

1991. The 1996 election featured the world's largest voter turnout, practically free of violence. The 1997 election featured the victory of Prime Minister I.K. Gujral, who is of Punjabi descent, the very region that Mr. BURTON claims human rights violations are taking place.

On the subject of the State of Punjab, the Sikh minority dominated the ruling party in open democratic elections. Voter turnout was 65 percent.

Prime Minister Gujral, in his first month of leadership, engaged in direct talks with newly elected Prime Minister Nawaz Sharif of Pakistan. A hotline phone system was established in a commitment to bring peace to the two nations.

So let us as Members of Congress not view the Government of India as being callous to these alleged human rights violations. India has made great strides in their battle to bring together the States of Kashmir, Jammu, Nagaland, and Punjab.

Recent reports by the U.S. State Department declare that India has "made further progress in resolving human rights problems."

It would be false and misdirected to say that India is not our friend. U.S. business in India has grown at an astonishing rate of nearly 50 percent a year since 1991, with the United States becoming India's largest trading partner and largest investor.

As India prepares to celebrate its 50th anniversary of democratic self rule, let us not break the ties that we have so diligently strived to assemble. Vote "no" on the Burton amendment.

Mr. CALLAHAN. Mr. Chairman, I move that the Committee do now rise. The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SNOWBARGER) having assumed the chair, Mr. THORNBERRY, 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. 2159) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes, had come to no resolution thereon.

FURTHER LIMITATION OF AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 2159, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1998

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent that during further consideration of the bill, H.R. 2159, no further amendments shall be in order in the Committee of the Whole except the amendment Number 1 in House Report 105-184, and the amendment to that amendment, under the terms of the order of the House of July 24, 1997, and the pending amendment, Number 38, offered by the gentleman from Indiana [Mr. BURTON], and the amendment, Number 40, offered by Mr. BURTON.

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

Mr. ACKERMAN. Reserving the right to object, Mr. Speaker, is it my understanding that under the two Burton amendments there is no limitation on the time? We will be under the 5-minute rule?

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

Mr. ACKERMAN. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Speaker, the gentleman is correct.

Mr. ACKERMAN. Mr. Speaker, I withdraw my reservation of objection.

Mr. BURTON of Indiana. Reserving the right to object, Mr. Speaker, I just wanted to double check amendments 38 and 40. Now 38 is the one that we are on?

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

Mr. BURTON of Indiana. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Speaker, that is the one we are on now, and 40 is the one the gentleman from Indiana indicated he wanted to introduce.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Alabama.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

VACATING REQUEST FOR RECORDED VOTE ON BEREUTER AMENDMENT TO H.R. 2159, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1998

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent to vacate the request for a recorded vote on the Bereuter amendment, Number 53, on H.R. 2159.

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

There was no objection.

The SPEAKER pro tempore. Without objection, the amendment offered by the gentleman from Nebraska [Mr. BEREUTER] prevails by voice vote.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2209, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1998

Mr. WALSH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill, H.R. 2209, making appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. SERRANO

Mr. SERRANO. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. SERRANO moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 2209, be instructed to agree to the position in Senate amendment numbered 1 with respect to the account "Joint Committee on Taxation" providing not more than a 4.64 percent increase for the Joint Committee on Taxation compared to an 8 percent increase in the House bill.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. SERRANO] and the other gentleman from New York [Mr. WALSH] will each control 30 minutes.

The Chair recognizes the gentleman from New York [Mr. SERRANO].

Mr. SERRANO. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, my motion would simply direct the House conferees to do the fiscally responsible thing when we take up the funding level for the Joint Committee on Taxation and agree to the Senate position. The Senate bill would give the Joint Committee on Taxation a tidy 4.6-percent increase over last year. We think that it is more than fair.

The House bill, in my view, was overly generous in providing an 8-percent increase for this office. In comparison, in the name of fiscal discipline, both bills provide increases of only 3.6 percent for the operation of the House and less than 2 percent for such vital agencies as a Congressional Budget Office and the Government Printing Office [GPO]. The House bill actually cuts funding for the General Accounting Office by \$8 million below last year.

