Smith (TX)	Thornton	Watt (NC)
Smith (WA)	Torkildsen	Watts (OK)
Spence	Torres	Waxman
Spratt	Torricelli	Weldon (PA)
Stearns	Upton	Weller
Stenholm	Velazquez	White
Stockman	Vento	Wicker
Stokes	Visclosky	Williams
Stump	Volkmer	Wolf
Stupak	Vucanovich	Woolsey
Tanner	Waldholtz	Wynn
Tate	Walker	Yates
Taylor (NC)	Walsh	Young (FL)
Thomas	Wamp	Zeliff

NOT VOTING—2

de la Garza Gephardt

□ 1721

Mr. BARCIA, Mrs. COLLINS of Illinois, Mrs. MEEK of Florida, Mr. RUSH, and Mr. OWENS changed their vote from ''aye'' to ''no.''

Mr. NEY and Mr. BILBRAY changed their vote from ''no'' to ''aye.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. LINDER) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

□ 1724

TERM LIMITS CONSTITUTIONAL AMENDMENT

The Committee resumed its sitting.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 104–82.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. INGLIS OF SOUTH CAROLINA

Mr. INGLIS of South Carolina. Mr. Chairman, I offer an amendment in the nature of a substitute that is made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. INGLISH of South Carolina: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress:

''ARTICLE—

''SECTION 1. No person who has been elected for a full term to the Senate two times shall be eligible for election or appointment to the Senate. No person who has been elected for a full term to the House of Representatives three times shall be eligible for election to the House of Representatives.

''SECTION 2. No person who has served as a Senator for more than three years of a term to which some other person was elected shall subsequently be eligible for election to the Senate more than once. No person who has served as a Representative for more than one year shall subsequently be eligible for election to the House of Representatives more than two times.

''SECTION 3. No election or service occurring before this article becomes operative shall be taken into account when determining eligibility for election under this article.''.

The CHAIRMAN. Pursuant to the rule, the gentleman from South Carolina [Mr. INGLIS] will be recognized for 30 minutes, and a Member opposed, the gentleman from Michigan [Mr. CONYERS], will be recognized for 30 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. INGLIS].

Mr. INGLIS of South Carolina. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, we now come to the continuation of this historic debate on term limits. It is a very exciting day in America that we now have the opportunity to move on to real term limits and the opportunity to vote for term limits for the first time in the history of this country.

Before we vote in this House on a real term limits proposal, the three that are about to come before us, let me make the point of what has happened out there in America in the States.

Twenty-two States, now, in the United States have enacted term limits. Of those States, as you can see here colored on this chart, 15 have adopted 6-year term limits. Four have adopted 8-year term limits. And three have adopted 12-year term limits.

Any of those is acceptable in my mind. Twelve years would be good if that is the one we end up with at the end of the day. Six years might be a little bit better, in my opinion, but the important thing is we pass term limits.

It is important to note though if we are looking at what States have done that they have, a majority, adopted the 6-year approach. It is also something to point out that when asked, the American people apparently preferred the 6-year version. In fact, if you ask the American people which one they prefer, 82 percent prefer three terms, and six terms are preferred by 14 percent of the American people. This, I think, is consistent with most polls on the subject and accurately reflects the view of most people that 6 years is about right. Others are a little bit longer.

But now that we have gotten that out of the way and I have advocated at least on the 6-year bill, let me make a very important point to all of my colleagues here. We just had a vote on which 135 people voted for retroactive application of term limits. I will now expect in honesty and truth in legislating for every one of those 135 to vote for final passage, whether it is my bill or whether it is the Hilleary approach or whether it is the approach offered by the gentleman from Florida [Mr. MCCOLLUM]. Because I will assure you whichever one comes forward as the will of this House I will support. I will not insist on six. I think it is a little bit better. But I am happy to vote for one of the 12-year proposals.

So I particularly would hope that those on the Democratic side, the 81 that just voted for a retroactive application of term limits, as this House works its will, that you will vote with us on final passage. We need your help to get 290 votes. We have an opportunity. If every one of those 81 come with us, we will have term limits at the end of the night, and I look forward to that day.

Mr. Chairman, I reserve the balance of my time.

□ 1730

Mr. CONYERS. Mr. Chairman I yield myself 3 minutes.

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

Mr. CONYERS. Mr. Chairman, we now come to the most objectionable of all the term limit proposals. The Inglis substitute would limit Congressmen to a mere 6 years—or three terms—in office. The proposal would make it impossible to run this institution in an orderly and intelligent fashion.

If the Inglis substitute had been law none of the leaders selected by the Republican Party—not Majority Leader ARMEY, not Speaker GINGRICH, and indeed not a single Republican committee chair—would have been eligible for office, let alone to assume their new leadership roles this Congress.

And if the Inglis proposal is such a good idea, why didn't the Republicans choose any committee chairs from among those Members serving in their first three terms? I think the answer is obvious—a 6-year term limit does not make sense. It is the most radical of all the term limit substitutes. It would severely distort and disfigure the legislative process and recast our two century old Constitution so significantly that its authors would no longer recognize the first branch of Government. The jockeying for power that would occur in this place under a three-term cap would be unprecedented.

The Inglis substitute would create a Congress of lame ducks and lead to an even greater proliferation of wealthy candidates who could afford to abandon their business careers for a few years. And the few Members who were not independently wealthy would be forced to spend most of their time currying favor with special interests so that they could further their postcongressional career opportunities.

The Inglis proposal would severely limit the Members' opportunity to garner the experience needed to master the many important substantive areas of Federal legislation. Issues relating to civil rights, intellectual property, Federal procurement, communications, intelligence, labor, and income tax policy—to name but a few—are all highly complex and sensitive. A 6-year term limit would significantly diminish the ability and incentives for Members to understand and positively influence legislation in these areas.

The Members would have no choice but to turn to career staffers and bureaucrats. The result would be a massive shift of power from elected officials to unelected legislative and executive branch staffers and lobbyists.

I urge the Members to reject this ill-considered proposal.

Mr. Chairman, I reserve the balance of my time.

Mr. INGLIS of South Carolina. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. NETHERCUTT].

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

Mr. NETHERCUTT. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise today as the Representative of the fifth District of Washington in strong support of the Inglis amendment.

In 1992 the voters in my State spoke loud and clear on term limits. They passed an amendment to impose 6 year term limits on the House and 12 years on the Senate.

The voters of Washington State were not alone. Since 1990, 22 States have passed term limits. Fifteen of them were for the limits of the Inglis amendment: 6 years and 12 years.

The Inglis amendment not only reflects the will of my constituents and the American people, it returns the House of Representatives to the role the Founding Fathers intended: ''the peoples House.'' Six years provides us enough time to come to this great body, pass laws on behalf of our constituents and then return home to live under those laws.

Mr. Chairman, I am personally committed to respecting the will of my constituents and the voters of Washington. I encourage my colleagues to respect their constituents and return this body to the American people by joining me in support of the Inglis amendment.

Mr. CONYERS. Mr. Chairman I yield 2 minutes to the distinguished gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. I thank the gentleman from Michigan for yielding this time to me.

Mr. Chairman, there are so many reasons to be not just skeptical, but despairing, of this particular variation on the term limits madness, that it is hard to know where to start.

Let me just pose one hypothetical that could become, that would become reality if this approach were to become law. The Speaker of the House of Representatives, the third ranking constitutional officer in the Republic after the President and the Vice President would be presumptively a Member of the House who had served all of 4 years. Had had 4 years to garner the kind of experience and perspective and understanding of this enormous country and its complex Government, to be able to carry out the profound responsibilities, constitutional as well as administrative, of this body.

I recall growing up and listening sometimes to one of those early television shows, Ted Mack's American Amateur Hour, in which we would all sort of chuckle watching the little black-and-white screen as persons would come up and often make fools of themselves trying to perform in front of a television audience. I do not want to turn this body, much less the speakership of the House of Representatives, into some new amateur hour. Our responsibilities are far too important in service to this country.

The underlying assumption that we need anything like term limits of course is an assumption that needs to be attacked at every turn in this debate, has been mentioned time and again already. When we have more than half of this body elected for the first time in the 1990's, please tell me, where is the need?

Mr. INGLIS of South Carolina. Mr. Chairman, I yield 1½ minutes to the gentleman from North Carolina [Mr. HEINEMAN].

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

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

Mr. Chairman, I rise in strong support of term limits.

The Constitution fixes certain limits on the terms of Congress. Thomas Jefferson explained that his reason for fixing terms on Congressmen was so that they would return to the people and become the governed instead of the governors.

He believed that this would force Congressmen to keep the public good in mind.

Jefferson's underlying premise is simple—the longer a Representative is in the Congress and away from his constituents, the less likely he is to truly represent their interests.

Our Founding Fathers envisioned Congress not as a career as it is now, but a brief honor. After a short stint in public service, the politicians were supposed to return home.

A 6-year term limit will allow more citizens to serve in Congress, destroy the evils of incumbency, and keep those who serve in Congress closer to those who elected them. This is what the Founders sought—a citizen legislature.

No matter what the outcome of this vote. I will end my service in Congress after 6 years—that is what is right and that is what I promised my constituents.

Support the Inglis amendment and support real term limits.

Mr. CONYERS. Mr. Chairman, I yield 2½ minutes to the gentleman from Pennsylvania [Mr. GEKAS], a colleague on the Committee on the Judiciary with whom I have served in many capacities.

Mr. GEKAS. I thank the Chairman and I thank the gentleman, my colleague on the Committee on the Judiciary, for yielding this time to me.

Mr. Chairman, I rise to oppose the current amendment because I am in favor of term limitations and propose later to vote for the 12-year plan. But I oppose this facet of the process because I also oppose legicide, because in adopting this amendment we would be killing the legislative branch of our government. Legicide we cannot afford, changing the terms we can afford. But just as the gentleman from Michigan has so adequately articulated, to shrink the individual service of Members to 6 years is to decimate the legislative process; it is to take the legislative branch and make it each more subservient to the executive branch than ever it was before. On the one hand we grant the line-item veto which strengthens the hand of the President, and then with the other hand we pull back on the already limited power of the legislative branch by having only 6-year terms and no time for individuals to build up that institutional knowledge and the institutional power that is necessary to make sure that the legislative process works.

Now I owe it to the record and to my constituents to explain my personal position on this issue. When I was vacillating a few years ago, when this debate erupted, I said that the term limits are guided by the votes of the public every 2 years. But that did not satisfy my people.

So I ran a questionnaire on this very same subject; 27,000 questionnaires were returned in my district and 82 percent of those questionnaires said that they opposed the proposal and supported term limits.

So any doubt that I had about where I would fall on this momentous issue was sanctified by the opinion of my constituents, 82 percent said they want term limitations.

I am going to abide by their wishes and then exercise my own judgment in view of my previous remarks to vote against this amendment and for the 12-year plan that will yet come to this debate.

Mr. INGLIS of South Carolina. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. BLUTE].

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

Mr. Chairman, I think the American people owe a debt of gratitude to the

gentleman from South Carolina [Mr. INGLIS] for his leadership on this issue, for spearheading the term limits movement in our country and for self-imposing his own term limit. Voters across America have already expressed their support for it through the ballot boxes.

In my own State of Massachusetts, voters last year imposed a 8-year limit on Members of the U.S. House; 21 other States have imposed term limits on their Federal representatives. Organizations have mobilized to get term limits passed in every State in the Union. They agree with people across the country that the United States would be best served by a citizen Congress.

Now despite the vision of our Founding Fathers, a class of professional politicians has developed which, to prove the point, will reject legislation supported by 80 percent of the American people.

I call term limits antitrust legislation for politicians. We do not like monopolies in the private sector because they lead to two things: Higher prices and less service. When politicians gain monopoly power over their offices, taxes go up and service and quality go down.

Once again the States are far ahead of Congress in reflecting the public sentiment, proving the argument Republicans have been making that States are where the will of the people is heard most clearly.

I urge Congress today to listen to the people and support term limits.

Mr. CONYERS. Mr. Chairman, I am delighted to yield 4 minutes to the gentleman from Maryland, Mr. STENY HOYER, a veteran of this process and a leader in the Democratic Party.

Mr. HOYER. I thank the gentleman, my friend from Michigan, for yielding this time to me.

Mr. Chairman, I rise in opposition to this amendment. My predecessor who spoke, the gentleman from the State of Pennsylvania, indicated that he owed it to his constituents to state his position. I think that is fair and correct. We ought to state our position. I have consistently and without fail told my constituents that I opposed the limitations of terms. This is a bipartisan position. I was on the floor and I hope many of you, if you were not on the floor, heard the remarks of the distinguished chairman of the Committee on the Judiciary, the gentleman from Illinois, HENRY HYDE, when he spoke. He referred to this amendment and to other amendments imposing restraints on the people—forget about the restraint on us—the restraint on the people to select from all the options people they wanted to come to this House, the people's house and to speak for them and represent them.

□ 1745

Mr. Chairman, he referred to the imposition of this restriction on the electorate as the dumbing-down of democracy. That was the gentleman from Illinois [Mr. HYDE]. I think he was correct.

Adlai Stevenson was once asked his philosophy of democracy, and his response was, ''Trust the people, trust their good sense, their decency, their fortitude, their faith. Trust them with the facts. Trust them with the great decisions.''

Every year the people consider the deliberations of Congress, and every other year, every second year, they make a choice. They decide whether or not the Representative that they have sent to Washington to represent them has carried out the objectives that they believe are appropriate.

We have term limits; that has been stated over and over. It is 2 years. Under the Constitution we must return to the people.

Now I am one of those who returns to my people every night because I live in this area, so I do not feel that I ever lose touch with my people. But the fact of the matter is it is appropriate that every 2 years they can assess whether STENY HOYER has been a Representative in which they have faith and trust and which they believe is carrying out their best interests. Do they agree with me on every issue? Of course not. They are, like every constituency, filled with people who believe that we ought to pass this bill or we ought not to pass this bill. Ultimately, however, they make a choice.

Mr. Chairman, the genius of our system is that in a democracy we give them that choice. We do not need to protect them against themselves. They have made choices, and in point of fact it is a shame that the demagoguery that sometimes passes for debate and alleges that we have an institution peopled with careerists who have 25, and 35, and 45 years is simply not true. Do we have people who have been here that long? Yes, we do. But the average term, as so many have said, is 7 years in this House. Over half of the House is new since 1990.

We have turnover, and that is, while an accelerated phenomenon, not a new phenomenon. It was a phenomenon that in 1992, with 11-year service, maybe the senior member of my delegation, the other seven elected after that.

So the fact of the matter is the American public is doing its job well.

Do we always agree? No, we would have, on our side, have preferred they voted for us this time. They did not. But let us not diminish their choices by this unwise policy.

Reject term limits.

Mr. INGLIS of South Carolina. Mr. Chairman, I yield 1½ minutes to the gentleman from Arkansas [Mr. HUTCHINSON], a good friend.

Mr. HUTCHINSON. Mr. Chairman, I want to join my colleagues in commending the gentleman from South Carolina [Mr. INGLIS] for his very strong leadership on this issue and the fact that we have come this far in having an open and recorded vote on one of the most important issues facing the American people. I think it is a credit to Mr. INGLIS' leadership, and I thank him for yielding this time to me.

It has amazed me, as we hear over and over again 70 to 80 percent of the American people support term limits, to hear the critics of term limits to say that somehow term limits are going to impede the will of the American people and prevent them from exercising their will every 2 years. Not at all. The fact is that it is the clear choice of the American people to have term limitations, and only if this Congress refuses to submit a term limitation amendment to the people and to the States for ratification have we thwarted their will, and to that extent we will do that.

But I want to address one particular criticism of term limitations, and that is that term limits will create an environment where professional bureaucrats will run the Federal Government, and that is simply not the case. Bureaucrats enjoy the current system of professional politicians with a very familiar and cozy relationship that they build with those politicians that results in too little accountability and, oftentimes, too little results.

I attended a conference, a southern legislators conference, a few years ago. They had a seminar on term limitations. There were a number of bureaucrats there, there were a number of elected officials there, and they asked us to hold up our hands if we were in favor of term limits. Out of the entire body there was one. That was myself. The fact is that roomful of bureaucrats felt very comfortable with a system in which they had a relationship built with career politicians who defended the status quo. It is time that we give the States and the people term limitations.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I rise in opposition to this amendment. We have heard some great speeches, I think, on the floor today on both sides of this issue, and many of us, of course, were impressed by the speech of the chairman of the Committee on the Judiciary, the gentleman from Illinois [Mr. HYDE]. In it he referred to term limits as the dumbing-down of democracy, and I thought, since he said that, he gave me license to tell another little, make another little, analogy about what I think of these limits.

Mr. Chairman, it is with the highest regard and respect for the maker of this motion, the presenter of this amendment, the gentleman from South Carolina [Mr. INGLIS] that I referenced Yogi Berra's story. Yogi Berra in high school did very poorly on his test, and his teacher said, ''Don't you know anything?''

Yogi Berra said, ''I don't even suspect anything.''

Mr. Chairman, that is what I think is part of the problem here.

When I came to the Congress, as I am sure every person in this room can tell us, we thought we had a handle on it all. We thought we had developed judgment that would make us best equipped to answer all the problems facing our society, and indeed our freshman class, when it comes to the Congress each time, every 2 years, is a source of reinvigoration to this body. Many of us look to the freshman recruits and say:

Who among them will be President of the United States?

Who among them will have an answer to solving the problems in our society?

Who will have the answer to making peace?

Who will preserve the environment?

Who will make a better future for our children?

Certainly all of them will have a role, but one or so of them may really rise to the top, and so we look with great anticipation to that new class.

But that is not to say that there is not a role in this body for many ranges of experience, the fresh, reinvigorating freshmen, as well as the seasoned senior legislators in this body, institutional Members from whom we can all learn, and so, whether it is dealing domestically or in foreign affairs, we need to have people who know politics, know the relationships our Government has with other countries and know how to solve problems in our country.

Mr. Chairman, I say with high regard for my colleagues that I urge my colleagues to vote against this.

Mr. INGLIS of South Carolina. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from the great State of North Carolina [Mr. COBLE].

