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Vol. 141 WASHINGTON, FRIDAY, DECEMBER 22, 1995 No. 207

House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore [Mr. EWING].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 22, 1995.

I hereby designate the Honorable THOMAS W. EWING to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

With all the tasks that need to be done and with the noise and clamor of the world about us, we bow our heads in this, our prayer, giving thanks for all the blessings we have received. O gracious God, from whom comes every good gift, we lift our voices in gratitude for those whose lives have made clearer to us the meaning of faith and hope and love. The gift of faith has empowered us to hear Your good word and to trust in Your grace; the gift of hope allows us to see beyond any present trouble and catch the vision of lives made whole and a world at peace; Your gift of love brings us to a fuller understanding of our humanity and makes each day come alive. For all these gifts, O God, we offer this prayer of thanksgiving and praise. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. GUTKNECHT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

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

Mr. GUTKNECHT. 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.

Pursuant to clause 5 of rule I, further proceedings on this question are postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The gentleman from Florida [Mr. DEUTSCH] will lead the membership in the Pledge of Allegiance.

Mr. DEUTSCH led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Chair will entertain 10 1-minutes on each side.

TAKE A STAND FOR SMALL BUSINESS

(Mrs. MEYERS of Kansas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEYERS of Kansas. Mr. Speaker, in 1992 we heard time and again that candidate Clinton was committed to supporting small businessmen and women in this country. Now, he has the chance to make good on his campaign promise. And his response? He vetoed the small-business tax incentives in the Balanced Budget Act.

President Clinton says he supports jobs creation and economic expansion. But he continues to oppose small-business incentives in the current budget negotiations and continues to call them tax breaks for millionaires.

The goal behind these small-business tax incentives is twofold: enable small business men and women to keep more of their income and give them an incentive to reinvest the extra funds in small business. In turn, small firms will create new jobs, contribute to the economy, and provide additional tax revenues. And the cycle continues.

If the President wants to take a stand for the country, take a stand for small business.

NOTICE

LOBBYING DISCLOSURE ACT OF 1995

A special joint notice from the Secretary of the Senate and the Clerk of the House concerning implementation of the Lobbying Disclosure Act of 1995 (P.L. 104–65) appears in this issue of the Record following both the proceedings of the Senate and the House. See pages S19290–91 and H15634–35.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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LET US ACT LIKE ADULTS

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

Mr. DEUTSCH. Mr. Speaker, when the Republican freshmen came to Congress, they promised us that they would run Congress like a business.

Well, let us talk about what is going on right now. We have a disagreement, let us say, between the CEO and the board of directors of a publicly traded corporation, and then, as that disagreement is going on, the board of directors says, ''Let us fire all of the employees and pay them, yes, fire all the employees and pay them.'' Think what would happen to the value of that company the next day.

You know something, that is exactly what my Republican colleagues are doing. They have decided to furlough the employees and pay them.

I hope in the next nine 1-minutes someone tries to explain that inexplicable thing. It does not make sense to anyone out there in America. It just absolutely does not. That is what you are doing.

What is going on reminds me of when my 5-year-old acts like my 2-year-old. I mean, adults really can have disagreements, but they really should act like adults, and what I would recommend to everyone out there, the children of America, is to call their parents in Congress and tell them to act like adults over the next couple of days.

BALANCED BUDGET

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

Mr. BALLENGER. Mr. Speaker, this is an e-mail I received: I am a Federal Government worker who will probably be furloughed Monday. I think this is a small price to pay if your really do balance the budget. As far as I am concerned the budget should be balanced this year rather than in 7 years. Do not cave in to Clinton and the Democrats. Just remember, the last time we were furloughed in November nobody noticed except Federal employees, the press and Democratic politicians. Most Federal workers are Democrats. The longer the Government is closed, the more pressure will be brought by furloughed workers and their unions on the Democrats in Congress, their representatives, to end the stalemate and override Clinton's veto. If you show backbone and refuse to cave, Clinton and the Democrats will give you everything you want. If you show fear—of polls and otherwise—and cave in to their demands, you will lose the respect of the people who elected you. Hold firm for the good of the country.

NO TAX BREAKS UNTIL BUDGET IS BALANCED

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

Mr. STUPAK. Mr. Speaker, to my last friend who just spoke, e-mail reply, e-mail reply: Here is what the balanced budget does, here is what the majority party is not telling you as they try to balance the budget in 7 years. They do not tell you that for the first 3 years the deficit actually goes up by $53 billion; it goes up by $53 billion for the first 3 years because they are giving a $253 billion tax break to the wealthiest 1 percent of this country, and corporations would no longer have to pay tax with the repeal of the alternative minimum corporate tax.

Tax breaks up front, higher deficits for the first 3 years; that should be the e-mail reply to that Government worker who is facing a shutdown because there is no balanced budget. There is not even a budget for 1996.

So, to achieve their balanced budget, what do the Republican Party propose besides higher deficits and tax breaks? $270 billion in cuts in Medicare, $182 billion cuts in Medicaid, huge cuts in student loans, and that is what they call a balanced budget.

Democrats say no tax breaks until the budget is balanced.

MERRY CHRISTMAS TO ALL AND TO ALL A BALANCED BUDGET

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

Mr. CHABOT. Mr. Speaker, I can not think of a better Christmas gift that we could give our country this year than a balanced budget. You see, a balanced budget means that our children and grandchildren will have a future filled with the American dream instead of the American debt. What better present could we give to the American people than a stronger economy, more jobs, lower interest rates on home mortgages, car loans, and student loans.

Mr. Speaker, all this could happen if the President will cut out the gimmicks and excuses and get serious about signing a balanced budget. It is time for the administration to stop the politics as usual.

Our country depends on it. The people deserve it. Merry Christmas to all and to all a balanced budget.

THERE IS A DOUBLE STANDARD IN AMERICA

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

Mr. TRAFICANT. Mr. Speaker, to smooth over the Randy Weaver case, the FBI will now take courses on behavioral sciences.

The record now is clear, the FBI shot and killed Randy Weaver's son; the FBI then shot and killed Randy Weaver's pregnant wife. And after all that, they have now been cited for illegal acts, but they will not be prosecuted.

Unbelievable, Mr. Speaker, illegal acts. On the streets of America those kinds of illegal acts are known as murder.

Mr. Speaker, the FBI does not need teachers and the FBI does not need to go to school. The FBI should be hauling and trucking their assets to a grand jury, and they should be meeting some prosecutors. There is a double standard here in America, and I think the Randy Weaver case is one that Congress should not let slip by.

PUT GOD AND COUNTRY FIRST

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

Mr. KINGSTON. Mr. Speaker, in the face of this impasse and in the spirit of the season, I believe we should forget this Democrat versus Republican stuff, legislators versus Executive Branch, liberals versus conservatives, and unite under the common bond of being Americans.

We are reminded of a similar impasse in our history at the constitutional convention when the sage elder statesman, Ben Franklin, stood with these words: ''In the beginning of our war with Britain, we prayed daily for guidance. Our prayers were heard and answered. Have we now forgotten this powerful ally? The longer I live, this I know to be true, God governs the affairs of men, for if a sparrow cannot fall without His notice, is it probable that a nation can rise without His aid?

The psalmist tells us in chapter 118, verse 8, ''Put your trust in God, not confidence in men.'' We have these same words above the Speaker's chair and right over the American flag. I believe that we, as a Congress, should come together as Democrats and Republicans and leaders to do what is best for the American country, put God and country first, not partisan politics.

THE REPUBLICAN BUDGET SHUTDOWN

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

Mr. VENTO. Mr. Speaker, there are 10 reasons why the Republican shutdown is a bad tactic.

First, a bad Republican reconciliation bill does not get better with the shutdown of government and intimidation.

Second, Republicans cannot say budget numbers count but people numbers do not count.

Third, 250,000 Federal workers that are not working and 500,000 that are working want to be paid, and they want to work and they are going to tell the world about it.

Fourth, a bad Republican reconciliation bill which fails on its merits does not benefit from yet more attention.

Fifth, the Congress speaks with 535 mixed voices, hardly a Christmas hymn, the administration but one.

Sixth, repeating the balanced budget mantra does not cause the public to go into a trance. They are awake and aware—

Seventh, Republicans trying to undo the shutdown they caused on a piecemeal basis to get out the checks on a reasonable basis is seen as and is political posturing.

Eighth, paying government workers for not working when they want to work is a syllogism that has a faulty premise. You fail the logic test.

Ninth, when the Republicans are 3 months late doing their job, it is best not to call attention to it.

Finally, with a Speaker with a name like GINGRICH, it sounds too much like ''Grinch,'' not a warm, fuzzy image of Boys' Town but rather the Medicare withering on the vine image persists.

I think we have to understand the congressional responsibility and realize we ought to get on with our work and pass a CR and a reasonable budget on their merits—not on shutting down the Federal Government.

LET US GET PAST THE BLAME GAME

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

Mr. SCHIFF. Mr. Speaker, in response to the last speaker, I would like to say two things: First, the government is in a partial shutdown as much because the President of the United States vetoed three appropriations bills as because Congress has not passed three other legislative appropriations bills. If the President had signed the three appropriation bills he was given by the Congress the national monuments that I see on the news every night would, in fact, be open today.

I think it is time to get past the blame game. That brings me to my other point. The last speaker criticized the Republican Budget Reconciliation Act, the Republican 7-year balanced budget plan.

I do not agree with all provisions of that act. But where is the alternative? The President of the United States could make a good-faith effort by putting forth his proposed 7-year balanced budget, evaluated by the Congressional Budget Office, as we agreed in the past 1 month, to show where his priorities are. This way, we have two budgets to compare with each other.

In conclusion, I want to say if the President puts forth such a budget, I will support a continuing resolution for negotiating time.

□ 0915

SHUTTING GOVERNMENT DOWN IRRESPONSIBLE

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

Mr. DOGGETT. Mr. Speaker, if this afternoon our Republican colleagues were to pile up next to the Capitol dome 1 billion $1 bills and set them afire, they would have accomplished the same thing they have with two stunts closing down the Government: The ''cry baby'' stunt that closed it down in November and now another one that costs us $40 million of taxpayer money a day for absolutely nothing, nothing more than burning those 1 billion $1 bills.

But if you came to Washington hoping to see our national cemetery, hoping as a group from the Lockerbie victims yesterday to lay some flowers in Arlington Cemetery next to the victims, you would find it slammed shut, exactly like our veterans are going to find their checks slammed shut and not present when January comes around, like millions of children across this country will not find the money there to buy the food they need, because of the irresponsible act of shutting this Government down and making the taxpayers pay for this foolishness.

Mr. Speaker, it is outrageous for these people to sneak away this afternoon instead of standing here and doing their job for the American people.

SMALL BUSINESS NOT A SPECIAL INTEREST

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

Mr. BARTLETT of Maryland. Mr. Speaker, how many times have we heard President Clinton claim that he is for small business? Yet he vetoed the Balanced Budget Act.

The fact is our balanced budget contained real incentives to help small businesses and to promote economic growth. It increased the health insurance deduction for the self-employed to promote private health-care coverage. It provided estate tax relief to ensure that family-owned businesses will not be forced out of business simply because they cannot pay their estate taxes. It allowed small businesses to expense a greater amount of equipment purchases, thus making additional capital available for business expansion. It cut the capital gains tax rate to allow small businesses to keep more of what they earn to expand and create new jobs.

Mr. Speaker, small businesses employ over half of the entire work force and create the vast majority of new jobs. Relieving the tax burden on America's small businesses and encouraging economic growth is not a giveaway for the wealthy and the special interests. If President Clinton truly supports small business, he would have signed our balanced budget. Small business is not a special interest in America. Small business is America.

MEDIGAP PREMIUMS TO RISE

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

Mr. KLINK. Mr. Speaker, as one of my colleagues on the Democratic side mentioned a few moments ago, it is odd that all this discussion about a balanced budget is occurring when in fact the deficit will begin to go up for the first time in 3 years.

With no Republican votes, we voted back in 1993 to lower the deficit 3 consecutive years. Democrats have taken proactive action, but the Republicans want to play the game. Those of you who ever watched the Popeye cartoons, there was a character called Wimpy who said, ''I will gladly pay you Tuesday for a hamburger today.'' The Republicans say we will gladly balance the budget in 2002 if you give us credit in 1995. They say they are not cutting Medicare. We say they are.

Who is right? the marketplace says we are right, because the insurance companies have set big increases on Medigap premiums, 30 percent, because they will not be covering it. More elderly people will be going into the program, less money will be there, and Medigap insurance rates across this Nation for senior citizens are going up 30 percent. The marketplace knows who is right, and it is not the Republican majority.

OPERATION EAGLE

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

Mr. SANFORD. Mr. Speaker, this holiday season, I want to pay special tribute to those in the military who will be far from their family and friends. I also want to pass on a way that we can all thank them.

For the last 12 years, Bill Herrmann of Ladson, SC, has directed Operation: Eagle, which encourages people to send cards and letters to overseas service men and women. Through his efforts, thousands of cards and letters have been delivered to those who might otherwise feel alone and far from home this holiday season. This season, Operation: Eagle is concentrating on serving military personnel in and around Bosnia.

I encourage everyone to send cards and letters to this address: ATTN: Any Soldier, Task Force Eagle, APO AE 09135.

This is the least that we can do to thank service men and women for their sacrifices.

NEVER BEFORE SUCH A CRISIS IN THE NATION'S CAPITAL

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, I come before the House this morning with a special plea. In 200 years of the Nation's Capital, there has never been a crisis like this. There has never been a crisis where this capital city has been left without a budget and forced to contemplate closing down.

We have seen countless violations of home rule, all on the basis that it was your constitutional responsibility. Where is your constitutional responsibility to keep the city alive now? We have seen the abandonment of that responsibility for 3 months with no budget.

It is pointless to continue to fight this fight on a voucher principle. You have the votes for vouchers. Bring it to the floor on your own motion. A standoff with the Senate, a body you do not control, on the backs of the District is wrong.

At the very least, Congress must not leave town without granting a CR for the District of Columbia to spend its own money. It has a responsibility to treat the 500,000 human beings I represent as a city, and not as if they were a Federal agency. It is your constitutional responsibility.

DEDICATED TO BALANCING THE FEDERAL BUDGET

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

Mr. GUTKNECHT. Mr. Speaker, the American people have probably heard a lot about how awful things are in Washington. They probably hear about the Government being shutdown, and about extremist freshmen holding President Clinton hostage, and on and on.

Mr. Speaker, what we have here is, in fact, a celebration of freedom, of democracy, and of the constitutional framework our Founding Fathers crafted.

Yes, there is a conflict over the budget. Yes, parts of the Government are closed. Yes, there are strong feelings.

All of us here in Congress were freely elected. Some of us feel that the direction Government has taken over the last generation needs to be changed. And we are absolutely dedicated to balancing the Federal budget, not just for accounting purposes, but for moral purposes. Our children should not bear the consequences for our irresponsibility. And that is why I believe that, in the end, Congress and the President will do the right thing and balance the budget.

Merry Christmas America.

SCROOGE STALKS THE HALLS OF CONGRESS

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

Mr. SCHUMER. Mr. Speaker, in this holiday season, Scrooge stalks the Halls of this Congress. Yesterday we saw images on television of 80 tough freshmen Republicans saying we are going to do everything we can to balance the budget, even if it means shutting the Government down.

Here is what they do not tell you. They are going away. They will be home with their families while the families of the victims of flight 103 were shut out of Arlington Cemetery, while veterans will not get their checks—it was reported in the L.A. Times that one veteran was told he would be kicked out of his house if he did not have his check January 1—and while the poorest children in America do not get their checks at all.

Courage? Courage to tell the poorest children they do not get their checks, while these Members of Congress go off on their vacations, their warm fireplaces with their families?

Bah, humbug.

STRENGTH TO DO WHAT IS RIGHT

(Mrs. SMITH of Washington asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SMITH of Washington. Mr. Speaker, we know today that it is morally wrong to spend more than we have available, and we know it is wrong to tax small business out of their small business; and what they have left, if they survive, is taken away at retirement. It used to be called losing the farm for the taxes.

We know that we have been doing this for many years, and policy makers in both parties have been indulging and shifting the cost to steal the future of America's children, and we know that that is wrong.

Negotiating the final budget is not going to be easy. The priorities are difficult. But the one thing America can do, one citizen at a time, is that they can pray that Congress and the negotiators will have God's wisdom to know what is right, and then have the strength that has not been in other Congresses to do that right.

EXPRESSION OF OUTRAGE

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

Mr. PALLONE. Mr. Speaker, it is day 7 of the Government shutdown, and, once again, the Republicans come to the floor without a continuing resolution to keep the Government going. But yesterday they passed a resolution that allows them to go home next week for a holiday.

We all know that is what is going to happen today. The House is going to recess sometime this afternoon, the Republican majority is going to send everyone home for at least a week, and over the Christmas holiday and through New Year's the Government will continue to be shut down. Veterans will not get their benefits, AFDC children will not get their benefits, we do not know what is going to happen to Medicaid and all the other benefit programs that many people rely on during the holidays and all seasons in order to keep their lives going.

It is not fair what this Republican majority is doing. They are not governing. The Constitution says that the majority party has the responsibility to govern. They should not simply go home for a nice Christmas vacation while the Government is shut down and so many other Americans do not receive the benefits they should be getting from this Government.

I am outraged at what is occurring.

PLACING BLAME

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

Mr. BAKER of California. Mr. Speaker, do not you love it? It is the Christmas season, and they are sitting here lying today. Oh, it is terrible what the Republicans have done. In just 11 months we ended western democracy as we know it. ''Yes, in just 11 months, these terrible Republican majorities have shut down Government. And here they are, calling for a balanced budget, and they are going to go home on Christmas.''

For 40 years this pack ran this place, blaming President after President. ''Oh, it was Carter's fault. He knew who was on the tennis court but he didn't know anything about finances. But we do, so we kept spending.''

''Oh, it was Reagan's fault. He slept through the Cabinet meetings. But we know how to spend, so we kept spending.''

So, it was Bush's fault, it was Clinton's fault, it was everybody else's fault.

But it was the fault of this Congress, who had their foot on the accelerator. Here they have the gall to stand up and say the marketplace tells us that Medigap is going up. Yes, that is AARP, the people that oppose our reforming Medicare, and the Medigap insurance is going up 33 percent; not because of anything that is going to be done, but because of what has been done, overutilization.

Yes, we are going to reform this place; yes, we are going to balance the budget. Merry Christmas, America.

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore (Mr. EWING). The gentleman will state it.

Mr. WISE. Mr. Speaker, in this Christmas spirit, is it appropriate to refer to Members as ''lying'' on the House floor?

The SPEAKER pro tempore. There should be no reference of that sort in debate to specific Members.

SLOWING GROWTH IS A CUT

(Ms. RIVERS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. RIVERS. Mr. Speaker, throughout the course of this week we have seen a $1 million check come to the floor several times, along with a challenge that if anyone can prove that the Republicans are actually proposing to cut Medicare, they can win this check. Well, I learned in law school that if you want to define something, you go back to the precedent.

The precedent in 1994 set by that side of the aisle when exactly the same kind of adjustment was proposed for $120 billion less was that slowing growth is a cut. All of the minority Members, all of the Republican members on the Committee on Ways and Means called it a cut, massive cut. Subcommittee chair CLAY SHAW called it ''destructive Medicare cuts.''

Now, look, folks, you set the standard. You decided that slowing growth was a cut. So one of two things is true: Either the Republicans did not fairly characterize the 1994 debate about slowing growth, or the RNC has to pay up its $1 million. But do not give it to me. Put it on the deficit, OK?

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of agreeing to the Speaker's approval of the journal.

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

Mr. LAHOOD. 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 280, nays 78, not voting 75, as follows:

[Roll No. 880]

YEAS—280

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Camp
Campbell
Canady
Cardin
Castle
Chabot
Christensen
Chrysler
Clayton
Clement
Clinger
Coble
Collins (GA)
Combest
Condit
Cooley
Cox
Coyne
Crapo
Cremeans
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Eshoo
Ewing
Farr
Fawell
Fields (LA)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (SD)
Johnston
Jones
Kanjorski
Kelly
Kennedy (MA)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lowey
Lucas
Luther
Martini
Mascara
Matsui
McCarthy
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Pastor
Paxon
Payne (VA)
Pelosi
Peterson (MN)
Petri
Portman
Pryce
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Roth
Roukema
Royce
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Studds
Stump
Stupak
Talent
Tate
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
White
Whitfield
Wicker
Yates
Young (FL)
Zeliff

NAYS—78

Abercrombie
Barcia
Becerra
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Clay
Clyburn
Coburn
Coleman
Collins (IL)
Costello
Dellums
Durbin
Engel
Ensign
Evans
Everett
Flake
Foglietta
Frank (MA)
Frost
Furse
Gephardt
Gillmor
Gutierrez
Gutknecht
Hastings (FL)
Hefley
Hefner
Heineman
Hilleary
Hilliard
Hinchey
Johnson, E. B.
Kennedy (RI)
Latham
Levin
Lewis (GA)
Longley
Maloney
Markey
Martinez
McNulty
Menendez
Miller (CA)
Obey
Olver
Orton
Pallone
Payne (NJ)
Peterson (FL)
Pickett
Pomeroy
Poshard
Roybal-Allard
Rush
Sabo
Scott
Skaggs
Stockman
Stokes
Tanner
Taylor (MS)
Thompson
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt (NC)
Wise
Wolf
Woolsey
Wynn
Zimmer

NOT VOTING—75

Ackerman
Baker (LA)
Bentsen
Brewster
Bryant (TX)
Callahan
Calvert
Chambliss
Chapman
Chenoweth
Collins (MI)
Conyers
Cramer
Crane
Cubin
DeFazio
Doolittle
Dornan
Edwards
Fattah
Fazio
Fields (TX)
Filner
Ford
Gibbons
Graham
Green
Hall (OH)
Harman
Hayes
Herger
Houghton
Jacobs
Jefferson
Johnson, Sam
Kaptur
Kasich
LaFalce
Lantos
LaTourette
Laughlin
Lincoln
Lipinski
Lofgren
Manton
Manzullo
McCollum
McCrery
Meek
Mfume
Myers
Oberstar
Owens
Parker
Pombo
Porter
Quillen
Quinn
Riggs
Ros-Lehtinen
Rose
Schaefer
Schroeder
Serrano
Smith (TX)
Stark
Tauzin
Torricelli
Towns
Waxman
Weller
Williams
Wilson
Wyden
Young (AK)

☐ 0952

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

So the Journal was approved.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF HOUSE RESOLUTION 299, AMENDING HOUSE RULES TO PLACE LIMITATIONS ON COPYRIGHT ROYALTY INCOME FOR HOUSE MEMBERS, OFFICERS AND EMPLOYEES

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 322, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 322

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the resolution (H. Res. 299) to amend the Rules of the House of Representatives regarding outside earned income. It shall be in order without intervention of any point of order to consider the motion to amend printed in the report of the Committee on Rules accompanying this resolution only if offered by the chairman of the Committee on Rules. The resolution and the motion to amend shall be debatable for thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Rules. The previous question shall be considered as ordered on the motion to amend and on the resolution to its adoption without further intervening motion.

The SPEAKER pro tempore (Mr. BEREUTER). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purposes of debate only, I yield 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], my very good friend, pending which I yield myself such time as I may consume. Mr. Speaker, during consideration of the resolution, all time yielded is for debate purposes only.

(Mr. SOLOMON asked and was given permission to revise and extend his remarks, and include therein extraneous material.)

Mr. SOLOMON. Mr. Speaker, I would advise Members that they really ought to listen up. This is a question of whether Members are going to be treated as American citizens or as second-class citizens. This rule makes in order House Resolution 299, amending House rules to place limits on royalty income that House Members, officers, and high-level staff may receive in any given year.

Mr. Speaker, the rule provides for consideration in the House, and makes in order without intervening points of order, a motion to amend printed in the report on this rule only if offered by myself. The resolution and substitute will be debated for 30 minutes, to be equally divided between the chairman and ranking minority member of the Committee on Rules.

The previous question will be considered as ordered on the motion to amend and on the resolution to final adoption.

Mr. Speaker, I do not want to take substantial time explaining the history of the resolution this rule makes in order, as brief as that history may be. The resolution was introduced on December 12 by the gentlwoman from Connecticut [Mrs. JOHNSON], chairwoman of the Committee on Standards of Official Conduct, by the direction of her committee as part of her report on the Speaker.

In a letter to me on December 13, the gentlewoman from Connecticut required that the Committee on Rules consider House Resolution 299, her resolution, as soon as possible, and to report it to the floor quickly so that it may be approved by the House before the end of the year, the end of the year being about 1 week from now.

Mr. Speaker, while the Committee on Rules did not have time to conduct proper hearings and proper deliberations on the resolution, and formerly report it as we normally would do with resolutions reported by committees of jurisdiction, it was decided by our committee, as a matter of courtesy to the gentlewoman from Connecticut and to the entire Committee on Standards of Official Conduct, to honor the commitment gentleman made to have a vote this year.

Mr. Speaker, I have made clear my own opposition to this resolution's central thrust, which is to bring royalty income for the first time under the outside earned income cap, which is to bring royalty income for the first time under the outside earned income cap, which is now $20,040. In my opinion, a book is an author's intellectual property and any royalties are returned on that property. If Members think about that for a minute, that is now the Committee on Standards of Official Conduct has treated royalties up to this point.

Mr. Speaker, let me just quote from page 94 of the most recent edition of the ''House Ethics Manual.''

□ 1000

This is our manual:

House rule XLVII has long exempted book royalties from outside earned income restrictions, royalties being deemed a return on the author's intellectual property, akin to other investment income.

That is like your home, that is like your stocks and your bonds, that is your personal property. Intellectual property is no different.

The Johnson resolution before us today would change that definition of royalties by calling them earned income rather than unearned income and thereby force Members to refuse any returns on their intellectual property investment that exceeds $20,000. In my opinion, that is absolutely wrong because royalty income does not present an ethical problem either in terms of posing a conflict of interest or of interfering with the time a Member devotes to his or her official office, and that is really what this is all about. Think about that.

The House ethics manual favorably cites a Senate Ethics Committee report on this point as follows, and I quote, and again you ought to listen carefully to this: ''If an individual writes a book and it becomes a best seller, any royalties received are beyond his or her direct control. It is income which is, in effect, a return on a prior investment of time and energy.''

Mr. Speaker and Members, the substitute that I intend to offer would retain the current exemptions of royalty income from outside earned income limitations. However, exactly like the Johnson resolution, my substitute would prohibit any advances on any royalty income for contracts entered into on or after January 1, 1996, and that is 1 week from now.

Mr. Speaker and Members of this House, now a strong case can be made that advances on royalties might be perceived as inappropriate or as posing a potential conflict since there is no way to know how much royalty income might be generated by the sale of a book. If a Member, for instance, received a $100,000 advance and the book did not sell, that means the book, the intellectual property, really was not worth anything. So he or she would receive a windfall on something that was worthless, called worthless property. To prevent that from happening, the Solomon substitute bans all advances. I think that is fair because it gets rid of that possible perception.

This is consistent with the rules that exist in the executive branch in all of the departments of Government. At present, the President of the United States, the Vice President, Cabinet members, and Presidential appointees may not receive any advances on royalty at the income, and that is exactly what we are doing. We are conforming to that regulation. Other noncareer executive branch employees may receive advances within the 15-percent cap unearned income.

My substitute would put Members of this House under the identical rule that now applies to the President, the Vice President, the Cabinet members, to Presidential employees; that is, they may receive no advances but they may receive royalties based on the sale of a book at whatever that market price might be.

Moreover, like the Johnson resolution, my substitute would require that any contracts entered into on or after January, 1996, 1 week from today, must receive the prior approval of the Ethics Committee as complying with the current House rule that the contracts be with established publishers; that is important, pursuant to usual and customary terms. That means that Members could not receive some kind of windfall because of the office they have or some kind of clout that they might have.

So, in conclusion, Mr. Speaker, and I think you ought to listen carefully to this because these are your choices on this floor today: Members have these three choices:

The Johnson resolution that restricts royalty income and bans advances. That is what her resolution does.

The Solomon substitute that bans advances but permits royalty income. That is what my resolution does.

Or, if both of these fail, if my substitute goes down and the Johnson resolution does not pass, we go back to the current House rule that permits advances and unlimited royalties.

Those are the three choices of this body, Members.

I am just going to tell you something. You know, we come under a great deal of criticism sometimes. People talk about the perks of this Congress and the large salaries that we have. But I am going to tell you something, you know, when I came to this Congress, I had a business, I had several businesses, and I had to sell them, and I had five teenage children I had to put through college at the time. Because of the situation where I was forced by the ethics rules at that time to sell my businesses, I had to sell them for about half of what they were worth. Today those businesses are worth several millions of dollars, and I received about $300,000, maybe a little less at that time.

That money is all gone because I used it to educate all my five children. But, you know, when we retire, when I retire, you know, they say we have great pensions. I will take that pension and maybe my wife and I, if we live another 5 or 6 or 10 years after that, in other words, we will enjoy whatever those pension benefits were.

But think about this, when I am gone and she is gone, where is the estate for your family? I have given up several million dollars by coming and serving in this body. You might say, ''Well, you asked for it, Mr. SOLOMON.'' That is true. But the truth is, when you talk about intellectual property and I look at the gentlewoman from Texas [Ms. JACKSON-LEE] sitting there, I look at a lot of Members, you have a lot of wisdom, you have a lot of knowledge. That is yours. You have accumulated it over

a lifetime. This is not something that we are taking advantage of or making exceptions to. These are reasonable intellectual properties that we have developed over time. It belongs to you, and you ought to be able to use that intellectual property as you see fit.

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

Mr. SOLOMON. I yield to the gentleman from Maryland, a very respected member of the Committee on Standards of Official Conduct, an outstanding Member of this body.

Mr. CARDIN. I appreciate how sincere the gentleman is on the points concerning intellectual property. Is the gentleman aware we are only dealing with book royalties? All other forms of intellectual property returns are currently subject to the outside earned income limits. The only exception today is dealing with book royalties, not with intellectual property generally.

Mr. SOLOMON. That is exactly right. My good friend, when this debate continues, you are going to find concerns. We have a lot of concerns, and I will talk about them a little bit later on.

But, you know, there are such thing as property, not intellectual property but property such as stocks and bonds, investment properties that bring in dividends to Members. You know, maybe if we are going to begin to go down this road, this brings up serious questions. You know, we vote on defense contracts around here, we vote on telecommunications; there are a lot of things that, if we are going down this road, you are going to be making this body second-class citizens. I would predict if this goes down this road today, that you are going to see nothing in this body 10 years from now but millionaires or political hacks, one or the other. And that is not what this country needs. You need all of the intellectual expertise from out of the private sector that you can get, whether it is lawyers or doctors, professors, businessmen. We need to let them know that we are not going to throw these stumbling blocks up to them. They are just like everybody in this body. I would say that 99 percent of every man and woman in this body have the greatest integrity. Sure, there is a bad apple. I come from apple growing areas. You will find one or two in a barrel. But let us not demean this body. Let us keep us as normal American citizens and treat us the same.

COMMITTEE ON RULES—REPUBLICAN BILL SUMMARY

H. RES. 299—HOUSE COPYRIGHT ROYALTY RULE

Purpose: The purpose of H. Res. 299 is to amend House rule XLVII (''Limitations on Outside Employment and Earned Income'') to place limits on book royalty income for Members, officers and top-level employees of the House.

Background and Legislative History: On December 12, 1995, Representative Nancy Johnson of Connecticut, chairman of the House Committee on Standards of Official Conduct, introduced H. Res. 299, a resolution to amend House Rules regarding outside earned income. The measure was cosponsored by eight other members of the 10-member, bipartisan Standards Committee. The resolution was referred exclusively to the Rules Committee as a matter of original jurisdiction.

The resolution was introduced pursuant to a vote of the Committee in connection with the report it issued on December 12th on the ''Inquiry into Various Complaints Filed Against Representative Newt Gingrich.'' In its report, the Committee found that Representative Gingrich ''did not violate the House Rule governing book contracts or royalty income'' and that ''the book contract was in technical compliance with the 'usual and customary' standard of House rules regarding royalty income.'' However, the Committee went on to indicate that ''the original advance greatly exceeded the financial bounds of any book contract contemplated at the time the current rules were drafted,'' and that it ''strongly questions the appropriateness of what some could describe as an attempt by Representative Gingrich to capitalize on his office.''

Consequently, the Committee recommended in its report that House Rule 47 (''Limitations on Outside Employment and Earned Income'') be changed to subject royalty income derived from books written while one is a Member to the same limits as other sources of outside earned income. A copy of the proposed rule was appended to the report.

The current House Rule XLVII (''Limitations on Outside Employment and Earned Income''), as revised as part of the Ethics Reform Act of 1989 (Public Law 101–194) applies to all Members as well as House officers and employees whose pay is disbursed by the Clerk of the House and exceed the annual rate of basic pay in effect for grade GS–16 of the General Schedule under section 5332 of title 5 of the U.S. Code (currently $81,529), and is employed for more than 90 days in a calendar year. The exception to this definition is the total ban on honoraria which applies to all Members, officers and employees of the House.[1]

Clause 1 of rule XLVII prohibits Members, and officers and employees paid at least $81,529, from receiving outside earned income in excess of 15% of the Executive Level II salary (which is the same as a Member's base pay), or $20,040. Clause 2 prohibits such individuals from receiving any compensation: (1) from affiliation with or employment by any firm, partnership, association, corporation or other entity which provides professional services involving a fiduciary relationship; (2) from practicing a profession that involves a fiduciary relationship; (3) from serving an officer or member of a board of any association, corporation or other entity; or (4) from teaching except by the prior notification and approval of the ethics committee.

Clause 3(e) currently defines outside earned income as ''wages, salaries, fees, and other amounts received or to be received as compensation for personal services actually rendered.'' The current definition goes on to specify certain matters not considered as outside earned income, including: (1) the salary of Members, officers or employees; (2) compensation derived by such individuals for personal services rendered prior to the effective date of the rule (calendar year 1991), or prior to becoming Member, officer, or employee, whichever comes later; (3) amounts paid to a tax-qualified pension, profit-sharing, or stock bonus plan received by such individuals; (4) amounts received by such individuals from services rendered by them in a trade or business in which they or their family holds a controlling interest and in which both personal services and capital are income-producing factors; and (5) ''copyright royalties received from established publishers pursuant to usual and customary contractual terms.''

Thus, under current House Rules, copyright royalties are considered to be unearned rather than earned income. As the most recently published version of the House Ethics Manual puts it:

House Rule 47 has long exempted book royalties from outside earned income restrictions, royalties being deemed a return on the author's intellectual property, akin to other unrestricted returns on property.[2]

Provisions of H. Res. 299: H. Res. 299 would amend clause 3 of rule XLVII as follows:

Copyright royalties earned while a Member, officer or employee would be counted as earned income subject to the outside earned income cap of 15% of a Member's salary.

Copyright royalties for work published before becoming a Member, officer or employee of the House would be exempt from the cap.

Copyright royalties could not be received unless from an ''established publisher pursuant to usual and customary contractual terms'' and unless the contract receives the prior approval of the ethics committee.

Advance payments on royalties would be prohibited to Members, officers or employees but could be made to literary agents, research staff, and other persons working on behalf of the Member, officer or employee.

Contracts providing for a deferral of royalties could not be approved by the ethics committee, though exceptions could be made as deemed appropriate.

The provisions of the rule apply to royalties received after December 31, 1995.

SUMMARY OF SOLOMON SUBSTITUTE FOR H. RES. 299, PROPOSED HOUSE ROYALTIES RULE (RULE XLVII)

Section 1 of the substitute would amend House Rule XLVII (''Limitations on Outside Employment and Earned Income'') by inserting a new clause 3 (treatment of royalty income), and by redesignating the existing clause 3 (definitions) as clause 4. The new clause 3 would contain the following provisions:

Unlimited royalties could still be received by Members, officers and employees under the existing ''usual and customary contractual terms'' standard (by virtue of retention of the existing clause 4(e) exemption of royalties from definition of earned income).

Advances on royalties would be prohibited except for payments to literary agents, researchers, or other individuals working on behalf of the Member, officer or employee on the publication (other than to persons employed by the House or relatives of the Member, officer or employee), and solely for the benefit of the literary agent, researcher or other individual. (underscored provisions are *not* contained in H. Res. 299)

Royalties from contracts entered into on or after Jan. 1, 1996, could not be received without the prior approval of the contract by the ethics committee as being in compliance with the requirement of clause 4(e)(5) that royalties are received ''from and established publisher pursuant to usual and customary contractual terms.''

Provisions would be effective on January 1, 1996 (sec. 2 of substitute).

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[1] The Committee on Standards of Official Conduct has determined that certain matters are excluded from the honorarium ban such as compensation for activities where speaking, appearing or writing is only an incidental part of the work for which payment is made: witness or juror fees; fees to qualified individuals for conducting worship services or religious ceremonies; payments for works of fiction, poetry, lyrics, or script; or payments for performers who appear on stage. House Ethics Manual, 102d Congress, 2d Session, April 1992, pp. 93–94.

[2] Id., p. 94.

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

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

Mr. Speaker, I thank my colleague, the gentleman from New York, for yielding me the customary ½ hour.

Mr. Speaker, like a lot of other Members, I am very glad to see this rule come to the floor today. I will, however, seek to defeat the previous question in order to make sure this resolution stays as it is and is not turned into milque-toast mush by a substitute.

On December 12, the Ethics Committee unanimously voted to issue a report saying, and I quote:

> Existing House rule must be changed to clearly restrict the income a Member may derive from writing books.

The Ethics Committee made a very strong statement in their report. I want to take this time to read a section of the ethics committee report, and I quote:

> Existing rules permit a member to reap significant and immediate financial benefits appearing to be based primarily on his or her position. At a minimum, this creates the impression of exploiting one's office for personal gain. Such a perception is especially troubling when it pertains to the office of the Speaker of the House, a constitutional office requiring the highest standards of ethical behavior.

There you have it Mr. Speaker, the Speaker's book loophole creates the impression of exploiting one's office for personal gain. I say—the sooner we make this change, the better.

Now I do not believe that serious damage hasn't already been done. According to the Washington Post, Speaker GINGRICH has already made 10 times his House salary on this book deal. I'm told that's a total of about $1.7 million. The Ethics Committee obviously thinks we should do something about that and I believe we should accept their recommendation.

Passing this resolution, without weakening it, will change House Rules to include royalty income within the category of outside earned income which is limited to $20,040 a year.

It's a good idea. It's way overdue. And it'll go a long way toward restoring the integrity of this House.

I would remind my colleagues who have been working to put this decision off that the Ethcs Committee unanimously voted to have this begin January 1, every day we wait is another day a Member can earn money that they shouldn't be earning.

I urge my colleagues to defeat the previous question. This House should vote on the Ethics Committee's resolution plain and simple. We shouldn't be making changes designed to enable Members to earn more money than they should be earning. It is wrong now. It was wrong when it started. And it will be wrong in March when the next check is due.

Mr. Speaker, I yield 10 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON], the chairperson of the Committee on Standards of Official Conduct, a Member who has been under a lot of pressure and managed to get all 10 Members of the Committee on Standards of Official Conduct together to agree to the legislation that we are now dealing with.

(Mrs. JOHNSON of Connecticut asked and was given permission to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, as Chair of the Committee on Standards of Official Conduct I rise in strong support of the committee's proposal to bring book royalties within the restrictions that now apply to outside earned income.

Rule 47 of the Rules of the House of Representatives currently restricts the outside income of Members and senior staffers to $20,040 per year. However, the rule's definition of ''outside earned income'' excludes ''copyright royalties received from established publishers pursuant to usual and customary contract terms.'' The Committee on Standards—as has the Senate Ethics Committee—interpreted this exclusion to also cover advances on royalties.

Therefore, current rules permit a Member or senior staffer to earn an unlimited amount of money from book royalties and advances, while subjecting income earned from other outside work to a $20,040 cap. Nor is there any current requirement that book contracts be submitted to the Committee on Standards for approval.

The proposal you will vote on today will end this anomaly. Advances on royalties would be prohibited; copyright royalties would be included in the definition of ''outside earned income,'' thus subjecting them to the $20,040 cap; the new cap would apply only to books sold after December 31, 1995, and then only if the book was published after the author began House service; all book contracts providing for payment to the author must be submitted to the Committee on Standards for approval before any payment may be accepted; and no contract will be approved which provides for deferral of royalty income beyond the year in which earned.

Le me make clear that there will be no restriction on income from any book published before a Member entered the House; there will be no restriction on any advance paid or royalty earned prior to December 31; and any books sold in 1996 or thereafter cannot generate royalty payments to a Member or senior staffer that exceed $20,040, the outside earned income cap.

As you all know, this proposal did not arise in a vacuum; nor is it directed at a particular book or at the finances of a particular Member. Rather, this proposal stems from our review of a number of contracts and is the result of many hours of hearings and deliberations.

We heard from many major publishing houses and through the course of these discussions we became much more familiar with the industry, their practices, their usual royalties, and their negotiation process. Our proposal evolved as we received input from these experts and it is the Ethics Committee's considered judgment as to what is necessary and appropriate to ensure public confidence in our work.

☐ 1015

This proposal to limit income royalty is not novel. Since the Ethics Reform Act of 1989, there has been a cap on all outside earned income except book royalties, and there has been a complete prohibition on receiving compensation for practicing law or other professions involving a fiduciary relationship, as well as on being paid for serving on a board or as an officer of any organization.

Thus, our colleagues who, while Members, work as teachers, dentists, doctors, painters, pilots, taxidermists, clergy, actors, artists, salespersons, or morticians, are all now subject to the same earned income cap that we now propose to place on those of us who write books, while Members of Congress.

What we propose today simply subjects writing for pay to the same restrictions that have governed other activities for years, restrictions that this body imposed in the past so that it would be clear that Members are receiving outside compensation not because of their position, but because of their talents.

I know that some will argue, not unreasonably, that it is unfair to change the rules in mid-stream. In reply, I would note that the Ethics Committee debated this issue fully and concluded that the ethical interests of the House must prevail over the financial interests of a few Members.

I would also point out that, however unfortunate, Members have always had to incur financial setbacks when rules were changed. When the current restrictions were imposed in 1989, the financial interests of many Members were directly affected. Many Members who were lawyers had to forfeit payments altogether; those who served on boards or were officers in organizations could no longer be compensated; and all income—except that of authors—became subject to the cap.

