

WELFARE REFORM

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

Ms. ROYBAL-ALLARD. Mr. Speaker, as we struggle to find a balance between human needs and the desire to address the abuses and ineffectiveness of the current welfare system, we must not forget the major beneficiaries of welfare—children.

Any plan that does not adequately address the needs of children is destined to raise the misery of childhood hunger, homelessness, and disease to a magnitude we have never before witnessed in this country.

In my home State of California, 69 percent of current AFDC recipients are children who depend on welfare as a safety net to survive.

Children throughout this country will be virtually abandoned under H.R. 4, the Republicans' welfare reform bill.

In the subcommittee, the Republican majority refused to assure child care for mothers who got to work, refused to assure the safety of children in foster care, and refused to preserve SSI benefits for certain medically disabled children. And they are even threatening child nutrition programs.

It is reprehensible to leave our children, our future work force, physically and intellectually weakened by denying them nutrition, shelter, and health care.

This will only negate our goal of building a more self-reliant America.

IN SUPPORT OF THE CONDIT AMENDMENT

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

Mr. BONILLA. Mr. Speaker, today we have an opportunity to better the lives of millions of Americans by passing the Condit amendment and putting a stop to the abuses of the Endangered Species Act. The Condit amendment should actually be called the Condit-Smith-Combest-Bonilla-Edwards amendment because it has been a good bipartisan effort to move this amendment forward once and for all putting a moratorium on the listing of endangered species in critical habitat in this country.

Too many times in this country we have seen development of constructions of hospitals stop because of the designation of a fly on the endangered species list. We have seen homes being torn down in some cases. You cannot even clear brush on your property anymore because the radical left wing environmentalists in this country think a rat might be living in your bushes and, therefore, do not give you an opportunity to do what you want on your property.

This is a vote for property rights, a vote for restoring some of the basic

free enterprise values in this country that we hold dearly.

Vote for the Condit amendment today.

PFF/GOPAC

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute.)

Ms. MCKINNEY. Mr. Speaker, it appears that the web known as Newt Incorporated is beginning to unravel. A recent Los Angeles Times article details the intricate link between GOPAC, the Progress and Freedom Foundation and the Speaker's college course. While denying commingling all along, it appears that Newt Incorporated has been promoting a weird thirst for power at taxpayers expense. Meanwhile my friends wax indignant about illegitimacy, nutrition programs, and Big Bird.

It looks like the real welfare cheats might be some corporate sugar daddies. I have a rhyme:

Hickory Dickory Dak, it is time to investigate GOPAC. It is time for an outside counsel to clear all of the smoke arising from revelations about Newt Incorporated.

UNILATERAL ACTION BY THE PRESIDENT AGAIN

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

Mr. BURTON of Indiana. Mr. Speaker, the people of this country did not want us to spend billions of dollars and risk Americans lives going into Haiti. And the Congress knew that. We were not going to support it. Yet President Clinton unilaterally took action that put our troops at risk and sent our people in Haiti and spent billions of dollars in the process.

The people of this country did not want us to spend money bailing out Mexico. And yet President Clinton unilaterally is spending \$53 billion of American taxpayers' money bailing out that country that is in an absolute mess.

And now yesterday unilaterally by executive order they are replacing strikers, a striker replacement bill is being passed by the executive branch without any act of Congress.

This is illegal, in many of our opinions. However, the President did it. Unilateral action again. Someone should tell this President this is a Republic and not a dictatorship.

PERMISSION FOR COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES TO SIT TODAY, THURSDAY, FEBRUARY 23, 1995, DURING THE 5-MINUTE RULE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the following committee and its subcommittees be permitted to sit today while the House

is meeting in the Committee of the Whole House under the 5-minute rule:

The Committee on Economic and Educational Opportunities.

It is my understanding that the minority has been consulted and that there is no objection to this request.

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

Mr. DOGGETT. Mr. Speaker, reserving the right to object, I have consulted with the ranking member of the committee, and we will not object to this request.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

FEDERAL FOOD ASSISTANCE

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

Mrs. CLAYTON. Mr. Speaker, if the Personal Responsibility Act of 1995 passes, Federal nutrition programs for children and families will never be the same. School lunches and breakfasts will be slashed. Thousands of women, infants, and children will be removed from the WIC Program. National nutrition standards will be eliminated, and States will be able to transfer as much as 24 percent of nutrition funds for nonnutrition uses.

But, more is at stake. Retail food sales will decline, farm income will be reduced, and joblessness will soar. That is why, if I may borrow a quote, I will resist this change, "with every fiber of my being." Many of the proponents of H.R. 4 want capital gains cuts. We want an increase in the minimum wage. They want block grants. We want healthy Americans. They want a full plate for the upper crust and crumbs for the rest of us. We want, and we will restore, Federal food assistance programs. It is irresponsible to do otherwise.

PROVIDING FOR CONSIDERATION OF H.R. 450, REGULATORY TRANSITION ACT OF 1995

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 93 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 93

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 450) to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform and Oversight. After general debate the bill shall be considered for amendment under the

five-minute rule for a period of not to exceed ten hours. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Government Reform and Oversight now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from the Commonwealth of Massachusetts [Mr. MOAKLEY], pending which time I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, I am pleased that today we are here fulfilling yet another promise to the American people and doing it under a rule that allows for an open amendment process.

House Resolution 93 makes in order the committee substitute from the Committee on Government Reform and Oversight and provides for 1 hour of general debate followed by up to 10 hours of amendment under the 5-minute rule.

In the opening debate today, I would like to point out that last weekend, many sports fans witnessed a very serious threat to public health and safety. In fact, several people were injured and thousands were placed in grave danger. Yet the Federal Government did not take any action to prevent these injuries. Nor is it likely to do so in the future.

I refer, of course, to our former Presidents playing golf in public. Notwithstanding the germaneness of this, this story serves to illustrate an important point, that the Federal Government, despite the best efforts and intentions it may have, cannot provide protection for all Americans at all times. Yet it seems that we are coming closer and closer to issuing detailed regulations on every minute detail of our daily existence.

I ask my colleagues, how many times have constituents come to them and asked for help to head off, sort out, or

otherwise mitigate needless harm that has come to them or absolute disaster to them perhaps caused by poorly thought-out Federal regulation. Individuals, small businesses, volunteer groups, local governments have all been victims, have all been harmed in some way by the unending flood of Federal rules and regulations made by people who apparently have not got enough to do.

As we begin to stem this tide, it is important to remember that H.R. 450 is not eliminating the rules made since November. Repeat. We are not eliminating the rules made since November. We are merely providing a much-needed timeout for perhaps up to a year to allow Congress the opportunity to responsibly consider serious regulatory reform. I think we all know we need it. There is even precedent for this type of action.

President Bush placed a moratorium on new regulation from January 1992 to January 1993. Of course, not all Federal regulations are burdensome or counterproductive. Arguments can certainly be made that public health and safety regulations should not be subject to this moratorium.

The Committee on Government Reform and Oversight has wisely provided for a general waiver process for imminent health and safety threats. I understand that some would like to see certain imminent threats given priority over other imminent threats. I do not agree with the wisdom of this kind of amendment.

I was pleased to hear the ranking member of the Committee on Government Reform and Oversight, the gentlewoman from Illinois, state at the Committee on Rules yesterday that she would seek to have members cluster these amendments offering exemptions of a similar nature in a similar package.

□ 1100

It sounds like a good idea. This does make sense, and it will help us avoid the tedious and perhaps unnecessary litany of amendments we saw during consideration of the unfunded mandates bill.

I hope that the overall time limit that we have placed on this rule is useful for the gentlewoman, in helping her to organize the efforts to consolidate these kinds of amendments.

Mr. Speaker, it all comes down to this. The American people have asked us repeatedly through individual pleas, and more dramatically in the November elections, to reform the Federal rule-making process. We are taking the first step here by placing the burden of proof on the regulatory agencies to prove that new regulations are necessary. This is a responsible change and a good beginning for the reform process.

Mr. Speaker, I expect today we might hear a word or two from the minority side about the question of the 10-hour time limit on this. It was discussed in

the Committee on Rules, and it has been much discussed. We have done a lot of homework and review of the records on this matter.

We think this is a fair way to proceed and still allow the necessary debate time to come forward, but also to provide for the orderly management of all legislation in this House. Of course, we have a very heavy agenda of legislation to undertake.

I know that the minority sometimes feel that they would like to have endless debate, and some might call it dilatory tactics, and in fact, we have seen some of that. Our view is that we have given the minority more than ample blocks of time to manage as they will to bring forward with their membership those issues they think they would like to debate on the floor. We hope they are able to use that time wisely.

It does, I admit, put a management burden on the minority leadership to control what they are doing, and I believe that is a fair burden to place on the minority. It is certainly one we had placed on us when we were the minority.

Mr. Speaker, I would hope that we will see wise use of that time, and if we do see wise use of that time, I am entirely satisfied that the 10 hours that we have set aside under the open amendment process will be sufficient.

Mr. Speaker, I urge my colleagues to support both the rule and the bill, and I reserve the balance of my time.

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

Mr. Speaker, I am opposed to this rule. Although my Republican colleagues have been using the words "fair" and "balanced" a lot lately, I have really learned that by "fair" and "balanced," by some of the glossaries on the other side, they really mean "restrictive."

In fact, Tuesday I put a chart into the CONGRESSIONAL RECORD that shows the record on restrictive floor procedures. We simply applied the Republican definitions to the Republican rules, and it looks like they have granted about 71 percent restrictive rules so far. Sometimes we may have an open debate, but the rule could be restricted.

Most of the rules that have come out have been under some kind of a time cap which automatically makes the rule anything but open. Today's rule has a 10-hour time cap.

My colleagues on the other side of the aisle argue that this is necessary to keep the flow of legislation moving through the House. Mr. Speaker, what a difference a year makes. Just listen to them last year.

The gentleman from California [Mr. DREIER] said "The rule is essentially a closed rule because it limits amendments by limiting debate on all amendments." Mr. Speaker, this is one of the more egregious rules that have been reported out by the Committee on Rules.

The gentleman from New York [Mr. SOLOMON], my dear friend and chairman of the committee, said last year "Let me say that I oppose this rule for a variety of reasons, not the least of which is the fact that it restricts the time for the amendment process."

