

our privilege to be here, and how precious is our duty to always do honor to this body.

VACATION OF ROLL CALL 405 AND MAKING IN ORDER DE NOVO VOTE ON AMENDMENT OFFERED BY MR. FAZIO OF CALIFORNIA, AS AMENDED

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the proceedings of the Committee of the Whole on roll call No. 405 be vacated and that when the Committee of the Whole resumes consideration of H.R. 1854 pursuant to House Resolution 169, the chairman of the Committee of the Whole be directed to put the question de novo on the amendment offered by the gentleman from California [Mr. FAZIO] as amended by the amendment offered by the gentleman from New York [Mr. HOUGHTON].

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GEPHARDT. Reserving the right to object, Mr. Speaker, and I am reserving the right to object, but I will not object. I want to respond briefly to what the majority leader said.

Mr. Speaker, I think what the majority leader is attempting to do is right. Our version of the facts is different than his, and I would like to give that version just for the purpose of all of us understanding what was involved here and so that we can try to not have these kinds of things happen again.

As all of my colleagues know, the Speaker made a ruling early in the year that we would try to hold votes to 17 minutes. The ruling stated unless someone was in the well. Our version of the facts was that these two Members, who will speak for 5 minutes and will give their version of it in a moment, were in the Chamber, were trying very much to get into the well, but were not able to physically get there, but were, clearly understood by everybody in the Chamber, trying to vote, and in fact at some point, and there is a dispute about when they handed the card in or even handing cards in to vote, when the vote was called to an end, they were not allowed to vote. There is added suspicion because the vote was close and the majority was winning by one vote, and we had two Members coming into the Chamber, so there is added suspicion from that end of it.

Mr. Speaker, there is very strong feeling on this side. I have been here now 19 years, and I have not in my experience seen the depth of feeling that occurred on this particular issue because, as the gentleman said, the thing that we all hold most dear is our ability to represent over 500,000 people in this Chamber on every issue that is voted on. These Members were doing their best to be here on time and to vote. I think there is added feeling on this side because we seem to be into a differing standard from vote to vote. As was said on the vote just before this

vote, there was a long time that the clock was held open. On the vote after, on the motion to adjourn, it again was held open for a much longer time than 17 minutes.

Mr. Speaker, what I think we must do, and I hope we will be able to do, is to have a small group meet and try to figure out some standard that everyone can know so we do not wind up with either the reality or the perception of unfairness in how votes are conducted.

There was another issue yesterday that has also been resolved that I need to bring to the attention of the Members, and that was a situation in the Committee on Science where a vote was held in the committee after the first bell had rung and maybe after the second bell had rung, and a lot of our Members left the committee thinking there would be no other votes in the committee. They came here to vote and missed a vote in the committee. The chairman of the committee recited that this morning by having a revote in the committee so that people who had not voted in the committee could get the chance to vote, and on this issue, too, I think we need to have an understanding as to when votes will not be held in the committee after the bells have begun to ring at some point.

The final thing I would say is that the most important thing we bring here is our ability to cast a vote. All of us love this House. All of us come here with a serious purpose of representing over 500,000 people. We must never call into question, in perception or in reality, that we all are treated fairly in our ability to vote in committee and our ability to vote on this floor. This is the people's House, and, if there is ever a perception that we are not running this House in a fair manner, perception and reality, then we are in great difficulty.

The minority will work in every way possible to make sure those standards are established and that they are lived with, and I believe that the right thing was done here today, and I hope and believe the right thing will continue to be done.

I would like, as part of the request, to have the Members on our side have 5 minutes to explain their version of what went on.

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

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

Mr. ARMEY. Mr. Speaker, I am about to make, as soon as this request is over, another request.

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

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. Therefore, proceedings on roll call No. 405 will be vacated, and, when the Committee of the Whole resumes consideration of H.R. 1854 pursuant to House Resolution 169, the Chairman of the Committee of the

Whole will be directed to put the question de novo on the amendment offered by the gentleman from California [Mr. FAZIO] as amended by the amendment offered by the gentleman from New York [Mr. HOUGHTON].