It also will be argued—that the new book rule will unnecessarily restrict the free flow of ideas from Members that wish to contribute to the public debate. But for this very reason—to insure that useful books are still written and published by Members—the proposed rule expressly permits the publisher to compensate those to whom the proceeds of advances are usually directed: the lawyers, agents, fact-checkers, and writers without whom a book could not be published.

If a Member wants to communicate ideas through a book, and can convince a publisher that someone will buy the book, the publisher can pay those upfront expenses usually paid from the

author's advance, the book will be published, and the Member/author can earn $20,040 per year in royalties. Thus, this new rule should not interfere with the free flow of ideas.

Finally, I would like to state as clearly as I can why I have worked hard to bring this proposal directly to the floor of the House, although it is technically within the legislative jurisdiction of the Committee on Rules. I respect my good friend, the distinguished Chairman of the Committee on Rules, and his legitimate substantive and jurisdictional concerns. I also appreciate that the Ethics Committee recommendations usually go to the floor as privileged resolutions pertaining to specific matters of a Member's conduct.

For the Ethics Committee to recommend a change that must go through another legislative committee is unusual; yet our right of direct access to the floor is no less important when we recommend a rule change than when we recommend an action with regard to a Member. We are a bipartisan committee composed of five Republicans and five Democrats. Thus it is fundamental to our independence and the integrity of our process that our recommendations come to the House floor as we write them.

I urge the adoption of House Resolution 299.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE]. From time to time we have had differences of opinions on some issues, the gentleman is an outstanding Member of this body.

Mr. ABERCROMBIE. Mr. Speaker, I thank the gentleman for yielding time.

Mr. Speaker, friends, I am holding here the House rules and manual of the 104th Congress. Amendment No. 1 of the Constitution of the United States, which is incorporated into our rules, says,

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

You cannot come into the House of Representatives and decide you are bigger than the Constitution of the United States. Now, we all know the origin of this particular issue. I am not taking issue in turn with the motivations of the Committee on Standards of Official Conduct. As a matter of fact, we all know that serving on the Committee on Standards of Official Conduct is about as thankless a task as you can have in the House of Representatives.

I think the Committee on Standards of Official Conduct has taken a pounding over the last several months and tried to come up with a good faith interpretation of what needs to be done, but that does not lessen our obligation to do the right thing by our own rulings and by the Constitution of the United States.

Further, I will say that I think this is here today principally because of arguments that people have had with the Speaker of the House over the arrangements that were made with respect to a book contract that he signed or did not sign or wanted to sign, or whatever it was. That has been argued at length.

I do not think you should make law or rules based on those instances which you think are egregious when it infringes and impedes those elements and principles that you know to be fundamentally right. Why should everybody else be judged by the standard of that person or that instance or that action which you think or you have decided or you have even decreed by virtue of law as being illegal or immoral, or whatever kind ever connotation you want to put on it?

Mr. Speaker, I do not stand here tonight just speaking abstractly, as my good friend the ranking member on the Committee on Standards of Official Conduct knows. I do not want to stand here without saying I have discussed this with members of the Committee on Standards of Official Conduct, the ranking member, because I am the coauthor of a book. I put this book together with a coauthor who forswore his own advance because I did not want to do anything here that I had not already completed and then tried in the marketplace of ideas to see whether anybody wanted to pay any attention to it. So my coauthor went without. I was already making a living. I did not need it.

That is why I think the Solomon amendment makes sense. If we are not willing to do this, I will tell you what I think is actually happening: Put all unearned income in. Why are you picking on the intellectual property or the ability to move an idea forward? Somebody who is a filmmaker, they could not come in here and be able to get the benefit of that. You put your stocks, your bonds, your investment property, everything else that is considered unearned income in here, then I will be willing to pay some attention, at least to the arguments being made.

The bottom line is this, Mr. Speaker: You cannot go against the House rules and manual, which incorporate the Constitution of the United States which says you cannot abridge free speech.

Mr. MOAKLEY. Mr. Speaker, I yield 6½ minutes to the gentleman from Washington [Mr. MCDERMOTT], the ranking minority member on the Committee on Standards of Official Conduct.

Mr. MCDERMOTT. Mr. Speaker, I rise today to support the distinguished chairwoman of the Committee on Standards of Official Conduct, the resolution she has introduced, and the committee which she has very ably led.

That we are here today is a tribute to her leadership and to her steadfast commitment to the ethics process that this body has so carefully crafted to deal with the sensitive and troubling issues posed by allegations of Member conduct.

We meet today, however, not as the last Speaker suggested to deal with one Member, but to consider a rule that if enacted will reflect well on the conduct of all Members. The proposed rule change, to eliminate the copyright royalty exception to the earned income cap, was in fact developed in the context of the Committee on Standards of Official Conduct's review of allegations against a Member, and bringing it to the floor today was a central element in the committee's unanimous vote of December 6.

But, regardless of the outcome of the other matter, this is a good proposal. It should be considered on its own merits, free from partisan bickering.

The resolution of the Committee on Standards of Official Conduct that we bring here today is a well thought out effort to bring some sense to the earned income restrictions by eliminating a major loophole. Its basic thrust is to ensure that those who offer money to a Member to write a book do so because of the content of the book, not the position of the Member.

Similarly, in the past the House has placed restrictions on Members' professional activities so as to ensure that lawyers and teachers among us were not hired solely because they were Members. In the one case we eliminated altogether the possibility of income. That is lawyers. In the other, as we pose today, we placed a cap on it.

We did this not because of polls that said it is what we should do; we did it because we think it is right. And if it was right to prohibit compensation to our colleagues who are lawyers and to restrict the outside earnings of all others, it is right to place a cap on royalty income.

As the committee noted bluntly, but correctly, in its unanimous report of December 6, it is not appropriate to capitalize on one's office. This is not a body of 435 free enterprise zones. To prevent such conduct, the Committee on Standards of Official Conduct has produced a straightforward measure that prohibits advances to the author, requires all book contracts to be approved by the Committee on Standards of Official Conduct, and subjects royalty income to the same earned income cap that applies to all other activities.

This new cap would apply to royalties pertaining to books sold after December 31, 1995, and then only if the book was published when the Member was in the Congress. No advances paid on royalties prior to December 31 would be affected. These provisions, in my opinion, reflect the realistic accommodation of several competing interests. Members are permitted to earn a not insubstantial amount of money, the temptation of multimillion-dollar advances is eliminated, and the public will continue to have the opportunity to read what Members want to write.

Now, as to the process, traditionally recommendations of a nonpartisan

Committee on Standards of Official Conduct are considered on the floor by way of a privileged resolution without going through the partisan Committee on Rules. Just as traditionally, the Committee on Standards of Official Conduct usually does not suggest substantive measures that are within the jurisdiction of other committees.

But after careful deliberation and in compelling circumstances, we did so in this case. And to protect the interests of the committee and the nonpartisan processes, it is vitally important that we be permitted to present our measure to you today as it was written.

This is not an attempt to usurp the powers of any other committee or to force the leadership to choose between chairmen. It is, and was, a sincere effort by the committee, made up of 10 Members, 5 Republicans and 5 Democrats, to bring to the floor a measure that we thought demanded immediate consideration.

Some may say this rule change has had no public hearings. We spent countless hours talking to publishing industry executives, book agents, and others in the field, and then we drew the rule. We have done it by a trial of fire, and we settled on this as the best way to do it.

In closing, I would like to commend the chairwoman for her leadership, and I commend my colleagues on the committee for their thoughtfulness and hard work, and particularly, the gentleman from Ohio [Mr. SAWYER] and the gentleman from Ohio [Mr. HOBSON] deserve praise for the time they spent on crafting this resolution.

You often hear in this House the lament that none of us asked to serve on this committee. It is true. While I do not suggest, however, that you support our recommendation because of the pain we have endured or will endure, I do believe it is relevant that those closest to the issue have produced a bipartisan solution to a problem of much importance to this House.

This is a vote in support of a bipartisan decision on the Committee on Standards of Official Conduct. In the past the House has only strengthened what has come out of the committee. It has never weakened it. With all due respect to the gentleman from New York, his amendment weakens the proposal proposed by the Committee on Standards of Official Conduct. Therefore, I ask Members to support the proposal of the committee and reject the Solomon amendment.

□ 1030

Mr. SOLOMON. Mr. Speaker, I yield 4 minutes to the gentleman from Albuquerque, NM [Mr. SCHIFF], a very outstanding Member of this body and member of the Committee on Standards of Official Conduct.

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

I want to begin with a very serious and sincere expression of gratitude to the gentleman from New York, Chairman SOLOMON, and the Committee on Rules for bringing this matter to the House floor in such a short period of time. As he indicated, it was only a few days ago that the Committee on Standards of Official Conduct, which I am a member of, proposed this rule change, and asked to get it to the House floor by January 1, that is, before January 1, 1996.

Chairman SOLOMON, although his plate was more than full with other legislative matters, although he had some specific individual concerns about the proposal, which he has certainly indicated, has such a high regard for the Committee on Standards of Official Conduct, and understands its importance to the House of Representatives, that he literally turned the Committee on Rules into a legislative pretzel to get us out here this morning and he has my deep appreciation.

Second, I want to express my same appreciation to our chairwoman, the gentlewoman from Connecticut, NANCY JOHNSON. Even though Members agree and disagree individually, it is still not easy to get a majority vote on a situation where the committee is divided equally between Republican and Democratic Members. The Committee on Standards of Official Conduct is the only committee in the House of Representatives where we are equal as Republicans and Democrats.

And Chairwoman JOHNSON has got a proposal, it is here on the floor, and it is here for Members to consider. And the gentlewoman from Connecticut [Mrs. JOHNSON] said that she guaranteed that she would get it to the House floor. Even though our chairwoman is not the chairman of the Committee on Rules, she guaranteed it would be on the House floor for Members to work their will on how to address this issue and that has been done. And I complement Chairwoman JOHNSON, too.

That brings me to the rule itself. This proposed rule change was a result of a compromise, a lot of discussion and a lot of different views being rolled into one proposal. As a member of the Committee on Standards of Official Conduct who participated in putting together this proposed rule change, I intend to vote for it when we get to that vote. However, I want to acknowledge that in my judgment, speaking now individually, other members of the committee may have different views, but, in my judgment, the Solomon substitute, which we will have a chance to also vote on the House floor today, and it was always the understanding that amendments might be offered once we got to the House floor, I believe the Solomon substitute is another way that addresses the problem that originally brought this whole matter to the attention of the Committee on Standards of Official Conduct.

I say that for this reason. The exception that we have allowed for book royalties allowed an exception for everything that was usual and customary in the publishing trade. And what we learned is that in the publishing trade prominent people are often offered large cash advances to write books. That has been true regardless of why the person is prominent. They could be a military veteran. They could be a former prosecutor in a well-known case in the State of California. It does not matter. The fact is that prominent people are offered by publishing houses large advances.

Now, it was the Committee on Standards of Official Conduct's feeling that when someone is prominent as a Member of Congress in particular, a Member of the House of Representatives, one cannot help wondering that no matter how prominent the individual is, no matter how strong his intellectual credentials might be or her intellectual credentials might be, Republican or Democrat, it inherently raises a question when a large advance is offered. Did they really like this book or are they trying to get in close with somebody who votes on issues? That was the basis of the Committee on Standards of Official Conduct moving forward.

Now, the Committee on Standards of Official Conduct offers a solution that I will vote for. It eliminates all advances and it subjects royalties. That is book-by-book sales to the $20,000 proximate limit on all earned income outside of the House of Representatives.

The gentleman from New York, Chairman SOLOMON, proposes a substitute that eliminates the advances, eliminates the major issue that brought this issue up in the first place and allows the continuation of book-by-book sales. I will support the Committee on Standards of Official Conduct, but I think both address the problem.

Mr. MOAKLEY. Mr. Speaker, I yield 3½ minutes to the gentleman from Wisconsin [Mr. OBEY], a person who has some legislative history on this entire matter.

Mr. OBEY. Mr. Speaker, I support the committee resolution and oppose the Solomon resolution, and I want to tell Members why.

The House has an exemption in the rules which limits outside income for Members. It has an exemption for book royalties, because I agreed to put it there back in 1977. At that time I chaired a commission that rewrote the House Code of Ethics under which 18 Members had been disciplined, a code which was upgraded 3 years ago.

At that time, we voted to impose limits on outside income after a Presidential commission, chaired by Pete Peterson, who today heads the Concord Coalition, recommended a congressional pay raise, but they said it should go into effect only after Members had passed limitations on outside income to assure that Members could not trade on their positions for undue personal gain.

I had one Member of the House come up to me and he said, ''DAVE, I do not understand what you are doing with

law practice.'' He said, ''I do not spend any time at my law practice. It is just that as I rise in seniority, the lobbies toss more business our way and I get a piece of the action.'' I said, ''I know. That is why we are doing what we are doing, because we do not think that is right.''

I made an exception in the recommendation to the House on book royalties because at that time we had people like John Anderson, Mo Udall, Dick Bolling, who had written books. They were largely regarded as academic exercises. We never dreamed that any of them would be used to in any way significantly enrich a Member's lifestyle.

Today, I think we have a different situation. To me, any individual Member can today exploit that loophole to unduly enrich himself because there is a conflict of interest. The amount of money that you make is going to be determined by the aggressiveness with which the publisher promotes the book. And if that publisher, his firm, has an interest before the Congress of the United States, that is a very troubling potentiality which I think events have shown we have to eliminate.

I want to say one other thing. The gentleman from New York [Mr. SOLOMON] said that if we do not pass his amendment that Members of Congress will be ''second-class citizens.'' No person who has ever been elected by his fellow citizens to represent them in the halls of the Congress of the United States can ever be regarded in any way as a second-class citizen. The honor that is extended to us by that act far exceeds any monetary value that can accrue to anyone by virtue of any financial gain.

Members of Congress ought to be willing to give up something for the greater good. In this instance, it is necessary for us, in my view, to stick with the committee. It is not a pleasant experience to serve on that Committee on Standards of Official Conduct. It is the toughest job in this House, whether you are a Republican or a Democrat you are asked to make excruciating judgments every day. That committee deserves to be backed up by the judgment of this House.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. BURTON], a very distinguished veteran Member of this body.

Mr. BURTON of Indiana. Mr. Speaker, let me just say that I think we should give up something to serve in this House, and I think most people do give up something, but we should not give up everything. We should not give up everything.

A lot of people have outside investments, and I guarantee my colleagues that this is going to lead to the point where if we have outside investments, property and so forth, and we sell it, we will not be able to get over $20,000 a year out of our investments. And a lot of people have made those investments counting on them for additional income because of the kids in college and other expenses they have to deal with. But we are going to lead to that. That is where we are going.

In the past years, I have served with thousands and thousands of legislators in the State House and in the Federal Government, and very few were corrupt. I would say much less than one-half of 1 percent. And yet we engage in self-flagellation around here on a routine basis. We might as well have a cat-o'-nine-tails with little pieces of metal in it and just beat each other to death in front of the public. Maybe that will satisfy this insatiable desire for perfection. We are not going to be perfect. We are human beings. But we have a much lower rate of crookedness than the average population. and if Members do not believe it, just look at the statistics. Mr. Speaker, the thing that bothers me is we just continue down that road.

My staff, who make very little salary, cannot even take an apple from somebody now. They cannot have a sandwich with somebody. They are making $20,000 a year, and they used to look forward to a lunch with somebody, and they cannot do it anymore because of the gift ban that we passed. We are just going way too far. Way too far.

Mr. Speaker, I think that what we ought to be doing is we ought to be thinking about watching ourselves. If we do something corrupt, it is going to be brought out. I do not understand the mentality that says that we have to continue to limit ourselves, to squeeze ourselves time and again.

And every single outside group, like Common Cause or Ralph Nader, they raise their eyebrows a little bit and we all start genuflecting. We all start getting more and more concerned. It makes no sense to me. Why are we doing this?

If a person writes a book, I think the Solomon amendment addresses it very well. No big bonus at the front end, but if it is a royalty they get, they earn, they should be able to get that. What is corrupt about that? Intellectual property rights ought to be protected by this body. We should not be taking away first amendment rights. The gentleman from Hawaii is absolutely correct, that is what we are doing. I just simply do not understand it.

If a person is going to be corrupt, they are going to be corrupt. They are going to take money like they did in ABSCAM. They will take it under the table, behind the back, over a transom, in a hotel room. So they are going to be corrupt, and they should be brought to justice. But we should not all be beating each other to death continually before the public like we do. It makes absolutely no sense.

And let me just say this, Mr. Speaker. I really and truly believe we are going to drive people out of this chamber who have a lot to contribute because we are squeezing everybody so tightly.

Mr. MOAKLEY. Mr. Speaker, would you kindly inform me how much time is left on each side.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] has 10½ minutes, the gentleman from New York [Mr. SOLOMON] has 8½ minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I, too, want to commend the gentleman from New York, Mr. SOLOMON, and the gentleman from Massachusetts, Mr. MOAKLEY, for making this debate possible this morning; and add my voice to those commending our chairperson of the Committee on Standards of Official Conduct, the gentlewoman from Connecticut, Congresswoman NANCY JOHNSON, and our ranking member, the gentleman from Washington State, Mr. MCDERMOTT, for their leadership. And, as I say, especially our chairperson, for forging a consensus on this very difficult issue, and reminding Members of our evenly divided bipartisan committee.

I want to remind my colleagues of a couple of things. Once again, the committee is bipartisan, evenly divided, five Democrats and five Republicans. And the report of which this rule was a part, the report and the better, came out of the committee unanimously, ten to nothing.

I also want to remind my colleagues that should this body reject the recommendation of the Committee on Standards of Official Conduct, it would be the first time that the House of Representatives would have done that.

Mr. Speaker, it seems ironic to me that we are gathered here this morning, while the Government is shut down, while we are having debates about how we are going to get checks out to poor people, that we are standing here talking about why Members of Congress should make more money on the outside, earned income, after they have been elected to come to Washington, DC, to do a job.

I think that the particular rule we are addressing, frankly, does not speak necessarily to the integrity of any individual Member, but to the picture of what the American people expect of us; and, also, how the publishing industry works, which I think was enlightening to us, those of us on the Committee on Standards of Official Conduct.

□ 1045

So, I would say to our colleagues, I could be wrong. I could be wrong. But I think the American people, and I think the people involved in grassroots politics and issues who fight so passionately for their point of view, and those who elect us to this Congress, expect us to come here and not, as the gentleman from Washington [Mr. MCDERMOTT] said, be 435 free enterprise profit-making zones, but to do the work of the people.

Mr. Speaker, I urge our colleagues to support the Committee on Standards of

Official Conduct and reject the Solomon resolution.

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

Mr. FAZIO of California. Mr. Speaker, I know we meant to spend a good deal of time on matters related to the integrity of this institution during this Congress. I simply want to say I think this vote today is as important as any we have cast on gift rules or on bringing this institution under laws that govern all Americans. This is a vote that I think goes to the question of the integrity of the process of enforcing the rules here in the House on our peers.

Mr. Speaker, having served on the Committee on Standards of Official Conduct for 8 years during some very difficult times, I have nothing but the greatest admiration for those who serve during this very difficult time. I can tell my colleagues that it is important to the integrity of this institution that this committee be perpetuated in its unique bipartisan status and that its recommendations be upheld when they are brought to the floor in the manner in which they have come here.

Mr. Speaker, we ought to pay all 12 of these individuals the respect that they are due and we ought to vote for their proposal today. No Member among us, unless they have served there, will ever understand what they do as a sacrifice for this institution. They are often said to be fools to take the job. I think they are among the most respected in the institution, because they get no credit at home, but they keep this body together when they do their job in a way that in the long run is what the American people most need.

Mr. Speaker, I have hopes that we will vote not at all to reject the proposal they have made. I ask people not to support the Solomon substitute.

Mr. Speaker, I also served with a number of my colleagues in 1989 on a committee that did a number of good things for this institution. We banned honoraria. We limited trips. We increased disclosure. We barred professional fees. We set gift limits that have been strengthened by earlier action this year. We ended the practice of taking campaign funds with us on retirement. We also limited outside earned income.

Today we complete what I have to say was an imperfect job. We ought to pass this rule proposed by the committee to bring us into closer conformity with the executive branch, and do what must be done to concentrate our efforts on the job here in Washington.

Mr. Speaker, I rise in support of the resolution brought forward by the chair and members of the Standards of Official Conduct Committee.

As a past member of the Standards Committee during some of the most difficult deliberations undertaken by the committee, I can empathize with the dilemmas presented to the committee this year.

They have done a good job under difficult circumstances, and the committee's resolution today reflects their hard work and courage in taking on many difficult questions.

In addition to my service on the so-called Ethics Committee, I was privileged to be chairman of the 1989 bipartisan Commission on Ethics Reform that made significant changes to the rules we live under today.

We banned honoraria.

We capped earned income.

We limited trips.

We ended the practice of taking campaign funds on retirement.

We increased disclosure.

We barred professional fees.

We banned revolving-door lobbying for the first time.

We set gifts limits—which were further strengthened by our action this year.

We did those things, and after hemming and hawing, the Senate came around later.

I think the institution is much better for the changes we made.

I think the American public is better served by ending some of those practices.

In discussing changes, then and now, we need to keep our paramount goal in mind.

It is the same goal we addressed in passing a gift ban this year.

It is the same goal we addressed in passing lobby reform legislation.

The goal: instilling confidence of Americans in their Government.

Over the years, we have done that by making incremental changes in our rules which minimize the inherent conflicts of interest that will always be part of this job.

But how many times during this debate and others will you hear our colleagues say—''we want to go further, we want to take the next step''—we want to eliminate even the appearance of conflict.

It is a worthy goal and one we will always be challenged to respond to as times change.

We talked about radio shows back in 1989.

We came back in 1990 to prohibit Members and Senators from earning money for participation in radio shows. One Senator had made $37,750 for participation in 1990 radio shows.

Mind you, we didn't prohibit participation in regular radio shows.

We merely said that our constituents might look at receiving large fees from radio shows as a method of avoiding the limitations on honoraria and earned income, and we need to do whatever is necessary to avoid that appearance.

We also dealt with books back in 1989.

Books were controversial then, as they are now.

As we all know, former Speaker Jim Wright ran afoul of ethics provisions regarding books, and we clarified the ethics rules at the time to specify that royalties are exempt only if they come from established publishers, under ''usual and customary'' contract terms.

But we were somewhat less concerned about a flurry of money-making tomes emanating from Members of Congress.

In fact, I was quoted at the time saying, ''There aren't many members who write books.''

Well, times have changed.

The popularity of C–SPAN has increased.

Talk shows and news programs have proliferated.

The media's penchant for training their sights on controversial figures within our membership has intensified.

The prospect of a Member benefiting personally from becoming a controversial leadership figure has opened new doors we could not fully have anticipated back in 1989.

But the need to avoid the appearance of conflict of interest has remained the same—and that is what we are addressing with this resolution today.

The grounding of this resolution is well known.

Late last year, Speaker GINGRICH made an agreement with a publishing company owned by media magnate Rupert Murdoch for a book advance of $4.5 million.

The Speaker acknowledged the controversial nature of such an advance on December 30 when he renounced the advance and agreed to accept only royalties.

On January 19, the Speaker spoke to several telecommunications company executives, including Murdoch, who were in Washington to lobby Republicans on the House Commerce Committee.

The companies were Tele-Communications Inc. [TCI], the Nation's largest cable television firm, and Jones Intercable Inc., the 11th-largest. At the time, TCI had announced plans to bring National Empowerment Television [NET], a conservative-oriented cable show that features a call-in program with GINGRICH, to its 10.6 million customers. NET already carried GINGRICH's college course, Renewing American Civilization. Jones Intercable had started carrying GINGRICH's course on its Mind Extension University channel, which reaches 26 million households.

Both TCI and Jones Intercable spent hundreds of thousands of dollars last year lobbying Congress and contributing to congressional candidates, as did Murdoch's News Corporation, which owns Harper Collins, GINGRICH's publishing house.

With major telecommunications legislation pending before the House and the Commerce Committee, the appearance of conflict of interest was created by the Speaker's actions.

In the past, we have treated royalties as exempt from outside earnings.

We said royalties amounted to a return on the author's intellectual property, clearly beyond his or her direct control.

But it is clear that advances on royalties pose a separate and more difficult question. It is clearly related to the opinion the committee has had for many years about written articles, where payment is negotiated in advance.

The committee has always treated such advance payments as earned income subject to the earned income limitations.

It is clear from this year's events that the committee has gone the extra step in believing book advances should now fall into this category as well, and that it is difficult if not impossible to separate the issue of advances from the issue of royalties.

A unanimous Ethics Committee has been troubled sufficiently by these events that they are bringing this proposal today.

The Speaker would be largely unaffected by this so it is inaccurate to say he is somehow a target.

His book was published before the December 31 deadline, and presumably most of his royalties have already been obtained.

But the circumstances surrounding the Speaker's book transaction show the difficulties involved with transactions of this kind, and the inherent conflicts of interest that may be

created as Congress grapples from year to year with far-reaching legislation.

I would remind my colleagues about the restrictions for those in the executive branch: Cabinet-level officials, and all other official appointed by the President to a full-time, non-career position, are barred completely from receiving any outside earned income; other high-level officials in the executive branch in noncareer positions above a GS–15 level, are subject to the 15-percent limitation on outside earned income, but they may not receive compensation for speaking or writing if the subject matter deals primarily with programs and operations of his/her agency; advances on royalties are considered to be earned income subject to the earned income limitations.

So the proposal today is in keeping with the executive branch although House Members, unlike Cabinet officials, will continue to be able to earn outside income.

But perhaps the deeper question raised today is whether we are going to allow the Ethics Committee process to go forward.

As a former member of that committee, I know how hard those judgments are to make, I know how hard it is to work for and gain unanimity in that room.

This House has always respected that unanimity in the past.

That process—that bipartisan process by the only committee in this House with equal numbers of Republicans and Democrats—should be above politics and above passions of the moment.

That committee and that process is bigger than any one Member, and it is bigger than any clique, or any temporary coalition of Members with a different opinion.

Ultimately, Members and cliques and coalitions are fleeting.

But this process—this bipartisan process—must survive for the good of this institution.

If we allow that process to fall to the politics of the moment, this House will be the loser. And all of us should be wary from that moment on—wary that a politicized Ethics Committee process will destroy the ability of this House to respond to the many difficult issues raised each year and give our constituents the confidence that those issues will be decided without interference, and without regard to personality or politics.

That's why I support the action by the chairman today, and I urge all my colleagues to support this resolution without amendment so that the Ethics Committee process can flourish and go forward in this Congress and in Congresses to come.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. ROHRABACHER] from the ever-expanding State of California; they keep bringing more and more Members here every year.

Mr. ROHRABACHER. Mr. Speaker, the proposed change in intellectual property rights of our Members is bad policy and wrong-headed. If any Member writes a book after this change goes into effect, all it means is that the publisher will get the money that is due to the writer. That is all this means. We are doing nothing but giving the publisher money that deserves to go to a writer.

Mr. Speaker, I know that. I am a writer by my profession, and I will say this. Those of my colleagues who claim that a book written by a Congressman is going to be a seller and we are just standing on our job as a Congressman to sell books, there are many books that have been written by Congressmen that have failed, utterly failed, and publishers know that. Some publishers are really hesitant to deal with Congressmen for that reason.

Mr. Speaker, I say the decision should be made by the public as to who receives the money and who benefits from writing a book, whether it deals with a Member of Congress or not. That is what the Solomon amendment is all about.

Mr. Speaker, it leaves it to the public, and it does not leave it to grandstanding politicians who now are trying to portray themselves to the public as reformers, when in reality all this is is an act of self-flagellation for the sake of presenting a public image. It has nothing to do with the development of policy in this body. This will have no impact whatsoever on policy decisions.

Those people who are pushing this reform, by the way, I would like to know the incomes of those people. I happen to be a very poor person. I have hardly any assets. I am a writer by profession. I spent several years in journalism while other people who are now in this body were out making money in real estate or making money in other investments or marrying into money.

The fact is, what we are seeing now, those of us who are poor, rather than the millionaires in this body, are seeing their right to write a book and to have some income from our talent, which is our only asset, limited, while other people who are wealthy are not putting any restrictions on their ability to earn money while they are in this body.

Mr. Speaker, I reject that totally, and if somebody comes up and says all unearned income will be restricted, I will support it. But it somebody comes up and says my right as a writer and a journalist and an average American is being restricted, I will not.

The bottom line is let us leave this up to the American people. let us quit grandstanding. The American people will decide if a book is worth buying or not, and whether a politician's ideas are worth purchasing. Let us not make this a windfall for publishers.

Mr. Speaker, all it will mean is that we will not have the incentive and we will not spend the time to write on the airplane, which I have done. I have spent my own private time on the airplane writing this book. And when I come in this door, I check my privacy when I come in this door, and now I cannot write a book about it to explain myself to the American people. It is an insult.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume to say that I think the gentleman that left the microphone is in complete error if he calls the Committee on Standards of Official Conduct a grandstanding body of people. They are probably the hardest working and most abused people here in the Congress, and I want to disagree with the gentleman there.

Mr. Speaker, I yield 4 minutes to the gentleman from Michigan [Mr. BONIOR], our minority whip.

Mr. BONIOR. Mr. Speaker, never before in the history of this House has a recommendation by the Committee on Standards of Official Conduct been weakened on the House Floor. Never before in the history of this House has a unanimous, bipartisan decision by the Committee on Standards of Official Conduct been denied a simple up-and-down vote on this floor.

Mr. Speaker, I hope we do not see that dangerous precedent here today. Mr. Speaker, it was exactly one year ago this very day that we learned of the Speaker NEWT GINGRICH's $4.5 million book deal, and over the past 12 months the Speaker has made, as the gentleman from Massachusetts indicated, he has made approximately 10 times the amount of his congressional salary on his book deal.

After a year-long investigation, the Committee on Standards of Official Conduct found that the Speaker used a loophole in the rules in an attempt to capitalize on his office. They found that the Speaker's book deal, and I quote, ''Created the appearance of exploiting one's office for personal gain.''

In fact, members of the Committee on Standards of Official Conduct were so troubled by the Speaker's action that, in a unanimous bipartisan vote, five Republicans and five Democrats recommended changing the rules of this House so no Member would ever be able to cash in on his or her office to create a personal fortune.

Under the recommendation of the Committee on Standards of Official Conduct, money from book royalties would be treated just like other outside income, subject to the annual cap of $20,040. The Committee on Standards of Official Conduct believes firmly that this is a fair way to deal with this problem and to close the loophole.

But rather than allow a simple up-or-down vote on this recommendation, for the first time in the history of this House a recommendation from the Committee on Standards of Official Conduct is in danger of being weakened. The Solomon substitute before us today does not limit book royalties. It allows unlimited royalties, just like the current rule. It does not address the Speaker's book deal. It actually exempts it, because this substitute only applies to book contracts signed after January 1, 1996.

Mr. Speaker, the Solomon substitute is actually weaker than the current standard for Federal employees, because if we were following Federal standards, no Member could make money off of a book that had anything to do with his or her office.

The Committee on Standards of Official Conduct has recommended this

rule change because it was concerned about Members capitalizing on their office. It recommended closing this loophole so a Member never again would be able to exploit his or her office for personal gain.

Mr. Speaker, I would suggest that we should follow the recommendations of the Committee on Standards of Official Conduct. It was 1 year ago today that we first learned about the Speaker's $4.5 million book deal. Let us observe the 1-year anniversary by closing the loophole so nobody can get away with it again. I urge my colleagues to vote against the Solomon substitute and support the recommendation of the Committee on Standards of Official Conduct.

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

Mr. Speaker, I am just surprised to hear the gentleman from Michigan [Mr. BONIOR], the minority whip, come to the well and all of the sudden make this a personality issue. I am reading the last paragraph of the letter from the gentleman from Washington [Mr. MCDERMOTT] and the gentlewoman from Connecticut [Mrs. JOHNSON]. It says it is not directed at any Member or book. Rather, it is the result of full and careful consideration, and it goes on. It is a shame now this has dropped down like this.

Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky [Mr. BUNNING], a member of the Committee on Standards of Official Conduct, to expand on that just for a moment.

Mr. BUNNING of Kentucky. Mr. Speaker, obviously the gentleman from Michigan [Mr. BONIOR], the minority whip, is incorrect. Recommendations of the Committee on Standards of Official Conduct have been changed on the floor of the House; in the recent past, in fact. Certain recommendations for censure were changed to a different level, to reprimand, and other things like that. So, in fact, they were changed on the floor of the House of Representatives.

Mr. Speaker, let me say something. I have served on the Committee on Standards of Official Conduct for 5 years. First of all, the misstatements that have been made here that it was a unanimous vote on the rule was incorrect. I have tried to correct that publicly, but I have not been able to because nobody will bring it to the public's face.

Mr. Speaker, I did not vote for the rule change and I am going to continue to tell my colleagues, I did vote for the resolution to bring the report to the floor. This started out as a rule change for all of Congress. It has turned into, by the office of the Democratic whip, a referendum on the Speaker of the House.

Mr. Speaker, I think it is insane. I think it is wrong. I think it was not in the best interest of the Committee on Standards of Official Conduct, and if anybody has any doubt about supporting the Solomon amendment, read the recommendations of the office of the Democratic whip and they will vote for the Solomon amendment and against the recommendations of the Committee on Standards of Official Conduct.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Palm Springs, CA [Mr. BONO]. Californians are all over the place. This gentleman is probably one of the most famous ever to come out of California.

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

Mr. BONO. Mr. Speaker, I am sorry I only have 2 minutes to speak. I am going to make a very broad statement. I know more about copyright than any Member, and I will be happy to debate any Member on all of these copyright axioms that I have heard while I was sitting here. They are not true.

□ 1100

Any time anybody wants to debate that, I will.

Now, the notion that the industry is a corrupt industry is where you are going to have to begin with, because the process of copyright is one of advances. If you write a book, if you write a song, if you write a play, if you write a script, you are always advanced. Get that clear. You always get an advance, and it does not make any difference whether they guess wrong or whether they guess right. The industry decided to do it that way since the inception of the industry, and they usually guess right.

So the notion that someone giving you an advance is dastardly is ridiculous because the industry has operated that way since it began.

In my case, I can always, I have always, been able to take an advance from BMI or ASCAP whenever I wanted it. Well, you shut that down with the accusation that I am corrupt. Well, that is not true. I am not corrupt.

My songs have a value, and because they have that value, I have the right to that advance and have exercised that right before.

So we are here with the lesser of two evils. So you are knocking out an industry that you do not even know, and I will yield 15 seconds to any Member who can define ethics. Can some Member define ethics for me in 15 seconds? You cannot.

I support the Solomon proposal. It is the best of the worst.

Mr. MOAKLEY. Mr. Speaker, I yield the balance of my time to the gentleman from Maryland [Mr. CARDIN], who is a member of the Committee on Standards of Official Conduct.

Mr. CARDIN. Mr. Speaker, I thank the gentleman for yielding me this time and really thank our chairman, the gentlewoman from Connecticut [Mrs. JOHNSON] and the gentleman from Washington [Mr. MCDERMOTT] for what they have done to get a 10-to-0 vote in our committee on the recommendations and report.

This is about supporting ethics. This is about supporting the bipartisan work of the Committee on Standards of Official Conduct. I hope each Member will take into consideration the fact that the vote coming before you is the unanimous work of our committee in dealing with some very difficult issues.

I wish we could go into more detail, but the rules of our committee do not permit that. But this is a very important vote, and it reflects the confidence that you have in this bipartisan Committee on Standards of Official Conduct process.

The substance of the rule that we bring before you completes the commitment we made to the American people under the Ethics Reform Act of 1989. That act increased Members' salaries by a significant amount, 30 percent, in exchange for which we restricted our outside earned income, and eliminated honoraria. We did that, but we allowed one exception, and one exception only, and it dealt with book royalty contracts.

We thought at that time that book royalty contracts would be a minor matter and it was not a major issue. We were wrong, as multimillion-dollar contracts have become available.

We said in 1989, and we repeat today in our ethics manual, that we need to restrict outside earned income because it conflicts with our responsibilities as Members of Congress, private commitments that may infringe upon public obligations. The pressures upon publishers for us to do tours or to promote our book conflicts with our responsibilities here. The appearance that an individual is profiting from a position in Congress, that is in our ethics manual. Outside earned income raises those concerns. Multimillion-dollar book contracts can raise those concerns.

The Solomon substitute will allow Members still to earn multimillion dollars in book contracts. That is wrong, and that is what the Committee on Standards of Official Conduct is saying.

The choice is clear. Please, support the work of our committee. It is also a matter of fairness. A farmer or a bricklayer or a doctor or a jewelrymaker, a performer or a football player who wants to have weekend youth camps, a person who records music or a person who develops software for computers are currently restricted to 15 percent, or $20,000. The only exception is book royalties. That is not right.

We do not impede people from doing these activities. We say there is a limit as to how much they can earn.

Originally, the Solomon substitute was promoted to make it similar to executive workers. Nothing could be further from accurate. High-level Federal officials cannot earn one dime from royalties that are in any way related to their official work.

If we do not approve the Johnson resolution, we are allowing Congressmen to do much more than executive workers. The risk here is very real. We are telling you, in the Committee on Standards of Official Conduct, that we can not protect against abuses. Book

contracts, book sales will take place. It will enrich Members.

Support the work of the Committee on Standards of Official Conduct.

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of my time.

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

Mr. SOLOMON. I yield to the gentleman from Ohio, a very valuable member of the Committee on Standards of Official Conduct.

Mr. HOBSON. Mr. Speaker, the Committee on Standards of Official Conduct is not an easy place to serve, and I appreciate the bipartisan support that we have worked with within that committee.

The rule that the Committee on Standards of Official Conduct presented to the House was arrived at after much spirited negotiations among its members but, I think, in good faith by all members of the committee.

The goal of the rule is to solve various problems that we identified with the House's current policies relative to the publishing of books by Members. There were various views expressed by members of the committee, and this rule is a compromise. Not everybody agreed with every point in it, but it was a compromise.

I support the committee's position and its rule.

But, more importantly than that, I think it is important for the House to have this debate in a comity, for the most part which we have had, and whatever rule that comes out of this, it is important that we resolve this problem in a consensus manner without bitter debate because we have to judge ourselves and be judged by others and work together.

So whatever rule comes out of this, it is important that we end it now and go back to our work together in the committee.

Mr. SOLOMON. Mr. Speaker, reclaiming my time, let me just close by saying the Johnson resolution restricts royalty income and bans advances. The Solomon substitute prohibits advances but does permit royalty income, and those are the two choices, or you can reject them both and leave the rules the way they are.

I hope that you will continue to treat us all the same and let us vote for the rule and then get on to the debate on the resolution itself.

SUMMARY, BACKGROUND AND ANALYSIS OF H. RES. 299, PROPOSED NEW RULE ON BOOK ROYALTIES AND RELATED ISSUES, PREPARED BY THE STAFF OF THE HOUSE RULES COMMITTEE

Introduction: On December 12, 1995, Representative Nancy Johnson of Connecticut, chairman of the House Committee on Standards of Official Conduct, introduced H. Res. 299, a resolution to amend House Rules regarding outside earned income. The measure was cosponsored by eight other members of the 10-member, bipartisan Standards Committee.

The resolution was introduced pursuant to a vote of the Committee in connection with the report it issued on December 12th on the ''Inquiry into Various Complaints Filed Against Representative Newt Gingrich.'' In its report, the Committee found that Representative Gingrich ''did not violate the House Rule governing book contracts or royalty income'' and that ''the book contract was in technical compliance with the 'usual and customary' standard of House rules regarding royalty income.'' However, the Committee it went on to indicate that ''the original advance greatly exceeded the financial bounds of any book contract contemplated at the time the current rules were drafted,'' and that it ''strongly questions the appropriateness of what some could describe as an attempt by Representative Gingrich to capitalize on his office.''

Consequently, the Committee recommended in its report that House Rule 47 (''Limitations on Outside Employment and Earned Income'') be changed to subject royalty income derived from books written while one is a Member to the same limits as other sources of outside earned income.'' A copy of the proposed rule was appended to the report.

SUMMARY OF PROVISIONS OF RULE CHANGE

(1) Inclusion of Copyright Royalties as Earned Income: House Rule XLVII (''Limitations on Outside Employment and Earned Income''), would amend in the first paragraph of clause 3(e), which defines ''outside earned income,'' by adding the following new category: ''copyright royalties earned while a Member, officer or employee of the House''; and subparagraph (5) of clause 3(e), which now exempts ''copyright royalties received from established publishers pursuant to usual and customary contractual terms'' from the definition of ''earned income,'' would be amended to only exempt ''copyright royalties for works published before becoming a Member, officer, or employee of the House.''

(2) Limitations on Receipt of Copyright Royalties: Clause 3 of rule XLVII would be further amended by adding a new paragraph (g) that would prohibit a covered Member, officer or employee of the House from—

(1) receiving any copyright royalties pursuant to a contract entered into after becoming a Member, officer or employee: (a) unless they are from an established publisher pursuant to usual and customary contractual terms; and (b) the contract has received prior approval of the Committee on Standards of Official Conduct;

(2) recieving any advance payment for any such work; but this prohibition shall not apply to advance payments made directly to literary agents, research staff, and other persons working on behalf of the Member, officer or employee.

Clause 3 of rule XLVII would be further amended by adding a new paragraph (h) that would prohibit the Committee on Standards of Official Conduct, subject to such exceptions as it deems appropriate, from approving any contract that permits deferral of royalty payments beyond the year in which earned.

(3) Effective Date: The amendments made by the resolution ''shall apply to copyright royalties earned by a Member, officer, or employee of the House of Representatives after December 31, 1995.''

Possible Problem: The resolution only applies to ''copyright royalties earned'' after December 31, 1995 (p. 4, lines 3-5), but prohibits the receipt of such royalties unless the contract received prior approval by the Standards Committee (p. 3, lines 11-13). This could presumably prohibit individuals from receiving any royalties in 1996 from contracts entered into prior to that year since they would not have received prior approval by the ethics committee. Or is it simply intended that existing, pre-1996 contracts be approved prior to receiving any royalties in 1996?

Background and Analysis: The current House Rule XLVII (''Limitations on Outside Employment and Earned Income)'', was revised as part of the Ethics Reform Act of 1989 (Public Law 101–194) applies to all Members as well as House officers and employees whose pay is disbursed by the Clerk of the House and exceed the annual rate of basic pay in effect for grade GS–16 of the General Schedule under section 5332 of title 5 of the U.S. Code (currently $81,529), and is employed for more than 90 days in a calendar year. The exception to this definition is for the ban on total ban on honoraria which applies to all Members, officers and employees of the House.[1]

Clause 1 of rule XLVII prohibits Members, and officers and employees paid at least $81,529, from receiving outside earned income in excess of 15% of the Executive Level II salary (which is the same as a Member's base pay), or roughly $20,000. Clause 2 prohibits such individuals from receiving any compensation for: (1) affiliation with or employment by any firm, partnership, association, corporation or other entity which provides professional services involving a fiduciary relationship; (2) for practicing a profession that involves a fiduciary relationship; (3) from serving any officer or member of a board of any association, corporation or other entity; or (4) from teaching except by the prior notification and approval of the ethics committee.

