

port for her preservation and return to service.

Whereas in response to this support, the Presidential Yacht Trust, in consultation with the United States Navy, has determined that the proper future of the Sequoia is her return to Government service in the United States Navy as the Presidential yacht; and

Whereas the Presidential Yacht Trust has taken steps to fully restore the Sequoia by November 15, 1938, to donate her to the Navy as a gift of the Presidential Yacht Trust and the American people, and to establish an endowment sufficient for her future operation and maintenance; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), that Congress—

(1) recognizes the unique significance of the former Presidential yacht Sequoia which has made her a symbol of American political heritage and the Office of the President;

(2) supports the plans of the Presidential Yacht Trust to donate the Sequoia, with an endowment sufficient for her operations and maintenance, to the United States Navy for service once again as the presidential yacht.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SISISKY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on Senate Concurrent Resolution 98, the Senate concurrent resolution just concurred in.

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

There was no objection.

PERMISSION TO REVISE AND EXTEND REMARKS OF DECEMBER 11, 1985, RELATING TO H.R. 2403

Mr. SHAW. Mr. Speaker, I ask unanimous consent to revise and extend my remarks printed in the Record of December 11, 1985, relative to the consideration of the bill H.R. 2403 and request that my remarks be appropriately inserted therein.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2451

Mr. SHAW. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of the bill, H.R. 2451.

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

There was no objection.

RESCINDING APPROVAL OF HOUSE CONCURRENT RESOLUTION 262, CORRECTING ENROLLMENT OF HOUSE JOINT RESOLUTION 187, DIRECTING THE CLERK TO MAKE CORRECTION IN ENROLLMENT OF HOUSE JOINT RESOLUTION 187

Mr. SEIBERLING. Mr. Speaker, I send to the desk a concurrent resolution (H. Con. Res. 263), and I ask unanimous consent for its immediate consideration in the House.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 263

Resolved by the House of Representatives (the Senate concurring). That the approval of H. Con. Res. 262, correcting the enrollment of H.J. Res. 187, is hereby rescinded and in lieu thereof the Clerk of the House of Representatives shall make the following correction in the enrollment of said H.J. Res. 187, to approve the "Compact of Free Association", and for other purposes:

In the second sentence of subsection (1) of section 105, after the words "Fish and Wildlife Service," insert "the National Marine Fisheries Service."

Mr. SEIBERLING (during the reading). Mr. Speaker, I ask unanimous consent that the concurrent resolution be considered as read and printed in the RECORD.

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

Mr. WALKER. Mr. Speaker, reserving the right to object, do I understand this is the legislation that makes a correction in the correction that was made yesterday to the correction that was made several days before that?

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield under his reservation?

Mr. WALKER. Mr. Speaker, under my reservation I yield to the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

No, this is a correction of the correcting resolution of yesterday which corrected the original bill, the Compact of Free Association.

Yesterday's resolution had a typographical error in it which we did not catch.

Mr. WALKER. Further reserving the right to object, may I inquire of the gentleman, the bill goes no further than that, making that correction?

Mr. SEIBERLING. If the gentleman will yield further, that is absolutely all that it does.

Mr. WALKER. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

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

There was no objection.

The concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the matter just acted upon.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF RESOLUTION REPORTED BY COMMITTEE ON RULES PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 3128, DEFICIT REDUCTION AMENDMENTS OF 1985

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 342 and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 342

Resolved. That during the remainder of the first session of the Ninety-ninth Congress, the requirement of clause 4(b) of rule XI for a two-thirds vote to consider a report from the Committee on Rules on the same day reported is hereby waived against any resolution reported from that committee providing for the consideration of a conference report, or any amendment reported from conference in disagreement, on the bill (H.R. 3128) to provide for reconciliation pursuant to section 2 of the first concurrent resolution on the budget for fiscal year 1986 (S. Con. Res. 32, Ninety-ninth Congress).

The SPEAKER pro tempore. The gentleman from Texas (Mr. Frost) is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. Latta) pending which I yield myself such time as I may consume.

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

Mr. FROST. Mr. Speaker, House Resolution 342 is a very simple and straightforward rule. It waives the rule of the House, clause 4(b) of rule XI, which requires that no resolution reported from the Committee on Rules can be considered in the House on the same day it is reported from the Committee on Rules unless the House by a two-thirds vote agrees to consider such resolution. This rule is waived solely for any resolution subsequently reported by the Committee on Rules providing for the consideration of a conference report, or any amendment reported from the conference in disagreement, on the bill H.R. 3128, the Deficit Reduction Amendments of 1985.

Under the provisions of clause 4(b) of rule XI, a two-thirds vote for consideration of a rule in the House on the same day it is reported from the Committee on Rules is not applicable during the last 3 days of the session of Congress. However, since we have not as of this date adopted an adjournment resolution for the 1st session of the 99th Congress, this provision of clause 4(b) had not become operative to negate the need for a two-thirds vote to consider a rule on the floor on the same day it is reported from the Committee on Rules.

Mr. Speaker, as my colleagues are aware, the conferees on H.R. 3128 are close to reaching agreement on a conference report. Disposition of the Deficit Reduction Amendments of 1985 should be completed before the 1st session of the 99th Congress adjourns. While it is unfortunate that the conference report must be brought forth for this 11th-hour consideration, failure to act would be a grave mistake. The conference report represents the commitment of the Congress to take positive action to implement the fiscal goals we set forth with adoption of the Budget Resolution on August 1. Failure to act will demonstrate that, in fact, we do not have the will to reduce the deficit.

The Rules Committee reported House Resolution 342 earlier this week in anticipation of a late agreement and filing on H.R. 3128. Later today, our committee will hold an emergency meeting and consider a rule waiving points of order against the conference report. Adoption by the House of the rule currently under consideration will permit the consideration of the rule on the conference report today without the requirement that two-thirds of Members present and voting agree to its consideration. The rule reported today would still need the concurrence of a majority of the House to make the conference report in order. Adoption of the resolution now under consideration will serve to clear the way for the House to dispose of H.R. 3128 and finally allow the session to come to a close.

Mr. Speaker, I urge adoption of the rule.

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

Mr. Speaker, very briefly, this rule provides that you can bring up the reconciliation on the same day that the Rules Committee reports it out. The gentleman has indicated we will probably be going into the Rules Committee, if this rule is agreed to, about a quarter of 3. But there are some controversial matters in that conference report on reconciliation. I think that certainly if we are going to pass that conference report on reconciliation today the Rules Committee is going to have to take this under advisement and to make a couple of amendments to that conference report. I have reference to the value-added tax that this House voted on. They voted that they

did not want to come up with a new system of taxation that could be added to every time you turn around or every time they needed money.

The chairman of the Committee on Ways and Means was unalterably opposed to it, but, unfortunately, he was rolled in committee.

We now have back, or will have back, before this House a matter that the House has expressed its will on, namely, the value-added tax.

Second, there is an item dealing with teenage pregnancies that the gentleman from Illinois [Mr. HYDE] is very much interested in.

Mr. Speaker, for that purpose I yield 2 minutes to the gentleman from Illinois [Mr. HYDE].

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

Mr. HYDE. I thank the gentleman.

Mr. Speaker and ladies and gentlemen of the House, this reconciliation bill is going to be very controversial. In addition to the value-added tax and other issues, the bill has within its confines a new program, a Teenage Pregnancy Program, which passed the House with an amendment which said none of the funds in this new program may be used to counsel for abortion or to refer teenage pregnant girls for abortion.

With that proviso, it passed. That was stripped in the conference by the gentlemen in the other body, and they have been intransigent in our efforts to get it back in.

So now we are going to have a new program that provides Federal funds for teenage girls who are pregnant, to counsel them and refer them for abortions.

That is something that I cannot stand idly by and let happen. I am going to resist it as much as I can. I think a defeat of this resolution will go a long way toward perhaps a reconsideration by the conferees at the unwisdom of their injecting this new program with this new proabortion dimension into this important legislation at this late hour.

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

Mr. FROST. Mr. Speaker, does the gentleman from Ohio have any other requests for time?

Mr. LATTI. If the gentleman will yield, yes, I have three requests for time.

Mr. FROST. Mr. Speaker, I yield 5 minutes, for purposes of debate only, to the majority leader, the gentleman from Texas [Mr. WRIGHT].

□ 1415

Mr. WRIGHT. Mr. Speaker, we are deciding right now whether we can consider the reconciliation bill today or not. If this resolution is voted down, it means one of two things. Either we leave without considering the reconciliation bill and, in so doing, betray the promise we made to make certain deficit reductions, or, on the other hand,

it means that we have to be in session tomorrow.

I think everyone has operated upon the clear assumption that this was the last day of the session. We intend to adjourn at the end of the day. I think it would just doom any effort to have a reconciliation bill of any kind if we were to reject this amendment at this time. For that reason, I would plead with Members of all types and political persuasions, whatever their individual objection to any measure contained in the reconciliation bill may be, to weigh that alongside the importance of the House as an institution being able to fulfill its commitment to deficit reduction.

We boldly, and I think honestly and earnestly, made the commitment that we would make the specific reductions in the deficit. If we do not pass this bill, we will have betrayed that commitment. Therefore, it seems to me important that we at least grant the privilege to the Rules Committee of letting us have an opportunity to vote on whatever the conferees agree to, so that a judgment may be made at that time.

If the gentleman from Illinois or others have objections at that time, depending upon what is contained in the conference committee report, they certainly would be within their rights to vote against the conference committee report. But it seems plausible to me that if we were to reject this request, we would either be dooming the Congress to having to be in session tomorrow, which I do not think likely, or even possible, because I do not think we would be able to retain a quorum, or, on the other hand, dooming us to fail to make our commitment to deficit reduction.

Therefore, I would urge the gentlemen to reconsider and not to oppose this rule, but to let us at least consider the conference committee report in a timely way so that whatever happens, then we can adjourn this evening and go home.

Mr. LATTI. Mr. Speaker, I yield 2 additional minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. I thank the gentleman for yielding.

Mr. Speaker, in response to the majority leader, I am the last person in the world who wants to cause discomfort or slow down the exodus from this city at this time of the year. But sometimes you run into a brick wall and people are, in my characterization, unreasonable. They inject controversial issues into otherwise important bills at the 11th hour, when you have no opportunity to debate them in a deliberative fashion. And so one uses what limited little tools one has. And this happens to be one limited little tool.

So being truthful to myself in what I believe in, I have to do what I can to get some reason to penetrate Mount Olympus where these gentleman reside, and I intend to do so.

Mr. BONIOR of Michigan. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to my friend, the gentleman from Michigan.

Mr. BONIOR of Michigan. Mr. Speaker, I understand and respect the views of my colleagues on this issue. While I think generally I have stood with my colleague on this issue, and plan to today in committee if this issue is brought up, I will tell him, I do not know where the votes will be in committee, quite frankly. I do not know who is left here this afternoon to vote. But I would hope we would be able to go through with this resolution and pass it and then take it as it comes within the next hour, I suspect, up in the Rules Committee. If we have the votes to sustain the position that both you and I hold to bring it to the floor, then so be it. I cannot assure you that we do, I cannot assure you that we do not. But I hope we would not delay the proceedings here.

Mr. HYDE. Would the gentleman give me some assurances that I would have an opportunity, then, as a result of the rule that is going to be issued shortly, to offer an amendment on the floor to restore the House language to this section?

Mr. BONIOR of Michigan. I would suggest to the gentleman that I will be helpful in trying to get that accomplished upstairs. I cannot guarantee you, though, that we are going to have the votes to do that.

Mr. HYDE. Have you any influence over Mr. Frost, who is sitting there?

Mr. BONIOR of Michigan. Well, he sits in front of me, so—

Mr. LATTA. Mr. Speaker, I yield myself 15 seconds.

Let me assure the gentleman from Illinois that I will do everything I possibly can to see that the House has an opportunity to vote on this matter.

Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska [Mr. DAUB]. (Mr. DAUB asked and was given permission to revise and extend his remarks.)

Mr. DAUB. Mr. Speaker, may I inquire of either of the gentlemen on the Rules Committee if it is possible that this particular request be withdrawn at this time for the purpose of a Rules Committee meeting to, in fact, issue the rule, after which time I think all of us would then be comfortable waiving the two-thirds requirement but up until the time that we are aware of what that rule will contain, not only the concern of the gentleman from Illinois, but let me say this gentleman is most concerned about having to take the VAT, for the purpose of funding Superfund, out of a rule granted for the purpose of reconciliation.

I recognize that is not this body's wish that that particular predicament is posed to us by the other body; but, nonetheless, it is the problem.

So it seems to me we could solve all of this dilemma by knowing what the rule itself would contain and avoid the

need for this rule to waive the two-thirds requirement, which is the only protection we have at this point.

I yield to a Rules Committee member for an answer.

Mr. FROST. In answer to the gentleman, the committee will not withdraw the request. The committee intends to proceed with the rule at this point.

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

Mr. DAUB. I yield to the majority leader.

Mr. WRIGHT. Mr. Speaker, let me just appeal to the gentleman's broader sense of responsibility.

I respect the view of the gentleman from Illinois with regard to the question of teenage pregnancies and abortion. I respect the view of the gentleman now in the well.

It is impossible to get total agreement on the part of all of our colleagues with regard to the content of a conference committee report. That is what we have conferees for. And I just ask anybody in this House to put against the overriding question his individual objection to something that may or may not be in the rule. If we do not adopt this rule at this time, we are not going to have a reconciliation bill.

Now, if we do not have a reconciliation bill, here is what it will cost the taxpayers of the United States every day of the year to come: It is going to cost \$200 million a day.

Now, if you are willing to take that responsibility on your shoulders, vote against this rule. If you are willing to allow us to have the opportunity to adopt a rule when it comes and have a chance to vote in a majority fashion on the conference report, then vote for this rule.

Mr. DAUB. Let me say—and this may not be a direct enough response to the distinguished majority leader—if indeed we waive the two-thirds requirement now, get a rule that includes some of the things that are objectionable, pass that particular reconciliation bill with those matters contained therein, send it to the other body and their intransigence continues, we are still without reconciliation.

I say to the distinguished majority leader and to all of my colleagues that while I would wish reconciliation, I would not wish it at the expense of this body being pushed around on the last day of the session.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, let us make it very clear: We can bring reconciliation to the floor even if we do not have this rule, because the rules of the House allow another rule to be brought out here that would commend a two-thirds vote.

What we are trying to do is get by the rules of the House which demand that if you are going to bring a rule on

an emergency basis to the floor, that you get a two-thirds vote.

Well, what will that do? That will put some pressure on the Rules Committee to come up with a rule and make in order a reconciliation bill that has a chance of getting a two-thirds vote on the rule.

What does that mean? Well, it means that they are going to have to deal with the value-added tax issue, it means they are going to have to deal with the abortion issue.

It seems to me that is what we want to force at the present time; we want to have them deal with those two issues in a way that at least gives the Members of this House a chance to speak to those very important issues.

If we pass this rule and confine ourselves to a majority vote, what the majority leader seems to be telling us is, he will not bring reconciliation forward. Then it is his fault. It is not the fault of this House. It will be the fault of the Democratic leadership for not bringing reconciliation forward.

I say we ought to reject this rule and give ourselves the rights for the Members to take up the legislation under the order of the House. The order of the House would command that if we bring a rule to the floor today on this matter, it be passed by two-thirds of the membership. That is what we ought to operate under. There is no reason why the Rules Committee cannot craft a rule on this matter that will get a two-thirds vote here later this afternoon. That is what we ought to do. We ought to reject this rule, we ought to bring forward a rule later on which takes the two-thirds vote, and then we ought to move from there to the reconciliation bill which then would have the support obviously of a majority of the Members of this House.

That is the pattern that is going to get us reconciliation, that is the pattern that is going to save us the \$200 million a day. We certainly are not going to get it if we go along with this particular process.

This particular process only assures that those people in the House who want to force down the throats of the American people unacceptable abortion language, and want to force down the throats of the American people a value-added tax, get their way. This particular rule should be rejected.

Mr. LATTA. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. FRENZEL].

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

Mr. FRENZEL. Mr. Speaker, if we pass this rule, the House will be conceding any leverage it has on the reconciliation bill.

It has already been pointed out that there are two issues which are dripping with controversy. One of them is the VAT tax which this House rejected very recently. Unless the Rules

Committee exercises heroic measures, which I hope it will do, that VAT tax, the national sales tax, will be visited on the United States of America. A majority of this House has said by vote that it does not want that to happen.

Even though we believe that the Rules Committee will do its darndest to take care of the problem in its rules, we have no assurance that it will be able to do so. Without a guarantee, I, and many others, are going to vote against this rule because we don't know the shape of the rule that the Rules Committee will bring to us.

The other item in dispute deals with abortion counseling. I am a little surprised to find myself agreeing with my friend from Illinois [Mr. HYDE] on this subject, but I have no choice. He is dead right. He would be crazy if he gave up the leverage he has, because his uncertainty over abortion must be as great as mine with the VAT. He must protect his position against Senate language not in the House version. I agree with, and will support, that position.

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

Mr. FRENZEL. I yield to the gentleman from Vermont.

Mr. JEFFORDS. Mr. Speaker, I just want to point out that there is a third issue here about which I raised the awareness of the body before.

Mr. FRENZEL. Be my guest.

Mr. JEFFORDS. Also contained herein, somehow sneaking in, is that we should continue indefinitely the club over the States to raise the drinking age. I intend to vote against the rule for that reason.

Mr. FRENZEL. I thank the gentleman for his contribution. There are at least three highly controversial items, and perhaps more, in the reconciliation bill.

Mr. Speaker, the body ought to be able to see very readily that we have got a big problem here. Members are not going to give up their rights until we see the rule in question.

The problem, Mr. Speaker, is that this House and its leadership has been dilatory in bringing this bill to the floor. In 1981, we had reconciliation in August.

We are obligated by law to pass a budget resolution in May. We should be reconciled before the August recess. Instead, we have sat around and diddled, and picked our nose, and made pious statements, for 6 months. And still the bill was not brought to the floor.

After both Houses passed reconciliation bills we still sat and fiddled for 3 weeks before we went into conference. It is utterly ridiculous that we should sit around here for 6 months for political reasons, and then at the last moment have all of these controversial items dumped on us.

We are being asked to surrender whatever principles we have for the greater glory of saving a few bucks for

the majority leader each day. For the record, after subtracting the effect of other bills, there is but \$12 billion in savings over 3 years in the bill.

□ 1430

As far as I am concerned, the reconciliation bill was a cream puff to begin with. It is not going to do a great deal of good for our budget distress. It would be better if we went back and started over again.

Mr. Speaker, I urge a no vote on the rule.

Mr. LATTA. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, let me just point out one thing that we seem to be overlooking here. All this rule does is to provide that we will not have to have a two-thirds vote to bring up the rule that might come out in the Rules Committee, and as the majority leader has pointed out, we could be in session tomorrow, so we would not have to have a two-thirds vote if this goes down.

Mr. BONIOR of Michigan. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I am happy to yield to the gentleman from Michigan.

Mr. BONIOR of Michigan. Mr. Speaker, the gentleman is absolutely correct. I agree 100 percent with the position taken by the gentleman from Minnesota [Mr. FRENZEL]. I agree 100 percent with the position on the issue here as advocated by the gentleman from Illinois [Mr. HYDE]. If Members would work as hard on sustaining the majorities that they have sustained on a bad issue or on the abortion issue as the gentleman from Minnesota [Mr. FRENZEL] has challenged the leadership of this House to work, there would not be any problem.

If Members want to get out of here tomorrow, we have got to pass this resolution today, and we will bring a rule here to the floor which will give them, I believe, an opportunity to express themselves on both of these issues.

Mrs. SCHNEIDER. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Rhode Island.

Mrs. SCHNEIDER. Mr. Speaker, I must take issue with the whole procedure of acting expediently in order for us to move out of here. There is very little question of what we are doing insofar as working to assure that we not have a value-added tax, that we not have a consumer tax. The members of this party have worked exceedingly hard and members of the gentleman's own party have worked exceedingly diligently in assuring that.

It seems to me that this is a procedural opportunity we are entitled to. For the gentleman to say we ought to hurry up and get out of here because of Christmas, I think, is irresponsible when we are talking about the levying of a value-added tax that will assure us of an increased weight on the consumer for not only today but for years to come. I think this is the kind of a

move that citizens should be up in arms about.

The SPEAKER pro tempore. The time of the gentleman from Ohio [Mr. LATTA] has expired.

Mr. LATTA. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, I am being led to believe from the majority side, especially by the members of the Rules Committee, that they will be agreeable to a rule, if this particular resolution we now have under consideration is agreed to, and that we will have a rule out of the Rules Committee that will provide an opportunity to vote on these two matters. Am I correct in that?

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

Mr. LATTA. I am happy to yield to the gentleman from Texas to answer the question.

Mr. FROST. Mr. Speaker, let me say to the gentleman from Ohio [Mr. LATTA] that I will respond to his question in this way:

There can be no assurance that there will be individual amendments made in order. There may well be, given the past voting patterns in the Rules Committee, as the gentleman knows, but until those votes are taken in the Rules Committee there can be no assurance.

However, if the gentleman is not successful in getting separate votes on these issues, then he obviously has a remedy; he can vote against the rule when it comes back and he may be able to defeat the rule if we do not take those matters in consideration.

Mr. BONIOR of Michigan. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Michigan.

Mr. BONIOR of Michigan. Mr. Speaker, I think the gentleman from Texas [Mr. Frost] has stated it well, given the past voting histories of members of the Rules Committee, and on the question the gentleman from Illinois [Mr. Hyde] raises and on the value-added tax we will be sustained.

The reason I cannot give the gentleman assurances is that I frankly do not know who is going to be around when we meet in an hour or so. But my position is very clear on this, as I believe is that of the gentleman from Ohio and other members of the committee. We will try to do the best we can to sustain the House with regard to the value-added tax.