Mr. Speaker, I agree that it is very important to keep the process moving along, but Republicans have a very interesting kind of time caps. Republican time caps include time for votes in addition to time for amendments, and by my calculations, the last three 10-hour time caps have been actually 7-hour time caps, because the vote has been eating up about three of the 10 hours on each of these bills.

If we had any truth in advertising requirements around here, Mr. Speaker, we would have to call it 7 hours for amendments and 3 hours for a vote time cap. Even more telling is if we would take the number of anticipated amendments, divide them into the remaining hours, we would probably have 10 to 15 minutes to discuss each amendment. That is not what I thought our Republican colleagues had in mind last year when they talked about improving the deliberative process.

It is also interesting to see the pattern of rules that seems to be developing. Yesterday we had a wide open rule

on the Paperwork Reduction Act. I want to thank the gentleman from New York [Mr. SOLOMON] and my Republican colleagues for giving me that wide open rule. That is an open rule. I thank them for it, but they cannot put this rule in the same context with that rule.

Mr. Speaker, when the bill is not controversial, we open it up all the way. The more controversial it becomes, the more we close it down, so I think, because this is more controversial than yesterday's bill, we do close it down. They knew that yesterday's bill was nonconfrontational, so they gave us a full, wide open rule.

I think if they keep using that kind of a model, by the time we get to welfare reform, we will be lucky to get an hour for amendments.

Mr. Speaker, it is time for the Committee on Rules to live up to its prelection rhetoric of granting open rules to bills in the contract, and by that, I mean open rules as the Republicans used to define them. This bill would be a good starting point.

I do not think anyone would argue that there are some serious problems in our regulatory process, but there are also a lot of regulations in the pipeline, Mr. Speaker, that will protect American families. They will be frozen out

by this bill, because this bill will limit regulations that ensure American families that their food is safe, that their drinking water is clean, and their airplanes are up to snuff.

Mr. Speaker, this bill does not just hurt families, it hurts the business people who play by the rules. By making the moratorium retroactive to November 20, this bill punishes businesses that have worked to comply with regulations, and that is just not fair.

Mr. Speaker, this bill is too far-reaching to be slapped together this quickly and without opportunity for improvement. It needs to be amended, and 7 hours is just not enough time to do it.

MEMBERS SHUT OUT BY THE 10-HOUR TIME CAP, 104TH CONGRESS

Mr. Speaker, this is a list of Members who were not allowed to offer amendments to major legislation because the 10-hour time cap on amendments had expired. These amendments were also preprinted in the CONGRESSIONAL RECORD.

H.R. 728—Law Enforcement Block Grants: Mr. BEREUTER, Mr. KASICH, Ms. JACKSON-LEE, Mr. STUPAK, Mr. SERRANO, Mr. WATT, Ms. WATERS, Mr. WISE, Ms. FURSE, and Mr. FIELDS.

H.R. 7—National Security Revitalization Act: Ms. LOFGREN, Mr. BEREUTER, Mr. BONIOR, Mr. MEEHAN, Mr. SANDERS (2), Mr. SCHIFF, Ms. SCHROEDER, and Ms. WATERS.

AMOUNT OF TIME SPENT ON VOTING UNDER THE THREE RESTRICTIVE TIME CAP PROCEDURES IN THE 104TH CONGRESS

Bill No.	Bill title	Rollcalls	Time spent	Time on amends
H.R. 667	Violent Criminal Incarceration Act	8	2 hrs 40 min	7 hrs 20 min.
H.R. 728	Block grants	7	2 hrs 20 min	7 hrs 40 min.
H.R. 7	National security revitalization	11	3 hrs 40 min	6 hrs 20 min.

FLOOR PROCEDURE IN THE 104TH CONGRESS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendment in order
H.R. 1	Compliance	H. Res. 6	Closed	None
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None
H.R. 5	Unfunded Mandates	H. Res. 38	Restrictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; preprinting gets preference.	NA
H.J. Res. 2	Balanced Budget	H. Res. 44	Restrictive; only certain substitutes	2R; 4D
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive; considered in House no amendments	NA
H.R. 2	Line Item Veto	H. Res. 55	Open; preprinting gets preference	NA
H.R. 665	Victim Restitution Act of 1995	H. Res. 61	Open; preprinting gets preference	NA
H.R. 666	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open; preprinting gets preference	NA
H.R. 667	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive; 10 hr. time cap on amendments	NA
H.R. 668	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open; preprinting gets preference; contains self-executing provision	NA
H.R. 728	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive; 10 hr. time cap on amendments; preprinting gets preference.	NA
H.R. 7	National Security Revitalization Act	H. Res. 83	Restrictive; 10 hr. time cap on amendments; pre-printing gets preference.	NA
H.R. 729	Death Penalty/Habeas	NA	Restrictive; brought up under UC with a 6 hr. time cap on amendments.	NA
S. 2	Senate Compliance	NA	Closed; Put on suspension calendar over Democratic objection	None
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive; makes in order only the Gibbons amendment; waives all points of order; contains self-executing provision.	ID
H.R. 830	The Paperwork Reduction Act	H. Res. 91	Open	NA
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive; makes in order only the Obey substitute	ID
H.R. 450	Regulatory Moratorium	H. Res. 93	Restrictive; 10 hr. time cap on amendments; preprinting gets preference.	NA

Note: 77% restrictive; 23% open. These figures use Republican scoring methods from the 103d Congress. Not included in this chart are three bills which should have been placed on the Suspension Calendar. H.R. 101, H.R. 400, H.R. 440.

Mr. Speaker, I urge my colleagues to oppose this restrictive rule, and I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I am privileged to yield 4 minutes to the gentleman from Glens Falls, NY [Mr. SOLOMON], the distinguished chairman of the Committee on Rules.

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

Mr. Speaker, I have a prepared statement here in which I really wanted to

talk about the bill that is going to come before us. When I came here 16 years ago, one of my main purposes was to shrink the size of this Federal Government, to reduce the power of the Federal Government, and return it back to the private sector and to local and State governments.

I really wanted to talk about that, but I was just so taken by my good friend, the former chairman of the Committee on Rules, who is now the

ranking minority member of the Committee on Rules, when he referred to this rule as the most egregious. What a difference an election makes.

I am reading here from the activity report of the Committee on Rules, which the former chairman, the gentleman from Massachusetts [Mr. MOAKLEY], filed at the end of the 103d Congress. Let me just quote my good friend, the gentleman from Massachusetts.

He says:

An overall time cap allows the House to manage its time, to make more reliable its schedule, and to provide some certainty about when measures will be on and off the floor. The printing requirement does not afford the same time certainty, since there is no way to know in advance how many amendments will be submitted and printed, or how many printed amendments will actually be offered,

And he goes on and on and on. That was the gentleman from Massachusetts [Mr. MOAKLEY], the gentleman we just heard, who now refers to this rule as egregious.

Let me read from the statement of the now-former majority leader of the Democratic Party, who is now the minority leader of the Democratic Party, when he appeared before the gentleman from California [Mr. DREIER], myself, and others who served on the Speaker's joint committee to reform this Congress.

The gentleman from Missouri [Mr. GEPHARDT] said, "I believe we should support the Rules Committee when it puts time constraints on bills, as this provides more certainty for scheduling legislation." He was very wise.

Mr. Speaker, let me now read from the minority whip, who used to be the majority whip. This is what he had to say when we took up the State and Local Government Interstate Waste Control Act.

The gentleman from Michigan [Mr. BONIOR] said, "The rule limits to 4 hours on this very important bill, to 4 hours, the time for consideration of the bill for amendment under the 5-minute rule."

This is what he said about the rule: "This is a simple, open rule. I urge my colleagues to support it," and we did. We in the minority supported it, because it was an open rule with time constraints.

My good friend, the gentleman from Massachusetts [Mr. MOAKLEY], standing over there, said something when we debated the American Heritage Act, which would have usurped local authority in my district. I sort of resented that, but I went on to support the rule. However, my friend the gentleman from Massachusetts, said at that time, "The rule provides that each section shall be considered as read. Only those amendments printed in the CONGRESSIONAL RECORD prior to consideration of the bill will be in order, and

debate on consideration of this bill for amendment is limited to 3 hours. This is a good rule," said the gentleman from Massachusetts. "I urge adoption of the rule."

Mr. Speaker, we have an obligation to move legislation through this Congress and to be as open and fair as we can and maintain comity between the two sides. That is what we are trying to do.

That is why we have had such overwhelming Democrat support for all of these issues during this first 50 days, overwhelming Democrat support for our positions.

Mr. Speaker, I rise in strong support of yet another open rule from the Rules Committee.

I also rise today in strong support of regulatory relief for businesses around the country.

H.R. 450, the Regulatory Transition Act of 1995, will stop the regulators in this town cold. The bill deserves strong support, from both sides of the aisle.

A regulatory moratorium is clearly necessary to halt the big-government regulations spewing forth from the Clinton administration.

The rule before us is a modified open rule, providing for a 10-hour amendment process. The rule does not set forth which amendments can and cannot be offered, it simply says that Members who have amendments should get organized in advance. We have been fair, recognizing the public's desire that we move our contract rapidly to the floor.

Yesterday in the Rules Committee, my good friend Mr. MOAKLEY stated that a rule with a time cap was labeled a closed rule by Republicans when we were in the minority.

Many things have changed in the last few months, but our definitions for kinds of special rules have remained the same. For reference purposes, I would point Members to the charts we inserted in the RECORD during the last Congress comparing open vs. restrictive rules from the 95th to the 103d Congress.

The modified open rule before us today is appropriate for the fair and orderly consideration of the moratorium legislation.

Mr. Speaker, when House and Senate Republicans were preparing to take control of our respective Chambers in December, we wrote to President Clinton and asked that he impose a moratorium on regulations by Executive order.

Since the President spurned our offer, it is necessary to pass this legislation and take a much needed time-out from new regulations. During that time, the Republican majority will schedule a comprehensive bill to reform the Federal rulemaking process.

Commonsense reforms such as requiring a risk assessment and cost-benefit analysis for new regulations will be brought to the floor.

A thorough analysis of the costs resulting from the loss of property rights will not be left out of this discussion.

Mr. Speaker, like so many of the Contract With America items, this is a bipartisan bill.