Mr. COBLE. Mr. Chairman, I thank the gentleman from South Carolina, and I commend the gentleman from the land of the palmetto for the lead role he has played regarding this issue.

Mr. Chairman, the Congress by its inaction and inaccessibility has invited the anxiety that surrounds the term limit issue. The best course is for constituents to determine the number of terms their Members of Congress serve. But considering the chaos that dominates our lives, it has not worked well, and I, therefore, support term limits with this thought: Let's try change even though it may be wrong.

This reflects my frustration and the frustration of the American people.

I find it intriguing, Mr. Chairman, that this issue, which was so evasive during decades of Democrat control, has incredulously found its way to this House floor for a vote under Republican leadership in less than 3 months.

The 12-year proposal applicable to Senate and House in my opinion is the best plan before us. The 6-year House plan and the 12-year Senate plan is inconsistent on its face and affords me little comfort even though I may vote for it. I voted in favor of the retroactive proposal just before us, and I will vote for final passage on the bill left standing.

The majority of American people, Mr. Chairman, favor term limits, and it is a major plank in the Contract With America. Let us enact this day some sort of term limit proposal.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I rise in opposition to the Inglis substitute.

Mr. Chairman, I have tried hard to understand the position of those who support a constitutional amendment to impose congressional terms limits. I must admit, I am somewhat mystified by the implications of constitutionally imposed terms limits.

Here is a sample of slogans for terms limit supporters: stop me before I win again; vote for—that way someone else can serve. Vote for term limits, that way I won't have to retire; support term limits—I just can't stop running. Voters of the world unite, you have nothing to lose but your power.

It's funny, we have heard a lot from the Republicans these past few months about the message voters sent last November. At the very least, Mr. Chairman, the voters said they wanted their elected representatives to be the people they voted for. If the voters said anything, it was that they want the people they voted for to serve in Congress.

But this constitutional amendment undermines that choice. If politicians want politicians to serve shorter terms, they should just serve fewer years. Do not restrict voters ability to elect who they want.

To those who support term limits, give yourself a break, the voters like you. Do your duty, serve them. Don't beat yourself up.

This bill is a gimmick designed to fool people. Every term limit supporter in this House can personally enforce term limits. I'm afraid the real slogan for the term limit Members of Congress should be do as I say, not as I do.

Mr. INGLIS of South Carolina. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma [Mr. COBURN] who, I might note, represents the fact that there is no dumbing-down in term limits, and who is a fine physician who has come to this House.

Mr. COBURN. Mr. Chairman, I, too, rise in strong support of the amendment offered by the gentleman from South Carolina [Mr. INGLIS].

I come from the Second District of Oklahoma. Oklahoma has not dumbed-down. They have asked for term limits, they have passed term limits, and they know what they are doing. My support for term limits goes beyond my obligation to support the will of my constituents. I truly believe that the only way to restore the integrity to Congress is to renew our belief that this House should be a citizen legislature, not a safe haven for permanent professional politicians.

Although I have committed to vote for any term limit measure that will come through this House, I strongly believe that 12 years is too long. Proponents of the 12-year limit and those who oppose term limits will argue that Congress needs Members with experience. I present to my colleagues that I bring a body of experience to this institution and that I plan on leaving here 6 yeras from now, if I am so fortunate to be reelected, but I think, more importantly, the experience is not needed within the hallowed halls of this institution, but out in the real world.

As my colleagues know, we hear lots of criticism about the lack of bipartisanship in this Congress. Well, there is one source of bipartisanship. It is the arrogance of career political elitism that we have heard today in this House.

I say to the gentleman, ''Mr. INGLIS, I support your bill, and I urge my comrades and constituents to do the same.''

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Montana [Mr. WILLIAMS].

□ 1800

Mr. WILLIAMS. Mr. Chairman, the proposal that the proponents of term limits, and I am an opponent of it, place before us is based on follow the will of the people. The majority of the people want this; therefore, we should do it.

Now, let me speak to that. President Harry Truman's last words to this Nation were I have a deep and abiding faith in the destiny of a free people. So do we will. And all of us go home almost every weekend and listen to our people because it is from them that the great ideas for democracy have come and been allowed to flourish in this hall and in the United States Senate and become law.

But the hard fact is, and I have not heard anyone say it yet so I shall say it, sometimes the American people are simply wrong, and on the matter of term limits they are simply incorrect. It does not mean they are uninformed. It does not mean they are ignorant. It is just that on this issue they are incorrect.

Now, I know that the Contract With America is based on polling. The Republican leadership tells us that. They would pass laws based on polling. They would with this bill even change the basic law of the land based on that will-o'-the-wisp, changing public opinion.

And it is a will-o'-the-wisp. You know the American mood changes immediately following every 60 Minutes show. It changes following every Nightline show. And you would so change the Constitution based on that will-o'-the-wisp. Today's popular view is quite often tomorrow's public embarrassment.

In the early 1960s, the Vietnam War was outrageously popular, only to be an embarrassment, only to have the

American people change their mind on the Vietnam War before that decade was out.

Just prior to the attack on Saddam Hussein, Desert Storm, that military action was unpopular. The American people did not want us to take it. And within 1 week it was enormously popular.

Not long ago a poll was done on the first 10 amendments, the Bill of Rights of the Constitution, without identifying them. The American people said they would get rid of half of the 10 amendments in that poll. Sometimes the American people are wrong.

That is why the founders did not create an Athenian democracy because they knew a representative democracy was better. Why? Because there is a tyranny in a pure democracy and because sometimes people are wrong, as they are in this matter of term limits. Vote against this amendment and vote against the term limits proposal.

Mr. INGLIS of South Carolina. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from the State of Washington [Mr. METCALF], where apparently 1.1 million people were wrong in 1992 when they voted for term limits.

Mr. METCALF. Mr. Chairman, I rise to support the 6-year term limitation bill. I worked hard in support of Washington State's initiative, which we passed in 1992, which contained a 6-year term limit, and it was an initiative, and the public passed it.

We have a 6-year term limit in the Second Congressional District. I have pledged that I will serve no more than 6 years, whether it is finally declared constitutional or unconstitutional. If the people supported it, I will obviously pledge that.

It was said by a previous speaker that a 6-year term limit was a bad mistake. He said those naive new Members, or words to this effect, would be putty in the hands of the skilled professional lobbyists, the staff and the bureaucrats.

You know, that certainly would not have been true with the freshman tigers we elected this year. In fact, the exact opposite is true. Talk to any person, talk to a person who has not even been here. Who would they be most suspicious of, most cautious of, most standoffish of? The lobbyists. Certainly the staff and the bureaucrats. They are the ones that would be most concerned and careful.

It is the long-time Members who have become comfortable with those people. They find that they are nice people, they like them, and they are the ones who are unduly influenced by the lobbyists, staff, whatever.

Short-term limits are a part of our national history. In some of the colonial legislatures before the Revolutionary War they had a rotation in office, an informal and some a formal term limit. There was a 3-year term limit in the Continental Congress for a while during the Revolutionary War. Rotation in office was a way of life in the early part of the House, and in the War between the States was the first time we got up to a 4-year term limit.

We have a mandate. Congress should enact term limits for itself as it did for the Presidency.

Mr. CONYERS. Mr. Chairman, I yield myself 15 seconds.

I want to commend the last speaker, the gentleman from Washington State [Mr. METCALF]. He is the first person that has gotten up and said I am going to invoke term limits on myself, I do not need a constitutional amendment, I urge and support one, but I am going to be my own controller of my fate.

Now, if we could get all of the Members that are anxious to have term limits to support them, we will take care of this problem and maybe pass a constitutional amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. BRYANT], a member of the Committee on the Judiciary.

(Mr. BRYANT of Texas asked and was given permission to revise and extend his remarks.)

Mr. BRYANT of Texas. Mr. Chairman, this is a time when the new Republican majority is attempting to pass its platform; and it is, therefore, not a good time to introduce a new proposal or a new concept into this discussion.

I think it is a good time, however, to at least suggest a concept that is worthy of exploring after this process is over, and that is simply this: The problems that have beset this country and that have made it difficult for this Congress and the President to resolve our most fundamental problems has not been evil, long-tenured Republicans or evil, long-tenured Democrats. In fact, there are relatively few long tenured of either party.

The problem really has been divided government, the fact that the budget deficits went from about an average of about $60 billion during the presidencies of Nixon, Ford, and Carter to about $300 billion beginning in 1980 is the result principally of the fact that we had divided government for 12 years.

What am I talking about? Consider this. In 1980, Ronald Reagan was elected with a mandate for change, promising big, important, dramatic changes, and indeed he was elected with a working majority in the House and a majority in the Senate. He instituted those changes, major tax cuts, major defense spending increases, and within 2 years the public was so concerned about what they saw they voted out his working majority in the House, and he did not have another one the entire rest of the time he was President.

In 1992, President Clinton was elected. He came into office promising big change. Change was the main theme of his campaign. He began to institute big changes, including a dramatic health care plan. Two years later, the public was so concerned about what they saw they voted out his majority, and now we are back to divided government again.

The problem with our inability to solve major conflicts in this country such as how to write a budget is not due to evil people ensconced in the corridors of this Capitol. It is due to the fact that, unlike any corporation, unlike any human institution, whether it be a church, a company, a labor union, or anything else, we have a system that allows a president of one party and a board of directors of the other party that can go exactly the opposite direction, and in fact that is the way we have had to govern this country now for 12 of the last 14 years.

I suggest to you that if we want to really solve this problem, once this debate is over, once the contract is over with, let us sit down and look at a way to try to engineer an election system whereby we discourage the possibility of divided government every few years, give one side or the other 4 years to try to govern this country and see if they can be successful with a coherent program of how to write the budget, coherent program of how to write all of the legislation that we deal with, the appropriations process and all of it.

At the end of 4 years, if they did a good job, they will be reelected. If they did not, they will be voted out of here. That is the way to deal with the problem, I think.

I hope that once this is over we can perhaps enter into a real discussion of how to answer this problem in a way that relates to the real causes of our inability to answer the problems and the difficulties that face this country rather than try to blame it on some mysterious, unnamed evil people somewhere in the corridors of this Capitol.

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] has 8 minutes 15 seconds remaining, and the gentleman from South Carolina [Mr. INGLIS] has 15 minutes and 30 seconds remaining.

Mr. INGLIS of South Carolina. Mr. Chairman, I am happy to yield 2 minutes to the distinguished gentleman from South Carolina [Mr. SANFORD].

While he is coming, I would point out that he, too, represents the best in America that proves that this is not the dumbing down of America, for he is a successful businessman and farmer himself.

Mr. SANFORD. Mr. Chairman, I would applaud my colleague's efforts because he has gone from being a voice in the wilderness to the leader in this national change.

I rise in general behind the idea of term limits but very specifically behind the idea of a three-term limit. I do that because I think it most directly affects this culture of spending that we have in Washington.

Some would say, well, it does not matter how long people serve as long as there is some sort of limit. That is the equivalent of saying it does not matter how long we stick somebody in

jail, just as long as they go there to stay a little while. That does not, again, directly affect that which we need to change, and that is this culture of spending.

I think that the American taxpayer is the one in jail right now, and the three-term limit affects this in a couple of different ways.

One, it reflects the will of the people. Overwhelmingly, people have said on the basis of 82 to 14 percent, and that is a Frank Lynch poll, that they would rather see people serving three terms than six terms.

Two, I think it goes back to the will of the Founding Fathers. They planned for a citizen legislature in which people went up for a little while and tried to make a difference and then went home. In fact, what you see is that, on average, for the first 100 years of this country's existence, people came to Congress and there was 50 percent turnover. That number has fallen down to, for the last 40 years, about 10 percent turnover in Congress.

Twelve years will not get you there. Three terms would get us much, much closer to that citizen legislature model.

Last, I would go back to where we started, and that is the American taxpayer who is now stuck in jail. The National Taxpayers Union did a study and what they found was that there was direct correlation between the length of time in office and propensity to spend other people's money. So 12 years will begin to get us that. It is better than no term limits at all. What they found was that three terms would do a much better job at that.

So I would hope that we would support this measure. I think it represents a real jailbreak for the American taxpayer.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the chairman of the Urban Caucus, the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I thank the gentleman for yielding this time to me, and I rise in opposition to this specific amendment and to the constitutional amendment for term limits generally.

Mr. Chairman, you have not found me rising to say much good about the Contract With America, but there is one theme of the contract which I believe is positive: that is putting more power in the hands of the people.

But this constitutional amendment directly contradicts the theme of empowering individual Americans. And it seeks to fix America through another arbitrary and empty-headed gimmick.

One of the beauties of our democracy is that it gives power to the people through choice. Expanding democracy should be about expanding the decisions people can make—not limiting them.

But this amendment would take away choice. It cannot be repeated too many times that we already have term limits. Every 2 years, the people can limit our terms by just saying no. And they have. Most Members of Congress have served only 3.5 terms. In fact, nearly half of the Members of the present House have been elected in the last two election cycles.

The real joke here is that the proponents of term limits want term limits, but not for themselves. It is like an alcoholic calling for prohibition, but not for himself. And, is it any wonder? Of the 20 Members who serve either in the Republican leadership or as committee chairmen, only two—the majority whip and the majority leader—would still be here today if we had 12-year House term limits.

In fact, the average Republican leader and committee chairman has served 18 and a half years. One Senate term-limit advocate has been in the Senate for 41 years. It would be funny if it were not a truth that is making this debate so tragic.

Let us protect the sanctity of democracy by maintaining one of its most critical ingredients, unfettered decisionmaking by voters.

Mr. INGLIS of South Carolina. Mr. Chairman, I am happy to yield a minute and a half to a strong supporter of term limits, the gentleman from Pennsylvania [Mr. ENGLISH]

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I thank the gentleman for yielding this time to me, and I rise in strong support of the Inglis amendment.

As someone who ran as a supporter of term limits and committed myself to limit my own term of service, I believe this amendment would be a huge improvement on current law and would be a major improvement for this institution.

□ 1815

I believe that term limits will help circulate new blood and new ideas into Congress, and for that reason it has been the focus of enormous vilification by the political establishment, of lobbyists, of political careerists and members of the news media. I believe that congressional term limits will be a catalyst for change and a seminal reform which will return this institution back to a citizen legislature, the way the founders conceived it.

I have heard many speeches to day by Members of this body, whom I regard very highly, that he will be losing enormous experience by instituting term limits. But I would argue to them that the experience that this institution needs is not of this institution, it is from the professions, it is from the business community, it is from the core of our neighborhoods and our communities. There are experiences that we need here that are underrepresented that in my view would be brought in by term limits. This institution was established to contain citizens from all walks of life serving their country. In my view, term limits will make congress a more diverse institution that deliberates issues, not merely brokers of power.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Chairman, I thank the gentleman for recognizing me.

Mr. Chairman, I think term limits is a foolish idea, and I think this is a particularly foolish idea. I was privileged to be elected to this body in October of 1989. My very first meeting in the House Committee on Armed Services also happened to be Colin Powell's very first meeting before that committee as Chairman of the Joint Chiefs of Staff. He had over 30 years to learn his job, yet he makes recommendations that only the House Committee on Armed Services and then this body and the U.S. Senate can vote on, because the Constitution gives us the authority to declare war. The Constitution says we shall provide for an Army and for a Navy.

I would think the proponents of this measure could not stand before this body right now and tell us what a D–5 is or Mark 48, or why we need a *Seawolf* submarine or the *Centurion* submarine.

The bottom line is the House Committee on Armed Services makes 275 billion dollars' worth of decisions every year. These are decisions that affect your lives. This body can vote to annihilate the world. These decisions should not be made lightly, and they should not be made by people who do not know what they are talking about. And if it took Colin Powell, who is a brilliant man, 30 years to learn his job, then I would say that people in this body need at least 12 to learn theirs.

Mr. INGLIS of South Carolina. Mr. Chairman, I am happy to yield a minute and a half to the gentleman from Pennsylvania [Mr. FOX].

(Mr. FOX of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. FOX of Pennsylvania. Mr. Chairman, I want to take this opportunity to thank the gentleman from Greenville, South Carolina, the distinguished Mr. INGLIS, for his leadership with this important reform. The gentleman's bill which years ago would have gone unnoticed, now it is the focal point of the public's attention tonight.

Now, many Congresses of the past would have been perceived as being out of touch or spent too much or may have been perceived as being lifetime term wishers. Now we have the 104th Congress, 435 strong, a different Congress, one that has proven its accountability, first with the adoption of the Congressional Accountability Act, the Shays Act; the three-fifths rule to prevent tax increases unless there are 60 percent to vote for it. We have cut house committee staff by one-third, a line-item veto to cut out wasteful spending, no proxy voting in committee, legal reform and regulatory reform. That is what kind Congress this

104th Congress is. Pending reform legislation includes franking reform, campaign reform, gift ban reform, and pension reform.

But consistent with this excellent record of accountability, accessibility, and general reform, would be the adoption of term limits, like the Inglis bill.

I submit to you, Mr. Chairman, as you know, our U.S. Constitution permits amendments, and this effort of many of us here is not approached lightly. It will take a great deal of work. But the first step is tonight by passing this in the House before we go to the Senate and the States. Eighty percent of the public favors and 22 States have overwhelmingly adopted term limits legislation. The American people are right. This body is the people's House and we should reflect their will by voting for the Inglis bill tonight.

Mr. INGLIS of South Carolina. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Michigan [Mr. CHRYSLER].

Mr. CHRYSLER. Mr. Chairman, 70 percent of the people in the State of Michigan voted for term limits which called for 6 years in the House and 12 years in the Senate, and I will too. I applaud the gentleman from South Carolina [Mr. INGLIS] for bringing this effort to the floor of the House and letting us all have the opportunity to vote on real term limits, the way the American people have wanted, the term limits that American people wanted and voted for.

Term limits does not exclude people or prohibit people from running for office. You can run for the State house and serve for 6 years, you can run for the State senate, you can run for Governor. You can run for the U.S. House of Representatives, spend 6 years, you can run for the U.S. Senate, spend 12 years, and you can even run for President. You can spend your whole life running for political office and serving in politifcal office if that is what you want.

