.

The CHAIRMAN. The amendment is rejected on a voice vote.

AMENDMENT OFFERED BY MR. MARKEY

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

The CHAIRMAN. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MARKEY: Page 95, after line 21, insert:

SEC. 422. None of the funds made available to the Environmental Protection Agency under the heading "HAZARDOUS SUBSTANCE SUPERFUND" may be used to provide any reimbursement (except pursuant to section 122(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980) of response costs incurred by any person when it is made known to the official having the authority to obligate such funds that such person has agreed to pay such costs under a judicially approved consent decree entered into before the enactment of this Act, and none of the funds made available under such heading may be used to pay any amount when it is made known to the official having the authority to obligate such funds that such amount represents a retroactive liability discount attributable to a status or activity of such person (described paragraphs (1), (2), (3) or (4) of section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980) that existed or occurred prior to January 1, 1987.

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

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

Mr. BOEHLERT. Mr. Chairman, is there an agreement on time for this amendment?

Mr. MARKEY. On the amendment which is now pending, there is a 40-minute agreement on time, 20 minutes evenly divided.

I am sorry. I apologize, Mr. Chairman. There has not yet been an agreement reached on time.

Mr. BOEHLERT. Would the gentleman entertain an request for an agreement on time? I know both the chairman and the ranking member are anxious to move this along. I would be receptive to an agreement on time.

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

Mr. MARKEY. I yield to the gentleman from Ohio.

Mr. STOKES. Mr. Chairman, we would have to object to an agreement on time.

Mr. MARKEY. Mr. Chairman, as all who are listening are well aware, the Contract With America was intended as a full-scale, all-out attack upon the environment of our country. There was an agenda put together in the beginning of this Congress towards the goal of eviscerating most of the laws which have been placed upon the books over the last quarter of a century to protect the environment in our country.

One of the primary assaults upon the environment was begun in the Committee on Commerce last year, culminating, in the fall, upon a Superfund reform bill introduced by the Republican Party. Its intent, for all intents and purposes, to gut the Superfund bill, to make it ineffective.

The centerpiece, in their own words, of their Superfund gutting bill was to take hundreds of millions of dollars a year, billions of dollars, billions over the next decade, and to give money back to polluters, polluters who have already accepted responsibility for having polluted their own neighborhoods, for having ruined the water in their communities, for having led to the deaths of small children because of exposure to toxics, giving money not to the communities in order to help clean up but to the polluters themselves.

Now, the centerpiece of this proposal is still embodied in the Republican appropriations bill. In it is included a provision taking \$861 million over the next year and making it available to give back to polluters who already accepted responsibility for their pollution and their responsibility to clean it up.

Now, here is how it works: If you happen to have been a polluter, congratulations to you. You may already have won millions of dollars in cash prizes from the Grand Old Party. The Ed McMahon polluters clearinghouse sweepstakes. Here is how it works. Just wait for this appropriations bill to pass, enacting reforms. Pretty soon the EPA Superfund prize van will pull up to your corporate headquarters and hand you a Federal Government taxpayer check, if you can identify yourself as a polluter. Here is how it works. First, is your toxic waste dump listed on the Superfund site on the national priorities list? In other words, that you are one of the worst polluters in America. You must answer yes to that question to qualify for this Federal money.

Second, did you even incur cleanup costs since they introduced their bill last October? That is, once, if you were there on October 18 as a polluter, you qualify for this money.

Third, was your liability attributable to activities which occurred prior to 1987? That is after the Superfund bill passed in 1981 so that in fact we knew that and you knew that the Superfund law was on the books, and have you accepted responsibility in a court-ordered, a court-ordered consent decree in which you have already agreed to accept liability to clean up the site yourself?

If you qualify under all of those standards, then you are a grand prize winner as a polluter. You qualify for the \$861 million a year, billions of dollars over the next decade, which can be and will be given out to polluters.

Now, this, it seems to me, is an absurdity. We do not have \$861 million a year for a new program to hand over to polluters when we are cutting Medicare, when we are cutting student loans, when we are cutting every other social program. We cannot have this program pile up to \$6 and \$8 billion over the next decade, gobbling up what limited resources we have as we target the 2002 for a balanced budget.

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

Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, I thank the gentleman from Ohio very much for yielding to me.

This provision has to be stricken from the Republican proposal, has to be cut out. That is what this amendment does. It just ensures that not only under the bill which the Republicans introduced last year, H.R. 2500, but under any bill which is ever introduced, we do not give money back to polluters who have already accepted court-ordered consent decree responsibility as to their responsibility to clean up the site. It makes no sense whatsoever.

So this is a very simple proposal. It gets right at the heart of what it is that the Republicans want to propose as a reform of environmental laws, giving money to polluters. We have operated for the last 15 years under the notion of the polluter pays, if they are responsible. The Republican proposal transforms it into the taxpayer pays the polluter. We are so sorry, it is going to cost you money for having to clean up the mess you created in the community, this neighborhood nightmare, which has taken all the property in the neighborhood off of the tax rolls, which could have led to the deaths or the creation of disease in families within the community. That is their new notion. We take care of the polluters.

So the Markey-Pallone-Borski amendment deletes this ability to be able to hand this money over to the polluters. It is a very clean, simple vote. As we go through the rest of the night, there will be attempts to take out one small attempt at doing it, last year's version, but it does not deal with any other version. The money stays there, all \$861 million.

The gentleman from New York [Mr. BOEHLERT] is going to seek to make an amendment which just says, well, we are not going to use H.R. 2500, last year's version, but it does not say anything about any other version, which is what the Markey amendment says. You cannot do it. It is impossible under the Markey amendment. The Boehlert amendment says, well, we got caught;

we got caught off base. We do not want to have this on our record. So we are going to withdraw it. Let us wait until Bob Dole is President so he will not be vetoing this so we can just do it with the majority of the votes in the House and the Senate. We are going to pull it back right now. We got caught. But no way are we going to take out the \$861 million. In no way are we going to put a limitation on it being used by other mechanisms to give rebates to polluters, no. We are going to take out that part of the Markey amendment.

So this is a very clean, simple amendment that deals with the heart of the challenge to the Superfund program which for 12 years was under Republican control.

Remember this tonight, my colleagues: Yes, it was passed by a Democratic Congress but Rita Lavell and Ann Gorsuch and a whole line of Republican administrators for 12 years, right up to 1993, had responsibility for it. Only in the last years has it been put in the hands of an administrator who is fully committed to its implementation.

If this program was not as fully effective as it could have been, and we do believe it should be reformed, blame those Republican administrators, one of whom even went to jail in a contempt of Congress citation, for their lack of regard for our congressional intent.

So this is at heart a vote on whether or not in fact we are going to keep to the soul of what the Superfund program was meant to achieve; that is, that those who were responsible must pay. And we are not going to use limited taxpayer dollars as a handout to them. As we go through this debate, Mr. BOEHLERT will attempt to take one small portion of it, one small attempt, the initial attempt, and to say, we are not going to use that route anymore, but make it impossible to have a straight up or down vote on whether or not any other attempt which the Republicans have contemplated can in fact be used to give this money over to polluters.

I want everyone to understand this debate, as it unfolds, because it gets right at the heart of what we believe as Democrats should be the intent of this program, which is personal responsibility, personal and corporate responsibility. Those who created the messes should clean them up. Those who have accepted legal responsibility in the courts should clean them up. We should not have to turn to the taxpayers, tip them upside down, have \$861 million over the next year and billions more in years after that used to clean up the messes which corporate executives are responsible for.

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

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

Mr. OXLEY. Mr. Chairman, let us get one thing straight first of all. The tax-

payers that I know the gentleman from Massachusetts is so fond of and wants to protect, the taxpayers who pay into the Superfund and the very polluters that he is talking about. He would allow the impression out there that somehow these taxpayers, Mr. and Mrs. Joe Sixpack, are paying, are going to pay for these cleanups. And we simply cannot allow that argument to stand. It makes no sense.

The Superfund program is basically funded to the tune of \$1.6 billion a year until, of course, the President vetoed those taxes that go into the Superfund, \$1.6 billion a year that come from the oil companies, the chemical companies, from chemical feedstocks, and the environmental income tax, that is really what funds the program.

So my friend from Massachusetts, who I know is a great friend of the taxpayers, has received a lot of awards for his stand on lower taxes and protecting the taxpayer, I am appalled, frankly, that my friend from Massachusetts would make the argument here on the floor of the House of Representatives that somehow the taxpayer is going to bail out these evil corporate polluters when, in fact, they are paying the taxes in the first place. They are not getting their money's worth, folks.

All you have to do is look at the program, 15 years of failure, about 5 percent of the sites on the national priorities list cleaned up. We have spent \$30 billion in public and private moneys to clean up these sites. And what do we have to show for it? The average site rests on the NPL for 10 to 12 years. The average cost of a site to be cleaned up is between \$25 and \$30 million. And guess what?

□ 1930

Only about half of that really goes to actual cleanup.

Mr. Chairman, I would suggest to my colleagues that a vote for the Markey amendment is basically a vote for the status quo.

Now, if my colleagues like the idea of a Superfund program that fits all the qualifications that I just mentioned in terms of abject failure, then they want to support the Markey amendment because the Markey amendment essentially is an SOS amendment, "some old stuff," and we are going to continue with the same process that we had before, and I have got to think we are better than that.

I think we can learn from the mistakes of past Democrat Congresses that foisted this program on us, first of all, in a lame-duck session, signed by a lame-duck President, in overreaction to a couple of situations in New York State and Missouri, and then in 1986 we compounded that felony by voting for a reauthorization of the program that made it even worse, and some of the architects behind the original bill and the 1986 reauthorization are the same people who are opposing meaningful reform in this program. And I say shame

on them and shame on their memory of what they have accomplished in the last 15 years, which is practically nothing.

And so it gives us an opportunity finally, under a Republican Congress, to really deal with the problem at hand and to clean these sites up, and I would suggest to my colleagues that that is our goal and that is what we are trying to accomplish with our bill that we have introduced [ROSA] Refund of Superfund Act.

Make it very clear that the Markey amendment stands for the status quo.

This is clearly the most egregious environmental program that anybody could have ever invented, and I do not understand why my friend from Massachusetts would want to sustain that for another several years.

I had an opportunity the other day to find a rather interesting piece of reading material. It is a coloring book that is put out by the Environmental Protection Agency. It is called the "Superfund Team, Mother Mouse," and instead of protecting children from contamination by cleaning up Superfund sites, the EPA apparently is indoctrinating them with a Superfund Man and Mother Mouse routine.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. OXLEY] has expired.

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

Mr. OXLEY. Mr. Chairman, I understand we have no time constraints on this particular amendment; is that correct?

The CHAIRMAN. The gentleman is correct.

Mr. OXLEY. Mr. Chairman, this is the coloring book, and let me quote from the book where Mother Mouse meets the U.S. EPA remediation workers:

She was smiling and humming when all of a sudden she heard someone coming. She saw a strange sight. "Oh my. What a fright!" Two people wore white suits with hoods on their heads and gloves on their hands. "They're creatures from Mars," she screamed. "Quick. Get in the house. Pull tight the laces. Don't make a sound. Stay in your places." "But we know them—they're keen!" the children cried out. "They're the Superfund Team! The Superfund Team!" the kids said with a shout.

This is actually a publication of the government of the United States of America. We have established a special hazardous waste cleanup program with its own taxes to pay for the self-promotion of the Environmental Protection Agency. The sad part is that in real life the men in white suits do not show up for years while mother and the children still live by the contamination.

Let us not waste time on coloring books, outrageous delays, endless lawsuits and bureaucratic bickering. Let us clean up the pollution for a change. Contaminated sites are still sitting around as giant festering sores on the landscape primarily because of the

contentiousness Superfund's liability system causes. One can be held a hundred percent liable for the entire cost of cleanup at a site which could stretch into hundreds of millions of dollars even if they did not cause any of the contamination, even if they were not even alive when the contamination occurred, and even if they acted completely legally at the time, or even if they were ordered to put contamination at the site by the Federal Government or some local government.

Does that strike my colleagues as a reasonable Federal statute? I do not think so, and that is why the NFIB, the National Federation of Independent Business, who represent over 600,000 small businesses in this country today, along with local governments, school boards and other local organizations oppose the Markey amendment. As a matter of fact, the NFIB has made this a key vote.

I want to stress to my colleagues in the House on both sides of the aisle this is the NFIB key vote on the Superfund bill this session, and let us understand exactly where they are coming from. They understand what a disaster this Superfund statute really is.

Let us make certain for a change that we will deal with real cleanups this time instead of spending it on coloring books, on lawyers, on bureaucracies, and get this job done once and for all.

Mr. BUYER. Mr. Chairman, will the gentleman yield.

Mr. OXLEY. I yield to the gentleman from Indiana.

Mr. BUYER. Mr. Chairman, I am curious. Did not Carol Browner and the EPA come before the gentleman and ask for an increase in funding, and now the gentleman is telling us they are spending dollars, taxpayer dollars, on coloring books?

Mr. OXLEY. That is precisely correct.

Mr. BUYER. That is pretty disgraceful.

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

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

Mr. DINGELL. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman.

Mr. Chairman, I hope everybody has listened very closely to the comments by my dear friend from Ohio and looked at these wonderful posters that he has put up. The wonderful posters that my good friend from Ohio has put up do not mean anything and they do not have anything to do with the debate in which we are now engaged.

There are two amendments pending. The first is an amendment by my good friend from Massachusetts [Mr. MARKEY]. That amendment does two very simple things. It says first that one cannot give rebates to polluters in connection with cleanup.

Now, I have heard some rather novel and stressed explanations of why that might be a good idea, but the simple matter is that is a device to pay the polluter. That is something that has always been alien to the principles that we have had with regard to dealing with Superfund.

Second, it would prohibit compensating people who have already cut a deal with the Federal Government and with other polluters to clean up and to allocate the responsibilities.

My good friend, the gentleman from New York [Mr. BOEHLERT] who is a most sincere Member of this body, has come forward with an amendment which says that the first is a good idea, that we should not pay polluters for cleaning up. But he says that we should permit polluters to continue to get paid after they have cut a deal so that they essentially would be drawing moneys above and beyond what they should get in terms of their cleanup.

Now, this is a most curious posture, and I am sure that the gentleman from New York will have an interesting explanation for this. It is going to, I am sure, be extremely interesting, and he has nodded "yes" to me, but I think it is probably going to lack merit.

Now having said these things, there has been pending a long time an effort to get a decent cleanup under Superfund. I was highly critical of the last Superfund bill, and I was roundly criticized by a lot of people for being very much opposed to many of the things they tried to do in terms of compounding the difficulty of enforcement. So I do not apologize for anybody for my views on this.

I will tell my colleagues there is urgent need for enactment of new and improved Superfund legislation, get rid of some of the things that my good friend from Ohio, Mr. OXLEY, properly complained about. There is time, however, to address this question.

Last Congress we reported out legislation out of the Committee on Commerce. It was duly killed by my Republican colleagues, who did not want to move forward on Superfund legislation during the last Congress.

The Republicans during the last Congress killed our efforts to pass a better Superfund bill, and I know it distresses them to have this fact revealed because it is one of the nasty little secrets that they carry around in their pocket.

Now having said this to my colleagues, I think that we should observe that there is the ability on the part of my Republican colleagues to address Superfund. They chair the committee, they chair the subcommittee, they have the majority of the House, and they have extraordinary discipline.

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

Mr. DINGELL. I will yield to my friend because I know he has something important to add, and I am sure he wants to agree with me. But I want to conclude my statement, and I know he understands because I listened to

him with great interest even though his comments were, in good part, irrelevant to the discussion that we are engaged in.

Having said these things and expressed great respect for my good friend from Ohio, who is not only a dear friend but one of the finest Members in this body, even though he is wrong in this matter, I would observe that the Republicans have the full capability to move forward. We stand ready to assist them in moving forward on good legislation.

I will observe that good legislation does, however, not embody the principle that we should pay the polluters for cleaning up. We should cause the polluters to pay, and we should not absolve those who have arrived at a settlement of the responsibility that they have achieved by having set at risk the health and the welfare and the well-being and the environment of the American people.

Mr. Chairman, I would urge my colleagues then to reject the amendment offered by my good friend from New York, for whom I also have enormous respect, and to adopt the amendment offered by my good friend from Massachusetts because it says that the polluter pays, the polluter gets no break for his wrongdoing, whereas the gentleman from New York says that he might get some.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. DINGELL] has expired.

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

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

Mr. DINGELL. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, I thank the gentleman from Michigan [Mr. DINGELL], who I have a great deal of respect for, and he is usually right on most issues, but let me remind him about the last Congress when I think the gentleman in the well was the chairman of the committee, and we had Democrats chairing the committee.

Mr. DINGELL. That is right, and we reported out a good Superfund bill unanimously out of the Committee on Commerce, and my Republican colleagues—

Mr. OXLEY. I am amazed, I must say, at being in the minority for all the time that I was in the Congress for the first 14 years, and then to be honored with apparently the title of being able to kill the Superfund bill—

Mr. DINGELL. And the gentleman is a fine chairman—

Mr. OXLEY. As a minority I am truly honored. I did not realize I was that good, and I thank the gentleman for yielding.

Mr. DINGELL. The gentleman is a fine chairman, and all he has got to do to get us a Superfund bill to the floor which is really meaningful is to see to it that the subcommittee convenes, writes a bill, and reports it out and excludes paying the polluter.

Now I guess the gentleman from New York [Mr. BOEHLERT] wants me to yield to him?

Mr. BOEHLERT. No, I am just listening with rapt attention.

Mr. DINGELL. Mr. Chairman, I am mightily distressed at that, and I therefore yield back the balance of my time.

Mr. Chairman, our Republican colleagues rejected the bipartisan bill that was approved 44 to 0 by the Energy and Commerce Committee in the 103d Congress in favor of a new bill, H.R. 2500, that was not introduced until October 1995. It seems that it took 10 months to figure out how to destroy the bipartisan agreement we had achieved in the prior Congress after months of stakeholders discussions.

It is my firm belief that we should dedicate as much Superfund money as possible to cleanup, and not to relieving polluters of their responsibility. And that is exactly what Mr. MARKEY's amendment is designed to do.

Mr. MARKEY's amendment will assure that Superfund money will be spent on cleanup and not on reimbursing polluters. The Markey amendment will ensure that existing consent decrees, under which parties have agreed to conduct or pay the costs of cleanup, will not be disturbed. Why should EPA expend enormous transaction costs to revisit existing consent decrees when the parties to those decrees have agreed to conduct a cleanup? If those parties have agreed, why do they expect to be relieved of their obligations under these decrees?

This amendment absolutely does not disturb the EPA's ability to provide funding at sites where there are existing consent decrees if EPA decides to provide funding to cover all or part of the shares of insolvent or defunct parties. This amendment does not adversely affect the EPA's ability to fund the relief contained in the recent Superfund liability proposals offered by the Democratic members of our Committee as well as the administration. Our recent proposals include fair share funding, limitations on municipal owner liability, exemptions for small business generators and transporters of waste, and exemptions for generators and transporters of municipal waste. The administration's letters in support of Mr. MARKEY's amendment confirm that this amendment is consistent both with the administration's Superfund reform initiatives as well as the liability proposals we have offered during our bipartisan negotiations.

Moreover, this amendment will not bring Superfund cleanups to a halt. That is, unless companies decide to use this as a hollow excuse to breach their agreements to perform cleanup under the consent decrees they have already signed.

I urge my colleagues to support the Markey amendment to assure that Superfund moneys are spent on what I had thought was our mutual goal—expediting cleanup.

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

Mr. Chairman, the vote on the Markey amendment today is nothing short of a referendum on Superfund itself. If my colleagues think Superfund is effective, if my colleagues think that the program is doing a good job of cleaning up our Nation's worst toxic waste sites

quickly and effectively, if my colleagues think that the Girl Scouts, churches, small businesses, local governments, and many, many other polluters are polluters and that we should continue throwing good money after bad to lawyers and consultants, then, by all means, my colleagues should support the gentleman's amendment. If, on the other hand, they have even the faintest idea of how badly broken Superfund truly is, they should join me in vigorously opposing the Markey amendment.

□ 1945

The amendment would prevent any meaningful Superfund recovery from taking place by eliminating even the possibility of allowing some fair share or "orphan share" funding under the program. The amendment effectively prohibits any retroactive liability relief whatsoever. Superfund's system of retroactive liability is so fundamentally unfair that it has forced parties caught up in a never ending blame that delays cleanup and threatens human health.

Mr. Chairman, the fact of the matter is that no one, and I mean no one, believes that the current Superfund law is working. Here is what people have said. President Clinton; yes, President Clinton: "We all know it doesn't work," he says, "the Superfund has been a disaster. All the money goes to lawyers and none of the money goes to clean up the problem it was designed to clean up."

The EPA Inspector General has said that "On a site-by-site basis, it is clear that liability negotiations consume a lot of time and delay completion of the site."

In a 1994 editorial, that bastion of conservative thought, the New York Times, said that

Superfund has failed the efficiency test: of the \$13 billion spent by government and companies, one fourth has gone to what are euphemistically called "transaction costs," fees to lawyers and consultants, many of them former Federal officials who spin through Washington's revolving door to trade their Superfund expertise for private gain.

A year earlier, the Washington Post editorialized that Superfund "is generating intolerable injustices and needs to be fixed. Many of these cases," as they say, "are grossly unfair, and all invite furious litigation as small companies, big ones, banks, mortgage holders, local governments and insurers all go after each other. That is why a high proportion of the money spent so far has gone not to cleanups but into lawyer's fees."

The Seattle times editorial board wrote that Superfund "has created a legal swamp, enriching lawyers while accomplishing precious little cleanup."

And a 1994 USA Today editorial said that "Superfund is absurdly expensive, hideously complex, and sometimes patently unfair. As a result, it invites litigation the way dung attracts flies: not by seeking but just by being."

Mr. Chairman, the evidence is clear. Superfund is badly broken. That is precisely why I have made Superfund reform a top priority of the Committee on Commerce in this Congress. All other reform proposals are on the table, including the 103d Congress's Superfund deal, the administration's new liability proposal, Republican proposals drafted by my colleague and friend, the gentleman from Ohio [MIKE OXLEY] and myself, contain some element of the fair share funding which the Markey amendment would prohibit.

In fact, the administration has the statutory authority to use so-called mixed funding under the law, and Administrator Browner recently announced that EPA would expand its use of orphan share funding to the tune of \$40 million a year. This amendment would eliminate EPA's ability to implement even the modest administrative reform of the Superfund proposal.

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

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

Mr. BLILEY. Mr. Chairman, the vote on this amendment is very simple. If members support Superfund reform, vote "no" on the Markey amendment.

It simply amazes me, Mr. Chairman, that the gentleman from Massachusetts would offer the amendment. Massachusetts has 32 sites, three-two, 32 sites listed on the national Superfund priorities list. Construction on cleanup remedy is complete on only 2 of these sites, even though 14 of them have been on the NPO list since 1983. It is astonishing that we cannot decide how to clean up a Superfund site in the time it took our forefathers to hold a Boston tea party, declare independence, fight a Revolutionary War, write a new Constitution, and establish a whole new government.

My friend sent out a "Dear Colleague" letter last week saying "Superfund is working in my district." Now he is introducing an amendment to prevent Superfund from working in anyone else's district. I would think the gentleman would not be so callous toward the people across the country who live near Superfund sites to block legislation that will get those sites cleaned up, especially since only 2 of 34 sites in his home State have been cleaned up.

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

Mr. Chairman, I am somewhat amazed by what I am hearing on the other side, because earlier today when we discussed my amendment that simply would have required that this \$861 million in contingency money for the Superfund Program be simply put to use this year to fund the Superfund Program and to make it possible to work on new sites and continue work on existing sites where work has al-

ready started, what I was hearing from my friends on the other side of the aisle in opposition to it, basically I got the impression they were denying that this money would ultimately be used for a rebate program that gives money back to the polluters.

But having listened to some of the debate tonight, it seems like just the opposite. I do not know if anyone has specifically admitted on the other side that that is what this money would be used for, but they certainly do not seem to indicate that is a problem, using it for that purpose.

Mr. Chairman, we cannot have it both ways. We cannot come in here earlier in the day, or last week in a press conference, and say, "Oh, we are great because we are going to provide so much more money for the Superfund Program, we are going to do even more than the Democrats want, and then later on say, oh, well that money might be used for a rebate program, or we have to do all these changes to the Superfund Program first before we are going to make the money available, and we are not exactly sure that the money is going to be used for.

That is the impression I am getting from the other side of the aisle. It scares me and makes it more crucial to have this amendment passed to make sure that the money will not be used, if it ever does become available, for this rebate program to polluters. Essentially, the debate this evening is on the Superfund Program.

All of a sudden now, the Republicans, or most of them on the other side, are suggesting that what they are really all about here is that they want to dramatically change the Superfund Program. I would contend that what they really want to do is abolish the Superfund Program, or at least make it ineffective.