In light of these funding levels, it is inappropriate and inconsistent to turn around and reward one office with an 8-percent increase. Moreover, the justification for this increase does not stand up to any reasonable level of scrutiny. I think the American people could question why we would increase the staff of this office the year after work is completed on a major tax bill, especially when at the same time we are cutting GAO whose main purpose is to look for wasteful Federal spending and save taxpayers money. If the existing staff of the Joint Committee on Taxation could operate effectively this year when they worked on what we are told over and over again was a major historic tax bill, one would think they could manage the work load during a more routine year without all this extra staff.

So, Mr. Speaker, we are simply calling on the House to be more consistent in imposing fiscal austerity within the legislative branch. We should treat all offices the same, not give special treatment to a favored few.

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

Mr. WALSH. Mr. Speaker, I rise in opposition to this motion.

The intent of the motion is to eliminate the five additional full-time

equivalent positions the bill provides for the Joint Committee on Taxation. The committee bill has already reduced the budget submitted by the chairman of the Joint Committee on Taxation, the gentleman from Texas [Mr. ARCHER] by seven positions, or \$219,000. Chairman ARCHER, who also chairs the Committee on Ways and Means, testified that he needed 12 more staff positions to do the additional work mandated on the Joint Committee on Taxation's staff.

Mr. Speaker, we all know the Joint Committee on Taxation provides invaluable work for the House and the Senate through the support they give to the Committee on Ways and Means and the Senate Finance Committee. They do much of the technical work on all revenue bills. They also analyze tax treaties entered into between the U.S. Government and other countries, and they also review all large tax refunds issued by the Treasury Department.

During the past 5 years, the economists, lawyers, and accountants of the Joint Committee on Taxation have averaged over 2,000 revenue estimates requested by Members and committees in connection with the proposed tax legislation. In addition, the staff has reviewed several hundred large tax refunds. Last year, they reviewed 486 refund reports with a dollar value of over \$4.6 billion. They found concerns in 103 of these cases, concerns of over and underfunding or errors that needed to be corrected.

So this committee does a great deal of technical work in support of the congressional revenue and tax treaty process, and they also oversee large tax refund work of the Internal Revenue Service.

In asking for a staffing increase this year, the gentleman from Texas [Mr. ARCHER] outlined additional responsibilities that have been given to the Joint Committee on Taxation. A new requirement imposed by House rule XIII to make dynamic estimates in major tax legislation; determining unfunded mandates contained in revenue legislation; and we saw the President exercise his line-item veto on this most recent tax measure. The Joint Committee on Taxation will be called upon to determine limited tax benefits that are eligible for consideration. He has asked for, the chairman has asked for, 12 more FTE's to do this work; the committee bill only allows 5. We removed 7 FTE's during the full committee consideration of the bill after the gentleman from California [Mr. FAZIO] and others indicated their concern for such a large increase. So we have gone more than half way in meeting their concern.

The bill provides funding for an FTE level of 66. It puts the full-time equivalent positions back at the level they were funded at in 1988. This increase would bring them, the Joint Committee on Taxation, up to the level of 1988. All we have done is put them back to where they were 10 years ago.

I heard this concern in the full committee, and I offered an amendment that reduces the subcommittee mark of 12 additional FTE's to 5. The Committee on Appropriations heard this concern, considered the prudence of restraint, and accepted a staff level of a decade ago and reported the bill with those limited resources.

Mr. Speaker, the House has voted on this; the House has taken a position supporting the House's position. This motion would have us agree with the Senate's position, and I strongly urge that the House vote to reject this motion.

The House of Representatives approved a fiscal year 1998 funding level for the Joint Committee on Taxation of \$5,907,000, an increase of \$437,000 over fiscal year 1997. This amount is less than the \$6,126,000 requested by Ways and Means Committee Chairman BILL ARCHER and Senate Finance Committee Chairman BILL ROTH.