Mr. SMITH of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Speaker, I would just like to ask the gentleman from Michigan or the gentleman from Texas, is there anything to prevent postponing action on this rule following on with what the gentleman from Nebraska [Mr. DAVIS] was suggesting, and then rolling this resolution into another rule that would be

offered later on today with a VAT amendment in order and with language permitting the consideration of the Campbell amendment?

By way of background, let me advise Members that as approved by the House, section 302 of H.R. 3128 established a new \$150 million teenage pregnancy program under title IV of the Social Security Act. That program passed the House without substantial debate only because it included a provision on abortion introduced by Representative CARROLL CAMPBELL and approved by the House Ways and Means Committee. The Campbell amendment forbids any part of this program from becoming involved in the performance of abortions, and forbids all counseling for abortions except where the life of the mother would be endangered if the fetus were carried to term.

Both parts of the Campbell amendment were vitally important. Certainly a program designed to help teenage mothers and their children to achieve self-sufficiency should not be engaged in the destruction of those children prior to birth. Certainly programs subsidized by Federal funds should not be advocating abortions for teenagers, particularly in circumstances where Congress so strongly opposes abortion that it forbids the use of Federal funds to support it through the Hyde amendment.

On December 12, the House-Senate conference dealing with this program suddenly deleted the Campbell amendment. This amounts to a blatant effort to force upon this body a policy which it would never approve on its merits: a policy of allowing federally funded programs to perform and promote abortions among young people. I urge my colleagues not to be forced into this intolerable situation by the pressure to complete consideration of this bill.

So, Mr. Speaker, I think it behooves the Rules Committee to give us our shot at it, as well as those including myself who oppose the VAT.

Mr. FROST. Mr. Speaker, if the gentleman will yield, in response to the gentleman's question, it cannot be rolled into one rule. There has to be a separate vote on the question of the two-thirds. They are two separate items.

The SPEAKER pro tempore. The time of the gentleman from Ohio [Mr. LATTA] has again expire.

Mr. LATTA. Mr. Speaker, I yield myself 1 additional minute.

Mr. SMITH of New Jersey. Mr. Speaker, will the gentleman yield further?

Mr. LATTA. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Speaker, I would just ask the gentleman from Texas [Mr. FROST], what then prevents us from withdrawing the resolution right now and coming back at a later time?

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

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

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

The point is, though, that what we could have is to have the Rules Committee come up with a rule and then bring down a separate rule waiving the two-thirds requirement, and then we could have a vote on the rule itself making in order the question of reconciliation, so that we would be operating from a real base of knowledge here, knowing what the rule is that we are waiving the two-thirds requirement on.

That was specifically refused as a procedure. It would have been a far better procedure, particularly since it is admitted that we do not even know what Rules Committee members are in town. We do not have any idea what they may be able to do and what they cannot do. It would be a far better procedure to proceed in that way than the way in which we are proceeding right now.

Mr. SMITH of New Jersey. Mr. Speaker, if the gentleman will yield, it is my understanding that the Rules Committee is going into session at 2:45. Why not hold this up now and go on and see what the Rules Committee produces?

The SPEAKER pro tempore. The time of the gentleman from Ohio [Mr. LATTA] has expired.

Mr. FROST. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, in response to the gentleman from Pennsylvania [Mr. WALKER], let me say that we cannot do what he has suggested because that would be a new rule coming out of the Rules Committee which in and of itself would have to lay over for 24 hours. The only procedure that we can follow is the procedure we are pursuing at this moment.

Mr. LATTA. Mr. Speaker, I yield myself 2 minutes.

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

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

Mr. LUNGREN. Mr. Speaker, I am somewhat confused by the last exchange. Is the gentleman telling us that the Rules Committee cannot withdraw this present rule and bring it back a little bit later, after we know what the rule is?

Mr. FROST. Mr. Speaker, if the gentleman will yield, in response to the gentleman's question and the question of the gentleman from Pennsylvania, under the rules of the House, any rule that comes out of the Rules Committee must lay over for 24 hours. If we withdrew this and brought back a new rule at a later time, we would then have to get a two-thirds vote for that.

Mr. LATTA. Mr. Speaker, let me clarify that. What the gentleman is saying is absolutely true, but that is not answering the question of the gentleman from California.

Mr. LUNGREN. My question is, why not withdraw this rule and then bring this rule back later? That is my question.

Mr. LATTA. There is not any question that they could do that, but the leadership does not want to do that.

Mr. LUNGREN. Mr. Speaker, will the gentleman yield further?

Mr. LATTA. I am happy to yield to the gentleman from California.

Mr. LUNGREN. Mr. Speaker, I have heard the expression of concern from the majority leader suggesting that we ought to act now and give up our principles here in the cause of the greater good, and it just seems to me that if we can hurl that argument one way, we can hurl it back and suggest that "you've got a problem here, folks."

It seems to me that if you are concerned about it, you can withdraw this rule until you show us what kind of a rule you are going to come up with, because you have said to us that you cannot give us a commitment that will cover the things people are concerned about, and at such time as you bring it back you can probably pass it and we can get this mess over with.

But right now you are telling us we should get rid of our leverage that we have about important issues, issues that we consider of the highest concern, because we are going to rush to get away for Christmas. We should have been out of here on October 3, and we are here now late in December.

The SPEAKER pro tempore. The time of the gentleman from Ohio [Mr. LATTA] has again expired.

Mr. LATTA. Mr. Speaker, I yield myself 1 additional minute.

Mrs. SCHNEIDER. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I am happy to yield to the gentleman from Rhode Island.

Mrs. SCHNEIDER. Mr. Speaker, I would just like to add briefly that if we are talking about the Christmas rush, I would like to remind my colleagues that the President has made it very clear in conference, in letters, and in various sectors that he will veto reconciliation if it contains the value-added tax. So we are going to be back where we are right now today unless we keep that in mind. There is no point in our rushing ahead with a faulty bill that includes the value-added tax.

Mr. FROST. Mr. Speaker, if the gentleman will yield, in response to the question just posed, the committee will not withdraw the rule. We will proceed on this rule at this time.

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

Mr. FROST. Mr. Speaker, has the gentleman yielded back all of his time?

Mr. LATTA. I have reserved my time.

Mr. FROST. Mr. Speaker, the issue is very clear. The issue is whether we want to vote on reconciliation or not today. Those Members who do not want to vote on reconciliation today or

who are not happy with the rule that is granted by the Rules Committee will have the opportunity to vote "no" on that rule when it is reported out later this day. They clearly have their remedy. All this does is to permit us to consider a rule on reconciliation today, and if that rule is passed, then we will vote on reconciliation today.

Mr. Speaker, I urge adoption of this rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. FROST. 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 239, nays 136, answered "present" 1, not voting 58, as follows:

(Roll No. 477)

YEAS—239

Akaka	DioGuardi	Kennelly
Alexander	Donnelly	Kildee
Anderson	Dorgan (ND)	Kolbe
Andrews	Duncan	Kolter
Annunzio	Durbin	Kostmayer
Anthony	Dwyer	Lagomarsino
Aspin	Eymally	Lantos
Atkins	Eckart (OH)	Latta
AuCoin	English	Leath (TX)
Barnes	Erdreich	Leland
Barton	Evans (IL)	Levin (MI)
Bates	Fascell	Livine (CA)
Beck	Fawell	Lewis (FL)
Bellenson	Fazio	Livingston
Bennett	Feighan	Lloyd
Berman	Fields	Long
Bevil	Foglietta	Lowery (CA)
Boggs	Foley	Lujan
Boner (TN)	Fowler	Luken
Honor (MI)	Frank	Lundine
Bonker	Frost	Lungren
Borski	Garcia	MacKay
Bosco	Gaydos	Madigan
Boucher	Gejdenson	Manton
Boxer	Gephardt	Markey
Breaux	Gibbons	Matsui
Brooks	Glickman	Mavroules
Brown (CA)	Gradison	Mazzoli
Bruce	Gray (PA)	McCloskey
Bryant	Green	McCurdy
Burton (CA)	Grotberg	McDade
Bustamante	Guarini	McHugh
Campbell	Hall (OH)	Meyers
Carper	Hall, Ralph	Mica
Carr	Hamilton	Mikulski
Chappell	Hatcher	Miller (CA)
Clay	Hawkins	Mineta
Clinger	Hayes	Mitchell
Cocilho	Hefner	Moakley
Coleman (TX)	Holt	Mollohan
Collins	Hopkins	Moody
Conte	Hoyer	Moore
Cooper	Hubbard	Morrison (CT)
Courter	Huckaby	Mrazek
Coyne	Hughes	Murphy
Darden	Hunter	Murtha
Daschle	Hutto	Natcher
Daub	Hyde	Neal
Davis	Jacobs	Nelson
de la Garza	Jenkins	Novak
Dellums	Johnson	O'Brien
Derrick	Jones (NC)	Oskar
Dickinson	Jones (OK)	Oberstar
Dicks	Jones (TN)	Olin
Dingell	Kanjorski	Ortiz

Owens	Schumer	Thomas (CA)
Panetta	Selberling	Thomas (GA)
Pease	Shelby	Torres
Pepper	Sikorski	Torrice
Perkins	Siskis	Towns
Pickle	Skeen	Udall
Rahall	Slattery	Valentine
Rangel	Smith (FL)	Vander Jagt
Ray	Smith (NE)	Vento
Ridge	Smith (NJ)	Visclosky
Rinaldo	Snyder	Waxman
Ritter	Solarz	Weiss
Robinson	Spratt	Wheat
Rodino	St Germain	Whitley
Roe	Staggers	Whittaker
Roemer	Stark	Williams
Rogers	Stenholm	Wilson
Rose	Stokes	Wise
Rostenkowski	Stratton	Wortley
Rowland (GA)	Studds	Wright
Rudd	Stump	Wyden
Sabo	Swift	Yates
Savage	Synar	Yatron
Scheuer	Talton	Young (AK)
Schroeder	Tauzin	

NAYS—136

Applegate	Goodling	Regula
Archer	Gunderson	Reid
Armey	Hammerschmidt	Roth
Badham	Hansen	Roukema
Bartlett	Hartnett	Rowland (CT)
Bateman	Hendon	Saxton
Bentley	Henry	Schaefer
Bereuter	Hertel	Schneider
Billakis	Hill	Schuette
Bliley	Ireland	Schulze
Boehlert	Jeffords	Shaw
Boulter	Kasich	Shumway
Brown (CO)	Kemp	Shuster
Broyhill	Kleczka	Siljander
Burton (IN)	Kramer	Skelton
Callahan	Leach (IA)	Slaughter
Carney	Lent	Smith (IA)
Chandler	Lewis (CA)	Smith, Denny
Chappie	Lightfoot	(OR)
Cheney	Loeffler	Smith, Robert
Coats	Lott	(NH)
Cobey	Lowry (WA)	Smith, Robert
Coble	Mack	(OR)
Coleman (MO)	Martin (IL)	Snow
Combest	Martin (NY)	Solomon
Coughlin	McCaIn	Spence
Craig	McCandless	Stallings
Crane	McCollum	Stangeland
Danemeyer	McKernan	Strang
DeLay	McMillan	Sundquist
DeWine	Michel	Sweeney
Dornan (CA)	Miller (OH)	Swindall
Dorney	Miller (WA)	Tauke
Dreier	Mollinari	Taylor
Dyson	Moorhead	Trafficant
Eckert (NY)	Morrison (WA)	Volkmer
Edgar	Myers	Vucanovich
Emerson	Nielson	Walgren
Evans (IA)	Obey	Walker
Fiedler	Oxley	Weber
Fish	Packard	Wolf
Franklin	Parris	Wolpe
Frenzel	Pashayan	Wylie
Gallo	Penny	Young (FL)
Gekas	Petri	Zachau
Gilman	Porter	
Gingrich	Pursell	

ANSWERED "PRESENT"—1

Gonzales
NOT VOTING—58

Ackerman	Fuqua	Monson
Addabbo	Gordon	Montgomery
Barnard	Gray (IL)	Nichols
Biaggi	Gregg	Price
Boland	Hefstel	Quillen
Broomfield	Hillis	Richardson
Byron	Horton	Roberts
Chapman	Howard	Roybal
Conyers	Kaptur	Russo
Crockett	Kastenmeier	Sensenbrenner
Daniel	Khuddess	Sharp
Dixon	LaFalce	Traxler
Dowdy	Lehman (CA)	Watkins
Early	Lehman (FL)	Weaver
Edwards (CA)	Lipinski	Whitehurst
Edwards (OK)	Marienee	Whitten
Flippo	Martinez	Wirth
Florio	McEwen	Young (MO)
Ford (MI)	McGrath	
Ford (TN)	McKinney	

□ 1455

Messrs. PASHAYAN, MILLER of Washington, KEMP, WOLPE, and PENNY changed their votes from "yea" to "nay."

Messrs. LATTA, MOLLOHAN, SMITH of New Jersey, MILLER of California, DAUB, LEWIS of Florida, HOPKINS, STUMP, GEJDENSON, and MADIGAN changed their votes from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SHUTDOWN OF SHUTTLE FLIGHT TODAY

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

Mr. NELSON of Florida. Mr. Speaker and my colleagues, I want you to know how much I appreciate your encouragement, your prayers.

We counted down all the way to "T" minus 14 seconds this morning. That is 7 seconds away from main ignition. At that point the automatic sequencer shut down the countdown because of a failure of one of the hydraulic pressure units in one of the solid rocket boosters, which are the big boosters that produce 2.9 million pounds of thrust, each one of them.

NASA made the decision that they have to change this out and replace it because of the failure of that unit, so they are going to give all of those folks who have been processing this so hard for the last several weeks Christmas off and they are going to recycle and we are going to launch on January 4.

I want to assure you that I have heeded the advice of my colleague, the gentleman from Florida, DANTE FASCCELL when I get up there that I will not touch any buttons.

I want all my colleagues to know how grateful I am for your encouragement. It is an honor for me to represent this House and I will try to do you proud.

Merry Christmas.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO HAVE UNTIL 6 P.M., TUESDAY, DECEMBER 31, 1985, TO FILE LEGISLATIVE REPORT AND OVERSIGHT REPORTS

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations have until 6 p.m., December 31, 1985, to file one legislative report and four oversight reports, as follows:

Legislative report:

H.R. 3291, Federal Civilian Employees and Contractor Travel Expenses Act (per diem).

Oversight reports:

1. Human Food Safety and the Regulation of Animal Drugs.

STROM THURMOND,
EDWARD M. KENNEDY,
HOWARD M. METZENBAUM,

From the Committee on Finance—for
PBGC and ERISA Subcommittee only:

BOB PACKWOOD,
JOHN CHAFFEE,
JOHN HEINZ,
GEORGE MITCHELL,
DANIEL PATRICK
MOYNIHAN,

From the Committee on Finance—for Pri-
vate Health Insurance Coverage Subconfer-
ence only:

JOHN HEINZ,
DAVE DURENBERGER,
MAX BAUCUS,

From the Committee on Labor and
Human Resources—for PBGC and ERISA
Subconference only:

ORRIN HATCH,
DON NICKLES,
STROM THURMOND,
EDWARD M. KENNEDY,
HOWARD M. METZENBAUM,

From the Committee on Environment and
Public Works:

(For Superfund authorization only):

JOHN H. CHAFFEE,
LLOYD BENTSEN,

From the Committee on Governmental
Affairs:

W.V. ROTH, Jr.,
TED STEVENS,
WILLIAM S. COHEN,
TOM EAGLETON,
CARL LEVIN,
ALBERT GORE, Jr.,

From the Committee on the Budget—gen-
eral conferees:

PETE V. DOMENICI,
W.L. ARMSTRONG,
NANCY LONDON

KASSEBAUM,
RUDY BOSCHWITZ,
FRITZ HOLLINGS,
J. BENNETT JOHNSTON,
HOWARD M. METZENBAUM,

From the Committee on Small Business:

LOWELL P. WEICKER, Jr.,
SLADE GORTON,
DALE BUMPERS,

Managers on the Part of the Senate.

H. Res. 349

Resolved, That upon the adoption of this resolution the conference report on the bill (H.R. 3128) to provide for reconciliation pursuant to section 2 of the first concurrent resolution on the budget for fiscal year 1986 (S. Con. Res. 32, Ninety-ninth Congress) shall be considered as having been rejected, and the House shall be considered to have receded from its amendment to the Senate amendment to said bill, and to have concurred in the Senate amendment with an amendment inserting in lieu of the Senate amendment an amendment consisting of the text of the conference report, with the following modification: strike out Subtitle B of Title XIII.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. LATTA], pending which I yield myself such time as I may consume.

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

Mr. DERRICK. Mr. Speaker, this resolution provides that upon adoption of the rule, the House is deemed to have rejected the conference report to accompany H.R. 3128, the Deficit Reduction Amendments of 1985. It further provides that the House shall be deemed to have receded from its position, and to have concurred in the Senate amendment to the bill, with an amendment.

The amendment to the Senate amendment shall consist of the substitute amendment reported from the committee on conference as modified by the deletion of certain sections of the conferees' amendment. The sections which would be stricken from the conference committee's amendment are those which relate to the broad-based tax proposed by the conferees as a means of funding the Superfund Program. The adoption of the rule would effectively remove Superfund funding from the bill, leaving the other body to deal with this modified version of the conferees' decision.

Mr. Speaker, the procedure being employed by this rule is an unusual one. The Rules Committee chose to recommend this approach after sensing that the House indeed wants to see the enactment of a reconciliation measure but has indicated opposition to the use of the broad-based tax to finance the Superfund Program. The committee made its decision after hearing the concerns of several Members of the House earlier this evening who voiced strong opposition to the adoption of the manufacturers' excise tax. While the other body considers the approach an appropriate one, the House clearly rejected it during consideration of Superfund reauthorization legislation on the floor of the House. Further, it has been the position of the House to deal with the taxing provisions related to Superfund as part of the overall reauthorization of that program. And as our colleagues

are aware, that issue was recently considered on the floor of the House.

Adoption of this rule, therefore, allows the reconciliation process to be concluded in the Congress tonight while leaving the issue of Superfund financing to be resolved next year by the conferees on the Superfund reauthorization bill.

Mr. Speaker, having been very much involved in the reconciliation process as chairman of the budget process and reconciliation task force of the Budget Committee. I am pleased that agreement has been reached on this very important piece of legislation. This represents the tireless efforts of 16 House committees and 12 Senate committees, working since the Congress adopted the conference report on the budget resolution on August 1. The 3-year reconciliation instructions in the budget resolution were \$75.5 billion. The House passed its reconciliation measures in October and the Senate followed suit in November. This conference agreement, representing the work of 31 subcommittees and over 200 Members has resulted in estimated savings of \$81.6 billion over 3 years—over the target set in the budget resolution by at least \$6 billion. I should note, Mr. Speaker, that this estimate does include the revenues which will be raised by Superfund. Which, by operation of this rule, will not be included in this reconciliation conference report. They will be enacted separately at a later date.

It is imperative that we pass this measure prior to adjourning so that these savings can be achieved. This is the budget process working. This is the commitment the Congress made when it passed the budget resolution last August. This is real deficit reduction, not just talk about reducing the deficit.

Mr. Speaker, this is the 11th hour. This rule provides the Members of the House a single-up-or-down vote on reconciliation for fiscal year 1986. I urge adoption of this rule.

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

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

Mr. LATTA. Mr. Speaker, let me say I believe that this resolution lives up to the commitment that the majority leader made as far as the deletion of the funding for Superfund is concerned. The matter dealing with teenage pregnancies was removed in conference before it came to the Rules Committee.

So what will happen, if we adopt this rule, we move the funding for Superfund from the legislation, we are merely delaying this question until January or February when we can take it up again. We are doing nothing with Superfund itself, only with revenues.

□ 2000

CONSOLIDATED OMNIBUS RECONCILIATION ACT OF 1985

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 349 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

So I cannot understand why there would be any opposition at this late hour to this resolution.

If you oppose the resolution, what you will be doing is, for all practical purposes, killing this reconciliation bill which saves billions of dollars.

Now I do not think anybody wants to do that. I know there are some interests that would like to see the new VAT that is being proposed in this legislation written into our tax laws. Well, let me say I do not think that is going to happen. Even if this House would turn down this resolution and come forth with another resolution, the President says he will not accept the VAT tax.

To start a new system of taxation for the American people would be absolutely wrong.

Go back and look at the history of the income tax. You know, when they came forth with that, \$3,000 was the limit; \$3,000, and look at how it expanded, the income tax.

The same thing could happen on VAT if we opened up this whole keg of worms.

Every time the Congress wanted more money for this program or that program, it would increase the VAT. We do not want to get into the history of VAT's in some of these other countries, how detrimental they have been to the economies of these countries. That was fully debated.

I believe that the Rules Committee has taken the proper approach, with the full support of the majority leader, to resolving this matter tonight insofar as reconciliation is concerned and putting over the question of revenues for Superfund until the next session of this Congress.

So I urge my colleagues to support this resolution.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY of New York. Mr. Chairman, the issues before us tonight are compelling, and I think that for those of us who have been on the VAT patrol for the last 12 hours, we need not drag this out, but it is important to understand what is at stake here tonight.

The House of Representatives has already spoken on the value-added tax; by a margin of 220-204, we turned it down. The House of Representatives has every reason to expect and demand from its conferees, whether they are new or old ones, that the House position be presented to the Senate. What happened in the naming of conferees prior to that vote, we have conferees that decided because the numbers were wrong to recede and concur with the Senate position on the value-added tax. The other body is so desperate and understands the President's opposition and that of the American people that they have decided to hide the VAT under the skirts of reconciliation. People have worked

very, very hard on reconciliation. Without the VAT, it is a good bill and should be voted on.

When you vote "aye" tonight for the rule, you will be able to say a couple of things, that you are not intimidated by the other body, that you believe you can make the savings, and that you are unalterably opposed to a value-added tax.

As the gentleman from Ohio mentioned, this is the foot in the door. If we adopt, at the 11th hour, a value-added tax to finance Superfund as part of reconciliation, history will not smile on us. They will say that in a rush to go home, in a rush to close the door on this contentious problem, we found the easy way out. It is not the easy way out. It is the wrong way. Vote "aye" on the rule, send reconciliation back to the other body absent the VAT, and we will have done our job. We will have saved the money that we needed to save, and we will have shut the door once and for all on this most pernicious tax.

Please, please, vote "aye" on the rule when it comes up if you want to kill the VAT and keep reconciliation.

The last point should be an obvious one: The supreme legislator at 1600 Pennsylvania Avenue has already indicated that this legislation is history with the value-added tax. If you want to see it succeed, make sure it is not part of the legislation.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont [Mr. JEFFORDS].

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

Mr. JEFFORDS. Mr. Speaker, I am sorry to burden the House again with the question of policy and procedure. I asked, along with others, to have a provision in this rule which would allow us—those of us who come from those States that still have not been bludgeoned by the Federal Government to raise their drinking age—to have an opportunity to get all Members to vote on it, and I can understand the Rules Committee desire to protect you from that vote. But I would hope that you would remind yourselves—the next time we show that movie around this country, you know the one we all introduce on film, that shows how the process in Congress works, with Chairman JOHN DINGELL starring and with all of the hearing process—the great committee debates, the floor debates, and so forth, by comparing it as to how this law was enacted. For it did not come from those debates and hearings, it did not come from that process. It came to us without hearings. It came from a sneak attack on the House floor when we were told it was not going to come up. It came to us again as a sneak attack at 1 o'clock in the morning on a unanimous-consent request after we were told no more legislative business would be considered. And now, after we succeeded in getting it out of the

continuing resolution yesterday, here it is again, right now, in this bill which will be coming before us on reconciliation, buried and untouchable.

I would like to see the civics professor or the civics teacher that is able to explain this reprehensible process to his young people, and that this is how Congress really works; or, from another perspective, how a professor of constitutional law, in defending States' rights, is able to say how this law, contrary to the Constitution and the 21st amendment—when this very aspect of Federal involvement was considered and rejected in the constitutional process—is the way the Constitution ought to work with respect to States' rights. One can only imagine where this abrogation of States' rights will lead us in other areas.

It is the saddest moment in my time here, to see this procedure is abusing those young people who have not had the courtesy to be heard, or the ability to ever be represented or meaningfully voted on in this body.

Residents of my home State of Vermont and the Vermont Legislature has passed a joint resolution which, and I quote:

Expresses on behalf of the people of the State of Vermont its outrage and opposition to very intrusive actions by the Federal Government on the drinking age.

The 10th amendment to the U.S. Constitution states:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The 21st amendment to the U.S. Constitution states:

The transportation or importation into any State, territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

The legislative history of the 21st amendment shows that a proposed section 3 was deleted, and that said deleted section 3 would have stated that:

Congress shall have concurrent power to regulate or prohibit the sale of intoxicating liquors to be drunk on the premises where sold.

One opponent of the deleted section 3 of the 21st amendment expressed the intent of Congress by saying during the 1933 congressional debate on the amendment:

If Congress gave itself power to regulate the saloon, it would have the power to regulate the place and hours of purchase as well as the age and sex of purchasers. By striking section 3, the Congress reserved these powers to the States.

The proponents of this legislation have used every conceivable tactic to get this bill past this House with no debate and no vote. It was tacked on to the continuing resolution, and now it shows up on the budget reconciliation bill. I guess if we keep adding this amendment to every bill where it is possible to waive points of order and limit debate, eventually it will pass

without Members having to vote on the issue.

This should not be in the reconciliation bill. There will be an opportunity for meaningful debate on the merits of the issue when the House considers the Surface Transportation Act next session. So why must we ramrod this amendment through the House on the reconciliation bill? Why make a mockery of the legislative process? Not only is this an unnecessary and unwarranted intrusion of rights specifically granted to States in the Constitution, it is an unnecessary and unwarranted circumvention of the legislative process. I must challenge the treatment of this issue and the process which has allowed the inclusion of this nongermane issue in the reconciliation bill. There will be no budget savings if this amendment is included in the reconciliation bill.

Back in 1971, after prolonged national debate, the Congress voted to lower the age of voting to 18. The States followed by lowering the age of majority. We judged that those old enough to die for our country are old enough for all rights, obligations, and privileges of citizenship.

But last year, with no meaningful debate, without even a meaningful vote, the Congress approved legislation which instructs the Department of Transportation to withhold highway trust fund money from those States which do not have a 21-year-old drinking age. This is money that the taxpayers of these States have paid into the highway trust fund. Yet we say, "We know what's best for your State, so we're going to take your money away until you do what we say."

How can the Federal Government claim to know what is best for the States? What about the unique problems of the States which border Canada or Mexico? Proponents of the national minimum drinking age cite the benefits of uniformity among the States. However, this legislation creates a whole new set of problems for border States. The largest city in Vermont with a college population of 13,400 is a quick drive to the Quebec Province where the drinking age is 18. This situation exists all across the northern tier where cities such as Buffalo, Detroit, Duluth, Grand Forks, Spokane, and Seattle, with an estimated combined population of 180,000 18- to 21-year-olds, are all within striking distance of Canadian Provinces where the drinking age is less than 20. Along our Mexican border, cities such as Brownsville, Corpus Christi, El Paso, Tucson, and San Diego are all within easy reach of a drinking age less than 21. The combined population of 18- to 21-year-olds in these cities is approximately 152,000. All in all, the total 18 to 21 population that will be tempted to cross international borders is probably close to a half million. The paternal approach taken by Congress disregards the special circumstances in-

involved in this issue, and blackmails Vermont and other border States into taking action which could cost young lives.

In taking this ill-conceived action, Congress is led to believe that it is addressing the national tragedy of drunk driving. Is it? No, because drunk driving is a national problem which cuts across the entire age spectrum.

We are all aware of the statistic that 18- to 21-year-olds make up 9 percent of the country's drinking population, yet they are involved in 17 percent of all alcohol-related accidents. This figure is high, but what of the remaining 83 percent of the accidents?

On a national basis, under 20-year-old drivers account for a high percentage of all fatal car accidents, alcohol related or not. This can be explained in part by their inexperience and propensity to drive with a "heavy foot." The insurance companies certainly see it this way and adjust their rates accordingly. I know this for a fact—I pay for my son's car insurance.

When looking at raising the drinking age to reduce the number of car accidents involving individuals under 20, I think we have to realize that this group, historically, are problem drivers. Data for all fatal car accidents in 1970 show that drivers less than 20 years old accounted for 15 percent of all accidents. This is of course prior to the time the drinking age was generally reduced to 18 across the country. In 1983, this group still accounted for 15 percent of all fatal accidents.

Proponents of the national minimum drinking age often cite statistics which show that States which have raised their drinking age to 21 have experienced reductions in alcohol related fatalities among 18- to 20-year-olds. However, many of these States have also simultaneously toughened drunk driving laws and increased enforcement. I believe that the tougher penalties and enforcement efforts had a more significant impact on the reduction of fatalities than raising the drinking age.

In some States, a higher drinking age has resulted in more fatalities among the age group concerned. Illinois, which raised its drinking age from 19 to 21 effective January 1980, saw alcohol-related fatalities among 19- and 20-year-olds increase by 15 percent in 1981, then decrease by 15 percent in 1982, then increase by 12 percent in 1983. Florida raised their drinking age from 18 to 19, effective January 1981. Alcohol-related fatalities among 18-year-olds dropped 5 percent in 1981, then increased 21 percent in 1982 and 26 percent in 1983. I fail to see the connection in these cases.

A few other statistics of interest are worth noting at this time. In 1983, 17- to 20-year-olds were involved in 18.8 percent of all alcohol-related fatal accidents. In this same year, 21- to 24-year-olds accounted for 22.2 percent of these accidents. Figures from my own State of Vermont show roughly the

same relationship with 17- to 20-year-old drivers accounting for 22 percent of alcohol-related fatal accidents and 21- to 24-year-olds accounting for 27 percent. If the answer to drunk driving is raising the drinking age, shouldn't we be looking at raising the age to 24? Or, is not the more logical answer to direct educational and other special programs toward our younger generation?

I am concerned because this national minimum drinking age legislation is a phony solution to a very real problem. We need to find real solutions to this national problem, not raise the drinking age and pat ourselves on the back. Many States are enacting tough new drunk driving laws and increasing enforcement of drunk driving laws. State and local governments and school officials are developing innovative education programs.

In my home State of Vermont, bar and restaurant owners are implementing call-a-cab programs. Students at the University of Vermont have organized a "free ride home" for students and local residents who have had too much to drink. We should be commending these students, not taking away the opportunity to make responsible choices about alcohol. We should be educating students about the dangers of drinking and driving, and increasing public awareness of the tragedy of drunk driving with alcohol education programs.

This Congress should be looking at the approach that student groups such as the U.S. Student Association have taken to address the national tragedy of drunk driving. The U.S. Student Association has undertaken a grassroots campaign to educate young adults about the dangers of drunk driving. They have received literally thousands of requests for the pamphlet, "5 Things a Young Adult Can Do About Drunk Driving." We should be commending the efforts of student groups around the country.

I would like to commend the efforts of all individuals and groups committed to increasing awareness about drunk driving. I believe the country is now painfully aware of the tragedy of drunk driving. We are focusing our efforts, through the media and through our schools, on the young people who will be making decisions about drinking and driving.

The Congress should be looking at providing incentives to States to take actions which will have a real impact upon our drunk driving problem. States should be encouraged to adopt strict penalties such as mandatory jail terms for offenders. We should continue to provide Federal support for special drunk driving enforcement units which patrol our highways on Friday and Saturday nights, when over 50 percent of drunk driving fatalities occur. There is no better deterrent to drunk driving than strict penalties and the knowledge that there is a good

chance of being arrested. Sweden and other countries with strict drunk driving laws have virtually no drunk driving problems.

Many States would not agree that raising the drinking age is the best way to address the drunk driving issue. Some States with 21-year-old drinking ages also have some of the most lax penalties for drunk driving. Tough penalties and strict enforcement will deter drunk drivers. A 21-year-old drinking age will not. What we are doing if we take this action is allowing business as usual for those over 21 who drink and drive while singling out 18 to 20 year olds for blame, even though statistics show that the majority of drunk driving arrests occur in the 21 to 24 age group.

Proponents cite statistics about how many young lives can be saved by the higher drinking age. I wonder how many more lives could be saved by mandatory installation of airbags. There are many laws we could pass that would save lives. Why must we single out a certain group of adults for discrimination?

The Congress is sticking its nose in somewhere it doesn't belong. This is a State issue. Even as we pass historic legislation which will shift massive Federal responsibilities back to the States, we choose blackmail on an issue which is unquestionably under the jurisdiction of the States. There are important considerations which each State must take into account when considering the drinking age issue. The border with Canada is one such issue.

Mr. Speaker, I resent the way this issue has been brought before the House. With no opportunity for debate, on a bill which has nothing to do with the issue, and on a bill which the House must pass to keep the Government operating, this was a prime example of bending the rules to circumvent the legislative process. What an perfect example for our young voters of how democracy should not work.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Louisiana [Mr. BREAU].

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

Mr. BREAU. Mr. Speaker, I urge a no vote on the rule. I think there is one basic reason why Members who might be for some of the provisions should vote no on the rule. The rule simply kills budget reconciliation. The other body, by a 78-to-1 version, has already passed their version of budget reconciliation. It is incredibly information that we get a rule here in the House that allows us to get the Senate to accept what they have passed already.

All of those who voted no on the Downey amendment should vote no on this rule. I think that is very, very clear. For those who might have voted

yes on the Downey rule and are looking for a reason to change, let me suggest that if you have any concern about the black lung program, you ought to vote no on this rule; if you have any concern about railroad retirement, you ought to vote no on this rule; if you have any concern about the coal excise tax, you ought to vote no on this rule; if you have any concern about protecting fringe benefits for airline employees, you better vote no on this rule—because all of those provisions are far better if we can get a no vote on this rule and proceed to move forward and get a new rule, which we could do in 5 minutes, and get budget reconciliation adopted.

A no vote on this rule ensures that we have a chance to do budget reconciliation and save about \$25 billion over three years besides improve all of those programs that I just mentioned. A no vote on the rule does that, and I would urge my colleagues to vote no.

Mr. LATTI. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. MOORE].

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

Mr. MOORE. Mr. Speaker, at the end of a session, we always get into this. We start doing things in a peculiar and unusual way. And this rule is precisely that. You know and I know that it is very unusual to bring a conference report to the floor minus certain provisions. I do not think I have seen that done before, nor do you. Let me tell you how serious it is. The provision we are cutting out of here is the one that funds Superfund. We all voted overwhelmingly very recently to fund Superfund. Yet in an unusual way, we are cutting that out of here tonight.

As a result, let me tell you what is going to happen. The whole reconciliation bill is going to fall. I have just been told—and there are people you can ask in this Chamber who will confirm that—that if this conference report goes back to the other body with this excised out of it, that is the end of reconciliation for this session. Then you are looking at some time in 1986 and you are looking at the Gramm-Rudman complication that is going to cause this to be an extremely unwise move on the part of the House.

I would urge each of you to think about that and to vote down this rule. It is a mistake to do this. We are angering the other body. You are doing something that is very unusual. Let us take the reconciliation conference report and vote for it. Let us vote down the rule so that we can approve a rule that will allow us to do that.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from Oklahoma [Mr. JONES].

(Mr. JONES of Oklahoma asked and was given permission to revise and extend his remarks.)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would like to remind all Members they should not refer to the vote taken in the other body.

Mr. JONES of Oklahoma. Mr. Speaker, if this body is interested in passing reconciliation and taking credit for \$81 billion of spending cuts—deficit cuts—the only way to do that is to vote down this rule and allow the Rules Committee to come right back with a rule that lets us vote up or down on the conference agreement.

This reconciliation package has been the subject of long and arduous conference meetings. This evening, we reached agreement. There is nothing in this conference report that is in disagreement.

The House came out very, very well. We came out essentially with what we wanted with regard to Medicare and the coverage of State and local employees. Only prospective new employees will be covered, and that helps every one of our States. The House came out in this conference report with essentially what we wanted on the Black Lung Disability Trust Fund. The House came out with the extension of the cigarette tax. The House came out with a fringe benefit program and railroad unemployment. We have gotten virtually everything we want. And the other body passed it overwhelmingly.

Now, if we vote for this rule, you have taken out \$10 billion of savings. But what is even more important, the other body is not even going to consider a partial conference, and you have done away with all of the reconciliation for this year and you are going to have to go back home and say you dumped reconciliation.

Now, let me refer specifically to the point of this rule that would take out the financing of Superfund.

First of all, it is not a value-added tax. The Tax Code does not identify it as that. They have said that this would be vetoed if this funding mechanism were in there. I can assure you the other body, of the President's party, would not pass in such overwhelming numbers this funding mechanism if they thought the President was going to veto the conference report. They just would not do it. The President or people speaking on behalf of the President has said he would veto it because of trade adjustment, because of the offshore payments, because of Medicaid quality control, because of Medicare cost savings and because of this.

Why did not the Rules Committee come back and take all of those other things out? The financing mechanism for Superfund was passed by the House conferees by a vote 9 to 4. It was not even close.

Now, for rules to come in and just wipe out what 9 out of 13 House con-

erees said they wanted in this bill is just not right.

So if you really believe and if you want to go home and say you saved reconciliation, that you cut \$81 billion over the next 3 years from the deficit, the only way you are going to be able to do that is to vote this rule down and then to vote for a rule immediately thereafter that allows an up or down vote on the conference.

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

Mr. JONES of Oklahoma. I yield to the gentleman from South Carolina.

Mr. CAMPBELL. If this rule passes, is it your opinion, as I believe I have heard you state, that the other body would not take this mechanism and that all of reconciliation would be lost and therefore we would lose, in fact, \$81 billion in reconciliation over 3 years, inclusive of the Superfund legislation?

Mr. JONES of Oklahoma. The leaders of the other body have made that explicitly clear. The gentleman is absolutely correct. The leaders of the other body, who have gone through this difficult conference and reached an agreement on all points in good faith, have said publicly that if the entire conference is not agreed to, then they will not take up a partial conference; and this session of Congress will close and there will be no reconciliation savings, and those who vote for a rule with that will be responsible for deep-sixing \$81 billion of deficit reduction over the next 3 years. Vote no on the rule.

Mr. LATTA. Mr. Speaker, I yield myself 1½ minutes, and I do so to disagree—I hate to disagree with the former chairman of the Budget Committee, my good friend, JIM JONES. But I just heard him say and the other Members did that if you vote down this rule, you destroy reconciliation, you lose a number of billions of dollars. Humbug. That is crazy.

We could bring back another rule or we could take the same matter up in January. He knows it. So let us not try to deceive anybody that the reconciliation is dead. We can take reconciliation up in January, we can take it up tomorrow. If you defeat the rule, that does not mean that the bill is dead. We had the same thing this week on tax reform, remember? So let us correct the record and not let that stand.

Mr. JONES of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman if he wants to correct his statement.

Mr. JONES of Oklahoma. Well, I do not want to correct my statement. I want to correct the gentleman's understanding of my statement.

My statement was that if this rule passes that that will be the end of reconciliation and we can come back immediately with a new rule and pass it.

Mr. LATTA. Well, I am sure if he checks his statement that was taken down, that he will find that he said

you are killing \$81 billion, or some fantastic figure like that, in reconciliation if you pass this rule.

Mr. JONES of Oklahoma. Only if this particular rule passes.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Texas [Mr. PICKLE].

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

Mr. PICKLE. Mr. Speaker, I think the thing we ought to keep in mind, if we need a source of revenue for environmental purposes, the measure that we have agreed to in our conference committee provides for that.

We ought to accept that so that we can do something about the environmental concern.

Now, I grow weary of the constant contention of a group that says, "Oh, this is a value-added tax and we must not advance it." It is an excise tax, similar to many other approaches already in the code. And it ought to be put into place. We have long since passed the time when we are just going to fund these measures by general revenue. We ought to have a steady, reliable source of funding, and this particular approach would do it.

There is no hiding behind a contention that there is a value-added tax. It simply is not true—it is not a value-added tax and we ought not to be fooled by those who say it is.

Now, if this bill, without the Superfund element, does go back to the other side, I can tell you that there will be a filibuster, and it will go on and on. That will be the end of reconciliation. You might ask for another rule, but they are going to filibuster unless we include the Superfund. The fact of the matter is, you have got a chance, if you defeat this rule, to move reconciliation and the Superfund forward, and that is the thing that we ought to do. Keep in mind we do not have any provision for an extension for the research and development credits and other expiring provisions that are still out there and have not been touched. They are not in this bill.

So we ought to defeat this rule and we ought to allow this House to move forward on Superfund and reconciliation.

I do not know whether there is another rule in place. You sound like you already have one, but if we adopt it without Superfund, that is the end of it. And I think, therefore, in fairness, we ought to have this broad-based tax, which is going to be the avenue you are going to be following in the years to come, anyway. We ought not to throw up a bugaboo now that this is something you ought to be afraid of. That is what you are going to be faced with from now on.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. COATS].

Mr. COATS. I thank the gentleman for yielding.

Mr. Speaker, I cannot help but agree with the gentleman from Oklahoma when he says we have a good reconciliation bill, that it is almost everything the House wanted and virtually all that we worked for and effects some savings.

□ 2030

Where I disagree is with his inclusions, because by the inclusion of the one provision which allows for the VAT tax or MET tax or SET tax, whatever you want to call it, the value-added tax, by that one provision I think we invite a certain veto of this bill. We have gotten a strong—more than strong—word from the White House or from the administration repeatedly for months as to their veto of any kind of a VAT, SET, MET, or whatever you want to call it, any tax on this Superfund.

What is happening here tonight is that we have taken an issue where we have a provision in the House and a provision in the Senate, and we are splitting that issue right down the middle, and by a sleight of hand we are moving the funding into a larger bill that all of us want because we want to effect these savings so that we can avoid the prospect of a conference next year.

Members should not be fooled. We are still going to have to meet to resolve the programmatic differences in this Superfund bill next year. What we are trying to do here or the attempt here this evening is to split out the tax portion so we do not have to deal with that.

What kind of a deal did the House get? The House voted for zero VAT funds. The Senate voted for \$5.4 billion of a tax on manufacturers, and the reconciliation of that ends up with \$5.7 billion. I do not call that a very good deal for the House. When you go from zero to even higher than what the other body voted, that is not a good deal for the House.

The House expressed its will on this matter. It defeated the VAT tax. It voted for an alternative tax, and the House is being robbed and cheated of its position by this mechanism that we are going through this evening.

Mr. Speaker, I urge support for this rule.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Ohio [Mr. ECKART].

(Mr. ECKART of Ohio asked and was given permission to revise and extend his remarks.)

Mr. ECKART of Ohio. Mr. Speaker, the issue is real clear here. You cannot say you are for Superfund and cleaning up hazardous waste in your back yard or in your district and vote for this rule.

The bottom line is that we have had two votes on Superfund this year. We

had a vote a week or so ago when we passed by 380 to 30 a provision to create a program and to fund it, and now you have a chance. You have \$10 billion in your hands to end business as usual.