The bottom line is that Superfund is working, contrary to the statements that my colleagues are making on the Republican side of the aisle. Sites are getting cleaned up. In my district, 7 of 9 sites are in some phase of cleanup. Nationally there are 1,284 sites on the national priority list, and in more than one quarter of them, or 346, construction has been completed, that means clean up. Construction has commenced at more than 470 other sites and final cleanup decisions have been made at about 150 other sites. So there are nearly 1,000 sites where construction has either been completed or begun, or a cleanup decision is made.

I would point out that this administration has also cleaned up more toxic waste sites than in the previous 10 years. All it takes is an administration that cares about a Superfund Program, rather than one that does not believe in the Superfund Program.

In the Committee on Commerce when we were marking up the Republican Superfund bill, there were many members who basically suggested we should not even have a Superfund at all and we should just let the States do their

own thing with toxic waste clean up. I do not agree with that. I do agree with one statement that the gentleman from Ohio, the chairman of our subcommittee, made tonight when he said that this is a key vote. This is a key vote because basically this is the only amendment on the floor this year that will clearly define where people stand: Either you are for polluter pays, which is the basis for the Superfund Program, or you are for pay the polluter, which is what the gentleman from Michigan [Mr. DINGELL] and the gentleman from Massachusetts [Mr. MARKEY] have said. That is what this is all about. This appropriations bill will allow the Government to pay the polluter. I do not think that is right. I do not think that is the way the program should be set up.

I also want to make mention of another theme that I keep hearing from the other side of the aisle. That is that somehow the Democrats on this side do not want to see the reforms in the Superfund Program that would help small businesses or help municipalities. In fact, the gentleman from Massachusetts [Mr. MARKEY] and the rest of us have repeatedly said we would exempt small businesses, the little guys who do not have the financial means to contribute to the cause of cleanup.

We would exempt municipalities, residential homeowners, small nonprofits. We would exempt any person who contributed less than 110 gallons of liquid hazardous substance, 200 pounds. We would cap the liability. There is nothing in this amendment, there is nothing in this amendment that would preclude any of those changes in the Superfund Program from taking place.

The reason we are offering this amendment is because we do not want to see change the cornerstone of the Superfund Program, and that is that the polluter should pay to clean up the mess, if you will, that he left behind. Once you get rid of that, you will not have an effective Superfund Program anymore. That is why this amendment is so crucial, and I would urge its adoption.

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

Mr. Chairman, I rise in strong opposition to the Markey amendment. Every proposal that has been put forward on Superfund includes the proposal that rebates be paid. If the gentlemen say they are opposed to rebates, then they are opposed to every reform proposal that has been put forward. They are opposed to fundamental reform. They must want to see the lawyers continue to get the money, rather than the money going into actually cleaning up these Superfund sites.

In fact, I find it more curious and more curious that we have heard from several of the opposition that the Superfund is working. The President of the United States, Mr. Clinton, President Clinton, has said that it is not working. Carol Browner, the EPA administrator, says that the entire

Superfund law should be rewritten from start to finish. The EPA Inspector General said it is not working. But even though their President and their EPA and their Inspector General say it is not working, we have heard them say tonight that Superfund is working. The evidence is very clear. The statistics which have already been presented indicate that that is simply not the case.

The amendment before us is a funding limitation on the EPA spending bill that would preclude any reimbursement to persons who are potentially liable under the Superfund statute. All legislative proposals to reform Superfund, even the EPA's proposals, involve some element of reimbursement. Let me again emphasize that. The amendment before us ensures that none of these reforms can go forward.

The author has amended his amendment twice before bringing it to us, but it is still fatally flawed. It freezes the status quo and it protects the livelihood of all those wonderful Superfund lawyers. So if Members want to protect the lawyers, then they should support the amendment before us. But if Members want to reform Superfund, then oppose this amendment.

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

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

Mr. BORSKI. Mr. Chairman, I am pleased to join the gentleman from Massachusetts and the gentleman from New Jersey in offering this amendment to keep Superfund from changing from a polluter pays program to one where the taxpayers pay the polluters. This amendment would prohibit use of the Superfund appropriation for payoffs to polluters, very simply. This amendment would maintain the principle that major corporate polluters should pay to clean up the dangerous toxic waste sites they have created.

Since the beginning of the 104th Congress, the majority has attempted to find a way to let these corporate polluters off the hook. Even though more than 80 percent of Superfund toxic waste sites are located near drinking water sources, they want to reduce standards for cleanup and use tax money to pay polluters for the limited remaining cleanup.

The majority has tried and tried again and then tried a third time to come up with a plan to help out corporate polluters. They could have been developing a plan to let small businesses and municipalities escape the Superfund liability web. They could have been developing a plan to help America's urban communities develop their brownfields sites that are so important for job creation. They could have been developing a plan that would implement a fair share allocation plan that would eliminate the high transaction costs resulting from the current liability requirements. Unfortunately, none of these things have been done.

Mr. Chairman, this bill contains only \$1.3 billion for Superfund.

□ 2000

That money should be used for cleanups, not for corporate payoffs. With this amendment, corporate polluters would still be held responsible for cleaning up the toxic messes that they created.

Mr. Chairman, money from corporate polluters has funded most of the Superfund cleanups that have taken place. If that source of money is eliminated without being replaced, Superfund cleanups would have to be drastically reduced.

With the low level of funding in this bill, using any fund to pay corporate polluters would mean less cleanup, less protection of the environment, less protection of drinking water.

All of this leads to one question: Where is the Superfund reform? Everyone has agreed that Superfund reform is absolutely critical. But, we have been waiting for 18 months for the majority to move a bill to the full committee level. In the waning months of the 103d Congress, Administrator Browner put together a consensus bill that was backed by a remarkable coalition, business, State and local governments and environmental groups and Democrats and Republicans.

Incidentally, Mr. Chairman, under Administrator Browner there have been more cleanups in the first 3 years than in the previous 12 years of the Superfund program. Unfortunately, the bill that Administrator Browner crafted died at the end of the last Congress.

For the past year-and-a-half, the Republicans have ignored H.R. 228, the bill based on the Coalition agreement. Their substitute for the broad-based agreement is no Superfund reform at all. In three months of negotiation, all we got was a three-page outline asking us which of their previously rejected solutions we wanted to take.

I want to remind my Republican colleagues, they are in the majority. If they want to bring their bill to the floor, then do so. Until then, the Markey-Pallone-Borski amendment will prevent this special treatment for special interests. I urge support of this amendment.

Mr. BOEHLERT. Mr. Chairman, I rise to strike the last word.

Mr. Chairman and my colleagues, I rise in strong opposition to the Markey amendment. Before I get into the meat of my argument, let me just make a couple of points.

This is sort of grand theater here tonight. We have witnessed that for the last 48 hours. What really disturbs the new minority is that they are not yet adjusted to the fact that they are in the minority, no longer in the majority, and that the majority is stepping up to the plate and addressing in a responsible way very important environmental issues.

For example, the new minority keeps saying the new majority wants to pay

the polluters. That is unmitigated nonsense, plain and simple. We are talking about a so-called retroactive liability discount scheme that was floated about several months ago and we rejected it. It is off the table. No one agrees that we should have retroactive liability discount, because we do not want to pay the polluters. Everyone agrees to that.

Now, the concept of should those who pollute pay be embraced? You are darn right it should be. We should force those who pollute to pay, because we have an obligation to our children and future generations to leave them with a cleaner, safer, healthier environment, and we intend to do just that.

However, my friend, the gentleman from Massachusetts [Mr. MARKEY], the author of this amendment, suggests that the present program should be left intact; do not make any adjustments. Mr. Chairman, I would suggest that the gentleman from Massachusetts talk to his President and my President, the fellow who occupies 1600 Pennsylvania Avenue. He thinks there should be some changes and has provided some money in the budget for liability relief.

The Administrator of the Environmental Protection Agency, a woman for whom I have the greatest of respect and I work with on a partnership basis, Carol Browner, thinks there should be some liability relief, and I agree with her.

Here is who we should relieve. We should relieve those small business people, the innocent people who are victimized and caught up in this scheme. I am not just saying that, you are saying that, your administration is saying that, Carol Browner is saying that, President Clinton is saying that, we are all saying that. However, under Mr. MARKEY's amendment, oh, no, we do not want to provide any relief for anybody, we want to keep it as it is because we have just heard from another colleague that the system is working quite well.

I do not know many people in America that think Superfund reform is working as intended, and believe me, it was well intended, because we want to clean up toxic waste sites. That is very important to all of us. But the gentleman from Massachusetts [Mr. MARKEY] says things are all right and some of those people who are supporting his amendment seem to conclude that it is all right.

The gentleman from Pennsylvania [Mr. BORSKI], the ranking member of the subcommittee I am privileged to chair, keeps coming up with the old saw that we are going to pay polluters. I would say to the gentleman that he knows we have no intention of doing so. The gentleman and I agree that that would be lousy policy, and, boy, we are not going to pay those polluters, nor should we.

And guess what, fellow Republicans? I know my colleagues have examined that idea and agree that we should not pay them, but should we pay some liability relief? You are darn right. Do

my colleagues want to know why? Because the American people are sick and tired of spending all of their time in the courts with their lawyers, everybody suing everybody and these toxic waste sites are not being cleaned up.

What about my kids? What about my grandchildren and future generations? We want to leave them with a cleaner, a healthier, a safer environment.

Mr. Chairman, let me tell my colleagues what is wrong with the Markey amendment. There is a lot wrong with it. First of all, let me increase your comfort, because we are going to eliminate any possibility whatsoever that we can pay polluters, because I am going to offer a substitute amendment pretty soon, and I am sure my colleagues will support that, because we are going to make it abundantly clear to one and all and to history that no way are we going to pay polluters. We are going to make sure that retroactive liability discount scheme never surfaces again, nor should it. That is good news.

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

Mr. BOEHLERT. Only if you will support that amendment.

Mr. MARKEY. Mr. Chairman, toward the goal of supporting that amendment, I would just like to clarify. If the gentleman would yield, would the gentleman's amendment prohibit any rebates to polluters who have already signed?

Mr. BOEHLERT. Mr. Chairman, reclaiming my time, I am glad the gentleman brought that up. I am glad the gentleman brought that up, and reclaiming my time, because my good friend from Massachusetts brought me to my next point, here is the deal there, and it is very important to remember this.

We are opposing restrictions on liability relief, as is the administration. Let me point that out. The administration wants to have some liability relief. Because, guess what? Some people have stepped up to the plate, they have assumed their responsibility, they are going to fulfill their responsibility.

The CHAIRMAN. The time of the gentleman from New York [Mr. BOEHLERT] has expired.

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

Mr. BOEHLERT. Mr. Chairman, let me get to these points and then I will be glad to yield to my friend because we are good friends and we work together on these things and usually on environmental issues we see eye to eye. I do not know how the gentleman got misguided in this instance.

We want to say to people who have stepped up to the plate and have accepted their responsibility, good for you, and if we pass legislation that provides some relief for small business, that is going to allow some assistance to these small businesses. That is very important, and we are going to say something else.

Mr. Chairman, this may never become law. My colleagues know how we deal in this institution. We may end up never having this measure law, and if we never have this measure law and we go on with a continuing resolution, the Markey language would prevail and never more could we provide any liability relief for small businesses and for municipalities, those communities across the country that are so hard-pressed to make ends meet.

And what would they have to do? They would have to go to their taxpayers, their property taxpayers. What a lousy way to raise money, increase their property taxes, all if this amendment as proposed passes. But I do not think it is going to pass, because I think people recognize that we have an obligation to go forward in a responsible way.

Now, to those who argue that we do not have a plan to deal with the subject, let me point out, a year ago I presented a plan, a very good plan that a lot of people embraced. Now, you know what the Administrator of the Environmental Protection Agency said in response to an examination of my plan? This is Carol Browner. I think she should be Secretary Browner, because I think EPA is very important, and I think it should be a Cabinet level agency. She said, Boehlert's proposal is something the Clinton administration would feel very, very comfortable with. It is a very attractive proposal. It goes a long way toward removing lawyers from the system, and I think it is a wise and informed position.

Now, let me make this one point, this one point. The point is, and this is why I say it is grand theater. It is disturbing to so many of my good friends on the other side of the aisle that Republicans are acting in a responsible manner dealing with an environmental issue, because guess what? My colleagues on the other side of the aisle feel they own that issue, and we are the bad guys, we are uncaring and insensitive and we do not want to address in a responsible way the environment, but that is wrong, we do, and we are proving it. Yesterday we proved it with safe drinking water legislation. Today we are proving it as we are urging with all of the compassion that we can find that we have meaningful Superfund reform, and I say to the gentleman from Massachusetts [Mr. MARKEY], his proposal would not allow that.

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

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

Mr. MARKEY. Mr. Chairman, I thank the gentleman. I know that the gentleman is not acting in a deliberate attempt to totally misrepresent what my amendment does; although he has, I know it is not deliberate. So I welcome the opportunity to clarify for the gentleman what it is that my amendment does.

Mr. BOEHLERT. Mr. Chairman, I am not going to reclaim my time, I am

going to let the gentleman continue, because this is grand theater.

Mr. MARKEY. Mr. Chairman, I thank the gentleman from New York so much, because this goes right to the heart of what we are talking about.

Just for the record so that everyone who is listening is not all confused, the Environmental Protection Agency wrote yesterday that they support the Markey amendment.

The CHAIRMAN. The time of the gentleman from New York [Mr. BOEHLERT] has expired.

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

Mr. MARKEY. Mr. Chairman, I would ask the gentleman if he would continue to yield.

Mr. BOEHLERT. Mr. Chairman, I will continue to yield for 30 seconds, because I want half of that time. This is fairness.

Mr. MARKEY. Mr. Chairman, the Department of Justice as well also supports the Markey amendment.

Now, I know that the gentleman has some general language there from Carol Browner speaking about him as an individual, and let me say this, the halo over his head could not be shinier after the last year and a half of missionary work.

Mr. BOEHLERT. Mr. Chairman, this is a good time to reclaim my time since we are talking about the halo over my head. I will reclaim my time, because that is a good note on which to close, referring to a halo over someone's head. Administrator Browner was not talking about me, and I would appreciate any kind words she would care to share about me, but she was talking about the Boehlert proposal.

That is very important. We want meaningful Superfund reform. We want a cleaner, safer, healthier environment for our kids and grand kids, and I think we can get it if we deal in a responsible manner by voting for what I will soon offer as a responsible substitute to the Markey amendment.

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

Mr. Chairman, I must speak on this bill, and I echo the words of the chairman of the subcommittee, the gentleman from Ohio [Mr. OXLEY]. If you are on a train ride and year after year you go on and you keep riding on this train ride and it does not get to where you want; what do you do? You stop the train or you get off. This is where we are tonight. And what we have here is a responsible bill that takes us off the train heading in the wrong direction.

Superfund was hastily enacted in 1980 following national publicity over a few chemical waste sites. Originally, EPA got \$1.6 billion in funding to clean up over 1,000 nationwide sites. As my colleagues can see from this chart, after nearly 15 years and an estimated \$20 billion in State and Federal and private funds spent on the Superfund Program, less than 10 percent, less than 10

percent of the 1,300 sites that the EPA has place on the Superfund national priority list have been completely cleaned up.

Now, I do not think the taxpayers would be happy with that if we spent \$20 billion and only 10 percent of the sites were cleaned up, and that is what this chart shows. Is that progress? Is that a train that is going in the right direction? Lord knows not.

The EPA originally estimated it would take \$7 million and 5 to 8 years to clean up an average site. Today the studies indicate an average of 11 years and \$25 to \$40 million in cost per site; estimates of the entire national clean-up effort range from \$300 billion to \$1 trillion. They are estimating it is going to cost \$1 trillion when Federal facilities are included in the cleanup.

What this means is simple. The existing Superfund Program must be replaced with a new program in which the benefits justify its costs, which is equitable, cost effective, and limited in size and scope when feasible. It should be targeted to address real, current, and significant risks to human health and environments posed by the past disposal of hazardous substances. Retroactive liability, a joint and several liability must be remedied. We must change and work on that, and the size and scope of the Federal national priority list should be kept. States should be given the opportunity to delegate implementation of the reforms of the Federal Superfund Program at the sites, as well as provided with incentives to implement their own reform programs in a fair and cost-effective manner.

Now, Mr. Chairman, this is what this bill does, and what the gentleman from Massachusetts [Mr. MARKEY] does is return us to the status quo, to the train that continues to go in the wrong direction after all of these years since 1980. So there is no use continuing to throw money into this program without reform.

□ 2015

Mr. Chairman, this is why we need term limits around here. This is why we need to change Congress and not have one party dominate Congress for 40 years, because they are on the same train going in the wrong direction. There are no new ideas.

But, lo and behold, the Republican majority comes in, we have Chairman OXLEY with new ideas and a new program. And once and for all we start to say this train is going in the wrong direction, and we are going to move forward, stop this train and move it in the right direction. That is what this program does. So term limits is good for Members and term limits is good for the majority after 40 years of the Superfund Program.

Mr. Chairman, I rise in strong opposition to the Markey amendment. I might point out that this program can be improved vastly, and I call for the defeat of the Markey amendment and passage of the Republican plan.

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

Mr. Chairman, I have to rise in opposition to the Markey amendment here tonight. I did take special interest, though, when the gentleman from New Jersey, Mr. PALLONE, spoke, when I noticed and it first came to my attention that the gentleman from Massachusetts, Mr. MARKEY, had 32 sites in his own district, of which only 2 had been cleaned up, and then when I noticed the district of Mr. PALLONE, the 6th District of New Jersey has 9 Superfund sites, zero have been completely cleaned up, 7 of those sites came in 1983.

Really, I find it very fascinating that Members would want to defend the status quo when in fact so many Superfund sites have been on the books for so long. If our commitment is to a healthier and safer environment, what are we doing? Time out. What in fact are we doing?

The purpose of Superfund is to protect public health from the dangerous release of materials in a cost effective manner. Sixteen years after the law was enacted, lawyers, not the environment, have become the big winners. What I have here is a scroll. On this scroll is a list of thousands and thousands of lawyers who have been retained at over 1,300 of the Superfund sites. Let me just continue on, and I will speak as this goes on, and I will move slowly and everybody in America can read this list of lawyers.

Each year on average, only 5 sites are removed from the national priority list, and each year citizens pay \$4.5 billion on the cleanup costs. That is because 47 percent of the total Superfund costs are spent on lawyers and legal expenses.

It is difficult right now for the Democrat Party here because they have to face a choice. The choice is between a constituency that supports them on the environmental issues, that gives a lot of money to their congressional campaigns, and trial lawyers who fund their campaigns with a lot of money. What we have here are all these trial lawyers, so I guess I have to assume that they are siding with the lawyers here tonight.

The liability aspect is so measured that even local governments are being sued millions of dollars on Superfund simply because they picked up the garbage. In Indiana alone, 32 Superfund sites are awaiting action. In my district, we have Continental Steel in Kokomo, IN. It has been on the national priority list for 10 years. The Federal Government has already spent nearly \$13 million on contamination removal, yet it is still considered worst on the Indiana list.

I applaud Chairman MIKE OXLEY for having come to Indiana to actually look at the Continental Steel site. I imagine the gentleman from Ohio [Mr. OXLEY] can recall looking at the spent pickle liquor that was right next to Wildcat Creek. That spent pickle liq-

uor still has the risk of contamination into the water because money is going to all these lawyers. It is all the lawyers.

I applaud the gentleman from Ohio because he chooses the environment. He wants to side with the millions of people who live next to these Superfund sites. But what I find here today is the Democrats are siding with the scroll and all the lawyers.

Everyone must agree that Superfund is broken and will require additional funding to fix it. We need to reform Superfund, the joint and several liability, in order to immediately clean up the Superfund sites by using Superfund business taxes to clean up these sites rather than litigating and negotiating.

This amendment would prevent significant reform of the current Superfund liability system by preventing these funds from being used to clean up the sites. Instead, this amendment will keep the status quo of taking money from taxpayers and lining the pockets of all of these lawyers.

The list keeps going and going and growing as environmental law continues to grow. Forty-seven percent of all of the money has gone to all these lawyers instead of cleaning up all the sites.

One could say, "This is a little bit about theater here tonight." It is Mr. Chairman. This is a little bit about theater. But the reality and the fact of the matter is that money that should be going to make our environment healthier and safer is going to line the pockets of trial lawyers, who will in turn send that money into many campaigns because the Democrats want the majority back. I think that is shameful, that they would choose that over the environment.

I will stand with the environment, and I applaud the gentleman from Ohio [Mr. OXLEY] here tonight. God bless you. Vote down the Markey amendment.

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

Mr. Chairman, I yield to my colleague from New Jersey, Mr. PALLONE, out of courtesy inasmuch as he was referred to by the last speaker.

Mr. PALLONE. I appreciate the gentleman's yielding to me.

Mr. Chairman, I just wanted to say, first of all, it is very easy to come on the floor and start disparaging the lawyers. There are a lot of lawyers involved in a lot of things in this place including on the floor of this House.

What did Voltaire say: the first thing we do is kill all the lawyers. Maybe that is what the gentleman wants to do, but I do not think that is the issue here tonight.

The issue here tonight is whether or not the corporations and the individuals who polluted these sites and created the mess are going to be responsible for cleaning them up. If we eliminate that as a basic tenet of the Superfund Program, it will no longer be a viable program. The taxpayers will

be basically paying for things that will not happen because there will not be enough money to do the cleanup.

The gentleman mentioned my district specifically. Of the nine sites in my district, seven of them I mentioned are in various phases of cleanup but most of them are in very advanced stages where they are actually doing just monitoring now of the overall program. One site has actually been deleted from the list. Again the gentleman talks about our side of the aisle. This administration, as I said before, has done more cleanups in the last few years than have done in the whole 10 years prior to that of the Superfund Program. It has also deleted more sites from the NPL list than any previous administration. So we are talking here about a Democratic administration that cares about the program, that believes in the program, that wants to make certain changes in the program that are beneficial but still keep the program intact.

What you want to do tonight, and I am amazed when I listen to the debate on the floor, is destroy and get rid of the program.

I just wanted to make one additional comment again based on my friend from New York and what he said about this codisposal option, because that upsets me a great deal. One of the sites that I have is in advanced stages of cleanup in Edison, N.J. It is called the Kin-Buc site, one of the most hazardous sites, the most toxic sites in this country. If any of you went there today to see what has been done at that site, it is amazing how much cleanup, what has actually been done. It not only looks beautiful, it is working. The Superfund Program works. But if what the gentleman from New York [Mr. BOEHLERT] described for codisposal were to come in play and become the law, that site would never be cleaned up today. Because under his proposal, if there is any municipal waste or a substantial amount of municipal waste that goes to a landfill, which is what the Kin-Buc site is, then there is no longer any liability on the part of the polluters to clean up the site. If they have already spent money to spent money to clean up, which they have done at Kin-Buc, then they get reimbursed, which is what this is all about, rebates to the polluters. If on the other hand they have not cleaned it up yet, then the responsibility is turned over to the taxpayers to pay the cost of the cleanup. That means that cleanup does not occur.

The bottom line here, and I think everyone has to understand this, you eliminate the polluter pays principle. You make these changes that they have to do the cleanup and you will not see progress on Superfund sites. You can talk here all you want about all the lawyers and about the various stages of cleanup and how you think the program is not working. The bottom line is the program is working. What you are proposing will make the

cleanups stop. That is what the other side is all about.

I have heard it said over and over again, we do not need a Superfund Program. Let the States do the job. The job cannot be done by the States. If we do not pass this amendment tonight, and we do not get away from this notion that we are going to pay rebates to the polluters, we are not going to see the Superfund Program as a viable program anymore. That is the bottom line.

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

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

Mr. BOEHLERT. I would like to respond to the gentleman from New Jersey [Mr. PALLONE]. The proposal I advanced last July which was spoken so highly of by the Administrator of EPA would eliminate retroactive liability for 250 codisposal sites across the country, the idea being to get small businesses out from any liability and to get communities out from any liability, have the trust fund pay for the cleanup, because I want cleanup just as much as the gentleman does and this is a faster way to get the cleanup.

Mr. PALLONE. If the gentleman will yield further, I understand what the gentleman is about, but the gentleman's proposal is not necessary and is counterproductive. We can have exemptions for small businesses, we can have exemptions for municipalities.

The gentleman from Massachusetts [Mr. MARKEY] has indicated and I have indicated and all of us have indicated that we do not have a problem with that and this amendment does not preclude that. But if you go along with this codisposal site that basically says because municipal, household waste, whatever, goes into a landfill or a site and that means that there is no longer liability for the people, the generators of most of the hazardous waste, then in effect what you are doing is eliminating liability for the corporations in the case of Kin-Buc, in my own district, that had to do the cleanup, and there is not going to be the taxpayer money to do that cleanup. It will not happen.

AMENDMENT OFFERED BY MR. BOEHLERT AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. MARKEY

Mr. BOEHLERT. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. BOEHLERT as a substitute for the amendment offered by Mr. MARKEY: Page 95, after line 21, insert the following:

SEC. 422. None of the funds made available to the Environmental Protection Agency under the heading "Hazardous Substance Superfund" may be used to implement any retroactive liability discount reimbursement described in the amendment made by section 201 of H.R. 2500, as introduced on October 18, 1995.

