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House of Representatives

RULES OF THE HOUSE

(Continued)

☐ 1700

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. Mr. Speaker, I support many of the important rules changes being presented here today. But, Mr. Speaker, it seems strange to me that the first opportunity that the Republicans get, they start doing what they have complained about for years. They claim to be willing to open up this body's proceedings, but the first day's business is being conducted under closed rules. That means that any Democratic ideas, regardless of merit, will not even see the light of day. We will start this Congress with business as usual and a gag on the voice of Democrats. This is not the way to start the 104th Congress. The Republican resort to closed rules is as unbelievable as their last-minute defeat of lobby reform and the gift ban last year.

Mr. Speaker, I say to my colleagues, ''Saying that this is open debate just don't make it so.''

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Missouri [Ms. MCCARTHY].

Ms. MCCARTHY. Mr. Speaker, I am one of the new Members of this body the voters elected to change the way Washington works. Many of us campaigned on the issue of reform. I want to say to other new Members, ''Don't get cold feet now. We're considering a lot of reforms here today, and I support many of them, but let's be honest. These reforms don't go nearly far enough. They don't begin to address the real concerns of the American people.''

Mr. Speaker, the American people are not angry at Washington because there are too many proxy votings in Congress. They are angry because there are too many lobbyists, too many lawyers and too many special interests with too much influence. They are angry because they see Members taking money and gifts from well-connected insiders and, in some cases, trying to use their offices to amass personal wealth.

This is supposed to be the day when we address the rules Members live by, yet in the entire Republican rules package we are considering today there is not a single amendment that addresses any of these issues. I would suggest to my colleagues on both sides of the aisle:

''If you really care about changing the way Washington works——''

The SPEAKER pro tempore (Mr. WALKER). The time of the gentlewoman from Missouri [Ms. MCCARTHY) has expired.

Mr. BONIOR. Mr. Speaker, I yield 15 additional seconds to the gentlewoman from Missouri.

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SOLOMON. Are we not supposed to yield time in no less than 30-second increments?

The SPEAKER pro tempore. The gentleman from Michigan [Mr. BONIOR] has control of the time.

Mr. BONIOR. Is that is the package that the gentleman is offering?

Mr. SOLOMON. No, but I will be glad to put it in.

The SPEAKER pro tempore. The gentlewoman from Missouri [Ms. MCCARTHY] may now proceed for 15 additional seconds.

Ms. MCCARTHY. Mr. Speaker, I say to my colleagues on both sides of the aisle:

If you really care about changing the way Washington works, if you really want to show that the House of Representatives is not for sale, I urge you to say no to gifts, say no to personal gain in the people's House, and support the gift ban.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas [Mr. GENE GREEN].

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, we will soon be voting to change the way the House operates in several ways, but it is not enough. Later, we will also be considering a bill to bring the Congress into compliance with many private sector laws that apply to the rest of the country.

Last Congress, Mr. Speaker, many of my Republican colleagues pointed to the closed rules as an example of the tyranny of the majority. It is, therefore, disappointing that the Congressional Accountability Act, the first bill to be considered by this Congress, will be offered under a closed rule. Open rules allow the minority the opportunity to amend legislation and to allow all points of view to be heard. I was led to believe that the House will be operating under a more open system. Today, Mr. Speaker, it is not open.

Despite my disagreement with the rule on the bill, I intend to support the Congressional Accountability Act. This bill is no stranger to those of us who are Democrats because we offered it last year, and it passed last year before this 100–day blitzkrieg that we are going through. I believe extending employee protections is an important and meaningful step for Congress, and I hope my colleagues on both sides of the aisle will extend that to all workers in the future.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the gentlewoman from Colorado [Mrs. SCHROEDER].

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

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Mrs. SCHROEDER. Well, Mr. Speaker, I thank the gentleman from Michigan [Mr. BONIOR] for yielding this time to me, and I want to say many times I have voted against my side and voted for open rules, and how disappointed I am today to find out that we not only have a gag rule, but we have a choke rule because this side has been totally choked off from offering any kind of amendment or any kind of addition to the reforms. As I look at this reform package, I got to say it is reform-light.

□ 1710

Now, you know, there are some things in there, sure, they are easy, reform them. But the real thing I find people are angry about is the fact that this body operates like a coin operated legislative machine. They are real tired of the guys who have the most coins to put in being the only one to get the legislation out. We dealt with that last year. We passed a bill by 311 votes. We are trying very hard to get that in here.

We also do not deal with many of the other abuses that have gone on in this place. We already last year put everybody under the laws we pass for everyone else. So let us not pat ourselves too hard on the back by doing that again, and let us move on to many other reforms we should be dealing with.

Mr. BONIOR. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from the District of Columbia [Ms. NORTON].

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

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

Mr. Speaker, we have heard all day that this is an historic day. For me and for the four other delegates, it is historic as well. Two years ago, for the first time ever, our names were added to the official roster of this House. Today, the rules propose to erase those names.

The courts would not erase them. The courts said that the House could empower the Delegates. The courts said that Members could constitutionally democratize their own House. If the erasures occur, it will be by our own hand and by our own rules.

Oh, that is a bittersweet thing for the Delegates, especially for this Delegate, who represents 600,000 taxpaying citizens.

In 1993 I wrote a legal memorandum that erased for the first time in 200 years part of their plight—paying Federal taxes while having no representation on this floor. Today we are told, forget that. Go back to where you started.

Well, we cannot go back, Mr. Speaker. I ask my colleagues to take a leap of imagination with me and put yourself in my place. Suppose your constituents paid $1.6 billion annually to the Treasury of the United States. Suppose your constituents were third per capita in Federal taxes in the United States of America. Suppose your constituents paid more taxes than each of six states.

How would you feel when you watched other Members vote on your taxes, and I mean local taxes, my friends, vote on your laws, and I mean local laws, my friends, because our local business comes before this House.

The vote to be erased means nothing to this body, but it means everything to the taxpaying citizens I represent. After all, a re-vote will be taken if delegate votes are determinative. You claim that you will democratize this House, and in some measure you will, but not in this measure.

I suspect that the denial today is not an act of meanness, but an act rooted in the partisanship of the past, rather than in the events in which you take such pride today. For you, this was a plot of the Democratic leadership. Forget that, my friends. It was my plot, my memo, my taxpayers.

My Republican friends, I say to you today that there is no need to return to the partisanship of the past now. You have won. Leave it be. Let it rest. Be as gracious in victory as you have been tenacious in earning that victory. Restore the vote to those who live in the houses, in the neighborhoods, and in the city of the great House of Representatives.

Mr. Speaker, editorial opinion from one end of the political spectrum to the other has been unanimous in support of my right to vote. I submit these editorials for printing in the RECORD.

[From the Washington Times, Dec. 6, 1994]

TAXATION, REPRESENTATION AND THE DISTRICT

Two years ago, Republicans picked up 10 seats in the House of Representatives, despite the Democratic victory at the top of the ticket. Not long thereafter, D.C. House Delegate Eleanor Holmes Norton, who had no voting rights in the House, floated a proposal whereby she would be able to participate in all House votes taken in committee, including the committee of the whole, in which most of the House's important work is done, short of final passage of legislation. Soon, however, the four non-voting territorial delegates to the House—one each from Puerto Rico, Guam, the U.S. Virgin Islands and American Samoa—got themselves included in the proposal as well. All five are Democrats, as it happens. And Republicans, with some justification, screamed bloody murder, accusing the Democrats of trying to regain the Democratic majority's rule-making powers half of what Democrats had lost at the polls.

The delegate-voting proposal was subsequently modified such that in votes by which legislation is sent to the floor of the House from the committee of the whole by less than a five-vote margin, another vote must be held without the participation of the five delegates. Republicans nevertheless sued, but federal courts ruled, correctly, that the House itself is constitutionally empowered to propagate such a rule for delegate voting.

Well, now there's a new congressional majority: Republican. So what to do about delegate voting? No doubt there will substantial GOP sentiment for simply undoing what many regard as a blatant partisan powergrab. The matter is worth second thoughts, however.

Republicans take note, for this is an argument that ought to be dear to GOP hearts: There is a major difference between the situation of the District and that of the four territories. It can be summed up in one figure: $1.6 billion. That is the total amount of federal income taxes paid each year by residents of the District of Columbia. It compares with $0 from the four territories. And it is near the very top compared with congressional districts nationwide.

District residents deserve some consideration in exchange. Mrs. Norton's retention of her limited voting powers—which, by the way, hardly constitute ''representation'' commensurate with taxation—are worthy of serious discussion. And let's also begin the discussion about whether justice wouldn't be better served by a District whose government receives no federal payment—but whose residents are not taxed by the federal government, either.

[From the Washington Post, Nov. 19, 1994]

THE THREAT TO D.C.'S HOUSE VOTE

Among the galaxy of rule changes expected in a Republican House of Representatives next January, one provision deserves to remain on the books. A House rule adopted early in the current Congress—unanimously opposed by House Republicans—allows D.C. Del. Eleanor Holmes Norton and representatives from four U.S. territories to vote in the House Committee of the Whole, where the bulk of the House's floor business is conducted. But now the House's new leadership says it will revoke the five delegates' limited voting rights. Mrs. Norton has vowed to fight the effort to take away her vote. She deserves to prevail.

The voting arrangement, which was Mrs. Norton's idea, was crafted to ensure the House stayed within constitutional bounds. Under the new rules and in accordance with the Constitution, the delegates do not enjoy full voting privileges. But consistent with the combination of limited powers they already have to introduce legislation, serve and vote on standing committees and debate on the House floor, the House agreed to allow Mrs. Norton and her four colleagues to participate in one more committee—the Committee of the Whole.

To ensure the prerogatives of the House were not weakened, the House adopted a fail-sale device: a member can require that any Committee of the Whole-passed measure must be voted on a second time in the full House, where Mrs. Norton and the other delegates can't vote. So the arrangement is beyond legal or constitutional attack. That isn't only the judgment of the House. A U.S. district judge for the D.C. circuit also accepted the merits of the argument, as did the U.S. Court of Appeals.

There are, however, other compelling reasons for the House to leave the District's voting privileges intact. There is the matter of fairness. Unlike the inhabitants of the U.S. territories, District residents pay Federal income taxes, and on a large scale. The District ranks third per capita in taxes paid to Uncle Sam. Yet when matters critical to the District (which means every piece of legislation passed by the mayor and council) are before the full House, Mrs. Norton must stand by voteless as members from around the Nation register their will.

The voting arrangement, while severely limited in scope, does give Mrs. Norton the chance to register the will of more than 600,000 taxpaying Americans in House debate as she now does in her committee assignments. For victorious House Republicans, in their first exercise of power in 40 years, to take away Mrs. Norton's voting privileges is wrong.

[From the Roll Call, Dec. 22, 1994]

SAVE NORTON'S VOTE

Our first plea to the new GOP majority is likely to fall on deaf ears, but we'll make it anyway: Save DC Del. Eleanor Holmes Norton's vote on the floor. Unlike the other four Delegates who represent US territories in the House, Norton represents federal taxpayers, who pay in $1.6 billion every year to the US treasury but now face the loss of even their symbolic vote in the House's Committee of the Whole.

Republicans have hated the Delegate voting rights since Democrats first granted them two years ago, and when the 104th opens on Jan. 4, they are fully prepared to take them away. But as Capitol Hill's only twice-weekly newspaper, we'd be crazy to agree. ''No taxation without representation'' still strikes a chord with us.

[From the New York Times, Dec. 31, 1994]

MORE COLONIALISM IN D.C.

Imagine your outrage if the state where you live were suddenly stripped of representation in Congress, even as that very same Congress dictated how local tax dollars were spent and ran local policy—right down to garbage collection.

The taxpayers of Washington D.C. don't need to imagine. Taxation without representation is an insult they live with every day. The incoming Republican Congress wants to add to this indignity by revoking the District's largely symbolic vote in the House of Representatives' Committee of the Whole. That is a colonist idea. Washingtonians and their Congressional Delegate, Eleanor Holmes Norton, are right to be fuming.

With a population of nearly 600,000, the District of Columbia has more people than Vermont, Wyoming or Alaska. But it does not have a voting representative in Congress. Although District taxpayers contribute $1.6 billion yearly to the Federal Treasury—more Federal taxes per capita than in all but two of the 50 states—Washingtonians must beg to use even their *local* taxes as they see fit. Congressman from all over the country meddle in how locally raised taxes are spent.

Two years ago, House Democrats awarded symbolic floor votes to four previously nonvoting delegates—from the District of Columbia, Guam, the Virgin Islands and American Samoa—as well as to the resident commissioner from Puerto Rico. That arrangement allows delegates to vote when the House meets as a ''committee of the whole,'' which is where it does most of its legislating. But in cases where the delegates' votes made the crucial difference in a close ballot, another vote would be taken without the delegates.

The incoming Speaker of the House, Newt Gingrich, would now strip the four delegates and the commissioner of any vote at all. The Republicans were right to resent the Democrats' transparent effort to add to their majorities, as well as the wasted time involved in having to repeat close votes. But surely Mr. Gingrich can see the difference between the District of Columbia and the territories. The District pays Federal taxes by the truckload; the territories contribute nothing.

The incoming Congress swept to victory by touting a new federalism, promising to make government work for Americans, not against them. Mr. Gingrich also promised to make the House more democratic. A truly democratic Congress can hardly justify denying the District one small voice in the body that controls its every move.

Mr. SOLOMON. Mr. Speaker, to respond to the gentlewoman from Colorado, I yield 2 minutes to no one better than the majority whip, the gentleman from Sugar Land, TX, Mr. DELAY.

Mr. DELAY. Mr. Speaker, I think this is a very interesting process we are going through. Just as we have had to learn to be the majority, I think the minority needs to learn to be the minority. The gentlewoman from Colorado is talking about we have gag rules and choke rules, and the gentlewoman from Missouri said we are not going far enough in reform. I need to remind the minority that they have had 40 years to do this, 40 years to do these kinds of reforms, and they chose not to do any of these.

I also should remind the minority when they were in the majority in just the last Congress, they did not put the gift ban nor lobbying reform in their rules of the House. They went through the normal legislative process, just as we want to go through the normal legislative process on a legislative package like the lobbying reform package. We do not want it in the rules.

But all that aside, when we were in the minority and you were in the majority, the first thing we would do would be to come to you with amendments to ask you to allow us to put the amendments in your packages. We received an 18-page amendment on your motion to commit about 2 minutes before we voted on it.

So if you will come to us and make your proposals to us, then maybe we will accept them. But to just come and bring proposals to the floor without even checking with the majority is not going to get you very far.

Over 60 years ago, this House embarked on a legislative journey that became known as the New Deal. Today this House is beginning another journey. We are in the majority, you are in the minority. I hope that we can work together. I hope you will bring us your ideas, and maybe we can include them in the package. But do not just come up here and throw something out on the floor and expect us to accept them out of hand.

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

Mr. Speaker, I would say to my friend, the gentleman from Texas [Mr. DELAY], whom I like very much and respect, he complained about the amount of time that we did not provide for him and his colleagues on the motion to recommit. I might suggest to him that we will be offering the same ban on gifts to lobbyists as well as the book royalty issue on the next motion to recommit, which will be down the road in about 5 hours. It is about 20 pages, and it should be sufficient time for you to digest it, understand it, and maybe you will accept it. So we hope you will.

Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. MENENDEZ].

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

Mr. MENENDEZ. Mr. Speaker, it is unfortunate that while the American people were promised an opening day of sweeping reform and openness in Congress, they instead see the use of restrictive rules to prohibit Democrats from offering amendments to the new so-called reforms.

If today were truly the end of business as usual in Washington, we would be reading headlines about new progress in the fight to help Americans find and keep good jobs to provide for their families, not about $4 million book deals.

Americans voted to make sure that Congress was not for sale. They voted against arrogance, the arrogance of cashing in on public office, of using the majority to require supermajority votes on certain issues, and for open rules that create the open debate we heard promised today in such glowing terms.

We have been denied the chance to make real news here today. I voted for the Democratic motion, which will be offered again. I hope it will be accepted by the Republicans this time to revise the rules to include a ban on gifts from lobbyists and a limit on the income which Members may receive from the royalties on book sales. That was the opportunity for real change. Republicans blocked them.

The SPEAKER pro tempore. (Mr. WALKER). The gentleman from Michigan [Mr. BONIOR] has 4 minutes remaining, and the gentleman from New York [Mr. SOLOMON] has 3 minutes remaining. The gentleman from New York [Mr. SOLOMON] has the right to close.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Ms. SLAUGHTER].

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

Ms. SLAUGHTER. Mr. Speaker, I want to talk about a reform we did make. Two-and-a-half years ago in the wake of the problems in the bank and the post office, I served as a member of a bipartisan task force which drafted House Resolution 423, an unprecedented effort to totally eliminate politics and patronage from the administration of the House support operations. I am saddened that on this day of reform, the new majority proposes a change to go back from professional management and businesslike personnel policies to the discredited patronage system.

□ 1720

However, that is what they are proposing and they have already started to implement it.

Let me remind Members of what we have accomplished. We have created a Director of Non-Legislative and Financial Services, with a mandate to sweep the House clean of waste and fraud and inefficiency. We have provided that both the majority and minority parties must agree on the selection of the director, so that only skill mattered, not politics.

Today we turn back from that in very short time, and we have already started with a totally partisan person to administer the House.

We had an inspector general who was going to report to a bipartisan subcommittee. That is all gone, so there is no more oversight in a bipartisan way of the things that happen in this House.

Mr. Speaker, 2½ years ago in the wake of the Sergeant-at-Arms Bank and the Post Office affairs, I served as a member of the bipartisan task force which drafted House Resolution 423, an unprecedented effort to totally eliminate politics and patronage from the administration of House support operations.

I am shocked and saddened that on this day of reform, that the new majority would propose in this package of rules changes to move back from professional management and business-like personnel policies to the discredited patronage system. Yet that's what they are proposing and have already begun to implement.

Mr. Speaker, let me remind you what we had accomplished.

We created a Director of Non-legislative and Financial Services with the mandate to sweep the House clean of waste, fraud, and inefficiency. We provided that both the majority and minority parties must agree on the selection of the Director to ensure that only relevant experience and skills would count, not the politics of those who applied.

Today the new majority proposes to turn the clock back to an era of one-party partisan control over everything in the House from the payroll clerks to the telephone operators.

And our reform did not stop there. We created an independent Office of Inspector General to be directed and report to a new bipartisan Subcommittee on Administrative Oversight with equal representation from each party.

Today the new majority kills that bipartisan subcommittee and returns to a partisan oversight committee.

Is this reform?

Why is the new majority rolling back the bold and totally bipartisan approach to managing House support services? One can only speculate that they were only giving lip service to bipartisan professionalism. Now that they are in power, they are abandoning professionalism and grabbing for the spoils of victory.

I believe history will judge harshly those who eat their words from the past so easily without any sense of their hypocritical vote to return to the discredited spoils system.

I urge my colleagues to defeat this rollback to the bad old days.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. CAMP], a distinguished member of the Committee on Ways and Means.

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

Mr. CAMP. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, as we begin work today, we have a clear understanding of our purpose for the next 100 days. We have the unique opportunity in this body to set partisan politics aside. The people have told us they want things done differently in the Congress.

They have given a new set of leaders a chance to make things happen, but they have also issued a firm warning to deliver and they are watching closely.

The rules package before us is an important first step in fulfilling our commitment to make this body accountable to those who sent us here. For example, applying the laws everyone else has to live under to Congress; an audit of the House books and reducing the number of committees and staff.

Our goals have been set, our agenda is clear, and now it is up to us to meet those goals and complete our agenda. These first 100 days are going to be hectic but with unity and bipartisanship, they can be historic as well.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Speaker, if we believe in term limits on committee Chairs and limits on proxy voting, then we should vote for it. That is the majority way. That is the democratic way.

However, I draw the line when Members start to diminish the value of my vote by requiring a 60-percent rule on anything. That is not the majority way. That is not democracy. That is not any way to treat a minority.

I would submit that it is un-American, it is unconstitutional, and the 60-percent rule by majority vote is un-American and unconstitutional. I ask you to vote against this idiocy.

Mr. SOLOMON. Mr. Speaker, I would just caution the previous speaker about talking about things like un-American. The gentleman did vote for the Democrat rules package last year which required a two-thirds vote.

The SPEAKER pro tempore (Mr. WALKER). Has the gentleman yielded himself time?

Mr. SOLOMON. No.

The SPEAKER pro tempore. The gentleman is out of order.

Mr. SOLOMON. I will stand out of order.

The SPEAKER pro tempore. Does the gentleman from New York wish to yield time?

Mr. SOLOMON. Yes. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Speaker, I rise in support of the rules package before the House of Representatives, which is the fundamental first step toward restoring the accountability of this House to the American people.

To my colleagues who have recently participated in this debate on the other side, when the gentleman spoke of the diminishment, you begin to diminish your credible standing as a lady and gentleman in the House when you act as if you carry the mantle to an open process.

When I first came to this Congress 2 years ago, I was shocked to see the Congress being run as an undemocratic institution. The 103d Congress was a closed, mismanaged, undemocratic institution. The standing rules of the House were continually waived to avoid accountability.

Fortunately for the American people, that was yesterday. Today I am pleased that this House will adopt a provision that I have advocated requiring the committee chairmen to make every attempt to abide by the House rules and disclose provisions that do not meet those rules, therefore requiring a waiver by the Committee on Rules. By simply following the House rules, we will help bring much needed sunshine, accountability and fiscal responsibility to this body.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. BONIOR] has 2 minutes remaining; the gentleman from New York [Mr. SOLOMON] has 1 minute and 15 seconds remaining.

The gentleman from New York [Mr. SOLOMON] has the right to close debate.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Guam [Mr. UNDERWOOD].

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

Mr. UNDERWOOD. Mr. Speaker, this morning 440 voting cards were issued. Five did not work. I got one of those right here, courtesy of the new majority, which claims to be democratizing this body.

I rise in strong opposition to the new majority's rules that rescind the privilege of the Delegates voting in the Committee of the Whole. This is not an infringement of States' rights. The Delegate vote is purely symbolic. This is about the inclusion of 4 million American citizens who reside in the territories.

What the Republican majority of the congress is saying to these American citizens is something that America would never say to the world. Would America tell Haiti, Eastern Europe, and Russia that in order to build a democracy, you first start by separating citizens based on tax status?

This country has broken down barriers of gender, race, poll taxes, in order to perfect the American ideal, and it is wrong to turn the clock back now.

By turning its back on the U.S. citizens on Guam and the other territories, Congress is sending a message that American citizenship is less important than the size of our wallets.

Mr. BONIOR. Mr. Speaker, I yield my remaining minute to the distinguished gentleman from Vermont [Mr. SANDERS].

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

Mr. SANDERS. Mr. Speaker, some of the reforms we are voting today are good, and some I have problems with. The one I want to briefly focus on is the requirement that it will take a 60-percent vote to raise personal and corporate income taxes.

Mr. Speaker, the fact of the matter is that the current tax system in America is highly regressive. Tens of millions of working Americans and middle-income Americans are paying a higher percentage of their income in taxes than are millionaires. Corporations today in many instances that are very profitable, that are taking their jobs to the Third World, are not contributing their fair share in taxes.

Mr. Speaker, it seems to me that if we want a fair tax system, an equitable tax system, majority vote should rule in allowing the House of Representatives to raise taxes on the wealthy and on those corporations that are not paying their fair share of taxes.

The SPEAKER pro tempore. All time has expired for the minority.

The gentleman from New York [Mr. SOLOMON] is recognized for 1 minute and 15 seconds.

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

Mr. Speaker, we want to expedite this as fast as we can. Mr. Speaker, let me just point out that coming next will be 20 minutes of debate on eight separate sections of title I of this bill. These are the significant changes in the rules over the rules that we have been operating under in the previous Congress, which was the Democratic rules package.

Because these are significant changes, we have chosen to at least offer the opportunity to vote on each of the eight, and that is the debate that we will be starting on in just a few minutes.

I would just point out in closing that this is the most comprehensive, sweeping reform of this House that we have known in over 50 years. I would hope that the body would support the resolution, after we have finished debating the individual sections.

Mr. FRANKS of Connecticut. Mr. Speaker, I rise today in full support of the Rules Package for the 104th Congress. Last November, the American people sent a strong message that it was time for a change in the U.S. Congress. This important package is the first step towards that change. Implementation of the ''Contract with America'' will help to restore the people's trust in government. The American people want a Congress that is accountable for its actions, not one that hides behind the laws it passes. This resolution will provide for the most open Congress ever.

I believe it is important to show America that Congress can put its own house in order before dealing with the rest of the Nation's problems. This package will curb many of the abuses that occurred during the minority party's lengthy control of the House. During the campaign, each republican candidate made a promise with the American people to change this institution. The contract with America is about putting the people back in charge and not entrenched politicians.

This reform package contains 23 measures that will produce a more efficient and accountable U.S. House of Representatives. Committee staffs will be reduced by one-third, and in some cases obsolete committees will be abolished or merged into other committees. Additionally, the bill referral process has been revamped so that only one committee will now have primary jurisdiction over each piece of legislation. Term limits for committee chairman and the Speaker will also be imposed.

This package represents the most significant overhaul of the rules process since 1974. Virtually all committee business will now be accessible to the public and the media. The horrendous practice of proxy voting will end as will rolling quorums. Additionally, Members will be limited in the number of committees they may serve on, and all committee votes will become public record.

In addition to House procedure, this resolution is taxpayer friendly. Under this package, any income tax increase must now be approved by a three fifths majority of the House of Representatives. The provisions relating to baseline budgeting and limiting tax increases will help to enforce fiscal discipline in the Congress.

After four decades of one party control, the American people have finally had enough. The American people deserve an open legislative process. Most people would agree that the Federal Government is too big and spends too much. My colleagues on the other side of the aisle have long believed that big government is the answer. I do not. This rules package is the first step in an effort to make government more efficient and more accountable.

The Contract with America will put an end to the tax and spend Congress of the last 40 years. The contract offers the American people an opportunity to restore the American dream that was lost. Most importantly, this package will rekindle the trust between the people and their elected representatives. I urge my colleagues to support the rules package.

Mr. BORSKI. Mr. Speaker, I rise in strong opposition to the provision requiring a supermajority for certain tax increases. This provision is unconstitutional, sets a dangerous precedent and clearly demonstrates the Republican's intent to protect upper-income Americans at the expense of low- and middle-income families.

The ''limitation on tax increases'' provision would institute, for the first time in the history of Congress, a rule requiring a supermajority vote for the simple passage of legislation. Such a rule, however, runs contrary to the fundamental democratic principle of majority rule. The Constitution clearly specifies the exceptional cases in which a supermajority is required. Greater majorities can also be required for procedural motions, like curtailing debate or suspending the rules. Otherwise a simple majority is the requirement of the Constitution.

Although the Constitution does give the House the power to set its own rules, the courts have long made it clear that this does not mean the House has the authority to change the basic framework of the Constitution.

In addition, Mr. Speaker, requiring a supermajority vote on taxes sets a dangerous precedent that could be used to create similar requirements for other controversial issues. If Republicans can require a supermajority for tax increases, future rules changes would require a supermajority for such issues as increasing spending on defense.

Finally, Mr. Speaker, the ''Contract With America'' which outlined the 10 legislative initiatives that the Republican candidates promised to introduce if they gained a majority in the House, included a provision to require a three-fifths majority in the House for approval of any tax increase. Now that Republicans are in the majority they have reneged on their contract and changed this provision to apply only to increases in the most progressive of taxes, income and corporate taxes. Increases in more regressive taxes such as payroll taxes and excise taxes, which hurt low- and middle-income Americans the most, could still be approved by a simple majority.

You may recall Mr. Speaker, that during the 1980s, the Republican Administrations followed a similar legislative agenda to the current Republican Contract of cutting taxes for the wealthy, increasing defense spending and trying to balance the budget. However, the deficit exploded as a result of these policies. Trying to recover some of the lost revenues, the Republican Administrations increased these kind of regressive taxes which continue to hurt middle-income Americans today.

By making the most equitable and progressive taxes subject to a supermajority vote, while allowing more regressive taxes, such as excise taxes, to be approved through simple majority, the Republicans are creating rigid new fiscal policy and clearly indicating their intent to repeat the past of protecting wealthy Americans at the expense of working families.

Mr. Speaker, the principle of majority rule is the very essence of American democracy and must be protected by Members of Congress, not sacrificed for political purposes. Therefore, I urge all my colleagues to vote against the supermajority provision which violates this essential principle.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise today to voice my opposition to the elimination of legislative service organizations [LSO's] in the House of Representatives.

As a member of several invaluable legislative service organizations [LSO's], I know firsthand the important role they have played in analyzing and promoting legislation to assist Members working together on common interests and in pursuit of common goals. In the case of the Congressional Black Caucus [CBC] and the Congressional Caucus for Women's Issues, LSO's have enabled Americans who are significantly underrepresented in Congress to have more united and more effective voice in the legislative process.

The impact of the Congressional Black Caucus has been dramatic as the CBC has sought to promote an agenda of equity and fairness for African-Americans across the country. The CBC was instrumental in passage of the Civil Rights Act, promoting sanctions against South Africa, leading the fight for disadvantaged business opportunities, expanding the earned income tax credit in the President's 1993 budget, pushing for more positive, preventative activities for youth in the crime bill, et cetera. Without the CBC, it is

questionable whether such significant legislative strides could have been made so effectively.

The Congressional Caucus for Women's Issues has had equally remarkable successes as a result of working together to further legislative goals of importance to women and families across the country. Historic changes have occurred as a result of the work of this important bipartisan LSO. Medical research practices at the National Institutes of Health were changed to better assist women, Federal contracting opportunities for women-owned businesses were improved, funding for fighting crimes against women and domestic violence was approved, the Safe Access to Clinic Entrances Act was passed, et cetera.

Mr. Speaker, eliminating LSO's will hurt the many Americans who can't afford their own high-paid lobbyist to argue their cause. The Congressional Black Caucus, the Hispanic Caucus, and the Congressional Caucus for Women's Issues, to name a few, all represent groups of Americans who are vastly underrepresented in the U.S. Congress. In our democratic Nation, all Americans deserve a voice in Congress and with the elimination of these valuable LSO's I am concerned that their voices will no longer be heard. And this, Mr. Speaker, is a reform which we simply cannot afford.

Mr. YOUNG of Florida. Mr. Speaker, I rise today on this momentous occasion to speak to this House and the American people about the events that have unfolded since the historic November 8 election, and to celebrate the reforms we will enact today. What a difference a day makes.

As a Republican, my entire service as a Member of Congress has been in a House controlled by Democrats. In this time I have watched as House proceedings became more and more partisan, and decisions which could effect every American became more secretive and exclusive. I watched the number of committee staff nearly triple while the committees became dominated by special interests and unable to respond to public desires. Republican efforts to reform the system, open up the deliberation process, and clean up the sloppy internal management and corruption were met each time by Democratic arrogance and obstinacy.

On November 8, an overwhelming majority of Americans throughout our Nation rallied behind principles included in a Republican Contract with America, and demanded that reforms making Congress more accountable and effective be implemented. In the wake of that election day, the American people sent a new majority to Washington, a Republican majority, to answer that demand. I rise today to tell the American people we have heard your call. As we promised in our contract, today we begin to deliver.

While many of the provisions in today's reform package are changes Republicans have been promoting for decades, much of our proposal is the product of several weeks of hard work which began immediately after the election. In fact, the Republican Transition Team, on which I was proud to have served, began work almost immediately on changes to the structure and operations of the House. Under the Republican Open House proposal which we released in December, and is included in this package, major changes in the House's administrative operations will be adopted today. These include broadening the powers and staff of the House inspector general, and providing him authority to refer any possible violations to the House Ethics Committee, abolishing the Office of the Doorkeeper which is loaded with hundreds of patronage employees; and ensuring congressional compliance with Federal laws. A major accounting firm will also be hired to conduct a comprehensive audit of the House's finances which will be made public upon completion.

Requiring that Congress complies with the same Federal laws and regulations that apply to the private workplace has long been a goal of mine. In fact, last Congress I was an original cosponsor of legislation, the Congressional Accountability Act, identical to that included in today's resolution. The House passed a version of this act near the end of the 103d Congress, but the measure died because the other body failed to consider it.

Passage of this act underscores that no American should be immune from law or receive special treatment in its application. In addition, this act encourages all of us as legislators to continue to review the burdens that Federal laws place upon us as citizens. The laws which we apply to Congress today include the Civil Rights Act, the Americans With Disabilities Act, the National Labor Relations Act, the Occupational Safety and Health Act, the Employee Polygraph Protection Act, the Worker Adjustment and Retraining Notification Act, the Rehabilitation Act, and the United States Code on fair labor management relations.

Reducing the amount of congressional staff is also a cornerstone of our reform efforts today. As the ranking Republican of the Legislative Branch Appropriations Subcommittee during the past Congress, I worked to substantially reduce the number of people in the Congress' employ. Unfortunately, Democratic intransigence prevented us from enacting anything more than a 4-percent reduction over 2 years. Today's resolution reduces the number of committee staff personnel alone by one-third, a total of 622, with a potential savings to the taxpayer of $70 million over the next 2 years. How's that for a change.

Another cost-cutting measure included in today's package eliminates legislative service organizations. These Member caucuses which represent special interests cost the taxpayer $5 million a year and take up a large amount of office space. In fact, elimination of the LSO's and their 97 staff positions along with the committee staff reductions may free up enough space so that we can sell off an entire House office building.

The Republican reform package we consider today also makes substantial changes to the present committee system by cutting three House committees and 25 subcommittees, limiting the terms of committee chairs and banning proxy, or ghost, voting. Not since 1947 has a standing committee of the House been eliminated. We'll take three, and if Members wish to vote on legislation in committee, they will have to be present. No longer will baron committee chairs wield the proxies of absent individuals who feel they have better things to do, defeating the efforts of committee members who do their work and care. Finally, committee meetings will be open to the public, ensuring fairness and accountability. We can all recall the day when Democrats in the House Ways and Means Committee voted for the controversial retroactive tax increases in the Clinton budget behind closed doors, barring the press and the public from their proceedings. Passage of this package will put an end to those shameful days. Under the Republican majority, the sun will shine in.

In the context of truth and accountability, Republicans have also included in their reform proposal a truth-in-budgeting requirement which will have an enormous impact on the public's understanding of Federal spending. Under past budget rules, an increase in spending was often called a budget cut if it wasn't more than inflation and other specified increases would cause. That's like saying we are reducing spending by not spending more than we already spend.

The new House rule stipulates that if you spend more money in one year than you spent the year before, it is an increase. Spending may rise because of an increase in inflation, but the fact is that it will be recognized as an increase. There will be no more Mickey Mouse budgeting. In this Congress, the truth will be told and the public will know.

The final provision of today's historic House reform package is one that will positively affect the lives of every American by making tax hikes more difficult. This Congress will require a three-fifths vote of the House to pass any income tax rate increase and will prohibit retroactive taxation of income. This supermajority requirement is quite similar to restrictions voters have imposed on numerous State legislators, and stands in stark contrast to past Democrat rules which require a supermajority to cut taxes. Another beneficial aspect of this new rule is that any future Congress seeking to get around it would have to change or waive the rule, providing a warning sign of impending tax boosts.

Mr. Speaker, with this past election we saw the results of an American public outraged with the business-as-usual attitude of a Congress controlled by Democrats for 40 years. The message from an electorate tired of false messages and empty promises was clear—no more. Today's actions are the first step in fulfilling the promises made in our Contract with America, and represent more congressional reform than the public has seen in decades. They are not an end, but a beginning of a Congress more open, more accountable, and more responsible than ever. A Congress which will listen to the people, speak frankly in response, and spend no more than it needs to serve the people it represents.

Mr. PORTER. Mr. Speaker, I strongly support the overall Republican House rules package. It makes many badly needed and long overdue reforms in the way this House operates. I believe those reforms will help Congress regain the confidence of the American people, something which has been lacking for far too long due to the complacency of previous Democratic congressional leaders. However, Mr. Speaker, I am concerned about the provision in the package which would require a three-fifths supermajority to pass income tax rate increases.

Mr. Speaker, the Constitution designates seven specific instances in which a supermajority is needed for Congress to take action. Those cases include override of a presidential veto and the Senate's approval of a treaty, among others. Other than those seven cases, however, the Constitution clearly establishes a Congress which operates on the

basis of simple majority rule. I therefore have great reservations about whether such a provision should pass constitutional muster. This obviously, ultimately, would be a question for the judicial branch to be resolved in the course of litigation challenging the constitutionality of our rule. My vote for this change in our rules, then reluctance and while strongly supportive of the provision preventing retroactive tax increases, is made with great reservation regarding the constitutionality of the provision requiring a supermajority to pass income tax rate increases.

Mr. BLILEY. Mr. Speaker, I rise in support of H. Res. 6 adopting the Rules of the House of Representatives for the 104th Congress. This bill adopts many changes in the Committee system, particularly in the provisions of Rule 10 that govern the respective jurisdictions of the Committee on Commerce and the Committee on Banking and Financial Services.