Clause 3(e) currently defines outside earned income as ''wages, salaries, fees, and other amounts received or to be received as compensation for personal services actually rendered.'' The current definition goes on to specify certain matters not considered as outside earned income, including: (1) the salary of Members, officers or employees; (2) compensation derived by such individuals for personal services rendered prior to the effective date of the rule (calendar year 1991), or prior to becoming Member, officer, or employee, whichever comes later; (3) amounts paid to a tax-qualified pension, profit-sharing, or stock bonus plan received by such individuals; (4) amounts received by such individuals from services rendered by them in a trade or business in which they or their family holds a controlling interest and in which both personal services and capital are income-producing factors; and (5) ''copyright royalties received from established publishers pursuant to usual and customary contractual terms.''

Thus, under current House Rules, copyright royalties are considered to be unearned rather than earned income. As the most recently published version of the House Ethics Manual puts it:

House Rule 47 has long exempted book royalties for outside earned income restrictions, royalties being deemed a return on the authors's intellectual property, akin to other unrestricted returns on property.[2]

The Manual goes on to cite the Senate Special Committee on Official Conduct's 1977 report on its Code of Official Conduct as follows—

If an individual writes a book, and it becomes a best-seller, any royalties received are beyond his direct control. It is income which is, in effect, a return on a prior investment of time and energy.[3]

And the Manual concludes on this point by distinguishing book royalties from articles:

A book author's royalties generally reflect the book's sales, that is, the public's assessment of the book's worth. An article, on the

Footnotes at end.

other hand, typically garners a one-time fee, based only on what the publisher is willing to pay the particular author (and not necessarily limited by the marketability of the piece).[4]

Finally, the Manual offers the following Example to illustrate its point:

Member A writes a book of memoirs about his years in public service. An established publisher offers the Members its usual and customary royalty terms for the right to publish the book. Member A may have the book published and collect royalties. The royalties will be deemed ''unearned income'' and will not count against A's outside earned income cap.[5]

Restrictions on Executive Branch Officials: The Ethics Reform Act placed the same restrictions on top level officials and employees of all three branches of government paid at a salary above the GS–15 level. However, several things should be noted in this regard. First, Executive Order No. 12674, section 102 (April 12, 1989), bars all cabinet level officials and all other officials appointed by the President to a full time, noncareer position from receiving any outside earned income. Other high level executive branch officials who are in noncareer positions and compensated above the GS–15 level are subject to the law's 15% outside earned income cap as well as the prohibitions on the outside practice of professions involving a fiduciary relationship, and compensation for service on boards of organizations.[6]

Second, to the extent that non-career employees of the Executive Branch (paid in excess of the GS–15 level salary) are permitted to accept compensation for writing or speaking on the outside, they are proscribed by regulations of the Office of Government Ethics from being compensated for speaking, lecturing or writing activity if the subject matter ''deals in significant part with the general subject matter area, industry of economic sector primarily affected by the programs and operations of his agency.''[7]

Third, the honoraria ban on all officials and employees was held unconstitutional by the Supreme Court with respect to career employees at the GS–15 level and below (United States v. National Treasury Employees Union, Feb. 22, 1995), affirming lower court decisions overturning the ban. The Supreme Court held that the broad ban imposed prior limitations and restrictions on nearly 1.7 million citizens for their ''expressive activities in their capacity as citizens, not as Government employees.'' However, the application of the immediate ruling is to rank-and-file government employees in the executive branch who were represented by the plaintiffs.[8]

Fourth, royalties from the publication of a book are considered by the Executive Branch for its employees, as a return on one's intellectual property (copyright), that is, unearned income such as investment income, and are not considered outside earned income. However, advances on royalties and some other pre-publication payments and contracts have been held by the Office of Government Ethics, in advisory letters, to be earned income subject to the earned income limitations.[9]

Summary: It is clear from the foregoing that the proposed new House rule on royalties would constitute a major shift in the definitions of earned and unearned income regarding copyright royalties and advances on published works. It would also create a double standard for Executive and Legislative Branch officials and employees. The proposed limits may also raise First Amendment questions under the Constitution given the Supreme Court's decision in U.S. v. NTEU. All of these issues deserve thorough study before any action is taken.

FOOTNOTES

[1] The Committee on Standards of Official Conduct has determined that certain matters are excluded from the honorarium ban such as compensation for activities where speaking, appearing or writing is only an incidental part of the work for which payment is made; witness or juror fees; fees to qualified individuals for conducting worship services or religious ceremonies; payments for works of fiction, poetry, lyrics, or script; or payments for performers who appear on stage. *House Ethics Manual*, 102nd Congress, 2d Session, April 1992, pp. 93–94.

[2] Id., p. 94.

[3] Id., p. 95.

[4] Id.

[5] Id., pp. 94–95.

[6] ''Summary Outline of Restrictions on Outside Earned Income for Executive Branch and Members of the House, Including Payments for Writing a Book,'' by Jack Maskell, Legislative Attorney, American Law Division, Congressional Research Service, January 19, 1995, p. 1.

[7] Id., pages 1–2.

[8] ''Receipt off Honoraria or Other Outside Income by Officers and Employees of the Federal Government After the Supreme Court Decision in United States v. NTEU,'' by Jack Maskell, Legislative Attorney, American Law Division, Congressional Research Service, Library of Congress, p. 1.

[9] Maskell, ''Summary Outline of Restrictions . . . .,'' op. cit., pp. 2–3, citing Office of Government Ethics Advisory Letters 86 X 4, April 10, 1986; 82 X 18, December 3, 1982; 89 X 17, September 26, 1989: ''Income attributable to the former, such as an advance on royalties, is 'earned income' while retention of a royalty interest following publication is a mere property right in the residual income stream.''

EXECUTIVE BRANCH RULES ON ROYALTIES

Mr. SOLOMON. Mr. Speaker, there has been some confusion sown about what rules currently apply to top level executive branch officials. As I have indicated, the President, Vice President, Cabinet officers, and Presidential appointees are barred from receiving any advances on book royalties, but may receive unlimited royalties.

I cite as my authority a report of the American Law Division of the Congressional Research Service dated January 19, 1995, by Legislative Attorney Jack Maskell, and I quote:

> Cabinet level officials—and all other officials appointed by the President to a full time, noncareer position—are barred completely from receiving any outside earned income [by] Executive Order No. 12674, section 102, April 12, 1989.

And, according to the American Law Division memorandum, citing several Office of Government Ethics Advisory letters, and I quote:

> Advances on royalties and some other publication payments and contracts have been . . . considered to be earned income subject to the earned income limitations.

Since top level executive officials can receive no earned income, they are barred from receiving any advances.

Other senior, noncareer executive branch employees earning over $81,000 are subject to the 15-percent cap when it comes to advances.

With respect to book royalties for executive branch officials, the American Law Division memorandum says the following, and I quote:

> Royalties after the publication of a book are considered as a return on one's intellectual property (copyright)—that is, unearned income such as investment income, and are not considered outside earned income.

The memo cites the regulation from volume 5 the Code of Federal Regulations at section 2636.303(b)(5).

In summary, Mr. Speaker, the President, Vice President, Cabinet members, and other Presidential appointees are barred from receiving book advances but are not limited with respect to book royalty income.

RESPONSE TO ARGUMENT OF DIFFERENT ADMINISTRATION RULES

Mr. Speaker, the argument has been made that my substitute does not put us on the same plane as our executive branch counterparts because they would still have different rules and regulations on other forms of earned or unearned income.

That may well be, but it is irrelevant to this debate. I am simply arguing today that, when it comes to book royalties and advances, we should adopt the same rules that both President Bush and President Clinton and their Office of Government Ethics thought were advisable.

So to drag in extraneous arguments and rules relating to other differences between the House and the executive branch is a smokescreen, plain and simple.

All I am asking is that, when it comes to book royalties and advances, the Vice President and the Speaker be treated the same. To imply that it is OK for one to receive unlimited royalties, but not OK for the other to do so, flies in the face of common sense and logic.

Either royalties are bad and unethical once they reach a certain amount, or they are not. The Office of Government Ethics has found under Democratic and Republican administrations alike that they do not pose an ethical problem. To now say that unlimited royalties are ethical for a Democratic Vice President but not for JERRY SOLOMON is an insult to the integrity of this House and to the intelligence of the American people. Let's not obscure the central issues and facts of this debate with smoke.

RESPONSE TO ARGUMENT THAT SUBSTITUTE PERMITS UNLIMITED ROYALTIES ON MATTERS OTHER THAN BOOKS

Mr. Speaker, I am astounded at the new smokescreen being thrown up here that my substitute somehow creates a new loophole for copyright royalties from matters other than books.

The Ethics Committee argues that it currently permits unlimited royalties only from books, and that other copyright royalties on things like records or songs are subject to the 15-percent outside earned income cap.

The fact is that I have used the same terminology as the Ethics Committee's resolution, and therefore it should be subject to the same interpretations that now apply to different categories of copyright royalties.

Just as the Ethics Committee's resolution talks about publications, publishers, and literary agents, so too does my substitute. Nowhere in either the resolution or my substitute is the word ''book'' used—anymore than it is used in the current House rule regarding copyright royalties.

Therefore, if the current exemption for copyright royalties is interpreted by the Ethics Committee to mean that it only applies to book royalties, then the same interpretation would continue to apply if my substitute is adopted.

The ethics committee could have taken a broader interpretation of the term ''publication'' since, under the copyright law, found in title 17 of the United States Code, at section 101, the term is defined as, and I quote: ''the distribution of copies or phonorecords of a work to the public by sale or other transfer of ownership, or by rental, lease or lending.'' End quote. Moreover, the term ''literary works'' are defined by section 101 of title 17 to include, and I quote, ''books, periodicals, manuscripts, phonorecords, film, tapes,'' et cetera.

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

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

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

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

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

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

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

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

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

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. BEREUTER). The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 380, nays 11, answered ''present'' 1, not voting 41, as follows:

[Roll No. 881]

YEAS—380

Abercrombie
Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Cooley
Cox
Coyne
Crane
Crapo
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
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Flake
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lowey
Lucas
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myrick
Nadler
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
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
Traficant
Upton
Velázquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)
Zeliff
Zimmer

NAYS—11

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

ANSWERED ''PRESENT''—1

Gunderson

NOT VOTING—41

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

□ 1127

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

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

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

□ 1130

GENERAL LEAVE

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

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

There was no objection.

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

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

The Clerk read the resolution, as follows:

H. RES. 299

Resolved,

SECTION 1. AMENDMENT TO HOUSE RULES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 2. EFFECTIVE DATE.

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

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

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

The Clerk read as follows:

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

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

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

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

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

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

SEC. 2. EFFECTIVE DATE.

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

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

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

There was no objection.

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

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

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

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

There was no objection.

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

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

House Resolution 299 would bring royalty income, for the first time, under the outside earned income cap of 15 percent of a Member's salary of approximately $20,000. My substitute recognizes, as does the House Ethics Manual, and as does the Office of Government Ethics in the executive branch, that royalty income is a return on an author's intellectual property and, therefore, should be treated as any other investment income without being subject to arbitrary limits. It is what this debate is all about.

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

And just like the Johnson resolution, my substitute requires prior approval of any future contracts after January 1, 1966, to ensure that they are in compliance with current House standards. We do not change those at all. And that the contract be with an established publisher. That is the rule today. That is the rule under the Johnson resolution, and it is the rule under my resolution. And that they be pursuant to usual and customary contract terms. All that stays the same.

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

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

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

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

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

dime. And given the current public approval rating of Congress, that is not too surprising, really; right? Right? We are not considered to be leading intellectual lights of our society, let us get our egos back down, let alone literary geniuses. I do not see a literary genius in the room.

Members, an argument can be made that advances, now think about this, that advanced royalties might be perceived as posing a conflict since they can come from a single source, the publisher, and are based on expectations of sales rather than what the actual value of the book might be. And that is really what the Committee on Standards of Official Conduct had in mind when they put this out here on the floor.

Therefore, it is legitimate for us to prohibit advances, because they may pose potential conflicts of interest or even the perception of a conflict of interest that a Member is being rewarded for the office he holds rather than for the actual value of the book.

Mr. Speaker, if we begin down this road of defining unearned income as earned income because someone thinks it poses an ethical problem, then maybe we should place limits, and Members better listen to this, because it is out there right now with some of these Members here, maybe we should place limits on how much in dividends a Member can receive from stock investments, from stocks and bonds that we have earned and paid taxes on and now that is a Member's personal property. Think about that.

Mr. Speaker, stock income can certainly be argued as posing potential conflicts of interest since we often vote on matters that affect stock prices. Members should think about that for a minute now. Whether we are talking about defense contracts, and I own GE stock. They get involved with defense contracts. Is there a conflict of interest there? We better start thinking because we are going down that road. Or how about the telecommunications bill, Mr. Speaker, that will be on this floor, hopefully, sometime soon. But book income is nowhere close to posing the potential conflicts that stock income does. We do not cast votes on this floor that affect how well our books might sell at the local book store, my friends.

Mr. Speaker, let us not go overboard here today and vote for an ethics rule that has no relationship to potential ethics problems, particularly if we deal with the advance problem. Let us not punish or discourage Members, and staff, too, from writing books and disseminating their opinions and their ideas, wisdom and knowledge developed over a lifetime. Please think about that.

If we do that, Mr. Speaker, we will be the first parliamentary body, the first democracy in history that penalizes literacy by stigmatizing the writing of books. Instead, Mr. Speaker, and I will say this with just all sincerity, let us put this House on the same plane as the President of the United States, and I am not being political, the Vice President of the United States, Cabinet members, and other Presidential appointees who are prohibited from receiving advances on books, but who may still receive royalty income under the Constitution of the United States, and that has been upheld by the courts.

To quote from an Office of Government Ethics advisory letter of September 26, 1989, on this subject, ''We have drawn a distinction between those events creating intellectual property, such as the writing of a manuscript, and the subsequent retention of a royalty interest after the book is published.''

The advisory letter goes on, and I quote:

> Income attributable to the former, such as an advance on royalties, is earned income; while the retention of a royalty interest following publication is a mere property right in the residual income stream.

That is what the debate is all about here today.

Let us agree to prohibit up-front advances on all books while retaining the right of receiving a return on our investment of intellectual property, subject not to some arbitrary limit but only to the limits that the people place on it by purchasing those books.

Let us not make Members of Congress second-class citizens, and we are about to do that, by adopting a rule that places less value on our ideas and our writings than the executive branch rule places on the President and his top people. If Members want to change this law, we have a law, an ethics law written into law signed by the President, the 1989 ethics law. If we want to change that, we want to have our hearings, let us to do that and then treat us all exactly the same. That is a possibility. That is what I had in mind. But let us not demean ourselves or this institution any further by stigmatizing the value of what we are willing to be able to communicate to the public by simply writing books in our spare time.

Mr. Speaker, that is what this is all about. It is so terribly important. I do not want to go down that road of all of these other things, because this institution has to be maintained. The integrity has to be maintained and the future people that will serve here have to know that they are going to be treated just like every other citizen.

□ 1145

That is what this debate is all about. So, I would beg my colleagues to come over and vote for my resolution, and then if they want to talk about changing the law of the land later on, I would be more than glad to work with every Member and all of the respected members of the Committee on Standards of Official Conduct.

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

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

Mr. Speaker, if the Members of this body vote for the Solomon amendment, they do two things: They deny the House of Representatives the opportunity to vote on the proposal of the gentlewoman from Connecticut [Mrs. JOHNSON], the chairman of the Committee on Standards of Official Conduct, and, second, they leave open the door to multimillion-dollar contracts that we cannot monitor.

Mr. Speaker, we removed a Speaker of the House over book sales, bulk book sales. That loophole is still open, and if we do not pass this resolution that we put out of the Committee on Standards of Official Conduct, we are voting to leave the bulk sale loophole open, with no ability of this committee to ever monitor that. That is why this amendment is before us.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in strong support of House Resolution 299 and in opposition to the Solomon substitute.

Mr. Speaker, this vote will be the vote that Members must take responsibility for their actions. The Committee on Standards of Official Conduct is bringing this rule to the floor because it is appropriate for the body to work its will on this subject. Normally, we bring other kinds of things to the floor. We are bringing a rule because the issue raised by it is an issue that Members should legitimately decide.

Mr. Speaker, this is not a contest between good and evil. This is a contest between two proposals, each of which will change the way we govern Members who write books.

Mr. Speaker, let me try to make as clear as I possibly can the difference between the two proposals. First of all, they both will require that the Committee on Standards of Official Conduct review contracts and approve contracts. This is a very important step forward, because we will assure through that mechanism that Members are not treated differently; that Members get no preferential deal in any book contract, but that every contract will have to meet usual and customary standards.

Second, both proposals will ban advances. Now, advances used to cover costs. They have come to cover both costs and expected royalties. That is why it is very important that we ban advances.

The third difference between the bills, the first two were similarities, they both involve Committee on Standard of Official Conduct approval of contracts and banning advances. Where they differ is in how they treat royalty income once the book is written and published.

Mr. Speaker, the Committee on Standards of Official Conduct is recommending that royalty income be governed in the same way all other outside earned income is governed; that is, subject to the $20,040 limit.

The alternative proposal does not limit royalty incomes on the theory that the book will sell only as many copies as its ideas merit and, since it is a matter of intellectual property, that we should not limit the income from ideas just like we do not limit the income from stocks.

Mr. Speaker, that is not an illegitimate proposal. There are two legitimate proposals before Members. The Committee on Standards of Official Conduct chose this direction, that is in the underlying resolution, because we believe it is easier and fairer for the House of Representatives for all Members of the House to be governed in regard to outside income by a uniform and consistent rule. Consequently, our proposal will bring royalty income under the same governance that all other outside income is governed by in the House.

Mr. Speaker, ideas are important. Ideas ought to be the currency of politics in America, now more than at any other point in our history. We do not believe our proposed rules will prevent ideas from materializing in book form, those books enriching the political dialogue of our Nation.

Mr. Speaker, I urge the Members to support the Committee on Standards of Official Conduct resolution.

Mr. MCDERMOTT. Mr. Speaker, would the Chair inform as to the amount of time that is remaining?

The SPEAKER pro tempore. The gentleman from Washington [Mr. MCDERMOTT] has 10½ minutes remaining, and the gentleman from New York [Mr. SOLOMON] has 5½ minutes remaining.

Mr. MCDERMOTT. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Cleveland, OH [Mr. STOKES], former chairman of the Committee on Standards of Official Conduct for 6 years.

Mr. STOKES. Mr. Speaker, I rise in support of the rule change being proposed by the Committee on Standards of Official Conduct and in opposition to the Committee on Rules substitute.

Mr. Speaker, as has been stated, in past congresses I have served on the Committee on Standards of Official Conduct both as a member and I served as its chairman for 6 years. I also served on the Ethics Task Force chaired by the gentleman from California [Mr. FAZIO], which drafted many of the rules changes now existing under the rules.

Mr. Speaker, I want to commend the gentlewoman from Connecticut [Mrs. JOHNSON], chairwoman, and the gentleman from Washington [Mr. MCDERMOTT], her ranking minority member, for bringing forth this thoughtful and carefully crafted rule change. In fact, I commend the entire committee for this unanimous bipartisan rule change which is needed to close the book deal loophole.

Mr. Speaker, any attempt to undercut, undermine, or defeat this recommendation of the Committee on Standards of Official Conduct merely once again subjects this institution to the continuous charge that we cannot conduct ourselves in an ethical manner, and once again brings the House into a position of public disrespect by rejecting the attempt of its own Committee on Standards of Official Conduct to keep Members ethical.

Mr. Speaker, I totally reject the argument that the Members here are being deprived of intellectual property under the Johnson resolution. Additionally, I see this as a dangerous precedent. Throughout its history, the House has never had a recommendation of the Committee on Standards of Official Conduct undercut by the Committee on Rules of the House.

Mr. Speaker, I urge the Members to support the Johnson resolution of the Committee on Standards of Official Conduct and reject the House Committee on Rules proposal.

Mr. MCDERMOTT. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. PETERSON].

Mr. PETERSON of Florida. Mr. Speaker, I first want to commend the Committee on Standards of Official Conduct, all members, both sides. They worked very hard to bring this bill to us. It may not have been unanimous, but it must have been pretty close because that is all that was reported out.

Mr. Speaker, there is no one standing in line to serve on the Committee on Standards of Official Conduct. They work very hard. And I know I was pretty hard on them, along with one of my colleagues from Florida, because we felt they were taking too long to arrive at this decision, but they did good work and it is here. It is before us now.

Mr. Speaker, it is a good recommendation. It closes a huge loophole in the ethics rules that we have in this House, and it allows the Committee on Standards of Official Conduct to do its job better in its interpretation of those rules.

Mr. Speaker, the bottom line, no one in this House should be able to capitalize on their position as an elected public servant. Ultimately, the substitute here is bad. It is weaker than the current standard for other Federal offices and agencies. We need to make that point. It is a bad rule. We need to continue with the resolution that is before us that the gentlewoman from Connecticut has brought to us and vote for it.

Mr. MCDERMOTT. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, unfortunately and tragically, both for this institution and for the American public, every now and then we are presented with the task of confronting the activities of those who have sought to exploit the rules of the House of Representatives.

Mr. Speaker, this Committee on Standards of Official Conduct has struggled long and hard, as have previous Committees on Standards of Official Conduct, with these problems. The recommendation of this committee is that they believe, and I cite from the report that, ''The existing House rule must be changed to clearly restrict the income Members may derive from writing books. As recent events demonstrate, existing rules permit a Member to reap significant and immediate financial benefits appearing to be based primarily on his or her position. At a minimum, this creates an impression of exploiting one's office for personal gain.''

This institution and none of its Members can withstand that impression, nor should they accept it. If Members vote for the Solomon amendment, they cannot get to the recommendation of the Committee on Standards of Official Conduct to the membership of this House for its approval. We must vote against the Solomon amendment.

Mr. MCDERMOTT. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. FAZIO], a former member of the Committee on Standards of Official Conduct.

Mr. FAZIO of California. Mr. Speaker, as I have listened to my colleagues in the debate here on the floor, and in conversations that occur within the Chamber, I sense that most of the opposition to the proposal that was made by the committee, unanimously, seems to go to the basic law that was passed in 1989, which essentially said that if we are going to be increasing our compensation here, which we did, we ought to do it in the context of concentrating our time on the job that we have been elected to do during that period of our public service.

Mr. Speaker, we did not prevent anyone who had worked in a prior career from continuing to benefit from that. A person who had invested in an insurance business or a law firm or even, like the gentleman from California [Mr. BONO], as a creative artist. We did not prevent any Member from taking what they learned here and writing the great American novel about American politics and Congress when they left.

We simply said that while Members are here, they ought to concentrate their efforts on serving the public and we ought to guarantee that despite all the other things we might do as a prior career or continuing career, it ought to be limited so that the amount of income we could earn would be de minimis in the context of what our salary was.

Mr. Speaker, I do not see anything at all inconsistent with what the Committee has asked us to do. They are, in effect, closing a loophole which was made at the time, because we never envisioned that people who wrote books would exceed that limit. I think it is appropriate that we make this change, and I hope Members would reaffirm the law we passed in 1989.

Mr. MCDERMOTT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

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

Ms. PELOSI. Mr. Speaker, I rise in opposition to the Solomon amendment, and remind our colleagues that if the Solomon resolution passes, we will not have an opportunity to vote for the report of the Committee on Standards of Official Conduct.

Mr. MCDERMOTT. Mr. Speaker, I yield 1½ minute to the gentleman from Ohio [Mr. SAWYER], a member of the Committee on Standards of Official Conduct.

Mr. SAWYER. Mr. Speaker, I express my thanks and gratitude to all of my colleagues on the Committee on Standards of Official Conduct. The last 11 months have presented a challenge before us to deal with a number of complex issues that revolve around a number of different charges that were brought before us. But the issue that brings us together today is what brought us together as a committee. It was the cement, the cornerstone, the baseline from which we drew a unanimous report that we all agreed to from the committee.

That baseline drew on exactly the kind of question that the chairman of the Committee on Rules asks. The gentleman's question was: What is the perceived problem and what is the solution? The perceived problem is real. It was the appearance of exploiting one's office for personal gain. The solution, the goal, was to limit outside income to avoid that appearance.

Mr. Speaker, this measure that we may or may not get to, depending on the outcome of the vote on the Solomon proposal, was precisely that attempt. It was a bipartisan effort to come to an agreed-upon date with an agreed-upon solution that would deal with the appearance of exploiting one's office for personal gain.

Mr. Speaker, it is a fair and honorable way to go about the business of saying, yes we want to share ideas with the rest of the Nation, but we should not be earning exorbitant income in the process of doing it.

□ 1200

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

When I was a boy, I used to worship this next speaker. He was one heck of a baseball player.

Mr. Speaker, I yield 3 minutes to the gentleman from Kentucky [Mr. BUNNING], a distinguished Member now in another career, especially with his duties on the Committee on Standards of Official Conduct.

(Mr. BUNNING of Kentucky asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. BUNNING of Kentucky. Mr. Speaker, first of all, I would like to show the Members of this body those people who have applied in the last 3 years and asked the Committee on Standards of Official Conduct for permission to do books, and that does not include those who wrote them without asking permission, because presently under the law you do not have to ask permission.

Mr. Speaker, I rise in opposition to House Resolution 299 and in support of the Solomon amendment.

No matter how hard we try we cannot insulate the Members of this body from every potential temptation and every potential conflict of interest that exists in this world today.

To try to do so is ridiculous. To try to do so demeans this body's integrity and the integrity of each and every Member of this House of Representatives.

If a Member of the U.S. House of Representatives has intelligence and imagination enough to develop ideas that can catch the interest of the book buying public—what is the harm of that?

If a Member of this body has enough writing ability to convince the book buying public to shell out $10, $20, $30 for a book, where is the harm in that?

Sure, we can prohibit advances, and I agree that we should do so, for the potential abuse does occur in advances and the Solomon substitute does just that.

But, for God's sake, do not gag the Members of this body with the intelligence and ability to put ideas down on paper. Do not tell the American public that the Members of this body cannot be trusted to test their ideas in the market place.

This year, 10 Members of this body have submitted book contracts to the Ethics Committee for consideration. Changing the rules retroactively is totally unfair to these Members.

In the past 3 years another 15 Members or staff personnel have submitted book contracts to the Committee of Standards. And this does not even count the others who did not submit their contracts to the Ethics Committee.

We do not know how many books are being written or sold because, currently, the rules do not require anyone to submit contracts for review. We will not know until the income is reported on the financial disclosure statements.

The Solomon amendment requires that all books be submitted.

It is just not right to stifle the talents or the message, and it is a violation of the first amendment of the Constitution.

It is a matter also of common sense and dignity.

Do not demean this body or the integrity of your follow Members by slapping a gag rule on this institution.

Please, support the Solomon substitute.

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, let me try to respond to some of the comments that were made by the gentleman from Kentucky [Mr. BUNNING] and the gentleman from New York [Mr. SOLOMON].

First, the problem is that the current rules allow a person to be able to earn millions of dollars solely because of their office. That is the problem that we are dealing with. These multimillion-dollar book contracts are awarded because of our office.

The second problem is enforceability. Nothing in our current rules gives the Committee on Standards of Official Conduct the ability to enforce bulk sales, as the gentleman from Washington, [Mr. MCDERMOTT] mentioned. We can be with a group, and to show us appreciation they buy 500 copies of our book, distribute it to the conference, and we have personally benefited a couple thousand dollars. It is that type of problems that we have if we do not restrict the book royalty income, the same as we do all other earned income.

The gentleman from New York [Mr. SOLOMON], let me point out that the President and senior executive officers cannot earn money like we do for books. In most cases, they cannot earn any money, and they certainly cannot relate it to their office.

So we are allowing Congressmen much more flexibility than the President of the United States or senior Cabinet positions.

We are dealing with earned income, not unearned income or investment income. I think that is totally inappropriate to mention that in this debate.

Lastly, let me point out the issue is clear. If the Solomon substitute is adopted, we never get a chance to vote on the recommendation of the Committee on Standards of Official Conduct. Members will still be able to enter into multimillion-dollar contracts. It is that that we are trying to stop.

Make no mistake about it, we have a clear choice on the floor of the House today. If you vote for Solomon, you are opposing the bipartisan report of the Committee on Standards of Official Conduct. You are opposing what we are trying to do in telling you that we cannot enforce the current rule.

Please, support the Committee on Standards of Official Conduct.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. HUNTER].

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

Mr. HUNTER. Mr. Speaker, I rise in supporting the Solomon amendment and opposing the base bill, which, had it been adopted by the British Parliament, would have prohibited Winston Churchill from writing and selling 11 major works while he was in office, including his 1953 Nobel Prize-winning history of World War II.

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

Mr. CUNNINGHAM. Mr. Speaker, I rise in support of the Solomon amendment.

But I would also like to commend the gentlewoman from Connecticut [Mrs.

JOHNSON] and the gentleman from Washington [Mr. MCDERMOTT].

I think, under Democratic leadership, many of us thought the Committee on Standards of Official Conduct, had a wrangle of an oxymoron that it really was not able to achieve very much.

I disagree with you on this issue. Let me tell you why. The Senate just passed 68 to 30 to override the President's frivolous lawsuit-type thing. Democrats filed 65 charges against the Speaker, frivolous.

In a bipartisan way they threw out 64, and only one of them, in a very narrow, technical use, to look at a tax loophole.

If you want to look at something, ethics in this body, you ought to look at frivolous charges on a partisan matter.

The Speaker took $1. There has never been, to my knowledge, anyone that signed a million-dollar contract, ever. So what are we fighting against? The Speaker took 1 dollar, and we are legislating this against it.

I am writing three books. I have written one. I am writing two others. I am not going to make a million dollars on them, but I would like to be able to sell them.

Mr. McDERMOTT. Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, the gentleman from Kentucky just said that it is a violation of free speech to provide this limitation. It is not.

Senator SARBANES and I arranged for the publication of a book. We also arranged that neither one of us would make one dime off of it. So did the distinguished majority leader of this House, the gentleman from Texas [Mr. ARMEY].

This is not about free speech. This is about money and we believe, and I am happy that the Committee on Standards of Official Conduct believes, that Members of the House should not have to make money in order to freely express their ideas.

Mr. McDERMOTT. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, Members of the House, I think the gentleman from Wisconsin really put his finger on it. You have a clear choice here.

The Committee on Standards of Official Conduct looked at this issue and said we do not want to stifle people's ability to write books. We want them to be able to make a modest amount of income in addition to their salary, which we allow everybody else in this House except attorneys, and we said we cannot allow the continuation of the present situation because it leaves itself open to abuse.

The amendment offered by the gentleman from New York [Mr. SOLOMON] not only leaves it open to abuse but broadens it.

In my view, you have a very clear choice. It is not two good proposals; it is one bad proposal and one very good bipartisan proposal the gentlewoman from Connecticut [Mrs. JOHNSON] put together in the Committee on Standards of Official Conduct, and every Member here ought to support it.

As I said before, our problem, we looked at a lot. The gentleman from California [Mr. CUNNINGHAM] brought up all the other issues.

Well, there were some issues we could not figure out how to examine. For instance, book bulk sales; Speaker Wright was brought before this House on that issue, and the fact is that we have no capacity to know how books are sold or anything else. So the only way we could do it was to say you will have $20,040 whether you are writing a book or you are an undertaker or you are a whatever; you can make additional money here, but only $20,040, no matter what you do. You can write anything. You can use the books to be published and promoted by the companies, but you can only come away with $20,040.

This is about money, not about the expression of ideas.

Mr. SOLOMON. Mr. Speaker, I yield 30 seconds to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, I began my discussion during the rule by quoting the Constitution of the United States, and the reason you can say it is not about free speech, it is about money, thus implying that all of us who are trying to stand up for the Constitution are doing it for some nefarious reason because you have this Constitution that says you have free speech: ''Congress shall make no law respecting abridging of the freedom of speech.''

Now, if you are having difficulty finding out whether people are acting crookedly, that is something we have to overcome in a free country. You cannot come down here and make the argument that somehow we are favoring money over free speech when the Constitution says it is supposed to be tough to get rid of free speech.

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of my time and just say that maybe I should not say anything after that speech by the gentleman from Hawaii.

I want to commend both sides for a very good debate. For the most part, it has been nonpartisan, and we hoped it would be that way because it is an issue that faces all of us.

The question before us is whether or not advances can be abused. We recognize that on both sides of the issue. Therefore, my resolution abolishes all possibilities of any abuses from a book being sold, Members getting an advance when the book was not really worth anything, the intellectual property was not worth anything, therefore he should not receive any income from it. That is what the debate is all about.

I would hope that you would now vote for the resolution. We look forward to continuing to work with the Committee on Standards of Official Conduct in the Committee on Rules' jurisdiction of accepting the rules that this House has to operate under.

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

The SPEAKER pro tempore (Mr. BEREUTER). Pursuant to the House Resolution 322, the previous question is ordered on the amendment and on the resolution.

The question is on the amendment in the nature of a substitute offered by the gentleman from New York [Mr. SOLOMON].

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

Mr. SOLOMON. 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 219, nays 174, answered ''present'' 2, not voting 38, as follows:

[Roll No. 882]

YEAS—219

Abercrombie
Archer
Armey
Bachus
Baesler
Baker (CA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clay
Clinger
Collins (GA)
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Flake
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Graham
Greenwood
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Lucas
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mfume
Mica
Miller (FL)
Molinari
Mollohan
Moorhead
Morella
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Roth
Royce
Salmon
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry

Thornton
Tiahrt
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff

NAYS—174

Allard
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Bilbray
Bishop
Blute
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clayton
Clement
Clyburn
Coble
Coburn
Coleman
Collins (IL)
Combest
Costello
Coyne
Danner
DeFazio
de la Garza
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Engel
Ensign
Eshoo
Evans
Farr
Fazio
Fields (LA)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gonzalez
Gordon
Goss
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hobson
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E.B.
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Leach
Levin
Lewis (GA)
LoBiondo
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Menendez
Miller (CA)
Minge
Mink
Moakley
Montgomery
Moran
Murtha
Nadler
Oberstar
Obey
Olver
Ortiz
Orton
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thurman
Torkildsen
Torres
Torricelli
Towns
Velázquez
Vento
Visclosky
Volkmer
Wamp
Ward
Waters
Williams
Wise
Woolsey
Wynn
Yates
Zimmer

PRESENT—2

Gunderson
Studds

NOT VOTING—38

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

☐ 1232

The Clerk announced the following pairs:

On this vote:

Mr. Quinn for, with Miss Collins of Michigan against.

Mr. Quillen for, with Mr. Filner against.

Mr. YATES, Mr. LOBIONDO, and Mr. RUSH changed their vote from ''yea'' to ''nay''.

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

So the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BEREUTER). The question is on the resolution, as amended.

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

RECORDED VOTE

Mr. MCDERMOTT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 259, noes 128, answered ''present'' 2, not voting 44, as follows:

[Roll No. 883]

AYES—259

Abercrombie
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Beilenson
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Boehlert
Bonilla
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clay
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Dixon
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Farr
Fawell
Flake
Flanagan
Foglietta
Foley
Forbes
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gutknecht
Hall (TX)
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
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
LoBiondo
Longley
Lucas
Manton
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McNulty
Metcalf
Meyers
Mfume
Mica
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Rose
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Torricelli
Towns
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—128

Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Blute
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clayton
Clyburn
Coleman
Collins (IL)
Costello
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Dicks
Doggett
Dooley
Doyle
Durbin
Engel
Eshoo
Evans
Fattah
Fazio
Fields (LA)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
Levin
Lewis (GA)
Livingston
Lowey
Luther
Maloney
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Menendez
Miller (CA)
Mink
Moakley
Murtha
Nadler
Oberstar
Obey
Olver
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pomeroy
Poshard
Rangel
Reed
Richardson
Rivers
Roemer
Roukema
Roybal-Allard
Rush
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Stark
Stokes
Stupak
Thompson
Thurman
Torkildsen
Torres
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Williams
Woolsey
Wynn
Yates

ANSWERED ''PRESENT''—2

Gunderson
Studds

NOT VOTING—44

Ackerman
Baker (LA)
Berman
Bevill
Boehner
Buyer
Callahan
Calvert
Chapman
Collins (MI)
Conyers
Cramer
Deutsch
Edwards
Fields (TX)
Filner
Ford
Fowler
Gallegly
Gibbons
Green
Gutierrez
Harman
Hayes
Jacobs
Jefferson
LaFalce
Lantos
Lincoln
Lipinski
Lofgren
Manzullo
McIntosh
Meek
Myers
Neal
Owens
Quillen
Quinn
Ros-Lehtinen
Sabo
Shaw
Waxman
Wyden

☐ 1251

The Clerk announced the following pair:

On this vote:

Mr. Quinn for, with Miss Collins of Michigan against.

Messers. TEJEDA, ORTIZ, and TAYLOR of Mississippi changed their votes from ''no'' to ''aye.''

So, the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate, having proceeded to reconsider the bill (H.R. 1058) ''An Act to reform Federal securities litigation, and for other purposes'', returned by the President of the United States with his objections, to the House of Representatives, in which it originated, and passed by the House of Representatives on reconsideration of the same, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4) ''An Act to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence.''.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1655) ''An Act to authorize appropriations for fiscal year 1996 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.''.

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

H.R. 2029. An Act to amend the Farm Credit Act of 1971 to provide regulatory relief, and for other purposes.

CONFERENCE REPORT ON H.R. 2539, ICC TERMINATION ACT OF 1995

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent to call up and adopt a conference report to accompany the bill (H.R. 2539), to abolish the Interstate Commerce Commission, to amend subtitle IV of title 49, United States Code, to reform economic regulation of transportation, and for other purposes, and that Senate concurrent resolution (S. Con. Res. 37) directing the Clerk of the House of Representatives to make technical changes in the enrollment of the bill (H.R. 2539) entitled ''An Act to abolish the Interstate Commerce Commission, to amend subtitle IV of title 49, United States Code, to reform economic regulation of transportation, and for other purposes'' shall be deemed to have been adopted upon adoption of such conference report.

The Clerk read the title of the bill.

The Clerk read the title of the Senate concurrent resolution.

(For conference report and statement see proceedings of the House of December 18 (legislative day of December 15), 1995, at page H14993.)

The text of Senate Concurrent Resolution 37 is as follows:

S. CON. RES. 37

Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 2539) entitled ''An Act to abolish the Interstate Commerce Commission, to amend subtitle IV of title 49, United States Code, to reform economic regulation of transportation, and for other purposes'' shall make the following corrections:

(1) In section 11326(b) proposed to be inserted in title 49, United States Code, by section 102, strike ''unless the applicant elects to provide the alternative arrangement specified in this subsection. Such alternative'' and insert ''except that such''.

(2) In section 13902(b)(5) proposed to be inserted in title 49, United States Code, by section 103, strike ''Any'' and insert ''Subject to section 14501(a), any''.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania [Mr. SHUSTER].

There was no objection.

Mr. SHUSTER. Mr. Speaker, I rise in strong support of the conference report on H.R. 2539, the ICC Termination Act of 1995.

This is a very important piece of legislation that will eliminate the oldest regulatory agency, the Interstate Commerce Commission.

This conference report represents a delicate balancing of the interests of shippers and carriers and a reasonable compromise between the House and Senate versions. The House bill passed with strong bipartisan support by a vote of 417 to 8 and the conference report retains all the key provisions of the House-passed bill.

The conference report represents the final chapter in the long history behind the termination of the ICC. The ICC has been downsizing for the past 15 years. In the 1970's the ICC had 11 commissioners and 2,000 employees and oversaw pervasive regulation of the transportation industry. The Staggers Act of 1980 and the Motor Carrier Act of 1980 began the substantial deregulation of the rail and motor carrier industries. The ICC now has 5 commissioners and fewer than 400 employees.

The conference report eliminates many of the remaining regulations and continues the downsizing of government. The bill preserves a core of functions that are retained only where necessary to preserve competition and ensure the smooth functioning of the $320 billion surface transportation industry. Any remaining functions are transferred to the Department of Transportation—avoiding overhead that having a separate agency requires.

The bill will produce personnel savings of over 200 employees at an annual budgetary savings of $21 million.

It is essential that this bill move quickly considering that the ICC will run out of appropriated funds at the end of this month.

The DOT appropriations bill funds the ICC only through December 31 of this year. The purpose of H.R. 2539 is to provide for the orderly shutdown of the ICC.

Without legislation to eliminate or transfer current ICC regulatory functions the transportation industry will be hurled into chaos.

For example, if the ICC is shut down without authorizing legislation to transfer remaining functions, it will be impossible for railroads to record liens on purchases of new rolling stock. This is like telling a car dealer that he can sell new cars, but there is nowhere to go to transfer the title to the car.

SUMMARY OF THE BILL

RAIL

The conference report repeals and reduces numerous regulatory requirements of law, including a variety of obsolete or unnecessary provisions. These include:

Replacement of tariff filing with a requirement that railroads notify shippers of changes of rates

Repeal of the separate rate regime for recyclable commodities.

These are in keeping with our goal to streamline Government and make any truly necessary regulation as efficient and cost-effective as possible.

The bill focuses remaining regulation of rail transportation on the minimum necessary backstop of agency remedies to address problems involving rates, access to facilities, and the restructuring of the industry.

The bill also includes provisions to facilitate the transfer of lines that would otherwise be abandoned so that another carrier can keep them in service.

In order to ensure fairness, any proceeding that has begun before the bill is enacted would be continued under the law in effect before enactment.

The bill recognizes the unique nature of the railroad industry and draws a balance among the interested parties: carriers, shippers, and the public.

The bill continues the basic structure of the Staggers Act, under which the railroad industry has seen a remarkable recovery primarily due to the benefits of deregulation.

The most controversial issue in the conference report has been labor reforms on small railroad transactions. The Senate has passed a concurrent resolution that we will bring forward to restore all of the language from the Whitfield amendment that was in the House bill. This bill passed with 417 votes on the House floor.