Mr. BOEHLERT [during the reading]. Mr. Chairman, I ask unanimous consent that the amendment offered as a substitute for the amendment be con-

sidered as read and printed in the RECORD.

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

There was no objection.

Mr. BOEHLERT. Mr. Chairman, I will not take the entire 5 minutes because I know the chairman and the ranking member of the committee have been working very hard and we have all been here for a long time on this very subject. It is an important subject, so we should discuss it in detail. But all that needs to be said has been said pretty much.

I would like to add just a couple of thoughts. The Boehlert amendment makes it absolutely clear once and for all that the retroactive liability discount is dead. Please, no more stories about paying polluters. It is all over. Finished. I never supported it in the first place, and it is behind us. It has been for 5 months. The negotiations have gone forward on Superfund reform without any discussion of retroactive liability discounts.

Second, the Boehlert amendment preserves the right of Congress, that is a very precious right, to develop bipartisan Superfund legislation that will provide needed relief, liability relief to thousands of small businesses and small communities across the country. We want to get them out of the courts, we want to get them out of the law offices, and we want to get the emphasis on cleaning up toxic waste sites. I think the Markey amendment would actually undermine the most important administrative Superfund reforms being sought by the Environmental Protection Agency. I think we should move forward. This is a responsible pro-environment, pro-small business, pro-small community substitute amendment, and I urge its adoption.

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

Mr. Chairman, let us just clear away, if we could, a lot of the statements that have been made this evening about the nature of this amendment. The gentleman from New York [Mr. BOEHLERT] is not speaking about H.R. 2500 when he talks about anything that Carol Browner has said. Any personal remarks that Carol Browner may have made about the gentleman from New York [Mr. BOEHLERT] are deserved by him. But H.R. 2500 was in fact a bill which Administrator Browner recommended a veto on. A veto.

If the gentleman from New York [Mr. BOEHLERT] wants to associate himself with that bill, because that is what my amendment refers to, H.R. 2500. It refers to provisions in H.R. 2500 that allow for rebates to be given to polluters. If the gentleman from New York [Mr. BOEHLERT] wants to associate himself with that portion which somehow or other he has up on his board over here with the gold star from Carol Browner, that is fine. Take credit for that. But we are not debating that this

evening, and we are not debating liability for municipalities. We are not debating the whole long laundry list of issues that all of these Republicans keep getting up and speaking about. We are only debating one issue, the issue of whether or not tax dollars that we need to balance the budget, that we need to pay for Medicare, that we need to pay for Medicaid, that we need to pay for inoculations of children are going to be spent to give money to polluters in cases where they have accepted liability in court to clean up a site for which they are responsible.

□ 2030

That, Mr. Chairman, is what this whole debate is about.

Now, the Boehlert amendment deals with H.R. 2500's provision which allows for the payment of money for polluters. What my amendment does out here on the floor, that he is seeking to amend, would prohibit any scheme ever to pay polluters. Now, there is a big difference between taking the Contract With America provision and Mr. BOELHERT saying, well, I do not support that, and taking any other provision which could be constructed which would accomplish the very same goal.

That is why the Markey amendment has to pass, or else the Boehlert amendment has just given a very temporary 60- or 90- or 120-day inoculation to the Republican Party, pending Bob Dole's election as President, they hope, and then the bill can pass with only 51 percent of the vote. So we need the Markey amendment to prohibit it, to make it part of the law, not just H.R. 2500, this concoction of wish lists by the polluters of America, fulfillment of the Contract With America, but any scheme which is constructed.

So I give the gentleman from New York his due, and he deserves it, and the Republican Party deserves credit for using the gentleman as a guard-all shield against their support for all of the polluter-written legislation that has been presented out on this floor over this past year and a half. But even the gentleman, in all of his sacrifice for the Republican Party, cannot protect them against H.R. 2500, even as the gentleman brings out his good report card from Carol Browner on the things that he does support.

H.R. 2500 the gentleman opposes, I hope, because Carol Browner said that it should be vetoed, and if you did not, then fine, there is an area of agreement that you have with the Republican Party, but not with the environmentalists of our country, not with the EPA, and not with anyone that wants to see the sites in this country that have been polluted by chemical companies, by oil companies, cleaned up.

Mr. Chairman, I hope that this amendment is not allowed to in any way interfere with our ability to also ensure that the Markey amendment is included as part of this law.

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

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

Mr. GILLMOR. Mr. Chairman, I rise in opposition to the Markey amendment. The Markey amendment continues to support a failed program when there are better alternatives available. This amendment ignores some simple and widely accepted facts about Superfund, and unapologetically defends the failed status quo.

The Markey amendment preserves the current retroactive liability system—a system that has proven to be successful at enriching lawyers, but not in cleaning up the environment.

When Superfund was originally passed in 1980, and when it was reauthorized in 1986, it was a program with great hope. The hope was that the billions of dollars raised by the corporate taxes in this program would go for cleaning up some of the Nation's most dangerous hazardous waste sites. Regrettably, the promise was not met.

Superfund turned out to be an all-too-typical Federal Government program. First, it failed in its purpose. After 16 years and a cost of \$15 billion, only 91 sites have been cleaned up. Second, it was an all-too-typical Government program because in the process of failing, it consumed billions and billions of dollars. Third, much of the money that was spent did not go for helping the environment. It went to enrich attorneys and it went for regulatory and bureaucratic costs. This program must be reformed and we have a vehicle pending before this Congress to reform it in the Commerce Committee.

The appropriations legislation offered here to fund the U.S. Environmental Protection Agency [EPA] in fiscal year 1997 places a priority on Superfund spending for actual cleanup, limiting the resources used for redundant administrative and support services. I could not agree more with this strategy. I offered in the Commerce Committee, and the committee accepted, these same provisions to the House reauthorization and reform of the Superfund program. I am glad the Appropriations Committee has decided to accept this idea in the report language to this bill.

EPA says it is spending roughly about 65 percent of their Superfund budget on remedial actions, the rest going to administrative, research, and oversight activities. However, only about 40 percent goes to actual cleanup. So, 60 percent winds up going to other activities. Environmental protection, especially when it comes to Superfund, should not be just spending money, but in spending money wisely for environmental cleanup.

A vote for the Markey amendment is a vote against reform of Superfund. The major problems with Superfund are its liability determination, retroactive liability, and a failed method of remedy selection. If you really care about the environment, you want the limited resources we have spent for dealing with real environmental needs, and not wasted. The money ought to go to pay the people who move dirt, and clean up the actual sites, and not go to the consultants and lawyers. A "no" vote on this amendment coupled with the passage of real reform in Superfund will be good for the environment, and especially it will be good for the people who live near these sites.

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

Mr. Chairman, I will not use more than a minute or so. I wanted to point out, I am amazed. I appreciate the fact that the gentleman from New York [Mr. BOELHERT] is basically getting this half right, I guess is the way to phrase it. But essentially what he is doing here is eliminating the liability or allowing rebates, if you will, for those who have entered into consent orders and admitted liability.

So if a polluter said, "Look, I did this," and enters into the consent decree, then they can still get a rebate check. For the life of me, I do not understand why we should allow that if someone has admitted guilt, so to speak, and said that they contributed to the mess.

I think it is commendable that the gentleman is going halfway and agreeing with the rest of the Markey amendment, but I totally oppose the idea that just because there is a consent order outstanding that someone has entered into, that somehow that person should continue to be able to get a rebate. It goes against the grain in terms again of what the Superfund program is all about, and the idea is that those who polluted should pay.

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

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

Mr. DINGELL. Mr. Chairman, I have in my hands the two amendments which we are discussing. The first is the amendment offered by the gentleman from Massachusetts [Mr. MARKEY]. It is an excellent amendment. What it does is it says that there can be no money paid to a fellow who has polluted for cleaning up; he has to clean up after himself.

This reminds me of a wonderful sign that I once saw on the wall. It said, "Your mother does not live here, so you will have to clean up after yourself."

What the gentleman from New York [Mr. BOELHERT] wants to do and what my Republican colleagues want to do is to modify that slightly. Mr. MARKEY says that if you pollute, you cannot get paid for cleaning up. The gentleman from New York says that. Now, the gentleman from New York has then established that he is half right, and for that we should salute him because it is quite a rarity in a Republican Congress for a Republican to be half right.

Having said that, we come to the second part, however, which the gentleman from New York has stuck in there. I always thought the gentleman from New York was a very smart fellow, and I still do, but something happened here tonight that I cannot explain and perhaps he can. What he says is, but if you have made a settlement, then the Government is going to pay you to clean up and give you a rebate for cleaning up after you have made a mess and after you have been forced into a settlement.

I do not understand why we should pay a wrongdoer who has made a mess and not settled, and I do not understand why a fellow who has made a mess and then settled should be paid. It just does not follow and it does not make good sense.

Now, I have enormous respect for the gentleman from New York [Mr. BOEHLERT]. He is a very wise and very good Member of this body, and I salute him for the good work that he has done over the years. But tonight he has things a little wrong. What we really need to address is to understand that there are two situations where a polluter could profit under this legislation. The first is where he has gone out and made a dirty mess, risked the lives of the people, contaminated the water, polluted the air, dirtied up a major area, threatened the life and well-being of the people, and under the Republican idea we will then pay them for cleaning that up and having put large numbers of people at risk. This will look very good on their balance sheets, and I am sure my Republican colleagues like that.

Having said that, Mr. Chairman, it must be observed, however, that the gentleman from New York [Mr. BOEHLERT] would address that, and for that we should salute him. But it is so that he does not address the other equally important situation which arises under the bill. That is, that a polluter who has cut a deal and has agreed that he has done something wrong and has agreed freely that he, along with other polluters, will then clean up, is going to get a rebate. Now, that may be a splendid idea if you are a polluter, but from the standpoint of the taxpaying public and from the standpoint of people who have to pay the taxes for the cleanup, it does not make good sense, because what it does is it diverts moneys from an already short Superfund into the paying off of wrongdoers. That is wrong.

Now, if we need to address the question of Superfund, we ought to be addressing it in the committee. My Republican colleagues have run the committee now for almost a year and a half. There is no Superfund bill. My good friend from New York, the gentleman from New York [Mr. BOEHLERT], got up and castigated the Democrats because we have not gotten a bill. Now, it may be that he does not know that the Republicans control this Congress, but believe me, and I will tell him now, they do. As a matter of fact, I understand the distinguished gentleman from New York is a subcommittee chairman on the Committee on Transportation and Infrastructure.

Mr. Chairman, I yield to the gentleman from New York for purposes of explaining what he is doing tonight, I will be very happy to do so because I notice he is standing and I do have great respect for him.

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

Mr. Chairman, I would just like to point out that what I am proposing

would permit continued consent decrees to be entered into with the hope that some relief will be provided in the near future, because the Democrats and the Republicans are very actively seeking Superfund reform legislation this year.

What the Markey amendment will do is provide a disincentive for anyone to settle and to begin to clean up, because they are going to hold out hope that some day in the future this will happen. I want to get in with Superfund cleanup so that we can have a cleaner, healthier, safer environment for our kids and our grandkids.

Mr. DINGELL. Reclaiming my time, I thank the gentleman, but what the gentleman from New York would do is to give forgiveness and absolution retroactively.

It isn't what we are going to do prospectively that my good friend from New York would address, it is that which has already been done. He is going to catch a bunch of rascals and scoundrels who polluted and go out and make them whole for what they have already agreed to clean up.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BOEHLERT] as a substitute for the amendment offered by the gentleman from Massachusetts [Mr. MARKEY].

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. MARKEY] as amended.

The amendment, as amended, was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 456, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT], and the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. GUTKNECHT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 45, noes 372, not voting 16, as follows:

[Roll No. 277]

AYES—45

Baker (CA)	Hoekstra	Pombo
Barton	Hostettler	Portman
Brownback	Inglis	Radanovich
Bunning	Istook	Ramstad
Campbell	Johnson, Sam	Roemer
Chabot	Kasich	Rohrabacher
Coburn	Klug	Roth
Cox	Largent	Royce
Crane	McIntosh	Sanford
Dreier	Metcalf	Sensenbrenner
Duncan	Meyers	Shadegg
Graham	Minge	Smith (MI)
Gutknecht	Myrick	Souder
Hamilton	Neumann	Tiahrt
Herger	Petri	Upton

NOES—372

Abercrombie	Cunningham	Hansen
Ackerman	Danner	Harman
Allard	Davis	Hastert
Andrews	de la Garza	Hastings (FL)
Archer	Deal	Hastings (WA)
Armey	DeFazio	Hayworth
Bachus	DeLauro	Hefley
Baesler	DeLay	Hefner
Baker (LA)	Dellums	Heineman
Baldacci	Deutsch	Hilleary
Ballenger	Diaz-Balart	Hilliard
Barcia	Dickey	Hinchee
Barr	Dicks	Hobson
Barrett (NE)	Dingell	Hoke
Barrett (WI)	Dixon	Holden
Bartlett	Doggett	Horn
Bass	Dooley	Houghton
Bateman	Doolittle	Hoyer
Beilenson	Dornan	Hunter
Bentsen	Doyle	Hutchinson
Bereuter	Dunn	Hyde
Berman	Durbin	Jackson (IL)
Bilbray	Edwards	Jackson-Lee
Bilirakis	Ehlers	(TX)
Bishop	Ehrlich	Jacobs
Bliley	Engel	Jefferson
Blumenauer	English	Johnson (CT)
Blute	Ensign	Johnson (SD)
Boehlert	Eshoo	Johnson, E. B.
Bonilla	Evans	Johnston
Bonior	Everett	Jones
Bono	Ewing	Kanjorski
Borski	Farr	Kaptur
Boucher	Fattah	Kelly
Brewster	Fawell	Kennedy (MA)
Brown (CA)	Fazio	Kennedy (RI)
Brown (FL)	Fields (LA)	Kennelly
Brown (OH)	Filner	Kildee
Bryant (TN)	Flanagan	Kim
Bryant (TX)	Foglietta	King
Bunn	Foley	Kingston
Burr	Forbes	Klecza
Burton	Ford	Klink
Buyer	Fowler	Knollenberg
Callahan	Fox	Kolbe
Calvert	Frank (MA)	LaFalce
Camp	Franks (CT)	LaHood
Canady	Franks (NJ)	Lantos
Cardin	Frelinghuysen	Latham
Castle	Frisa	LaTourette
Chambliss	Frost	Laughlin
Chapman	Funderburk	Lazio
Chenoweth	Furse	Leach
Chrysler	Gallegly	Levin
Clay	Ganske	Lewis (CA)
Clayton	Gejdenson	Lewis (GA)
Clement	Gekas	Lewis (KY)
Clinger	Gephardt	Lightfoot
Clyburn	Geren	Linder
Coble	Gilchrest	Lipinski
Collins (GA)	Gillmor	Livingston
Collins (IL)	Gilman	LoBiondo
Collins (MI)	Gonzalez	Lofgren
Combest	Goodlatte	Longley
Condit	Goodling	Lowe
Conyers	Gordon	Lucas
Cooley	Goss	Luther
Costello	Green (TX)	Maloney
Coyne	Greene (UT)	Manton
Cramer	Greenwood	Manzullo
Crapo	Gunderson	Markey
Cremeans	Gutierrez	Martinez
Cubin	Hall (TX)	Martini
Cummings	Hancock	Mascara

Matsui Pickett Stokes
 McCarthy Pomeroy Studds
 McCollum Porter Stump
 McCrery Poshard Stupak
 McDermott Pryce Talent
 McHale Quillen Tanner
 McHugh Quinn Tate
 McInnis Rahall Tauzin
 McKeon Rangel Taylor (MS)
 McKinney Reed Taylor (NC)
 McNulty Regula Tejada
 Meehan Richardson Thomas
 Meek Riggs Thompson
 Menendez Rivers Thornberry
 Mica Roberts Thornton
 Millender Rogers Thurman
 McDonald Ros-Lehtinen Torkildsen
 Miller (CA) Rose Torres
 Miller (FL) Roukema Torricelli
 Mink Rush Towns
 Moakley Sabo Trafficant
 Molinari Salmon Velazquez
 Mollohan Sanders Vento
 Montgomery Sawyer Visclosky
 Moorhead Saxton Volkmer
 Moran Scarborough Vucanovich
 Morella Schaefer Walker
 Murtha Schiff Walsh
 Myers Schroeder Wamp
 Nadler Schumer Ward
 Neal Scott Waters
 Nethercutt Seastrand Watt (NC)
 Ney Serrano Watts (OK)
 Norwood Shaw Waxman
 Nussle Shays Weldon (FL)
 Oberstar Shuster Weldon (PA)
 Obey Sisisky Weller
 Olver Skaggs White
 Ortiz Skeen Whitfield
 Orton Skelton Wicker
 Owens Slaughter Williams
 Oxley Smith (NJ) Wilson
 Packard Smith (TX) Wise
 Pallone Smith (WA) Wolf
 Parker Solomon Woolsey
 Pastor Spence Wynn
 Paxon Spratt Young (AK)
 Payne (NJ) Stark Young (FL)
 Payne (VA) Stearns Zeliff
 Pelosi Stenholm Zimmer
 Peterson (MN) Stockman

NOT VOTING—16

Becerra Fields (TX) McDade
 Beville Flake Peterson (FL)
 Boehner Gibbons Roybal-Allard
 Browder Hall (OH) Yates
 Christensen Hayes
 Coleman Lincoln

□ 2100

Messrs. LAHOOD, DELLUMS, PETERSON of Minnesota, VISLOSKEY, CHRYSLER, and COOLEY of Oregon, and Mrs. CHENOWETH changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. WALKER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 245, noes 170, not voting 18, as follows:

[Roll No. 278]
 AYES—245
 Allard Franks (CT) Miller (FL)
 Andrews Franks (NJ) Minge
 Archer Frisa Molinari
 Arney Funderburk Moorhead
 Bachus Gallely Morella
 Baker (CA) Ganske Myrick
 Baker (LA) Gejdenson Nethercutt
 Baldacci Gekas Neumann
 Ballenger Geren Ney
 Barcia Gilchrest Norwood
 Barr Gillmor Nussle
 Barrett (NE) Gilman Orton
 Barrett (WI) Goodlatte Oxley
 Bartlett Goodling Parker
 Barton Goss Paxon
 Bass Graham Petri
 Bateman Green (TX) Pombo
 Bentsen Greene (UT) Porter
 Bereuter Greenwood Portman
 Bilbray Gunderson Pryce
 Bilirakis Gutknecht Quinn
 Biiley Hall (TX) Radanovich
 Blute Hancock Ramstad
 Boehlert Hansen Richardson
 Boehner Hastert Riggs
 Bono Hastings (WA) Rivers
 Brewster Hayworth Roberts
 Brownback Hefley Roemer
 Bryant (TN) Heineman Rohrabacher
 Bunn Herger Ros-Lehtinen
 Bunning Hilleary Roth
 Burr Hobson Roukema
 Burton Hoekstra Royce
 Buyer Hoke Salmon
 Callahan Holden Sanford
 Calvert Horn Saxton
 Camp Hunter Scarborough
 Campbell Huster Schaefer
 Canady Hutchinson Schiff
 Castle Hyde Schumer
 Chabot Inglis Seastrand
 Chambliss Istook Sensenbrenner
 Chenoweth Jacobs Shadegg
 Chrysler Johnson (CT) Shaw
 Clinger Johnson (SD) Shays
 Coble Johnson, Sam Shuster
 Coburn Jones Skelton
 Collins (GA) Kanjorski Smith (MI)
 Combest Kasich Smith (NJ)
 Condit Kelly Smith (TX)
 Cooley Kennelly Solomon
 Cox Kim Souder
 Crane King Spence
 Crapo Kingston Stearns
 Cremeans Klug Stenholm
 Cubin Kolbe Stockman
 Cunningham LaHood Stump
 Danner Largent Talent
 Davis Latham Tate
 Deal LaTourette Tauzin
 DeLauro Laughlin Taylor (MS)
 DeLay Lazio Taylor (NC)
 Diaz-Balart Leach Thomas
 Dickey Lewis (KY) Thornberry
 Doolittle Lightfoot Tiahrt
 Dornan Linder Torkildsen
 Doyle Lipinski Torricelli
 Dreier LoBiondo Traficant
 Duncan Longley Upton
 Dunn Lucas Vucanovich
 Ehlers Luther Walker
 Ehrlich Luther Manzullo Wamp
 English Martini Watts (OK)
 Ensign Mascara Weldon (FL)
 Everett McCarthy Weldon (PA)
 Ewing McCollum Weller
 Fawell McHale White
 Flanagan McHugh Whitfield
 Foley McInnis Young (FL)
 Forbes McKeon Zeliff
 Fowler Metcalf Zimmer
 Fox Meyers

NOES—170

Abercrombie Brown (FL) Costello
 Ackerman Brown (OH) Coyne
 Baesler Bryant (TX) Cramer
 Beilenson Cardin Cummings
 Berman Chapman de la Garza
 Bishop Clay DeFazio
 Blumenauer Clayton Dellums
 Bonilla Clement Deutsch
 Bonior Clyburn Dicks
 Borski Collins (IL) Dingell
 Boucher Collins (MI) Dixon
 Brown (CA) Conyers Doggett

Dooley Livingston Regula
 Durbin Lofgren Rogers
 Edwards Lowey Rose
 Engel Maloney Rush
 Eshoo Manton Sabo
 Evans Markey Sanders
 Fattah Martinez Sawyer
 Fazio Matsui Schroeder
 Fields (LA) McCrery Scott
 Filner McDermott Serrano
 Foglietta McKinney Sisisky
 Ford McNulty Skaggs
 Frank (MA) Meehan Skeen
 Frelinghuysen Meek Slaughter
 Frost Menendez Smith (WA)
 Furse Millender Spratt
 Gephardt McDonald Stark
 Gonzalez Miller (CA) Stokes
 Gordon Mink Studds
 Gutierrez Moakley Stupak
 Hamilton Mollohan Tanner
 Harman Montgomery Tejeda
 Hastings (FL) Moran Thompson
 Hefner Murtha Thornton
 Hilliard Myers Thurman
 Hinchey Nadler Torres
 Houghton Neal Towns
 Hoyer Oberstar Velazquez
 Jackson (IL) Obey Vento
 Jackson-Lee Olver Visclosky
 (TX) Ortiz Volkmer
 Jefferson Owens Walsh
 Johnson, E. B. Packard Ward
 Johnston Pallone Waters
 Kaptur Pastor Watt (NC)
 Kennedy (MA) Payne (NJ) Waxman
 Kennedy (RI) Payne (VA) Wicker
 Kildee Pelosi Williams
 Kleczka Peterson (MN) Wilson
 Klink Pickett Wise
 Knollenberg Pomeroy Wolf
 LaFalce Poshard Woolsey
 Lantos Quillen Wynn
 Levin Rahall Young (AK)
 Lewis (CA) Rangel
 Lewis (GA) Reed

NOT VOTING—18

Becerra Fields (TX) McDade
 Beville Flake McIntosh
 Browder Gibbons Mica
 Christensen Hall (OH) Peterson (FL)
 Coleman Hayes Roybal-Allard
 Farr Lincoln Yates

□ 2107

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FARR of California. Mr. Chairman, I was inadvertently detained during rollcall vote No. 278. Had I been present I would have voted "no."

Mr. COOLEY of Oregon. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today to express my sincere reservations about the bill before us today, the fiscal year 1997 VA, HUD and independent agencies appropriations bill.

This bill provides desperately needed funding to help our Nation's veterans deal with their health needs, assist them in housing costs, and allow them to meet their educational goals. These measures are not only worthwhile, but necessary because they live up to our Government's obligation to those who gave valiantly in the defense of this great Nation. Unfortunately, this bill does much more than meet these worthwhile objectives.

The bill before us also provides funds for dozens of other bloated, unrelated agencies which serve as a black hole for our citizen's hard-earned tax dollars. These agencies include the Office of Science and Technology, Community Development Financial Institutions, the Council on Environmental Quality, and the National Science Foundation.

Perhaps the most difficult task for me is to justify the inclusion of the Environmental Protection Agency and AmeriCorps into this omnibus bill. I have serious concerns about these two agencies, their ability to spend the public's money wisely, and the choices they make in carrying out their mission. Unfortunately, I have to vote for them as part of this bill.

Although it will be difficult, my dedication to honoring this country's promise to its veterans supersedes my concerns about these misguided agencies. However, I would like to state for the record that I am voting for veterans, not bureaucrats at the EPA and AmeriCorps.

By forcing the representatives of the people to vote for this voluminous bill, we are denied an opportunity to more closely scrutinize the way the people's money is being spent, and ordered to vote in favor of a bill which sets our deeply held beliefs in conflict. In the future, I hope that we can revisit the appropriations process in order to create more cohesive, and carefully scrutinized, bills.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise really to discuss the remaining business, briefly, to give Members a sense for the time that we may have left. If you would like to discuss the time that we have left, I would be glad to try.

