

But, if the Ethics Committee currently interprets the term "publication" to mean the publication of a book, and the term "literary work" to mean only a book, then that will continue to be the case if my substitute is adopted since I have not, by the language of my substitute or by this legislative history, said anything to broaden that definition or interpretation.

RESPONSE TO ARGUMENT THAT ROYALTIES MAY BE PERCEIVED AS CAPITALIZING ON OFFICE

The central argument used by the Ethics Committee in recommending not only a ban on advances but a limit on royalties is that such income "creates the impression of exploiting one's office for personal gain."

This argument conveniently blurs the distinction between advances, which are payments made up front before knowing how well a book will sell, and royalties which are based solely on the popularity of a book with the buying public.

My substitute recognizes that there is an appearance problem with advances given to a government official.

That is currently banned in the executive branch for top officials and would be banned by my substitute. But, to go on to argue that receiving royalty income based on sales is somehow unethical because someone is a government office holder or appointee is a bogus argument.

A book does not become a best-seller just because the author is well-known. There are plenty of books that have not made substantial profits that have been written by authors who have had previous best-sellers, regardless of their names, positions, or previous works.

I do not recall any great public uproar over the fact that Vice President GORE'S book on the environment, "Earth in the Balance," became a best-seller. People did not charge that he was taking undue advantage of his position in government. It was widely accepted that the book sold well because he had something to say, and said it well, and that many people were therefore willing to spend money to buy the book.

Let's not set a double standard for books by liberal authors and books by conservative authors. It shouldn't make a difference what the ideological stripe of the author is except with those who think it is sinful for conservatives to make money but somehow simply fortunate that liberals can reap profits occasionally from peddling their ideas.

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. BE-REUTER). The question is on the resolution.

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

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground 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 380, nays 11, answered "present" 1, not voting 41, as follows:

[Roll No. 881]

YEAS—380

Abercrombie  
Allard  
Andrews  
Archer  
Armev  
Bachus  
Baker (CA)  
Baldacci  
Ballenger  
Barcia  
Barr  
Barrett (NE)  
Barrett (WI)  
Bartlett  
Barton  
Bass  
Bateman  
Beilenson  
Bentsen  
Bereuter  
Billbray  
Bilirakis  
Bishop  
Bliley  
Blute  
Boehlert  
Boehner  
Bonilla  
Bonior  
Bono  
Borski  
Boucher  
Brewster  
Browder  
Brown (FL)  
Brown (OH)  
Brownback  
Bryant (TN)  
Bryant (TX)  
Bunn  
Bunning  
Burr  
Burton  
Buyer  
Camp  
Campbell  
Canady  
Cardin  
Castle  
Chabot  
Chambliss  
Chapman  
Chenoweth  
Christensen  
Chrysler  
Clayton  
Clement  
Clinger  
Clyburn  
Coble  
Coburn  
Coleman  
Collins (GA)  
Collins (IL)  
Combest  
Condit  
Cooley  
Cox  
Coyne  
Crane  
Crapo  
Creameans  
Cubin  
Cunningham  
Danner  
Davis  
de la Garza  
Deal  
DeFazio  
DeLauro  
DeLay  
Dellums  
Deutsch  
Diaz-Balart  
Dickey  
Dicks  
Dingell  
Dixon  
Doggett  
Dooley  
Doolittle  
Dornan  
Doyle  
Dreier  
Duncan  
Dunn