Several Democrats voted to report the bill from the Government Reform and Oversight Committee, and other Democrats opposed the various exemption amendments offered in the committee markup.

Like all of the other contract for America items, I expect this legislation to attain substantial bipartisan support upon final passage. As was the case with the unfunded mandates bill, a bloc of liberal Democrats may choose to offer countless exemption amendments to H.R. 450, the cumulative effect of which will be to gut the bill if those amendments pass.

But those who seek to relieve the multitude of private businesses that are struggling with needless Government regulation will not be deterred.

To the small businessman attempting to stay afloat in a sea of regulation—help is on the way.

Mr. Speaker, I urge support for the rule and the bill.

OPEN VERSUS RESTRICTIVE RULES 95TH-104TH CONG.

Congress (years)	Total rules granted ¹	Open rules		Restrictive rules	
		Number	Per-cent ²	Number	Per-cent ³
95th (1977-78)	211	179	85	32	15
96th (1979-80)	214	161	75	53	25
97th (1981-82)	120	90	75	30	25
98th (1983-84)	155	105	68	50	32
99th (1985-86)	115	65	57	50	43
100th (1987-88)	123	66	54	57	46
101st (1989-90)	104	47	45	57	55
102d (1991-92)	109	37	34	72	66
103d (1993-94)	104	31	30	73	70
104th (1995-96)	13	8	62	5	38

¹Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

²Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

³Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th-103d Cong.; "Notices of Action Taken," Committee on Rules, 104th Cong., through Feb. 20, 1995.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D-5; R-25)	3 (D-0; R-3)	PQ: 246-176. A: 259-164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D-1; R-18)	1 (D-0; R-1)	PQ: 248-171. A: 249-170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D-2; R-5)	0 (D-0; R-0)	PQ: 243-172. A: 237-178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D-1; R-8)	3 (D-0; R-3)	PQ: 248-166. A: 249-163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d-4; R-9)	8 (D-3; R-5)	PQ: 247-170. A: 248-170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D-8; R-29)	1(not submitted) (D-1; R-0)	A: 240-185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D-2; R-12)	4 (1-D not submitted) (D-2; R-2)	PQ: 250-172. A: 251-172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D-8; R-12)	9 (D-4; R-5)	PQ: 252-164. A: 247-169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D-1; R-5)	0 (D-0; R-0)	PQ: 244-168. A: 242-170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D-1; R-7)	3 (D-1; R-2)	A: 212-208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308-0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States Forces in Somalia	6 (D-1; R-5)	6 (D-1; R-5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251-174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D-19; R-32)	8 (D-7; R-1)	PQ: 252-178. A: 236-194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D-6; R-44)	6 (D-3; R-3)	PQ: 240-177. A: 226-185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D-4; R-3)	2 (D-1; R-1)	A: 244-176. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D-20; R-33)	27 (D-12; R-15)	A: 294-129. (June 16, 1993).

of government, this great experiment was dependent on returning it to the hands of the American people to which it had been originally entrusted.

And last November the American people spoke with one voice in saying they were ready and willing to take back their government and make it once again the servant of the people and not their master.

In his farwell address as President, in 1796, Washington said something else that bears noting in today's context, and that is that, and I quote, "The basis of our political system is the right of the people to make and to alter their constitutions of government."

And by that I think he meant not only the direct amendment of our Constitution, as important as that right is to the survival of our system of government, but also the composition, structure and processes of that government.

Not only did the American people make a major alteration in the composition of their government last November; they also committed to a new way of thinking about the size and role of government and how it operates.

And I am speaking here not just about the executive branch which tends to be the major focus of our attentions, but also the legislative branch.

Just as our Founders made the Congress the first branch of Government in the Constitution, House Republicans in our Contract With America, put the reform and renewal of the Congress first in our commitment to "restore the bonds of trust between the people and their elected representatives."

In that contract we promised, and I quote, "to bring the House a new majority that will transform the way Congress works." * * * To restore accountability to Congress. To end its cycle of scandal and disgrace. To make us all proud again of the way free people govern themselves."

To that end we promised that on opening day we would pass eight specific reforms "aimed at restoring the faith and trust of the American people in their government."

As you are aware, in the longest opening day of the Congress ever, lasting from noon on Wednesday, January 4 until 2:24 a.m. on Thursday, January 5, we kept that promise by thoroughly debating and voting on those 8 reforms and some 23 other changes to House rules. In addition, we passed the Congressional Accountability Act which applies the same workplace laws to the Congress as we impose on the private sector.

Among those opening day House reforms were provisions to cut committee staff by at least one-third; eliminate 3 committees and over 20 subcommittees; abolish proxy voting; open committee meeting and hearings to the public and media; place term limits on committee and subcommittee chairmen, and on the Speaker; require a three-fifths vote to increase income tax rates and prohibit retroactive income tax rate increases; require a comprehensive audit of House books; and require truth in budgeting.

I am proud that the Republican membership of this committee played a major role in help-

ing to draft those House reforms last fall and in managing that package on the marathon opening day.

As you know, the Contract went on to promise in that in the first 100 days we would pass 10 major pieces of legislation. We will not go over all the same ground that our leadership did earlier today in reciting the progress made to date on our contract legislation. Instead, we want to make a few points about how the process has worked to date in the consideration of those contract bills.

Contrary to what you may have read in some newspapers, the contract did not promise that all contract bills would be considered under open rules. What the contract did say was that, and I quote, "we shall bring to the House floor the following bills, each to be given full and open debate, each to be given a clear and fair vote." * * *

However, the commitment was clearly there to fairness and openness in debt and voting. There were some serious observers of Congress who suggested that our opening day reforms were at odds with the commitment to passing all this major legislation in 100 days. One observer even recommended that we not make our open House reforms effective until after the 100 days had passed.

Our leadership and conference rejected such suggestions out of hand, knowing full well that things would be more difficult to pass the more open the process was, but that we would be considered hypocrites if we did not apply our own process reforms to our most important legislative measures.

I am proud to report that we have succeeded far beyond most observers' expectations in keeping the process open while still staying on schedule in passing our contract bills. And I am referring both to the committee process in reporting bills as well as to the House floor process in considering them.

I think it is important to note that the contract did not promise that we would pass each of our bills in the exact form as drafted in our contract. Our leadership rightfully recognized that an open process would mean changes in those bills both in committee and on the floor. That is how democracy should work.

Contrary to the baseless charge of some in the other party, we are not walking blindly in lock-step or like lemmings over a cliff in passing these bills without change. The strength of our system is in its deliberative nature and its effect in improving legislation at every stage of the process. That in turn helps to ensure bipartisan and public support for the final products.

Significant amendments have been successfully offered by Democrats and Republicans alike in committee and on the floor, and the bills have consequently gone on to be reported and passed with large, bipartisan majorities.

Our own Rules Committee, for instance, had original jurisdiction over both the unfunded mandate reform bill and the legislative line-item veto bill. We adopted, on a bipartisan basis procedural changes in those bills in committee, and further amended them on the

floor, again with bipartisan support. The same was true in the Government Reform and Oversight Committee with which we shared jurisdiction over those bills.

That was true as well at the committee level in other committees reporting other contract bills, and in the further amendment of those bills on the House floor.

Of the first 13 special rules reported by the Rules Committee through the end of last week, 8 or 62 percent were completely open, 3 others were modified open, meaning in this case that they had time limits on the amendment process, and just 2 were modified closed.

Contrast that, if you will, with the first 13 special rules reported by the Democrats at the beginning of the last Congress. Only 3 or 23 percent were completely open, while the other 10 were either closed or modified closed.

In looking at the amendment process that has taken place so far this year under those first 13 special rules, we have found that a total of 148 amendments have been offered on the House floor, of which 74 were adopted. Of those 74 amendments adopted, 38 were offered by Democrats.

So, I think we can say that the process to date has been relatively open, fair, and bipartisan. And that in turn helps to account for the fact that not only were 9 of those 13 rules adopted by a voice vote, but most of the bills have also been passed by large, bipartisan majorities. We are demonstrating both a new openness and responsiveness to the will of the American people that cuts across party lines.

Let me simply conclude by saying that working under the time constraints of the 100-day contract has been exciting and exhilarating, but also difficult and challenging for our committees and House membership. We are obviously working long and hard hours. That in itself produces some tension and conflict in the process.

There have clearly been times when our process reforms have run up against the necessities of getting bills to the floor and getting them passed. There have been some legitimate complaints along the way. But there have also been a host of frivolous and hypocritical complaints from the minority, especially when you consider the restrictive and abusive procedures those same Democrats foisted on us when they were in the majority.

But, from this committee's perspective, if our open House reforms can work in this time-sensitive environment, as for the most part they have, then they will have passed their most difficult test.

The ultimate litmus test is in the quality, approval, and acceptance of the legislation we finally pass. The ultimate judges of that will be the American people. And the fact that our job approval rating by the people has more than doubled since last November, from 20 to 42 percent according to one recent poll, is the most telling tribute that we are not only doing the right thing, but doing it in the right way.

OPEN VERSUS RESTRICTIVE RULES, 104TH CONGRESS

H. Res. No. (date rept.)	Rule type	Bill No. and subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5—Unfunded Mandate Reform	A: 350-71 (1/19/95)
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17—Social Security; H.J. Res. 1—Balanced Budget Amndt.	A: 255-172 (1/25/95)
H. Res. 51 (1/31/95)	O	H.R. 101—Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95)
H. Res. 52 (1/31/95)	O	H.R. 400—Land Exchange, Arctic Nat'l. Park & Preserve	A: voice vote (2/1/95)
H. Res. 53 (1/31/95)	O	H.R. 440—Land Conveyance, Butte County, Calif.	A: voice vote (2/1/95)

OPEN VERSUS RESTRICTIVE RULES, 104TH CONGRESS—Continued

H. Res. No. (date rept.)	Rule type	Bill No. and subject	Disposition of rule
H. Res. 55 (2/1/95)	O	H.R. 2—Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665—Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666—Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667—Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668—Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728—Law Enforcement Block Grants	A: voice vote (2/10/95).
H. Res. 83 (2/13/95)	MO	H.R. 7—National Security Revitalization	PQ: 229-100; A: 227-127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831—Health Insurance Deductibility	A: xxx-xxx.