Before we get to that point, the gentleman from Ohio [Mr. STOKES] and I have talked a lot about this new environment between both sides on this appropriations bill, of which we are very appreciative. I must say that there is one more item that has added greatly to the work that we have done and facilitated the process as much as possible in this environment. I hope the Members will express their appreciation for a very, very fine job of chairing this committee during this very difficult process by the gentleman from Texas.

At this point, we are aware of just five more amendments. We understand the sponsors will agree to a time agreement as follows: One amendment each for the gentleman from Georgia [Mr. KINGSTON] and the gentleman from Indiana [Mr. ROEMER], the gentleman from Illinois [Mr. WELLER], the gentleman from Utah [Mr. ORTON], and the gentlewoman from Texas [Ms. JACKSON-LEE], and each amendment will be considered for 10 minutes equally divided, 5 minutes on each side for each amendment, and we could take less than that, by the way.

Mr. OBEY. Mr. Chairman, let me suggest, I know that Mr. STOKES and everyone else on this side of the aisle would like to be cooperative in working this out. I want to see the gentleman's request approved.

I think there is an impediment to that right now. If the gentleman could withhold that for a few moments and if we could get a unanimous consent for the next amendment only, while it is worked out, I think we might save a lot of time.

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent that debate on the Weller amendment and all

amendments thereto be limited to 10 minutes, the time to be equally divided and controlled.

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

There was no objection.

The CHAIRMAN. The gentleman from Illinois [Mr. WELLER] and a Member opposed, each will control 5 minutes.

The Chair recognizes the gentleman from Illinois [Mr. WELLER].

□ 2115

AMENDMENT OFFERED BY MR. WELLER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WELLER:

SEC. . FHA MORTGAGE INSURANCE PREMIUMS.—Section 203(c)(2)(A) of the National Housing Act (12 U.S.C. 1709(c)(2)(A)) is amended by inserting after the first sentence the following new sentence: "In the case of mortgage for which the mortgagor is a first time homebuyer who completes a program of counseling with respect to the responsibilities and financial management involved in homeownership that is approved by the Secretary, the premium payment under this subparagraph shall not exceed 2.0 percent of the amount of the original insured principal obligation of the mortgage."

Mr. VENTO. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN. A point of order is reserved by the gentleman from Minnesota [Mr. VENTO].

The Chair recognizes the gentleman from Illinois [Mr. WELLER] for 5 minutes.

Mr. WELLER. Mr. Chairman I yield myself such time as I may consume.

Before I begin discussing my amendment I do want to take a moment and commend the chairman of the subcommittee, the gentleman from California [Mr. LEWIS] and also the ranking member, the gentleman from Ohio [Mr. STOKES], for their leadership and their management of this particular bill. I think they have gone out of their way, Mr. Chairman, to work towards bipartisanship.

Mr. Chairman, I offer an amendment that helps working families by working towards expanding homeownership opportunities for first-time home buyers by working to lower the up-front costs for FHA loans. This amendment, which has bipartisan support, I would like to point out, Mr. Chairman, would lower the FHA mortgage insurance premium for first-time home buyers to get ownership counseling. Currently the maximum rate is 2¼ percent of the loan value. This amendment would reduce that to 2 percent, saving the average FHA homeowner about \$200 a year and \$200 towards their up front closing costs, and of course counseling, working with these aspiring homeowners, would help reduce the default rate.

Some in Washington would call \$200 probably chump change, saying that is

not very much, but for real working families back in Illinois and throughout this country who are struggling to make ends meet, \$200 is a lot of money each year.

This amendment is needed to promote home ownership, helping American families pursue the American dream because we all recognize that strengthening home ownership strengthens families, and when someone owns a home in a community, that strengthens their communities.

This amendment is needed like many undisturbed that we see a decline in home ownership, particularly among the young. Statistics show that home ownership rates among heads of households under 35 years of age is three-fourths of what it was in 1979. In fact, in 1979, 45 percent of heads of households under 35 were homeowners. Today, in 1995, this past year, 39 percent of heads of households under 35 were homeowners. We have seen a 9-percent drop.

Over the past 6 months as interest rates have gone up, we have seen about a 1½ percent rate increase on home mortgage rates. That averages out to about a \$1,000 a year increase in home ownership costs for the average family and the average home loan. Unfortunately, we did not reach a balanced budget agreement this year which would have brought down interest rates, but we are still working on that, and this effort will help reduce those costs.

As I pointed out, interest rates, mortgage rates have gone up 1 to 1½ percent, driving up the average cost a thousand dollars a year, or about \$85 a month for the average home mortgage.

This amendment restores opportunity, my colleagues. Let us help aspiring potential home buyers afford a new home. Let us help reduce their costs and give them a \$200 break on their closing costs as well as a \$200 break in their annual costs of FHA insurance. As we know, increased home ownership strengthens communities.

I do want to point out this amendment has bipartisan support, is basically identical to what the President endorsed a few weeks ago in his initiatives. I ask for bipartisan support. Let us help working families afford a home. Let us strengthen communities, strengthen home ownership. Let us make home ownership more affordable.

Mr. Chairman, I ask for bipartisan support and I reserve the balance of my time.

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

Mr. Chairman, I am reserving my point of order.

I would point out that this obviously goes beyond the scope of appropriating and into policy areas, much of which the committee, the principal committee on which I serve and many others in this body, has not dealt with.

Mr. Chairman, under that reservation I would just point out that this change, a good change, and I might say

that Mr. WELLER has been an ally in support of the FHA program, and I and other Members have noted that and appreciate it, and this does follow, as he had mentioned, a policy administration action by President Clinton 3 weeks ago to in fact reduce the up-front costs in terms of FHA.

So normally important that program to affordable housing in this country, and although this is out of scope, I understand that there has been agreement. I do not want to stand in the way of the agreement; I want to be part of the home ownership, increasing national home ownership opportunities.

Last week Secretary Cisneros visited my district and outlined just such a program and other programs that have achieved that. In fact, the Clinton administration has had great success since initiating this, with 1.4 million families since 1995 achieving or obtaining home ownership because of the positive interest rates and other factors in the economy.

So I join the gentleman and want to commend him, but I would hope that the committee of jurisdiction would deal with the comprehensive FHA formula. We sent a bill over there 2 years ago that substantially raised the average loan, raised the ceilings, did a variety of things that would have accorded opportunity for home ownership, and the problem with these sort of bits and pieces of amendments that are coming to the floor today, I know good in their own vein, they simply frustrate the overall modernization of the FHA program, which I might say is healthy, is vital, is serving people in this country and is something that they need.

So if my colleagues care about home ownership in this country, we ought to be supporting a strong revitalized FHA program. It is healthy. It deserves that support.

With that said, Mr. Chairman, I withdraw my reservation of a point order.

The CHAIRMAN. The Chair grants the gentleman from Minnesota [Mr. VENTO], in order to make his statement, the 5 minutes in opposition to the amendment.

The gentleman may reserve the balance of that time if he so wishes.

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

Mr. WELLER. Mr. Chairman how much time is remaining?

The CHAIRMAN. The gentleman from Illinois [Mr. WELLER] has 2 minutes remaining.

Mr. WELLER. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Chairman, I thank my colleague from Illinois for yielding this time to me.

Mr. Chairman, we do not need a whole minute to say this. We just need to reiterate this one key point: \$200 is a lot of money to hard-working families in the United States of America, and for people to have the opportunity to buy a home for the first time this amendment would empower those people.

That is why I am proud to stand with my good friend from Illinois and Members on both sides of the aisle in support of the Weller amendment.

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

Mr. Chairman, I would just point out to my colleagues that the history of this began in the early 1980's with an up-front premium payment to FHA. Now, they in fact took the entire premium and pulled it into the mortgage, thereby creating a negative net worth in terms of the loan-to-value ratio. That in essence, I think, added to some of the problems with FHA, although FHA was never in the red. It was always in the black. Studies came out with projections that cast a shadow on the FHA single family, the M-1 fund.

Mr. Chairman, in the early 1980's, I think in the name of making symbolic deficit reduction, the policy was changed to collect an up-front premium on FHA. We changed that policy, on a bipartisan basis, myself and the Member, the Governor now of Pennsylvania, Tom Ridge, in a conference committee led by the gentleman from Texas [Mr. GONZALEZ] and others, and I think that it is noteworthy that we can now reduce further the up-front premium. I hope that some day we can eliminate it completely, reducing that as a necessary cash and liability problem, and convert this back to what it was on a pay-as-you-go basis in terms of the insurance premiums for FHA.

And as I voiced earlier, the fervent desire to modernize this program so it can begin to serve families across this country; in my State, because of the value of homes, it serves about 40 to 50 percent of the market. In most of our States and jurisdictions it does not because home costs are higher, and so the average middle-income American that is desirous of a home loan is not able to achieve the benefits of FHA with this low down payment and the insured nature that it carries.

It has been a marvelously successful program. It has in fact been the most successful program in the history of this Nation in terms of providing home ownership.

Again, I commend the gentleman from Illinois [Mr. WELLER] for his pursuit not just of this amendment this evening but his general support for FHA.

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

Mr. VENTO. I yield to the gentleman from Utah.

Mr. ORTON. Mr. Chairman, I will be very brief just in stating my support for the amendment. Indeed the President has, as indicated, indicated that he would do this administratively. I believe it is good to put it in statutory language. I support the amendment by the gentleman.

Mr. WELLER. Mr. Chairman, I yield myself as much time as I might consume.

Mr. Chairman, in closing let me just be very brief. Let us get to the bottom line here.

Today it is a real struggle for many families to be able to afford a home. We are seeing that as taxes are too high, interest rates are too high and working families' incomes are being squeezed. Many cash-strapped young working families are struggling, trying to obtain a home and pursue the American dream.

Last year, thanks to FHA, we saw 850,000 families had the opportunity to purchase a home thanks to FHA, and 250,000 of them would not have had the opportunity to own a home unless we had the FHA single-family 100 percent loan guarantee program. It is an important mission, and if we want to help young families, young working families, young cash-strapped working families afford the American dream, we need to help them out. At this time when interest rates are going up, let us give them a break, help reduce their closing costs by \$200.

I ask bipartisan support for his amendment. I appreciate the bipartisan support we have received.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. WELLER].

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. ORTON

Mr. ORTON. Mr. Chairman, I offer two amendments, and I ask unanimous consent that they be considered en bloc.

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

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. ORTON:

Page 95, after line 21, insert the following new section:

SEC. 422. (a) AUTHORITY TO USE AMOUNTS BORROWED FROM FAMILY MEMBERS FOR DOWNPAYMENTS ON FHA-INSURED LOANS.—Section 203(b)(9) of the National Housing Act (12 U.S.C. 1709(b)(9)) is amended by inserting before the period at the end the following: “: *Provided further*, That for purposes of this paragraph, the Secretary shall consider as cash or its equivalent any amounts borrowed from a family member (as such term is defined in section 201), subject only to the requirements that, in any case in which the repayment of such borrowed amounts is secured by a lien against the property, such lien shall be subordinate to the mortgage and the sum of the principal obligation of the mortgage and the obligation secured by such lien may not exceed 100 percent of the appraised value of the property plus any initial service charges, appraisal, inspection, and other fees in connection with the mortgage”.

(b) DEFINITION OF FAMILY MEMBER.—Section 201 of the National Housing Act (12 U.S.C. 1707) is amended by adding at the end the following new subsections:

“(e) The term ‘family member’ means, with respect to a mortgagor under such section, a child, parent, or grandparent of the mortgagor (or the mortgagor’s spouse). In determining whether any of the relationships referred to in the preceding sentence exist, a legally adopted son or daughter of an individual (and a child who is a member of an individual’s household, if placed with such individual by an authorized placement agency for legal adoption by such individual), and a foster child of an individual, shall

be treated as a child of such individual by blood.

"(f) The term 'child' means, with respect to a mortgagor under such section, a son, stepson, daughter, or stepdaughter of such mortgagor."

Page 95, after line 21, insert the following new section:

SEC. 422. Sections 401 and 402 of the bill, H.R. 1708, 104th Congress, as introduced in the House of Representatives on May 24, 1995, are hereby enacted into law.

Mr. ORTON [during the reading]. Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

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

There was no objection.

□ 2130

Mr. DELAY. Mr. Chairman, I reserve a point of order on the amendments.

Mr. ORTON. Mr. Chairman, I will explain my amendments. They are really very simple. There are three parts. The reason I am offering them at this point is, following the Weller amendment, which has just been adopted, which in fact does legislate on this appropriation bill, I acknowledge that mine does also, but I believe that it is important to do this, to make changes, to modernize and improve and update the FHA program.

Mr. Chairman, I ask unanimous consent, in light of the unanimous consent agreement that had been attempted to be reached, that all time on these amendments that I am offering be limited to 10 minutes, divided between the two sides.

The CHAIRMAN. Does the gentleman from Utah [Mr. ORTON] ask for 5 minutes each, including the time that the gentleman has consumed?

Mr. ORTON. Yes, Mr. Chairman.

The CHAIRMAN. And any amendments thereto?

Mr. ORTON. Yes.

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

There was no objection.

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

Very briefly, Mr. Chairman, my amendment does three things to modernize and improve FHA. First, it simplifies the downpayment requirement of FHA. It is a very complex two-part downpayment requirement. This simplifies it to a simple one-part calculation. It retains essentially the same downpayment requirements, but does so in a more simple manner. It will save costs and save time.

The second part would also change the provisions of issuing the mortgage insurance certificates. Right now, qualified lenders who make FHA loans have the right to authorize the loan. They make the determination who is eligible for the loan. But the actual FHA insurance certificate is issued by HUD.

My second portion of the amendment changes that and allows the paperwork

to be issued by the authorizing lender. This will save time, costly delays, it will save administrative costs to the FHA.

My third part of the amendment would be to change the downpayment requirements. Right now there is a prohibition for downpayments made, including a loan from a parent. My amendment would allow parental loans to be included by the purchaser of the home. Right now, parental loans are prohibited. You cannot acquire a home under an FHA guaranteed loan if you have borrowed a parental loan for part of the downpayment.

I believe we should not be telling parents they cannot loan money to children. This would not in fact weaken the safety and soundness of those loans. You can borrow money now from a third party. Why can you not borrow money from a parent? It is more likely that the parent would step in and help if that loan became troubled, anyway.

HUD supports all three of these amendments. They are supported on a bipartisan basis. All three reduce costs, administrative bureaucracy, reduce time. These amendments all were included in the housing bill which was passed by this House in 1994 but stalled because it was not adopted by the other body.

Mr. Chairman, I would urge adoption of my en bloc amendment.

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

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

Mr. BENSTEN. Mr. Chairman, I just want to speak to the second amendment the gentleman is offering. I offered a similar amendment to the USA Housing Act that we did, which does allow for these contributions for downpayment assistance for people who want to purchase public housing units. This is what State and local housing agencies are doing around the country. It makes eminent sense. I commend the gentleman for offering his amendment.

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

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

Mr. VENTO. Mr. Chairman, I commend the gentleman. We have worked on these amendments for 2 years. Unfortunately, this year we have not had any hearings on FHA, but these are good amendments. They ought to be incorporated. I still am concerned about the modernization of the broader FHA program. It is desperately needed. But the gentleman has worked hard on these amendments, they are a simplification, and they actually facilitate home ownership. I commend him.

Mr. ORTON. I thank the gentleman from Minnesota for his statement. I, too, share the gentleman's concern. We do need to have an FHA modernization bill enacted through the committee and brought to this full floor of the House. I would encourage our committee to do so. Until that is done, I be-

lieve that the Weller amendment and the Orton amendment are good modernization. They improve the FHA, they expand home ownership, and I would urge adoption of the amendments.

The CHAIRMAN. Does the gentleman from Texas [Mr. DELAY] insist on his point of order?

Mr. DELAY. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. Does any Member seek recognition in opposition to the amendment?

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

The amendments were agreed to.

AMENDMENT OFFERED BY MR. ROEMER

Mr. ROEMER. Mr. Chairman, I offer amendment No. 40.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 40 offered by Mr. ROEMER: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act for the National Aeronautics and Space Administration may be used to carry out, or pay the salaries of personnel who carry out, the Bion 11 and Bion 12 projects.

Mr. LEWIS of California. Mr. Chairman, if the gentleman from Indiana will yield, we have agreed upon a time limitation of 10 minutes for each of these items. I just want to make sure that is all right with the gentleman from Indiana.

Mr. ROEMER. I have not been privy to that time limitation, Mr. Chairman. I have been patiently waiting for the last 5 hours to offer the amendment, and sat through a very interesting and intriguing Superfund debate and FHA debate. I have a number of cosponsors who may want to speak, so I would object.

I may not use more than 10 or 11 minutes on my side.

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

Mr. ROEMER. I yield to the gentleman from Ohio.

Mr. STOKES. Mr. Chairman, the gentleman will recall when the ranking member of the full Committee on Appropriations, the gentleman from Wisconsin [Mr. OBEY], was on the floor a little while ago, he made reference to the fact that we would not at this time be able to enter into a time agreement, indicating that, obviously, some work was going toward that end, but at the current time we just cannot agree.

Mr. LEWIS of California. Mr. Chairman, the gentleman from Wisconsin [Mr. OBEY] and I have had the discussion and the gentleman from Ohio [Mr. STOKES] and I have an understanding. I would suggest, short of that, that probably at this hour it would be deleterious to go too much longer.

Mr. ROEMER. I will try to limit debate as much as I can, Mr. Chairman.

Mr. Chairman, I offer this amendment in the spirit of bipartisanship on

behalf of the gentleman from Iowa [Mr. GANSKE], the gentleman from Minnesota [Mr. MINGE], and the gentleman from Wisconsin [Mr. NEUMANN]. This is a bipartisan amendment to try to save the administration some money.

Many of our constituents across the country, in California, are just getting home from a hard day's work and may be watching C-SPAN right now. People on the second shift in Indiana, working in the afternoon in a factory, might be just tuning in to C-SPAN right now. I encourage them to turn their TV up and listen to this debate.

My amendment, the amendment offered by the gentleman from Iowa [Mr. GANSKE], this bipartisan amendment simply says that NASA can no longer spend \$15 million to send to Russia to send to Russia to send monkeys up into space.

Many people sitting in their living rooms might be turning their volume up right now and saying, we do what? We send hard-earned taxpayers' dollars from NASA to Russia, when they should be using rubles to send monkeys up into space?

Mr. Chairman, I do not think we should be doing that as we work toward a balanced budget, as we make tough spending cuts here in America. This Bion program, as it is called, sends monkeys up into space of 14 days at a time. One mission is due to go up in August 1996. Another is due to go up in July 1998. We send these monkeys up in space for 14 days. We have had human beings up in space for 439 days now, but we want to study the gravitational effects, or the Russians want to study the gravitational effects, of 14 days lost in space on monkeys.

Back in the 1960's, Mr. Chairman, with Alan Shepherd going into space in May of 1961, and we did not know too much, we did not have Mir, we did not have shuttles, we did not have the ability to study this, maybe doing some joint ventures with the Russians in the cold war and maybe studying monkeys in space made some scientific sense. In 1996, when we have sent up 162 people into space, for us to be now spending \$15 million on monkeys going from the former Soviet Union into space, I would think the American people would be outraged by that.

Mr. Chairman, I hear from NASA that they are looking at a study. They want to study this and see if this is the appropriate thing to do. It is one mistake to make the \$15 million go to NASA and then go to the Russians to put monkeys in space. We do not need to further complicate this and have a study done to see whether or not this is the right thing to do. Let us, as Members of Congress, end this program now. We cannot afford \$15 million for monkeys to be sent up into space from Russia. We have joint ventures with the Russians, with Chernobyl, with the Space Station that I disagree with, with dismantling nuclear weapons, and \$15 million to send monkeys up into space does not make any common sense.

Mr. Chairman, let us stop the monkey business at NASA. Let us get this 400-pound gorilla off the taxpayers' backs, and let us do the right thing. Let the Russians spend their rubles on a barrel of monkeys, and let us move forward and balance the budget for hardworking taxpayers.

Mr. Chairman, I yield to the gentleman from Iowa [Mr. GANSKE].

Mr. GANSKE. Mr. Chairman, I rise in support of the Roemer-Ganske amendment. Let us be clear about one thing, Bion 11 and 12 are really not about science, they are about subsidizing the Russian space program. NASA plans to spend \$35 million to launch two Russian-owned rhesus monkeys on a Russian spacecraft. Does NASA really expect to learn something new about the effects of extended weightlessness on humans by studying monkeys for 2 weeks? Twenty-three years ago this type of research may have made sense. Since then, humans have stayed in space more than a year, as my colleague has mentioned. Even members of the science community have expressed doubts about this project. Earlier this year, the President's science adviser wrote to the NASA administrator.

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

Mr. GANSKE. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I will be brief. The President's science adviser wrote to the NASA administrator and said, "I sympathize with your concern that the era of primate research is now behind us and that it may be time to retire those animals."

Mr. Chairman, as we struggle to balance the budget and set priorities, we owe it to the American people not to continue spending money on unnecessary research like this project. Let us stop this wasteful handout to the Russian space industry and save \$15.5 million. Think of those poor little monkeys. Think of those little monkeys with the probes drilled into their heads, floating around weightless up there. Just say no to this monkey business.

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

Mr. GANSKE. I yield to the gentleman from Nevada.

Mr. ENSIGN. Mr. Chairman, I rise in strong support of the Roemer-Ganske amendment. As one of the two veterinarians in the House of Representatives, many of us who went through either veterinary school or medical school learned a lot about using animals for medical research. There are animals used in medical research all the time. Dr. GANSKE and myself are strong supporters of using animals for medical research when it is indicated, and only when it is indicated, and obviously to do it in a humane way when we do that.

I think one of the reasons for the animal rights movement over the years is

simply because people do unnecessary experiments. That is exactly the purpose of the Roemer-Ganske amendment, is to eliminate an unnecessary, cruel animal experiment when it is not going to benefit mankind in the future. That is the reason we need the Roemer-Ganske amendment. I appreciate the gentleman yielding to me.

Mr. BROWN of California. Mr. Chairman, I move to strike the last word.

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

Mr. BROWN of California. Mr. Chairman, I would like to first start out by indicating the very high regard I have for the gentleman from Indiana [Mr. ROEMER]. He has been more diligent, I think, than any Member that I know of in seeking to find and to curtail unnecessary or undesirable expenditures, and I have very high respect for him for that. He has also brought into question those programs which, in his eyes, deserve to be reviewed as perhaps being of lesser priority than other programs. This, too, is a very important exercise for any Member of Congress. He does this in a way which exemplifies the very best in congressional conduct. He is a true gentleman, and I respect him for that.

Unfortunately, Mr. Chairman, I cannot agree with all of the decisions that he comes to with regard to the goals which he is seeking. For example, he announced that in this amendment, he was seeking to save money for the American taxpayers. His amendment saves no money whatsoever for the American taxpayers. It does prohibit \$15 million from being spent on the Bion 11 and 12 projects, but that merely means that NASA can use that same amount of money for whatever else it wishes to.

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

Mr. BROWN of California. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I thank the gentleman for his kind words. I hold the former chairman of the committee in even higher esteem than he knows.

□ 2145

But in clarifying what the gentleman has just outlined, what my amendment does is that it says that NASA cannot send \$15 million to Russia to send up monkeys into space, but they might be able to keep it within the NASA account to spend on shuttle safety or on science projects. That is the intention of my amendment, to keep it in NASA, but not to send it to the former Soviet Union.

Mr. BROWN of California. Mr. Chairman, reclaiming my time, the gentleman's statement that it would save money is, in effect, not exactly apt.

Mr. ROEMER. Mr. Chairman, if the gentleman would continue to yield, my statement would be that the American taxpayers work very hard for the money they send here, and they probably would like to see it spent on shuttle safety or on science like the Galileo

program, but not on Russian monkeys going up into space.

Mr. BROWN of California. Mr. Chairman, again reclaiming my time, I will accept the gentleman's restatement of the value of his amendment, namely that it will allow the money to be spent on higher projects. I disagree very strongly with that also.

On the other hand, we have had two gentlemen here who speak to the problem of the treatment of the animals. I would like to indicate that I have spent most of my legislative life, the last 35 years, in trying to project the treatment of animals. I am the author of the Humane Treatment of Laboratory Animals Act, which is currently on the books. With Senator Dole, I offered the Humane Slaughter Act quite a few years ago. In the State legislature of California I offered similar legislation with regard to the treatment of animals, and I have tried to remain extremely sensitive to all of those groups who are concerned about the safety, treatment, and care of animals. I have devoted quite a bit of effort to that.

So whether we want to approach this from the standpoint of how the animals are treated or the value of the science, I am willing to address it in either of these directions. But going back to the matter of the value of the research, this is probably the longest standing research program in NASA's agenda. It goes back to 1973. It is a program in which the Russians are partners and the French are partners, and they are both deeply concerned about the question of biological reactions in space.