But there is one major distinction, and that is that you have to appeal to a larger group of constituents each time you run, and I think that is the true measure of your effectiveness as a public servant. For those Members who are so full of themselves that they think that they are the only ones that can do this job, I have news for them. There are many good Americans who can and have and will step into their shoes and do an excellent job.

It is time to give America a citizens' legislature that will pass laws and then go home and live under those laws. We are public servants, and I support what the public wants.

Mr. INGLIS of South Carolina. Mr. Chairman, we just heard from somebody who represents some of the 2.3 million people in Michigan that apparently made the wrong decision on term limits, according to a previous speaker.

Mr. Chairman, I am happy to yield 1½ minutes to the gentleman from California [Mr. DORNAN], who represents some of the 6.5 million people in California who voted for term limits.

Mr. DORNAN. Mr. Chairman, I put in my first term limits bill in my freshman year in 1977–78. I put in a 12-year House and 12-year Senate term limit bill every Congress over the past almost two decades, and now I have come to the position with the gentleman from South Carolina [Mr. INGLIS] that 6 years in the House and 12 in the Senate is the way to go.

There have been many good speeches today. The best was on the opposite side of my position from one of my dearest friends in the House, HENRY HYDE, the supreme protector of innocent human life in the mother's womb in this Chamber or the other body. But I have been telling the gentleman for 18 years that his destiny was to be the Governor of Illinois for 8 years after he served 12 here. He would be serving in the Senate today and probably be the front-runner for the Presidency of the United States of America if he had been pushed out of this House with his best years ahead of him. And he has still got a lot of great years here.

But, Mr. Chairman, 82 percent of the American people want term limits. It has passed almost after half of our States, and about eight States have come down from 12, 8 or 10 to 6. Forty-two people in this Chamber did not even have an opponent in the last election. Ninety-one percent of incumbents in both the Senate and House who wanted their seat got it back.

Mr. Chairman, it simply comes down to this: The strength of this House will be in new blood, old blood, young blood, Hispanic blood, conservative, black African-American blood, more ideas in this Chamber. That will come through term limits.

Mr. CONYERS. Mr. Chairman, I am very pleased to yield 1½ minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, it seems to me that what we are doing today unravels the balance of power that the Founding Fathers established when they wrote the Constitution of this country. And my sense has been for some time that if this generation of politicians and citizens changed the Constitution, we would not necessarily improve it. And the case in point to here is clear. We only need to look to our southern border to see what happens when you have a weak Congress and a strong Presidency. Mexico has a Congress with a term limit. One term and you are out of there. They have been incapable of reviewing the actions of the executive.

When you add the line-item veto in a Congress that is here for less time than it takes to become expert in almost any of the complex matters we deal with today, a President, misguided or mistaken, would have no review from an institution where the most senior member of a committee, where the Speaker of the House, had 6 years of experience. It is not simply in the matters of defense or national security, but in every issue that comes before a democracy. There needs to be some balance, and our Founding Fathers recognized that.

The people have the ability to institute term limits. I have just come off a close race. The people make those choices every 2 years, and we do not need a group of outside or inside experts limiting the options of the American people to make sure there is a Congress that is as strong as they want it to be to protect their rights and interests.

Mr. INGLIS of South Carolina. Mr. Chairman, I am happy to yield a minute and a half to the gentleman from Arizona [Mr. SALMON], who was one of the strong supporters of term limits legislation there which was passed in 1992 by 74 percent.

Mr. SALMON. Mr. Chairman, I have to commend the gentleman from South Carolina [Mr. INGLIS] for putting together a bill that does not violate the vote of the Arizona voters. I appreciate that.

Let me tell you one compelling reason, one big large fat reason why we should vote for term limits. It is the number 5 trillion, because this Congress, over the last few decades, has plunged this country $5 trillion in debt. Maybe, just maybe, if we know we are going to be here for a time certain, 6 years, we will have some guts and make the proper decisions to make the cuts where they need to be cut. Fifteen States have passed term limit laws that are limiting the House Members to 6 years, and 82 percent of the term limit supporters out there support 6 years.

I personally support the toughest possible amendment in keeping with the will of the people in Arizona who sent me here, and that is why I cosponsored the Inglis amendment. A limit of three terms for House Members will restore this body to a citizen legislature, because it will mean an average turnover approaching 50 percent. Now, if we limit it to just six terms, the average turnover is only going to be about 20 percent. Right now it is 16. So we are only going to pick up a net of 4 percent.

The Founding Fathers never intended for us to become professional politicians. They intended for Members of Congress to serve for a limited time and then go back to their farms at that time and work under the laws that they passed. We will get better laws out of this body. Let us abide by the will of the American people. Let us support the 6-year Inglis amendment.

Mr. INGLIS of South Carolina. Mr. Chairman, I am happy to yield 1 minute to the gentleman from Arkansas [Mr. DICKEY].

Mr. DICKEY. Mr. Chairman, what I want to do is stand here today and say that what we need to do in our Nation

and in this Congress is to have the Nation speak through the various States. This legislative process is only a start. We need to pass a term limits amendment, and we ought to send it to the various States and have them make their expressions.

My State of Arkansas, we have 6 years for the House and then 12 years for the Senate. That is fine with me. That is my direction and I am going to vote for this bill, and I am going to be a supporter of it as I have always been. It is not because I want to be reelected, it is not because some people have come to me and said if you do not do this, something is going to happen. It is because it is right. We need to restrict it.

There are times for different measures, and the time has come for term limits. I am for it, I am going to vote for this bill. I am also going to vote for all the other bills so that we can eventually get a bill passed, an amendment passed, that will go to the States.

Mr. INGLIS of South Carolina. Mr. Chairman, I am happy to yield a minute and a half to the gentleman from Arizona [Mr. SHADEGG], who represents some of the 1 million people who voted for term limits in 1992.

□ 1830

Mr. SHADEGG. Mr. Chairman, I thank the gentleman.

The people of Arizona have embraced term limits. They have done so with full knowledge. They are intelligent, and they can make their own decisions.

I listened to impassioned speeches on this floor today about how the Founding Fathers would not have tolerated it. I heard quotes read from the Founding Fathers' papers. But the Founding Fathers wrote into our Constitution the ability to change the Constitution, and it is important to harken back to the fact that when the Founding Fathers wrote that document, they had no idea that the Congress would devolve into what it is today, that it would sit 50 out of 52 weeks of the year here, that it would not be a citizen legislature, made up of people who go home and work in their districts and then come back here, citizens who write laws part of the time and live under those laws the other part of the time.

I am prohibited by the ethics code of this body from continuing to engage in my livelihood. I am a full-time Congressman.

If we want to return to a citizen legislature, then it is time to recognize that we have got to enact term limits. The arrogance of saying those who are here are the only ones who have the wisdom to govern this Nation is dead wrong.

It is time to recognize the wisdom of the Founding Fathers in allowing us to amend the Constitution and to return to a concept they embraced, which was that citizens write laws for America.

Mr. CONYERS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would like to just observe that we are marching our own institution into oblivion. I am trying to search for the reasons why. What would lead us to come to such a sorry conclusion that we need to regulate by Constitution our own terms?

Oh, not for us exactly, after it succeeds through the ratification process. My hat goes off to those three Members that I have heard that said they are going to impose constitutional limitations on themselves that they would put into the Constitution. Those are my kind of guys.

If we had a whole Congress like this, everybody that wants to impose limitations should impose them on themselves. And if Members did that, we would probably be cured of the problem that we complain of.

Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. FATTAH].

Mr. FATTAH. Mr. Chairman, I rise to oppose this amendment and oppose term limits as they are being proposed here this evening.

I think that we keep hearing about these polls and how people want to have term limits. In my district in Pennsylvania, over the last 16 years the voters have decided to replace two incumbents, and they realized that there are limits already in place. Every 2 years they get a chance to vote. And in fact, in some 85 weeks from now they will have a chance to vote on all of us and whether they want to see us return to the Congress.

It is of interest that when you look at the Republican chairs of committees and all of their leadership, they are in their sixth term or better. So, therefore, for all of the 12-year advocates or less, they should not be returning here to the Congress. They should, as the ranking member has said, if they want to go, they should go. And for all of those who support this notion, they should look at their votes back in the Republican conference, in which they voted to elect all these people chairs and Speaker GINGRICH to the Speaker's chair after he served 17 years.

So the point is that after 6 years you somehow do not have the ability to represent the legitimate interests of your constituents, those people who are prepared to adopt that logic need to act on it and follow their wisdom to its more interesting and more ironic collusion, which is that they would have to leave the U.S. Congress.

Mr. INGLIS of South Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Windsor, CA [Mr. RIGGS], who represents some of the 6.5 million people in California who voted for term limits.

Mr. RIGGS. Mr. Chairman, I thank the gentleman for yielding time to me. I thank him for his very strong leadership on this particular issue.

My colleagues, if things work so well at the present, how did we get a $5 trillion debt. We all know that Members of Congress get reelected, election in election out, by saying yes. And it is much easier to say yes than it is to say no.

We also know that the trends indicate that the longer someone serves in this body, the more likely they are to become a big spender.

Second, the longer they stay here in this body, the more dependent they become on special interest contributions to finance their reelection campaigns.

So really term limits should be known as the empowerment act for Members of Congress. It will clearly help the Members of this body bite the bullet and make the very difficult decisions, the budgeting decisions that have to be made in the interest of this country.

I for one intend to respect and honor the will of California voters who voted loud and clear in 1992 to limit the terms of Members of the California congressional delegation to three 2-year terms in the House, two 6-year terms in the Senate.

Mr. Chairman, I thank the gentleman for his leadership on this issue. Elective office should be short-term public service and not a career.

I urge my colleagues to support the Inglis amendment.

Mr. INGLIS of South Carolina. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, as we close this debate on this 6-year version of term limits, I think it is important not to stress the 6 years or the number of years but rather go back to the foundational principle here of why we need term limits.

Once again, that reason is the permanent Congress that we have got in the United States at this point. For all the change we are talking about, we have heard a lot of speakers refer to the fact that we have got 50 percent of the body is new in the last two cycles, all of that may be true. But the critical thing is, who came back that wanted to come back? What is the rate of reelection among those who wanted to come back. Do not look at open seats, because we know people die or retire or move on for whatever reason.

But of those who wanted to come back in 1994, with all of the change we got, 90 percent of us were reelected. That is a higher rate of reelection than the rate of reelection that used to obtain in the Soviet Union, when the Politburo ran the Soviet Union.

It is very important that we limit terms so that we can get a different kind of person here. And yes, a person without that experience that so many Members have talked about, with, frankly, such arrogance, to assume that we have such experience to run these huge programs, that experience has landed us $4.8 trillion in debt.

It is time for a different kind of experience in this body, the experience of ordinary people who would come here and work for a limited period of time on their specific agenda and then go home to live under the laws they created.

I urge Members support for this substitute.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from South Carolina [Mr. INGLIS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. INGLIS of South Carolina. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 114, noes 316, not voting 4, as follows:

[Roll No. 275]

AYES—114

Allard
Armey
Bachus
Baker (CA)
Baldacci
Barcia
Bartlett
Bass
Bereuter
Bilbray
Blute
Bono
Browder
Brownback
Bryant (TN)
Bunn
Burr
Calvert
Chabot
Christensen
Chrysler
Clyburn
Coble
Coburn
Condit
Cooley
Cramer
Crane
Cremeans
Cubin
Davis
DeFazio
Deutsch
Dickey
Doolittle
Dornan
Dunn
English
Ensign
Everett
Fields (TX)
Flanagan
Forbes
Fox
Franks (NJ)
Funderburk
Furse
Ganske
Goss
Graham
Hall (TX)
Hancock
Harman
Heineman
Herger
Hilleary
Hoekstra
Hutchinson
Inglis
Jacobs
Jones
Kim
LaHood
Largent
LaTourette
Lewis (KY)
LoBiondo
Longley
Lucas
McCarthy
McCrery
McInnis
McIntosh
McKeon
McNulty
Meehan
Metcalf
Minge
Myrick
Nethercutt
Neumann
Ney
Norwood
Packard
Peterson (MN)
Pombo
Pryce
Radanovich
Riggs
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Scarborough
Schaefer
Seastrand
Shadegg
Smith (MI)
Solomon
Spence
Stockman
Talent
Tate
Thornberry
Thornton
Vucanovich
Wamp
Watts (OK)
Weldon (FL)
White
Whitfield
Zimmer

NOES—316

Abercrombie
Ackerman
Andrews
Archer
Baesler
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Barton
Bateman
Becerra
Beilenson
Bentsen
Berman
Bevill
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunning
Burton
Buyer
Callahan
Camp
Canady
Cardin
Castle
Chambliss
Chapman
Chenoweth
Clay
Clayton
Clement
Clinger
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Conyers
Costello
Cox
Coyne
Crapo
Cunningham
Danner
Deal
DeLauro
DeLay
Dellums
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Foglietta
Foley
Ford
Fowler
Frank (MA)
Franks (CT)
Frelinghuysen
Frisa
Frost
Gallegly
Gejdenson
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Hilliard
Hinchey
Hobson
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Istook
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
Lantos
Latham
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
Lofgren
Lowey
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCollum
McDade
McDermott
McHale
McHugh
McKinney
Meek
Menendez
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Nadler
Neal
Nussle
Oberstar
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Pelosi
Peterson (FL)
Petri
Pickett
Porter
Portman
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Reed
Regula
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Richardson
Rivers
Roberts
Roemer
Rogers
Rose
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Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
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Smith (NJ)
Smith (TX)
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Taylor (MS)
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Thurman
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Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Waldholtz
Walker
Walsh
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
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Williams
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Wise
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Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff

NOT VOTING—4

de la Garza
Gephardt
Pomeroy
Torricelli

□ 1857

Mr. JONES and Mr. MINGE changed their vote from ''no'' to ''aye.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 104–82.

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

Mr. HILLEARY. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. HILLEARY: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress:

''ARTICLE —

''SECTION 1. No person who has been elected to the Senate two times shall be eligible for election or appointment to the Senate. No person who has been elected to the House of Representatives six times shall be eligible for election to the House of Representatives.

''SECTION 2. Election as a Senator or Representative before this Article is ratified shall not be taken into account for purposes of section 1, except that any State limitation on service for Members of Congress from that State, whether enacted before, on, or after the date of the ratification of this Article shall be valid, if such limitation does not exceed the limitation set forth in section 1.''.

The CHAIRMAN. Pursuant to the rule, the gentleman from Tennessee [Mr. HILLEARY] will be recognized for 30 minutes, and the gentleman from Michigan [Mr. CONYERS] will be recognized in opposition for 30 minutes.

The Chair recognizes the gentleman from Tennessee [Mr. HILLEARY].

□ 1900

Mr. HILLEARY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, tonight I am offering an amendment to protect the rights of individual States to impose term limit restrictions.

First, my amendment sets a national term limit of 12 years in the House and 12 years in the Senate. These are lifetime limits.

Second, our proposal allows States to set limits less than 12 years if they so choose.

It does not preempt any of the term limit proposals currently passed by the States. Do not confuse this with retroactivity. The Federal term limit provision clock starts when the amendment is ratified. For States that currently have State-imposed term limits, they continue as enacted. This legislation does not reach back to count any service prior to what is included in the State term limit law and it does not preempt any State term limits by resetting the clocks back to zero. Our legislation leaves the State-passed term limit laws alone and totally enforceable.

Although term limits is a new issue being considered by the House of Representatives, the citizens of 22 States around this country have already passed term limits in their States.

Tonight we have the opportunity either to protect the hard work of those people or turn our backs on them and let 9 justices in black robes across the street over here decide the fate of their work.

My amendment has the support of grassroots organizations which have fought the hardest in support of term limits. These groups have said that my amendment is the best one to protect term limits. It includes: United We Stand America; the Heritage Foundation; National Taxpayers Union; Citizens Against Government Waste; America Conservative Union, and the Christian Coalition.

I urge all of my colleagues to support the Hilleary amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. CONYERS. Mr. Chairman, this amendment calls for a 12-year national term limit but at the same time allows the States to adopt shorter term limits and then apply them retroactively.

Ladies and gentlemen, this is a 12-year term limit that allows each State in the Union to adopt a shorter than 12-year term limit if it so chooses. Do you have any idea what kind of chaos we are suggesting under a term limitation of this nature?

It is the most undemocratic and unconstitutional choice of term limits that we could possible make. The Supreme Court will shortly decide the constitutional question of whether the States are prohibited from determining qualifications for Members of Congress, as I believe they are, but Congress should not adopt a proposal as patently undemocratic and unfair as this. This takes the cake.

Voters in some term-limits States will be denied the right to elect experienced and effective legislators but those limits may not apply in other States.

Do you realize what that would mean in terms of seniority and chairmanships across this Congress if some States would have shorter term limits than other States? I think it would become a nightmare that we would not want to contemplate.

Some current Members, then, would gain seniority and others would be unable to. Lack of uniformity means unequal rights.

The present Speaker of the House has said that 6 years was not enough time for him to understand what is needed to be an effective Member of this body. But this proposal would allow the States to adopt a 6-year limit, or maybe even a 2-term limit, or maybe, as in Mexico, a 1-term limit. There is no prescription, no prohibition from each State adopting whatever term limit they might choose.

Who will be elected to Congress if people who want to devote their careers to public service are discouraged from seeking office?

Remember our Judiciary colleague Don Edwards of California who said it best:

Term limits would establish a Congress of lame ducks, rich people who could afford to spend a few years away from their life's work, corporation executives sent by their employers for business purposes, and men and women with a single passionately held goal.

What is strikingly absent from this list is the person whose public service is marked by commitment to the best ideals of the Nation, who is not captive to special interests and who has gained the experience and expertise to best serve the people who elected him or her to Congress.

Term limits is a narrow slogan that offers a ''magic bullet'' solution to a set of concerns that the voters have already resolved through the ballot box by giving the Republicans a majority in Congress and electing new representatives in half the races since 1990.

Reject this simplistic and dangerous solution. Vote ''no'' on the Hilleary term limit proposal.

Mr. Chairman, I reserve the balance of my time.