I also want to note one item that is discussed in the conference report at page 180. The new procedures for line purchases by class II and class III railroads in section 10902 do not remove the existing option of carriers of any size to seek approval of non-merger transactions under section 11323, which carries with it the existing labor protection requirements. Such transactions include trackage rights agreements under section 11323(a)(6), as well as purchases, leases and operating contracts under section 11323(A)(2).

Finally, I want to clarify changes that are made in the conference report regarding access to terminal facilities and switch connections and tracks. Some people are claiming that the conference report vastly expands the capability of freight railroads to obtain access to other railroads' facilities. This is incorrect. The statement of managers is intended to provide clarification specifically for certain railroads owned or operated by public authorities. The report clarifies that such railroads, for example those in the New York Metropolitan Region, owned and operated for the public interest, may invoke the remedies under sections 11102 and 11103.

MOTOR CARRIER

The conference report eliminates or streamlines numerous unnecessary motor carrier functions currently performed by the ICC. These include eliminating nearly all remaining tariff filings, significantly broadening exemption authority to permit administrative deregulation, easing the burdensome financial reporting requirement, deregulation of Federal and State price regulation of office and exhibit moves, elimination of ICC resolution of routine commercial disputes, and streamlining of regulation of chemical pipelines, among many others.

A core of motor carrier functions will be transferred to the Department of Transportation and carried out with no increase in personnel slots and with no increase in funding. The primary Department responsibility will be the registration of motor carriers and the establishment and enforcement of minimum financial responsibility requirements. The other function transferred is maintenance of background industry commercial rules (such as cargo loss and damage rules, leasing rules) which should not require any significant personnel or resources.

A limited number of functions will be carried out by the Board, including the final resolution of undercharge claims, oversight of the remaining limited rate reasonableness requirements, and approval and oversight of agreements for antitrust immunity under reformed procedures and oversight over noncontiguous domestic trade.

The conference report contains a compromise provision to correct an inadvertent change in 1994 to common carriers' ability to establish released rates for shipments. This change would permit carriers to limit liability in a schedule of rates kept on file at the carriers' place of business, which is made available to shippers upon request. I want to be clear that this change represents a compromise from the house-passed provision, and in no way affects the underlying Carmack amendment.

CONCLUSION

I urge all my colleagues and particularly the 417 Members who supported this legislation on the House floor to vote for the conference report with the assurance that it contains all the major provisions of the House-passed bill.

I rise in strong support of the concurrent resolution. This resolution conforms the conference version of the I.C.C. Termination Act exactly to the House-passed bill on the subject of labor protection. That bill, which included the Whitfield amendment, was approved by the House on a rollcall vote of 417 to 8. It also makes one other technical change to correct the accidental omission of a phrase in one of the conference provisions.

The changes contained in this concurrent resolution remove the principal feature of the conference report which the administration found objectionable. It is our good fortune that the Senate has agreed to recede to the House on this point, in order to remove the administration's ground for objection, and has already approved the same resolution we are now considering. I therefore urge approval of this resolution on the same bipartisan basis that Members exhibited when they overwhelmingly approved the House-passed bill with the same labor protection provisions.

Mr. NADLER. Mr. Speaker, this conference report, as amended by Senate Concurrent Resolution 37, follows the House bill by including a very important labor protection provision, known as the Whitfield amendment, which was adopted by the Members of this House by a 241–184 vote. That amendment provides some measure of protection to railway workers. Without it, the impact on those working Americans would be simply unconscionable. I am pleased to note that it is part of the bill going to the President.

I am also gratified that two provisions I proposed, and got included in the House version of this bill, have been retained in this conference agreement. These two sections will help to protect the rights of small businesses, consumers, and working people following the elimination of the ICC. These two amendments were included in the chairman's en-bloc amendment in the House.

I am pleased that the existing section 10707, the Feeder Line Development Program, is included in this bill. Under this provision, any rail carrier which owns a rail line but does not serve that line can be compelled to sell that unserved line to a carrier willing to provide service. This is vitally important to ensure that businesses, communities, and consumers are not needlessly isolated from the Nation's commerce by the stranglehold of a particular carrier over a particular service area. This will ensure that commerce will continue to move over rail rights of way and it will continue a very important power currently held by the ICC.

Second, my language ensuring the continued existence of common carriage has been retained in the conference report. This language seeks to protect shippers and the general public from monopolies and to enable commerce to flow freely. This provision accomplishes that important goal by mandating that a carrier provide service to a shipper that makes a reasonable request for service on a nondiscriminatory basis.

Under an earlier draft of this legislation, carriers would have been permitted to utilize all of their available capacity to contract carriage, leaving no remaining capacity available for small shippers willing and able to ship goods via common carriage. This iron-clad preference for contract carriage, to the exclusion of common carriage, would have sounded a death knell for common carriage and the small businesses and shippers dependent on the openness and fairness of the common carrier requirements. My amendment essentially prevents this dangerous exclusive preference for contract carriage and protects the integrity of our rail transportation system.

Mr. Speaker, as I just said, I am pleased that some of my concerns with the future of rail service have been addressed. I thank Chairman SHUSTER and ranking member OBERSTAR of the Transportation Committee for their cooperation on these concerns.

Mr. UNDERWOOD. Mr. Speaker, I rise today in opposition to the conference report on House Report 2539, the Interstate Commerce Commission Termination Act of 1995.

This legislation is flawed because it contains provisions that are harmful to consumers in the offshore domestic areas such as Guam. Under this act, carriers that engage in the domestic offshore trade are authorized to raise rates up to 7.5 percent a year. These increases are deemed by the legislation as a zone of reasonableness. I do not know in what planet a 7.5 percent rate increase per year is reasonable, but on Guam, this qualifies as a zone of greed.

The intent of the ICC Termination Act is to deregulate the motor carrier and rail industries. Residual regulatory authority for the water carriers will be transferred to the Department of Transportation. Congress has chosen not to deregulate the shipping industry. Guam would welcome such deregulation, because Guam has found over the years that being a captive market for the water carriers would without any stringent regulatory oversight is an open invitation to gouge the consumers on Guam with shipping rates that are four times higher than rates to Japan.

Unlike the domestic trucking and rail industries, there is virtually no competition in the domestic offshore trade. Guam is served by two carriers, and Guam has no choice but to use these services because of a variety of shipping laws regulating the trade between Guam and other U.S. ports.

I welcome the bill language that calls for a study of the effects of this regulated industry, and I would request that the Secretary of Transportation take special note of the effects on consumers in captive markets such as Guam. This study specifically calls upon the Secretary of Transportation to analyze ''the problems of parallel pricing and its impact on competition in the domestic trades''; ''whether additional protections are needed to protect shippers from the abuse of market power''; and the extent of ''carrier competition''. I am confident that the results of this study will conclusively demonstrate what those of us from Guam have required one of two things: First, effective regulation; or second, greater competition. This bill provides neither.

In making the case against the zone of reasonableness, the Governor of Guam, the Hon. Carl Gutierrez, and I have attempted to explain how this provision will harm our residents. We received a copy of a letter from the Department of the Navy to the conference committee noting the Navy's objections to this blank check for rate increases that the American taxpayer will have to pay when military goods are shipped to Guam. The Navy also stated that the high shipping rates may force them to ship military goods to Japan instead of Guam, putting American workers on Guam out of work. Meantime, the shipping companies continue to roll in the profits.

I call attention to an important element of the legislative history of this provision that offers some hope to Guam. In the conference report on House Report 2539, the Senate receded to the House language of section 13701 of chapter 137. The House language was accepted by the conferees and the House legislative history is therefore controlling, although the conferees agreed to the rate of 7.5 percent instead of 10.0 percent. The legislative history of this provision in the House Report 104–311 of the Committee on Transportation and Infrastructure reflects the legislative intent of the House and includes report language that explains that ''this zone of reasonableness for rate increases does not mean that the base rate cannot be challenged as unreasonable.'' I expect the Department of Transportation to take note of this legislative intent should Guam decide to challenge the unreasonableness of base shipping rates.

Mr. Speaker, I hope that the President vetoes this bill for the reasons I have stated to protect the consumers in the offshore domestic areas.

Mr. RAHALL. Mr. Speaker, I rise in support of this conference report, as amended by the concurrent resolution.

This legislation provides for the orderly transfer of those essential authorities currently vested with the Interstate Commerce Commission to the Department of Transportation, and a new Surface Transportation Board.

The bottom line is that if this legislation is not adopted, come January 1, there will be chaos in the railroad and motor carrier industries.

There would be in place a body of law governing their daily operations, with nobody in place to administer or enforce that law since funding for the ICC expires on December 31.

I would submit that situation would harm not only the railroads and the trucking companies, but every American consumer and transportation labor as well.

In my capacity as the ranking Democratic member on the Subcommittee on Surface Transportation, there were several issues I championed during deliberations on this legislation.

Among them are maintaining antitrust immunity for classifications, mileage guides, the establishment of through routes and joint rates.

Under this legislation, antitrust immunity for these activities would continue subject to agreements approved by the new Surface Transportation Board.

In my view, the grant of antitrust immunity for these motor carrier activities has well served both the industry and the general public and this legislation's treatment of this matter is prudent and wise.

This legislation also makes a number of other appropriate changes to that body of federal law governing motor carriers, building upon the amendments made last Congress in the Trucking Industry Regulatory Reform Act of 1994.

Reflecting the new world order in motor carrier regulation, this bill would streamline registration requirements and eliminate duplication.

Ultimately, all of the various registration systems will be consolidated into one, unified system, administered by the Secretary of Transportation.

I am also pleased to note that a compromise was reached on the issue of financial reporting which, while preserving this most important function for gauging safety fitness, will protect confidential business information, trade secrets, and other privileged information.

From the perspective of the consumer, the motor carrier and railroad industries, and those who they employ, this legislation establishes a prudent and wise regulatory framework for the post-ICC era. I commend it to the House.

With respect to other matters in this bill, I would be remiss if I did not make note of the tow truck provision contained in this conference agreement.

As I have noted in the past, last year Congress inadvertently preempted the ability of local governments to regulate the tow truck industry as part of section 601 of the Federal Aviation Administration Authorization Act of 1994.

The Congress did not intend to do this, and in fact, has no business intruding in this intrastate and local matter. In fact, during the waning hours of the last Congress I managed to gain House passage of remedial legislation. However, it has taken us until this point to finally resolve this issue.

The pending legislation would restore the local authority to engage in regulating the prices charged by tow trucks in nonconsensual towing situations. Regulation of routes and services, as well as regulation of consensual towing, would still be preempted.

Nonconsensual towing situations are those where the owner of the vehicle is unable to consent to it being towed, such as in cases of a severe accident, where the vehicle is towed from a commercial establishment for being illegally parked, or towed from city streets as a result of police order.

I would note that with the restoration of the authority of local units of government to regulate prices charged for nonconsensual towing, the Congress fully expects that any rates so established be compensatory and reasonable.

Another matter in this conference agreement of great interest to this gentleman from West Virginia relates to the issue of fiber drums. While not directly related to the termination of the Interstate Commerce Commission, this issue was raised by the Senate version of the bill and ultimately addressed by the conference committee.

Section 105(d)(2) of the Hazardous Materials Transportation Act gives the Secretary of Transportation discretionary authority to issue standards applicable to the domestic transportation of hazardous materials consistent with standards adopted by an international body. I would stress that this authority was discretionary, with the adoption of any international-based standards for the purposes of domestic commerce not required by law.

Subsequently, the Secretary promulgated regulations applicable to the domestic transportation of hazardous materials in a proceeding known as HM–181 based on the recommendations of a committee of the United Nations formed to develop requirements applicable to international commerce. These regulations have an effective date of October 1, 1996.

The problem is that pursuant to the HM–181 regulations, certain types of packaging, including open-headed fiber drum packaging used for liquid hazardous materials, will no longer be acceptable for domestic commerce in the United States. Incredible as it may seem, this is the result of the rulemaking despite the demonstrated almost 100 percent safety record of fiber drum packaging technology.

In light of the fact that fiber drum packaging for liquid hazardous materials is an exclusive American technology, and due to the lack of experience with it among the international community, it may not have been duly considered in the formulation of the HM–181 standards. Further, several nations other than the United States continue to provide for the regulation of hazardous materials transportation within their borders utilizing standards not based on the recommendations of the U.N. committee.

Yet, as it stands, if Congress does not seek to remedy this situation, as of October 1, 1996, fiber drum packaging, the economies and employment it offers, will be no longer.

I am further troubled by the manner by which this issue has been handled by the Department of Transportation's Research and Special Programs Administration. An appeal to HM–181 by the fiber drum industry was referred to the Federal employee who was the principal author of the regulation. The appeal was not considered by some type of impartial body, or by an adjudicatory panel. Rather, again, it was referred to a single Federal employee who, surprise, surprise, sustained his original position. In recognition that the fiber drum industry was being treated unfairly, last year the Congress by statute ordered the Transportation Department to revisit the issue and undertake a new rulemaking. Guess who was put in charge of this new rulemaking? The very same Federal employee who was the principal author of HM–181 and who ruled against the appeal. Once again, the treatment by HM–181 of fiber drum, packaging was sustained.

As part of its version of this legislation, the Senate included a provision that would have simply authorized the continued use of fiber drum packaging so long as that packaging is in compliance with pre-HM–181 regulations. The House had no similar provision. In conference, in an effort to reconcile the concerns advanced by the steel and plastic drum manufacturers, a compromise was devised that basically provides for a 1-year extension of the HM–181 deadline as it applies to fiber drum packaging while the National Academy of Sciences conducts a study on the issue. Since the Research and Special Programs Administration has been unable to consider this matter in an objective manner, the conferees unanimously agreed that the National Academy of Sciences was the most appropriate entity to conduct the study.

For its part, the Academy is to complete the study by March 1, 1997, with the Secretary directed to conduct yet another rulemaking giving full and substantial consideration to the results of the study. I would stress the use of the words 'full and substantial consideration.' This term does not mean that the Research and Special Programs Administration is to give lip service to the results of the Academy study. They do not mean that the Research and Special Programs Administration simply consider the results of the Academy study. This is not to be business as usual at the agency as it relates to fiber drum packaging. Rather, the phrase 'full and substantial consideration' was carefully selected by the conferees to reflect our concern that the results of a study on fiber drum packaging conducted by an impartial entity be the guiding force in the new rulemaking.

In the event the Research and Special Programs Administration does not comply with the letter and intent of this provision of the conference agreement, I pretty much can guarantee it that the Congress will revisit this issue once again.

Mr. BILIRAKIS. Mr. Speaker, I rise in support of the conference agreement to accompany H.R. 2539.

I note that the conference agreement contains an amendment to the Noise Control Act of 1972. This amendment was not contained in either of the bills sent to conference. It is my understanding that this amendment is a technical and conforming amendment that updates a definitional reference to title 49 of the United States Code in the Noise Control Act for the term ''motor carrier.'' As I understand it, this change has no substantive effect on the operation of the Noise Control Act.

I bring this to the attention of my colleagues because the Commerce Committee has had a longstanding interest in the Noise Control Act.

The committee reported the original version of the act in 1972 and has been responsible for overseeing the implementation and effectiveness of the act.

Mr. VENTO. Mr. Speaker, I rise in reluctant support of the conference agreement to H.R. 2539.

I am pleased that the conferees had the good judgment not to exclude the Whitfield amendment from this conference agreement, in which the majority of the Members of this body strongly supported. I support the Whitfield amendment, without which any transaction involving class II and class III railroads, including all railroads with up to $250 million of annual revenue, could disregard important employee rights. Without Whitfield, the successor to the ICC would be allowed to abrogate, through merger, longstanding employee protections which were collectively bargained.

Mergers and acquisitions should not use the workers as the grease for the gears of such combinations. Such business transactions should preserve the sanctity of labor contracts and stand on their business merit, not destroy railroad labor employee protections. I applaud the Whitfield language in this agreement.

However, I've serious concerns with this legislation arising from the publicity of the Republican majority in this Congress. For the past 12 months my colleagues on the other side of the aisle have purported to be State's rights advocates. Yet here we are with a bill before us that preempts States' authority to regulate routes, rates, services in the transportation of household goods within their own borders. It appears that the Republican authors of this bill have disregarded the rights of States in regard to the impact on their ability to regulate household goods. Whatever happened to returning power and policy discretion to States? Apparently, it was not convenient in this case and the effect is to further undermine the franchise, the expertise, and the safety that has been implemented by the States.

Mr. WISE. Mr. Speaker, I rise in support of the conference agreement on H.R. 2539, ICC Termination Act of 1995. It has been a long journey but finally all of the important issues involving the economic regulation of the railroad industry have been resolved on a bipartisan basis to everyone's satisfaction.

I commend Chairman SHUSTER, Chairwoman MOLINARI, and ranking Democratic member JIM OBERSTAR, and thank them and our former ranking Democratic member on the Subcommittee on Railroads, BILL LIPINSKI, for their leadership on this important issue.

Mr. Speaker, the conference agreement on H.R. 2539 provides for the elimination of the Interstate Commerce Commission. It also eliminates obsolete and unnecessary regulations and transfers the remaining functions to an independent board at the Department of Transportation. Additionally, as has been stated, it provides railroad workers with the fair labor protection voted for in the House-passed bill by a large margin.

Mr. Speaker, it would have been unfair to workers to continue the ICC's authority to set aside collective-bargaining agreements, particularly in the area of mergers between class II and class III rail carriers. The Government does not have this power in any other industry. Collective-bargaining agreements are freely negotiated between management and labor and should be respected.

The conference agreement eliminates or reduces employee rights to severance pay. But it did it in a balanced manner, as the House bill did, by giving labor a guarantee of collective bargaining rights, as an offset for the elimination or reduction of severance pay.

In crafting the conference agreement, we also continue the deregulation of the Nation's transportation industry that started with the successful Staggers Rail Act of 1980. However, it is also evident in the conference agreement that the public interest is best served when the needs of the shippers and communities for reasonably priced railroad services are balanced against the needs of railroads for adequate revenue.

Although this approach has been a success, we still continue some regulation, because the railroad industry continues to consolidate, and the needs of employees and shippers must continue to be taken into consideration.

This piece of legislation is a step toward continuing the streamlining of regulation while balancing the needs of shippers, the public's interest in safe, efficient, low-cost transportation, and the industry's need for adequate predictable revenue and low regulatory compliance cost.

Additionally, I am pleased to see that some of the issues of great importance to me have been addressed in the bill and in the managers amendment. As in current law, the ICC successor may continue to deny or approve abandonments and discontinuances of railroad services, and labor protection requirements now applicable to abandonments are retained also. In my home State of West Virginia and in many other rural areas, abandonments can drastically affect the financial development of a community.

Moreover, we have made progress in the area of continuing to protect captive shippers from possible market abuse and in restoring the Long-Cannon criteria which the ICC uses to determine the current coal rate guidelines—the basis for determining maximum coal rates.

Therefore, Mr. Speaker, as I mentioned previously, I support the conference agreement on H.R. 2539 as it provides a fair and balanced approach to reforming the ICC.

Ms. MOLINARI. Mr. Speaker, I rise in support of the conference report on this important legislation. The ICC Termination Act eliminates many unnecessary and obsolete forms of regulation, as well as the oldest Federal regulatory agency itself. This legislation is a broad-based, bipartisan effort to modernize and streamline transportation regulation.

With respect to railroads, the bill retains all the key features of the House-passed legislation. And that legislation was passed by the House with overwhelming bipartisan support—417 to 8. The conference version of this bill keeps all of the key features of the successful deregulation begun with the Staggers Rail Act of 1980. Rate standards, the broad power to reduce regulation by administrative action, and the safety net of remedies for shippers are kept.

I especially want to commend our chairman, Mr. SHUSTER, our Surface Subcommittee chairman, Mr. PETRI, and our Surface Subcommittee ranking member, Mr. RAHALL, for their bipartisan efforts on this highly complex legislation. Let me also quickly express my thanks to the committee staff, particularly Jack Schenendorf, Bob Bergaman, Glenn Scammel, Alice Davis, and Jennifer Southwick for their long hours of hard work on this bill.

Under this legislation, we eliminate many cumbersome and unnecessary requirements that only resulted in extra regulatory burdens and paper-pushing.

At the same time, this legislation gives the retained responsibilities to a greatly reduced administrative board within the Department of Transportation. All of the bureaucratic overhead of the old independent ICC is eliminated by making the new board administratively part of DOT. This means that the almost 400-person ICC will be replaced by a Board served by only 120 people. It also means lowering the annual price tag from nearly $30 million to under $12 million.

Regarding the labor issue, some Members may have heard of the controversy surrounding this issue. On Wednesday, we received notification from the administration that the President would veto the conference report based primarily on the labor protection provisions. Last night, the Senate passed a concurrent resolution that restores all the language from the Whitfield amendment that was in the House bill, which passed with 417 votes.

As I said before, restoration of this language sets a dangerous precedent, which I have fought vigorously to avoid. A policy which enables organized labor to have the ability to stand in the way of a Government-approved merger is ludicrous. I might add that rail labor's position on this issue is somewhat ironic, since the effect of the concurrent resolution is to remove the option of 6 years of labor protection and to ensure that affected employees will receive only 1 year instead.

Nevertheless, I ask my colleagues to support the conference report only because it is imperative that authorizing legislation is passed before the ICC runs out of funding on December 31. Consider the consequences if a bill is not passed before the end of the month. Businesses in your districts who ship by motor or rail will have nowhere to go to seek relief under Interstate Commerce Act remedies. For companies who build rail cars, locomotives, and components—and their workers—sales to the railroad industry will be halted because the only means by which liens and other commercial transactions can be legally recorded will have been defunded.

In others words, a ''no'' vote on the conference report has significant real world implications and I urge my colleagues to support this legislation.

Mr. PETRI. Mr. Speaker, I want to express my support for this conference report to accompany H.R. 2539, the ICC Termination Act of 1995. Approval of the conference report will allow the Interstate Commerce Commission to close its doors within the next several days in an orderly fashion.

The conference report provides for the transfer of certain ICC functions to the Department of Transportation and to a new Surface Transportation Board to be established within DOT. All other remaining ICC functions will be eliminated.

I want to express my appreciation for the efforts of all the conferees, led on the House side by Chairman SHUSTER and on the Senate side by Chairman PRESSLER.

The conferees have worked diligently over the past several weeks to ensure that the Congress considers this important matter in a timely fashion.

Since the ICC is funded only through the end of this year, it is essential that we approve this legislation now and that it is signed into law by the President,

In order to avoid the chaos and uncertainty that would envelop the transportation industry if the ICC were to close on January first without having in place a process for the transfer of functions.

The motor carrier provisions in the ICC Termination Act of 1995 continue the economic deregulation of this industry which began in 1980, and was followed by various other deregulation initiatives, including three major bills just last Congress. H.R. 2539 will abolish the ICC and eliminate many of the Commission's remaining motor carrier functions that are no longer appropriate in today's current competitive motor carrier industry.

Functions and responsibilities which do remain are transferred to either the Department of Transportation—which primarily will oversee registration and licensing—or to the Surface Transportation Board—which will be responsible primarily for the limited remaining rate regulation and tariff filings, final resolution of undercharge claims, and approval and oversight of agreements for antitrust immunity. Much of the regulation that remains has been streamlined and reformed.

While we have provided for continued deregulation in this bill, many of us had hoped to have gone further. However, this legislation does contain many compromises, as is usually necessary to move forward such a complicated measure. Continued oversight of remaining motor carrier regulation is still required, and the Surface Transportation Subcommittee will closely monitor the industry and the need to retain these remaining regulatory requirements in the future.

Mr. Speaker, I urge my House colleagues to provide for an orderly shut-down of the Interstate Commerce Commission by approving this conference report today.

The SPEAKER pro tempore. The conference report on H.R. 2539 and Senate Concurrent Resolution 37 are adopted.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report and Senate concurrent resolution just agreed to.

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

There was no objection.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE WORKS IN BIPARTISAN MANNER

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

Mr. OBERSTAR. Mr. Speaker, I take this moment to compliment our chairman, the gentleman from Pennsylvania [Mr. SHUSTER], of the Committee on Transportation and Infrastructure on the legislation just passed which is now on its way to the White House and to a certain signature into law.

Mr. Speaker, this completes a very long and very labored process of completing the economic deregulation of rail and of trucking transportation and of sunsetting the Nation's oldest regulatory body, the Interstate Commerce Commission.

We were able to come to this resolution today because the Committee on Transportation and Infrastructure is a committee that works because its members work together. When we work together, we accomplish good things for this country and for its economy.

Mr. Speaker, that is kind of a good note on almost which to conclude this part of the session. There was a time in the past when Bob Michel and Tip O'Neill would join in singing songs as we approach the Christmas season. This body is not in a mood to do that. But at least we can say that on the Committee on transportation and Infrastructure, we are singing from the same page today, and for that I compliment our chairman, the gentleman from Pennsylvania [Mr. SHUSTER], the gentlewoman from New York [Ms. MOLINARI], who is chair of the Subcommittee on Railroads, the gentleman from Wisconsin [Mr. PETRI], chairman of the Subcommittee on Surface Transportation, and the members on my side, the gentleman from Illinois [Mr. LIPINSKI] and the gentleman from West Virginia [Mr. WISE], on the splendid job of working together.

Mr. Speaker, I would like at this time to discuss in greater detail the legislation we have just passed by unanimous consent. To get to this point we have undertaken long and difficult negotiations, which finally resulted in a successful resolution of many complex and controversial issues. The process worked. We labored, discussed, negotiated, compromised, and in the end came together on a product that we all can support. For the Committee on Transportation and Infrastructure, this conference agreement is another testament to the fact we can do the best job for the Nation by working together on a bipartisan basis.

I am particularly appreciative of the efforts of Chairman SHUSTER. He spent many hours dealing with the complex and technical issues involved in this legislation. He listened with an open mind to all parties, and showed his dedication to the overall public interest by developing a creative compromise which protected the basic interests of all parties, but did not give any party all that it wanted.

Special recognition also goes to our Rail and Surface Subcommittees, including Rail Subcommittee Chairwoman MOLINARI and ranking Democratic member, BOB WISE; former ranking Democratic member, BILL LIPINSKI; Surface Subcommittee Chairman TOM PETRI; and ranking Democratic member, NICK RAHALL.

Mr. Speaker, as a result of the compromise we have reached, rail labor, rail management, shippers, motor and water carriers, and ICC reformers all support the conference report. In addition, with the compromise on rail labor protection, I expect that the President will sign the bill.

This conference agreement includes many important provisions ensuring continuation of critical safety and economic regulation of motor carriers and railroads, and, as a result of the concurrent resolution we just passed, the conference report will treat railroad employees fairly. As amended by the resolution, the conference agreement will reflect the House provisions which were a fair compromise between the competing needs of management and labor.

However, I wish to make it clear that I could not have supported the conference report without the amendment made by the concurrent resolution. The original conference agreement was highly unfair to rail employees.

The original conference agreement represented a picking and choosing of provisions from the House-passed bill. There was a serious imbalance between the provisions selected and those that were dropped. The original conference agreement kept all the concessions labor made in the bill, but dropped the one benefit labor received in return; protection of collective bargaining agreements.

Specifically in the House-passed bill, labor gave up a wide range of labor protection involving severance pay for employees who lose their jobs in mergers. The House bill reduced or eliminated severance pay in transactions involving line sales to noncarriers, line sales to class III carriers, line sales to class II carriers, mergers between class III carriers, and mergers between class II and class III mergers. The original conference agreement accepted these reductions in employee protection.

Let me provide a few examples:

Under current law if the Maryland Midland Railway Co.—a class III carrier, merges with Shenandoah Valley Railroad which is also a class III carrier, the railroad employees would receive 6 years of labor protection. Under the original conference agreement the employees would get no labor protection at all. That's a big concession on the part of labor, and one they agreed to only in return for protection of collective bargaining agreements.

Another example, under current law if the Wisconsin Central Railroad—a class II carrier, acquired a line from the Dakota, Minnesota, & Eastern Railroad, with 50 employees working on that line, those 50 displaced employees would receive 6 years of labor protection. Under the original conference agreement they would receive only 1 year of labor protection. Again, a significant concession on the part of labor.

A final example, under current law if RailTex, a holding company of class III railroads, sets up a new noncarrier subsidiary and acquires a branch line from Conrail, it could be required to pay up to 6 years of labor protection to any displaced employees. Under the original conference agreement, those same employees would get no labor protection. I reiterate—no labor protection at all. Labor agreed to this and much more.

In return, for these concessions what did railroad employees ask for and receive in the House bill? They received a right that every other American worker has—to bargain collectively with their employers and have those collective bargaining contracts upheld in court.

But the original conference agreement didn't give them these rights. Instead, it gave the carrier applying for the merger the choice of whether to accept rights of employees under collective bargaining agreements or ask ICC to throw the agreements out. That was unacceptable.

I simply could not support a bill which in essence took away the basic rights of employees to bargain collectively simply in an effort

to make a merger move ahead a little faster or be a little more profitable at the expense of the employees.

Overriding freely negotiated collective bargaining agreements has been a practice the ICC has used many times in order to effectuate a merger. The result of those actions has been detrimental to rail employees.

For example:

Employees of the Chicago & Northwestern Railroad have negotiated a collective bargaining agreement which gives them priority to keep the jobs they now hold. To gain these job rights, the employees made substantial concessions to the company in other provisions of the agreement. Now following a merger between C&N and the Union Pacific, the ICC has been asked to set aside the collective bargaining agreement to enable UP to ignore the employees' collective bargaining rights and furlough 1,000 C&N employees or to move them to new lower paying jobs in other cities. Why should a Government agency be able to set aside job protection rights which were freely negotiated between management and labor?

Another example—in the mid-1980's, Springfield Terminal Co., A class III railroad, took over two class II railroads, the Maine Central and the Boston & Maine Railroad.

Both the Maine Central and the Boston & Maine Railroad employees were covered by national collective bargaining agreements which provided, in part, for seniority and safety training standards. Springfield Terminal's collective bargaining agreement had substandard seniority and no safety training standards.

When the ICC approved the transaction, it replaced the national collective bargaining agreements, at management's request, with the substandard Springfield Terminal agreement. As a result, the seniority system was turned upside down and junior employees became senior employees.

In addition, safety standards were compromised even to the point that a janitor became an untrained locomotive engineer. Some of the safety compromises even resulted in injuries and death.

Had the original conference report been adopted without change these abuses would have proliferated. Under the original conference agreement, ICC would have continued to hold broad authority to override collective bargaining agreements.

After the original conference agreement was filed we held extensive discussions with our Republican colleagues on the labor provisions. Yesterday we agreed to a modification of the conference agreement, which restored the entire House-passed provisions—both the concessions labor made and the benefits it received.

The revised conference agreement has now been passed by both bodies.

Under the revised conference agreement, railroad employees will receive the right that every other American worker has—to bargain collectively with their employers and have their collective bargaining contracts upheld in court. I am pleased that the revised conference agreement upholds fundamental rights of employees to bargain collectively. The revised conference agreement is fair to rail employees and I support it.

Mr. Speaker, apart from labor issues, I am supportive of the conference report because it strikes a good balance between continued deregulation of the rail and motor industries, and the preservation of the safety and economic regulatory powers needed to protect shippers against abuses which will not be remedied by competition.

The provisions in the conference report dealing with railroads, eliminate and modify many current railroad economic regulatory requirements. All remaining ICC rail oversight responsibilities are transferred to a new Surface Transportation Board at the Department of Transportation. The conference agreement repeals requirements that freight rail carriers file their rates with the Federal Government, repeals prohibitions against a rail carrier transporting commodities which it produces or owns, and repeals requirements that railroads obtain Federal regulatory approval to issue securities, or to assume certain financial liabilities with respect to other securities.

At the same time, the conference report maintains some critical regulatory authority that both the rail industry and shippers agree is necessary. These include maximum rate standards which protect captive shippers from unreasonably high rates; requirements that a rail carrier provide transportation upon reasonable request—better known as the common carrier obligation; and requirements that rail carriers maintain, and make available to shippers, schedules of their rates, with the Federal Government retaining authority to review and order changes in these schedules to protect captive shippers.

Additionally, to permit further deregulation in appropriate cases, the Board will have authority to exempt railroads or rail services from regulatory requirements.

With regard to motor carriers, the conference report continues the deregulation that has progressed over the last 15 years by eliminating virtually all remaining tariff filings, deregulating significant portions of the household goods traffic, eliminating the possibility of future undercharge claims, and eliminating the Federal role in resolving routine commercial disputes.

The bill retains key provisions of current law which establish uniform commercial rules such as billing practices and credit rules. The bill also enables small regional carriers to compete with national carriers by providing for limited grants of antitrust immunity for carriers who pool their traffic and develop standardized guides.

In addition, the bill provides household-goods shippers with access to arbitration for disputed claims. This option will encourage equitable resolution of damage claims, eliminate Federal Government involvement in individual disputes, and minimize reliance on the courts.

The bill also clarifies that carriers may limit their liability, provided that they give all terms and conditions to the shippers on request, and that carrier organizations may not discuss liability limits. I know that many shippers have serious concerns about this provision. That's why the conference report includes a 12-month study of loss and damage liability. We will monitor the effects and determine whether adjustments are necessary.

In conclusion, Mr. Speaker, the revised conference agreement is a balanced bill and a fair compromise. I urge the President to sign it promptly, sot that there will be no lapse in implementation of responsibilities now entrusted to the ICC.

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

Mr. OBERSTAR. I yield to the gentleman from Wisconsin.

Mr. PETRI. Mr. Speaker, I think it is particularly noteworthy at a time when passions have tended to run particularly high on other issues before this Congress, that members of the Subcommittee on Surface Transportation on both sides of the aisle have been able to work together repeatedly on major issues involving significant policy changes. They could have been overwhelmed by this acrimony, but we have resisted that.

Mr. Speaker, it is due in no small part to the leadership of the gentleman from Minnesota [Mr. OBERSTAR] and to that of the other ranking members on the subcommittees of the conference. I would like to wish the gentleman the best for the season.

PROVIDING DEFICIT REDUCTION AND ACHIEVING A BALANCED BUDGET BY FISCAL YEAR 2002

Mr. TAYLOR of Mississippi. Mr. Speaker, it was my understanding that the Chair was going to rule on my privileged resolution today.

The SPEAKER pro tempore. Is there a resolution?

Mr. TAYLOR of Mississippi. Mr. Speaker, it was a resolution that called into question privileges of the House and this body as a whole.

The SPEAKER pro tempore. Is the gentleman calling up the resolution at this point?

Mr. TAYLOR of Mississippi. Mr. Speaker, it was my understanding that it was the Chair's desire to call up the resolution at this time.

The SPEAKER pro tempore. It is now the gentleman's privilege to call up the noticed resolution House Resolution 321 if the gentleman chooses to do so.

Mr. TAYLOR of Mississippi. Mr. Speaker, if the Chair is prepared to rule, I offer a resolution (H. Res. 321) directing that the Committee on Rules report a resolution providing for the consideration of H.R. 2530 provide for deficit reduction and achieve a balanced budget by fiscal year 2002, and ask for its immediate consideration.

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

The Clerk read the resolution, as follows:

H. RES. 321

Whereas clause 1 of rule IX of the Rules of the House of Representatives states that ''Questions of privilege shall be, first, those affecting the rights of the House collectively'';

Whereas article 1, section 9, clause 7 of the Constitution states that: ''No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by law;

Whereas today, December 21, 1995, marks the 81st day that this Congress has been delinquent in fulfilling its statutory responsibility of enacting a budget into law; and

Whereas by failing to enact a budget into law this body has failed to fulfill one of its most basic constitutionally mandated duties, that of appropriating the necessary

funds to allow the Government to operate: Now, therefore, be it

Resolved, That the Committee on Rules is authorized and directed to forthwith report a resolution providing for the consideration of H.R. 2530 (a bill to provide for deficit reduction and achieve a balanced budget by fiscal year 2002).

The SPEAKER pro tempore. Does the gentleman from Mississippi wish to be heard on whether the resolution constitutes a question of privilege?

Mr. TAYLOR of Mississippi. I do.

The SPEAKER pro tempore. The gentleman from Mississippi is recognized.

Mr. TAYLOR of Mississippi. Mr. Speaker, for how long am I recognized?

The SPEAKER pro tempore. The gentleman is recognized at the Chair's discretion for such time as he may consume at this point.

Mr. TAYLOR of Mississippi. Mr. Speaker, it is my understanding that under the rules of the House, that I have an hour to discuss this.

The SPEAKER pro tempore. This debate is on the question of privilege, and the Chair will rule as to whether or not the gentleman's resolution is a question of privilege after hearing the arguments from the gentleman.

Mr. TAYLOR of Mississippi. Mr. Speaker, under rule IX of the Rules of the House of Representatives, that one which refers to question of privilege.

Mr. Speaker, under the Rules of the House of Representatives, questions of privilege, clause 1 states, ''Questions of privilege shall be, first, those affecting the rights of the Members collectively.'' In particular it says, ''Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity and the integrity of its proceedings.''

Article I, section 8, clause 7 of the Constitution reads, ''No money shall be drawn from the Treasury but in consequence of appropriations made by law.'' For those who have not noticed, this House is now 82 days late in fulfilling our statutory responsibility of providing a budget for the United States of America. As a consequence of this, over 300,000 Federal employees are wondering whether or not they have a job, whether or not they will ever be paid again and whether or not they should do for their children what each of us has been able to do for ours; that is, just go out and get them some Christmas presents, wondering whether they are going to be paid. In case many of my colleagues have forgotten, most Americans do live paycheck to paycheck. And if they miss one paycheck, then their checks bounce or all sorts of terrible things happen.

Mr. Speaker, by failing to enact a budget into law this body has failed to fulfill our most basic constitutionally mandated duty. This Congress has failed to appropriate the necessary funds to fulfill the vital functions of this Nation and our failure to do so is inexcusable.

As Members know, the House is getting ready to recess for what could be 1 week, what could be 2 weeks. I think that is inexcusable. I, therefore, on behalf of my fellow Representatives seek to resolve the situation, a situation that affects the rights of all Members collectively.

Mr. Speaker, bringing a budget before the House under an open rule will allow the Members to amend it as they see fit. If they wish to include a tax break for families with children, it would allow them to do so. If they wish to work toward a budget that has a lower annual operating deficit than the one that the Republicans proposed, their budget has a $270 billion annual operating deficit for next year, then we could do so.

But this calls to mind whether or not one of the most important things, and obviously the two most important things this Congress does is decide when and where to send young persons off to die to defend our country and to decide on the appropriations for this Congress. We have not done the second thing.

Let me tell the Chair what has been judged to have been worthy to bring to the floor this week. This week, while the government is in shutdown, the House voted on the Stuttgart National Agriculture Research Center Act. We voted on the Snowbasin Land Exchange Act. We voted to waive a requirement for an HMO in Dayton, OH. We voted for a bill to extend au pair programs. We voted to designate a U.S. courthouse after the gentleman named Max Rosenn. We voted to designate the David J. Wheeler Federal Building, to designate the Frank Hagel Federal Building, the Timothy McCaghren Administrative Building. We have named four or five other buildings. We have taken up a lot of the citizens' time, but we have not provided a budget for our country.

That is inexcusable. It is wrong, and this is the highest priority and, therefore, it should be given the highest priority and should be brought before this House for a vote.

Mr. Speaker, I am not alone in this. I am a member of the coalition that has put together this budget. Several of the other member of the coalition wish to speak to the point.

Mr. Speaker, I yield to the gentleman from Alabama, [Mr. BROWDER].

The SPEAKER pro tempore (Mr. DREIER). The Chair wishes to observe that the gentleman from Mississippi does not control the time for yielding purposes. The Chair will recognize other Members, but would again like to advise the membership that what the Chair is attempting to determine here is whether or not this is a question of privilege. That is what is being discussed.

The Chair recognizes the gentleman from Alabama [Mr. BROWDER].

Mr. BROWDER. Mr. Speaker, I would like to engage the gentleman from Mississippi in a colloquy to determine whether this affects me as a Member of this body and the constituents that I represent and how it affects me.

The SPEAKER pro tempore. The Chair is trying to be as generous as possible, listening to the debate, as to whether or not this is a question of privilege. The Chair is trying to extend latitude. Having said that, the Chair would hope very much that we could get to the point where the Chair will be allowed to rule as to whether or not this is a question of privilege.

Mr. BROWDER. Mr. Speaker, whether this is a question of privilege, I think, is very important for us to establish about whether it reflects on this body that we are Members of. I would like to ask the gentleman from Mississippi, this budget that he has filed notice that he would like to have brought to the floor, has that budget been scored by CBO?

The SPEAKER pro tempore. the Chair is not going to allow a colloquy to proceed. Members are to address the Chair so that the Chair might rule as to whether or not this is a question of privilege.

Mr. BROWDER. Mr. Speaker, I will direct my question to the Speaker. Mr. Speaker, has the budget that has been proposed been scored by CBO?

The SPEAKER pro tempore. The question is whether or not the resolution which has been offered by the gentleman from Mississippi is a question of privilege. The resolution has been offered by the gentleman from Mississippi, and that is what is presently being considered.

Mr. BROWDER. Mr. Speaker, I will rephrase my question to address the issue of privilege.

The SPEAKER pro tempore. Are there other Members seeking recognition?

The Chair recognizes the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, going directly to the question that the Chair has posed, as I read questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings.

It seems to me that the situation that we have before us today, in which we collectively have shut down a portion of our Government without having due legislative process followed in preparing a CR under whatever stipulations that the Chair might wish to stipulate, having it sent to the President and the President vetoing that versus a unilateral decision that has been made by the Speaker to say, without any action thereof, unilaterally closing down the Government does reflect on the dignity and the integrity of this body.

Also, second, those affecting the rights, reputation and conduct of Members individually. I would submit, as a Member, that the reputation of this Member is being categorized by those on the majority side who seem to have decided it is in the best interest of the Congress to shut down a portion of our Government, to have, in fact, some individual employees of our Government denied their rights of employment.

I would submit to the Chair that a careful reading of rule IX, No. 1, questions of privilege, is, indeed, is, indeed, a proper decision for the Chair to say it is reflecting on the dignity of the House, because I cannot for a moment conceive of any way we are helping anybody, anything, any way by the actions of the House collectively as has been demonstrated by the Speaker in preparing this unilateral decision of a shutdown.

So I would say, read that carefully, Mr. Speaker. Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings and, second, those affecting the rights, reputation, and conduct of Members.

All we are saying with this resolution is that we believe that there is a way to cast a better reflection on the House and its dignity by allowing this to come forward. That is the argument the gentleman from Mississippi is making. That is the argument I am making to the Chair as the Speaker and why we believe that this is truly a question of privilege, because the reputation of the House and its dignity is being brought into disrepute, and I would hope that any Speaker would be worried about that.

