

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

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

Mr. FRANK of Massachusetts. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 248, nays 162, not voting 24, as follows:

[Roll No. 476]

YEAS—248

Allard	Foley	Metcalf
Archer	Forbes	Meyers
Army	Fowler	Mica
Bachus	Fox	Miller (FL)
Baesler	Franks (CT)	Molinari
Baker (CA)	Franks (NJ)	Montgomery
Baker (LA)	Frelinghuysen	Moorhead
Ballenger	Frisa	Morella
Barr	Funderburk	Murtha
Barrett (NE)	Gallegly	Myers
Bartlett	Ganske	Myrick
Barton	Gekas	Nethercutt
Bass	Geren	Neumann
Bateman	Gilchrest	Ney
Bereuter	Gilman	Norwood
Bilbray	Goodlatte	Nussle
Bilirakis	Goodling	Packard
Bliley	Goss	Parker
Blute	Graham	Paxon
Boehlert	Greenwood	Payne (VA)
Boehner	Gunderson	Peterson (MN)
Bonilla	Gutknecht	Petri
Bono	Hall (TX)	Pickett
Brewster	Hancock	Pombo
Browder	Hansen	Porter
Brownback	Hastings (WA)	Portman
Bryant (TN)	Hayes	Quillen
Bunn	Hayworth	Quinn
Bunning	Hefley	Radanovich
Burr	Heineman	Rahall
Burton	Herger	Ramstad
Buyer	Hilleary	Regula
Callahan	Hobson	Riggs
Calvert	Hoekstra	Roberts
Camp	Hoke	Rogers
Canady	Horn	Rohrabacher
Castle	Hostettler	Ros-Lehtinen
Chabot	Houghton	Rose
Chambliss	Hutchinson	Roth
Chapman	Hyde	Roukema
Chenoweth	Inglis	Royce
Christensen	Istook	Salmon
Chrysler	Johnson (CT)	Sanford
Clinger	Johnson, Sam	Saxton
Coble	Jones	Scarborough
Coburn	Kasich	Schaefer
Collins (GA)	Kelly	Schiff
Combest	Kim	Seastrand
Condit	King	Sensenbrenner
Cooley	Kingston	Shadegg
Cox	Klug	Shaw
Cramer	Knollenberg	Shays
Crane	Kolbe	Shuster
Crapo	LaHood	Sisisky
Cremeans	Largent	Skeen
Cubin	Latham	Smith (NJ)
Cunningham	LaTourette	Smith (TX)
Davis	Laughlin	Smith (WA)
Deal	Lazio	Solomon
DeLay	Leach	Souder
Diaz-Balart	Lewis (CA)	Spence
Dickey	Lewis (KY)	Stearns
Doolittle	Lightfoot	Stockman
Dornan	Linder	Stump
Dreier	Livingston	Talent
Duncan	LoBiondo	Tanner
Dunn	Longley	Tate
Ehlers	Lucas	Tauzin
Ehrlich	Manzullo	Taylor (MS)
Emerson	Martini	Taylor (NC)
English	McCollum	Thomas
Ensign	McCrery	Thornberry
Everett	McDade	Tiahrt
Ewing	McHugh	Torkildsen
Fawell	McInnis	Traficant
Fields (TX)	McIntosh	Upton
Flanagan	McKeon	Vucanovich

Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)

Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson

Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—162

Ackerman	Gonzalez	Oberstar
Andrews	Gordon	Obey
Baldacci	Green	Olver
Barcia	Gutierrez	Ortiz
Barrett (WI)	Hall (OH)	Orton
Beilenson	Hamilton	Owens
Bentsen	Harman	Pallone
Berman	Hastings (FL)	Pastor
Bevill	Hefner	Payne (NJ)
Bishop	Hilliard	Pelosi
Bionor	Hinchev	Peterson (FL)
Borski	Holden	Pomeroy
Boucher	Hoyer	Poshard
Brown (FL)	Jackson-Lee	Rangel
Brown (OH)	Jacobs	Reed
Bryant (TX)	Johnson (SD)	Richardson
Cardin	Johnson, E. B.	Rivers
Clay	Johnston	Roemer
Clayton	Kanjorski	Roybal-Allard
Clement	Kaptur	Rush
Clyburn	Kennedy (MA)	Sabo
Coleman	Kennedy (RI)	Sanders
Collins (IL)	Kennelly	Sawyer
Collins (MI)	Kildee	Schroeder
Conyers	Klecza	Schumer
Costello	Klink	Scott
Coyne	LaFalce	Serrano
Danner	Levin	Skaggs
de la Garza	Lincoln	Skelton
DeLauro	Lipinski	Slaughter
Dellums	Lofgren	Spratt
Deutsch	Lowe	Stenholm
Dicks	Luther	Stokes
Dingell	Maloney	Studds
Dixon	Manton	Stupak
Doggett	Markey	Tejeda
Doyle	Martinez	Thompson
Durbin	Mascara	Thornton
Edwards	Matsui	Thurman
Engel	McCarthy	Torres
Eshoo	McDermott	Torricelli
Evans	McHale	Velazquez
Farr	McKinney	Vento
Fattah	McNulty	Visclosky
Fazio	Meehan	Volkmer
Fields (LA)	Meek	Ward
Filner	Menendez	Waters
Flake	Miller (CA)	Watt (NC)
Ford	Mineta	Waxman
Frank (MA)	Minge	Williams
Furse	Mink	Wise
Gejdenson	Mollohan	Woolsey
Gephardt	Moran	Wyden
Gibbons	Neal	Wynn

NOT VOTING—24

Abercrombie	Hastert	Oxley
Becerra	Hunter	Pryce
Brown (CA)	Jefferson	Reynolds
DeFazio	Lantos	Smith (MI)
Dooley	Lewis (GA)	Stark
Foglietta	Mfume	Towns
Frost	Moakley	Tucker
Gillmor	Nadler	Yates

□ 2005

Mr. PAYNE of Virginia and Mr. ROSE 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.

PERMISSION FOR ALL COMMITTEES AND THEIR SUBCOMMITTEES TO SIT FOR REMAINDER OF WEEK DURING 5-MINUTE RULE

Mr. ARMEY. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Pursuant to Clause 2(I) of rule XI, Mr. ARMEY moves that all committees and subcommittees of the House be permitted to sit for the remainder of the week while the House is meeting in the Committee of the Whole House under the 5-minute rule.

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARMEY] is recognized for 1 hour.

Mr. ARMEY. Mr. Speaker, I will not take the 1 hour.

Mr. Speaker, let me say at the outset, this is a rather routine request. The request is made necessary by our desire to keep floor consideration of spending bills as open as possible and accessible to all the Members of the body, while at the same time, of course, committee work must go on. We feel like this is a necessary accommodation, and appreciate the fact that the committees are so willing to accommodate our need to maintain a floor schedule and move our spending bills.

I should like to tell the Members of the body that after a very brief debate on this motion, we will have a vote, and it will be the last vote of the evening.

Mr. Speaker, with those comments, I yield for 5 minutes for purposes of debate only to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I do take note of the fact that the majority has decided we will do no further legislative business today of any sort, and that will allow us to leave. But I was particularly struck when the majority leader said this is a routine request. Indeed, it has become so.

It has become routine for the Republican Party to ignore the rules it so proudly proclaimed at the first day of the session, because one of the great reforms that they brought to us, one of the new ways of doing business, was the one that was to say that the House will not sit simultaneously with the committees.

You would not, if you were on the Committee on the Judiciary, have an important markup on the terrorism bill at the same time a constitutional amendment is on the floor. You would not, if you were on the Committee on Appropriations, have a full committee markup while a bill is on the floor. That was one of the great reforms the Republicans were bringing us, and as the gentleman from Texas has honestly said, it has now become—

The SPEAKER pro tempore. The gentleman will suspend until we get some order.

Mr. FRANK of Massachusetts. I thank the Speaker for his efforts, but it has been my experience that when people do not want to hear something, you cannot make them listen.

The Republicans do not want to hear the reminders of how short-lived their promises were about running the House. This is an example. They made a big deal about how they were changing its rules so we would not have that

conflict between committee business in the House, and it is now routine to change it. When that is changed, of course, they make a mockery of the rule on proxies.

We were told you cannot have proxy voting; be there in committee. But what do you do when a bill that you are seriously interested in is being debated on the floor and the committee on which you are a member is simultaneously meeting? Maybe it is a bill on which that committee has jurisdiction. How do you avoid missing one or the other?