The language of proposed rule X governing the jurisdiction of the Banking and Financial Services Committee makes clear that the Banking Committee has primary authority to review legislation that governs bank securities activities. The Rule draws an exception to that jurisdiction, however, that reflects the operation of existing law. The activities of any bank, any separately identifiable department or division of a bank, any affiliates of a bank, or any persons associated with a bank or affiliate, for example broker/dealers, municipal securities dealers, or mutual funds just to name three, that are regulated under the Federal securities laws, will continue to be subject to the primary legislative jurisdiction of the Commerce Committee. This is what is referred to as functional regulation.

Furthermore, recognizing the particular nature of institutions whose deposits are insured by the Federal Government, there is an exception to this exception. The Banking Committee will share jurisdiction over these entities regulated under the securities laws with regards to legislative provisions that are intended to protect the safety and soundness of the depository institution.

I favor this approach to the jurisdiction of the respective Committees because it reflects an agreement reached by and between me and my two good friends, Speaker GINGRICH and Chairman LEACH. It is may hope that the wording of H. Res. 6 will result in an elimination of the bottlenecks that have prevented the House from passing comprehensive financial services reform legislation. It is of critical importance that the regulation of the financial services industry be reformed to allow banks to enter the securities business and brokers to enter the banking business on an equal footing. I look forward to cooperating with Chairman LEACH in enacting legislation to accomplish that goal during the 104th Congress.

Mr. BONILLA. Mr. Speaker, I rise in support of the Rules package under consideration today. I urge my colleagues to support this package because it represent real reform. Reform I have been calling for since my first election 2 years ago. Reform the American people have been calling for—for far too long.

This Rules package contains reforms promised in the Contract With America and its passage will represent a promise kept—a refreshing change for Congress. Let each and every one of us here in Congress today recommit ourselves to keeping the promise made in the Contract With America. The American people will judge us by our success in meeting this commitment. Let us not fail their trust.

The process which developed this Rules package was remarkably open with all Members of differing seniority and differing perceptions having the opportunity to help draft this remarkable reform document. I salute the new Chairman of the Rules Committee, the Honorable GERALD SOLOMON, for his openness and dedication which produced this product.

I personally experienced Chairman SOLOMON's commitment to openness when I proposed a ban on commemorative. This Rules package prohibits the introduction or consideration of any amendment, resolution or bill that expresses any commemoration of any specified time period. The days will finally end when the Congress spends the people's time considering such legislation as ''Mule Appreciation Day.'' Chairman SOLOMON welcomed my suggestion to prohibit commemorative legislation and committed himself to working with me on it. I am proud to have drafted the language which served as the base for the legislative language included in the bill for consideration today.

I also want to express my thanks to my new freshman colleagues who have made the commemorative ban a reality. You freshman have provided us with the majority to pass this reform bill and you freshmen have made this proposal a priority by obtaining the Republican Conference's endorsement of a commemorative ban. Thank you all very much.

I am proud to have played a small role in developing this remarkable legislation. I urge my colleagues to join me in voting to keep our promises, to listen to the American people and to support genuine reform. My colleagues, please join me in voting ''yes'' for this vital legislation.

Mr. ARMEY. Mr. Speaker, this agreement addresses the intent of the Chairman of the Committee on the Budget and the Chairman of the Committee on Government Reform and Oversight concerning the jurisdiction of each committee over the congressional budget process. It is not intended to address jurisdictional issues involving the budget process between the Committee on the Budget and the Committee on Rules.

Paragraph (1)(d)(2) of rule X, relating to all concurrent resolutions on the budget and other measures setting forth budget totals for the United States, affords the Budget Committee legislative jurisdiction over the establishment and adoption of the congressional budget resolution, whether joint or concurrent. This extends to any statement setting forth a balanced budget as required by an amendment to the United States Constitution, or a capital budget or joint/capital operating budget, if mandated.

Paragraph (1)(d)(3) of rule X affirms the Budget Committee's primary jurisdiction over budget terminology and secondary jurisdiction over other elements of the congressional budget process, such as those currently provided for in the Congressional Budget Act. This includes: The budget resolution, timetable and accompanying report language; committee allocations; and the reconciliation process. This paragraph is not, however, intended to provide the Budget Committee with jurisdiction over the following: process changes in Federal rescission or impoundment authority; process changes in the submission of agency performance plans or reports, or agency regulatory plans, reports or reviews as part of the budget process; or process changes leading to the required adoption of a Federal capital budget or joint capital/operating budget which accounts for the fixed assets of the United States Government. In addition, this paragraph is not intended to provide the Budget Committee with jurisdiction over special funds, accounts or spending set asides created to reduce the deficit.

Paragraph (1)(d)(4) of rule X is intended to provide the Budget Committee with jurisdiction over measures to control spending, the deficit, or the Federal budget. The Budget Committee's jurisdiction will include the establishment, extension and enforcement of mandatory and discretionary spending limits; Pay-As-You-Go requirements for legislation that increases the deficit; and special budgetary mechanisms to control spending, the deficit or the Federal budget. The Budget Committee will have jurisdiction over Federal sequestrations, including sequestration rules, special rules and exemptions. The Budget Committee is intended to have jurisdiction over the selection of programs subject to spending controls, the determination of the numerical level of those controls, and the enforcement of the controls.

Paragraph (1)(g)(4) of rule X is intended to retain the Committee on Government Reform and Oversight's legislative jurisdiction over: measures relating to process changes in Federal rescission or impoundment authority; measures relating to Executive agency budgeting, including the submission of agency performance reports or plans, or agency regulatory plans, reports or reviews as part of the Federal budget process; measures relating to Executive agency financial management; and process changes leading to the required adoption of a Federal capital budget or joint capital/operating budget which accounts for the fixed assets of the United States Government. In addition, the Committee on Government Reform and Oversight retains jurisdiction over special funds, accounts and spending set asides created to reduce the deficit.

Mr. SOLOMON. Mr. Speaker, at this time, I yield back the balance of my time, and expect to go on to title I of the bill.

The SPEAKER pro tempore. All time for initial debate has expired.

Pursuant to House Resolution 5 the question is divided among each of the eight sections of title I and title II, and the previous question is ordered on each portion of the divided question.

Section 101 is now debatable for 20 minutes. The gentleman from Michigan [Mr. CHRYSLER] will be recognized for 10 minutes, and the gentleman from Michigan [Mr. BONIOR] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CHRYSLER].

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

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

Mr. Speaker, in 1994 I pledged to my constituents that we would restore accountability and responsibility to the U.S. House of Representatives. Today

we embark on that journey. The American people were sincere in their demand for change for this country, and their Government in particular.

In response to this clarion call for a change, the 104th Congress will not just change its politics, but more importantly, we will restore the bonds of trust between the people and their elected representatives. If we are to change the Federal Government as the American people have asked us to do, then we must begin with ourselves. We can not and must not ask any department or branch of Government to do anything that we are not willing to do ourselves.

It will take a smaller Congress and committee structure that can act decisively to accomplish all of the things that will be necessary to fulfill our Contract With America in the next 99 days.

A streamlined Congress is integral to an efficient Congress. When this debate is over, this bill passed, committees eliminated, and committee staff reduced, I am confident that the House of Representatives will be a more effective and efficient institution.

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

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Illinois [Mr. EVANS].

Mr. EVANS. Mr. Speaker, a vote for the three-fifths tax proposal is a vote to keep the gravy train running for fat cats and millionaires. It will make it more difficult to lift the burden off those who need tax relief most, working Americans.

Under this proposal, it will be much tougher to touch the $200 billion a year in corporate welfare that big business is handed through tax loopholes and tax exemptions, and tax fairness will be harder to achieve because this proposal will put a virtual lock on tax cuts that the super-rich received in the 1980's.

The new majority should be embarrassed that it is promoting a middle-class tax break while pushing changes that will make it more difficult to obtain tax fairness.

I urge a ''no'' vote for this misguided proposal.

The SPEAKER pro tempore. (Mr. WALKER). The gentleman from Michigan [Mr. CHRYSLER] is in control of the time. Does he wish to yield?

Mr. CHRYSLER. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. NEUMANN].

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

Mr. NEUMANN. Mr. Speaker, I thank the gentleman from Michigan for yielding me the time.

On November 8, 1994, the American people sent a loud, clear directive to Washington, DC.

The people have demanded a smaller Government that runs more efficiently and costs less money.

The American people know that wasteful, inefficient Government spending, leading to huge deficits and debts, is not an acceptable legacy to leave our children and our grandchildren.

This rule change does three significant things:

First and most important, it fulfills promises made by myself and many of my colleagues to the American people. This starts the long process of restoring the integrity of this institution that was envisioned by our Founding Fathers.

Second, this rule forces Members of Congress to set an example for the rest of Government. This institution can and will be run more efficiently.

Third, this rule will save the taxpayers of this Nation millions of dollars annually.

It is an honor and a privilege to serve our country as a part of this Congress. This privilege brings with it an awesome responsibility that I take very seriously.

If we in this Congress are to bring about the significant changes demanded by the American people, we must start with ourselves. That is why today I speak in support of this rule change designed to do what the people have demanded—make a smaller Government that runs more efficiently and costs less.

Mr. BONIOR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Speaker, I would like to begin my remarks by applauding the majority for a host of the reforms that they have put forward for us to consider here today. Among them, the reductions in committee staff, banning proxy voting, and limiting the tenure of chairmen. I think many of these proposals are moving this Congress and this country in the right direction.

I am disappointed, however, in an area where there is a glaring omission and a gaping inconsistency and I would hope that we could dialog here on the floor even though it is a closed rule to see if you might be receptive to some type of cooperation on this in the future.

I have introduced legislation in the previous Congress, H.R. 1945, that was cosponsored by the gentleman from Michigan [Mr. UPTON] on your side, the gentleman from Georgia [Mr. KINGSTON], the gentleman from New York [Mr. SOLOMON] and many others that would have taken excess funds from our personal offices when we saved them and applied those directly to the U.S. Treasury so that we can reduce the deficit.

I have returned over $650,000 in the last 4 years. I think many other Members in this body have done better than I have done and should be applauded for those efforts. But I would hope that this contingency fund would be addressed in this proposal. I would hope that you would be receptive to addressing this in a fair and judicious manner here today or explain why it was not addressed in this rule change.

Here is something that is important to the American people. As small businesses are tightening their belts, farmers are trying to make decisions to invest now or cut back for investments later, families are sitting down at the end of every month to make decisions on their budgets, and many of us are cutting back on our personal staffs, why can there not be a provision in this bill to allow that money to go directly to the U.S. Treasury? That might encourage other Members to do so.

The SPEAKER pro tempore. The time of the gentleman from California [Mr. THOMAS] has expired.

Mr. ROEMER. Do I get an answer, Mr. Speaker?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. THOMAS. If the gentleman gets time on his side, I will be happy to respond, Mr. Speaker.

The SPEAKER pro tempore. The time of the gentleman has expired.

The gentleman from Michigan [Mr. CHRYSLER] is recognized to yield time.

Mr. CHRYSLER. Mr. Speaker, I yield 1 minute to the gentleman from Virginia [Mr. DAVIS].

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

Mr. DAVIS. Mr. Speaker, a key ingredient of the new Republican majority's rules package is the elimination of approximately 30 subcommittees in the House of Representatives. There were 101 House subcommittees in the 103d Congress. Today, under the new Republican majority in the 104th Congress, the House will function with 30 percent fewer subcommittees.

Fewer subcommittees will help to consolidate decision-making and impair the ability of special interests to dominate the agendas of committees. The end of proxy voting in subcommittees will mean that Members of Congress must show up to work and vote in person. Further, Members will be limited to serving on no more than four subcommittees and, when those subcommittees meet, the public will be invited.

Mr. Speaker, the subcommittee reforms that the House will vote on today will mean fewer staff, less taxpayer money expended on duplicative and unnecessary staff and office expenses, less bureaucracy, less gridlock, less special interest power, and more accountability to the voters. These reforms are long overdue, and they deserve our support.

Mr. BONIOR. Mr. Speaker, I yield myself 30 seconds, just to add to what the distinguished gentleman from Virginia has just stated and to make the point that the reduction in subcommittees and full committees was started in the last Congress by the Democratic Party. We eliminated 16 subcommittees in that Congress again and we

also, as Members know, eliminated 4 committees in that Congress as well.

What is happening today is not new but in some instances is welcomed.

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

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

Mr. SCHUMER. Mr. Speaker, let me say that in this package, there is really less than meets the eye. There is not very much wrong with it. The problem is not what is in the package but what is not in the package.

The problem is that after every one of these reforms is passed, the lives of the average American will not be made very much better. And so any claims that the millennium has arrived because we have passed something like this are grossly overstated. It is not that it is bad, it is just that the claims for it are exaggerated.

Let us go through them one by one.

Cutting committee staff by one-third. Fine. But what about the millions of Americans who either do not have jobs or the tens of millions with job insecurity?

Baseline budgeting. Great. But you have still got to cut. You cannot just change the baseline.

Term limits for committee chairmen. It does not matter how long they stay. It is how good they are. If they are good, they should stay a long time. If they are bad, three terms is too many.

Opening all meetings to the public. That is already done.

Three-fifths voting for tax increases. Well, does this mean that we are going to see taxes simply reduced on the rich? What about saying that we should not reduce taxes on people who make above $250,000 without three-fifths so it is harder to reduce taxes on the very rich and we can make sure the tax cuts go to the middle class who we are supposedly all talking about?

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Audit of the House, no problem. Finally, the remainder of the rules package is all rather trivial.

So the bottom line, my colleagues, is very, very simple. This package is a small step forward, fine. I welcome it and I will vote for much of it. But anyone who goes away saying the millennium has arrived, that this is a revolution or that the average citizen in Peoria, IL, or in Yakima, WA, is going to be better tomorrow because this package has passed is sadly mistaken.

Mr. CHRYSLER. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

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

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

Mr. Speaker, to cut committees, whether it is a profit margin in a business or whether it is the burden of closing bases or the infrastructure this has taken away from the central source, or whether it is from the Education Committee, I would say to the distinguished Whip we only get about 23 cents out of every $1 down to education. I have a head of a committee that is in charge of about $30 billion, but if I have $1 billion for say child nutrition, and I divide that into 52 States, and every city in that State has services, then I have 40 programs for children's nutrition, and all of those have a bureaucracy which takes away the benefit.

What I am trying to do is get the money down to the children and into the classrooms and pay for the teachers. Let us eliminate the bureaucracy. If Head Start works, let us get it fully funded. If child nutrition works, let us fund it. But what we need to do is to eliminate the middleman, and in this case the Federal employees, the staff that is taking away and causing tax dollars and, yes, Federal pensions down the line, let us eliminate them and I think that will help.

Mr. BONIOR. Mr. Speaker, I yield myself 30 seconds just to say to my friend from Michigan [Mr. CHRYSLER], I have not had the chance to congratulate him. He is a new Member from our State, and I congratulate him on his election and for being with us today, and for the outstanding way he is handling this portion of the debate.

Mr. Speaker, I yield 1 minute to the distinguished gentleman from Pennsylvania [Mr. FATTAH], another new Member.

Mr. FATTAH. Mr. Speaker, I had not planned to speak today on the first day in the midst of what probably appears to most Americans as partisan gamesmanship. I do, however, think there is something sinister about one particular part of this reform package, and that is on this that has been called a historic day that there are Members of this Congress who are going to cast a vote to deny the U.S. citizens in the District of Columbia and in the territories their voice and their vote on the floor of this House.

Being a Congressman from Philadelphia where we see people talk about it being the birthplace of our democracy, I would not want to be silent at a moment like this. I think that it is wrong. I think as we think about the taxpayers here, and the young people in Guam and the other territories who have fought and died for the freedoms of this land, for any of us to feel comfortable with casting a vote to take away their voice on this floor, that is wrong.

Mr. CHRYSLER. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky [Mr. WHITFIELD].

Mr. WHITFIELD. Mr. Speaker, I became a Member of the 104th Congress to develop a sincere way of changing Congress as we have known it throughout these years. Part of that change includes shrinking the bureaucracy within Congress itself.

In 1950 this body functioned with 93 committees and subcommittees. Today there are 185 committees and subcommittees, twice as many as in 1950.

Between 1945 and 1993 the number of committee staff grew from 159 employees to 2,231, an increase of more than 1,300 percent.

The American people demand that Congress lead the way in reducing the size of Government. The people of the First Congressional District in Kentucky and all over this country want an efficient and responsive Government. But good government does not necessarily have to mean big government.

That is why I stand here today to support reform proposals to reduce committee staff by one-third, to eliminate three standing committees and 25 subcommittees. I urge Members' support.

Mr. CHRYSLER. Mr. Speaker, I would like to thank my colleague from Michigan, Mr. DAVID BONIOR, for his kind remarks.

Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. THOMAS].

Mr. BONIOR. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. THOMAS].

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

Mr. THOMAS. Mr. Speaker, I thank the gentleman from Michigan for yielding me the time.

Mr. Speaker, it is interesting that as the new minority the Democrats, in terms of complaining about process, have failed to really address one of the more fundamental reforms which is clearly in front of them. Long before we wound up winning we said that this institution should give first, that one of the things we should do is cut back on the size of committees. We tried a number of initiatives when you folks were in the majority and we failed miserably.

We simply said we are going to cut staff by one-third. Is one-third a rational number? Is it going to cause real problems? We have discovered that it is not very difficult to cut by one-third. We are cutting staffing by one-third. We are probably going to do better than that, actually, as we assign the numbers to the various committees.

We also shrank the number of committees. Did we shrink enough committees? Did we eliminate enough committees? We do not know. What we said was at the outset we would cut them by one-third. That is our initial offer. I believe by the end of the 104th we are going to find that we can do better than that. Democrat Members are complaining because we do not do more. Why did they not do it when they had the chance?

The gentleman from Indiana mentioned the contingent fund. He needs to know his party eliminated the contingent fund as an appropriation item several Congresses ago. The rules changes

also eliminate references to the so-called contingent fund in this section as well as in the section regarding the jurisdiction of the Committee on House Oversight. No change, however, is intended regarding the Committee on Oversight's jurisdiction over the accounts that comprised the contingent fund. Similarly regarding privileged reports, the Committee on Oversight will continue to have leave to report at any time on matters of expenditure of the accounts that comprised the contingent fund, such as the committee funding resolution.

The gentleman from Indiana wanted to know why if he saved money out of his account it could not be returned to the Treasury. I will tell the gentleman that I am sympathetic with that position, but it is much more difficult than that, because in the past the Appropriations Committee did not fund 100 percent of the expenditures available to Members. They funded about 90 percent of it, assuming Members would not spend the 100 percent amount. If the gentleman spent 85 percent, he was funding those who spent 95 percent, and therefore if every Member spent the maximum amount available to them, in fact, that fund would be overspent. So in reality the Member does not get a pile of money out of which they spend. There is a general amount available. The Members draw on that amount, and that amount is significantly less than the total amount available for all Members to spend.

I am more than willing to work with the gentleman in trying to resolve the problem of Members who husband their resources in a meaningful way, having it go to a worthwhile cause more so than someone else who is more profligate with the taxpayers' money. I am open to any suggestions and am more than willing to work with the gentleman from Indiana to carry out the goal and the thrust of his concern, and that is to make sure that Members who husband the taxpayers' resources somehow get rewarded instead of being fodder for those who overspend.

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

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

Mr. ROEMER. Mr. Speaker, I am happy with the gentleman's cooperative spirit here, but would say he is willing to tackle the committee staff reductions, and I applaud that and will vote for that, but we should also tackle the personal staff issue. For Members like myself and many others who have returned $650,000 through the years, we do not want that money spent on other Members going over their mail accounts.

□ 1750

When you decipher what you have just said, we want to be able to have that money go to the U.S. Treasury, and a simple sentence in this provision, if it was not a closed rule, could say unspent personal office funds shall be directed to the United States Treasury out of our accounts.

Mr. THOMAS. I would tell the gentleman that, as the ranking member of the Committee on House Administration in the last Congress, I have worked over the years to make sure that the Members' accounts were not only more flexible but that there was not more spending than was necessary. As the chairman of the Committee on House Oversight, which is the continuation of the former Committee on House Administration, your concern about Members' accounts is going to be addressed by this new majority, and legislation is being drafted as we speak to get to a problem which we have both shared under the previous majority, we tried to get them to change over and over again and they would not.

We are going to.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I rise in opposition to the proposed House rule to impose a supermajority—60 percent of Members voting—requirement for tax rate increases. I believe this proposed rule is inconsistent with the oath we took earlier today to support and defend the Constitution of the United States. The Constitution clearly states that decisions of the Congress are to be based on majority rule. This proposed House rule is in clear violation of the constitutional principle of majority rule which is at the core of our democracy.

Mr. Speaker, this Congress will consider fundamental issues about taxing and spending. Such decisions are the central responsibility of a democratically elected Congress.

This proposed rule is designed to stack the deck against tax increases for the wealthiest Americans while at the same time imposing no such requirement for increased user fees or excise taxes, which disproportionately affect low and middle income Americans. As a result, progressive taxation would require a supermajority while regressive taxation would not. The Republican Party has a long history of acting to protect the wealthiest Americans at the expense of average Americans. This proposal is Republican business as usual.

WILLIAMS COLLEGE,
Williamstown, MA, January 3, 1995.

Hon. NEWT GINGRICH,
House of Representatives,
Washington, DC.

DEAR MR. GINGRICH: As a fellow historian and political scientist, may I urge you not to go ahead with the proposal to amend rules to require a three-fifths vote to increase income tax rates.

As a matter of *principle,* majority rule lies at the heart of our democracy. It is the most representative process; and departure from it grants authority to a minority—the antithesis of democratic society.

As a matter of *practicality* it is the most representative process that also permits decisive action, under a two-party system.

As a matter of *propriety,* bypassing majority rule would set a precedent for any minority to hold the majority hostage—today on tax hikes, tomorrow on economy bills, etc. It is dangerous for one side to use an improper weapon against the other side, encouraging each side to use it in the future, to the detriment of the general welfare.

Sincerely,

JAMES MACGREGOR BURNS,
Woodrow Wilson Professor of Government, Emeritus.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Georgia [Mr. DEAL].

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

Mr. Speaker, I rise in support of this amendment.

Mr. Speaker, people all over this country now are contemplating going on a diet after feasting during the holiday season. I think it is only appropriate that this body consider doing the same thing.

Two years ago there were some 2,231 House committee staffers. That is more than five committee staff people for every Member of this body.

In the next few months we are going to be asking the American people to go on a diet as we seek to reduce Federal spending and cut back on Federal programs that affect them. Have you ever seen an advertisement for a weight loss program where the spokesperson was overweight? How can we, with any sense of responsibility, talk about a balanced budget and deficit reductions unless we first show some responsibility in reducing the size of House committee staffs and, in the process, save approximately $30 million per year in the process?

I rise in support of this proposal.

Mr. BONIOR. Mr. Speaker, I yield the remainder of my time, 1 minute, to the gentleman from Texas [Mr. BENTSEN].

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

Mr. BENTSEN. I applaud the House for undertaking these proposals, many of which I campaigned for and many of which I support and will support today.

But I have to agree with my colleague from Indiana that I think we should include his legislation to make some of these cuts real.

Unlike my colleagues in the majority, I have gone beyond supporting cuts in committee staff to making cuts in my personal staff, and that is hard to do as a new Member. I think it is important, and like my new colleague from Kentucky who spoke from the other side of the well said today, it is important we show the American people we are willing to lead on cutting the deficit. I have taken that; the gentleman from Indiana has offered legislation which would do that, and I think we should include it.

Mr. CHRYSLER. Mr. Speaker, I yield myself 30 seconds, the remainder of my time.

Today we will put an end to confusing, overlapping committee jurisdictions. Three full committees and 25 subcommittees will be eliminated;

today we will cut staff 34 percent, saving the taxpayers almost $45 million.

I am pleased to be part of the beginning of this process.

The SPEAKER pro tempore. The time of the gentleman has expired. All time has expired.

The question is on section 101 of the resolution.

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

Mr. CHRYSLER. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 416, nays 12, not voting 5, as follows:

[Roll No. 6]

YEAS—416

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lambert-Lincoln
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
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
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
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
Towns
Traficant
Tucker
Upton
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wyden
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—12

Abercrombie
Clyburn
Collins (MI)
Dellums
Fattah
Hastings (FL)
Hilliard
Johnston
Meek
Owens
Williams
Wynn

NOT VOTING—5

Clinger
Cubin
Frelinghuysen
Roukema
Velazquez

□ 1811

Mr. WYNN changed his vote from ''yea'' to ''nay.''

So section 101 of 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

Mrs. CUBIN. Mr. Speaker, with regard to rollcall vote number 6 on section 101 of House Resolution 6, I would like to clarify that I voted in support of the reforms to reduce the number of committees, subcommittees and number of staff. However, I was just informed that my vote was not officially recorded on the vote board. I wish to make clear that I voted ''yea'' on this vote.

PERSONAL EXPLANATION

Mr. CLINGER. Mr. Speaker, I regrettably missed rollcall vote No. 6, requiring committee staff reductions of 33 percent. If I had been present, I would have voted ''yea.''

I strongly support section 101 of the House Rules committee reducing committee staff by one-third. As chairman of the Government Reform and Oversight Committee, I feel this is a reasonable provision that allows Congress to set an example while saving tax dollars. Although the Government Reform and Oversight Committee absorbed the Government Operations, District of Columbia, and Post Office and Civil Service Committees, we have successfully managed to cut the committee's staff by nearly 50 percent without jeopardizing its capacity to carry out its legislative and oversight functions. I support this measure because it sends a strong signal to the American people that we are serious about making the Federal Government cost less and work better.

The SPEAKER pro tempore (Mr. DREIER). Section 102 is now debatable for 20 minutes.

The gentleman from South Carolina [Mr. SANFORD] will be recognized for 10 minutes, and the gentlewoman from Connecticut [Ms. DELAURO] will be recognized for 10 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SANFORD].

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

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

Mr. SANFORD. Mr. Speaker, my parents raised me to tell the truth. They taught me that hiding behind misleading words was the same as telling a lie, and as our Nation is threatened by the debt as it spirals out of control, and as I look at my two small boys, I realize that they, and maybe even their children, will have to pay for our refusing to meet our responsibilities.

The question before us though is what do we do about it? One of the things we can do today is pass this rules change.

As my colleagues know, for years we heard about budget cuts, yet spending keeps growing bigger, Why is that? Well, in the past, Mr. Speaker, the way Congress worked was that, if we had $150 billion of proposed new increases and made it $50, we called that a savings of $100. My colleagues and I know that's an addition of $50. That is the equivalent of my going down to the corner bait and tackle shop in Murrells Inlet, SC, looking at a rod on sale for $50 that is normally priced at $150, and saying, ''OK, I'll buy it.'' I walk home, walk into the house and say, ''Jenny, I just saved the family a hundred dollars.''

She says, ''What are you doing with a new fishing rod?''

I hold it up an say, ''It was priced at $150, and I bought it for $50. I saved the family a hundred dollars.''

She says, ''Absolutely not. You just spent $50.''

Mr. Speaker, passing this action is what the American public wants. It is essential if this House is going to be honest with the American people, and I strongly urge every Member of the House to support this small step toward common-sense budgeting.

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

Ms. DELAURO. Mr. Speaker, for purposes of debate only, I yield 2 minutes to my colleague, the gentlewoman from Connecticut [Mrs. KENNELLY].

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

Mrs. KENNELLY. Mr. Speaker, we all want to cut the budget, we all want to reduce the deficit, we all want our constituents to pay less taxes. But eliminating baseline budgeting is not the way to go. The budget baseline predicts future spending in Government programs, Federal programs. It is, of course, an account of inflation. But it also registers population changes, the business cycle, interest rates, to name just a few variables.

□ 1820

It is not just the indexing of inflation. For example, the baseline for Medicare includes not only an inflation adjustment, but the estimate of how many people reach each year 65 years old. For example, we must know and have to plan for when the baby boomers meet 65 as an age and they go on Medicare. It is very significant that we understand these numbers.

The increase in defense spending, that has been proposed is before us. But couple this with an elimination of baseline budgeting, and it would result in unprecedented cuts in discretionary spending. The people that we represent have a right to know what this means.

Mr. Speaker, I urge my colleagues to reconsider this proposal and to instead continue to implement the realistic, practical ways, that we have preached in the past. Baseline budgeting works. We know where we are coming from, we know where we are going. I urge my colleagues not to eliminate baseline budgeting as we do the budget in this upcoming fiscal year.

Mr. SANFORD. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, today we vote on the first step necessary to end the Alice in Budgetland spending practices that have wasted the American people's tax dollars and threaten our children's future. Congressman SANFORD's leadership in introducing the Truth in Budgeting Baseline Reform will require Congress to live according to the same spending rules that govern the American people.

Before today, the budget process assumed that spending would increase from year to year, regardless of new laws. Under the old rules, the starting point, or baseline, for how much Congress spent on a program in 1996 would be how much was spent in 1995 plus inflation. It's no wonder that we ran up $4.5 trillion in debt.

Under this budget-speak, government officials claimed to propose spending cuts when they really increased spending. Because the baseline included inflation, spending cuts actually meant less of an increase in spending, but no real cuts. The American people have decoded Congress' budget-speak and demanded change.

The 104th Congress today has an opportunity to make history. I encourage my colleagues to pass the Truth-in-Budgeting Baseline Reform to force Congress to spend hardworking taxpayer's money under the same rules that guide the American people.

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

Ms. DELAURO. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentlewoman from California [Ms. HARMAN].

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

Ms. HARMAN. Mr. Speaker, I rise in support of the resolution and urge its passage.

This measure requires that Congressional Budget Office (CBO) cost estimates in committee reports compare total estimated funding for a program with current spending, so we known what the real increases are.

But let's be clear, this is only a change in the numbers that must be used in committee report language. It is not a change in the existing CBO baseline—nor alone will this change actually cut spending.

I hope in the coming weeks that the new congressional leadership will bring legislation to the Floor to require the use of an actual year spending baseline. Such a change—which was proposed in the last Congress and received my strong support—could significantly alter our budgeting process and reduce spending by tens-of-billions of dollars. In addition, I hope the new leadership will expedite consideration of other budget process reforms like the Deficit Reduction Lockbox, which can significantly reduce our budget deficit.

There may be a change in the partisan numbers in the Congress, but the budget deficit math has not changed. Working together in bipartisan fashion to sustain the recent significant downward reduction of the deficit will be major test of the credibility of this new Congress. That work begins today.

Mr. SANFORD. Mr. Speaker, I yield 1 minute to the gentleman from Delaware [Mr. CASTLE].

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

Mr. Speaker, this is a very simple matter dealing with baseline budgeting versus the truth in budgeting which we are trying to get done here. I think the American public needs to understand with what we are dealing. In our baseline budgeting now we add inflation, we add demographic increases, we add differences in programs that may come along. But the bottom line is we do not look at the same dollars we had the year before.

It is tough to balance a budget in Washington, DC. We have authorizations, we have appropriations, we have authorizations, we have appropriations, we have the debt which we have to pay. We borrow from the Social Security trust fund. We have something called tax expenditures, which is really a way of saying that we are reducing the amount of money we are going to collect. And the time has come to get this to the point where we understand it.

If we go to truth in budgeting, we are going to be like every household in the United States of America, we are going to be like every business in the United States of America, we are going to be like virtually every other governmental budget in the United States of America. We are going to take the numbers from the year before and we going to build our budget to that. If we have to add to it, so be it, we will add to it. But we will not be misleading the American people. We will know that any reduction below the baseline or current severance level is a real cut or increase, and that is what we have to do.

Mr. Speaker, I hope we will all support this as the beginning of better budget practices in the United States of America.

Mr. SANFORD. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. MILLER].

Mr. MILLER of Florida. Mr. Speaker, today begins dramatic change in how Government operates. For the first time in decades, we will start talking straight with the American people about the Federal budget.

Every American family who must meet a budget understands that an increase in spending means you spent more money than last year. Not so here in Washington. Back in 1974 the Congress decided to adopt baseline budgeting—an arcane concept that allowed Government to grow on autopilot for two decades. Here in Washington an increase in Federal spending is considered a cut in spending unless it exceeds the estimated increase in cost. That's like the perennially overweight man who figures he'll gain 30 pounds this year—and when it turns out he only gained 10 he announces he's lost 20 pounds.

But today, Mr. Speaker, all that deception stops. From now on, an increase in spending will be called an increase in spending. If we spend $1.4 trillion this year and plan to spend $1.5 trillion next year, we'll call that exactly what is—a $100-billion increase in spending. Sounds simple, but here in Washington it is revolutionary.

Mr. SANFORD. Mr. Speaker, I yield 2 minutes to the distinguished chairman

of the Committee on the Budget, the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Speaker, I do not want to oversell what we are trying to do here today. What essentially we are talking about is presentation. And presentation is important, it is like language. If you do not communicate in terms that people can understand, they get very confused. And this is the first small step at being able to explain to the American people precisely what we are doing with spending.

Now, when you are talking about discretionary spending, that is not the confusing part of this whole budget process, because there is no assumption that we will spend more next year than the previous year as driven by law. But when you are talking about entitlements, if you assume you are going to spend $7 on a Medicaid program and the next year you are going to spend $10 instead of $13 on a Medicaid program, the presentation now shows that as a $3 cut. What we wanted to say is last year we spent $7 and this year we are going to spend $10. We do not want to list it in terms of the difference. We want to list it in terms of the total amount of dollars being spent. We think that is a far more accurate way of presenting things.

I do not think the minority, and that is the first time I have had a chance to say that this year, ''the minority,'' I do not think they have any real objection to that.

I want to say to the gentlewoman from California [Ms. HARMAN], that I in fact do intend to come with a real proposal that would repeal baselines and get us to this concept of zero-based budgeting without an assumption that every year we have to spend more.

The bottom line is, this is the first step toward providing a more simple way for Americans to understand how their money is being spent, and it is a very important step that we need to make on this first day.

□ 1830

I would urge the House to approve this legislation. Let us make the first step toward communicating with the American people in terms that they can understand.

Ms. DELAURO. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Minnesota [Mr. SABO].

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

Mr. SABO. Mr. Speaker, I am going to vote for this amendment, but it has nothing to do with truth in budgeting and all the other rhetoric I hear on how we put budgets or appropriation bills together. Every appropriation bill that comes to the floor shows last year's appropriation, this year's appropriation, and normally, the President's request, no baseline.

When we consider what has happened historically to budgets, we do look, and one measurement is what has happened to actual changes in dollars in programs from year to year. We also look at what has happened in appropriations and spending in relationship to inflation. We also at other times look at the relationship of expenditures to the gross national product. They are all legitimate analyses of what is happening to the Federal budget.

Somehow my Republican friends seem to think that we should never consider the impact of inflation on Federal spending. Any family that looks at their budget, if their salary is frozen for a number of years, and the cost of food goes up, the cost of clothing goes up, the cost of gasoline goes up, it is obvious that they have fewer dollars to purchase fewer goods and services.

The same is true of the Federal Government. We measure them in a variety of ways, and my friends on the other side like particularly to use inflated baseline when we talk about defense. The truth is that defense budget authority peaked in 1985. Adjusted for inflation, it has been cut by 35 percent. Unadjusted for inflation, it has been cut by 10 percent.

I tend to hear when we get that debate, my friends on the right use the baseline number, my friends on the left use the unadjusted baseline. The truth is both are active.

This is a harmless amendment, but it does not do anything significantly different. It is not a new truth in budgeting amendment.

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

Mr. SANFORD. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Speaker, today we are going to accomplish a great thing for the American people. We are going to stop using phony numbers in the Federal budget process. We are going to require that the Congressional Budget Office makes its financial projections the same way that American families and American businesses do.

If we propose to spend more taxpayer money on a program in 1995 than we spent in 1994, we will have to call it a spending increase. Politicians will be forced to use the English language with the same meanings that working Americans do. Ultimately, when politicians can no longer deceive voters with words that lie, when politicians can no longer claim as spending cuts what are in fact spending increases, when politicians can no longer pretend that a 20-percent increase in domestic spending over the next 5 years is deficit reduction, as the Clinton administration has for the past 2 years, then voters can make their own evaluations of programs, of budgets, and ultimately, of the politicians who create them, with the clarity and the confidence that they need to make independent, intelligent, and informed choices.

Ms. DELAURO. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentlemen from Mississippi [Mr. PARKER].

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

Mr. PARKER. Mr. Speaker, I rise in support of section 102 of the rules package which addresses baseline budgeting. As a member of the Budget Committee, I have strongly advocated the elimination of baseline budgeting and supported passage of the Full Budget Disclosure Act last August which accomplished that goal. This change in the House Rules reflects a provision contained in that bill, which passed the House although it failed to clear the Senate.