The SPEAKER pro tempore. The Chair is prepared to rule as to whether or not this is a question of privilege. The Chair would ask the indulgence of Members, because the Chair has several pages that he wishes to share as an explanation.

Questions of the privileges of the House must meet the standards of rule IX. Those standards address the privileges of the House as a House, not those of Congress as a legislative branch. As to whether a question of the privileges of the House may be raised simply by invoking one of the legislative powers enumerated in section 8 of article I of the Constitution or the general legislative power of the purse in the seventh original clause of section 9 of that article, the Chair will follow the rulings of Speaker Gillett on May 6, 1921, recorded at volume 6 of Cannon's Precedents, section 48, and by the Speaker on February 7, 1995. Speaker Gillett was required to decide whether a resolution purportedly submitted in compliance with a mandatory provision of the Constitution, section 2 of the 14th amendment relating to apportionment, constituted a question of the privileges of the House. Speaker Gillett held that the resolution did not involve a question of privilege. His rationale, in pertinent part, bears repeating:

> It seems to the Chair that where the Constitution orders the House to do a thing, the Constitution still gives the House the right to make its own rules and do it at such time and in such manner as it may choose. And it is a strained construction, it seems to the Chair, to say that because the Constitution gives a mandate that a thing shall be done, it therefore follows that any Member can insist that it shall be brought up at some particular time and in the particular way which he chooses. If there is a constitutional mandate, the House ought by its rules to provide for the proper enforcement of that, but it is still a question for the House how and when and under what procedure it shall be done. . . . But this rule IX was obviously adopted for the purpose of hindering the extension of constitutional or other privilege. . . . It seems to the Chair that no one Member ought to have the right to determine when it should come in[,] in preference to the regular rules of the House or the majority of the House should decide it.

It is true that under earlier practice certain measures responding to mandatory provisions of the Constitution were held privileged and allowed to supersede the rules establishing the order of business. Under later decisions, matters that have no basis in the Constitution or in the rules on which to qualify as questions of the privileges of the House have been held not to constitute the same. This means that all questions of privilege must qualify within the meaning of rule IX.

As cited on page 355 of the manual, and reiterated on February 7 of this year, the Speaker said:

> The Chair will continue today to adhere to the principles enunciated by Speaker Gillett. The Chair holds that neither the enumeration in the fifth clause of section 8 of article I of the Constitution of Congressional Powers to ''coin money, regulate the value thereof and of foreign coins'' nor the prohibition in seventh original clause of section 9 of that article of any withdrawal from the Treasury except by enactment of an appropriation renders a measure purporting to exercise or limit the exercise of those powers a question of the privileges of the House.

Therefore, the Chair holds that the resolution offered by the gentleman from Mississippi does not affect ''the rights of the House collectively, its safety, dignity or the integrity of its proceedings'' within the meaning of clause 1 of rule IX. Although it may address an aspect of legislative power under the Constitution, it does not involve a constitutional privilege of the House. In the words of Speaker Gillett, ''no one Member ought to have the right to determine when it should come in[,] in preference to the regular rules of the House.'' Rather, the resolution constitutes an attempt to impose a special order of business on the House by directing the Committee on Rules to make in order a legislative proposal, and does not raise a question of the privileges of the House.

□ 1315

Mr. TAYLOR of Mississippi. Mr. Speaker, I respectfully appeal the ruling of the Chair.

MOTION TO TABLE OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore (Mr. DREIER). The question is on the motion offered by the gentleman from Indiana [Mr. BURTON] to lay on the table the appeal of the ruling of the Chair.

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

Mr. BURTON of Indiana. 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 214, nays 161, not voting 58, as follows:

[Roll No. 884]

YEAS—214

Allard	Funderburk	Norwood
Archer	Ganske	Nussle
Bachus	Gekas	Oxley
Baker (CA)	Gilchrest	Packard
Ballenger	Gillmor	Parker
Barr	Gilman	Paxon
Barrett (NE)	Goodlatte	Petri
Bartlett	Goodling	Pombo
Barton	Goss	Porter
Bass	Graham	Portman
Bateman	Greenwood	Pryce
Beilenson	Gunderson	Radanovich
Bereuter	Gutknecht	Ramstad
Bilbray	Hancock	Regula
Bliley	Hansen	Riggs
Blute	Hastert	Roberts
Boehlert	Hayworth	Rogers
Boehner	Hefley	Rohrabacher
Bonilla	Heineman	Roth
Bono	Herger	Roukema
Brownback	Hilleary	Royce
Bryant (TN)	Hobson	Salmon
Bunn	Hoekstra	Sanford
Burr	Horn	Sawyer
Burton	Hostettler	Saxton
Camp	Houghton	Scarborough
Campbell	Hunter	Schaefer
Canady	Hutchinson	Schiff
Castle	Hyde	Seastrand
Chabot	Inglis	Sensenbrenner
Chambliss	Istook	Shays
Chenoweth	Johnson (CT)	Shuster
Christensen	Johnson, Sam	Skaggs
Chrysler	Jones	Skeen
Clinger	Kelly	Smith (MI)
Coble	Kim	Smith (NJ)
Coburn	King	Smith (TX)
Collins (GA)	Kingston	Smith (WA)
Combest	Klug	Solomon
Cooley	Knollenberg	Souder
Cox	LaHood	Spence
Crane	Largent	Stearns
Crapo	Latham	Stockman
Cremeans	LaTourette	Stump
Cubin	Laughlin	Talent
Cunningham	Lazio	Tate
Davis	Leach	Tauzin
Deal	Lewis (CA)	Taylor (NC)
DeLay	Lewis (KY)	Thomas
Diaz-Balart	Lightfoot	Thornberry
Dickey	Linder	Tiahrt
Doolittle	Livingston	Torkildsen
Dornan	LoBiondo	Upton
Dreier	Longley	Vucanovich
Duncan	Lucas	Waldholtz
Dunn	Martini	Walker
Ehlers	McCollum	Walsh
Ehrlich	McCrery	Wamp
Emerson	McDade	Watts (OK)
English	McHugh	Weldon (FL)
Ensign	McInnis	Weldon (PA)
Everett	McKeon	Weller
Ewing	Metcalf	White
Fawell	Meyers	Whitfield
Flanagan	Miller (FL)	Wicker
Foley	Molinari	Wolf
Forbes	Moorhead	Young (AK)
Fox	Morella	Young (FL)
Franks (CT)	Myrick	Zeliff
Franks (NJ)	Nethercutt	Zimmer
Frelinghuysen	Neumann	
Frisa	Ney	

NAYS—161

Andrews	Bentsen	Browder
Baesler	Bishop	Brown (CA)
Baldacci	Bonior	Brown (FL)
Barcia	Borski	Brown (OH)
Barrett (WI)	Boucher	Bryant (TX)
Becerra	Brewster	Cardin

Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Costello
Coyne
Danner
DeFazio
DeLauro
Dellums
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Geren
Gonzalez
Gordon
Hall (OH)
Hall (TX)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Johnson (SD)
Johnson, E.B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Levin
Lewis (GA)
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Menendez
Mfume
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Nadler
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sanders
Schroeder
Schumer
Scott
Serrano
Sisisky
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NOT VOTING—58

Abercrombie
Ackerman
Armey
Baker (LA)
Berman
Bevill
Bilirakis
Bunning
Buyer
Callahan
Calvert
Collins (MI)
Conyers
Cramer
de la Garza
Deutsch
Dicks
Edwards
Fields (TX)
Filner
Ford
Fowler
Gallegly
Gephardt
Gibbons
Green
Gutierrez
Harman
Hastings (WA)
Hayes
Hoke
Jacobs
Jefferson
Johnston
Kasich
Kolbe
LaFalce
Lantos
Lincoln
Lipinski
Lofgren
Manzullo
McIntosh
Meek
Mica
Murtha
Myers
Neal
Quillen
Quinn
Ros-Lehtinen
Sabo
Shadegg
Shaw
Studds
Velázquez
Waxman
Wyden

□ 1343

Messrs. FARR, BECERRA, and BISHOP changed their vote from ''yea'' to ''nay.''

So the motion to lay on the table the appeal of the ruling of the Chair was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1834

Mr. FORBES. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1834.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 136, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 1996

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from the further consideration of House Joint Resolution 136, making further continuing appropriations for the fiscal year ending September 30, 1996, and for other purposes; and that it shall be in order at any time to consider the joint resolution in the House; that the joint resolution be debatable for not to exceed 20 minutes, to be equally divided and controlled by myself and the gentleman from Wisconsin [Mr. OBEY]; that all points of order against the joint resolution and against its consideration be waived; and that the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion, except one motion to recommit.

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

□ 1345

Mr. OBEY. Mr. Speaker, reserving the right to object, I do not intend to object. I simply want to again reinforce what the gentleman from Louisiana just said; that this is a way to deal with the CR issues without taking the full hour of debate which would ordinarily be taken in the interest of accommodating Members.

I would ask, however, that we could have a modicum of attention so that we do not lose that time by having the Chair gavel people to silence while we are trying to wade through it.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. DREIER). Is there objection to the request of the gentleman from Louisiana?

Mr. HOYER. Mr. Speaker, reserving the right to object, I do so only to ask if my understanding is correct that we may well have additional votes?

Mr. OBEY. Mr. Speaker, If the gentleman would yield, I would inform the gentleman there will be two additional votes.

Mr. HOYER. Two additional votes. So that Members who may have thought that that was the last vote, ought to be apprised of the fact that there are at least two additional votes that can be expected.

Mr. Speaker, I withdraw my reservation of objection.

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

Mr. SOLOMON. Mr. Speaker, reserving the right to object, I want to clear something up here. It was my understanding that there was an House Joint Resolution 134 that was going to come back over here that was going to include veterans benefits along with these. I do not see those in here. What is happening?

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

Mr. SOLOMON. Continuing my reservation of objection, I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, I would say to the gentleman from New York that the matter is pending in the Senate, and I would tell the gentleman that it is pending objections in the Senate because there was an attempt to put additional extraneous material on this motion. So this matter goes forward on the House's initiative.

Mr. SOLOMON. Mr. Speaker, continuing my reservation, is there any chance that this might pass the Senate and the veterans CR be held up?

Mr. LIVINGSTON. Mr. Speaker, if the gentleman would continue to yield, that is strictly up to the Senate. At this point the Senate has complete jurisdiction over that motion. We are hopeful that they will send it over here and we can take quick action. Or if they would accept what we did, we would not have to, we could just send it to the President.

Mr. SOLOMON. So there is the possibility they will accept both of these, then?

Mr. LIVINGSTON. That is correct.

Mr. SOLOMON. Mr. Speaker, I have some reservations about this, because I worry they may possibly accept this and then turn down the veterans CR over there, but I guess we have to take them at their good faith. And let us give them a warning they had better pass them both.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 136, and that I may include tabular and extraneous material.

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

There was no objection.

FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1996

Mr. LIVINGSTON. Mr. Speaker, pursuant to the previous order of the House, I call up the joint resolution (H.J. Res. 136), making further continuing appropriations for the fiscal year 1996, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 136

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

AID TO FAMILIES WITH DEPENDENT CHILDREN AND FOSTER CARE AND ADOPTION ASSISTANCE

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporation or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1996, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 for continuing the following projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1995:

All projects and activities funded under the account heading ''Family support payments to States'' under the Administration For Children and Families in the Department of Health and Human Services;

All projects and activities funded under the account heading ''Payments to States for foster care and adoption assistance'' under the Administration For Children and Families in the Department of Health and Human Services; and

All administrative activities necessary to carry out the projects and activities in the preceeding two paragraphs:

Provided, That whenever the amount which would be made available or the authority which would be granted under an Act which included funding for fiscal year 1996 for the projects and activities listed in this section is greater than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate.

(b) Whenever the amount which would be made available or the authority which would be granted under the Act which included funding for fiscal year 1996 for the projects and activities listed in this section as passed by the House as of the date of enactment of this joint resolution, is different from that which would be available or granted under such Act as passed by the Senate as of the date of enactment of this joint resolution, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate or the rate permitted by the action of the House or the Senate, whichever is lower, under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1996.

(c) Whenever an Act which included funding for fiscal year 1996 for the projects and activities listed in this section has been passed by only the House or only the Senate as of the date of enactment of this joint resolution, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995.

SEC. 102. Appropriations made by section 101 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 103. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1995.

SEC. 104. No provision which is included in the appropriations Act enumerated in section 101 but which was not included in the applicable appropriations Act for fiscal year 1995 and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution.

SEC. 105. Appropriations made and authority granted pursuant to this title of this joint resolution shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 106. Unless otherwise provided for in this title of this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this title of this joint resolution shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this title of this joint resolution, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) January 3, 1996, whichever first occurs.

SEC. 107. Expenditures made pursuant to this title of this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. No provision in the appropriations Act for the fiscal year 1996 referred to in section 101 of this joint resolution that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 106(c) of this joint resolution.

SEC. 109. Appropriations and funds made available by or authority granted pursuant to this title of this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

TITLE II

DISTRICT OF COLUMBIA

That the following sums are hereby appropriated, out of the general fund that enterprise funds of the District of Columbia for the District of Columbia for the fiscal year 1996, and for other purposes, namely:

SEC. 201. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this title of this joint resolution) which were conducted in the fiscal year 1995 and for which appropriations, funds, or other authority would be available in the following appropriations Act:

The District of Columbia Appropriations Act, 1996;

Provided, That whenever the amount which would be made available or the authority which would be granted in this Act is greater than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate.

(b) Whenever the amount which would be made available or the authority which would be granted under the Act listed in this section as passed by the House as of the date of enactment of this joint resolution, is different from that which would be available or granted under such Act as passed by the Senate as of the date of enactment of this joint resolution, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate or the rate permitted by the action of the House or the Senate whichever is lower, under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995: *Provided,* That where an item is not included in either version or where an item is included in only one version of the Act as passed by both Houses as of the date of enactment of this joint resolution, the pertinent project or activity shall not be continued except as provided for in section 211 or 212 under the appropriation, fund, or authority granted by the applicable appropriations Act for the fiscal year 1995 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995.

SEC. 202. Appropriations made by section 201 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 203. No appropriation or funds made available or authority granted pursuant to section 201 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1995.

SEC. 204. No provision which is included in the appropriations Act enumerated in section 201 but which was not included in the applicable appropriations Act for fiscal year 1995 and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this title of this joint resolution.

SEC. 205. Appropriations made and authority granted pursuant to this title of this joint resolution shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this title of this joint resolution.

SEC. 206. Unless otherwise provided for in this title of this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this title of this title of this joint resolution shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this title of this joint resolution, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) January 3, 1996, whichever first occurs.

SEC. 207. Notwithstanding any other provision of this title of this joint resolution, except section 206, none of the funds appropriated under this title of this joint resolution shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 208. Expenditures made pursuant to this title of this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 209. No provision in the appropriations Act for the fiscal year 1996 referred to in section 201 of this title of this joint resolution that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 206(c) of this joint resolution.

SEC. 210. Appropriations and funds made available by or authority granted pursuant to this title of this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 211. Notwithstanding any other provision of this title of this joint resolution, except section 206, whenever the Act listed in section 201 as passed by both the House and Senate as of the date of enactment of this joint resolution, does not include funding for an ongoing project or activity for which there is a budget request, or whenever the rate for operations for an ongoing project or activity provided by section 201 for which there is a budget request would result in the project or activity being significantly reduced, the pertinent project or activity may be continued under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 by increasing the rate for operations provided by section 201 to a rate for operations not to exceed one that provides the minimal level that would enable existing activities to continue. No new contracts or grants shall be awarded in excess of an amount that bears the same ratio to the rate for operations provided by this section as the number of days covered by this resolution bears to 366. For the purposes of this title of this joint resolution the minimal level means a rate for operations that is reduced from the current rate by 25 percent.

SEC. 212. Notwithstanding any other provision of this title of this joint resolution, except section 206, whenever the rate for operations for any continuing project or activity provided by section 201 or section 211 for which there is a budget request would result in a furlough of Government employees, that rate for operations may be increased to the minimum level that would enable the furlough to be avoided. No new contracts or grants shall be awarded in excess of an amount that bears the same ratio to the rate for operations provided by this section as the number of days covered by this resolution bears to 366.

SEC. 213. Notwithstanding any other provision of this title of this joint resolution, except sections 206, 211, and 212, for those programs that had high initial rates of operation or complete distribution of funding at the beginning of the fiscal year in fiscal year 1995 because of distributions of funding to States, foreign countries, grantees, or others, similar distributions of funds for fiscal year 1996 shall not be made and no grants shall be awarded for such programs funded by this title of this resolution that would impinge on final funding prerogatives.

SEC. 214. This title of this joint resolution shall be implemented so that only the most limited funding action of that permitted in this title of this resolution shall be taken in order to provide for continuation of projects and activities.

SEC. 215. The provisions of section 132 of the District of Columbia Appropriations Act, 1988, Public Law 100–202, shall not apply for this title of this joint resolution.

SEC. 216. Notwithstanding any other provision of this title of this joint resolution, except section 206, none of the funds appropriated under this title of this joint resolution shall be used to implement or enforce any system of registration of unmarried, cohabiting couples whether they are homosexual, lesbian, heterosexual, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples; nor shall any funds made available pursuant to any provision of this title of this joint resolution otherwise be used to implement or enforce D.C. Act 9–188, signed by the Mayor of the District of Columbia on April 15, 1995.

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Louisiana [Mr. LIVINGSTON] will be recognized for 10 minutes, and the gentleman from Wisconsin [Mr. OBEY] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON].

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

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I may consume, and I assure Members that I do not intend to use all the time allotted to me, and I would hope that all Members would restrain themselves so that we might expedite this process and move forward.

Mr. Speaker, I bring to the floor House Joint Resolution 136, a joint resolution making further continuing appropriation for two activities in the Department of Health and Human Services and for the District of Columbia. This is a short-term CR, a continuing resolution. It lasts only until January 3, 1996, for the activities covered under this continuing resolution. The activities provided for in HHS include aid to families with dependent children and foster care and adoption assistance.

Mr. Speaker, House Joint Resolution 134, the continuing resolution for certain veterans activities, is, as we have stated earlier, pending in the Senate. Its passage, combined with the current continuing resolution that we are now considering, will provide important benefits for certain parts of the Government.

Mr. Speaker, the activities provided for in this continuing resolution are extremely important. I would urge all of our Members to consider heavily the impact of not passing this continuing resolution. We need to make provision for the continued funding now of these activities, and I urge all the Members to support this resolution.

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

Mr. OBEY. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, the majority party of this Congress has insisted that Government be selectively shut down, and in that process they are trying to leverage the President of the United States into swallowing their budget outline.

Yesterday, the majority voted to open only a part of the Veterans' Administration when that legislation was on the floor. At that time we asked that they open all of Government. We asked that they allow workers to voluntarily come in and work, since the Speaker had announced they will be paid anyway; and we asked that we allow all of Government to be open so that taxpayers can receive all of the services to which they are entitled because they have already paid for them. We were refused in all three of those efforts.

Now the legislation which was passed is bogged down in the other body and we have a new proposition before us, which, once again, tries to do everything that was done earlier plus open the Government for AFDC payments and for Medicaid and for the District of Columbia.

Mr. Speaker, I know that we have a lot of interests in all of those items, but on this side of the aisle we want all of Government to be reopened so that we can provide all of the services to taxpayers to which they are entitled. We want Government workers to be paid for working, not to be paid for not working.

I want to make clear, this debate is not about whether there is or should be a balanced budget. In my view, it is about political arrogance, it is about political bullying, and it is about political childishness.

Mr. Speaker, you will find a good many of us on this side of the aisle who will be prepared to vote for a balanced budget, but we will not be blackmailed into voting for a specific kind of budget outline that moves us inevitable into accepting the idea of cutting the amount that Medicare will pay for each beneficiary 7 years down the line by $1,700 per person. We will not be blackmailed into accepting a situation in which, when you combine what is happening with Medigap and what is being suggested by the majority party on Medicare premiums, that seniors will be asked to pay $1,000 more out of their own pocket for health insurance. We will not be blackmailed into dumping defenseless children out of health care insurance under Medicaid. And we will not be blackmailed into gutting the Government's long-term ability to provide a decent educational opportunity for every kid in this country or to provide protection for the environment.

Mr. Speaker, I think it is ironic that especially at the Christmas season we are seeing an act of consummate arrogance on the part of the majority of this House. We are being told that this is all necessary because of their vision that somehow if we just pass their version of a balanced budget over 7 years, that somehow they can guarantee to the taxpayer that there will, in fact, be a balanced budget. I think their own past record in producing on their promises would dictate rather more humility and rather less arrogance than I have seen so far.

I would point out that the first time we were told to sacrifice all of our

judgment and swallow our promises was in 1981, when we were told that if we just passed the Reagan budget that the deficit would decline from $55 billion to zero over 4 years time. Instead, the deficit went up to $185 billion.

Then we were asked to swallow another multiyear promise in Gramm-Rudman 1. Our Republican friends told us they would guarantee us the deficit would go down from $172 billion to zero if we would just swallow their budget prescription. The Congress did. They only missed the deficit reduction target by $220 billion.

Then the Republicans passed Gramm-Rudman II, and they said if we do that, we will take the deficit down to zero over a 5-year period of time—represented by these green lines on the cart. Instead, unfortunately, they only missed by $290 billion.

It would seem to me, given the past track record of the majority party in producing results that match their promises, that we have a right to take with some skepticism their promises that this time around they are going to hit better targets and actually get us to zero.

Having said that, Mr. Speaker, let me say that all of those arguments there are irrelevant. Their judgment may be correct; it may not be. Our positions may be right; they may not be. I do not know. But the one thing I do know is that we should not hold hostage 300,000 Government workers just for them to be able to prove a point.

There is something very, very wrong with the attitude of people in this House that says we should go home to Christmas with the comfort of our families, but, meanwhile, we should continue to disrupt the Christmases of 300,000 Government workers and their families. There is something wrong, Mr. Speaker, with saying we should go home to our families for Christmas, but, by the way, taxpayers who have already paid out the money for these services, taxpayers who have already bought their tickets to see the Washington Monument or see Yellowstone, or whatever, that they should have to have their vacations ruined just so that the Speaker and the majority party can prove a political point.

I think there is something wrong with that attitude. It makes a mockery of representative democracy. It makes a mockery of the sentiment that is supposed to pervade in this holiday season. I would urge my colleagues, therefore, when the motion to recommit comes—and I am not asking anyone to vote against the basic bill—but I am asking that when the motion to recommit comes, I am asking my colleagues to vote for it because that will be a motion to recommit which, if passed, would open the entire government until January 3.

I would urge support for the recommittal motion.

□ 1400

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. WALSH] chairman of the Appropriations Subcommittee on the District of Columbia.

Mr. WALSH. Mr. Speaker, I would like to thank all of those who worked together to bring this to the floor on a unanimous consent. It gives us the opportunity to allow the operation of the District government to continue. But I would remind my colleagues all this, as far as title II of this resolution is concerned, is with the District's own money. There is no additional Federal appropriation going to the District under this CR.

Mr. Speaker, title II, again, regarding the District of Columbia, would allow them to spend their own money until January 3. On the few issues that are dealt with in this CR regarding abortion, there will be no funds for abortion. Domestic partners, there would be current law, meaning no funds to enforce that law. The funding level would be at the lower of the 2 houses.

Mr. Speaker, the bill is silent on the issue of education reform. I would assure my colleagues, however, that this issue is not dead by a longshot. The discussions are ongoing. This will buy us some time to work these issues out with the Senate. I do believe that the last meeting that I had with Senator JEFFORDS and the gentleman from Wisconsin, Mr. GUNDERSON, did lead me to be a little more optimistic about getting this issue resolved in a positive way, something that I think both Houses of Government could support. However, Mr. Speaker, it is yet to be worked out.

Mr. Speaker, this will give us some additional time, and at the same time it will give the District the opportunity to continue to operate and provide services to its constituents. I regret that we do not have funding for all of the rest of the Government, but I remind my colleagues that it was three vetoes by the President that brought the Government to a stop on the other appropriations bills.

Mr. Speaker, I thank my colleagues and urge their support.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. DIXON].

Mr. DIXON. Mr. Speaker, I rise to support H.R. 136 and to say to my colleagues that if we really want to put Government back to work, the motion to recommit will do it. It is unfortunate that the District of Columbia is in this situation, because in my opinion they are acting in violation of law at the existing moment, and it is for that reason that I would support this resolution.

Mr. Speaker, I would also point out that it extends past the existing law of the District in that it prohibits them from using their own money, which is the only money involved in this, for abortion. We are here because the Senate Republicans and the House Republicans disagree about vouchers. I hope that issue can be resolved by January 3, but I do think it is necessary that we pass this resolution.

Mr. LIVINGSTON. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, on a bipartisan basis, I urge support of this resolution. Members have heard me on the District of Columbia. I plead also for those on welfare. I do not believe we should go home and leave these two matters outstanding. I do not believe any Member of this body wants to do so.

Mr. Speaker, I am very disappointed at the length and breadth of the resolution; I would be far more disappointed if we were to say all or nothing. We are trying to get to a resolution that all can agree upon. I appreciate, frankly, that we have been able to pierce the iron wall to at least reach the most needy.

Mr. Speaker, this is a test our rhetoric, those of us who rise often to say we are doing what we are doing for those most in need. Those most in need at the moment happen to be an entire city, the District of Columbia, as well as those who, if they miss a welfare check, may be in very dire straits. It is a test of our rhetoric and a test of our bipartisanship.

Mr. Speaker, I ask this to be handled as if it were what it really is: An emergency.

Mr. OBEY. Mr. Speaker, it has been brought to my attention, there is a technical problem with this bill which the majority leader's office would like to correct. For the purpose of facilitating that, I ask unanimous consent that debate be extended by 3 minutes on each side, until it can be worked out.

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

There was no objection.

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

Mr. Speaker, when the gentleman from Wisconsin took the well, he said that we are blackmailing the other side into accepting what we all agree is a very important measure. This particular bill funds for the next 2 weeks all of the welfare payments under the AFDC or Aid for Dependent Children Program. It funds money for foster care and adoption services. It provides authority for the District of Columbia to use its own money.

Mr. Speaker, it does all of those things in an expedited fashion in an effort to try to resolve these immediate problems during the holiday season when, frankly, a lot of people who are not to blame for the impasse, might be adversely impacted.

This is not blackmail. This is an attempt simply to try to accommodate the needs of the most needy of our society; the people that really have no other alternatives.

Mr. Speaker, I would have to say that this is, indeed, a meaningful and critical debate, and I hope it could be expedited. Evidently, there is some concern about not including what we did a couple of days ago for the veterans in this joint resolution and how that has been treated in the Senate, and we will try to resolve that fairly soon. We hope, though, that a compromise can be confected that will accommodate not only the people listed in this bill, but the veterans as well.

Mr. Speaker, I have to say that the President has been less than forthcoming on the regular appropriations bills for some of these programs. The Labor-HHS bill has been hung up in the Senate because of a filibuster by the minority. Some of these programs come under that bill. The veterans benefits fall within the VA-HUD bill, which was vetoed by the President.

Likewise, the President has vetoed the Commerce, Justice, State, and Judiciary bill, and the President has vetoed the Interior bill. Now, the Interior bill covers all of the National Parks, the National Gallery of Art, where they have the Vermeer exhibit, which is the first time since, I think, that so many of the Vermeer paintings have been accumulated and assembled under one roof. They are on display at the National Gallery of Art, but it is closed.

Mr. Speaker, we have heard a lot of Members from the other side complain about that fact. The fact of the matter is, it is closed because for some reason the President saw fit to veto that bill.

I have been told recently that a lot of parks around this country are closed, with the exception of the State of Arizona. The State of Arizona is funding the national parks in its State even though the Federal Government is not functioning or not paying for the conduct or the opening of those parks.

Mr. Speaker, it just so happens, the State of Arizona is the home State of the current Secretary of Interior. My colleagues would think that if his own State is funding parks, that he would applaud the use of State funds to keep other parks open around the rest of the country, but that is not true.

Because the Interior Department bill has been vetoed, and for some reason the Secretary of Interior and the President of the United States agree that it should have been vetoed, still the Secretary of Interior, who is from Arizona and who has his own parks open, is saying to the rest of the Nation, ''No, you cannot open your parks. You cannot use your own money.'' That seems to me extraordinary.

Mr. Speaker, we have had one objective in the larger negotiations and that is basically to balance the budget; balance it within 7 years as scored by the Congressional Budget Office, so that we are using real figures. No smoke, no mirrors, no false promises.

We said that is what we wanted 6 weeks ago, and we thought the President had come halfway and said that is what he wanted, even though he had been for a 5-year balanced budget, and a 10-year balanced budget, and a 9-year balanced budget, and a 7-year balanced budget. And even in his balanced budget proposal earlier in November, he had said that he did not want a balanced budget any time from now until the cows come home because that proposal was still out of balance. He had $200 billion in deficits every single year.

Finally, the President came to the table about 6 weeks ago and said, OK. Then just earlier this week, when Speaker GINGRICH and majority leader of the Senate, Mr. DOLE, went to the White House, they thought they had an agreement that we were going to get a balanced budget by the year 2002 as scored by the Congressional Budget Office, and they said, ''Doggone it, we have gotten it again'' and then the Vice President walks down to the press office and tells the American people by way of a press conference, ''Oh, no, that is not what they agreed to at all.''

So, Mr. Speaker, we find ourselves in an extraordinary situation here where one side thinks that they bargain in good faith and set certain goals and the other side says ''Oh, no, that is not what we agreed to at all.''

Now we find ourselves with the last few minutes of a particular bill that covers people that really need assistance under the AFDC program or the foster care program or the District of Columbia, and we have already passed a bill which covers the veterans, and we find that for some reason it is not working its way out because there are differences between the House and the Senate. Meanwhile, we are getting no particular help from the White House, and then we get blamed for being the cause of the entire impasse.

Mr. Speaker, we are not to blame for the impasse. If the President had not vetoed the VA-HUD bill, the Commerce, Justice, State, and judiciary bill, if he had not vetoed the Interior bill, funding for all of the functions of those particular bills would have been enacted into law, and the 620,900 people that are covered under the jurisdiction of those bills would be working and would have a happy Christmas without regard to what we do, because they would not need to be covered by these continuing resolutions. They would not have to worry about it.

Even though today we are considering limited continuing resolutions, there are still a lot of people who are not covered by them and they have reason to be concerned because evidently the President has not seen fit to come to the table and reach an agreement on a balanced budget.

Mr. Speaker, we are committed to a 7-year balanced budget as scored by the Congressional Budget Office, but evidently that is not the case with the President. We still have these remaining bills that we are negotiating: The foreign operations bill; the District of Columbia bill, which would be short-term funded by this bill; and, the Labor-HHS bill.

Mr. Speaker, we would hope that we would be able to get those out of the way pretty quickly, but in the meantime, this joint resolution, this continuing resolution is extraordinarily important. I would hope that we would be able to come together, reach an agreement, and go home for Christmas knowing that we took care of the most needy of the needy.

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

Mr. DIXON. Mr. Speaker, may I inquire as to how much time is remaining?

The SPEAKER pro tempore (Mr. DREIER). The gentleman from Louisiana [Mr. LIVINGSTON] has 2 minutes remaining, and the gentleman from California [Mr. DIXON] has 4 minutes remaining.

Mr. DIXON. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. HEFNER].

Mr HEFNER. Mr. Speaker, I would like to make a point to the gentleman from Louisiana [Mr. LIVINGSTON], my good friend and the chairman of the Committee on Appropriations, and I sit on that committee. One of the problems is that we did not get our work done on time. It is all nice to sit and trash the President and accuse him of all the problems, but frankly the White House is not smart enough to cause all of these problems. It has to be shared by this body.

□ 1415

All the speakers that have on this side of the aisle made the speech, what we are going to do is balance the budget in 7 years, we can put these people back to work until January 3. We are not going to balance the budget between now and January 3. The talks are going to continue.

In the meantime, I am a strong supporter of veterans ever since I have been in this body. I have voted for aid for dependent children when I have been here. I do not know how many Members on this side have. But let me make this point. There are other people out there that are being affected. It is just as important to them as these other programs are. So I am saying to my colleagues they are not going to stop the balanced budget by continuing this resolution until January 3. So why not let these people have a merry Christmas? Open up the Government and support the motion to recommit that will open up this Government.

Mr. DIXON. Mr. Speaker, I yield 1 minute to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, of course we need to get benefit checks out to veterans and of course we have got to get the benefit checks to 13 million welfare recipients. For most of them, they have nothing else to live on. They have got to pay their monthly rents. If we do not do this, they will not even have food to put on the table for their children.

Of course we have to get $11 billion out to the States in Medicaid payments. The States need that money.

My problem is, how many other problems exist out there that we are not aware of? One problem is that 500,000 Federal employees are only going to get half their paychecks currently. The next paycheck they get is zero.

I talked to a Federal employee last night. He has been working 14-hour days. His colleagues who want to come in and help him are told it is against the law to even volunteer to help him out. This is ridiculous. These Federal employees want to work. We are locking them out of their jobs. We are locking the American public out of their Government. That is why we need a full continuing resolution, at least through the Christmas holidays, if we are going to go back with our families and enjoy the holidays. We have got to open this Government. To do anything else is a shame on us and a real travesty for the American people.

Mr. DIXON. Mr. Speaker, I yield 30 seconds to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Speaker, we really do need to put the people back to work in this city. The Federal Government being out of work costs the taxpayers millions of dollars. The crowd across the aisle says they want to run this place like a business. You do not pay people not to work in a business.

Federal workers are ready, willing, and able to go to work. They ought to go to work. We ought to get the welfare checks out, the AFDC checks out, the veterans checks out, and we ought to make Government work like a business. We are losing something equally precious. We are losing productivity. There are going to be backlogs, even when the Government employees go back to work. We cannot recover that time. Let us put the Government employees back to work.

Mr. DIXON. Mr. Speaker, I yield 30 seconds to the gentleman from Arkansas [Mr. THORNTON].

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

Mr. THORNTON. Mr. Speaker, we have heard a lot about who is to blame, whether it was the failure to enact appropriations on time or whether it was vetoes, I am not here to assess blame but to determine whose responsibility, duty and power it is to correct the situation.

I refer to the Constitution of the United States, which says in enumerating the powers of Congress that ''No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by law.'' All appropriations are the responsibility of the Congress. The President has no power to appropriate funds. No one has power to correct the absence of appropriations but a majority of this House of Representatives. The majority party has shown that they have the power to correct the shutdown of Government by bringing forward and passing continuing resolutions. They have done so whenever they choose to do so. The failure to exercise power can be an abuse of power, and I submit that their failure to act is an abdication of the constitutional responsibility which they have the duty to perform.

AMENDMENT OFFERED BY MR. LIVINGSTON

Mr. LIVINGSTON. Mr. Speaker, I offer an amendment and I ask unanimous consent it be agreed to.

The Clerk read as follows:

Amendment Offered by Mr. LIVINGSTON: Insert at the end of the resolution the following:

TITLE III

VETERANS AFFAIRS

That the following sums are hereby appropriated, out of money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations and other organizational units of Government for the fiscal year 1996, and for other purposes, namely:

SEC. 301. ENSURED PAYMENT DURING FISCAL YEAR 1996 OF VETERANS' BENEFITS IN EVENT OF LACK OF APPROPRIATIONS.

(a) PAYMENTS REQUIRED.—In any case during fiscal year 1996 in which appropriations are not otherwise available for programs, projects, and activities of the Department of Veterans Affairs, the Secretary of Veterans Affairs shall nevertheless ensure that—

(1) payments of existing veterans benefits are made in accordance with regular procedures and schedules and in accordance with eligibility requirements for such benefits; and

(2) payments to contractors of the Veterans Health Administration of the Department of Veterans Affairs are made when due in the case of services provided that directly relate to patient health and safety.

(b) FUNDING.—There is hereby appropriated such sums as may be necessary for the payments pursuant to subsection (a), including such amounts as may be necessary for the costs of administration of such payments.

(c) CHARGING OF ACCOUNTS WHEN APPROPRIATIONS MADE.—In any case in which the Secretary uses the authority of subsection (a) to make payments, applicable accounts shall be charged for amounts so paid, and for the costs of administration of such payments, when regular appropriations become available for those purposes.

(d) EXISTING BENEFITS SPECIFIED.—For purposes of this section, existing veterans benefits are benefits under laws administered by the Secretary of Veterans Affairs that have been adjudicated and authorized for payments as of—

(1) December 15, 1995; or

(2) if appropriations for such benefits are available (other than pursuant to subsection (b)) after December 15, 1995, the last day on which appropriations for payment of such benefits are available (other than pursuant to subsection (b)).

SEC. 302 SECTION 301 SHALL CEASE TO BE EFFECTIVE ON JANUARY 3, 1996.

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

The SPEAKER pro tempore (Mr. DREIER). Is there objection to the request of gentleman from Louisiana?

Mr. SOLOMON. Reserving the right to object, Mr. Speaker, I most likely will not object, but I would like to hear the explanation.

I yield to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, what I have done is offered an amendment by unanimous consent that includes the text of House Joint Resolution 134, which passed this House of Representatives 2 days ago and which covers the full veterans' benefits that passed the House. This would provide veterans' funding only to January 3, not the full year. That is a difference between what passed here the other day and is in this text. But it complies, it complies with what is in the Senate bill, which is working its way through right now.

We are on a shortage of time here. We are trying to accommodate the Senate. Trying to accommodate the majority and the minority and get everybody together, trying to accommodate those who wish to have the AFDC and the foster care money as well as the District of Columbia money and the veterans' benefit payment checks. So this complies with what is in the text of the Senate bill and would not necessitate the need of taking up additional action after we conclude this business.

Mr. SOLOMON. Mr. Speaker, continuing my reservation of objection, I would say to the gentleman that I was over in the Senate. Indirectly, I participated in the debate whereby what the gentleman is stating is absolutely true. This would mean that the veterans' checks would go out tomorrow, and that is really what we were looking for, along with all of the others that are included here.

Mr. Speaker, I withdraw my reservation of objection.

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

Mr. OBEY. Mr. Speaker, reserving the right to object, I want to get this straight. We were given one proposition by the majority a day ago which refused to keep most functions of the Government open except those that they delineated in that proposal. That went to the Senate. It has been screwed up in the Senate and so now we are asked to pass a second selective reopening of the Government.

In the middle of the discussion of what should be reopened, we are now being asked to reopen yet another series of functions. I think that indicates the absolutely chaotic way that decisions are being made in this House, but I would ask the gentleman a question, under my reservation of objection. I would ask the gentleman whether as long as his language is attempting to deal with some of the shutdown problems at the VA, I would ask if the gentleman would be willing to deal with all of the shutdown problems at the VA so that we can deal with pending claims for pension and benefits, the employees who work on that backlog are furloughed, so that we can deal with new applications for pension and benefits that are accelerating at the rate of 2,000 a day, so that we can deal with the backlog and new applications for certificates of eligibility for VA

home ownership loans and loan guarantees. There are approximately 200,000 Veterans Health Administration employees who are working with the promise of pay once this crisis is resolved but without the assurance of their normal payday.

If we are going to selectively deal with the problems of veterans, I would urge that the gentleman allow us to add the following language:

(3) all other authorized activities of the Department of Veterans Affairs, including processing of existing new applications for benefits and pensions, processing of certificates of eligibility for home ownership loans and loan guarantees, and payment of salaries of Federal Government personnel providing health care for our Nation's veterans are continued at a rate for operations not to exceed the rate in existence on December 15, 1995.

Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, I totally sympathize with what the gentleman is trying to accomplish. All of the purposes the gentleman just described are noble and worthy. However, we acted as we did 2 days ago and that bill, without the gentleman's language, in fact by a vote of the House without the gentleman's language, went to the Senate.

They have since acted on AFDC. They have acted on foster care. They have acted on the District of Columbia, and they have acted on their own bill which does not include the language that the gentleman has within the single bill that they are sending back to us.

If we incorporate the amendment that I have offered by unanimous consent, then we have a bill to send to the President of the United States. If we acted on the gentleman's amendment, it means that we have another disconnect and that we are not likely to get any of this stuff out of here. I would respectfully object to the entrance of the gentleman's language.

Mr. OBEY. Mr. Speaker, continuing my reservation of objection, let me simply say that despite the unreasonable position of the majority, I will not object because I do not think that one act of childishness, I do not mean on the part of the gentleman from Louisiana but on the part of the majority in general, I do not think that that justifies an act of childishness on this side of the aisle.

Mr. Speaker, I withdraw my reservation of objection.

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

Mr. HOYER. Reserving the right to object, Mr. Speaker, I will not object. Because of the selective irresponsibility, there are some Members, apparently, who get their objectives accomplished and, therefore, want the rest of us to keep quiet about other objectives. I understand that. I am not going to object But this is selective irresponsibility. It is selective favoritism for very important objectives. But there is no excuse, not one, for not having a CR between now and when everybody in this body expects to come back to this town, January 2. Nobody expects to come back before that, and the gentleman and I know it.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The SPEAKER pro tempore. Is there objection to agreeing to the amendment offered by the gentleman from Louisiana [Mr. LIVINGSTON].

There was no objection.

The amendment was agreed to.

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

Mr. DAVIS. Mr. Speaker, let me associate myself with my colleagues from the metropolitan area who favor keeping Government open. This area has taken a huge hit during this time period, but let me talk today about what is possible, and that is the District of Columbia appropriations bill and the continuing resolution for that.

The city is unique in that 85 percent of its money does not come from the Federal Government. Right now, because of our inaction in Congress, they are barred from spending even their own money, even their own money to keep the city open, to keep the libraries open, to keep the rec centers open for the youth, collect the trash, keep foster care going. This will ensure that the city workers will have been paid for the time period they have been working over the last week which they have been doing in a sense with a wink and a nod. This will also help the city get its fiscal house in order and start the planning and start downsizing the city. This will fund the control board. The last shutdown cost the city $7 million. They did not have any productivity. This will keep the city up and running for a short period of time until we can work out the appropriation level. Let us stop the rhetoric. Let us pass this resolution.

The SPEAKER pro tempore. The gentleman from Louisiana [Mr. LIVINGSTON], and the gentleman from Wisconsin [Mr. OBEY], each has 1 minute remaining.

Mr. OBEY. Mr. Speaker, I yield myself the balance of my time.

I again want to repeat that the motion to recommit will be a motion to open all of the Government so that workers who are being paid will be paid for working rather than not working.