So what we have had is, at least in the committees I have seen, a very creative contest by the chairs of the committee on how to get around the proxy rule. Let's roll the votes. Let's hold the votes. Let's reconsider. Let's have some mock votes.

In area after area, we have seen the rules disregarded. We were told we would have a strict limit on the number of subcommittees a member can be on. We are. Members are strictly limited on the Republican side to the number of subcommittees on which they wish to serve and no more. And that need bear no relationship to the basic rule.

We have been told, in the substantive areas as well, that the Republican Party will honor the right of the States. They do. They honor the right of the States to make any decision with which the Republican Party is in agreement. But where the States may misdecide, they will overrule those decisions.

We are here talking about a very fundamental issue.

Mr. ARMEY. Mr. Speaker, I am listening intently to the gentleman and having difficulty hearing.

The SPEAKER pro tempore. The gentleman is correct. The House is not in order. The House will be in order.

Mr. FRANK of Massachusetts. I appreciate the solicitude and care with which the gentleman from Texas has helped me get attention.

I would appreciate even more, however, some solicitude for the ability of the House to legislate in a sensible way. The Committee on Appropriations members will be put to the problematic task of sitting in full committee while they are in fact having bills on the floor. The Committee on the Judiciary has now called a markup on the very sensitive subject of abortion, and members of the Committee on the Judiciary will be asked to be at that full committee while there is legislation on the floor.

It is a very clear example. Politicians who have been caught being inconsistent like to misquote Ralph Waldo Emerson, they leave out a couple of adjectives, about how consistency is for the small-minded. I want to congratulate my colleagues on the other side. They must feel large-minded indeed these days, because there is scarcely a principle which they brought forward on the opening day of the session which

they have not violated, as the gentleman from Texas has said, routinely.

Routinely we get the proxy cut aside. Routinely the notion of family friendly is ignored. Routinely the committees meet while the House is in session. Routinely, if you do not like what the States do, States rights become something you put back under the rug.

Mr. Speaker, this is one more example of a failure to live up to those professions of concern.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, this is more than just a process issue. The way the House has been run has denied Members their ability to adequately represent their constituency. Being a Member of Congress puts you in an area where you have many responsibilities. One is on the floor. As legislation moves through the floor that you are particularly involved in, you have a responsibility to be here on the floor. But you are also a member of several committees, and under this new process, where there is no proxy voting, where sometimes the votes are held until the end of the committee, sometimes they are not, this is not simply a change in process. It is actually again stacking the deck against Members.

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

Mr. Speaker, I do want to say I appreciate the kind remarks of the distinguished gentleman from Massachusetts [Mr. FRANK] and also want to express my appreciation for the kindness of the gentleman from Connecticut as well. But I do feel compelled, which is a rare opportunity for anybody in this body, to correct the gentleman from Massachusetts.

□ 2015

The quote that the gentleman struggled for is, in fact, "a foolish consistency is the hobgoblin of little minds, charlatans and divines," if I can get that corrected.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore (Mr. WALKER). The question is on the motion.

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 234, noes 176, not voting 24, as follows:

[Roll No. 477]

AYES—234

Allard	Arme	Baker (CA)
Archer	Bachus	Baker (LA)