PERMISSION FOR SUNDRY MEMBERS TO ADDRESS THE HOUSE FOR 5 MINUTES EACH

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. FOGLIETTA], the gentleman from Alabama [Mr. HILLIARD], and the gentleman from Maryland [Mr. EHRLICH] be allowed to address the House for 5 minutes each.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The Chair, before recognizing the gentleman from Pennsylvania [Mr. FOGLIETTA], wishes to make several observations:

First of all, the Chair announced at the request of the gentleman from Virginia [Mr. WOLF] and the committee on trying to help with families at the beginning of the year that there would be 17-minute votes. The Chair wishes to restate that 17 minutes is a reasonable limit, that if Members are in the Chamber, that they should be recognized, but the Chair also wishes to observe that on final passage on various bills Members who were getting off the elevator on the majority side did not get to vote on the final passage of bills earlier this year. The Chair simply wishes to reassert and to remind all Members we are trying to save time, we are trying to find a way to get this House home so Members can be with their families, and, as a general principle, that is a reasonable thing to do.

Second, the Chair has asked the majority and minority leaders to work both together and with those Members they wish to appoint to resolve the question of committee voting when the House is voting, and obviously, having abolished proxy voting, things are a little more difficult than they used to be, particularly adding 17-minute votes.

Third, the Chair simply wishes to reassert what both the majority and minority leaders have said. Every Member should have the right to participate fairly. Every Member should have the right to vote. This body, as a group, should recognize that there have to be some rules.

The Chair thinks the 17-minute rule reasonably applied is the right kind of thing to do, but we will do everything we can, I hope today, in what the Chair believes is an action he does not remember was taken during the preceding years when I served in this body. The Chair hopes that today's effort will be a sign of good faith that we truly intend for every Member to have their rights protected.

The Chair recognizes the gentleman from Pennsylvania [Mr. FOGLIETTA] for 5 minutes.

Mr. FOGLIETTA. Mr. Speaker, I thank the majority leader for, first, giving me this opportunity to speak and, also as importantly, giving this House a right to revote the controversial issue of yesterday afternoon.

Mr. Speaker, I come from the city of Philadelphia. I represent the First Congressional District, and in the heart of that district stands Independence Hall where the Constitution of the United States was written and adopted. The majority and minority leaders both spoke of matters dear to them. Let me say that the Constitution of the United States of America is also very dear to me.

The majority leader stated the facts as he knows them. However I was the subject, and I was here. The fact is, Mr. Speaker, that I entered the Chamber. The gentleman from Wisconsin [Mr. OBEY] was standing toward the rear of the aisle, and, as I passed Mr. OBEY on my way to the well, Mr. OBEY yelled out to the Chairman, "One more vote, one more vote," which, according to custom over the years, has always allowed that Member to cast his or her vote. Mr. Speaker, I was denied that right.

We are talking about the amount of time that was involved. The Washington Post timed the vote and found that the vote was called 15 seconds prior to the expiration of 17 minutes. I ran to the well, wrote out my card, handed it to the Clerk. The Clerk actually had the card in his hand, and I was then denied to have my vote counted.

Mr. Speaker, that Constitution of which I spoke gives us as Americans some basic inalienable rights. One of the most important, one of the most basic of those rights, is the right of every American citizen to cast his or her vote, and, as importantly, it was the right, or is the right, of every American to have his or her Congressperson vote on their behalf in this House.

Mr. Speaker, I regret that yesterday afternoon over 1 million Americans were denied their right to have their Representative cast votes on their behalf. One million Americans were disenfranchised by, I consider, a disgraceful display of arrogant, unconstitutional abuse of power.

Mr. Speaker, we might try to determine why this occurred. As you well know, the vote would have turned had I and the gentleman from Alabama [Mr. HILLIARD] been allowed to vote. That is one of the reasons. The second reason I was not aware of until I left this Chamber is, as I left the Chamber, I walked out in front of the Capitol and there saw my colleagues from the majority side boarding buses to take them to the airport to take them to New York City for a fundraiser. Strangely enough, the New York Post, owned by one Rupert Murdoch, states in its column that the GOP went to great lengths to make sure that its Members got to the Big Apple on time. Was one of those great lengths to which the

GOP went the denial of Members of the right to vote and the denial of American citizens, of over 1 million American citizens, to have their Representative cast votes on their behalf?

