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:

As required by the provisions of section 3(f) of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1862(f)), I transmit herewith the combined annual reports of the National Science Foundation for fiscal years 1994 and 1995.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 22, 1996.*

□ 1700

COMMUNICATION FROM THE HONORABLE SCOTT MCCINNIS, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable SCOTT MCINNIS, Member of Congress:

U.S. CONGRESS,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 21, 1996.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule L (50) of the Rules of the House, that I have been served with a subpoena issued by the County Court of El Paso County, Colorado.

After consultation with the General Counsel, I will make the determinations required by the Rule.

Sincerely,

SCOTT MCINNIS,
Member of Congress.

PARLIAMENTARY INQUIRIES

Mr. SOLOMON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. HOBSON). The gentleman will state his parliamentary inquiry.

Mr. SOLOMON. Mr. Speaker, I would inquire when the next vote is expected. I understand that we will now be taking up the rule on the Small Business Job Protection Act and that there will not be another vote on the floor for at least another hour. Is that correct?

Mr. VOLKMER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. VOLKMER. Mr. Speaker, I just want to inquire, the gentleman from New York's inquiry to the Chair does not appear to be a parliamentary inquiry.

Mr. Speaker, what is the House going to take up at this time?

The SPEAKER pro tempore. It is the Chair's understanding that the gentleman from New York may rise to call up a rule.

Mr. VOLKMER. One hour debate on the rule?

The SPEAKER pro tempore. It would be debatable for 1 hour, and the Chair would assume that therefore his suggestion may be correct, but the Chair makes no ruling on that.

PROVIDING FOR CONSIDERATION OF H.R. 3448, SMALL BUSINESS JOB PROTECTION ACT OF 1996, AND H.R. 1227, EMPLOYEE COMMUTING FLEXIBILITY ACT

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 440 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 440

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order (except those arising under section 425(a) of the Congressional Budget Act of 1974) to consider in the House the bill (H.R. 3448) to provide tax relief for small businesses, to protect jobs, to create opportunities, to increase the take home pay of workers, and for other purposes. The amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill shall be considered as read. All points of order against the committee amendment (except those arising under section 425(a) of the Congressional Budget Act of 1974) are waived. The bill and the amendment shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the bill and the amendment to final passage without intervening motion except one motion to recommit with or without instructions. The yeas and nays shall be considered as ordered on the question of passage of the bill and on any conference report thereon. Clause 5(c) of rule XXI shall not apply to the bill, amendments thereto, or conference report thereon.

SEC. 2. After disposition of H.R. 3448 it shall be in order without intervention of any point of order (except those arising under section 425(a) of the Congressional Budget Act of 1974) to consider in the House the bill (H.R. 1227) to amend the Portal-to-Portal Act of 1947 relating to the payment of wages to employees who use employer owned vehicles. The amendment in the nature of a substitute recommended by the Committee on Economic and educational Opportunities now printed in the bill, modified by the amendment printed in section 3 of this resolution, shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and any further amendment thereto to final passage without intervening motion except: (1) ninety minutes of debate on the bill, which shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Economic and Educational Opportunities; (2) the further amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution, which may be offered only by Representative Riggs of California or his designees, shall be in order without intervention of any point of order (except those arising under section 425(a) of the Congressional Budget Act of 1974), shall be considered as read, shall be separately debatable for ninety minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; (3) the further amendment printed in part 2 of the report of the Committee on Rules accompanying this resolution, which may be offered only by Representative Goodling of Pennsylvania or his designee, shall be in order without intervention of any point of order (except those arising under section 425 (a) of the Congressional Budget Act of 1974), shall be considered as read, shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent, and on which the question shall be divided between the proposed subsection 3(d) and the remainder of the proposed section 3(and shall not otherwise be subject to a demand for division of the question); and (4) one motion to recommit with or without instructions.

SEC. 3. The amendment in the nature of a substitute recommended by the Committee on Economic and Educational Opportunities now printed in H.R. 1227 is modified by the following amendment: Immediately after the enacting clause insert the following new section (and redesignate succeeding sections accordingly):

''SECTION 1. This act may be cited as the 'Employee Commuting flexibility Act of 1996'.''.

SEC. 4. (a) In the engrossment of H.R. 3448, the Clerk shall—

(1) await the disposition of H.R. 1227 pursuant to section 2 of this resolution;

(2) add the text of H.R. 1227, as passed by the House, as new matter at the end of H.R. 3448;

(3) conform the title of H.R. 3448 to reflect the addition of the text of H.R. 1227 to the engrossment;

(4) assign appropriate designations to titles within the engrossment; and

(5) conform provisions for short titles within the engrossment.

(b) Upon the addition of the text of H.R. 1227 to the engrossment of H.R. 3448, H.R. 1227 shall be laid on the table.

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

(Mr. SOLOMON asked and was given permission to include extraneous material.)

Mr. SOLOMON. Mr. Speaker, this rule is a little different from the usual rule we bring to the House floor. Today we have one rule which makes in order two separate bills.

The first bill is a bill out of the Committee on Ways and Means, H.R. 3448, which provides a series of tax benefits to small business.

The second piece of legislation, H.R. 1227, is a bill out of the Committee on Economic and Educational Opportunities, the Employee Commuting Flexibility Act. This bill will clarify confusion about situations where employees

use the vehicles of their employers for transportation to and from work. This second bill will also serve as the vehicle for two amendments specified in the rule.

One of these amendments will be offered by the gentleman from California [Mr. RIGGS], the gentleman from New York [Mr. QUINN], the gentleman from Pennsylvania [Mr. ENGLISH], the gentleman from New Jersey [Mr. MARTINI], and others who have taken the lead on the majority side of the aisle in the effort to increase the minimum wage.

The amendment provides for a two-step increase in the minimum wage, from the current $4.25 an hour to $4.75 an hour beginning on July 1, 1996, just a couple of months away. Then it raises to $5.15 per hour 1 year later. That is a 90-cent increase. The Riggs-Quinn-English-Martini amendment will be debatable for 90 minutes.

The second amendment will be offered by the gentleman from Pennsylvania [Mr. GOODLING], and will be debatable for 1 hour. It includes provisions establishing, and these are very, very important, Mr. Speaker, a tip credit, and providing for an opportunity wage, a training wage. It also includes an exemption for small businesses which will be subject to a separate vote under the provisions of this rule.

Mr. Speaker, this rule waives points of order to allow for the consideration of both of these bills, but it does not waive any points of order to protect an unfunded mandate that may be included in either of these bills. In other words, that provision is not protected from a point of order.

This means that the House will have to follow the procedures set forth in the unfunded mandates law that we all voted for back last year, and have a separate debate and a separate vote on whether to consider an amendment against which an unfunded mandate point of order is properly raised. There will be someone from this side of the aisle that is going to raise that point of order at the appropriate time.

Mr. Speaker, the Committee on Ways and Means bill, like almost every tax bill for many years, will not be thrown open to further amendments on the House floor. This long-standing policy is designed to keep the Internal Revenue Code from becoming any more cluttered than it is already with special interest provisions.

Also, amendments offered on short notice on the House floor might turn out to have unintended consequences which could not be fully appreciated without adequate time to research those issues. That is why we have not opened up Committee on Ways and Means measures to the Tax Code in years past under either Republican or Democrat control.

The Committee on Ways and Means bill will be subject to 1 hour of debate, and the minority is protected in its right to offer a final amendment and a motion to recommit with instructions.

Mr. Speaker, while Chairman ARCHER has stated that there is no increase in income tax rates included in this bill, a waiver of the rule requiring a three-fifths vote to increase income tax rates has been included out of an abundance of caution. Different people have interpreted the three-fifths vote requirement differently, and this rule errs on the side of caution.

Now with regard to the second bill, H.R. 1227, reported by the Committee on Economic and Educational Opportunities, there will be a total of 90 minutes of debate on that bill. In addition to the two amendments I already mentioned, there will be a motion to recommit with or without instructions.

Finally, the rule provides that after the House has completed action on each of these two bills, the Clerk, in the engrossment of the Ways and Means Committee bill, will add in the text of the Opportunities Committee bill as passed, so that only one bill will be sent to the Senate. In other words, they will be married together and sent over to the Senate.

Mr. Speaker, both of these bills made in order by this rule present important issues which need to be debated on this floor and in this House today.

As one who owned and ran a small business before I came to this Congress 18 years ago, I am particularly pleased that we are finally making an effort to give some tax relief to the hard-working people who run these businesses and who provide jobs.

Mr. Speaker, these small business provisions include an increase in the amount small businesses can expense, which will make it easier to start up and expand a small business. The provisions also include a modification of the rules governing subchapter S corporations. If any of my colleagues have been in business, they know that that is extremely important to small businessmen. For example, it will increase from 35 to 75 the number of shareholders an S corporation may have.

The small business provision also includes pension simplification provisions which are intended to strengthen and to encourage retirement plan provisions for employees of small businesses. There are several other provisions designed to encourage and protect jobs in this measure.

Mr. Speaker, I represent a rural district that has many, many, many small businesses. As a matter of fact, we do not have too many of the large 500 corporations. They are an important part of the economy in my district, and I know how difficult it is to start up and maintain a small business. As a matter of fact, many small businesses fail before the first year is even out.

□ 1715

You have to ask why. It is not because of a lack of acumen by these small businessmen. But it is because of an unfair tax law and heavy regulatory burdens that eat up so much available operating capital that they just cannot meet the expenses in those early years.

But even with all the difficulties, small businesses create more jobs than any other types of businesses, much more than the Fortune 500 corporations. In fact, small businesses account for almost 75 percent of every new job in America every single year. That means every kid graduating from high school, every student graduating from college, all of those new jobs, 75 percent are created by these small entrepreneurial start-up businesses.

So, Mr. Speaker, these small business tax provisions do not just help small businesses, they help everyone by encouraging job growth.

Let me just say in conclusion, Mr. Speaker, I urge support of the rule we are considering now, and I would urge support of both bills the Committee on Rules has made in order. Let us get on with it and give the small businessmen in this country some vital relief that they have needed for so long.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HALL of Ohio asked and was given permission to revise and extend his remarks.)

Mr. HALL of Ohio. Mr. Speaker, I thank my colleague from New York [Mr. SOLOMON] for yielding me the time.

House Resolution 440 is a modified closed rule that provides for the consideration of two bills, H.R. 3448, the Small Business Job Protection Act of 1996, and H.R. 1227, the Employee Commuting Flexibility Act of 1996.

The rule makes in order no amendments to H.R. 3448. It permits only two floor amendments to H.R. 1227, including an amendment that would gradually increase the minimum wage from the current $4.25 an hour to $5.15 an hour on July 1, 1997.

I congratulate the House leadership for finally permitting a vote on the House floor to increase the minimum wage.

This long overdue change will increase wages for those at the bottom of the pay scale. The minimum wage has not been raised since 1991. As a consequence, a worker making the minimum wage receives a little more than one-third the average American's hourly earnings. Adjusted for inflation, the minimum wage is near the lowest level in the last 40 years.

Our working poor deserve better.

I have met some of these people—one step away from poverty—in soup lines and emergency feeding programs. Who is fighting for them? They have no unions. They have no spokesmen. They are not organized. They have only the U.S. Congress to protect their basic human dignity.

That's why we in the House have to pass this, today.

I wish that we could have debated this last week, or last month. There is no excuse for the delay. This issue is too important to Members of Congress

and to the people we represent to be stifled.

To my bold colleagues on the other side of the aisle who supported increasing the minimum wage and who brought about the opportunity for this debate, I thank you.