Ballenger	Gekas	Nethercutt
Barr	Gilchrest	Neumann
Barrett (NE)	Gilman	Ney
Bartlett	Goodlatte	Norwood
Barton	Goodling	Nussle
Bass	Goss	Packard
Bateman	Graham	Parker
Bereuter	Greenwood	Paxon
Bilbray	Gunderson	Petri
Bilirakis	Gutknecht	Pombo
Bliley	Hall (TX)	Porter
Blute	Hancock	Portman
Boehlert	Hansen	Quillen
Boehner	Hastings (WA)	Quinn
Bonilla	Hayes	Radanovich
Bono	Hayworth	Rahall
Brownback	Hefley	Ramstad
Bryant (TN)	Heineman	Regula
Bunn	Herger	Riggs
Bunning	Hilleary	Roberts
Burr	Hobson	Rogers
Burton	Hoekstra	Rohrabacher
Buyer	Hoke	Ros-Lehtinen
Callahan	Horn	Roth
Calvert	Hostettler	Roukema
Camp	Houghton	Royce
Canady	Hutchinson	Salmon
Castle	Hyde	Sanford
Chabot	Inglis	Saxton
Chambliss	Istook	Scarborough
Chenoweth	Jacobs	Schaefer
Christensen	Johnson (CT)	Schiff
Chrysler	Johnson, Sam	Seastrand
Clinger	Jones	Sensenbrenner
Coble	Kasich	Shadegg
Coburn	Kelly	Shaw
Collins (GA)	Kim	Shays
Combest	King	Shuster
Cooley	Kingston	Sisisky
Cox	Klug	Skeen
Crane	Knollenberg	Skelton
Crapo	Kolbe	Smith (NJ)
Creameans	LaHood	Smith (TX)
Cubin	Largent	Smith (WA)
Cunningham	Latham	Solomon
Davis	LaTourette	Souder
Deal	Laughlin	Spence
DeLay	Lazio	Stearns
Diaz-Balart	Leach	Stockman
Dickey	Lewis (CA)	Stump
Doolittle	Lewis (KY)	Talent
Dornan	Lightfoot	Tate
Dreier	Linder	Tauzin
Duncan	Livingston	Taylor (NC)
Dunn	LoBiondo	Thomas
Ehlers	Longley	Thornberry
Ehrlich	Lucas	Tiahrt
Emerson	Manzullo	Torkildsen
English	Martini	Upton
Ensign	McCollum	Udall
Everett	McCrery	Udall
Ewing	McDade	Walder
Fawell	McHugh	Walsh
Fields (TX)	McInnis	Wamp
Flanagan	McIntosh	Watts (OK)
Foley	McKeon	Weldon (FL)
Forbes	Metcalf	Weldon (PA)
Fowler	Meyers	Weller
Fox	Mica	White
Franks (CT)	Miller (FL)	Whitfield
Franks (NJ)	Molinar	Wicker
Frelinghuysen	Montgomery	Wolf
Frisa	Moorhead	Young (AK)
Funderburk	Morella	Young (FL)
Gallegly	Myers	Zeliff
Ganske	Myrick	Zimmer

NOES—176

Ackerman	Clay	Doggett
Andrews	Clayton	Doyle
Baesler	Clement	Durbin
Baldacci	Clyburn	Edwards
Barcia	Coleman	Engel
Barrett (WI)	Collins (IL)	Eshoo
Beilenson	Collins (MI)	Evans
Bentsen	Condit	Farr
Berman	Conyers	Fattah
Bevill	Costello	Fazio
Bishop	Coyne	Fields (LA)
Bonior	Cramer	Filner
Borski	Danner	Flake
Boucher	de la Garza	Ford
Brewster	DeFazio	Frank (MA)
Browder	DeLauro	Furse
Brown (FL)	Dellums	Gejdenson
Brown (OH)	Deutsch	Gephardt
Bryant (TX)	Dicks	Geren
Cardin	Dingell	Gibbons
Chapman	Dixon	Gonzalez

Gordon	McCarthy	Rose
Green	McDermott	Roybal-Allard
Gutierrez	McHale	Rush
Hall (OH)	McKinney	Sabo
Hamilton	McNulty	Sanders
Harman	Meehan	Sawyer
Hastings (FL)	Meek	Schroeder
Hefner	Menendez	Schumer
Hilliard	Miller (CA)	Scott
Hinchey	Mineta	Serrano
Holden	Minge	Skaggs
Hoyer	Mink	Slaughter
Jackson-Lee	Mollohan	Spratt
Johnson (SD)	Moran	Stenholm
Johnson, E. B.	Murtha	Stokes
Johnston	Nadler	Stupak
Kanjorski	Neal	Tanner
Kaptur	Oberstar	Taylor (MS)
Kennedy (MA)	Obey	Tejeda
Kennedy (RI)	Oliver	Thompson
Kennelly	Ortiz	Thornton
Kildee	Orton	Thurman
Klecicka	Owens	Torres
Klink	Pallone	Torricelli
LaFalce	Pastor	Traficant
Levin	Payne (NJ)	Velazquez
Lewis (GA)	Payne (VA)	Vento
Lincoln	Pelosi	Visclosky
Lipinski	Peterson (FL)	Volkmer
Lofgren	Peterson (MN)	Ward
Lowey	Pickett	Waters
Luther	Pomeroy	Watt (NC)
Maloney	Poshard	Wilson
Manton	Rangel	Wise
Markey	Reed	Woolsey
Martinez	Richardson	Wyden
Mascara	Rivers	Wynn
Matsui	Roemer	