Now, let us look at history here. In 1980, when this body passed Superfund, it came charging out here with \$4 billion, and the other body came back with \$1 billion. We left here last week with \$10 billion and the other body came in with \$7 billion. Now, if you want to gamble that come next February, March, April, or May we are going to come back in here with \$10, \$9, \$8, or \$7 billion against the fact that we have in our hands 10 billion real hard Gramm-Rudman-proof dollars to effect the cleanup that we know needs to be done in each of our districts, then take the bird in the hand.

This was a difficult trade and an extensive conference. I was on four parts of it. We got what we wanted on black lung. The other body had a 50-percent tax; we knocked them down to 10.

We got what we wanted on public employees on Medicare coverage by only getting new hires. In exchange for that, frankly, we got something that perhaps some of us did not appreciate, but we got our number. We got 10 billion real dollars to start that cleanup with, and I do not think I can bear to stand the crying come next January, February, March, or April when somehow we come up a little light.

When we come up a little light, remember this night here in this Chamber when we had a chance to go home with real money for a real cleanup. Remember this night when we had a chance to get black lung eradicated. Remember this night when we had a chance to protect State and public employees. Remember this night when we had a chance to give quality Medicare and Medicaid coverage for people. Reject the rule. Save your programs. Kill the rule.

Mr. Speaker, let me just simply say that killing this rule is going to save our programs. This is our vote, this is our chance, this is our night.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentlewoman from Rhode Island [Mrs. SCHNEIDER].

(Mrs. SCHNEIDER asked and was given permission to revise and extend her remarks.)

Mrs. SCHNEIDER. Mr. Speaker, in reference to the comments previously made by my colleagues, I would like to address the House and to assure the Members that if we are genuinely concerned about environmental cleanup, if we have in our hearts a feeling for the appropriate financing of Superfund, and our philosophy is in fact that the polluters should pay rather than having a consumer tax straight across the board to be borne by every single individual, then certainly we want to be guaranteed that we take advantage of this opportunity

to excise the Superfund financing mechanism from reconciliation.

Let me assure the Members that funding for Superfund is totally extraneous to the reconciliation bill. It has nothing to do with deficit reduction. If this VAT does pass, we can be assured that the President will veto it.

But to follow up on my colleagues' comments, if you are going to return to your constituents and say that you made an environmental vote by voting "no" on this rule, you are misleading your constituents. The environmental community has made it clear that they want a "yes" vote on this rule. It is a "yes" vote only that they want.

Mr. LATTA. Mr. Speaker, I yield myself 30 seconds.

I take this time to commend the gentlewoman from Rhode Island [Mrs. SCHNEIDER] for turning the cards up. We might just as well face the issue. The question is whether or not the people who dirtied up the environment want to pay for it or whether they want everybody to pay for it. That is the issue, and I want to commend the gentlewoman for bringing it out.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Texas [Mr. FROST].

Mr. FROST. Mr. Speaker, it is with great reluctance that I rise in opposition to a rule produced by my own committee.

The issue is very, very clear. Either we want \$81 billion of savings in reconciliation or we do not. If this rule passes, reconciliation is dead. As the gentleman from Oklahoma [Mr. JONES], the former chairman of the Budget Committee, pointed out, the Senate has passed one version, we will have passed another version, and we will all go home and there will be no reconciliation.

I would urge this body to defeat the rule and send it back to the Rules Committee. There is an alternative way to go. We could report out another rule providing for a separate vote on the question of the VAT. Those Members who feel strongly about the VAT would have a separate vote; those Members who feel strongly on the other side would have a separate vote.

However, by rolling this into a self-executing rule, we are killing \$81 billion of reconciliation.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. THOMAS].

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

Mr. THOMAS of California. Mr. Speaker, it is interesting sometimes how we take an object that fills several boxes and narrow it down to one particular issue. We have 16 House committees, 12 Senate committees, and thousands of man-hours of labor over 167 items, with subheadings, so that you can multiply the 167 by 10,

and you have a number of items that the House had in this provision that the Senate did not. You also have a number of items the Senate had that the House did not. And what we did was reconcile the differences.

Over every single issue that was in disagreement, we came to an agreement. A majority of the Senate conferees signed every single item. A majority of the House conferees signed every single item. There was agreement across the board. You have before you now a rule that imposes someone else's wishes on the conferees that you appointed from both the House and the Senate.

I understand the peculiarities which got this rule in front of us. A commitment was made, and in this rule that commitment is honored, but it is up to the House to decide whether or not it is appropriate.

Now, I know the deck is stacked because it has been folded into the rule. We can unfold it by voting down this rule and by allowing, at the suggestion of the gentleman from Texas, another rule which would provide a separate vote.

We have talked about whether or not the President is going to veto this measure. There was a threatened veto by the Treasury on every single item that came up. I can tell the Members that tonight there is one certainty. The one certainty that we have to hang onto is that if this rule passes and we vote reconciliation out, it is not going beyond those double doors. That is as far as it is going to go tonight. It will not cross the Capitol; it will not pass the Senate. Our only chance is to vote this rule down and let us do it right.

□ 2040

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Michigan [Mr. WOLPE].

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

Mr. WOLPE. Mr. Speaker, there is no way that the value added tax provision should be part of the reconciliation package we are now considering. This rule must be adopted. Not to adopt is essentially to write off the kind of taxation policy and the kind of environmental policy that this House went on record in clear and unmistakable fashion in asserting just a few days ago.

The issue is very clear. We are talking about a value added tax. Members who vote against this rule today will effectively be affirming their willingness to launch into this new uncharted course of value added taxes in this country, and that is a tax that is regressive. To those of you who are talking about saving money for the taxpayers, how about saving a dollar for the consumer?

The fact of the matter is that the value added tax is regressive. It comes down disproportionately upon the poor, upon the elderly, and it makes no sense from the standpoint of environmental policy.

Let it be understood that many of the same people who have fought diligently over many months to get a strong Superfund reauthorized in the \$10 billion amount certainly do not intend to abandon the basic principle that the polluter should pay, and yet that is what we are being asked to do this evening, to forget sound taxation policy, forget sound environmental policy, and allow ourselves to be intimidated by the other body. We cannot allow that to happen.

I would argue that all of the discussion about reconciliation should be an equal concern of the other body, as it is of ours. The other body can stay in session and we can get this matter resolved, but let there be no effort at intimidation, such as we have seen this evening.

The real issue is are we going to insist that those industries principally responsible for pollution pay the bill, or are we going to spread it to other innocent parties?

Mr. LATTA. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska [Mr. DAUB].

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

Mr. DAUB. Mr. Speaker, this body did not send to a reconciliation conference the issue of how to finance Superfund. Our conferees, I do not know how nine of them could have voted to do this when the House just rejected that method of financing Superfund; so I think they have some explaining to do; but more than that, I think we ought to recognize a point that was just made by the previous speaker.

The other body has just as much at stake in reconciliation as we do. It cannot be something that we get rolled on tonight.

So I think the question is whether or not you want a conference on Superfund with our version in the conference, where the tradeoffs can be made from the bucket of money as to whether or not the list has 600 or 600,000 toxic waste sites on it.

The dilemma that you might face if you do not get a chance to have a conference with some money in conference is whether or not we want to leave here for Christmas with the question on some people's minds, did the Congress want to satisfy oil and gas or the President of the United States?

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. FRENZEL].

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

Mr. FRENZEL. Mr. Speaker, we had a debate on Superfund financing not long ago in this body and the House,

not by a large margin, but by a clear margin decided that it did not want what the sponsors call a manufacturers' excise tax and what the people are calling a sales tax or a VAT. Instead, we opted for an increased version of the same kind of taxes that are now being applied, plus a new waste-end tax.

Our conferees went into conference with nothing on this reconciliation bill on Superfund financing and came back with that sales tax, or VAT, and they came back with no waste-end tax, something environmentalists have been looking for a number of years. They came back with an unreliable financing system for our Superfund activities.

We have been told tonight that the Senate will reject this if we give it back to them: I think it is far more pertinent that the President is pretty clearly ready to veto anything we give him with a VAT in it. Therefore, I think we take a much greater risk with the President than we do with the Senate.

If we do not believe that we should have a national sales tax, if we do not want to see reconciliation vetoed by the President, it is important to pass the rule. The Rules Committee when it gave us this rule understood those things. It said, "We want to preserve reconciliation. We want it to have the best possible shot. We don't want it vetoed. Therefore, we are going to give you a rule to take out the VAT from the conference report."

I believe that the Rules Committee should be sustained. We should vote aye on the rule.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from California [Mr. BOSCO].

Mr. BOSCO. Mr. Speaker, there is certainly no shortage of predictions tonight. On one side we have a group that predicts that the President will veto this measure with the broad-based tax. On the other side, we have a group that says that the other body will not take it up without the broad-based tax.

Well, I would like to say as someone who has worked very hard on this bill that Superfund or the broad-based tax is not the only issue in the bill. In fact, there are thousands of issues in this bill of importance to our entire country.

Now, 31 subconferences met in the consideration of this one bill. Hundreds of Members put in a lot of time and work. All 31 of those subconferences agreed, there is no disagreement in the conference report, and yet by some quirk of fate we have a rule before us that in effect will not allow us to vote on the conference report that was agreed to by all 31 subconferences. The only way we can vote on that conference report is to defeat this rule, to have the Rules Committee quickly bring back another one and then to vote up or down on the recon-

ciliation bill. If we vote it up, we will be in agreement with the other body, send it to the White House, and if the President wants to veto a bill with 80 billion dollars worth of savings in it, let him veto it.

Mr. LATTA. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Speaker, I thank my friend, the gentleman from Ohio, for yielding me this time.

I would like to talk a little bit about the substance of the reconciliation bill that is now pending before that House. It raises certain questions as to whether or not it truly is an effort to reduce the deficit that is projected for fiscal year 1986.

We all know that we began this year with the goal of some \$50 billion in deficit reduction for fiscal year 1986. The bill before us suggests that we will achieve a deficit reduction of some \$17.4 billion, but there is a very basic policy question that should be addressed concerning a measure that is represented to be a deficit reduction proposal; namely, whether we should permit such a vehicle to be used as a means of adding programs.

The bill before the House right now makes very clear that the answer is that we will use this deficit reduction package as a means of adding programs.

What I would like to bring to the attention of my colleagues is that in the area of health care costs, this vehicle for deficit reduction adds \$222 million of new programs over a 3-year span of the bill.

Mr. Speaker, in Medicare part B, we have new spending proposals totaling \$170 million. In these two areas of health care costs, the total increased programs are \$392 million over the 3-year span.

In one of the committees on which I serve, the Energy and Commerce Committee, we were directed to achieve reductions of some \$15 billion over the 3-year span. Our committee actually achieved \$9.67 billion, leaving some \$5.33 billion unachieved.

With respect to what we are doing in the area of taxes, I might point out to my colleagues that this bill represents the implementation of the second rule that drives the liberal welfare state in America; namely, "If it grows, tax it."

Now, we all know that imports have been growing by leaps and bounds over the last 2 or 3 years. In fact, the negative trade balance is in excess of \$150 billion in the current calendar year, so we propose to tax it at 1 percent. I think the theory is that whatever we tax, we get less of.

I submit to my colleagues that imposing a tax on imports is not the way to serve the consumers of this country. It is not the way that we can serve the interests of free trade in the world.

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

Mr. DANNEMEYER. I am happy to yield to my friend, the gentleman from Ohio.

Mr. OXLEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, while we are on the area of taxes and also on spending add-ons, I am sure the gentleman is aware of the increased appropriations for public broadcasting of \$990 million.

Mr. DANNEMEYER. I thank my colleague for pointing that out. This is supposed to be a deficit reduction bill.

I am opposed to a VAT to finance Superfund. The rule is crafted so that a yes vote on the rule means a rejection of the VAT. I would prefer a rule which would permit an unhindered vote on the reconciliation package and separately on the VAT. Therefore I suggest a no vote on the rule.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN].

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

Mr. DURBIN. Mr. Speaker, the defeat of reconciliation will also spell the defeat of language from the other body that makes permanent the reduction in Federal highway funds for a State's failure to establish a minimum drinking age of 21.

The Rules Committee considered efforts to delete this important language and wisely decided to keep the other body's language intact.

The passage of reconciliation with the other body's language will send a message to recalcitrant States that their refusal to join in an effort to establish a national minimum drinking age of 21 will continue to cost them Federal highway funds, and the passage of reconciliation will save hundreds of lives of our children who are needlessly killed each year in the slaughter alleys between States with different drinking ages.

Members wanting a solid record on the issue of drunk driving should vote yes for the rule and yes for reconciliation.

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

Mr. DURBIN. I am happy to yield to the gentleman from Virginia.

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

Mr. PARRIS. Mr. Speaker, contained within this reconciliation bill is a very important provision that will make permanent the restriction on a portion of Federal highway assistance funds for States which fail to pass laws raising the drinking age for alcohol in their respective States to 21. Of all times of the year to take such action, the holiday season makes perhaps the most sense—a season during which, historically, hundreds of lives are taken at the hands of drunk drivers.

Mr. Speaker, we have all come to realize in the past several years there is a horror which exists on the streets and highways of our Nation. That horror is drunk driving. Those responsible for this carnage are individuals who drink and then get behind the wheel of an automobile without any consideration given to the rights and safety of others on the road. Not one of us is safe from this menace.

This is a grassroots problem—one which can most effectively be dealt with at that level. However, leadership must be provided at the Federal and State levels. The administration and the Congress had begun this process by requiring that the States raise their minimum drinking ages to 21 by 1987, or lose a percentage of their Federal highway assistance. So far, 35 States have enacted this minimum drinking age requirement, while 15 other States and the District of Columbia have not yet followed suit.

Mr. Speaker, I cannot understand the failure of these 15 States and, particularly, the District of Columbia to enact legislation to establish this uniform drinking age. It should not be reduced to a simple revenue issue—you cannot put a price tag on the lives of our youth—you cannot deny that our future is dying out there.

The action on the reconciliation bill not only makes it more difficult for the District of Columbia and those other 15 States to resist passage of drinking age legislation, it virtually guarantees that many of the States who have enacted the 21 drinking age will not revert to 18- or 19-year-old drinking ages now that the threat of Federal highway fund loss will not be lifted.

Mr. LATTI. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. BURNETT].

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

Mr. BILIRAKIS. Mr. Speaker, as a conferee on certain parts of the reconciliation, conference report before us tonight, I must express my dismay at many parts of said conference report. Admittedly, there are many good items that address the needs of the elderly and the poor; however, to say that the conference committee went overboard on certain items is to say the least. We are in the midst of the most difficult deficit situation this country has ever faced. Yet, during the conference, there was a reluctance to stop the creation of expensive new spending programs. I was particularly dismayed that the Energy and Commerce conferees had to make judgments on new expensive programs that we had never had hearings on. Additionally, on the provision pertaining to the annual calculation of the Federal medical assistance percentage, outright selfishness was exhibited. Rather than accept Senate language to provide for an annual, rather than biennial calculation of the Federal

medical assistance percentage effective in 1988, an amendment was accepted to accelerate this date to 1987. Some of the States that will be the biggest losers under this acceleration are: Florida, \$8.4 million; Georgia, \$13.3 million; and Virginia, \$8.2 million. Other losing States are Arizona, Maine, Minnesota, Missouri, New Hampshire, North Carolina, Ohio, Rhode Island, South Carolina, and South Dakota. Those States which stand to gain the most are Texas, \$30 million; and Louisiana, \$17 million.

Whether you like Medicaid or not, it is a reality. In my own State of Florida 45 percent of the Medicaid budget is devoted to care for the elderly, and is the major source of funds for long-term care. Approximately a third of Florida's Medicaid budget is spent on nursing home care. This loss of \$8-plus million in funds becomes even more crucial when one considers that Florida leads the Nation in growth of the age 65-plus population. Even though language is contained in the conference report expressing my dissatisfaction with the acceleration, it isn't strong enough. It says the conferees agree that the committees of jurisdiction will explore ways to relieve the hardship that may be suffered by the States that will receive substantially less in matching payments as a result of this provision. Mr. Speaker, I deeply regret that I must vote against this package before us. However, I was sent to Washington to represent the people and this package is not representative of my constituents.

Mr. BARNES. Mr. Speaker, as a member of the House Budget Committee and a member of the conference committee, I strongly support enactment of the reconciliation bill. I am particularly pleased by the provision which makes permanent the incentives to States to adopt a minimum drinking age of 21, an issue for which I have been an advocate for much of my career in the House. This is a goal I have long worked for.

But, Mr. Speaker, I cannot support the Senate's outrageous tactics to try to force this House to accept the value added tax provision for the Superfund. The VAT is misguided and doesn't belong in this bill. It belongs in the Superfund conference to be discussed—and hopefully rejected—there. That is why I cannot vote to concur in the Senate amendment and why I must oppose the motion offered by the gentleman from Pennsylvania [Mr. GRAY] my chairman.

The House should stand firm against the VAT, and also stand for a rational and sensible legislative process.

Mr. SKELTON. Mr. Speaker, I want to take a few minutes to bring to the attention of this body my concern about the affect Medicare's prospective payment system for hospitals is having on the rural health-care system. As chairman of the congressional rural caucus, I feel obligated to raise these concerns because flaws in the PPS threaten the access of all rural Americans to high-quality health care, not just the access of senior citizens who depend on Medicare.

While we were assured that how a hospital would fare under the PPS would depend on how efficiently it was operated, 2 years of experience have made it abundantly clear that how a hospital fares under the current system depends in a large part on its location. With certain narrow exceptions, hospitals located outside metropolitan statistical areas are forced to accept substantially lower payments from Medicare than their urban counterparts. While theoretically there may have been some justification for different urban and rural payment rates, the actual payment differences that have resulted under this arbitrary classification scheme are incomprehensible. In many instances, the rural payment rates are not sufficient to allow even the most efficient hospitals to treat Medicare beneficiaries without incurring a loss.

I cannot overstate the threat unjustifiably low Medicare payments to rural hospitals poses to the access of rural Americans to health-care services. At a time when stress brought on by the depressed farm economy is adding to the already substantial health-care problems of rural America, the current system causes increased financial pressure on the cornerstone of the rural health care system. Because Medicare patients comprise a very large proportion of their caseloads, inadequate Medicare payments threaten the continued existence of many rural hospitals. Some have already closed, including one in my own district; others will surely follow unless corrective action is taken. To make matters worse, the closing of rural hospitals encourages physicians to leave the communities involved, exacerbating the physician shortage that already exists in much of rural America.

To those of us who were raised in rural areas and who are old enough to remember what it was like to be without reasonable access to necessary hospital services, this is a most serious situation. By allowing an adjustment in Medicare payments to rural hospitals of 100 beds or more that serve a disproportionately high number of poor and elderly, this bill will provide some relief. However, I urge members of the committee to more fully address the problems of rural hospitals, and other hospitals that are suffering unwarranted losses under the current system, next session by giving consideration to price-blending legislation like that which I have already introduced. I believe there is ample evidence to show that such legislation would make the PPS fairer for all hospitals, regardless of their locations, while maintaining the incentives that have helped slow the rate of increase in Medicare expenditures for hospital care.

Mr. RAHALL. Mr. Speaker, the conference report on H.R. 3128, the Deficit Reduction Amendment Act, before us today contains a most important compromise regarding the black lung excise tax.

As passed by the House, the black lung tax on coal would have been increased by 50 percent. The other body, however, proposed to end the automatic borrowing authority between the black lung trust fund and the Treasury.

Both of these positions were unacceptable to me, and to all of us concerned with the viability of the coal industry and the

welfare of those individuals suffering from the crippling effects of black lung disease.

Because of this situation, members of the coal industry and the United Mine Workers of America formulated a compromise which I adopted and diligently pursued with those members on the Ways and Means Committee assigned to the revenue subcommittee on this legislation.

I am pleased to say the conferees accepted this compromise and that it is contained in H.R. 3128. The bill before us today incorporates that compromise largely due to the persistent efforts on its behalf by the gentleman from Florida, a member of the Committee on Ways and Means, SAM GIBBONS. To him, the coal industry owes a debt of gratitude. As for myself, I extend my deepest appreciation to SAM GIBBONS for his work and perseverance on this matter.

Also to be commended for accepting this compromise is the distinguished chairman of the Committee on Ways and Means, DAN ROSTENKOWSKI, as well as the other House conferees.

The black lung provisions of H.R. 3128 provide for a 10-percent increase in the coal excise tax—rather than the 50-percent originally proposed by the House—and a 5-year forgiveness of the interest payments on the indebtedness of the black lung disability trust fund. In addition, the proposal of the other body to end the borrowing authority between the trust fund and the Treasury was dropped.

Mr. Speaker, this is a great victory for the coal industry and coal labor. It represents an attempt by coal management and labor to meet the responsibilities for achieving solvency in the black lung disability trust fund, which is currently \$1.5 billion in debt, at the lowest possible cost to an industry which is currently in a depressed state.

Mr. HAWKINS. Mr. Speaker, I rise in support of the conference report on H.R. 3128. Title XI contains provisions urgently needed to put the Pension Benefit Guaranty Corporation [PBGC], the agency which insures that workers get their private pensions when their companies are in financial difficulty, back on a sound financial footing. The bill would strengthen the PBGC plan termination insurance program in two significant ways. First, the premium that single-employer plans pay the PBGC is raised from \$2.60 per year per plan participant to \$8.50, effective January 1, 1986. Second, the single-employer program is restructured to limit access to PBGC assistance only to those cases in which worker's pensions are jeopardized because their employers are in genuine financial difficulty.

The termination insurance program is administered by a self-financing Government corporation, the Pension Benefit Guaranty Corporation. The PBGC was created in 1974 to assure that pension benefits earned by workers would be paid even if the employer terminated the plan in an underfunded condition. The program covers about 30 million retired and working Americans and is financed solely by premiums paid by covered plans and by liability paid to the PBGC by employers that terminate underfunded plans.