Mr. HILLEARY. Mr. Chairman, I yield 2 minutes to my good friend the gentlewoman from North Carolina [Mrs. MYRICK] who along with her staff has put in countless hours on this bill.

Mrs. MYRICK. Mr. Chairman, our Founding Fathers established this body on the ideal of a citizen legislature.

Their goal was to maintain the free flow of ideas through a steady rotation of individuals who saw public service, as just that, a service to the public—not a career.

We have a chance to uphold the wishes of our Founding Fathers this evening by passing a term limits amendment.

In addition we have a chance to pass an amendment that would not only respect the wishes of our Founding Fathers but would also respect the spirit of the Contract With America, by recognizing States rights.

The amendment is the Hilleary-freshman amendment. Mr. Chairman, the contract reads:

''House Republicans respect the rights of the States and respect the rights of citizens to limit the terms of their elected officials.''

The Hilleary amendment sets a maximum 12-year limit on the terms of both House and Senate Members. However, it respects the limits, even stricter limits, already established by 22 States nationwide.

Mr. Chairman, whether it be the amendment offered by Mr. HILLEARY, Mr. INGLIS, or Mr. MCCOLLUM, I will support final passage.

In 22 States, term limits have been initiated by citizens and have passed, on average 2 to 1; 80 percent of Americans support term limits, and I am one of them. I urge all my colleagues—on both sides of the aisle—to join with the American people.

The public has spoken. We must pass term limits tonight.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 6 minutes to the distinguished gentleman from North Carolina [Mr. WATT], our colleague on the Committee on the Judiciary.

Mr. WATT of North Carolina. I thank my colleague from Michigan for yielding time to me.

Mr. Chairman, at the end of the day, I think the American public will understand that we have been engaged in a giant charade throughout the course of today. Everybody in this body knows that this term limit proposal, any version of it, is going down to defeat. Every version of it is going down to defeat.

So why are we here? We are here because there was a reference to term limits in the Contract With America. So in debating this term limit issue, I think it is necessary to talk a little bit about some myths about this Contract With America and expose some myths about this whole idea of term limits.

First of all, there is this myth out there that the Contract With America is conservative. Well, let me tell you, my friends, since when is reversing 200 years of history and democracy a conservative philosophy?

Since when is a constant attack on the Constitution of the United States a conservative philosophy?

That is what we have been engaged in this entire term as we have addressed these issues in the Contract With America.

In dealing with the line-item veto, we have had under attack article 1, section 1 of the Constitution. The Effective Death Penalty Act, article 1, section 9 of the Constitution. National Defense Revitalization Act, the Defense Reauthorization Review Commission being set up, an attack on article 2, section 2 of the Constitution. Exclusionary Rule Reform Act, an attack on the fourth amendment to the Constitution. The takings legislation, the fifth amendment to the Constitution under attack.

And here we are again calling ourselves conservatives as we constantly seek to undermine the most conservative document, the contract, the ultimate Contract With America, the Constitution of the United States.

Since when is limiting the voters' choice in who they can elect to the Congress of the United States a conservative philosophy? It is not conservative, my friends, this whole term limit debate. It is undemocratic and I submit to you, it is un-American. It is radical.

Since when is this cavalier notion that these group of people in this body are smarter than the Founding Fathers of our country a conservative philosophy?

But my friends here would have us believe that we are engaged in some kind of conservative undertaking by supporting their effort, their Contract With America, by supporting term limits in this case.

There is a second myth I want to go after about this Contract With America. That is the myth that there is

something consistent about this Contract With America, or that it is based on some consistent philosophical principles.

You tell me how it is consistent to tell the American people you believe in States rights when you preempt State law on legal standards which have been the exclusive province of the States for years and years? Tell the States how much time they must give to a criminal under their own laws and tell them you believe in States rights. Block-grant one day and preempt State laws the next day and tell them you believe in States rights, and, my friends, the Hilleary amendment, this amendment that we are here talking about today, wants to tell the American people that you believe in States rights and you believe in Federal rights. Inconsistency. You want to have your cake and eat it too.

Mr. Chairman, this amendment does not know whether it believes in States rights on the one hand, we are going to give the States the right to do what they want, or whether you want to federalize the standards. So this whole philosophy that the Contract With America is based on some consistent philosophical principle that you believe in States rights is just a charade. It is a charade.

□ 1915

And, my friends, there is a third myth about this Contract With America. And that is that it has been well thought out and that it is good for the American people. In fact, it is short-sighted, it is mean-spirited and I will submit that at the end of the day today Members will see that even the Republicans will not support this plank in the Contract With America. They say it will yield a common people's Congress. It will yield a rich people's Congress.

Let us dispense with the charade and vote this piece of trash down.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will admonish our visitors this evening that public displays are not permitted under the rules of the House.

Mr. HILLEARY. Mr. Chairman, I yield 45 seconds to my good friend, the gentleman from Florida [Mr. SCARBOROUGH].

Mr. SCARBOROUGH. Mr. Chairman, talk about a charade and wanting to have your cake and eating it too; to say that it is undemocratic and radical and to say we think we are smarter than the Founding Fathers because we want to amend the Constitution when it is time to amend the Constitution smacks of blatant hypocrisy.

If we followed this reasoning we would follow the reasoning of those who supported Plessy versus Robinson.

Mr. WATT of North Carolina. If the gentleman will yield, I knew we would be talking about slavery before we were through.

Mr. SCARBOROUGH. There is something we have called the 13th amendment and 14th amendment.

Following the logic of Plessy versus Ferguson, the 13th amendment and 14th amendment, and those who opposed that, using the gentleman's logic, we would still have slavery because anybody that wanted to end slavery would have been ''smarter than the Founding Fathers.''

Mr. WATT of North Carolina. Will the gentleman yield?

Mr. SCARBOROUGH. I would love to, but I think my time has expired.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I just want to make sure that we understand the height of hypocrisy. The height of hypocrisy is when anybody black gets up to talk on this floor, we end up talking about slavery on the other side. That is the height of hypocrisy.

Mr. SCARBOROUGH. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. No, I will not yield.

Mr. SCARBOROUGH. It is about constitutional law, it is not about whether you are black or white.

Mr. KLINK. Regular order.

The CHAIRMAN. The gentleman from Florida was not recognized.

Mr. SCARBOROUGH. Will the gentleman from North Carolina yield?

Mr. WATT of North Carolina. I will not yield. Would you yield to me when I have the time? You use your time and we will have a colloquy about Plessy versus Ferguson not Plessy versus Robinson, as you are talking about. If you want to have a colloquy with me, you get the time and I will be happy to debate with the gentleman.

Mr. SCARBOROUGH. I will gladly do it, gladly.

Mr. HILLEARY. Mr. Chairman, I yield 1 minute to my very good friend and colleague, the gentleman from Tennessee [Mr. WAMP].

Mr. WAMP. Mr. Chairman, I personally wish that we did not need term limits but we do. The institution of Congress became arrogant and out of touch. The people want a citizen legislature.

I have some friendly advice for some of the senior Members of this body from both sides of the aisle. If you think your seat in Congress belongs to you, and not the people, it's time for you to go home.

Because the Republican leadership had the courage to finally bring a vote on term limits, you can vote against term limits this year, and the folks back home can vote against you next year.

When I was growing up, the Fram oil filter man used to say: ''Pay me now or pay me later.''

While I plan to vote for all of the majority amendments, I much prefer the Hilleary amendment. I commend my colleague the gentleman from Tennessee for his recognition of the people's will in 22 States and urge my colleagues to vote yes on this amendment.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair must admonish our guests again this evening that under the rules of the House public displays, outbursts and displays are not permitted. The Chair thanks them for their cooperation.

Mr. CONYERS. Mr. Chairman, I am pleased now to yield 3 minutes to the distinguished gentleman from Illinois [Mr. DURBIN].

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

Mr. DURBIN. Mr. Chairman, this is our weekly constitutional amendment and this week we are debating term limits. There is lots of debate in this Chamber over the last several months about school prayer. Tonight we are dealing with the politician's prayer, the prayers of many of my colleagues who give spirited speeches in favor of term limits but pray to God it will not pass or at least not apply to them.

The history of the House of Representatives tells us that about 12,000 men and women have had the high honor to serve in this body. Many have been real giants on both sides of the aisle, and it has been my honor in the 12 years I have served to know them. Claude Pepper, Tip O'Neill, Lindy Boggs. On the Republican side, Silvio Conte, Bob Michel, and so many others who would have been precluded from completing their careers by the debate that we have in this Chamber today.

Here is the bottom line: For many members of the House of Representatives, 2 years are too long and for others, 20 years are not long enough.

The judgment on the men and women who serve in this House whether it should be 2 years, 20 years or more is a judgment in America to be made by the real power brokers, the people we serve. And in the case of this House of Representatives, every 24 months we stand to be judged by those voters.

Let me tell my colleagues what a House of Representatives populated by lame ducks, idle rich, dim-witted short-timers means. It is a dream come true for the lobbyists, for the special interests and the bureaucrats, because as Members of Congress come and go under these term limits scenarios, the lobbyists and the bureaucrats are going to linger on. They will be the ones with the information, the money, and the power. And the people just passing through will be doing their bidding instead of calling the tune. Their power will grow as the quality and experience of Members of Congress diminishes under term limits.

It was my honor in the last 2 years to chair a subcommittee of Appropriations which appropriated $67 billion a year and was responsible for 130,000 Federal employees. After 8 years of serving on the committee, I had the responsibility and honor of chairing it. At that point, I felt I had reached a

level where I could debate with the bureaucracy and the special interests and make real and significant reform and change, and it happened.

Had I been wandering through here in 2 years or 4 years or 6, folks, it would have been a lot tougher. We count on experience in every walk of life. You do not ask for the surgeon fresh out of medical school, you do not ask for the banker fresh out of business school, you ask for people with experience because experience counts in real life and experience counts in the House of Representatives.

Think twice before we impose term limits and lose the real strength of our House of Representatives.

Mr. HILLEARY. Mr. Chairman, I yield 1½ minutes to my good friend, the distinguished gentleman from Washington State [Mr. NETHERCUTT].

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

Mr. NETHERCUTT. Mr. Chairman, I thank the distinguished gentleman from Tennessee for yielding me this time.

Mr. Chairman, I rise in strong support of the Hilleary amendment.

The American people already know about term limits. They are watching us closely to see if our actions speak as loud as our words. Twenty-two States have term limits, with more surely to follow.

My election to this body is a direct result of my recognizing the right of the people of the State of Washington to enact term limits.

That is the beauty of this amendment. It respects the decision in my State to limit terms.

The Hilleary amendment is carefully drafted to embody the spirit of the Contract With America, and the spirit of the freshman class.

We freshman have come to Washington to change the status quo to be different than our predecessors. As the new majority party, we have the ability now to make it easier for future generations to serve in this body.

The Hilleary amendment provides for a uniform upper limit of 12 years of service, but it also allows States to create their own more restrictive limits or keep the ones they already have.

The Contract With America calls for change in the way we do business in Congress and a reduction in the size and scope of the Federal Government.

This amendment accomplishes both goals. It allows a regular, reasonable turnover in the membership of Congress. It will assure that new people with new energy and new ideas contribute to better government. And, it will demonstrate to the American public that States' rights are not ignored by Congress.

I urge my colleagues to remember the mandate of election day 1994.

Vote ''yes'' on the Hilleary amendment.

Mr. CONYERS. Mr. Chairman, with some pleasure, I yield 7 minutes to the gentleman from Massachusetts [Mr. FRANK], the comanager of this bill and the ranking member of the Constitution Subcommittee.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman for yielding the time.

The Chairman, I am voting against term limits. People have talked about the effect on the competency of the body, and I agree; and they have talked about other things. For me there is one overriding reason. I believe in democracy, in representative democracy, untrammeled, unrestricted, unrestrained.

What this amendment does is impinge on the right of a given group of voters at a given moment in time to make whatever decision it wishes.

People have said well, how can it be undemocratic, a majority is for it. I did not think in the 20th century, after all that we have seen, in which majority have people temporarily taken away democratic rights from others and indeed even yielded up their own, I did not think that needed to be explained.

But democracy is not simply what a given majority in a public opinion poll thinks at a given time. It is an entire structure of government, it is majority rule with minority rights; it is the prevention of permanence, because with majority rule you recognize the right of a later majority, a differently composed majority of newer people to change things.

What you would do if you amended the Constitution today in this manner or began the process is to lock in what today's majority thinks as a restriction on any future group.

Second, you would take away the rights from individuals. Particular groups of individuals may not want to have their Representative limited. That is what you are doing, what you are saying. And we are being told 80 percent think that.

It has not been my impression that 80 percent has been the uniform vote in referenda, so maybe it is 50 percent plus 2, maybe it is 65 percent, but the number is not the relevant factor. What is relevant is that democracy says at any given time the voters should be allowed to make up their minds.

What this amendment is fundamentally is an effort to find a shortcut around tough decisions. We have had a number of these coming in the contract. Cutting the budget and reducing the deficit is hard, because the deficit is an agglomeration of programs that got there because they got political support.

Rather than talk about the specifics of cutting, the majority leader said you do not want people's knees to buckle when they see what is really up. People provide procedural approaches to try to get around tough issues. This is one more of those. But it is a procedural approach that restricts democracy.

What is the matter with a system that says the voters can do whatever they want to do whenever they want to do it? And the honest thing I have heard is constant invocation of the Founding Fathers, the people who wrote the Constitution, to be told that they are really for something that is in there. I have to ask the brilliant constitutional scholars who have been advancing that, is it your contention that the Constitutional Convention meant to include term limits but they forgot? Was it a drafting error, did they run out of time? If they wanted to do it, why did they not do it?

Mr. SCARBOROUGH. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the constitutional scholar from Florida.

Mr. SCARBOROUGH. Mr. Chairman, I thank the gentleman so much. I will not expand on *Plessy* v. *Ferguson,* but I will answer the gentleman's question with a question. There are writings in the Federalist Papers by James Madison that say that in general he would support the idea of a limited term for Representatives.

Mr. FRANK of Massachusetts. That answer is astounding.

Mr. SCARBOROUGH. Well, thank you, I appreciate that.

Mr. FRANK of Massachusetts. I say in my question if the Founding Fathers wanted to put it in the Constitution, why did they not? The gentleman said well, after the Constitution was over and it was not in there, in the Federalist Papers, one member of the Constitutional Convention said he liked it.

□ 1930

Maybe he liked the idea later. Maybe he did or did not. But the notion that the later reference to a concept in a series of essays somehow explains why that concept was not in the document is mindless. The gentleman did a better job before.

Again, the question was if the Founding Fathers meant to do this, why did they not. That would seem a simple question. The answer is, well, they did not, but one of them mentioned it in a book. If the gentleman thinks that is an answer, he understands even less than I thought.

Mr. SCARBOROUGH. Mr. Chairman, will the gentleman yield?

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

Mr. SCARBOROUGH. I thank the gentleman for yielding. I will say this, not only were there certain things excluded from the Constitution, there were other things mentioned that were not included in there such as issues regarding what eventually came in under the 13th and 14th amendments and the women's right to vote.

Mr. FRANK of Massachusetts. Reclaiming my time, I have to say to the gentleman the answer gets less and less intelligible. The fact is he says, oh, the explanation for that not being in there is that there are other things that were not in there. I understand that. There were a lot of things that were not in

there. But do not take the absence of this concept from the Constitution and argue that its absence really meant that they meant it.

This is fundamentally a derogation from the democratic process. It is an argument that you really cannot trust elections on a year-in, year-out basis, and it deprives individuals of their right to vote for whoever they want to vote for whenever they want to vote for them, and for that reason more than any other, I oppose it.

Mr. MORAN. Mr. Chairman, will the gentleman yield?

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

Mr. MORAN. I would just suggest that there is an answer to why it was not included in the Constitution.

In the original Articles of Confederation there was a limit on the period of time in which you could serve. You could not serve for longer than 3 years within a 6-year period. It did not work.

And so there was a debate, in fact, precedent to the Constitution, and it was deliberately decided not to include term limits, because it did not work when the Articles of Confederation were the law of the land. So it is deliberate that we do not have term limits in the Constitution, and that is one of the reasons why I do not think we should change the Constitution at this point either.

Mr. FRANK of Massachusetts. I thank the gentleman for clearing that up.

Mr. HILLEARY. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Iowa [Mr. LATHAM].

Mr. LATHAM. Mr. Chairman, I just want to say, the gentleman earlier referred to the idea of a charade around here. What has been the charade around here has been the past 40 years when this issue has never come up for a vote on this floor of the House of Representatives in the past, and when the former Speaker of this House, the Democrat, sues his own State because they want to limit his terms. That is a charade, folks.

And tonight I rise in support of term limits, the substitute offered by my colleague and good friend, the gentleman from Tennessee [Mr. HILLEARY].

I have been a strong supporter of term limits in my campaign and was a proud cosponsor of the McCollum term limits bill. However, the gentleman from Tennessee [Mr. HILLEARY] has developed even stronger language than the base bill, because the Hilleary substitute maximizes the ability of voters to participate in their government. It recognizes the rights of the people and the rights of the States over the rights of the Washington politicians, and I would also like to say that no matter whether the Hilleary version or the McCollum version get the most votes, I urge my colleagues to vote for final passage tonight.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SERRANO], a member of the Committee on the Judiciary.

Mr. SERRANO. I thank the gentleman for yielding.

I rise in opposition to all term limit amendments as they come here today. It is a silly notion put together by a bunch of losers.

Let us understand what we mean by that. The current movement started when some people who were running against incumbents lost and decided they were going to fix their defeats by creating this new movement. You recall a few years ago that is how it started.

I stand before you today as probably the person that should be used as the poster child for the anti-term-limits movement.

Yesterday was my 5th anniversary in Congress. I have already gone more than half the House in seniority in those 5 years. So obviously there is nothing broken that needs to be fixed. People are leaving this place. People are making other decisions. People are being defeated. There is no need to do this kind of a thing.

Now, every so often you get an opportunity to speak to people from Latin America who always question why we spend so much time in this country trying to undo our democracy. They tell us, ''You know, we would give our lives, and we do in many cases, to have your democracy. And what do you do? You talk about airport parking, you talk about salaries, you talk about people's private lives and term limits. We want an election. We want the ability to elect someone, and you want to unelect people.''