NOT VOTING—24

Abercrombie	Hunter	Smith (MI)
Becerra	Jefferson	Stark
Brown (CA)	Lantos	Studds
Dooley	Mfume	Towns
Foglietta	Moakley	Tucker
Frost	Oxley	Waxman
Gillmor	Pryce	Williams
Hastert	Reynolds	Yates

□ 2033

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore (Mr. WALKER). Pursuant to clause 5 of rule I, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is the Chair's approval of the Journal.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that further proceedings on the postponed suspension motions are further postponed until tomorrow.

COMMUNICATION FROM THE HONORABLE CHRISTOPHER H. SMITH, MEMBER OF CONGRESS

The Speaker pro tempore laid before the House the following communication from the Honorable CHRISTOPHER H. SMITH, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 30, 1995.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (5) of the Rules of the House that my office has received a subpoena for testimony and documents concerning constituent casework. The subpoena was issued by the Superior Court of New Jersey in Morris County.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

CHRISTOPHER H. SMITH,
Member of Congress.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12 and under a previous order of the House, the following Members are recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

[Mr. OWENS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

[Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

REPUBLICAN BELIEFS AND GOVERNMENT RUN AMOK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, a friend of mine, State Representative Garland Penhalser recently asked me why I was a Republican, and what we were doing up here, and what this think was all about. Garland is a State representative who has been doing a tremendous job in Atlanta in the State capitol down there making changes. He just wanted to hear it from me what he already knew, I guess.

What I replied is that generally what the Republican Party believes up here is believing in people versus believing in Georgia. We support private sector solutions to problems, not Government solutions to problems. We stand for less regulation. We stand for less taxes, less bureaucracy, less micromanagement out of Washington, and certainly, more personal freedom.

With that in mind, Mr. Speaker, there are so many great examples of micromanagement out of Washington and Government run amok, if you will. A book has been written recently entitled "The Death of Common Sense,"

and many people have read the book. Recently, the mayor of Kingsland, GA, Keith Dixon, gave a copy of it to me. Just thumbing through there, there were a lot of great examples of crazy things that our Government does.

One of the examples took place in Yorktown, NC, with the Amoco Oil Co. The EPA came in there, and because there was a pollutant in the air called benzene, and benzene is an extremely dangerous pollutant, EPA ordered Amoco to install a new type of filtering system to their smokestacks. It cost Amoco \$31 million. As we know, Americans all over the country paid for that in higher gas prices at the pump. Let us not fool ourselves that Amoco paid more dividends to their stockholders because of that. They did what any business would do and they passed the cost on to consumers.

The irony of it was that the smokestacks were not emitting benzene. The benzene was coming from the loading dock area. That problem could have been easily remedied by changing the loading procedure. The only problem, Mr. Speaker, was that the EPA did not have jurisdiction over the loading dock, so the benzene is still in the air, and yet Amoco oil had to pay \$31 million for it.

Mr. Speaker, there are other examples of that. I see the gentleman from Pennsylvania [Mr. FOX] is here and wants to join us. I yield to my friend, the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I think the point is well made by him, and I appreciate him being a champion here for small business and for the importance of the individual. I had a situation in my district in Montgomery County, PA, where we had a gentleman who was trying to work with the Federal Government, a \$25,000 contract. The problem he had was 187 pages of Federal documents to be filled out. The problem with 187 pages was not just the number of pages, but also it would require him to hire an accountant, an attorney, and an engineer. What little profit there is in a \$25,000 contract, there was not really much for him.

The fact is, he told me, and he was right, the Government, the Federal Government, is not user-friendly. It does not make sense for him to try to give the best product at the best price to the Federal Government when he can sell it elsewhere without all the needless regulation and the burdensome paperwork that made it actually a disincentive to deal with our Federal Government.

Mr. KINGSTON. It is ridiculous, because I think the bureaucracy in many, many cases, and even probably in most cases, wants to do the right thing. The problem is these very laws, and we are going from manuals now that have a 4,000, 5,000, 10,000 pages to do anything, and these laws that are well-intended