Mr. LIVINGSTON. Mr. Speaker, I ask all the Members to vote for the concurrent resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. Under the order of the House of today, the previous question is ordered.

The question is on engrossment and third reading of the concurrent resolution.

The concurrent resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the concurrent resolution in its present form?

Mr. OBEY. Mr. Speaker, I think it is pretty obvious by my comments.

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

The Clerk read as follows:

Mr. OBEY moves to recommit the joint resolution to the Committee on Appropriations with instructions to report the resolution back to the House forthwith with the following amendment: at the end of the resolution add the following new title:

TITLE IV

SEC. 401. Section 106 of Public Law 104–56 is amended by striking ''December 15, 1995'' and inserting ''January 3, 1996''.

Mr. OBEY. Mr. Speaker, I simply want to say that the effect of this motion would be to end this childish partial Government shutdown. It would open up not just the functions that are contained in the base resolution. It would open up all remaining functions of Government so that taxpayers are not forced to look at the silly situation in which their taxpayers' money is being used to pay Government workers who are not being allowed to actually work for the money they receive.

Mr. Speaker, I yield to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I have said before that people sent us here to exercise common sense, fiscal responsibility.

□ 1430

I am one of those who has no problem standing because I have voted consistently for the objective that many of us in this body seek, and that is a balanced budget.

The objective that many seek, that is to balance the budget in 7 years and honestly score that balance so it is real or at least as real as we can make a 7-year projection.

This vote now, for the first time, is going to give us the opportunity of doing what it seems to me from a nonpartisan, bipartisan, nonpolitical perspective makes common sense, and that is to have Government work while we are in recess or adjourned, probably in recess until January 2.

There will be no greater pressure on the negotiators if Government is shut down. After 13 days of shutting down the Government, we ought to understand by now that the principles held by both parties are held strongly and are deemed to be in the best interests of America and our people. Those negotiators, who are the highest leaders of both our parties, I think are going to be working in good faith.

There are real differences, but I suggest to Members on both sides that it

makes no common sense to hold hostage the operation of the people's Government. We are attempting to selectively reduce the adverse consequence of that irresponsible action for veterans, for those in need of AFDC health, for the District of Columbia government to run as every one of our governments expects to run, without us arbitrarily and capriciously telling them they cannot spend their own money.

But I would ask everybody on both sides of the aisle to vote for this motion to recommit, and I would tell my friends that I have thousands of non-Federal employees who have been laid off as a result of this action who are not going to be reimbursed. Look at the front page of the papers. There are contractors in every city in America, large and small, who have been told, ''Sorry, you better tell your employees to go home,'' and they are not Federal employees. And they are in Oklahoma, and they are in Florida, and California and New York, and, yes, they are in the Washington metropolitan region where, by the way, we only have 15 percent of the Federal employees. Eighty-five percent are throughout America.

Contractors are saying to me, ''What are you people doing? You have asked me to do a job. I have entered into a contract with you, and now you are telling me I cannot do the work that you have contracted me for.''

My colleagues, the American public expects us to make common sense. I ask all of my colleagues, not just for Federal employees, not just for those who have contracts with the Federal Government, but for every American who would like to believe that it can send us here to Washington to make policy rationally, reasonably, and with equity and openness with one another, to vote for this motion to recommit. Put the Government back to work, continue our negotiations. And I will come back here with you, as I have this year and in years past, and support policies to affect what all of us believe are important for our children and for our grandchildren, getting our fiscal house in order. But putting it out of order by this unwise policy ought to be rejected.

Vote for the motion to recommit. It makes common sense.

The SPEAKER pro tempore (Mr. DREIER). The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON].

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

Mr. LIVINGSTON. Mr. Speaker, this is the VA, AFDC, FC, and D.C. CR that I hope my colleagues will vote for ASAP. We have amended it. In fact we have changed courses and gears as we have been debating this simply because the other side of the Capitol has changed gears as well.

I really hope that nobody will vote against this measure. We should all vote for it. However, I urge you to vote against the motion to recommit. If my colleagues voted for the motion to recommit, I tell my colleagues on this side they would be undoing virtually everything that we have fought for in the last several tough weeks.

As my colleagues know, 34 days ago the President of the United States agreed in principle to a 7-year balanced budget scored by the Congressional Budget Office without smoke or mirrors, without false promises. My colleagues know that as recently as 2 days ago the Speaker of the House and the majority leader were sitting in the White House and came to what they thought were at least some constructive parameters, and a few minutes later the Vice President of the United States stood up before the press and said that nothing they said was agreed to.

Now that has been the problem. Every time we think we have an agreement, it turns out we do not have an agreement. I would have to say in response to what the gentleman who preceded me in the well said, you want rational government, well, then, yes, rational government is the coming together, the compromising, the meeting of the minds, coming up with a single legislative agenda, passing it, and not vetoing it.

We passed the VA–HUD bill, the Interior bill, the Commerce, State, and Justice bill. These went through the regular routine legislative process and should have been signed. But the beginning of this week, in the middle of this holiday season that we have enjoyed so much, the President vetoed all three bills. In fact he vetoed another bill. He vetoed the thing called the securities litigation bill, and 2 days ago the House overrode his veto, and today the Senate overrode his veto, and that one is now law.

Now the American people are going to begin, if they have not already, to understand that this is a tough negotiation. This is tough bargaining, and we use what tools we have. We are sorry for the people that have been inconvenienced by this whole effort, but what we have is a fundamental philosophical difference. We differ with those who have a fundamental philosphy who believe, in intransigent, unyielding government, with a large bureaucracy, an unyielding and rapidly taxing and spending central government. We believe that Government should be smaller. We need to do the people's business by balancing our books. We need a balanced budget within 7 years, and we are going to get there.

We have told the President of the United States we want to get there, and he has promised us ''oh, he does, too,'' but everything he does contravenes that thought. We have not gotten to the table yet to confect that balanced budget. Until we do that, until we get that binding agreement, we have no choice but to adopt this continuing resolution for the next 2 weeks. But to keep up the fight, to keep the faith, to make sure that we stay on track and we tell the American people we are not going to back down. We need the 7-year balanced budget.

My colleagues, as Winston Churchill said, ''We will never, never, never give in.'' We will stay here until doomsday.

Defeat this motion to recommit, and pass this continuing resolution, and merry Christmas.

The Speaker pro tempore. Without objection, the previous question is ordered on the motion to recommit.

PARLIAMENTARY INQUIRY

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

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

Mr. OBEY. Is it possible, after the last speech, the American people finally understand what we are up against?

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 161, noes 200, not voting 72, as follows:

[Roll No. 885]

AYES—161

Abercrombie
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Costello
Coyne
Danner
Davis
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Dooley
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Johnson (SD)
Johnson, E.B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Levin
Lewis (GA)
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McHale
McKinney
Meehan
Menendez
Mfume
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Morella
Nadler
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton

Slaughter
Spratt
Stark
Stenholm
Stokes
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates

NOES—200

Allard
Archer
Armey
Bachus
Baker (CA)
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bilbray
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Burr
Burton
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Flanagan
Foley
Forbes
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
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
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Martini
McCollum
McCrery
McDade
McInnis
McKeon
Metcalf
Meyers
Miller (FL)
Molinari
Montgomery
Moorhead
Myrick
Nethercutt
Neumann
Ney
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Sensenbrenner
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Thomas
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—72

Ackerman
Baker (LA)
Ballenger
Barton
Berman
Bevill
Bilirakis
Bunning
Buyer
Callahan
Calvert
Cardin
Clinger
Collins (MI)
Conyers
Cramer
de la Garza
Deutsch
Doyle
Edwards
Ensign
Fields (TX)
Filner
Ford
Fowler
Gallegly
Geren
Gibbons
Green
Gunderson
Gutierrez
Hancock
Harman
Hastings (WA)
Hayes
Jacobs
Jefferson
Johnston
Klink
Kolbe
LaFalce
Lantos
Lincoln
Lipinski
Lofgren
Manzullo
McCarthy
McHugh
McIntosh
McNulty
Meek
Mica
Murtha
Myers
Neal
Norwood
Quillen
Quinn
Ros-Lehtinen
Roth
Roukema
Seastrand
Shadegg
Shaw
Studds
Taylor (NC)
Thornberry
Velázquez
Vento
Wamp
Waxman
Wyden

□ 1459

The Clerk announced the following pairs:

On this vote:

Ms. Harman for, with Mr. Quinn against.
Mr. Jefferson for, with Mr. Quillen against.
Mr. Filner for, with Mr. Bilirakis against.

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. DREIER). The question is on the joint resolution.

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

Mr. LIVINGSTON. Mr. Speaker, on that I demand the yeas and nays.

Mr. Speaker, I withdraw my request.

The SPEAKER pro tempore. The gentleman withdraws his request.

The joint resolution was passed.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment a joint resolution of the House of the following title:

H.J. Res. 134. Joint Resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.

LEGISLATIVE PROGRAM

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

Mr. FAZIO of California. Mr. Speaker, I take this time to determine from the distinguished majority leader the remainder of the schedule for today and perhaps for the rest of the year, and maybe into the next year. I would be happy to hear from the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, if the gentleman would yield, let me begin by saying to our colleagues, this is the last vote of the day, and perhaps the last of the year, but certainly for a while. So those of our colleagues that are anxious about their airplanes are released, may go, and have a merry Christmas.

Mr. FAZIO of California. Mr. Speaker, could the gentleman further elaborate on the schedule? I have some questions that perhaps he wants to take them up on his time.

Mr. ARMEY. Mr. Speaker, if the gentleman will yield.

Mr. FAZIO of California. I would be more than happy to yield to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, I have just come back from the White House where I can say to my colleagues that things are going well. I think there is a very healthy rapport that is being established. The gentleman from Missouri [Mr. GEPHARDT] I see is back as well, and I think he would agree with me that we have a good beginning.

We have reason to be optimistic, but as everybody knows, there are a great many points to these negotiations, and we do not necessarily expect them to be completed soon.

We are able now, I think, to go into a recess that will take us until Wednesday evening. I do not expect that we would have business that would demand any votes on Wednesday evening. I would expect that we would be able to perhaps renew the recess period until Saturday.

I would ask Members to please be in touch on Tuesday morning with your whip phone. We will try to keep you updated, but I do believe at this point, unless you receive information to the contrary, that you should be able to expect that there will be no business that would be compelling enough to bring you back from your districts and your constituents prior to next Saturday.

If, in fact, things pick up with the budget negotiations, obviously we would give everybody ample notice and get everyone back. But we have no other business rather than the budget that I know of at this time that would make us feel constrained to call Members back.

Mr. FAZIO of California. Well, if I could further ask the leader to elaborate, so when we come in to session on December 27, on Wednesday; on Saturday, December 30, and perhaps again on January 3, we would not be having any business on those occasions; except perhaps if the majority chooses to extend the recess, there would be no procedural votes, nor would there be any substantive matters coming before the body. Is that the understanding that the gentleman can leave us with?

Mr. ARMEY. Well, if the gentleman would yield, I am very confident that there would be no procedural votes from our side of the aisle, and of course I would feel much more comfortable if I could have the same assurance from the gentleman from California. I would expect none from your side as well, since it would be, I think we would all agree, a terrible inconvenience to the Members who might try to get something done in their district.

Mr. FAZIO of California. Would the gentleman indicate once again how much notice he thought we could obtain as Members who might be at some distance from this town in order to get back if any votes are required?

Mr. ARMEY. The Members should be aware that they would get a minimum of 12 hours notice. We would certainly try to do better than that, and I will try, beginning on Tuesday, to see to it that there is an updated information on the whip notice for all of the Members.

Mr. FAZIO of California. In an earlier dialog, the gentleman indicated that he

thought a 24-hour notice would be appropriate, and I realize that he is reluctant to make that commitment, but I can tell you there are many Members on both sides who think in this kind of an atmosphere with the difficulty of travel, a 24-hour notice would be far more appropriate, in light of the Members' needs to get reservations and get here in a timely way.

Mr. ARMEY. If the gentleman will yield, the gentleman's point is well taken. I am acutely aware that it is this gentleman's habit not to promise something unless he is certain he can deliver on it. So let me promise my assurance that I will do my very, very best to be sure that everyone gets as ample a notice as possible with my whole assurance that it would never be less than a 12-hour notice.

Mr. FAZIO of California. Well, I read the gentleman's comments in Roll Call today about the family friendly issue, and I think it was in the Wall Street Journal as well, and the gentleman has made the point he does not want to overpromise, so I do understand.

Speaking of family friendly, let me yield briefly to the cochairman of that caucus, which has had one of the more difficult years, perhaps.

Mr. ARMEY. If the gentleman would yield for a quick response, I would like also to refer the gentleman to the editorial page of the Wall Street Journal today as well.

Mr. FAZIO of California. I always skip over that page.

Mr. Speaker, I yield to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Speaker, if I could ask the distinguished leader a question or two.

First of all, Mr. Leader, I would like to extend a great deal of thanks to the staffs. If this is the last day that we are in session in 1995, certainly the staff on the Republican side and the staff on the Democratic side, working through the contract, working through December 22, today; sometimes working longer than we have, and the staff here in the Capitol deserve the taxpayers' thanks and the Members' thanks, and I would just like to extend a great deal of thanks to the staff.

Mr. FAZIO of California. Reclaiming my time, I just wanted to confirm that there will be no other legislation other than a CR or 7-year balanced budget brought before the institution at any time during the next 2 weeks; is that correct? There will be no other legislation?

Mr. ARMEY. If the gentleman would yield, I should say that there may be a few nominal unanimous-consent requests that are cleared by both sides. I would expect that anything of consequence of either a CR or the balanced budget itself would be a matter consequential enough to expect the Members to have an opportunity to vote on it.

Mr. FAZIO of California. Mr. Speaker, could the gentleman inform us as to when we will get a formal legislative schedule for January?

Mr. ARMEY. I would say that we will try to get you that as soon as we can and certainly within a week or two. I understand the concern of the gentleman and we will try to do the best we can.

Mr. FAZIO of California. Is there any possibility that you could at least give us weeks in January when you anticipate our presence or the fact that we would be free to work in our districts with our constituents?

Mr. ARMEY. Again, if the gentleman would yield, it is our intention, as we complete this very, very long and difficult year, to make January as much a time for district and family as we can.

Mr. FAZIO of California. Mr. Speaker, let me yield to my colleague from Maryland [Mr. HOYER].

Mr. HOYER. I thank the gentleman for yielding.

I would like to ask two questions. First of all, I would like to ask the leader, in terms of the recess and the reconvening of the House on the days that the leader has indicated that the House may be in session for the purposes of recessing to a future time, will we have notice of the time of that convening for the purposes of additional recess?

Mr. ARMEY. If the gentleman will yield.

Mr. FAZIO of California. I would be happy to yield to my friend from Texas.

Mr. ARMEY. The gentleman from Maryland makes a good point, and yes, Members will be notified of our intention to reconvene the House, even for the purpose of renewing the recess, if that is possible. We will try to provide our Members, through their whip phones, as complete information about anything that would happen, but certainly we would notify Members that we would be reconvening the House at such-and-such a time, and we will try to give ample notice on that as well.

Mr. FAZIO of California. I would be happy to yield further to my friend from Maryland.

Mr. HOYER. I thank the leader for his response on that, because there may be some of us, obviously, who do live close enough to participate in those sessions and would want to know, obviously, of any unanimous-consent request that will be offered at that time, and I am sure my own leadership will keep me informed of that, as well as your leadership.

The second question I would ask, Mr. Leader, as I hear what the gentleman is saying, am I correct that the probability is that the first time we could pass legislation to reopen those segments of Government that are closed would be January 3, after 5 o'clock?

Mr. ARMEY. If the gentleman would yield, I would suggest to the gentleman that no, that is not necessarily the first time. Again, I would remind the gentleman, and again, the minority leader is here, at the White House today we had a sense of a very cordial workmanship-like rapport that should give us some confidence that progress might be made in this process, and obviously, everybody, I think, is very much aware that this is a serious business and we are resolved to get right to it.

So I think we should be prepared, with the proper notice, nurturing all of the optimism we can and perhaps goodwill among the negotiators, to expect that at the very, very most early convenience.

Mr. FAZIO of California. I would yield again to my colleague from Maryland.

Mr. HOYER. Mr. Speaker, I am pleased to hear that.

Mr. Leader, I would hope that in the event that you, who are perceived by, I think, many of your Members as I read in the papers as being tough enough to make the hard decisions, if you conclude prior to a finalization of an agreement that in fact negotiations are being conducted in good faith; that there is a reasonable probability that they will be successful in accomplishing the objective of the balanced budget within 7 years by CBO scoring, or such scoring as the parties agree on, that you would contact my leadership to suggest that the next time we come back from recess, whether it is Saturday or next Tuesday, that we pass a unanimous-consent continuing resolution to put the Government back to work.

Mr. FAZIO of California. I would be happy to yield to my friend from Texas.

Mr. ARMEY. Of course I will be in contact with Members of your leadership and with the White House each day, and I think that the gentleman would agree with me that it would be quite inappropriate for anybody to do anything along the lines of a unanimous consent that would not honor each and every Member's right to vote on such an action.

So if we thought that it was appropriate to bring an action of that nature to the floor, we would properly notify Members and give them their opportunity to be here for debate and to vote.

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

Mr. FAZIO of California. I would be happy to yield to my friend from Hawaii.

Mr. ABERCROMBIE. I thank the gentleman for yielding.

Mr. Majority Leader, you have indicated that you would give at least 12-hour notice on giving us the opportunity to get here. My question is, ordinarily under those circumstances the House is not called into session for possible votes or anything before 5 o'clock when we know that people have to travel. Could we count on the same? That is my only request. I am not trying to ask for special treatment.

Mr. ARMEY. If the gentleman will yield, the point of the gentleman is very well taken. Yes, on that day in

which we would expect action, it would be our intention then to try to make it action that would require a vote at 5 o'clock or later. Is this what the gentleman is asking?

Mr. ABERCROMBIE. Yes. If the gentleman would yield just a moment longer, the first time, Mr. Majority Leader, as I understand our recess resolution, that we would be called to make a determination or that the majority would be called to make some determination as to whether we continue in recess, et cetera, would be next Wednesday; is that correct?

Mr. ARMEY. That is correct.

Mr. ABERCROMBIE. All I am asking is if you would be kind enough to extend what I think what could be called the usual courtesy of calling us into session before 5 o'clock.

1515

Mr. ARMEY. I appreciate that. The gentleman's point is well taken, and we would not expect to have to make the determination by a vote before 5 o'clock.

Mr. ABERCROMBIE. I thank the gentleman very much, and I thank the gentleman for yielding.

Mr. FAZIO of California. Mr. Speaker, just to confirm what the majority leader told the gentleman from Maryland [Mr. HOYER], we would not move a CR by unanimous consent. It would take a vote of the Members. Therefore, Members would be called back on one of those days and we would vote any CR that would be proposed by your leadership?

Mr. ARMEY. If the gentleman would yield further, that is right. If I may say, our Members would be called back with proper notice.

Mr. FAZIO of California. Mr. Speaker, I yield to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Leader, I do not want to belabor this discussion, but I want to ask, I know that you are aware that 500,000 Federal employees only got half a paycheck for this current paycheck. But I wanted to emphasize that the January 5 paycheck for everyone, whether they worked or did not work, will be zero.

Of course for those who have been working all along, I think that is a serious situation, that they have worked every day, they have probably done twice as much work because of the number of people who have not been working, and their paycheck will be zero as of January 5. So the problem is, if we do not get a full continuing resolution, and I think the date is probably January 3, for that January 5, paycheck, then I think we have an extremely serious situation, that we could not possibly recess for the rest of the month of January without rectifying it. I want to bring that to the leader's attention. I assume that he has considered that.

Mr. ARMEY. If the gentleman would yield further, I say to the gentleman from Virginia, again I am reminding that the gentleman from Missouri [Mr. GEPHARDT] is here and was at the White House. We are acutely aware of this circumstance and we are acutely, I think, convinced that it would be in the best interest of all parties concerned for us to negotiate, complete these negotiations, come to an agreement that would have the blessing of both bodies, and resolve the dilemma as quickly as possible.

Mr. FAZIO of California. Mr. Speaker, I yield to the gentleman from California, who I am sure also shares the concern about a 24-hour notice requirement.

Mr. DREIER. Absolutely. I thank my friend from West Sacramento for yielding. I would simply like to, in behalf of the California congressional delegation represented here on the floor by the gentleman from California [Mr. RIGGS] and the gentleman from California [Mr. KIM] and others, and most especially my colleague, the gentlewoman from California [Mrs. SEASTRAND], would like to inquire of the majority leader what we could anticipate as far as comprehensive immigration reform legislation.

Many of us in California have been insistent that we move this as quickly as possible, and other States, we have people like the gentleman from Florida [Mr. FOLEY] here and others, and I suspect the gentleman from Florida [Mr. GOSS] over my shoulder and others who are hoping very much that we will move as quickly as possible—maybe even the gentleman from New York [Mr. SOLOMON], the chairman of the Rules Committee, and any other names shouted out to me I am happy to repeat—but I would like to inquire of the distinguished majority leader what we can anticipate as far as scheduling for the comprehensive immigration reform legislation.

Mr. ARMEY. If the gentleman would yield further, the gentleman from California does make a good point. The California delegation has been very enthusiastic in inquiring about this. I have had many inquiries and there has been a good deal of good work done, as you know, particularly by yourself and the gentlewoman from California [Mrs. SEASTRAND] and other Members.

I should say that, again as we talked earlier about the vagaries of putting together a calendar, that I can say with full confidence that we would have an immigration bill on the House floor no later than the week of March 18, 1996.

Mr. DREIER. I thank my friend for that understanding, and I thank my California colleague for yielding.

Mr. FAZIO of California. The gentleman is welcome.

Mr. Speaker, I would like to yield to the gentleman from Virginia [Mr. MORAN] once again for a question that is more international in scope. He is concerned, as he will make clear, about Israeli bond default.

Mr. MORAN. I think we are all aware of the situation that Israel is in, a unique situation where they get their $3 billion at the beginning of the fiscal year. We understand that their bond credit rating is now in jeopardy because of the fact that it is unclear if and when they will get that money in a timely manner.

I wonder if the leader would like to assure them as to what to expect, and perhaps the Members of the House, who surely will be asked what the status is of the $3 billion for Israel. Would you like to assure us, Mr. Leader, as to what they should expect? At this point unless we taken action, there is some likelihood that Israel's bond credit rating will drop through the floor.

Mr. ARMEY. If the gentleman would yield, again the gentleman from Virginia raises an important point, and again let me remind the gentleman this is another one of these very weighty matters that we are all concerned with as we are working so hard on this budget agreement. We will move on and try to accomplish this as well as the others.

Mr. MORAN. If the gentleman would continue to yield, I guess the real question is, would we anticipate being called back perhaps to vote on that? Is that some possibility? I know there has been a request. Does the leadership think that that is of an urgent enough matter that we might be called back to vote on that independently?

Mr. ARMEY. If the gentleman would further yield, this is certainly a matter of enormous concern and we would not rule that out.

Mr. FAZIO of California. Mr. Speaker, I yield to the gentleman from Michigan [Mr. EHLERS].

Mr. EHLERS. I thank the gentleman for yielding. I just would like to assure the majority leader of my full confidence in his good judgment. And in regard to the issue of delaying any action on a continuing resolution until we are present to vote on it, I would assure him that if he and the other Members of both parties and leadership should decide to adopt a continuing resolution for a day or two, if we have good progress, I would certainly encourage them to pass such a short-term continuing resolution by unanimous consent pending our return for a full-fledged vote on a further continuing resolution, so that we can get the Government operating as soon as possible.

Mr. FAZIO of California. I appreciate the gentleman's comments. I yield to the gentleman from Maryland [Mr. HOYER] because I believe he and the gentleman from Michigan [Mr. EHLERS] are together on this matter.

Mr. HOYER. I want to say—and I thank the gentleman from California for yielding, the distinguished chairman of the Democratic Caucus—the comments of the gentleman from Michigan [Mr. EHLERS], I think, are ones that reflect what I would refer to as a commonsense way of proceeding. Because, and that was the reason for

my question, I believe that the Members of your conference have confidence in you, Mr. Leader, and I believe the Members of our caucus have confidence in the gentleman from Missouri [Mr. GEPHARDT]. I think if the two of you agree that this can be moved forward, with the Speaker's concurrence as well, the gentleman from Michigan [Mr. EHLERS] is echoing what I said, that we ought to be able to do that, it seems to me, by unanimous consent and put the Government back to work at least through January 2, which after all is a very short time.

But what it does is, it solves the problem that the gentleman from Virginia [Mr. MORAN] has referenced with reference to getting paychecks to people for the second half of this month. We are running into a time now where we are not going to be able to pay people, not going to be able to send out checks except for the exceptions we have made.

I thank the gentleman for his comments and would concur with him. I do not believe, very honestly, Mr. Leader, that that takes any pressure off because of the short-term nature of that action.

Mr. FAZIO of California. Mr. Leader, perhaps we could delegate this responsibility to the gentleman from Maryland [Mr. HOYER] and the gentleman from Michigan [Mr. EHLERS].

Mr. ARMEY. If the gentleman would yield further, I appreciate the observation of the gentleman from Maryland [Mr. HOYER] about the enormous confidence my colleagues have in me, and I am sure they would agree that they have every confidence that I would not deny them their right to vote on a matter of such consequence as a continuing resolution in any shape.

Mr. FAZIO of California. Mr. Leader, let me at this point yield to the gentleman from Florida [Mr. FOLEY], who I believe is seeking recognition. Is the gentleman still interested in commenting?

Mr. FOLEY. I thank the gentleman for yielding. I just wanted to see if the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules, will engage in just 1 minute of question.

I want to be certain, and I have received a number of phone calls to my office both in the district and in Washington, inquiring as to whether veterans of wars, disabled veterans, and others, would receive a check on January 1. There has been a lot of stress on the phone of some people who are deeply, deeply concerned. I just want to make certain we are taking care of those men and women who have spilled blood for this Nation for the freedoms that we enjoy.

Mr. FAZIO of California. Mr. Speaker, I am more than happy to yield to the gentleman from New York [Mr. SOLOMON] for a response.

Mr. SOLOMON. I thank the gentleman for yielding.

Let me just assure the gentleman that in the recently passed continuing resolution over in the Senate, that the veterans provisions that guaranteed that those checks would go out for medical compensation, medical disability compensation, for GI bill, all of those checks are provided for in the Senate bill. In the bill just passed by the House the same is true.

There is one little difference, that the Medicaid provision that passed over in the Senate is not in our bill, so there is still a difference. As I understand, we are protected because the veterans are in both bills. But what it does mean is that one of the Houses will have to act on the other's bill before we go home this evening. That will be done by unanimous consent. But whichever way it works out, it guarantees that those checks for veterans will go out in a timely manner.

Mr. FOLEY. If the gentleman would continue to yield, that means the Senate must act today on the appropriations matter before them in order for those checks to be delivered?

Mr. SOLOMON. That is correct.

Mr. FAZIO of California. Mr. Speaker, I will reclaim my time, unless the leader has any further comments he may wish to make. I appreciate the gentleman's comments.

I would just like to announce to my colleagues on the Democratic side of the aisle that the most updated schedule, that will be updated daily, will be available through our Cloakroom, and Members should call that number at any point to receive the latest information on a regularly updated recording.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore (Mr. COBLE). Is there objection to the request of the gentleman from Texas?

There was no objection.

DESIGNATING OF THE HONORABLE CONSTANCE A. MORELLA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS FOR REMAINDER OF FIRST SESSION OF 104TH CONGRESS.

The Speaker pro tempore laid before the House the following communication from the Speaker.

WASHINGTON, DC,
December 22, 1995.

I hereby designate the Honorable CONSTANCE A. MORELLA to act as Speaker pro tempore to sign enrolled bills and joint resolutions for the remainder of the First Session of the One Hundred Fourth Congress.

NEWT GINGRICH,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the designation is approved.

There was no objection.

ANNOUNCEMENT OF SPECIAL ORDER ON TODAY

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

Mr. DORNAN. Mr. Speaker, I am going to do a 60-minute special order in a few moments here after a few 5-minutes. I raced in this morning and missed the 1-minute.

I just wanted to say that since there is a 50–50 chance we will not have any votes next week, and I hope to head off to Europe to visit with our troops in the field, I wanted to do a tribute for a half hour to our men and women in uniform today as we close out 1945, the last year of World War II.

I also want to do a half hour on execution-style, a few inches from infanticide, partial-birth coupe de grace abortion. We may not think that is proper at this time of year, but on December 28, which we may miss, it is the Feast of the Holy Innocents to remind us of the Herod slaughter of innocent children, trying to kill the Messiah, whose birth many of us will celebrate next Monday.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER. pro tempore (Mr. COBLE). The Chair will recognize special orders but not beyond 6 p.m. today at this point.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SALE OF ATACMS MISSILES TO TURKEY.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, as soon as today, or at least by the middle of next week, our Department of Defense will sign a letter of offer and acceptance [LOA] with the Government of Turkey, to complete the sale of 120 Army Tactical Missile Systems [ATACMS]. The ATACMS—pronounced attacks 'ems—is a ground-launched surface-to-surface, conventional, semiguided ballistic missile which carries an antipersonnel/antimateriel cluster warhead capable of spraying shrapnel over a 150-square-meter area. Turkey already has the multiple launch rocket system from which to launch these very nasty, destructive weapons. What this weapon does is essentially deliver 950 small bombs, some of which do not immediately detonate and remain on the ground, posing a threat to noncombatants—including children.

Mr. Speaker, this is the wrong weapon sale to the wrong country at the wrong time.

Earlier this month, I circulated a letter with the gentleman from Florida [Mr. BILIRAKIS] which was signed by 35 Members from both sides of the aisle, calling on President Clinton to reconsider this sale, based on our very serious concerns over how these weapons would be used. The Turkish Government's domestic and international behavior—including the ongoing campaign against the Kurdish people, the occupation of Northern Cyprus, and the blockade of Armenia—makes us deeply concerned that providing such destructive power to that Government has the potential to cause terrible, and preventable, human suffering.

Today I am joining with my colleagues, Mr. TORRICELLI and Mr. BILIRAKIS in introducing House Concurrent Resolution 124 expressing the sense of Congress that the President should suspend the proposed sale of the Army Tactical Missile System to the Government of the Republic of Turkey until the Government takes significant and concrete steps to end the military occupation of Cyprus, lift its blockade of Armenia, cease its ongoing campaign against the Kurdish people, and demonstrate progress on the protection of human and civil rights within Turkey.

Mr. Speaker, the timing of this sale is peculiar to say the least. The Foreign Operations appropriations bill includes a cut in economic assistance to Turkey. This provision, which has strong bipartisan support, was enacted in response to the concerns cited above. We believe that the message we are trying to send with this provision would be undermined by approving a new sale of military hardware at this time. In Ankara, the conclusion would inevitably be that, beyond limited symbolic measures, Americans do not take seriously the shocking breaches of international law and decency committed in the name of the Turkish Government.

The proposed transaction represents the first sale of these weapons to any foreign nation. The Turkish military track record is not consistent with what we would expect of any recipient of United States arms, much less a NATO member. The Human Rights Arms Project has cited numerous examples of the indiscriminate use of weapons by Turkish forces in Kurdish civilian areas. We are also concerned about the evidence strongly linking Turkey to unauthorized transfers of United States and NATO weapons to the Republic of Azerbaijan.

While it is our contention that the weapons sale should be halted entirely, in our letter to the President we recommended that, are the very least, strong conditions governing the use and transfer of these weapons be attached to any sale, and that these conditions be strongly enforced.

Mr. Speaker, this sale has been strongly opposed by Greek-American, Armenian-American, and Kurdish-American organizations, as well as Human Rights Watch, the Council for a Liveable World, and the Federation of American Scientists. And for good reason.

Turkey claims it needs the ATACMS as a deep strike weapon against the threat of tanks in Syria, Iraq, and Iran. Yet, in Greece, Turkey's neighbor to the west, there is deep concern about the threat posed by these offensive weapons. In the regional arms race, Turkey already has a substantial edge, with F–16 fighter jets, attack helicopters, and antiarmore missiles. In addition Turkey has imported more than 1,000 tanks from the United States alone in the past 5 years.

The Government of Turkey is conducting a war against the Kurds within Turkey and has made incursions into Kurdish areas of Iraq, resulting in thousands of civilian casualties and millions of refugees. This cruel war is one part of an overall effort to essentially negate the Kurdish people as a distinct entity within Turkey. Many people are concerned that these missiles could be used as part of this military campaign, resulting in terrible civilian casualties.

Also, Turkey continues its occupation of one-third of the territory of Cyprus, having declared a ''Northern Republic of Cyprus,'' an entity that has no international recognition, and resisting good-faith efforts of the United States, Greece, and other nations and international bodies to end the conflict. The occupation of Cyprus is well into its 21st year. There is no sign that it will end if we continue to send the message to Ankara that there are no significant consequences to this illegal occupation, and that our protests are largely symbolic and rhetorical.

Another illegal and immoral Turkish Government policy is the blockade of its border with the Republic of Armenia. This blockade has blocked the delivery of American humanitarian aid to Armenia and complicated its delivery. In the foreign ops bill, we have language, with strong bipartisan support, known as the Humanitarian Aid Corridor Act, which restricts aid to those countries that block the delivery of aid to other nations. Although the language does not mention Turkey by name, clearly that is the country that would be targeted.

Why are we taking these seemingly significant legislative steps—Humanitarian Aid Corridor Act, cutting aid to Turkey—and then turning around and giving them this terrible weapon system?

Mr. Speaker, we also have to worry about whether Turkey will see fit to transfer this technology—our technology—to other nations. Strong evidence has linked Turkey to the unauthorized transfer of Untied States and North Atlantic Treaty Organization weapons to the Republic of Azerbaijan. Azerbaijan and Armenia are engaged in a tense conflict over the region of Nagorno-Karabagh. A tenuous cease-fire is holding, and the administration has recognized the importance of resolving this crisis by appointing a special negotiator with the rank of Ambassador. Why, again, do we turn around and take steps that will potentially undermine our efforts to negotiate a just and lasting resolution to this conflict?

International human rights organizations continue to cite Turkey for egregious violations of the basic human rights and freedoms of its own citizens. Earlier this year, an American journalist was jailed in Turkey because of her reporting on the campaign against the Kurds. She was released, thank God. Unfortunately, there has not been such a happy ending for those few brave Turkish journalists and human rights activists who try to tell their countrymen and the world the truth about what's going on. These brave souls languish in prison, largely forgotten by all but a few friends and supporters.

Mr. Speaker, I am very discouraged and disappointed by the reaction of Western governments—not only our own—to Turkey's continued flouting of international law and standards of decency. Just last week, the European Union admitted Turkey into its Customs Union, a likely first step toward full membership in the EU—despite the strong objections from many legislators and activists on the other side of the Atlantic.

Why are we doing this? Sadly, we are witnessing the triumph of Realpolitik, in other words, putting economic or strategic interests ahead of our own values. The argument is that we need Turkey because of its strategic location and as a bulwark against Islamic fundamentalism. Well, in the first place, I believe that these goals could be achieved by more positive means than weapons sales. But I also wonder whether we're making a terrible strategic mistake over the long term, investing billions, sending our most advanced weapons and otherwise hurting America's good name by associating with a regime that isn't very stable and may collapse anyway.

While it may be too late to stop this ill-advised weapons sale, I urge all my colleagues to work with me and other Members of this House to stop coddling the regime in Ankara, to stand with Turkey's neighbors, and to stop basing our foreign policy on the bad bet represented by the Government of Turkey.

It may be too late to stop this ill-advised weapons sale to Turkey. I urge all of my colleagues to work with me and other Members of this House to stop coddling the regime in Ankara, to stand with Turkey's neighbors, and to stop basing our foreign policy on the bad debt represented by the Government of Turkey.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. SAXTON] is recognized for 5 minutes.

[Mr. SAXTON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. POSHARD] is recognized for 5 minutes.

[Mr. POSHARD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

WHY I AM STANDING FIRM FOR A BALANCED BUDGET

The SPEAKER pro tempore. Under a previous order of this House, the gentleman from Kansas [Mr. TIAHRT] is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, as a freshman Member of Congress, I wanted to take some time this afternoon to explain why this Member is standing firm for a balanced budget.

We are attempting to carry out the will of the people. Eighty-six percent of Americans want to have a balanced budget, and we are intent on keeping our word.

On September 27, 1994, many of us stood on the steps of the Capitol here and promised, through the Contract With America, to balance the budget within 7 years. This is nothing new to us. I know it is new for some people in America to actually expect people in Washington, DC, to keep their word, but for the freshman class that is the norm. That is what we expect.

Recently we have been criticized by the President for shutting down negotiations. But if being criticized by the President means we will hold the President to his word, then, believe me, it is worth it. We have found that it is impossible to trust what the administration has told us or what the President has said.

On November 20, 1995, the President signed into Law Public Law 104–56, and I would like to read it briefly. It says, ''The President and Congress shall enact in the first session of the 104th Congress to achieve a balance budget not later than fiscal year 2002, as estimated by the Congressional Budget Office.'' That has not happened yet.

As was pointed out in today's Wall Street Journal on page A8, the editorial page, under the heading ''Freshmen Hazing,'' I am going to read a paragraph from that. It says,

> More than a month ago President Clinton signed an agreement to work with Congress to produce a 7-year balanced budget using updated Congressional Budget Office numbers. Since then the White House has done everything it could to slip out of that deal. The topper came Tuesday, when Mr. Clinton met with GOP leaders, and once again apparently agreed to use CBO numbers and reach a 7-year balance budget deal by the end of the year. Then Vice President Gore appeared before reporters and, when asked about the agreement, said, ''Did the President agree to put down an Administration-CBO plan according to those assumptions? No, absolutely not.''

Once again, this is a flipflop and shows why we cannot trust anything that comes out of the White House.

Mr. Speaker, I believe I know why the President is so opposed to a balanced budget. It is because he has to protect the abuse, the blatant abuse of taxpayer dollars by the administration. Secretary O'Leary and the Department of Energy are very inefficient and wasteful in the way they spend tax dollars. Secretary O'Leary, although all her responsibilities are domestic, has traveled 16 international trips, some at a cost of over $800,000, each taking along as many as 50 employees and 68 guests, and many of those guests have failed to pay their portion of the trip.

She has also hired professional photographers and video crews. But she is very concerned about her image, and that is why she is trying to catch herself at her best.

She hired a personal media consultant at a cost to taxpayers of $277 a day.

She employs over 500 public relations employees at a cost of approximately $25 million per year to the taxpayers.

She has even hired a private investigative firm to develop a list of unfavorables, unfavorable reporters and Members of Congress. This is just the tip of the iceberg.

According to the General Accounting Office, their reports and their audits say that the Department of Energy is ineffective as a Cabinet-level agency. Vice President GORE himself, in his National Performance Review, has said parts of the Department of Energy are 40 percent inefficient and are going to cost taxpayers $70 billion over the next 30 years if we do not do something.

Well, the President has condoned this action by keeping Secretary O'Leary in office. He condones the waste, the abuse, and you cannot balance the budget unless you cull this deadwood out.

We are not convinced the President or the administration means anything it says. That is why we are standing firm against waste and against abuse and for a balanced budget.

EXPRESSING APPRECIATION FOR CONTINUING RESOLUTION TO ASSIST THE DISTRICT OF COLUMBIA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia [Ms. NORTON] is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I come to the floor to thank those members on both sides of the aisle who helped and cooperated with us as we got a continuing resolution that keeps the Capital of the United States open. I recognize, particularly because I am among the Members who has a very large number of Federal employees, how frustrating a piecemeal CR has been.

On the other hand, it does seem important to get to the real principle of the thing and to the real people who are behind all of our rhetoric.

The CR that has just passed still has to go through the Senate, and I am informed that there is a difference in language between what they have passed and what we have passed, so we are still on tenterhooks.

This will not be known as the most bipartisan Congress in more than 200 years. There will be very few matters which can be pointed to which received any bipartisanship.

I must say, I would have been ashamed to have been a part of this body, however, if that posturing and partisanship prevailed against the most needy people in our society, those on welfare and against the Capital of the United States.

So I am grateful to all involved that this matter passed. I appreciate the work of the Speaker, the majority leader, and the minority leader on our side. I appreciate the work of the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Wisconsin [Mr. OBEY].

If all had not, in fact worked together, I am not sure exactly where the District would have been left, but it certainly would have been twisting in the wind, and the hardship on people on AFDC would have been unspeakable.

There is still great unfinished business as far as the District of Columbia is concerned. We are one of, I think, only a couple of appropriations that have not even passed yet.

The continuing resolution lasts until January 3. Imagine what it feels like to have a continuing resolution until January 3 to spend your own money. That is the money that is locked up here in the continuing resolution, and it gives not 1 cent of Federal money to a city that is insolvent, at least technically so, and cash-strapped. It is a very small favor that the House has done, but it is a lifesaving favor.

I want to use this occasion at the end of the first year of the 104th Congress to ask the Members, come back with more bipartisanship than they left.

The balanced-budget-in-7-years matter, for example, is one that the parties have come very close together on, and yet the Government is being kept closed tight as if you needed a hammer to get the rest of the way. The rest of the way is very small.

In negotiations, you use hammers only when you are getting nowhere. We are getting somewhere, and yet the hammer of keeping Federal employees out of work, of keeping them without a paycheck even though they have been promised their pay is still there. Imagine, if you had to be without your paycheck over the Christmas holiday. There are few of us that could afford that.

So what we did here today was minimalism, but important minimalism. I hope it opens the way to a greater sense of what is really at stake here, the confidence of the country that the two parties that have essentially run this body for 200 years are capable of continuing to do it for 200 more.

When you have been tested on whether or not you will keep your own Capital City open, you have allowed your own prestige to be tested. I am afraid this will not play very well around the world, but at least the headlines will not read, ''The Congress of the United States Closes Down Its Own Capital.'' I am grateful that it will not read that and hope that the last act of the year, and that is what we have probably seen

today, the last act of the year, bipartisan act, keeping the District open, allowing those on welfare to get their checks, allowing veterans to get their checks, that that will be the first, the first indication that it is possible to get bipartisanship, and we start on small matters.

Then surely on large matters where we are very close, like the balanced budget in 7 years, we can do what needs to be done without drawing our swords on one another. We have drawn much blood, figuratively speaking, in this Chamber.

□ 1545

I think in so doing, we may have paved the way for a third party to come down this aisle. We have got to restore confidence in this body. I hope the last vote of the year does that.

WHY THE GOVERNMENT SHUTDOWN?