Now, in the last election, I receive 98 percent of the vote with an opponent. That was the highest in the Nation. According to you, the voters in my district were dumb and did not know what they were doing, and they should not be allowed to do that ever again, because they are dangerous to us, to themselves, and to their families, to their community, and certainly they are endangering my life.

And last but not least, under your plan, you would have to elect the most progressive people in the Nation who would come together every so often, look at each other and say, ''A couple of Hispanics, a couple of African-Americans, a couple of women, let's make those two chairmen of committees, that one subcommittee chairman. Let us give them equality.'' The seniority system works. Term limits is for losers. Let it stay with the losers.

Mr. Chairman, I rise in opposition to amending the U.S. Constitution to limit the terms of Members of Congress.

The Republicans keep talking about what a historic day this is. Well, that may be, but not for the reasons they claim. The House is being asked to vote on a measure of historic silliness, a measure that represents a knee-jerk reaction to a problem that, if it ever existed at all, no longer exists.

Mr. Chairman, term limits are simply silly. The American people already have—and exercised as recently as last November 8—the right to limit the length of service of their own Senators and Members of the House of Representatives.

It is argued that term limits are necessary to wrench legislatures away from entrenched career politicians, and the evidence of entrenchment is the high reelection rate of incumbents who seek reelection.

Incumbents who seek reelection, Mr. Chairman. We all know—or know of—incumbents who chose not to run for reelection because they knew they were likely to lose. Likely to lose, Mr. Chairman. They decided to go out gracefully rather than spend the time or raise and spend the money and be rejected all the same.

But look at my brief service in the House. I was elected in March 1990. In November 1990, 45 seats changed hands. In November 1992, another 110. In November 1994, another 87. By my calculations, at least 242 seats—more than half the membership of the House—have changed hands since March 1990.

The term limits movement is the brain child of losers, plain and simple. They ran for Congress and lost. Unable to remove incumbents through the normal political process, they have created a movement to remove incumbents automatically. They have been helped, and much public support has been whipped up, by radio talk show hosts and other professional Congress-bashers, who persist in painting government service as corrupting.

You know, Mr. Chairman, I am bilingual in Spanish and English, so I can keep in touch with scholars and politicians in Latin America. And all the time I hear, ''What is it about you Americans, that you are constantly trashing your own Government? What is it about you Americans that you spend so much time worrying about how much money Members of Congress make, what they drive, where they park, whether they have a gym? And now you are going to kick them out after a certain amount of time regardless of how the people they represent feel about them?''

Mr. Chairman, this comes from a part of the world where people literally die to have a government like ours, literally die for the opportunity to elect someone and keep electing them for as long as they want, not see them shot in the middle of the campaign. And they look at us and say to me, ''Serrano, que es lo que pasa?''

And they're right, Mr. Chairman. This is crazy.

Mr. Chairman, term limits aren't just silly, they are unfair to groups within our society that have traditionally been underrepresented in Congress. In the 30 years since the Voting Rights Act was enacted, minority and women Members have increased in numbers and increased in influence through the seniority system.

In fact, cynics observe that just as certain people—minorities and women—begin to gain some power in Congress, some people decided it is time to curtail terms. And once that's done, only the most good-hearted, progressive group of Members would look around and say, You know, Mr. CONYERS, Mr. WATTS, Ms. VELÁZQUEZ, we think we will share some of the power and influence in this place with you.

Term limits aren't just silly and unfair, they represent a major shift in power away from the people's branch of the Government. If we limit terms, sooner or later we will find Congress playing catchup to the executive branch, congressional staff, and lobbyists. So 10 years from now, we will see a new movement of people who demand unlimited terms, who say ''let people run.''

Mr. Chairman, I was sworn in on March 28, 1990. I chose that day because it was the 38th anniversary of my parents' arrival from Puerto Rico. I thought it would be a great tribute to their many years of working in a factory to give their children a better life to have their son enter Congress that day. I know they would not have thought of Congress as an institution that would corrupt their son or turn him into something they did not bring him up to be.

And that is why at bottom term limits are dangerous. they reinforce the false notion that Congress and our entire Federal Government are corrupt and that anyone who serves more than a certain time, regardless of his or her accomplishments or contributions, is by definition crooked and unworthy of serving the American people any more. That simply is wrong, and serves only to further diminish our most basic institutions in the public's eyes.

Mr. Chairman, some of our most eminent Members on both sides of the aisle are walking advertisements for letting the people choose their own representatives as many times as they like. I urge my colleagues to oppose any constitutional amendment to impose term limits on Congress.

Mr. HILLEARY. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Missouri [Ms. DANNER].

Ms. DANNER. Mr. Chairman, I rise today in unequivocal support of term limits. In 1992, 74 percent of the people of Missouri voted in favor of an 8-year term limit for their U.S. representatives and a 12-year term limit for their U.S. Senators.

As a strong supporter of term limits while serving in the Missouri State Senate and now as a member of the United States Congress, I agree with the peoples' decision.

Unfortunately, the original amendment I cosponsored, which would have provided limits identical to those passed in Missouri, will not be considered under the existing rule. There is, however, an acceptable alternative—the Hilleary amendment.

This amendment provides for 12-year limits of service for both House and Senate Members, yet—and this is very important—it protects individual States' laws limiting the congressional terms of service for their own Members. Since the Hilleary amendment works within the framework established by the people of Missouri, I strongly believe this amendment is the best alternative.

Therefore, Mr. Chairman, I urge my colleagues to remember where they came from, and remember where they are, in most cases, going back to—and vote to allow the States to implement their own term limits.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. MFUME], the distinguished former chairman of the Congressional Black Caucus.

Mr. MFUME. Mr. Chairman, I thank the gentleman from Michigan for yielding me this time.

I want to stand here this evening and join with other Members of this body in absolute and unequivocal opposition of this nonsense in all of its versions that have been before us tonight and state a brief but very succinct case as to why. And on this particular bill, because it allows for all sorts of limits to be placed, in other words, you could serve for 12 years or your State could have you serve for 2 years, it creates chaos in a Government that is already too chaotic, and has no uniformity that brings about any sense of resolution of problems.

I keep hearing over and over and over again from Members who are in support of this, ''Well, you know, the majority of the American people want this. The majority of the American people think it is the right thing to do.''

We were sent here to govern on what was right and what was wrong and not to read some poll commissioned and published in a publication. If we have to do that, we do not need to be here, and maybe then term limits are effective. I do not want anybody representing me reading poll results and basing their work on that instead of using their judgment that they ought to have intuitively to do what is right and to see beyond the hype.

The last time I looked, since someone raised the question before, slavery was considered to be all right in the minds of most people in this country, so perhaps that is why all of those former Congresses just kept on voting it through and voting it through. The last time I looked, in 1939, the majority of the people in this country turned their backs on Jewish Americans and turned around the Saint Louis from the ports of Florida and sent it back to Europe so that people could be killed and found to be in all sorts of, or all kinds of things happening to them because the majority of people wanted it.

The majority of people in this country did not want women to have the right to vote. So if you read a public opinion poll in 1905 and you were in Congress, of course, you were going to vote against women's suffrage.

Please, do not give me that. Between death, voters, and voluntary change of occupation, 206 Members of this body in the last 3 years are no longer here. That is almost half. You do not need term limits to do that. You will not need them in the future to do that.

People make the choices as they have the right to do every 2 years, and for those who keep quoting the Constitution, well, here it is, ladies and gentlemen. I do not know when is the last time any of you read it. Beside it happens to be the Federalist papers, but, look, there is nothing in it that says you have to stay here. You can leave. And, in fact, if you believe in 6 years, please, go, so that we can carry on the people's work.

Let us not be disingenuous. Every Member of this body knows that none of these measures are going to pass tonight. Everybody knows that. And if you are honest, you would say it. But we are going to play games and have a charade.

The gentleman from Illinois [Mr. HYDE], the most distinguished Member I have served with on the other side of the aisle, has said over and over again we do not need the dumbing down of the Congress. This ought to be about substance and true debate and not a charade. We know that all of these measures are going to fail tonight.

Mr. HILLEARY. Mr. Chairman, I yield 1½ minutes to my good friend, the gentleman from Washington [Mr. TATE], who, along with his staff, helped an awful lot on this amendment.

Mr. TATE. Mr. Chairman, first of all, I would like to thank the gentleman from Tennessee for his hard work. He took the best of the McCollum bill and the best of the Inglis bill and put together an even better bill, a bill that will protect the rights of the citizens, those citizens of Washington State, for example, who took out petitions, went door to door, went to shopping malls, went outside at the State fairs, went out and gathered signatures, because they wanted to change Congress.

Why did they want to change Congress? Because we had a Congress that was more interested in doing what they wanted to do than what the people wanted to do, that was more interested in getting reelected than it was doing what was right, and things need to change.

We have heard a lot on this floor about the reason why we need term limits, because we need experience. Well, the folks across the aisle for the last 40 years have had a lot of experience, experience in raising our taxes, experience in raising the debt, experience in raising the deficit.

Now, to use the example, the Founding Fathers did not talk about that, well, maybe they did not know we would have 40 years of raising taxes and raising the debt. They would have wanted term limits.

The people want a new experience, my friends. They want a new change. And they want term limits. And that is exactly what we plan on giving them, and the Hilleary amendment is the best approach.

I urge your support.

Mr. CONYERS. Mr. Chairman, I am trying to move the debate along as quickly as we can, and I would like to reach across the aisle and yield 3 minutes to the gentleman from Florida [Mr. MCCOLLUM], the distinguished member of the Committee on the Judiciary.

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

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise here tonight reluctantly to oppose the Hilleary amendment, and I say reluctantly because of several reasons.

One, I respect the gentleman very much, and I know what he has offered is genuine. There are many Members on my side of the aisle and the other side of the aisle who do accept the concepts embodied in this amendment, and reluctantly because I am a term-limits supporter, and I will vote for this version should it prevail and get to final passage.

I do not agree with a lot of the rhetoric we have heard here tonight in opposition to this amendment and others.

But I do, nonetheless, believe I need to put on the record why I am going to vote against this amendment in the Committee of the Whole. The reason why is because I do not want to see us put into the Constitution a provision that gives the States greater rights than they have today under the Constitution, because I fear that if we wind up, after the Supreme Court decides the Arkansas case with a ruling, that says that under the present constitutional provisions, the States cannot do what they have been doing in these initiatives; we will then have passed the Hilleary amendment, and we will wind up in a situation where we will have given the States more rights than the Supreme Court says they have today, and that will assure a hodgepodge for a long time to come of 6 years, 8 years, 12 years for the House for many of the States around the country and many of the locations.

□ 1945

Now there are some who will say that is perfectly fine. I disagree with some of my colleagues who like the 6 years or the 8 years in large measure because I do not think that it is smart for us to have a term limit less for the House than for the Senate. I think it makes a weaker body for the House vis-a-vis the Senate in conference committees and so on.

I also think that it is a problem if we do that and have a hodgepodge. I do not believe that we will see the States do what some have suggested and, over time, go up to the cap of 12 years the gentleman sets. I think the politics and the political reality means some States will always have lower limits than the cap is, and therefore some States will have big advantages out here. Those who do not go to those higher limits will be disadvantaged, their Members will be in committee work, in seniority in the system that we have under term limits.

So I think the absence of uniformity is generally a bad idea, though my underlying base amendment allows whatever the Supreme Court to decide to be the case, and if indeed the Supreme Court decides that the States currently have the right to do what they have been doing, then so be it. I am silent on it, the base bill is silent on it, but I must, as I say, oppose this now. I do not believe we ought to give the States a right in the Constitution they do not currently have, and I urge a no vote on the Hilleary amendment.

Mr. HILLEARY. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. BROWNBACK].

Mr. BROWNBACK. Mr. Chairman, I thank the gentleman from Tennessee [Mr. HILLEARY] for yielding this time to me.

Mr. Chairman, I rise in support of term limits and the Hilleary substitute. My comments will probably not be as eloquent as a number of the other people on the other side of the aisle that have been here quite a bit longer than we have.

This is primarily a freshman initiative and one that we are putting forward, and so we do not, perhaps, have quite the member of years of experience that a number of other people do in this body. I think that we bring the will of the people clearly with us because one of the key reasons to have term limits, one of the key reasons it has not been discussed so much today to have term limits and limiting terms, is limiting government. I say, if you generally have people here for long periods of time, they're looking to build something for a legacy to live for for their life, and here is something of a legacy that they put forward, and the longer one is here, the more they want to build something, and that builds some more government, and that gets away from limited government toward an expansive government that we have had over the past number of years to a $5 trillion debt that is a mortgage on the children, and we have got to cut it back. The reason to have term limits is to limit government.

Mr. Chairman, I would like to respond very briefly to a couple of the arguments put forward here tonight already. One is that, well, if we have term limits, we are going to give all the power to the lobbyists and bureaucrats. I would ask my colleagues, ''Who has it now? Who is taking it now?'' I concede that a number of it would go to those places already.

A second point that people put forward is, well, it was not in the Constitution. Well, limiting the President to just two terms was not in the Constitution, but it was put forward by the people after we had a President that served nearly four terms, a very good President, I might add, that served nearly four terms, but the people said we do not need the same leaders for life, we do not need them for a career, we ought to have different people cycling in and out with new ideas and new leadership, and that is what term limits is about, new ideas, new leadership. We do not need the same people even though they are good people. There should be turnover coming into this body, and I think that is what the people are saying in their support for term limits, and those are the reasons that I strongly support term limits.

Mr. HILLEARY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, I thank the gentleman from Tennessee [Mr. HILLEARY] for yielding this time to me, and I want to compliment and commend the freshman class for their initiative and for the good work they have done on the term limits proposal before us.

I believe in term limits. I have supported it in the Arkansas Legislature.

I think that we have come a long, long ways in the last 2 years in the House of Representatives. I say to my colleagues, I can remember 2 years ago, when you could only get a handful of cosponsors for term limits legislation. I can remember when we couldn't get a hearing, we couldn't get a committee to take this proposal seriously. We have come a long way.

Twenty-two States have adopted it, and, Mr. Chairman, where the States have it it is working. It has brought healthy change, and the question ought not be before us: Well, how many good public servants are we going to lose if we have term limits? The question ought to be: How many great public servants will we never give an opportunity to serve in the House of Representatives because we do not have term limits?

Mr. Chairman, the Hilleary amendment, I think, is a good approach. It establishes a 12-year ceiling. It respects the rights of States to be more restrictive. In my home State of Arkansas the people, by more than a 60-percent vote, established a 6-year term limit. What right do we have up here to double that by passing a 12-year without allowing them to have more restrictive laws and honoring what they have done?

Politicians are like cookies. They get stale, and term limits will freshen this place up.

One of my colleagues said term limits are for losers, and I suggest to my colleagues that it is that very attitude that has fueled the term limits movement. It is not for losers. Eighty percent of the American people support it, and there is wisdom in the common sense of mainstream America who says we need to have term limits. It is a

populist movement that is sweeping America.

How can we deny the people, through their State legislatures, the right to debate and, if they so desire, to ratify an amendment to the Constitution that would limit the terms of their elected Congressmen, a proposal supported by almost 80 percent of the American people?

Mr. HILLEARY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Chairman, I support the Hilleary amendment and the substitute tonight. I think it is a very reasonable approach. It allows States to have their own term limit if they want to go for 6 years, 10 years or whatever. It is important. But I also think the thing about the amendment offered by the gentleman from Tennessee [Mr. HILLEARY] that is important is that it does embody not just this current freshman class, but a new spirit in America saying, ''Come on home, guys. We don't want you to be prima donnas and become Washingtonian on us.''

Term limits is a concept. Think about it. We limit the term of the President of the United States. He is in charge, he or she is in charge, of the greatest country the world has ever seen, 260 million people, but a limited term. In my hometown on a smaller basis we limit the term of our mayor, and yet our mayor does a fine job.

Mr. Chairman, I was a part of the Georgia General Assembly. The Georgia General Assembly is comprised of citizen legislators, housewives, doctors, railroad retirees, lawyers, teachers, farmers, business people. All of them are connected to the real world. That is what term limits is all about, to get rid of professional politicians.

Mr. Chairman, I think this a good idea, and I hope my colleagues will support the Hilleary amendment.

Mr. HILLEARY. Mr. Chairman, I yield 1 minute to my very good friend, the gentleman from South Carolina [Mr. GRAHAM].

Mr. GRAHAM. Mr. Chairman, this is the only place in America that I know of where there is really a whole lot of doubt about this issue. There is a fog around this place like I have never seen before. I said something this morning that I believe more this evening. I ran on term limits personally saying I would only serve 12 years. I regret that the 6-year amendment did not pass. I am about to change my mind.

This place up here is amazing. We spend money like they are not going to make it anymore, and I wonder why the government is the way it is.

I say, ''You need to come up here and visit for a while. People are so detached from reality that it really is amazing.''

The amendment offered by the gentleman from Tennessee [Mr. HILLEARY] in my opinion is a good compromise. It reforms Congress, which we desperately need to do, and it allows the States to chart their own course.

Two things I ran on: reforming this institution and allow the States to chart their own course.

I say to my colleagues, please vote for this amendment if you want to change America.

Mr. HILLEARY. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska [Mr. CHRISTENSEN].

Mr. CHRISTENSEN. Mr. Chairman, earlier we heard that term limits is mean spirited. I thought I heard it all last week, but this statement takes the cake. Somehow the protectors of the old order think that 70 percent of the American people are mean spirited. Well, we are having a debate, the first one here on term limits in 40 years, and it is welcomed by the American people.

In my State of Nebraska, Mr. Chairman, the voters overwhelmingly support term limits. As their Representative and as their hired hand, I am looking forward to casting that vote here tonight. As my colleagues know, I was an original cosponsor on the McCollum bill, but, as my colleagues know, the McCollum bill takes away States rights, and I will be voting against the McCollum bill, and I urge my colleagues to vote for the amendment offered by the gentleman from Tennessee [Mr. HILLEARY] because it protects States rights in the 22 States who have term limits.