AMENDMENTS OFFERED TO BILLS IN HOUSE UNDER SPECIAL RULES, 104TH CONGRESS

Bill and subject	Rule and type	Amendments offered	Adopted	Rejected
H.R. 5—Unfunded Mandates	H. Res. 38—Open	53 (R:7:D:46)	17 (R:7:D:10)	36 (R:0:D:36)
H.R. Res. 1—Balanced Budget	H. Res. 44—Mod. Closed	6 (R:2:D:4)	2 (R:2:D:0)	4 (R:0:D:4)
H.R. 101—Land Transfer	H. Res. 51—Open	0	0	0
H.R. 400—Land Exchange	H. Res. 52—Open	0	0	0
H.R. 440—Land Conveyance	H. Res. 53—Open	0	0	0
H.R. 2—Line Item Veto	H. Res. 55—Open	17 (R:3:D:14)	6 (R:2:D:4)	11 (R:1:D:10)
H.R. 665—Victim Restitution	H. Res. 60—Open	1 (R:0:D:1)	1 (R:0:D:1)	0
H.R. 666—Exclusionary Rule	H. Res. 61—Open	6 (R:0:D:6)	5 (R:0:D:5)	1 (R:0:D:1)
H.R. 667—Prisons	H. Res. 63—Mod. Open	23 (R:11:D:12)	14 (R:11:D:3)	9 (R:0:D:9)
H.R. 668—Alien Deportation	H. Res. 69—Open	5 (R:4:D:1)	5 (R:4:D:1)	0
H.R. 728—Law Block Grants	H. Res. 79—Mod. Open	19 (R:7:D:12)	13 (R:6:D:7)	6 (R:1:D:5)
H.R. 7—National Security Act	H. Res. 83—Mod. Open	17 (R:5:D:12)	11 (R:4:D:7)	6 (R:1:D:5)
H.R. 831—Health Deduction	H. Res. 88—Mod. Closed	1 (R:0:D:1)	0	1 (R:0:D:1)
		148 (R:39:D:109)	74 (R:36:D:38)	74 (R:3:D:71)

Source: Congressional Record, Daily Digest.

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

Mr. SOLOMON. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. First of all, Mr. Speaker, I want to thank the gentleman for giving me the credit for saying, "Mr. Speaker, this is one of the more egregious rules reported by the Committee on Rules." Actually, I was quoting the gentleman from California [Mr. DREIER]. Those were not my words.

Second, Mr. Speaker, my friend, the gentleman from New York, knows that, of course, I admit putting out closed rules, but I never put out a closed rule and said "This is a wide open rule." I would just like some truth in explaining what kind of rule we are putting out.

We have all kinds of rules, but they cannot say that a rule that has restrictions by time, or on amendments, or caps on time, is an open rule.

The SPEAKER pro tempore. The time of the gentleman from New York [Mr. SOLOMON] has expired.

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

We never promised to do open rules, Mr. Speaker. The gentleman did. The whole plan of the Republican Party was every day to get up and talk about the Committee on Rules and the restrictive rules. We never said "This is an open rule" when it was a closed rule.

They just went back as soon as they got elected and changed the dictionary. It says "Open rules. Any rule that the Committee on Rules puts out under the gentleman from New York [Mr. SOLOMON] will be an open rule." I just want to be fair with the American people and tell them what kinds of rules we have.

I agree that they are going to need closed rules, that they are going to need modified open rules. I agree they may have to do certain things to get legislation through. But please do not

bring every rule out here and say "This is a wide open rule."

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

Mr. MOAKLEY. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I hope the gentleman is going to do what we did when we were in the minority. We supported every single one of those open rules that had time constraints on them.

Let me read this briefly: The Employment Retirement Security Act passed on a voice vote, we supported it; the Black Lung Benefits Restoration Act, with time constraints, we supported it on a voice vote; the Presidio Management bill we supported on a voice vote; and the American Heritage, as I said before, we did.

Let me just say to my good friend, the gentleman from Massachusetts, because we need to get serious, there have been 178 amendments so far allowed during this first 13 bills. Seventy-eight of those amendments were Democrat amendments. Of those amendments that were adopted by this House, 74 in total, 38 were by Democrats, and we voted for them.

Mr. Speaker, that is about as open as we can get, and fair, and to keep this body moving.

□ 1115

Mr. MOAKLEY. Mr. Speaker, reclaiming my time, I do not disagree with the gentleman from New York [Mr. SOLOMON]. There is only one disagreement. When we were passing out the same kind of rules you are passing out, we were gagging the American public. We were keeping Members of the House from expressing their will. "That cruel Committee on Rules, another closed rule." If we put a period in it, it was a closed rule.

Mr. DREIER. Mr. Speaker, if the gentleman will yield, my friend offered one of my brilliant quotes. I would like

to reciprocate by offering one of his brilliant quotes.

Mr. MOAKLEY. I want to say to the gentleman from California [Mr. DREIER], it was an outstanding quote.

Mr. DREIER. This is a quote from October 5, 1994, last fall, and this was during the debate on House Resolution 562, and you, Mr. Chairman, called it an open rule, only those amendments printed in the CONGRESSIONAL RECORD prior to consideration of the bill would be in order and debate on consideration of the bill for the amendment was limited to 3 hours.

Mr. Speaker, the gentleman from Massachusetts [Mr. MOAKLEY], the chairman at that time, referred to this as an open rule. I do not know if he said a wide open rule but it was called an open rule at that point. It seems to me that we have really got to underscore that under the leadership of the gentleman from New York [Mr. SOLOMON], the chairman, we have in fact created an opportunity for amendments to take place, and one of the distinguished Members on your side of the aisle said to me not too long ago, the average American out there believes very sincerely that we should within a 10-hour period be able to address a lot of these issues, and I am convinced that this is the responsible way to deal with it.

I think the gentleman from Florida [Mr. GOSS] has done a marvelous job of managing this, and I thank my friend for yielding.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentlewoman from Illinois [Mrs. COLLINS], the ranking minority member of the Committee on Government Reform and Oversight.

(Mrs. COLLINS of Illinois asked and was given permission to revise and extend her remarks.)

Mrs. COLLINS of Illinois. I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in opposition to the rule for the consideration of H.R. 450, the regulatory moratorium bill.

I oppose this rule because it puts a time limit on the consideration of the bill. Based upon the use of this time limit device on other bills, it is very likely that important amendments will be kept out of the debate, because sufficient time to debate them will expire.

The use of a time limit on this bill is particularly inappropriate for the following three reasons:

First, H.R. 450 is not a part of the Contract With America. Arguments about the need to complete consideration of the contract in 100 days do not apply to this bill. In fact, consideration of this bill limits the amount of time for the consideration of other aspects of the contract, so rather than limiting debate time, the moratorium bill should be deferred until after the 100 days.

Second, both Chairman CLINGER and I requested a totally open rule. At our markup, a number of amendments were not offered, because the chairman gave his assurance at the markup that he would request an open rule, and that members would be protected. However, the Rules Committee has ignored the request of the chairman and myself, and now amendments will not be protected if time runs out.

Third, although this bill consists of just a few pages, its reach is infinitely broader. It places a retroactive moratorium on all regulations and regulatory activity and affects every agency of the country, and every law of the Nation. In the past several weeks I have learned about problems this bill could cause in a variety of agencies administering laws written in all of our House committees. This bill was considered in great haste, and we keep discovering new problems caused by its ambiguities. Limiting floor consideration will mean that these problems cannot be corrected and confusion will reign supreme.

During the consideration of the bill in the committee we received a wave of lobbying by tax lawyers, who felt that the bill would unnecessarily hinder their profession, because tax interpretations would be delayed. So the committee made an exemption for tax interpretations.

As we continued to examine the bill after the committee consideration, we kept learning about other problems created by the bill. There were HUD regulations to help the elderly get housing. There were disability benefits for veterans. There were duck hunting regulations. However, those who wanted to exempt these regulations did not have high powered tax lawyers to sponsor their cause. As a result, we will create havoc, if this bill passes.

Mr. Speaker, as I said this bill is not a part of any Contract With America. It was crafted after the election, and could best be called a Contract With Special Interests. The Republican leadership is trying to squeeze this bill into a schedule that is already far too rushed. They apparently hope that the

sooner the bill is passed, the fewer flaws we will find.

None of us wants foolish government regulations. Similarly, none of us wants foolish legislation that is poorly crafted. This bill is far too broad, and its effects are far too unknown. I urge defeat of the rule.

Mr. GOSS. Mr. Speaker, I yield 2½ minutes to the distinguished gentlewoman from Ohio [Ms. PRYCE], who is a welcome addition to the Committee on Rules.

Ms. PRYCE. I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in strong support of this open rule providing for consideration of H.R. 450.

As the gentleman from Florida [Mr. GOSS], my friend, described in his opening statement, this is a very fair rule. Whether you want to buy into the debate whether this is an open rule, a wide open rule, or a modified open rule, I think we are never going to decide on these semantics between the two sides of the aisle. So let us just call this a fair rule because this is what it is.

When the Committee on Rules met yesterday morning, there was some thoughtful discussion on the pros and cons of limiting this debate on the amendment process to 10 hours. Let me say that I understand and appreciate the concerns that were raised. But there is nothing wrong with trying to impose a better sense of organization and time management on the overall amendment process that we have here in the House of Representatives. Since few Republican amendments are expected, the 10-hour time limit affords the Democratic leadership an opportunity to prioritize their Members' amendments as much as possible and to utilize an en bloc format whenever it is practical. There is no excuse for time to run out if time is properly managed.

In the 8 days we spent debating unfunded mandates, it taught us that discussing duplicative and overlapping amendments is not the most productive use of this House's time.

In addition to supporting the rule, Mr. Speaker, I also support the underlying legislation. Too often the debate over economic growth focuses only on the size of the deficit or on taxes. Escalating regulatory costs are often left out of this discussion. But make no mistake about it, Mr. Speaker, excessive Federal regulations have a tremendous impact on economic growth and the heavy burden of increasing regulation is ever present in our society. Job loss, reduced competitiveness and the diminished productivity are the real costs associated with runaway Government regulations.