The \$437,000 increase in appropriation approved by the House would be allocated as follows:

Cost-of-living adjustments (salaries and equipment): \$161,000 and salaries for new hires: \$276,000.

The increase attributable to cost-of-living adjustments matches the assumed Federal employee cost-of-living adjustment. The salaries for new hires would be used primarily to fill a portion of the increased FTE positions with additional professional staff—2–3 staff economists, 1 attorney, and 1–2 computer specialists or support staff.

The House approved an increase of 5 FTE's for the Joint Committee on Taxation for fiscal year 1998. The Joint Committee has 61 authorized staff positions for fiscal year 1997. Other than fiscal year 1996, in which the authorized staff positions were 63, the authorized staff levels have not, since 1980, been below 66 positions. Thus, the FTE's authorized by the House would provide the Joint Committee with the same number of FTE's as in fiscal year 1980. The attached summary sheet shows that the Joint Committee FTE's remained relatively stable over the fiscal year 1980–1997 period. Thus, when other staffs may have been growing during the 1980's, the Joint Committee did not see the same burgeoning of staff. By way of comparison, the Congressional Budget Office has an appropriation for fiscal year 1997 of \$24,532,000 and 232 authorized FTE's, compared to \$5,470,000 and 61 FTE's for the Joint Committee on Taxation.

The Joint Committee on Taxation needs additional funding to fulfill new responsibilities that have been assigned to it. In addition to the traditional role of the Joint Committee staff in the development, drafting, and estimating of proposed revenue legislation, the Joint Committee staff is now responsible for determining the possible unfunded mandates contained in revenue legislation and identifying the limited tax benefits subject to the Line Item Veto Act. In addition, a new House rule for the 105th Congress requires the staff of the Joint Committee to estimate the possible macroeconomic, or dynamic, scoring effects of major revenue legislation. The Joint Committee staff presently has neither the personnel nor the computer capabilities to satisfy the requirement of this rule.

Since calendar year 1992, the Joint Committee on Taxation has received, on average, over 2,000 requests for revenue estimates a year. The Joint Committee currently has the staff resources to respond to approximately 50% of these requests. Unless the number of Joint Committee personnel are increased, the response rate to Members of Congress will not improve. This is not a question of staff not working to capacity. The Joint Committee staff devote all of their resources to the legitimate needs of the Congress, but they are frankly swamped with requests for assistance from Members of Congress that they cannot possibly satisfy at current staffing levels.

The Congress will require increased services of the Joint Committee on Taxation during fiscal year 1998. During the first part of fiscal year 1998, the Joint Committee staff will be completing its work investigating whether the Internal Revenue Service has exhibited bias in the selection of tax-exempt organizations for audit. In addition, the staff of the Joint Committee on Taxation will be involved with the following legislative proposals during fiscal year 1998: (1) Reauthorization of the highway trust fund, (2) Possible Superfund legislation, (3) Legislation relating to the tobacco settlement, (4) Legislation relating to expiring tax provisions, (5) Consideration of 7 tax treaties by the Senate, (6) Legislation to reform the operations of the Internal Revenue Service, (7) Possible tax reduction proposals for 1998, and (8) Fundamental restructuring of the Federal tax system.

Contrary to what some have asserted, fiscal year 1998 will see increased demands by the Congress for the services of the Joint Committee on Taxation.

I will include the following for the RECORD:

HISTORY OF APPROPRIATIONS—JOINT COMMITTEE ON TAXATION SINCE FISCAL YEAR 1980

Fiscal year	Appropriations	Authorized positions
1980		66
1981		68
1982		70
1983	\$3,377,000	68
1984	3,483,000	66
1985	3,605,000	66
1986	3,546,000	66
1987	4,159,000	66
1988	4,219,000	66
1989	4,346,000	70
1990	4,353,000	70
1991	5,203,000	77
1992	5,759,000	77
1993	5,759,000	77
1994	5,701,000	77
1995	6,019,000	73
1996	5,116,000	63
1997	5,470,000	61
1998	6,126,000	173
	5,907,000	266
	5,724,000	

¹ Requested.