We need to pass the amendment offered by the gentleman from Tennessee [Mr. HILLEARY]. I urge my colleagues to vote yes.

Mr. HILLEARY. Mr. Chairman, I yield 2 minutes to my good friend, the gentleman from Arizona [Mr. SALMON].

Mr. SALMON. Mr. Chairman, I thank the gentleman from Tennessee [Mr. HILLEARY] for all his hard work on this issue. He has put together a coalition, I believe, that is the envy of everybody in this body in a very, very short time, and I praise his efforts. I would also like to praise the 20 percent of my Democrat colleagues who support the term limits concept and the 80 percent of my Republican colleagues who support the same concept.

As my colleagues know, it is interesting. I heard one of the opponents say that only losers support term limits. Twenty-two States have passed term-limits laws, and what I am hearing from the opposition is the voters were smart because they voted for them, but they were not so smart when they voted for term-limits laws. What could be more democratic than 38 States having to ratify what we pass out today?

This does not end here. After we pass this as a constitutional amendment, it goes out to the States, and they then will make that decision.

I would like to tell my colleagues a little bit about Arizona's term-limits law because 5 years ago, when I started in the Arizona legislature, I sponsored the first term-limits law. I might point out also that it was a Democrat controlled Senate and they would not even hear the bill. Well, the people in Arizona got so frustrated that they, through the initiative process, went out and collected tens of thousands of signatures during the hot Arizona summer, and let me tell my colleagues it is hot and sweltering, and they collected the signatures to get it on the ballot. Seventy-four percent of the people in our State voted in favor of term limits.

Now I think that we have talked a lot about deferring to the States, about deferring to the will of the people. Here we have an opportunity to put up or shut up. The amendment offered by the gentleman from Tennessee [Mr. HILLEARY] gives the ability of the States to determine how long that their Representatives will serve. It is the ultimate in democracy. It allows the States to make that decision, but it sets a 12-year cap. I cannot understand why there would be any opposition to that.

Now I do not know if the Founding Fathers would have ever placed term limits initially. I cannot say that; I was not there, did not even get the T-shirt. But I will tell my colleagues this:

The Founding Fathers never envisioned a Congress like this that has plunged this country $5 trillion into debt. The American people deserve better, and, if we had 6 years or 12 years to serve in Congress, we would have a time certain, and we might stop the nonsense.

Mr. HILLEARY. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. INGLIS].

Mr. INGLIS of South Carolina. Mr. Chairman, I thank the gentleman from Tennessee [Mr. HILLEARY] for yielding this time to me.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Tennessee [Mr. HILLEARY] and think that it really is an excellent way to go here, and I want to thank two folks or two groups of people in particular. First is the freshmen that have made such a tremendous contribution to where we are today.

As my colleagues know, prior to the 1992 election there were 30 cosponsors of term-limits legislation. After the 1992 election, where my class came in, there were over a hundred. Now, as a result of this new freshman class, I think today we are going to be way over 200. That is tremendous growth, and it is because of the people that are standing right here.

And in answer to something that the gentleman from Michigan asked earlier, how many of these folks would limit themselves, well, look at the freshman class, and my colleagues will find the answer. As I look across this sea of freshmen over here that are supporting this amendment, I will tell the gentleman from Michigan that quite a few of them are going to limit themselves to the term limit that they propose. The proof is in the pudding with these folks, and it is very exciting to

have them here and to have them part of this exciting and historic debate.

The second group that I think it is important to thank at this point for where we are in term limits is the leadership of this House. What a tremendous thing, to have a Speaker who is willing to bring this to the floor, a majority leader who is passionately for us, a subcommittee chairman of the constitutional committee of the Committee on the Judiciary who helped us get this far and everybody in between. It is an exciting day for term limits. There is the Committee on Rules chairman right there who worked very hard to get this rule to where we could win or get the closest to winning. It is an exciting day for term limits, and I particularly support the approach of the gentleman from Tennessee [Mr. HILLEARY] here. It makes a whole lot of sense.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I enjoyed the debate on the most mixed up term-limit proposal of all, and that is the one that we are going to vote on in just a few minutes. Why is it mixed up? Well, it says not only will we put a 12-year Federal limitation on, but we will also allow each State to put six, five, four, three, two, one, yes, one term, if they choose, on, and it gives the States, as the gentleman from Florida pointed out, powers that are not presently in the Constitution.

□ 2000

I am also delighted to hear the increasing number of Members that realize that the constitutional dodge, which is what all this is tonight, is not going to be adhered to because they are going to voluntarily impose limitations on themselves. And I got up to the magnificent number of three people that I have recorded that have admitted that they would do that. There may be a fourth or a fifth around, I am not sure, and if they are, we want them to identify themselves.

I will still be earnestly soliciting the fervent supporters of constitutional amendments to find out who is going to impose it on themselves. You will not have to wait seven years. You will not have to take it through State legislatures.

In closing, on polls, the assault weapons ban poll says that there are a lot of people in America that want an assault weapon ban, and it is not stopping about half the Members of this Congress. Vote this amendment down.

Mr. HILLEARY. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from New York [Mr. SOLOMON], the distinguished Chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Chairman, I thank the gentleman for yielding the time.

My colleagues, how did we get ourselves in this mess? Because this Congress says yes to everybody and no to nobody. And that is why we have a $4.5 trillion debt and about to add another trillion to it if we do not do something about it.

That is why we need term limitations in the worst possible way, so that these Members will not depend on this job and all of its salary and all of its benefits for a career. They need to come here, do the job and go back home.

Mr. HILLEARY. Mr. Chairman, I yield 1 minute to my colleague and fellow cosponsor, the gentleman from Indiana [Mr. MCINTOSH].

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

Mr. MCINTOSH. Mr. Chairman, I rise in support of the Hilleary amendment and am proud to be an original cosponsor of it. I think it is a valuable contribution to one of the most important things we will be voting on in this 100 days.

There has been a lot of talk about the Founding Fathers not putting term limits in the Constitution. But there have been many fundamental changes in our political process: limits on contributions, campaign limits that have made it very difficult for challengers to be able to actually challenge an incumbent, franking and other means in which the incumbents can preserve their powers.

We are making great changes in this Congress, and the people made great changes in the last election. But we need to be reminded, as Lord Acton pointed out, that power corrupts and absolute power corrupts absolutely. We do not have absolute power, but we do have power in this Congress, and we should guard against the possibility that this new majority would be corrupted by that power.

For that reason, I favor term limits because I think it would be a shame if what we see as a great advance forward is ended up being corrupted by the influences in this institution.

Mr. HILLEARY. Mr. Chairman, I yield 1 minute to my good friend and colleague, the gentleman from Tennessee [Mr. BRYANT].

Mr. BRYANT of Tennessee. Mr. Chairman, I thank my colleague from Tennessee for yielding this time.

I rise in strong support of this amendment to limit the terms for people in Congress. I am one of those folks who have only been up here about two months as a freshman, and I have taken the voluntary 12-year limit on my term, whether these amendments pass or not.

I think what it boils down to tonight, from what I have listened to as I hear the debate, is who is better to decide whether or not we have term limits. Many of my colleagues feel that we have more wisdom, we are better suited to decided if we need term limits. I think it is the American people that need to decide that. And by simply voting for this amendment tonight we do not make that decision. We simply hand it over to the people back in the States.

Thirty-eight States still have to ratify this amendment. That gives the people of America the opportunity to express clearly to us whether or not they want term limits. I believe they do. I believe they ought to have that opportunity to decide, and that is why I am supporting this amendment.

Mr. HILLEARY. Mr. Chairman, I yield 1 minute to my colleague the gentleman from Missouri [Mr. HANCOCK].

Mr. HANCOCK. Mr. Chairman, you know there has been a lot of conversation about the sincerity of the people who say they believe in term limits. Are they political opportunists? Is this just something that is a fad, that they do not really mean?

In 1988, when I originally came to the Congress, I said I would run for four terms. This is my fourth term. I will not be a candidate for the next term, even though we are now in a majority.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. HANCOCK. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, may I extend to the gentleman my serious congratulations because he is the fourth person who is dedicated enough to impose term limits upon himself. The gentleman is to be congratulated.

Mr. HANCOCK. Mr. Chairman, reclaiming my time, I thank the gentleman very much. I appreciate the kind words.

However, I am convinced, I am convinced that with term limits the situations that occurred since I have been in the Congress, the type of thing that went on, quite frankly, with the House Bank, that went on with the Post Office would never have occurred if we had had term limits in the first place.

Mr. HILLEARY. Mr. Chairman, I yield an additional minute to my good friend, the gentleman from Arizona [Mr. SALMON].

Mr. SALMON. Mr. Chairman, I would just like to respond.

From the other side I have heard the allegation now that there is only four people. I just kind of wonder where you have been because last week there was a press conference held, and there were at least nine of us, some from the Democrat ranks as well, that went and signed a pledge and turned it in to the Secretary saying that we would not run more than our States had authorized us to run.

The State of Arizona has a six-year term limit and has stated that they do not want our representatives serving any more than six. I have made that pledge, as have a number of other Members in this Congress, and just because the other side does not know it happens does not mean it ain't so.

Mr. ARMEY. Mr. Chairman, I rise in support of the amendment from the gentleman from Tennessee. And let me say I am glad that our Contract With America has enabled us to have this first-ever vote on an idea so popular with the American people. Given that our predecessors in the Democrat Congress were never

even willing to let term limits be debated, that alone is progress.

And let me add that I am very proud of our Republicans. We have overwhelming support for term limits on our side of the aisle, more than 90 percent of us will vote ''yes'' tonight. So after tonight, the American people will know exactly which party is for term limits, and which party is against.

To the distinguished gentleman from Illinois, and to all of you who oppose term limits on principle, let me say I respect your position. Reasonable people can and do disagree on this issue, and I have heard eloquent arguments on both sides.

James Madison and George Mason supported term limits. Other equally luminous Founders opposed the idea. Obviously, the opponents prevailed back then. And perhaps that was the right decision 200 years ago. But times have changed, in two important ways.

First, reelection rates have skyrocketed. Thanks to gerrymandering and other devices, challengers now have an unfairly steep hill to climb. Term limits would, in effect, return matters to where they stood in the beginning, restoring what George Will has called a greater constitutional space between incumbents and the special interests that seek to control them. Term limits would take away a politician's incentive to try to build his own personal empire with other people's money.

The second important change is that the American people now overwhelmingly support term limits, to a degree verging on national consensus. A number of people today have argued that term limits show insufficient trust in the people. Well, I would argue just the opposite. The best way to show trust in the people is to respect their overwhelming support for term limits.

To those of you who plan to vote ''no'' on everything today—or vote ''no'' on final passage—I would simply remind you, as a friend, that anything your constituents support by a margin of 4-to-1 merits a good second look before you vote ''no.''

Finally, to those of you who are truly undecided on this issue—to those of you who are open to persuasion—I would simply urge you to give term limits the benefit of the doubt and vote ''yes.''

Mr. HILLEARY. Mr. Chairman, I yield myself the balance of the time.

Tonight, Mr. Chairman, I stand on the floor of the House and represent almost 25 million Americans who cast votes for term limits in 22 States. I stand here and represent the thousands of Americans who stood out in parking lots, gathered petitions, signatures in sweltering summer heat in Arizona, Oklahoma, and California, the frosty weekend mornings in the northeast and the rainy afternoons in the Pacific Northwest.

Mr. Speaker, those people who have already fought and won the term limit wars in 22 States did not get involved because they were Republicans or Democrats or liberals or conservatives. They got involved because they were not happy with the Government they were getting. They thought the Congress was too permanent and too arrogant. They saw a problem and were willing to do something about it.

Now we have a chance to join together in a bipartisan manner to honor that work. With this freshman term limits amendment we have a chance to tell people who voted for term limits, this Congress is different. This Congress heard your concerns and respected your wishes. Or we can tell the people in 22 States that they do not know what they are doing.

The people have always been way ahead of the politicians on the issue of term limits, and now is not the time for the Congress to tell the people they were absolutely wrong.

We all remember a former Speaker of this House who told the people of his home State they were wrong to pass term limits. He second-guessed the people who sent him here, and he paid a price on election day. Those of us in the 104th Congress, Democrats and Republicans alike, should not make that same mistake.

Tonight, I urge my colleagues to vote for a solution that shows respect for the most democratic form of lawmaking in this country, the citizen initiative. But, most importantly, I urge all of my colleagues to vote for the people who stood in those parking lots and to vote for those 25 million people who have already cast their votes for term limits. I urge my colleagues to support the Hilleary amendment.

Before I yield back the balance of my time, I would just simply like to say that we have had an incredible amount of work put in by so many freshmen and sophomores and even some upperclassmen here who got behind this bill in a very short period of time, got an awful lot of resolve behind it, and it shows a lot of steam. We do not know if we are going to win or not, but we are awful proud that we actually paid respect to the contract and even the implied promise not only to bring it to the House floor for a vote but to do everything we could possibly do to have real term limit reform in this House.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Tennessee [Mr. HILLEARY].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 164, noes 265, answered ''present'' 1, not voting 4, as follows:

[Roll No. 276]

AYES—164

Allard
Armey
Bachus
Baldacci
Ballenger
Barcia
Bartlett
Barton
Bass
Bevill
Bilbray
Bilirakis
Blute
Boehner
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Burr
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Coble
Coburn
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Danner
Davis
Deal
Deutsch
Dickey
Doolittle
Dornan
Dunn
Ehlers
English
Ensign
Everett
Ewing
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Ganske
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Harman
Hastert
Hastings (WA)
Hayworth
Heineman
Herger
Hilleary
Hoekstra
Hoke
Hutchinson
Inglis
Jacobs
Jones
Kelly
Kim
Kingston
Klug
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (KY)
LoBiondo
Luther
Manzullo
McCarthy
McCrery
McInnis
McIntosh
McKeon
McNulty
Meehan
Metcalf
Miller (FL)
Minge
Myrick
Nethercutt
Neumann
Ney
Norwood
Orton
Paxon
Peterson (FL)
Peterson (MN)
Petri
Portman
Pryce
Quinn
Radanovich
Ramstad
Riggs
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Scarborough
Schaefer
Schiff
Scott
Seastrand
Shadegg
Shaw
Smith (MI)
Smith (WA)
Solomon
Souder
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thornberry
Tiahrt
Torkildsen
Traficant
Waldholtz
Walker
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wolf
Zimmer

NOES—265

Abercrombie
Ackerman
Andrews
Archer
Baesler
Baker (CA)
Baker (LA)
Barr
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bishop
Bliley
Boehlert
Bonilla
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Cardin
Castle
Chapman
Clay
Clayton
Clinger
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Costello
Coyne
Cubin
Cunningham
DeFazio
DeLauro
DeLay
Dellums
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Durbin
Edwards
Ehrlich
Emerson
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Gallegly
Gejdenson
Gekas
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Green
Gutierrez
Hall (OH)
Hamilton
Hansen
Hastings (FL)
Hayes
Hefley
Hefner
Hilliard
Hinchey
Hobson
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Istook
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
Knollenberg
Kolbe
LaFalce
Lantos
Laughlin
Leach
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Maloney
Manton
Markey
Martinez
Martini
Mascara

Matsui	Pelosi	Stark
McCollum	Pickett	Stenholm
McDade	Pombo	Studds
McDermott	Porter	Stupak
McHale	Poshard	Tanner
McHugh	Quillen	Taylor (MS)
McKinney	Rahall	Tejeda
Meek	Rangel	Thomas
Menendez	Reed	Thompson
Meyers	Regula	Thornton
Mfume	Reynolds	Thurman
Mica	Richardson	Torres
Miller (CA)	Rivers	Torricelli
Mineta	Roberts	Towns
Mink	Roemer	Tucker
Moakley	Rogers	Upton
Molinari	Rose	Velazquez
Mollohan	Roukema	Vento
Montgomery	Roybal-Allard	Visclosky
Moorhead	Rush	Volkmer
Moran	Sabo	Vucanovich
Morella	Sanders	Walsh
Murtha	Sawyer	Ward
Myers	Saxton	Waters
Nadler	Schroeder	Watt (NC)
Neal	Schumer	Waxman
Nussle	Sensenbrenner	Wicker
Oberstar	Serrano	Williams
Obey	Shays	Wilson
Olver	Shuster	Wise
Ortiz	Sisisky	Woolsey
Owens	Skaggs	Wyden
Oxley	Skeen	Wynn
Packard	Skelton	Yates
Pallone	Slaughter	Young (AK)
Parker	Smith (NJ)	Young (FL)
Pastor	Smith (TX)	Zeliff
Payne (NJ)	Spence	
Payne (VA)	Spratt	

ANSWERED ''PRESENT''—1

Longley

NOT VOTING—4

de la Garza	Pomeroy
Gephardt	Stokes

□ 2026

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 104–82.

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

Mr. MCCOLLUM. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. MCCOLLUM: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress:

''ARTICLE —

''SECTION 1. No person who has been elected for a full term to the Senate two times shall be eligible for election or appointment to the Senate. No person who has been elected for a full term to the House of Representatives six times shall be eligible for election to the House of Representatives.

''SECTION 2. No person who has served as a Senator for more than three years shall subsequently be eligible for election to the Senate more than once. No person who has served as a Representative for more than one year shall subsequently be eligible for election to the House of Representatives more than five times.

''SECTION 3. No election or service occurring before this article becomes operative shall be taken into account when determining eligibility for election under this article.''.

Mr. MCCOLLUM. Mr. Chairman, I ask unanimous consent that the time for debate on this amendment in the nature of a substitute be limited to 15 minutes per side. We do not need to have a vote on the amendment now, and we can go to final passage after that time, if everybody is agreeable. I can later withdraw the amendment, if the gentleman from Michigan [Mr. CONYERS] is agreeable to that.

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

Mr. CONYERS. Mr. Chairman, reserving the right to object we agree to the request, and I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] will be recognized for 15 minutes, and the gentleman from Michigan [Mr. CONYERS] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

□ 2030

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have reached a point in this debate on term limits now where we are going to have a historic final passage vote in a few minutes on the underlying bill, which is the same as my amendment. So with the consent of everybody involved to save time, as I said a moment ago, I will in a few minutes, after the agreed-upon time has passed, ask unanimous consent to withdraw the amendment and move on to the final passage vote.