The use of a baseline in calculating the national budget is confusing at best, and downright fraudulent at worst. With this rule change we will simply rely on actual prior year spending levels, for comparison purposes, when calculating spending increases or decreases for the next fiscal year. This is logical, sensible, and a proposal worthy of strong bipartisan support. I urge a ''yes'' vote on this provision.

Mr. SANFORD. Mr. Speaker, I yield 30 seconds to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker, the previous chairman of the Committee on the Budget, the gentleman from Minnesota [Mr. SABO], has indicated correctly that this is a good start, and the gentleman from Ohio [Mr. KASICH] has indicated he is going to introduce the bill that is going to go all the way. This is not truth in budgeting, but at least it is truth in the way we report the budget to the American people, not pretending that there is a deficit reduction when actually there is a spending increase.

Ultimately, we are going to get our bill that this House passed through the Senate, and it is going to become law. That is the ultimate goal of this first step.

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

Mr. SANFORD. Mr. Speaker, I yield the remainder of my time to the gentleman from California [Mr. COX].

The SPEAKER pro tempore. The gentleman from California [Mr. COX] is recognized for 2 minutes to close debate.

Mr. COX. Mr. Speaker, I am delighted to be here in support of abolishing the practice of baseline budgeting, which is the accounting gimmick by which for so many years Congress has called a spending increase a cut. This really has gone on just last year.

Just this past year Republicans proposed reforming the State Department, a regular target of reform. Under this reform proposal, actual spending on State Department functions would have increased by $25 million year to year, but the opponents of the reform cried ''foul.'' They said, ''You are spending less money, you are slashing the budget of the State Department by $77 million.'' One person's increase is

another person's cut. There is no common denominator.

How does this work? Let me demystify it. We just finished New Year's Day and a lot of people spent time in front of their television sets eating take-out pizza.

Let us imagine last year on New Year's Day you ate five pieces of pizza. This year, it was so much fun last year, you decided to eat 10 pieces of pizza. Your friends told you that would be truly piggish, you ought to cut back, so you settle on seven.

Under baseline budgeting you can claim to have slashed your pizza consumption by 30 percent because you are only having 7 pieces instead of the 10 that you want.

What we are going to say in this reform is, you are increasing your pizza consumption 40 percent. Be honest with yourself. You are having seven this year instead of the five you had last year.

That is real budgeting, real figures, something the American people can understand.

Thomas Jefferson once noted ''He who permits himself to tell a lie once finds it much easier to do so a second and a third time. The falsehood of the tongue leads to that of the heart, and in time, depraves all good dispositions.''

Mr. Speaker, Jefferson was right. The baseline is a lie. It is one that has eaten away at the credibility of this Congress. It is time we repeal the practice forthwith. I am delighted to be here urging my colleagues to vote aye on this important reform.

The SPEAKER pro tempore. All time for debate on section 102 has expired. The question is on section 102 of the resolution.

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

Mr. SANFORD. 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 421, nays 6, not voting 7, as follows.

[Roll No 7]

YEAS—421

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lambert-Lincoln
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
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
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—6

Collins (MI)
Dingell
Hilliard
Kennelly
Nadler
Waxman

NOT VOTING—6

Clay
Danner
DeLay
Funderburk
Gingrich
Salmon
Yates

□ 1854

Mr. MINETA and Mr. JOHNSTON of Florida changed their vote from ''nay'' to ''yea.''

So section 102 of 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. FUNDERBURK. Mr. Speaker, I inadvertently missed rollcall no. 7 regarding the reform of baseline budgeting. I was with the Republican Whip, TOM DELAY, and because my beeper malfunctioned I was not aware that a vote was taking place. Had I been on the floor, I would have voted ''aye'' on Rollcall no. 7.

The SPEAKER pro tempore (Mr. EMERSON). Section 103 of the resolution is now debatable for 20 minutes.

The gentleman from Washington [Mr. NETHERCUTT] will be recognized for 10 minutes, and the gentleman from West Virginia [Mr. WISE] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Washington [Mr. NETHERCUTT].

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

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

Mr. NETHERCUTT. Mr. Speaker, it is a privilege to stand here today as a new Member of this House as we embark upon a momentous change programmed to reform the Congress and our Government. The people of the State of Washington have sent me here to participate in this historic Congress which begins its first day specifically fulfilling the pledge of the Contract With America by reforming our own workplace before we enact other reform measures.

□ 1900

As part of this great beginning, I rise today in strong support of section 103 of the contract for a new House, which will limit the Speaker to four consecutive terms and committee and subcommittee chairmen to three consecutive terms.

Today term limits are not thought of as radical or controversial and, indeed, many States have enacted some kind of term-limits legislation including my home State of Washington. What makes our actions today extraordinarily novel is our willingness to change practices of the past by decentralizing the House's power structure away from committee chairmen with virtually lifetime appointments in favor of individual Members. This reform is also at the heart of the strategy for conservative governance that we will pursue in the first 100 days of this new Congress as we seek the devolution of authority from Federal lawmakers and bureaucrats back to individual citizens, a reenergized civil society, if you will.

No more will the House of Representatives be charged with stifling public debate and restricting innovative ideas. In the watershed November elections, the citizens of our Nation conferred upon us the authority to seriously reduce the size and scope of Government.

Mr. Speaker, more than 200 years ago, after his great victories in the Revolutionary War, Gen. George Washington won the admiration of the world by resigning his commission and demonstrating his commitment to democracy. In this great tradition of selfless leadership, I urge my colleagues on both sides of the aisle to vote yes to adopt the resolution to limit the terms of the Speaker and committee chairmen and subcommittee chairmen to demonstrate to the American people our commitment to democracy.

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

Mr. WISE. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Speaker, this evening we have the opportunity to implement a reform that is being demanded by America. Term limits of committee chairs and subcommittee chairs is something that has arrived in terms of American political thought. This is not directed towards any particular committee Chair or subcommittee Chair. However, it is a part of trying to constantly improve and renew the American political process.

Imposing term limits on those that serve in leadership capacity will broaden the base of experience and expertise of people that provide the all-important leadership in this institution. By rotating the leadership, we are turning it over. We are bringing in fresh blood new ideas, new ways of thinking. We can be more responsive to the needs of America. We can also avoid the parochial service that has occasionally occurred when a person is focused on his narrow area.

It also breaks down what might be characterized as cozy relationships that can build up over an extended period of time, and assures that we have the freshness, the openness, and the access that all Members need in order to fully participate in the process of this institution, and most effectively represent the interests of their congressional districts and the interests of America.

So, Mr. Speaker, I think that this is an important bipartisan effort, and I appreciate the opportunity that we now have this evening to cast a vote on this and hopefully implement this as a reform in our body.

Mr. NETHERCUTT. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. LINDER].

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

Mr. Speaker, I appreciate being given the time to speak on the important issue of term limits for committee chairmen. It is an issue in which I have been involved for over 2 years and am pleased that we now have the opportunity to consider and pass this fundamental and much-needed reform.

The current system of unlimited terms for committee chairmen created an unjust situation in Congress, for up until the recent elections, power had become far too concentrated and entrenched. A handful of Members were able to dictate the legislative agenda, frequently based on efforts to protect committee turf or consolidate power of chairmen. Consequently, the committee structure became mired in a stagnant existence completely out of touch with the American people.

Republicans have long recognized the problems with unlimited terms for committee chairmen. In December 1992 I introduced a rule to the Republican rules package to limit the ranking minority members to three terms as ranking member of a committee. The rule was adopted by the Republican Conference and was called by the New York Times and the Washington Post the Linder rule.

Now the Republicans have gained the majority in the House of Representatives. It is time for the whole House to adopt this rule and limit the terms of all committee chairmen to three consecutive terms.

Adopting this measure would help put an end to the cozy relationships with special interests, enhance free flow of new and innovative ideas and bring an end to an iron-fisted ruling in Congress by a very few people.

I am gratified that this limit on the tenures of committee chairmen is included in the rules package of the 104th Congress. I believe that it truly represents the fundamental change in the status quo that the American people voted for last November 8.

I urge its passage.

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

Mr. Speaker, I have a great deal of ambivalence about this particular provision.

If the majority party, the Republican Party, wants to limit the terms of its chairs and the Speaker, that is their business. I would just make a historical reference, which is that the Democratic Party has not had problems limiting terms when those Chairs have proven or fallen short of the perform standards that we felt we needed to set. For instance, I know that in my lifetime here I have seen the year when three full committee Chairs were removed from their positions by the action of the Democratic caucus. I have seen in other Caucuses lesser numbers of Chairs removed because, for whatever reasons, the caucus felt that they were not performing the job as well as they could or perhaps there was someone else that needed to perform it.

Be that as it may, if the Republican Party feels that it needs to have some kind of hard, ironclad agreement because it will not take the steps that are really necessary for all of us to take because there are times you do need to suck it up and just go out and say to somebody, ''The time is over; you are not doing the job that we expect of you.''

But as I say, if the majority party wants to do that, that is its business.

I suppose I do have one concern. The concern is this: If this is true term limits, and it is term limits of three terms of committee Chairs, then I do not understand why the Speaker receives a fourth term. Because why is the Speaker treated differently than the committee chairs? Because this is a closed rule, we are not able to offer the amendment that would say that everybody is in the same boat, everybody is limited in the same manner, and there is also something I do not understand. If later many Members decide to enact or try to enact a term limit on Members that would be 6 years, am I led to believe then the Speaker can serve longer than the Members serve?

At any rate, these are questions not answered in this and, because this is a relatively closed rule, we are not able to offer an amendment to square that and to bring it to some sort of logical nexus.

At any rate, as I say, we in the Democratic Party have removed Chairs when we felt it was necessary. Now it is felt that apparently there needs to be some kind of ironclad limitation.

Mr. SPEAKER. I reserve the balance of my time.

Mr. NETHERCUTT. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, 2 years ago, at the opening of the 103d Congress, upon my initiative, Republicans proposed to limit the time a Member could chair a committee. Democrats rejected this initiative, which would have applied to their chairs. Today, Republicans again offer term limits for chairs—of committees *and* subcommittees—and it will now apply to *us*, the new majority party.

This initiative will do much off what *congressional* term-limiters want to accomplish: it will break up the long-term power fiefdoms of committee and subscommittee chairs that often lead

Members to be elected over and over again when otherwise they would have been retired. It will mean a chair will have just 6 years to work his or her agenda, then move on.

But, it will leave to the people the final decision as to whether a Member should continue to represent them in Congress, where our founders believed that decision should be left under the Constitution.

It will mean a far more dynamic body, one less in thrall to special interests, one more attuned to the interests of the Nation as a whole.

I suspect the Democrats will strongly support this initiative now that it applies to Republic chairs. It is only sad that they could not have supported it 2 years ago and been leaders in reforming this body rather than obstructors.

□ 1910

The SPEAKER pro tempore (Mr. EMERSON). Does the gentleman from West Virginia seek recognition?

Mr. WISE. At this time Mr. Speaker we have no additional speakers.

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

Mr. NETHERCUTT. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Speaker, I rise today as an incoming subcommittee chairman to strongly support term limits for all committee and subcommittee chairs. As with all reform measures before Congress, it is essential for us to lead by example.

Most Americans support term limits. My home State of Massachusetts recently passed a voter referendum for term limits. In the same spirit of government reform, I rise in strong support for limiting the terms of committee or subcommittee chairmen.

In the past, too much power reside in the hands of committee chairmen to shape and mold legislation to their personal liking.

Some Chairs had become entrenched in their positions of power for 10, 14, or more years, sometimes fulfilling their own parochial interests over the greater good of the Nation. By enacting term limits for these Chairs, we will insure that the legislative process will truly be open to new ideas because it will be open to new leadership. This House has already limited membership on two committees, the Budget Committee and the Intelligence Committee. This step will extend that to limiting how long Members may serve as a Chair of a committee. The results of the November election sent a loud and clear message for real change in Washington. We can answer that signal by voting for this proposal.

Mr. NETHERCUTT. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina, [Mr. INGLIS].

Mr. INGLIS of South Carolina. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise today with two observations for my colleagues. One is, what incredible progress on the term limit effort. Who would have thought 2 years ago, when I came to this body, that we would be voting today on a rule that would limit committee chairmen to three 2-year terms. What incredible progress for the term limit effort, and I have to say, too, it is very important as an indication of what is in this Contract for America and the exciting things we can do if we stick to the contract.

The second observation I have for any Members who are somewhat questioning whether we need to do this, a look at the statistics about the average stay of the Members of the leadership of the old Congress. According to the Term Limits Legal Institute, the average American keeps his or her job 6 years. The average Member of Congress keeps his or her job 10 years. But the average Member of the leadership in the old Congress kept his or her jobs for 28 years.

That is why we need to limit committee chairmen to three 2-year terms, and that is why we have got a historic opportunity right here right, right now, to have real reform in this House.

Mr. WISE. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. GENE GREEN].

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker and Members, we are talking about term limits today, and the majority party, like the gentleman from West Virginia, who yielded to me, I have no problem with the majority party limiting the terms of their chairmen, but I think this goes to the heart of the issue: that we have an arbitrary term limit on any office.

Are we going to limit a chairman or chairwoman simply to three terms simply because they are doing their job correctly? This is an issue that this House will deal with whether we are talking about Members, chairmen of committees, Members of Congress, or anything else. But I would hope, as a Democrat, as the minority, we might be able to go even further and, in some cases, even limit the terms of the majority party chairmen to one term at this time.

Mr. NETHERCUTT. We have one speaker left, Mr. Speaker.

Mr. WISE. Mr. Speaker, the gentleman from Washington has the right to close, and I expect the Chair would like me to go ahead.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to this amendment. Let me tell you why. It has been my privilege to serve on the House Appropriations Committee now for 10 years, and during that period of time I have tried my best to become well versed with the challenging information and the legislation that we are forced to consider each year as we pass the appropriations.

I have also had the honor of serving for 2 years as chairman of a subcommittee which the gentleman from Washington is going to serve on now, the Subcommittee on Agriculture Appropriations.

That subcommittee, one of the smaller appropriations subcommittees, appropriates $67 billion a year. We have three staff people. I can literally tell you that it takes years to get your arms around the Department of Agriculture, with 125,000 employees spread all over the world, and the Food and Drug Administration, with its massive responsibility.

I felt, after several years of service there, that I was prepared to take over the chairmanship. I think that with the then-ranking minority member, JOE SKEEN of New Mexico, we did a good job. We cut back on some wasteful spending, we saved some money for taxpayers, we were able to get beyond the bureaucratic background noise and yet down to the business of really appropriating in a responsible manner.

Now, of course, because of the verdict of the voters on November 8, our roles have changed. JOE SKEEN of New Mexico will be chairman of the subcommittee, and I will be ranking minority member. I will look forward to working with him.

The point I am trying to make is this: Experience on the subcommittee prepared me to do what the voters sent me to Washington to do, to take a look at a complex and large appropriation and to try to lead a bipartisan effort to deal with it. Should my colleagues in the House of Representatives on the Democratic side have reached a decision that I was unworthy of that job, they could have removed me in any Congress. That, I think, is the appropriate way to approach this.

To establish artificial limits for service as committee chair or subcommittee chairman or service in the House of Representatives I think is grossly unfair.

Experience counts for every aspect of life; it counts in the Congress.

I think artificial limits are wrong, and I oppose this amendment.

The SPEAKER pro tempore. The gentleman from West Virginia [Mr. WISE] has 2½ minutes remaining.

Mr. WISE. Mr. Speaker, I yield myself such time as I have left.

Mr. Speaker, in the spirit of change, I am going to tell you, Mr. Speaker, that so many have started out by saying that, ''I am not going to use my time,'' and then of course we know the inevitable story. Well, I am not going to use all my time except simply to ask, I am still waiting for an answer to my question, which is: Why is it that the Speaker has a 4-term limitation, committee chairs have 3 terms? If there is an abuse or possible abuse of power with 3 terms for committee chairs, certainly the Speaker, with the power that the Speaker's chair has,

whoever the Speaker might be of whatever party, we ought to limit that in the same nature as well.

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

Mr. NETHERCUTT. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MCCOLLUM].

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

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

Mr. Speaker, I would like first of all to address what the gentleman from West Virginia [Mr. WISE] said as to why the Speaker is given 8 years and the subcommittee chairmen 6. The reason why that was designed that way is simply because the Speaker is next in line after Vice President to the Presidency, and it conforms with the concept of two 4-year terms of the President of the United States. That is the rationale that went into that.

The reason for the 6-year term limit for committee chairmen is simply that that seemed to us to be the right number. It may be a little arbitrary, maybe it could have been 8, maybe it could have been 4. The point is we need to limit the length of time somebody serves as committee chairman. That is the single most important limit we are placing here, even more important than limiting the Speaker, in my judgment. It was perhaps one of the most important reasons why we have debated over the years that we need term limits. Most Americans realize, when you give power to a committee chairman or a subcommittee chairman for a long period of time, you are giving very serious power to one individual who can abuse that power. Many do not, but somebody can.

The control that a committee chairman has is vast. He controls, often, whether a bill ever leaves his committee to come to the floor of the House for a vote. He controls a lot of the substance that goes into the bill before that bill comes out of a committee or leaves the committee in the first place.

□ 1920

And in a conference between a bill that has passed the House and the Senate, between those two bodies, the committee chairman has a great deal to say with what is in the final product, an awful lot to say. In addition to that, a committee chairman is in charge of oversight functions. There are hearings that are held by the committees that he determines which ones are held to look into whether it is the FBI, or the Drug Enforcement Administration, and in the case of my Committee on the Judiciary it may be oversight hearings like Whitewater in Banking or whatever. A committee chairman, the right committee chairman, can do a great job for a long period of time. The wrong committee chairman can abuse that power, and, yes, somebody can remove him, but it does not happen very often.

And the bottom line is:

For the health of this Nation it is much better to alternate who are the committee chairmen of various committees and subcommittees over a reasonable period of time, and 6 years, it seems to us, is very, very reasonable under these circumstances. There are a lot of very talented men and women among our 435, and I urge a ''yes'' vote. It is a very important resolution, probably the most important one tonight that we will vote on.

The SPEAKER pro tempore (Mr. EMERSON). All time for debate on section 103 of the resolution has expired.

The question is on section 103 of the resolution.

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

Mr. NETHERCUTT. 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 355, nays 74, answered ''present'' 1, not voting 4, as follows:

[Roll No. 8]

YEAS—355

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Everett
Ewing
Farr
Fawell
Fields (TX)
Filner
Flake
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Johnston
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennelly
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lambert-Lincoln
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Mineta
Minge
Mink
Molinari
Moorhead
Moran
Morella
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Olver
Orton
Owens
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Reed
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Sabo
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Towns
Traficant
Tucker
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wolf
Woolsey
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—74

Abercrombie
Ackerman
Becerra
Beilenson
Bentsen
Berman
Bonior
Borski
Boucher
Bryant (TX)
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Dingell
Dixon
Durbin
Evans
Fattah
Fazio
Fields (LA)
Foglietta
Gejdenson
Gephardt
Hamilton
Hastings (FL)
Hilliard
Hoyer
Jefferson
Johnson, E. B.
Kaptur
Kennedy (RI)
Kildee
Klink
Lewis (GA)
McNulty
Meek
Menendez
Mfume
Miller (CA)
Moakley
Mollohan
Montgomery
Murtha
Oberstar
Obey
Ortiz
Pallone
Payne (NJ)
Pelosi
Rahall
Rangel
Reynolds
Rivers
Roybal-Allard
Rush
Sanders
Sawyer
Serrano
Skaggs
Skelton
Stark
Stokes
Taylor (MS)
Thompson
Torres
Velazquez
Vento
Visclosky
Watt (NC)
Wise
Wynn

ANSWERED ''PRESENT''—1

Dellums

NOT VOTING—4

Clay
Gingrich
Harman
Yates

□ 1936

Mr. PALLONE and Mr. JEFFERSON changed their vote from ''yea'' to ''nay.

Mr. BALDACCI changed his vote from ''nay'' to ''yea.''

Mr. ORTIZ changed his vote from ''present'' to ''nay.''

So section 103 of 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

Ms. HARMAN. Mr. Speaker, during rollcall vote No. 8 on H.R. 6, I was unavoidably detained. Had I been present I would have voted ''aye.''

□ 1940

The SPEAKER pro tempore (Mr. BILIRAKIS). Pursuant to the rule, section 104 of the resolution is now debatable for 20 minutes.

The gentlewoman from California [Mrs. SEASTRAND] will be recognized for 10 minutes, and the gentleman from Michigan [Mr. BONIOR] will be recognized for 10 minutes.

The Chair recognizes the gentlewoman from California [Mrs. SEASTRAND].

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

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

Mr. Speaker, I rise today to offer yet another fundamental change to the way business is done in the House of Representatives.

Every one of us was elected by our constituents to do a job. Having a job means showing up for work every day—as most working Americans are required to do—and actively carrying out the duties to which we are assigned.

The process of voting by proxy violates this basic responsibility. By allowing for proxy voting in the first place, it was never intended that: Representatives should stop representing; that they should never go to committee hearings; that they should never hear the testimony provided for them to make informed decisions; that they should never hear the critical evidence that might help them form opinions; and finally proxy voting was never intended that committee chairs should hold enough proxies to determine the outcome of legislation—regardless of the testimony, the evidence, the views of other Members, or the fact that some Members may have never bothered to attend a single committee meeting.

Proxy voting, or ghost voting as it is sometimes referred to, allows a committee chair to do whatever he or she wants to do.

I would think this practice of proxy voting would be offensive to those Members who faithfully attend committee meetings and listen carefully to the testimony offered and the evidence presented so they can cast an informed vote. A vote, unfortunately, which is cast in vain because no matter what was said, the Chair holds enough proxies to do whatever he or she wants.

This is not a responsible way to legislate and the people who elected us have every right to expect more.

Mr. Speaker, if there is one reason today that we are introducing this historic package of fundamental reforms, including the elimination of proxy voting, it is to let the American people know that the 104th Congress will begin to legislate responsibly and with total accountability.

I submit to you that it is necessary to eliminate proxy voting.

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

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

Mr. Speaker, I support this proposal, and I commend the gentlewoman for leading the effort on it this evening. As she pointed out, I think correctly, in the real world if you work in a factory or you work in an office, you have to show up for work. You cannot send a proxy. It should be no different for Members of Congress in their committee assignments.

However, while I support this provision, I do not think it, frankly, goes far enough. I would like to talk a little bit about the issue of committee ratios here.

For many years Republicans have argued, and very well, I might add, the makeup of the House committees should reflect the party ratios in the House; that is, if one party controls 60 percent of the House, then they should get 60 percent representation on the committees in this institution.

Republicans have repeatedly offered amendments to make this simple rule a principle rule of the House. The Republican rules package in the 103d Congress required that party ratios in each committee must reflect party ratios in the House.

In fact, the gentleman from Colorado [Mr. ALLARD] offered the same amendment to the congressional reform bill later in the year. The amendment was offered yet again by the gentleman from California [Mr. DRIER] when the Committee on Rules considered the congressional reform bill in October of last year, just 4 months ago.

In the Senate, the other body, the new Republican majority has adhered to this basic principle in allocations of committee slots for Democrats in the new Congress. In the House, however, Republicans have not only abandoned their previous amendments on fair ratios, but they have already violated the principle they championed as recently on this floor and in the Committee on Rules as 4 months ago. They began by stripping dozens of Democrats of their committee assignments, a tactic never employed when Democrats controlled the House. We always made room. We never asked a sitting Republican on a committee to leave. We always somehow accommodated them, expanding the committee by putting temporaries on it.

Not so, not so in this Congress. Then they announced the committee ratio plan, in which not a single House committee actually meets the clearly articulated test for fairness.

On the major committees, and they are all major, but on the committees that people look to on important fiscal matters, the Committee on Ways and Means and the Committee on Appropriations, I would say those two committees and the Committee on Rules, the ratios were way above the 53/47 split we presently have in the House of Representatives. In fact, on the Committee on Ways and Means and the Committee on Appropriations, they got 60 percent instead of 53.

They might say, ''When you were in power you did the same thing.'' We may have gone a percent or 2 or 3 above. We never went 7 or 8 percent above, which means a lot of seats on those respective committees.

Mr. Speaker, I commend the gentlewoman and my colleagues for offering this amendment on proxy voting, but I must be honest and say that it does not really go far enough. If we really wanted to go far, we would adopt the language of the gentleman from Colorado [Mr. ALLARD], and we would adopt the proposals that were advocated by the gentleman from California [Mr. DREIER] and others on that side of the aisle to keep committee ratios balanced in relation to the rest of the House.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. OWENS].

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

Mr. OWENS. Mr. Speaker, proxy voting is as American as apple pie. We have millions and millions of votes cast by proxy all the time.

Private industry, which we are so fond of replicating, uses proxy voting all the time. Americans understand proxy voting. They understand that decision-makers who have numerous obligations sometimes use proxy voting as a convenience. They trust certain people and allow them to vote by proxies on very important matters that affect their lives.

I am not going to quarrel, however, with a Majority that wants to limit their own flexibility and their own ability to conduct some awesome business matters here that are the province of the Majority by insisting on eliminating proxy voting. If they want to do that, I am not going to really quarrel with them.

I am going to discuss, instead, something else that is as American as apple pie, and that is voting by simple majority vote.

Later on we are going to discuss a three-fifths requirement, a requirement that three-fifths of the Members must approve of any income tax increase. I want to say that is very un-American. That runs against the grain of the Constitution, and the general

way Americans conduct business. What they are doing is empowering a minority of people to block any legislation.

The House has 435 voting Members. Some simple arithmetic. There are 435 voting Members. A simple majority is 218. Three-fifths of the House is 261, instead of 218. Two-fifths of the House is 174 votes.

By requiring that there must be a three-fifths vote to pass any legislation, we empower that two-fifths to block the legislation.

A simple majority requirement such as is being proposed dilutes the power of every Member's vote by allowing the House to be controlled by the two-fifths, 174 out of 435, two-fifths can choose to withhold their votes and they control the process. That is not democracy. Instead of control by 218 Members, we will yield control to 174. That means that if you set this precedent tonight on taxes, and I am not in favor of voting to increase the income taxes of Americans. We have plenty of ways to save money in the budget and not have to increase taxes. We should stop the freeloading farmers, end farm subsidies, end Farmers Home Loan mortgages, we should stop building *Seawolf* submarines which have closed down overseas bases in Japan and Germany. There are ways to save billions of dollars and not have to increase taxes, but this sets an unfortunate precedent. This empowers a minority.

Mr. Speaker, in addition to the arguments presented above, I would like to note the following: Requiring a supermajority vote for tax increases is unconstitutional because it delivers a fatal blow to majority rule. It gives a minority of Members the ability to stop a specific type of legislation. indeed, today marks the first time in this country's history that a majority in the House has attempted to usurp so much power.

Article I, Section 2 of the Constitution states that the ''House of Representatives shall be composed of Members chosen * * * by the People of the several States.'' In *Wesberry* v. *Sanders,* the Supreme Court interpreted that portion of the Constitution as meaning that ''as nearly as is practicable one man's vote in a congressional election is to be worth as much as another's.'' The rule before us would severely violate this one man, one vote principle by diluting the vote of every citizen. The more power that is funneled into the hands of the few, the less remains in the hands of the many.

Moreover, the Constitution clearly enumerates the instances in which a supermajority is required. If the Framers had intended that submajorities be used in other instances, they would have explicitly stated so.

While the Constitution does state that the House can write its own rules, the House and its leaders are not given carte balance. Therefore, in the past, Congress has required supermajority votes only for procedural motions, such as the two-thirds vote required in the House to consider a rule reported the same day. Similarly, motions in the House to suspend the rules and pass a bill are procedural in nature; if such motion is defeated, a bill may be reconsidered in the House under a normal rule and passed by a simple majority.

Requiring a supermajority vote for tax increases also would set a perilous precedent that could be used to create similar requirements for other controversial issues. Which type of legislation would be next on the chopping block? Will any bill that increases education funding require a three-fifths vote for passage? Will any bill that relates to a woman's right to choose an abortion be subject to a three-fifths vote?

Voltaire wrote, ''One despot always has a few good moments, but an assembly of despots never does.'' This certainly is not a good moment for my Republican colleagues. Of all the accusations that have been made about the Democrats' exercise of power during our forty-year tenure in the majority, nothing even comes close to rising to this level of the abuse of power. It is tyranny of the majority, pure and simple. I urge my colleagues to defeat this rule.

Mrs. SEASTRAND. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. GOSS].

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

Mr. GOSS. Mr. Speaker, what we are talking about here is proxy voting or ghost voting. It is a bad habit that has grown to be a serious disorder in the process of this institution. I notice that apparently no one is willing to defend proxy voting, because I certainly have not heard any defense from the other side of the aisle, so I guess the time has come to get rid of proxy voting or ghost voting and we thank very much what I think I am hearing correctly, is the support from the other side of the aisle so I think we can expect a very large vote to do away with this procedure which has not done credit to this institution since it has been a bad idea and since it has been abused so badly. I think we all know it, I do not think there is any particular point in overstressing, finding nobody supporting it, so why do we not just agree with it and get rid of it?

Mr. Speaker, I thank the gentlewoman for yielding me this time, and I congratulate her for her effort.

Mrs. SEASTRAND. Mr. Speaker, might I inquire how much time is available on both sides?

The SPEAKER pro tempore [Mr. BILIRAKIS]. The gentlewoman from California [Mrs. SEASTRAND] has 3½ minutes remaining, and the gentleman from Michigan [Mr. BONIOR] has 3½ minutes remaining.

Mrs. SEASTRAND. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. ROYCE].

Mr. ROYCE. Mr. Speaker, in addition to authoring our Nation's Declaration of Independence, Thomas Jefferson wrote what are supposed to be the rules of this House. His Manual of Parliamentary Practice was written in 1797, and for nearly 200 years, has by law provided the basis for our House rules.

That is why I rise today in support of the Proxy Voting Ban in the House Republican Rules Package. If Jefferson knew that absent or tardy members of the House were routinely allowing other members to cast their votes for them in committee by proxy and that this ghost voting has been used to block legislation while ducking individual responsibility, he would object. He would wonder by what justification we could so stand the rules of this House which he wrote on their head.

Although House rules strictly prohibit one member of Congress from casting votes for another on the House floor, proxy voting was in fact the norm in many committees in the last Congress. In 1993, for example, proxy votes were cast on virtually every bill marked up in the House Committees on Energy and Commerce; the Judiciary; and Public Works and Transportation.

Ghost voting not only promotes absenteeism and sloppy bill-drafting, it allows party leaders and committee barons to control the fate of legislation by simply pulling votes out of thin air. It is like having 6 jurors sit through a trial, hear all the evidence and reach a verdict—only to have the jury foreman pull out 6 more votes from his pocket and cast them to overrule the others.

Last year, I introduced legislation to require the House to follow Jefferson's rules. One of Jefferson's overriding concerns was that each member of Congress would be held responsible for his or her own vote.

This rules change will end the abuse of our most important and valuable commodity, our vote. Simply put, under this change, if a member does not show up for work, he does not get to vote. I urge an ''aye'' vote for this important Republication reform.

Mrs. SEASTRAND. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. RADANOVICH].

Mr. RADANOVICH. Mr. Speaker, although every vote in the whole House is always important, votes in committee carry even greater proportionate weight. As such, committee votes should be cast by Members themselves, not by committee colleagues.

Yet Capitol Hill practice in the past has been to allow proxy votes in committees. This has meant one Member was voting not just for himself but for absentees.

Proxy holders, often the committee leadership, would vote for other Members who were elsewhere, possibly at another committee meeting voting the proxies of still more absent Members.

Enough already. Let the Member who votes in committee be in committee. The American way is one person, one vote. Votes in congressional committees no longer should be by proxy, they should be in person. That is what will happen as soon as tomorrow. All it takes is approval of this proposal to change our rules. Let the reform go on as we keep faith with our promise in the Contract with America to change the way Congress does business. The American people will be the winners.

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

Mr. BONIOR. 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, I rise in support of this amendment, Section 104, the ban on proxy voting. As the Speaker knows in the chair who serves on the Committee on Veterans Affairs, we have not had proxy voting for a number of years. It has worked very, very well. We have good attendance at our committee meetings, subcommittee meetings and when we have a vote, we almost have 100 percent voting on that amendment, on that bill.

We do not support proxy voting. We have not had it for 20 years in our Committee on Veterans Affairs, one of the most important committees in this Congress, and I certainly hope we would adopt this amendment.

I would hope that the people on this side, most of us over here on the other side are supporting this amendment, and you would not call for a vote and we could move along and get out of here a little earlier.

Mrs. SEASTRAND. Mr. Speaker, I thank the distinguished gentleman from Mississippi for his kind comments.

Mr. Speaker, I yield 1 minute to the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Speaker, we just heard the gentleman from California refer to Thomas Jefferson. Thomas Jefferson loved Monticello but he never hesitated to spend 4 days riding horseback to come to Washington to personally fulfill his responsibilities.

When we call on young men and young women to defend this Nation against foreign interests by placing our your men and women in harm's way, they do not have a choice. They must take themselves physically and personally to the call of their Nation. They cannot send a proxy.

What we ask of them we must ask of ourselves. Mr. Speaker, that is accountability.

The people of this great Nation expect us personally to represent them and their views and to be held accountable, to be in the line of fire and not behind the door with a proxy coming through the keyhole.

Mr. BONIOR. Mr. Speaker, I have one remaining speaker this evening on this particular issue. I yield 1½ minutes to the gentleman from Indiana [Mr. ROEMER].

□ 2000

Mr. ROEMER. Mr. Speaker, I rise in strong support of this measure. I believe that as we all are issued our brand new cards today, and each one of us has a sparkling new card that we insert into the boxes in this Chamber, these cards have been personalized, individualized, and secured so that it is only the Member that it is issued to that can cast the precious vote, the privileged vote to represent their constituents in this body.

I talked to Members and I remember my freshman year in 1991 when I cast my first vote and continue to feel it a privilege casting votes in this body. It is against our rules and we have very strict measures when somebody else tries to cast this vote in this body. I think that it should be the same measures that we take in our committees, so that we do not have proxy voting in our committees.

Richard Fenno, a pundit and scholar on Congress, says that the business of Congress is done in its committees. That does not mean we legislate more, that means we do the job of oversight more to be accountable to our constituents. I think this card helps ensure that on the House floor, and I think this new rule helps ensure that in our committees.

This is a good measure to ban proxy voting and I commend Members to vote for this measure.

Mrs. SEASTRAND. Mr. Speaker, I yield 1 minute to the gentlewoman from Wyoming [Mrs. CUBIN].

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

Mrs. CUBIN. Mr. Speaker, I rise today to voice my support for eliminating the misguided, but long-held, congressional practice of allowing absentee proxy votes to take place in committee.

Putting an end to these absentee proxy votes is a crucial part of fulfilling our pledge to the American people to create a more open and truly representative Congress. It is an important early step along the path of momentous change and reform that will put the people's government back on the right track.

Like many of my colleagues, I am opposed to this practice which allows on individual to cast a vote in committee on behalf of another member. The people of this country have the right to expect and demand that those of us in Congress carry out the job we sent here to do—namely, make the tough choices and cast our votes in person.

Furthermore, I have an additional, and somewhat unique, reason for objecting to proxy voting. I am the lone representative in the U.S. House of Representatives from the State of Wyoming.

I do not want a California proxy vote cancelling my vote.

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

Mrs. SEASTRAND. Mr. Speaker, I welcome the comments of the gentlemen from Mississippi, but hope that he understands that we in the 104th Congress promised in the Contract With America to have a recorded vote on each provision today.

Mr. Speaker, I yield the balance of my time to the gentleman from Pennsylvania [Mr. GEKAS].

The SPEAKER pro tempore (Mr. BILIRAKIS). The gentleman from Pennsylvania is recognized for as much as 2 minutes.

Mr. GEKAS. Mr. Speaker, I thank my colleague from California for yielding me the time.

Mr. Speaker, tonight we bring this House back to orthodoxy by eliminating the vote by proxy. In any language, everyone in America knows that the heart and soul of the legislative process is resting with the committee and the committees' work in the Congress of the United States. Subcommittee, full committee, task force, it is the guts of the legislative process that happens beyond the walls of this Chamber, and the final action taken on this floor is really tinsel, it is show time, all of the work, all of the deliberation, all the amendments, all of the drafting, all of the crafting already having been accomplished in the halls of the committee system itself.

The gentleman from Mississippi and others who have spoken so eloquently know that we as trustees of the card that allows us to vote on the floor of the House cannot transfer it to anyone else. As a matter of fact, it is a violation of the law, a criminal violation if any Member should transfer his or her card to someone else to vote that vote on the floor.

Is it not an irony that that is a crime, but we permitted for so many years someone to vote a dozen or two dozen votes in committee with ghost riders in the sky elsewhere in the Capitol while a bill is being crafted, amended, and finally passed in committee.

I recommend it not just because we have in the contract with the American the banning of proxy voting, but because the American people recognize that this is a fraud on the legislative process. We tonight end it for all time.