The mayor of my hometown, Columbus, OH, recently observed that unless Federal regulations are cut back and based on common sense and measured risk, the waste of billions of dollars of misguided, one-size-fits-all mandates from Washington will cause a public

backlash against legitimate Federal regulation.

I wholeheartedly agree. I commend the gentleman from Pennsylvania [Mr. CLINGER], the distinguished chairman of the Committee on Government Reform and Oversight, in moving this bill forward, in keeping with our contract and its commitment to easing Federal regulatory burdens.

Mr. Speaker, I urge my colleagues to support this fair rule so that the House can move one step forward to substantive regulatory reform.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume to say that the gentlewoman just said that under the prescribed rules if the people use their time wisely that there is no reason everybody could not be heard. I would just like to bring to her attention on H.R. 728, the law enforcement block grants, that because the time ran out, that the gentleman from Nebraska [Mr. BEREUTER], the gentleman from Ohio [Mr. KASICH], the gentlewoman from Texas [Ms. JACKSON-LEE], the gentleman from Michigan [Mr. STUPAK], the gentleman from New York [Mr. SERRANO], the gentleman from North Carolina [Mr. WATT], the gentlewoman from California [Ms. WATERS], the gentleman from West Virginia [Mr. WISE], the gentlewoman from Oregon [Ms. FURSE], and the gentleman from Louisiana [Mr. FIELDS] were shut out.

Mr. VOLKMER. Mr. Speaker, if the gentleman will yield, he can add my name to that, too. I had an amendment, too.

Mr. MOAKLEY. Mr. speaker, I yield 6 minutes to the gentleman from Missouri [Mr. VOLKMER], who also was shut out.

Mr. VOLKMER. Mr. Speaker, here we go again. This is another example of gagging Members of the House. There are 435 of us. There are only going to be a few of us permitted to offer amendments and speak on the bill of moratorium on regulations. That is not fair.

All we ask for, some of us, of this House, is not just comity but also fairness, and our ability to be able to express our ideas in this great body, this bastion of democracy. What this rule does is no different than many other rules we have seen come out of this Committee on Rules headed by the gentleman from New York that has restricted Members' ability to express their ideas on the floor of this House.

Mr. Speaker, for a long time, I always wondered about the other body and their deliberative process.

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

Mr. VOLKMER. I will not yield at this time. If I have time left, I will yield. Yesterday and the day before, I asked many Members of your side to yield and they refused to yield.

Mr. SOLOMON. But I always yielded to the gentleman.

Mr. VOLKMER. I will yield when I finish my speaking if the gentleman will permit.

The other body many times takes the long deliberative process. I have always felt that they should have some kind of rules as to how that other body operates, the time they take with legislation. But the more I see of this House of Representatives under this majority, I say that maybe the Senate, or the other body, has a lot more going for them, because all they want to do here is cram it. You cannot express your idea. You got elected by your people back home, but try and get recognized on this floor for debate or to offer an amendment. You are not going to get to.

They say at the beginning, the gentleman from New York, I will mention his name again, the day after we were sworn in, back on a Thursday afternoon, in this same Chamber, me standing right here in the same place, that gentleman down in the well right there, and he had a chart, and he was talking about the process of a bill through the Congress and how he had to have time and he was going to give open rules.

We saw an open rule yesterday evening, Mr. Speaker, and it did not take 10 hours. Some bills will take 2 hours. Some bills may take 12 hours. I have been here and you have been here when you have seen legislation take all week, under Democrats. I have yet to see one of your bills take a week.

I have yet to see one of your bills take 3 days, except unfunded mandates, and that was restricted on a Monday evening to 10 minutes on each amendment. So very few bills have had a true open rule.

And what is this bill all about that we are going to take up under this rule? It is about some special interests.

If we ever needed something called lobbying reform, and I do not see that coming, lobbying reform, this bill and a few others we have been taking up, even the one we did last night had to be cleaned up in committee, there was a special provision in there specifically for West Publishing Company, stuck in, other Members were not supposed to catch it, it was supposed to sneak through, and I wonder what lobbyist paid off what staff member or what Member on the other side, on the majority side, in order to get that special little treatment in there in that bill.

What have we got in this bill? We have got things for other people. I know that Tyson's down in Arkansas is going to love this bill. They are going to love it, because it means that the regulations pertaining to what is fresh and frozen poultry going into California is going to have to be put in abeyance under this bill and they are going to continue to sell it into California. Tyson's is going to love this bill.

How many others are going to love this bill? I am sure there are a whole bunch of big corporations out there that just love this bill. It is made for big corporations, for big business. That is who this bill is made for.

Later on, we are going to have a tax bill that is made for the wealthy, just like this bill is made for the wealthy.

In the meantime, what are they saying? "Well, we're going to cut such things as school lunches." One thing I wanted to point out to the Members of the majority, they keep talking about their great contract, I call it a Contract on America. I don't think it is one with America. It was rejected by the people of my district, I want you to know that.

□ 1130

It was a campaign issue in my district. My people rejected it and reject it today because they see what that contract is to their people, to rural America. It is a ruination of the economy and the people of rural America, of the poor people, and it gives to the rich.

It is nothing, that contract is nothing more than good old Robin Hood in reverse, take from the poor, give to the rich.

Mr. GOSS. Mr. Speaker, I am very delighted to yield 2½ minutes to the distinguished gentleman from greater downtown San Dimas, CA, the vice chairman of the Committee on Rules, Mr. DREIER.

Mr. DREIER. Mr. Speaker, I thank my friend from Sanibel for yielding me this time.

Mr. Speaker, I rise in support of this modified, open rule, and I do so to clarify exactly what it is that we are offering. It is a modified open rule. Not a wide open rule, not an open rule, a modified open rule. It is modified because we do have an outside time limit.

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

Mr. DREIER. I am happy to yield to my friend from South Boston.

Mr. MOAKLEY. Mr. Speaker, I am glad that the gentleman from California has been listening to my remarks, that they have not been just floating out there. I agree this is a modified open rule.

Mr. DREIER. I will say to my friend in reclaiming my time, Mr. Speaker, I always listen to my friend and I look forward to having his vote in support of this modified open rule.

And I should say that as we look at this question we should recognize that truth in marketing or truth in advertising has been brought forward by the 104th Congress, but in the 103d Congress a rule that was put into place to deal with ERISA in 1993, which had a 4-hour time limit to deal with an issue as complex as ERISA, managed by my very good friend from California [Mr. BEILENSEN], was described as an open rule and, in fact, when the rule came out it was labeled an open rule, not a modified open rule as we do on this side, it was labeled an open rule and it had constraints on it on an issue as complex as that.

So I would argue that we on our side are being very forthright. And I have to say in response to my friend from Hannibal who was speaking about this

issue of having greater opportunities to debate under Democrat rules than they have under ours, it is absolutely posterous to hear arguments like that.

Anyone who has observed this institution over the last 50 days has concluded, and I know my friend from California, [Mr. BEILENSEN] has observed several times up in the Committee on Rules that we are trying to be more open, we are trying desperately to allow Members to have the opportunity to participate, and offer amendments. And we are doing it. We are doing it, based on the track record we have.

My friend, the gentleman from Missouri [Mr. VOLKMER], indicated that we debated measures for weeks under the Democrats. We spent 3 weeks on the unfunded mandates legislation. If anyone questions that, I recommend that they talk to Chairman CLINGER or Mrs. COLLINS. It was a long and drawn-out process but we have gone through that. So we are being more open. I think that the American people have understood that it is absolutely ludicrous to claim that by any stretch of the imagination we are being less open than has been the case in the past.

I strongly support this modified open rule and I hope my colleagues will join in supporting it.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentlewoman from New York [Ms. SLAUGHTER], a former member of the Committee on Rules.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman very much for yielding me this time.

Mr. Speaker, this rule is another rush job, another example of our hit-and-run legislation that we have gotten too much of lately. The time limit in the rule continues a disturbing pattern we have seen that has been developing not only in rules on the floor but in the committees.

The process is too sloppy; it is fast and it is arbitrary, and we go through bills in a flash and hope that the Senate will be able to fix them.

I think this rule is further proof that the Contract With America is more concerned with flashy public relations than sound public policy.

A rushed process has left this bill with many flaws. And now we have a 10-hour time cap that makes it impossible to even talk about fixing its problems.

To add insult to injury, the rule counts the time that it takes to vote, again taking away time from this important bill which it is not too broad to say is a matter of life and death.

It is not as if the minority is acting irresponsibly. We have coordinated our efforts to limit the number of amendments in interest of efficiency. For example, I am offering a three-part amendment with three of my colleagues, and despite these combinations it is going to be impossible for us to address all of our concerns in the time available. And we have plenty of concerns.

In order to fix a few problematic regulations the bill shuts down the entire executive branch. In the process it delays or destroys many good regulations, and we are going to offer some amendments to try to affect some of the problems.

For example, my amendment would allow an improvement in the meat inspection system to go forward during the moratorium. I have rarely seen such poorly designed definitions in the bill, and even the bill's author cannot explain the exemption definitions clearly enough to determine which regulations are covered and which are not. The prospect of judicial review means a Federal judge could slice this fuzzy language apart, and every time the administration interprets a definition one way, a lawyer will drag the issue into court arguing for a different interpretation. There it will linger for months or years costing money, time and perhaps lives, even after the moratorium is ended.

Finally and most importantly, H.R. 450 threatens the health and well-being of every American. Every American is protected by regulations every day. We take it for granted, but these quiet rules ensure our health and safety.

We know, for example, that the Clean Water Act has made it possible for us throughout this country to have clean water in every part of the United States. The life-saving regulations with clean water, clean air, food inspection, nuclear plant safety, airline safety, all will be put on hold by this legislation.

Every day, from bad meat in the United States, 11 people die and 13,000 become sick because of the pathogens in the meat.

The scope of the problem demands action, not delay. We should not stop the proposed improvements dead in their tracks. Delay that is caused by the moratorium would sentence 3,421 more Americans to die needlessly.

Mr. Speaker, this rule continues our present practice of hit-and-run legislating. The new leadership cares more about sound bites than substance, and that is why I will vote against this rule and urge all of my colleagues to do the same.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, just briefly, we have been inserting the voting records on all of the rules from last year. The gentlewoman from New York [Ms. SLAUGHTER], from my State, was a member of our committee, and all of the speakers who have risen today in opposition to this rule, all voted down the line for every single one of the restrictive rules last year.

