

the only one holding a lottery ticket. And in addition, your lottery price was being decided by Rupert Murdoch and his publishing empire, a man who has extensive issues pending before Federal agencies.

This morning's Washington Post reported that many publishing companies refused to bid on the Speaker's book contract when Mr. Murdoch raised the offer into the millions of dollars.

The Republicans and Speaker GINGRICH have promised us new openness in dealing with the House of Representatives and politics in Washington. Let us start with openness and full disclosure on this multimillion dollar book deal. It is time for the Speaker to not only release the contract, but to come clean with the American people about all the circumstances surrounding it.

THE OSCE STATEMENT ON CHECHNYA

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

Mr. SMITH of New Jersey. Mr. Speaker, the Permanent Council of the OSCE has adopted a statement on Chechnya which emphasizes the seriousness of the violation of human rights and international humanitarian law that has characterized the Russian military action in Chechnya.

Affirming that respect for OSCE commitments is a legitimate concern of all signatory states, the OSCE has called for an immediate ceasefire and the beginning of negotiations for a political settlement, while respecting the territorial integrity of the Russian Federation.

Mr. Speaker, the OSCE had welcomed Russia's stated willingness to cooperate with the OSCE in stabilizing the region and restoring constitutional order and in the early dispatch of an OSCE mission to that country. However, it now appears that the Russians may permit an OSCE peace mission only after the offensive has ceased. That is totally unacceptable.

Mr. Speaker, any delay means more carnage, more dead civilians, more dead soldiers. The OSCE mission must be allowed immediate access to Chechnya, and this must be done with dispatch.

Mr. Speaker, for many days the administration has called this aggression an internal affair. Thankfully there has been a shift in the administration's position.

Next week as chairman of the Helsinki Commission, I plan to hold a hearing on this important matter, and hopefully we will see some progress then and now.

PERMISSION FOR COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT TO FILE REPORT ON H.R. 5, UNFUNDED MANDATE RE- FORM ACT OF 1995

Mr. CLINGER. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform and Oversight have until midnight tonight to file a report on H.R. 5, the Unfunded Mandate Reform Act of 1995.

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

Mr. BONIOR. Mr. Speaker, reserving the right to object, at this time I do not intend to object, but under my reservation I would like to engage in a brief colloquy with my friend, the gentleman from Pennsylvania [Mr. CLINGER].

□ 1020

The gentleman from Pennsylvania knows of the concern on our side of the aisle on this issue. The fact is that this issue, which is extremely important to this Nation, an issue that deals with questions like toxic waste, safe drinking water, clean water, child safety, all of these very important issues wrapped into this significant piece of legislation, was discussed and marked up on the same day as the committee was organizing, without a hearing, although one member of the gentleman's side of the aisle testified and none on our side was allowed to testify, but no hearings on this.

As I understand it, a large percentage of the gentleman's committee now are new Members who have had, frankly, no experience with this particular legislation in the past.

We on this side have very grave concerns about waiving the rules, as the gentleman is asking for on this legislation. Normally I believe he would be able to file on Tuesday. The gentleman wants to file it tonight.

While we understand the need to move on, we are concerned about the process here. We are concerned about: Is this going to be the norm? Is this going to be the standard on which we on this side of the aisle will have to live and have to react in terms of our ability to get our point of view across without hearings, without adequate preparation by the new Members who are on the committee?

I would like to ask the gentleman from Pennsylvania, first of all, if he intends to go to the Committee on Rules and ask for an open rule on this?

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

Mr. BONIOR. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Speaker, I am happy to inform the gentleman that it is my intention, and I believe it would be concurred in by the chairman of the Committee on Rules, to ask for a completely open rule, and I believe that it has already been signaled that that will be the case.

Mr. BONIOR. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from New York [Mr. SOLOMON]. Will the gentleman from New York, the chairman of the Committee on Rules, care to respond to whether or not we will see an open rule on this?

Mr. SOLOMON. Mr. Speaker, if the gentleman will yield, I would be glad to respond to my good friend, a former member of the Committee on Rules.

Mr. BONIOR. Still am a member.

Mr. SOLOMON. The gentleman has taken a leave of absence, I understand, out of the goodness of his heart.

Mr. BONIOR. The gentleman will see me in there.

Mr. SOLOMON. The gentleman from Pennsylvania [Mr. CLINGER], has requested of our Committee on Rules an open rule. It is the intention that we will grant an open rule.

We will hold that hearing at 11 on Wednesday, and the gentleman is welcome to come up and testify.