Mr. Speaker, though I am grateful that at long last the House is considering raising the minimum wage, I must express dismay at the rule governing the process.

The rule is a sort of patchwork quilt that makes in order various bills and amendments and patches them together into one measure. We've got an amendment on minimum wage. We've got a bill on employer-owned vehicles for commuting. Throw in some tax provisions from another bill and add an amendment printed in the Rules Committee report. Patch them all together and out comes one bill, ready to send to the Senate.

The Democrats have argued for a straight vote for the minimum wage. Up or down. This is a simple, straightforward matter. And now that we have been given a vote on the minimum wage, the issue still gets fuzzed.

This is not the way to treat something like the minimum wage which is so important not only to our low-income workers, but all who are concerned with fairness in the labor marketplace. This rule is a sign of only the most grudging support for the poorest and neediest of our workers.

In fact, the rule does not even guarantee a vote on the minimum wage because it leaves in place one more hurdle. Before we get to the minimum wage, the majority can force a vote on the question of consideration to prevent the amendment from coming up.

I am also disappointed that the rule permits so few amendments. During Rules Committee consideration, Democrats attempted to make in order other worthwhile provisions. One would permit taxpayers to deduct up to $5,000 a year for the cost of college or job training. Another amendment would allow penalty-free withdrawals from an IRA for people who have been unemployed for a long time. Another amendment would exclude from taxation employer-provided graduate education. All of these attempts were defeated along party-line votes.

Finally, I call to the attention of my colleagues the provision in House Resolution 440 which waives clause 5 of rule 21 requiring a three-fifths vote on measures raising taxes. This rule was written by the Republican leadership with great fanfare at the beginning of this Congress as a demonstration of their commitment to holding the line on new taxes. However, since it was established, the rule has been consistently waived. By again waiving this rule today, we are exposing it as an empty public relations gesture.

Mr. Speaker, it is time for us to proceed on the minimum wage increase, but not under this rule, which I must oppose.

Decent and honest working men and women should be able to earn a decent and honest living wage.

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

Mr. SOLOMON. Mr. Speaker, I yield 2½ minutes to the gentleman from Indiana [Mr. BURTON], one of the outstanding Members of this body since he came here back in, I believe, 1980.

Mr. BURTON of Indiana. Mr. Speaker, I appreciate the kind remarks of my colleague, the chairman of the Committee on Rules.

Mr. Speaker, one of the things that bothered me last year when the President vetoed the reconciliation bill was he gave a reason that I thought was just way off base, and that reason was that the 936 program, which gives tax credits to companies that go down to Puerto Rico and create jobs, was totally out of line.

There are companies in Puerto Rico today, pharmaceutical companies and others, that are getting as much as $200,000 in tax credits to hire one person making $50,000.

Let me repeat that. They are getting a $200,000 tax credit for some jobs where they only pay $50,000. And for the past 20 years, they were supposed to create jobs in Puerto Rico. They created 100,000 jobs, many of those people came from the United States to go down there. There were 100,000 jobs created. In the last 20 years, they have not created one more job, and we continue to give these huge tax credits. It is about $5 billion over a 5- to 6-year period; $5,000 million. These corporations do not want to give up these tax credits.

Now, we wanted to use these tax credit moneys as offsets for these other things in these bills so there would be some balance. In other words, we were going to do away with, phase out the 936 program, and use those tax credits, those moneys to offset other expenses in the bills that we are talking about here today. The President has said once again that would be a reason for him to veto it.

My Democrat colleagues talk about corporate welfare all the time. They say that they are against corporate welfare, and here is a classic example of corporate welfare that we could do something about and the President says he is going to veto it because of this issue.

Can you imagine, $200,000 in tax credits for one $50,000 jobs, $5 billion over 5 to 6 years, and they are not creating one job, and that is what they are supposed to do.

In addition to that, any money that they make in Puerto Rico, if they invest in Puerto Rican banks, it is tax exempt. They do not pay any taxes on it.

So I just would like to say to my colleagues, I hope that they will talk to the administration, I am talking about the Democrats and Republicans, because this is one area where we could save $5 billion. And if we were creating a lot of new jobs and it was not costing an arm and leg, if there was another way to handle it, maybe with some wage credits, I would say OK. But to give $5 billion, to give $200,000 in tax credits for a $50,000 job, when they are not creating one additional job in Puerto Rico, is just dead wrong.

So I think that we ought to talk to the administration. The 936 provision phaseout is in the bill. It ought to stay in the bill, and we ought to make sure this is not a reason for the President to veto it.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. BONIOR], one of our very distinguished leaders.

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding me time.

Mr. Speaker, now I have seen it all. Now I can honestly say I have no idea what planet the Gingrich Republicans are living on. For months now, Democrats have been trying to raise the minimum wage. Five separate times we have offered a bill to raise the minimum wage, a clean bill.

Five times NEWT GINGRICH has blocked it. But now that public pressure is finally building, prompting them to act, now that they cannot block it or bury it or duck it or delay it any longer, we have a bill before us today that does not just raise the minimum wage, it actually repeals it for millions of Americans. This is just another attempt by NEWT GINGRICH and DICK ARMEY to kill the minimum wage.

When our Republican colleagues brought this to the floor, they understood the complexity of this rule. When are they going to learn? The American people do not want us to cut Medicare, they do not want us to cut Medicaid or student loans, and they do not want us to repeal the minimum wage. But we have before us today a rule that uses legislative sleight of hand, it bogs it down, it larges it up, and it slips a poison pill that will kill the hopes of raising the minimum wage for up to 10 million people.

So it is no wonder that two-thirds of the American people say that they are out of touch. This is an extreme act by an extreme Gingrich Congress that absolutely has no respect for working people and the work they do.

These folks work hard in this country, and they work some very tough jobs, and they do it because they want to be good role models for this kids, and they do it because they want to make something for themselves in this world. But instead of rewarding hard work, instead of rewarding their decision to choose work over welfare, and that is what we have been talking about here passionately for years, the Republicans are trying to give them a pay cut.

Just yesterday we found out that some of the most profitable companies in America are giving contracts to garment sweatshops that refuse to pay overtime and refuse to pay the minimum wage. But instead of coming to

the floor today and condemning that type of action, you are actually trying to pass a bill that will encourage more of it and take literally millions of people off the minimum wage, will not even give them that.

Mr. Speaker, sweatshops, slave wages, and pay cuts may be NEWT GINGRICH'S idea of a revolution, but it is no way, it is no way, to build a better America. Let us have some respect for the hard work that these people do, and let us do what 85 percent of the American people want us to do. Let us have a clean vote. Raise the minimum wage. Vote against this rule, send it back to the Committee on Rules, and tell the Gingrich Republicans, no poison pills, no pay cuts; raise the minimum wage.

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

Mr. Speaker, the previous speaker said now he has heard everything. Well, let me tell you, now I have heard everything.

You know, there are many of us that would like to vote for the minimum wage increase, but we want to do something about relieving the tax burden and the regulatory burdens off the backs of small business. The backs of small business are what is so important here. Here we have legislation that is going to do just that, and include the minimum wage? Let me tell you something: Now I have heard everything. Boy.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Sanibel, FL [Mr. GOSS], a member of the Committee on Rules.

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

Mr. GOSS. Mr. Speaker, I thank my friend from Glens Falls, the distinguished Chairman of the Rules Committee Mr. SOLOMON, for yielding me this time.

Mr. Speaker, I rise in support of this rule. It's a carefully structured rule that will fulfill promises made to have a debate on several issues, including: measures to promote small business jobs, to clarify the rules regarding employees commuting in employer-owned vehicles, and to address the minimum wage. The latter has received the most attention, and I would like to take a moment to discuss it from the perspective of southwest Florida.

Those seeking an increase in the minimum wage have yet to recognize the unintentional damage it will do to many Americans working at the low-end of the pay scale. Despite the rhetoric, raising the minimum wage as proposed will not create a living wage. Not even close. What it will do is force many Americans out of work and put up new barriers for those people seeking employment. Specifically a major concern is that seniors would be hit especially hard by an increase in the minimum wage.

In southwest Florida, many retirees work part time at or near the minimum wage to supplement their retirement income. We have been notified many of these jobs would be eliminated should minimum wage be increased, leaving these seniors without the income that they need to make ends meet.

Additionally, the inflationary pressures that this increase causes will erode the financial stability of the millions of seniors living on fixed incomes.

Further, another concern is that in Florida, like most of the Nation, small businesses create the vast majority of new jobs. And despite our good efforts to help small businesses in this Congress, an increase in the minimum wage will financially strap the very employers that are the engine for new jobs.

Finally, I am concerned that some of this debate is rooted in politics rather than substance. To those in the minority, I would point out that this issue never came to the floor when they ran this House.

There was not one hearing in committee nor one vote on the floor. Indeed, the same President who is now demanding a minimum wage hike was arguing against one when he took office in 1993. The only hike he fought for then was a tax hike, the largest in History. Our real goal on the majority side has been to figure out the best way to help at-risk workers in our economy. Rather than shrinking the job market, we need to fix our tax structure so that people who are working can keep more of their own money. Efforts to reform the earned income tax credit and the payroll tax would more effectively benefit the families we are trying to help.

We know taxes consume an ever-increasing proportion of Americans' incomes—a significant factor in the decline in purchasing power of hard working Americans.

So today I urge my colleagues to reject the big government big union solution. Let's not hold back Americans trying to enter the work force; vote against hiking the minimum wage, and vote for job creation and support for small business. And support the rule that will allow us to make those choices.

□ 1730

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Speaker, I rise in opposition to the rule. For a year and a half Democrats in the House, in the Senate, and the Clinton administration have been calling for an increase in the minimum wage, and the overwhelming majority of Americans support our efforts.

The Republican majority leader said he would oppose the minimum wage increase with every fiber of his being. The Republican majority whip proclaimed that minimum wage families do not exist. And the chairman of the Republican Conference said that he would commit suicide before allowing a minimum wage increase.

Nevertheless, public opinion and the persistence of the Democratic Party, with the help of a few of our Republican colleagues, have brought us to this debate today to decide whether there will be a raise for hard-working, low-income individuals.

Amazingly, however, the rule that the Republican leadership has presented to this House denies us an up or down vote on a clean minimum wage increase and denies Democrats an opportunity to offer a single amendment. Only amendments offered by Republicans are allowed.

As the ranking Democrat on the committee of jurisdiction, I sought permission to offer three amendments, including an amendment to simply allow a clean vote on the minimum wage. I also asked the committee to allow me to offer an amendment that would remedy problems with the employee commuting bill. That bill would effectively eliminate the right of workers to choose how they will continue to work and what they can do while they are commuting.

Unless H.R. 1227 is fixed, employers may require employees to work without being paid for their services. At a time of unprecedented corporate profits and rapidly declining wages, this legislation would allow employers to steal both time and money from their workers.

Mr. Speaker, after much procrastination, the leadership of the House, under a cynical procedure, has now consented to vote on a measure to let workers get a long-needed raise. But there is no need to use this as a vehicle for raising the minimum wage. By defeating the previous question on the rule, this House can achieve what the American people are asking of us.

PARLIAMENTARY INQUIRY

Mr. SKAGGS. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore (Mr. HOBSON). The gentleman will state his inquiry.

Mr. SKAGGS. Mr. Speaker, I apologize, I may not have caught this when the rule was read to the House. It is my understanding that the underlying legislation includes a retroactive tax increase in connection with repeal of section 936. Is there a provision in this rule that waives the new rule that was so sanctimoniously passed at the beginning of this session prohibiting retroactive tax increases?

The SPEAKER pro tempore. The rule waives all such points of order against consideration.