Let me say one more thing. You know we took time to ask the Democrat minority, to ask the conservative Democrats, to ask the Republicans how much time they needed. The conservative Democrats needed no time, they

are satisfied with this bill; the Republicans needed no time for amendments on this bill. Therefore, there is a handful of liberals who have a few amendments they would like to offer and they want to take 4 days on this bill. There is adequate time in this rule already.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. DEFAZIO].

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

Mr. Speaker, we are going to have to live with these laws for a very long time, as are all of the American people. Is it too much to ask that any duly elected representative from any of the 435 districts in this country be given, say, 5 minutes on the floor to express their concerns and enter into a colloquy to get questions answered regarding the intents of this legislation or offer an amendment? I do not think that is too much. You may say well, this is the law required by Speaker GINGRICH's contract, and it must prevail.

What will prevail here today is the law of unintended consequences. Is it the intention of the majority to allow the factory fleet, the trawlers out of Seattle, WA, to take all of the whiting off the Oregon coast and put local processors and small boats out of business? I do not believe the Republican majority wants to do that, but that is what this bill will do if we do not have a rule setting the allocations for that season, and this bill will prohibit that.

Is it the intention of the majority to overrule and suspend part of the crime bill that was just passed, part of the contract? What about compensation for crime victims? It cannot happen if we do not have an administrative rule, and what you are doing here today will prevent your part of the contract to give overdue compensation to crime victims, their just due.

□ 1140

Is it your intention? I do not believe so. If it is not your intention, then, to do these unintended consequences, you must give us more time to discuss this. You must give us more time to offer amendments for these things because I cannot say that the majority whip or others really intended to do these things. But that is what will happen if we pass this bill today as written in the contract. The law of unintended consequences will prevail and we will have to live with it for an awfully long time.

PARLIAMENTARY INQUIRY

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

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

Mr. VOLKMER. Mr. Speaker, is it not, under the prevailing new rules of the House, forbidden to use telephone equipment, portable telephone equipment on the floor of the House?

The SPEAKER pro tempore. The gentleman is correct.

Mr. VOLKMER. Mr. Speaker, would the Chair please advise Members they are not to do so?

The SPEAKER pro tempore. The Member are so advised.

Mr. GOSS. Mr. Speaker, I am honored to yield 3 minutes to the distinguished gentleman from Texas [Mr. DELAY], the honorable whip of the majority party.

Mr. DELAY. I thank the gentleman for allowing me this time.

Mr. Speaker, I am just astonished at the rancor over this rule. Ten hours for a bill, 10 hours for a bill that we should not even have to be debating on this House floor. And of course the bill has been totally mischaracterized. But let me talk about this; I have a letter here that I will ask unanimous consent to put into the RECORD, to the President of the United States, dated December 12, December 12, signed by both the leadership of the majority in the House and in the Senate to the President of the United States asking him to put a moratorium on regulations under his direction, understood his control, under his guidelines, so that he can decide which regulations would have a moratorium or not.

And he refused. He refused. We asked him to do this so that when we brought up H.R. 9, the Regulatory Reform Act that calls for common sense and reasonableness in the promulgations of regulations and we worked through that bill and, hopefully, the President signs it, all these new regulations, all these new regulations would be under the new reform of regulations proposed in the Contract.

The President refused to do it. Instead the President, who wants the regulatory police to maintain their patrol of businesses and American families across this country, has chosen to totally mischaracterize and distort and mislead the American people about this moratorium bill.

The President, himself, said that the moratorium would cost lives and property. Well, obviously the President has never ever read the bill, and many of the Members that have already spoken have not read the bill. I have got the bill here for you to read.

But there are exceptions as it pertains to safety and health in the bill. All the President has to do is have one of his agency heads write him and say this will affect health and safety or the routine business, or this regulation will remove regulatory burden, and the President, himself, can exempt it.

In the bill we are giving, even though the President does not want it, we were giving the President the leadership he refuses to take on many issues in this regulatory moratorium, but yet he does not want to.

They throw up duck seasons and red tape. What they are talking being about is they do not want the bureaucrats to go through red tape. The pro-regulation party, the pro-regulation

party wants more regulations, they want to be able to put more regulations on the American people. They want to be able to drive up the cost of living to the American families by more regulations and silly regulations that we know are out there that we are trying to stop and bring some reasonableness to the regulations.

We all understand that there are necessary regulations to protect the safety of workers and the health of the country. But all I ask you to do is read the bill. We would not have to have this bill on the floor of the House if the President of the United States would show a little leadership.

(The text of the letter referred to is as follows:)

CONGRESS OF THE UNITED STATES,
Washington, DC, December 12, 1994.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT, on November 8th, the American people sent a message to Washington. They voted for a smaller, less intrusive government. We urge you to respond to that message by issuing an Executive Order imposing a moratorium on all federal rulemaking. This moratorium should go into effect immediately and remain in effect for the first 100 days of the next Congress. During the moratorium, agencies should be directed to (1) identify both current and proposed regulations with costs to society that outweigh any expected benefits; (2) recommend actions to eliminate any unnecessary regulatory burden; (3) recommend actions to give state, local, or tribal governments more flexibility to meet federally-imposed responsibilities; and (4) make this information and the analysis supporting it available to Congress.

The moratorium we are proposing should not apply to all regulations. For example, the proposed moratorium should specifically exempt regulations that would relax a current regulatory burden. Previous moratoriums have exempted several types of regulations including those that (1) are subject to a statutory or judicial deadline; (2) respond to emergencies such as those that pose an imminent danger to human health or safety; or (3) are essential to the enforcement of criminal laws. It is our hope that you will review past exemption categories and use them to guide you in establishing similar standards for purposes of administering this moratorium.

Excessive regulation and red tape have imposed an enormous burden on our economy. Private estimates have projected the combined direct cost of compliance with all existing federal regulations to the private sector and to state and local governments at well over \$500 billion per year. Your own National Performance Review observed that the compliance costs imposed by federal regulations on the private sector alone were "at least \$430 billion per year—9 percent of our gross domestic product." This hidden tax has pushed up prices for goods and services for American families, and limited the ability of small business men and women to create jobs. The Small Business Administration estimates that small businesses in this country spend at least a billion hours a year filling out government forms.

The annual Unified Agenda of Federal Regulations, released on November 10, 1994, indicates that the Administration completed 767 regulations during the past six months and is pursuing over 4,300 rulemakings during the next fiscal year. We believe this moratorium

on new federal regulations would send a clear signal that, working together, we intend to ease the burden of federal overregulation on consumers and businesses that has slowed economic growth and stifled job creation.

Thank you for your consideration of this request. We look forward to working with you to ensure that regulatory policy works for the American people, not against them.

Respectfully,
BOB DOLE, TRENT LOTT, THAD COCHRAN,
DON NICKLES, NEWT GINGRICH, DICK
ARMEY, TOM DELAY, JOHN BOEHNER.

PARLIAMENTARY INQUIRIES

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. LAHOOD. Mr. Speaker, is it within the realm of the House rules for Members to smoke on the floor?

The SPEAKER pro tempore. That is prohibited.

Mr. LAHOOD. I wish the Chair would advise Members of that, please.

The SPEAKER pro tempore. The Members are so advised.

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. VOLKMER. Mr. Speaker, at the rear of the Chambers, behind the rail, is that included in the area in which Members can smoke?

The SPEAKER pro tempore. That has been ruled to be part of the floor.

Mr. VOLKMER. And Members are not to smoke in the back behind the rail?

The SPEAKER pro tempore. The gentleman is correct.

Mr. VOLKMER. I thank the Chair.

The SPEAKER pro tempore. Members are so advised.

Mr. GOSS. Mr. Speaker, I yield 1½ minutes at this time to the gentleman from Pennsylvania [Mr. FOX], a member of the Committee on Governmental Reform and Oversight.

Mr. FOX of Pennsylvania. I thank the gentleman for yielding this time to me.

Mr. Speaker, this is a good and fair rule.

I believe that the prescription for economic recovery for this country is the three things we already passed: The balanced budget amendment; stopping unfunded mandates; eliminating pork by use of Presidential line item veto; and finally this very important legislation to stop the needless and costly Federal regulations which is affecting \$500 billion annually as a cost to our businesses and therefore it cost jobs.

I think it is important to note this is sound public policy. And one regulatory horror story which I think the American people need to hear about involves a John McCurdy. Mr. McCurdy was the owner of a very small herring smokehouse where he had for many, many years produced more than 54 million filets in his business, without one case in that 20-year period of any food poisoning.

But then the Food and Drug Administration told him he had to acquire a

\$75,000 piece of equipment. Facing the hopeless choice between installing equipment he could not afford without fighting a legal battle with the FDA, Mr. McCurdy chose the only other alternative. He closed his business and laid off 22 employees.

Mr. Speaker, we need reasonable regulation, regulation that is pro-jobs, pro-employees, and pro-business, which, I submit, is pro-American.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the gentlewoman from Salt Lake City, UT, Mrs. ENID GREEN WALDHOLTZ, a very welcome addition to our Committee on Rules.

Mrs. WALDHOLTZ. Mr. Speaker, this rule is not a closed rule, by anyone's definition. This rule is a fair rule that allows us adequate time to consider this legislation and to deal with it responsibly.

Mr. Speaker, this is what we will be debating, 8½ pages of text in large type. It is important legislation, but it is not complex legislation. It does not void any regulation. In fact, as of November 20 of last year, it does provide us a means to go forward if there is any imminent threat to safety or health or for any other emergency. It also allows us to move forward with regulations necessary to enforce our criminal laws.

Mr. Speaker, 10 hours is more than adequate for us to have the philosophical discussion we must have as to whether this is good for the country, and it is adequate time in order for us to discuss any pertinent amendments to this legislation.

This is important legislation to relieve the burden on the people of our country, and it is a fair rule, and I urge my colleagues to support it.

Mr. GOSS. Mr. Speaker, I yield 1 minute to my distinguished colleague, the gentleman from Florida [Mr. MICA].

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

Mr. Speaker and my colleagues, the time is really at hand to begin the regulatory reform debate, and I cannot think of a fairer forum that has been provided than this rule.