I might point out that we did hold a hearing on the subject of this bill. We did not limit it to just title III, which was our jurisdiction in the Committee on Rules. We allowed the full discussion on the entire bill. We offered the Democrat minority the opportunity for Members to come and testify, as well as the private sector. And the minority did produce three people to testify. It was a very informative meeting.

From that, we came to the decision we should put out an open rule and let the House work its will, because it is probably one of the most important bills that will come before this House during this 104th Congress, especially in the eyes of the taxpayers of this Nation.

Mr. BONIOR. Mr. Speaker, further reserving the right to object, I would say to my friend the gentleman from New York, that while there were no hearings in the primary committee that deals with this, Government Operations, the Committee on Rules allowed three people from the entire country to participate, that is all, in this process.

Mr. SOLOMON. Mr. Speaker, if the gentleman will continue to yield, I will say to my good friend we absolutely did not limit it. The gentleman was welcomed to have 5 or 10 witnesses, including Members of Congress, and the only panel that was asked for was the three from the private sector. It was completely open to as many as the gentleman would have desired.

Mr. BONIOR. Further reserving the right to object, Mr. Speaker, I would yield to another former member of the Committee on Rules, one of our strong advocates for the issues which I enumerated earlier on for discussion of this issue, and gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding to me.

I want to say at the outset that there is no one more admired by the minority than the gentleman from Pennsylvania [Mr. CLINGER]. We know him to be fair. We hold him in high esteem and even affection. But I would like to at least make some points that happened the other day that we think were very devastating, really, to the public's right to know.

The first thing is that there really is no emergency to rush this bill through. The effective date of the bill is October 1, 1995, so regardless of our action on this request, there would be no operative effect if the bill's report were filed today or Tuesday. Frankly, this is about politics, not policy.

I want to note that in their rush to bring this bill to the floor, debate was stifled so that the bill could be reported by our committee. There were several unprecedented breaches in our rights to consider legislation that occurred.

For example, there were no hearings.

On Tuesday, January 3, 1 day before the opening of the 104th Congress, the minority staff was informed by the majority staff that the unfunded mandates legislation would be considered on Tuesday, January 10, on the same day as the organizational meeting of the committee.

The following day, January 4, ranking member, CARDISS COLLINS met with Chairman CLINGER and gave him a letter requesting public hearings and sufficient time to review the legislation.

On Friday, January 6, Chairman CLINGER refused the request.

The fact that two hearings were held on the subject of unfunded mandates in the last Congress is irrelevant. The bill that was introduced on January 4, 1995, is a new bill. It is different from any bill considered in the previous Congress.

Moreover, 31 out of 51 of the members of our committee did not serve on the committee in the past Congress.

The request for public hearings is not a matter of procedure alone. Key groups that are affected by mandates were not involved in the drafting process, and have had no chance to be heard in the debate. These include ordinary citizens who may benefit from clean water and air, who have children receiving special education or immunizations, or who have parents receiving social security benefits. They include workers who receive the benefits of workplace protections, and minimum wage laws. They include private companies that are concerned by the competitive disadvantage that they would face if publicly owned competitors were not required to comply with the same laws with which they comply.

I would note that this timetable has seriously reduced Members' opportunity to review the bill.

The ranking member and the minority staff were given a xeroxed copy of the bill from the majority staff late in the afternoon on Wednesday, January 4. The minority xeroxed further copies

which were distributed to most minority Members on January 5. The actual printed version of H.R. 5 was not available until Friday, January 6. The markup was held 2 legislative days later on Tuesday, January 10.

The limited time for reading the bill, receiving comments on the bill, and drafting amendments, seriously impinged upon the Members' ability to craft thoughtful amendments.

I want to point out that the markup began with the acceptance of testimony of a Member of Congress who was not a member of the committee in violation of our rights.

After an opening statement by the chairman and ranking member, the chairman recognized Representative ROB PORTMAN, not a member of the committee, who was seated at the clerk's table, to make a statement concerning the bill.

Minority Members made points of order contending that the Chair had no right to recognize Members who were not members of the committee to make statements. A point of order was made that the acceptance of the Portman testimony constituted a hearing that violated both committee rules and House rules. A point of order was made that the decision to accept testimony from Representative PORTMAN denied the minority their right under rule XI, clause 2(j)(1) to call witnesses selected by the minority. Members also requested an opportunity to question Representative PORTMAN, which was denied, despite rule XI, clause 2(j)(2) which provides an opportunity to members of the committee to ask questions under the 5-minute rule.