The SPEAKER pro tempore. All time for debate on section 104 of the resolution has expired.

The question is on section 104 of the resolution.

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

Mrs. SEASTRAND. 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 418, nays 13, not voting 2, as follows:

[Roll No. 9]

YEAS—418

Abercrombie	Barrett (WI)	Blute
Ackerman	Bartlett	Boehlert
Allard	Barton	Boehner
Andrews	Bass	Bonilla
Archer	Bateman	Bonior
Armey	Becerra	Bono
Bachus	Beilenson	Borski
Baesler	Bentsen	Boucher
Baker (CA)	Bereuter	Brewster
Baker (LA)	Berman	Browder
Baldacci	Bevill	Brown (CA)
Ballenger	Bilbray	Brown (FL)
Barcia	Bilirakis	Brown (OH)
Barr	Bishop	Brownback
Barrett (NE)	Bliley	Bryant (TN)

Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
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Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
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
Towns
Traficant
Tucker
Upton
Velazquez
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—13

Collins (IL)
Collins (MI)
Conyers
Dellums
Dingell
Frank (MA)
Gejdenson
Kaptur
Lambert-Lincoln
Scott
Vento
Waters
Williams

NOT VOTING—2

Johnston
Yates

□ 2020

So section 104 of 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 (Mrs. JOHNSON of Connecticut). Section 105 of the resolution is now debatable for 20 minutes. The gentleman from Ohio [Mr. CREMEANS] will be recognized for 10 minutes, and the gentleman from Michigan [Mr. BONIOR] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Ohio [Mr. CREMEANS].

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

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

Today I offer an amendment numbered section 105 to the House rules mandating public access to committee proceedings. The American people have spoken. Less than 2 months ago I was chosen to represent over a half million Ohioans, and today I become their Representative to this body.

Those Ohioans have every right to know what I do here, and this amendment guarantees that right.

It is appropriate that today, with what is expected to be the largest viewing audience of a House proceeding ever, we allow the watchful eye of the public into our committees as well.

No longer will House business be allowed to take place behind locked and closed doors. From this point forward the public will have the right to view our activities.

Our democracy is built upon having choices. On November 8 we each were chosen by the people to be here today. This amendment simply provides those same men and women with the knowledge of what choices each of us made while we were here.

They deserve to know nothing less.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, the House of Representatives is supposed to be the people's House. This is where the business of the American people is conducted, and the more sunshine that we can shine on these Chambers and these committee rooms, the better off the American people will be.

The days of backroom deals are over. We make decisions in this building every day that affect every man, woman, and child in this country, and I think the American people have a right to see those decisions being made. But it is also time to shut out the influence of special interests.

I support this amendment, and I commend those who are offering it, but I do not think it is enough merely to open all meetings to the public. We should be held accountable for all aspects of public life. and that means all political contributions should be disclosed as well. We are required by law to disclose the names of the people who contribute to our political campaigns, and we do. But there are some organizations which have an influence on this body which refuse to disclose who they contribute to, where they get their money from, and I think it is time to change that as well.

Let me give you one example: There is an organization called GOPAC, which, by some accounts, has played a role in electing over 200 Members of this institution. Over the past 9 years, GOPAC has raised between $10 million and $20 million. Many of these contributions come from people who have a direct interest in Federal legislation. We do not know who these people are, where this money came from, because GOPAC has not disclosed the list of its past contributors.

With deals like this, is it any wonder that the American people think that this Congress is for sale? I think the public has a right to know who these people are, and we should open our meetings and GOPAC needs to open all of its meetings.

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. SOLOMON. Madam Speaker, is this germane to section 105 of the bill that we are debating, this discussion?

Mr. BONIOR. Madam Speaker, if I could finish my remarks, I will address my colleague's comments because I think they are good comments. I think it is directly germane.

Madam Speaker, I yield myself such time as I may consume.

The SPEAKER pro tempore. The remarks should pertain specifically to this portion of the resolution adopting the rules.

Mr. BONIOR. This portion of the bill deals with open meetings, and that deals with open Government. And if we are going to have open Government, we should make sure that the contributions of the people are reviewed, that we know where they come from, especially as they affect legislation. It seems to me if GOPAC has nothing to hide, then they should have nothing to be afraid of. If GOPAC will not come clean and will not open their books, I think the American people have a right to ask, ''What are they trying to hide?''

Mr. THOMAS of California. Madam Speaker, the gentleman is not germane.

□ 2030

POINT OF ORDER

Mr. THOMAS. Madam Speaker, I have a point of order.

The SPEAKER pro tempore. (Mrs. JOHNSON of Connecticut). The gentleman will state his point of order.

Mr. THOMAS. The gentleman is not germane.

The SPEAKER pro tempore. We will proceed. The gentleman from Ohio [Mr. CREMEANS] is recognized.

Mr. CREMEANS. Madam Speaker, I yield 45 seconds to the gentleman from Nebraska, the home State of the national champion Nebraska Cornhuskers [Mr. CHRISTENSEN].

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

Mr. CHRISTENSEN. Madam Speaker, I rise in support of item No. 5, the sunshine rule for committees, and I thank the gentleman from Ohio [Mr. CREMEANS] for the kind gesture about the Nebraska Cornhuskers and the national championship we just won.

My colleagues, on November 8 the American people sent a clear message to Congress: ''No more business as usual, no more backroom deals, no more conducting the people's work in secrecy. Enough is enough.''

This measure puts an end to business as usual and ushers in a new era of openness and accountability.

What it requires is simple—from now on all committee and subcommittee meetings will be open to the public and media, except in extraordinary circumstances involving national security or personal matters.

As my colleague from the State of Washington has said, ''The days of the smoke-filled room and closed doors are over.'' It's time to open the doors, throw open the windows, and let the glorious light of representative democracy shine in.

Mr. BONIOR. Madam Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Madam Speaker, I am all for this. I was not aware that there were many meetings that were not open. Most of the Members I know generally try to get the press to come to their meetings rather than keep them away, but I think it is important that we do this because we not only govern ourselves, we set an example, and I think it is important for us to pass this by a big vote and set an example of openness.

Now my friend referred to GOPAC, and he should not have, apparently under the rules, talked about the substance. But what is important is the example we will set. There are political organizations controlled by Members of this House that are not open. What better way to encourage them to do the right thing? What better way to tell the people of GOPAC that they should be open than for us to follow that same rule?

So, let us set the example, and let GOPAC profit by our example, and let those who are so worried that we would even discuss it on the floor of the House——

Mr. THOMAS. Madam Speaker, will the gentleman yield?

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

Mr. THOMAS. Madam Speaker, the gentleman skates very nicely on thin ice.

Mr. FRANK of Massachusetts. I thank the gentleman very much for his acknowledgment of defeat on this issue. We can talk about openness. The point is——

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. FRANK of Massachusetts. I would ask for an additional 30 seconds since I yielded to Tonya Harding over there.

Mr. BONIOR. Madam Speaker, I yield 30 seconds to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Madam Speaker, I will say I meant that in a purely metaphorical sense, but let me say I thank the gentleman for yielding.

I think the example of openness we set here is important. Let GOPAC and every other political organization controlled by Members of the House follow the example because certainly no Member of the House would want to be considered so inconsistent as to vote that we will open meetings that no one wants to come to and then at the same time conceal information that people want to know about. The principle of openness is important. Let us hope that it sets a good example.

Mr. CREMEANS. Madam Speaker, I yield 45 seconds to the gentleman from California [Mr. POMBO], who in his first term led the protest against closed-door meetings.

Mr. POMBO. Madam Speaker, I thank the gentleman from Ohio [Mr. CREMEANS] for yielding this time to me.

Madam Speaker, when I first got here I came from the State of California, and I represent the State of California where we do have open meeting laws, and we are required to conduct our business in the open, and, as the previous gentleman said, that he was not aware of very many meetings that we have that are closed to the public, but one of the first things that I ran into here as a new Member was a meeting that was closed to the public, and that was the Committee on Ways and Means markup of the tax increase of 1993 which was closed down to the public where not only the public and the press, but other Members, had to leave the room.

Madam Speaker, the argument that was given to me at the time was that Members who are on the panel, on the committee at the time, needed to feel free to speak their mind and to vote their conscience, and that if the public were in the room, they would not be allowed to do that. That is exactly why we need this rules change to pass, so that the public knows exactly what is going on.

Mr. BONIOR. Madam speaker, I yield 1 minute to the gentleman from California [Mr. FAZIO], our caucus chairman.

Mr. FAZIO of California. Madam Speaker, I thank the gentleman from Michigan [Mr. BONIOR] for yielding this time to me.

Madam Speaker, I ask the gentleman from California [Mr. POMBO] to come back to the microphone because I would like to ask him about this. I have a copy of a letter which he signed along with the gentleman from Texas [Mr. ARMEY] and a number of other Members saying, ''Let's close the gift loophole for foundations, LSOs and caucuses.'' This was October of 1993. One of the justifications for this request was to require all Member-affiliated foundations to disclose contributors. Public disclosure of contributions will ensure the integrity of Member-affiliated foundations and silence any criticism that special interest contributions are being made to influence Members of Congress.

I wonder if the gentleman can tell me what difference there is between this worthy instinct that caused him to sign this letter and the situation that applies with GOPAC.

Mr. POMBO. Madam Speaker, will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from California.

Mr. POMBO. Madam Speaker, I think that it is pretty simple. The LSOs were using taxpayer money, and what we were afraid of——

Mr. FAZIO of California. These are the foundations that get——

Mr. POMBO. If the gentleman will let me answer, I will tell him. It was combining. This was my concern, combining, commingling, official money with outside money, and that was my concern, and that is why I signed onto the letter.

Mr. FAZIO of California. The gentleman's request was to get the foundation grants.

The SPEAKER pro tempore. The time of the gentleman from California [Mr. FAZIO] has expired.

Mr. CREMEANS. Madam Speaker, I yield 1 minute to the gentlewoman

from Florida [Mrs. FOWLER], who served as cochairman of the Republican freshman class reform task force in the last Congress.

Mrs. FOWLER. Madam Speaker, I rise in strong support of the sunshine rule. The Republican freshman class of 1992 made open meetings a top priority in our reform efforts when we took office 2 years ago. Those of us who came here from States with sunshine laws were shocked to learn that committee chairmen could lock out the American people for almost any reason. We were appalled when a meeting was closed to the public because tax increases were being discussed.

My home State of Florida, the Sunshine State, has some of the toughest open meeting laws in the country. Local and State government improved because of those laws.

It is time to shine a light under the done here at the U.S. Capitol. We can never forget that we work for the American people, and what we do here we do for them.

This rule will ensure the doors remain open, and I encourage my colleagues to support it.

Mr. BONIOR. Madam Speaker, I yield 1 minute to the gentlewoman from Arkansas (Mrs. LAMBERT LINCOLN).

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

Mrs. LAMBERT LINCOLN. Madam Speaker, I thank the gentleman for yielding. As has been said earlier in this debate, the best place to dry laundry is still in the sunshine, and the sunshine is still the best place for Congress to air our discussions about legislation.

As we look to the committee structure to help us in deciding, forming, developing, and perfecting legislation, it is very critical for us to keep those meetings open and open to the public, the very people who pay our salaries and who are directly affected by the laws that we passed. They should certainly be welcome to see Congress in its action.

Congress in committee is certainly Congress in action, and that is where I feel like it is most important as we look to the committee structure as well as the conference reports, the conference committees, to make sure that they do remain open to the public. Debate over these decisions should be held in the public eye.

That is why I strongly support this proposal. This will not threaten our national security interests, because we found that classified information will still be protected, and that is why I support this legislation in opening up to the very people of the public that which we are here to do on their behalf.

Mr. CREMEANS. Madam Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. ZIMMER], who led the fight for similar legislation.

Mr. ZIMMER. Madam Speaker, I thank the gentleman for yielding time to me.

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

Mr. ZIMMER. Madam Speaker, in the 1970's, nearly every State in the Union enacted sweeping open public meetings laws. Inspired by Florida's sunshine law and spurred by citizens' organizations such as Common Cause, legislatures across America opened the meetings of virtually every State and local public body to the public.

Congress responded only partially to this demand for reform. It left a gaping loophole in its rules that allowed committee meetings to be closed by simple majority vote for any reason or for no reason.

It is high time for Congress to be subject to the same open meetings requirements that have applied for more than 20 years to the zoning boards and the boards of education in the smallest communities in New Jersey and across the Nation. Justice Louis Brandeis was right when he said sunlight is the best disinfectant. It is time for us to join the 50 States and the communities of this Nation and open our doors and open our windows and let the sun shine in.

Mr. BONIOR. Madam Speaker, I yield 1 minute to the distinguished gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Madam Speaker, I thank the gentleman for yielding, and I salute the gentleman from Michigan for his leadership to fight on this, because he is right. Government is not a fungus, it can thrive in sunshine. But the point I think the gentleman was trying to make, too, that is connected to this is that the voters are not stupid, and they also know that some of the issues they see that will now be discussed in sunshine and have been in many meetings already, but what they are going to see in the sunshine, they know those deals may have been cut somewhere else. And that is why you have to let the sunshine in a little brighter.

I think it goes back to the original concept I was talking about of the coin operated legislative machine. If you only get to see what is coming out of the machine, you are only seeing half of the machine. And that is why many of us are very disappointed tonight. We do not have an opportunity to amend this so that we can add sunshine as to what went into the machine, who was putting the coins into the machine, and is there a connection.

I think the gentleman from Michigan made an excellent point, and I only hope next time we get a chance to make an amendment so we see sunshine everywhere.

Mr. CREMEANS. Madam Speaker, I yield 1 minute to a new Member from the Buckeye State, the gentleman from Ohio [Mr. NEY]

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

Mr. NEY. Madam Speaker, I appreciate my colleague from Ohio and neighboring Congressional District for yielding time to me.

Madam Speaker, I want to stay to the subject matter, because obviously from this side tonight it has strayed I believe from the original intent of what we are talking about, which is sunshine. And with our good parliamentarian BOB WALKER, I don't want to have him rule me out of order, so I am not going to talk about Ralph Nader and his hidden monies, and some of the labor unions and how they have monies, and I come from a labor area that may not necessarily have to be right out in the open sunshine.

I want to stick to the subject matter, which I think we have to do, and that is the fact of talking about the influence of the lobbyists. The lobbyists are there to present people's points of view that they represent back in our districts, but it should be done out in the open.

I was a participant in a closed conference committee when I chaired the Senate Finance Committee in Ohio. We finally came into the 21st Century and our colleagues opened the process up in the State. All the States have, and it is time we come into the 21st Century. I believe what we are trying to do here everybody does agree with, and urge support.

Mr. BONIOR. Madam Speaker, I yield one and a half minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Madam Speaker, I thank the gentleman for yielding. I think we ought to be clear as to what we are talking about here. In my experience I have seen very few, in fact, no closed meetings.

There is a very important concept known as the elephant stick. The elephant stick is a stick that a man carries. It is not Tonya Harding's stick, it is the one that you carry around Dupont Circle, and people say, ''What are you doing with that stick?'' And the answer is, ''Well, it is to keep away all the elephants.'' They say, ''Well, there aren't any elephants at Dupont Circle.'' Then you say, ''My stick works.''

Now, my friends on the other side have got a lot of elephant sticks tonight. They are banishing nonexistent elephants at a fast and furious pace. If they want to take credit for it, that is fine. But I have to tell you that these closed meetings they talk about are widely a figment of their imagination.

But I am concerned about openness in this regard: I was told we were going to have a new way of operating. Is it the plan, and I will be glad to yield to any member of the leadership on the other side, is it the plan to finish this rule, and then take up another separate important bill, the compliance bill, at 2 or 3 o'clock in the morning, and then do nothing tomorrow?

Is that the new way of legislating, that we will take up the important

question of compliance and its related issues at 2 or 3 o'clock in the morning, keeping people here on overtime, and then tomorrow have nothing to do at all?

If that is in fact the plan on the other side, I hope the leadership will tell us that, so some of us can suggest we ought to finish this bill, go home for the night, and come in tomorrow and then act on the compliance bill in the sunshine, not at 2 o'clock in the morning.

Mr. CREMEANS. Madam Speaker, I yield one minute to my fellow classmate from the Commonwealth of Virginia the gentleman from Virginia. [Mr. DAVIS].

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

Mr. DAVIS. Madam Speaker, I have been in local government for 15 years where we were subject to sunshine laws, and I believe that total access for the public and the media at committee meetings will end once and for all the controversial practice of shutting the doors to meeting rooms and barring the public to facilitate backroom deals with special interests.

This did happen, this is one elephant on May 6th, 1993, when the Democratic majority excluded the public while the Committee on Ways and Means considered a $270 billion tax increase.

Madam Speaker, meetings to prepare tax bills should be open to the public, as should other legislation that is being drafted, and these other committee meetings should be open as well. Open meetings will discourage backroom deals and increase congressional accountability. The committee sunshine reforms are long overdue. We apply these reforms to many parts of the Executive Branch. it is time we apply them to Congress as well.

Mr. CREMEANS. Madam Speaker, I yield 1 minute to my friend and neighbor from Ohio, the gentleman from Ohio [Mr. PORTMAN].

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

Mr. PORTMAN. Madam Speaker, I thank my Ohio neighbor for yielding.

Madam Speaker, when I came to Congress in a special election in 1993, the very first measure that I consponsored was something called the Congressional Sunshine Act. As many in this Chamber will recall, that was to be part of the great reform movement of the 103d Congress. The reforms never happened.

I am very pleased we have the opportunity tonight to act on this measure. I am very pleased to see we have some new converts, who had the chance to cosponsor this bill last year and chose not to.

Madam Speaker, the Sunshine Act was the first bill I consponsored because it seemed indefensible to me, that with the exceptions listed in this rule, there is a need to hold hearings behind closed doors. What are we afraid of? What scares us so much about public scrutiny?

In a free and open society, shouldn't Congress—the People's House—take the lead in providing access? In giving assurances to our constituents that they'll have a bird's eye view of what is going on in their government?

As we all know, many of the most critical public policy decisions are made at the committee level; we've got to ensure that the American people—the people who sent us here—are part of that process. No reform is more important to a more accountable Congress.

I'm pleased that this measure has finally been given the chance to see the light of day. Now, let's vote to shine that light—freedom's torch—on our own proceedings.

□ 2050

As we all know, the most critical public policy decisions around here are made at the committee level. They affect all Americans. We have to ensure that the American people, the people who sent us here, are part of that decisionmaking process. No reform is more important, I believe, Madam Speaker, to accountability than this measure.

I am pleased this measure has finally been given the chance to see the light of day. Now let us shine that light, freedom's torch, on all of our proceedings.

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

Madam Speaker, let me just conclude by suggesting that this is a good amendment that the gentleman from Ohio [Mr. CREMEANS] has suggested. I think it is time, I said earlier, that we let the sunshine in on all of our workings in this institution and our committees, but I again invite my colleagues on the other side of the aisle to let the sunshine in on those who have contributed through GoPAC to those campaigns.

I think with important legislation coming before us so quickly in this session, and there will be significant legislation that we will have before us in the next 90 days, it is important that the American people understand who contributed, how much, when they contributed, and in what States. We do not have that information now. Every other political campaign committee has to disclose. GoPAC should be no exception.

I would encourage and urge my colleagues in calling for revelations of their contributions. It seems to me that if GoPAC has nothing to hide, then it should have nothing to be afraid of. If GoPAC will not come clean and will not open their books, I think the American people have the right to ask what GoPAC is hiding.

Mr. CREMEANS. Madam Speaker, to close the debate on this vital rule change, I yield 1 minute to the gentlewoman from Washington [Ms. DUNN], who led the charge on the issue in the last Congress, fighting for a Sunshine Act in the Joint Committee on the Organization of Congress.

Ms. DUNN. Madam Speaker, I want to thank all the people who have helped on the Sunshine Act. This is a wonderful moment for many of us, a real moment of true reform.

Almost 2 years ago, Representative RICH POMBO and the Republican freshmen and I spearheaded a freshman Republican class project to put an end to closed-door sessions where public business was done in private. Specifically, and I want to inform the gentleman from Massachusetts [Mr. FRANK], we had been outraged when the then chairman, the gentleman from Illinois [Mr. ROSTENKOWSKI] escorted the public and the press out of a committee meeting and closed the meeting so no one would see Democrats voting to raise taxes retroactively, while every single Republican opposed them.

As the only freshman on the Joint Committee on the Organization of Congress, it was then my privilege to continue to push this item in the last Congress, but the majority in the last Congress was not friendly to reform, Madam Speaker. The Sunshine Act and other important reforms were bottled up in committee and stalled to seeming death.

However, those reforms did not die. Instead, they are being enacted today by a new majority, and this sunshine rule is the direct descendent of our effort 2 years ago. Now finally the rules will be changed. The public now has the right to see the public's business being conducted. After all, Madam Speaker, the public pays for the process. They should be able to view the process.

Now on this opening day, as reforms begin, let the public watch their public servants. Let the press report events based on eyewitness accounts. Let the television cameras be our eye on the process, when we cannot be here in Washington, DC.

Madam Speaker, let the sunshine in.

I thank the gentleman for yielding time to me.

The SPEAKER pro tempore (Mrs. JOHNSON of Connecticut). All time has expired. The question is on section 105 of the resolution.

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

Mr. CREMEANS. Madam 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 431, nays 0, not voting 2, as follows:

[Roll No 10]

YEAS—431

Abercrombie	Baldacci	Becerra
Ackerman	Ballenger	Beilenson
Allard	Barcia	Bentsen
Andrews	Barr	Bereuter
Archer	Barrett (NE)	Berman
Armey	Barrett (WI)	Bevill
Bachus	Bartlett	Bilbray
Baesler	Barton	Bilirakis
Baker (CA)	Bass	Bishop
Baker (LA)	Bateman	Bliley

Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
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
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
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Young (AK)
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NOT VOTING—2

Gunderson
Yates

□ 2107

So, section 105 of 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 (Mr. KOLBE). Section 106 of the resolution is now debatable for 20 minutes. The gentleman from Pennsylvania [Mr. FOX] will be recognized for 10 minutes, and the gentleman from Georgia [Mr. LEWIS] will be recognized for 10 minutes.

Ms. WATERS. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Chair does not recognize the gentlewoman at this time for an amendment. The gentleman from Pennsylvania [Mr. FOX] is recognized for 10 minutes.

PARLIAMENTARY INQUIRY

Ms. WATERS. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman will state her inquiry.

Ms. WATERS. Mr. Speaker, I have an amendment at the desk in this section. This is a section that increases the vote requirement for raising taxes from a simple majority to a three-fifths majority. I wish to protect Social Security from being cut by a simple majority. Why can I not add this amendment at this time?

The SPEAKER pro tempore. The gentlewoman should be advised that under the rule that amendment is not in order at this time.

The gentleman from Pennsylvania [Mr. FOX] is recognized for 10 minutes.

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

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

Mr. FOX. Mr. Speaker, last year's budget debate proved how easy it is for Congress to impose higher taxes and increased spending on the American people. Today we take a significant step toward making tax increases infinitely more difficult.

The goal of this new rule is twofold. First, it will require three-fifths majority vote for tax increase measures and amendments. Additionally, it will place a prohibition on retroactive tax increases.

Had the three-fifths requirement been in effect during the 103d Congress, the Clinton tax increase would not have passed. Instead of it passing by only one vote and with the support of only one party, a clear bipartisan consensus would have been required.

The retroactive tax increases, which added insult to injury, would not have been possible had the new rule been in effect. Taxes would not have been raised for 8 retroactive months for millions of hard working Americans, small business owners and senior citizens.

If Members believe Americans are undertaxed, they will not favor these proposals. But if they believe, as I do, we must be cautious about tax increases and they were appalled by the spectacle of last-minute deals which accompanied the 1993 tax increase, they ought to support this reform.

The largest tax increase in American history was passed August 5, 1993, by just one vote and with no bipartisan support. That will not happen in this new Congress. A tax increase enacted could only happen in the future if it has the broad support of Democrats and Republicans working together when all other reasonable alternatives have been exhausted.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, I commend the gentleman for bringing this amendment to our attention.

As you know, this amendment to the House Rules provides for a three-fifths or 60 percent vote as a necessity to pass any income tax increase. I first introduced this concept in the form of a rule change on Tax Freedom Day, May 8, 1991. I recognized then, as I do now, that our choices in methods used to balance the budget involve two very difficult types of decisions. First, do we raise taxes, or second, do we hold down spending to bring the budget into balance.

History shows quite clearly that when faced with those two difficult options, this House has historically opted to increase taxes. Why? Simply because it has always been the easier of the two.

For example, in 1990, in the name of deficit reduction, the House leadership went off to Andrews Air Force Base with President Bush and his staff and, in the name of deficit reduction, arrived at an agreement to increase taxes to once and for all put this deficit problem behind us. It didn't work.

So then, in 1993, once again in the name of deficit reduction, this time led by President Clinton and the Democrat leadership, Congress foisted the biggest tax increase in this country's history upon the American people to once and for all get the deficit reduction problem behind us. It didn't work either.

The fact of the matter is that, in 1990, the Andrews Air Force Base tax deal was put together because we had projected a horrendous $170 billion deficit by 1995. Today, after two tax increases and our failure to hold down spending, the deficit at this year's end is projected to be $180 billion, that's right, $10 billion more than had been projected previously in 1990.

Once again, I point out that this is after the two largest tax increases in our country's history. We're not fooling anyone. Congress has always taken the easy way out and we have never solved our deficit problem by raising taxes.

The problem, as one Joint Economic Committee study shows, is that for each dollar in tax increases we have historically increased spending by $1.59. Therefore, it is clear that the route of least resistance, increasing taxes, has not worked. This rule change will tend to put better balance in that process.

Some have indicated a concern regarding the constitutionality of this measure. Let me put those concerns to rest. I would like to quote from an article that appeared in the Washington Times on December 20, 1994 by Bruce Fein.

Supermajority voting rules are constitutional and legislative commonplaces.

The U.S. Supreme Court blessed the constitutionality of supermajority restraints on the tax and spending propensities of government in Gordon vs. Lance (1971). At issue were provisions of West Virginia laws that prevented political subdivisions from incurring bonded indebtedness or increasing tax rates beyond limits fixed in the West Virginia Constitution without the approval of 60 percent of the voters in a referendum election. Writing for the majority, Chief Justice Warren Burger stressed the political incentive for prodigality when the cost can be saddled on future generations without any political voice: ''It must be remembered that in voting to issue bonds voters are committing, in part, the credit of infants and of generations yet unborn, and some restriction on such commitment is not an unreasonable demand.''

The burden of federal income tax rate increases, unlike bonded indebtedness, must be fully borne by current votes. But they typically are targeted at a minority slice of the electorate, such as those increases championed by the Clinton administration and enacted by the 103d Congress. And the revenues generated by tax rate increases are characteristically dedicated to spending programs that benefit voters who escaped the tax increase—for example, food stamps, Medicaid, welfare, housing, job training, education, and farm subsidies. Mr. Solomon's 60 percent supermajority voting rule for tax rate increases is thus a healthy corrective to the natural inclination of simple majorities to fasten an unfair proportion of the costs of government on minorities. The same is true regarding Mr. SOLOMON's recommended ban on retroactive rate increases that invariably mulct a small percentage of the electorate.

Support this rule change. It is an essential element in restructuring our fiscal process.

Mr. Speaker, I include for the RECORD the article from the Washington Times of December 20, 1994 entitled ''Solomon's Wise House Discipline'' on this subject, as follows:

House Rules Committee chairman-designate Gerald Solomon deserves laurels for proposed rule changes that would counteract the propensity of legislators to levy unfair or oppressive taxes to fund run-away spending. Mr. Solomon will recommend to the 104th Congress rules that would prohibit retroactive increases in federal income tax rates, and would require at least 60 percent House majorities to approve prospective rate jumps.

These types of procedural checks on majoritarian foolishness or over-reaching are neither unconstitutional nor novel; they represent praiseworthy efforts to overcome skewed political incentives that systematically divorce government taxes and spending from public sentiments or the nation's future welfare. Indeed, the House and Senate should require supermajorities to approve legislation that would increase tax levies of any sort (not just federal income tax rates), increase federal government spending, or impose substantial spending mandates on states, localities or private enterprise.

Supermajority voting rules are constitutional and legislative commonplaces. For instances, two-thirds majorities in both houses of Congress are required to override a presidential veto or to propose constitutional amendments, and a two-thirds Senate vote is required to ratify treaties or to convict of an impeachable offense. Many state constitutions prohibit or tightly circumscribe the power of the legislature to levy new taxes or to increase bonded indebtedness. And U.S. Senate rules require supermajorities to end filibusters or to waive balanced budget requisites for proposed legislation. Thus, the Uruguay Round GATT implementing bill necessitated a 60 percent majority to waive the Senate's balanced budget rule.

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Experience teaches that spending bills are characteristically spendthrift. The reasons are twofold: The benefits are ordinarily concentrated and stimulate strong lobbying efforts by the beneficiaries while the costs are ordinarily diffuse. The logarithmic rocketing of Social Security spending illustrates that political phenomenon. It speaks volumes that in 1988 when Congress enacted a catastrophic health insurance law for Medicare recipients fully funded by risk-based premiums, the elderly immediately screamed for and obtained its repeal because they believed the benefits were not worth the price if they were the payors. In other words, Medicare recipients would oppose the expansion of Medicare spending if they were required to bear the cost. Spiralling government spending also is politically attractive because a hefty portion of the cost through budget deficits can be fastened * * *

[From the Washington Times, Dec. 20, 1994]

TAX INCREASE LIMITATIONS

If the tax and spend profligacy of Congress seemed confined to some special, urgent, and transitory national need, then the justification for supermajority voting rules would be weak. But the profligacy seems endemic to contemporary politics; the federal budget has invariably been in deficit for a quarter of a century, and has become so habitual to lawmakers that deficits less than $200 billion are oxymoronically styled ''austerity.''

Federal mandates that require states, localities, or private enterprise to incur substantial costs to provide benefits to constituents or employees should also confront supermajority voting rules. They are more alluring to Congress than the most charming temptress; the mandates gain the federal lawmakers popularity with the beneficiaries while escaping the unpopularity of increased taxes to cover the costs of service.

The justifications for the presidential vote elaborated by Alexander Hamilton in Federalist 73 equally support the wisdom of Mr. Solomon's proposed rules of legislative self-restraint. Hamilton praised the veto as a ''salutary check upon the legislative body, calculated to guard the community against the effects of faction, precipitancy, or of an impulse unfriendly to the public good . . .'' Acknowledging that the veto might prevent the enactment of good laws, he rejoined: ''[T]his objection will have little weight with those who can properly estimated the mischief of that inconstancy and mutability in the laws, which form the greatest blemish in the character and genius of our governments. They will consider every institution calculated to restrain the excess of lawmaking . . . as much more likely to do good than harm. . . .''

Mr. Solomon's proposed supermajority voting rule for tax rate increases is a commendable self-imposed legislative complement to the constitutional veto power designed to block improvident laws. Indeed, the rule should be broadened to reach all bills that would raise taxes or spending. It should be remembered that the Constitution itself is a testament against simple majoritarian rule; it thus smacks of obtuseness to interpret that anti-majortiarian charter as militating against congressional self-restraint in lawmaking.

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

Mr. LEWIS of Georgia. Mr. Speaker, for the purposes of debate only, I yield

45 seconds to the gentlewoman from California, [Ms. WATERS].

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

Ms. WATERS. Mr. Speaker, I ask unanimous consent to offer the amendment I have at the desk.

The SPEAKER pro tempore. Under the rule, the amendment is not in order, and the gentlewoman is not recognized for the purpose of offering an amendment at this time. The gentlewoman has been recognized to speak on the section that is under debate.

Ms. WATERS. Mr. Speaker, I say to the American people I would like them to pay attention, watch closely. I have an amendment to offer now but I cannot.

Republicans ran saying they wanted to open up the congressional process. Now they are in charge, but look what has happened. Today we have no chance to offer our proposals to change House rules.

If Republicans believe it is fair to require a three-fifths majority to raise taxes, why can I not offer an amendment to require the same majority in order to protect Social Security? I am ready to offer it today, but I cannot. The Republicans will not allow this debate today.

If the American people voted for change, I am not sure that is what they are getting. This type of reform is not what the people had in mind last November, Mr. Speaker.

I would like to protect seniors, many of whom live in fear of losing their only income source. If Republicans want to use the rules to further their political ends, we Democrats would like to use that means to protect senior citizens.

Mr. LEWIS of Georgia. Mr. Speaker, I yield such time as he may consume to the gentleman from Utah [Mr. ORTON].

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

Mr. ORTON. Mr. Speaker, I rise in opposition to the resolution. I urge my colleagues to re-read the U.S. Constitution, the history of the Constitutional Convention, and the Federalist Papers. Madison, Jefferson, Hamilton and Jay were correct. The right decision was made and incorporated into our Constitution. All bills are adopted by simple majority of both Houses except for overriding a Presidential veto impeachment, and amending the Constitution. This resolution would create the requirement of a supermajority to pass legislation not specified in the Constitution. Notwithstanding the fact that this is a bad idea, it is also unconstitutional.

I urge my colleagues to reject this resolution.

Mr. LEWIS of Georgia. Mr. Speaker, for the purposes of debate only, I yield 1½ minutes to the gentleman from Massachusetts [Mr. OLVER].

□ 2120

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

Mr. Speaker, it is ironic that on this first day of a Republican Speaker in 40 years, a Speaker who is a learned historical and a college professor of history, who spoke eloquently of Ben Franklin and the checks and balances and the Great Compromise that was necessary to allow us to build a Constitution that has lasted for 208 years, it is ironic our Speaker is willing to lead Members, including 73 new Members, over a constitutional cliff. He knows this greatest of constitutions clearly specifies five instances where a supermajority is necessary for a decision.

Except for the ultimate penalty of removing a Member of the branch who has been duly elected by the people in his or her district, all of those other four represent veto override, treaty ratification, impeachment, ratification or rejection of a personnel or action by a coequal branch.

It is ironic for all of the years that the Senate, the other body, has required a supermajority to close debate. They never dared to suggest that once debate was closed it took more than a simply majority, one-half plus one, to make the decision.

And the ultimate irony, Mr. Speaker, is that the Republican majority does not need to do this. They have the majority. They can simply vote ''no'' and accomplish what is there.

So one can only conclude, Mr. Speaker, that section 106 is a deliberate effort to attack the Constitution which is so strongly lauded here and which we all took an oath to uphold.

Mr. FOX. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. RAMSTAD].

Mr. RAMSTAD. Mr. Speaker, what a long way we have come in dealing straight with the American people.

Less than 17 months ago, this body cast aside basic fairness and imposed unprecedented retroactive tax increases. American taxpayers were aghast to learn that the tax increases were made effective to a date before President Clinton had even assumed office!

Today, we are restoring credibility with the American people. If this proposed rule is adopted, it will be against the rules of the House to consider any legislation that contains a retroactive tax increase.

In the last Congress, I authored House Resolution 2147 to incorporate this ''taxpayer-protection'' provision in our House rules. All told, 165 of our colleagues either cosponsored that resolution or signed Discharge Petition No. 11.

Today, thanks in no small part to Chairman SOLOMON, we are finally getting our chance to adopt this rule change.

Mr. Speaker, last summer, while not speaking on the wisdom of retroactive taxes, the Supreme Court gave Congress a green light to raise taxes in this patently unfair manner, putting all tax-paying Americans at risk of having their own fiscal houses thrown in disorder.

It is not only appropriate—but absolutely necessary in light of the Court's ruling—that the House take this action to stop retroactive taxes.

I urge all of my colleagues, in a bipartisan way to vote for this important reform. The American taxpayers deserve nothing less.

Mr. LEWIS of Georgia. Mr. Speaker, for the purposes of debate only, I yield 2½ minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, civilization depends upon civility, and civility rests upon an implicit trust that we each abide by a shared sense of bounds, of what is within the rules. Each of us must be able to expect of the others that we will play by the rules, and not play with the rules.

The proposed rule does violence to this essential aspect of a civil society. It is a proposal to go beyond the bounds, to play with the rules, instead of by them. And in a most uncivil way, it would abuse the discretion given this House by the Constitution to determine the rules of its proceedings, by using the rules of the House to subvert part of the Constitution: the principle of majority rule that is central to the operation of the legislative branch.

The Republicans say this proposed rules change makes the difference between them and the Democrats clear. True. But it is not the difference they assert.

Republicans say this rule change makes it clear that they are opposed to tax increases. But this rule has much more to do with the Constitution than with taxes.

What it really makes clear is that for the sake of political posturing the Republicans are willing to trample on the Constitution which has guided us for 206 years.

The Constitution is the most fundamental statement of American values, the very charter of our democracy. The oath of office we took this afternoon was to support and defend the Constitution and to bear true faith and allegiance to it. The first responsibility of our job in Congress is to honor that charter and remain true to its basic principles.