² House.

³ Senate.

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

Mr. SERRANO. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. OBEY], our ranking member.

Mr. OBEY. Mr. Speaker, I thank the gentleman for the time.

I would urge the House to adopt this motion. I think there is absolutely no reason why joint committees ought to be allowed a higher level of funding than was approved for any other committee in this House when the committee funding resolution was brought to

the floor, especially in light of the nature of the publicity which has been directed lately at the committee that would be the beneficiary of the largess contained in the House bill.

I would like to read from a newspaper article from USA Today. It says tobacco industry representatives wrote the provision of the balanced budget law that allows cigarette makers to reduce their future liability in smoking related lawsuits, Congress' chief writer told USA Today. The industry wrote it and submitted it; we just used their language, Kenneth Kies, staff director of the Joint Committee on Taxation said.

Kies declined to identify the lobbyist who presented the provision or the company the lobbyist represented, but his statement is the first public acknowledgment that the controversial provision which could save cigarette manufacturers an estimated \$50 billion over 20 years originated with the industry itself.

□ 1700

Now, that statement was made by the director of the committee, which is being given a higher level of funding than any other committee has been given this year. It seems to me that if the staff director for that committee admits that they are not even doing their own job and they are turning part of it over to K Street and the lobbyists downtown, they have given up any excuse for needing additional funding to prepare tax legislation.

We have already finished most of the tax legislation that we are going to see for this session and next. We have had a huge change in the Tax Code. It seems to me that it would be highly out of order to provide this special treatment for the Joint Tax Committee, especially when they indicate that they are allowing a lobbyist from K Street to write \$50 billion amendments that are included in the major legislative action taken by the Congress this year.

Mr. Speaker, I would strongly urge the support for the gentleman's motion.

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

Mr. Speaker, I would just again urge my colleagues to reject this motion. This committee's work, this joint committee's work, is of very timely importance. We did just pass a major tax cut. Thank God that we did. We did it with bipartisan support. Although some of the proponents of this motion did not support that tax cut, the majority of the Congress of both parties did, also the Senate, and the President signed the bill, with a major reduction in income taxes for people with children, for capital gains, estate and death tax reform.

Mr. Speaker, this is only the beginning. We feel very strongly that this is just the first cut, that next year there should be another and the following year there should be another.

The gentleman from Texas [Mr. ARCHER] has suggested very strongly that the Committee on Ways and Means is going to take a serious look at reforming our overall progressive income tax program and reforming the Internal Revenue Service. This is going to require staff work.

Mr. Speaker, we are asking for only a funding level equal to what was there when the Democratic Party controlled the House back in 1988. This is the staffing level they had. We have reduced this dramatically, but now we are starting to cut taxes, and the economy of the country is picking up and responding positively.

We do not want this to be the last tax cut. We want it to be the first tax cut. We would like to make sure that the work that the House and the Senate and the President have done is properly accounted for, and that we keep on target and in the direction of further reducing the tax burden on the American public.

Mrs. LOWEY. Mr. Speaker, I rise in support of the motion to instruct before us.

It doesn't make sense to me why the Joint Tax Committee needs all of the funding it receives in this bill. Last month, when we all thought the committee was busy writing the provisions of the tax bill, it turns out they were checking their mailbox for suggested provisions from lobbyists.

One such suggestion was a \$50 billion giveaway to the tobacco industry that went directly from the desks of the industry lobbyists into the tax bill.

This provision will allow the big tobacco companies to reduce the payment they are required to make under a settlement by the amount collected in excise taxes on cigarettes. This is unacceptable.

That is why I introduced legislation with Senator DICK DURBIN that will repeal this middle-of-the-night giveaway. We must not allow American taxpayers to foot the bill for big tobacco's settlement with the American people.

This provision should never have been written into the tax bill in the first place, and it must be repealed immediately.