Both the premium—currently \$2.60 per plan participant—and the employer li-

ability rules under current law have proven inadequate. The program is now responsible for benefit payments to about 160,000 current and future retirees in about 1,100 terminated plans and has a deficit of over \$1 billion. The conference has agreed on a premium increase to \$8.50 effective January 1, 1986, and reforms to protect this program against unwarranted claims.

The bill also provides an explicit provision on the important issue of transactions intended to evade liability to the PBGC for an underfunded plan. Although there is not an explicit provision under current law regarding evasive transactions intended to insulate an employer from liability, current law does not permit such abusive shifting of liability to the insurance program. In the case of *Solar v. PBGC*, 504 F. Supp. 1116 (D.C.N.Y. 1981), affirmed 666 F.2d 28 (2d Cir. 1981), the court held that a transaction intended to avoid liability should be disregarded for title IV liability purposes. See also III Legislative History of ERISA of 1974 at 4741-42 (remarks of Sen. Williams); *Nachman Corp. v. PBGC*, 592 F.2d 947 (7th Cir. 1979), aff'd., 446 U.S. 359 (1980).

The PBGC and the courts have always been expected to look at the substance of a transaction rather than its form, and to disregard transactions where the substance, viewed in light of the purposes of title IV, indicate that a company improperly transferred its pension obligations to the insurance program. See joint report of the Senate committee, 126 Cong. Rec. 510, 117 (daily ed. July 29, 1980) The following is an example of such a transaction:

Company P has a division or subsidiary S whose employees are covered by the S pension plan. At the time of the transaction, the S plan has unfunded benefits. P sells the stock or assets of S to B, and transfers all or part of the unfunded benefits in the S plan to B's plan. B is a company that, after the transaction, does not have a reasonable prospect of funding the benefits. B's plan later terminates. At the time of the termination, the plan does not have sufficient assets to provide all PBGC-guaranteed benefits. Under current law, when substance rather than form is considered, the transaction is really a delayed termination of the transferred benefits; the seller is not exempted from title IV liability merely because the transaction, in form, provides for continuation of the plan. Under both the bill and current law, company P is liable.

Revision of the employer liability rules is also an essential part of this bill. As under current law, the bill provides for liability for unfunded guaranteed benefits, up to 30 percent of the employer's net worth, with a tax priority status in bankruptcy proceedings. The bill improves the PBGC's recoveries over current law by creating additional liability equal to the excess, if any, of 75 percent of unfunded guaranteed benefits over 30 percent of the employer's net worth. This additional liability has general unsecured status in bankruptcy proceedings. As under current law, PBGC, as plan trustee, collects unpaid contributions due the plan. The bankruptcy status of PBGC's claim for these contributions is the same

under the bill as under current law; unpaid contributions that accrue after a bankruptcy petition have administrative expense priority; those that accrue within 180 days before the petition have employee benefit status—subject to the \$2,000 per employee limit on priority employee wage and benefit claims—and remaining unpaid contributions have general unsecured status.

Finally, the bill contains an explicit provision requiring that PBGC not proceed with a plan termination if the termination would violate the terms and conditions of an existing collective bargaining agreement. The enactment of this provision is in no way meant to diminish the already clear meaning of section 404(a)(1)(d) of Employee Retirement Income Security Act of 1974 [ERISA] which expressly requires that a fiduciary's duties be discharged "in accordance with the documents and instruments governing the plan * * *." Rather, this provision is an endorsement of judicial decisions such as *Terone v. Pacific States Steel Corp.*, 526 F. Supp. 1350 (N.D. Calif. 1981), holding that a company cannot unilaterally terminate a collectively bargained pension plan, when such termination is in violation of the terms of any agreement between the parties.

Because the bill the conferees adopted is similar to the Committee on Education and Labor's provisions contained in title MI of H.R. 3500, for purposes of determining congressional intent in adopting those provisions, the most authoritative source of legislative history on the single-employer termination insurance reforms can be found in the report on H.R. 3500, the Omnibus Budget Reconciliation Act of 1985 (H. Rept. 99-300, 99th Congress, 1st session, pp. 278-320).

The Committee on Education and Labor has been working for over 4 years on these issues. We are delighted that the conference report before the House today contains provisions to strengthen the PBGC program established under title IV of ERISA. I want to take this opportunity to commend the members of the Subcommittee on Labor-Management Relations, especially its chairman, Congressman BILL CLAY, and the ranking member, Congresswoman MARGE ROUKEMA, for their tireless efforts to get this legislation passed. In addition, thanks must go to the ranking Republican member of the full committee, Congressman JIM JEFFORDS, for his assistance in assuring that this critical worker protection legislation was considered this session. Finally, I want to thank the conferees for their diligent work in producing the bill before us today. We are most appreciative of the cooperation we received from our colleagues on the Committees on Ways and Means and Judiciary, as well as the Senate Committees on Labor and Human Resources and Finance.

The report on H.R. 3500 cited above also contains the committee's views on the health insurance continuation coverage provisions found in title X of bill before us today. We are pleased that the conferees have included provisions in the bill that require group health plans to offer a continuation option to certain groups of qualified beneficiaries, including widows and dependent children, divorced spouses and de-

pendent children, Medicare-ineligible spouses and dependent children, the unemployed—and those who have a reduction of hours such that they would lose health coverage—and dependent children who no longer qualify under the plan. This is an important step forward toward meeting the pressing need for those groups to have available continued access to affordable medical care.

I urge support of the conference report. Mr. ROSTENKOWSKI. Mr. Speaker, the provisions of law within the jurisdiction of the Committee on Ways and Means contained in H.R. 3128 represent many months of hard work. The Medicare provisions save some \$11.2 billion over 3 years and were the result of bipartisan efforts of the committee. These provisions contain some important reforms in hospital reimbursement.

In AFDC, the conference agreement mandates AFDC-UP coverage in all States. This will help some of the neediest children in this Nation a 2-year moratorium is established on the collection of fiscal sanctions.

The Trade Adjustment Assistance Program is reauthorized for 6 additional years. The Customs Service authorization for the number of personnel is increased, which will greatly strengthen the enforcement capability of the service.

The current cigarette excise tax is permanently extended. The House upheld its position on coverage of State and local employees, and consequently only new employees will be covered.

With the exception of the Superfund revenue provisions, this is an excellent agreement which saves some \$25.5 billion over the next 3 years.

Mr. ROGERS. Mr. Speaker, I would like to bring to the attention of my colleagues to vitally important portions of the bill before us this evening.

First, the bill includes the legislative culmination of many months of negotiation among tobacco growers, cigarette manufacturers, tobacco congressmen and the committees of jurisdiction. These provisions provide for the drawdown of existing tobacco stocks, so we can remove this ominous burden from our tobacco growers' backs and bring the no net cost fees back down to a reasonable level.

It establishes a new system for setting tobacco marketing quotas, requires manufacturers to share in the no net cost fees now paid only by growers, and most importantly, limits the maximum reductions in marketing quotas to 6 percent per year for the next 4 years, and to 10 percent in subsequent years. This last provision is especially important, representing a substantial improvement over current year and offering our American tobacco growers some measure of protection from imports.

Tobacco is the only commodity in the United States which pays its own program at USDA. The legislation before us today continues that system, but significantly improves it by requiring the manufacturers to join in bearing these costs which up until now have been paid only by the tobacco growers.

Second, I would like to bring to my colleagues' attention an important provision relating to black lung taxes. As my col-

leagues know, the House version of the bill included a 50-percent increase in black lung taxes, an increase which if enacted would have caused serious hardship for American coal companies and seriously worsened their competitive position in the world market.

The conference agreement includes a compromise provision, calling for only a 10-percent increase in the black lung taxes, and enabling the black lung trust fund to remain solvent instead through a moratorium on interest payments made to Treasury.

While I would have preferred no increase at all, this is a masterful compromise which will provide for the financial well-being of the trust fund without placing an onerous burden on our coal operators.

I commend the members of the conference committee, most notably Mr. ROSE and Mr. HOPKINS for their diligent efforts on the tobacco agreement, and Mr. ROSTENKOWSKI and Mr. DUNCAN for their effective assistance on the black lung compromise. I urge my colleagues to support this conference agreement.

Mr. RINALDO. The reconciliation budget package (H.R. 3128) contains major spending reductions and will help to reduce the Federal deficit.

But there are other items which have no budgetary impact and which don't belong in or near this piece of legislation.

In the explanatory material accompanying H.R. 3128, there are extraneous remarks dealing with the Federal Communication Commission's local cross-ownership rules. This material is not part of the act, and is strictly superfluous.

I object to addressing such a serious matter in this fashion.

This is not a new issue. We have had, and continue to have, opportunities to deal responsibly with this question. Legislation has been introduced. The Subcommittee on Telecommunications, however, of which I am the ranking Republican member, has not held any hearings or markups on the topic. There has not even been any formal discussion by our Members regarding this question.

The FCC cross-ownership rules are designed to limit concentration of control of mass media. Generally the rules ban certain combinations, such as an ownership or control of both a radio and television station in the same market.

The Commission has granted only one permanent waiver of its local ownership rules in the last few years that did not involve a clearly de minimis overlap for the rules. In that case, involving the Capital Cities/ABC merger, it granted the waiver only after careful consideration and after the FCC fully explained its rationale.

All other recent waivers have been granted for a limited period of time, generally 18 months. Although in previous administrations such waivers had been granted for as long as 3 years. Even when considering temporary waivers, the FCC has based its decisions on public interest factors and has not rested its decisions on purely private considerations. In view of the records of these proceedings, including the showings made by the parties and the other public interest considerations set out by the FCC,

it is clear that the FCC has carefully scrutinized each waiver request and determined that the applicants had provided a clear showing of the need for such waivers. In so doing, the FCC has demonstrated serious concern that the purpose of the local ownership rules be given full and appropriate weight.

The language in the report appears to be a general restatement of the existing legal standard in this area as well as the present practice of the FCC and, therefore, does not impose any different or additional obligations on the FCC.

Mr. DASCHLE. Mr. Speaker, I want to express my strong support for a provision of H.R. 3128, Deficit Resolution Amendments of 1985, which will establish an Advisory Committee on Native American Veterans in the Veterans' Administration. The purpose of this committee will be to examine and evaluate programs and other activities of the VA with respect to the needs of Native American veterans, including American Indian veterans. Special emphasis will be given to health care, rehabilitation, outreach, employment, and other programs.

Continuing the traditions of their ancestors, many American Indians served with distinction in our Nation's Armed Forces during World War I and II, the Korean conflict and during the Vietnam era. According to the 1980 census, 44,500 American Indians served during World War II, 29,700 during the Korean conflict, and 73,681 during the Vietnam era, and it has been estimated that an astonishing 23 to 26 percent of all Indians are also veterans.

I provide this background so that all of us in this body may understand the depth of patriotism demonstrated by American Indians during times of national peril. In spite of this long history of Indian participation in our Nation's military conflicts, no major scientific study regarding veterans has identified American Indian veterans as a specific group and no assessment of their particular needs has ever been conducted.

I believe that we might recognize the contribution made by American Indians and other Native Americans during times of war and the effect those wars may have had on them after their return home. Vice President Hubert Humphrey made the following observation,

It was once said that the moral test of Government is how that Government treats those who are in the dawn of life—the children; those who are in the twilight of life—the elderly; and those who are in the shadows of life—the sick, the needy and the handicapped.

The establishment of the Advisory Committee on Native American Veterans will enable us to more accurately evaluate the status of these veterans who have so faithfully served in our Nation's armed services. Are they in the shadows of life? Do they need vital assistance that they are not now receiving? Have their particular needs been overlooked in the past? If so, we as a nation have a particular obligation to assist American Indians and other Native American veterans. The findings of the advisory committee will direct us to the actions we must take.

Membership on the advisory committee will consist of the Secretary of Labor—or a

representative of the Secretary of Labor designated by the Secretary after consultation with the Assistant Secretary of Labor for Veterans' Employment—the Chief Medical Director and Chief Benefits Director of the Veterans' Administration; and members appointed by the Administrator from the general public including representatives of veterans who are Native Americans, including American Indians and Alaska Natives and individuals who are recognized authorities in the fields pertinent to the needs of Native American veterans.

The legislation will also permit the Administrator of Veteran's Affairs to invite representatives of other departments and agencies of the Federal Government to participate in the meetings and other activities of the committee. It is my expectation that representatives of the Bureau of Indian Affairs, the Indian Health Service and other agencies concerned with issues relating to American Indians will be included by the Administrator in advisory committee activities.

The advisory committee will submit reports to the VA Administrator on November 1, 1986, and November 1, 1987, regarding its findings. On January 1, 1987, and January 1, 1988, the Administrator will transmit to the Congress the committee reports together with comments and recommendations the Administrator considers appropriate. The committee will terminate 90 days after the Administrator submits the final report. There are no new costs associated with the establishment of this advisory committee.

As the original proponent of this measure, I want to ~~again~~ express my enthusiasm and full support for the establishment of the Advisory Committee on Native American Veterans. I also want to thank SONNY MONTGOMERY, chairman of the full committee, JOHN PAUL HAMMERSCHMIDT, ranking minority member of the full committee, DOUG APPELGATE, chairman of the Subcommittee on Compensation, Pension and Insurance, and JERRY SOLOMON, ranking minority member of that subcommittee, for their strong support for this proposal when it was considered as an amendment to H.R. 1538 and later to H.R. 3500. I believe the needs of Native American veterans have been overlooked too long, and this advisory committee will go a long way toward righting that wrong.

□ 2055

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

Mr. DERRICK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered. The SPEAKER pro tempore. The question is on the resolution.

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

Mr. ECKART of Ohio. 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 205, nays 151, not voting 78, as follows:

[Roll No. 479]

YEAS—205

Akaka	Hillier	Pease
Alexander	Horton	Penny
Anderson	Howard	Pepper
Annuozio	Hoyer	Perkins
Applegate	Hughes	Petri
AuCoin	Hyde	Porter
Badham	Ireland	Pursell
Bates	Jeffords	Rangel
Bedell	Jones (TN)	Regula
Bellenson	Kanjorski	Reid
Bennett	Kastenmeyer	Robinson
Bereuter	Kemp	Rodino
Berman	Kennelly	Rogers
Bilbrakis	Kildee	Rostenkowski
Boehlert	Kleczka	Roth
Boner (TN)	Lantos	Rowland (CA)
Bonior (MI)	Latta	Rudd
Boucher	Leach (IA)	Sabo
Brown (CA)	Lehman (FL)	Savage
Broyhill	Leland	Scheuer
Burton (CA)	Levin (MI)	Schneider
Byron	Levine (CA)	Schroeder
Carr	Lewis (FL)	Seiberling
Chandler	Lightfoot	Sensenbrenner
Chappell	Lloyd	Shaw
Coats	Lott	Shelby
Cobey	Lowry (WA)	Shuster
Coble	Luken	Smeltzer
Collins	Lundine	Smith (FL)
Conte	Lungren	Smith (NE)
Cooper	Mack	Smith (NJ)
Coyne	MacKay	Smith, Denny
Daschle	Madigan	(OR)
Daub	Markley	Smith, Robert
Davis	Martin (IL)	(NH)
DeLay	Martin (NY)	Smith, Robert
Dellums	Matsui	(OR)
Derrick	Mavroules	Snowe
DeWine	Mazzoli	Snyder
Dicks	McCaIn	Soljars
Donnelly	McCloskey	Solomon
Dorgan (ND)	McCollum	Spratt
Downey	McDade	St. Germain
Duncan	McEwen	Stark
Durbin	McHugh	Studds
Dwyer	McKernan	Tauke
Dyson	McMillan	Taylor
Edgar	Meyers	Torres
Edwards (CA)	Mica	Torricelli
Evans (IA)	Michel	Towns
Evans (IL)	Mikulski	Trafficant
Fascell	Miller (WA)	Udall
Fawell	Mineta	Valentine
Fish	Mitchell	Vento
Foley	Moakley	Volkmer
Ford (TN)	Mollinari	Walker
Frank	Moody	Weber
Frenzel	Morrison (WA)	Wells
Gejdenson	Mrazek	Wheat
Gingrich	Natcher	Whitley
Goodling	Neal	Wolf
Green	Nelson	Wolpe
Guarini	Nowak	Wortley
Gunderson	O'Brien	Wright
Hamilton	Oberstar	Wyden
Hammerschmidt	Obey	Yates
Hawkins	Owens	Yatron
Hayes	Oxley	Young (FL)
Henry	Parris	
Hertel	Pashayan	

NAYS—151

Andrews	Bryant	Dannemeyer
Anthony	Burton (IN)	Darden
Archer	Bustamante	de la Garza
Armey	Callahan	Dingell
Bartlett	Campbell	DioGuardi
Barton	Carney	Dorman (CA)
Bateman	Carper	Dreier
Bentley	Chapple	Dymally
Billey	Cheney	Eckart (OH)
Boggs	Clinger	Eckert (NY)
Borsari	Coelho	Edwards (OK)
Bosse	Coleman (MO)	Emerson
Boulter	Combest	English
Breaux	Coughlin	Fazio
Brooks	Courter	Feighan
Brown (CO)	Craig	Fiedler
Bruce	Crane	Fields

Foglietta	Lewis (CA)	Schulze
Fowler	Livingston	Shumway
Franklin	Long	Siljander
Frost	Lowery (CA)	Sisisky
Gallo	Lujan	Skeen
Gekas	Manton	Slattery
Gilman	McCandless	Slaughter
Glickman	McCurdy	Smith (IA)
Gonzalez	Miller (OH)	Spence
Gradison	Mollohan	Staggers
Gray (PA)	Montgomery	Stangeland
Grotberg	Moore	Stenholm
Hall, Ralph	Moorhead	Strang
Hansen	Murtha	Stratton
Hartnett	Myers	Stump
Hatcher	Nielson	Sundquist
Hefner	Oakar	Sweeney
Hendon	Ortiz	Swift
Hopkins	Packard	Swindall
Hunkaby	Pickle	Synar
Hunter	Rahall	Tallon
Hutto	Ray	Tausin
Jacobs	Ridge	Thomas (CA)
Jenkins	Rinaldo	Thomas (GA)
Johnson	Ritter	Vander Jagt
Jones (NC)	Roberts	Visclosky
Jones (OK)	Roe	Vucanovich
Kasich	Roemer	Waxman
Kolbe	Rose	Whittaker
Kostmayer	Roukema	Wilson
Kramer	Rowland (GA)	Wise
Lagomarsino	Saxton	Young (AK)
Leath (TX)	Schaefer	
Lent	Schuettle	

REQUEST TO CONSIDER H.R. 3992, EXTENSION OF CERTAIN TAX PROVISIONS FOR A TEMPORARY PERIOD

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 3992) to amend the Internal Revenue Code of 1954 to extend for a temporary period certain tax provisions which would otherwise expire at the end of 1985, and for other purposes.

The Clerk read the title of the bill. The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

□ 2120

Mr. WALKER. Reserving the right to object, Mr. Speaker.

Mr. Speaker, I reserve the right to object in order to ask the distinguished chairman of the Committee on Ways and Means just exactly which bill this is. Is this the one that does a number of different extensions, but also involves some changes in present law including the provisions, some provisions that were passed by the House in 3838?

Mr. ROSTENKOWSKI. Yes, the gentleman is correct.

Mr. WALKER. So, in other words, we are passing new provisions in the Tax Code if we in fact agree to this particular bill.

Mr. ROSTENKOWSKI. If the gentleman will yield.

Mr. WALKER. I am glad to yield to the gentleman.

Mr. ROSTENKOWSKI. The gentleman would like to point out that unless we pass something, there will be no extensions as of January 1.

Mr. WALKER. Well, further reserving the right to object, I do not think that there would be any problem on this side of the aisle for passing a bill that would be a simple extension of all these present programs.

However, there is concern on this side of the aisle with passing provisions that would make new law, and/or begin the enactment of 3838 before the Senate has even considered it.

I would feel constrained to object to any resolution that moves us in that particular direction. If we do a simple extension of the present code, I think that would be perfectly acceptable to me, and to a number of other Members who have similar concerns.

Mr. ROSTENKOWSKI. Well, if the gentleman, on his reservation, will allow me to explain just what the bill presently before the House will do, I think we can clarify a lot of language.

The gentleman would also like to point out that unless this legislation is passed, there is a revenue loss incurred; and that is one of the reasons why it is the gentleman from Illinois' opinion that should we be able to pass this, we then give an opportunity to the Senate to work on the tax reform legislation.

Mr. WALKER. Further reserving the right to object, Mr. Speaker, I think it is incumbent upon us on this side, in these kinds of circumstances, to be reasonable. I would suggest to the majority it is also incumbent to be reasonable.

To come here at the 11th hour and try to pass new law, and make changes in the Tax Code at the 11th hour, it seems to me is unreasonable. What we will accept as a reasonable solution is the fact that you take and you extend the present code as it now exists; we do not lose the revenue that way, and we assert ourselves in a way which assures that we do retain the present code.

That seems to me to be an entirely reasonable proposition, given the lateness of the hour and the situation we are in.

I will be glad to yield to the gentleman from Mississippi.

Mr. LOTT. I understand the gentleman is asking unanimous consent on this, but the gentleman does have rules that were reported by the Committee on Rules on this and two other measures that you might ask unanimous consent on?

Mr. ROSTENKOWSKI. The gentleman is correct.

Mr. LOTT. To save our Members time so that we will not drag this out, Mr. Speaker, I object.

The SPEAKER. Objection is heard.

PROVIDING FOR CONSIDERATION OF H.R. 3992, EXTENSION OF CERTAIN TAX PROVISIONS FOR A TEMPORARY PERIOD

Mr. BONIOR of Michigan, from the Committee on Rules, reported the following privileged resolution (H. Res. 350, Rept. No. 99-455) which was referred to the House Calendar and ordered to be printed.

H. RES. 350

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3992) to amend the Internal Revenue Code of 1954 to extend for a temporary period certain tax provisions which would otherwise expire at the end of 1985, and for other purposes, the bill shall be considered as having been read; all points of order against the bill and against its consideration are hereby waived, debate on the bill shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means or their designees, and the previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.

Mr. BONIOR of Michigan. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 350 and ask for its immediate consideration.

The Clerk will report the resolution. The Clerk read the resolution.

The SPEAKER pro tempore. The question is, Will the House now consider House Resolution 350?

NOT VOTING—78

Ackerman	Fuqua	Morrison (CT)
Addabbo	Garcia	Murphy
Aspin	Gaydos	Nichols
Atkins	Gephardt	Oilin
Barnard	Gibbons	Panetta
Barnes	Gordon	Price
Bevill	Gray (IL)	Quillen
Biaggi	Gregg	Richardson
Boland	Hall (OH)	Roybal
Bonker	Heftel	Russo
Boxer	Hill	Schumer
Broomfield	Holt	Sharp
Chapman	Hubbard	Sikorski
Clay	Kaptur	Stallings
Coleman (TX)	Kindness	Stokes
Conyers	Kolter	Traxler
Crickett	LaPalce	Walgren
Daniel	Lehman (CA)	Watkins
Dickinson	Lipinski	Weaver
Dixon	Loeffler	Whitehurst
Dowdy	Marlenee	Whitten
Early	Martinez	Williams
Erdreich	McGrath	Wirth
Filippo	McKinney	Wylie
Florio	Miller (CA)	Young (MO)
Ford (MI)	Monson	Zschau

□ 2105

Messrs. McCAIN, CHAPPIE, and RINALDO changed their votes from "yea" to "nay."

Messrs. McCAIN, EVANS of Iowa, McMILLAN, COBLE, and COBEY changed their votes from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to the provisions of House Resolution 349, the conference report on H.R. 3128 is rejected, and the House recedes from its amendment to the Senate amendment and concurs with an amendment inserting in lieu of the Senate amendment an amendment consisting of the text of the conference report, with the following modifications: Strike out subtitle B of title XIII.

Edgar
 Edwards (CA)
 Edwards (OK)
 Emerson
 English
 Evans (IL)
 Fawell
 Fazio
 Felghan
 Fields
 Foglietta
 Foley
 Fowler
 Frank
 Frost
 Gedjenson
 Gilman
 Glickman
 Gonzalez
 Goodling
 Gordon
 Gray (PA)
 Grotberg
 Guarini
 Hall, Ralph
 Hamilton
 Hammerschmidt
 Hatcher
 Hawkins
 Hayes
 Hefner
 Hendon
 Henry
 Hertel
 Hiller
 Hopkins
 Howard
 Hoyer
 Huckaby
 Hughes
 Hutto
 Jacobs
 Jenkins
 Johnson
 Jones (OK)
 Jones (TN)
 Kanjorski
 Kastenmeier
 Kennelly
 Kildee
 Kleczka
 Kolbe
 Kostmayer
 Lantos
 Leath (TX)

Levin (MI)
 Levine (CA)
 Lloyd
 Long
 Lowry (WA)
 Lukens
 Lundine
 MacKay
 Manton
 Markey
 Matsui
 Mavroules
 Mazzoli
 McCloskey
 McCurdy
 Mica
 Mikulski
 Miller (OH)
 Mineta
 Moakley
 Mollohan
 Montgomery
 Moody
 Moore
 Morrison (WA)
 Mrazek
 Murtha
 Myers
 Natcher
 Neal
 Nelson
 Nielson
 Nowak
 Oaker
 Oberstar
 Obey
 Ortiz
 Owens
 Pease
 Penny
 Pepper
 Perkins
 Pickle
 Porter
 Rahall
 Rangel
 Ray
 Reid
 Rinaldo
 Ritter
 Robinson
 Rodino
 Roe
 Roemer
 Rogers

Rose
 Rostenkowski
 Roukema
 Rowland (GA)
 Sabo
 Savage
 Saxton
 Scheuer
 Schroeder
 Schuette
 Seiberling
 Shelby
 Siskisky
 Skelton
 Sklatter
 Smith (FL)
 Smith (IA)
 Smith (NJ)
 Spence
 Spratt
 St Germain
 Staggers
 Stallings
 Stark
 Stenholm
 Studds
 Sundquist
 Sweeney
 Swift
 Swindall
 Synar
 Tallon
 Tauzin
 Thomas (CA)
 Thomas (GA)
 Torres
 Torricelli
 Towns
 Traficant
 Udall
 Valentine
 Vento
 Visclosky
 Volkmer
 Waxman
 Wheat
 Whitley
 Wise
 Wolpe
 Wright
 Wyden
 Yatron

Boland
 Bosco
 Boxer
 Broomfield
 Carney
 Chapman
 Chappell
 Clay
 Coleman (TX)
 Conyers
 Crockett
 Daniel
 Davis
 Dickinson
 Dixon
 Dowdy
 Early
 Erdreich
 Fasseil
 Filippo
 Florio
 Ford (MI)
 Ford (TN)
 Fuqua
 Garcia
 Gaydos
 Gephardt
 Gibbons
 Gradison
 Gray (IL)

Gregg
 Hall (OH)
 Heftel
 Hillis
 Holt
 Hubbard
 Jones (NC)
 Kaptur
 Kindness
 Kolter
 LaFalce
 Lehman (CA)
 Lehman (FL)
 Leland
 Lipinski
 Livingston
 Loeffler
 Marlenee
 Martinez
 McDade
 McGrath
 McHugh
 McInerney
 Miller (CA)
 Mitchell
 Monson
 Morrison (CT)
 Murphy
 Nichols
 Olin

Panetta
 Price
 Quillen
 Richardson
 Roybal
 Sand
 Russo
 Schulze
 Schumer
 Sharp
 Sikorski
 Smith (NE)
 Solars
 Stokes
 Traxler
 Vucanovich
 Walgren
 Watkins
 Weaver
 Whitehurst
 Whitten
 Williams
 Wilson
 Wirth
 Wortley
 Wylie
 Yates
 Young (MO)
 Zschau

The SPEAKER pro tempore. The Clerk will report the title of the bill and the Senate amendment.

The Clerk read the title of the bill. The Clerk read the Senate amendment to the House amendment to the Senate amendment as follows: (See Senate proceedings in today's RECORD, page S18201, Part II.)

MOTION OFFERED BY MR. DAUB
 Mr. DAUB. Mr. Speaker, I move to table the motion. My motion is in writing, and it is on its way to the desk.

The SPEAKER pro tempore. The Clerk will report the motion. The Clerk read as follows:
 Mr. DAUB moves to table the motion.

The SPEAKER pro tempore. The question is on the motion to lay on the table offered by the gentleman from Nebraska [Mr. DAUB].

The motion to table was rejected. Mr. GRAY of Pennsylvania. Mr. Speaker, I move to limit debate to 15 minutes per side.

The SPEAKER pro tempore. The gentleman requests that debate be limited. Is there objection to the request of the gentleman from Pennsylvania?

Mr. DAUB. Mr. Speaker, I object. The SPEAKER pro tempore. Objection is heard.

The gentleman from Pennsylvania [Mr. GRAY] will be recognized for 30 minutes and the gentleman from Ohio [Mr. LATA] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GRAY].

□ 2315

Mr. DUNCAN and Mr. VANDER JAGT changed their votes from "yeas" to "no."

Mr. ARCHER, Mrs. BENTLEY, Mr. REID, and Mr. COMBEST changed their votes from "nay" to "yea,"

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the amendment of the House to the amendments of the Senate to the bill (H.R. 3128) entitled "An act to make changes in spending and revenue provisions for purposes of deficit reduction and program improvement, consistent with the budget process," with an amendment.

The message also announced that the Senate had passed a joint resolution of the following title, in which concurrence of the House is requested:

S.J. Res. 255. Joint Resolution Relative to the convening of the 2d session of the 99th Congress.

CONSOLIDATED OMNIBUS RECONCILIATION ACT OF 1985

Mr. GRAY of Pennsylvania. Mr. Speaker, I move to take from the Speaker's table the bill (H.R. 3128) to make changes in spending and revenue provisions for purposes of deficit reduction and program improvement, consistent with the budget process, with the Senate amendment to the House amendment to the Senate amendment, and concur in the Senate amendment to the House amendment to the Senate amendment.

NAYS—107

Army
 Badham
 Billey
 Boehlert
 Brown (CO)
 Burton (IN)
 Chapple
 Clinger
 Coats
 Coleman (MO)
 Courter
 Craig
 Crane
 Dannemeyer
 Daub
 DeWine
 Dornan (CA)
 Downey
 Dreier
 Duncan
 Eckert (NY)
 Evans (IA)
 Fiedler
 Fish
 Franklin
 Frenzel
 Gallo
 Gekas
 Gingrich
 Green
 Gunderson
 Hansen
 Hartnett
 Horton
 Hunter
 Hyde
 Ireland

Jeffords
 Kasich
 Kemp
 Kramer
 Lagomarsino
 Latta
 Leach (IA)
 Lent
 Lewis (CA)
 Lewis (FL)
 Lightfoot
 Lott
 Lowery (CA)
 Lujan
 Lungren
 Mack
 Madigan
 Martin (IL)
 Martin (NY)
 McCain
 McCandless
 McCollum
 McEwen
 McKernan
 McMillan
 Meyers
 Michel
 Miller (WA)
 Mollinari
 Moorhead
 O'Brien
 Oxley
 Packard
 Parris
 Pashayan
 Petri
 Pursell

Regula
 Ridge
 Roberts
 Roth
 Rowland (CT)
 Schaefer
 Schneider
 Sensenbrenner
 Shaw
 Shumway
 Shuster
 Siljander
 Slaughter
 Smith, Denny
 (OR)
 Smith, Robert
 (NH)
 Smith, Robert
 (OR)
 Snowe
 Snyder
 Solomon
 Stangeland
 Strang
 Stratton
 Stump
 Tauke
 Taylor
 Vander Jagt
 Walker
 Weber
 Weiss
 Whittaker
 Wolf
 Young (AK)
 Young (FL)

NOT VOTING—98

Ackerman
 Addabbo
 Alexander

Aspin
 Atkins
 Barnard

Barnes
 Beville
 Biaggi

It is such an important piece of legislation they have asked me to convey to the House, to try to be patient, just a few minutes longer, and they are not eating and they are not drinking and they are not carrying on; they are trying to figure out a method to solve this dilemma that we are in.

It is, I have to say, a very important issue and hopefully they will be back in a few minutes and we will be able to solve this thing.

Mr. WALKER. Will the gentleman yield?

Mr. MURTHA. I yield to the gentleman.

Mr. WALKER. We just had a conversation with a Member of the other body, who has considerable weight in these matters, who said just a few minutes ago on this floor that there is no way we are going to resolve this impasse; that we are at a complete deadlock, and that there is no way that the impasse is going to be resolved.

It seems to me that we do not need to wait a few more minutes; that we can simply adjourn now.

Mr. MURTHA. Let me say this. I know everybody is tired after 4 or 5 days of 18-hour days, and I do not blame you a bit. I mean, everybody is exhausted and frustrated and I am certainly not trying to add to that frustration.

What I am saying is, the information they have is a little bit different than what the gentleman says, and they are just trying to come up with a plan of action here, and I suggested that they come out and address the problem, but they felt they needed a few more minutes.

Mr. LOTT. Will the gentleman yield?

Mr. MURTHA. I will be glad to yield to the gentleman.

Mr. LOTT. Once again trying to find a way out of this box, I know what really is involved; some Members are still trying to find a way to pass the VAT or the MET tax, whatever you want to call it; the House has already voted on that twice; and I voted, personally, for the Downey amendment, but the House has spoken twice.

To expect at this late hour that the House is now going to turn itself around, I cannot understand that. The way to handle this issue now; we have acted responsibly, we sent it back to them; I think we ought to move to adjourn sine die.

They have our reconciliation, and they have the bobtail resolution we just passed to March 15. So if we allow this to drag out, go back to the Rules Committee so we can punt this ball back over to the other body, I do not understand why we go through this madness at this point.

Mr. MURTHA. Well, as I understand the parliamentary situation, I had understood the other body was going to take action and send it back as it was in the original conference report.

We could not amend it; we could only defeat it and go to conference.

Now, they are discussing with the Parliamentarians if anything else could be done, and obviously arguing about what action should be taken in the House.

I think essentially what you are saying is true; but, when you talk to the Parliamentarian, there may be something else that can be done.

I agree with the situation as you have— you have stated it very clearly, and I am on the other side of the issue. I am just as anxious to go home, but they hope, in the spirit of Christmas, that we will be able to wait a few more days—minutes.

□ 2300

Mr. THOMAS of California. It is 11 o'clock, and for those of us or others who are looking for planes to catch, they are gone, and we have discussed the issues and made decisions and have almost brought the process to a successful culmination, not necessarily winning but wrapping up all of the loose ends so that we can leave in an organized fashion. It seems to me it would be very precipitous when we are 15, 20 minutes, half an hour away from knowing that we have concluded all of the loose ends, I think it is a little premature at this time.

Mr. Speaker, I agree totally with the gentleman that the patience of just a few more minutes will be well rewarded in making sure that we have tied up all the loose ends.

Mr. MURTHA. Mr. Speaker, I yield to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, we have to have permission of the other body to adjourn sine die under the Constitution. You cannot just take it on yourself that we are going to quit.

LET US STAY AND FINISH OUR WORK

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

Mr. GROTBORG. Mr. Speaker, I rise in support of the last speaker, the gentleman from California. Everyone here is having a good time talking, and I thought I would save mine until the end. The only thing I would say, as we urge ourselves to get out of here, is that I join in the urgency to get out but I also remember the day I filed for the office. You know why I got it, and so does everybody else here. Now one thing referred to in some earlier remarks, Mr. Speaker, was that people out there want us to go home. I think they want us to finish our job. They are a little disappointed. I have not heard any disappointed people in my district that I am down here working; it is when I am not working that they get disappointed.

So I have a kind of rebel attitude about feeling sorry for ourselves because we want to finish the day's

work. If a few minutes would finish it, I would like to stay and then go home with a clear conscience.

PROVIDING FOR THE SINE DIE ADJOURNMENT OF THE CONGRESS

Mr. ROWLAND of Connecticut. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 266) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 266

Resolved by the House of Representatives (the Senate concurring). That the two Houses of the Congress shall adjourn on the legislative day of Thursday, December 19th 1985, that they stand adjourned sine die, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House, after consultation with the minority leader of the House and the majority leader of the Senate, after consultation with the minority leader of the Senate, acting jointly, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

MOTION TO TABLE OFFERED BY MR. AU COIN

Mr. AU COIN. Mr. Speaker, I move to lay the resolution on the table.

Mr. WALKER. Mr. Speaker, is the motion in writing?

Mr. AU COIN. It is in writing, Mr. Speaker, and I send it to the desk.

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

The Clerk read as follows:

Mr. AU COIN moves to lay the resolution on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon [Mr. AU COIN].

The question was taken, and on a division (demanded by Mr. WALKER) there was—yeas 110, nays 61.

Mr. ROWLAND of Connecticut, Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 229, nays 107, not voting 98, as follows:

(Roll No. 481)

YEAS—229

Akaka	Bonker	Collins
Anderson	Borski	Combest
Andrews	Boucher	Conte
Annunzio	Boulter	Cooper
Anthony	Breaux	Coughlin
Applegate	Brooks	Coyne
Archer	Brown (CA)	Darden
AuCoin	Broyhill	Daschle
Bartlett	Bruce	de la Garza
Barton	Bryant	DeLay
Bateman	Burton (CA)	Dellums
Bates	Bustamante	Derrick
Bedell	Byron	Dicks
Bellenson	Callahan	Dingell
Bennett	Campbell	DiGuardi
Bentley	Carper	Donnelly
Bereuter	Carr	Dorgan (ND)
Berman	Chandler	Durbin
Billirakis	Cheney	Dwyer
Boggs	Cobey	Dymally
Boner (TN)	Coble	Dyson
Bonior (MI)	Coelho	Eckart (OH)

tion bill, a reconciliation bill, a reconciliation that is the only enforcement procedure that we have in the Budget Act that we passed back in August of this year.

If we are not willing to deal with reconciliation tonight and we are not willing to concur in the Senate amendment, in my opinion what we will say to the American people is that we did not mean what we voted on in August when we passed the budget resolution, that we did not mean that we meant to enforce the budget resolution.

There is an awful lot of time and work that has gone into this. There were, I believe, some 243 conferees, not to mention the time that the Budget Committee, the Rules Committee, the Ways and Means Committee, and every other committee in this House has put into it. It is truly a consensus of this House that we come down to vote on tonight.

Mr. Speaker, let me say to the Members, if you really believe in fiscal responsibility and you really believe that we meant what we said when we passed the budget resolution in August of this year, I ask you to vote to concur in the Senate amendments.

Mr. LATTI. Mr. Speaker, I yield myself 3 minutes.

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

Mr. LATTI. Mr. Speaker, what we are about to vote on is not a question of whether we are for Gramm-Rudman or whether we are for reductions. This question is whether or not we meant what we voted on just a few hours ago and sent to the U.S. Senate. By a vote of 205 to 151 the House loudly and clearly told the other body that we did not want another tax, namely, VAT, put in the Tax Code.

That is what we voted on. How many times do we have to tell the other body that we do not want a VAT? I am ready and willing to stay here all night and all next week to get that message across to the other body. This is a matter of a battle of the wills with the other body. Are we stronger than they, or they going to beat us down?

Well, you have spoken loud and clear. I know what this House will do. We mean what we say. They are not about to ram this down our throats. The American people do not want another tax.

So, Mr. Speaker, what are we going to do? We are going to vote it down again.

Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. FRENZEL].

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

Mr. FRENZEL. Mr. Speaker, the issue is as described by the distinguished gentleman from Ohio [Mr. LATTI]. What we have before us is the same issue that we have voted on twice before, once only a very short time ago when the House rejected the idea of

the VAT, the manufacturers' excise tax, or the sales tax or whatever you might call it.

Reconciliation does not have to die. We can reconstitute the conference committee. They can excise the excise tax, and we can have it done after we come back. If we send the VAT down, we have not saved reconciliation because we have sent it forward to a certain veto.

But I think the worst of it is that we should not allow that risk to go forward. We have some responsibilities to our constituents, and one is that we will not lay an extra tax on them, which extra tax can be raised very subtly before those who are taxed know it, and those are the consumers who live in each of our districts. It can be raised before they know what has happened to them on this particular tax.

I do not think we ought to concede. If we reject this motion offered by the distinguished chairman of the Budget Committee, the gentleman from Pennsylvania, the Senate will then undoubtedly take up our tax-extension bills and we will not have to worry about a veto. We can simply, when we come back, go into conference and bring out a reconciliation bill that we can all be proud of.

It is a fundamental question, I think, of how this House wants to operate. Is it going to be driven by the Senate?

I remind the body that we had no provision for financing in the House bill. The Senate had a \$5.4 billion tax. The final conference version has a \$5.7 billion tax, way above the House, which had no position, and in fact above the Senate's position that they took into conference. Clearly, this goes against the will of the House, which voted by about 200 to 150 to reject the sales tax.

Mr. Speaker, I ask the House to maintain its position, to reject this motion, and, in so doing, to reject the sales tax for the people of the United States.

Mr. GRAY of Pennsylvania. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. WAXMAN].

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

Mr. WAXMAN. Mr. Speaker, we have come to the end of the road. I think we have the decision before us whether we are going to have a reconciliation bill at all, and I think we ought to vote for a reconciliation bill.

Now, all of the things that I would like to see are not in the bill. I voted for the Downey amendment to fund the work under the Superfund Program. I would prefer that way of financing the work under Superfund. But let us face the fact that we have this provision coming from the conference, and we either agree to it or we dump the whole reconciliation proposal. This VAT proposal raises the high-

est figure anyone has asked for for the cleanup program under Superfund.

Now, if we reject this game and play a macho number with the Senate, we will have rejected a number of very important items in reconciliation. We have heard about the savings, and the net savings from this legislation is very important as we try to reduce the deficit—\$81 billion. But we also have other important provisions in here that are very much needed.

There is an extension of prenatal care for low-income women under Medicaid. There is an extension of the hospice care program. There is a provision extending aid for dependent children in families where there is an unemployed parent, and in those States where they do not extend AFDC benefits, the father is usually forced to leave and break up the family in order for them to qualify for welfare and qualify for Medicaid.

□ 2340

I speak particularly with reference to the health programs, because that is the area in which I have been most involved. If we look at the reality of hospitals that deal with a high proportion of low-income patients and we give them a break under Medicare reimbursement.

We have many reforms in this legislation. The only time we can deal with health programs these days is in the context of a budget bill. Do not dump all the work that has gone into this bill because you prefer on balance a different way to fund the Superfund Program. I would have preferred it as well, but it is better now at the end of the road to pass reconciliation than to turn our backs and walk away on this whole legislation.

Mr. Speaker, I urge an "aye" vote.

Mr. LATTI. Mr. Speaker, I yield myself 30 seconds.

Let me just tell my good friend, the gentleman from California, who just left the well, that we just voted on all these things. We accepted them, all but one—all but one. That is the only issue here. We voted on that. We sent it back over there and let them take what we want for a change.

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

Mr. LATTI. I am happy to yield.

Mr. WAXMAN. You do not pass a law by one House saying what the House wants alone. You must have two Houses to concur. Let it be law. The law is what we need, not rhetoric.

Mr. LATTI. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois [Mrs. MARTIN].

Mrs. MARTIN of Illinois. Mr. Speaker, I thank the Speaker for his marvelous behavior in the chair, which I think has helped us through these difficult times.

Mr. Speaker, the tragedy is that we are here doing this and to place blame in this fashion seems unfortunate. Reconciliation should have been

passed months ago. To argue that now we must do something that is inherently wrong and use as an excuse the old, the needy, Americans who want the savings of reconciliation, is, I think, both ludicrous and hypocritical. We have here two Houses playing chicken and someone will indeed get hurt.

Sitting next to me earlier this evening was the charming and very bright chairman from the other body, who jokingly asked, "Could I speak?"

I am sure he would speak for what he believes is the right position, but I tell him with respect and liking that one does not bring in a whole new school, a type, a class, a genus of taxes, at a quarter to twelve in this part of the House deliberations, but to move to a Value-Added Tax which some people feel may well be a tax of the future, a needed and necessary tax, deserves the full discussion of both Houses, of a conference committee that has time to go and act and come back and describe to both Houses that need, and to move into that entire new era of taxation would be a dreadful mistake on a road of speeding cars like teenagers at night.

Stay with the House, not because we are necessarily more right in our conclusion, because we are right in the manner that we are trying to reach that end and we should recognize that and pass reconciliation and pause for the deep and clear examination of a new kind of tax that it deserves, not at this particular moment at this particular place and at this particular time.

Mr. GRAY of Pennsylvania. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. JENKINS].

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

Mr. JENKINS. Mr. Speaker, I know that we are probably playing some brinksmanship with the other body. I do believe that we owe it to ourselves to take a look at what is in reconciliation as far as budget savings are concerned. I believe that we would be making a terrible mistake down the road, and I say to my friends on this side of the aisle that there is a lot of savings in this package. If Gramm-Rudman does go into effect, it will impact defense tremendously. It will make severe reductions in the defense budget.

We have saved a great deal in this package. I know we have a lot in dispute about the manner in which we finance Superfund and that will be debated for a long time.

I would hope that this body, even though it is late at night, would consider those things as we vote upon this issue.

In addition, as my friend, the gentleman from California pointed out, there are many programs that ought to be saved. There are many extensions, targeted job credits, and others that are worth saving. We can never be happy with all of the provisions in

the tax bill. It is not perfect, but it saves a great deal of money. I would hope that my colleagues would vote to concur with the Senate action.

Mr. Latta. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. Coats].

Mr. Coats. Well, Mr. Speaker, we have been over this and over this. I do not know how many times we have to send a message to the other body that the House is not in a position and not of a will to enact a new tax at the last hour on a situation that has not been fully conferenced. We all know this was attached to a very good reconciliation bill at the last minute in an attempt to squeeze it through so that it could not go to a full conference for a full airing of the positions of the two bodies that are involved.

It is a controversial tax. It passes the Ways and Means Committee by one vote and the chairman of that committee came before this body and said even he was not going to support his own committee provision.

It was taken up before the House and defeated. It was defeated again this evening and now it appears that we are faced one more time with having to demonstrate the will of the House in this matter.

It is not a good tax, but we can argue the merits of that later, and it ought to be argued later.

What we are being asked to do is reconcile the provision where we sent over zero. The Senate put up \$5.4 billion and the compromise comes back at \$5.7 billion of a new tax, enacted at 10 minutes of 12 on the last day of the session of this Congress. It is just not the right thing to do and we should not do it.

Finally, I want to add one thing, because as we drag on here, I think I need to say this. To my wife, to my kids, to my mother, to my father, merry Christmas. I do not think I am going to be home to see you.

Mr. GRAY of Pennsylvania. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. Frost].

Mr. Frost. Mr. Speaker, I want to direct the Members' attention to some aspects of Gramm-Rudman and to some numbers and what this means.

There is a target for fiscal year 1987 in Gramm-Rudman, enthusiastically supported by many Members on this side of the aisle, some Members on that side of the aisle, of \$144 billion that we will have to come to grips with starting in February. The President is having to come to grips with it right now.

If we do not enact these \$81 billion in reconciliation savings, our job in meeting that Gramm-Rudman target early next year, because it will be done early, will be that much harder, and as the gentleman from Georgia [Mr. Jenkins] pointed out, the ax will fall that much more deeply on defense, that much more deeply on domestic programs, and inevitably will lead to that much more in tax revenues.

The choice is very, very simple on this question. Do we want reconciliation or do we not? Are we prepared today to start implementing Gramm-Rudman that we passed just recently? If the answer to that is no, then you do not want to concur. Gramm-Rudman was a nice theory, but we are really not willing to start putting up money when it counts and we are willing and are going to require ourselves to do that much more of a difficult job come early next year.

I urge you to vote to concur, to put our first down payment on the deficit reduction that has been embraced so enthusiastically by this House.

Mr. Latta. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. Dornan].

Mr. Dornan of California. Mr. Speaker, something purgative has to take place here tonight. In the spirit of reconciliation and trying to accomplish something, and every time I look at our great Speaker at this time of the year I picture him with a white beard and it warms the cockles of my heart; so I would like to get something off my chest.

Tom Downey, Merry Christmas.

Mr. GRAY of Pennsylvania. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from the great State of New York [Mr. Downey], a member of the Ways and Means Committee, and a senior member of the Budget Committee.

□ 2355

Mr. Downey of New York. Is it straight? Happy New Year to you, Bob. In the spirit of the holiday season, I wish you a Happy New Year.

Mr. Speaker, there are two issues at stake here. First of all, we have an opportunity to say to the Senate that we stand for something; that we have spoken on the question of the value added tax and we have rejected their position. This is not about reconciliation. All of us are for reconciliation. We want it to go forward. It needs to go forward.

The value added tax, people have said here before, will grow and grow and change and change and change if we do. It already has. The value added tax that this House wisely turned down in the Committee on Ways and Means raised \$4.3 billion. In the Senate it raised the same amount. But in the House provision we exempted food processing and fertilizer. The Senate did not.

In an attempt to raise the value added tax to pick up more money, the Senate decided to accept the exemptions for food and fertilizer and the tax grew before it was even enacted from \$4.3 billion to \$5.7 billion. So before our eyes, the most important lesson that we need to learn about a value added tax, that it will grow and grow, that it will be amended, excepted and changed ad infinitum and ad nauseam is already before us.

We have a chance today to vote against the value added tax, to stand on principal, to make sure that the other body understands that when they want us to blink and turn tail and run, we will not.

Please, please, on the motion to concur vote "no" and tell the other body that we will not have a supertax. We would like reconciliation without it.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. THOMAS].

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

Mr. THOMAS of California. I thank the gentleman for yielding this time to me.

Frankly, my colleagues, it is too late and I am too tired to be macho. I do not think we need to try to determine who is eyeballing whom on this. I think it is time to try to pass legislation.

We have a decision that we have to make and we hopefully can make it in the most enlightened manner. We have had some discussions about the fact that the President is going to veto this. We know it because it has an excise tax in it and there is no question he has made a statement on that.

Let us take a look at what the President has to decide; not on how you view what the President is going to decide but where he is going to be. He is looking at a January 15 snapshot of the laws that are in place at that time to determine Gramm-Rudman. We have in this reconciliation an opportunity to take your side of the aisle's \$10 billion. I do not like the dollar amount. That was the figure that the Democrats, basically, chose for Superfund. The Senate has agreed on your figures. You have your money. You have the polluters paying more than under current law.

But the President is not going to focus on that. He is going to focus on the decision he has to make on January 15th in terms of where is going to get the money to fund your \$10 billion that you are going to put in the bill after January 15, and he has very few choices in front of him. Frankly, the area where he is going to have to get the money from that you want is going to come from your side of the ledger in terms of defense. That is what he is looking at. That is what his advisers are going to be looking at, the big picture of where we are in that first segment of Gramm-Rudman.

The question of this tax as a funding device will not be the preeminent decision that the President of the United States makes. It will be a question of whether or not he can veto this, realizing that defense is going to take an even bigger slug than he thought it was going to take when they get their \$10 billion.

So vote "yes" now and your defense positions are protected.

Mr. GRAY of Pennsylvania. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois [Mr. ROSTENKOWSKI], the chairman of the Committee on Ways and Means.

Mr. ROSTENKOWSKI. I thank the gentleman for yielding this time to me.

Mr. Speaker, I think my colleagues in this body deserve an explanation of just how controversial this matter really is. I do not know of any piece of legislation that we voted on in Ways and Means more frequently in a short period than the proposition of the value-added tax.

The problem here is not the money. It is how do we raise it? How do we pay for the problems of hazardous waste sites. If my memory serves me correctly, on 6 occasions in the Committee on Ways and Means during our markup on Superfund, the proposition that the House ultimately adopted was rejected. On the seventh occasion, that was reversed and the Committee on Ways and Means then reported out the funding mechanism—the VAT—in the reconciliation conference report.

The House then reversed the position of the Committee on Ways and Means, not on one occasion, but on two occasions. Most recently we did that about 25 or 35 minutes ago.

Maybe the description of playing chicken is apt. Maybe it is brinkmanship. But I will tell my colleagues one thing, we do not win them by turning and running. We win by standing up and facing up to it. If there is any area in which I despise legislating it is in crisis situations and we are doing to much of this.

This bill does not die if we do not pass it tonight. This bill does not go away if we refuse to concur. All we have to do is to disagree and send the message back to the Senate that we disagree with their position. We will come back here next January and reinstate a conference and go back and deliberate just how we want to pay for cleaning up the toxic waste sites in this country.

So the crisis is here but it is not the end. All we have to do is refuse to concur, indicate to the Senate that we disagree and wait for a conference to take place next year.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GREEN].

Mr. GREEN. I thank the gentleman for yielding this time to me.

Mr. Speaker, we are not deciding this evening whether ultimately this country will or will not have a national value-added tax. We may have to face that next year when Gramm-Rudman and the tax bill comes back to us.

We are deciding how we should deal with pollution, and I think a very basic principle in that has always been that the polluters should pay. The effort of the Senate to sneak into our tax code this value-added tax, whatever they want to call it, manufactur-

ers' tax via the environmental route, I think is fundamentally wrong.

We will have our debate on the value-added tax or manufacturers' tax and other excise or sales taxes in the future, but I think it is very important that this House stand by the position it has stood by in the past that the polluter pays.

I am very sad that the gentleman from California [Mr. WAXMAN] would walk away from that position tonight. I think it was unfortunate earlier that he walked away from that when we were dealing with acid rain and came up with a different scheme for dealing with that. I think that is the wrong way to go, and I think the fact that over the years we have been trying to push that and we have not been able to come up with an acid rain solution shows that that is not a valid way to deal with environmental problems.

I think we ought to stick with the position we have had. Let us hold firm. Let us vote against this value added tax tonight.

Mr. GRAY of Pennsylvania. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. FAZIO].

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

Mr. FAZIO. I thank the gentleman for yielding this time to me.

Mr. Speaker, I concur with the chairman of the Committee on Ways and Means. We all regret very much the fact that we are here legislating under crisis at midnight, but I was told earlier that at midnight the cigarette will be imposed by the States across the country that have already moved to pick up that revenue source.

So we are not entirely free of having to face up to our responsibilities, even though we do not like the time or the place that we have to do it in. If we are interested in sending a message to our constituents, and I know we all are regardless of how we voted on Gramm-Rudman, that we are sincere about deficit reduction and that we are capable of doing something about deficit reduction on our own, I think we have to take the opportunity tonight to recede and concur with the Senate position.

This is the first opportunity we are going to have to make sizable, in fact historic, reductions in the deficit that is spread out before us on the landscape in 1987 and 1988. We can pick up \$81 billion if we will simply relent from our macho position here tonight and go along with what I think on balance is best for the American people.

The gentleman from California [Mr. WAXMAN] spoke earlier about some of the provisions that are in here that we value. I know the people from the Northeast and the Midwest are concerned and support the "Buy American" provisions for the offshore drilling rigs, and others have a sincere concern about jobs. There are many provisions that we cannot afford to lose and

we could just lose the opportunity to enact the legislation if we fool around much longer.

I think we have to show the American people that we can do something on our own, that we will not fail at the last minute to make the tough cuts that we have to make. If we do this, we deserve Gramm-Rudman, and we not only deserve the law, we deserve the kind of Draconian cuts that will occur across the spectrum making irrational decisions because we once again fail to be rational when we have the opportunity.

Mr. Speaker, I urge that we recede and concur.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. HILER].

Mr. HILER. I thank the gentleman for yielding this time to me.

My colleagues, I guess I am one of the confused people here this evening. I do not think this is a vote on Gramm-Rudman. I do not think this is supposed to be a vote on Superfund this evening.

My understanding of the procedure today was that we would have a vote on budget reconciliation. We have about 75 Members who are not here this evening who I am sure, had we told them earlier in the day that we would be taking up the value added tax and Superfund, would probably be here this evening. But unfortunately, they went home thinking this would be a simple vote on budget reconciliation which would probably pass 350 to 5.

I am one of the people who voted for Downey-Frenzel. I did not vote for Downey-Frenzel because I was overly enamored with the Downey-Frenzel approach, but I thought the Downey-Frenzel approach was far superior to a new value added tax.

□ 0005

But it was my hope that in a conference that would take place after the first of the year that the conferees from the House and the other body would sit down and have an intelligent discussion about the best way to raise this money, not to try to attach \$5.7 billion of new tax at the 12th hour of the last day of this session of Congress.

So it would seem to me that the proper thing for this body to do this evening is to defeat the motion of the gentleman and to send this measure back to the other body and to adjourn sine die.

Mr. GRAY of Pennsylvania. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi [Mr. MONTGOMERY].

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

Mr. MONTGOMERY. Mr. Speaker, resolving the differences between the House and Senate on veterans provisions in this bill was a difficult task. All Members of this body have had to

make hard choices about all Federal programs during this Congress, but I doubt that any choices have been tougher than those we have made with regard to health care for our Nation's veterans. Therefore, I would be remiss if I did not at the outset of my remarks recognize the diligence of the House and Senate conferees.

Mr. Speaker, I want to acknowledge the outstanding leadership of the ranking minority member of our committee, Mr. HAMMERSCHMIDT, who joined me in introducing the proposal to carry out the mandate of the Congress in the budget resolution. Every year that I work with the gentleman from Arkansas, I am more impressed with his legislative skills, his political judgment and his commitment to our Nation's veterans. What a pleasure it is to work with him.

I especially wish to acknowledge the forbearance and cooperation of Chairman FRANK MURKOWSKI, and the ranking minority member, Senator ALAN CRANSTON, of the Senate Veterans' Affairs Committee. Without their exceptional understanding of the issues and a conscious air of complete cooperation, we could not have completed this challenging task.

On August 1, 1985, the House and Senate reached agreement on the first concurrent budget resolution for fiscal year 1986. The agreement required the Committees on Veterans' Affairs to report legislation on matters within their jurisdiction that would reduce budget authority and outlays by \$300 million in fiscal year 1986, and by a total of \$1.5 billion during fiscal years 1986 through 1988. I am pleased to report to my colleagues that the Committees on Veterans' Affairs have exceeded by a substantial margin our targeted savings as mandated by the House and Senate over the 3-year period. We have met the targets in a way that I believe will help veterans as they seek health care, in a way that will help the Veterans' Administration in planning and delivering medical services, and in a way that will help us as Members of Congress in our budget decisions.

Mr. Speaker, the conference agreement generally follows the House bill. The policy adopted by the House for hospital care will be maintained should the conference agreement be adopted. Under the agreement the Administrator of Veterans' Affairs would be required to furnish hospital care to: First, veterans for service-connected conditions; second, veterans discharged for disability incurred or aggravated in line of duty; third, veterans disabled as a result of VA treatment or vocational rehabilitation; fourth, service-connected veterans rated at 50 percent or greater; fifth, any other veterans who have service-connected disabilities; sixth, Vietnam veterans exposed to certain toxic substances and veterans exposed to ionizing radiation from nuclear explosions; seventh, former prisoners of war; and

eighth, veterans of the Spanish American War, Mexican border period, or World War I.

In addition, the Administrator would also be required to provide hospital care to a ninth category of veterans. This group of veterans would receive such care because of their inability to defray expenses of necessary hospital care—Income less than \$15,000 for veterans with no dependents and \$18,000 for veterans with one dependent, with an increase of \$1,000 (approximately equal to the amount of the VA pension allowance—\$999 as of December 1, 1985) for each additional dependent.

In addition, the conference agreement would provide that hospital care may be provided to a second group of veterans, to the extent that resources and facilities are available. The Administrator would have discretionary authority to provide care to non-service-connected veterans whose income exceeds \$15,000 with no dependents and \$18,000 for veterans with one dependent, plus \$1,000 for each additional dependent. The VA would have discretionary authority to furnish hospital care to this second group of veterans through VA facilities and through non-VA facilities as authorized. For those veterans who may receive care and whose income exceeds \$20,000 with no dependents and \$25,000 with one dependent, plus \$1,000 for each additional dependent, the veteran would be required to agree to make certain payments to the VA in connection with his or her hospital, nursing home, and outpatient care. The income thresholds would be automatically adjusted beginning January 1, 1987, by the same percentage as the VA pension rates would be adjusted.

The Senate bill would have required that the Administrator provide care to only two categories of veterans—those seeking care for their service-connected disabilities and those rated 50 percent or more for any disability. The care would have been provided through VA facilities or, to the extent authorized, through non-VA facilities. For all other eligible veterans hospital care would have been furnished as it is today under current law. The Administrator would have had discretionary authority to furnish care to the extent facilities and resources are available. Some would have gotten care—some would not. Under the Senate bill the overwhelming majority of veterans would have received care according to certain priorities established by the Veterans' Administration.

The conferees rejected this policy. There will be no priorities for hospital care under the conference agreement. The Administrator would be required to provide care to all eligible veterans under section 610(a)(1) of title 38 (as revised by the agreement). In other words, Mr. Speaker, all veterans under section 610(a)(1) would be treated alike. Under current law the VA has

been providing hospital care on a priority basis set out in VA regulations. Since we have now entitled certain categories of veterans to hospital care, current VA regulations (section 17.49, Code of Federal Regulations) must now be revised to reflect the major change in policy to which we have agreed.

Under the conference agreement, outpatient treatment will continue to be provided on a priority basis. The conferees rejected the changes proposed by the House and Senate. Under the House bill, the Administrator would have been required to furnish outpatient treatment to those veterans with outpatient treatment eligibility under current law. It also specified that there would be no requirement to furnish services to non-service-connected disabled veterans with incomes above a certain amount. The Senate bill would have required the Administrator to furnish—directly or by contract—outpatient treatment determined to be reasonably necessary to any veteran for a service-connected disability and for any disability of a veteran with a service-connected disability rated at 50 percent or more, with certain exceptions. Otherwise, the Senate bill would not have modified current eligibilities for outpatient treatment.

The conference agreement would make no change in current law eligibilities relating to outpatient treatment, except to provide that non-service-connected veterans with incomes above the upper income threshold contained in the bill would be eligible only upon agreeing to make payment in connection with such treatment or services and to the extent that resources and facilities are otherwise available.

The provision under current law allowing a non-service-connected veteran over the age of 65 to receive his or her hospital care without regard to income would be repealed under the conference agreement.

The conference agreement would authorize the Administrator to collect from third party insurers for the care and treatment of non-service-connected veterans who have insurance.

Finally, Mr. Speaker, the conference agreement includes a COLA increase of 3.1 percent for VA compensation and DIC payments. This provision is identical to the COLA increase passed earlier this evening.

Mr. Speaker, heretofore all eligible veterans seeking hospital care at a particular VA medical center on a given day, and who are determined by the examining physician to be in need of inpatient care, are generally admitted to the medical center. If the facility is unable to provide necessary care, the veterans may be referred to a nearby VA facility which can provide the needed care. Yet, in too many similar cases, certain non-service-connected veterans may simply be told that the facility cannot provide needed care and he or she is turned

away. In addition, some veterans who present themselves at a VA medical center and do not require immediate care are requested to return at a scheduled time in order that more urgently needed care can be provided to other veterans.

The House, when it passed the provision requiring the Administrator to furnish hospital care to specified categories of eligibility, and the conferees, when they agreed to it, have established a new policy that is long overdue. We have created a limited group of veterans who will now be assured of receiving hospital care when the admitting physician determines it to be necessary. Clearly, there is capacity for more hospital services at existing VA facilities and I refer to the committee report accompanying H.R. 1538 for details about this. (Report 99-337, page 31.) In addition, assuring that each medical center has the capacity to care for eligible veterans who require immediate care, the VA may have to improve its ability to locate bed services at other VA medical centers which can accommodate demand when it exceeds the capacity of a particular VA medical center. An expanded referral capability should not be limited to existing medical districts or even regional boundaries, since the proposed bill requires the Veterans' Administration to provide care in VA facilities. The VA will be required to treat the veteran, seek a bed in another VA facility within reasonable distance, locate a bed in a DOD hospital nearby or, where applicable, contract for such care.

Mr. Speaker, the conference agreement makes no change in VA nursing home care eligibilities in current law except to provide that nonservice-connected veterans with incomes above the upper income threshold would be eligible only upon agreeing to make certain payments in connection with their care.

Similarly, the conference agreement makes no change in VA domiciliary care eligibilities in current law. The conference agreement would make no general change in current law eligibilities relating to outpatient treatment or home health services except to provide that nonservice-connected veterans with incomes above a threshold would be eligible only upon agreeing to make payment in connection with such treatment or services and to the extent that resources and facilities are otherwise available.

Mr. Speaker, the payments described in the conference agreement are modest ones and are payable only by nonservice-connected veterans with incomes above \$20,000 for a single veteran and \$25,000 or more for married veterans with dependents. Incomes and assets of veterans are to be determined by considering the same items as the Administrator currently considers for purposes of the VA Pension Program.