The gentleman from New York, the new chairman of the Rules Committee, has written that the Constitution says the House may write its own rules. Yes. And the gentleman has quoted an 1892 Supreme Court decision, United States versus Ballin, which says this rulemaking power ''is absolute and beyond the challenge of any other body or tribunal'' so long as it does ''not ignore constitutional constraints or violate fundamental rights.''

But there's the rub. The rulemaking power of the House does not give us a license to steal other substantive provisions of the Constitution, especially not one so central as the principle of majority rule.

The gentleman from New York conveniently failed to point out that a unanimous Supreme Court in that very same case determined that one constitutional constraint that limits the rulemaking power is the requirement that a simple majority is sufficient to pass regular legislation in Congress. To quote the Court:

> The general rule of all parliamentary bodies is that, when a quorum is present, the act of a majority of the quorum is the act of the body. This has been the rule for all time, except so far as in any given case the terms of the organic act under which the body is assembled have prescribed specific limitations. * * * No such limitation is found in the Federal Constitution, and therefore the general law of such bodies obtains.

The Court expressed the same understanding as recently as 1983, when, in *Immigration and Naturalization Service* v. *Chadha,* it stated:

> * * * Art. II, sect. 2, requires that two-thirds of the Senators present concur in the Senate's consent to a treaty, rather than the simple majority required for passage of legislation.

This principle, while not written into the text of the Constitution, was explicitly adopted by the Constitutional Convention. It was explicitly defended in The Federalist, the major contemporary explanation of the Framer's intent. It was followed by the first Congress on its first day, and by every Congress for every day since then. And, as I've already indicated, this principle has been explicitly found by the Supreme Court to be part of our constitutional framework.

The Framers were very much aware of the difference between a supermajority and a simple majority. They met in Philadelphia against the historical backdrop of the Articles of Confederation, which required a supermajority in Congress for many actions, including the raising and spending of money. It was the paralysis of national government caused by the supermajority requirement, more than any other single cause, that led to the convening of the Constitutional Convention.

In that Philadelphia Convention, the delegates repeatedly considered, and rejected, proposals to require a supermajority for action by Congress, either on all subjects or on certain subjects. In only five instances did they specify something more than a majority vote. These are for overriding a veto, ratifying a treaty, removing officials from office, expelling a Representative or Senator, and proposing amendments to the Constitution. Amendments to the Constitution later added two others: restoring certain rights of former rebels, and determining the existence of a Presidential disability.

The records of the debates in Philadelphia make it clear that in all other instances the writers of the Constitution assumed that a simple majority would suffice for passage of legislation. The text of the Constitution itself also indicates as much. Why, otherwise, would it provide that the Vice President votes in the Senate only when ''they be equally divided''? Because, as Hamilton explained in Federalist No. 68, it was necessary ''to secure at all times the possibility of a definitive resolution of the body.'' Certainly the Framers didn't intend the Senate to operate by the principles of majority rule, but not the House.

Indeed, majority rule is such a fundamental part of a democratic legislature that the Founders saw no need to state it explicitly—just as they didn't bother to spell out that it is the top vote-getter, not the second-place finisher, who wins a race for Congress. But each is an inherent element of our constitutional framework.

The reason behind the principle of simple majority rule was stated clearly in The Federalist—one of the five books which the new Speaker has urged every Member to read. In Federalist No. 58, James Madison wrote:

> It has been said that more than a majority ought to have been required for a quorum, and in particular cases, if not in all, more than a majority of a quorum for a decision. That some advantages might have resulted from such a precaution, cannot be denied. It might have been an additional shield to some particular interests, and another obstacle generally to hasty and partial measures. But these considerations are outweighed by the inconveniences in the opposite scale. In all cases where justice or the general good might require new laws to be passed, or active measures to be pursued, the fundamental principle of free government would be reversed. *It would be no longer the majority that would rule; the power would be transferred to the minority.* Were the defensive privilege limited to particular cases, an interested minority might take advantage of it to screen themselves from equitable sacrifices to the general weal, or in particular emergencies to extort unreasonable indulgences. (Emphasis added.)

And again, remember that it was a lack of effective national government, produced by the minority-rule effects of the supermajority provisions of the Articles of Confederation, that led to the convention that wrote the Constitution.

Some argue that a three-fifths requirement to raise taxes would be like a two-thirds vote requirement to suspend the rules and pass a bill, or the 60-vote requirement to end debate in the Senate. Wrong. Those rules address procedural steps. A bill not approved under suspension of the rules in the House can be reconsidered and passed by a simple majority. After debate is over in the Senate, only a simple majority is required to pass any bill.

So this proposed rule is not like any rule adopted in the 206 years in which we have operated under our Constitution. As 13 distinguished professors of constitutional law recently said in urging the House to reject this rule:

> This proposal violates the explicit intentions of the Framers. It is inconsistent with the Constitution's language and structure. It departs sharply from traditional congressional practice. It may generate constitutional litigation that will encourage Supreme Court intervention in an area best left to responsible congressional decision.

I ask unanimous consent to include after may remarks in the RECORD the law professors' full memorandum.

So, if this rule is so clearly unconstitutional, why propose it?

The answer is simple. This rule is a gimmick. It is an act of high posturing. And as much as the Republicans may wish to seem opposed to tax increases, it is unseemly to do so at the expense of the Constitution.

This rule itself would violate the Constitution, and voting for it would violate our oath to uphold the Constitution. Those are, obviously, serious matters.

Beyond that, if we start down this road of making it harder for Congress to carry out some of its responsibilities, who knows where it will end. Two weeks ago, Rep. Solomon sent out a ''dear colleague'' letter enclosing and endorsing a newspaper column saying that this supermajority requirement should be broadened to apply to all taxes and fees; to any spending increase; and to any bill imposing any costs on any type of private business—for example, the Clean Air Act.

So let's be clear that if we vote today for a supermajority for one type of legislation, in the future we'll be voting on extending that bad idea to other types of legislation, too. And with it, we slide measurably toward the empowerment of a minority against which Madison warned.

Of course, the supermajority idea might not stop at a three-fifths vote. If the idea here is to make it hard to raise taxes, do we really want it to be easier to go to war than to raise taxes? So perhaps we should have a rule requiring unanimous consent to declare war.

Is any of that nonsense really less preposterous—less an assault on the basic American values of democracy and majority rule—than the rule that is before us today?

The idea of a three-fifths majority to raise tax rates was first proposed in the Republican Contract with America as a part of a balanced-budget amendment to the Constitution, not as a rules change. For those of you who are serious about this idea, that is the appropriate and lawful way to do it—through an amendment to the Constitution.

This proposal raises profound constitutional issues. Yet, there have been no hearings. And debate here tonight on the floor is limited to all of twenty minutes. That is a shamelessly cavalier approach to a matter of such importance. It belies its advocates' claims to a thoughtful and open deliberative process in this House.

What is at stake here is the Constitution. Have respect for this foundation document of our democracy. Don't return us to the failed approach of the Articles of Confederation. Don't subvert the Constitution's basic principles. And don't ask us to break the oath of office we just took.

Mr. Speaker, I call on my colleagues to support and defend the Constitution of the United States.

To: The Honorable Newt Gingrich.

From: (Institutional affiliations are for purposes of identification only) Bruce Ackerman, Professor of Law and Political Science, Yale University; Akhil Amar, Professor of Law, Yale Law School; Philip Bobbitt, Professor of Law, University of Texas Law School; Richard Fallon, Professor of Law, Harvard Law School; Paul Kahn, Professor of Law, Yale Law School; Philip Kurland, Professor of Law, University of Chicago Law School; Douglas Laycock, Professor of Law, University of Texas Law School; Sanford Levinson, Professor of Law, University of Texas Law School; Frank Michelman, Professor of Law, Harvard Law School; Michael Perry, Professor of Law, Northwestern University School of Law; David Strauss, Professor of Law, University of Chicago Law School; Cass Sunstein, Professor of Law, University of Chicago Law School; Harry Wellington, Dean, New York Law School.

We urge you to reconsider your proposal to amend the House Rules to require a three-fifths vote to enact laws that increase income taxes.[1] This proposal violates the explicit intentions of the Framers. It is inconsistent with the Constitution's language and structure. It departs sharply from traditional congressional practice. It may generate constitutional litigation that will encourage Supreme Court intervention in an area best left to responsible congressional decision.

Unless the proposal is withdrawn now, it will serve as an unfortunate precedent for the proliferation of supermajority rules on a host of different subjects in the future. Over time, we will see the continuing erosion of our central constitutional commitments to majority rule and deliberative democracy.

1. ORIGINAL INTENTIONS

The present proposal is unprecedented, but it was anticipated by Madison in a remarkably prescient discussion in the Federalist Papers—a document that you rightly urge your colleagues to reread with care. Federalist No. 58 is explicitly directed to complaints about the constitutional design of the House. It concludes by confronting an objection ''against the number made competent for legislative business.'' Madison's description perfectly fits the present proposal:

It has been said that more than a majority ought to have been required for a quorum, and in particular cases, if not in all, more than a majority of a quorum for a decision.[2]

Madison rejects this suggestion, but only after recognizing that it serves certain values—notably it might serve as a ''shield to some particular interests, and another obstacle to hasty and partial measures.''[3] Nonetheless, he finds these considerations ''outweighed'' by more fundamental ones:

In all cases where justice or the general good might require new laws to be passed, or active measures to be pursued, the fundamental principle of free government would be reversed. It would be no longer the majority that would rule; the power would be transferred to the minority. Were the defensive privilege limited to particular cases, an interested minority might take advantage of it to screen themselves from equitable sacrifices to the general weal, or in particular emergencies to extort unreasonable indulgences.[4]

Madison's audience understood the backdrop of these remarks. The Articles of Confederation required Congressional supermajorities for specially important subjects, including the raising and spending of money.[5] But the Philadelphia Convention decisively rejected such a system, repeatedly voting down key proposals that imposed supermajorities in legislative fields of special sensitivity.[6] In Federalist No. 22, Alexander Hamilton explicitly defended this decision to break with the supermajority system of the Articles, insisting that ordinary legislation should not ''give a minority a negative upon the majority.''[7]

The Founders rejection of selective supermajority rule for specially sensitive legislation was neither casual nor peripheral to their larger design. Instead, it was based on practical experience and careful consideration of the arguments on both sides. Nothing in the past two centuries of our history authorizes a simple majority of the House to take unilateral action and restrike the constitutional balance.

2. CONSTITUTIONAL TEXT AND STRUCTURE

Of course, there are times when the Constitution weighs the balance differently. On seven different occasions, it stipulates a supermajority requirement.[8] But it never makes three-fifths, rather than two-thirds, a numerical hurdle of special significance. More fundamentally, it never places any special obstacles on the enactment of ordinary legislation signed by the President.[9] As the *Chadha* case teaches, this carefully considered lawmaking system can only be changed by constitutional amendment.[10]

If the present proposal were legitimate, it would set a precedent for endless proliferation of supermajority requirements: If income tax increases can be subject to a special rule, why not national defense or civil rights? Since a 60 percent rule has no special place in the constitutional text, why not 55 or 73 percent? Indeed, the present proposal already suggests how easily this logic may be extended. It not only contains a three-fifths rule for income tax increases, but imposes a kind of unanimity rule for the special category of ''retroactive'' taxes—already propelling us down the path to proliferation.

It is true that the constitution gives each house the right ''to determine the rules of its proceedings.'' This sensible housekeeping provision, however, does not authorize the House to violate fundamental principles of constitutional democracy. It simply authorizes it to organize itself for informed and efficient debate and decision.

Indeed, we have no objection to supermajority rules so long as they fit comfortably within this rationale. Consider, for example, the House rule that requires a two-thirds vote to suspend the rules for the expeditious consideration of legislation. This supermajority requirement transparently serves the interest of the efficient organization of decisionmaking. If it were too easy to suspend House rules, there would be undue disruption of the normal system of deliberation and decision; but if it were impossible, the House would be incapable of responding to emergencies. Hence, a two-thirds rule is a perfectly appropriate way to exercise the House's power ''to determine the rules of its proceedings.''

But the present proposal cannot be justified as a general procedure aiming to induce deliberative decisionmaking. It is simply based upon a substantive and selective judgment that income tax increases—and only these increases—are unwise and should not be encouraged. Such opinions are entirely defensible, but they do not fall within the limited constitutional authority granted each house over its ''proceedings.''

There is much more than language at stake. House rules are enacted on the first day of the session. Hence substantive judgments made in the rules cannot be the result of serious deliberation by the Members. House rules are made unilaterally without consultation with the Senate. Hence substantive judgments cannot be reached after the complex bicameral process contemplated by Article I. House rules are made by a bare majority. Hence the enactment of supermajority rules provides a mechanism to transform a narrow majority into a supermajority at a time when the process of substantive deliberation has not yet seriously begun. The introduction of substantive policies into procedural rules, then, undermines the system of deliberative democracy established at the Founding.

Defenders of the supermajority rule have minimized its threat to constitutional values by suggesting ''that the same House majority that votes to impose a three-fifths rule could as easily vote to rescind that rule if it truly wanted to raise taxes.''[11] But this claim is simply false. Once the sixty-percent provision is on the books, its operation would apply to tax legislation unless the House agreed to suspend its rules. But we have seen that this can only occur after a two-thirds vote. House traditions even given the Speaker unilateral authority to refuse to recognize a motion to suspend the rules even if two-thirds wished to allow the majority to have its say.[12]

Indeed, even if the House wished to reconsider its opening day decision to impose a three-fifths rule, it would have great difficulty doing so. Such an effort normally requires the prior approval of the House Rules Committee, whose composition does not mirror the House as a whole. The only remaining method for reconsideration will be the notoriously difficult procedure by which 218 members may finally force the Rules Committee to ''discharge'' a measure that it has bottled up.[13] While 218 is an absolute majority of the whole House, requiring such a large number is inconsistent with Madison's insistence that ''a majority of a quorum'' should suffice for ordinary legislation. By the time this mechanism could be employed, moreover, the chance to vote on pending tax measures may have long since passed.

There is no escape, then, from the conclusion that the proposed rule strikes at the heart of the system of deliberative democracy established by the Constitution.

3. CONGRESSIONAL PRACTICE

The sixty-percent proposal seems to be based on an analogy with the Senate's practice on cloture. Whatever the constitutional merits of the filibuster rule, it does not provide a sound precedent. By making it hard to stop filibusters, the cloture rule provides for a more fully informed discussion, and falls within the rationale of the Constitution's grant of rule-making power to both Houses. In contrast to this general and procedural norm, the House proposal is selective and substantive and is simply beyond the scope of its rule-making authority.

It is quite true that, since 1985, Congress has passed new rules requiring a three-fifths majority in the Senate as part of the budget reconciliation process.[14] While these provisions are vulnerable to our constitutional objection, they are such recent innovations that they can hardly count as a ''tradition'' which demands constitutional respect.

4. SUPREME COURT REVIEW

We believe that the constitutional violation is sufficiently plain and fundamental to warrant action by the Supreme Court. As the Court cautioned in United States v. Ballin, House rules may not ''ignore constitutional restraints or violate fundamental rights.''[15] The Court went on to elaborate principles of constitutional interpretation of decisive significance in the present case:

Footnotes at end of article.

[T]he general rule of all parliamentary bodies is that, when a quorum is present, the act of a majority of the quorum is the act of the body. This has been the rule for all time, except so far as in any given case the terms of the organic act under which the body is assembled have prescribed specific limitations.[16]

We emphasize, however, that it would be far better to rethink the issue at this stage than invite litigation. Not only would litigation lead to a protracted period of uncertainty, but it would destroy a valuable House tradition of constitutional self-restraint in the exercise of its rule-making powers which has served the country well for two centuries. It would be far better to redeem this tradition now without the need of an unnecessary confrontation with the Court.

Indeed, both the Senate and President would also find themselves drawn into the controversy. Both of these branches would be required to define their own constitutional responsibilities if a tax measure gained the support of a House majority that fell short of three-fifths. The resulting confusion would undermine fundamental commitments to the rule of law, and would predictably draw the Supreme Court into the affair.

Under applicable precedent, Representatives have standing to challenge basic lawmaking practices which dilute the voting power that the Constitution grants to them and their constituents.[17] Other cases establish that the Supreme Court will intervene on the merits to protect the integrity of the deliberative and democratic process established by the Constitution.[18]

But the better part of wisdom is to avoid confrontation and return to the foundations of deliberative democracy laid down by Madison in the Federalist Papers.

FOOTNOTES

[1] Sec. 106. Limitation on Tax Increases: (a) No bill, joint resolution, amendment or conference report carrying an income tax rate increase could be considered as passed or agreed to unless so determined by a vote of at least three-fifths of the House. No measure or amendment could be considered that contains a retroactive income tax rate increase.

See p. 3 for our analysis of the second sentence of this proposal.

[2] Federalist No. 58, p. 396 (Ed. Jacob E. Cooke, Wesleyan University Press: 1961) (emphasis supplied).

[3] Id.

[4] Ibid., p. 397.

[5] Articles of Confederation, art. 9, para. 6 (1781).

[6] These proposals sought to impose a two-thirds rule on legislation dealing with commerce and navigation—fields which were understood to be sensitive precisely because they characteristically involved taxation. 5 Johnathan Elliot, Debates on the Adoption of the Federal Constitution 489–92, 552 (Philadelphia: 1941).

[7] Federalist No. 22, supra n. 2, at 140. Like Madison, Hamilton counseled that ''much ill may be produced by the power of hindering that which is necessary from being done, and of keeping affairs in the same unfavorable posture in which they appended to stand at a particular period.'' Id. at 141.

[8] The original Constitution identifies five contexts for supermajority rule—when overriding Presidential vetoes, ratifying treaties, proposing constitutional amendments, convicting on impeachments, and expelling members from the House or Senate. Two more are added by the Fourteenth Amendment (two-thirds of both Houses required to remove disability of rebellious officeholders) and the Twenty-fifth Amendment (two-thirds of both Houses required to establish Presidential disability to discharge office). In addition, the Twelfth Amendment requires an absolute majority of the relevant chamber in cases where no candidate for President or Vice-President has won a majority in the Electoral College.

[9] The textual commitment to majority rule is also expressed by the grant of a vote to the Vice-President in those cases in which the Senators are ''equally divided.'' U.S. Constitution, art. 1, sec. 3.

[10] I.N.S. v. Chadha, 462 U.S. 919 (1983).

[11] Letter of Roger Pilon to the Editor of the New York Times, December 16, 1994, p. 38, col. 8.

[12] See Charles Tiefer, Congressional Practice and Procedure: A Reference, Research and Legislative Guide 299 (Greenwood Press, 1989).

[13] Id. at 314–26.

[14] See Kate Stith, Rewriting the Fiscal Constitution: The Case of Gramm—Rudman-Hollings, 76 Calif. L. Rev. 593, 666 (1988). These rules were expanded in scope in P.L. 101–508, sec. 13208, 104 Stat 1388–619 (1990). As in previous cases, Congress made it clear that such statutory creation of supermajority rules involved ''an exercise of the rule-making power of the Senate.'' See sec 13305, 104 Stat 1388–627 (1990). See also, P.L. 103–66, sec. 14004, 107 Stat. 685 (1993).

[15] United States v. Ballin, 144 U.S. 1, 5 (1891).

[16] Id. at 6.

[17] See Michel v. Anderson, 14 F3d 623 (D.C. Cir. 1994), affirming 817 F. Supp. 126 (D.D.C. 1993). See also, Kennedy v. Sampson, 511 F2d 430 (D.C. Cir. 1974); Barnes v. Kline, 759 F2d 21, 25–30 (D.C. Cir. 1985), vacated as moot sub nom Burke v. Barnes, 107 S. Ct. 734 (1987) (reaffirming Kennedy analysis of standing); Laurence Tribe, American Constitutional Law 152–54 (2d ed. 1988); Bator et al., Hart & Wechsler's Federal Courts and the Federal System 157 n. 7 (3d ed. 1988).

[18] See INS v. Chadha, 462 U.S. 919 (1983); Powell v. McCormack, 395 U.S. 486 (1969).

Mr. FOX. Mr. Speaker, I yield 1 minute to the gentleman from Washington [Mr. TATE].

Mr. TATE. Mr. Speaker, mugging a senior citizen and stealing their money will land you in jail. Why then is it so easy for Congress to raise taxes and spend more money out of the pockets of hard-working American people?

Raising taxes, sending your money to Washington, DC, should not be simple.

The newly elected Congress was given a message by the American people that the days of tax and of spend are over.

I am in favor of the proposal of requiring a 60-percent majority in order to raise taxes so that the taxing ways of Congress are gone forever.

This will restore the fiscal discipline by which every American family must live, spend less, save more, and balance your budget.

The simple solutions of the past have cost Americans millions and cost the taxpayers thousands of jobs. People work hard for their money, and it should be hard for Congress to take that from them.

I urge my colleagues to require a 60-percent vote to approve all tax increases.

Mr. LEWIS of Georgia. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Hawaii [Mrs. MINK].

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks.)

Mrs. MINK of Hawaii. Mr. Speaker, I rise in opposition to this proposal.

Mr. LEWIS of Georgia. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. FILNER].

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

Mr. FILNER. Mr. Speaker, I rise in opposition to this unconstitutional measure.

Mr. Speaker and colleagues, I rise in opposition to the requirement for a super-majority of three-fifths of the House of Representatives to increase income taxes.

This measure may sound good to our constituents. Many Americans are upset at all of their taxes: Federal income taxes, State income taxes, sales taxes, and property taxes. I share their sentiments—it is imperative that we provide middle-class Americans with meaningful tax relief.

So why am I voting against this supposed reform? Quite simply because it threatens the very foundations of our democratic society and violates the American tradition of majority rule.

The Founding Fathers explicitly rejected the notion of supermajorities at the Philadelphia Constitutional Convention. As Alexander Hamilton said, we should not ''give the minority a negative on the majority.''

James Madison was even more specific. With a supermajority, he said, ''the fundamental principle of free government would be reversed. It would be no longer the majority that would rule; the power transferred to the minority.''

Let us not try to solve one problem by creating worse ones. Let us all work together to provide middle-class taxpayers with real and meaningful tax cuts. But let us not attack the very foundation of our free society—the American Constitution. It has served us well for over 200 years—let's keep it.

Mr. LEWIS of Georgia. Mr. Speaker, I yield such time as she may consume to the gentlewoman from North Carolina [Mrs. CLAYTON].

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

Mrs. CLAYTON. Mr. Speaker, I rise in opposition to this unconstitutional amendment.

Mr. LEWIS of Georgia. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Georgia [Ms. MCKINNEY].

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

Ms. MCKINNEY. Mr. Speaker, I rise in opposition to this section. This rule would require a three-fifths majority to pass any legislation raising income tax rates. This rule flies in the face of the Constitution. It will only strengthen the ability of special interest lobbies to paralyze this Nation.

Let us be clear that this rule would only govern taxes on earned income. Income taxes are progressive taxes. Republicans do not propose a three-fifths requirement to change the tax rate for capital gains. Republicans do not propose a three-fifths majority to create tax shelters for tax avoiders. Republicans do not propose a three-fifths requirement to increase deficit spending or raise the national debt.

This is one more gimmick. Its a gimmick that will spawn more gimmicks. Its a gimmick that will undermine the constitutional provisions for majority rule in the House of Representatives.

I urge my colleagues to respect the pledge they made to uphold the Constitution. Don't give in to gimmicks.

Mr. LEWIS of Georgia. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BECERRA].

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

Mr. BECERRA. Mr. Speaker, I also rise in opposition to this measure.

Mr. LEWIS of Georgia. Mr. Speaker, I yield such time as he may consume to the gentleman from Vermont [Mr. SANDERS].

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

Mr. SANDERS. Mr. Speaker, I rise in opposition to this measure.

Mr. LEWIS of Georgia. Mr. Speaker, for the purposes of debate only, I yield 1 minute to the gentleman from Maryland [Mr. HOYER].

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Mr. HOYER. Mr. Speaker, today our new Speaker spoke of the majesty of this House. He spoke of 208 years of history. He spoke of the light of the world, this democracy, America.

It is our Constitution that gives this democracy its grace and its reverberation around the world.

Whether you agree or disagree, no one disagrees that this issue is of constitutional magnitude. My freshmen friends who want open meetings and the elimination of ghost voting do not come to this House and say to the American public that we will give 10 minutes per side of an issue of constitutional magnitude. If we retain the majority again and require a 3/5ths vote to repeal any action taken by the previous Congress, would any of you stand still for such an act? I think not.

Reject this provision.

Mr. FOX. Mr. Speaker, I yield 30 seconds to the gentlewoman from Washington [Mrs. SMITH].

Mrs. SMITH of Washington. I thank the gentleman for yielding this time to me.

Mr. Speaker, requiring a 3/5ths vote makes tax increases a last resort.

In Washington State just a year ago the people of the State passed an initiative to do just this. And do you know what happened? Right now, instead of considering tax increase, they are actually looking at places to control the budget and looking at the base of the budget where we have never looked before.

If we are going to get to control spending and control the deficit, we absolutely have to control the ability to raise taxes first.

I urge my colleagues to vote ''yes'' on this proposal.

Mr. LEWIS of Georgia. Mr. Speaker, for purposes of debate only, I yield 15 seconds to the gentleman from Indiana [Mr. JACOBS].

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

Mr. Speaker, after everything is said that can be said, this proposal would make it more, would make it easier to run up the bills than to pay them, thus beckoning one of the weakest aspects of human nature.

Mr. FOX. Mr. Speaker, I yield 45 seconds to the gentleman from Illinois [Mr. EWING].

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

Mr. EWING. Mr. Speaker, ladies and gentleman of the House, the reason we are here tonight on this amendment is because we forced through this House a retroactive tax increase last year. We would not probably be having this amendment today if you had not trampled on the rights of the taxpayers of America. This is a good bill, this is a good amendment. We need this to protect American taxpayers.

Support this amendment.

Mr. FOX. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona [Mr. SHADEGG].

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

Mr. SHADEGG. Mr. Speaker, I rise in support of the amendment to require a three-fifths vote majority to increase taxes.

Mr. FOX. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee [Mr. DUNCAN].

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

Mr. DUNCAN. Mr. Speaker, I rise in strong support of this tax limitation provision.

The very clear message of the last election was that the American people want a smaller and less expensive government. There is no better way to start this process than by passing this provision.

The average American today pays almost half of his or her income in taxes, counting taxes of all types—Federal, State, and local. This is not only enough, it is too much.

If we really want to help the children and families of this country, the best way we can do that is to greatly downsize the government and decrease its cost. Only in this way can we allow the individuals and families of this Nation to spend more of their own money on the things that they need the most.

I believe very strongly that the American people can do a much better job of spending their money than the bureaucrats in Washington who currently spend it for them.

Mr. FOX. Mr. Speaker, I reserve the balance of my time in order to close.

Mr. LEWIS of Georgia. Mr. Speaker, for purposes of debate only, I yield 30 seconds to the gentleman from Florida [Mr. GIBBONS].

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

Mr. Speaker, it is obvious that many of the proponents of this proposal have not even read it, for if they had, they would discover to their chagrin that it only limits the Congress in enacting income tax rate increases, not tax increases. You know what that will do: Merely transfer the tax increases over to other kind of taxes where the people that are worried about the income tax rates will be protected.

But this is unconstitutional. There is no way that a simple majority of this House can adopt a rule here tonight and bind the rest of the House to require a 60 percent vote on any other thing.

Mr. LEWIS of Georgia. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, I rise in strong opposition to this rules change to have three-fifths to change the tax rate for an increase or a decrease in income taxes, and I do this because there is no precedent in Congress requiring a super-majority for final action on any measure except those specifically cited in the Constitution, such as overriding a veto or impeachment.

We have seen what a super-majority has done in the Senate by requiring 60 votes to end debate. It results in gridlock. Nothing happens. Nothing gets done.

I cite James Madison as he discussed the rationale for not raising this threshold, and he said, ''The fundamental principles of free government would be reversed. It would no longer be the majority that would control, power would be transferred to the minority.''

The new majority should not override the wisdom of our forefathers. That is not a good rules change.

Mr. LEWIS of Georgia. Mr. Speaker, for purposes of debate only, I yield only 5 seconds to the gentleman from New York [Mr. OWENS].

Mr. OWENS. I thank the gentleman for yielding.

Mr. Speaker, I move that we adjourn, and I ask for a recorded vote.

Mr. LEWIS of Georgia. For purpose of debate only.

Mr. OWENS. I move we adjourn.

Mr. BARTON of Texas. Regular order. Reserving the right to object——

Mr. WALKER. Is the motion in writing?

Mr. VOLKMER. He recognized him.

The SPEAKER pro tempore (Mr. KOLBE). The gentleman is not yet recognized. Is the gentleman's motion in writing?

Mr. OWENS. A motion to adjourn does not have to be in writing.

I move that we adjourn and ask for a recorded vote.

The SPEAKER pro tempore. Since a Member has properly demanded that the notices be in writing, is the gentleman's motion in writing?

Mr. OWENS. In writing? It does not have to be in writing.

Mr. SOLOMON. Mr. Speaker, the gentleman's 5 seconds are up.

The SPEAKER pro tempore. Did the gentleman from Georgia yield to a Member for the purpose of debate only?

Mr. LEWIS of Georgia. Mr. Speaker, for purposes of debate only, I yield 45 seconds to the gentleman from New York [Mr. LAFALCE].

Mr. LAFALCE. Mr. Speaker, I beseech you, think what you are doing today. It may be the most important vote of your congressional career.

208 years ago this same fundamental debate took place. You have the opportunity to side with James Madison, with Alexander Hamilton, and continue the principles of the Constitution, or you have the opportunity, by your vote today, to side with those who wanted to retain the Articles of Confederation.

This amendment does violence to the principles established by our forefathers and by each and every one of our descendants in this House of Representatives. It is inherently unfair; it is inherently undemocratic; it is inherently unconstitutional.

The SPEAKER pro tempore. Does the gentleman from Pennsylvania [Mr. FOX] have only one remaining speaker?

Mr. FOX. That is correct, Mr. Speaker. We want to make sure we are last.

The SPEAKER pro tempore. The gentleman from Pennsylvania reserves the balance of his time.

Mr. FOX. Yes, Mr. Speaker.

Mr. LEWIS of Georgia. Mr. Speaker, for purposes of debate only, I yield 45 seconds to the gentleman from New Jersey [Mr. MENENDEZ].

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks, and to include extraneous material.)

Mr. MENENDEZ. Mr. Speaker, paraphrasing from a newspaper editorial:

Not content with their party's 15-vote majority in the House of Representatives, the Republicans want to improve their odds by changing the rules of the game.

The Republicans intend to offer a bill that would require a 3/5s majority in the House to approve any bill increasing some taxes. So much for the careful deliberations of the Constitution's framers. They required a supermajority only for the most momentous decisions—approving treaties, impeaching Presidents, and expelling Members of Congress. Republicans think they got it wrong. They would add their own policy preference to that select list.

If they succeed, the tactic will probably be used again. Republicans could force a 3/5s vote to cut defense spending. If Democrats regain control, they could require a 3/5s vote to cut poverty programs. So much for majority rule. So much for simple fairness.

The Republican's boldness has a darker side—their recklessness. With this proposal, they defy the intent of the framers of the Constitution and upset a carefully-balanced system that has worked well for two centuries.

Mr. Speaker, the article in its entirety is as follows:

RUNNING ROUGHSHOD OVER THE CONSTITUTION

Not content with his party's 15-vote majority in the House of Representatives, Newt Gingrich wants to improve his odds by changing the rules of the game.

The Speaker-to-be intends to offer a bill that would require a three-fifths majority in the House to approve any bill increasing taxes.

So much for the careful deliberations of the Constitution's framers. They required a supermajority only for the most momentous decisions—approving treaties, impeaching presidents, and expelling members of Congress, for example, Mr. Gingrich apparently thinks they got it wrong. He would add his own policy preference to that select list.

If he succeeds, the tactic will probably be used again. Republicans could force a three-fifths vote to cut defense spending, for example. If Democrats regain control, they could require a three-fifths vote to cut poverty programs. So much for majority rule. So much for simple fairness.

Mr. Gingrich's boldness has a darker side—recklessness. With this proposal, he defies the intent of the framers of the Constitution, and upsets a carefully-balanced system that has worked well for two centuries.

If Mr. Gingrich believes tax hikes deserve such exalted status, he should proceed in accord with the Constitution and offer a constitutional amendment. That would require approval by two-thirds of each house in Congress, and three-fourths of the states—unless tow-thirds of the states convene a constitutional convention. Apparently, Mr. Gingrich does not want to risk the scrutiny that the Founding Fathers prescribed for such momentous change.

Other changes offered by Mr. Gingrich make sense. At his behest, the incoming Republican majority has voted to reduce the number of committees in the House, and cut staff. He would make each committee's jurisdiction more clear. The change is designed to prevent several committees from latching onto a single issue, as happened with health legislation earlier this year.

Mr. Gingrich was right to end funding for the special caucuses, including the Black Congressional Caucus and the Caucus for Women's Issues. He has been accused of cutting these funds to undercut his political opposition, and that may be the case. Nevertheless, there is merit to his case.

The caucuses are special-interest groups, and taxpayers shouldn't have to support them. The 28 caucuses that get taxpayer money have spent $35 million in the last decade, and critics say $7 million of that hasn't been accounted for. One caucus, the New York State congressional delegation, bought a Steuben glass eagle and 11 crystal apples as gifts for a retiring congressman and his staff.

After losing this flight, the chairman of the black caucus, Kweisi Mfume, D–Md. pledged that his caucus will raise private money to continue its work. That's the idea.

Mr. LEWIS of Georgia. Mr. Speaker, for purposes of debate only, I yield 30 seconds to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, our forefathers had such a deep respect for major rule that they determined that majority rule was insufficient to send our troops to war. They knew how difficult it would be to resist politically popular pressures, but they were insistent that there not be minority rule determining those issues that took the most political courage.

Mr. Speaker, this pressure does not belong among these internal rules changes. It is constitutionally illegal, and it is fiscally irresponsible, and, if we are ever going to address a $4 trillion debt, we have to make it within the reach of this body and the American people to do so.

Mr. LEWIS of Georgia. Mr. Speaker, for purposes of debate only, I yield 30 seconds to the gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Speaker, let me say that I rise to say that I am not here to raise taxes. I am here to lower taxes. But what is the reason for a majority, a supermajority, when simply a majority can say to the American people, we don't want taxes. I think that we are going in an unconstitutional way if we start talking about making a superminority. It is important to be able to say we do not want to raise taxes and we vote in a simple majority to do so.

Mr. Speaker, there have been only three actions in the Constitution that need a two-thirds vote. Why are we not trying to change, and to argue that we want to create this superminority?

I say to my colleagues, vote for lower taxes. You don't need a supermajority. Support the Constitution.

Mr. Speaker, I do not want to vote for an increase in taxes, and if such an item were presented at this time, I would vote "no." There are only five situations where current rules require more than a simple majority of Members voting for the House to act. A two-thirds supermajority is required in two instances—passage of a bill under suspension of the rules, and consideration of a rule recommended by the Rules Committee on the same day it was reported. Additionally, the Constitution of the United States requires a two-thirds vote for House action in three situations—overriding the President's veto, submitting a constitutional amendment to the states for consideration, and expelling a Member from the House. All other action by the House is accomplished by a majority vote of Members present and voting.

This measure will simply tie the hands of the House and actually prevent its Members from doing the business of the American people. The Constitution does not demand a supermajority when dealing with tax issues. This legislation would serve only to help certain, singled out groups, while other groups would be subject to the tax burdens that could be randomly set by this House.

We can already vote "no" on tax increases with a simple majority vote. Why should we implement a restriction which the Constitution does not require, and, at the same time, strangle this institution so that its Members cannot properly serve the interests of the people who elected them?

A simple majority will get you what you want. I will vote "no" on this item.

Mr. FOX. Mr. Speaker, I yield the balance of our time to the gentleman from Texas [Mr. BARTON] for our final speech.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks and to include extraneous material.)

Mr. BARTON of Texas. Mr. Speaker, this country was founded on the principle of no taxation without representation. Today many Americans believe that principle has been violated and that their elected Representatives in Washington have taxed them so that they can spend money on the special big-spending interests in Washington, DC. To correct this sad situation the new Republican majority has now introduced section 106 of the rule change

package. Section 106 would require a three-fifths vote to increase income taxes. It also contains an absolute prohibition against retroactive tax increases.

The opponents of this provision have been whining and wailing all evening about the constitutionality of this provision. The constitutional argument simply will not stand. In 1971, Mr. Speaker, in the Supreme Court case of Gordon versus Lance the Supreme Court blessed the constitutionality of supermajority restraints on the tax and spending propensities of government. I might also point out that numerous States have a supermajority requirement for tax increases in their State constitutions, including the State of Arkansas, the home State of our President, which requires a three-fourths vote. I might also point out that we plan, on January 19, to introduce a constitutional balanced-budget amendment that contains a 60 percent supermajority to increase taxes.