What I think needs to be explained, first of all, is what is the vote going to be on final passage?

What my amendment is is a pure vanilla 12-year term limit for both the House and the Senate. There is no retroactivity. There is no State preemption. There is a provision that simply says that each body, no one may serve more than 12 years in either body. It is a permanent lifetime limit on both sides.

It leaves the question of the current debate in front of the Supreme Court on the Arkansas case and the state initiatives up to the court. It is completely silent on the question with respect to whether or not the States currently have any right or any power with respect to the election clause in the Constitution, which is where that debate is over there right now, to set term limits indirectly through the process they have been using of having people have to be a write-in candidate and not be able to appear on the ballots.

Whatever the Supreme Court decides under this amendment would be the law of the land, if this one were to pass.

I, of course, prefer uniformity. If the Court decides that what the States have been doing is unconstitutional and this amendment were to go out and be ratified by the necessary number of States, then this 12-year limit would be the law of the land. It would be written into the Constitution. It would be uniform nationwide. If on the other hand the Supreme Court decides that indeed the States have the power that they might have under the argument being made over there right now, the States would, of course, which have passed these initiatives, have the power that is granted by the Constitution as it exists today.

It is nothing more than and nothing less than that.

Let me assure my colleagues, this is the term limits vote. For those of us who believe deeply, as I do, and I know many Members do, that we need to limit the terms of the Members of the U.S. House and Senate in order to restore what the Founding Fathers really envisioned in the way of balancing this Constitution of ours, if you believe as I do that we need to end what has become a career orientation attitude on the part of Congress, with a tendency to vote more frequently to please special interests than is good for the country, and if you believe that we need to put permanently into the Constitution a restriction that makes sure that no time in the future will we have any situation again where Members can serve as chairman of committees for 15 or 20 years and hold that kind of power, if you believe as I do that you will bring new blood to Congress and refresh this place if we have a renewal every so often of new Members with term limits and if you believe as I do that while we will lose some experienced men and women who have served well and honorably in this Congress but that it is absolutely necessary, if we are going to get rational debate into things like balanced budget issues and so forth, then you are going to vote for the term limits proposal that is here for final passage night that is supported in general principle by nearly 80 percent of the American people.

I would urge a ''yea'' vote.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself 2 minutes.

I would like to ask my colleagues, the gentleman from Florida [Mr. MCCOLLUM] if I can gain his attention, please, your proposal before us tonight, the final one, is silent on the question of States' preemption.

I presume that that means that there will not be State preemption. Does the gentleman agree with that?

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, the interpretation, given to me by Griffin Bell, who is the former attorney general who represents Arkansas and Washington State, is that that would be the case. He has the cases before the Supreme Court now. He has read the amendment. It is his opinion and that of several other legal scholars whom I have sought that indeed if my amendment passed there would be no State preemption of the existing constitutional provisions.

Of course, if the U.S. Supreme Court ruled that what the States are doing now is unconstitutional, then obviously there would be a uniformity of 12 years throughout the country written into it.

Mr. CONYERS. Mr. Chairman, I think that is very interesting because it leaves it wide open. It might have been more settling for the decisions of many of the Members had you put it in one way or the other, but just leaving it to be decided. Griffin Bell was an OK attorney general. I am not sure where he will go down in the record of attorneys general, but at any rate, we see what a slim reed you are using here in this instance and for this part of your amendment.

Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. MINGE] who has sought the floor constantly.

Mr. MINGE. Mr. Chairman, term limits are a tough proposition for any elected official. Term limit proposals are fundamentally an attack on the nature of the political process and politicians. Naturally, we resent this. We must, however, look at the positive side of term limits.

They help ensure a participatory, representative, and sensitive democracy—one that is inclusive. One of the themes of American constitutional history is the drive for inclusiveness in our political process and avoidance of the creation of a political elite.

The original Constitution requires the direct election of representatives to Congress.

The 15th amendment adopted in 1870 guaranteed the right to vote to all citizens regardless of their race.

The 17th amendment adopted in 1913 required the direct election of Senators.

The 19th amendment adopted in 1920 guaranteed the right to vote to all citizens regardless of their gender.

The 22d amendment adopted in 1951 limited the President to two terms.

The 24th amendment in 1964 prohibited a poll tax to vote.

And the 26th amendment adopted in 1971 guaranteed the right to vote to all citizens at least 18 years of age.

Each of these proposals had its critics. But all recognized the overwhelming value of a participatory democracy.

Term limits embody a positive view of the American people. There are thousands of men and women who can capably represent their State and communities in Congress. Term limits encourage broader participation.

Another goal is to find a balance between an effective Congress—one that knows enough to stand up to the executive branch and to the bureaucrats—and one that includes the freshness, the openness, the new ideas, and the creativity that turnover provides. A well-crafted term limit can strike that balance.

Term limits helps to avoid the natural instinct that each of us has that we are indispensable. No one wants to see this great Nation and the American experiment fail. But we can smother it with love and neglect by our longevity in office and the cult of personality.

Term limits offset the impact of parochial interests that can exercise a distorting influence on our legislative process given the continuing role of seniority. Turnover not only gives more people a chance to participate, it also reduces the time one Member in a leadership position can protect a policy or the interests of one State or congressional district. Term limits assure turnover in leadership, something that is healthy for any institution.

In summation, I support a term limit amendment for the broader participation and the more democratic process it promises. I urge its passage.

Mr. MCCOLLUM. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Washington [Ms. DUNN].

(Ms. DUNN of Washington asked and was given permission to revise and extent her remarks.)

Ms. DUNN of Washington. Mr. Chairman, I rise in support of House Joint Resolution 73.

Mr. Chairman, like many Members of Congress, I campaigned on the issue of reform. It is my belief that in order to change government we must change the attitudes of those who govern. We need public servants who are closely attuned and accountable to their constituents. The evidence suggests that, under current law, we have a system that ultimately erodes accountability and responsiveness. Conversely, we now have the opportunity to reverse the downward trend by limiting the terms of our elected officials. This is the first step toward putting our legislative system back on track.

Term limits will help revive the concept of a citizen legislator. Officials should serve their communities in a national forum for a limited time and then return to private life to live under the laws they have created. Term limits provide the necessary turnover to ensure that fresh new minds are given a chance to participate in the process. We do not need any more lifetime professional politicians.

In 1992, my State of Washington passed what has become the most famous term limit law in the country. Former House Speaker Tom Foley sued the voters of Washington, his own State, to overturn the peoples' decision to impose term limits. This ''Washington D.C. Knows Best'' attitude of entrenched politicians proves that the longer Members serve in Congress, the more removed they become from the people who elect them. This lack of accountability must be replaced with citizen-legislators who would bring with them valuable private sector experience, knowledge, and motivation.

Our Nation is endowed with a multitude of bright and talented people. While it is true that some very good Members of Congress may be forced into early retirement by term limits, those limits are necessary to remove the mentality that politics as a career that permeates this institution. Creating open seats with term limits will increase representation of more women and minorities, and more small business operators and educators, making Congress more reflective of the American people. Congress must pass this constitutional amendment guaranteeing that more Americans have real opportunities to serve the public.

If we fail to garner 290 votes for this amendment, be assured like the fight for the balanced budget amendment and the line-item veto, we will continue to keep the pressure on this body to do the right thing and vote again and again until we pass term limits.

If we do approve this amendment, it will free Congress from the grip of entrenched incumbency and prevent the abuses of office that fueled the term limits movement in the first place. It will help ensure that our Nation's legislative body, when making tough decisions, is beholden to the most special interest of all: the citizens of America.

Mr. MCCOLLUM. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. OXLEY].

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

Mr. OXLEY. Mr. Chairman, I rise in opposition to all term limits. We have term limits now, they are called elections.

Mr. Chairman, this vote is a classic example of a solution in search of a problem.

Let us consider the facts. More than half of the House of Representatives was elected in the 1990's. The momentous change of most recent election ended 40 continuous years of one-party rule. The average length of time a Member of Congress serves is 8½ Years. Because of this fact, it is entirely possible that a 12-year term limit would create less competition for congressional seats not more, the exact opposite of its intention. Right now, with energetic freshman and sophomore classes, this House is more vibrant and more responsive than it has been in years.

For this supposed problem, we must amend the Constitution of this Nation?

I do not minimize or ignore the public frustration and outrage that brought us to this debate. It is real and justifiable. We have already passed and implemented a great number of significant congressional reforms in response to that sentiment. The Speaker of the House can now serve for 8 years only. Chairmen may hold their posts for 6 years. Congress is now accountable to all the laws of the land. This body is leaner than it was last year, and it costs the taxpayers less.

One of the hallmarks of American democracy is orderly change directed by the voters. The voters are powerful, and the Constitution provides them regular opportunities to use that power for change.

Mr. Chairman, we owe our constituents representation of their views. But we also owe them our best judgment. This is not a miracle cure. This is not the real thing. This is the wrong way to go.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR. Mr. Chairman, I thank the distinguished gentleman from Florida for yielding me 2 minutes to speak to this extremely important issue.

Mr. Chairman, what we are doing here tonight is the culmination of a process that began over 200 years ago, based on that magical document, the Constitution of the United States.

Our Founding Fathers, the Framers of that document, I think envisioned exactly what we are doing here this evening. And that is not being presumptuous and making a decision on the part of the American people for the American people, but being their voice and their vehicle to ensure that a very broad proposition, such as whether or not there shall be limits on the number of terms that a Member of Congress may serve, shall indeed be presented to the American people so that they can decide.

That is what we are doing here this evening, Mr. Chairman. We are not making that decision for the American people. What we are doing is ensuring the process that has been used over and over again on the fundamental issues of our day, representing the Constitution and changes thereto, simply to ensure that where there is a broad interest on the part of the people to decide an issue that goes to a constitutional issue, that that issue shall be indeed heard and there will be a vehicle through which the voice of the people can be heard.

It is for that very limited purpose here this evening, Mr. Chairman, that we rise and that I support this amendment, not because I presume to speak for the American people but simply because I want the American people to have the right to make the decision. That is the very limited purpose for which we seek this evening to pass not a constitutional amendment but the vehicle through which the people in their State legislatures all across this country can indeed make that decision.

That is precisely the way the system is supposed to operate. Let us not tonight stifle that process. Let us open it up and say to the American people, you decide this issue. It is that fundamental an issue. It is that important. And I rise in strong support of the gentleman's amendment.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona [Mr. SALMON].

Mr. SALMON. Mr. Chairman, with utmost respect, I must differ with my friend and colleague from Florida, although I know he has championed the idea of term limits for a lot of years. I respect him for that. I have got to differ on this issue.

We have had three amendments so far tonight on term limits. I voted for every one of them. One was a term limit proposal which would be retroactive. The second one was the Inglis 6 year in the House, 12 year in the Senate. And the third one was the Van Hilleary amendment which was a 12 and 12 but would yield to the states that have already passed term limit laws.

I said this earlier, when I testified for the Van Hilleary bill, that the citizens of Arizona, because the Arizona State legislature did nothing on this issue, in their frustration took on the initiative process and braved the summer heat collecting tens of thousands of signatures just to get this issue on the ballot. And they voted for a 6 and 12, overwhelmingly. Seventy-four percent of Arizonans voted for a 6 and 12. I, in good conscience, cannot come to this body and say Arizona voters, you do not know what you were doing. We know better than you. We are the font of all knowledge in this hallowed place.

I cannot do that here today. It is for that reason, even though I support strongly the concept of term limits, I cannot sell Arizona voters down the river on this issue by voting for something that is silent.

And if the Supreme Court does, and I think it will, I think most of us here know that the Supreme Court will probably overturn the States laws, it will become null and void. I cannot in good conscience do that to my voters.

Mr. MCCOLLUM. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. GOODLATTE].

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman from Florida for yielding time to me.

Mr. Chairman, now is the moment of truth for those who say they support term limits. Those who voted for any one of the other three amendments should step forward now and vote for real term limits, because this is certainly a step in the direction that the American people want us to take.

□ 2045

This is, indeed, the opportunity to change the seniority system in this Congress. This is the opportunity to create more balance in terms of people having the opportunity to run for Congress. It is one that is vastly supported by the American people.

Mr. Chairman, I have heard during this debate those who have said our Founding Fathers did not want to have term limits, but I do not think our Founding Fathers ever contemplated the situation we have today, where the vast majority of Members run for far longer terms than they ever ran for in the 19th century or the 18th century. Fifty-four years is now the new record.

Before 1895, there was never an instance when more than 20 Members of this house had served more than 12 years. It is time to restore this citizen legislature. I urge Members to vote for term limits.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I ask my colleagues if they can hear that sound. That is the sound of the good ship Contract With America breaking apart and sinking at sea only 3 months away from port on what was supposed to have been a 2-year cruise.

It is not that the political waters were choppy, it is that the passengers began to abandon ship. They watched the mainsail go when the balanced budget amendment was killed. They watched the keel come asunder when the Senate refused to accept the moratorium on regulations. The Speaker has announced the tax bill is a goner, and now, and now the rudders are falling off with term limits. The good ship Contract With America is sinking at sea.

Mr. MCCOLLUM. Mr. Chairman, I yield 30 seconds to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Chairman, I just want to stress to my colleagues, we have an historic opportunity here tonight. I urge all Members to vote ''yes'' on final passage of term limits.

This is the first time this House has been allowed to vote on term limits. This is important reform for the House of Representatives. We need to pass it. We need to show the American people that we will send this back to the States.

What we do tonight is just saying yes, we will allow the citizens of the States of this country to make the final decisions on whether our terms should be limited. I urge Members to vote ''yes.''

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, I rose last week and spoke of three things that determine what a democracy is, particularly American democracy. Among them was the right to a trial by jury, the right to sue, and the absolute right to be able to cast our votes freely and without coercion.

I have heard the word ''absolute'' used many times today. I will say this, that restricted access to the ballot box is what this is all about. Term limits is a way to tell the American people who they cannot vote for. It is an opportunity for those who want to restrict access to the ballot box.

I have a term limit. We all have term limits. The Constitution says every 2 years we must present ourselves before the American people, before our constituents, to seek their judgment on our performance. It could not be shorter.

The gentleman from Tennessee [Mr. TANNER] made the point earlier today, not only is it wrong to restrict access to the ballot, but it is dangerous, a fundamental danger to American democracy. I say, turn down term limits and vote for democracy in America.

Mr. MCCOLLUM. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina [Mr. INGLIS] who has worked so long and hard with the gentlewoman from Florida [Mrs. FOWLER] and the gentleman from Tennessee [Mr. HILLEARY] on term limits.

Mr. INGLIS of South Carolina. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would make two points. First, in response to the gentleman from Hawaii [Mr. ABERCROMBIE], I do not know that democracy is in danger due to the fact that all but 19

Governors have term limits, and the President of the United States is limited to two terms in office. I have not heard any hue and cry on this floor about how dangerous ground democracy is on by virtue of those term limits.

The second observation, on the first vote today, the Democratic alternative offered by admitted opponents of term limits, there were 81 Democrats voting in favor of term limits. We need some votes right now for final passage. Eighty percent of the American people want term limits. Eighty percent of this side is going to vote for term limits.

We need 80 percent on this side. If we get 80 percent over here, particularly those 81 folks who voted for term limits first out today, we will pass term limits in a matter of minutes.

Please, vote for term limits. We have the opportunity here in a matter of moments.

Mr. CONYERS, Mr. Chairman, I reserve the balance of my time. We have one speaker remaining.

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] is recognized as the proponent of the amendment, and the gentleman from Florida has the right to close.

Mr. MCCOLLUM. Mr. Chairman, may I inquire how much time I have remaining?

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] has 7½ minutes remaining, and the gentleman from Michigan [Mr. CONYERS] has 6 minutes remaining.

Mr. MCCOLLUM. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. EMERSON].

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

Mr. EMERSON. Mr. Chairman, in 1992, Missourians voted in overwhelming numbers for term limits. What they voted for is not what is before the House, and I have never come to the conclusion that the arbitrary limitation of terms is a very good idea. I have long maintained that we have a good term limitation procedure in place right now that was devised by the Founding Fathers. It's called an election, and one occurs every 2 years.

There is no panacea to solving problems; there are no magic answers; and, I am concerned that the arbitrary limitation of terms will create as many problems, if not more, than it may by chance resolve.

There is no panacea to solving problems; there are no magic answers; and, I am concerned that the arbitrary limitation of terms will create as many problems, if not more, than it may by chance resolve.

At the same time, I have no interest in blocking the will of the people. They do have the right to amend the Constitution on this issue if that is their will. I think that the best way to have a reasonable national debate on this subject is for Congress itself to not be the impediment, to set the wheels in motion for an amendment to the Constitution if the people so desire, and thus return the matter to state legislatures for debate and ratification or rejection. I am voting to do that.

I believe the substantive debate on this subject has some way to go. The debate is not fully joined at this time. I don't believe the issues involved, pro and con, have adequately been laid before the people; and I believe debate in State legislatures will help heighten the people's awareness of what is at stake. For example, I am not certain that the arbitrary limitation of terms will result in the positive benefits that ardent proponents believe would result. The arbitrary limitation of terms could limit the choice of the people and empower an unselected bureaucracy to stretch beyond its current reach.

If the debate were to end right here and the choice devolved purely upon the House of Representatives, I would consider my responsibility to be different than it is in the current context. My vote is to not be an impediment of the people's will. I am voting to send the issue to the respective states for further discussion and debate—ratification or rejection—whatever the will of the people may be.

Mr. MCCOLLUM. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Chairman, the McCollum amendment is the last effort to answer the call of the people for term limits. Over 85 percent of the American people want term limits. People expect us to listen to their call.

Term limits will ensure vitality, provide an infusion of new ideas, people who will question the system. We were sent here to serve, but not sent here to stay. Republicans and Democrats can join together for term limits. Vote for the McCollum bill.

Mr. McCOLLUM. Mr. Chairman, I yield 30 seconds to the gentleman from Florida [Mr. STEARNS].

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

Mr. STEARNS. Mr. Chairman, today the House of Representatives can make history. I want to compliment my colleague, the gentleman from Florida [Mr. MCCOLLUM], for all the hard work he has done.