In each case, the chair ruled against the points of order, with the justification that the Chair has the prerogative to recognize whomever he chooses.

At the end of Representative PORTMAN's testimony, he thanked the Chair for the opportunity to testify at this hearing.

I would note that several rulings of the Chair impinged upon our rights to offer amendments.

At the beginning of the markup, after the reading of section 1 of the bill, Representative MORAN offered an amendment in the nature of a substitute. Discussion of the amendment began despite the fact that the amendment had not yet been read. This problem was brought to the attention of the Chair.

After very limited debate, Representative BURTON moved the previous question, and a point of order was raised by Representative WAXMAN and others that the amendment had not yet been read, and that therefore there had been no opportunity to offer amendments to the Moran amendment. The point of order was denied. Subsequently, a point of order raised after the previous question had been ordered was denied because it came too late. The Chair appeared to rule that the fact that debate had begun on the Moran amendment prior to its reading, a point of order did

not lie that the amendment had not been read. There is no precedent of which we are aware for such a decision.

After the amendment of Representative MORAN was defeated, Representative KANJORSKI was recognized. He stated that he had a substitute at the desk, and in response to questions from the Chair indicated that it was different from the Moran amendment.

The Chair ruled that based upon discussions with the Parliamentarian, only one substitute could be offered during the consideration of section 1, and one substitute could be offered at the end of the bill. A point of order was made against the ruling, noting that under House rules, unlimited substitutes could be offered, assuming previous substitutes were defeated. It was denied.

We subsequently were advised by the Parliamentarian that multiple substitutes were in order.

In the middle of the markup, the Chair ruled that based upon advice of the Parliamentarian, the committee would not be allowed to offer amendments to sections 201 and 202, and sections 301, 302, and 303. The ruling was subsequently amended to include all of title III, and then amended again to provide committee jurisdiction over the new section 424(e) of the Congressional Budget Act of 1974 as added by section 301 of H.R. 5.

The ruling had the effect of permitting the committee only to consider the 1-year study commission in title I, the bill's definitions, purposes, and exclusions. The main portions of the bill which define unfunded mandates and establish a point of order against bills that fail to provide various budget analyses and an ability for agencies to ignore enforcement of unfunded mandates, as well as the provisions relating to agency regulatory analyses were placed off limits. Under the Chair's ruling, the Committees on Budget, Rules, and Judiciary, which received only a very limited sequential referral would be responsible for considering these key provisions. Under the ruling, the committee could not even consider changing the effective date contained in section 306.

The Tuesday markup of H.R. 5 was the first markup of the 104th Congress, and therefore the first markup conducted by the Chair. We do not wish that these procedural concerns be considered as a personal attack on the Chair. Indeed, we do not question the Chair's personal motives. However, all of these abuses were the direct result of the apparent orders to the Chair to move the bill out of the committee at all costs. As the letter from the chairman quoted above states, because of the pledge to enact laws within 100 days, "the Committee on Government Reform and Oversight has been asked to move this bill as quickly as possible." It is clear that the effort to bring the bill as quickly as possible was accomplished by trampling the

rights of the minority under the House rules.

Nonetheless, Mr. Speaker, we in the minority do not wish to use dilatory tactics to make our points, and I will not object to the gentleman's request. What we do want is an honest debate of the issue, at which time our amendments would not be dismissed. Therefore, Mr. Speaker, I will not object.

□ 1030

Mr. BONIOR. Mr. Speaker, further reserving the right to object, I would just conclude by suggesting that we hope in the future that the rights of the minorities in committees will be respected, that we will have full opportunity for hearings.

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

Mr. BONIOR. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Let me say that I recognize this was an extraordinary, but not unprecedented, procedure that was engaged in, Mr. Speaker. I want to assure the gentleman from Michigan [Mr. BONIOR], the minority whip, that this is not a procedure that I would intend to pursue on a regular basis.

My full intention would be to hold hearings on matters that would come under the jurisdiction of our committee in an orderly fashion and proceed to markup, but this was not an unprecedented action. I would remind the gentleman that in the past my committee, which was formerly under the control of your party, did indeed waive jurisdiction over a number of bills which were then brought to the floor for consideration, primarily on the Budget Reform Act.

So I agree that it was an extraordinary procedure, and I assure the gentleman it will not be followed on a routine basis, but that it was not unprecedented.