The real question that we should be asking this evening is whether supermajority votes to raise income taxes really work. To answer that question let us look to the States that require supermajorities for such tax increases. An analysis of State spending between 1980 and 1987 shows that in States with supermajority requirements for tax increases their tax burden has gone down an average of 2 percent while States that do not have a supermajority tax rate requirement, their tax burden has gone up an average of 2 percent. That is a difference of 4 percent. When we look at State spending, in States with the supermajority requirement State spending has gone up 2 percent, but in States that do not have the supermajority requirement for income increases, their spending has increased 8.5 percent, or a net difference of 6½ percent. I say to my colleagues, ''If you take these differentials and apply them to the current Federal budget, you would see that, if we had a supermajority requirement for an income tax increase in effect today, our income taxes would be approximately $56 billion less, and our Federal spending would be approximately $105 billion less.''

Put simply, supermajority requirements for income tax increases do work.

I have also asked my staff to go back and look at the major votes we have had in the last three decades on tax increases in the House of Representatives. There were 16 such votes. Seven of those were passed with a supermajority, seven were passed with less than a supermajority, and two were passed by voice vote. Interestingly enough, since the advent of C–SPAN television coverage in the early 1980's, only one tax increase has passed by more than the 60 percent supermajority. Amazingly, if we had had a three-fifths vote requirement for a tax increase in effect in the 1980's, we would have saved $666 billion in new taxes.

I submit for the RECORD the charts and data to support this conclusion, and I ask for a yes vote. Let us start listening as much to the taxpayers of America as we do to the special interests of America and pass this amendment.

HISTORY OF TAX INCREASES—MAJOR TAX INCREASES SINCE 1960

Since 1981:

1 Bill passed with 60 percent supermajority in each House. 4 Bills passed without 60 percent supermajority in each House.

Those 4 bills added $666 billion in taxes.

Tax Rate Extension Act of 1960—No.
House 223–174, No, (56%).
Senate 61–32, Yes, (66%).

Tax Rate Extension Act of 1961—Yes.
House 295–88, Yes, (77%).
Senate voice.

House Voice.

Tax Rate Extension Act of 1962—Yes.
House Voice.
Senate voice.

Tax Rate Extension Act of 1963—Yes.
House 283–91, Yes, (76%).
Senate voice.

Excise Tax Rate Extension Act of 1964—Yes.
House voice.
Senate voice.

Interest Equalization Tax Act of 1964—Yes.
House 238–142, Yes, (63%).
Senate 45–28, No, (62%).

Interest Equalization Tax Extension Act of 1965—Yes.
House 274–97, Yes, (74%).
Senate voice.

Tax Adjustment Act of 1966—Yes.
House 288–102, Yes, (74%).
Senate 72–5, Yes, (94%).

Interest Equalization Tax Extension Act of 1967—Yes.
House 224–83, Yes, (73%).
Senate voice.

Revenue and Expenditure Control Act of 1968—Yes.
House 268–150, Yes, (64%).
Senate 64–16, Yes, (80%).

Crude Oil Windfall Profits Tax Act of 1980—Yes.
House 302–107, Yes, (74%).
Senate 66–31, Yes, (68%).

Tax Equity and Fiscal Responsibility Act of 1982—No: $214 billion.
House 226–207, No, (52%).
Senate 52–47, No, (52%).

Omnibus Budget Reconciliation Act of 1987—No: $40 billion.
House 237–181, No, (57%).
Senate 61–28, Yes, (62%).

Omnibus Budget Reconciliation Act of 1989—Yes: $25 billion.
House 272–128, Yes, (68%).
Senate 87–7, Yes, (93%).

Omnibus Budget Reconciliation Act of 1990—No: $137 billion.
House 228–200, No, (53%).
Senate 54–45, No, (55%).

Omnibus Budget Reconciliation Act of 1993—No: $275 billion.
House 218–216, No, (50.2%).
Senate 51–49, No, (51%).

THE MOMENTUM FOR SUPERMAJORITY REQUIREMENTS FOR TAX INCREASES

9 states require supermajority votes for tax increases (Arizona, Arkansas, California, Delaware, Florida, Louisiana, Mississippi, Oklahoma, South Dakota).

1971—Florida requires 3/5 vote to changes in corporate income tax.

1978—California requires 2/3 vote for tax increases.

1978—South Dakota 2/3 vote for increasing tax rate or base.

1980—Delaware requires 3/5 vote for tax increases.

1992—Okahoma requires 3/4 vote or majority of voters to increase state revenue.

1992—Arizona requires 2/3 vote to increase state revenues.

WHY TAX-LIMITATION AND A SUPER- MAJORITY FOR TAX INCREASES?

Taxes are already too high, slowing economic growth and robbing taxpayers. Spending is also too high. Every federal program has waste and overspending.

Making it politically difficult to raise taxes will deny free-spending legislators the ''easy'' approach to balancing budgets—raising taxes.

The three-fifths supermajority requirement will force Congress to look hard at spending and will force tax-raisers to find 261 Members willing to raise taxes rather than cut spending.

The SPEAKER pro tempore (Mr. KOLBE). All time for debate on section 106 has expired.

The question is on section 106 of the resolution.

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

Mr. FOX. 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 279, nays 152, not voting 3, as follows:

[Roll No 11]

YEAS—279

Allard	Cox	Green
Andrews	Cramer	Greenwood
Archer	Crane	Gunderson
Armey	Crapo	Gutknecht
Bachus	Cremeans	Hall (TX)
Baker (CA)	Cubin	Hancock
Baker (LA)	Cunningham	Hansen
Baldacci	Danner	Harman
Ballenger	Davis	Hastert
Barcia	de la Garza	Hastings (WA)
Barr	DeLay	Hayes
Barrett (NE)	Deutsch	Hayworth
Bartlett	Diaz-Balart	Hefley
Barton	Dickey	Hefner
Bass	Dooley	Heineman
Bereuter	Doolittle	Herger
Bevill	Dornan	Hilleary
Bilbray	Doyle	Hobson
Bilirakis	Dreier	Hoekstra
Bishop	Duncan	Hoke
Bliley	Dunn	Holden
Blute	Edwards	Horn
Boehlert	Ehlers	Hostettler
Boehner	Ehrlich	Houghton
Bonilla	Emerson	Hunter
Bono	English	Hutchinson
Brewster	Ensign	Hyde
Browder	Everett	Inglis
Brown (OH)	Ewing	Istook
Brownback	Fawell	Johnson (CT)
Bryant (TN)	Fields (TX)	Johnson (SD)
Bunn	Flanagan	Johnson, Sam
Bunning	Foley	Jones
Burr	Forbes	Kasich
Burton	Ford	Kelly
Buyer	Fowler	Kim
Callahan	Fox	King
Calvert	Franks (CT)	Kingston
Camp	Franks (NJ)	Klug
Canady	Frelinghuysen	Knollenberg
Castle	Frisa	Kolbe
Chabot	Funderburk	LaHood
Chambliss	Gallegly	Lambert-Lincoln
Chapman	Ganske	Largent
Chenoweth	Gekas	Latham
Christensen	Geren	LaTourette
Chrysler	Gilchrest	Laughlin
Clinger	Gillmor	Lazio
Coble	Gilman	Leach
Coburn	Goodlatte	Lewis (CA)
Collins (GA)	Goodling	Lewis (KY)
Combest	Gordon	Lightfoot
Condit	Goss	Linder
Cooley	Graham	Lipinski

Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—152

Abercrombie
Ackerman
Baesler
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Deal
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hilliard
Hinchey
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Poshard
Rahall
Rangel
Reed
Reynolds
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wynn

NOT VOTING—2

Bateman
Yates

□ 2204

Mr. PASTOR changed his vote from ''nay'' to ''yea.''

So Section 106 of 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 (Mr. GUNDERSON). Section 107 of the resolution is now debatable for 20 minutes.

The gentleman from Kansas [Mr. BROWNBACK] will be recognized for 10 minutes, and the gentleman from California [Mr. FAZIO] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Kansas [Mr. BROWNBACK].

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

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

Mr. Speaker, as a new Member, I am amazed that the House of Representatives has been taking money from the taxpayers to run Congress without keeping track of where that money goes. A comprehensive audit of this institution is long overdue.

The days of treating the American taxpayer's money with an arrogant disregard for accountability must end now. Congress must understand that the money spent here is not ours—it is the peoples money—and they are entitled to know where every penny goes.

Throughout my campaign, people told me they are fed up with scandals in Congress—the House bank scandal—the House Post Office scandal—the House restaurant.

This reform, Mr. Speaker, instructs the House inspector general to use independent auditing firms to conduct a full scale audit of all the House's functions. This reform will restore openness and accountability to the way Congress does business. We must eliminate any ''waste, fraud, and abuse'' from this body as is called for in the contract with America.

We want this audit to be as expansive as possible—to account for every asset—every dollar spent by this institution.

My new colleagues and I were sent to Congress to reform the way the Federal Government works. But to do this, we must first clean up the Congress.

Mr. Speaker, this is an opportunity to help restore America's faith and trust in Congress. I urge my colleagues to join me in supporting this act of genuine congressional reform.

□ 2210

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

Mr. FAZIO of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. FAZIO. Mr. Speaker, I rise in support of this proposal, and I do so not because I feel there will be any great revelations that might satisfy those who would like to find problems here in the institution, but I think audits have been, should be, and will be in the future absolutely essential to restoring public trust in an institution that has come under I think consistent unfair criticism over a long period of time.

I am particularly concerned, though, that as we manage these audits, and I might say that the language in the document we are dealing with tonight is rather imprecise, we have to ask ourselves the question about how we will function in this new Republican majority.

For a number of years, Republicans have been adamant about bringing about bipartisanship in the manner in which we run this institution. The rules package Republicans offered in the last Congress called for a nonpartisan administration committee, equally numbered with Members of both parties, quite apart from whatever party was in the majority here. They even asked for that complete bipartisanship with equal representation on the Legislative Branch Subcommittee of the Committee on Appropriations.

We asked to have in place management of the House that was totally nonpartisan. Whether it was the Post Office, whether it was the Director of Non-Legislative Services, the entire thrust in a bipartisan sense was to bring about a change in the way we had functioned here, and Democrats and Republicans I think in mutual pride and satisfaction found a way to move in that direction.

But what we have encountered recently is a complete rejection of everything Republicans fought for to bring about change in the way this institution functioned, and, that is, to select individuals based on their partisan background to manage the institution only at the whim, the beck and call of one individual who has been elected Speaker.

My belief is when Republicans asked that we have a two-thirds vote of the House to select a financial officer of this institution, they were going on record for something that had legs, that would last through the years, that was a position that they took firmly and hoped to have govern the institution when and if they at some point in the future took control. I am disappointed to say the least that we focus now on audits and not on the management of how those audits would be functioning, exactly who would manage them, and whether or not they would truly be done in the bipartisan spirit which was the hallmark of the Republican arguments in recent years on occasions such as this when they brought their rules package to the floor.

Mr. Speaker, I am not opposed to audits. What I am opposed to is partisan management of an institution that had come a long way into a different era, one that was to be bipartisan in every sense. I regret that reversion.

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

Mr. BROWNBACK. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. THOMAS].

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

Mr. THOMAS. Mr. Speaker, the gentleman from California deserves an answer and he will get one.

Under H. Res. 429 which was supported bipartisanly, we created the Oversight Subcommittee. We also created an Inspector General. The very first time the Oversight Subcommittee had to support the new chief executive officer, the Director of Non-Legislative and Financial Services, the Democrats refused. There was a 2–2 tie. It did not work. The Inspector General needed assistance. The Democrats would not provide him with any. The Democrats only allowed 3 total employees to the Inspector General. We are now honoring the Inspector General's request of 18 employees to carry out the audits.

In a letter dated December 21, 1994, the Office of Inspector General in responding to a letter about going forward with these audits said this:

''Therefore, the Office of Inspector General is very willing to accept this responsibility (i.e. the audits) and will perform the associated tasks in a totally professional and nonpartisan manner.''

What we are asking for, and getting, is professional management of the House. What the American people are getting is transparency of that management. The old system would not open up. The new system will.

Mr. Speaker, I include for the RECORD the following letters:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 12, 1994.

MR. JOHN LAINHART,
INSPECTOR GENERAL,
House of Representatives,
H2–485,
Washington, DC.

DEAR MR. LAINHART: Republicans have called for the selection of a major, independent accounting firm to perform comprehensive audits of the Congress. We believe that such audits are need both to ensure full accountability to the U.S. taxpayer and to provide the factual information necessary to build an efficient, cost-effective administrative structure.

We envision a series of audits, to begin as soon as possible, that will result in a final, consolidated picture of the financial and operational status of the Congress. We are contacting you at this time to request that your office assume this responsibility. The audits, and the process under which they are conducted, must be free from interference and partisan influence. The office of the Inspector General was created in 1992 for the specific purpose of nonpartisan review and evaluation of House operations, and is the logical office to carry out this charge.

By copy of this letter to Richard Gephardt, we are asking for his full cooperation in assisting you in this task, which we expect will include the need for additional staffing for your office and funding for the audit contract. It is our intention that the comprehensive audits conducted under this process will complement the audit plan which you have recommended to bipartisan leadership, in fact expediting the overall review of House operations which you have already presented.

Research has already been performed regarding the steps necessary to let a contract for these audits, and a preliminary review of the entities which we envision will be involved. The first task is an audit plan for House entities, shortly followed, based on agreement with the Senate, by audit plans for joint Senate-House entities. We would be glad to provide you with the background information we have collected; however, we offer this only as a suggestion to help speed the process. No such comprehensive review of House operations has been undertaken before, and we recognize that the challenges inherent in completing such a review now are enormous.

We have confidence in your professional ability to carry out this task, and hope that your office is willing to accept this responsibility. Please contact Stacy Carlson, at the Committee on House Oversight (Committee on House Administration), if you need additional information. We look forward to your response to this request.

Sincerely,

JIM NUSSLE.
BILL THOMAS.

OFFICE OF INSPECTOR GENERAL,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, December 21, 1994.

Hon. BILL THOMAS,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN THOMAS: Thank you for your letter of December 12, 1994, cosigned by Congressman Jim Nussle, requesting the Office of Inspector General (OIG) to assume responsibility for managing the comprehensive audits of the Congress as discussed in your letter. As suggested in the letter, Bob Frey, Deputy Inspector General, and I met with Stacy Carlson on December 16, 1994, to further discuss these audits. As a result, I have a good idea as to what needs to be done to successfully accomplish these audits. Therefore, the OIG is very willing to accept this responsibility, and will perform the associated tasks in a totally professional and nonpartisan manner.

As indicated in your letter, these audits can best be performed by contracting with an independent accounting firm or firms for a series of audits that will result in a final consolidated report of the financial and operational status of the Congress. In order to establish accountability at the beginning of the 104th Congress, and make recommendations for control and operational improvements for building a more efficient, cost-effective administrative structure, I propose that the consolidated report address issues as of December 31, 1994. This audit effort would, as you indicated, complement the OIG audit plan and greatly expedite the initial review of House operations, in a significant number of areas. Continuing OIG audit effort would, of course, still be required in other areas beyond the scope of these audits and in additional areas as the incoming House Officers make changes in their operations.

To establish accountability at the beginning of the 104th Congress, the independent accounting firm(s) would be responsible for preparing audited financial statements reflecting the: (i) overall financial position, (ii) results of operations, (iii) cash flows or changes in financial position, and (iv) reconciliations to budget reports for all House activities. This effort would include audits of House Information Systems (HIS) financial activities, and all revolving funds, contingent funds, commercial functions, etc., as of December 31, 1994. It would also include a determination as to whether the internal control structure provides reasonable assurance of achieving generally accepted control objectives and all applicable laws and regulations have been complied with fully. The financial statements would be prepared in accordance with the American Institute of Certified Public Accountant's ''Generally Accepted Accounting Principles'' and audited in accordance with the General Accounting Office's ''Government Auditing Standards.'' Furthermore, this effort would be in compliance with the applicable provisions of the Chief Financial Officers Act (P.L. 101–576), Government Performance and Results Act (P.L. 103–62) and Government Management Reform Act (P.L. 103–356). The OIG would review all work performed by the independent accounting firm(s) to ensure the completeness and quality of that work.

With respect to operational areas, I have identified two primary areas needing review—financial and HIS operations. The financial operations include audits in the OIG audit plan designed to evaluate economy, efficiency and effectiveness of program operations. These audits would address areas beyond pure funds accountability, in an effort to identify ways to eliminate waste, inefficiencies, fraud, abuse and mismanagement, and highlight areas for contracting out, privatizing, streamlining, downsizing and elimination. Additional details concerning the financial operations audit plan are included in Enclosure 1. The audit of HIS operations would include reviews of the general controls (including management, data center operations and data center protection) and system development, acquisition and modification controls (including user satisfaction, system development life cycle and project documentation), and confidentiality, integrity and availability testing. The audit program for performing this audit is included as Enclosure 2.

As indicated in your letter, audit coverage of joint Senate-House entities will need to be identified at a later date. Once agreement is reached with the Senate, I will develop a detailed proposal concerning audit coverage for these entities and submit my audit proposal to you for your review.

I will be contacting the Office of the General Counsel later today to request a legal opinion on the most expeditious method to contract for the independent accounting firm(s), while assuring competitive bidding to the maximum extent practical. Once I get this legal opinion, I will make a recommendation to you as to the best method for proceeding. In addition, as soon as I can estimate the contract costs, I will apprise you of the funding requirements so that reprogramming can be expeditiously accomplished.

With respect to the issue of additional staffing, I have included an organization chart (Enclosure 3) which depicts our current staffing (both Subcommittee on Administrative Oversight, Committee on House Administration approved permanent OIG staff and General Accounting Office detailees), and proposed additional staffing needed to make the OIG fully functional, considering the additional audit requirements to be assumed by the OIG in the 104th Congress. The total additional funding required for Fiscal Year 1995 is $494,000, consisting of $372,000 in personnel costs, and $122,000 in equipment, software, supplies and other similar costs. The justification for the additional staffing is also included as Enclosure 4. Since personnel hiring can take a considerable amount of time and additional staff members are critically needed to accomplish the tasks discussed above, I would hope that this issue

can be addressed at the earliest possible time so that the appropriate staffing authorization and reprogramming can be expedited.

An identical letter has been sent to Congressman Nussle. If you should need additional information or want to discuss this matter further, please do not hesitate to call me on x61250.

Sincerely,

JOHN W. LAINHART IV,
Inspector General.

Mr. FAZIO of California. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. Mr. Speaker, I rise in support of this important change in House rules. Like many of my Democratic colleagues, I favor many of the reforms being instituted today.

As a freshman member in 1992, I was honored to chair a task force on changes in House rules. One of my top priorities was to see that this institution was held more accountable to the American people. I believe that the proposed comprehensive audit of all our financial records and physical assets is a big step in ensuring our accountability to our constituents.

This is an opportunity for improvement—one every Member should welcome who is actively seeking to use taxpayer dollars more efficiently.

I know that a comprehensive audit, if properly executed, will be an important management tool here in this House. If a truly independent firm performs the audit, then we can take advantage of new technologies and management practices and identify the areas where we must improve our efficiency, accountability, and effectiveness.

However, I have specific concerns that are not addressed and that is that the Speaker and the House Oversight Committee must carefully monitor the money appropriated to the Inspector General to conduct the audit and promptly implement the recommended changes so we can get the most for the taxpayers' money and provide the best services for our constituencies.

Mr. BROWNBACK. Mr. Speaker, I yield 1½ minutes to the gentleman from California [Mr. RIGGS].

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

Mr. Speaker, Section 107 of the House rules package directs the House Inspector General to conduct a comprehensive House audit. This will be both a financial and performance audit of all House services and operations.

Mr. Speaker, 39 months ago in October 1991, I stood on this very spot and called for full disclosure of Members with House bank overdrafts. A key to restoring the credibility of Congress, I said then, was to hold ourselves accountable. And I and 6 of my colleagues, the so-called Gang of 7, pressed for an open House. Our calls for candor were met with intransigence, but the outrage of the American people was overwhelming. We did learn the details of the House bank overdrafts, and let me stress to my colleagues who are listening now that that one specific limited GAO audit of a House function, a House service, led to several criminal convictions.

□ 2220

My colleagues, we introduced a bill one year later in October 1992, House Resolution 595, to require an independent House audit. Today's House action is the culmination of that effort.

Results of these audits, which will be performed by the Inspector General in consultation with the GAO and a major independent accounting firm will be made public, and therefore the people will have more information than ever before regarding House operations past and present, and that will go a long way toward restoring the integrity and credibility of this proud institution.

I urge approval of the rule. Let the sunshine in and open the books of the people's House to scrutiny by the people.

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

Mr. MORAN. Mr. Speaker, I rise in support of this proposal as well to conduct an audit of the financial and administrative operations of the House. But it really does not go far enough. I suspect that the audit itself is likely to show that we have been conducting our business in a responsible, professional manner. One of the reasons that has been the case is that we have had professional, nonpartisan, individuals conducting these affairs, and we reached that agreement in a nonpartisan way, as Members will recall.

But, we have two problems with this. I am going to vote for it, as is the gentleman from California [Mr. FAZIO] and probably the other speakers, but the two deficiencies are one because it is a closed rule and we cannot insist that we continue to conduct the administrative and financial nonlegislative operations of this House in a nonpartisan professional manner which we could if we had an open rule, and secondly, the person who has been put in this position is not nonpartisan.

I will not repeat the arguments for why there ought to be an open rule because my good friend, the gentleman from New York [Mr. SOLOMON], knows them by heart. He is certainly the most persuasive, articulate proponent of an open rule. But I guess where you sit is where you stand now.

We are faced with a closed rule where we cannot improve this amendment. I do think we ought to raise that issue, though, because I am sure other Members of the House have read the articles about the individual that has been appointed to this position as I have. It raises very serious concern. I do not know Mr. Faulkner. I do know he was head of the Young Republicans, that he has been investigated and interviewed on any number of partisan political issues. At one point he was asked by investigators about leaking documents to the Reagan campaign and he said, yes, we have been obtaining leaked material from whistle blowers and passing them on.

This is not the nonpartisan professional individual we are looking for.

Mr. BROWNBACK. I would point out, Mr. Speaker, a bipartisan group appointed the current Inspector General.

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

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

Mr. DOOLITTLE. Mr. Speaker, this comprehensive audit of House financial records and administrative operations will prevent in the future the kinds of problems we have seen with the House restaurant, the House Post Office and the House bank and will identify whether and to what extent other House units have been in compliance with law and House rules and have operated effectively and efficiently. It will provide necessary information to the public to determine the manner in which taxpayer funds have been used and will ensure accountability in the administration of this House.

This audit should examine, amongst other things, monies in the contingent fund, monies expended by legislative service organizations, House officers accounts, committee accounts and the Architect of the Capitol. It should also look into allegations concerning ghost employees and official payrolls. This audit will set an important precedent for openness and accountability and is a much desired reform.

Mr. FAZIO of California. Mr. Speaker, I yield 2 minutes and 30 seconds to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 1. But again, I must reiterate my disappointment about the procedure we are using today. I am deeply disappointed that this bill is coming before the House under a closed rule. Not very long ago, the new chairman of the Rules Committee, my friend from New York said that when he admonished members about the use of closed rules, that our Republican friends were ''not simply engaging is some procedural or partisan tantrum. We are instead'' he said, ''trying to warn against what we perceive as the deliberate decline of democracy in this House.'' (April, 2, 1993). It is somewhat shocking, after all the speeches, that on the first day of the new Republican run House we are proceeding under a closed rule.

However, it is important today that we are moving forward on a bill, that has been blocked for too long. The House passed this bill, essentially, twice in the last Congress only to see our efforts thwarted by Republican led efforts in the Senate. The Democratic and the Republican Members of the House want this bill and want it to move forward. On this point, there is great bipartisan agreement.

We have gone a long way toward making sure that the Congress lives under the same laws as any other American. Most pieces of legislation we have passed apply to Congress. The Americans With Disabilities Act which I proudly cosponsored specifically applies to Congress as did the Civil Rights Act, the Minimum Wage Act, the Fair Labor Standards Act and the Family and Medical Leave Act. The House has also had in place, since 1988, prohibitions against employment discrimination.

H.R. 1 will ensure that all Members of the Congress—not just House Members—live under all of the laws we pass and do so permanently, not just as an internal House rule but as an ironclad law.

I cannot tell you how many times I have had businessmen and women complain that Congress passes laws and then simply exempts itself. They are frustrated. They want us to share the same challenges they have when they try to start a business, or try to create new jobs for their community. They need and deserve to know that we live up to the same standards that we expect from them, and afford our employees the same protections that any other American worker deserves.

Most of my constituents did not know that the Congressional Accountability Act passed the House last year by a vote of 427 to 4. They did not know because the Senate failed to act to make it law. In early September, I wrote to urge the Senate committee on Government affairs to have the Senate act promptly. I told them that the Congress could never engender trust among the American people until the Congress lives by the same rules as the rest of the Nation. When the Senate did not act, we made congressional accountability part of the House rules.

But the American people deserve something more than an internal House rule—they deserve an ironclad law passed by and applying to both Houses of Congress.

I want to go home and tell those constituents that we have answered their plea. I want to tell them that we meet the same requirements that they do—that we follow the same laws they follow from OSHA to fair labor standards. I want to tell them that our employees have the same protections theirs do, from anti-age discrimination to family and medical leave. Perhaps the shared experience will help us write better, more careful laws. Just as importantly, this is about common sense, trust and accountability. That is why we are all here, late into the evening, finishing the work which began in the last Congress. I hope all my colleagues will join me in moving forward on H.R. 1.

Mr. BROWNBACK. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Speaker, let me tell you how fascinating it is for me to see you in your role tonight, and also see my good friend, the gentleman from California, FRANK RIGGS, back here after a 2-year absence because it was 4 years ago that FRANK and I and five other freshmen blew the whistle on the House bank and then 3 years ago we blew the whistle on the House post office. The interesting thing, Mr. Speaker, is that after 4 years and 3 years respectively we still have not seen a number of internal documents from either of those investigations, taxpayer funded investigations of taxpayer operations.

My colleague, the gentleman from Maryland [Mr. HOYER], says this is all behind us, but the honest answer is we do not know if it is behind us because for decades these books simply have not been audited, nor have we had the access to those very documents.

Former Congressman Dan Rostenkowski, now facing charges connected to the stationery store, has an intriguing defense. He says he was not the only Congressman who misused the stationery store and bought chairs and champagne buckets and other things, all with public money and all personal gifts. And you know his defense team might be right because we do not know, but after this audit is done, we will know, and when we know, you will know too.

□ 2230

Mr. BROWNBACK. I yield 1 minute to the gentleman from North Carolina [Mr. TAYLOR].

(Mr. TAYLOR of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. TAYLOR of North Carolina. Mr. Speaker, I am pleased to be here today—a new day in Congress—where Members will finally open the doors of the House to greater public input and disclosure.

The idea of the House audit was a brainchild of the Gang of Seven. I am delighted to join my fellow gang members here today and am pleased that the leadership included our idea in the rules package.

I am not even sure why we are debating this issue. If a company the size of the House of Representatives did not report the activities of its officers and directors to its shareholders, it would not survive—disclosure is a key component to gaining the public trust essential for survival in a market economy.

It is ridiculous not to support this proposal. The American people are the shareholders of our American Government and deserve to know the activities of their Representatives.

Members of the House have been embarrassed and distracted by scandals in its bank, post office, and other departments. An independent inspector general would conduct audits to expose fraud, waste, and abuse.

I wholeheartedly support a comprehensive House audit and urge my colleagues to do likewise. It is a proposal that will ensure that the House of Representatives remains The People's House.

Mr. BROWNBACK. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Speaker, my colleagues, on October 1, 1991, I stood here on this House floor and I said, ''What are we trying to hide from the American people? What do we have to fear?''

Today we have a historic opportunity to vote to open up the books of the U.S. Congress in a very open and complete way. We know that sunshine is the best disinfectant, and never in the history of this Congress have we ever had an open and complete audit of the books of this Congress for the American people to view.

And echoing the comments of my colleagues who were involved with me, my six other colleagues, I fully encourage the Inspector General to not only do the fiscal 1995 audit, but I would encourage the Inspector General to look back, to look back several years at some areas of the Congress that have been called into question, LSO's the House restaurant system, the Speaker's contingent fund, the disposal of office equipment that has raised everyone's eyebrows, but we never have seen the details.

I am pleased tonight to be here to support this very important part of our House rules.

Mr. BROWNBACK. Mr. Speaker, I yield 45 seconds to the gentleman from Michigan [Mr. CAMP].

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

Mr. CAMP. Mr. Speaker, I applaud the efforts offered today and believe this audit will go a long way to cut waste and save taxpayer money, streamline the process. But let us go a step further. Let us require the audit to include unused office allowance funds.

I am concerned. We still do not know what exactly happens to that money. Many of us agree funds left over from our office budgets should not be reprogrammed, but instead returned to the Federal Treasury for deficit reduction. Let us use this opportunity to find the means to that end.

This audit will ensure that House operations are efficient and effective, and this investigation will ensure this audit is complete.

Mr. BROWNBACK. Mr. Speaker, I yield such time as he may consume to the gentleman from New Hampshire [Mr. ZELIFF].

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

Mr. ZELIFF. Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, I rise in strong support of section 107 of this rules package authorizing a comprehensive House audit of House financial records, physical assets, and facilities.

All the rules changes we are considering today—cutting committees and committee staff, ending baseline budgeting, making the

laws of the land apply to Congress—are critical. We are reforming this institution and restoring the faith of the American people.

However, while these reforms may grab the headlines, I believe the section authorizing an audit of House functions is perhaps the most important reform of all. For the first time the American people will have the opportunity to see how their tax dollars are being used and often wasted on Congress itself.

I am a small businessman who knows that keeping track of where the money goes is the only sound way to run a business. Slush funds, sloppy management, or outright fraud will land you either in bankruptcy or jail.

As the owner of a small business I must make sure that my financial statements and inventory are accurate and up-to-date. A bank considering issuing me a loan—or potential investors—would accept nothing less than a close examination of my balance sheet before making any decisions.

Why, then, the House of Representatives has escaped a similar analysis for its investors—the American taxpayers—is beyond me. It is time for a change.

We should pass this section authorizing an audit of House activities, and then the entire rules package, to let the sun shine in.

Mr. FAZIO of California. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I think we all understand this provision in the rule this evening was an opportunity for people to rehash the problems that beset this institution in the past that we are, thank God, well under way to resolving.

But what I think is not something that was intended to be brought up tonight—but which is central to the whole question of the audit, which will be broadly supported on a bipartisan basis—is who will do the audit, how will it be administered?

Now, the real issue here is who appoints the administrative authorities in this institution. There has been a change. When Republicans were in the minority, they wanted bipartisanship. They wanted equal access. They wanted professionalism. They wanted no taint of partisan activity.

But now the worm has turned. Now the Republicans find themselves in the majority.

What they have done is they have reversed the field. They have now called for a different structure, one that places in the hands of an administrator appointed by the Speaker the authority to manage this institution in a way that could become as partisan as we can imagine.

I think that is tragic. I think that is wrong. And I support the audit, but I am very concerned about the way it will be managed by a partisan leader.

Mr. BROWNBACK. Mr. Speaker, I would remind the speaker from the other side that he had 40 years to ask for this audit and did not do it.

Mr. Speaker, I yield the remainder of my time to the gentleman from Michigan [Mr. EHLERS].

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

Mr. EHLERS. Mr. Speaker, I rise to make two points.

First of all, a good reason for doing the audit is that we do not know what we will find. When we did this in Michigan 2 years ago after a large number of years of Democratic rule, we discovered a major scandal in the House fiscal agency. As a result of that discovery, we currently have three former staff members serving prison time, four more on probation, three still in the courts. That is an example of the type of thing you may find, and it is not a result of the Members' misbehavior but of staff misbehavior.

My second point, all of the discussion has been about fiscal aspects, but the operational aspects of the audit are equally, if not more, important, in particular the computer activities which I hope to audit.

Just a few weeks ago a Member came to me that spent $22,000 for a file server last year. It is now useless.

I urge that we go ahead with both the fiscal and operational audit and do it well.

The SPEAKER pro tempore (Mr. GUNDERSON). All time has expired.

The question is on section 107 of the resolution.

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

Mr. BROWNBACK. 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 430, nays 1, not voting 2, as follows:

[Roll No. 12]

YEAS—430

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
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
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lambert-Lincoln
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
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
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Waxman
Weldon (FL)

Weldon (PA)	Wilson	Young (AK)
Weller	Wise	Young (FL)
White	Wolf	Zeliff
Whitfield	Woolsey	Zimmer
Wicker	Wyden	
Williams	Wynn	

NAYS—1

Fattah

NOT VOTING—2

Brown (FL) Yates

□ 2251

So section 107 of 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 (Mr. TORKILDSEN). Section 108 is now debatable for 20 minutes.

The gentleman from Minnesota [Mr. GUTKNECHT] will be recognized for 10 minutes, and the gentlewoman from Connecticut [Mrs. KENNELLY] will be recognized for 10 minutes.

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

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

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

Mr. GUTKNECHT. Mr. Speaker, my grandma used to say that it is wrong to teach our kids to do as I say and not as I do. As parents of three teenagers, my wife and I believe that we need to set a good example for our children. It is my fervent belief that this philosophy should apply to the U.S. Congress as well. Unfortunately, Mr. Speaker, in recent years the actions of our Government have been, in essence, to do as I say and not as I do.

On behalf of the freshmen who promised their constituents consideration on the first day, Mr. Speaker, I would like to thank the leadership for this opportunity. The failure of the previous Congress to pass the legislation is unfortunate. We have, in effect, been saying to the American people, ''You must comply with the rules and regulations we pass, but we don't.''

Mr. Speaker, the Congressional Accountability Act will put an end to this hypocrisy and put our House in order. Today the new Congress is telling the American people that we have heard their demand for change and that on the first day we meant what we said in that we will begin to play by the same rules as those who we were elected to serve.

I understand that some Members are opposed to the closed rule, but the bottom line is that H.R. 1 is virtually identical to a bill, H.R. 4822, which passed this House on August 10, 1994, on a 427 to 4 vote. That bill has been thoroughly debated in committee. subcommittee and here on the House Floor. To my 13 new Democratic freshman colleagues I say, ''I apologize to you for denying you the opportunity for review of this legislation in committee, but the time has come now to act responsibly. As you know, we have pledged to the American people to change the way we do business in this House.''

The Republican freshman Members have demanded change from this leadership, and we have demanded that a vote occur today on congressional accountability. We feel this legislation is vitally important and should be passed today in order to reestablish this as the people's House. We must now take the initiative and pass this important measure.

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

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

Mr. Speaker, as has been said so often today, this is truly a historical day. We are witnessing something on the floor today that we may never have observed before. For the first time the people on the other side are in charge, and we are seeing two completely closed rules, but probably for the first time every they have proposed a closed rule within a bill brought up under a closed rule.

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

□ 2300

Mr. GUTKNECHT. Mr. Speaker, I yield 1 minute to the gentleman from West Palm Beach, FL [Mr. FOLEY].

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

Mr. FOLEY. Mr. Speaker, I rise in support of the rule for accountability, the Congressional Accountability Act, to bring Congress in compliance with the ten laws such as fair labor, civil rights, Americans with Disabilities Act and others.

As a freshman Member of the Congress, I was appalled to find out that this body had exempted itself from the very laws that they had passed on small business and the consumers of America. When I toured the offices of Congress in the Cannon and Longworth Buildings, I found exits blocked, boxes packed. Staff members could not have exited in a fire. As a restaurateur, if that happened in my business, I would not only have been fined, but I would have been closed down that very day for failure to observe common safety practices in my business. I think this Congress can make a statement to America tonight, and to every small business, that we understand the burdens we have placed on them, and that we are willing to accept those very burdens on ourself. That is the least we can do. The Congressional Accountability Act should and must pass.

Mrs. KENNELLY. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Speaker, this is a good bill. I am proud to be a cosponsor. It should pass. This is a bad rule and it should be voted down. As was indicated, this bill is virtually identical to the bill that passed last year. One major exception, the ban on frequent flier miles has been ripped out of this bill. Why has it been ripped out? It has been ripped out because the laws that have been passed that we want to have applied here don't affect you as individuals. They affect the U.S. Government, because that is where the liability is. But the frequent flier prohibition strikes right at the people in this room. The people in this room should not use frequent flier miles for personal use. It is hypocrisy of the highest order that is not being dealt with this bill when it was dealt with in the bill we passed last fall. There is only one explanation, and that is greed. The Members who want to use frequent flier miles for personal use are ripping off the taxpayers of this country, and it is wrong and it should be stopped today.

So if you believe in bipartisanship, vote this rule down and let us do this right.

Mr. GUTKNECHT. Mr. Speaker, I yield 1 minute to the gentleman from the land of Lincoln, the gentleman from Illinois [Mr. WELLER].