Mr. SKAGGS. So it does waive that prohibition against retroactive tax provisions; is that correct, Mr. Speaker?

The SPEAKER pro tempore. It waives all such points of order.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume just to point out that there are no income tax rate increases in this legislation.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania, my good friend, Mr. GEKAS.

Mr. GEKAS. Mr. Speaker, on the issue of the minimum wage, I stand with the President of the United States. I support his concept enunciated in 1996 and when this election cycle began to bring additional earning power, as he saw it, to the minimum wage community of our country. I stand with the President.

PARLIAMENTARY INQUIRY

Mr. GEKAS. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. GEKAS. Mr. Speaker, am I permitted to go to the other podium now when I finish here?

The SPEAKER pro tempore. The gentleman may select his own place to speak.

Mr. GEKAS. Mr. Speaker, on the issue of the minimum wage, I stand with the President of the United States and oppose the elevation of the minimum wage, because the President has said, and I stand with him, before this election cycle began, before the rhetoric of the election year came down upon us, that he opposed the minimum wage because it is not the way to increase the earning power of the minimum wage community. So I stand with the President in opposing the elevation of the minimum wage.

Mr. Speaker, can you tell me where I stand? I stood over there, I have stood here. I stand for something about the minimum wage. The President does not know where he stands, I do not know which podium to use and where I stand. I think I am going to stand and stand and stand until I cannot stand it any more.

Mr. Speaker, the parts of the minimum wage that are sought to be increased are increases in the cost of living for many individuals, including our senior citizens community. Every time the minimum wage goes up or artificial income is created in any way, the prices at the supermarket also go up. And who are the first to suffer the consequences of that? The senior citizens of our country, the people on fixed incomes.

I stand with the senior citizens. Whether it is at this podium, I stand with the senior citizens.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I rise in opposition to this rule. My colleagues, if this rule passes, we have to understand what the results of that might be.

If this rule passes it may be that many farm workers, migrant workers in this country, for the first time, would not even earn a minimum wage. The minimum wage would be stricken for many migrant workers in this country.

If this rule passes, it is likely that two-thirds of the businesses in America would be exempt from paying minimum wage increases to their employees.

If this rule passes, waiters and waitresses, laboring in America's restaurants, will be denied any increase in the minimum wage.

If this rule passes, many of the long traditional American protections, called child labor, will be removed from Federal law.

If this rule passes, it is likely that 18- and 19-year-old workers will work for no increase in the minimum wage.

Surely our Republican colleagues have not reached such an extreme that they would remove minimum wage protections entirely, no minimum wage guarantees, for millions of people in the American work force.

We all agree in a free marketplace, but the American people have long understood that an appropriate government tension is necessary if the free marketplace is to appropriately meet the needs of its workers. That is what minimum wage has done through the years.

This Republican Congress is about to pass a rule that will allow those things which I have delineated to happen in this country, except for one thing. The President of the United States has yesterday sent a letter to this House saying if we do these things, I will veto this bill.

Mr. SOLOMON. Mr. Speaker, may I inquire how much time we have remaining on either side?

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] has 14¼ minutes remaining, and the gentleman from Ohio [Mr. HALL] has 18 minutes remaining.

Mr. SOLOMON. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

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

Mr. SCHUMER. Mr. Speaker, the Republicans could not do it clean. They knew that the American people, over 80 percent, wanted an increase in the minimum wage law, and what they should have done is simply said they made a mistake and, yes, we are going to pass it.

But because they are so wrapped up in the throes of certain special interest groups that are eager to pay no minimum wage or eliminate the minimum wage, they had to bollix it up. And what they did is end up taking one step forward and two steps back, for while they do raise the minimum wage in this proposal, they take it away from anywhere from 3 to 10 million.

Does anyone in America believe that we should remove the minimum wage in the garment industry sweatshops, with industrial homework, with farm workers? With the Goodling amendment that is what their proposal will do.

As a result, they cannot come forward, those on the other side in the Republican Party, and say that they are for work and say that they are for justice and say that they are for fairness. Instead, the only thing they will be able to say after tonight's exercise is that they cared more about the selfish few who are unwilling to pay a mere $5.15 an hour for the worst and hardest kind of labor in America than they cared about making the American people who work hard day in, day out, those at the bottom end of the wage scale, receive a decent wage and move off welfare and on to work.

Ladies and gentlemen, if we want to look at the beginning of the end of the Republican majority in this body, look at this bill. Even on an issue where they know that they are wrong, they cannot do it straight, they cannot do it clean, and they cave in to special interests.

☐ 1745

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Texas, Mr. GENE GREEN.

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

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in opposition to this partially open rule, not in the effect that it has on the bill that affects small business and the tax cuts but the effect the rule has on the minimum wage bill.

After months of Democratic attempts to have a vote on raising the minimum wage, the House Republican leaders have at last allowed us a vote. This minimum wage bill, though, let me point out to the chairman of the Committee on Rules, never had a hearing in the Committee on Economic and Educational Opportunities, even though you gave credit to it earlier, we never had a public hearing, never had a vote on this bill. So now it is out here today but without having the committee hear the bill.

We should not be fooled by this sham of a bill. This could be April Fool's for the American workers. Now you see the wage increased, but now you do not. House Republicans have attached special interest provisions to exempt millions of people from the minimum wage. Now you see it; now you do not.

Working American families expect a clean up-and-down vote on a minimum wage increase, including those that are covered today, but not taking millions out of protections for minimum wage. Instead, they are caving in to the special interest groups. The restaurant lobby, they get to freeze their minimum wage for tip workers.

There is a training wage. We have heard this before. In 1990, there was an experiment with the training wage. It did not work. It did not work then and it will not work now. Also the amendment to exempt millions of workers who will lose minimum wage and fair labor standard protections. American families are working harder. We see the disparity in the income. The rich are getting richer, and we are trying to keep the poor from getting poorer but

not with this bill. It is tough to get ahead when you cannot make enough money in your pockets to put food on you table.

This minimum wage legislation began in 1938 with 25 cents an hour. I have to admit that if it had taken the Republican votes to increase it over the years, we would not have had any increases.

I ask my colleagues not to allow millions of working American families who now earn $4.25 an hour to say, well, I am going to get an increase. No, you are not, not if you work in a business that earns less than $500,000.

Do not give it to them with one hand and take it away with another.

Mr. SOLOMON. Mr. Speaker, I am surprised at my friend, the previous speaker, because as I look at the record, he is complaining about the fact that we are bringing this bill up without previous hearings. He happened to vote in the last several weeks not to have public hearings when they tried to force a minimum wage on the floor. He did it on the debt limit bill. He did it on the public housing bill. He did it on the Marshall service bill. He did it on the Utah wilderness bill, as did most Democrats on that side of the aisle.

Let me say one other thing, the Parliamentarian will tell you that this amendment that he is referring to still includes and continues to apply to child labor laws.

Mr. Speaker, I yield 3 minutes to the gentleman from Huntington Beach, CA [Mr. ROHRABACHER].

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

Mr. ROHRABACHER. Mr. Speaker, I rise as a reluctant supporter of the rule before us today because the bill, H.R. 3448, repeals a part of Ronald Reagan's legacy, a tax provisions that encourages the creation of employee owned companies where the employees own a majority of the stock in the company. Employee ownership, I call it workers capitalism, because it turns laborers into employee owners and gives them a stake in the American dream.

We are talking about the opportunity of working Americans to share in the profit and success of their company and an opportunity they do not have as hourly wage earners.

Employee ownership is a Republican idea. It is a Democrat idea. It is as American an idea as homesteading and homeownership. Years ago President Ronald Reagan teamed up with Democrat Senator Russell Long to craft laws promoting employee ownership. They set aside their partisanship to work together because employee ownership is a great idea.

Now we are dismantling part of that great idea. H.R. 3448 repeals the section 133 ESOP lender interest exclusion. This rule denies us the opportunity to change this unfortunate decision to diminish the incentives for employee ownership in our society.

I would like to remind my Republican colleagues that we are losing something we fought so desperately to keep only a few years ago. Chairman Rostenkowski proposed with doing away with the ESOP lender interest exclusion in 1989. It was Speaker GINGRICH, the gentleman from Texas, Mr. ARMEY, the gentleman from Texas, Mr. DELAY, and myself and other members of the conservative opportunity society who pounded our fists on the table and said, no. You do not dare, because this is not corporate welfare. It is not pork. It is an incentive to help working people capture a piece of the American dream.

It is ironic and more than a little frustrating that a Republican Congress is now voting to repeal an employee ownership provision that we fought so hard to protect only a few years ago.

I urge my colleagues on the Committee on Ways and Means to take this issue to heart and rally to the cause of employee ownership. The ESOP community would like to extend the benefits of employee ownership to sub S corporations, for instance. There are more than a dozen sub S provisions in H.R. 3448, but no employee ownership provision.

This bill has an estate tax provision but no provision to help smallest States transfer stock to ESOP's. Hopefully the next tax bill will contain such provisions.

We should be expanding the opportunities for employee ownership, not eliminating them as this rule and this bill would do.

I have a dilemma. H.R. 3448 also contains many small business tax provisions that I support. So I will cast my vote in favor of this rule with reluctance but hope that in the future the Republicans and Democrats can work together to expand the very basic fundamental dream of America, and that is for all Americans to have the opportunity to own their own home and, yes, own part of their own business.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Speaker, I rise in opposition to this deceptive rule. This rule does not provide a free and fair vote on the minimum wage. This rule will permit matter other than the minimum wage increase to be part of the vote. That is not a vote on the minimum wage. This rule would permit sweeping exemptions. Many who favor the minimum wage increase do not favor these exemptions. That is not a vote on the minimum wage. The American people have demanded, and the Republican leadership had promised a vote on the minimum wage. This rule provides for a vote on a disguised and costumed minimum wage. This rule reflects a promise that was made and not kept. It is clear that the Republican leadership will do anything to deny a straight-forward, up or down vote on increasing the minimum wage.

Once again, they have chosen to hurt millions of low-wage workers in order to give a break to big business. Those of us who support a clean vote on the minimum wage want simply to help pave a path to the future for the poverty level workers of America. Those who oppose a clean vote want to keep those workers trapped in the past. Supporters of a clean vote want to open doors for the millions who do not want charity but a chance to earn a livable wage. Opponents of a clean vote want to slam the door of opportunity and keep it tightly closed. We want to mainstream workers. They want to continue their extreme ways. The Goodling amendment, permitted by this rule, would lower wages for workers who now earn the current minimum wage. Instead of increasing the wage, this amendment decreases the minimum wage.

During this debate, both sides will focus on what they perceive to be the facts of minimum wage. I hope neither side will forget the faces of minimum wage. The faces are the children of minimum wage workers, those young people who have been pushed into poverty, even though their parents work. The faces are millions of women, many of them single heads of households, who have been thrust into a spinning spiral because it takes a miracle to make ends meet on today's minimum wage.

The faces are the minimum wage men, far too many of whom are angry and frustrated because it is impossible to be a proud father on $8,400 dollars a year.

The faces are the families that do not function because the minimum wage provides a little something to wear and a little something to eat, but not much more. In the cool comfort of these hallowed halls, we will argue the facts, but as we do, try to imagine the faces. For many, this issue is about more than opinions and numbers. All of us should want what is best for Americans. What is best for Americans is a job, at a fair wage, with dignity and respect—a livable wage. Reject this rule. It is a cruel hoax.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, Candidate DOLE said earlier this year that he did not realize that jobs and trade and what makes America work would become a big issue in this campaign. A few weeks ago the House Republican majority whip claimed that families trying to live on $4.25 an hour do not really exist. Just what planet are these people on? It appears that the Republican leadership's social circle is restricted to those who are already doing quite well, nicely, thank you. In fact, according to this week's Forbes magazine, the bible of the Republican Party, the median income of the CEO's, of the 800 biggest companies in America was $1.5 million, up 15 percent from last year.