It involves more than monkeys, incidentally. It involves other forms of animals and includes plant life, for example, because we still do not understand the reaction of living organisms to the environment of space. Despite the fact that we have sent 152 people into space, we cannot treat humans as animals. They are instrumented, and the instrumentation is for their own safety and protection. They are monitored for pulse, respiration, heartbeat, all of these things in order that observers on the ground can determine if there is any problem with their condition in space.

We have sent some of our finest doctors into space to study the astronauts, but you cannot use them as laboratory animals, you cannot instrument them to determine a large number of reactions that you can observe in instrumented animals.

In addition to that, the astronauts themselves cannot be subject to anesthesia or other treatment; in fact, they are given drugs that inhibit some of the effects of space in order that they may perform their other missions.

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

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

Mr. BROWN of California. Mr. Chairman, we cannot say that the fact that

we have had human beings in space is a substitute for animal research. That is just not the situation.

Now, I would point out that amongst all of the areas of research in space, that which every person thinks is the most important is the research on human beings and on those materials which might be of benefit to human beings which can only be achieved in space.

Mr. Chairman, we are not going to achieve the value of this biological research unless we are able to use experimental animals. I have observed the treatment of experimental animals in every kind of condition. As a part of the legislation that I enacted, there is a requirement that there be a veterinarian, for example, in every research establishment which uses animals. I have visited these and consulted with the veterinarians who monitor this research. I have seen dogs, I have seen monkeys which have been incised and sensors put into their stomachs and into their lungs and in other places to observe the conditions that exist for the benefit of human beings. Most of this is done at research hospitals frequently associated with our veterans health program. It is there that we are learning some excellent things about the reaction of human beings to a number of conditions based upon the results we get with animals.

Mr. Chairman, we are getting exactly the same kind of research in space. We are treating the animals exactly the same. They are under the supervision of skilled veterinarians. They are subject to review by science peer review panels to determine if all of the protocols are being met.

There is no program in the last 25 years that has been more thoroughly explored, been more thoroughly monitored and checked and peer reviewed to determine both the conditions of the animals and the results of the research.

On the basis of all of these things, there is a practically unanimous agreement that we cannot stop this international health research program without doing great damage to the goals that we seek to achieve in space.

For these reasons, Mr. Chairman, I earnestly solicit opposition to this amendment, which, despite my high regard for its author, has absolutely no redeeming features.

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

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

Mr. Chairman, I would like to indicate that I have joined with the gentleman from Indiana [Mr. ROEMER] in sponsoring this amendment. Over the last many years we have seen former Senator Proxmire talk about the Golden Fleece Award. I think that we have a responsibility in Congress to make sure that funds are spent in the most frugal and responsible of fashions. If we are trying to balance the budget, we must have the confidence of the American people that we have made the

tough decisions here in Congress in that regard.

For that reason, I urge the support of this amendment so that we no longer have Federal programs which are held in ridicule in the popular media, and we spend a tremendous amount of time trying to rationalize and justify programs but, instead, cut back to the very essence of what the space program is about.

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

Mr. MINGE. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I thank the gentleman for yielding and for his help in cosponsoring this amendment.

What the gentleman from California outlined to us, I do not disagree too much with what he said. But within NASA there are probably only 100 higher priorities than this sending monkeys into space for the Russians. There are only probably one million higher priorities within our own budget with \$15 million, and certainly there are three or four higher priorities for joint United States-Russian cooperation from the Nunn-Lugar language to dismantle nuclear weapons, from the research we are doing on Chernobyl, from the different and important things that we do in energy cooperation.

I think that this is one of the lowest priorities that we can possibly have in expenditures of taxpayers' money. I would encourage my colleagues to vote to get the monkey off of NASA's back and get the 400-pound gorilla off the taxpayers' backs.

Mr. LEWIS of California. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman and my colleagues, I listened to my colleague who presents this amendment with great care. I know that one of his very serious priorities is that of addressing the question of NASA's work in space. I must express my appreciation to him this year for not presenting his amendment to eliminate the space station, which has been kind of a consistent pattern. Monkeys in space is probably a better subject, but I would urge my colleagues to focus just for a moment upon the very fine words of my colleague, the gentleman from California [Mr. BROWN], the former chairman of the Committee on Science.

We all know that with the time that men have spent in space up to this point, there are a number of serious difficulties and questions we have relative to their potential impact upon the health of those men and women who will spend lots of time in space in the future.

That is what the space station is about. It is a significant piece of our commitment to NASA's work; it is a very important part of our leadership in the future.

The fact that we are involved in this kind of work with Russia and other of our allies relates very much to that partnership that itself interrelates to

space station. So one more time, I appreciate the gentleman not presenting an amendment that would eliminate space station. But the more we can undermine our effectiveness in dealing with human space flight, the better, I would suppose.

In this case we are talking about first a very short-term experiment that did send monkeys into space with measuring devices. After gathering that data along with a lot of other data, we have a process whereby there is a panel of experts who will review all of that data and suggest where we can go with the next step to make certain that we are taking every precaution that saves human lives as they participate in our work in space.

It is simple to laugh at something like this, especially if you do not care about the program. It is easy to joke about Russia, I suppose, if you do not care about those international partnerships. But indeed this is not a laughing matter. We are talking about one of America's very, very future programs dealing with our future horizon. We should lay the foundation to make certain that we are doing everything to protect those men and women who will participate on behalf of American interests. I believe in the most sincere and strongest terms that I would urge Members to reject this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. ROEMER].

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

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

The CHAIRMAN. Pursuant to House Resolution 456, further proceedings on the amendment offered by the gentleman from Indiana [Mr. ROEMER] will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. KINGSTON

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment Offered by Mr. KINGSTON: page 95, after line 21, insert the following new section:

SEC. 422. None of the funds made available in this Act may be used by any officer or employee of the Environmental Protection agency to organize, plan, or disseminate information regarding any activity if it is made known to such officer or employee that such activity is not directly related to governmental functions that such officer or employee is authorized or directed to perform.

Mr. KINGSTON. Mr. Chairman, I am going to go very quickly. What this amendment does is it limits EPA employees and funds going to EPA for business purposes only, EPA purposes. It has come to my attention that EPA is involved with a lot of activities that

are not related to protecting the environment, a lot of extracurricular activities. Some are social in nature, many are political in nature.

What I am trying to do with my amendment is limit EPA to its mission statement, and that is cleaning the environment and not getting involved in all other causes and problems of the world.

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

Mr. KINGSTON. I yield to the gentleman from Florida.

Mr. MICA. Mr. Chairman, first I want to thank the gentleman from Georgia [Mr. KINGSTON] for this amendment. It is an amendment that should pass overwhelmingly because EPA is off track.

Now, I am a Republican, I have children and I support the mission of EPA. That mission is to clean up our environment, to clean up our land and our water, to clean up our air. But somehow that mission has gone astray. Let me give a couple of good examples.

□ 2200

Mr. Chairman, I want to point out how EPA spends some of its money. Let me cite what EPA did to me, for example, with some of these funds. They sent an invitation around the Hill and they sent invitations to my office inviting us to attend an event. The only problem is that they sent it to me with the names of my two past opponents as staff assistants.

So EPA was keeping a list of political opponents, sending an invitation to me with the name of two people, one who was going to run against me, did not file, and another one who filed and ran against me. Is this the right use of taxpayer money?

Let me give another example. Here is EPA Watch, which watches over EPA and reports on their activities. EPA signed a contract with PTA—and I am a past card-carrying member of PTA, I have children, I have belonged to the association—but they signed a grant, and basically the purpose of the grant was to get PTA to organize lobby against any of the proposals that we made for changes in the operations of EPA. Is that the right thing to do with the money?

Listen to this. This is what EPA Watch says:

Congressional sources close to the illegal lobbying issue expressed amazement that EPA, after all the scrutiny it has undergone, would dare to fund a newsletter with such an obvious political mission.

I am for cleaning up the environment. I am for clean air, for clean water. I want my children to inherit a better land. But what are they doing with taxpayers' hard-earned money? We just heard an amendment about sending monkeys into space.

I submit, Mr. Chairman, that this is monkey business in EPA that should stop, that in fact we should pass the Kingston amendment, that we should bring some sense, some purpose, some

direction. If the office of compliance can spend their money on going after things of this sort and not requiring compliance with cleaning up the environment and the air, there is something wrong in the system.

I support the effort of the gentleman from Georgia [Mr. KINGSTON]. Other efforts have been made to try to get that agency which is off course, on course. It is our responsibility to direct that agency in the way it expands our taxpayers' hard-earned dollars. I support that agency, I will do anything I can to help our environment but this agency has to have direction.

Finally, there are almost 18,000 people in EPA. Twelve years ago there were about 6,000. There are 6,000 now in Washington, DC. These people have to find something to do. Eighteen thousand people on the payroll and they are not in your States. They are in regional offices and they are right here, 6,000 of them, within 50 miles of where I am speaking.

They need direction. This Congress' responsibility is to give them direction. They should not be doing the things they are doing. They should be cleaning up the environment. I support the Kingston amendment and urge its adoption.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. KINGSTON] has expired.

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

Mr. KINGSTON. Mr. Chairman, what we are talking about is use of Government telephones, copying machines, fax machines, E-mail, internal mail distribution systems, electronic bulletins and so forth, all funded with taxpayer dollars and yet being used not for their intended purposes of cleaning up the environment.

I am very concerned about this. At a time when EPA is saying they do not have enough money to clean up toxic waste and so forth, they should not be engaged in extracurricular activity such as political activities and social agendas.

But realizing that the scope of EPA's involvement in nonenvironmental activities is so extensive, I do not know that my amendment adequately addresses it. It is a very big problem, Mr. Chairman. I think that this Congress should revisit it and do it extensively, but at this time I think that I am going to withdraw my amendment and maybe take another route at another date.

Mr. FOGLIETTA. Mr. Chairman, I rise to speak against the amendment offered by Mr. KINGSTON.

I am afraid that some of us are allowing the politics of division and intolerance to blind us from common sense.

What happened here was very simple. An E-mail went over the computers of the EPA merely informing workers that it was Gay Pride Month.

This effort attempts to strike out at this trivia with an amendment that is overbroad and heavy handed.

Let's think about what it could stop EPA staffers from doing. They can no longer join together on blood drives, charitable events, going-away parties for employees, Black History Month, Earth Day, staff sports clubs, and so much more.

Do we really want to do this?

There are benefits in employees bonding together on community events. And as long as it does not get in the way of work—disseminate information about such events in a non-costly way. This is valuable, just as there is value in communities gathering together to express pride in themselves.

We have so many things to do in this House. This is a waste of our time. Vote against the Kingston amendment.

Mr. KINGSTON. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas: Page 95, after line 21, insert the following new section:

SEC. 422. None of the funds made available in this Act may be used to provide assistance under section 8 of the United States Housing Act of 1937 when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) the assistance will be used for tenant-based assistance in connection with the revitalization of severely distressed public housing; and

(2) the public housing agency to which such funds are to be provided—

(A) has a waiting list for public housing of not less than 6,000 families;

(B) has a jurisdiction for which the Secretary of Housing and Urban Development has determined (pursuant to section 203(e)(2)(A) of the Housing and Community Development Amendments of 1978 or otherwise) that there is not an adequate supply of habitable, affordable housing for low-income families using tenant-based assistance; and

(C) does not include, under its plan for revitalization of severely distressed public housing, replacement of a substantial portion of the public housing dwelling units demolished with new units.

Ms. JACKSON-LEE of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me first emphasize and make it perfectly clear that the amendment that I offer is not a return to one-for-one replacement. My amendment is simply giving hope to the homeless and the housing underserved in this country.

We recognize that our country has a very diverse housing stock. Miami differs from New York, Houston differs from Detroit, Los Angeles differs from Atlanta. The need of our citizens who

are in need of public housing differ, as well.

This amendment simply provides opportunity for our local housing authorities to include amongst the resolution to their housing problems replacement of those units that they would demolish with new units. It does not preclude the use of Section 8 certificates. It simply adds to the usage of replacing units by new units. It particularly applies to those communities with a shortage of decent and affordable housing for low-income families and a waiting list of at least 6,000 families for public housing.

Let me share briefly the story of Houston, TX, a city of 1.6 million citizens in a country of some 3 million citizens, with a public housing stock in Houston of only 3,125 units. Presently there are 12,000 individuals and families on the waiting list for public housing. The list was closed in 1994. If the list were still open, that number would have doubled by now.

This amendment is a fair and reasonable response to saying to our localities with waiting lists that they must include in their policy the opportunity for the replacement of housing units.

I am not against section 8 vouchers. I think they have been effective. But in our community and many others, the waiting list for section 8 vouchers is enormous, as well. Section 8 vouchers now in Houston are 15,335.

But the real question becomes the flexibility of individuals to live in harmony and where they would like to live. I think we are all well aware of a situation that occurred in Pennsylvania recently. That had to do with an African-American woman named Bridget Ward who was forced to leave her home in a predominately white neighborhood because the neighborhood residents were opposed to any individuals living in their neighborhood who received section 8 assistance.

It does not mean we pull back from section 8 assistance. It simply means that there is some validity to replacing some of those demolished units in our communities with new units.

I would ask my colleagues in their review of this amendment to be assured that it has the flexibility to provide HUD with all of the flexibility that they need. That is, of course, to determine, one, that there is a waiting list of 6,000 or more; that there is no habitable housing in that particular area; and to be able to suggest that if that is the case, then we should have replacement housing as well as the utilization of Section 8.

That is different now because in most of the communities that I have heard from, there is a belief that there should be no replacement housing, and there is a chilling effect on new units. Many communities that are not the urban centers of our Northwestern States, some of the Midwestern communities, some of the Southern cities are still in need of building public housing.

I would hope my colleagues would join me in viewing this as a reasonable

response to balancing section 8 certificates with the building of replacement units for public housing units.

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

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Texas.

Mr. BENTSEN. I thank the gentlewoman for yielding.

Mr. Chairman, let me just say, there are a couple of important points that she made. This does not bring back one-for-one replacement. It does bring back substantial replacement. This is similar to what HUD is doing in the city of Houston, as it relates to Allen Park Village which was torn down, which has been a problem in Houston, but HUD has agreed to come back and build 500 units. It is also commensurate with what we have done in the USA Housing Act with severely distressed housing. I think this amendment is important to the city of Houston and other cities that have like situations. I commend my colleague from Houston for offering the amendment.

Mrs. MEEK of Florida. Mr. Chairman, I move to strike the last word.

I just want to make a few favorable comments on the Jackson-Lee amendment from her long experience in working with residents of public housing and with municipalities. I think that the general concept is good on both sides. I think the housing bill which is before this committee, is a good bill, but I think my colleague, SHEILA JACKSON-LEE, has hit on a need here, particularly in smaller southern municipalities, that this certainly is overlooking.

Her amendment brings into consideration the fact that we have an incoming flux of new citizens coming into some of the southern cities and many of them are of various ethnicities, and certainly in terms of financial stability, many of them are below the poverty level.

So, I think what Ms. SHEILA JACKSON-LEE sees, that this will take a certain trend and there will not be any replacement of these homes. I can understand exactly what he is talking about when I go through my city. I see a lot of them boarded up and many of them are really too good to be destroyed. It seems to me that private entrepreneurs are taking advantage of these places that the Government has spent so much money for all of these years. They are replaceable and they are good for revitalization. I think my colleague is saying, let us take the policy so that it can include some other people, because we have a differentiated type of population. It is not standard. People still need public housing.

We understand that this flies in the face of a policy that was passed, which I did not agree with from the beginning, that we should cut out all of the public housing.

I think that the committee should look at this. The amendment is not a harsh amendment, as I see it. It does not ask for a lot, except that we keep

that little window open so that we could replace some of these.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentlewoman yield?

Mrs. MEEK of Florida. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I appreciate the gentlewoman's explanation. Might I say in a statement partly made by HUD, it indicated that HUD agrees that in tight housing markets with long public housing waiting lists, it generally makes sense to replace severely distressed public housing with a mix of tenant-based assistance and hard units.

Might I say that HUD seems to think that that practice goes on today. But I think the gentlewoman's example of in some communities there is a chilling effect because they believe that there is no one-for-one replacement and, therefore, are not inclined to provide some of the hard units.

This amendment again is not a return to one-for-one. It simply says to our communities that we can balance section 8, a very useful tool, section 8, with the utilization of the replacement of some units. It does not give you one-for-one, it simply says some units, so that this can be balanced.

I think the gentlewoman's explanation on that is extremely important, so that it is not presented to our colleagues that we are returning to one-for-one. Not at all. We are simply saying that you can balance that utilization.

Mrs. MEEK of Florida. If I may reclaim my time, first of all it is so important that we understand in housing, one size does not fit all. No matter what the housing policy is, you will find that there is certainly a difference in housing needs in certain areas of this country. Of course I know how the HUD people feel. This has really become a real, real bad situation for them and they cannot handle it. So rather than meet all of the needs like the Jackson-Lee amendment would do, they just say, "Well, we'll step back from all of this replacement of public housing, it's been an eyesore, we've been sued, everything has been done to us."

□ 2215

So this is an easy way out. I think the amendment of the gentlewoman from Texas [Ms. JACKSON-LEE] sort of touches the heart of this matter; that is, it is all right to stick within the housing policy, but please leave some room for these people who do not fit that particular mold.

Mr. Chairman, I thank the gentlewoman for introducing this amendment.

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

Mr. Chairman, I rise very reluctantly to suggest to the gentlewoman that while I oppose this amendment, I do so with great sensitivity to not only the problem that she is concerned about

but the difficulty we have relative to some of our most important housing programs that need to be taken care of by way of the authorizing process.

There is little question that we have difficulty with public housing across the country that has been long neglected, where buildings are boarded up, and on the other hand we have a shortage of housing availability for people who have stopped becoming part of lists because the list are too long, as you have suggested.

I am very empathetic to that problem, but I am afraid your amendment, as I can best interpret it, might very well find ourselves moving back in the direction of the one-to-one replacement policy position that we just moved aside or tried to set aside or get rid of. One-to-one replacement in the past simply said that if we were to eliminate or tear down a dilapidated public housing unit that we had to replace it with another unit. What really happened, because there was no funding available, is that led to a scourge across the country with public housing having a blight placed upon it as people looked at boarded-up facilities and wondered what are these people doing? So we are attempting to move in a direction that makes some sense. My colleague, at the same time, is faced with a very real shortage problem in her community, as I am in my community. It is a problem that we have to deal with. It is a problem that potentially could lead to a lot of expenditure, and frankly, I think it has higher priority than some of our other expenditures.

But within this bill at this point in time, frankly we are not in a position to effectively implement that which my colleague is suggesting because of its policy implications. It needs to go before the policy committee, and while I know that the gentlewoman is going to withdraw her amendment, and I appreciate that, it is important for the gentlewoman to know that at this point in time, we need to work together with the policy and authorizing committee people as well.

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

Mr. LEWIS of California. I yield to the gentleman from Ohio.

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

Mr. Chairman, let me just say I, too, am concerned about the concerns expressed here by the gentlewoman from Texas. I know how concerned she is about her community and how she is concerned about trying to meet a specific problem relative to housing in her community. The gentlewoman discussed this matter with me several times as she has discussed it with the gentleman from California [Mr. LEWIS] and it is a matter in which I am sympathetic towards her concerns.

I have assured her that the gentleman from California and I, working together, perhaps in conference, can try and remedy the problem that she is attempting to address here. I would

urge the gentlewoman, if she can withdraw her amendment, that the chairman and I would continue to try and work this problem out for the gentlewoman.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the esteemed ranking member from Ohio for his words of concern. Recognizing, of course, that all of us come from communities that may be favorably impacted by recognizing the need of responding to waiting lists 6,000 and above, which is one element of this amendment, and as well recognizing that we should not have a singular policy that eliminates replacement offer puts replacement under section 8 or section 8 over replacement. I would hope and would appreciate then if we could have, one, a continued dialogue, but that we could work through conference to solve a problem that is not necessarily only relevant to my community or my State.

I find that throughout the country there are small communities, middle-sized cities that are losing housing units because there is a chilling effect because they believe there is a sole policy that says do not replace any of your public housing units. That is very, very bad for our families that are on the waiting lists, so much so that they are no longer even allowed to get on waiting lists because they are closed.

So I would ask the chairman for his commitment to work on this issue that is extremely important, I think, nationwide, and I want to thank the gentleman from Ohio [Mr. STOKES] for his leadership as well and his desire to work with me on this very important issue.

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

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

Mr. LEWIS of California. Mr. Chairman, the gentlewoman and I discussed this earlier, and she has been very, very sensitive about the time problem we have this evening. Absolutely I commit that we will continue this dialogue. It is very important that the gentlewoman and I and the gentleman from Ohio [Mr. STOKES], and the authorizers work together, for this ought to have a different priority in terms of funding that eventually works its way through appropriations bills and it has in the past. I very much appreciate the gentlewoman's bringing this to our attention.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman very much, and I also thank the gentleman for his offer to visit my community to see the circumstances that I am speaking of.

Mr. Chairman, in light of our discussion, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I know of no other amendments to the bill.

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

Mr. LEWIS of California. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I have one additional amendment which I will be more than willing to accept the time limitation of 5 minutes on either side, and that would complete the business. I would very much appreciate the gentleman's consideration.

Mr. LEWIS of California. Mr. Chairman, I would say to the gentleman from Massachusetts [Mr. MARKEY], even though I have been told by others that we were going to absolutely have to rise on this bill that we spent 2 days on if we did not finish by 10:30 p.m., I am nonetheless highly inclined to accede to the gentleman's request if we can keep this to 10 minutes, 5 minutes on each side.

AMENDMENT OFFERED BY MR. MARKEY

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

The Clerk read as follows:

Amendment offered by Mr. MARKEY: Page 95, after line 21, insert:

SEC. 422. None of the funds made available to the Environmental Protection Agency under the heading "HAZARDOUS SUBSTANCE SUPERFUND" may be used to provide any reimbursement (except pursuant to section 122(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980) of response costs incurred by any person when it is made known to the official having the authority to obligate such funds that such person has agreed to pay such costs under a judicially approved consent decree entered into before the enactment of this Act.

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

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

There was no objection.

Mr. MARKEY. Mr. Chairman, I ask unanimous consent that debate on this amendment be limited to 10 minutes equally divided between the majority and minority.

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

There was no objection.

The CHAIRMAN. The gentleman from Massachusetts [Mr. MARKEY] will be recognized for 5 minutes and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

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

Mr. Chairman, what we have before us right now is the original Markey amendment on the Superfund rebate

program to polluters, and what we have done is we have just taken the part of the amendment that the Members were deprived of being given the opportunity to vote upon earlier and taken that part of the bill and brought it out here to the floor so that we can make sure that in instances where companies that had accepted before courts the legal responsibility to clean up hazardous waste sites within communities, that they not be given rebates by the Federal taxpayer for the purposes of cleaning up those sites.

It is a very simple concept: The polluter pays. The polluter who has gone before a court, who has been adjudicated or accepted voluntarily the responsibility of cleaning up the site should not be given taxpayers' dollars to do so. It is a simple concept.

Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. PALLONE] so that he may also speak to the merits of this issue.

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

Mr. Chairman, I think this is a simple up or down vote. The issue is whether or not Members want the polluter to pay or to pay the polluter. What the gentleman from Massachusetts [Mr. MARKEY], is saying is that in this case, particularly where there has been a consent order already entered into and the party who is the polluter has agreed that they are liable, there is no reason why they should be given a rebate from the Government and paid to pollute.

It is a simple up or down vote and I would certainly urge a "yes" vote.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume. For all of those who are listening, this is going to be a very simple up-or-down vote. This just flat out will prohibit the ability for any polluter to receive Federal funds if they have accepted the legal responsibility to cleanup the site. Otherwise, we are going to take the monies which we should be using to clean up orphan sites, to help out municipalities and we will be expending monies upon the work which the polluters themselves should be doing.

Mr. Chairman, I again urge all Members very strongly who want to take 1 of the 10 most important environmental votes that will be cast in this Congress to vote "aye" on the Markey amendment and to make sure that the Superfund Program is not turned on its head and a very large percentage of the money just being handed over to polluters that should be used for the sites that need the help in communities with the neighborhood nightmares that otherwise would not be cleaned up at all.

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

Mr. LEWIS of California. Mr. Chairman, I rise in opposition to the amendment, and I yield such time as he may consume to my colleague the gentleman from Ohio [Mr. OXLEY] from the committee of original jurisdiction.

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

Mr. Chairman, let me be very brief. This Markey amendment basically sets the whole process on its head. Why would anybody want to enter into a consent decree if they could not get reimbursed for their cost? That does not really make a whole lot of sense in this process, and I would say to my friend from Massachusetts, if you really want to slow down this process even more than it already is, I would suggest that the Members vote for the Markey amendment.

This is very clear in its attempt to bring small businesses under this incredible yoke of the Superfund liability program.

Let me read from the inspector general of the EPA in his semiannual report to the Congress, findings on the Superfund program. He says, "In general, lengthy remedial investigation feasibility study and enforcement negotiations delayed actual cleanup of sites." Actually delayed the cleanup of sites.