Mr. BONIOR. Further reserving the right to object, Mr. Speaker, I am glad to hear the new chairman of the committee is pledging to us today that this procedure will not be the norm and will not be followed, and that we will have full and open debate in hearings in the future.

With that, Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. BONIOR. Mr. Speaker, I would engage the distinguished majority leader in a colloquy on the schedule next week.

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

Mr. BONIOR. I yield to the gentleman from Texas.

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

Mr. Speaker, next week the House will not be in session on Monday in observance of the Martin Luther King holiday.

We will meet on Tuesday. At the request of the minority we will meet at 9:30 for morning hour. We will consider one suspension, S. 2, the Congressional Accountability Act.

We intend to ask, by unanimous consent, to deal with accrued leave on Tuesday, but I must advise the minority, we are still working out the details. We are working with the minority. We think we are very likely able to raise that point also on Tuesday.

If votes are ordered on Tuesday, they will be detained until after 5 o'clock.

On Wednesday we will be in pro forma session, beginning at 11 o'clock.

Thursday, the House will meet at 10 o'clock and consider the rule on H.R. 5, unfunded mandates legislation. Pending passage of the rule, we will proceed to 2 hours of general debate on H.R. 5.

On Friday, the House will meet at 10 o'clock and take up amendments to H.R. 5, and early, as promised, the House will adjourn by approximately 3 o'clock on Friday.

Mr. BONIOR. Mr. Speaker, I would pose this concern to my friend, the gentleman from Texas. Over the years we have on this side of the aisle, when we were in the majority, had a tradition of notifying the minority of our schedule on Thursday. There have been exceptions to that, but they were extremely rare. We have consistently over the years paid the minority the courtesy of providing them with information in advance.

This information that my friend, the gentleman from Texas, is giving us this morning is new. We just received this information. I would hope in the future that we would have the ability to know further in advance what the schedule will be for the following week.

The second point I would make to the gentleman is that I am disappointed that the accrued leave bill is not before us today. I hope that we will have it before us on Tuesday, and we will be able to vote on it. The people who have earned these leave days by the sweat of their brow, by working for this institution, deserve to know that they will have what is coming to them, and what they have earned, so I hope that we will move forward on this Tuesday. We will be extremely disappointed if that does not happen.

Mr. THOMAS of California. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from California.

Mr. THOMAS of California. The gentleman needs to know that this side was ready and willing to take up the accrued leave, which the gentleman from California intended not just to cover committee Members but personal staff as well, since I was concerned about the separation that was occurring between the way in which commit-

tee staff were being handled and Members' offices were being handled.

However, it came to our attention late yesterday that Members on the gentleman's side of the aisle, while he was still the majority, had dismissed some people on the 1st, 2d, and 3d of January.

The motion that we had instructed was at the beginning of the time that we became the majority, so the delay between today and Tuesday is to accommodate your side of the aisle, to make sure no one is left out of the accrued leave.

We are working out an amendment which will extend the time frame into the 103d Congress, covering those employees on the 1st, 2d, and 3d. So the delay is to make sure that everyone is accommodated. That is the reason for the delay.

Mr. BONIOR. I thank my colleague for the explanation. I was not aware of that. I was aware that the gentleman from California [Mr. FAZIO] had signed off on the legislation, and the gentleman from Arizona [Mr. PASTOR] came all the way in from Arizona to do it today, so you can imagine the disappointment on our side when we heard that it was not happening.

We will look into the gentleman's concerns, and I thank him for clarifying that.

I would also ask my friend, the gentleman from Texas [Mr. ARMEY], when we do the balanced budget amendment, when it goes to the Committee on Rules, does the distinguished majority leader anticipate an open rule on that particular piece of legislation as the gentleman from Illinois [Mr. HYDE], the chairman of the committee, has suggested?

Mr. ARMEY. If the gentleman will continue to yield, to return to an earlier point, there is a whip notice that is going out perhaps as we speak to notify Members of the schedule for next week.

These are extraordinary times, and I can assure the gentleman that as we proceed with the rest of the year, we will do our very best to minimize the gentleman's disappointments.

□ 1040

We are working on the rule for the balanced budget amendment, and to this point we have determined that we will be asking a preprinting requirement. We are most likely to not allow amendments except amendments in the nature of a substitute.

If the gentleman has any further questions, the distinguished chairman of the Committee on Rules I am sure would be more than happy to address them.

Mr. BONIOR. I do have further questions I would ask my friend from New York if he intends to limit the number of amendments in the nature of a substitute or are we going to have an open expression of a variety of different substitutes on this particular piece of legislation?