When it comes to salaries, Republicans apparently subscribe to the

Forbes doctrine: more dough for the CEO, but not even a dollar if you are blue collar, while corporate chieftains may be breaking out the champagne and caviar in the boardrooms this year, millions of American families are still scraping to make ends meet.

Indeed, the Republican majority leader has promised corporate America that he will resist an increase in the minimum wage with every fiber in his being. It is just like Harry Truman always said, the Republican Party supports a minimum wage, the lower the minimum the better for the working people in this country. Unfortunately, the GOP leadership has now loaded up the bill with a grabbag of back-door bennies for their broadroom buddies.

They just cannot stop themselves. Clearly, Republican leaders in Washington are out of touch with the needs of ordinary Americans.

Yesterday this body voted with much fanfare to repeal the gas tax. That is $15 for each American. The minimum wage is $1,800 a year for working Americans.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Miami, FL [Mr. DIAZ-BALART], a member of the Committee on Rules.

Mr. DIAZ-BALART. Mr. Speaker, I want to thank the chairman of Committee on Rules for yielding time to me.

I was listening to this debate. I had to come down because of this, I did not think that it was on the same rule that we worked on in the Committee on Rules that this debate was on. Apparently there is just a tremendous misconception or purposeful falsehoods being thrown by the other side. I do not really know if some may really believe what they are saying.

Let us be clear as to what this rule permits. It permits an upon-or-down vote on an amendment that would be introduced by the gentleman from California [Mr. RIGGS] and the gentleman from New York [Mr. QUINN] to raise the minimum wage from $4.25 an hour to $5.15 an hour. That is a fact, cannot be denied.

The Democrats time after time after time again on procedural motions, they propose nongermane amendments or on questions on the previous question, motions to move the previous question, and they say that they are votes on the minimum wage, when they are not votes on the minimum wage many times. This is a vote on an increase in the minimum wage from $4.25 to $5.15. I want all my friends on the other side who are going to vote no on this rule to know that, when they vote no on this rule, they will be voting against the minimum wage. None of these falsehoods that are being thrown over now can cover that fact.

If my colleagues vote against this rule, the Democrats, even though they have presented all those nongermane motions before to say that they want to support the minimum wage, even though when they had the majority they did not propose the minimum wage, and when they had the Presidency and the majority they did not propose an increase in the minimum wage, today despite the fact that our leadership opposes an increase in the minimum wage, they are permitting an up or down vote on it.

So I just want my colleagues to know, despite all these speeches we have heard here which I thought were on another bill and on another rule, what they will be voting on, and they cannot hide it anymore, they cannot hide it. I want it to be clear.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, what a cruel hoax the last speaker from the other side of the aisle is trying to pull on the American people. The choice here essentially under this rule is either vote for the minimum wage increase for some workers and at the same time eliminate minimum wage protection for probably the vast majority of those 10 million or so Americans that are now receiving the minimum wage, or simply vote the rule down and we will not bring up the minimum wage at all.

That is exactly the cruel hoax we are playing on the American people today. What the Republican leadership is doing is setting up this bill for defeat because they know that, if they have this exemption under the Goodling amendment that is going to take out so many people from any minimum wage protection, they know that the President cannot sign that bill. So they are making it impossible for a real minimum wage increase for the average American worker to be brought up on this floor and to be passed by both Houses and go to the President. It is a hoax because they are opposed to minimum wage protection. They do not care about the little guy.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute and 10 seconds to the gentleman from Wisconsin [Mr. ROTH].

□ 1800

Mr. DIAZ-BALART. Mr. Speaker, will the gentleman yield?

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

Mr. DIAZ-BALART. Mr. Speaker, I thank the gentleman from Wisconsin for yielding.

The vote on the limitation of the minimum wage, the $500,000 cap, that is an amendment that is made in order. So we get the vote on the minimum wage, up or down, and if our colleagues do not want to limit, vote for the limiting amendment, they vote ''no'' on the amendment.

Do my colleagues have it clear now?

Mr. ROTH. Mr. Speaker, I want to say that the chairman of the Committee on Rules is the most decent, fairest, the most patriotic Member we have in this body, and I appreciate him yielding me this time.

This is a good rule, but I have to say something for people who cannot speak for themselves, and no one will speak for them on the floor of this House.

When people come here and say they are going to repeal 936, what they are doing really is hurting the people of Puerto Rico who no one is speaking for. Three-hundred thousand jobs are going to be lost if we do that because one out of every three jobs in Puerto Rico is due to 936. This is going to force thousands of people from Puerto Rico back to New York, New Jersey, and Florida and other places.

As Paul Harvey said, ''What is the rest of the story?'' The rest of the story is that 936 really is a free enterprise zone for the people of Puerto Rico. Puerto Rico's current per capita income is $6,500, roughly half of that of the poorest of States in the United States. If we eliminate 936, the economic incentives it provides for the island, this island is going to suffer tremendously economically. I do not think we want to do that.

The cost of these changes could very easily exceed the very modest savings we are going to get from eliminating these incentives. Over and above the profound economic impetus that 936 gives to Puerto Rico, this is going to be devastating to the island's economy, and I ask that we revisit and look at that 936 repeal.

Before I came to Congress, I owned and operated a small business in Appleton, WI. I know firsthand that small businesses in this country deserve some much-needed tax relief. The Small Business Protection Act is a good bill that will go a long way in lifting the heavy tax burden that is stifling America's engines of economic growth, our small businesses.

My support for this tax relief, my friends, is tempered by the manner in which we plan to pay for it. Under the legislation we are considering today, these tax cuts are to be offset in large part by retroactively repealing IRC section 936. Section 936, as many of you know, provides for certain tax incentives for corporations operating in the Commonwealth of Puerto Rico. It is also the single biggest rason Puerto Rico has prospered into the mature, financially stable democracy that it is today.

Section 936 is, quite simply, one of the lifebloods of the Puerto Rican economy. Over the 21 years that it has been in effect, section 936 has spurred development and economic activity throughout all sectors of the Puerto Rican economy. Today, it is responsible for over 300,000 direct and indirect jobs in the island's economy, fully one-third of all the jobs in Puerto Rico.

Make no mistake, my friends. This is not so-called corporate welfare. Section 936 effectively creates an enterprise zone in Puerto Rico, using market-driven tax incentives to spur investment and create employment opportunities. Every penny that is spent in this capacity is recoupled 10 times over in the job creation and economic development that results.

Section 936 also serves as the backbone to the financial system in the commonwealth of Puerto Rico. In fact, it is responsible for $6 billion in direct investments in the island, in addition to over $9 billion deposited in Puerto Rican financial institutions. This $15 billion

provides the Puerto Rican economy with a significant source of liquidity and stability for its financial market.

This proposal will have other costs as well. In particular, 936 funds in Puerto Rico are used for a number of innovative and socially beneficial purposes. Perhaps the best example is the Conservation Trust of Puerto Rico. The Trust, a non-profit, public interest trust jointly created in 1970 by the U.S. Department of the Interior and the Government of Puerto Rico, exists to preserve the natural and historic resources of Puerto Rico.

During the past 13 years, the Conservation Trust has been authorized to make use of a creative financial mechanism through section 936 to collect funds in order to pursue its conservation plan. In fact, because of this, the Trust has never received any direct funding from either the local or Federal Government.

I have seen firsthand the excellent work the Trust has done. I can testify to the importance of their mission, as well as to the effectiveness of their efforts. The value of this service to the island and people of Puerto Rico is inestimable. The Trust is responsible for almost 80 percent of all the land acquired for permanent conservation purposes in Puerto Rico by all public or private entities during the last 20 years. More importantly, the Trust plays a vital role in educating the Puerto Rican people, and in particular the younger generations, about their cultural and historic birthright.

The immediate elimination of section 936 would deal a severe blow to the Conservation Trust and other organizations like it. Eighty percent of the Trust's annual revenues would disappear overnight. The vast majority of Puerto Rico's land conservation efforts would grind to a halt, and the preservation and management of existing properties would be significantly jeopardized.

Section 936 has been a fixture of the Puerto Rican economy for 21 years. Over that period of time, the island's financial community has developed an infrastructure that depends on 936 funds.

While I am devoted to the goal of giving our small businesses some much-needed tax relief, I feel that we must be mindful of the consequences of our actions today. Section 936 plays an integral role in Puerto Rico's economy. If we eliminate the ounce of prevention that Section 936 represents in the overall budget equation, we may end up paying for the pound of cure that will result.

Puerto Rico's current per capita income is $6,500, roughly one-half that of the poorest State in the U.S. If we eliminate section 936 and the economic incentives it provides, the island economy will suffer tremendously. Island poverty and unemployment rates will rise, as will the costs of welfare and unemployment benefits to the residents of Puerto Rico. The cost of these changes could very easily exceed the very modest savings we stand to gain from eliminating these incentives. Over and above the profound economic impetus section 936 provides for the American citizens of Puerto Rico, it also relieves us from expenditures we would otherwise have to make on the island.

Section 936 is an investment in the island of Puerto Rico—in its economy, in its people, in its future. Retroactively repealing this tax credit will stunt the island's economic growth, imperil hundreds of thousands of Puerto Rican jobs and possibly undo two decades of significant and steady economic improvement. We owe it to the people of Puerto Rico, our friends, neighbors, and fellow citizens, to seriously consider the implications of the repeal of section 936 as we vote on the Small Business Job Protection Act.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Speaker, I want to go back to this point about whether this is, in fact, a minimum wage bill or is it a doing away with the minimum wage bill? Because at the end of the day all of my colleagues need to understand this:

There are 75 percent of the businesses in this country which have gross incomes of less than $500,000 a year. Those businesses employ over 10 million people, and for those people, this bill would do away with the minimum wage, do away with overtime. No such thing as overtime pay for those anymore.

So, I hope the gentleman who was up here talking about this as a minimum wage bill will understand that for those 10 million people this is not a minimum wage bill; this is a bill that does away with the minimum wage, does away with any payment for them for even overtime work that they do.

Mr. SOLOMON. Mr. Speaker, I yield myself 1 minute just to say that it is absolutely not true that millions of American workers will no longer be covered by the Fair Labor Standards Act. Nothing could be further from the truth. Why, the language provides a grandfather clause that retains coverage for any employee who is presently covered by the FLSA while they are employed by that small business.

Further, any employer who fails to maintain the current coverage is in violation of the law, and that employee may file a complaint with the Department of Labor. No presently covered worker will lose coverage, and any employer that tries to do so will be punished by the law in New York State and Michigan and every other State. Every other State that has a minimum wage law now is not even affected by this.

Mr. Speaker, I yield 2 minutes to the gentleman from Claremont, CA [Mr. DREIER], a member of the Committee on Rules and my very good friend.

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

Mr. DREIER. Mr. Speaker, I consider the gentleman from North Carolina [Mr. WATT] to be one of my very good friends, and does he want me to yield him 10 seconds?

Mr. WATT of North Carolina. Yes, Mr. Speaker, I am happy to have the gentleman yield.

What about all those new employees?

Mr. DREIER. Mr. Speaker, let me reclaim my time and say that I think it is very important for us to take just a moment to recognize that we all share the same goal. Every single Member in this House wants to have the opportunity to encourage those who are at the lower end of the economic spectrum. The unfortunate thing is that on the other side of the aisle there seems to be a lack of desire to put into place the kinds of small business incentives which economists who believe in the free market are convinced will be necessary to help those at the lower end of the economic spectrum. It is fascinating.