The SPEAKER pro tempore. (Mr. COBLE). Under a previous order of the House, the gentleman from California [Mr. KIM] is recognized for 5 minutes.

Mr. KIM. Mr. Speaker, I would like to send a message to the people in my district in California. Over the past few days, a lot of people in my district are calling me and asking me what is going on here, why the Government has to shut down? I represent the 41st District in California, about 40 miles east of Los Angeles, and about 3,000 miles from Washington, DC. My district is a typical suburban middle-class district in sunny, southern California.

These folks are hard working people who spend most of their time working and raising their families. As a result, they are not familiar with all the political games we are playing in Washington, DC. They told me to go ahead and shut down the Government so we can save money, so we can balance the budget. The fact is, there is no financial savings. All the Federal employees still get paychecks.

They also are wondering why we have so many nonessential employees in our Government anyway. I do not know how to answer that. But let me tell you, I feel sorry for the Federal employees furloughed. They have been treated like pawns in a chess game. They have been sent home, being called nonessential, not once, but twice. I bet you their emotional scars are really deep. They are really emotional victims.

But there are some other victims, too. The folks from California come all the way out to Washington, DC, spending their savings to see the Washington Monument, which is closed. It is not that easy planning a trip to Washington, DC. It is expensive. They are truly victims, financial and emotional.

How about the small businesses that depend on tourism, all the small shops, motels, coffee shops. They have to lay off their employees. They do not get paid. How about them?

How about some other private contractors who depend on Government contracts? They have got to stop. They have to let their employees go home, without pay.

How about those folks? They are really the true victims, emotionally and financially. Do they complain? No. They are afraid to complain because they may lose the contract from the Government. I know it, because I was one of those silent victims myself in the past. These are the ones that are the forgotten victims during this holiday season.

Let us take a look at whose fault is this. People are saying it is the Congress' fault, you are the ones that did it. Some are saying it is Mr. Clinton.

Let us take a look at it. I will ask the people in California to make their own judgment. Government does not have to be shut down. The Congress and Senate submit the budget to Mr. Clinton. He vetoed it, three times. Interior, he vetoed. VA–HUD, Commerce, Justice, State, et cetera. If he did not veto it, but went ahead and accepted the budget and worked out the details later, it would have been all right. He actually vetoed. That is why we have to have a Government shutdown. Or he could accept this budget proposal, which is nothing but a balancing of the budget within 7 years using Congressional Budget Office projections.

Back in February, he submitted, which is $276 billion off; resubmitted, June, $210 billion off, rejected; third time in December, only a few weeks ago, $115 billion off, rejected; last Friday he submitted, $87 billion off. Getting closer. By that time Congress took action and Congress rejected his proposal unanimously.

Mr. Clinton, try one more time. We are going to get there, $87 billion, that is all we are talking about. Just one more time and we will get there. Then we can bring all these people happiness in the holy season.

Let me tell you, Congress does not have any power to send the troops to Bosnia. We passed a resolution three times and sent it to Mr. Clinton not to send troops. He did it. Yes, he has the power. Congress does not. Of course, we have financial control. Somebody said it is Congress' fault. I will tell you. I would like to ask the people in my district in southern California who are listening to my presentation today, make your own judgment. Really, whose fault is this?

Mr. Speaker, thank you, God bless all, and God bless America.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

[Mr. GOSS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. SHAYS] is recognized for 5 minutes.

[Mr. SHAYS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. FOLEY] is recognized for 5 minutes.

[Mr. FOLEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

ACCOMPLISHMENTS DURING THIS SESSION OF CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. MORAN] is recognized for 5 minutes.

Mr. MORAN. Mr. Speaker, this Congress has finally headed home, not just for the holidays, but for the rest of this session. We have already apparently taken our last vote. This may be one of the last, if not the last speech on this floor for this session of Congress, and when history records this session of Congress, they will record it as being the least productive and the most destructive session of Congress in U.S. history.

By the end of the fiscal year, we had passed the Paperwork Reduction Act and the Unfunded Mandates Act, and no appropriations bill. After wrangling for 9 full months, after being given the President's budget, only 1 of 13 appropriations bills had actually gotten to the President's desk, and that was the legislative branch. And thank God the President vetoed it.

The last thing we would have wanted as a Congress is to have our salaries and our organization funded and none of the rest of the Government. We were lucky that he vetoed the legislative branch. But that meant there were no appropriation bills and we were dependent upon a continuing resolution.

Now, what we have done is to go home for the holidays while Federal employees are locked out of their jobs and the American public is locked out of their Government.

Each of the most compelling cases that we have brought up have apparently been dealt with. We brought it to the floor that 3.3 million American veterans would not get their benefits, so there was a reaction and we got a bill to take care of them. I hope that it will go through. I have no confidence at this point. It has not been passed by the Senate, as far as I understand. Those checks will be delayed anyway.

We brought up the fact that 13 million welfare recipients have to have their checks processed by December 26. We are planning on being in recess, home with our families, but denying 13 million welfare recipients, most of whom have to have their check just to survive. The check has to pay for their rent. Without that check, they would not even have food to put on their

table. These are the neediest of American citizens. Except for the last action we just took, they would have been denied the assistance they need to live on. There is no question they did not have any money saved up, particularly right before Christmas.

Then we added on the District of Columbia. Imagine, we have gone now for October, November, and December, holding up the District of Columbia's money. Not just Federal money, and this is what I do not think people fully understand, but we held up all their local property tax money.

Imagine if you were the mayor or on the county council or a citizen of a locality, you had paid in your own property tax money, and then the Federal Government told you you cannot even spend it? You cannot even spend it to educate your own children, to pick up your own trash, to place your police on your own streets? But that is what we did to the District of Columbia. So that is why we added that to the bill we just passed, and hopefully will be enacted.

We did not take care of Medicaid. It is going to be $11 billion that the States need that will not be sent out to the States for medical assistance for the most needy; 52 percent of it is for nursing home patients.

We did not deal with Israel. Israel gets $3 billion at the beginning of the year. They have not gotten it, and, because they have not, we are told by bond credit rating agencies that Israel is losing its credit rating. That has not only repercussions in Israel, but international repercussions. I do not think that is going to get through. That is a very serious situation. But we will be home for the holidays.

Meanwhile, 500,000 Federal employees will currently be getting half a paycheck. On January 5 they will get zero. Hundreds of thousands of these employees have been working at their jobs and doing the work of all the other colleagues, 260,000 of whom have been locked out of their jobs and told it is illegal to even volunteer to perform work for the American Government.

This is outrageous. We all ought to be ashamed. I cannot believe we are going home for the holidays, letting it stand.

GOVERNMENT SHUTDOWN UNFAIR

The Speaker pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. DAVIS] is recognized for 5 minutes.

Mr. DAVIS. Mr. Speaker, I come here today as a Member representing a district in Northern Virginia across the river with many Federal employees and Federal contractors. As my colleague in the neighboring Eighth District just noted, these are really the unintended victims of this shut down.

We literally are going to have hundreds of thousand of people not receiving their paychecks on time. Even those out there who have been working, who have been declared essential over the past week, will not receive their paychecks on time come the first of the year, unless some action is forthcoming from this body.

We are having literally thousands of employees of Federal contractors at this poing being furloughed, or in other cases the companies are having to eat their time because they are not getting paid in a timely manner from the Federal Government for doing work that they have won contractually. They are performing services for the Federal Government, but at this point their paychecks will not be forthcoming either.

The ripple effect that has had out in my district is in the retail stores, it is among the merchants, and it is hurting the economy locally. This can be spread across the country in other districts around the country. Not just with Federal employees, but people looking forward to getting their mortgages at the end of the year and cannot get Federal approval for it, veterans benefits which because of our dillydallying here over the last couple of weeks, some of those benefit checks for the first time I believe since the Second World War will not come out on time. And this is going to be multiplied and multiplied.

Then I was more dismayed to hear the next talks between our leadership, the congressional leadership and the White House, will not take place until next Friday, I believe at this point. With no prospect of anything happening next week, I have got to tell you, I am most discouraged at this point.

But let me just share some thoughts and observations. I was one of three Members on this side of the aisle today who voted for the motion to recommit which would have in fact offered a clean continuing resolution, that would have said during the Christmas holiday season, workers who have been doing their jobs will continue to get paid, other Federal workers who we have assured will eventually get paid will be paid in a timely manner, and contractors could continue to work and support their families.

There are other ways to bring pressure on the appropriate levels of government and branches of government to bring this about. A continuing resolution could be passed at a lower spending scale than even currently has been suggested, which would force the administration to make choices over who was the most essential, where the money was going to be spent, but it does not shut down government entirely and allows different parts and sections and functions of government to then be prioritized. That helps keep the pressure on the administration and congressional leadership to move forward and reach an agreement.

I have got to tell you, I am frustrated at this end of Pennsylvania Avenue, too, with the actions of the White House. The President said during the 1992 campaign that he favored a balanced budget. He appeared right up here in this House in 1993, in the State of the Union, and said he was for the Congressional Budget Office certifying the numbers. To date, he has sent four budgets up here. The last one voted on in this body did not receive 1 vote, defeated 412 to nothing, and none of them balanced as scored by the Congressional Budget Office. None of them comes actually close to balancing in the year 2002.

He signed an agreement last month saying he would work with us to try to balance the Federal budget by the year 2002, scored by CBO, and have that agreement by the end of the year. It is clear that is not going to happen now.

But, in the meantime, he has not even submitted his own plan, the document that would balance over a 7-year period, scored by the Congressional Budget Office. I think he has an obligation to the American people to say ''I don't like the priorities that have come from Congress, that have been given to me. Here are my priorities. Here is how I would balance the budget.''

□ 1600

Then, we can at least look and compare and trade back and forth, which is, I think, the essence of democracy. I do not think either side to this can say it is going to be my way or no way. We have 435 Members in this body. We are all going to have to compromise and come together to reach a majority vote and send something down to Pennsylvania Avenue. We have done that on a couple of occasions this year pertaining to the budget. We are going to now have to compromise once again with the White House.

It is important for our children's future and for this country's future that we balance the Federal budget; and, frankly, there is no end in sight at this point and it is very discouraging to me, as one Member of this body.

I will tell my colleagues that I like local government, where I served for 15 years prior to coming to this body, because we would have differences, we had strong philosophies, but we would come together; and at the end of the day recognized it was in the public interest to work out our differences, to work out our disagreements and come to some resolution of them. At this point, it is a dark day in this body and a dark day on both sides of Pennsylvania Avenue because we have not been able to come together.

So I took the opportunity today to join with only a couple other Members from this side of the aisle to vote for a motion to recommit that would have, in fact, allowed us to come up with a clean continuing resolution, put the workers back to work, pay the current workers not being paid for the work they are performing, and get a cooling off period for all of us.

How is it fair for Members of Congress to be paid to go home for a week and back in their districts with the Government shut down? It just makes it easier for us to do that in this body

when we are not trying to go through the same anguish and anxiety of the many hundreds of thousands of Federal employees that are being adversely affected by our actions here.

So that is my discouragement with this process. I look forward to working with my colleagues on the other side of the aisle, with my fellow freshmen on this side of the aisle, and others to try to come together as the new year approaches, to try to work a new resolution where we can work with the administration and balance the budget together.

DUTY, HONOR, AND COUNTRY—GREATER LOVE THAN THIS NO MAN HAS THAN HE GIVE UP HIS LIFE FOR HIS FRIENDS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes as the designee of the majority leader.

Mr. DORNAN. Mr. Speaker, in that beautiful State of yours, North Carolina, may you have a wonderful holiday season. And as one fellow Christian to another, a very merry Christmas on this the birth of our Savior.

Mr. Speaker, I would like to title my special order, which I believe will be the last speech of this holy week, and probably the last speech of the first session of the 104th Congress. I would like the title to be ''Duty, Honor, and Country,'' the motto of West Point, a school that my dad dearly desired my two brothers and I would attend, but he moved us to California and diverted that path.

''Duty, Honor, and Country,'' followed in my title, Mr. Speaker, by the beautiful words of St. John, chapter 15, verse 13, ''Greater Love Than This No Man Has Than He Give Up His Life For His Friends.''

Mr. Speaker, I am going to do 30 minutes in this Christmas season on what we owe to our young men and women in uniform, particularly past. They bought for us our freedom of speech in this great legislative Chamber, and some of them with wounds that they carry to the end of their life's course in this mortal existence.

Also, I am going to, as I mentioned earlier today, think about the feast day of the Holy Innocents, the children slaughtered from newborns up to 2 years of age by the cruel despotic Roman-appointed leader of the Holy Land when Christ was born, Herod. Herod the Great, Herod the Evil, Herod the Great Builder, Herod the Destroyer of Children.

That feast day is December 28. And although we will come back in on that day, there will probably, as the majority leader said, be no votes. So on December 28 I hope some Americans, at least those who respect their Judeo-Christian or Islamic heritage, will reflect on what we are doing to children in this world. So the second 30 minutes of my special order is going to be on whether or not our country will ever again attain greatness as long as we kill a million and a half babies in their mother's wombs and kill more than a quarter of all children conceived in this great country. More than a quarter of our pregnancies end in death.

Now, to duty, honor, country, and what one of the world's great political leaders calls us to. I watched Billy Graham on television for an hour last week and I know the great respect this great Protestant leader has for the current vicar of Christ in Rome, Pope John Paul II. Here, Mr. Speaker, from Vatican City, 2 days ago, is the Pope's message to the world.

It is in honor of all the children throughout the world who are forced to fight wars or forced to prostitute themselves, who must beg for money to eat or even beg for their parents' affections. Pope John Paul II dedicates the entire year of 1996, due to start in 9 days, to these sad and suffering children.

Here are the Pope's words and what he will formally release New Year's Day, which the Catholic Church marks as World Peace Day. The Pope says:

> Let us give children a future of peace. This is the competent appeal which I make to men and women of good will, and I will invite everyone to help children to grow up in an environment of authentic peace. This is their right and it is our duty.

French Cardinal Roger Etchegaray, head of the Vatican's Commission on Peace and Justice, said the Holy Father wants, ''To gather in his arms all the children who suffer, and all the healthy and happy children also.'' The cardinal noted that all envoys, papal envoys, including the one in Washington, DC, around the world, would deliver this message to all world leaders. So it is on its way to the White House, I trust, this week.

Pope John Paul noted the increase in regional and ethnic conflicts and he lamented:

> Children have become even the targets of snipers. Their schools have been deliberately destroyed, and the hospitals where they are cared for, once wounded, have been bombed. In the face of such horrendous misdeeds, how can we fail to speak out with one voice in condemnation?

The Pope also decried that young people are, ''systematically hunted down, raped, or killed during so-called ethnic cleansing.'' He also condemned sex tourism, which is very prevalent throughout all of the successful free market economies of the Pacific rim. In this sex tourism, children are forced to become prostitutes. And then the use of children in the drug trade, he also condemned.

Children suffering, and again this is a direct papal quote, ''even in wealthy and affluent homes,'' also came under the Pope's scrutiny. He decried the trauma children suffer seeing marriages break up and the loneliness and lack of moral guidance of others who find their main contact with reality in television programs which often present unreal and immoral situations.

Now, at Disneyland, in my district, I went earlier this month to the beautiful Christmas carol day that the people at Disney put on in both Disney World and Disneyland. I do not know if they do it in Japan or in Europe, but they sang beautiful hymns. All of the standard Christmas hymns, everyone rising and singing together ''Silent Night.'' They sang in one of the hymns about rejecting the evil of Satan.

I sat there and thought, Disney, like all of America, is torn between decadence and triviality and inspiration and a family future for this country. Disney's beautiful gift to everybody who was at Disneyland on that Sunday, December 10, of this month, they gave America a very strange Christmas present. Tore up the survivors of the family of Richard Nixon, one of them a grandson of both Eisenhower and the son-in-law of Richard Nixon, Dwight David Eisenhower. Tore them up with this evil characterization of Richard Nixon as a foulmouthed alcoholic, who somehow or other was feeling some fantasy guilt over the assassination of a predecessor President, John F. Kennedy, with whom he had a warm friendship when they served in the Senate together.

This strange Christmas season film, ''Nixon,'' follows a film earlier in 1995, that I have not heard a proper apology from Disney on, the film ''Priest,'' where although the title is singular, ''Priest,'' it was about five Roman Catholic priests; one an adulterer, another a homosexual, another an embezzler and a thief, another one a drunk, and I have forgotten what the fifth one was. I would not give it the decency of seeing it. It was made in England but released by the Miramac division of Disney.

The Catholic League for Human and Civil Rights said if this film had been called mullah, about the Islamic faith, five loathsome people betraying the Koran; or if it had been called Rabbi, about five Rabbis betraying the commandments of Moses, who is looking down at me here, the great leader from the 1100's, Maimonides, over in the northeast corner of the House; if it had been about five Rabbis betraying their covenant with God, wouldn't this have brought the wrath of every politician in this House and the other down on the head of Disney, calling them a foul anti-Semitic organization that was the very embryonic cause of the rise of Hitler in Europe? Of course, they would have.

Disney, with a CEO of Jewish, wonderful Hebrew heritage, would not have dared release a film made in Great Britain called Rabbi or one tearing apart any other group. Suppose the film had been called King, and it was about Martin Luther King, and treated him with disrespect. They would have had every park around the world properly picketed. But no proper apology this year from Disney.

Then we find all these little sexual innuendoes stuck in there by smart

aleck animators, and my friend Michael Eisner's only comment is, what do I do, discipline the whole group? Well, you know what Walt Disney would have done? His daughter said this the other day. He would have fired everybody at Disney and started from scratch if the guilty party would not have stepped forward and accepted dismissal or suspension.

No, it is a sad day when you hear beautiful hymns at the wonderful family resorts owned by this great heretofore traditional family-respecting organization. So I would like to counter that with the words of Cardinal James Hickey of this archdiocese of Washington. He points out in his newsletter, ''Reflections,'' that Christmas is a day when we celebrate the reality that Jesus, the eternal son of God, became one of us. He was born into our world. He was born to redeem us from our sins.

□ 1615

He was born to mend our broken hearts.

Cardinal Hickey has a beautiful letter that he gives to not just the faithful of his denomination, but to all people of God in this Capital City and Capital District of ours, and he talks about his boyhood home in Midland, MI, and how his mother would prepare this beautiful meal for his large family, and how in the afternoon he would return to the parish church with his mother to visit the crib of the infant Jesus.

He said, ''It was there that my mother taught me this prayer.'' I had never heard this, but it captures certainly the whole spirit of the nativity of Jesus. The prayer says, ''Sweet little Jesus, come and take birth in my heart.''

In this beautiful city, there is a Franciscan church with a disarming name. It is called Commissariat of the Holy Land. To a military person like myself, that means commissary. Well, in a way it means the same thing. The Commissariat of the Holy Land is the headquarters in this country to raise money to take care of all of the Christian sites in Israel.

Now, yesterday, Bethlehem went from Israeli control, since 1967, back to the Arab people of Judea and Samaria. It is interesting that Bethlehem, as the birthplace of Jesus, as the Israelis have always respected, will still have Christians and Franciscans taking care of that site, this time under the care of a provisional government, Arafat's government, that will be mostly Islamic.

All of the holy sites, including where Jesus was born at Nazareth, are taken care of by the Franciscans. So, I will take my family on Christmas Eve, praying for the men and women in Bosnia, which I had hoped to give up my Christmas to be with them, instead we will go up to the Commissariat up in Northeast Washington and visit the most perfect replica of Jesus' birth site as it has been reconstructed in Nazareth, and the absolute perfect replica of the tomb of Jesus, as it is today inside the Holy Sepulchre Church.

Mr. Speaker, I would recommend to anybody of any faith, if they can find time over this next week, visit the Franciscan Commissariat. It is open to all faiths, every religion of the world. Come and see these beautiful, full-scale representations of some of the greatest spots, holy spots in that land that we all refer to as sacred, terra sacred, the Holy Land.

Now to, my theme about duty, honor, and country. I have before me a press release form the U.S. Army about an Army sergeant first class who gave his life for his country, for his friends and, actually, for the torn nation of Haiti.

He was killed less than a year ago, January 13, 1995. Army Sfc. Gregory Cardott, of Cupertino, CA. This will be the first Christmas his wife Darlene, and two beautiful daughters will spend without their hero, Green Beret father. He was assigned to the 3rd Special Forces Group for the last 3 years before his death, last January.

The Third Special Forces is that special forces group that has as its responsibility all of the Caribbean and all of the western part of the continent of Africa.

He was a proud soldier; a proud Green Beret. His brother said that he had talked to his beautiful wife, Darlene, on the phone 2 days before he was killed. They were planning to speak within the next day on his birthday. His birthday would have been January 14, the day after he was killed.

He said that he told her he felt pretty safe in Haiti and for her to not worry about him. ''Greg was a heck of a guy,'' his brother-in-law Jack Brown said. ''A real patriot. He loved to parachute, loved Special Forces, would do anything for them, any time, anywhere. He got along with just about everybody, but most of all, he loved his family.''

He was born in San Mateo, grew up in Cupertino, hometown of a great minister and brother of a squadron commander of mine, a double ace in Korea and a 7-year POW, Robbie Robinson. I hope his brother, if any friends are listening, that the Reverend Reisner will please remember Gregory Cardott, whatever his faith, in their services in that beautiful California area.

Darlene is a nursing student. I hope she has completed her nursing training in the last year as a distraction for the pain in her heart. She said, ''They come to your door in their beautiful uniforms and they tell you he's gone,'' she said with a break in her voice.

Mr. Speaker, it is interesting that Mr. Clinton and all of us were hoping no one would die in Haiti. I said on this House floor that this defrocked Catholic priest, who publicly would claim he loved the smell of burning flesh, was not worth the life of one decent American man or woman. I still believe, although he is leaving office, that Aristide, who I believe is an unstable person, that it was not worth putting him back in power for a year this last September; was worth the life of Gregory Cardott.

Listen to how Gregory died. He was guarding the post with other Green Berets. An Army major, a Haitian, Haiorel Frederick, and his driver rammed the checkpoint that Greg was guarding. Greg called to another soldier to jump in their humvee and they gave chase. They pulled over this victim in the village of Bigot, about 60 miles north of Port-au-Prince.

I visited with some of the special forces there this week last year. One eyewitness said that Major Frederick got out of the jeep and killed Greg Cardott on the spot and wounded the other soldier. Another soldier came driving up in a truck and jumped out and killed the gunman, so we do not have to worry about Major Frederick being released by some future Haitian Government, the way the assassins of our four Marines in June 1985, the assassins who sprayed them with automatic weapons fire and then went up and shot each one of them coup de grace in the back of their head or temple; one of them even surviving, then dying in the hospital a year later. I believe his name, well, I will not say his name, although I know it. The same name as a friend I have served with here in the House. I am afraid the parents might be listening.

They just released those assassins down in El Salvador. Before, we brought them freedom with 5,000 of our men serving there. And if Clinton decides to veto the Defense authorization bill, it will enrage me and take the breath out of me, because in that bill that he would be vetoing is the Armed Forces Expeditionary Medal for all 5,000 Americans, including the four ex-Marines and the helicopter crew that were executed in the back of their head, gangster style, for serving in El Salvador by the Communist Farabundo Marti in that country. We bought them their freedom. They have had now three democratically elected Presidents in a row, and yet time marches on and very few people think about these men who gave their lives.

Mr. Speaker, we have had an American killed in Tuzla. He was not in uniform. He worked for the United Nations, and his name jumps at you off this story. William Jefferson, as in William Jefferson Clinton. He was executed, gangster style in the back of his head, by Mujahedin terrorists a few kilometers from Tuzla during the debate in this House over sending our young men and women into that killing area. Yet, I could not get his name out of our intelligence services until after the debate was over. If I had, I assure my colleagues I would have made his funeral in New Jersey 2 weeks ago a nationally recognized event, because this man also working in the name of peace died for his country, as did our three diplomats, two of them uniformed military people on leave from a diplomatic mission that were burned and killed when their French armored

vehicle rolled down a hill on that ugly, muddy road, the Igman Road that we had to cut through the hills to get into poor besieged Sarajevo.

But at this time of the year we should remember the four Americans who have died already in Bosnia. Mr. William Jefferson, Bob Frasure, Tru Nelson, and Joe Cruzell. As I said, two of them in uniform, although on leave to the State Department.

Mr. Speaker, I am going to submit, maybe the legislative day is still continuing until we adjourn here, I am going to submit a House concurrent resolution. I have already submitted it as a House joint resolution, but I should have made it a concurrent resolution, my staff got it wrong here.

It is a bill that I hope to have many Members on when we come back next year. It is patterned after an event that took place on December 20, 134 years ago on December 20, in the first year of the War Between the States, the Civil War. The House and the Senate established a committee called simply, it sounds very modern, a Joint Committee on the Conduct of the War, meaning the Civil War.

They did not trust Abraham Lincoln or his military experience to conduct the war without constitutional Senate and House oversight. Yet, he had been a captain in the Blackhawk Regiment; had engaged, although not in severe combat, in a home protection operation in the Indian Wars in Indiana and Illinois, his part of the country; and, it goes without saying that the current occupant of the Oval Office is no Abraham Lincoln, a man of towering character who when we quoting from Holy Scripture, we knew it was coming not only from his brain but his heart.

So, if this Congress in 1861 on December 20 would form a joint committee to oversee the war, I am putting in a House concurrent resolution to establish a joint committee to oversee the conduct of Operation Joint Endeavor/Task Force Eagle.

I have already spoken to the Speaker about it and to the chairmen of some of our ranking committees here that have oversight of foreign affairs: The Committee on International Relations and the Committee on National Security, and I think that we should do that to make sure that we have that exit strategy that has still not been pointed out to us at the House.

At this point in the RECORD, Mr. Speaker, I would like to ask unanimous consent to put in the letter of a colonel, an Army colonel, who won the Distinguished Service Cross. That is usually a medal of honor without enough eyewitnesses. He was a Bataan death march survivor and he wrote an open letter, simply titled ''Memorandum for Record'' on September 7, 1992.

Mr. Speaker, every major newspaper, all the networks, and PBS and the Wall Street Journal rejected this letter. Only the great Washington Times in this city printed it. It is by Col. Eugene Holmes, and I would like to ask permission that that letter be put in the RECORD.

It was a delayed response, delayed by many years, from 1969 to 1979, to 1989, to 1992, 23 years later. He was responding to a letter by Oxford student Bill Clinton, a letter that Mr. Clinton had written December 3, 1969. I would like to ask unanimous consent to put Colonel Holmes' 23-year-after-the-fact letter to the Nation in, and then follow with the text of Bill Clinton's letter to this colonel when he was on active duty.

Mr. Speaker, this picture hangs in the front of my office. It is the first thing visitors see as they come through the door that the citizens from the 46th District of California have graciously elected this Member of Congress to represent.

It says at the top Normandy. It has the flags of the major participants: Canada, the United States, the Union Jack of Great Britain, and the French Tricolor. Our Old Glory is in the middle, but we suffered as we know most of the casualties because Omaha Beach, one of the five beaches, was the toughest.

There is copy at the bottom of this and I would like to read it as I close out of duty, honor, country, and dedicate it not only to all the veterans of my dad's war, where he was wounded three times, World War I, and all the World War II veterans that this specifically represents, closing out the last year of World War II, and this the last speech of 1995, the 50th anniversary year, but to dedicate it to all the young men and women who served in Vietnam particularly, because they still are disrespected by the likes of Oliver Stone and by even the current Commander in Chief, who would not use the word Vietnam when he named every other hot spot in the world and every other past conflict of this country, as a rationale for putting young men and women in harm's way in the Balkans.

□ 1630

But Vietnam, Korea, Grenada, Panama, forgive me if I leave something out, Desert Shield and Storm, everybody who serves on active duty anywhere in the world, from our furthest-flung radar sites up in Greenland down to those Navy pilots that I flew with 2 years ago next month down in Antarctica.

The beautiful framer of this picture, Thomas O. Nichols wrote to me this Veterans Day, November 11, 1995. We close the 50th anniversary of World War II. I was not able to do this that day.

There is no other Member of the House or Senate I would make this request to other than you, sir. And he says some nice things about my passion. Then he says, As you know, this Normandy print is the official print for the World War II commission and is recognized in Europe, Canada, and the United States. I would greatly appreciate it if you would read the words under the Normandy print hanging in your front office, if you would read it on the floor. There would be no finer compliment offered to the men and women of the European theater than to have you read it for the record. My deep thanks are extended, if in fact the request is possible. In closing, this airborne ranger shares your love of country and no matter what the future brings to you and your family, he then says some nice things.

I am sorry I did not do it on the day that found my dad relieved, as he used to tell me, he had a prayer, Lord, take me to heaven, do not maim me or burn me. That was his World War I simple prayer of a young man that was ready to die for his country but like all young men was asking God if the chalice of terrible wounds would be passed from them. I should have brought the copy to read from, but I am going to have to read it right from the print itself.

It says, Utah Beach, Point du Hoc, Omaha Beach, Gold Beach, Juno Beach, Sword Beach. On the morning of June 6, the combined allies forces, under the command of General Dwight D. Eisenhower, began the most dramatic military operation in the history of warfare. The invasion to free Europe was on and at H-Hour 0630 Operation Overload hurled 5,000 ships, thousands of support craft, 1,100 aircraft and nearly 200,000 men against Hitler's vaunted Atlantic wall. Out of the night came the paratroopers, including our SAM GIBBONS, Democrat of this current Congress, came the paratroopers out of night to secure the fields. From the chilled gray mist of H-Hour came the landing craft, ushering thousands of brave young men into the frigid waters along the 31-mile stretch of the Normandy coastline. Rangers climbed the cliffs of Point du Hoc to secure a foothold for freedom. This commitment to victory was accomplished by Allied leadership, more than a year of deception, the brilliance of British cypher-brakers and the heart of every individual soldier illuminating the dawn of what will forever be known as D-Day.

Every man that scaled those cliffs or hit those hallowed sands, never would they have dreamed that we would be there guarding Europe for the rest of this entire century and that 41 years later, we would still be sending young men in harm's way to stop Europeans from slitting one another's throats and, as the Pope said, sniping to death one another's children in the name of some sort of ethnic purity.

On the other half of the gilded 50th anniversary emblem over a large Purple Heart, it talks about the 50th anniversary, which I was lucky enough to attend a year and a half ago.

And it says: On the morning of June 6, 1994, a soft breeze danced along the coast of Normandy carrying the spirit of the fallen, the missing and the veterans back home who could not be with us. Orders came from above to fall in,

stand tall and share the grandeur of the 50th anniversary rollcall. By God's side, they assembled. The men walked at an honored pace and they wept with pride for their gum-chewing, got-a-smoke buddies who are gone but not forgotten. They hugged and shook the hands of strangers, never to be considered less than their fellow warriors. Wives, widows, children and grandchildren listened to the testimonies with humble respect. Noble words were spoken by officials, dignitaries, presidents, prime ministers and the Queen of England. Yet nothing of this day was to compare with the deeds of these men, for it belongs only to them. A footnote to history, in spirit the men of Operation Jubilee and the men of Exercise Tiger were there with us also.

Tiger was the event weeks before when German E-boats had killed almost 900 Americans who were practicing to offer their lives this day. It was kept secret for 20 years and so their memory is hard to conjure up in the historical recall of Americans who otherwise would have respected them so much. Operation Jubilee is another one of those failed operations earlier from which we learned so much to preserve as much life as we could in finally bringing the fight home to Adolf Hitler.

Mr. Speaker, I would like to go up to the leadership table for the second part of my special order on the protection of innocent human life. Before I do, I would like to point to the cloisonne pin that I wear for the First Armored Division out of Bombholder, Germany and tell all the families, including one of our young staffers who said his best friend who is a second lieutenant in Old Ironsides, the First Division, who fought its way up through Italy and then fought so effectively on the left flank of the four-day miraculous, only 4-day land war in Desert Storm, he has had to put off his marriage. I wonder how many marriages were delayed, how many leaves were canceled to come home at Christmas time that had been planned by young fiances and young husbands and young brides. How many people could have been saved a lot of anguish by just delaying this operation a week, particularly since God had delayed it with weather the first week.

If BOB DOLE, our great leader in the other Chamber, does go over there in the next few days right after Christmas, and he is still contemplating it, I hope he will take me with him. I am leaving the floor to go over there after this special order and beg him to take a fellow presidential candidate with him. It will be a good message to send to our men and women in the field that, yes, of course we support the troops.

BOB DOLE, who does not like the operation but voted begrudgingly to back up Clinton, this Member, who if I had not been undercut by some leadership here, would have easily won a House vote to cut off all money to support this operation when Europeans, Europeans should be handling the ground since we handled the airlift, the sealift, all the air power almost, the sea power, the food, the medicine, all the fuel and 99 to 100 percent of all the intelligence, why do we have to go into the fog and the mines and the 4 foot snow drifts now on what will be probably not a mild winter like last year but the usual severe Balkan winter that troops fought in in World War II.

Why do we have to go on the ground again ending this century near Sarajevo where it began with the slaughter of millions and millions of people which began with the assassination of Archduke Ferdinand by a Bosnian Serb teenager on June 28, 1914.

So I end this part of Duty, Honor, and Country, for those who served in the past, who still serve with the pain of their wounds that have not fully healed, and for those wonderful servicemen and women around the world, go up to the leadership desk and take up the slaughter of the innocents and tell a story about a doctor, not a doctor, an abortionist who is buried near my parents, and I hope it was a real burial and not a fast one upon the Catholic Church and the people at Holy Cross Cemetery in Culver City.

INCHES FROM INFANTICIDE ABORTION

Mr. DORNAN. Mr. Speaker, in California, while we were debating what I have decided to call inches from infanticide abortion, what my wife calls gangster execution style abortion, what my oldest son, Robert Kenneth Dornan, Jr. Calls coup de grace abortion, what the heroic Senator from New Hampshire calls partial birth abortion, as did our fine second-term Congressman from Florida, Mr. CANADY, here in the House call it second-term abortion. I will call it inches from infanticide murder abortion. Listen to this story about a specialist in this style of killing.

Specialist in late term abortions buried with Catholic rites, Los Angeles. Dr. James Timothy McMahon, one of two abortionists in the United States who specializes in partial birth, coup de grace abortions, died on October 28, right during the week of our debate on this issue. The Senate debated it on December 2. By the way, the House vote, Mr. Speaker, was 288 to 139. The Senate vote was 54 to 44. Think of that 44 and think of that 139. If you are a loyal stumbling, sinning, practicing Catholic, like myself, think that in the 15 Republicans who voted for this coup de grace execution style abortion, there were three people who have Catholic in their biography. On the Democratic side, there were 36 Democrats on the other side out of the 139 who have in their biography, Catholic.

Now, the House, on November 1, 3 days, All Saints Day, 3 days after the death of James Timothy McMahon voted to ban this. On November 8 the Senate voted to refer it, and then on December 2, thanks to BOD SMITH and a few other heroes in the other Chamber, brought it back and defeated it by 10 votes. It should have been defeated unanimously.

To the surprise of many Catholics, McMahon, who described performing abortions as his passion and admitted to performing 1,200 abortions annually since 1972, 23 years, tens of thousands of abortions, he was buried in Holy Cross Cemetery in Los Angeles on November 4.

Mr. Speaker, that is my parents' burial cemetery. My mother, my father, my grandmother, Katy McDonough McFadden, my uncle Jack Haley, my great aunt who was born on New Year's Day, who holds down that generation still very much alive, has her name already inscribed, Florence next to her beloved Jack's name, next to him is his mom Nellie Haley, right three graves away is Dixie Crosby. When I looked at it the other day, shocked me, she died at 41. First funeral I ever went to in my life with my friend Gary, the other three Crosby boys.

Gary Cooper up on the edge of the hill in front of the grotto of Our Lady of Lourdes. This last trip two Sundays ago I noticed for the first time Rita Hayworth, Jimmy Durante, Macdonald Carey, I still remember him as a child playing the 1F–4F hell cat, wildcat pilot in Wake Island, a classic World War II film, a great actor worked right up until cancer took him. I look at this famous cemetery, Bela Lugosi not 5, 5, maybe 4 graves from my parents' plot. And over this two streets in the section called Holy Martyrs, section cc, last month on November 4th is this abortionist buried.

I sincerely pray that the extreme unction, the last rites of his Christian faith were a take, but there is suspicion, maybe not, that it was all some sort of sham by a grieving sister. He died after receiving the last rites of his church, said Father Pat, well, I will not give Father Pat's last name. He is an American citizen of only 6 months, Mr. Speaker, born in Kilkenny, Ireland, where the great Saint Kenneth comes from, my middle name.

□ 1745

He said he was in no position to give details about McMahon's final repentance or reconciliation with his Catholic faith, but, before dying, he did establish the James McMahon Fund.

Now, a person who works at the abortion clinic told me he renounced his life of abortion killing, and yet the James McMahon Fund is not to advance the cause of protecting innocent human life at the beginning. It is a fund at the National Abortion Federation here in Washington to support access to legal abortion. Memorial donations can be made to the National Abortion Federation or to the Surgical Clinic in Los Angeles, one of two facilities that Dr. McMahon ran with his partner, also with an Italian-American name, presupposing, maybe, he was an altar boy at one time as McMahon bragged he was.

The National Abortion Federation, started in 1977, my first year in this

House; it is a trade association—I love that, I do not love it, I hate it—for abortion providers. And the summer before he died, McMahon, 57, worked hard to mobilize the abortion establishment to fight this Congress and our attempts to outlaw the coup de grace, execution style, a few inches from infanticide murder abortion procedure which he specialized in and charged up to—grab onto you seat, Mr. Speaker—charged $8,000 to perform.

McMahon described himself as an altar boy and admitted baptizing babies he aborted, if the parents wished it to be done. Is this a messianic complex this man had?

In a 1990 interview by Karen Tumulty, of NEWT GINGRICH'S Man of the Year Time magazine cover, Karen Tumulty, and I have been trying to cross paths with her to discuss this 1990 article I remember reading at the time, wrote that McMahon had reconciled his gruesome practice with his conscience and his religious beliefs, noting that the abortionist is still attending mass occasionally. In my denomination ''occasionally'' does not cut it, but better once a year, twice, Christmas, Easter, than not at all.

''I've always been a classic liberal,'' he confessed. ''I believe in freedom in the broadest sense.'' He had the freedom to hold the baby's head in the birth canal as you suck its brains out. ''I frankly think the soul or personage comes in when the fetus is accepted by the mother.''

How is that for a little personal philosophy, Mr. Speaker? The mother, to use a medieval term, ensoulment, the mother ensouls the baby with a thought. ''I want you; you now have a soul.''

So, tomorrow, if she changes her mind because the abortion industry is beating on her, and all the networks are saying how wonderful it is to finish your schooling or get a new washing machine or a new Mustang convertible, to abort that child, and you decide to cave in, is it too late? Should NARL ask people now, ''Did you ensoul your baby by saying you wanted it at any time in the early stage of your pregnancy?'' What a pompous, heretical philosophy.

He said—he spoke with pride about his abortion skills:

''Frankly, I don't think, I was any good at all until I had done 3,000 or 4,000,'' he told Karen Tumulty, then with the L.A. Times.

He would never hire abortionists to work in his facility unless they performed at least 600. That gives new meaning to the numerical game we all play with the White House, when a part-time, one-time abortionist who said it was wrong, nice man, Dr. Foster, lost the Surgeon General's job on one-twentieth of this figure, that you have to have 600 notches in your belt, he says, before you come to work for him.

''There is a great deal of craft in this procedure,'' the partial birth, execution-style, coup de grace abortion.

Mr. Speaker, he was in demand as a speaker at abortion conferences where he explained his field of expertise. He put his medical knowledge into layman's terms, however, when he told Tumulty how he performed the abortion which she described as follows. This is Karen writing about McMahon:

''McMahon has developed his own method which he calls intrauterine cranial decompression,'' translation Crushing the skull, cranial decompression.

He arranges the fetus so that he can remove it feet first. Before the skull emerges, he ''collapses'' it by inserting a three-millimeter instrument known as a cannula and extract its fluid. By keeping the fetus intact, he says he runs less risk of internal injury to the woman. ''I want to deal with the head last, because that is the biggest problem,'' he adds levelly,''from my point of view, the fetus is a potential problem to the patient.''

But then, if the parents want, he will baptize it.

Although McMahon did not allude to it, there was also a legal problem. According to legal experts, when the legs and body of a baby have emerged from the birth canal, they are legally protected.

What? Legally protected legs and arms? Yes, because if you cut an arm off, you go to jail like the guy that tore the arm off little Rosa, who appeared on Phil Donahue's strange show at age 4, beautiful child.

He said, ''The legal border, however, is the neck.'' Therefore, if any killing is done, it must be done in utero.

So, you got protected arms and legs, Mr. Speaker, but get that head while it is still in utero.

During debates in the House of Representatives on November 1 and in the Senate on November 7 and 8, and then finally successfully since this article on December 1, supporters of this partial birth abortion defended the procedure as an emergency treatment for women in difficult pregnancies.

On Nightline Senator BOB SMITH, New Hampshire, was brilliant against another Senator who will remain anonymous because of House rules, when he said, ''Wait a minute. If the mother is in distress, why does the doctor hold the head in there until he has taken out all the brain?

And then this Senator spoke in circles, and then SMITH came back again, and finally Ted Koppel interrupted and said, ''Senator, you do your position no good,'' he said to the the woman, ''unless you answer this question. You leave your supporters dangling.''

They were left dangling.

As McMahon explained to West magazine, published by the San Jose Mercury News, the partial birth abortion procedure takes many days.

In simple terms, reporter David Early wrote,

McMahon floods the cervix with laminaria, a seaweed fluid that gently enlarges the canal while sharing the fetus. This process takes several days until the fetus can be slipped out of the lower uterus intact.

Usually the head of a late fetus is too large to fit through the cervix, so he uses the needle to extract just enough fluid from the head to slip it out.

The total time for the operations is generally about 52 hours.

This Christian paper I am reading from, the Wanderer, made several attempts to obtain a statement from the Archdiocese of Los Angeles which would explain why Dr. McMahon was entitled to a Catholic burial in the Holy Martyr section of the Holy Cross Cemetery, but various official spokesmen were unable to provide an explanation. Finally my friend, Roger Cardinal Mahoney, said, ''I can't check the background of everybody on something like this.''

Well, here is an article from Cardinal Hickey's Catholic Standard last week, Pearl Harbor Day, December 7, a writer I am not familiar with, Gerard Perseghin. Gerard interesting. That is the patron saint of pregnant women, of mothers-to-be, of mothers.

Mr. Speaker, how much time do I have left? I want to pace this.