Now we had the last 2 years to bring forward all kinds of proposals on regulatory reform, and the other side denied the opportunity for this debate. This is a fair rule, this is an open rule, and it is time that we brought before the American people the true facts about regulation, how regulation is tying up this country in knots, how regulation is ruining job opportunities in this country, how regulation is ruining our opportunity to compete in a world market.

□ 1150

This is a fair rule, it is an open rule, and I say to my colleagues, "Don't be dissuaded by the administration, don't be dissuaded by the other side. This is the time and hour that the debate on regulatory reform has come, and the Nation will know the facts. This is

going to be an improvement for the country."

Mr. Speaker, I support this rule. It is a good rule, and I ask my colleagues to vote for this rule.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield the remaining time that I have on this side to the distinguished minority leader, the gentleman from Missouri [Mr. GEPHARDT].

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

Mr. GEPHARDT. Mr. Speaker, Members of the House, I want to rise to comment on this rule. I do not support the rule and will vote against it, but I want to make my feelings, and I think the feelings of most of our Members on our side, clear.

I have been quoted—I am led to understand—about what I say about these rules and what my thoughts are, so I want to make it crystal clear.

We are again and again being met with rules that are not what I define as open rules with a free ability to have a lengthy debate about very important issues. Time and time again on the contract items we are being met with time-limited rules, open in the sense that any amendment can be brought up in that time, but time limited.

Now I understand why there is a feeling on the Republican side that there needs to be time limits, but frankly the reason we are in this bind is because the Republican side has decided that this contract has to be considered in 100 days. It is a self-imposed restriction. I say to my colleagues, "You have the right to do it, and I accept that, but that doesn't mean that on our side we have to agree with the idea that there is a compulsion or an urgency about getting all this legislation considered in 100 days."

It is self-imposed. There is no rationality for it. No one would be hurt if this took 125 days. The other body has yet to finish the second contract item and is likely to be the rest of the year doing the rest of the items. It would not hurt us to go 125 days.

But I say to my colleagues, "I accept the idea that it is your House to run and you'll set the rules. I understand that. But don't ask me to accept the idea or agree with the idea that 10 hours is enough for this bill."

On two other bills we had, the law enforcement bills, we had 8 or 10 Members from both sides of the aisle who did not get to bring up their amendment because the time ran out. So we are left, when my colleagues do these time limits with open rules, with the ranking member and the chairman becoming substitute rules committees in trying to work out unanimous consent requests to try to get a time limit on different amendments. Now maybe that is the best way to do it; I do not know. It might be better if we could come to the Committee on Rules, and have a discussion and try to time-limit amendments, or maybe even in some

cases certain amendments, if we were able to do that. But whatever is done, please do not come to the floor and say that I have agreed to this type of a rule or the Democrats are pleased with this type of a rule.

Mr. Speaker, we are not. We would far prefer to have more time for such important legislation so that Members who have amendments on both sides of the aisle would be assured of the ability to come here and get at least 20 minutes or a half an hour to discuss their amendments. I do not think that is too much to ask. This is important legislation.

I disagree with the idea that this is all straightforward, cut and dried, everybody agrees. They do not. This is going to have far-reaching impacts, just as every other piece of legislation we have had up, so I urge the other side to let us have more time. Let us consider the idea that 100 days is not magic. The country will not fall apart if we do not get every one of these things considered in 100 days.

Let us take the time, both in committee and on the floor, to allow as full, and free, and open a debate of these very important issues and the amendments that people want to bring so that the American people get the best possible product they can get.

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

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

Mr. BEILENSEN. Mr. Speaker, I rise in opposition to the rule.

Mr. Speaker, we understand the desire of the majority to ensure that the bill made in order by this rule, the Regulatory Transition Act, is considered in a timely manner. However, the 10-hour limit on the amendment process contained in the rule is very troubling to many of us on this side.

Based on our recent experience with other bills which were considered under a 10-hour time limit on amendments, we can expect that the actual time spent debating amendments will be much less than 10 hours—somewhere between 6 and 6 hours. Since there are at least 15 amendments Members want to offer, the time limit virtually ensures that some of those amendments will be precluded—or, that the debate time on them will be so limited that it will be meaningless.

During the consideration of this rule in the Rules Committee yesterday, we offered an amendment to strike the 10-hour time limit on the amendment process, since it was our first preference not to have any time limit at all. That amendment was rejected on a straight party-line vote.

Then we offered an amendment to exclude the time spent on recorded votes from the 10-hour limit. That change would have meant that there would actually be 10 hours to debate amendments, rather than 6 or 7 or 8. That amendment was rejected on a straight party-line vote as well.

As I said, the majority's desire to have a time limit on the offering of amendments is understandable, but their insistence on including

in that limit the time it takes to hold recorded votes is not. Our request to exclude time spent on recorded votes was a very reasonable one which should have been accepted. I would have provided more certainty about the number of amendments that could be offered, and it would have made the arduous process of paring down and prioritizing amendments—which Members on both sides of the aisle are affected by—significantly less difficult.

There is another reason we ought to be excluding time spent voting from the time limit on amendments: If voting time is included, sponsors of amendments are put in the uncomfortable position of having to choose between seeking a recorded vote and foregoing such a vote in order to increase the likelihood that other Members will get a chance to offer their amendments. It is simply not fair to put Members in that position.

Mr. Speaker, the moratorium on regulations that would be imposed by the Regulatory Transition Act is likely to have far-reaching consequences for the health, safety, and well-being of our citizens. We sought to have ample time to talk about those effects, and to debate modifications to the legislation which would decrease the likelihood that Americans will be harmed by this legislation.

Mr. Speaker, we should not be considering this bill under such a restrictive procedure. I urge Members to vote "no" on the rule.

Mr. GOSS. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, an awful lot has been said out here about who got what, and what is an open rule, and whether we have got the right approach to this.

I say to the distinguished minority leader, "I went back and looked at the Joint Committee on the Organization of Congress, the 103d Congress back when he was in the responsibility of leadership for the majority, and looked at the testimony the distinguished gentleman made before the Joint Committee on Organization of Congress last January."

Mr. Speaker, he said, and I quote, "I believe we should support the Rules Committee when it puts time constraints on bills as this provides for more certainty for scheduling legislation."

I think that that is a fairly clear statement, and I agree that the gentleman has made it very clear that we should not necessarily apply that to his support on this particular rule. But the fact of the matter is we have got a rule here that, when it is compared to the work of the Committee on Rules of the majority last year, and the 103d Congress is at least two and a half times more generous in terms of debate, the time constraints on debate, in legislation that I think most Members thought more pretentious than the debate on the legislation that is in front of us, which is after all a moratorium we are talking about while we get to the real question of real regulatory reform, and I would like to specifically suggest that the Employment Retirement Security Act of 1974, ERISA, it takes about 4 hours to explain what that is, let alone get into a debate on it, and yet we in the minority agreed

by voice vote to go along with what the Committee on Rules of the then majority asked us to do with that time constraint.

Then we had the State and local government Interstate Waste Control Act of 1994, again 4 hours, 40 percent of the time we are allowing for this moratorium resolution to deal with that that affects local governments and States, and it is a very serious issue. Again by voice vote we agreed to go along with that, and why did we do it? In the interests of the management of time. We accepted the responsibility on our side of the aisle, as the minority, to manage our time, to manage the debate, to make sure our speakers got covered what they wanted to get covered, to make sure that those amendments that were going to be brought in were brought in in an orderly way to make sure that dilatory tactics were not going to squeeze out people with higher priority, more worthwhile amendments. That is a responsibility the minority must accept.

Mr. Speaker, I believe any fair, reasonable, prudent observer would agree that 10 hours of open rule debate is plenty for this moratorium, and I believe, if we go back and read the testimony before the Committee on Rules that we had, Ms. COLLINS suggested that she would be able to cluster amendments into packages on the same subject so we could move rather quickly on this particular piece of legislation.

□ 1200

The suggestion was made that somehow this is a self-imposed thing we are doing to ourselves. I would have to disagree with that. It is true that we are trying to move a big agenda. But it is an agenda that has been through the fire of a national referendum back in November. Yes, I would agree the vote at the ballot box was not on the Contract With America exclusively, but surely it was a part of that process, because whether the Republicans made it a part of that process or not, it is clear that many of the Democrats tried to make it a part of that process, and apparently succeeded.

So I would say to try and characterize the Contract With America's agenda as a self-imposed one at this point on this body is stretching the definition of self-imposed somewhat.

I think when you go back and you take a look at what we are trying to do and the way we are managing our time on this side, with the history of the unfunded mandates that we have seen, that legislation I believe was carried over 3 weeks on 8 actual working days, was subject to all kinds of dilatory tactics, we have felt it appropriate from the management of the majority, and we have the management of all legislation to deal with here, we have done a responsible job.

I know we are never going to end the debate on what is an open rule because everybody will define it their way. But

the people of this country have spoken that they like better the way we are running the rules of this House right now. We are seeing a rise in the approval rating. When I go home and talk to folks around my district and in other places, I find people say we are finding the debate on the floor a lot more lively, a lot more pertinent, a lot more germane. You are getting good issues out there. They are being voted up or down, but at least it is not a truly gagged issue. People are getting out there and being able to put their hardware out for all to see in this amendment process.

Now, I regret if the other side, if the minority, has been unable to figure out a way to manage what priority amendments they wanted to bring up in the magnificent amount of time that has been allotted, but I suspect that the minority will get good at that, as we got good at it when we were the minority. We had 40 years to practice, and I hope perhaps that in the next 40 years you will have enough practice to be able to do the same. I think that would be an appropriate comparison after 40 years to see how we did.

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

The previous question was ordered.