So I suggest to Members that the Markey amendment is the wrong way to go, and let me also point out that this is going to be an NFIB key vote. The National Federation of Independent Businesses that represents over 600,000 small businesses in all of our districts is opposed to the Markey amendment, will make this a key vote. I want to make that very clear to the Members.

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

Mr. LEWIS of California. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I would add we have already debated this issue and we passed by a voice vote my substitute amendment. Keep in mind, the Markey amendment is antienvironment because it would slow and in some instances actually halt cleanup. We do not want to do that.

It is antismall business, and we certainly do not want to be antismall business. Even the administration agrees that we should provide exemption for small business.

□ 2230

And it would be antilocal government. The level of government that is most financially strapped.

Why would anyone in their right mind voluntarily enter into a consent decree to clean up while we are deliberating endlessly on Superfund reform? They would hold out. We would have no cleanup. It does not make sense from an environmental standpoint, it does not make sense from a business standpoint, it does not make sense from local government standpoint. I urge a "no" vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. MARKEY].

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

RECORDED VOTE

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

A recorded vote was ordered.

The CHAIRMAN. The Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the additional amendment in this series.

The vote was taken by electronic device, and there were—ayes 142, noes 274, not voting 17, as follows:

[Roll No. 279]

AYES—142

Abercrombie	Gonzalez	Nadler
Ackerman	Green (TX)	Neal
Andrews	Gutierrez	Oberstar
Baldacci	Hastings (FL)	Oliver
Barrett (WI)	Hilliard	Owens
Beilenson	Hinchey	Pallone
Berman	Hoyer	Pastor
Blumenauer	Jackson (IL)	Payne (NJ)
Bonior	Jackson-Lee	Pelosi
Borski	(TX)	Poshard
Boucher	Jefferson	Rahall
Brown (CA)	Johnston	Rangel
Brown (FL)	Kanjorski	Reed
Brown (OH)	Kaptur	Richardson
Bryant (TX)	Kennedy (MA)	Rivers
Cardin	Kennedy (RI)	Roukema
Clay	Kildee	Rush
Clayton	Klecza	Sabo
Clyburn	Klink	Sanders
Collins (IL)	LaFalce	Sawyer
Collins (MI)	Lantos	Schroeder
Conyers	Lewis (GA)	Schumer
Costello	Lipinski	Serrano
Coyne	LoBiondo	Slaughter
Cummings	Loftgren	Smith (NJ)
DeFazio	Lowe	Stark
DeLauro	Luther	Stokes
Dellums	Maloney	Studds
Deutsch	Manton	Stupak
Dicks	Markey	Tejeda
Dingell	Martini	Thompson
Dixon	Matsui	Thornton
Doggett	McCarthy	Torres
Durbin	McDermott	Torricelli
Engel	McHale	Towns
Eshoo	McKinney	Velazquez
Evans	McNulty	Vento
Farr	Meehan	Visclosky
Fattah	Meek	Volkmer
Fazio	Menendez	Ward
Fields (LA)	Millender-	Waters
Filner	McDonald	Watt (NC)
Foglietta	Miller (CA)	Waxman
Ford	Minge	Wise
Frank (MA)	Franks (NJ)	Woolsey
Furse	Moakley	Wynn
Gejdenson	Moran	Zimmer

NOES—274

Allard	Bunn	Cubin
Archer	Bunning	Cunningham
Army	Burr	Danner
Bachus	Burton	Davis
Baesler	Buyer	de la Garza
Baker (CA)	Callahan	Deal
Baker (LA)	Calvert	DeLay
Ballenger	Camp	Diaz-Balart
Barcia	Campbell	Dickey
Barr	Canady	Dooley
Barrett (NE)	Castle	Doolittle
Bartlett	Chabot	Dornan
Barton	Chambliss	Doyle
Bass	Chapman	Dreier
Bateman	Chenoweth	Duncan
Bentsen	Chrysler	Dunn
Bereuter	Clement	Edwards
Bilbray	Clinger	Ehlers
Bilirakis	Coble	Ehrlich
Bishop	Coburn	English
Bliley	Collins (GA)	Ensign
Blute	Combest	Everett
Boehlert	Condit	Ewing
Boehner	Cooley	Fawell
Bonilla	Cox	Flanagan
Bono	Cramer	Foley
Brewster	Crane	Forbes
Brownback	Crapo	Fowler
Bryant (TN)	Creameans	Fox

Franks (CT)	LaTourette	Ros-Lehtinen
Frelinghuysen	Laughlin	Rose
Frisa	Lazio	Roth
Frost	Leach	Royce
Funderburk	Lewis (CA)	Salmon
Gallegly	Lewis (KY)	Sanford
Ganske	Lightfoot	Saxton
Gekas	Linder	Scarborough
Geren	Livingston	Schaefer
Gilchrest	Longley	Schiff
Gillmor	Lucas	Scott
Gilman	Manzullo	Seastrand
Goodlatte	Martinez	Sensenbrenner
Gordon	Mascara	Shadegg
Goss	McCollum	Shaw
Graham	McCrery	Shays
Greene (UT)	McHugh	Shuster
Greenwood	McInnis	Sisisky
Gunderson	McIntosh	Skeen
Gutknecht	McKeon	Skelton
Hall (TX)	Metcalfe	Smith (MI)
Hamilton	Meyers	Smith (TX)
Hancock	Mica	Smith (WA)
Hansen	Miller (FL)	Solomon
Harman	Molinar	Souder
Hastert	Mollohan	Spence
Hastings (WA)	Montgomery	Spratt
Hayworth	Moorhead	Stearns
Hefley	Morella	Stenholm
Hefner	Murtha	Stockman
Heineman	Myers	Stump
Herger	Myrick	Talent
Hilleary	Nethercutt	Tanner
Hobson	Neumann	Tate
Hoekstra	Ney	Tauzin
Hoke	Norwood	Taylor (MS)
Holden	Nussle	Taylor (NC)
Horn	Obey	Thomas
Hostettler	Ortiz	Thornberry
Houghton	Orton	Thurman
Hunter	Oxley	Tiahrt
Hutchinson	Packard	Torkildsen
Hyde	Parker	Traficant
Inglis	Paxon	Upton
Istook	Payne (VA)	Vucanovich
Jacobs	Peterson (MN)	Walker
Johnson (CT)	Petri	Walsh
Johnson (SD)	Pickett	Wamp
Johnson, E. B.	Pombo	Watts (OK)
Johnson, Sam	Pomeroy	Weldon (FL)
Jones	Porter	Weldon (PA)
Kasich	Portman	Weller
Kelly	Pryce	White
Kennelly	Quillen	Whitfield
Kim	Quinn	Wicker
King	Radanovich	Williams
Kingston	Ramstad	Wilson
Klug	Regula	Wolf
Knollenberg	Riggs	Young (AK)
Kolbe	Roberts	Young (FL)
LaHood	Roemer	Zeliff
Largent	Rogers	
Latham	Rohrabacher	

NOT VOTING—17

Becerra	Flake	Lincoln
Bevill	Gephardt	McDade
Browder	Gibbons	Peterson (FL)
Christensen	Goodling	Roybal-Allard
Coleman	Hall (OH)	Yates
Fields (TX)	Hayes	

□ 2249

The Clerk announced the following pair:

On this vote:

Mr. Gephardt for, with Mr. Goodling against.

Mr. JOHNSON of South Dakota and Mr. FRANKS of Connecticut changed their vote from “aye” to “no.”

Ms. MILLENDER-McDONALD and Mr. TEJEDA changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ROEMER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana [Mr. ROEMER] on which further proceedings were post-

poned and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 244, noes 171, not voting 18, as follows:

[Roll No. 280]

AYES—244

Abercrombie	Ganske	Miller (CA)
Ackerman	Gejdenson	Miller (FL)
Allard	Gilman	Minge
Andrews	Goodlatte	Mink
Bachus	Goodling	Molinari
Baesler	Gordon	Moran
Baker (CA)	Goss	Morrell
Barcia	Graham	Myrick
Barr	Greene (UT)	Nadler
Barrett (WI)	Greenwood	Nethercutt
Barton	Gunderson	Neumann
Bass	Gutierrez	Ney
Blumenauer	Gutknecht	Norwood
Blute	Hamilton	Oberstar
Bonior	Harman	Obey
Bono	Hastert	Owens
Brown (OH)	Hastings (FL)	Oxley
Brownback	Hastings (WA)	Pallone
Bryant (TN)	Hayworth	Parker
Bunn	Hefley	Pastor
Bunning	Herger	Paxon
Burr	Hilleary	Pelosi
Burton	Hinchey	Pombo
Buyer	Hobson	Pomeroy
Camp	Hoekstra	Porter
Canady	Hoke	Portman
Cardin	Holden	Poshard
Castle	Hutchinson	Pryce
Chabot	Inglis	Quinn
Chambliss	Istook	Rahall
Chenoweth	Jackson (IL)	Ramstad
Chrysler	Jacobs	Rangel
Clayton	Johnson (CT)	Reed
Coble	Johnson (SD)	Riggs
Collins (GA)	Jones	Rivers
Condit	Kelly	Roemer
Cooley	Kennelly	Rogers
Costello	Kildee	Rohrabacher
Coyne	Kingston	Ros-Lehtinen
Crapo	Klecza	Rose
Creameans	Klug	Roth
Cubin	LaFalce	Roukema
Cummings	Lantos	Royce
Cunningham	Largent	Salmon
Danner	Latham	Sanders
Davis	LaTourette	Sanford
Deal	Lazio	Saxton
DeFazio	Leach	Scarborough
DeLauro	Levin	Schroeder
Dellums	Lewis (GA)	Schumer
Deutsch	Lewis (KY)	Seastrand
Diaz-Balart	Lightfoot	Serrano
Dickey	Lipinski	Shadegg
Doggett	LoBiondo	Shaw
Dooley	Longley	Shays
Doolittle	Lowe	Shuster
Doyle	Lucas	Skelton
Duncan	Luther	Slaughter
Dunn	Maloney	Smith (NJ)
Durbin	Manton	Solomon
Ehrlich	Manzullo	Souder
Engel	Markey	Spence
English	Martini	Spratt
Ensign	Mascara	Stark
Evans	Matsui	Stearns
Ewing	McCarthy	Stupak
Fawell	McCollum	Talent
Flanagan	McHale	Tate
Forbes	McHugh	Tauzin
Fowler	McInnis	Taylor (MS)
Fox	McIntosh	Thurman
Franks (NJ)	McNulty	Tiahrt
Frelinghuysen	Meehan	Torkildsen
Frisa	Menendez	Torricelli
Funderburk	Meyers	Towns
Furse	Mica	Traficant

Upton	Weldon (PA)	Wynn
Velazquez	Weller	Young (AK)
Vento	Whitfield	Zeliff
Visclosky	Wicker	Zimmer
Wamp	Wilson	
Watts (OK)	Woolsey	

NOES—171

Archer	Ford	Myers
Arney	Frank (MA)	Neal
Baker (LA)	Franks (CT)	Nussle
Baldacci	Frost	Olver
Ballenger	Gallegly	Ortiz
Barrett (NE)	Gekas	Orton
Bartlett	Geren	Packard
Bateman	Gilchrest	Payne (NJ)
Beilenson	Gillmor	Payne (VA)
Bentsen	Gonzalez	Peterson (MN)
Bereuter	Green (TX)	Petri
Berman	Hall (TX)	Pickett
Bilbray	Hancock	Quillen
Bilirakis	Hansen	Radanovich
Bishop	Hefner	Regula
Bliley	Heineman	Richardson
Boehlert	Hilliard	Roberts
Boehner	Horn	Rush
Bonilla	Hostettler	Sabo
Borski	Houghton	Sawyer
Boucher	Hoyer	Schaefer
Brown (CA)	Hunter	Schiff
Brown (FL)	Hyde	Scott
Bryant (TX)	Jackson-Lee	Sensenbrenner
Callahan	(TX)	Sisisky
Calvert	Jefferson	Skaggs
Campbell	Johnson, E. B.	Skeen
Chapman	Johnson, Sam	Smith (MI)
Clay	Johnston	Smith (TX)
Clement	Kanjorski	Smith (WA)
Clinger	Kaptur	Stenholm
Clyburn	Kennedy (MA)	Stockman
Coburn	Kennedy (RI)	Stokes
Collins (IL)	Kim	Studds
Collins (MI)	King	Stump
Combust	Klink	Tanner
Conyers	Knollenberg	Taylor (NC)
Cox	Kolbe	Tejeda
Cramer	LaHood	Thomas
Crane	Laughlin	Thompson
de la Garza	Lewis (CA)	Thornberry
DeLay	Linder	Thornton
Dicks	Livingston	Torres
Dingell	Lofgren	Volkmer
Dixon	Martinez	Vucanovich
Dornan	McCrery	Walker
Dreier	McDermott	Walsh
Edwards	McKeon	Ward
Ehlers	McKinney	Waters
Eshoo	Meek	Watt (NC)
Everett	Metcalfe	Waxman
Farr	Millender	Weldon (FL)
Fattah	McDonald	White
Fazio	Moakley	Williams
Fields (LA)	Mollohan	Wise
Filner	Montgomery	Wolf
Foglietta	Moorhead	Young (FL)
Foley	Murtha	

NOT VOTING—18

Becerra	Fields (TX)	Kasich
Bevill	Flake	Lincoln
Brewster	Gephardt	McDade
Browder	Gibbons	Peterson (FL)
Christensen	Hall (OH)	Roybal-Allard
Coleman	Hayes	Yates

□ 2300

Messrs. HILLIARD, TEJEDA, and WELDON of Florida changed their vote from "aye" to "no."

Messrs. ROYCE, DAVIS, BONO, DEL-LUMS, SCARBOROUGH, and BACHUS, Mrs. JOHNSON of Connecticut, and Messrs. WICKER, ENGEL, MILLER of California, TIAHRT, and MCINNIS changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read the final lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Departments of Veterans Affairs and Housing and Urban Development, and Independent Agency Appropriations Act, 1997".

Mr. HINCKEY. Mr. Chairman, I want to take a moment today to voice my support for NITA LOWEY's amendment on the watershed protection program. The Watershed Protection Program is one of the best examples we have of what we should all want government to do. It is a cooperative program, not a coercive one. It is a cost-effective program, not a grandiose one. It is a consensus program, not an adversarial one. Everyone benefits.

Everyone agrees that New York City needs a clean water supply that it can depend on. Upstaters like myself know that the relations between the city and the areas that provide its water haven's always been good. My district includes the places that were condemned and flooded over 80 years ago to provide water for New York City, and there is still quite a bit of resentment about it—as you would expect. This plan represents what we in New York have learned about working together, and we think it can serve as a model for the rest of the country, a model that could be helpful in resolving some of the most contentious issues of our day.

What does everyone get? New York City gets clean water—and saves the cost of an \$8 billion filtration plant. The watershed areas get help in developing their economies, and help in improving the quality of their own drinking water. Farmers are learning new and more efficient management techniques. All parties benefit from a cleaner environment.

Although the plan can save money over time, it isn't free. That is why we like a commitment of Federal for demonstration projects and monitoring. We have an agreement that everyone will work together—but we still have to see how well the plan works in practice. Without modest support now, the plan could fall apart, and it could mean higher costs for everyone—including the Federal Government—at a later date.

The Federal Government protects or owns key watersheds for many cities around the country. Our constituents pay for your protection. We're not asking the Federal Government to do that for us—just to provide some modest, matched assistance. And we think this plan can offer the entire country something valuable in return.

Ms. JACKSON-LEE of Texas. Mr. Chairman, although I respect the gentleman from Indiana as a colleague and fellow Science Committee member, I realize and accept the fact that he does not believe the space station alpha to be a worthy endeavor. In pursuing this conviction, the Congressman has offered on many occasions, amendments to cancel the space station program. I respect the gentleman for adhering to his principles, and offering his amendments, but this particular one, which would cut \$75 million from the program is worse than cancellation.

The \$75 million is but a fraction of the total moneys appropriated for the space station this year, however I know that every penny has been planned and accounted for. The first element launch is quickly approaching and every day and every dollars becomes more and more important as November 1997 approaches. I have been told that a cut of this magnitude would cause significant disruptions to this complex and pioneering effort.

NASA has promised, and we expect the program to come in one time and on budget which is, I believe, a reasonable request. However, I do not believe that is fair to hold

them to these expectations when we continually attack their attempts to reach this goal by cutting a little bit here, and a little bit there. By doing this, we will only increase the potential for problems and the resulting condemnation of the agency by this body.

While cutting a couple of million here or there doesn't seem harmful to us, as we sit here far removed from the people and programs we effect, it can wreck havoc with an extensively planned and financially slim program.

I do not know what the Member from Indiana wanted to accomplish with his amendment, but I believe it to be an ill-considered and unwise action. This Nation is on the verge of creating a permanent human preserve in space and it would do no good to handicap these efforts, just when every last penny is needed to assure success. I urge a vote against this amendment.

Mr. FRANKS of Connecticut. Mr. Chairman, I rise in support of H.R. 3666, the Veterans' Affairs, Housing and Urban Development, and independent agencies appropriations bill. Let me first commend the work of Chairman JERRY LEWIS, Congressman LOUIS STOKES, and my colleagues on the Veterans' Affairs/Housing and Urban Development Appropriations Subcommittee. They have certainly crafted a reasonable and sturdy bill under difficult circumstances and the product which they bring to the floor deserves the blessing of the House. I am especially happy that Messrs. LEWIS and STOKES have increased from last year's levels the funding for many of my top priorities such as the programs for our veterans, housing, and environmental protection. Also, I am pleased that there is an adequate level of funding for NASA's human space flight program in which our space station is being developed. Mr. Speaker, I am a firm believer that the people down here on planet Earth will reap the benefits of the many scientific breakthroughs that the space station is sure to provide.

Still, Mr. Chairman, this does not mean there is no room for improvement. While I realize that nothing is perfect, we should nevertheless strive to produce the best appropriations bill possible for the American people. Accordingly, I do intend to support those amendments which I feel will enhance the bill into a more embraceable legislative product.

First, I intend to support the amendment offered by my colleague from New York, Congressman RICK LAZIO. Mr. Chairman, as duly elected members of the House of Representatives, we must never forget the importance of ensuring secure housing for the more vulnerable of our society such as our elderly and our disabled. The Lazio amendment addresses these concerns by adding \$100 million for elderly housing assistance—thus increasing it to \$695 million—and adding \$40 million for disabled housing assistance—increasing that funding to \$214 million. Mr. Speaker, the moneys provided by the Lazio amendment will help us to successfully continue the mission of providing needed housing to our Nation's seniors and handicapped.

I also will be supporting the amendment offered by my Connecticut colleague, CHRIS SHAYS. This amendment will increase the funds for the Housing Opportunities for Persons with AIDS program [HOPWA] by \$15 million, increasing that funding for this program to \$186 million. Mr. Speaker, since 1995, the

number of reported AIDS cases has risen by one-third and the number of States and metropolitan areas qualifying for HOPWA grants has increased by 23 percent. However, for the last 3 years, funding for HOPWA has remained at a flat level. Mr. Speaker, the Shays amendment provides the modest, but much-needed increase in HOPWA funding. Passage of this amendment will help the HOPWA program provide increased assistance to the 34 States which now receive HOPWA funds, of which Connecticut is one, and ensure that more people with HIV or AIDS have security when it comes to housing.

Mr. Chairman, I also rise in strong support the Stump-Montgomery-Solomon amendment to increase the Veterans Administration's medical care amount by \$40 million from its current level of \$17 billion and to increase the Veterans Administration's benefit administration general operating expenses by \$17 million from its current level of \$824 million. Mr. Speaker, this amendment, which is supported by our Nation's leading veterans service organizations, will help us maintain our duty to provide adequate medical care for our vets while allowing the Veteran's Administration to process more veterans claims.

Mr. Chairman, I once again voice my support for this piece of legislation and encourage my colleagues to do likewise.

Mr. WELDON of Florida. Mr. Chairman, I want to encourage my colleagues to support this important appropriations bill this evening. Not only does this bill fund important housing and veterans programs, it funds the critical scientific research and development efforts of our Nation.

Among those efforts funded are those of the National Aeronautics and Space Administration [NASA], the world's premier space agency. My district is home to one of NASA's key centers, the Kennedy Space Center [KSC], the launch site for all U.S. human space flights. KSC and other NASA centers are unique national assets, but their future is threatened by continued efforts to reduce and eliminate funding for critical human space flight programs, most notably the space station program.

Despite having expressed strong, bipartisan support for the International Space Station only a few weeks ago, the House is once again being asked to vote on funding for the Space Station.

These perpetually unsuccessful efforts to cripple the space station only create uncertainty for NASA and our international partners and unnecessarily tie up the House.

You will hear many of the same arguments from opponents that you heard last month. But nothing has changed since then. The program is still on schedule and within budget. The scientific value of the space station has not diminished since last month. The Space Station still represents the forward-looking, future vision of our country.

Don't be fooled by these so-called savings. In fact, any reduction in funding now would cause cost growth equivalent to double the so-called "savings" due to schedule delays in the production of space station components.

We should keep our commitment to NASA and the American people by fully funding the space station.

You should also recognize that any attempts to reduce or transfer funding for the space station are only thinly-veiled efforts to fatally cripple the program. These cuts would devastate

a program that has succeeded in staying on schedule and within budget. In fact, over 100,000 pounds of hardware have been produced so far, and we are only 17 months away from the first launch to begin construction.

It's time once and for all to show our support for the program and let NASA and our international partners do their jobs. I urge you to support the space station and to strongly oppose any efforts to terminate or reduce funding for this important program.

Further, I want to point out that that there are several amendments to the bill tonight that would result in "across-the-board" cuts in the VA/HUD funding measure. While some of these cuts may fund worthwhile programs, these cuts also severely impact critical programs like the space shuttle and space station. I strongly urge my colleagues to suppose any such cuts so we can avoid weakening our Nation's human space flight effort.

NASA has already done a significant amount of voluntary downsizing, and it can truly serve as a model for other parts of the Federal Government as we reduce the size and scope of government. However, NASA can take no further cuts in this year's budget. It is imperative that NASA receive the funding level proposed by the Appropriations Committee.

Our children and grandchildren will thank you for supporting NASA and supporting their future.

Mr. KANJORSKI. Mr. Chairman, today is an important day for veterans living in northeastern Pennsylvania. In this appropriations bill, Congress will finally commit the resources needed to modernize the Wilkes-Barre, PA VA Medical Center. Included is a \$42.7 million plan to renovate and substantially upgrade the facility.

I greatly appreciate the strong leadership of both VA Secretary Jesse Brown in securing funds for the project in President Clinton's budget request and VA-HUD Subcommittee Chairman JERRY LEWIS for including the request in this bill. I also must thank ranking member LOUIS STOKES for his tireless efforts on behalf of veterans and his gracious help on this and other projects important to the citizens of my region. Of course, Congressman JOE MCDADE deserves much praise for his hard work in support of this project, as does Congressman TIM HOLDEN and Congressman PAUL MCHALE.

Mr. Chairman, in my May testimony before the subcommittee in support of this project, and many times since coming to Congress more than 11 years ago, I have tried to explain to the membership of this body how desperate the situation is at this 50-year old medical center. Space shortages are severe, equipment and facilities are outdated, and employee morale is sinking rapidly. Simple put, we must upgrade this facility immediately.

The medical center is wholly insufficient to meet the current and future needs of my region's veteran population. Over 99 percent of all patient rooms are not equipped with either private or semiprivate bathrooms, including rooms for female veterans. Ambulatory care has only 44 percent of needed space. Medical and surgical intensive care units have only 54 percent of needed space, and patient privacy is nonexistent in the hospital's 16-bed wards. Serious environmental deficiencies, such as very poor ventilation, have increased the risk

of spreading infection among patients and workers.

I could go on and on about the past and current problems arising from the bad condition of the medical center, but what we must decide today is how we intend to address the future of veterans' medical care in the region. Should we permit the continued, rapid deterioration of the medical center and, in effect, give up hope on providing quality medical services to these veterans or fulfilling our obligation to the taxpayers to provide such services in an effective, cost-efficient manner? I believe we must fulfill our obligations to the brave men and women who risked their lives and health so that we could remain free. Fortunately, the President and the members of the appropriations committee made the right choice in support of full funding for the project. This long overdue project will enable the Wilkes-Barre VA Medical Center to provide the quality medical services veterans deserve and taxpayers expect. I would strongly urge the full House, as well as the other body, to concur.

Without a doubt, this funding will help transform the medical center into a first-class medical care facility. Under the plan, two new bed towers will create much-needed space to correct patient privacy problems, as well as serious ventilation, heating, and air conditioning deficiencies. An ambulatory care addition will enable the expansion of numerous medical units, and help prepare the medical center for the greater focus of the VA on outpatient medical care overall.

