

may have 5 legislative days in which to revise and extend their remarks on the conference report just adopted.

The SPEAKER pro tempore (Mr. COMBEST). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2072

Mr. HERGER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2072.

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

There was no objection.

PERSONAL EXPLANATION

Mr. FILNER. Mr. Speaker, I regret that I was unable to be present for two recent rollcall votes. Had I about been present on rollcall vote No. 11, I would have voted "no." On rollcall vote No. 12, I would have voted "yes."

PERSONAL EXPLANATION

Mr. RANGEL. Mr. Speaker, due to the Chair closing out the vote, a number of Members of the House have not been able to register their vote. Had the Chair not closed it out, I would have voted "no" on the conference report on S. 1124.

PERSONAL EXPLANATION

Mr. BOEHLERT. Mr. Speaker, I was on the elevator over there and a whole group of us that were in the elevator were not able to vote because the vote was closed out.

Had I been here and allowed to vote, I would have voted "aye" on the conference report on S. 1124.

PERSONAL EXPLANATION

Mr. CLEMENT. Mr. Speaker, I also was on the elevator, detained, did not get to vote. If I had been here, I would have voted "yes" on the conference report on S. 1124.

PERSONAL EXPLANATION

Mr. TOWNS. Mr. Speaker, I was on the elevator when the elevator was stuck. Of course, if I had been here, I would have voted "no" on the conference report on S. 1124.

PERSONAL EXPLANATION

Mrs. CHENOWETH. Mr. Speaker, on rollcall No. 16, I was unable to cast a timely vote because I was in traffic en route to the capitol. I missed the vote on the Conference Report on Department of Defense Authorization. Had I been present, I would have voted "yes."

PRIVILEGES OF THE HOUSE—PROTECTING CREDITWORTHINESS OF UNITED STATES, AVOIDING DEFAULT, AND AVERTING ANOTHER GOVERNMENT SHUTDOWN

Mr. DOGGETT. Mr. Speaker, I rise to a question of the privileges of the House and offer a resolution which the gentleman from Texas [Mr. BENTSEN] and I noticed pursuant to rule IX yesterday.

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

The Clerk read the resolution, as follows:

Whereas the inability of the House to pass an adjustment in the public debt limit unburdened by the unrelated political agenda of either party, an adjustment to maintain the creditworthiness of the United States and to avoid disruption of interest rates and the financial markets, brings discredit upon the House;

Whereas the inability of the House to pass a clean resolution to continue normal governmental operations so as to end the abuse of American citizens and their hard-earned dollars, Federal employees, private businesses who perform work for the Federal government, and those who rely upon Federal services as a bargaining tactic to gain political advantage in the budget negotiations, brings discredit upon the House;

Whereas previous inaction of the House has already cost the American taxpayer about \$1.5 billion in wasteful government shutdown costs, reduced the productivity and responsiveness of Federal agencies and caused untold human suffering;

Whereas the failure of the House of Representatives to adjust the Federal debt limit and keep the Nation from default or to act on legislation to avert another Government shutdown impairs the dignity of the House, the integrity of its proceedings and the esteem the public holds for the House: Now, therefore, be it

Resolved, That upon the adoption of this resolution the enrolling clerk of the House of Representatives shall prepare an engrossment of the bill, H.R. 2862, and the joint resolution, H.J. Res. 157. The vote by which this resolution is adopted by the House shall be deemed to have been a vote in favor of such bill and a vote in favor of such joint resolution upon final passage in the House of Representatives. Upon engrossment of the bill and the joint resolution, each shall be deemed to have passed the House of Representatives and been duly certified and examined; the engrossed copies shall be signed by the Clerk and transmitted to the Senate for further legislative action; and (upon final passage by both Houses) the bill and the joint resolution shall be signed by the presiding officers of both Houses and presented to the President for his signature (and otherwise treated for all purposes) in the manner provided for bills and joint resolutions generally.

The SPEAKER pro tempore. Does the gentleman from Texas [Mr. DOGGETT] wish to be heard on whether the resolution presents a question of privilege under rule IX?

Mr. DOGGETT. Yes, Mr. Speaker, very briefly, I do. I think there are only one or two other speakers that would ask to be heard on this.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, this motion raises most directly a question

of privileges of the House. True, the particulars of this motion concern the credit worthiness of the United States, something in which every American has a stake, particularly those with a variable mortgage, a car loan, a credit card balance, or whoever want to take out alone.

But, Mr. Speaker, what could more directly jeopardize the integrity of our proceedings here in the House of Representatives than misconduct, than tampering with the fiscal integrity of the United States?

Those who say we can live with financial anarchy would imperil both the dignity of this House and the hopes of millions of Americans for economic dignity. Indicative of this threat to the integrity of the House is the warning against a politically motivated default by six former Treasury secretaries, both Republicans and Democrats, who have expressed in their words their profound concern about the threat of default.

The very idea that Uncle Sam would tell anyone who holds a Treasury bill or a Treasury bond, sorry, we do not want to pay, is not revolutionary, it is simply lunacy. The full faith and credit of the United States is not anything to be trifled with. If there are Members of this body who are willing to mess up the credit rating of the United States, let them mess up their own credit rating, not that of the American people who they are sworn to serve.

When the Secretary of Treasury, Mr. Rubin, assures us that default is upon us, when he is compelled to undertake extraordinary measures to defer temporarily that default and only faces in return the threat of impeachment in this House, the dignity of this House is jeopardized. When we hear a declaration that "I do not care if we have no executive offices and no bonds for 60 days, not this time," the financial integrity of our country and the integrity and esteem with which the public holds this House is severely jeopardized. I refer, of course, to the words of the Speaker of the House, NEWT GINGRICH.

This motion and an ability to take up a clean resolution to adjust the debt limit before we run into financial ruin later this month would do something to undo the damage that has already occurred.

The SPEAKER pro tempore. Are there other Members who wish to be heard on the question of whether the resolution presents a question of privilege?

Mr. SOLOMON. Mr. Speaker, I move to lay the motion on the table.

The SPEAKER pro tempore. The Chair is attempting to ascertain whether or not the motion is privileged.

Mr. SOLOMON. Mr. Speaker, I will withhold my motion.

The SPEAKER pro tempore. The Chair is hearing discussion on that at this time.

Mr. SOLOMON. Mr. Speaker, I withdraw my motion temporarily.

Mr. SPEAKER pro tempore. Are there other Members who wish to be heard on whether the resolution presents a question of privilege?

The Chair recognizes the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Speaker, I appreciate my colleague from New York withdrawing his motion.

Mr. Speaker, I join my colleague from Texas, Mr. DOGGETT, in introducing this privileged resolution and in urging its approval so that the U.S. Government can keep paying its bills and not default for the first time in its history.

Rule IX of the rules of the House, which governs questions of privilege, states:

Questions of privilege shall be, first, those affecting the rules of the House collectively, its safety, dignity, and the integrity of its proceedings; and second, those affecting the rights, reputation, and conduct of members, individually, in their representative capacity only.

We offer this privileged resolution because we can think of no issue that reflects more on the dignity and integrity of this House and on the reputation of every single Member than the creditworthiness of the United States.

There is no question in my mind that the dignity and the integrity of this House and the reputation of every one of us would be irreparably harmed if we allowed our Government to default. And it would be especially irresponsible for this House to recess and leave town with this threat of default hanging over our Government.

The creditworthiness of the United States should not be a pawn in a political game or a point of leverage to force huge cuts in Medicare, Medicaid, and education to pay for a tax cut we can't afford. We must pass a clean bill to increase the debt ceiling and allow the United States to honor its obligations, and we can do that by voting for this resolution today.

Only the Congress can lift the debt limit and avoid default, and a failure to act in a timely manner does threaten the integrity of this body and the reputation of every one of us. If anyone doubts that, simply consider the consequences of default.

Government will come to a halt yet again. Interest rates will rise. Credit will become more expensive. Our economy could very well slip into a recession. And our Nation's unmatched reputation in world financial markets would be tarnished forever.

I hope there is no one in this body who doubts that if we allow these calamities to happen that the integrity of this body will not be damaged.

I also hope there is no doubt that the reputation of every one of us will be harmed as well. Our reputation will be harmed with every single consumer we represent who has to pay more in higher interest rates for home loans, car loans, student loans, and credit card purchases. Our reputation will be harmed with every State and local gov-

ernment official we represent because they will not be able to obtain financing for the services they provide. And our reputation will be harmed with every single taxpayer who will have to pay more for Government services.

I would submit to the Chair that, under a careful reading of rule IX, No. 1, "questions of privilege," this resolution is a question of privilege because it addresses a serious matter affecting the dignity and integrity of this House and the reputation of every Member. In addition, I would argue that the Chair should favorably review this question of privilege because, at this time, there is no other plan for this House to consider clean debt limit legislation before February 29, 1996, when Treasury Secretary Robert Rubin has told Congress that the Federal Government will go into default. Yet, Congress may recess without consideration of the vital legislation.

So I would ask you, Mr. Speaker, to carefully read section IX of the House rules. It states clearly that—

Questions of Privilege shall be, first, those affecting the rights of the House collectively, its safety, its dignity, and the integrity of its proceedings, and second, those affecting the rights, reputation, and conduct of Members.

This resolution seeks to protect the integrity of the House and the reputation of its Members by preserving the creditworthiness of the United States. This is the argument that my colleague from Texas and I are making. This is truly a question of privilege because the reputation of the House and its dignity would be forever harmed if we fail to act and to honor our obligations.

□ 1530

The SPEAKER pro tempore (Mr. COMBEST). The Chair is ready to rule, but would entertain one additional comment relative to whether or not the resolution presents a question of the privileges of the House.

Does the gentleman from Texas [Mr. EDWARDS] seek to be recognized for that purpose?

Mr. EDWARDS. Mr. Speaker, I would like to be recognized to address the issue of the privileged motion.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Speaker, I will be brief in my point. I think this resolution does deal with the integrity of this House in a very significant way. Unless I am mistaken, it was not too many years ago when colleagues on the Republican side of the aisle of this House came to this floor and argued that we should have privileged resolutions and measures to consider the so-called House bank scandal, because a number of House Members had purportedly bounced thousands of dollars of personal checks.

I would suggest to the Speaker and to our colleagues that if having Mem-

bers of this House bounce thousands of dollars in personal checks goes directly to the integrity of this House, how in the world could we not conclude that having the U.S. Government for the first time in two centuries bounce billions of dollars of checks to people to whom we owe money, and entities all across this world, an action that would undermine the integrity of our creditworthiness and our reputation as a nation, how can the personal bounced checks go directly to the integrity of the House and not have our Nation's bouncing checks go to the integrity of the House?

I would argue, therefore, Mr. Speaker, that this resolution clearly deals directly with the question of protecting the integrity and the dignity of this House, and would suggest that to rule otherwise might be inconsistent with the arguments we heard from our Republican colleagues just a few years ago.

The SPEAKER pro tempore. The Chair is ready to rule.

The resolution offered by the gentleman from Texas alleges that the failure of the House to take specified legislative actions brings it discredit, impairs its dignity and the integrity of its proceedings, and lowers it in public esteem. On that premise it resolves that the House be considered to have passed two legislative measures.

Under rule IX, questions of the privileges of the House are those "affecting the rights of the House collectively, its safety, its dignity, [or] the integrity of its proceedings." But a question of the privileges of the House may not be invoked to effect a change in the rules of the House or to prescribe a special order of business for the House. This principle has been upheld on several occasions cited in section 664 of the "House Rules and Manual," including March 11, 1987; August 3, 1988; and, in particular, June 27, 1974—where a resolution directing the Committee on Rules to consider reporting a special order was held not to present a question of privilege.

The resolution offered by the gentleman from Texas—like those offered on February 7 and December 22, 1995, and on January 3, 1996—is also aptly addressed by the precedent of May 6, 1921. On that occasion Speaker Gillett held that a resolution presenting a legislative proposition as a question of constitutional privilege under the 14th amendment did not qualify as a question of the privileges of the House. The Chair will quote briefly from the 1921 ruling:

[W]here the Constitution orders the House to do a thing, the Constitution still gives the House the right to make its own rules and do it at such time and in such manner as it may choose. And it is a strained construction * * * to say that because the Constitution gives a mandate that a thing shall be done, it therefore follows that any Member can insist that it shall be brought up at some particular time and in the particular way which he chooses. If there is a constitutional mandate, the House ought by its rules to provide for the proper enforcement of that, but it is

still a question for the House how and when and under what procedure it shall be done
* * *

Speaker Gillett's ruling is fully recorded in Cannon's Precedents, at volume 6, section 48.

Applying the precedent of 1921 and the others just cited, the Chair holds that the resolution offered by the gentleman from Texas does not affect "the rights of the House collectively, its safety, dignity, [or] the integrity of its proceedings" within the meaning of clause 1 of rule IX. Rather, it proposes to effect a special order of business for the House—deeming it to have passed two legislative measures—as an antidote for the alleged discredit of previous inaction thereon. The resolution does not constitute a question of privilege under rule IX.

To rule that a question of the privileges of the House under rule IX may be raised by allegations of perceived discredit brought upon the House by legislative action or inaction, would permit any Member to allege an impact on the dignity of the House based upon virtually any legislative action or inaction.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of agreeing to the Speaker's approval of the Journal.

The question is on the Speaker's approval of the Journal.

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

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

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

THE BORDER PATROL IN FLORIDA

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

Mr. FOLEY. Mr. Speaker, I want to address the House on a problem we are having in Florida and we are having all across the Nation. Last evening we had a chance to hear the President deliver his speech on the future of America. One of the things he emphasized was on changing and enforcing immigration procedures in our country.

It is ironic that this past week the Immigration and Naturalization Service announced that it was taking eight

Border Patrol agents from Florida and moving them to the southwest border of the United States. Clearly I know that we are having extraordinary problems on the borders of Mexico, but Florida also is being inundated by illegal immigrants.

What has happened with our Border Patrol has been a diminishing from 85 agents in 1988 to half that strength of 42 agents today, after these agents are detailed to the southwest border. In my home district, the Palm Beach Border Patrol Office will shrink to just three agents and one supervisor who are responsible for covering eight counties and 120 miles of coastline. At the same time, the number of Border Patrol and Coast Guard interceptions of Cubans and Haitians for the first 2 months of 1996 fiscal year, 1,248 interceptions, is almost as high as the total number of interceptions for the entire 1995 fiscal year, which totaled 1,789 interceptions—1,248 in 2 months, 1,789 during the whole fiscal year of 1995.

Just yesterday Border Patrol agents arrested eight illegals who were working at a school construction site in West Palm Beach, FL. The total number of criminal alien apprehensions in the Miami sector last year totaled 1,857 people, criminal alien apprehensions in the Miami sector. These statistics clearly demonstrate the critical need for a stronger Border Patrol force in Florida, so it amazes me that the INS apparently ignores this data making policy decisions.

I fully support a strong Border Patrol force for the entire United States, but not by slashing the number of Florida agents. I had a chance to go out with the gentleman from California, Mr. GALLEGLY, and others, the gentleman from California, DUKE CUNNINGHAM, and survey the border of Mexico. I understand their problem. I wholeheartedly support strengthening our enforcement on the border. However, Florida, much like California, Texas, and Arizona, has a similar problem. It is simply insane to remove agents from a State like Florida which continues to be strained by illegal immigration, insane.

Ironically, the day after the announcement to detail Florida agents, the Center for Immigration Studies released a new report stating that Florida remains the third largest recipient of illegal immigrants, with one of nine illegal immigrants in the United States residing in Florida. In fact, the report suggests that the illegal immigrant population in our State could be as high as 450,000 today. The State of Florida estimates that in 1993 alone, State and local governments have spent around \$884 million on undocumented aliens.

In addition, there are approximately 5,504 criminal aliens in State correction facilities on any given day, costing Florida taxpayers on average \$14,000 per inmate annually, 5,504 illegals in our State prison system, 5,504 beds that could be made available

for rapists, murderers, and drug dealers. The INS decision to cut Florida Border Patrol agents further erodes our already limited resources and threatens the security of our borders.

In fact, by INS taking eight agents out of Florida, they have in fact said "Welcome, one and all. Come to the State, because we are no longer enforcing the laws of this land." The action sends the wrong message to illegal immigrants, and it is simply not in the best interests of the State of Florida nor of the United States of America.

If, Mr. Speaker, the President is serious about changing the way Government operates in Washington, if we are in fact talking about the State of the Union of this country, the State of the Union of this country, then one of our most important challenges is to protect and secure our borders from illegal entry.

I welcome people to this country. My grandmother came from Poland. She had a sponsored job waiting and a clean bill of health. I want people who come to this country with a clear indication of wanting to support the values we hold dear. I commend you, Mr. President, for your speech. I commend the enthusiasm by which you lead this country. I urge you and I urge our leadership to sit down and work the details out of all the problems we face, but if we are in fact to have a safe and free Nation, we must protect ourselves from illegal immigration.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. DIAZ-BALART] is recognized for 5 minutes.

[Mr. DIAZ-BALART 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 gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

[Mr. SMITH of Michigan 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 gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

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

DO-NOTHING CONGRESS

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

Mr. VOLKMER. Mr. Speaker, Members of the House, this morning during my 1-minute speech, I chastised the Speaker of the House, NEWT GINGRICH, for not telling exactly the truth this morning on one of the talk show programs when he was being interviewed