I appreciate the fact that we are going to have a revote, and I would hope that this incident brings home the message to every Member of this House that what we do here is an important part of the American way of life. What we do in this body is a right guaranteed by the Constitution of the United States, and that constitutional right should remain inviolate no matter what the circumstances.

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I would hope that after this incident, every Member will have the right to cast his or her votes on behalf of his or her constituents, the American citizens.

VOICE OF FREEDOM STILLED ON FLOOR OF HOUSE

(Under previous order of the House, Mr. HILLIARD was given permission to address the House for 5 minutes and to revise and extend his remarks.)

Mr. HILLIARD. Mr. Speaker, yesterday on the floor of this House the voice of freedom was stilled by the forces of repression. The strong arms of the Republican army flexed their mighty parliamentary weight and refused two duly elected Members of this body, myself and the gentleman from Pennsylvania [Mr. FOGLIETTA], the opportunity to vote before this Congress. In doing so, the Republicans crushed the very voice of democracy.

This is not Caesar's Rome, this is not Hitler's Germany, and this is definitely not Stalin's Russia. This is where the voices of freedom should reign. This is the birthplace of democracy.

This is America. We all must protect its democratic institutions, and especially its foundation, the right to vote. Our right to vote supersedes any party vote on any issue. We must preserve the integrity of the vote, and we must in this body aggressively champion the right to vote.

A revote is good. It does not show good faith. To me, being a politician for 22 years, it tells me that you are out to achieve your objective at any cost. Yesterday you could not win because there were two votes in this Chamber that would have made the difference, and there was no third vote, even though I realize that you have created one now. Because you did not have the votes yesterday, and because you have twisted arms last night and you have the votes today, you are ready to revote. To me, that is not good faith.

You, because you are the majority party, have a greater duty to preserve and protect this institution, and I suggest to you that you have failed to do that. The procedures of this institution must be protected at all costs. It should be beyond and above any objective of any party.

This morning, the Washington Post stated that you cut off the vote by 15 seconds. I heard you state that 10 seconds had elapsed. By our count, we had more than 30 seconds. By the Washington Post, which I would think would be independent of the Republican count or the Democratic count, you cut off and denied over 1 million people the right to vote by 15 seconds.

This is not democracy. In Alabama we do not even do this. Never do we openly take the rights of anyone to vote, and I would hate to think that this body is below that level. It cannot be, it should not be.

I suggest to you, because you have the votes and because you have been using the clock to manipulate that vote, you hold it open when you do not have the votes, you close it when you do, you win, the Republican Party wins. But I also suggest to you that every time you do it, democracy loses.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GILLMOR). The Chair will accept fifteen 1-minute requests from each side.

DENYING THE RIGHT TO VOTE

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

Mr. BONIOR. Mr. Speaker, we have always known that the Republicans were willing to go to great lengths to pass their extremist agenda. I never thought that I would see the day when they would actually deny Members of this body the right to vote, but on the floor yesterday, a Democratic amendment was one vote, one vote, shy from victory. There were 15 seconds left. Two Democrats who had not voted were trying to vote, and they were cut off, denying 1 million people in this country representation.

Mr. Speaker, this is the most egregious and arrogant abuse of power that I have seen on our House floor. To top it all off, when Democrats tried to question the ruling, the Republicans adjourned early and jumped on buses. You know why? Where did they go? This poster points out where they went. They went to New York, by plane, got on a bus, took a plane, and raised \$1.7 million at a fund raiser.

Now, the Republicans are willing to shut down our voices, shut down our votes, and adjourn the House early, all so they can raise \$1.7 million from the special interests and the wealthy corporations. Welcome to the Gingrich revolution.

TRAMPLING DEMOCRACY

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