Some Members of this Congress believe that we should no longer make substantial investments in VA medical facilities. I disagree. We made a commitment long ago to care for needy veterans and meet their special medical needs through a separate health system. I believe we must continue to do so in the future, as well. To meet this commitment, VA facilities must be appropriately maintained. While new hospitals have been built and old facilities renovated over the years, the Wilkes-Barre VA Medical Center has been virtually forgotten. As the third largest VA facility in the fifth largest State in the Nation, and after nearly five decades of service, this medical center is long overdue for major repairs and modernization.

Mr. Chairman, the 250,000 veterans spread across 19 counties in northeastern and central Pennsylvania, as well as the medical center's dedicated employees, need and deserve this important project. I therefore urge swift approval of this appropriation by the House.

Mr. DINGELL. Mr. Chairman, I rise to thank the chairman, ranking member, and other members of the Subcommittee on VA-HUD-Independent Agencies for their recognition of the continuing importance of the Rouge River National Wet Weather Demonstration Project. In particular, my colleague from Michigan, Mr. KNOLLENBERG, deserves credit for proposing and steering an important provision of this legislation which will provide \$20 million in fiscal year 1997 for the Rouge Project.

This project was begun in 1990 following the completion of the Rouge River Remedial Action Plan [RAP] in 1989 which found that the most densely populated and urbanized river in Michigan was contributing significantly to the quality of the fresh surface water of the Great Lakes—which contains 20 percent of the world's fresh surface water. A report of the General Accounting Office [GAO] 2 years prior to completion of the RAP found that the cost

of restoring the Rouge watershed would be massive. In fact, the most recent cost estimates show that the clean up will cost nearly \$1.4 billion by 2002.

That is why I joined a group of my colleagues from the metropolitan Detroit area to see if we could muster the resources to meet a tremendous challenge: comprehensive watershed-wide clean up, while developing a technological, managerial, and financial model that could be replicated nationwide as other communities come to grips with the costs and other problems associated with cleaning our waters and keeping them clean. As it so happens, southeast Michigan had many local and regional resources in place to implement such a model, but were in need of Federal partnership. Congress accepted that challenge, and with passage of this measure tonight, the Federal Government will have contributed almost 25 percent of the cost. The remainder is being paid by ratepayers in each watershed community in seven congressional districts, in combination with clean water revolving loans administered by the State of Michigan. It is important to note that, despite this help, our citizens are still being asked to pay higher water bills, and our cities are being asked to stretch resources which already are stretched to their limits.

Mr. Chairman, I am pleased to report to my colleagues tonight that, although such a massive undertaking is never easy, the citizens and community leaders of metropolitan Detroit, on a bipartisan basis, are working together to solve a common problem using innovative approaches to save a precious resource. With the first phase of the project due to be completed soon, project administrator Wayne County is already transferring the knowledge it has gained to other communities across the nation. Again, I would like to commend my colleague from Bloomfield Hills for his leadership this year, so that the state that led in the industrialization of America can lead in the clean up of its natural resources.

Ms. McCARTHY. Mr. Chairman, I rise to express my support of one of our Nation's greatest success stories for our youth, the AmeriCorps program, and to express my opposition to amendments offered today which would eliminate or drastically reduce funding for the Corporation for National and Community Service.

The mission of AmeriCorps is sensible: provide educational opportunities for young people who serve their community in ways that make a real difference in the lives of others.

In my district, AmeriCorps members have partnered with professionals and nonprofit agencies to help immunize children, revitalize and clean up inner city neighborhoods, install smoke alarms in the homes of the elderly, and weatherize homes in low income areas. On Earth Day this year, I assisted AmeriCorps members with planting a community garden in a vacant lot once strewn with debris. The lot now is a source of neighborhood pride.

AmeriCorps members continually champion the cause of community service by their collective and individual efforts. In my community, members have worked with community police officers to initiate neighborhoods watch programs and shut down drug houses. The energy of these young people has inspired many families to get more involved to preserve and protect their neighborhood. As a result, Kansas City is cleaner, safer and more livable in

places because AmeriCorps has made its mark.

As we work to balance the Federal budget, I believe we must set smart priorities. Certainly providing opportunities which afford young people access to job training and education ought to be among our national goals.

I urge my colleagues to support the modest level of funding for the Corporation for National and Community Service included in this appropriations bill.

Mr. OWENS. Mr. Chairman, I rise in opposition to many of the provisions in the VA-HUD-Independent Agencies Appropriations Act for Fiscal Year 1997—H.R. 3666. While this bill is a major improvement over last year's VA-HUD appropriations debacle, H.R. 3666 still lacks adequate Federal provisions to address the housing emergency in this country, especially within the inner cities. The passage of various amendments that will be offered by many of my Democratic colleagues today may make this legislation more palatable. However, the basic right of our most vulnerable citizens to sleep comfortably at night must not be compromised.

H.R. 3666 would continue a devastating trend which began in 1995—not funding any new section 8 incremental vouchers. These vouchers could be used to house additional families—many of whom are homeless—who are in dire need of housing assistance. Currently, over 70 percent of the families who qualify for low-income housing assistance are not receiving it. These 20 million families are simply forced to deal with substandard housing conditions with serious building code violations such as dangerous electrical wiring and inadequate plumbing; exorbitant rent; and even homelessness. These families, who could qualify for housing assistance, are simply placed on waiting lists. H.R. 3666 would not enable HUD to provide for these families.

This bill completely ignores the Department of Housing and Urban Development's [HUD] recently released "Worst Case Rental Housing Needs" report. The report disclosed that the number of households with unmet worst-case housing needs reached an all-time high of 5.3 million in 1993. Of this number, more than 1 million were households headed by an elderly person, and more than 1 million were working-poor families, including many with children. In my State of New York, there were more than 350,000 households with worst-case unmet housing needs. More than 144,400 of these households were families with children. Ironically, Congress responds to this crisis by ending its 20-year record of funding annual increases in the number of renter households assisted through HUD programs.

Furthermore, H.R. 3666 would slash elderly and disabled housing by 29 percent—a \$319 million cut. H.R. 3666 would appropriate only \$769 million in a new account to fund the section 202 Elderly Housing and section 811 Disabled Housing programs. There is no justification for decreasing housing opportunities for senior citizens and persons with disabilities. We must reorder our priorities and halt the rollbacks of crucial Federal protections.

H.R. 3666 would continue the assault on the successful Americorp program by cutting the program's funding by \$36 million—compared to fiscal year 1996. And there are a host of amendments that will be offered to terminate the program. After four independent evaluations have validated the benefits of Americorp,

and after thousands of volunteers have attested to its success, Republicans have refused to accept Americorp as a cost-efficient, public-private, community investment that deserves our support.

Finally, H.R. 3666 would underfund another highly regarded program—youthbuild. The youthbuild program educates and trains our youth, renovates our housing, and improves our community by giving young adults the opportunity to construct and rehabilitate housing for homeless or low-income people while simultaneously developing their own academic and vocational skills. Since fiscal year 1995, this program has had to sustain a 50 percent cut. H.R. 3666 would continue this unwise trend and freeze funding at the fiscal year 1995 level.

No, this year's VA-HUD appropriations bill does not contain those ridiculous legislative environmental riders. However, H.R. 3666 would apply a freeze philosophy and fund most programs at or near their fiscal year 1996 appropriation level. At a time when the number of households with worst-case unmet housing needs has reached an all-time high of 5.3 million, at a time when more than 7 million children and adults are homeless, and at a time when a baby is born into poverty in this country every 32 seconds, additional Federal resources are necessary—not a freeze. Unsurprisingly, this freeze philosophy was not applied to the National Defense Authorization Act—H.R. 3230—which authorized \$12 billion more than the administration requested and \$2.4 billion more than fiscal year 1996 funding to defense programs. The Federal Government can and must do much better in ensuring that its people, even those who are the least fortunate and least economically stable, have safe, decent and affordable housing.

Mr. SMITH of New Jersey. Mr. Chairman, I would like to first thank Chairman JERRY LEWIS for his yeoman's work on this issue of childhood cancer in Toms River, NJ. As I testified before his appropriations subcommittee on May 8, the Agency for Toxic Substances and Disease Registry [ATSDR] is currently working to assist New Jersey in its search for answers to a disturbing, potential cancer cluster among young children.

I rise in strong support of the amendment to H.R. 3666 offered by Chairman LEWIS of California. Childhood cancer is a tragedy that is of national concern, and with the funding provided in this amendment, ATSDR will be given the resources to examine any possible environmental link between toxic substances and childhood cancer.

As some of you know, the Toms River area has two superfund sites—Ciba Geigy and Reich Farm—that many residents fear could be responsible for abnormally high cancer rates in the area.

In August of 1995, the New Jersey Department of Health, responding to anecdotal evidence of increased incidence of cancers among young children, analyzed data in the New Jersey State Cancer Registry and came up with alarming results: a five fold increase in cancer rates for brain and central nervous system cancers among children under age 5.

Something is causing these cancers, Mr. Speaker, and with the funds provided in this amendment, the anxious parents of these kids may at last begin to get some answers. And I would note to my colleagues that if ATSDR does find an environmental link, it will have

implications far beyond the State of New Jersey.

Mr. Speaker, I have repeatedly indicated to my colleagues that ATSDR's work on environmental health is vitally important, especially because no other agency has environmental health as its chief mission. ATSDR provides critical work in filling the serious data gaps in scientific understanding about the human health effects of hazardous substances released from Superfund sites. It also assists States through cooperative agreements, in conducting Public Health Consultations.

With this amendment, ATSDR will have the resources needed to include New Jersey in a seven State national study of brain cancer incidence near national priorities list [NPL] sites. It provides Federal resources through comparative geographic data analysis, providing medical and scientific expertise and education, as well as environmental and biomedical monitoring to examine potential exposure pathways.

Cancer is always tragic, Mr. Speaker, but it is especially heartbreaking when it strikes down innocent children. And that is why it is important to keep a careful count of each of the little victims of cancer, so that researchers can have complete and accurate information to work with. As part of its public health response plan, which this amendment will fund, ATSDR will conduct interviews with area families to make sure people do not fall through the cracks.

In conclusion, with this amendment, the Republican Congress is sending a clear and powerful message to the American people, as well as to the residents of Ocean County: we care about environmental health. We are committed to finding answers; why are so many of our precious children coming down with cancer? But most importantly, we are willing to back up our commitment with Federal dollars.

Mr. THOMAS. Mr. Chairman, I rise today to express my disappointment that language dealing with the Section 8 Housing Program in sections 204 and 205 of H.R. 3666, the Veterans Affairs, Housing and Urban Development and Independent Agencies appropriations bill, was removed from the bill. We have been working to reform this program since 1993 when my local newspaper in Bakersfield, CA, described the rents subsidized by the Section 8 Program. According to the article, some building owners were receiving rents \$200 and \$300 above comparable market rents for similar size units in the area. While I understand that there may be some additional costs associated with managing section 8 units, I do not believe that an additional \$200 or \$300 per month is justified.

I believe the Department of Housing and Urban Development must be given the authority to simply reduce rents to those projects which are blatantly out of line with rents paid for comparable units in the area. In taking such a step, I understand that other factors beyond a simple comparison of other area rents must be taken into account. That is why I have introduced legislation to provide the HUD Secretary this authority and why I am disappointed, therefore, that the section 8 language, which would have allowed HUD to bring in a third party arbitrator upon the expiration of section 8 contracts to negotiate new rents based upon comparable market rents was deleted from the VA/HUD appropriations bill. The intent of my legislation is not to bank-

rupt these projects or violate a contract, nor throw anyone out of their apartments. The intent is to eliminate the windfall that a few project owners may be unjustly receiving at taxpayer expense.

I hope that the Housing and Community Opportunity Subcommittee of the Banking and Financial Services Committee moves quickly this summer to bring legislation to the floor that addresses this issue.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today to raise my strong opposition to Mr. HOSTETTLER's amendment to eliminate AmeriCorps.

This amendment to H.R. 3666 will eliminate the entire program and thus deny the opportunity for many deserving young people to attend college. The program is simple, but it has had a significant impact on the lives of people living in my Houston, TX, district.

In the city of Houston, David Lopez, an AmeriCorps volunteer, has worked to provide the inner city kids of working parents with supervised activity and play. This keeps them from being left to their own devices or worse to the design of street predators who would lead these young lives in the wrong direction.

For a year of volunteer service with Communities In Schools, David has earned a \$4,725 scholarship toward college.

AmeriCorps is the one and only chance for many of its participants to obtain a college education. It has been under attack from the early days of the 104th Congress for being inefficient. The truth is that among the numerous independent studies this year, including the one by the conservative Chicago School economists, the studies confirmed that investments in national service programs are sound, yielding from \$1.54 to \$3.90 for every \$1 invested. In fact, a 1995 GAO report concluded that AmeriCorps almost tripled the amount of \$31 million that Congress directed them to raise by raising some \$91 million.

AmeriCorps has played a vital role in communities all over America. The 23,641 students taught, and the 49,632 youth helped through violence prevention programs is a testament to the critical role this program plays in the lives of people in need.

I strongly oppose any effort to end this program.

Mr. FAZIO of California. Mr. Chairman, I rise to offer my support for the legislation before us today. H.R. 3666 provides \$84.3 billion for veterans and housing programs, the Environmental Protection Agency, NASA, and the National Science Foundation. While this bill falls well short of the administration's request, overall funding is \$1.8 billion higher than last year's level.

I am particularly pleased to note that the committee has decided to include funding for the replacement hospital at Travis Air Force Base in Fairfield, CA. Building a new, state-of-the-art facility at Travis will provide much-needed medical care for over 430,000 veterans in northern California. These veterans need a new full service veterans hospital.

I would like to recognize the steadfast support of Operation VA, and in particular, Carolyn Rennert and George Pettygrove, who have been unwavering in their support for the construction of this hospital. The entire Travis community, including many hard working veterans and citizens throughout Solano County deserve praise for their efforts. I would also like to thank the chairman of the VA-HUD

Subcommittee, JERRY LEWIS, for his support for the hospital. His commitment to the hospital is a significant step in ensuring that the hospital at Travis becomes a reality.

I am also pleased that the bill includes funding for the Sacramento River Toxic Pollutant Control Program [SRTPCP] within the EPA's Environmental Programs and Management Account. This is a cooperative program conducted by the Sacramento Regional County Sanitation District and the Central Valley Regional Water Quality Control Board.

The Sacramento River is the largest and most important river in California. It supplies water for agricultural, municipal and industrial uses as well as providing important recreational benefits. Unfortunately, this key environmental and economic asset is threatened by pollutant loadings that jeopardize these beneficial uses. The river exceeds State and EPA-recommended water quality criteria developed in the early 1990's for a number of toxic pollutants, particularly metals such as copper, mercury and lead.

The SRTPCP, which is in its third year, was created to bring the Sacramento River into compliance with water quality standards. The program is based on watershed management concepts including the development of site-specific water quality standards and technically feasible, cost-effective programs to achieve water quality standards throughout the river and its tributaries.

Regrettably, I do have one concern and that is that this proposal fails to adequately protect the environment. It simply goes too far and will hurt the ability of communities to protect their residents from toxic exposure. I support the Durbin amendment to restore the community's right-to-know what chemicals are being emitted from local industries.

It is important to encourage growth and development and that can best be achieved if companies work to earn the trust of the community and the two work closely together. Along those lines, I also urge my House and Senate counterparts to do the same and work out a reasonable solution to this issue.

I urge my colleagues to support the fiscal year 1997 VA-HUD appropriations bill.

Mr. HOYER. Mr. Chairman, I rise to express my very serious concerns about the funding levels for Superfund, section 8 housing vouchers, and space sciences in this bill. Once again, the appropriations priorities of this majority are shortchanging America's communities by underfunding efforts to clean up our environment, provide safe housing for our seniors and poor children, and make our neighborhoods better places to live.

I am particularly concerned by the cuts to Mission to Planet Earth, a critical NASA program which has great potential for helping predict weather and climate. The ability to better predict natural disasters will save both money and lives. Moreover, our capability to forecast up to a year in advance will yield tremendous benefits for agricultural and natural resources productivity.

The subcommittee's mark includes \$1.149 billion for Mission to Planet Earth. Regrettably, this is a reduction of \$220 million from the President's budget request. If the allocation for this appropriations measure was not so constrained, I would offer an amendment to add that \$220 million to the bill before us. NASA, through internal efforts, has already greatly reduced the Mission to Planet Earth budget.

Further reductions could cause serious delays in the weather measurements and the Earth observing system. Cuts could also affect NASA's agreements with the United Kingdom, Japan, Brazil, and France—all partners in the EOS system.

Goddard Space Flight Center is NASA's lead center for these efforts and has an extraordinary reputation for Earth science studies. I have had the chance to visit with the scientists working on this program and I can tell you that their work is outstanding. Our understanding of the Earth as an integrated system is far from complete. Mission to Planet Earth and EOS will produce both practical benefits and long-term understanding of the environment.

Mr. Chairman, I strongly believe that it is in the best interests of our country and, indeed, of mankind, to fully fund Mission to Planet Earth and I urge the committee to work to accomplish that objective as this bill moves through the legislative process.

Mr. GEJDENSON. Mr. Chairman, I rise to express my strong concern that the bill before us eliminates the U.S. Office of Consumer Affairs. As many members of this body know, the Office of Consumer Affairs is the only entity on the Federal level which serves as an advocate for consumers on virtually any issue. I believe we should be devoting significantly more, rather than fewer, resources to protecting the interests of American consumers.

The Office of Consumer Affairs traces its origin to the President's Committee on Consumer Interest established by President John Kennedy in 1962. President Johnson transformed the committee into the Office of Consumer Service in 1968. President Richard Nixon was responsible for establishing the Office of Consumer Affairs within the White House and redefined its mission to include information distribution and consumer education. In fact, Elizabeth Dole was Deputy Director of the Office during the Nixon years and played an important role in developing voluntary agreements between manufacturers and consumers. President Nixon was also responsible for transferring the Office to the Department of Health and Human Services and expanding its mission again to include consumer advocacy throughout the Federal Government. Presidents Ford, Carter, Reagan, and Bush all continued the Office and utilized it to ensure consumers' interests were protected at the national level.

As I mentioned above, the Office acts as a consumer advocate. Other entities in the Federal Government address consumer issues by regulating products or services. The Office's mission is to serve as a central point of contact—a one-stop-shop—where consumers can obtain a wide range of information and assistance in addressing their problems with Government agencies as well as the private sector. The Office distributes information through a variety of sources, the most popular of which is the *Consumer's Resource Handbook*. Every member of this body is familiar with these valuable publications which are arguably the most thorough source of consumer-related information issued in America. The handbook provides tips on how to get the most for one's money, prevent fraud and protect personal privacy. In addition, it contains more than 100 pages listing national consumer groups, State and local consumer affairs offices, better business bureaus, corporate consumer centers

and a wide range of other helpful information. As the result of aggressive distribution efforts, headquartered in Pueblo, CO, more than 1 million copies are currently in circulation.

The Office of Consumer Affairs responds quickly, and efficiently, to consumer complaints through the toll-free National Consumer HELPLINE. I want to stress to my colleagues that the HELPLINE is staffed by a portion of the Office's 13 trained, professional employees and is not contracted out to another office or to private operators. The HELPLINE can quickly direct consumers to appropriate government agencies helping them negotiate an often complicated system of shared and overlapping jurisdiction. Staff also refer callers to consumer affairs offices in the private sector. Between June, 1995, when the HELPLINE commenced operation, and the end of February, 1996, more than 80,000 people—about 10,000 per month—have been served. It is important to note the Office has assisted this volume of callers while operating the HELPLINE only 4 hours daily. I believe the number of calls would increase significantly if the Office had sufficient resources to operate the HELPLINE during normal business hours.

In addition, through the HELPLINE, letters and other sources the Office performs its central function as an advocate—helping consumers solve their problems. Office staff research consumers' problems and then work with manufacturers and Government agencies to develop voluntary solutions. The Office has a unique problem-solving role because it is nonregulatory. It can contact a private company and work to achieve a compromise relating to how a particular product is sold or produced or how a service is delivered. Most regulatory agencies can not take similar action without being confronted with conflict of interest charges or allegations they are being "soft" on entities under their jurisdiction. In a February, 1996 letter to President Clinton, several major U.S. corporations and trade organizations, including MasterCard, MCI, Ford, and the American Gas Association, were among 41 groups urging the President's continued support for the Office. The Office of Consumer Affairs is the only Federal agency which can bring consumers and businesses together in a nonadversarial setting and produce agreements which benefit all parties.

Mr. Chairman, American consumers need a voice at the Federal level more than ever before. Rapid and complex changes in our economy, widespread reorganization of Federal programs, and a blizzard of new products and services associated with the information revolution are generating questions and concerns from a growing number of Americans. At the same time, States, which traditionally have offered the first line of defense for consumers, are reducing, and in some case eliminating, consumer affairs departments and units at an alarming rate.

A March, 1996 investigation by Money Magazine provides startling information about just how severe some of the reductions at the State level have been. As part of its investigation, Money surveyed 45 State attorneys general and 51 other State, county and city consumer affairs offices requesting information about historic and present budgets, contacts, number of cases investigated, and the amount of money returned to consumers as a result of such investigations. Based on the information provided, Money concluded that 44 of the 96

entities surveyed—nearly 50 percent of the total—"have seen their funding or staff levels slashed or eliminated during the past decade."

The magazine determined consumer protection efforts have been improved in only 9 States. At the same time, 41 States and the District of Columbia have curtailed consumer protection efforts or merely held the line on service in spite of increasing demand. Alabama, Alaska, California, Connecticut, the District of Columbia, Florida, Hawaii, Iowa, Maryland, Massachusetts, New Hampshire, New York, South Carolina, Tennessee, Texas, Virginia, and Wisconsin were all rated by the magazine as "losing ground" in the battle to protect consumers' interests. For example, the Alabama attorney general's consumer affairs staff has been cut by 70 percent since the early 1980's while Maryland's has been pared by 28 percent since 1990. In Massachusetts, the executive office of consumer affairs was slated for closure and in New Jersey, Rhode Island, and South Carolina certain State-administered consumer advocacy organizations have been terminated. As the States continue to reduce consumer affairs units and curtail investigations, preserving a consumer advocate at the national level becomes even more important.

I recognize the Appropriations Committee has provided a minimal increase to the Consumer Information Center and transferred some of the Office's functions to the Center. The Center distributes the Consumer's Resource handbook, other consumer-related information and publications from various Government agencies. While the committee report makes vague references about transferring functions, the bill is silent on this issue. However, it is very important to note that the Center will not be taking over the Office's advocacy role. It will not operate the HELPLINE, it will not address consumer complaints and it will not represent consumers' interests in policy discussions within the Federal Government. The Center is, and I believe will remain, a warehousing and distribution entity and will not be transformed into a consumer advocate under the provisions of this bill.

Mr. Chairman, the Office of Consumer Affairs is a great value for the American people. In an article published in the *Christian Science Monitor* in January, 1996, two former Directors of the Office stated it provides services to the 97 million households in this country for about two cents per household. I challenge any member to find another program which offers similar service to the American people for less. I firmly believe the taxpayers are willing to spend less than \$2 million dollars annually to ensure they have a consumer advocate at the Federal level. The American people are not blindly demanding spending cuts. They want this Congress to make cuts and policy changes which make sense. I believe the vast majority of Americans would agree that eliminating the Office of Consumer Affairs fails this important test.

Mr. FOGLIETTA. Mr. Chairman, I rise to speak in favor of this bipartisan amendment which would provide the funds needed to keep the HOPWA Program at pace with the growth of the need and the problem.

HOPWA needs the little bit of extra money that this amendment provides, because the number of communities served by it have expanded.

Why do we need a separate housing program for people with AIDS? That's what I hear

some people ask about this program. The reason is because the needs are so unique. So often, people with AIDS find themselves on the fringes of our communities: Isolated; frightened; stigmatized. Broken financially from the costs of drugs and doctors. Sometimes, homeless. The worst thing that someone needs in the latter stages of AIDS is to worry about where they will live and where they will die. Worry hastens death.

HOPWA is the caring and decent thing, but if that is not enough * * * consider the financial aspects of the issue. Without the hospices provided by HOPWA, a person with AIDS is likely to end up in a hospital, where Medicaid will be huge. Support this amendment because it's cost effective. Support this amendment because it's right.

Mr. REED. Mr. Chairman, I rise in strong opposition to the Hostettler amendment to eliminate the AmeriCorps Program.

AmeriCorps has provided an opportunity for more than 40,000 young people to earn their way through college by giving something back to their communities and our Nation. AmeriCorps members perform many vital functions, including tutoring children, helping seniors, housing the homeless, feeding the hungry, preventing crime, and protecting the environment.

This past Sunday, I attended the City Year Rhode Island Graduation, in which 55 individuals were honored for their year of service in Providence and Central Falls, RI. City Year participants make a difference in the lives of Rhode Islanders by tutoring children and cleaning up communities. Next year, City Year Rhode Island, which receives a majority of its funding from the Corporation for National Service, expects to provide service opportunities to additional participants who will serve throughout the State.