But in addition to repealing the provision, we must determine how it was slipped into the tax bill in the first place.

Fortunately, Kenneth Kies, the staff director of the Joint Tax Committee, answered this question for us August 29. When asked about this giveaway to the big tobacco companies, Mr. Kies was quoted in USA Today as saying, "The industry wrote it and submitted it, and we just used their language."

Mr. Speaker, if that is the way the Joint Tax Committee determined which provisions to include in the tax bill, there are far better ways to use taxpayers' dollars.

We must repeal this tobacco giveaway, and we must send a strong message to Mr. Kies and the Joint Tax Committee that the manner in which this provision was slipped into the tax bill is unacceptable. I urge my colleagues to support this motion to instruct.

Mr. SERRANO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WALSH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SNOWBARGER). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from New York [Mr. SERRANO].

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 202, nays 208, not voting 23, as follows:

[Roll No. 352]

YEAS—202

Abercrombie	Gephardt	Mink
Ackerman	Goode	Moakley
Allen	Gordon	Mollohan
Andrews	Green	Moran (VA)
Baessler	Gutierrez	Murtha
Baldacci	Hall (TX)	Nadler
Barcia	Hamilton	Neal
Barrett (WI)	Harman	Neumann
Becerra	Hastings (FL)	Oberstar
Bentsen	Hefner	Obey
Berry	Hilliard	Olver
Bishop	Hinojosa	Ortiz
Blagojevich	Holden	Owens
Blumenauer	Hooley	Pallone
Bonior	Hoyer	Pascrell
Borski	Hulshof	Pastor
Boswell	Jackson (IL)	Pelosi
Boucher	Jackson-Lee	Pickett
Boyd	(TX)	Pomeroy
Brown (CA)	Jefferson	Poshard
Brown (FL)	John	Price (NC)
Brown (OH)	Johnson (WI)	Rahall
Cardin	Johnson, E.B.	Rangel
Carson	Kanjorski	Reyes
Chabot	Kaptur	Rivers
Chenoweth	Kennedy (MA)	Rodriguez
Clay	Kennedy (RI)	Roemer
Clayton	Kennelly	Rothman
Clement	Kildee	Roybal-Allard
Clyburn	Kilpatrick	Sabo
Coburn	Kind (WI)	Sanchez
Condit	Klink	Sanders
Conyers	Klug	Sandlin
Costello	Kucinich	Sawyer
Coyne	LaFalce	Schumer
Cramer	Lampson	Scott
Cummins	Largent	Serrano
Danner	Levin	Sherman
Davis (FL)	Lewis (GA)	Sisisky
Davis (IL)	Lipinski	Skaggs
DeFazio	Lofgren	Skelton
DeGette	Lowey	Slaughter
Delahunt	Luther	Smith (MI)
DeLauro	Maloney (CT)	Smith, Adam
Dellums	Maloney (NY)	Snyder
Deutsch	Manton	Spratt
Dicks	Markey	Stabenow
Dingell	Martinez	Stark
Doggett	Mascara	Stearns
Dooley	Matsui	Stenholm
Doyle	McCarthy (MO)	Stokes
Edwards	McCarthy (NY)	Strickland
Eshoo	McDermott	Stupak
Etheridge	McGovern	Tauscher
Evans	McHale	Taylor (MS)
Farr	McIntyre	Taylor (NC)
Fattah	McKinney	Thompson
Fazio	McNulty	Thurman
Filner	Meehan	Tierney
Flake	Meek	Torres
Foglietta	Menendez	Trafficant
Ford	Millender	Turner
Frank (MA)	McDonald	Upton
Frost	Miller (CA)	Velazquez
Gejdenson	Minge	Vento

Visclosky
Waters
Watt (NC)

Waxman
Wexler
Weygand

Woolsey
Wynn
Yates

NAYS—208

Aderholt
Archer
Army
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Billbray
Billirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chambliss
Christensen
Coble
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Ganske
Gekas

Gibbons
Gilchrest
Gillmor
Gillman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Ingليس
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCrery
McDade
McHugh
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oxley
Packard

Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowbarger
Solomon
Souder
Spence
Stump
Sununu
Talent
Tauzin
Thomas
Thornberry
Thune
Tiahrt
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—23

Berman
Capps
Dixon
Engel
Ensign
Furse
Gallegly
Gonzalez

Hall (OH)
Hinchey
Istook
Lantos
McCollum
McInnis
Payne
Rohrabacher

Roukema
Rush
Schiff
Smith, Linda
Tanner
Towns
Wise

□ 1727

Mr. Livingston changed his vote from "yea" to "nay."

