

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

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

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

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

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

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

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

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

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

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

The previous question was ordered.

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

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

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

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

The Sergeant at Arms will notify absent Members.

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

[Roll No. 881]

YEAS—380

Abercrombie	Durbin	Largent
Allard	Ehlers	Latham
Andrews	Ehrlich	LaTourette
Archer	Emerson	Laughlin
Arney	Engel	Lazio
Bachus	English	Leach
Baker (CA)	Ensign	Levin
Baldacci	Eshoo	Lewis (CA)
Ballenger	Evans	Lewis (GA)
Barcia	Everett	Lewis (KY)
Barr	Ewing	Lightfoot
Barrett (NE)	Farr	Linder
Barrett (WI)	Fawell	Livingston
Bartlett	Fazio	LoBiondo
Barton	Fields (LA)	Longley
Bass	Flake	Lowe
Bateman	Flanagan	Lucas
Beilenson	Foglietta	Luther
Bentsen	Foley	Maloney
Bereuter	Forbes	Manton
Billbray	Fowler	Markey
Bilirakis	Fox	Martinez
Bishop	Frank (MA)	Martini
Bliley	Franks (CT)	Mascara
Blute	Franks (NJ)	Matsui
Boehlert	Frelinghuysen	McCarthy
Boehner	Frost	McCollum
Bonilla	Funderburk	McCrery
Bonior	Furse	McDade
Bono	Ganske	McDermott
Borski	Gejdenson	McHale
Boucher	Gekas	McHugh
Brewster	Gephardt	McInnis
Browder	Geren	McIntosh
Brown (FL)	Gilchrest	McKeon
Brown (OH)	Gillmor	McKinney
Brownback	Gonzalez	McNulty
Bryant (TN)	Goodlatte	Meehan
Bryant (TX)	Goodling	Menendez
Bunn	Gordon	Metcalfe
Bunning	Goss	Meyers
Burr	Graham	Mfume
Burton	Greenwood	Mica
Buyer	Gutknecht	Miller (FL)
Camp	Hall (OH)	Minge
Campbell	Hall (TX)	Mink
Canady	Hamilton	Moakley
Cardin	Hancock	Molinari
Castle	Hansen	Mollohan
Chabot	Hastert	Montgomery
Chambliss	Hastings (WA)	Moran
Chapman	Hayworth	Morella
Chenoweth	Hefley	Murtha
Christensen	Hefner	Myrick
Chrysler	Heineman	Nadler
Clayton	Herger	Nethercutt
Clement	Hilleary	Neumann
Clinger	Hilliard	Ney
Clyburn	Hobson	Norwood
Coble	Hoekstra	Nussle
Coburn	Hoke	Oberstar
Coleman	Holden	Obey
Collins (GA)	Horn	Olver
Collins (IL)	Hostettler	Ortiz
Combest	Houghton	Orton
Condit	Hoyer	Oxley
Cooley	Hunter	Packard
Cox	Hutchinson	Pallone
Coyne	Hyde	Parker
Crane	Inglis	Pastor
Crapo	Istook	Paxon
Creameans	Jackson (IL)	Payne (NJ)
Cubin	Jackson-Lee	Payne (VA)
Cunningham	(TX)	Pelosi
Danner	Johnson (CT)	Peterson (FL)
Davis	Johnson (SD)	Peterson (MN)
de la Garza	Johnson, E.B.	Petri
Deal	Johnson, Sam	Pickett
DeFazio	Johnston	Pombo
DeLauro	Jones	Pomeroy
DeLay	Kaptur	Porter
Dellums	Kasich	Portman
Deutsch	Kelly	Poshard
Diaz-Balart	Kennedy (MA)	Pryce
Dickey	Kennedy (RI)	Radanovich
Dicks	Kennelly	Rahall
Dingell	Kildee	Ramstad
Dixon	Kim	Rangel
Doggett	King	Reed
Dooley	Kingston	Regula
Doolittle	Klecka	Richardson
Dornan	Klug	Riggs
Doyle	Knollenberg	Rivers
Dreier	Kolbe	Roberts
Duncan	LaHood	Roemer
Dunn		

Rogers	Slaughter	Torres
Rohrabacher	Smith (MI)	Torricelli
Rose	Smith (NJ)	Trafficant
Roth	Smith (TX)	Upton
Roukema	Smith (WA)	Velázquez
Roybal-Allard	Solomon	Vento
Royce	Souder	Visclosky
Rush	Spence	Volkmer
Sabo	Spratt	Vucanovich
Salmon	Stark	Waldholtz
Sanders	Stearns	Walker
Sanford	Stenholm	Walsh
Sawyer	Stockman	Wamp
Saxton	Stokes	Ward
Scarborough	Studds	Watts (OK)
Schaefer	Stump	Weldon (FL)
Schiff	Stupak	Weldon (PA)
Schroeder	Talent	Weller
Schumer	Tanner	White
Scott	Tate	Whitfield
Seastrand	Tauzin	Wicker
Sensenbrenner	Taylor (MS)	Williams
Serrano	Taylor (NC)	Wilson
Shadegg	Tejeda	Wise
Shaw	Thomas	Wolf
Shays	Thompson	Woolsey
Shuster	Thornberry	Wynn
Sisisky	Thornton	Yates
Skaggs	Thurman	Young (FL)
Skeen	Tiahrt	Zeliff
Skelton	Torkildsen	Zimmer

NAYS—11

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

ANSWERED "PRESENT"—1

Gunderson

NOT VOTING—41

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

□ 1127

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

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

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

□ 1130

GENERAL LEAVE

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

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

There was no objection.

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

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

The Clerk read the resolution, as follows:

H. RES. 299

*Resolved,*

## SECTION 1. AMENDMENT TO HOUSE RULES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## SEC. 2. EFFECTIVE DATE.

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

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

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

The Clerk read as follows:

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

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

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

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

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

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

## SEC. 2. EFFECTIVE DATE.

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

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

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

There was no objection.

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

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

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

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

There was no objection.

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

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

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

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

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

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

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

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

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

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

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