AmeriCorps is making a positive impact in our communities and in the lives of the participants. One recent City Year Rhode Island participant was a high school dropout working in jobs which gave her little chance of advancement. Her involvement in City Year provided an opportunity to assist others in need, which in turn renewed her belief in the value of hard work and inspired her to return to and finish high school. She is now attending Brown University where she is studying medicine, turning a nearly destroyed dream of becoming a doctor into a reality.

Today the critics of AmeriCorps will attempt to disparage AmeriCorps with claims of financial mismanagement and wasteful spending. In recent months, however, the Corporation for National Service has addressed these and other concerns by reducing costs, increasing private-sector support, improving financial management, and eliminating grants to other Federal agencies, in order to harness the full potential of national service. Furthermore, four independent studies have concluded that AmeriCorps is a cost-effective investment that yields more in benefits than the program costs.

As the Providence Journal-Bulletin recently noted, we should be increasing funding for this worthy program, not eliminating it. AmeriCorps enjoys widespread support among participants, governors, and businessmen and women in Rhode Island, and across the Nation. I urge my colleagues to reject the Hostettler amendment and other anti-AmeriCorps amendments offered today.

Mrs. MORELLA. Mr. Chairman, I rise in opposition to the Hostettler amendment to eliminate AmeriCorps funding.

AmeriCorps has been a very valuable resource for our great Nation. AmeriCorps is achieving results; AmeriCorps is cost effective; AmeriCorps has earned private-sector support; and AmeriCorps is cutting costs.

An evaluation of AmeriCorps programs by Aguirre International—headed by President Ford's Commission of Education found that just one-tenth of the AmeriCorps members: taught 23,641 students; tutored 23,867 individuals; mentored 14,878 youths; helped 2,551 homeless people find shelter; planted more than 210,000 trees; collected organized, and distributed 974,103 pounds of food and 5,000 pounds of clothes; developed and distributed 38,546 packets of information about drug abuse, street safety, health care, and other issues; ran violence prevention after-school programs for 49,632 youth; performed energy audits for more than 18 million square feet of buildings; and leveraged 669,369 hours of service by unstipended volunteers—each AmeriCorps member manages about 16 volunteers and generates 246 volunteer hours.

AmeriCorps is cost effective for our Nation. Numerous independent studies this year, including one by conservative Chicago School economists sponsored by three private foundations to test their investment in AmeriCorps, confirmed that investments in national service programs are sound, yielding from \$1.54 to \$3.90 for every dollar invested.

In fact, the 1995 GAO Report concluded that AmeriCorps almost tripled the amount it was required to raise from non-corporation sources in its first year: Congress directed AmeriCorps programs to raise \$31 million; they raised \$91 million. Of this total, \$41 million—more than the amount required of all sources—came from the private sector alone. Such financial support proves that leaders at the local level across the country feel that AmeriCorps is an effective way to meet the needs of their communities.

The program is below budget. In fact AmeriCorps grantees have already reduced costs by 7 percent in real terms. The Corporation has already reduced its administrative budget by 12 percent in real terms. The Corporation has recently announced that it will lower its average budgeted cost per AmeriCorps member in its grants programs by \$1,000 each year in program year 1999–2,000. And, the GAO reported the Corporation is spending less per AmeriCorps member than it had budgeted.

The Corporation has also announced that it will no longer make AmeriCorps program grants to other Federal agencies.

Additionally, Representative HOSTETTLER is focusing on just 2 of the over 1,200 AmeriCorps sites and 450 AmeriCorps programs over the last 2 years. In fact, in both these cases, the Corporation and the Governor's commissions found the problems and eliminated funding to the programs to eliminate the waste of taxpayer dollars. These are the exception that prove the rules work.

Recently, I visited two sites of an AmeriCorps program in Montgomery County, MD, called the Community Year. I saw first hand, at Karasik Child Care Center and Holy Cross Adult Day Care Center, that young adults are making a significant difference in the lives of people in need in Montgomery County through AmeriCorps.

Esther Kaleko-Kravitz is the director of Community Year, and Wendy Moen is the corpsmember development specialist. Under the auspices of these two able individuals, young adults provide direct services to the elderly, refugees, and the disabled population in the community, from preschool to adulthood. This national service experience promotes personal and professional growth among the corpsmembers and is a win-win situation for everyone.

All over America, there is a new spirit of community service. Meeting and talking with young people in my district, I see an idealism and an eagerness to help others.

The time has come to provide American students with a program which channels their energy and challenges them to discover the untapped resources within themselves.

We must encourage this spirit of service in our country by opposing this amendment. AmeriCorps members help to form a world where compassion and a willingness to help others will strengthen America and indeed make a difference.

Moreover Governors Weld, Wilson, Engler, Merrill, and Almond, religious groups like the Catholic Network of Volunteer service, the Episcopal Church, and Agudath Israel of America, volunteer sector leaders like Habitat for Humanity, Big Brothers/Big Sisters, the Red Cross, and the YMCA, support AmeriCorps strongly. I urge my colleagues to oppose the Hostettler amendment.

Mr. STUDDS. Mr. Chairman, I rise in support of the amendment, which would provide a \$15 million increase for local HIV/AIDS housing assistance grants under the HOPWA Program. These funds will help thousands of people to live longer and stay healthier, while sparing States and localities the far greater costs associated with the hospital and emergency room care to which these individuals would otherwise be forced to turn.

Two years ago, I joined with Members on both sides of the aisle in an effort to prevent the HOPWA Program from being eliminated altogether. Fortunately, the program survived that crisis. But the Congress took away \$15 million as part of the 1995 rescissions package, and the program has been level funded ever since—even though the number of reported AIDS cases has risen by one-third and the number of States and metropolitan areas qualifying for a piece of the pie has increased by 23 percent.

It is time to put that \$15 million back. Without it, 34 States and cities in every region of the country will actually lose money this year as they struggle to bear the enormous and growing burden of this epidemic. Thousands of people will be forced to choose between paying their medical bills and paying the rent. Many will wind up in hospitals, at a cost 10 to 20 times that of housing and services in a HOPWA-funded residential facility. The rest could find themselves huddled in homeless shelters and sleeping on grates. Many could literally die in the streets this winter.

No civilized society can allow that to happen. I commend the gentleman for offering the amendment and urge its adoption.

Mr. NADLER. Mr. Chairman, I rise in support of this amendment which would increase by \$15 million the Housing Opportunities for People with AIDS Program [HOPWA].

At a time when both homelessness and the spread of AIDS have reached crisis proportion, funding for the HOPWA Program is crucial to the basic existence of many Americans.

AIDS is now the leading killer of Americans between the ages of 25 and 44. The growth of the number of people infected with AIDS has been dramatic, and it is often the case that people with AIDS need housing assistance. In fact, at any given time, one-third to one-half of all Americans with AIDS are either homeless or in imminent danger of losing their homes. We have a responsibility, not only to respond to this very devastating public health crisis, but also to provide basic housing assistance to those who are suffering from AIDS.

The HOPWA Program is the only Federal housing program that specifically provides cities and States hardest hit by the AIDS epidemic with the resources to address the housing crisis facing people living with AIDS in communities throughout the Nation.

The HOPWA Program provides community-based, cost-effective housing for thousands of people living with AIDS and their families. This amendment would save funds that would, in the absence of the housing and services provided in a HOPWA-funded residential facility, result in higher expenditures for hospital or emergency room costs. For example, an acute-care bed for an AIDS patient costs on average \$1,085 a day, whereas the housing and services provided in a HOPWA-funded residential facility costs between one-tenth and one-twentieth of that amount. In fact, it is estimated that HOPWA dollars reduce the use of emergency health care services by an estimated \$47,000 per person per year.

Without this valuable program thousands of people suffering from AIDS would risk homelessness, and quite possibly, premature death due to exposure, poor nutrition, stress, and lack of medical care.

Mr. Chairman, this amendment is socially, morally, and fiscally responsible. I urge my colleagues to support it.

The CHAIRMAN. If there are no further amendments, under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. COMBEST, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 3666), making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, and for other purposes, pursuant to House Resolution 456, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. 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. STOKES

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

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. STOKES. In its present form I am, Mr. Speaker.

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

The Clerk read as follows:

Mr. STOKES moves to recommit the bill H.R. 3666 to the Committee on Appropriations with instructions to report the bill back to the House forthwith with amendments as follows:

On page 61, line 14, after the first dollar amount, insert "(increased by \$350,000,000)" and,

On page 61, line 15, strike "September 1, 1997" and insert "September 30, 1997".

The SPEAKER pro tempore. The gentleman from Ohio [Mr. STOKES] is recognized for 5 minutes in support of his motion to recommit.

Mr. STOKES. Mr. Speaker, earlier in general debate I made reference to the fact that it was my intention to vote for this bill. I said at that time that the bill was not a perfect bill, but because of the fact that the chairman and I had truly worked in a real bipartisan manner to bring to the floor a bill on which he and I both agreed, there were certain parts of the bill that still needed improvement, we were both committed to working on that bill together both here and in conference, and that based upon that I had intended to vote for the bill.

Let me just remind the Members of what happened on this floor today that has changed that from my position.

Mr. Speaker, earlier today we had \$122.4 million in additional cuts by amendments offered on the floor, and this is a bill that already in the area of HUD had been cut \$2.3 billion in the bill as reported.

AmeriCorps; there was an amendment by the gentleman from Indiana [Mr. HOSTETTLER] which the House defeated where he proposed to take all of the money out of AmeriCorps. The House defeated that amendment by a vote of 240 to 183. Fifty Republicans voted with us to defeat that bill. Later on during the day the gentleman from Kansas [Mr. TIAHRT] had an amendment which again proposed to take all of the money out of AmeriCorps. That amendment was accepted without a vote by the chairman of the subcommittee and was accepted for reasons. I understood the reasons, but it took all the money back out of AmeriCorps again.

Mr. Speaker, we had provided \$367 million in this bill, which was already below the President's request. I think by eliminating AmeriCorps from this bill what we are doing is inviting a veto of this bill. This is a pet of the President, and I think we can assure our colleagues it is going to be vetoed.

Additionally, today amendments took out \$54 million in additional cuts to NASA. NASA had already been cut \$1.1 billion in the bill as reported.

My motion to recommit puts the money, AmeriCorps money, back in, does not take it from any of the accounts. This is money that is lying there and is available. We put the money back in. It is deficit neutral. It is within the targets. It delays the money until September 30, 1997, so there is no immediate obligation.

I would urge all of the Members on both sides of the aisle, in the true bipartisan manner in which the gentleman from California [Mr. LEWIS] and I have worked on this bill, to support this motion to recommit.

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

The SPEAKER pro tempore. Does the gentleman from California [Mr. LEWIS] seek recognition on the motion to recommit?

Mr. LEWIS of California. I do, Mr. Speaker.

Mr. Speaker, as all my colleagues know, as a result of these last couple of days this is a very important, a very interesting, a very complex bill. To say the least, it is a difficult bill with many a compromise, an attempt to balance and measure and weigh carefully that which makes good sense for all those who care about the subject areas of this legislation.

In the discussion that we had earlier regarding the AmeriCorps program, we did essentially come to an agreement within the House that involved an amendment that raided the Hostettler amendment. We left a minimum basic level for AmeriCorps in the bill as a result of that amendment, and indeed it was our understanding that we would work with that as we move towards the conference, and it relates to a lot of the rest of the bill.

Later an amendment came to us that was not one that we had talked about before or had any in-depth discussion, but it was an amendment heartfelt but also that put this program against veterans' programs, and my colleagues know we discussed what we do with those programs.

So we kind of reversed ourselves there, and this motion to recommit is essentially to take us back to the position that we were in earlier in terms of our general understanding about this and a lot of another items.

So, with that, I know some Members have reservations, but we are in the process of measuring this program carefully, and at this point in time I would strongly urge my colleagues to respond to my ranking member, the gentleman from Ohio [Mr. STOKES] who has cooperated in depth in this program, and I urge my colleagues to support the motion to recommit.

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

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. CUNNINGHAM. Mr. Speaker, if no Member has spoken against the motion to recommit, is there time available to speak against the motion?

The SPEAKER pro tempore. Five minutes in opposition to the motion was in order, and the gentleman from California [Mr. LEWIS] used the 5 minutes. There is no more time remaining.

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

There was no objection.

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

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

RECORDED VOTE

Mr. STOKES. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 205, noes 212, not voting 17, as follows:

[Roll No 281]

AYES—205

Abercrombie	Foglietta	McNulty
Ackerman	Ford	Meehan
Andrews	Frank (MA)	Meek
Baesler	Frost	Menendez
Baldacci	Furse	Millender-
Barcia	Gejdenson	McDonald
Barrett (WI)	Gilman	Miller (CA)
Beilenson	Gonzalez	Minge
Bentsen	Gordon	Mink
Bereuter	Green (TX)	Moakley
Berman	Gunderson	Mollohan
Bishop	Gutierrez	Montgomery
Blumenauer	Hamilton	Moran
Blute	Harman	Morella
Bonior	Hastings (FL)	Murtha
Borski	Hefner	Nadler
Boucher	Hilliard	Neal
Brewster	Hinchey	Oberstar
Brown (CA)	Holden	Obey
Brown (FL)	Horn	Olver
Brown (OH)	Hoyer	Ortiz
Bryant (TX)	Jackson (IL)	Orton
Bunn	Jackson-Lee	Owens
Cardin	(TX)	Pallone
Chapman	Jacobs	Pastor
Clay	Jefferson	Payne (NJ)
Clayton	Johnson (SD)	Payne (VA)
Clement	Johnson, E. B.	Pelosi
Clyburn	Johnston	Peterson (MN)
Collins (IL)	Kanjorski	Pickett
Collins (MI)	Kaptur	Pomeroy
Condit	Kennedy (MA)	Poshard
Costello	Kennedy (RI)	Quillen
Coyne	Kennelly	Quinn
Cramer	Kildee	Rahall
Cummings	Klecza	Rangel
Danner	Klink	Reed
Davis	Klug	Richardson
de la Garza	LaFalce	Rivers
DeFazio	Lantos	Roemer
DeLauro	LaTourette	Rose
Dellums	Lazio	Rush
Deutsch	Leach	Sabo
Dicks	Levin	Sanders
Dingell	Lewis (CA)	Sawyer
Dixon	Lewis (GA)	Schiff
Doggett	Lipinski	Schroeder
Dooley	Lofgren	Schumer
Doyle	Lowey	Scott
Durbin	Luther	Serrano
Edwards	Maloney	Shays
Ehlers	Manton	Sisisky
Engel	Markey	Skaggs
Eshoo	Martinez	Skeen
Evans	Mascara	Skelton
Farr	Matsui	Slaughter
Fattah	McCarthy	Spratt
Fazio	McDermott	Stark
Fields (LA)	McHale	Stenholm
Filner	McKinney	Stokes

Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bilbray
Bilirakis
Bileley
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combust
Cooley
Cox
Crane
Crapo
Creameans
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen

Becerra
Bevill
Browder
Christensen
Coleman
Conyers

Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Walsh

NOES—212

Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
Laughlin
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead

NOT VOTING—17

Fields (TX)
Flake
Gephardt
Gibbons
Hall (OH)
Hayes

Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn

Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shaw
Shuster
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taubin
Tausin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Walker
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

The CHAIRMAN. The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the years and nays are ordered.

The vote was taken by electronic device, and there were—ayes 269, nays 147, not voting 17, as follows:

[Roll No. 282]

YEAS—269

Allard	Frank (MA)	Molinari
Archer	Franks (CT)	Mollohan
Armey	Frelinghuysen	Montgomery
Baesler	Frisa	Moorhead
Baker (CA)	Frost	Morella
Baker (LA)	Funderburk	Myers
Ballenger	Gallegly	Myrick
Barcia	Ganske	Nethercutt
Barr	Gekas	Ney
Barrett (NE)	Geren	Norwood
Barrett (WI)	Gilchrest	Nussle
Bartlett	Gillmor	Ortiz
Bass	Gilman	Orton
Bateman	Goodlatte	Oxley
Bentsen	Goodling	Packard
Bereuter	Gordon	Parker
Bilbray	Goss	Paxon
Bilirakis	Graham	Payne (VA)
Bishop	Greene (UT)	Peterson (MN)
Bileley	Greenwood	Pombo
Blute	Gunderson	Porter
Boehlert	Gutknecht	Portman
Boehner	Hall (TX)	Poshard
Bonilla	Hansen	Pryce
Bono	Harman	Quillen
Boucher	Hastert	Quinn
Brewster	Hastings (WA)	Radanovich
Brown (OH)	Hayworth	Rahall
Brownback	Hefley	Ramstad
Bryant (TN)	Hefner	Regula
Bunn	Heineman	Richardson
Bunning	Herger	Riggs
Burr	Hilleary	Rivers
Burton	Hobson	Roberts
Buyer	Hoekstra	Rogers
Callahan	Hoke	Rohrabacher
Calvert	Holden	Ros-Lehtinen
Camp	Horn	Roth
Campbell	Hostettler	Roukema
Canady	Houghton	Royce
Castle	Hunter	Salmon
Chabot	Hutchinson	Saxton
Chambliss	Hyde	Scarborough
Chapman	Inglis	Schaefer
Chenoweth	Istook	Schiff
Chrysler	Johnson (CT)	Seastrand
Clinger	Johnson (SD)	Shadegg
Coble	Johnson, Sam	Shaw
Coburn	Jones	Shuster
Collins (GA)	Kanjorski	Sisisky
Combust	Kasich	Skeen
Condit	Kelly	Skelton
Cooley	Kim	Smith (MI)
Cox	King	Smith (NJ)
Cramer	Kingston	Smith (TX)
Crane	Klecza	Smith (WA)
Crapo	Klug	Solomon
Creameans	Knollenberg	Souder
Cubin	Kolbe	Spence
Cunningham	LaHood	Spratt
Danner	Largent	Stearns
Davis	Latham	Stenholm
de la Garza	LaTourette	Stockman
Deal	Laughlin	Stokes
DeLay	Lazio	Stump
Diaz-Balart	Leach	Talent
Dickey	Lewis (CA)	Tanner
Dingell	Lewis (KY)	Tate
Doolittle	Lightfoot	Taubin
Dornan	Linder	Tausin
Doyle	Livingston	Taylor (MS)
Dreier	LoBiondo	Taylor (NC)
Dunn	Longley	Thomas
Edwards	Lucas	Thornberry
Ehlers	Manzullo	Tiahrt
Ehrlich	Martini	Torkildsen
English	Mascara	Traficant
Ensign	McCollum	Upton
Everett	McCrery	Vucanovich
Ewing	McHugh	Walker
Fawell	McInnis	Walsh
Fazio	McIntosh	Wamp
Flanagan	McKeon	Watts (OK)
Foley	Metcalf	Weldon (FL)
Forbes	Meyers	Weldon (PA)
Fowler	Mica	Weller
Fox	Miller (FL)	White
		Whitfield

□ 2326

Mr. CLINGER and Mr. HOUGHTON changed their vote from "aye" to "no."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Wicker	Wolf	Zeliff
Wilson	Young (AK)	Zimmer
Wise	Young (FL)	

NAYS—147

Abercrombie	Hancock	Oberstar
Ackerman	Hastings (FL)	Obey
Andrews	Hilliard	Oliver
Baldacci	Hinchey	Owens
Barton	Hoyer	Pallone
Beilenson	Jackson (IL)	Pastor
Berman	Jackson-Lee	Payne (NJ)
Blumenauer	(TX)	Pelosi
Bonior	Jacobs	Petri
Borski	Jefferson	Pickett
Brown (CA)	Johnson, E. B.	Pomeroy
Brown (FL)	Johnston	Rangel
Bryant (TX)	Kaptur	Reed
Cardin	Kennedy (MA)	Roemer
Clay	Kennedy (RI)	Rose
Clayton	Kennelly	Rush
Clement	Kildee	Sabo
Clyburn	Klink	Sanders
Collins (IL)	LaFalce	Sanford
Collins (MI)	Lantos	Sawyer
Conyers	Levin	Schroeder
Costello	Lewis (GA)	Schumer
Coyne	Lipinski	Scott
Cummings	Lofgren	Sensenbrenner
DeFazio	Lowey	Serrano
DeLauro	Luther	Shays
Dellums	Maloney	Skaggs
Deutsch	Manton	Slaughter
Dicks	Markey	Stark
Dixon	Martinez	Studds
Doggett	Matsui	Stupak
Dooley	McCarthy	Tejeda
Duncan	McDermott	Thompson
Durbin	McHale	Thornton
Engel	McKinney	Thurman
Eshoo	McNulty	Torres
Evans	Meehan	Torricelli
Farr	Meek	Towns
Fattah	Menendez	Velazquez
Fields (LA)	Millender	Vento
Filner	McDonald	Visclosky
Foglietta	Miller (CA)	Volkmer
Ford	Minge	Ward
Franks (NJ)	Mink	Waters
Furse	Moakley	Watt (NC)
Gejdenson	Moran	Waxman
Gonzalez	Murtha	Williams
Green (TX)	Nadler	Woolsey
Gutierrez	Neal	Wynn
Hamilton	Neumann	

NOT VOTING—17

Bachus	Fields (TX)	Lincoln
Becerra	Flake	McDade
Bevill	Gephardt	Peterson (FL)
Browder	Gibbons	Roybal-Allard
Christensen	Hall (OH)	Yates
Coleman	Hayes	

□ 2342

Mr. BARRETT of Wisconsin changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONCURRENT RESOLUTION PROVIDING FOR ADJOURNMENT OF HOUSE AND SENATE FOR INDEPENDENCE DAY WORK PERIOD

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 104-640) on the resolution (H. Res. 465) providing for consideration of a concurrent resolution providing for adjournment of the House and Senate for the Independence Day district work period, which was referred to the House Calendar and ordered to be printed.

POSSIBLE VOTE ON HOUSE RESOLUTION 463, DISAPPROVAL OF MOST-FAVORED-NATION TREATMENT FOR CHINA

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

Mr. SOLOMON. Mr. Speaker, I would say to my good friend, the ranking member of the Rules Committee, that we are about to take up the rule on the motion to disapprove most-favored-nation treatment for China. We do not expect to call for a vote over here even though all of our time will probably be used.

Mr. Speaker, I would just ask the gentleman if he expects anybody on his side of the aisle to call for a vote on this rule this evening.

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

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

Mr. MOAKLEY. Mr. Speaker, we have requests for time, we do not have any requests for votes, and I am not going to call for a vote.

Mr. SOLOMON. Therefore, we would not anticipate a vote on the rule although there is not any guarantee.

Mr. MOAKLEY. The gentleman is exactly right.

ANNOUNCEMENT REGARDING AMENDMENT PROCESS FOR LEGISLATIVE BRANCH APPROPRIATIONS BILL

Mr. SOLOMON. Mr. Speaker, the Rules Committee is planning to meet on Tuesday, July 9, to grant a rule which may limit the amendments offered to the legislative branch appropriations bill.

Members who wish to offer amendments to the bill should submit 55 copies of their amendments, together with a brief explanation, to the Rules Committee office in H-312 of the Capitol, no later than noon on Monday, July 8.

Amendments should be drafted to the bill as ordered reported by the Appropriations Committee. Copies of the text will be available for examination by Members and staff in the offices of the Appropriations Committee in H-218 of the Capitol.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

Any off-set amendments should be scored by CBO to ensure compliance with clause 2(f) of rule 21, which requires that they not increase the overall levels of budget authority and outlays in the bill.

We appreciate the cooperation of all Members in submitting their amendments by the noon, July 8, deadline in properly drafted form.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 182, DISAPPROVING EXTENSIONS OF MOST-FAVORED-NATION STATUS TO PRODUCTS OF PEOPLE'S REPUBLIC OF CHINA, AND HOUSE JOINT RESOLUTION 461, REGARDING THE PEOPLE'S REPUBLIC OF CHINA

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 463 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 463

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 182) disapproving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China. All points of order against the joint resolution and against its consideration are waived. The joint resolution shall be debatable for two hours equally divided and controlled by the chairman of the Committee on Ways and Means (in opposition to the joint resolution) and a Member in support of the joint resolution. Pursuant to sections 152 and 153 of the Trade Act of 1974, the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion. The provisions of sections 152 and 153 of the Trade Act of 1974 shall not apply to any other joint resolution disapproving the extension of most-favored-nation treatment to the People's Republic of China for the remainder of the One Hundred Fourth Congress.

SEC. 2. After disposition of House Joint Resolution 182 pursuant to the first section of this resolution, it shall be in order to consider in the House the resolution (H. Res. 461) regarding human rights abuses, nuclear and chemical weapons proliferation, illegal weapons trading, military intimidation of Taiwan, and trade violations by the People's Republic of China and the People's Liberation Army, and directing the committees of jurisdiction to commence hearings and report appropriate legislation. The resolution shall be debatable for one hour equally divided and controlled by Representative Cox of California or his designee and a Member opposed to the resolution. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. SOLOMON asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. SOLOMON. Mr. Speaker, House Resolution 463 is a rule providing for the consideration of two measures. The first measure is House Joint Resolution 182, a resolution disapproving the extension of most-favored-nation treatment to the products of the People's Republic of China. It was introduced by