Mrs. CHENOWETH and Messrs. CLAY, STOKES, DINGELL, and UPTON changed their vote from "nay" to "yea."

So the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ENSIGN. Mr. Speaker, on rollcall No. 352, severe thunderstorms caused my plane to arrive late. Had I been present, I would have voted "no."

The SPEAKER pro tempore (Mr. SNOWBARGER). Without objection, the Chair appoints the following conferees: Messrs. WALSH, YOUNG of Florida, CUNNINGHAM, WAMP, LATHAM, LIVINGSTON, SERRANO, FAZIO of California, OBEY, and Ms. KAPTUR.

There was no objection.

GENERAL LEAVE

Mr. WALSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 2209) making appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes, and that I may include tabular and extraneous material.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2160, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. SKEEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2160) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico [Mr. SKEEN]?
There was no objection.

MOTION TO INSTRUCT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Ms. KAPTUR moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 2160, be instructed to recede to the Senate regarding funding levels provided under the Food and Drug Administration for the program to prevent the use of tobacco products by minors.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Ohio [Ms. KAPTUR], and the gentleman from New Mexico [Mr. SKEEN] will each be recognized for 30 minutes.

The Chair recognizes the gentlewoman from Ohio [Ms. KAPTUR].

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

(Ms. KAPTUR asked and was given permission to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, the motion I offer today instructs the conferees on the fiscal year 1998 Agriculture Appropriations Act to agree to the higher funding levels provided by the Senate for the Food and Drug Administration's Youth Tobacco Initiative.

Just this morning, Mr. Speaker, the Senate agreed to provide \$34 million, which was the full budget request, for the Food and Drug Administration Program to assist our States in enforcement and outreach efforts related to rules to prevent children, our children, from purchasing tobacco as minors.

The House bill included \$24 million for this important program, and originally the Senate had only provided \$4.9 million. But this morning, in an act of great wisdom, the Senate, on an amendment that was voiced after substantial approval was given and a motion to table defeated, voted in the Senate to raise the level to \$34 million, which was the full budget request.

Mr. Speaker, our bill here in the House included \$24 million for this important program. Our motion would simply instruct our House conferees to agree to the funding levels for the Food and Drug Administration provided by the Senate, therefore, fully funding this important initiative to protect our Nation's children.

Mr. Speaker, I do not need to point out, I suppose, that nearly 90 percent of adult smokers in our country began doing so before the age of 18. In fact, at current rates, more than 5 million children under age 18 who are alive today will be killed by smoking-related diseases. So we are talking about the lives of millions of our children.

We know that every year more than \$1 billion in tobacco products are illegally sold to minors. I underline "illegally" sold to minors in this country. And as much as \$50 billion is spent every year in our country on smoking-related medical care.

Providing \$34 million, \$10 million more than in the House agreement but meeting the full budget request, will help our States set up enforcement programs and educate retailers and the public on the new Food and Drug Administration youth tobacco rules. It seems to me this is the least we can do to protect our country's future and our children.

I urge my colleagues to support this motion, and I reserve the balance of my time.

Mr. SKEEN. Mr. Speaker, with all due respect to the gentlewoman from Ohio [Ms. KAPTUR], I concur that this is a very important issue for all of us. I share the gentlewoman's concern, but we have many differences in these two bills, and I strongly believe that the House should not, should not be instructing its conferees to accept a Senate position on any issue before the conference has even begun.

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