The SPEAKER pro tempore (Mr. COBLE). The gentleman has 10 minutes remaining.

Mr. DORNAN. Mr. Perseghin titles his Christmas season article ''A Gruesome Reality.''

''Over the years, I have been moved by mothers telling tearful stories of how their daughters died getting abortions, legal ones. And now the pro-life front has alerted us to the horrors of partial birth,'' execution-style, coup de grace, seconds from infanticide, inches from infanticide abortion.

''In the 22 years I have been writing stories about the pro-life movement since Roe v. Wade made abortions legal, nothing quite compares with this episode of legal abortion history.'' Herodean.

''The House of Representatives voted last month.''

''Helen Alvare, spokeswoman for the U.S. Bishops on pro-life issues, pointed out that this procedure crosses the line between abortion and infanticide.

''The most eloquent description comes from a registered nurse, Brenda Pratt Shafer, a self-described pro-choice person.'' Her testimony is chilling. We have heard it on this floor many times. I will not repeat it, in the interest of time, but I will ask that this whole article be put in the RECORD at this point.

The article referred to is as follows:

[From the Catholic Standard, Dec. 7, 1995]

A GRUESOME REALITY

(By Gerard Perseghin)

Over the years, I have been moved by mothers telling tearful stories of how their daughters died getting abortions, legal ones.

And now, the pro-life front has alerted us to the horrors of partial-birth abortions

In the 22 years I've been writing stories about the pro-life movement since Roe v. Wade made abortion legal, nothing quite compares with this episode of legal abortion history. The House of Representatives voted last month on a bill to outlaw partial-birth abortions. Now it is the Senate's turn this week, and I hope they do likewise. Numerous authorities like Helen Alvare, spokeswoman

for the U.S. bishops on pro-life issues, have pointed out that this procedure ''crosses the line between abortion and infanticide.''

The most eloquent description comes from a registered nurse, Brenda Pratt Shafer, a self-described pro-choice person. The nurse who claims to have participated in three partial-birth abortions with doctors who pioneered the procedure described it this way as performed on a third trimester baby boy:

The abortionist ''delivered the baby's body and the arms—everything but the head. The doctor kept the baby's head just inside the uterus. The baby's little fingers were clasping and unclasping, and his feet were kicking. Then the doctor stuck the scissors through the back of his head, and the baby's arms jerked out in a flinch, a startled reaction, like a baby does when he thinks that he might fall. The doctor opened up the scissors, stuck a high-powered suction tube into the opening and sucked the baby's brains out. Now the baby was completely limp.''

This is attacking human life, little human beings, when they are at their most vulnerable, grasping for life, for a hand to help them see the light of day and join the human race.

It is ludicrous that the child's head is left inside the mother for purely technical reasons. If the child were fully outside the mother, it would be murder. As it is, the procedure can still be classified technically as abortion. But we know better. The Alan Guttmacher Institute, the expert source for abortion data, claims 164,000 abortions a year are performed after the first three months of pregnancy. Pro-abortion groups say ''only'' 600 of these partial birth abortions are performed each year, but the national Right to Life Committee says ''the practices of Dr. Martin Haskell and the late Dr. James McMahon alone would approximate that figure . . . ''

Pro-choice types like to argue that many of these fetuses are dead before the procedure. Dr. Haskell who has performed them estimates that about two-thirds are alive, and they do feel pain. Anesthesia given to the mother doesn't affect the child as much. There is no basis in scientific fact to think the child doesn't fell the pain and is dead, said the American Society of Anesthesiologists testifying before the Senate judiciary Committee in mid-November.

In a breakdown submitted to a House subcommittee, Dr. McMahon said of 175 partial-birth abortions he performed, the largest single category, 39 cases, were for ''depression'' on the part of the mother. Another nine were for cleft palate. In 1993 Dr. Haskell said 80% of the ''extraction'' procedures are ''purely elective.''

Furthermore, a member of the Council on Legislation of the American Medical Association itself has said the partial-birth abortion is not a recognition medical technique and called it ''repulsive.''

Partial-birth abortions also send the cruelest of messages to people with disabilities struggling with demeaning attitudes. Alvare said, ''Are we now going to tell persons with disabilities that a method of abortion considered gruesome even by its supporters is saved especially for them?''

Partial-birth abortion, as she said, ''violates everything that is good, everything held dear in the human person . . . ''

I will just finish her statement. The little baby's hands grasp. The doctor sticks the scissors into the back of the head, execution style. Baby's arms jerked out in a flinched style reaction like a baby does when he thinks he might fall. The doctor jams open the scissors and then sticks a high-powered suction tube into the opening and sucks the baby's brains out. Now the baby was completely limp.

This is attacking human life, little human beings, when they are at their most vulnerable, grasping for life, for a hand to help them see the light of day and become part of the human race, or already part of it. It is ludicrous that the child's head is left inside the mother for technical legal reasons. If the child were fully outside the mother, of course it is murder. It is a procedure that can still be classified technically as an abortion. We know better.

The Alan Guttmacher Institute, very liberal, Mr. Speaker, which is not the expert source for the liberal media for abortion data, says there are 164,000 abortions a year performed after the first 3 months of pregnancy, 164—let us see. We lost 33,629 in Korea, we lost 48,000 overall, with the accidents included. We lost in Vietnam, with accidents included, 47,700-some in combat, another 10 accidents. We still have not reached 164. Let us throw in the 53,000 combat deaths in World War I, not the pneumonias, and you are getting close to the this figure.

World War I, Korea, Vietnam, and you would still have to throw in some of the millions that died of pneumonia in World War I. This is incredible. You can easily throw in everybody killed in Desert Storm, Grenada, Panama, and it is amazing, and we do this every year. I am talking about wars like Vietnam that took 10 years. They are performed after the first 3 months.

Pro-abortion groups say only every time they give that figure, only, and they say there is only 600 of these partial birth abortions performed each year. If McMahon took credit for half, I guess that leaves Dr. Martin Haskell, who refused to testify at the Senate hearing after they voted to table it November 8, last month, but he is still a big mouth on this.

He says that he would approximate that figure, 600, and he said that two-thirds of them are alive, that this lie about the anesthesia is wrong, that most of them are elective. Now we have the American Society of Anesthesiologists in a George Will column saying this is baloney, that enough anesthesia knocks out the little baby.

McMahon said of the 175 partial-birth abortions he performed recently, the largest single category, 39 cases, were for the depression of the mother. I wonder how depressed they are when they see it being debated in the U.S. House and Senate, and big margins, although they should have been bigger like the ones I have given. He said 39 for depression. Nine were for cleft palate.

Do you know one of the more exciting Presidential candidates, Mr. Speaker, had a cleft palate, one associated with the beautiful Rainbow Coalition? God loves him.

Do you know that two of our best speakers on the House floor, one of them that is terrific in that well with special orders, from parts of middle America, that he had a cleft palate that has been perfectly repaired; that I know of at least two or three other people, including Johnny Cochran, who so shamefully twisted the truth to defend a double killer, he, you can tell from this mustache, survived and had repaired a cleft palate. But nine of these mothers said no, no cleft palate, kill the baby. Even in the 7th, the 8th, the 9th month.

Haskell, who is still alive, said 80 percent of the extraction procedures are purely elective. Partial-birth abortion, says one of the lady heads of the Council on Legislation of the American Medical Association, it violates everything that is good, everything held dear in a human person.

I saved this for last.

Do you know what took the life of abortion James Timothy McMahon, Mr. Speaker, buried in the Holy Martyr section near my parents? A malignant brain tumor, 3 days before we started debate, on the very day some of our misguided leaders were trying to stop those of us in this House who probably call ourselves pro-life, trying to stop us from bringing pictures to the well.

I ask you, Mr. Speaker, if I may put in the RECORD two articles: ''Fanatics for Choice'' by our friend, George Will, a beautiful article talking about how Americans are beginning to recoil against the fanaticism that has helped to produce this fact, more than a quarter of all American pregnancies are ended by abortions; and then the letter from the Life Issues Institute on six issues, and I will xerox this for the staff after I am through, on six things that are going to probably affect our August convention in San Diego next year:

[From Newsweek, Dec. 11, 1995]

FANATICS FOR 'CHOICE'—PARTIAL BIRTH ABORTIONS, SONOGRAM PHOTOS AND THE IDEA THAT 'THE FETUS MEANS NOTHING'

(By George F. Will)

Americans are beginning to recoil against the fanaticism that has helped to produce this fact: more than a quarter of all American pregnancies are ended by abortions. Abundant media attention has been given to the extremism that has tainted the right-to-life movement. Now events are exposing the extraordinary moral evasions and callousness characteristic of fanaticism, prevalent in the abortion-rights lobby.

Begin with ''partial-birth abortions.'' Pro-abortion extremists object to that name, preferring ''intact dilation and evacuation,'' for the same reason the pro-abortion movement prefers to be called ''pro-choice.'' What is ''intact'' is a baby. During the debate that led to House passage of a ban on partial-birth abortions, the right-to-life movement was criticized for the sensationalism of its print advertisements featuring a Dayton nurse's description of such an abortion:

''The mother was six months pregnant. The baby's heartbeat was clearly visible on the ultrasound screen. The doctor went in with forceps and grabbed the baby's legs and pulled them down into the birth canal. Then he delivered the baby's body and the arms—everything but the head. The doctor kept the baby's head just inside the uterus. The baby's little fingers were clasping and unclasping and his feet were kicking. Then the doctor stuck the scissors through the back of

his head, and the baby's arms jerked out in a flinch, a startle reaction, like a baby does when he thinks that he might fall. The doctor opened up the scissors, stuck a high-powered suction tube into the opening and sucked the baby's brains out.''

To object to this as sensationalism is to say that discomforting truths should be suppressed. But increasingly the language of pro-abortion people betrays a flinching from facts. In a woman's story about her chemical abortion, published last year in Mother Jones magazine, she quotes her doctor as saying, ''By Sunday you won't see on the monitor what we call the heartbeat.'' ''What we call''? In partial-birth abortions the birth is kept (just barely) partial to preserve the legal fiction that a baby (what some pro-abortion people call ''fetal material'') is not being killed. An abortionist has told The New York Times that some mothers find such abortions comforting because after the killing, the small body can be ''dressed and held'' so the (if pro-abortionists will pardon the expression) mother can ''say goodbye.'' The New York Times reports, ''Most of the doctors interviewed said they saw no moral difference between dismembering the fetus within the uterus and partially delivering it, intact, before killing it.'' Yes.

Opponents of a ban on partial-birth abortions say almost all such abortions are medically necessary. However, an abortionist at the Dayton clinic is quoted as saying 80 percent are elective. Opponents of a ban on such abortions assert that the baby is killed before the procedure, by the anesthesia given to the mother. (The baby ''undergoes demise,'' in the mincing words of Kate Michelman of the National Abortion and Reproductive Rights Action League. Does Michelman say herbicides cause the crab grass in her lawn to ''undergo demise''? Such Orwellian language is a sure sign of squeamishness.) However, the president of the American Society of Anesthesiologists says this ''misinformation'' has ''absolutely no basis in scientific fact'' and might endanger pregnant women's health by deterring them from receiving treatment that is safe.

Opponents of a ban say there are only about 600 such procedures a year. Let us suppose, as not everyone does, the number 600 is accurate concerning the more than 13,000 abortions performed after 21 weeks of gestation. Still, 600 is a lot. Think of two crashes of jumbo airliners. Opponents of the ban darkly warn that it would be the first step toward repeal of all abortion rights. Columnist John Leo of U.S. News & World Report says that is akin to the gun lobby's argument that a ban on assault weapons must lead to repeal of the Second Amendment.

In the prophecy born of hope, many pundits have been predicting that the right-to-life ''extremists'' would drastically divide the Republican Party. But 73 House Democrats voted to ban partial-birth abortions: only 15 Republicans opposed the ban. If the ban survives the Senate, President Clinton will probably veto it. The convention that nominated him refused to allow the Democratic governor of Pennsylvania, Bob Casey, who is pro-life, to speak. Pro-choice speakers addressed the 1992 Republican Convention. The two presidential candidates who hoped that a pro-choice stance would resonate among Republicans—Gov. Pete Wilson, Sen. Arlen Specter—have become the first two candidates to fold their tents.

In October in The New Republic, Naomi Wolf, a feminist and pro-choice writer, argued that by resorting to abortion rhetoric that recognizes neither life nor death, pro-choice people ''risk becoming precisely what our critics charge us with being: callous, selfish and casually destructive men and women who share a cheapened view of human life.'' Other consequences of a ''lexicon of dehumanization'' about the unborn are ''hardness of heart, lying and political failure.'' Wolf said that the ''fetus means nothing'' stance of the pro-choice movement is refuted by common current practices of parents-to-be who have framed sonogram photos and fetal heartbeat stethoscopes in their homes. Young upscale adults of childbearing age are a solidly pro-choice demographic group. But they enjoy watching their unborn babies on sonograms, responding to outside stimuli, and they read ''The Well Baby Book,'' which says: ''Increasing knowledge is increasing the awe and respect we have for the unborn baby and is causing us to regard the unborn baby as a real person long before birth . . .''

Wolf argued for keeping abortion legal but treating it as a matter of moral gravity because ''grief and respect are the proper tones for all discussions about choosing to endanger or destroy a manifestation of life.'' This temperate judgment drew from Jane Johnson, interim president of Planned Parenthood, a denunciation of the ''view that there are good and bad reasons for abortion.'' So, who now are the fanatics?

[From the Life Issues Connector, December 1995]

QUESTIONS NEEDING ANSWERS

General Powell has withdrawn from the race but he leaves behind several unanswered questions. These questions were publicly posed by Bill Bennett in a column in the Wall Street Journal (G. Seib 10/18/95) and in a letter to Paul Weyrich, 10/13.

They were made in support of a Powell candidacy but are now moot in that regard. However, the questions will be heard again and again in the coming year. The reason is that these arguments were given nation-wide play by a number of nationally syndicated columnists, and not well answered by them. Further and most importantly, we will see these arguments used by others right up to the election.

1. The first voiced criticism is of pro-life tactics as unsuccessful and, as yet, not stopping the devastatingly high number of abortions in America. But, let us not forget that, although there remain 1.5 million abortions annually, without the pro-life opposition, there would likely be half again as many babies being killed today.

Certainly the dramatic drop in numbers of facilities doing abortions and the number of abortionists doing them is a clear result of pro-life efforts. Perhaps the greatest accomplishment in the US as compared to many western nations, is that abortion is still looked upon by the general public as a bad thing. The label ''abortionist'' is still a term of condemnation. This climate is and will be of vast importance in some day turning this around.

The reason for the failure to limit abortions is not the pro-life movement, but the members of the US Supreme Court. Would Powell have appointed Supreme Court nominees who will reverse Roe v. Wade?—will Spector? Alexander? Forbes?

2. There was sharp criticism of maintaining the ''chimera [fantastic scheme] of a constitutional amendment'' and that ''this has done nothing to reduce the number of abortions.'' Of course we don't have a constitutional amendment, because we don't yet have two-thirds support in both houses of congress nor the majorities in the state houses to ratify it. However, a federal constitutional amendment to protect from conception must remain our ultimate goal, even though it is not likely to happen in the near future. It is not a chimera.

An intermediate goal is the reversal of Roe Vs. Wade, which, because of the Supreme Court, is also currently not obtainable. One only has to look to the states to see progress in what has been allowed by the Supreme Court—parental notification, informed consent, waiting periods, no funding, etc. Rather, the true chimera would be a president who was pro-abortion, who would (if he chose to) work around the edges, trying to reduce the number of abortions. Everything that was mentioned might reduce the number of abortions, if aggressively carried out, by only 5% or 10%.

3. Another argument asked why pro-lifers won't accept the logical conclusion of putting women in jail. This area has been thoroughly investigated and documented. Throughout the entire history of the United States, when abortion was illegal and abortionists were jailed, not a single woman was even indicted for being an accomplice to an abortion. The woman has always been considered the second victim, not the perpetrator. If anyone implies that he thinks this should happen, he stands quite alone. No responsible leader in the pro-life movement supports this. Certainly no one in the pro-abortion movement or any legislators would advocate such a harsh treatment of women. This argument is fallacious, uncharitable and not worthy of serious discussion.

4. Have pro-lifers supported pro-abortion candidates in the past? Two instances have been cited when the National Right to Life Committee worked for pro-abortion candidates, US Senators Paul Coverdell and Kay Bailey Hutchison. This analogy fails badly by ignoring some very key factors in NRLC's decision. Certainly NRLC's strategy was controversial in some pro-life circles. However, that was another issue in itself. In each of the above instances, pro-lifers were faced with a very aggressive, pro-abortion candidate on one side, and a pro-abortion candidate on the other who was willing to support peripheral pro-life issues. Their decision was to support the lesser of two evils. This, however, was done after the primaries, when the candidates were in place. To argue this prior to the primaries, is an entirely different story. At this point, we still have the option of electing pro-life candidates in the primaries and in the general election.

5. Perhaps the strongest argument posed to pro-lifers in one we will hear again and again from the liberal media and from ''personally opposed, but'' candidates. It is expressed in the following. ''It seems to me that there is something wrong with some pro-life advocates who embrace candidates when they pay lip-service to pro-life principles which lead to no real world actions. Frankly, I prefer a political leader who would not change the legality of abortion, yet who is also genuinely and deeply troubled by 1½ million abortions a year, eager to limit them, discourage them, and eventually end them, than a person who mouths the words and does little else to reduce the number of abortions.''

This is cutting the question and in a rather unfair way. It sets up, on one extreme, a pro-abortion candidate who is eager to reduce abortions. On the other extreme, it sets up a pro-life candidate who intends to do nothing to reduce abortions. This is totally unrealistic. Who are these two candidates? By what dimension can anyone be reasonably confident that such a candidate occupies the first position? And who are those titular, pro-life candidates who will do nothing to stop it? Certainly not Dole, Gramm, Lugar, Buchanan, Gingrich, Keyes or Dornan. If one is to argue for such a candidate, such argumentation should involve at least a realistic picture of the candidate himself and the prospective alternatives.

For most pro-lifers who rule out a pro-abortion candidate for the presidency and the vice presidency, the bottom line is the

fact that there will almost certainly be appointments to the Supreme Court in the next presidential term. As previously mentioned, the ultimate goal of the pro-life movement is to protect babies in their mothers' wombs. An intermediate goal would be, at the least, to return that option to each state to decide. Neither of these will happen until the Supreme Court has a majority of justices who will allow this to happen. The president appoints these Supreme Court justices.

6. There are some who believe that none of the present Republican contenders can beat Clinton. Logic, therefore, drove them to support Powell who they thought could. But is the power of the presidency the only consideration?

In his letter of October 9, Dr. James Dobson gave one answer. He denounced Christian Coalition's Ralph Reed and also Bill Bennett for suggesting that they might back Colin Powell in the general election. ''Is power the motivator of the Great Crusade? If so, it will sour and turn to bile in your mouth.''

But more pragmatically, let's remember why cross-over Democrats, ''Reagan Democrats,'' have voted for Republican presidential candidates in recent years. Keep in mind the deepseated mind-set that, ''my father and grandfather always voted Democrat.'' Never forget, also, their same rejection of country club Republicans. It takes a paramount issue to get traditional Democrats to cross over and vote for a Republican candidate. The catalyst that has done this in recent years has been abortion and other family value issues. Nothing much less than a deepseated conviction on family value issues can get your average Reagan Democrat to again vote Republican. If they have a choice between a solid pro-abortion Democrat incumbent and a basically pro-abortion Republican challenger, who they suspect will betray them on family value issues, they're either going to stay in the Democrat column or they're going to go to the shopping center instead of the polls that day.

In the coming months the Republican party will have to decide whether to keep or change the pro-life plank in its platform. Again in the election campaign next fall, all these arguments will be repeated by the liberal media and by pro-abortion and ''moderate'' candidates.

Pro-lifers should be prepared. Our nation must decide if it wants to nominate someone who will build on the gains made in the 1994 November election, or someone who will temporize, split, and perhaps end up destroying it.

□ 1700

Mr. DORNAN. Mr. Speaker, I would repeat my Christmas recital from last night, to end on a happy note. This is done in the spirit of the season. After all, the Oval Office had children in it the other day when the occupant talked about ''It's a time for peace, not threats.'' And both of my California daughters called me, and my daughter here later and my sons, and said what is this, using the word threat in front of little children in the Oval Office? They think that means Lincoln and John F. Kennedy. They do not know it is a battle of words between Capital Hill and the other.

Let me give my Christmas recital. There are a lot of mistakes, since I gave them a bad copy last night. It is entitled, paraphrasing Clement Clark Moore's ''The Night Before Christmas,'' it is entitled ''A Visit From a Santa Imposter'':

T'was the night before Christmas and all through this House,
the liberals were playing the cat and the mouse.
The budget was hung by threads of despair,
while we hoped and we prayed Bill Clinton would care.
The night before last, while snug in his bed,
visions of veto pens danced in Bill's head.
He dreamed of Webb Hubble all through the night
and vowed he would veto if only for spite.
While out in the land there arose such a clatter,
taxpayers demanding, just what is the matter?
Balance that budget, shut some Feds down.
Our poor Army's in Bosnia, they yelled with a frown.
The moon on the breast of last night's fallen ice
gave delusions of grandeur to Hillary; how nice.
When what to our wondering eyes should appear,
but Willie as Santa, his gang as reindeer,
passing out pork in Fed buckets and pails,
while frightening the old folks with MediScare tales.
More swooping than vultures his coursers they came,
Bill whistled and shouted and called them by name:
''Now Al Gore, Panetta, Moscow and Stephie;
on Flowers, on Troopers, on Inhale and Betsy.
From the top of the heap to the top of the Hill,
now bash away, bash away, go for the kill''
While back in the House the hurricane rages.
The freshmen are busy inspiring the pages
With sad words from ladies, and gentlemen too,
who would rather be home with an eggnog or two. . .
where children and grandchildren snuggle in bed,
waiting for Santa, the real one, in red.
But struggle we will until our promise is met,
a budget that's balanced; falling national debt.
A tax break for families with children to raise,
a gift to our Nation more conservative days.
And then in a twinkle we heard on this roof,
the stomping and pawing of each liberal hoof.
As the Speaker called order, we all turned around,
as he came through the cloakroom looking smug and quite round.
He was dressed all in glitter, Al says fur's not allowed.
He threw Big Macs and french fries all over our crowd.
''You have won now; it is over, I fear.
The budget is signed, my election draws near.
But if I should lose, I will still be around.
I'm goin' to Hollywood. It's my kind of town.''
He plopped in his sleigh, to his libs gave a yell,
and then they were gone like spenders from hell.
But we heard him exclaim as they galloped 'cross heaven.
''Bob Dornan impeaching me? Film at eleven.''

Have a merry Christmas down there in North Carolina.

The SPEAKER pro tempore (Mr. COLBE). Under a previous order of the House, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 5 minutes.

[Mr. SCARBOROUGH addressed the House. His remarks will appear hereinafter in the Extensions of Remarks.]

RECESS

The SPEAKER pro tempore. Pursuant to clause 12, rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 4 minutes p.m.), the House stood in recess subject to the call of the chair.

□ 2400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. DAVIS] at 12 o'clock and 1 minute a.m.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, December 22, 1995.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER, pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Friday, December 22, 1995 at 6:15 p.m.: that the Senate passed without amendment H.J. Res. 136.

With warm regards,

ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The Speaker pro tempore laid before the House the following communication from the Clerk of the House of Representative:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, December 22, 1995.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER, pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Friday, December 22, 1995 at 7:10 p.m.:

that the Senate passed without amendment H.R. 394

that the Senate passed without amendment H.R. 1878

that the Senate passed without amendment H.R. 2627

that the Senate passed without amendment H. Con. Res. 106

With warm regards,

ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments a bill of the House of the following title:

H.R. 665. An act to control crime by mandatory victim restitution.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1507. An act to provide for the extension of the Parole Commission to oversee cases of prisoners sentenced under prior law, to reduce the size of the Parole Commission, and for other purposes;

S. 1508. An act to assure that all Federal employees work and are paid; and

S. 1509. An act to amend the Impact Aid program to provide for a hold-harmless with respect to amounts for payments relating to the Federal acquisition of real property, to permit certain local educational agencies to apply for increased payments for fiscal year 1994 under the Impact Aid program, and to amend the Impact Aid program to make a technical correction with respect to maximum payments for certain heavily local educational agencies.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill and joint resolution on Friday, December 22, 1995:

H.R. 1655, to authorize appropriations for fiscal year 1996 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; and

H.J. Res. 136, making further continuing appropriations for the fiscal year 1996, and for other purposes.

RECESS

The SPEAKER pro tempore. Pursuant to the first section of House Resolution 320, the Chair declares the House in recess in subject to the call of the chair.

The House is now in recess.

Accordingly (at 12 o'clock and 3 minutes a.m.), the House stood in recess subject to the call of the chair.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. HARMAN (at the request of Mr. GEPHARDT), for today, on account of official business.

Mrs. MEEK of Florida (at the request of Mr. GEPHARDT), for today, on account of illness.

Mr. GREEN of Texas (at the request of Mr. GEPHARDT), for today, on account of family business.

Mr. EDWARDS (at the request of Mr. GEPHARDT), for today, on account of birth of son.

Mr. FORD (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. MCNULTY (at the request of Mr. GEPHARDT), for today, after 1:45 p.m., on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. POSHARD, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. TIAHRT, for 5 minutes, today.

Mr. KIM, for 5 minutes, today.

Mr. GOSS, for 5 minutes, today.

Mr. SHAYS, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. DAVIS, for 5 minutes, today.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following date present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On December 21, 1995:

H.R. 965. To designate the Federal building located at 600 Martin Luther King, Jr. Place in Louisville, Kentucky, as the ''Romano L. Mazzali Federal Building'';

H.R. 1253. To rename the San Francisco Bay National Wildlife Refuge as the Don Edwards San Francisco Bay National Wildlife Refuge;

H.R. 2481. To designate the Federal Triangle Project under construction at 14th Street and Pennsylvania Avenue, Northwest, in the District of Columbia, as the ''Ronald Reagan Building and International Trade Center'';

H.R. 2527. To amend the Federal Election Campaign Act of 1971 to improve the electoral process by permitting electronic filing and preservation of Federal Election Commission reports, and for other purposes;

H.R. 2547. To designate the United States courthouse located at 800 Market Street in Knoxville, Tennessee, as the ''Howard H. Baker, Jr. United States Courthouse'';

H.J. Res. 69. Providing for the reappointment of Homer Alfred Neal as a citizen regent of the Board of Regents of the Smithsonian Institution;

H.J. Res. 110. Providing for the appointment of Howard H. Baker, Jr. as a citizen regent of the Board of Regents of the Smithsonian Institution;

H.J. Res. 111. Providing for the appointment of Anne D'Harnoncourt as a citizen regent of the Board of Regents of the Smithsonian Institution; and

H.J. Res. 112. Providing for the appointment of Louis Gerstner as a citizen regent of the Board of Regents of the Smithsonian Institution.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1875. A communication from the President of the United States, transmitting his request to make available emergency appropriations totaling $537,223 in budgetary authority for the Federal Emergency Management Agency, and to designate the amount made available as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to 31 U.S.C. 1107 (H. Doc. No. 104–152); to the Committee on Appropriations and ordered to be printed.

1876. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning an amendment to the July 1981 agreement for United States/United Kingdom collaboration in the development, production, and support of the AV–8B/GR–5 aircraft, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

1877. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to the Netherlands (Transmittal No. 09–96), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

1878. A letter from the Public Printer, Government Printing Office, transmitting the semiannual report on activities of the inspector general for the period April 1, 1995, through September 30, 1995, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

1879. A letter from the President, Inter-American Foundation, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1995, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

REPORTS OF COMMITTEE ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STUMP: Committee on Veterans' Affairs. H.R. 2814. A bill to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 1996, and for other purposes (Rept. 104–443). Referred to the Committee of the Whole House on the State of the Union.

BILLS PLACED ON THE CORRECTIONS CALENDAR

Under clause 4 of rule XIII, the Speaker filed with the Clerk a notice requesting that the following bills be placed upon the Corrections Calendar:

H.R. 2567 A bill to amend the Federal Water Pollution Control Act relating to standards for constructed water conveyances.

H.R. 2685 A bill to repeal the Medicare and Medicaid Coverage Data Bank.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 2685. The Committee on Commerce discharged from further consideration. Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 2685. Referral to the Committee on Commerce extended for a period ending not later than December 22, 1995.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GILMAN (for himself, Mr. LANTOS, Mr. TORRICELLI, Mr. SOLOMON, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Mr. ROHRABACHER, Mr. ROYCE, Mr. PORTER, and Mr. WOLF):

H.R. 2829. A bill to prohibit funding by U.S. Government agencies of the participation of certain officials of the Chinese Government in international conferences, programs, and activities until the Chinese Government releases certain individuals imprisoned or detained on religious grounds; to the Committee on International Relations.

By Mr. ENGLISH of Pennsylvania (for himself and Mr. HORN):

H.R. 2830. A bill to amend the Federal Election Campaign Act of 1971 to provide for a House of Representatives election limitation on contributions from persons other than in-State individual residents, and for other purposes; to the Committee on House Oversight, and in addition to the Committee on Ways and Means, Commerce, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORBES:

H.R. 2831. A bill to authorize establishment of a Department of Veterans Affairs ambulatory care facility in Brookhaven, NY; to the Committee on Veterans' Affairs.

By Mr. FRANKS of New Jersey (for himself, Mr. ZIMMER, Mr. FRELINGHUYSEN, Mr. TORRICELLI, and Mr. MARTINI):

H.R. 2832. A bill to transfer the Federal Aviation Administration Eastern Regional Office to Union County, NJ; to the Committee on Transportation and Infrastructure.

By Ms. KAPTUR (for herself and Mrs. THURMAN):

H.R. 2833. A bill to amend the Perishable Agricultural Commodities Act, 1930, to require that perishable agricultural products be labeled or marked as to their country of origin; to the Committee on Agriculture.

By Mr. KLINK:

H.R. 2834. A bill to amend the Higher Education Act of 1965 to improve accountability and reform certain programs; to the Committee on Economic and Educational Opportunities.

By Mr. PALLONE:

H.R. 2835. A bill to reduce the risk of mercury pollution through use reduction, increased recycling, and reduction of emissions into the environment, and for other purposes; to the Committee on Commerce.

By Mrs. ROUKEMA:

H.R. 2836. A bill to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and small employers, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Economic and Educational Opportunities, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. SCHROEDER:

H.R. 2837. A bill to provide that members of the Armed Forces performing services for the peacekeeping effort in the Republic of Bosnia and Herzegovina shall be entitled to tax benefits in the same manner as if such services were performed in a combat zone; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey:

H.R. 2838. A bill to amend the Solid Waste Disposal Act to provide congressional authorization for State and local flow control authority over solid waste, and for other purposes; to the Committee on Commerce.

By Mr. STARK:

H.R. 2839. A bill to amend title XVIII of the Social Security Act to establish a medication evaluation and dispensing system for Medicare beneficiaries, to improve the quality of pharmaceutical services received by our Nation's elderly and disabled, and to reduce instances of adverse reactions to prescription drugs experienced by Medicare beneficiaries; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LIVINGSTON:

H.J. Res. 136. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes; to the Committee on Appropriations.

By Mr. DEUTSCH:

H.J. Res. 137. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes; to the Committee on Appropriations.

By Mr. PALLONE:

H. Con. Res. 125. Concurrent resolution expressing the Sense of Congress that the President should suspend the proposed sale of the Army Tactical Missile System to the Government of the Republic of Turkey until that government takes significant and concrete steps to end the military occupation of Cyprus, lift its blockade of Armenia, cease its ongoing campaign against the Kurdish people, and demonstrate progress on the protection of human and civil rights within Turkey; to the Committee on International Relations.

By Mr. DORNAN:

H. Con. Res. 126. Concurrent resolution to establish a joint committee to oversee the conduct of Operation Joint Endeavor/Task Force Eagle; to the Committee on Rules.

By Mr. ENGLISH of Pennsylvania:

H. Con. Res. 127. Concurrent resolution expressing the sense of the Congress that Canada should join the United States in promoting economic growth and job creation by eliminating tolls along the St. Lawrence Seaway, and in maximizing the free movement of goods and commerce through the St. Lawrence Seaway; to the Committee on Transportation and Infrastructure, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KAPTUR:

H. Con. Res. 128. Concurrent resolution to establish a Commission on Women's Art in the U.S. Capitol; to the Committee on House Oversight.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 519: Mr. DORNAN.

H.R. 534: Mr. BONIOR, Mr. ROTH, Mr. COOLEY, Mr. BROWN of California, and Mr. BACHUS.

H.R. 773: Mr. MINGE.

H.R. 783: Mrs. SEASTRAND and Mr. SOUDER.

H.R. 1161: Mr. JOHNSON of South Dakota.

H.R. 1560: Mr. THORNTON and Mr. STARK.

H.R. 1757: Mr. HINCHEY, Mr. MOAKLEY, Ms. PELOSI, Ms. LOFGREN, and Mr. WATT of North Carolina.

H.R. 1950: Mr. MARKEY, Ms. LOFGREN, and Mr. MCINTOSH.

H.R. 1951: Mrs. CLAYTON.

H.R. 2009: Mr. OLVER and Mr. FOLEY.

H.R. 2246: Mr. GEJDENSON and Mr. THOMPSON.

H.R. 2247: Mr. BONIOR, Mr. BROWN of Ohio, Mr. COYNE, and Mr. QUILLEN.

H.R. 2306: Mr. CRAMER.

H.R. 2372: Mr. YOUNG of Alaska, Mr. BREWSTER, Mr. LARGENT, and Mr. ENGLISH of Pennsylvania.

H.R. 2411: Mr. SOLOMON.

H.R. 2416: Mr. MCCOLLUM.

H.R. 2566: Mr. BILBRAY.

H.R. 2579: Mr. CASTLE, Mr. ENSIGN, and Mr. BONO.

H.R. 2655: Mr. FRELINGHUYSEN, Mr. GEJDENSON, Mrs. JOHNSON of Connecticut, and Mr. WALSH.

H.R. 2672: Mr. SCHUMER.

H.R. 2688: Mr. ACKERMAN, Mr. MARTINEZ, Mrs. CLAYTON, and Mr. WAXMAN.

H.R. 2690: Mr. KENNEDY of Massachusetts, Mr. FOLEY, Mr. COOLEY, Mr. STUMP, Mr. RICHARDSON, Mr. THOMPSON, MS. MCKINNEY, Mr. GENE GREEN of Texas, Mr. DELLUMS, Mrs. MEEK of Florida, Mr. FARR, Mr. DEFAZIO, Mr. TAYLOR of North Carolina, and Mr. MCHUGH.

H.R. 2691: Mr. THOMPSON, Ms. FURSE, Ms. ROYBAL-ALLARD, Mrs. CLAYTON, Mr. HINCHEY, Mr. GUTIERREZ, and Mr. TOWNS.

H.R. 2701: Mr. MCDADE.

H.R. 2716: Mr. FRANK of Massachusetts, Ms. LOFGREN, Ms. Kaptur, Mr. TOWNS, Mrs. MEEK of Florida, and Mrs. SCHROEDER.

H.R. 2740: Mr. BACHUS, Mr. SHADEGG, and Mr. BENTSEN.

H.R. 2745: Mr. TORKILDSEN, Mr. SAWYER, Mr. MINGE, MS. SLAUGHTER, Mr. WYNN, Mrs. CLAYTON, Mr. DEUTSCH, Mr. RICHARDSON, and Ms. DELAURO.

H.R. 2759: Mr. CALVERT and Mr. KLINK.

H.R. 2769: Ms. MOLINARI and Mr. GILLMOR.

H.R. 2778: Mr. JACOBS, Mr. PETERSON of Florida, Mr. NEY, Mr. TAYLOR of North Carolina, Mr. LAHOOD, Mr. LEWIS of California, Mr. JOHNSON of South Dakota, Mr. HYDE, Mr. MCHUGH, Mr. LIVINGSTON, Mr. COBURN, Mr. CANADY, and Mr. FROST.

H.R. 2785: Mr. VENTO and Mr. ENGLISH of Pennsylvania.

H.R. 2807: Mr. MCHUGH.

H. Con. Res. 47: Mr. LATOURETTE.

H. Con. Res. 102: Mr. JACOBS and Mr. ZIMMER.

H. Res. 315: Mr. LIVINGSTON and Mr. BATEMAN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1834: Mr. FORBES.

THE LOBBYING DISCLOSURE ACT OF 1995

NOTICE FROM THE SECRETARY OF THE SENATE AND THE CLERK OF THE HOUSE OF REPRESENTATIVES

The Lobbying Disclosure Act of 1995, Public Law 104-65, was signed by the President on December 19, 1995, and takes effect on January 1, 1996. The Federal Regulation of Lobbying Act of 1946 (2 USC 261 et seq.) is repealed on January 1, and certain other laws that regulate lobbying activities are amended, including the Foreign Agents Registration Act of 1938 (22 USC 611 et seq) and the 1989 Byrd Amendment (31 USC 1352).

FOR FURTHER INFORMATION: For further information, forms, and instructions concerning the Lobbying Disclosure Act, contact the House Legislative Resource Center, 1036 Longworth House Office Building, Washington, DC 20515, (202) 225-1300, or the Senate Office of Public Records, 232 Hart Senate Office Building, Washington, DC 20510, (202) 224-0758.

DESCRIPTION OF LAW

In general, the Lobbying Disclosure Act (''Act'') establishes broad requirements that individuals and entities who seek to influence the Federal government register with the Secretary of the Senate and the Clerk of the House of Representatives, and disclose their clients, issues, fees, and interests of foreign entities. All registrations and reports filed under the Act are public records. The key provisions of the Act are summarized below; however, lobbyists, their employers, clients, and other interested persons should always consult the full text of the new law.

REGISTRATION

The Act requires registration of: 1) **lobbying firms** that employ **lobbyists** for **clients**; and 2) **organizations** that employ **in-house lobbyists**. Registration with both the Secretary and the Clerk is required no later than 45 days after a lobbyist first makes a **lobbying contact** or is employed or retained to do so, **whichever is earlier** (e.g., a lobbyist who has a retainer agreement with a client in effect on January 1, 1996, must register on or before February 14, 1996). **Lobbying firms must file separate registrations for each client**, subject to limited exceptions.

NOTE: **Individuals and organizations currently registered under the Federal Regulation of Lobbying Act should file their final quarterly reports under the former law with the Clerk and the Secretary by January 10, 1996, to prevent a gap in the records. However, registrations under the former law will no longer be effective, and all lobbyists active after January 1, 1996, must register under the new Lobbying Disclosure Act.**

Registration forms and instructions will be available from the House Legislative Resource Center and the Senate Office of Public Records in early January 1996.

REPORTS

Lobbying firms are required to file semiannual reports of income, and **organizations** employing **in-house lobbyists** are required to file semiannual reports of expenditures, by **August 14** (covering the period January 1 thru June 30) and **February 14** (covering the period July 1 thru December 31). **The first reports under the new Act will be due by August 14, 1996. Lobbying firms must file separate reports for each client.** Forms and instructions will be available from the House Legislative Resource Center and the Senate Office of Public Records.

MAIN DEFINITIONS

A **LOBBYIST** is an individual who is employed or retained for compensation to make more than one **lobbying contact**, and whose **lobbying activities** constitute at least 20 percent of his or her services performed for that **client** during a six month period.

A **LOBBYING FIRM** means a person or entity that has one or more employees who are **lobbyists** on behalf of a **client**, other than that person or entity, and also includes a self-employed individual.

A **CLIENT** is any person or entity that employs another person for financial or other compensation to conduct **lobbying activities** on behalf of that person or entity. A person or entity whose employees act as **lobbyists** on its own behalf is both the **client** and employer of such individuals. In the case of a coalition or association that employs or retains other persons to conduct **lobbying activities**, the client is the coalition or association, not its individual members. Under the Act, there is no requirement that coalitions or associations disclose contributions or dues from the individual membership of such groups.

A **LOBBYING CONTACT** means any oral or written communication (including an electronic communication) to a **covered executive branch official or a covered legislative branch official** that is made on behalf of a **client** with regard to:

(i) the formulation, modification, or adoption of Federal legislation (including legislative proposals);

(ii) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government;

(iii) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license); or

(iv) the nomination or confirmation of a person for a position subject to confirmation by the Senate.

The law provides for 19 specific exceptions from the definition of **lobbying contacts** (e.g. for contacts that are not considered lobbying, are routine in nature, are inherently confidential, are subject to formal procedural safeguards, or are the subject of a separate public record).

LOBBYING ACTIVITIES are **lobbying contacts** and efforts in support of **lobbying contacts,** including preparation and planning activities, research and other background work that is intended at the time it is performed for use in contacts and coordination with the **lobbying activities** of others.

COVERED EXECUTIVE BRANCH OFFICIALS include the President, Vice President, employees of the Executive Office of the President, Level I-V of the Executive Schedule, Members of the Uniformed Services at a pay grade above 0-7, or any officer or employee in a position of a confidential, policy-determining, policy-making, or policy-advocating character.

COVERED LEGISLATIVE BRANCH OFFICIALS include Members of the House of Representatives and Senate, their staffs, elected officers of either House of Congress, committee and leadership staff, joint committee staff, a working group

or caucus organized to provide legislative services or other assistance to Members of Congress, and all legislative employees required to file Financial Disclosure Reports under the Ethics in Government Act.

IDENTIFICATION OF CLIENTS

Any lobbyist making an *oral* **lobbying contact** with a **covered legislative branch official** or **covered executive branch official** is required, on request of the official, to state whether his or her **lobbying firm** or organization is registered, to identify the client, and to disclose any foreign interest regulated by the Act. A lobbyist making a *written* **lobbying contact** to a covered official for foreign interests regulated by the Act must disclose that fact in the writing.

EXEMPTIONS

A **LOBBYING FIRM** is exempt from registration with respect to a particular **client** if total income from that **client** for **lobbying activities** does not exceed or is not expected to exceed $5,000 in a six month period.

An **ORGANIZATION** whose employees engage in **lobbying activities** on its own behalf is exempt from registration if total expenses in connection with **lobbying activities** do not exceed or are not expected to exceed $20,000 in a six month period.

PENALTIES

Whoever knowingly fails to—

(l) correct a defective filing within 60 days after notice of such a defect by the Secretary of the Senate or the Clerk of the House, or

(2) fails to comply with any other provision of the Act,

is subject to a civil fine of not more than $50,000.

KELLY D. JOHNSTON
Secretary of the Senate

ROBIN H. CARLE
Clerk of the House of Representatives