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

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

Mr. MOAKLEY. 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 252, nays 175, not voting 7, as follows:

[Roll No. 159]

YEAS—252

Allard	Bunn	Cunningham
Archer	Bunning	Davis
Armey	Burr	Deal
Bachus	Burton	DeLay
Baesler	Buyer	Diaz-Balart
Baker (CA)	Callahan	Dickey
Baker (LA)	Calvert	Doolittle
Ballenger	Camp	Dornan
Barr	Canady	Dreier
Barrett (NE)	Castle	Duncan
Bartlett	Chabot	Dunn
Barton	Chambliss	Ehrlich
Bass	Chenoweth	Emerson
Bateman	Christensen	English
Bereuter	Chrysler	Ensign
Bilbray	Clinger	Everett
Bilirakis	Coble	Ewing
Bliley	Coburn	Fawell
Blute	Collins (GA)	Fields (TX)
Boehlert	Combest	Flanagan
Boehner	Condit	Foley
Bonilla	Cooley	Forbes
Bono	Cox	Fowler
Brewster	Crane	Fox
Browder	Crapo	Franks (CT)
Brownback	Creameans	Franks (NJ)
Bryant (TN)	Cubin	Frelinghuysen

Frisa	Lewis (KY)	Royce
Funderburk	Lightfoot	Salmon
Gallegly	Linder	Sanford
Ganske	Livingston	Saxton
Gekas	LoBiondo	Scarborough
Geren	Longley	Schaefer
Gilchrest	Lucas	Schiff
Gillmor	Manzullo	Sensenbrenner
Gilman	Martini	Shadegg
Goodlatte	McCollum	Shaw
Goodling	McCrery	Shays
Goss	McDade	Shuster
Graham	McHugh	Siskis
Greenwood	McInnis	Skeen
Gunderson	McIntosh	Skelton
Gutknecht	McKeon	Smith (MI)
Hall (TX)	Metcalf	Smith (NJ)
Hancock	Meyers	Smith (TX)
Hansen	Mica	Smith (WA)
Hastert	Miller (FL)	Solomon
Hastings (WA)	Minge	Souder
Hayworth	Molinari	Spence
Hefley	Montgomery	Stearns
Heineman	Moorhead	Stenholm
Heger	Morella	Stockman
Hilleary	Myers	Stump
Hobson	Myrick	Talent
Hoekstra	Nethercutt	Tanner
Hoke	Neumann	Tate
Horn	Ney	Tauzin
Hostettler	Norwood	Taylor (MS)
Houghton	Nussle	Taylor (NC)
Hunter	Oxley	Thomas
Hutchinson	Packard	Thornberry
Hyde	Parker	Thurman
Inglis	Paxon	Tiahrt
Istook	Payne (VA)	Torkildsen
Jacobs	Peterson (MN)	Torricelli
Johnson (CT)	Petri	Trafficant
Johnson, Sam	Pickett	Upton
Jones	Pombo	Vucanovich
Kasich	Porter	Waldholtz
Kelly	Portman	Walker
Kim	Pryce	Walsh
King	Quillen	Wamp
Kingston	Quinn	Watts (OK)
Klug	Radanovich	Weldon (FL)
Knollenberg	Rahall	Weldon (PA)
Kolbe	Ramstad	Weller
LaHood	Regula	White
Largent	Riggs	Whitfield
Latham	Roberts	Wicker
LaTourette	Rogers	Wilson
Laughlin	Rohrabacher	Wolf
Lazio	Ros-Lehtinen	Young (AK)
Leach	Roth	Young (FL)
Lewis (CA)	Roukema	Zeliff

NAYS—175

Abercrombie	Dooley	Kaptur
Ackerman	Doyle	Kennedy (MA)
Baldacci	Durbin	Kennedy (RI)
Barcia	Edwards	Kennelly
Barrett (WI)	Engel	Kildee
Becerra	Eshoo	Klecicka
Beilenson	Evans	Klink
Bentsen	Farr	LaFalce
Berman	Fattah	Lantos
Bevill	Fazio	Levin
Bishop	Fields (LA)	Lewis (GA)
Bonior	Filner	Lincoln
Borski	Flake	Lipinski
Boucher	Foglietta	Lofgren
Brown (CA)	Ford	Lowe
Brown (FL)	Frank (MA)	Luther
Brown (OH)	Frost	Maloney
Bryant (TX)	Furse	Manton
Cardin	Gejdenson	Markey
Chapman	Gephardt	Martinez
Clay	Gibbons	Mascara
Clement	Gordon	Matsui
Clyburn	Green	McCarthy
Coleman	Gutierrez	McDermott
Collins (IL)	Hall (OH)	McHale
Collins (MI)	Hamilton	McKinney
Conyers	Harman	McNulty
Costello	Hastings (FL)	Meehan
Coyne	Hayes	Menendez
Cramer	Hefner	Mfume
Danner	Hilliard	Miller (CA)
de la Garza	Hinchey	Mineta
DeFazio	Holden	Mink
DeLauro	Hoyer	Moakley
Dellums	Jackson-Lee	Mollohan
Deutsch	Jefferson	Moran
Dicks	Johnson (SD)	Murtha
Dingell	Johnson, E. B.	Nadler
Dixon	Johnston	Neal
Doggett	Kanjorski	Oberstar

Obey	Roybal-Allard	Torres
Olver	Rush	Towns
Ortiz	Sabo	Tucker
Orton	Sanders	Velazquez
Owens	Sawyer	Vento
Pallone	Schroeder	Visclosky
Pastor	Schumer	Volkmer
Payne (NJ)	Scott	Ward
Pelosi	Serrano	Waters
Peterson (FL)	Skaggs	Watt (NC)
Pomeroy	Slaughter	Waxman
Poshard	Spratt	Williams
Rangel	Stark	Wise
Reed	Stokes	Woolsey
Reynolds	Studds	Wyden
Richardson	Stupak	Wynn
Rivers	Tejeda	Yates
Roemer	Thompson	
Rose	Thornton	

NOT VOTING—7

Andrews	Gonzalez	Zimmer
Clayton	Meek	
Ehlers	Seastrand	

□ 1222

Ms. EDDIE BERNICE JOHNSON of Texas and Mr. KILDEE changed their vote from "yea" to "nay."

Messrs. STUMP, TALENT, and KINGSTON changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMITTING THE USE OF THE ROTUNDA OF THE CAPITOL FOR A CEREMONY TO COMMEMORATE THE DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST.

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on House Oversight be discharged from further consideration of the concurrent resolution (H. Con. Res. 20) permitting the use of the rotunda of the Capitol for a ceremony to commemorate the Days of Remembrance of victims of the Holocaust, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. EWING). Is there objection to the request of the gentleman from California?

Mr. HOYER. Mr. Speaker, reserving the right to object, under my reservation of objection, I am pleased to yield to the the gentleman from California [Mr. THOMAS], the chairman of the Committee on House Oversight.

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

Mr. Speaker, House Concurrent Resolution 20 was approved by the Committee on House Oversight in its regularly scheduled meeting on February 8, along with three technical amendments, which I will offer at the appropriate time.

This concurrent resolution authorizes the use of the rotunda on April 27 for the annual congressional ceremony honoring victims of the Holocaust during the weeklong Days of Remembrance. Use of the rotunda will be authorized on April 27 from 8 a.m. to 3 p.m.

I understand that the U.S. Holocaust Memorial Council is in the midst of preparing the program for the rotunda ceremony. Many of our House and Senate colleagues have participated in this ceremony, that can only be described as moving, since it began in 1979.

This year, I think, Mr. Speaker, the Days of Remembrance take on special meaning as we commemorate the 50th anniversary of the liberation of the Nazi death camps.

The amendments I have at the desk, which I will offer when the gentleman withdraws his reservation, were recommended by the Legislative Council, and are not substantive in nature.

Mr. HOYER. Further reserving the right to object, Mr. Speaker, I share the Chairman's view that this is a very appropriate resolution, and that the use of the rotunda has historically been set aside for occasions of high moment and importance, and clearly, there is no occasion more important for the international community and humanity than to remember the tragedy that occurred in the thirties and forties, the massive loss of life, and the reality and possibility of man's inhumanity to man.

Further reserving the right to object, Mr. Speaker, I yield to the gentleman from California [Mr. THOMAS] for the purpose of offering his amendments.

Mr. THOMAS. I thank the gentleman for yielding. I will offer those amendments, Mr. Speaker, when the reservation is withdrawn.

However, I just want to say briefly that as we have noticed a number of celebrations surrounding World War II and the commemoration of particular battles, or the public attention focused on certain aspects of World War II, I can think of no more appropriate remembrance than the impact on the world of the exposure and awareness to the world, of these Nazi death camps.

Mr. YATES. Mr. Speaker, I want to thank the gentleman from California for bringing my bill to the floor for consideration by the House of Representatives. I am pleased that the Committee on House Oversight has acted in such a timely fashion.

The U.S. Holocaust Council is mandated by the statute which created it to observe days of remembrance for victims of the Holocaust. It is equally appropriate for the U.S. Congress to take such steps as are necessary to permit the ceremony marking or remembering those murdered in the Holocaust to take place in the Capitol of the United States where it has taken place for 12 years preceding this one.

This bill will allow the ceremony to occur once again in the rotunda of the Capitol, this year on April 27, 1995.

Mr. HOYER. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The clerk read the concurrent resolution, as follows:

H. CON. RES. 20

Whereas, pursuant to such Act, the United States Holocaust Memorial Council has designated April 23 through April 30, 1995, as

"Days of Remembrance of Victims of the Holocaust"; and

Whereas the United States Holocaust Memorial Council has recommended that a one-hour ceremony to be held at noon on April 27, 1995, consisting of speeches, readings, and musical presentations as part of the days of remembrance activities: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring). That the rotunda of the United States Capitol is hereby authorized to be used on April 27, 1995 from 8 o'clock ante meridian until 3 o'clock post meridian for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

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

Mr. THOMAS. 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. Thomas: Strike out all after the resolving clause and insert: That the rotunda of the Capitol is authorized to be used from 8 o'clock ante meridian until 3 o'clock post meridian on April 27, 1995, for ceremonies as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the ceremonies shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

Mr. THOMAS. (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from California [Mr. THOMAS].

The amendment in the nature of the substitute was agreed to.

The SPEAKER pro tempore. The question is on the concurrent resolution; as amended.

The concurrent resolution, as amended, was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. THOMAS

Mr. THOMAS. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mr. THOMAS; Strike out the preamble.

The SPEAKER pro tempore. The question is on the amendment to the preamble offered by the gentleman from California [Mr. THOMAS].

The amendment to the preamble was agreed.

TITLE AMENDMENT OFFERED BY MR. THOMAS

Mr. THOMAS. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Amendment to that Title offered by Mr. THOMAS; Amend the title so as to read: "Concurrent resolution permitting the use of the