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

Mr. WELLER. Mr. Speaker, I rise today in support of the rule for the Congressional Accountability Act. For years, Members of Congress have exempted themselves above many of the laws that we impose on the private sector. It is time we held ourselves accountable to the same standards that we expect of our constituents.

The House passed this bill last August by a vote of 427 to 4. At that time, the provisions of this bill were deliberated to the fullest extent possible. The rule today allows the House to expedite the process to bring Congress in line with the laws of the land under which every American citizen must live. When this measure is adopted, Congress will be subject to the Family and Medical Leave Act, the Americans With Disabilities Act, the Fair Labor Standards Act, and the Civil Rights Act of 1964 will apply to Congress.

We are here to make positive changes in the way Congress operates. Congress has delayed far too long on this initiative requiring us to live by the same rules as everyone else. Congressional Accountability is a step in the right direction, and it is time to bring it to a vote.

Mrs. KENNELLY. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, there has been a great deal of discussion of history tonight, so let us quote Karl Marx. ''History repeats itself; the first time in history and the second time as farce.'' Farce is what we are getting tonight. It is from the 18th Brumaire of Louis Napoleon.

This is almost exactly what the House did before, but there are some

differences. When the Democratic majority brought this bill to the floor last time, it allowed in the rule 14 amendments, 8 of which could be designated by Republicans.

You are bringing up a closed rule on a substantive bill for no good reason. You are going to debate it after midnight. You told us you would be family friendly. You forgot to tell us it would be the Addams Family that would be friendly, because we will be doing it at 3 o'clock in the morning. Why do something perfectly sensible, but block a chance to vote on frequent fliers, do it at 3 o'clock in the morning, don't allow amendments?

Let me tell you from experience. When you are in the majority, sometimes inevitably you got to defend some dumb things. But in 1 day you have been dumber than we were in 2 years. What are you doing it for? Why not wait until tomorrow. You said we could wait.

Do you want to hide the debate on frequent fliers? I do not know why the new Speaker is so attached to the frequent flier rule. But why not talk about it tomorrow? Why now allow some amendments?

History? We made this history last year. We made history once. You cannot make history twice, unless you flunked it the first time, and the way you guys are handling this, I think some of you must have, because you do not understand what is going on.

We are in favor of this. Most of us worked hard for it. We passed it last year. It was bipartisan. Why are you rushing this through on a totally closed rule?

Comparison: We had eight amendments in order from Republicans. We had the frequent flier thing in here. We let it be debated during the day. You are rushing it through, because the Republicans promised it would be done on the first day? It will be after midnight. Now you are even fooling with the clock. Be sensible. Do not get carried away. Do it tomorrow, and do not exempt yourself from the most important law of all, common sense.

Mr. GUTKNECHT. Mr. Speaker, I yield 1 minute to the gentleman from Mesa, AZ [Mr. SALMON].

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

Mr. SALMON. Mr. Speaker, this has been an awesome day for me. I was able to sit here on the floor of this very hallowed place with my four children, and I can't tell you the experience this has been for me, to be able to sit among some of the most intelligent minds of our country, and to be able to have just heard the very eloquent speech of Mr. FRANK. I am impressed. You are even better in person than you are on C–SPAN.

Mr. FRANK of Massachusetts. If the gentleman will yield, it will be better tomorrow afternoon if you get a little sleep.

Mr. SALMON. Nice try. But I would like to say this: One thing I have learned over my political career is that I know I am an incredibly average person, and the incredibly average person that I talk to out there cannot understand why we cannot move this to a vote and why we cannot move it quickly.

I think some good points have been made, and we will get an opportunity I believe to visit some of these issues later. But I do not want to wait. I want to move, and I want to vote now. Let us vote this through. Let us make Congress live under the very same laws as any other American. It is the right thing.

Mrs. KENNELLY. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan [Ms. RIVERS].

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

Ms. RIVERS. Mr. Speaker, I am a freshman who like many of you ran on the issue of reform. I campaigned for, supported, and have voted for many of the things we have dealt with today. So great was the call for reform in our freshman class and across this country that I really expected to come into a House today that would be liberated by the free flow of ideas.

It has been just the opposite. On our very first day, the most symbolic day, I have come into a House were 100 percent of our rules are closed, where we will not have the opportunity to advance our ideas and see them win or lose in the court of public opinion. That is not allowed in the new Congress.

There is no opportunity for amendments, no opportunity for fine tuning, and no opportunity to divide the question in a way that will allow us to represent our constituencies within many-itemed bills.

This is not the new way, the good way. This is what you all campaigned against. And I think we should learn from JERRY SOLOMON who said the people are sick and tired of political gamesmanship. They want back their House, they want it open and democratic. I think so.

Mr. GUTKNECHT. Mr. Speaker, I yield 1 minute to the gentleman from Cincinnati, OH, [Mr. CHABOT].

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

Mr. CHABOT. Mr. Speaker, our Nation was founded on the principle that no person is above the law. It is more than shameful—it is worse than outrageous—that Congress routinely has exempted itself from the laws that others must obey. From the labor laws enacted in 1938, to the Civil Rights Act of 1964, to OSHA—Congress has said: ''These laws apply to others, but not to us. Not to us.''

At long last, these exemptions are going to stop. Finally, we're going to recognize that if a law is good enough to apply to the American people, then by golly, it's good enough to apply to Congress. And if any law isn't good enough to apply to Congress, then certainly it's not good enough to apply to everyone else.

When Congress has to live by the laws it passes, then Congress will take care to pass better laws. I urge support for the rule.

□ 2310

Mrs. KENNELLY. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BEILENSON].

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

Mr. BEILENSON. Mr. Speaker, I rise to express my grave reservations about the rule proposed for consideration of H.R. 1.

Although I strongly support the Congressional Accountability Act, and although I believe it was wise of the new leadership to bring up substantially the same bill that was overwhelmingly approved by the House of Representatives last August, I strongly disapprove of the manner in which the majority has proposed considering this legislation.

I understand the desire of the new Republican leadership to bring the Congressional Accountability Act to the floor today, to fulfill the promise made in the ''Contract With America.'' But voting on a major piece of legislation on the very day it is introduced, without having an opportunity to amend it is simply the wrong way to legislate—and Members on the other side of the aisle know that.

In fact, our Republican colleagues have chastised Democratic members, more times than we would like to remember, for speeding bills to the floor before there had been adequate opportunity to review them, and for not allowing amendments to be offered to them. ''Gag rule'' was the term our Republican friends used to describe rules like the one before us now.

To those of us who had to bear the brunt of the Republicans' criticism of such rules, it seems utterly outrageous—and rather ironic—that in this new era which has been heralded by promises of openness and fairness in the legislative process, the very first piece of legislation brought to floor will be considered in this manner. This rule makes us question whether criticism of closed rules issued by the majority party during the last Congress was based on true belief in opening up the amending process, or whether it was simply a means of generating public anger toward Democrats.

In fact, this procedure is worse than anything I can recall under Democratic control of the House. In the 18 years I have served in the House, I cannot remember a time when a bill advanced by the Democratic leadership was handled in so rushed and closed a manner as this one. Under this rule, this bill is to be considered on the very day it is introduced; there will have been no hearings or markup of this legislation—in fact, not even any informal review by the committees of jurisdiction; there will have been no review by the Rules Committee for the purpose of granting a rule; and, of course, there will be no opportunity to amend the bill—other than through a motion to recommit—and no time to plan amendments even if there were such an opportunity.

For those of us who were part of the 103d Congress, the fact that this legislation is being considered in this way is less deplorable than it would otherwise be because the bill is substantially the same as last Congress' H.R. 4822. H.R. 4822 was a well-constructed, well-thought-out bill in large part because, unlike H.R. 1, it was developed through the regular legislative process. H.R. 4822 was considered by the committees of jurisdiction, as well as the Rules Committee for purposes of granting a rule; there was sufficient time between the day the bill was introduced and the day it was sent to the floor for Members to familiarize themselves with it; and most of the amendments Members wanted to offer to it were allowed to be offered. In other words, we had ample opportunity to know what we would be voting on and to help shape and improve the bill.

But the 86 Members who are new to the 104th Congress will not have that opportunity. Their right to review and amend this legislation is being abrogated for the sale of political expediency. It is unfair—and wrong—to ask them to vote on a very important piece of legislation without giving them any chance to review the bill, let alone help shape it.

Mr. Speaker, I hope that it is only because of the political imperative dictated by the "Contract With America" that we are proceeding in this manner on a major piece of legislation. And I hope that we will have the assurance of the new leadership that the procedure being used to consider H.R. 1 is an aberration, and not a signal of how legislation will be handled during this Congress.

Mrs. KENNELLY. Mr. Speaker, for purposes of debate only, I yield one-half minute to the gentleman from Montana [Mr. WILLIAMS]

Mr. WILLIAMS. Mr. Speaker, I think the gentlewoman from Connecticut.

Perhaps an uninterested observer listening to the debate today, Mr. Speaker, might be uninformed enough to have found a little hypocrisy on both sides, and maybe listening to the debate on this issue, an uninformed observer might not understand that as stronger reform bill than the piece now being offered came before this body written by Democrats just a few months ago, and was eventually blocked by Republicans. I would not say that the action today is hypocritical, but an uninformed observer might.

Mr. GUTKNECHT. Mr. Speaker, may I inquire as to how much time is left on both sides?

The SPEAKER pro tempore (Mr. TORKILDSEN). The gentleman from Minnesota [Mr. GUTKNECHT] has 3½ minutes remaining, and the gentlewoman from Connecticut [Mrs. KENNELLY] has 5 minutes remaining.

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

Mrs. KENNELLY. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts [Mr. MOAKLEY].

Mr. MOAKLEY. Mr. Speaker, this section is a rule providing for consideration of the Congressional Accountability Act. This is the exact same bill that we Democrats passed in the House last year.

However, sadly, the Republicans derailed it in the Senate, so I do not want anybody out there thinking that we Democrats in the House opposed this. We proposed it, and it passed the House last year. I strongly supported this measure last year and I will support it again this year.

Let me add that I am delighted that the Republicans seem to be on board this time. Better late than never. However, Mr. Speaker, I must rise in opposition to the rule we are operating under. This is a closed rule, plain and simple.

My left ear has gone deaf from all the catcalls and the charges of gag rule from the minority in the last couple of years, but now they come to the floor and put two closed rules together, so I am really disappointed in the actions of the minority today. Over the years, the cries from the Republicans, maybe Mr. Solomon learned something from me or maybe I learned something from him.

Mr. SOLOMON. Mr. Speaker, If the gentleman would yield, believe me, I learned a lot from you, JOE.

Mr. MOAKLEY. OK, but I could spend all week reciting quotations from Members on the Republican side calling restrictive rules of any kind unconstitutional, undemocratic, unfair. Yet, the first day of the session, on the very first item on our legislative agenda, what do we get? A closed rule within a closed rule. I am very, very disappointed in the party who is crying for open rules and free debates, to come forward today with this rule.

I know some of my Republican colleagues will argue that we do not need an open rule on this particular measure because the House passed the same legislation in the last session, under Democratic leadership, let me add. Yet I cannot recall a single occasion on which my Republican colleagues supported a closed restricted rule on any previously-passed piece of legislation.

Let me add that when the Democratic leadership brought the Congressional Accountability Act to the floor last year, we made 14 amendments in order. The scream was "It is a gag rule, it is a closed rule." Here today we come and we cannot put one amendment in order; they come with seven amendments into the bill. Evidently there has been an awakening of the Committee on Rules, or there has been a change in the heart of my good friend, the gentleman from New York [Mr. SOLOMON].

However, I recall during debate last year my good friend and the new chairman, the gentleman from New York [Mr. SOLOMON] arguing for more open rules on a previously passed bill due to the fact that there were so many new freshmen that had not read the bill and it was not fair. Evidently he has had some second thoughts. He thought they should be able to have greater say in the process. I can point to some freshmen this year, Mr. Speaker, who should be given the courtesy that the gentleman from New York [Mr. SOLOMON] and his party thought we should have given them last year.

Mr. Speaker, it strikes me as a bit ironic that notwithstanding the rhetoric, we are here with what last year my Republican friends would have called the gag rule. We were accused of having gag rules if they were preprinted in the RECORD, or moving a comma.

This is a blatant closed rule, and as I say, they were talking about openness and allowing full debate. Maybe tomorrow or the next day may show something else, but today, Mr. Speaker, I do not see any openness coming from the other side.

Mr. GUTKNECHT. Mr. Speaker, I yield 1 minute to the gentleman from Munci, IN [Mr. MCINTOSH].

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

Mr. MCINTOSH. Mr. Speaker, on behalf of the voters of Muncie, Anderson, Richmond, and all of the Second District I rise in support of both the rule and the Congressional Accountability Act. Mr. Speaker, the time is now to make Congress accountable for the laws it imposes on the American people.

For too long, Congress has told the American People: "Do as I say, not as I do." Congress is currently exempt from laws such as the Civil Rights Act, the Fair Labor Standards Act and OSHA. For example: House Annex I—the O'Neill Building, could not legally be occupied by any private enterprise. It would be shut down. Only Congress, with its exemption from many workplace safety regulations, can reside there. Mr. Speaker, the time is now to end this double standard.

The Congressional Accountability Act will cause Congress to make better laws. Bad laws will surely be changed as Congress feels their weight. And good laws protecting safety and civil rights will benefit congressional employees.

James Madison wrote: "This Constitution places elected officials under the law, thereby avoiding tyranny." Mr. Speaker, the Congress has not lived under all of the laws of the land for too long.

The time is now to end the tyranny and make those laws apply to Congress.

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

I would like to close by saying I do not support this closed rule. It blocks any effort to have an honest, open debate about real reform.

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

Mr. GUTKNECHT. Mr. Speaker, we have 2½ minutes remaining, do we not?

The SPEAKER pro tempore. Prior to yielding further time, the gentleman does have 2½ minutes.

Mr. GUTKNECHT. Mr. Speaker, I yield 1 minute of our time to the gentleman from Westbury, NY [Mr. FRISA].

Mr. FRISA. Mr. Speaker, for 40 years this Congress has been in an ivory tower, out of touch with reality, and out of touch with the American people. That is why the Congress thought it knew better, could pass its burdensome laws, rules and regulations for everyone else but for itself. That is going to change, Mr. Speaker.

Mr. Speaker, in November the American people knocked an elitist Congress off its pedestal. Tonight the majority will plant its feet firmly on the ground, and we stand proudly accountable to the American people for the laws that we will pass, because they should apply to us as well.

I would urge support for this measure.

Mr. GUTKNECHT. Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, when Vaclav Havel came and spoke to the American people, he quoted Thomas Jefferson when he said that ''Words are plentiful, but deeds are precious.'' The American people want action, not protracted debate.

□ 2320

Mr. Speaker, we must seize this historic day. Let us not let the American people down. The U.S. Congress must comply with the laws of the land. I strongly encourage my fellow colleagues to vote ''yes'' on the rule and ''yes'' on H.R. 1.

Mr. CLAY. Mr. Speaker, I rise to express my disappointment that the Republican majority has not seen fit to allow amendments to the Congressional Accountability Act. Let me say at the outset that I support the intent of the Congressional Accountability Act. I have fought for the rights of American workers throughout my political career. I strongly believe that all employees, private and public, including Federal, State, and local and congressional employees, should be afforded the protection of our labor laws. I believe that the Congressional Accountability Act accomplishes that objective with regard to congressional employees in a manner that does not impinge upon the independence of the legislative branch nor the ability of Members to represent their constituents.

Nevertheless, I am amazed that the Republican leadership has seen fit to deny Members any opportunity to amend this bill. This legislation is substantially the same bill that overwhelmingly passed the House last Congress under Democratic leadership. At that time, at least some amendments were permitted. As a matter of principle, the contention that the Congress should be covered by the labor statutes is so widely held in this body as to be beyond issue. So why bring the bill up under a gag rule? Surely no one contends that the Congressional Accountability Act was written on Mount Sinai.

The stated purpose of the statute is to ensure that the Congress is subject to the same rules that we impose on private employers. Most private employers in this country are subject to the National Labor Relations Act. It is interesting to me that no effort has been made to at least apply that statute to those congressional employees who are not directly involved in the legislative process, such as janitorial and groundskeeping staff. Even if such an amendment were not adopted, I believe the debate would have been beneficial to both the Members and the public. I am disappointed that the Republican leadership has instead seen fit to gag the people's representatives. When the Republican leadership denies Members the right to fully participate in the legislative process on a noncontroversial issue like this, one cannot help but doubt their promises that future bills will be considered in an open and amendable manner.

Finally, I would like to point out to my colleagues the relationship between this act and the so-called unfunded mandates bill. Today, we are voting to apply our labor laws to the U.S. Congress. Shortly, we will vote on legislation modifying Congress' power to enact laws that affect State and local governments. That bill, at present, contains no exemption for the application of our labor laws to State and local governments. I hope that the principle that we are voting for today—that congressional employees should be protected by your labor laws—will apply equally next week when considering whether State and local government employees shall receive equal protection under our labor laws.

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

The SPEAKER pro tempore (Mr. TORKILDSEN). The question is on Section 108 of the resolution.

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

Mrs. KENNELLY. 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 249, nays 178, not voting 7, as follows:

[Roll No 13]

YEAS—249

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (LA)
Fields (TX)
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Lambert-Lincoln
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tanner
Tate
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Torricelli
Upton
Waldholtz
Walker
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—178

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer

Roybal-Allard	Stokes	Visclosky
Rush	Studds	Volkmer
Sabo	Stupak	Ward
Sanders	Tauzin	Waters
Sawyer	Tejeda	Watt (NC)
Schroeder	Thompson	Waxman
Schumer	Thornton	Williams
Scott	Thurman	Wilson
Serrano	Torres	Wise
Skaggs	Towns	Woolsey
Slaughter	Traficant	Wyden
Spratt	Tucker	Wynn
Stark	Velazquez	
Stenholm	Vento	

NOT VOTING—6

Brown (FL)	Dornan	Vucanovich
Cox	Markey	Yates

□ 2333

Ms. ESHOO, Mr. GORDON and Mrs. SCHROEDER changed their vote from ''yea'' to ''nay.''

Mr. MOORHEAD changed his vote from ''nay'' to ''yea.''

So section 108 of 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 (Mr. THOMAS). Title II of the resolution is now debatable for 20 minutes.

The gentleman from California [Mr. DREIER] will be recognized for 10 minutes, and the gentleman from Michigan [Mr. BONIOR] will be recognized for 10 minutes.

The Chair recognizes the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I yield myself such time as I might consume.

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

Mr. DREIER. Mr. Speaker, the eight reform items considered previously represent the most visible elements of the House Republican reform agenda. These reforms, combined with the 23 additional changes made to the House rules in title II of this resolution, send a clear message to the American people that Congress is serious about changing the way Washington does business.

Mr. Speaker, the need for the changes in title II is compelling. The rules governing committee jurisdictions and the general procedures governing the House are ineffective and out-of-date. They breed bureaucratic inertia and rigidity, and they are a hindrance to setting priorities and carrying out agendas.

The rules governing the administration of the House have bred a patronage system that has brought scandal and embarrassment to this institution and have weakened both the public's image and the effectiveness of Congress.

The reforms in title II are intended to make the House more accountable, professionalize the administrative management, and rebuild public confidence in representative government. Adoption of title II will bring about dramatic change to this institution while maintaining a structure of rules that achieve what Thomas Jefferson called ''a uniformity of proceeding in business'' and the ''order, decency, and regularity'' of a dignified public body.

These reforms are long overdue. They have the support of the American people, and they deserve our strong support.

Mr. Speaker, I would also like to clarify some of the committee jurisdiction changes contained in section 202 of House Resolution 5.

The jurisdiction of the Committee on Agriculture is amended to include inspection of livestock, and poultry, and meat products, and seafood and seafood products. As a result, the food inspection programs of the Department of Agriculture and the Food and Drug Administration are consolidated under the Committee on Agriculture. The current jurisdictional arrangement with respect to food safety activities will remain in the Committee on Energy and Commerce.

The committee's jurisdiction is also been amended to include water conservation related to activities of the Department of Agriculture. This grants the committee jurisdiction over any measure that changes section 6217 of the Omnibus Budget Reconciliation Act of 1990 with respect to agricultural activities in coastal zone areas.

The Committee on Banking and Financial Services retains all of the existing authority of the Committee on Banking, Finance and Urban Affairs from the 103d Congress over financial services providers generally, including the activities and supervision of depository institutions and any affiliates. The committee's jurisdiction has been expanded, as well as clarified by this resolution.

The committee is given jurisdiction over bank capital markets activities. In response to technological and market innovations, banks have sought to continue to service their traditional customer base by providing certain types of investment banking or functionally similar capital market services. The committee has jurisdiction over these capital markets activities engaged in by banks which include, but are not limited to, acting as a government securities broker or dealer under the Government Securities Act, acting as a municipal securities broker or dealer under section 15B of the Securities Exchange Act of 1934, acting as an investment advisor under the Investment Advisors Act of 1940, providing loan guarantees and other similar off-balance sheet support, privately placing securities, securitizing loan assets of any type, syndicating and selling bank loans, engaging in transactions involving exchange-traded and over-the-counter derivatives, and engaging in transactions involving other types of qualified financial contracts as that term is described in section 11(d) of the Federal Deposit Insurance Act. A comprehensive summary of bank capital markets activities as industry practices have defined this term are contained in A Guide to the Capital Markets Activities of Banks and Bank Holding Companies (1990).

In addition, the committee's jurisdiction is amended to expressly include depository institution securities activities generally, including the activities of any affiliate, except for the functional regulation under applicable securities laws not involving safety and soundness. This clarifies the committee's primary jurisdiction over the Glass-Steagall Act. It should be noted that the term ''depository institution'' specifically includes ''non-bank banks'' grandfathered under the Competitive Equality Banking Act of 1987 and the committee has jurisdiction over any affiliate of a non-bank bank, other than a registered broker-dealer.

Depository institution securities activities under the committee's jurisdiction would include any activity involving bank-eligible securities as described in section 5136 of the Revised Statutes (12 U.S.C. 24) and any securities activity incidental to carrying on the business of banking. It would also include any activities by depository institutions, their holding companies, and any affiliates to:

First, underwrite, deal in, broker, or distribute securities of any type, and engage in other securities activities as permitted by the appropriate federal banking agencies;

Second, sponsor, organize, control, manage, and act as investment adviser to an investment company;

Third, engage in, or acquire the shares of any company engaged in any securities activity so closely related to banking as to be a proper incident thereto.

A list of current securities-related activities under the committee's jurisdiction that have been determined to be so closely related to banking as to be a proper incident thereto is described in Federal Reserve Board Regulation Y (12 CFR 225.25).

Any securities activity conducted by a depository institution, its holding company, or any affiliate in a registered broker-dealer should be functionally regulated by the Securities and Exchange Commission under applicable securities laws and the appropriate Federal banking agency jointly. The SEC would functionally regulate a registered broker-dealer affiliated with a depository institution for purposes of compliance with the legal and regulatory framework generally established for registered broker-dealers under the securities laws. SEC functional regulation under applicable securities laws will not be included in the committee's jurisdiction. Registered broker-dealers affiliated with insured institutions will also be supervised by the appropriate Federal banking agency, most likely the Federal Reserve Board, for compliance with applicable Federal banking laws and for purposes of protecting the safety and soundness of affiliated insured institutions. Supervision for safety and soundness purposes

of a broker-dealer affiliated with a depository institution by the appropriate Federal banking agency is maintained within the committee's jurisdiction.

Several significant changes are made to the jurisdiction of the Committee on Commerce formerly the Committee on Energy and Commerce. Those changes include the transfer of jurisdiction over the inspection programs of the Food and Drug Administration to the Committee on Agriculture. The current jurisdictional arrangement with respect to food safety activities would remain in the Committee on Energy and Commerce.

The Committee on Economic and Educational Opportunities will retain the jurisdictional authority of the Committee on Education and Labor from the 103d Congress.

The Committee on Government Reform and Oversight combines the jurisdiction of the former 103d Congress committees on the District of Columbia, Government Operations, and Post Office and Civil Service. The resolution clarifies the committee's jurisdiction over the Federal Paperwork Reduction Act. It also clarifies the committee's jurisdiction over public information and records as they pertain to the Freedom of Information Act and the Privacy Act. This should not be construed to affect the jurisdiction of the Committee on House Oversight with respect to the Government Printing Office, or the Library of Congress, or House Information Systems, or the dissemination of such government information to the public.

The Committee on House Oversight retains the jurisdictional authority of the Committee on House Administration from the 103d Congress, with the addition of jurisdiction over the Franking Commission. Jurisdiction over measures relating to the erection of monuments to the memory of individuals is transferred to the Committee on Resources.

The Committee on International Relations retains the jurisdictional authority of the Committee on Foreign Affairs from the 103d Congress.

The jurisdiction of the Committee on the Judiciary is amended to include administrative practice and procedure. This is added to reinforce the fact that, since 1946, the committee has had jurisdiction over the Administrative Procedures Act and the rights and remedies under administrative law.

The Committee on National Security retains the jurisdictional authority of the Committee on Armed Services from the 103d Congress. Jurisdiction added to the committee includes tactical intelligence and intelligence-related activities of the Department of Defense. This clarifies the existing relationship between the committee and the Permanent Select Committee on Intelligence.

The Committee on Resources retains the authority of the Committee on Natural Resources from the 103d Congress, with the addition of some jurisdictions formerly vested in the Committee on Merchant Marine and Fisheries, the Committee on House Administration, and the Committee on Energy and Commerce from the 103d Congress.

The jurisdiction of the Committee on Small Business is amended to include measures relating to the Regulatory Flexibility Act and the Paperwork Reduction Act as they affect small business.

The Committee on Science retains the jurisdictional authority of the Committee on Science, Space and Technology from the 103d Congress. Jurisdiction added to the committee includes marine research, which was formerly vested in the Committee on Merchant Marine and Fisheries from the 103d Congress. This jurisdiction includes, but is not limited to, Coast and Geodetic Survey, Regional Marine Research Programs, Ocean Thermal Energy Conversion, Global Climate Change, Global Learning and Observation to Benefit the Environment, National Undersea Research Program, NOAA Corps, and NOAA fleet; and

The Committee on Transportation and Infrastructure retains the jurisdictional authority of the Committee on Public Works and Transportation from the 103d Congress. Jurisdiction added to the Committee includes Federal management of emergencies and natural disasters. This language is added to reflect an agreement reached in the 103d Congress between the Committee on Armed Services and the Committee on Public Works and Transportation. It transfers nearly all of the responsibility for the authorization and oversight of the Federal Emergency Management Agency to the Committee on Transportation and Infrastructure. Additionally, it is my understanding that, based on an agreement with the Office of Management and Budget, programs related to this jurisdictional transfer will be moved out of budget function 050 to the budget function dealing with public works. Jurisdiction over measures relating to merchant marine, except for national security aspects of merchant marine will be further clarified by a memorandum of understanding between the National Security Committee and the Transportation and Infrastructure Committee.

In addition, the committee is granted jurisdiction over marine affairs, including coastal zone management, as they related to oil and other pollution of navigable waters. This vests the committee with primary jurisdiction over all aspects of the Federal Water Pollution Control Act, and the coastal nonpoint pollution program established in section 6217 of the Omnibus Budget Reconciliation Act of 1990.

□ 2340

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

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

I take this minute of time to indicate to my colleagues that at the end of this 20-minute block of time there will be a motion to recommit, and I want to apprise my colleagues of what that will be. For the newer members of this institution, you will get yet a third chance tonight to vote on a ban on gifts from lobbyists, you will get a third chance tonight to vote on a limit on royalties for books to one-third of annual salary, you will get a chance again this evening to vote on an open rule for the Congressional Accountability Act, and in addition to that, you will get a chance to institute some of the reforms that your friends and your colleagues have championed on this floor over the years, guaranteeing, for instance, a third of committee staff for minority, limiting the terms of the Speaker to three terms instead of four terms, bipartisan House Administrator, something championed on this floor day in and day out over the last session which we have had and now we do not have anymore, and you can have a chance to vote on that. Committee ratios must match.

All of these reforms you will get a chance to vote on in the motion to recommit.

Mr. DREIER. Mr. Speaker, I yield 2½ minutes to our new colleague, the gentleman from Friendswood, TX [Mr. STOCKMAN].

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

Mr. STOCKMAN. Mr. Speaker, it is my distinct honor to speak in strong support of the reforms in title II. I was elected to Congress as a servant of the people; to limit the size and scope of the Federal Government and to clean up the mess here in Washington. This title has 23 provisions and I will focus on just a few.

In the Contract With America we committed to slash the number of committees and we have kept our word. This is revolutionary legislation. Today, we will eliminate three committees (Post Office, Merchant Marine, and District of Columbia). No full standing House committees has been eliminated since 1947. In addition, 25 subcommittees will also be eliminated. The savings will be approximately $35 million. House committees, like Federal programs, ought not live forever.

Our first order of business is to put the People's House in order. We signed a contract with the American people to look at every Federal action by the House will send a strong and clear message to the American people that we are serious about our purpose.

This bill will ensure that what is said on the floor and in committee will be recorded verbatim for the American people to read. Staff members will no longer work into the middle of the night to conceal what was actually said in the People's House.

This bill will end pork barrel projects on emergency spending bills. This change will make spending cuts easier.

This bill will ban commemorative legislation like National Asparagus Day. Banning this practice will save at least $300,000 according to the Congressional Research Service and improve the operation of Congress by eliminating the 25 percent of floor time consumed by commemoratives.

Last, and perhaps most importantly, this bill will require the Pledge of Allegiance as the third order of business each day. In 1988, the Democrats defeated an attempt to require the Pledge on the House floor. The Pledge ought not to be optional in the People's House and now it is not. I am proud of our great Nation and believe our best days are yet to come. We will set an example by beginning our day pledging allegiance to this country which has been so richly blessed.

Mr. Speaker, thank you again for this historic opportunity to lead the debate on this bill. It is a good first step and sets an example that we are able to get our affairs in order. Let us move boldly ahead to return Congress and this Nation to the people. I urge adoption.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, let me express my disappointment with section 201 of the bill that is before us, where a partisan Chief Administrative Officer will replace a nonpartisan Chief Administrative Officer will replace a nonpartisan Director of Financial and Non-Legislative Services.

Many of us on both sides of the aisle have been working for less partisanism, particularly in the administration of the House of Representatives.

It was the Republicans who worked with us to develop the Director of Financial and Non-Legislative Services, being approved by both the majority and minority, reporting to a committee composed of equal numbers of Democrats and Republicans.

What happens under this particular bill? That office is abolished and replaced with a partisan Chief Administrative Officer. A few months ago the Republicans favored bipartisanism in administration to avoid the abuse of power by any one party. Now, just a few months later, we see a complete reversal.

What a missed opportunity to advance bipartisanism.

Mr. DREIER. Mr. Speaker, I yield 1 minute to my friend, the gentleman from West Chester, OH [Mr. BOEHNER].

Mr. BOEHNER. Mr. Speaker, ladies and gentleman, there are a lot of important reforms in title II of this part of the rules package tonight. One of those sections in there eliminates legislative service organizations or, as some have come to be known, taxpayer funded caucuses.

The gentleman from Kansas [Mr. ROBERTS], sitting in the back of the Chamber, spent 14 years, and I have joined him the last 4 years, along with other Members, the gentleman from Wisconsin [Mr. KLECZKA], in trying to reform these LSO's, but, no, we could never get real reform of LSO's. We could never get a full accounting of the funds. We could never build a wall between these taxpayer-funded caucuses and outside 5013(c) organizations these foundations.

And so putting this in the rules package guarantees that no longer will the U.S. House of Representatives have to fund these organizations. That means less space, less overhead, less cost to America's taxpayers.

It is the right move, and the people who put this in here ought to be congratulated.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, included in the House rules package prepared by the Republican Conference being voted upon today are provisions to direct the House Oversight Committee to abolish all Legislative Service Organizations [LSO's], including the Democratic Study Group.

The Republican rules package is being brought to the floor under a procedure which bars amendments. So today there will be no opportunity for the House to effectively debate the merits of an organization such as the Democratic Study Group or to consider proposals to allow the Democratic Study Group to continue to provide top-quality research within the House of Representatives.

However, as the newly elected chairman of the Democratic Study Group for the 104th Congress, I cannot let this occasion pass without standing up to protest this misguided action on the part of the House Republican Conference.

Although under the new Republican rules the Democratic Study Group will be allowed to reconstitute itself as a ''Congressional Member Organization,'' DSG's ability to have an office and staff and thus to produce the legislative research materials Members have relied upon for so long is being terminated.

The Democratic Study Group has served the House of Representatives extremely well for over 30 years. Over this period of time, DSG has provided independent, indepth, and timely analyses of all legislation coming to the House floor.

Over this more-than-30-year period, DSG has developed a reputation for independence and credibility, by providing unbiased information that presents both sides of controversial issues fairly and objectively. Consequently, DSG research materials have come to be relied upon not only by House Democrats, but also by Republican subscribers, the press, lobbyists, and congressional scholars. Indeed, at times, DSG has had well over 50 Republican subscribers.

The quality of DSG research products has been noted by many independent observers. For example, scholar Norman Ornstein has written that DSG ''has evolved over the years into a group that provides solid, objective, and timely information'' on upcoming legislation.

House Republicans have attempted to characterize their abolition of the Democratic Study Group as part of their efforts to cut costs and increase efficiency in the House—and yet terminating DSG does neither.

The Democratic Study Group has been a cost-effective mechanism allowing rank-and-file Members of the House to pool their resources to have an independent staff that produced indepth legislative analyses that Members needed to carry out their legislative responsibilities.

Instead of having 435 congressional offices have individual staffers attempt to read every bill and accompanying committee report coming to the House floor for a vote, the premise of the DSG has been to have a small, independent staff analyze these bills and provide interested offices with the indepth analyses that they need.

As a result, the existence of DSG over the last three decades has actually increased the efficiency of the House of Representatives and reduced the cost to each Member of acquiring this indept information.

DSG has not only increased efficiency within the House, it has also done so in a very cost-effective manner. With a staff of only 18—including printers and support staff—the Democratic Study Group produces a prodigious amount of high-quality research materials for Members, the press, and other interested parties. For example, in the 103d Congress alone, DSG produced 517 reports on legislation and major issues, totaling 7,793 pages. Any Republican claims that DSG has not been cost-effective simply ignore these facts.

Furthermore, despite Republican claims to the contrary, the elimination of DSG does not save even $1 of taxpayer money and does not cut House staff by even one position. The new Republican rules don't cut office expense allowances or staff slots—they just restrict how Members are allowed to use their allowances and staff slots. Thus, under the new Republican rules, Members will simply now be free to use money currently used to pay DSG dues to meet other office expenses and be free to use staff slots currently used for a shared DSG employee to hire another personal staff member.

If abolishing DSG doesn't cut costs or increase efficiency, what is the true motivation behind the move to terminate this 35-year-old organization which has served the House so well?

The real motivation for House Republicans in terminating DSG is not hard to divine. In materials distributed in the Republican Conference on December 6, when the vote to eliminate DSG was taken, it is stated: ''The demise of the DSG severely damages the

power structure of the House Democrats.''

Closing down DSG seems to be part of an effort to centralize information and to stifle debate on legislation that the new Republican majority produces.

Indeed, House Republicans have moved to abolish DSG at the same time that they have promised to bring 10 complicated pieces of legislation to the House floor—the Republican ''Contract With America''—within the first 100 days of the 104th Congress. Thus, at the same time that the House is embarking on a furious legislative schedule, the staff most equipped to provide the minority party with legislative analyses has been abolished.

Although a nonprofit organization is being formed that will attempt to provide high-quality DSG-like research services to interested Members and to others, it is a disservice to the House of Representatives that such a step is now necessary.

Scholar Norman Ornstein has said that losing DSG as an integral part of the House of Representatives represents ''a real loss for Congress.'' More than that, it is a blow to free, open, and honest debate, and a rather blatant attempt to censor information and quash dissent in this body.

□ 2350

Mr. DREIER. Mr. Speaker, I yield 1 minute to my friend, the gentleman from Long Beach, CA [Mr. HORN].

Mr. HORN. Mr. Speaker, we heard a few hours ago the word hypocrisy used; we have heard about the gift ban that needs to come before us. The facts of life are that this is not the place to discuss the gift ban, but if we are going to discuss it let us also discuss political action committees. Five or ten dollar gifts such as the nasty lips ointment which arrived in our offices today from a Vermont firm, that is not the problem. The problem is there is too much money floating around in American politics at $10,000 an election cycle per political action committee, PAC's.

That is what we have to deal with. The fact that you can hold parties at the Republican Club and at the Democratic Club and get $500 at a clip every quarter from Washington lobbyists is the real lobbyist problem. It is not the $5 or $10 gift that pops up, the raisins from Fresno, or whatever.