I am one who believes that increasing a federally mandated minimum wage is a job killer, it is something that is going to jeopardize opportunities at the lower end of the economic spectrum. But we have recognized that a majority of the Members of this House want to have an up or down vote, and so we are giving the membership an opportunity to have that vote. But those on the other side of the aisle who had a chance for the last several years to have that up or down vote have never seized the opportunity.

I also believe that it is important for us to realize that as we look at the tax and regulatory burden that exists for those businesses that are trying to create jobs, that are trying to get those from welfare on to the working roles are in the present situation denied that opportunity, and yet this rule allows us to proceed with that. That is why I hope very much that my colleagues in a bipartisan way will support this rule, which provides a wide range of opportunities for people who are supportive of increasing the minimum wage, those who are opposed to increasing the minimum wage, a wide range of opportunities for them to create economic opportunity for those at the lower end of the spectrum.

Support this rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I strongly oppose the Gingrich-Armey rule to kill the minimum wage. This rule denies the people's House the ability to carry out the people's will and to raise the minimum wage.

The Republican leadership called for hearings on the minimum wage, stalled for months with every procedural trick in the book. Now we see yet another trick, an amendment to increase the minimum wage will be followed by a killer amendment to make sure that millions of American workers at small firms would never see an increase come payday, and worse, some would lose the minimum-wage protection that they now enjoy. Two-thirds of the firms would be excluded, excluded from dealing with the minimum wage.

The Republican leadership has been against the American workers and raising the minimum wage from the beginning. What this rule gives with one hand, it takes with the other, and then some. Not only does the rule seek to repeal the minimum wage for millions of workers, it seeks to role back the Fair Labor Standards Act and open the door to sweatshops and to child labor.

The American people want to move forward to higher wages and rising living standards. This rule is wrong.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Syracuse, NY [Mr. WALSH].

Mr. WALSH. Mr. Speaker, I rise in strong support of this rule.

Our party, the Republican Party, the majority party in America today, represents many views. But we are united in our commitment to debate all of the important issues.

Unlike the minority party, the Democrats who lost their majority because they bottled up the votes on issues like term limits, balanced budget, and the minimum wage: big talk, no action, no courage, no conviction.

Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] and his colleagues on the Committee on Rules. This rule gives us our vote. This increase in the minimum wage will help seniors in conjunction with our raising of the earnings limit for Social Security recipients, it will help kids save for college, it will help get people off of welfare and back to work, and it will help small business pay for it.

Mr. SOLOMON. I yield such time as he may consume to the gentleman from Massachusetts [Mr. TORKILDSEN].

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

Mr. TORKILDSEN. Mr. Speaker, I rise in strong support of this extremely fair rule.

While I do not agree with every amendment made in order and every provision of these two bills, I feel strongly that the Rules Committee has done an excellent job in ensuring that all voices are heard in this debate. This rule gives supporters and opponents of the minimum wage the opportunity to state their cases, and key amendments allow all Members to express their own opinions and vote accordingly.

Those who argue against this rule are some of the same people who, as part of the Democrat Congress, did not even give this provision an opportunity for a vote on the floor. It is a Republican Congress that is bringing this issue to the floor for a vote, while the Democrats stifled this vote for the past few years.

I commend the leadership and the Committee on Rules for turning the tide for American workers by allowing this debate on the House floor. Support minimum wage by supporting this rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding the time to me.

Mr. Speaker, the most important economic issue facing this country is that the people on top, the wealthiest people, are becoming richer, the middle class is shrinking, and more and more of the new jobs that we are creating in this country are low-wage jobs paying people $4.25 an hour, $4.50 an hour, $5 an hour. The minimum wage today in terms of purchasing power is at its lowest point in 40 years.

Mr. Speaker, the American people want and the working people want to see a situation in which every working person in this country can work 40 hours a week and not live in poverty. It is incumbent upon this body to have an opportunity to vote for a clean up-or-down increase in the minimum wage.

Our Republican friends say the Democrats should have raised the minimum wage 2 years ago. They are right; they should have, and I had a bill in the hopper to do just that. But 2 years later means more and more people are living in poverty. Two years later means that today finally we should increase the minimum wage.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, how can these mean-spirited Republicans, too cheap to pay a worker $5.15 an hour, claim they care about American workers? This is not a Third World country. We do not tolerate sweatshops in America. We do not have slave labor, starvation wages. This is 1996. It is the dawn of the 21st century.

Radical Republicans would take us back to the 19th century, no minimum wage, no support for working families, for those who work hard, play by the rules, and strive to improve the lives of their families, their children.

Republicans give tax breaks to corporate bigwigs who make millions of dollars each year, but they think that 9-to-5 workers are overpaid. They think $8,000 a year is too much.

This is not just extreme, it is nuts, it is downright crazy. Extreme, mean-spirited Republicans offer the American people a simple choice: Do we live in the 21st century or the 19th century; do we pay livable wages or starvation wages?

I say, my colleagues, it is time to stand up to these right-wing extremists, to stand up for hard-working American families. It is time to raise the minimum wage, not repeal it.

We cannot go back. We must not go back. We will not go back. Defeat this rule.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Bentonville, AR [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Speaker, I want to respond. I rise in support of the rule; I support the rule because it, in fact, will give us a clean, straight up and down vote on the minimum-wage increase, and I applaud our leadership in allowing that vote.

I am going to vote against the minimum wage because I think it is misdirected, it is election year politics, it is not real compassion, it is a job killer, and that is the truth. It is not the economists, the gentleman from Texas [Mr. ARMEY] and the gentleman from California [Mr. CAMPBELL], alone that are saying that, but the overwhelming economists in this country. In 1993 a survey of 22,000 economists in the United States; I suppose they probably are all right-wing extremists, those 22,000 economists, 77 percent of which said raising the minimum wage will lead to a loss of jobs in this country.

So I suggest to my colleagues this is not real compassion, else they would have raised it 2 years ago when they controlled the House, the Senate, and the White House and it was never even brought up for a vote.

What it is is election year posturing. This is not real compassion; it is not compassion to take that single mother with two children and say, ''You are going to lose your job so we can play politics with the American economy.''

That is wrong.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

□ 1815

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Texas for yielding time to me.

Mr. Speaker, let me provide this body with a few facts that might help to clear up whether or not we should, in fact, have a clean vote on the minimum wage for the American people.

First of all, fact: We have not raised the minimum wage more than seven times in the 58-year history.

Fact: In the city of Houston, which I represent, there are 125,000 households with salaries of $25,000 or less. The average weekly hours of work for minimum-wage workers is 34 hours; 2.1 million people are employed at the minimum rate, and 77.1 percent of them are adults, with another 1.9 million people employed below the minimum wage.

Mr. Speaker, there is a need for a bill that applies to the American people, to give them a decent wage; that is, to increase the minimum wage. This rule is a minimum-wage killer. It is a poison pill which we all would like not to take. Let us stand up for working women; 59 percent of them are on minimum wage. And why do we not realize that the fact is in New Jersey, when they increased the minimum wage they increased jobs. Let us increase jobs, increase the minimum wage.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I just was in a markup, so I walked onto the floor and was not able to get my chart up here. But if I had it, it would be a picture that I bring to the floor every time we have this debate on the minimum wage. It is a split screen cartoon. At the top it says, ''How long does it take to make $8,440?'' And on one side it has a full-time minimum-wage worker and it says under there, ''One year''. On the other side it has an executive, and it says, ''The average executive CEO of a large corporation in America, one-half a day.''

Think of the immorality of it all. It is fine for somebody to be successful and to make that kind of money, as long as it is not at the exploitation of others at the low end. We have to respect work. We have to raise the morale of the worker in America by saying, ''Your full-time employment should be a decent, living wage for you and your family.'' Consider, two minimum-wage earners are still below the poverty line in a family of four. I urge my colleagues to oppose the rule and to support the minimum wage.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the beginning of this Congress the Republican majority claimed that the House was going to consider bills under an open process.

I would like to point out that 68 percent of the legislation this session has been considered under a restrictive process.

Mr. Speaker, I include for the RECORD certain extraneous materials.

The materials referred to are as follows:

FLOOR PROCEDURE IN THE 104TH CONGRESS 1ST SESSION; COMPILED BY THE RULES COMMITTEE DEMOCRATS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1*	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None.
H.R. 5*	Unfunded Mandates	H. Res. 38	Restrictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; Pre-printing gets preference.	N/A.
H.J. Res. 2*	Balanced Budget	H. Res. 44	Restrictive; only certain substitutes; PQ	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive; considered in House no amendments	N/A.
H.R. 101	To transfer a parcel of land to the Taos Pueblo Indians of New Mexico.	H. Res. 51	Open	N/A.
H.R. 400	To provide for the exchange of lands within Gates of the Arctic National Park Preserve.	H. Res. 52	Open	N/A.
H.R. 440	To provide for the conveyance of lands to certain individuals in Butte County, California.	H. Res. 53	Open	N/A.
H.R. 2*	Line Item Veto	H. Res. 55	Open; Pre-printing gets preference	N/A.
H.R. 665*	Victim Restitution Act of 1995	H. Res. 61	Open; Pre-printing gets preference	N/A.
H.R. 666*	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open; Pre-printing gets preference	N/A.
H.R. 667*	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 668*	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open; Pre-printing gets preference; Contains self-executing provision	N/A.
H.R. 728*	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 7*	National Security Revitalization Act	H. Res. 83	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference; PQ	N/A.
H.R. 729*	Death Penalty/Habeas	N/A	Restrictive; brought up under UC with a 6 hr. time cap on amendments	N/A.
S. 2	Senate Compliance	N/A	Closed; Put on Suspension Calendar over Democratic objection	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive; makes in order only the Gibbons amendment; Waives all points of order; Contains self-executing provision; PQ.	1D.
H.R. 830*	The Paperwork Reduction Act	H. Res. 91	Open	N/A.
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive; makes in order only the Obey substitute	1D.
H.R. 450*	Regulatory Moratorium	H. Res. 93	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 1022*	Risk Assessment	H. Res. 96	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 926*	Regulatory Flexibility	H. Res. 100	Open	N/A.
H.R. 925*	Private Property Protection Act	H. Res. 101	Restrictive; 12 hr. time cap on amendments; Requires Members to pre-print their amendments in the Record prior to the bill's consideration for amendment, waives germaneness and budget act points of order as well as points of order concerning appropriating on a legislative bill against the committee substitute used as base text.	1D.
H.R. 1058*	Securities Litigation Reform Act	H. Res. 105	Restrictive; 8 hr. time cap on amendments; Pre-printing gets preference; Makes in order the Wyden amendment and waives germaneness against it.	1D.
H.R. 988*	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive; 7 hr. time cap on amendments; Pre-printing gets preference	N/A.
H.R. 956*	Product Liability and Legal Reform Act	H. Res. 109	Restrictive; makes in order only 15 germane amendments and denies 64 germane amendments from being considered; PQ.	8D; 7R.
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive; Combines emergency H.R. 1158 & nonemergency 1159 and strikes the abortion provision; makes in order only pre-printed amendments that include offsets within the same chapter (deeper cuts in programs already cut); waives points of order against three amendments; waives cl 2 of rule XXI against the bill, cl 2, XXI and cl 7 of rule XVI against the substitute; waives cl 2(e) of rule XXI against the amendments in the Record; 10 hr time cap on amendments. 30 minutes debate on each amendment.	N/A.
H.J. Res. 73*	Term Limits	H. Res. 116	Restrictive; Makes in order only 4 amendments considered under a ''Queen of the Hill'' procedure and denies 21 germane amendments from being considered.	1D; 3R
H.R. 4*	Welfare Reform	H. Res. 119	Restrictive; Makes in order only 31 perfecting amendments and two substitutes; Denies 130 germane amendments from being considered; The substitutes are to be considered under a ''Queen of the Hill'' procedure; All points of order are waived against the amendments.	5D; 26R.
H.R. 1271*	Family Privacy Act	H. Res. 125	Open	N/A.
H.R. 660*	Housing for Older Persons Act	H. Res. 126	Open	N/A.
H.R. 1215*	The Contract With America Tax Relief Act of 1995	H. Res. 129	Restrictive; Self Executes language that makes tax cuts contingent on the adoption of a balanced budget plan and strikes section 3006. Makes in order only one substitute. Waives all points of order against the bill, substitute made in order as original text and Gephardt substitute.	1D.
H.R. 483	Medicare Select Extension	H. Res. 130	Restrictive; waives cl 2(1)(6) of rule XI against the bill; makes H.R. 1391 in order as original text; makes in order only the Dingell substitute; allows Commerce Committee to file a report on the bill at any time.	1D.
H.R. 655	Hydrogen Future Act	H. Res. 136	Open	N/A.
H.R. 1361	Coast Guard Authorization	H. Res. 139	Open; waives sections 302(f) and 308(a) of the Congressional Budget Act against the bill's consideration and the committee substitute; waives cl 5(a) of rule XXI against the committee substitute.	N/A.
H.R. 961	Clean Water Act	H. Res. 140	Open; pre-printing gets preference; waives sections 302(f) and 602(b) of the Budget Act against the bill's consideration; waives cl 7 of rule XVI, cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Makes in order Shuster substitute as first order of business.	N/A.
H.R. 535	Corning National Fish Hatchery Conveyance Act	H. Res. 144	Open	N/A.
H.R. 584	Conveyance of the Fairport National Fish Hatchery to the State of Iowa.	H. Res. 145	Open	N/A.
H.R. 614	Conveyance of the New London National Fish Hatchery Production Facility.	H. Res. 146	Open	N/A.
H. Con. Res. 67	Budget Resolution	H. Res. 149	Restrictive; Makes in order 4 substitutes under regular order; Gephardt, Neumann/Solomon, Payne/Owens, President's Budget if printed in Record on 5/17/95; waives all points of order against substitutes and concurrent resolution; suspends application of Rule XLIX with respect to the resolution; self-executes Agriculture language; PQ.	3D; 1R.
H.R. 1561	American Overseas Interests Act of 1995	H. Res. 155	Restrictive; Requires amendments to be printed in the Record prior to their consideration; 10 hr. time cap; waives cl 2(1)(6) of rule XI against the bill's consideration; Also waives sections 302(f), 303(a), 308(a) and 402(a) against the bill's consideration and the committee amendment in order as original text; waives cl 5(a) of rule XXI against the amendment; amendment consideration is closed at 2:30 p.m. on May 25, 1995. Self-executes provision which removes section 2210 from the bill. This was done at the request of the Budget Committee.	N/A.
H.R. 1530	National Defense Authorization Act; FY 1996	H. Res. 164	Restrictive; Makes in order only the amendments printed in the report; waives all points of order against the bill, substitute and amendments printed in the report. Gives the Chairman en bloc authority. Self-executes a provision which strikes section 807 of the bill; provides for an additional 30 min. of debate on Nunn-Lugar section; Allows Mr. Clinger to offer a modification of his amendment with the concurrence of Ms. Collins; PQ.	36R; 18D; 2 Bipartisan.
H.R. 1817	Military Construction Appropriations; FY 1996	H. Res. 167	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; 1 hr. general debate; Uses House passed budget numbers as threshold for spending amounts pending passage of Budget; PQ.	N/A.
H.R. 1854	Legislative Branch Appropriations	H. Res. 169	Restrictive; Makes in order only 11 amendments; waives sections 302(f) and 308(a) of the Budget Act against the bill and cl. 2 and cl. 6 of rule XXI against the bill. All points of order are waived against the amendments; PQ.	5R; 4D; 2 Bipartisan.

FLOOR PROCEDURE IN THE 104TH CONGRESS 1ST SESSION; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1868	Foreign Operations Appropriations	H. Res. 170	Open; waives cl. 2, cl. 5(b), and cl. 6 of rule XXI against the bill; makes in order the Gilman amendments as first order of business; waives all points of order against the amendments; if adopted they will be considered as original text; waives cl. 2 of rule XXI against the amendments printed in the report. Pre-printing gets priority (Hall) (Menendez) (Goss) (Smith, NJ); PQ.	N/A.
H.R. 1905	Energy & Water Appropriations	H. Res. 171	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; makes in order the Shuster amendment as the first order of business; waives all points of order against the amendment; if adopted it will be considered as original text. Pre-printing gets priority.	N/A.
H.J. Res. 79	Constitutional Amendment to Permit Congress and States to Prohibit the Physical Desecration of the American Flag.	H. Res. 173	Closed; provides one hour of general debate and one motion to recommit with or without instructions; if there are instructions, the MO is debatable for 1 hr; PQ.	N/A.
H.R. 1944	Recissions Bill	H. Res. 175	Restrictive; Provides for consideration of the bill in the House; Permits the Chairman of the Appropriations Committee to offer one amendment which is unamendable; waives all points of order against the amendment; PQ.	N/A.
H.R. 1868 (2nd rule)	Foreign Operations Appropriations	H. Res. 177	Restrictive; Provides for further consideration of the bill; makes in order only the four amendments printed in the rules report (20 min. each). Waives all points of order against the amendments; Prohibits intervening motions in the Committee of the Whole; Provides for an automatic rise and report following the disposition of the amendments; PQ.	N/A.
H.R. 1977 *Rule Defeated*	Interior Appropriations	H. Res. 185	Open; waives sections 302(f) and 308(a) of the Budget Act and cl 2 and cl 6 of rule XXI; provides that the bill be read by title; waives all points of order against the Tauzin amendment; self-executes Budget Committee amendment; waives cl 2(e) of rule XXI against amendments to the bill; Pre-printing gets priority; PQ.	N/A.
H.R. 1977	Interior Appropriations	H. Res. 187	Open; waives sections 302(f), 306 and 308(a) of the Budget Act; waives clauses 2 and 6 of rule XXI against provisions in the bill; waives all points of order against the Tauzin amendment; provides that the bill be read by title; self-executes Budget Committee amendment and makes NEA funding subject to House passed authorization; waives cl 2(e) of rule XXI against the amendments to the bill; Pre-printing gets priority; PQ.	N/A.
H.R. 1976	Agriculture Appropriations	H. Res. 188	Open; waives clauses 2 and 6 of rule XXI against provisions in the bill; provides that the bill be read by title; Makes Skeen amendment first order of business, if adopted the amendment will be considered as base text (10 min.); Pre-printing gets priority; PQ.	N/A.
H.R. 1977 (3rd rule)	Interior Appropriations	H. Res. 189	Restrictive; provides for the further consideration of the bill; allows only amendments pre-printed before July 14th to be considered; limits motions to rise.	N/A.
H.R. 2020	Treasury Postal Appropriations	H. Res. 190	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; provides the bill be read by title; Pre-printing gets priority; PQ.	N/A.
H.J. Res. 96	Disapproving MFN for China	H. Res. 193	Restrictive; provides for consideration in the House of H.R. 2058 (90 min.) And H.J. Res. 96 (1 hr). Waives certain provisions of the Trade Act.	N/A.
H.R. 2002	Transportation Appropriations	H. Res. 194	Open; waives cl. 3 0f rule XIII and section 401 (a) of the CBA against consideration of the bill; waives cl. 6 and cl. 2 of rule XXI against provisions in the bill; Makes in order the Clinger/Solomon amendment waives all points of order against the amendment (Line Item Veto); provides the bill be read by title; Pre-printing gets priority; PQ. *RULE AMENDED*.	N/A.
H.R. 70	Exports of Alaskan North Slope Oil	H. Res. 197	Open; Makes in order the Resources Committee amendment in the nature of a substitute as original text; Pre-printing gets priority; Provides a Senate hook-up with S. 395.	N/A.
H.R. 2076	Commerce, Justice Appropriations	H. Res. 198	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Pre-printing gets priority; provides the bill be read by title..	N/A.
H.R. 2099	VA/HUD Appropriations	H. Res. 201	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Provides that the amendment in part 1 of the report is the first business, if adopted it will be considered as base text (30 min.); waives all points of order against the Klug and Davis amendments; Pre-printing gets priority; Provides that the bill be read by title.	N/A.
S. 21	Termination of U.S. Arms Embargo on Bosnia	H. Res. 204	Restrictive; 3 hours of general debate; Makes in order an amendment to be offered by the Minority Leader or a designee (1 hr); If motion to recommit has instructions it can only be offered by the Minority Leader or a designee.	ID.
H.R. 2126	Defense Appropriations	H. Res. 205	Open; waives cl. 2(l)(6) of rule XI and section 306 of the Congressional Budget Act against consideration of the bill; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; self-executes a strike of sections 8021 and 8024 of the bill as requested by the Budget Committee; Pre-printing gets priority; Provides the bill be read by title.	N/A.
H.R. 1555	Communications Act of 1995	H. Res. 207	Restrictive; waives sec. 302(f) of the Budget Act against consideration of the bill; Makes in order the Commerce Committee amendment as original text and waives sec. 302(f) of the Budget Act and cl. 5(a) of rule XXI against the amendment; Makes in order the Bliley amendment (30 min.) as the first order of business, if adopted it will be original text; makes in order only the amendments printed in the report and waives all points of order against the amendments; provides a Senate hook-up with S. 652.	2R/3D/3 Bipartisan.
H.R. 2127	Labor/HHS Appropriations Act	H. Res. 208	Open; Provides that the first order of business will be the managers amendments (10 min.), if adopted they will be considered as base text; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; waives all points of order against certain amendments printed in the report; Pre-printing gets priority; Provides the bill be read by title; PQ.	N/A.
H.R. 1594	Economically Targeted Investments	H. Res. 215	Open; 2 hr of gen. debate. makes in order the committee substitute as original text	N/A.
H.R. 1655	Intelligence Authorization	H. Res. 216	Restrictive; waives sections 302(f), 308(a) and 401(b) of the Budget Act. Makes in order the committee substitute as modified by Govt. Reform amend (striking sec. 505) and an amendment striking title VII. Cl 7 of rule XVI and cl 5(a) of rule XXI are waived against the substitute. Sections 302(f) and 401(b) of the CBA are also waived against the substitute. Amendments must also be pre-printed in the Congressional record.	N/A.
H.R. 1162	Deficit Reduction Lock Box	H. Res. 218	Open; waives cl 7 of rule XVI against the committee substitute made in order as original text; Pre-printing gets priority.	N/A.
H.R. 1670	Federal Acquisition Reform Act of 1995	H. Res. 219	Open; waives sections 302(f) and 308(a) of the Budget Act against consideration of the bill; bill will be read by title; waives cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Pre-printing gets priority.	N/A.
H.R. 1617	To Consolidate and Reform Workforce Development and Literacy Programs Act (CAREERS).	H. Res. 222	Open; waives sections 302(f) and 401(b) of the Budget Act against the substitute made in order as original text (H.R. 2332), cl. 5(a) of rule XXI is also waived against the substitute. Provides for consideration of the managers amendment (10 min.) If adopted, it is considered as base text.	N/A.
H.R. 2274	National Highway System Designation Act of 1995	H. Res. 224	Open; waives section 302(f) of the Budget Act against consideration of the bill; Makes H.R. 2349 in order as original text; waives section 302(f) of the Budget Act against the substitute as well as cl. 5(a) of rule XXI and cl. 1(q)(10) of rule X against the substitute; provides for the consideration of a managers amendment (10 min). If adopted, it is considered as base text; Pre-printing gets priority; PQ.	N/A.
H.R. 927	Cuban Liberty and Democratic Solidarity Act of 1995	H. Res. 225	Restrictive; waives cl 2(l)(2)(B) of rule XI against consideration of the bill; makes in order H.R. 2347 as base text; waives cl 7 of rule XVI against the substitute; Makes Hamilton amendment the first amendment to be considered (1 hr). Makes in order only amendments printed in the report.	2R/2D
H.R. 743	The Teamwork for Employees and managers Act of 1995	H. Res. 226	Open; waives cl 2(l)(2)(b) of rule XI against consideration of the bill; makes in order the committee amendment as original text; Pre-printing get priority.	N/A.
H.R. 1170	3-Judge Court for Certain Injunctions	H. Res. 227	Open; makes in order a committee amendment as original text; Pre-printing gets priority	N/A.
H.R. 1601	International Space Station Authorization Act of 1995	H. Res. 228	Open; makes in order a committee amendment as original text; pre-printing gets priority	N/A.
H.J. Res. 108	Making Continuing Appropriations for FY 1996	H. Res. 230	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	
H.R. 2405	Omnibus Civilian Science Authorization Act of 1995	H. Res. 234	Open; self-executes a provision striking section 304(b)(3) of the bill (Commerce Committee request); Pre-printing gets priority.	N/A.
H.R. 2259	To Disapprove Certain Sentencing Guideline Amendments	H. Res. 237	Restrictive; waives cl 2(l)(2)(B) of rule XI against the bill's consideration; makes in order the text of the Senate bill S. 1254 as original text; Makes in order only a Conyers substitute; provides a senate hook-up after adoption.	1D
H.R. 2425	Medicare Preservation Act	H. Res. 238	Restrictive; waives all points of order against the bill's consideration; makes in order the text of H.R. 2485 as original text; waives all points of order against H.R. 2485; makes in order only an amendment offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5(c) of rule XXI (⅗ requirement on votes raising taxes); PQ.	1D
H.R. 2492	Legislative Branch Appropriations Bill	H. Res. 239	Restrictive; provides for consideration of the bill in the House	N/A.
H.R. 2491 H. Con. Res. 109	7 Year Balanced Budget Reconciliation Social Security Earnings Test Reform.	H. Res. 245	Restrictive; makes in order H.R. 2517 as original text; waives all pints of order against the bill; Makes in order only H.R. 2530 as an amendment only if offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5(c) of rule XXI (⅗ requirement on votes raising taxes); PQ.	1D