Durbin  
Ehlers  
Ehrlich  
Emerson  
Engel  
English  
Ensign  
Eshoo  
Evans  
Everett  
Ewing  
Farr  
Fawell  
Fazio  
Fields (LA)  
Flake  
Flanagan  
Foglietta  
Foley  
Forbes  
Fowler  
Fox  
Frank (MA)  
Franks (CT)  
Franks (NJ)  
Frelinghuysen  
Frost  
Funderburk  
Furse  
Ganske  
Gejdenson  
Gekas  
Gephardt  
Geren  
Gilchrest  
Gillmor  
Gonzalez  
Goodlatte  
Goodling  
Gordon  
Goss  
Graham  
Greenwood  
Gutknecht  
Hall (OH)  
Hall (TX)  
Hamilton  
Hancock  
Hansen  
Hastert  
Hastings (WA)  
Hayworth  
Hefley  
Hefner  
Heineman  
Herger  
Hilleary  
Hilliard  
Hobson  
Hoekstra  
Hoke  
Holden  
Horn  
Hostettler  
Houghton  
Hoyer  
Hunter  
Hutchinson  
Hyde  
Inglis  
Istook  
Jackson (IL)  
Jackson-Lee  
(TX)  
Johnson (CT)  
Johnson (SD)  
Johnson, E.B.  
Johnson, Sam  
Johnston  
Jones  
Kaptur  
Kasich  
Kelly  
Kennedy (MA)  
Kennedy (RI)  
Kennelly  
Kildee  
Kim  
King  
Kingston  
Kleccka  
Klug  
Knollenberg  
Kolbe  
LaHood

Largent  
Latham  
LaTourette  
Laughlin  
Lazio  
Leach  
Levin  
Lewis (CA)  
Lewis (GA)  
Lewis (KY)  
Lightfoot  
Linder  
Livingston  
LoBiondo  
Longley  
Lowey  
Lucas  
Luther  
Maloney  
Manton  
Markey  
Martinez  
Martini  
Mascara  
Matsui  
McCarthy  
McCollum  
McCrery  
McDade  
McDermott  
McHale  
McHugh  
McInnis  
McIntosh  
McKeon  
McKinney  
McNulty  
Meehan  
Menendez  
Metcalf  
Meyers  
Mfume  
Mica  
Miller (FL)  
Minge  
Mink  
Moakley  
Molinari  
Mollohan  
Montgomery  
Moorhead  
Moran  
Morella  
Murtha  
Myrick  
Nadler  
Nethercutt  
Neumann  
Ney  
Norwood  
Nussle  
Oberstar  
Obey  
Olver  
Ortiz  
Orton  
Oxley  
Packard  
Pallone  
Parker  
Pastor  
Paxon  
Payne (NJ)  
Payne (VA)  
Pelosi  
Peterson (FL)  
Peterson (MN)  
Petri  
Pickett  
Pombo  
Pomeroy  
Porter  
Portman  
Poshard  
Pryce  
Radanovich  
Rahall  
Ramstad  
Rangel  
Reed  
Regula  
Richardson  
Riggs  
Rivers  
Roberts  
Roemer

Rogers  
Rohrabacher  
Rose  
Roth  
Roukema  
Roybal-Allard  
Royce  
Rush  
Sabo  
Salmon  
Sanders  
Sanford  
Sawyer  
Saxton  
Scarborough  
Schaefer  
Schiff  
Schroeder  
Sclafani  
Scott  
Seastrand  
Sensenbrenner  
Serrano  
Shadegg  
Shaw  
Shays  
Shuster  
Sisisky  
Skaggs  
Skeen  
Skelton

Slaughter  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Solomon  
Souder  
Spence  
Spratt  
Stark  
Stearns  
Stenholm  
Stockman  
Stokes  
Studds  
Stump  
Stupak  
Talent  
Tanner  
Tate  
Tauzin  
Taylor (MS)  
Taylor (NC)  
Tejeda  
Thomas  
Thompson  
Thornberry  
Thornton  
Thurman  
Tiahrt  
Torkildsen

Torres  
Torricelli  
Traffant  
Upton  
Velazquez  
Vento  
Vislosky  
Volkmer  
Vucanovich  
Waldholtz  
Walker  
Walsh  
Wamp  
Ward  
Watts (OK)  
Weldon (PA)  
Weldon (FL)  
Weller  
White  
Whitfield  
Wicker  
Williams  
Wilson  
Wise  
Wolf  
Woolsey  
Wynn  
Yates  
Young (FL)  
Zeliff  
Zimmer