These are only the major provisions of this bill relating to veterans' benefits and services. All provisions are explained in detail in the statement of the managers.

I urge the adoption of the conference agreement.

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

Mr. MONTGOMERY. I yield to the gentleman from Arkansas.

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

Mr. HAMMERSCHMIDT. Mr. Speaker, as the ranking member of the House Veterans Affairs Committee, I rise in strong support of H.R. 3128's provisions on veterans' programs. This bill would be of great benefit to service-connected disabled veterans and to needy veterans. It has been a year of difficult decisions in the face of the imperative for deficit reduction.

The Committee on Veterans' Affairs at the outset adopted a bipartisan approach to the budget for the VA, and when the joint budget resolution instructed a savings of \$300 million for the VA, the committee again acted on a bipartisan basis to achieve the savings.

The principal vehicles for meeting the budgetary goals for the VA are reform of veterans' health care eligibility and third-party reimbursement from health care insurance.

It was necessary to work out differences with the other body on much of the reform of veterans' health care eligibility. Both bodies began with their own means tests and strengthened commitments to provide health care. The third-party reimbursement proposals had only technical differences, which were easily resolved.

There is no need to report the details of the health care eligibility reform and the means test which the chairman, SONNY MONTGOMERY, has outlined. Suffice it to say, for the first time ever, the Government is formally committed to providing hospital care for service-connected and truly needy veterans. For the first time ever, the universe of veterans for whom the VA is going to provide hospital care is clearly defined.

I would have preferred the income line of the means test be drawn somewhat higher than allowed by the compromise with the other body. However, the \$15,000 limitation for single veterans and the \$18,000 limitation for married veterans provide a starting point and could possibly be adjusted in the future, if experience bears out my belief that they may be too low.

Mr. Speaker, I hope the reform of health care eligibility with its strengthened commitment to provide hospital care is as pleasing to our Nation's veterans as it is to me. This legislation adopts the framework of the original House bill. It is a truly historic step which confirms that the Congress intends for the Veterans' Administration hospital system to keep essentially its present form for many years to come.

The cost-of-living allowance for disabled veterans and veterans' is set at 3.1 percent, the same as the Social Security and veterans' survivors pension COLA's. Rather than hold up the COLA any longer—it should

have been passed prior to December 1, 1985—I believe we should accept the 3.1 percent figure upon which the other body insisted.

This important legislation in large part owes its existence to the leadership and personal dedication of my friend and colleague, **SONNY MONTGOMERY**, chairman of our committee. Further, the chairman of the Subcommittee on Hospitals and Health Care, **BOB EDGAR**; the chairman of the Subcommittee on Compensation, Pension and Insurance, **DOUG APPELEGATE**, and its ranking member, **GERALD SOLOMON**, have each been instrumental in bringing this veterans' legislation to the floor.

Also, a special note of appreciation should go to the chairman of the House Budget Committee, **BILL GRAY**, to its ranking member, **DEL LATTA**, and to **MARVIN LEATH**, a member of the Veterans' Affairs Committee on temporary leave of absence to the Budget Committee.

Mr. Speaker, I urge my fellow Members to support this measure, which will achieve both the desired savings in the VA budget and a significant reform of veterans' health care eligibility.

Mr. **LATTA**. Mr. Speaker, I yield 2 minutes to the gentlewoman from Rhode Island [Mrs. **SCHNEIDER**].

(Mrs. **SCHNEIDER** asked and was given permission to revise and extend her remarks.)

Mrs. **SCHNEIDER**. Mr. Speaker, I am very distressed that we are attempting to bring forward some smoke and mirrors this evening to discuss the whole prospect of reconciliation.

We have voted on reconciliation. We made it very clear that this body has already acted in support of helping the poor and needy.

Unfortunately, we are back here again because the other body has not chosen to take our message. We are here for one reason and one reason only, and that is to discuss once again the value-added tax.

This House is on record. This House has been on record each time with an increasingly larger margin of support in opposition to the value-added tax.

I believe that this is a very deceptive way of us to give with one hand through reconciliation and to take away with the other hand through a value-added tax.

My question is: Procedurally, are we here tonight to bow to the other body? Are we here this evening to react in the form of crisis management? Or are we here once again, a third time, to stand up and to be counted?

Tonight we are experiencing an endurance test of time. Sure, we are all very tired. Sure, we would like to go home. But I think that we would like to go home. But I think that we have to make it very clear that this vote is an attempt to separate the men from the boys.

Now I do not know about the rest of you, but I happen to have taken my vitamin pills this evening. I hope all of you have also. But I think that this evening is beyond the endurance test, and it is a question as to whether or

not those Members who have stood up and been counted in the past will continue to stand up and be counted and make it very clear to their constituents that we stand in strong opposition to a deceptive way to bring about a value-added tax.

We will have plenty of opportunities to increase taxes next year. And when it comes to environmental protection, there is only one approach that is appropriate, and that is the approach of having the polluter pay.

This is an opportunity for us to yet a third time make it very clear as to where we stand.

Mr. **GRAY** of Pennsylvania. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio [Ms. **OAKAR**].

Ms. **OAKAR**. Mr. Speaker, if the cloud of Gramm/Rudman were not over us, I would not support the resolution, but it is over us. And we had better face reality.

I am telling you, there is a reality out there that we have to get some reductions in order, and at the same time, we have to speak about our priorities.

There is a lot in this bill, and I concur with the gentleman from California, **HENRY WAXMAN**, and frankly I did not think it was fair of my friend from New York to criticize him that much, because **HENRY WAXMAN** pointed out some priority areas such as Medicare, Medicaid, black lung is in here, some training programs, and other things that we care about. And we are sending a signal that we do not want those kinds of programs reduced by Gramm/Rudman, we can save it in another way.

So I reluctantly concur with this resolution. At the same time, I want to take the opportunity to commend the Speaker pro tempore who has met the test of fairness and endurance. He has been in the chair for 12 hours, and I think we ought to commend my friend from Michigan [Mr. **KILDEE**].

Mr. **LATTA**. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. **MOLINARI**].

Mr. **MOLINARI**. Mr. Speaker, I thank the gentleman for yielding me this time. I will not need a minute.

If you strip the veneer and all the rhetoric away, there is just one simply issue: Are we going to fold to the big oil interests?

I hope not.

Mr. **GRAY** of Pennsylvania. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. **STARK**].

Mr. **STARK**. Mr. Speaker, the issue is simple. We have in this reconciliation bill done a lot for Medicare, we have done a lot on a bipartisan basis and we have helped the average American.

You can defeat this motion, you can do away with the sales tax, you can make the oil industry, as was previously stated, pay their fair share. The bill will be considered next year with a new conference, and the majority of it, all of the good parts that we voted for

three and four times will be preserved and Americans will benefit, will get better Medicare, better help, and we will not have this onerous sales tax begin at the hands of the House of Representatives.

I urge a no vote on this motion.

Mr. **LATTA**. Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina [Mr. **HARTNETT**] in order to make a unanimous consent request.

Mr. **HARTNETT**. Mr. Speaker, I thank the distinguished gentleman for yielding.

Mr. Speaker, I would like to make a unanimous consent request that all speeches be considered as if heard, and that the majority and the minority managers yield back the balance of their time.

Mr. **GRAY** of Pennsylvania. Mr. Speaker, I will be glad to support the gentleman's request.

The SPEAKER pro tempore. The two managers hold the fate of the House in their hands on that question.

Mr. **LATTA**. Mr. Speaker, I yield myself 15 seconds.

I would like to accede to that request, but I promised some of my colleagues here some time.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. **WALKER**].

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

Mr. **LATTA**. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. **WOLPE**].

Mr. **WOLPE**. Mr. Speaker, I also will not use my 2 minutes. I just hope that the House will hold firm to its position and vote in opposition.

The issue is not whether we support reconciliation. Of course we do. The issue is not whether we support budget savings. Of course we do.

The issue is whether or not we are going to have a new tax that makes no sense from the standpoint of tax policy or environmental policy, and I might suggest from the standpoint of the principles of my own party, from the standpoint of those principles as well.

I urge a no vote.

Mr. **GRAY** of Pennsylvania. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. **TRAFICANT**].

Mr. **TRAFICANT**. Mr. Speaker, it is not often that I agree with the other gentleman from Ohio [Mr. **LATTA**] but on this particular matter I do.

As I have stated earlier, any piece of legislation shotgunned through at the last minute of the end of the session that is thicker than 4 inches and weighs more than 4 pounds, then I am going to vote no. This thing here would cause a hernia in the average American.

Mr. **LATTA**. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska [Mr. **DAUB**].

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

Mr. DAUB. Mr. Speaker, almost 200 years ago, Alexander Hamilton said to a foreign visitor, "Here, sir, the people rule." I pray tonight that we will not change that statement to "Here, sir, the Senate rules."

I would like very much for my colleagues to take into account two things. This is not a discussion about Gramm-Rudman.

Reconciliation a year ago came to this body for the previous year in April, in April, so what we may do is not without precedent. We can take the matter up, as the chairman of the Ways and Means Committee said, early next year.

We have not abandoned our duties to the poor, our duties to those issues that affect health and limb and life. We have not abandoned our duties to the veterans.

We voted for reconciliation and we sent it to the other body. We have done our duty.

They have not, for their penchant with the nongermaneness of the operations of their body allows them the kind of thinking that has beset us with our difficulties tonight and that is to add something in conference that we did not send them. We should not accept it.

I urge us, I urge us with all my heart as a matter of procedure and as a matter of process to reject this motion and vote it down.

Mr. GRAY of Pennsylvania. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. ECKART].

Mr. ECKART of Ohio. Mr. Speaker, somebody said come back next year. Next year to what? Next year to Gramm-Rudman? Next year to business as usual, with Superfund clean-ups being delayed all across the United States? Next year to an undone Black Lung Medical Program on the brink of bankruptcy? Next year to expanded physician charges to our senior citizens instead of a freeze?

Yes, we bowed, we got the other body to accept 33 percent more for Superfund than they originally agreed to.

The bottom line is when we come back it is not going to be business as usual, it is a whole new ballgame, and it is not going to be very pleasant.

I urge adoption of the conference committee report.

□ 2420

Mr. LATTI. Mr. Speaker, may I inquire about the time?

The SPEAKER pro tempore. The gentleman from Ohio [Mr. LATTI] has 6 minutes remaining and the gentleman from Pennsylvania [Mr. GRAY] has 7 minutes remaining.

Mr. LATTI. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, this has been a good debate. Let me say that I have been in this House now for 27 years, and I have

been proud to be a Member of this House.

This House over those years has been a House that voted its convictions and stayed by those convictions; and I think tonight we have an opportunity to show that we are a proud body; that we are not going to let the other body tell us what to do when we have voted 205 to 151 on an issue so important to the American people, are we going to have a whole new tax system imposed on them?

What a fine Christmas present we could give them by backing down to the other body and putting a whole new taxing system on them? Come on, we do not want to do that. We do not want to do that.

Certainly, on reflection, the other body would not want to do that. What did we do when we voted just an hour or so ago? We voted for all of these reductions that we have heard so much about here; we voted for those—yes, we voted for a Superfund. The only thing we said to the other body was in that vote, was that we wanted to wait for another day to come up with the funding, and not to swallow a whole new taxing system; the Value Added Tax.

So I ask my colleagues tonight to stay by their convictions and to vote down this motion.

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

Mr. GRAY of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker and colleagues, someone has said tonight that we are involved in a game of political "chicken," and that is probably very accurate in the description.

Let us talk about how we got to the game. We got to the game because we went to conference on reconciliation; the conferees worked, the conferees on the subgroup number 22 voted, came out with a position. They went there knowing what the House had done on the Downey amendment earlier, but yet they acted in good faith; and now the other body, knowing that their President has said that he will veto a value added tax, does have us involved in a game of political chicken.

Before we talk about who should blink and who should run, let us talk about what the price is. The price, the price is \$80 billion of deficit reduction. The only deficit reduction that we know for sure we are going to get, because we have heard it so many times from other persons.

Reconciliation. The price? Those programs: Medicaid, pension benefits, veterans programs, and others that have been reformed that are now going to be left dormant and left over to next year, when we come back.

Next year when we come back what will we have? I will tell you what we are going to have: We are going to have to learn a whole new budget process with a whole new set of dates and targets, and how to do it very

quickly; and if anybody thinks we can come back to this next year for all of those spending reductions, I have news for you, I do not think it is going to happen.

We can also have Superfund coming up through the regular process. So I just simply say to the Members, we are involved in a game of political chicken. The Senate does not, does not want to resolve the problem. What they have said in essence is, "Let's challenge the President."

This House earlier said, "We don't want to do that bipartisanly." So I stand here tonight, asking you to vote to concur. Vote so that we can make the savings, vote so that we can go home and say that we have reduced the deficit. Vote so that we can come back next year, and we can come back and be on with the rest of the business; including, there will be business of reauthorization on Superfund and that issue will not be closed.

So next year for me is deficit reduction as well as reauthorization of Superfund; and that battle is not over. I say let us get the deficit reduction we can tonight. We cannot wait until next year; America cannot wait until next year. The red ink is drowning this country.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GRAY] to concur in the Senate amendment to the House amendment to the Senate amendment.

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

Mr. GRAY of Pennsylvania. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered. The vote was taken by electronic device and there were—yeas 137, nays 211, not voting 86, as follows:

(Roll No. 482)

YEAS—137

Anderson	Coughlin	Hatcher
Andrews	Courter	Hawkins
Anthony	Craig	Hefner
Archer	Darden	Hendon
Bartlett	DeLay	Hopkins
Barton	Derrick	Huckaby
Bateman	Dingell	Hutto
Berman	DioGuardi	Jacobs
Billey	Dymally	Jenkins
Boggs	Eckart (OH)	Johnson
Bonker	Eckert (NY)	Jones (OK)
Borsari	Edwards (OK)	Kolbe
Bosco	Emerson	Kostmayer
Boulter	English	Leath (TX)
Breaux	Fazio	Leland
Brooks	Feltham	Lent
Brown (CO)	Fields	Livingston
Broyhill	Foglietta	Long
Bruce	Ford (TN)	Lowery (CA)
Bryant	Fowler	Lujan
Bustamante	Frank	Manton
Campbell	Franklin	McCurdy
Carper	Frost	McMillan
Cheney	Gallo	Mollohan
Clinger	Gillman	Montgomery
Coble	Glickman	Moore
Coble	Gonzalez	Murtha
Coelho	Gray (PA)	Myers
Combest	Hall, Ralph	Natcher

Nielson	Rowland (GA)	Sweeney
Oakar	Saxton	Synar
Ortiz	Schaefer	Tallon
Perkins	Schuette	Tauzin
Pickle	Siljander	Thomas (CA)
Porter	Siskisly	Thomas (GA)
Rahall	Skeen	Udall
Ray	Slattery	Valentine
Ridge	Slaughter	Walgren
Rinaldo	Snyder	Waxman
Ritter	Whittier	Whitley
Roberts	Staggers	Whittaker
Roe	Stangeland	Wilson
Roemer	Stenholm	Wise
Rogers	Strang	Wright
Rose	Stratton	Young (AK)
Roukema	Sundquist	

NAYS—211

Akaka	Hamilton	O'Brien
Alexander	Hammerschmidt	Oberstar
Annunzio	Hansen	Obey
Applegate	Hartnett	Owens
Army	Hayes	Oxley
AuCoin	Henry	Packard
Badham	Hertel	Parris
Barnes	Hiler	Pashayan
Bates	Horton	Pease
Bedell	Howard	Penny
Bellenson	Hoyer	Pepper
Bennett	Hughes	Petri
Bentley	Hunter	Pursell
Bereuter	Hyde	Rangel
Bilirakis	Ireland	Regula
Boehert	Jeffords	Reid
Boner (TN)	Jones (TN)	Robinson
Bonior (MI)	Kanjoraki	Rodino
Boucher	Kasich	Rostenkowski
Brown (CA)	Kastenmeier	Roth
Burton (CA)	Kemp	Rowland (CT)
Burton (IN)	Kennelly	Sabo
Byron	Kildee	Savage
Callahan	Kiecicka	Scheuer
Carney	Kramer	Schneider
Carr	Lagomarsino	Schroeder
Chandler	Lantos	Selbinger
Chappell	Latta	Sensenbrenner
Chapple	Leach (IA)	Shaw
Coats	Levin (MI)	Shelby
Coleman (MO)	Levine (CA)	Shumway
Collins	Lewis (CA)	Skelton
Conte	Lewis (FL)	Smith (FL)
Cooper	Lightfoot	Smith (IA)
Coyne	Lloyd	Smith (NJ)
Crane	Lowry (WA)	Smith, Denny
Dannemeyer	Luken	(OR)
Daschle	Lundine	Smith, Robert
Daub	Lungren	(NH)
Davis	Mack	Smith, Robert
de la Garza	MacKay	(OR)
Dellums	Madigan	Snowe
DeWine	Markey	Solomon
Dicks	Martin (IL)	Spence
Donnelly	Martin (NY)	St Germain
Dorgan (ND)	Matsui	Stallings
Dornan (CA)	Mavroules	Stark
Downey	Mazzoli	Studds
Dreier	McCain	Stump
Duncan	McCandless	Swift
Durbin	McCloskey	Swindall
Dwyer	McCollum	Tauke
Dyson	McDade	Taylor
Edgar	McEwen	Torres
Edwards (CA)	McHugh	Torrice
Evans (IA)	McKernan	Towns
Evans (IL)	Meyers	Trafficant
Fascell	Mica	Vento
Fawell	Michel	Vislosky
Fiedler	Mikulski	Volkmer
Fish	Miller (OH)	Vucanovich
Foley	Miller (WA)	Walker
Frenzel	Mineta	Weber
Gedjenson	Moakley	Weiss
Gekas	Molinari	Wheat
Gingrich	Moody	Wolf
Goodling	Moorhead	Wolpe
Gordon	Morrison (WA)	Wyden
Green	Mrazek	Yatron
Grotberg	Neal	Young (FL)
Guarini	Nelson	
Gunderson	Nowak	

NOT VOTING—86

Ackerman	Biaggi	Coleman (TX)
Addabbo	Boland	Conyers
Aspin	Boxer	Crockett
Atkins	Broomfield	Daniel
Barnard	Chapman	Dickinson
Bevill	Clay	Dixon

Dowdy	LaFalce	Russo
Early	Lehman (CA)	Schulze
Erdreich	Lehman (FL)	Schumer
Fippo	Lipinski	Sharp
Fiorio	Loeffler	Shuster
Ford (MI)	Lott	Sikorski
Fuqua	Marlenee	Smith (NE)
Garcia	Martinez	Solarz
Gaydos	McGrath	Stokes
Gephardt	McKinney	Traxler
Gibbons	Miller (CA)	Vander Jagt
Gradison	Mitchell	Watkins
Gray (IL)	Monson	Weaver
Gregg	Morrison (CT)	Whitehurst
Hall (OH)	Murphy	Whitten
Heftel	Nichols	Williams
Hillis	Oh	Wirth
Holt	Panetta	Wortley
Hubbard	Price	Wylie
Jones (NC)	Quillen	Yates
Kaptur	Richardson	Young (MO)
Kindness	Roysal	Zschau
Kolter	Rudd	

□ 0030

So the motion was rejected.
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBERS OF THE COMMITTEE TO INFORM THE PRESIDENT THAT THE TWO HOUSES HAVE COMPLETED THEIR BUSINESS OF THE SESSION AND ARE READY TO ADJOURN

The SPEAKER pro tempore. The Chair appoints as members on the part of the House to notify the President the gentleman from Washington [Mr. FOLEY] and the gentleman from Illinois [Mr. MICHEL].

MOTION TO DISAGREE TO THE SENATE AMENDMENT TO H.R. 3128, CONSOLIDATED OMNIBUS RECONCILIATION ACT OF 1985

Mr. GRAY of Pennsylvania. Mr. Speaker, I move that the House disagree to the Senate amendment to the House amendment to the Senate amendment to H.R. 3128.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GRAY].

The motion was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR ADJOURNMENT SINE DIE OF THE CONGRESS ON FRIDAY, DECEMBER 20, 1985

Mr. FOLEY. Mr. Speaker, I send to the desk a privileged concurrent resolution (H. Con. Res. 267) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 267

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Friday, December 20, 1985, pursuant to a motion made by the majority leader or his designee, it stand adjourned sine die and that when the Senate adjourns on Friday, December 20, 1985, pur-

suant to a motion made by the majority leader or his designee, it stand adjourned sine die or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House, after consultation with the minority leader of the House, and the majority leader of the Senate, after consultation with the minority leader of the Senate, acting jointly, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4006. An act to extend until March 15, 1986, the application of certain tobacco excise taxes, trade adjustment assistance, certain medicare reimbursement provisions, and borrowing authority under the railroad unemployment insurance program, and to amend the Internal Revenue Code of 1954 to extend for a temporary period certain tax provisions of current law which would otherwise expire at the end of 1985.

□ 2445

PARLIAMENTARY INQUIRIES

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

The SPEAKER pro tempore. The gentleman from Texas will state his parliamentary inquiry.

Mr. PICKLE. Mr. Speaker, I understand the message from the Senate has gone to the desk. Has not the House already adjourned.

The SPEAKER pro tempore. The House has not adjourned. The House has passed a resolution stipulating that when it adjourns today, it will adjourn sine die, to meet on January 21, or subject to the call of the Chair under certain circumstances.

The Senate would also have to concur in that resolution, the Chair would advise the gentleman from Texas.

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

On the message that came from the Senate, parliamentarily, would it take a unanimous-consent request to take that matter up?

The SPEAKER pro tempore. At this point, that is correct; it would require a unanimous-consent request.

Mr. CAMPBELL. Mr. Speaker, I ask unanimous consent that the matter be taken up.

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