FLOOR PROCEDURE IN THE 104TH CONGRESS 1ST SESSION; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1833	Partial Birth Abortion Ban Act of 1995	H. Res. 251	Closed	N/A.
H.R. 2546	D.C. Appropriations FY 1996	H. Res. 252	Restrictive; waives all points of order against the bill's consideration; Makes in order the Walsh amendment as the first order of business (10 min.); if adopted it is considered as base text; waives cl 2 and 6 of rule XXI against the bill; makes in order the Bonilla, Gunderson and Hostettler amendments (30 min.); waives all points of order against the amendments; debate on any further amendments is limited to 30 min. each.	N/A
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 257	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	N/A
H.R. 2586	Temporary Increase in the Statutory Debt Limit	H. Res. 258	Restrictive; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee; self-executes 4 amendments in the rule; Solomon, Medicare Coverage of Certain Anti-Cancer Drug Treatments, Habeas Corpus Reform, Chrysler (MI); makes in order the Walker amend (40 min.) on regulatory reform.	5R
H.R. 2539	ICC Termination	H. Res. 259	Open; waives section 302(f) and section 308(a)	
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 261	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A.
H.R. 2586	Temporary Increase in the Statutory Limit on the Public Debt	H. Res. 262	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A.
H. Res. 250	House Gift Rule Reform	H. Res. 268	Closed; provides for consideration of the bill in the House; 30 min. of debate; makes in order the Burton amendment and the Gingrich en bloc amendment (30 min. each); waives all points of order against the amendments; Gingrich is only in order if Burton fails or is not offered.	2R
H.R. 2564	Lobbying Disclosure Act of 1995	H. Res. 269	Open; waives cl. 2(l)(6) of rule XI against the bill's consideration; waives all points of order against the Istook and McIntosh amendments.	N/A.
H.R. 2606	Prohibition on Funds for Bosnia Deployment	H. Res. 273	Restrictive; waives all points of order against the bill's consideration; provides one motion to amend if offered by the Minority Leader or designee (1 hr non-amendable); motion to recommit which may have instructions only if offered by Minority Leader or his designee; if Minority Leader motion is not offered debate time will be extended by 1 hr.	N/A.
H.R. 1788	Amtrak Reform and Privatization Act of 1995	H. Res. 289	Open; waives all points of order against the bill's consideration; makes in order the Transportation substitute modified by the amend in the report; Bill read by title; waives all points of order against the substitute; makes in order a managers amend as the first order of business, if adopted it is considered base text (10 min.); waives all points of order against the amendment; Pre-printing gets priority.	N/A.
H.R. 1350	Maritime Security Act of 1995	H. Res. 287	Open; makes in order the committee substitute as original text; makes in order a managers amendment which if adopted is considered as original text (20 min.) unamendable; pre-printing gets priority.	N/A.
H.R. 2621	To Protect Federal Trust Funds	H. Res. 293	Closed; provides for the adoption of the Ways & Means amendment printed in the report. 1 hr. of general debate; PQ.	N/A.
H.R. 1745	Utah Public Lands Management Act of 1995	H. Res. 303	Open; waives cl 2(l)(6) of rule XI and sections 302(f) and 311(a) of the Budget Act against the bill's consideration. Makes in order the Resources substitute as base text and waives cl 7 of rule XVI and sections 302(f) and 308(a) of the Budget Act; makes in order a managers' amend as the first order of business, if adopted it is considered base text (10 min).	N/A.
H. Res. 304	Providing for Debate and Consideration of Three Measures Relating to U.S. Troop Deployments in Bosnia.	N/A	Closed; makes in order three resolutions; H.R. 2770 (Dornan), H. Res. 302 (Buyer), and H. Res. 306 (Gephardt); 1 hour of debate on each.	1D; 2R
H. Res. 309	Revised Budget Resolution	H. Res. 309	Closed; provides 2 hours of general debate in the House; PQ	N/A.
H.R. 558	Texas Low-Level Radioactive Waste Disposal Compact Consent Act	H. Res. 313	Open; pre-printing gets priority	N/A.
H.R. 2677	The National Parks and National Wildlife Refuge Systems Freedom Act of 1995.	H. Res. 323	Closed; consideration in the House; self-executes Young amendment	N/A.
		PROCEDURE IN THE 104TH CONGRESS 2D SESSION		
H.R. 1643	To authorize the extension of nondiscriminatory treatment (MFN) to the products of Bulgaria.	H. Res. 334	Closed; provides to take the bill from the Speaker's table with the Senate amendment, and consider in the House the motion printed in the Rules Committee report; 1 hr. of general debate; previous question is considered as ordered. ** NR; PQ.	N/A.
H.J. Res. 134 H. Con. Res. 131	Making continuing appropriations/establishing procedures making the transmission of the continuing resolution H.J. Res. 134.	H. Res. 336	Closed; provides to take from the Speaker's table H.J. Res. 134 with the Senate amendment and concur with the Senate amendment with an amendment (H. Con. Res. 131) which is self-executed in the rule. The rule provides further that the bill shall not be sent back to the Senate until the Senate agrees to the provisions of H. Con. Res. 131. ** NR; PQ.	N/A.
H.R. 1358	Conveyance of National Marine Fisheries Service Laboratory at Gloucester, Massachusetts.	H. Res. 338	Closed; provides to take the bill from the Speaker's table with the Senate amendment, and consider in the House the motion printed in the Rules Committee report; 1 hr. of general debate; previous question is considered as ordered. ** NR; PQ.	N/A.
H.R. 2924	Social Security Guarantee Act	H. Res. 355	Closed; ** NR; PQ	N/A.
H.R. 2854	The Agricultural Market Transition Program	H. Res. 366	Restrictive; waives all points of order against the bill; 2 hrs of general debate; makes in order a committee substitute as original text and waives all points of order against the substitute; makes in order only the 16 amends printed in the report and waives all points of order against the amendments; circumvents unfunded mandates law; Chairman has en bloc authority for amends in report (20 min.) on each en bloc; PQ.	5D; 9R; 2 Bipartisan.
H.R. 994	Regulatory Sunset & Review Act of 1995	H. Res. 368	Open rule; makes in order the Hyde substitute printed in the Record as original text; waives cl 7 of rule XVI against the substitute; Pre-printing gets priority; vacates the House action on S. 219 and provides to take the bill from the Speaker's table and consider the Senate bill; allows Chrmn. Clinger a motion to strike all after the enacting clause of the Senate bill and insert the text of H.R. 994 as passed by the House (1 hr) debate; waives germaneness against the motion; provides if the motion is adopted that it is in order for the House to insist on its amendments and request a conference.	N/A.
H.R. 3021	To Guarantee the Continuing Full Investment of Social security and Other Federal Funds in Obligations of the United States.	H. Res. 371	Closed rule; gives one motion to recommit, which if it contains instructions, may only if offered by the Minority Leader or his designee. ** NR.	N/A.
H.R. 3019	A Further Downpayment Toward a Balanced Budget	H. Res. 372	Restrictive; self-executes CBO language regarding contingency funds in section 2 of the rule; makes in order only the amendments printed in the report; Lowey (20 min), Istook (20 min), Crapo (20 min), Obey (1 hr); waives all points of order against the amendments; give one motion to recommit, which if contains instructions, may only if offered by the Minority Leader or his designee. ** NR.	2D/2R.
H.R. 2703	The Effective Death Penalty and Public Safety Act of 1996	H. Res. 380	Restrictive; makes in order only the amendments printed in the report; waives all points of order against the amendments; gives Judiciary Chairman en bloc authority (20 min.) on en blocs; provides a Senate hook-up with S. 735. ** NR.	6D; 7R; 4 Bipartisan.
H.R. 2202	The Immigration and National Interest Act of 1995	H. Res. 384	Restrictive; waives all points of order against the bill and amendments in the report except for those arising under sec. 425(a) of the Budget Act (unfunded mandates); 2 hrs. of general debate on the bill; makes in order the committee substitute as base text; makes in order only the amends in the report; gives the Judiciary Chairman en bloc authority (20 min.) of debate on the en blocs; self-executes the Smith (TX) amendment re: employee verification program; PQ.	12D; 19R; 1 Bipartisan.
H.J. Res. 165	Making further continuing appropriations for FY 1996	H. Res. 386	Closed; provides for the consideration of the CR in the House and gives one motion to recommit which may contain instructions only if offered by the Minority Leader; the rule also waives cl 4(b) of rule XI against the following: an omnibus appropriations bill, another CR, a bill extending the debt limit. ** NR.	N/A.
H.R. 125	The Gun Crime Enforcement and Second Amendment Restoration Act of 1996.	H. Res. 388	Closed; self-executes an amendment; provides one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee. ** NR.	N/A.
H.R. 3136	The Contract With America Advancement Act of 1996	H. Res. 391	Closed; provides for the consideration of the bill in the House; self-executes an amendment in the Rules report; waives all points of order, except sec. 425(a) (unfunded mandates) of the CBA, against the bill's consideration; orders the PQ except 1 hr. of general debate between the Chairman and Ranking Member of Ways and Means; one Archer amendment (10 min.); one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee; Provides a Senate hookup if the Senate passes S. 4 by March 30, 1996. **NR.	N/A.
H.R. 3103	The Health Coverage Availability and Affordability Act of 1996	H. Res. 392	Restrictive: 2 hrs. of general debate (45 min. split by Ways and Means) (45 split by Commerce) (30 split by Economic and Educational Opportunities); self-executes H.R. 3160 as modified by the amendment in the Rules report as original text; waives all points of order, except sec. 425(a) (unfunded mandates) of the CBA; makes in order a Democratic substitute (1 hr.) waives all points of order, except sec. 425(a) (unfunded mandates) of the CBA, against the amendment; one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee; waives cl 5(c) of Rule XXI (requiring ⅗ vote on any tax increase) on votes on the bill, amendments or conference reports.	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS 1ST SESSION; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.J. Res. 159	Tax Limitation Constitutional Amendment	H. Res. 395	Restrictive; provides for consideration of the bill in the House; 3 hrs of general debate; Makes in order H.J. Res. 169 as original text; allows for an amendment to be offered by the Minority Leader or his designee (1 hr) ** NR; PQ.	1D
H.R. 842	Truth in Budgeting Act	H. Res. 396	Open; 2 hrs. of general debate; Pre-printing gets priority	N/A.
H.R. 2715	Paperwork Elimination Act of 1996	H. Res. 409	Open; Preprinting get priority	N/A.
H.R. 1675	National Wildlife Refuge Improvement Act of 1995	H. Res. 410	Open; Makes the Young amendment printed in the 4/16/96 Record in order as original text; waives cl 7 of rule XVI against the amendment; Preprinting gets priority; **NR.	N/A.
H.J. Res. 175	Further Continuing Appropriations for FY 1996	H. Res. 411	Closed; provides for consideration of the bill in the House; one motion to recommit which, if containing instructions, may be offered by the Minority Leader or his designee. **NR.	N/A.
H.R. 2641	United States Marshals Service Improvement Act of 1996	H. Res. 418	Open; Pre-printing gets priority; Senate hook-up. **PQ	N/A.
H.R. 2149	The Ocean Shipping Reform Act	H. Res. 419	Open; Makes in order a managers amendment as the first order of business (10 min.); if adopted it is considered as base text; waives cl 7 of rule XVI against the managers amendment; Pre-printing gets priority; makes in order an Obestar en bloc amendment.	N/A.
H.R. 2974	To amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims.	H. Res. 421	Open; waives cl 7 of rule XIII against consideration of the bill; makes in order the Judiciary substitute printed in the bill as original text; waives cl 7 of rule XVI against the substitute; Pre-printing gets priority.	N/A.
H.R. 3120	To amend Title 18, United States Code, with respect to witness retaliation, witness tampering and jury tampering.	H. Res. 422	Open; waives cl 7 of rule XIII against consideration of the bill; makes in order the Judiciary substitute printed in the bill as original text; waives cl 7 of rule XVI against the substitute; Pre-printing gets priority.	N/A.
H.R. 2406	The United States Housing Act of 1996	H. Res. 426	Open; makes in order the committee substitute printed in the bill as original text; waives cl 5(a) of rule XXI against the substitute; makes in order a managers amendment as the first order of business (10 min); if adopted it is considered as base text; Pre-printing gets priority; provides a Senate hook-up.	N/A.
H.R. 3322	Omnibus Civilian Science Authorization Act of 1996	H. Res. 427	Open; waives cl 2(l)(2) of rule XI against the bill's consideration; makes in order a managers amendment as the first order of business (10 min); if adopted it is considered as base text; waives cl 5(a) of rule XXI against the bill; pre-printing gets priority.	N/A.
H.R. 3286	The Adoption Promotion and Stability Act of 1996	H. Res. 428	Restrictive; provides consideration of the bill in the House; makes in order the Ways & Means substitute printed in the bill as original text; makes in order a Gibbons amendment to title II (30 min) and a Young amendment (30 min); provides one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee.	1D; 1R
H.R. 3230	Defense Authorization Bill FY 1997	H. Res. 430	Restrictive	41 amends; 20D; 17R; 4 bipartisan
H.R. 3415	Repeal of the 4.3-Cent Increase in Transporation Fuel Taxes	H. Res. 436	Closed	N/A.
H.R. 3259	Intelligence Authorization Act for FY 1997	H. Res. 437	Restrictive	N/A.
H.R. 3144	The Defend America Act	H. Res. 438	Restrictive	1D
H.R. 3448/H.R. 1227	The Small Business Job Protection Act of 1996, and The Employee Commuting Flexibility Act of 1996.	H. Res. 440	Restrictive	2R