NAYS—11

Baesler  
Brown (CA)  
Clay  
Costello  
Hastings (FL)  
Hinchev  
Kanjorski  
Klink  
Miller (CA)  
Waters  
Watt (NC)

ANSWERED "PRESENT"—1

Gunderson

NOT VOTING—41

Ackerman  
Baker (LA)  
Becerra  
Berman  
Bevill  
Callahan  
Calvert  
Collins (MI)  
Conyers  
Cramer  
Edwards  
Fattah  
Fields (TX)  
Filner  
Ford  
Gallegly  
Gibbons  
Gilman  
Green  
Gutierrez  
Harman  
Hayes  
Jacobs  
Jefferson  
LaFalce  
Lantos  
Lincoln  
Lipinski  
Lofgren  
Manzullo  
Meek  
Myers  
Neal  
Owens  
Quillen  
Quinn  
Ros-Lehtinen  
Towns  
Waxman  
Wyden  
Young (AK)

□ 1127

Mr. MILLER of California changed his vote from "yea" to "nay."

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.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, I regret that I was inadvertently delayed and was prevented from voting on rollcall No. 881, a rule for the consideration of House Resolution 299. Had I been present to vote I would have voted "aye."

□ 1130

GENERAL LEAVE

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material in the RECORD on House Resolution 322, the resolution just adopted.

The SPEAKER pro tempore (Mr. BE-REUTER). Is there objection to the request of the gentleman from New York?

There was no objection.

**AMENDING HOUSE RULES TO PLACE LIMITATIONS ON COPYRIGHT ROYALTY INCOME FOR HOUSE MEMBERS, OFFICERS, AND EMPLOYEES**

Mr. SOLOMON. Mr. Speaker, pursuant to House Resolution 322, I call up House Resolution 299 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 299

*Resolved,*

**SECTION 1. AMENDMENT TO HOUSE RULES.**

(a) Clause 3(e) of rule XLVII of the Rules of the House of Representatives is amended to read as follows:

“(e) The term ‘outside earned income’ means, with respect to a Member, officer, or employee, wages, salaries, fees, and copyright royalties earned while a Member, officer or employee of the House, and other amounts received or to be received as compensation for personal services actually rendered but does not include—

“(1) the salary of such individual as a Member, officer, or employee;

“(2) any compensation derived by such individual for personal services actually rendered prior to the effective date of this rule or becoming such a Member, officer, or employee, whichever occurs later;

“(3) any amount paid by, or on behalf of, a Member, officer, or employee, to a tax-qualified pension, profit-sharing, or stock bonus plan and received by such individual from such a plan;

“(4) in the case of a Member, officer, or employee engaged in a trade or business in which the individual or his family holds a controlling interest and in which both personal services and capital are income-producing factors, any amount received by such individual so long as the personal services actually rendered by the individual in the trade or business do not generate a significant amount of income; and

“(5) copyright royalties for works published before becoming a Member, officer, or employee of the House.”.

(b) Clause 3 of rule XLVII of the Rules of the House of Representatives is further amended by adding at the end the following new paragraphs:

“(g) A Member, officer, or employee of the House may not—

“(1) receive any copyright royalties pursuant to a contract entered into after becoming a Member, officer, or employee—

“(A) unless the royalty is received from an established publisher pursuant to usual and customary contractual terms; and

“(B) without the prior approval of the contract by the Committee on Standards of Official Conduct; or

“(2) receive any advance payment for any such work. However, the rule does not prohibit literary agents, research staff, and other persons working on behalf of the Member, officer, or employee, from receiving advance payments directly from the publisher.

“(h) The Committee on Standards of Official Conduct, subject to such exceptions as it deems appropriate, shall not approve any contract which permits the deferral of royalty payments beyond the year in which earned.”.

**SEC. 2. EFFECTIVE DATE.**

The amendments made by this resolution shall apply to copyright royalties earned by a Member, officer, or employee of the House of Representatives after December 31, 1995.

**AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SOLOMON**

Mr. SOLOMON. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the Nature of a Substitute offered by Mr. SOLOMON:

**SECTION 1. AMENDMENT TO HOUSE RULE XLVII (LIMITATIONS ON OUTSIDE EMPLOYMENT AND EARNED INCOME).**

Rule XLVII of the rules of the House of Representatives is amended by redesignating clause 3 as clause 4 and by inserting after clause 2 the following new clause:

“3. A Member, officer, or employee of the House may not—

“(1) receive any advance payment on copyright royalties, but this paragraph does not prohibit any literary agent, researcher, or other individual (other than an individual employed by the House or a relative of that Member, officer, or employee) working on behalf of that Member, officer, or employee with respect to a publication from receiving an advance payment of a copyright royalty directly from a publisher and solely for the benefit of that literary agent, researcher, or other individual; or

“(2) receive any copyright royalties pursuant to a contract entered into on or after January 1, 1996, unless that contract is first approved by the Committee on Standards of Official Conduct as complying with the requirement of clause 4(e)(5) (that royalties are received from an established publisher pursuant to usual and customary contractual terms).”.

**SEC. 2. EFFECTIVE DATE.**

The amendment made by section 1 shall take effect on January 1, 1996.

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

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 322, the gentleman from New York [Mr. SOLOMON] and the gentleman from Massachusetts [Mr. MOAKLEY] will each be recognized for 15 minutes.

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

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that my 15 minutes of general debate be controlled by the gentleman from Washington [Mr. MCDERMOTT].

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

There was no objection.

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

Members, we have already had an extensive 1-hour debate on this issue, and I think most people know the alternatives there. The substitute I have offered presents the House with a clear-cut alternative to the Johnson resolution.

House Resolution 299 would bring royalty income, for the first time, under the outside earned income cap of 15 percent of a Member's salary of approximately \$20,000. My substitute recognizes, as does the House Ethics Man-

ual, and as does the Office of Government Ethics in the executive branch, that royalty income is a return on an author's intellectual property and, therefore, should be treated as any other investment income without being subject to arbitrary limits. It is what this debate is all about.

My resolution is identical to the Johnson resolution in that it prohibits any advances on royalty income beginning next year. And that next year is simply a week away.

And just like the Johnson resolution, my substitute requires prior approval of any future contracts after January 1, 1996, to ensure that they are in compliance with current House standards. We do not change those at all. And that the contract be with an established publisher. That is the rule today. That is the rule under the Johnson resolution, and it is the rule under my resolution. And that they be pursuant to usual and customary contract terms. All that stays the same.

Mr. Speaker, I think we have to ask ourselves in considering any kind of ethics rule what is the perceived ethical problem and how can we best deal with it? When it comes to royalty income, we must ask ourselves is there an ethical problem involved with receiving income over which we have no control? Think about that. Is there a problem or conflict involved with Members receiving income from books that are purchased by persons that the author does not even know? Who is going to buy those books out there? We are not going to know who they are. The will be in Philadelphia or Los Angeles or St. Louis. I do not even know anybody in St. Louis.

Does earning royalty income detract from the time a Member can devote to his or her official duties? We should ask ourselves that. The answer to all of these questions is, clearly, an emphatic, no.

The income is derived from the marketplace, from the popularity of the book, from the value of the book, as perceived by the public that is going to buy that book and not from persons who might pose a conflict of interest. We do not even know them, so how could there be a conflict of interest? And certainly not from the time a Member must devote to persuading people to buy that book. Those are facts.

Mr. Speaker, I know there are some who argue that the mere publication of a book by a Member of Congress is somehow capitalizing on that office, but let me tell Members something. The public does not rush out to buy a book simply because it is written by a Member of Congress. The public could care less, my friends. Let us get our egos back down to where they belong. And there are several Members here today, believe me, who could attest to that. I am the author of books and I can attest to it.

Mr. Speaker, Members have had books bomb and they did not make a