I would suggest to my colleagues on the other side of the aisle that what the Republican party offered this Chamber last year and they voted down was a ban on PAC's and a ban on soft money. Next time we ought to pass that legislation if we are really serious about curbing lobbyist influence.

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

Mr. Speaker, I would say to my friend—and he is my friend—who just spoke that if he was serious and the party he represents was serious, they also would talk about the PAC issue and open up the books to GOPAC. You cannot have it both ways. You cannot have a PAC where people in this country give unlimited amounts of money where we do not know who gives it, what relationship they have to the legislation that is pending in this institution.

Let me speak to another issue, Mr. Speaker, that was raised here this evening, and that is the issue of closing down voices. We have had a disturbing trend occur in the last 2 months in this institution. LSO's, Women's Caucus, their voices closed down; African-American voices closed down; Hispanic voices closed down; Democratic Research, the voice of our party, closed down.

Then what do we have today? Three closed rules closing down our voice to offer amendments, and then the gentlemen from the other side of the aisle advocate closing down Public Broadcasting, the National Endowment for the Arts, and there is a narrow closing of voices in this country, and we will not be a part of it.

Mr. DREIER. Mr. Speaker, I yield 1 minute to my friend, the gentleman from Idaho Falls, ID [Mr. CRAPO].

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

Mr. Speaker, let us understand what this debate is about. We have before us title II of a proposal that has over 25 major and important reforms and a motion to commit that will be coming that will say, Let's not consider these reforms tonight, reforms that will eliminate committees, reforms that will eliminate rolling quorums, make accountable votes in committees, and require automatic rollcall votes for spending money and raising taxes, and one which is especially important to our class—the freshman class of last year—and that is the discharge petition.

What is the reason for saying, Let's not enact these reforms tonight? Because we have the gift ban proposal put forward that our Speaker today said we will address in this Congress. You cannot use the issue of saying we want to do it tonight, to dodge these important reforms. We will get to the gift ban, but tonight let us focus on the reforms that this House needs, that the people of this country want, and let us get on with the business of reforming this House.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana [Mr. FIELDS].

Mr. FIELDS of Louisiana. I thank the gentleman for yielding this time to me.

Mr. Speaker, since 1800, the residents of Washington, DC, have been the only tax paying U.S. citizens denied equal representation in Congress, denying the residents of the District of Columbia to send Representatives to Congress who can vote on taxes or decide questions of war and peace.

At the same time we expect them to shoulder the burdens of citizenship—including the obligation to pay taxes and to fight and die for their country in time of war, this is wrong.

The District of Columbia has more residents than three States, Alaska, Wyoming, and Vermont. Combined those three States have nine Representatives in Congress. The District of Columbia has only one nonvoting Member, that is unfair, unequal and not to mention unconscionable.

I urge Members to reconsider their stand on this issue. How can we deny persons the right to fair representation, how can we provide for taxation without representation in the United States—and at the same time, in good faith, fight for democracy abroad?

Mr. DREIER. Mr. Speaker, might I inquire how much time remains on both sides?

The SPEAKER pro tempore (Mr. THOMAS). The gentleman from California [Mr. DREIER] has 3 minutes remaining, and the gentleman from Michigan [Mr. BONIOR] has 5 minutes remaining.

Mr. BONIOR. Mr. Speaker, I yield 90 seconds to the distinguished gentleman from Guam [Mr. UNDERWOOD].

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

Mr. UNDERWOOD. Mr. Speaker, all day the new majority has proposed a package of rules meant to symbolize a return of Government to the people. But there is one element of the rules package which flies in the face of democracy, which strengthens Federal control over the lives of citizens, which disempowers local Government and which makes this House less accessible to U.S. citizens, and that is the denial of the delegates their opportunity to vote in the Committee of the Whole.

Those who argue that against the delegate vote forget the past struggles of breaking down barriers to participation on the basis of gender, race, poll taxes and land ownership.

Now, as we confront the issue of fellow citizens who die like you for that flag, who serve like you for that flag and who remain spectators in this country's affairs, our history is conveniently forgotten. Those who would deny the participation of people from Guam, a place symbolized in the national consciousness in World War II as the only inhabited U.S. territory invaded and occupied since the war of 1812, which was the land from which much of American power has been extended into Asia and the Pacific during the cold war.

Guam was one of the major bases used to fight the Vietnam war. But when the wars are over and we attempt to put into practice what we allegedly fought for, Guam and her people recede into the back reaches of our memory, only to be jarred when again we need their piece of property to fight another war, but never to share in the peace.

We may lose this time in the fight over this important symbol, but we will be here constantly, reminding you of who we are until we jar your consciousness and bring the principles of

this country into fruition wherever that flag flies.

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

Mr. BONIOR. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. PAYNE of New Jersey. I thank the gentleman for yielding this time to me.

Mr. Speaker, on behalf of my colleagues in the Congressional Black Caucus, I rise in strong opposition to the provision in the rules package which will eliminate all legislative service organizations.

Let's be honest—this attack on the caucuses and their right to exist is not motivated by any desire for reform. It will not save the public money.

This change has one purpose, and one purpose only—to silence the voices of those who dare to question the status quo in this supposedly new and ''open'' House of Representatives.

The elimination of the caucuses is an attempt to cut off the flow of information and ideas that the party now in power finds threatening.

Despite their public lip service to bipartisanship, the Republicans showed true colors behind closed doors. Let me quote from the document they distributed in the Republican conference. They said it was important to cut out the caucuses because, and I quote, ''Eliminating the Legislative Service Organizations severely damages the power structure of the House Democrats.'' Is this bipartisanship?

The Congressional Black Caucus and the other legislative service organizations have been run in an efficient, responsible manner. Members with similar concerns have been able to pool our resources to accomplish important goals in behalf of our constituencies. As all Members well know, the expenditures of legislative service organizations are carefully monitored by the House Finance Office.

To ensure strict accountability, the General Accounting Office conducts audits of the legislative service organizations.

So, again, this is not about reform. It is a blatant move to put a gag on minorities and others who may differ in opinion from the new majority party.

But let me say this—you will not succeed in silencing us. We have been through many struggles throughout the course of history, but we have never been silenced. Regardless of the outcome of this vote, the Congressional Black Caucus will continue to meet, to fight injustices, and to speak out passionately in behalf of those who have no power, who have no voice. We will continue to be the conscience of the Congress.

Again, Mr. Speaker, I regret this move by the new majority to obstruct the work of the Congressional Black Caucus and other organizations under the guise of ''reform.'' I hope that all fair-minded people will see through this sham.

The SPEAKER pro tempore. The gentleman from California has 3 minutes remaining and has indicated he has one speaker remaining. The gentleman is entitled to close.

□ 2400

Mr. BONIOR. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. FILNER].

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

Mr. FILNER. Mr. Speaker, I rise in opposition to many of the elements of this package.

While there are some admirable portions—for which I would vote if they stood alone—the package as a whole must be defeated!

When we carefully examine what these rules will do, we discover they are not reforms at all, as has been promised, but steps that actually reduce our ability to serve the public and increase opportunities for purely partisan activity.

Eliminating the Post Office and Civil Service Committee would be a disservice to the many retirees who have dedicated their lives in service to their country! I have received many letters and calls from seniors who are extremely concerned about this action.

Eliminating the legislative service organizations will make it more difficult to get a fair hearing for any program or analysis that goes in a different direction from that of the new majority.

In 1992, Congress went through a concerted effort in the aftermath of the House Post Office scandal to make the House administration a non-partisan activity, reporting in a bipartisan manner to Congress. This was true reform. But the proposed rule would eliminate the nonpartisan Doorkeeper's Office—and open a backdoor to partisan manipulation.

The new Speaker's Office is another attempt to consolidate power in a partisan manner—eliminating the progress that has been made in protecting the rights of both the minority and the majority and in fostering full debate of issues before this legislative body.

In addition, this rule prevents some of our duly-elected Representatives from voting in the Committee of the Whole House, including the representative from Washington, DC—leaving the Capital's citizens with taxation without representation. Talk about moving backwards!

We must preserve the rights of the majority and the minority. We must preserve the votes of all Representatives. We must be cautious about reform that ends up costing more money and decreasing our ability to truly debate ideas. I urge my colleagues to join me in opposing this package.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Atlanta, GA [Mr. LINDER], a new member of the Committee on Rules.

Mr. LINDER. Mr. Speaker, I thank the gentleman from California [Mr. DREIER] for yielding this time to me.

Mr. Speaker, I would like to address directly the question of stilling of voices, whether the Republican Party wants to still the voices, and the minority whip says we are stilling the black voices, the Hispanic voices, the women's voices and the Arts Caucus' voices, and I would like to suggest that it is precisely at the crux of a November 8 election. One tends to see America as groups of groups with groups' claims and society's assets, and we argue that America is 258 million individual Americans, each with their own voice, each being heard at every opportunity.

The last time we had a party in this country that saw America as a collection of groups with group claims and assets was in 1832, and 1856 and 1860. They were organized around opposition to another idea. They did not have a single organizing principle of their own. It was the Whig Party, and they died.

Mr. BONIOR. Mr. Speaker, I yield myself 1 minute to just respond briefly to that.

Mr. Speaker, we are 209 Members strong, representing every part of this great country and representing every constituency in this great country of ours in our Democratic Party. We have been silenced tonight, all of us and the people that we represent, from offering any amendment on the bills that are pending before us tonight.

We are not a narrow group of people. We do not represent a narrow interest of people. We represent a broad spectrum of the American public, and they have shut us out this evening.

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

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

Mr. SCHUMER. Mr. Speaker, I think, yes, in some ways today is historic. My colleagues, the most historic thing about today is the fact that on the very first day of the Republican majority eight significant changes were debated on the floor, and not a single amendment was allowed. We were totally shut out of the process, and it is not that these were the most earth shattering of debates of rules.

I have to say that when I go into O'Halleran's Pub and speak, to the fellows, Mr. Speaker, they do not say, ''Hey, Charlie, make sure you go to baseline budgeting,'' or, ''Get rid of proxy voting.'' These are internal issues that affect only ourselves, and they are not going to make the lives of our constituents better. They are a debate as to how to run the House.

Where could it be more appropriate than to allow that debate to be open and free and to allow alternative proposals as they so suggest that they want to do than on this kind of debate? The fact that we have not been allowed to debate these issues and amend these issues openly does not speak well for the future openness of how this House will be run.

The SPEAKER pro tempore (Mr. THOMAS). All time has expired on the minority side.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. Will the speaker tell me if it is his ruling that it is still Wednesday? I just want to know what day it is. I was told we have to this on the first day.

The SPEAKER pro tempore. The Chair advises the gentleman from Massachusetts that that is not a parliamentary inquiry. The Chair recognized him for a parliamentary inquiry.

The Chair recognizes the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I yield myself the balance of the time.

The SPEAKER pro tempore. The gentleman from California [Mr. DREIER] has 2 minutes remaining.

Mr. DREIER. Mr. Speaker, when we began this day debating the rule I said, as I yielded time to my colleagues, that we were considering these measures under the most open procedure that has ever been used for a first day of any session of Congress in our Nation's history.

Now I have been listening to my colleagues on the other side of the aisle talk over the last several hours about this process being closed, preventing them from the chance to offer amendments. I cannot help but think about the task that I was given in January 1993 along with the gentleman from New York [Mr. SOLOMON] and several others, the gentleman from Indiana [Mr. HAMILTON], former Senator David Boren, Senator PETE DOMENICI, to put together the first bipartisan bicameral effort in nearly half a century to reform this institution, and I was very optimistic 2 years ago today believing that the leadership in this House would in fact bring the measures that we have been passing by overwhelming margins with bipartisan support over the past several hours to the floor. Time and time again they made those commitments to me. They said we would do it, and what happened? Absolutely nothing.

I look at my good friend, the gentleman from Indian [Mr. HAMILTON], there with whom I served, and he knows very well that, as he went to members of his leadership, unfortunately his effort to bring about a bipartisan package of reform was denied by them, and I believe there are many other Democrat Members who wanted to have it done, but unfortunately the leadership did not allow it.

And what has happened here tonight? We have listened to people talk about how this process is closed, preventing Members from having the opportunity to amend it. Well, as the gentleman from New York [Mr. SOLOMON] just reminded me, throughout the hours and hours that we had and the efforts of the Joint Committee on the Organization of Congress, we took input from Democrat and Republican Members. We have got a chance to implement 23 of those, Mr. Speaker. We should do it right now.

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

The previous question was ordered.

The SPEAKER pro tempore. For what purpose does the gentleman from Michigan [Mr. BONIOR] rise?

MOTION TO COMMIT OFFERED BY MR. BONIOR

Mr. BONIOR. Mr. Speaker, I offer a motion to commit.

The SPEAKER pro tempore. Is the gentleman opposed to the resolution?

Mr. BONIOR. In its present form I am, Mr. Speaker.

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

The Clerk read as follows:

Mr. BONIOR moves to commit the resolution H. Res. 6 to a select committee composed of the Majority Leader and the Minority Leader with instructions to report back the same to the House forthwith with only the following amendment:

At the end of the resolution, add the following:

TERM LIMITS FOR SPEAKER

SEC. 224. Clause 7(b) of rule I of the Rules of the House of Representatives is amended by striking out ''four'' and inserting in lieu thereof ''three''.

EQUITABLE PARTY RATIOS ON COMMITTEES

SEC. 225. (a) In rule X of the Rules of the House of Representatives, clause 6(a) is amended by adding at the end thereof the following new subparagraph:

''(3) The membership of each committee (and each subcommittee, task force, or other subunit thereof) shall reflect the ratio of majority to minority party Members of the House at the beginning of the Congress (unless otherwise provided by House Rules). For the purposes of this clause, the Resident Commissioner from Puerto Rico and the Delegates to the House shall not be counted in determining the party ratio of the House.''.

(b) In rule X of the Rules of the House of Representatives, clause 6(f) is amended by inserting after the first sentence the following: ''The membership of each such select committee (and of any subcommittee, task force or subunit thereof), and of each such conference committee, shall reflect the ratio of the majority to minority party Members of the House at the time of its appointment.''.

MAJORITY-MINORITY COMMITTEE STAFF RATIOS

SEC. 226. (a) Notwithstanding any other provisions of law, not less than one-third of (the staff funding made available to each standing, select, special, ad hoc, or other committee of the House of Representatives shall be allocated to the minority party.

(b) Subsection (a) shall not apply to the Committee on Standards of Official Conduct.

BUDGET WAIVER LIMITATION

SEC. 227. Clause 4(e) of rule XI of the Rules of the House of Representatives is amended—

(1) by striking out ''(e)'' and inserting in lieu thereof ''(e)(1)'', and

(2) by adding at the end the following:

''(2) It shall be in order after the previous question has been ordered on any such resolution, to offer motions proposing to strike one or more such waivers from the resolution, and each such motion shall be decided without debate and shall require for adoption the requisite number of affirmative votes as required by the Budget Act or the rules of the House. After disposition of any and all such motions, the House shall proceed to an immediate vote on adoption of the resolution.''.

BAN ON GIFTS FROM LOBBYISTS

SEC. 228. Clause 4 of rule XLIII of the Rules of the House of Representatives is amended to read as follows:

''4. (a)(1) No Member, officer, or employee of the House of Representatives shall accept a gift, knowing that such gift is provided directly or indirectly by a paid lobbyist, a lobbying firm (a person or entity that has 1 or more employees who are lobbyists on behalf of a client other than that person or entity), or an agent of a foreign principal (as defined in the Foreign Agents Registration Act of 1938).

''(2) The prohibition in subparagraph (1) includes the following:

''(A) Anything provided by a lobbyist or a foreign agent which the Member, officer, or employee has reason to believe is paid for, charged to, or reimbursed by a client or firm of such lobbyist or foreign agent.

''(B) Anything provided by a lobbyist, a lobbying firm, or a foreign agent to an entity that is maintained or controlled by a Member, officer, or employee.

''(C) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist, a lobbying firm, or a foreign agent on the basis of a designation, recommendation, or other specification of a Member, officer, or employee (not including a mass mailing or other solicitation directed to a broad category of persons or entities).

''(D) A contribution or other payment by a lobbyist, a lobbying firm, or a foreign agent to a legal expense fund established for the benefit of a Member, officer, or employee.

''(E) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist, a lobbying firm, or a foreign agent in lieu of an honorarium to a Member, officer, or employee.

''(F) A financial contribution or expenditure made by a lobbyist, a lobbying firm, or a foreign agent relating to a conference, retreat, or similar event, sponsored by or affiliated with an official congressional organization, for or on behalf of Members, officers, or employees.

''(3) The following are not gifts subject to the prohibition in subparagraph (1):

''(A) Anything for which the recipient pays the market value, or does not use and promptly returns to the donor.

''(B) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

''(C) Food or refreshments of nominal value offered other than as part of a meal.

''(D) Benefits resulting from the business, employment, or other outside activities of the spouse of a Member, officer, or employee, if such benefits are customarily provided to others in similar circumstances.

''(E) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

''(F) Informational materials that are sent to the office of a Member, officer, or employee in the form of books, articles, periodicals, other written materials, audio tapes,

videotapes, or other forms of communication.

''(4)(A) A gift given by an individual under circumstances which make it clear the gift is given for a nonbusiness purpose and is motivated by a family relationship or close personal friendship and not the position of the Member, officer, or employee shall not be subject to the prohibition in subparagraph (1).

''(B) A gift shall not be considered to be given for a nonbusiness purpose if the Member, officer, or employee has reason to believe the individual giving the gift will seek—

''(i) to deduct the value of such gift as a business expense on the individual's Federal income tax return, or

''(ii) direct or indirect reimbursement or any other compensation for the value of the gift from a client or employer of such lobbyist or foreign agent.

''(C) In determining if the giving of a gift is motivated by a family relationship or close personal friendship, at least the following factors shall be considered:

''(i) The history of the relationship between the individual giving the gift and the recipient of the gift, including whether or not gifts have previously been exchanged by such individuals.

''(ii) Whether the Member, officer, or employee has reason to believe the gift was purchased by the individual who gave the item.

''(iii) Whether the Member, officer, or employee has reason to believe the individual who gave the gift also at the same time gave the same or similar gifts to other Members, officers, or employees.

''(b) In addition to the restriction on receiving gifts from paid lobbyists, lobbying firms, and agents of foreign principals provided by paragraph (a) and except as provided in this Rule, no Member, officer, or employee of the House of Representatives shall knowingly accept a gift from any other person.

''(c)(1) For the purpose of this clause, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

''(2) A gift to the spouse or dependent of a Member, officer, or employee (or a gift to any other individual based on that individual's relationship with the Member, officer, or employee) shall be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee and the Member, officer, or employee has reason to believe the gift was given because of the official position of the Member, officer, or employee.

''(d) The restrictions in paragraph (b) shall not apply to the following:

''(1) Anything for which the Member, officer, or employee pays the market value, or does not use and promptly returns to the donor.

''(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

''(3) Anything provided by an individual on the basis of a personal or family relationship unless the Member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the Member, officer, or employee and not because of the personal or family relationship. The Committee on Standards of Official Conduct shall provide guidance on the applicability of this clause and examples of circumstances under which a gift may be accepted under this exception.

''(4) A contribution or other payment to a legal expense fund established for the benefit of a Member, officer, or employee, that is otherwise lawfully made, if the person making the contribution or payment is identified for the Committee on Standards of Official Conduct.

''(5) Any food or refreshments which the recipient reasonably believes to have a value of less than $20.

''(6) Any gift from another Member, officer, or employee of the Senate or the House of Representatives.

''(7) Food, refreshments, lodging, and other benefits—

''(A) resulting from the outside business or employment activities (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder) of the Member, officer, or employee, or the spouse of the Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee and are customarily provided to others in similar circumstances;

''(B) customarily provided by a prospective employer in connection with bona fide employment discussions; or

''(C) provided by a political organization described in section 527(e) of the Internal Revenue Code of 1986 in connection with a fund-raising or campaign event sponsored by such an organization.

''(8) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

''(9) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audio tapes, videotapes, or other forms of communication.

''(10) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

''(11) Honorary degrees (and associated travel, food, refreshments, and entertainment) and other bona fide, nonmonetary awards presented in recognition of public service (and associated food, refreshments, and entertainment provided in the presentation of such degrees and awards).

''(12) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

''(13) Food, refreshments, and entertainment provided to a Member or an employee of a Member in the Member's home State, subject to reasonable limitations, to be established by the Committee on Standards of Official Conduct.

''(14) An item of little intrinsic value such as a greeting card, baseball cap, or a T shirt.

''(15) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a Member, officer, or employee, if such training is in the interest of the House of Representatives.

''(16) Bequests, inheritances, and other transfers at death.

''(17) Any item, the receipt of which is authorized by the Foreign Gifts and Decorations Act, the Mutual Educational and Cultural Exchange Act, or any other statute.

''(18) Anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract.

''(19) A gift of personal hospitality of an individual, as defined in section 109(14) of the Ethics in Government Act.

''(20) Free attendance at a widely attended event permitted pursuant to paragraph (e).

''(21) Opportunities and benefits which are—

''(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

''(B) offered to members of a group or class in which membership is unrelated to congressional employment;

''(C) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

''(D) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

''(E) in the form of loans from banks and other financial institutions on terms generally available to the public; or

''(F) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

''(22) A plaque, trophy, or other momento of modest value.

''(23) Anything for which, in exceptional circumstances, a waiver is granted by the Committee on Standards of Official Conduct.

''(e)(1) Except as prohibited by paragraph (a), a Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if—

''(A) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

''(B) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

''(2) A Member, officer, or employee who attends an event described in subparagraph (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the House of Representatives.

''(3) Except as prohibited by paragraph (a), a Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with the event.

''(4) For purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee, the provision of local transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, or food or refreshments taken other than in a group setting with all or substantially all other attendees.

''(f) No Member, officer, or employee may accept a gift the value of which exceeds $250

on the basis of the personal relationship exception in paragraph (d)(3) or the close personal friendship exception in section 106(d) of the Lobbying Disclosure Act of 1995 unless the Committee on Standards of Official Conduct issues a written determination that one of such exceptions applies.

''(g)(1) The Committee on Standards of Official Conduct is authorized to adjust the dollar amount referred to in paragraph (d)(5) on a periodic basis, to the extent necessary to adjust for inflation.

''(2) The Committee on Standards of Official Conduct shall provide guidance setting forth reasonable steps that may be taken by Members, officers, and employees, with a minimum of paperwork and time, to prevent the acceptance of prohibited gifts from lobbyists.

''(3) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

''(h)(1)(A) Except as prohibited by paragraph (a), a reimbursement (including payment in kind) to a Member, officer, or employee for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the House of Representatives and not a gift prohibited by this paragraph, if the Member, officer, or employee—

''(i) in the case of an employee, receives advance authorization, from the Member or officer under whose direct supervision the employee works, to accept reimbursement, and

''(ii) discloses the expenses reimbursed or to be reimbursed and the authorization to the Clerk of the House of Representatives within 30 days after the travel is completed.

''(B) For purposes of clause (A), events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

''(2) Each advance authorization to accept reimbursement shall be signed by the Member or officer under whose direct supervision the employee works and shall include—

''(A) the name of the employee;

''(B) the name of the person who will make the reimbursement;

''(C) the time, place, and purpose of the travel; and

''(D) a determination that the travel is in connection with the duties of the employee as an officeholder and would not create the appearance that the employee is using public office for private gain.

''(3) Each disclosure made under subparagraph (1)(A) of expenses reimbursed or to be reimbursed shall be signed by the Member or officer (in the case of travel by the Member or officer) or by the Member or officer under whose direct supervision the employee works (in the case of travel by an employee) and shall include—

''(A) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;

''(B) a good faith estimate of total lodging expenses reimbursed or to be reimbursed;

''(C) a good faith estimate of total meal expenses reimbursed or to be reimbursed;

''(D) a good faith estimate of the total of other expenses reimbursed or to be reimbursed;

''(E) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph; and

''(F) in the case of a reimbursement to a Member or officer, a determination that the travel was in connection with the duties of the Member or officer as an officeholder and would not create the appearance that the Member or officer is using public office for private gain.

''(4) For the purpose of this paragraph, the term 'necessary transportation, lodging, and related expenses'—

''(A) includes reasonable expenses that are necessary for travel—

''(i) for a period not exceeding 4 days including travel time within the United States or 7 days in addition to travel time outside the United States; and

''(ii) within 24 hours before or after participation in an event in the United States or within 48 hours before or after participation in an event outside the United States,

unless approved in advance by the Committee on Standards of Official Conduct;

''(B) is limited to reasonable expenditures for transportation, lodging, conference fees and materials, and food and refreshments, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (A);

''(C) does not include expenditures for recreational activities or entertainment other than that provided to all attendees as an integral part of the event; and

''(D) may include travel expenses incurred on behalf of either the spouse or a child of the Member, officer, or employee, subject to a determination signed by the Member or officer (or in the case of an employee, the Member or officer under whose direct supervision the officer or employee works) that the attendance of the spouse or child is appropriate to assist in the representation of the House of Representatives.

''(5) The Clerk of the House of Representatives shall make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (1) as soon as possible after they are received.''.

LIMITATION ON ROYALTY INCOME

SEC. 229. (a) Clause 3 of rule XLVII of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

''(g) In calendar year 1995 or thereafter, a Member, officer, or employee of the House may not—

''(1) receive any copyright royalties for any work—

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

''(B) unless the total amount of such royalties for that work does not exceed one-third of that individual's annual pay as a Member, officer, or employee for the year in which the contract is entered into; and

''(C) without the prior notification and approval of the contract for that work by the Committee on Standards of Official Conduct; or

''(2) receive any advance payment for any such work.''.

(b) Clause 3(e)(5) of rule XLVII of the Rules of the House of Representatives is amended to read as follows:

''(5) copyright royalties.''.

(c) The amendments made by this section shall apply only to copyright royalties received by any Member, officer, or employee of the House after the adoption of this resolution, pursuant to any contract entered into while that individual is such a Member, officer, or employee.

AMENDMENT TO THE RULES TO CREATE THE POSITION OF DIRECTOR OF NON-LEGISLATIVE AND FINANCIAL SERVICES

SEC. 230. The Rules of the House of Representatives are amended by adding at the end the following new rule:

''RULE LIII

''DIRECTOR OF NON-LEGISLATIVE AND FINANCIAL SERVICES

''1. The Director of Non-legislative and Financial Services shall be appointed for a Congress by the Speaker, the majority leader, and the minority leader, acting jointly. The Director may be removed by the House or by the Speaker. The Director shall be paid at the same rate of basic pay as the elected officers of the House.

''2. The Director of Non-legislative and Financial Services shall have extensive managerial and financial experience.

''3. Subject to the policy direction and oversight of the Committee on House Oversight, the Director shall have operational and financial responsibility for functions assigned by resolution of the House.

''4. Subject to the policy direction and oversight of the Committee on House Oversight, the Director shall develop employment standards that provide that all employment decisions for functions under the Director's supervision be made in accordance with the non-discrimination provisions of clause 9 of rule XLIII and of rule LI, without regard to political affiliation, and solely on the basis of fitness to perform the duties involved. No adverse personnel action may be taken by the Director without cause.''.

TRANSFER OF FUNCTIONS TO THE DIRECTOR OF NON-LEGISLATIVE AND FINANCIAL SERVICES.

SEC. 231. As soon as practicable, but not later than the ninetieth day beginning after the date of adoption of this resolution, the functions and entities specified in subsection (d) shall be transferred to the Director of Non-legislative and Financial Services.

(b) The Committee on House Oversight shall have authority to prescribe regulations providing for—

(1) the orderly transfer of the functions and entities specified in subsection (d); and

(2) such additional transfers of functions and entities specified in subsection (d) with respect to the Clerk, the Sergeant-at-Arms, and the Director as may be necessary for the improvement of non-legislative and financial services in the House.

(c) Except as provided in subsection (d), functions and entities within the jurisdiction of the Committee on House Oversight under rule X may not be transferred to the Director.

(d) The functions and entities referred to in subsection (a) are: Office of Employee Assistance, Finance Office, pay and mileage of Members, House Information Systems, Office Furnishings, Office Supply Service, Office Systems Management, Placement Office, Special Services Office, Telecommunications, Telephone Exchange, Typewriter Repair, Barber Shop, Beauty Shop, House Restaurant System, Office of Photography, Inside Mail and Internal Mail Operations (including coordination with postal substations to be operated by the United States Postal Service), Guide Service, and Child Care Center, and the non-legislative functions of the Printing Services, Recording Studio, and Records and Registration.

OPEN RULE FOR CONSIDERATION OF CONGRESSIONAL ACCOUNTABILITY ACT

SEC. 232. (a) Section 108 of this resolution shall have no force or effect.

(b) At any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of Rule XXIII declare the House resolved into the Committee of the Whole

House on the State of the Union for consideration of the bill (H.R. 1) to apply certain laws to the Congress. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the Majority and Minority Leaders. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to commit with or without instructions.

Mr. DREIER (during the reading). Mr. Speaker, I ask unanimous consent that the motion to commit be considered as read and printed in the RECORD.

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

Mr. ACKERMAN. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk continued the reading of the motion to commit.

Mr. BONIOR (during the reading). Mr. Speaker, I ask unanimous consent that my motion to commit be considered as read and printed in the RECORD.

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

There was no objection.

Mr. MINETA. Mr. Speaker, the new majority in the House of Representatives have put forward a number of suggestions for reform here in the Congress.

Some of these proposals have merit, some do not.

But I believe that one of the most damaging, and fiscally questionable, is the proposal to eliminate Legislative Service Organizations here in the House.

Some Members on the other side of the aisle have suggested that elimination of LSO's will save money. Nothing could be further from the truth.

LSO's have given Members of this body, both Republicans and Democrats, the ability to combine their resources to more efficiently pursue policies they would have pursued anyway.

Eliminating LSO's will not mean that Members of these caucuses will stop working on these issues. Far from it.

As an associate member of both the Congressional Black and Hispanic Caucuses, I can assure my colleagues that the work of these caucuses will not stop.

As chairman of the Congressional Asian Pacific American Caucus, which had hoped to organize as an LSO and will now be prevented from doing so, I can assure my colleagues that our work will continue as well.

If that work requires that each caucus member duplicate within his or her individual office the work that could be done more efficiently and at a lower cost by one person working for an LSO, then so be it.

The moral imperative that each of us feels to ensure that all Americans are represented in this House will not be changed. The iron-clad commitment we have made to effectively providing that representation will not waiver.

And despite this effort to diminish the voices of African American, Hispanic American, Asian Pacific American and women Representatives in the Congress, our work will continue.

The SPEAKER pro tempore. Pursuant to House Resolution 5, the previous question is ordered on the motion to commit.

There was no objection.

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

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

RECORDED VOTE

Mr. FRANK of Massachusetts. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 201, noes 227, not voting 5, as follows:

[Roll No. 14]

AYES—201

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lambert-Lincoln
Lantos
Laughlin
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn

NOES—227

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—5

Brown (FL)
Cunningham
Rangel
Stark
Yates

□ 0023

Mr. FAWELL changed his vote from ''yea'' to ''nay.''

Messrs. BROWN of California, SAWYER, and TOWNS changed their vote from ''nay'' to ''yea.''

So the motion to commit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. THOMAS). The question is on Title II of the resolution.

Title II of the resolution was agreed to.

A motion to reconsider was laid on the table.

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 to include extraneous material, on the resolution just adopted.

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

There was no objection.

CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

Mr. SHAYS. Mr. Speaker, as the designee of the majority leader and pursuant to section 108 of House Resolution 6, I call up the bill (H.R. 1) to make certain laws applicable to the legislative branch of the Federal Government, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 1 is as follows:

H.R. 1

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Congressional Accountability Act of 1995''.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) CONGRESSIONAL EMPLOYEE.—The term ''congressional employee'' means—

(A) an individual on the payroll of an employing office of the House of Representatives;

(B) an individual on the payroll of an employing office of the Senate;

(C) an individual on the payroll of an employing office of the Architect of the Capitol; and

(D) an individual on the payroll of an employing office of an instrumentality.

(2) EMPLOYEE IN THE HOUSE OF REPRESENTATIVES.—The term ''individual on the payroll of an employing office in the House of Representatives'' means—

(A) an individual who is covered under rule LI of the House of Representatives, as in effect on the day before the date of enactment of this Act;

(B) any applicant for a position that is to be occupied by an individual described in subparagraph (A); or

(C) any individual who was formerly an employee described in subparagraph (A) and whose claim of a violation arises out of the individual's employment.

(3) EMPLOYEE IN THE SENATE.—The term ''individual on the payroll of an employing office in the Senate'' means—

(A) any employee whose pay is disbursed by the Secretary of the Senate;

(B) any applicant for a position that is to be occupied by an individual described in subparagraph (A)); or

(C) any individual who was formerly an employee described in subparagraph (A) and whose claim of a violation arises out of the individual's employment.

(4) EMPLOYEE OF THE ARCHITECT OF THE CAPITOL.—The term ''individual on the payroll of an employing office of the Architect of the Capitol'' means—

(A) an employee of the Architect of the Capitol or an individual within the administrative jurisdiction of the Architect of the Capitol if such employee or individual is paid from funds under a law providing appropriations for the legislative branch;

(B) any applicant for a position that is to be occupied by an employee or individual described in subparagraph (A); or

(C) any individual who was formerly an employee or individual described in subparagraph (A) and whose claim of a violation arises out of the individual's employment.

(5) EMPLOYEE OF AN INSTRUMENTALITY.—The term ''individual on the payroll of an employing office of an instrumentality'' means—

(A) any individual on the payroll of an instrumentality of the legislative branch of the Federal Government;

(B) any applicant for a position that is to be occupied by an individual described in subparagraph (A); or

(C) any individual who was formerly an employee described in subparagraph (A) and whose claim of a violation arises out of the individual's instrumentality employment.

(6) HEAD OF AN EMPLOYING OFFICE.—The term ''head of an employing office'' means the individual who has final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the Congressional employment of an employee.

SEC. 3. APPLICATION OF LAWS.

(a) LAWS WHICH WILL APPLY.—The following laws shall apply, as prescribed by this subsection, to the legislative branch of the Federal Government:

(1) The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 1 year after the date of the enactment of this Act.

(2) Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 1 year after the date of the enactment of this Act.

(3) The Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 1 year after the date of the enactment of this Act.

(4) The Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.) (including remedies available to private employees), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 1 year after the date of the enactment of this Act.

(5) Titles I and V of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 1 year after the date of the enactment of this Act.

(6) The Occupational Safety and Health Act of 1970 (other than section 19) (29 U.S.C. 651 et seq.) (subject to subsection (c)), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 2 years after the date of the enactment of this Act.

(7) Chapter 71 (relating to Federal labor management relations) of title 5, United States Code, effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 2 years after the date of the enactment of this Act.

(8) The Employee Polygraph Protection Act of 1988 (29 U.S.C. 2001 et seq.), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 1 year after the date of the enactment of this Act, except that this Act shall not apply to the United States Capitol Police.

(9) The Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 1 year after the date of the enactment of this Act.

(10) The Rehabilitation Act of 1973 (29 U.S.C. 791), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 1 year after the date of the enactment of this Act.

The laws referred to in this subsection which apply now to congressional employees shall continue to apply to such employees until the effective date such laws are made applicable in accordance with this subsection.

(b) LAWS WHICH MAY BE MADE APPLICABLE.—Any provision of Federal law shall, to the extent that it relates to the terms and conditions of employment (including hiring, promotion or demotion, salary and wages, overtime compensation, benefits, work assignments or reassignments, termination, protection from discrimination in personnel actions, health and safety of employees, and family and medical leave) of employees apply to the legislative branch of the Federal Government in accordance with this Act.

(c) COMPLIANCE WITH OSHA.—The legislative branch of the Federal Government shall comply with the Occupational Safety and Health Act of 1970 as follows: If a citation of a violation of such Act is received, action to abate the violation shall take place as soon as possible, but no later than the fiscal year following the fiscal year in which the citation is issued.

SEC. 4. OFFICE OF COMPLIANCE.

(a) ESTABLISHMENT.—There is established in the legislative branch an Office of Compliance (hereinafter in this Act referred to as the ''Office'').

(b) COMPOSITION.—

(1) BOARD OF DIRECTORS.—The Office shall have a Board of Directors. The Board of Directors shall consist of 8 individuals appointed jointly by the Speaker of the House of Representatives, the Majority Leader of the Senate, and the Minority Leaders of the House of Representatives and the Senate. Appointments of the first 8 members of the Board of Directors shall be completed not later than 120 days after the date of the enactment of this Act.

(2) EXECUTIVE DIRECTOR.—

(A) IN GENERAL.—The Chairperson of the Board of Directors shall appoint, may establish the compensation of, and may terminate, subject to the approval of the Board of Directors, an Executive Director (referred to in this Act as the ''executive director''). The compensation of the executive director may not exceed the compensation for level V of the Executive Schedule under section 5316 of title 5, United States Code. The executive director shall be an individual with training or