* Contract Bills, 67% restrictive; 33% open. ** All legislation 1st Session, 53% restrictive; 47% open. *** All legislation 2d Session, 69% restrictive; 31% open. **** All legislation 104th Congress, 58% restrictive; 42% open. ***** NR indicates that the legislation being considered by the House for amendment has circumvented standard procedure and was never reported from any House committee. ****** PQ Indicates that previous question was ordered on the resolution. ******* Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103d Congress. N/A means not available.

LEGISLATION IN THE 104TH CONGRESS, 2D SESSION

To date 13 out of 31, or 42% of the bills considered under rules in the 2d session of the 104th Congress have been considered under an irregular procedure which circumvents the standard committee procedure. They have been brought to the floor without any committee reporting them. They are as follows:

H.R. 1643, to authorize the extension of nondiscriminatory treatment (MFN) to the products of Bulgaria.

H.J. Res. 134, making continuing appropriations for fiscal year 1996.

H.R. 1358, conveyance of National Marine Fisheries Service Laboratory at Gloucester, Massachusetts.

H.R. 2924, the Social Security Guarantee Act.

H.R. 3021, to guarantee the continuing full investment of Social Security and other Federal funds in obligations of the United States.

H.R. 3019, a further downpayment toward a balanced budget.

H.R. 2703, the effective Death Penalty and Public Safety Act of 1996.

H.J. Res. 165, making further continuing appropriations for fiscal year 1996.

H.R. 125, the Crime Enforcement and Second Amendment Restoration Act of 1996.

H.R. 3136, the Contract With America Advancement Act of 1996.

H.J. Res. 159, tax limitation constitutional amendment.

H.R. 1675, National Wildlife Refuge Improvement Act of 1995.

H.J. Res. 175, making further continuing appropriations for fiscal year 1996.

Mr. HALL of Ohio. Mr. Speaker, to sum up, I urge a no vote on the rule. The resolution does not provide the opportunity for a straight up-or-down vote on the minimum wage. And make no mistake about it; the small business exemption will drag this legislation down. This issue is too important for working families. Let us send it back to the Committee on Rules. Vote no on the rule.

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

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would just say that we would think from the rhetoric spewing forth from the Democrats that they were not going to have a chance to vote up-or-down on a minimum wage. Come back in about an hour-and-a-half and I want everybody to see what takes place. It will be an up-or-down vote on a minimum wage.

Mr. Speaker, it is a shame that we have to get into these partisan fights on something that is so terribly important. Yes, it is important for a minimum wage increase, but yes, it important that we relieve small business of some of the expenses in order to pay for that minimum wage increase. That is exactly what this bill does.

Small business incentives, decreasing expenses for small businesses, that means a lot to small businesses. Home office deductions, do Members know what that means to so many working mothers that want to work out of their homes? That is what Members are voting for when they come over here and vote for this rule. That is terribly important to working mothers that want to stay in their homes and take care of their children.

Mr. Speaker, we can go down and line. Here are dozens and dozens of little benefits that add up to so much: employer-provided educational assistance. That is so important. The Democrats ought to be standing up there voting for this bill. Pension implication provisions, to allow pensions for the few employees that small businesses have. That is what this whole debate is all about.

Everyone should come over here, they should vote for this rule, and then they should do a favor for small business and a favor for working people that might be on the minimum wage. This is a good bill. It is a compromise. That is what we all have to learn in politics: We cannot always have it our own way. Let us work together. Come over here and vote for the rule and then vote for the bill. Members will be doing something for people of this country.

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

The previous question was ordered.

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

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

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 219, nays 211, not voting 4, as follows:

[Roll No. 189]

YEAS—219

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

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

NAYS—211

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bartlett
Barton
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunning
Cardin
Chapman
Christensen
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cubin
Cummings
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hancock
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Largent
Levin
Lewis (GA)
Lewis (KY)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McIntosh
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Salmon
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shadegg
Sisisky
Skaggs
Skelton
Slaughter
Souder
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NOT VOTING—4

Bliley
Molinari
Payne (VA)
Scarborough

□ 1840

The Clerk announced the following pair:

On this vote:

Mr. Scarborough for, with Mr. Payne of Virginia against.

Mr. SHADEGG changed his vote from ''yea'' to ''nay.''

Mr. CRANE changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT THURSDAY, MAY 23, 1996, TO FILE A PRIVILEGED REPORT ON MILITARY CONSTRUCTION APPROPRIATIONS BILL, 1997

Mrs. VUCANOVICH. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight, Thursday, May 23, 1996, to file a privileged report on a bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes.

The SPEAKER pro tempore (Mr. HOBSON). Is there objection to the request of the gentlewoman from Nevada?

There was no objection.

The SPEAKER pro tempore. All points of order are reserved.

SMALL BUSINESS JOB PROTECTION ACT OF 1996

Mr. ARCHER. Mr. Speaker, pursuant to House Resolution 440, I call up the bill (H.R. 3448) to provide tax relief for small businesses, to protect jobs, to create opportunities, to increase the take home pay of workers, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. WALKER). Pursuant to House Resolution 440, the Committee amendment in the nature of a substitute printed in the bill is considered read.

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

H.R. 3448

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Small Business Job Protection Act of 1996''.

(b) TABLE OF CONTENTS.—

TITLE I—SMALL BUSINESS AND OTHER TAX PROVISIONS

Sec. 1101. Amendment of 1986 Code.
Sec. 1102. Underpayments of estimated tax.

Subtitle A—Expensing; Etc.

Sec. 1111. Increase in expense treatment for small businesses.
Sec. 1112. Treatment of employee tips.
Sec. 1113. Treatment of storage of product samples.
Sec. 1114. Treatment of certain charitable risk pools.
Sec. 1115. Treatment of dues paid to agricultural or horticultural organizations.
Sec. 1116. Clarification of employment tax status of certain fishermen; information reporting.

Subtitle B—Extension of Certain Expiring Provisions

Sec. 1201. Work opportunity tax credit.
Sec. 1202. Employer-provided educational assistance programs.
Sec. 1203. FUTA exemption for alien agricultural workers.

Subtitle C—Provisions Relating to S Corporations

Sec. 1301. S corporations permitted to have 75 shareholders.
Sec. 1302. Electing small business trusts.
Sec. 1303. Expansion of post-death qualification for certain trusts.
Sec. 1304. Financial institutions permitted to hold safe harbor debt.
Sec. 1305. Rules relating to inadvertent terminations and invalid elections.
Sec. 1306. Agreement to terminate year.
Sec. 1307. Expansion of post-termination transition period.
Sec. 1308. S corporations permitted to hold subsidiaries.
Sec. 1309. Treatment of distributions during loss years.
Sec. 1310. Treatment of S corporations under subchapter C.
Sec. 1311. Elimination of certain earnings and profits.
Sec. 1312. Carryover of disallowed losses and deductions under at-risk rules allowed.
Sec. 1313. Adjustments to basis of inherited S stock to reflect certain items of income.