Today, after years of delay and obstruction and partisan politics, we will vote on term limits on the floor of this Chamber for an amendment that is truly the best one of the four. Today we will finally have that chance. I ask all my colleagues to come forward and vote for the McCollum amendment.

Mr. Chairman, I rise in support of the McCollum amendment. Today the House of Representatives will make history. Today, after years of delay, obstruction, and partisan politics, we will vote on term limits on the floor of this chamber for the first time ever. Today we will finally have the chance to prove to the American people that their elected representatives truly place the interests of the Nation above their own.

As we all know, the American people have consistently voiced strong support for a constitutional amendment limiting the terms of their elected leaders. Recent polls indicate that support now approaches 80 percent and encompasses every demographic group in the country. If it is our job as legislators to represent the will of the American people, this amendment is a way to do that more than almost any other.

Twenty-two States have already approved term limits, with an average level of support of 66 percent. All across the Nation, whenever voters have had the opportunity to impose term limits, they have done so. This broad-based support shows the American people understand what our Founding Fathers believed: that rotation in office is essential to preserve a truly representative government, indeed, to preserve a citizen legislature.

We must bring to an end the career politician. We must bring to an end a system that looks to most Americans like oligarchy—rule by the few for the few—that has come to define business as usual in Washington. There is no better way, and perhaps no other way, to do this than with term limits.

Today, the House has a chance to make a change that will give the American people the kind of government they not only demand, but deserve. It would be ironic, not to mention offensive, to vote against the one change the people back home endorse more strongly than almost any other. In my State of Florida, the voters have already sent a resounding message to the politicians by voting in overwhelming numbers for term limits.

Obviously, not all the Members of this body share the same opinion about term limits, which explains why we have four alternative versions of the bill before us today. We can vote for whatever bill we like best. But the crucial vote is not on which of the four versions you like best, it is on final passage. Support whichever substitute you want, but band together for the American people and vote for final passage.

Remember the people back home and cast the vote you know will be best for them. My colleagues, vote for final passage of House Joint Resolution 2—vote for term limits.

Mr. MCCOLLUM. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. BUYER], a member of the Committee on the Judiciary and a strong term limit supporter.

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

Mr. BUYER. Mr. Chairman, I rise in strong support of the McCollum amendment. I do not believe that the Founders ever visualized a system of incumbency that produces lifetime politicians here in Congress.

The uniformity issue I think is extremely important. We can talk about whether or not the Supreme Court is going to act on that issue, but I think we have to be very careful.

Mr. Chairman, if we are going to set a constitutional amendment, it would be very unfortunate if we had Members serving in this body, those only here for three terms, some here for only four terms, some five, some six. It would be very difficult to operate in this body, especially if you could try to visualize a system of seniority, I think it would be very, very difficult.

I think that the gentleman from Montana [Mr. WILLIAMS], who spoke,

tried to visualize some form of political eloquence with regard to the sinking of the Contract With America. I would only say to the gentleman, I do not believe that he meant to insult conservative Democrats who have been supporting most of the issues in the Contract With America with regard to his issues.

Mr. Chairman, I support the amendment.

Mr. MCCOLLUM. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I simply want to say that this is our opportunity to vote for term limits. It is the last opportunity. It is going to be a victory tonight for term limits, regardless of whether we get 290, but we certainly need it to get there.

The fact of the matter is, a few years ago we only had 33 Members, three or four years ago, willing to support term limits. Last Congress it was 107. Now we are going to go well over 200 on this vote, I am sure. It is a movement whose time has come.

It is time to vote for term limits. Eighty percent or so on our side of the aisle are going to vote for term limits. I would urge at least 50 percent, and hopefully 80 percent, on the other side to do it. This is the opportunity for term limits.

Mr. Chairman, I reserve the balance of my time. I only have one closing speaker.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. FLAKE].

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

Mr. FLAKE. Mr. Chairman, I rise in strong opposition to the amendment. The people have determined who they want to represent them and how long. I think we should let the people speak.

Mr. CONYERS. Mr. Chairman, it has been a long day. We have had an excellent debate. I yield the balance of my time to the gentleman from Massachusetts [Mr. FRANK], our ranking member on the Constitutional Subcommittee, to close the debate for our side.

Mr. FRANK of Massachusetts. Mr. Chairman, I congratulate the Republican leadership, because they have outmaneuvered the U.S. term limits people. They have gotten where they wanted to be.

The Committee on the Judiciary reported out a bill which preempted State term limits less than 12 years. That caused a great hullabaloo. What ensued was not a charade, because charades do not have words that are spoken. It was an elaborate grand opera.

The result is, we are right back just about where the Committee on the Judiciary was because, be very clear, this amendment is intended to preempt. The gentleman from Arizona who spoke against it on this ground was correct.

It is silent on the question, but the Supreme Court is now dealing with it. If it is true the Supreme Court would decide that States have the right to set their own, then this will not preempt, but if the Supreme Court decides that the States cannot do it on their own, then this would preempt the States.

If Members doubt that, they have to ask why 90 Republicans voted against the Hilleary amendment, because the Hilleary amendment differed from this one in one particular: It explicitly allowed the States to do what they want. The only difference between the McCollum and the Hilleary amendments is that the McCollum amendment is intended to preempt.

What does that mean? First of all, all this invocation of public opinion gets invalidated because, as has been pointed out, the States, 20-some-odd States that have voted by referendum for term limits, have voted for less than 12 years, so vote for this amendment and you probably overrule all those States.

How are you going to claim to wrap yourself in the mantle of pure democracy and public opinion when you will be overruling the States?

California will get 12 years instead of 6. Massachusetts will get 12 years instead of 8. Therefore, this amendment cleverly puts it right back where it was. It is intended to preempt.

The gentleman from Florida [Mr. MCCOLLUM] said that, and the previous Speaker said that. They said, and I have heard the gentleman from Florida say it, ''This is too important to be left to the States to make their own decisions. We have to state it uniformly. This is not poor people's income, some trivial subject like that. This is not whether or not kids get enough to eat. This is our careers. We cannot allow that to be done on a State-by-State basis.''

There goes the democratic argument, because Members are going to overrule 20-some-odd States.

The leadership, I understand the Speaker is going to close, and that is a great day, because the Members of the leadership have been as scarce on the floor of this House as it is possible to be. The gentleman from Mississippi showed us a list of Members who cosponsored a 12-year limit who have been here more than 12 years. They may have been here more than 12 years, but they were not on this floor for 12 seconds today. Not one of them spoke except the gentleman from Florida.

This side of the aisle is full of Members who are in their 15th and 20th year, and they are very consistent. In their 15th and 20th years, they have been saying for 12 years, ''You have got to get out,'' but they do not want to make it effective immediately.

My friend, the gentleman from Florida, said ''You know, if you are here more than 12 years you start to get sour. You start to lose your integrity to the process.'' I asked him at what point did this happen?

I want to know. Maybe they did not tell us this. Maybe the rest of us could benefit from the superior moral fiber that has enabled so many on this side to resist the corruption that inevitably occurs when you have been here 12 years, but they will not tell us how, because all of them who have been here more than 12 years skedaddled. They did not want to be here. They did not want to be asked ''How can you do this?''

Let us be very clear. We have an amendment which would preempt the States, so we have no democratic argument here, because you are overruling every referendum if you vote for this amendment. Every referendum will be overruled.

In fact, the philosophical argument comes down again to this: Yes, the majority of the public in a poll says they are for this today, but democracy is not permanently enshrining what a majority thinks at any one time. Democracy is a system which guarantees to people the right to participate, the right to debate, the right to change the minds of others, and a majority cannot give away the fundamental democratic right of others.

If some people think that you should not serve more than 12 years, and others think you should, let them contest that at the polls. Do not rig our basic document and say ''From now on we will not have free and open elections, we will from here on forever have elections that reflect one particular viewpoint, and we will lock that in.''

This is the most restrictive amendment ever adopted to the Constitution. The Constitution began somewhat restrictively. I do not believe we never change it, but almost every other change has gone to the expansion of democracy: so black people could vote and women could vote and 18-year-olds could vote. This one says that because Congress recently fell into disrepute, and because we had during the 1980's a large deficit, we will lock in forever under our constitutional system a restriction on the right of the voters.

□ 2100

This is not about the individuals here. No, we are not the important ones, although we were important enough for you all to vote for preemption because you want to protect your uniformity, but we are not the key. The key is the right of the voters.

Do not enshrine in this Constitution the biggest restriction on the untrammeled right of the voters to vote for whomever they want. If some voters think that someone should be here for more than 12 years and others do not, the place to solve that is in debate and at the ballot box. Don't rig that contest now by this particular amendment. I hope that you will be consistent to democracy in the broadest sense, that you will not overrule all those State referenda and that you will not for the first time put the Constitution in reverse and say the result of this particular amendment will be less democratic choice and not more.

Mr. MCCOLLUM. Mr. Chairman, while holding a few seconds for the purpose of asking unanimous consent in a few minutes to withdraw the substitute amendment, I yield 4½ minutes to close the debate to the gentleman from Georgia [Mr. GINGRICH], the Speaker of the House.

Mr. GINGRICH. I thank my friend the gentleman for yielding me the time.

Mr. Chairman, I listened with great fascination to the extraordinarily articulate gentleman from Massachusetts, and I tried to remember back to the platonic concern about the ability of one to argue any side of a question with equal facility. I looked up the word ''sophistry''.

A subtle, tricky, superficially plausible but generally fallacious method of reasoning.

And I realized that speed of language is not the same as wisdom. Let me give just a few examples.

This amendment does not preempt the States. It sets a cap. The Supreme Court will decide what that cap means, but the cap is not in any way worded to be binding and, in fact, in no way would change any of the current relationship of the States to their ability to do what they wish to do.

I can assure the House that if the Supreme Court rules later on this year that the Congress need act, that we will visit that question and it may well be on a legislative rather than constitutional basis which will take 218 and not 290 votes.

Let me say second that I believe this is a historic vote. I have been frankly surprised by our friends on the left. I would have thought, having been defeated last fall for the first time in 40 years, that paying some attention to the American people would have been useful.

But I will tell you where I think we are historically. This is not a new experience in America. In the late 19th century, a radical idea emerged, that Senators should be elected by popular vote, that State legislatures should no longer select the Senators. This was a change in the Constitution, an effort to take power away from professional politicians, the State legislature, and return it to the people.

It took about 20 years for the idea to permeate Washington. But in that 20-year period, it became obvious and even the most entrenched old-time political machine came to realize that in fact there was no alternative.

I think term limits is a very similar pattern to the election of U.S. Senators. When it first came up, I rejected it. I am troubled by it. I think in some ways it is anti-democratic. I think that part of the argument is fair. On the other hand, from city council to county commission, to school board, to State legislature, to governor, to the Congress, everywhere in America the people say they are sick of the professional politicians, they are tired of those who use the taxpayers' money to stay entrenched, and they want to find a device to take power back from the professional political class. They say it in New York City, they say it in Los Angeles. They say it in Idaho, they say it in Florida. Everywhere in America.

Now, we are being visited tonight by the fifth grade from Cliffside School in Rutherford County, North Carolina. I would bet a great deal of money that by the time they are old enough to vote, we will have passed term limits, because in the end, the will of the American people is sovereign, no matter how much sophistry, and no matter how many reservations. The fact is that if over time in State after State in county after county the American people say this is an experiment they are willing to risk, sooner or later they will get their way.

One of our good friends the gentleman from Montana got up and said. ''This is the sound of the Contract dying.'' Let me tell you, my friend, tonight 85 percent or more of the Republican Party will vote with the American people for term limits. My guess is tonight 60 to 70 percent of the Democratic party will vote against the American people and against term limits. We will go to the country in 1996 with a simple pledge. It will be a new version of the contract. We are not going to have one of these between now and 1997, but a new version. It will say H.R. 1, Term Limits, will be voted on as the first item in the new Congress if we are the majority.

The Democratic Party has it in its power tonight, if half the Democrats, only half, vote with 85 percent of the Republicans, term limits will pass tonight. It will take deliberate decision of the Democratic Party to deny the American people an opportunity, and we are not even fully passing it, we just send it to the Senate, then the Senate has to send it to the States.

We are not afraid to allow the American people to have a chance in their State legislatures to render judgment. We are not afraid to allow the Senate to look at this amendment. But I can promise you, if the Democratic Party tonight defeats term limits, the Contract may have been postponed in one of its 10 items, but it will be back and when we have picked up enough additional seats in 1996, we will pass it as H.R. 1 in 1997.

Mr. MCCOLLUM. Mr. Chairman, I yield myself the remaining 30 seconds for the sole purpose of offering a unanimous-consent request in order for us to avoid an unnecessary vote tonight. The underlying bill is precisely the same as the amendment that I would have offered or would be offering here tonight we have been debating on the agreed-upon timetable.

With the agreement with the gentleman from Michigan and the gentleman from Massachusetts and others on that side of the aisle, I now then request unanimous consent to withdraw the substitute amendment.

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

Mr. FRANK of Massachusetts. Mr. Chairman, reserving the right to object, I take this time just because I had had some questions. Previously some of us talked about the gentleman's amendment being one more substitute. If he gets unanimous consent, as I hope he will, that will be withdrawn as a substitute and we will go immediately to a vote on whether or not we adopt his version as the amendment. So there will be no more vote about substitutes. The next vote then would occur on whether or not we adopt the joint resolution.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. Further reserving the right to object, I yield to the gentleman from Florida.

Mr. MCCOLLUM. The gentleman is 100 percent correct. We would be going to final passage. I do not believe the minority is going to offer a motion to recommit. I think we will be going to the next vote, and it will be on the final passage of the underlying bill.

Mr. TAYLOR of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. Further reserving the right to object, Mr. Chairman, I yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Mr. Chairman, I was hoping that at some point this body would be made aware, at which point in his 17 years as a Congressman did the Speaker decide that he was for a 12-year term limit.

Mr. FRANK of Massachusetts. I did not know the gentleman was going to say that.

Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TORKILDSEN) having assumed the chair, Mr. KLUG, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 73) proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives, pursuant to House Resolution 116, he reported the joint resolution back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

(By unanimous consent, Mr. ORTON was allowed to speak out of order).

PERSONAL EXPLANATION

Mr. ORTON. Mr. Speaker, on yesterday evening, I was unavoidably detained at the hospital with my wife who gave birth to our first-born child.

I preferred to be there but had I been here, I would have voted ''aye'' on recorded vote No. 270, ''aye'' on recorded vote No. 271, and ''aye'' on recorded vote No. 272.

I ask unanimous consent that my statement be included in the RECORD at the end of those votes.

The SPEAKER pro tempore. Without objection, so ordered.

The Chair joins the House in congratulating the gentleman from Utah.

The question is on the passage of the joint resolution.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 17-minute vote.

The vote was taken by electronic device, and there were—ayes 227, noes 204, answered ''present'' 1, not voting 3, as follows:

[Roll No. 277]

AYES—227

Armey
Bachus
Baker (CA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bereuter
Bevill
Bilbray
Bilirakis
Blute
Boehner
Bonilla
Bono
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Chrysler
Clement
Clinger
Clyburn
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
Deutsch
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Duncan
Dunn
Ehlers
Emerson
English
Ensign
Eshoo
Everett
Ewing
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hutchinson
Inglis
Istook
Jacobs
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (KY)
Lightfoot
Linder
LoBiondo
Lucas
Luther
Manzullo
Martini
Mascara
McCarthy
McCollum
McCrery
McInnis
McIntosh
McKeon
McNulty
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Minge
Moorhead
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Packard
Paxon
Peterson (FL)
Peterson (MN)
Pombo
Portman
Poshard
Pryce
Quinn
Radanovich
Ramstad
Regula
Riggs
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Shadegg
Shaw
Shuster
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—204

Abercrombie
Ackerman
Allard
Andrews
Archer
Baesler
Baker (LA)
Barrett (WI)
Barton
Bateman
Becerra
Beilenson
Bentsen
Berman
Bishop
Bliley
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Bryant (TX)
Cardin
Chapman
Christensen
Clay
Clayton
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
DeFazio
DeLauro
DeLay
Dellums
Dicks
Dingell
Dixon
Doggett
Dooley
Dreier
Durbin
Edwards
Ehrlich
Engel
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Gonzalez
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefley
Hefner
Hilliard
Hinchey
Hostettler
Hoyer
Hunter
Hyde
Jackson-Lee
Jefferson
Johnson (CT)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
LaFalce
Lantos
Laughlin
Levin
Lewis (CA)
Lewis (GA)
Lincoln
Lipinski
Livingston
Lofgren
Longley
Lowey
Maloney
Manton
Markey
Martinez
Matsui
McDade
McDermott
McHale
McHugh
McKinney
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murtha
Myers
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Petri
Pickett
Porter
Quillen
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roberts
Roemer
Rogers
Roukema
Roybal-Allard
Rush
Sabo
Salmon
Sanders
Sawyer
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shays
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thurman
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wicker
Williams
Wise
Woolsey
Wyden
Wynn
Yates

ANSWERED ''PRESENT''—1

Stockman

NOT VOTING—3

de la Garza
Frost
Pomeroy

□ 2133

Mr. CLYBURN changed his vote from ''no'' to ''aye.''

Mr. STOCKMAN changed his vote from ''aye'' to ''present.''

Mr. LONGLEY changed his vote from ''present'' to ''no.''

So (two-thirds not having voted in favor thereof) the joint resolution was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the joint resolution just considered.

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

There was no objection.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 831, PERMANENT EXTENSION OF HEALTH INSURANCE DEDUCTIBILITY FOR THE SELF-EMPLOYED

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–93) on the resolution (H. Res. 121) waiving points of order against the conference report to accompany the bill (H.R. 831) to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON ADMINISTRATION'S RECORD OF SUPPORT FOR SOUND INVESTMENTS IN SCIENCE AND TECHNOLOGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore, laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science:

To the Congress of the United States:

This Nation's future depends on strong public and private support for science and technology. My Administration's decision to make sound investments in science and technology even as the Federal Government cuts other spending is premised on three basic assumptions: