REPORT ON RESOLUTION WAIVING A REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO THE SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE RULES COMMITTEE

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–56) on the resolution (H.Res. 131) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

ADJOURNMENT TO MONDAY, MAY 7, 2001

Mr. GOSS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

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

Mr. FRANK. Mr. Speaker, reserving the right to object, we have been here for a very long time for what is no longer today, but yesterday and today. We have been told we were going to have the budget. Members have been around since about 10:30 or 11 this morning when we had a vote. We were told we were going to have a budget. It does seem to me that minimal respect for the opinion of mankind would call for some explanation of why we are, having spent the day doing nothing, why we are now going to end it by waiting until Monday.

I would be glad to yield to the gentleman from Florida, or anyone else, not what happened, but what did not happen, why it did not happen, and what might happen on Monday or Tuesday.

Mr. Speaker, I would yield to the gentleman.

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from Massachusetts for yielding, and I would inform the gentleman from Massachusetts that we are all saddened that we have not been able to complete all of the business we had originally anticipated for today because of the complexity of the business, and the procedures for working out conference reports with our colleagues in the other body.

These matters require a great deal of observation of the technical rules involving conference reports, and that process has taken longer than expected.

Mr. FRANK. Mr. Speaker, I am sorry that the gentleman is saddened. I hate to see my colleague's discountenance. There are a few other people not too thrilled about spending about 15 hours here while people fiddled with this thing.

I was struck by his telling us there is a complexity here. In the first year of the gentleman being in the majority, I would have understood that, but at this point, was there any unexpected complexity? We had a budget and a conference committee. It is very hard to understand what new complexity suddenly descended upon you which left you unable to cope with what has heretofore been a fairly routine set of procedures. Perhaps there is some new show on which the ship of state might be sailing that has resulted. This has not happened in my experience, this sort of nonperformance.

Mr. Speaker, I would yield to the gentleman. Would you tell us what this complexity was? Was there something new that happened?

□ 0200

Mr. GOSS. I thank the gentleman for yielding. I think that the complexity of a conference report is well known because we are dealing with another body and there are different points of view that need to be accommodated which is, of course, the purpose of a conference report and getting all of the exact language spelled out properly and out in time to accommodate all of the other schedule that we have to do here.

Mr. FRANK. Could I ask the gentleman, was it the other body that lost the two pages that resulted in our not being here or who lost the two pages, I would ask the gentleman?

I do not mean the human pages, I mean the paper pages. I want to assure all parents that all pages are present and accounted for. It is pages from the conference report that apparently were too complex for the majority to keep track of.

Mr. GOSS. I believe that those are somewhat complicated pages that were very carefully negotiated in the conference report and certainly to get them exactly correct, they have not been lost, actually if the gentleman has them, he has found them.

Mr. FRANK. No, I was waving some whip notice just for the heck of it. That was purely a dramatic gesture. Nobody on our side has seen the budget, including the missing pages.

Mr. GOSS. Actually the Committee on Rules has seen them.

Mr. FRANK. I apologize. A half-hour ago the Committee on Rules got to see the budget that we were supposed to have voted on 10 or 12 hours ago.

I would just say to the gentleman, I think we ought to be clear. We have here a problem not of complexity but of basic physics. The majority has, as many of us have been saying for some time, constructed a budget in which the whole is significantly smaller than the sum of the parts and in the process of trying to jam those parts into that small hole, apparently things came apart. It is unfortunate that Members' time was so wasted all day and that we have accomplished nothing and we have to come back next week. I hope you find the pages, I hope you master the complexity and I hope that this kind of performance is not again repeated.

I withdraw my reservation of objection, Mr. Speaker.

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

Mr. POMEROY. Mr. Speaker, reserving the right to object, not being a member of the Committee on Rules, I want to verify that the information that we heard from the Committee on Rules is indeed correct. That it was not possible to proceed tonight because the report filed around midnight which had earlier been promised to be delivered sometime this morning representing the budget of the United States to be agreed upon by this House today was missing two critical pages, in fact the pages, the instructions on reconciliation, and that is why we could not proceed further for final disposition on this matter this evening.

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

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

Mr. GOSS. It is my understanding that two pages were inadvertently omitted from the filing process and when that was discovered the Committee on Rules tried to find a way to remedy that issue and we decided that the fairest way to do it and working within the complexity of the conference procedure was to take the course of action that we have suggested.

Mr. POMEROY. Continuing my reservation, it is my understanding that indeed upon ascertaining that critical pages were missing from the report that was belatedly filed, an effort was made to track down the required Senators whose signatures needed to be affixed to the document for purposes of bringing it into conformance with all appropriate requirements and that indeed because the Senate had left, these signatures could not be obtained.

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

Mr. POMEROY. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding. I would simply say that there are all kinds of rumors circulating about what may or may not have taken place. We all acknowledge that there were in fact two pages that mistakenly were not included in the conference report. For that reason, we made a decision that because Members had been here very late, we in the Committee on Rules met first at 8:30 yesterday morning, and we have decided that we will file this rule as the gentleman from Florida (Mr. GOSS) has just done, we will in fact reconvene Tuesday afternoon, and we will allow for a full debate and full consideration of these measures.

Mr. POMEROY. Reclaiming my time under my reservation, Mr. Speaker, I very much appreciate the gentleman's participation in the explanation. Far beyond actually trying to simply obtain information about how the wheels fell off our proceeding tonight, it would

have been much preferable had we had actually the document which would have let us evaluate the numbers behind the budget brought forward for our voting. Indeed, the numbers were not handed to us as part of this agreement literally until midnight.

Mr. DREIER. If the gentleman will yield, we now have until Tuesday.

Mr. POMEROY. Mr. Speaker, I still have the time under my reservation. I will yield to the gentleman in a moment. That is how you have chosen to proceed. It is certainly in vast contrast to any parliamentary proceeding I have ever been a part of in my years in a legislative body. Be that as it may, I do not think that it is too much to ask for a very detailed explanation of why then the about face by the Committee on Rules and the majority in terms of why we cannot further proceed tonight.

My question therefore would be, were indeed Senate signatures required that could not be obtained?

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

Mr. POMEROY. I yield to the gentleman from Iowa, the chairman of the Committee on the Budget, although the question is more of a rules one on this point.

Mr. NUSSLE. Mr. Speaker, maybe I can expedite this. Maybe it is my upbringing or whatever it is, but I have a difficult time having my friends from the Committee on Rules trying to sweep under the rug or cover for mistakes that I am responsible for. I am the chairman of the Committee on the Budget. This is a conference report that at least from the House perspective I am responsible to file and file correctly. That was not done. That is my responsibility. Two pages were missing. I am not exactly sure I can tell you precisely how those two pages were missing. The fact is they were missing when they were filed. Upon discovery of that mistake, a decision had to be made how to proceed. We had a couple of choices. One is to continue this. Now it is 2 o'clock. Right or wrong, I do not think probably it is the best way to proceed to just continue this. What we thought we would do is to, now that of course you have a copy of the budget, with the two pages, you have got now until Tuesday, I think, to take a look at this. Certainly that will be a new opportunity that both sides would probably enjoy. And then we will have an opportunity in the light of day to have a good debate and discussion on that budget and pass it. But as far as all of the discussion about whose responsibility it is and the joking and everything else, the buck stops here. It was my responsibility to do it. You can blame everything from computers to staff, it does not matter, it was my responsibility, and I am the person.

First of all I would apologize to the Members. I can give you all sorts of great rationalizations and excuses, but it is my responsibility. I apologize to the body for that. I would like and my recommendation is that we take the opportunity that has been given to us to read it carefully and then debate it carefully on Tuesday and to move forward.

Mr. POMEROY. Reclaiming my time, under my reservation, I would just note for the chairman of the Committee on the Budget, it is slightly incongruous to me that he would at this point note with great relief for both sides the opportunity to actually study this budget for several days before having the opportunity to vote on it. He as the budget chairman was obviously deeply involved in a procedure that was going to bring it to the floor in a very different manner, filing after midnight for a vote after the budget on the minority side had had 1 hour to review the budget, and you would have proceeded with this plan as I understand it correctly but for your inadvertent error in bringing it to the Committee on Rules in a manner that was so flawed, so screwed up that he could not proceed. He apologizes to the body for the error on the two pages. I am sorry that the gentleman has left the floor. I think the apology to this body ought to be for the overall process, bringing a budget of this country to the floor with no minority input, with no adequate time for minority review. What a sad thing. It would take sheer incompetence of the majority as opposed to legislative decency to give the minority the time to adequately review the document as certainly would comport with any fair-minded view of legislative process in the first place.

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

Mr. POMEROY. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding. I will simply say that again, mistakes were made. The chairman of the Committee on the Budget has raised that. We will in fact on Tuesday have a full and very rigorous debate, as I can tell it has begun right now, on Tuesday over this budget as well as your interpretation of the process. We are complying with the rules of the House and we are doing everything that we possibly can to ensure for a full and fair debate from the Committee on Rules and we will look forward to that opportunity if we can move ahead and allow our colleagues who are here at 2:10 this morning to have the chance to go home, get some rest, go to their districts over the weekend and then be raring to go as we begin this debate on Tuesday.

I thank my friend for yielding.

Mr. POMEROY. Reclaiming my time, and I appreciate the comments of the gentleman. His comments, like the comments of the chairman of the Committee on the Budget, now in appreciation for a full opportunity to vigorously debate this important matter, should have been a part of the process from the very beginning, not only a consequence of incompetence in your failure to execute the plan you had to shut out the minority from meaningful participation. That is the point I would like to make.

Mr. DREIER. That was not our plan at all. We do not believe that we have done that at all. We have had a lot of input that has come from a wide range of the members of the minority.

Mr. POMEROY. I reclaim my time on that. I would just note that after the convening of the conference committee, there was no further input by the minority whatsoever. I have been told by our ranking member of the Committee on the Budget, repeated calls went unanswered, repeated requests for information were denied, and indeed he was not given the numbers to the budget that we were to vote on in the wee hours of the morning until after midnight of this night and that was a procedure that the chairman of the Committee on Rules was advancing in his role and it was only come on strong because of the incompetence of the Committee on the Budget in missing a couple of critical pages.

I yield to the gentleman.

Mr. DREIER. I thank my friend for yielding. Maybe the absence of that two pages has created an opportunity for my friend to spend the weekend studying this budget. And then when we convene on Tuesday, he will have had several days during which time he will have been able to consider all of these proposals, and I will assure him that when the debate begins on Tuesday afternoon on this issue, there will be an ample opportunity during the debate on the rules that are considered as well as the conference report itself for the gentleman to raise his concerns and talk about the process as he sees fit. I am just saying that I hope very much the House will allow these unanimous consent requests to be agreed to so that Members can go home and begin studying this budget.

I thank my friend for yielding.

Mr. POMEROY. Reclaiming my time, yes, Mr. Speaker, the gentleman is my friend.

Mr. DREIER. We will continue to work together on financial literacy.

Mr. POMEROY. Reclaiming my time, and I will finish. I will spend time this weekend studying this budget. And I appreciate the opportunity afforded me by the majority for that purpose. But I would have appreciated it much more had it been as a deliberate role by the majority affording the minority appropriate input in review of the budget before we are asked to vote for it instead of as a consequence of the majority incompetence at executing a strategy that represented a shredding of any fair-minded legislative process.

Mr. Speaker, I withdraw my reservation of objection.

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

Mr. NADLER. Mr. Speaker, reserving the right to object, the gentleman from California (Mr. DREIER) has stated that we cannot take up the budget tonight because of this mistake or inadvertence or incompetence by somebody in

failing to file these two papers. In your judgment will the failure of our taking up this budget document tonight because of that inadvertence, will that do any danger to the well-being of the United States? The delay until Tuesday?

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

Mr. NADLER. I yield to the gentleman from California.

Mr. DREIER. I certainly hope not.

Mr. NADLER. And you believe not?

Mr. DREIER. I hope not.

Mr. NADLER. You hope not. I thank the gentleman.

Mr. DREIER. I thank my friend for yielding.

Mr. NADLER. I thank you for thanking me for yielding. Reclaiming my time, Mr. Speaker, this just illustrates the fraud and the sham that we have been subjected to all of today and tonight, or yesterday and last night and this morning. Because of the incompetence or inadvertence or mistake of somebody in not filing something properly, we do not take up the budget tonight, we wait until Tuesday. Thank God. If it had not been for that mistake, they would have rammed through this budget tonight with no input from the minority and the bipartisanship is a sham and a fraud because the minority had no input into this. Nobody on the minority side would have seen the budget or saw the budget in fact with the numbers until an hour ago.

□ 0215

We were then expected to debate and vote it tonight, not having had an opportunity to read it.

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

Mr. NADLER. I will not yield for the moment.

Mr. DREIER. I just want to explain the request to the gentleman.

Mr. NADLER. In order to produce that travesty of a procedure, the Committee on Rules with malice aforethought yesterday produced the rule that waived the rule of the House that demands that any bill lay on the floor for a day so people can read it and consult with other people and say what do you think and make judgments and perhaps prepare amendments. But because of some presumed emergency, some presumed necessity for the welfare presumably of the country, the Rules of the House that provide for the opportunity for Members of the House to read what is before them, what they are going to be asked to vote for, the Rules of the House that provide an opportunity for the press to tell the people and the country what we are going to vote for so maybe they can call up their Member of the House and say vote yes, vote no, introduce an amendment, that had to be waived because of some emergency or some necessity which we are now told by the distinguished chairman of the Committee on Rules is no emergency and no necessity; the fact that this can be put off until Tuesday will not harm anybody's interest. But they wanted to ram it through with less than an hour for us to look at this. I say, thank God, for the incompetence or the mistake or the inadvertence or whatever it was that will now allow us to read this budget, will allow the people at home to read the budget over a weekend so that people can react intelligently, as the Rules of the House always provided and contemplated that they should.

The fact that the Committee on Rules came in and that the majority in this House voted on a party line vote for a rule that waived the ability of anybody who was not privy to private negotiations, of anybody in the public, anybody in the minority side of the House, waived the ability of those people, all of us, to see what we are going to be asked to vote for, to be able to read it to vote on more than a basic outline that maybe our leadership could provide us on an hour's notice, that was what was voted for. That is what was tried to be perpetrated on this House, and the only reason it did not succeed is because somebody made a mistake in filing papers. I say whoever that person was, God bless him. He did a great service to this country.

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

Mr. NADLER. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I would just like to ask, is my friend going to be voting in favor or against this budget as it comes forward?

Mr. NADLER. I have not read it yet. How do I know?

Mr. DREIER. I just wondered if he has made any tentative decision.

Mr. NADLER. Reclaiming my time, I have not had a chance to read the budget. It was just shown to us an hour ago.

Mr. DREIER. We have provided now an opportunity of 4 days to go home and study that. The gentleman from New York (Mr. NADLER) and the gentleman from North Dakota (Mr. POMEROY) can spend time together working on it.

Mr. NADLER. The gentleman has not provided us with 4 days. That is a misstatement of fact. The inadvertence of someone who made a mistake against the will of the gentleman has provided us and the American people with that opportunity.

All I am saying is that it is a travesty and it is wrong that the House is run in such a fashion that the only reason we have the ability to read the budget before we vote on it, the only reason that people at home have the ability to take a look at it and read in the paper and suggest to their Congressman how we should vote, is because someone made a mistake and they did not file the papers on time. If the gentleman had his way and done what the gentleman wanted to do, what he tried to do, what he voted to do, nobody would have that opportunity and that is wrong.

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

Mr. NADLER. I yield to the gentleman from California.

Mr. THOMAS. Mr. Speaker, we actually have three unanimous consent resolutions. This is the first one. If we could actually do the first two and then hang on to the third one and conduct this dialogue, at least we would be two-thirds home.

Mr. NADLER. Reclaiming my time, I am just about finished now. I have made the points I wanted to make about the sham of the procedure, about the sham of the bipartisanship notion, about the luck of the country in having this inadvertence so that this ramming through of a budget unseen, unread, unknown, could not proceed. But I think we ought to finish this point because whether we do three points one, two, three, or two, three, one, what is the difference?

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

HOUR OF MEETING ON TUESDAY, MAY 8, 2001

Mr. GOSS. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday May 7, 2001, it adjourn to meet at 12:30 p.m. on Tuesday, May 8, for morning hour debates.

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

Mr. FRANK. Mr. Speaker, reserving the right to object for a legitimate scheduling question here.

Nothing about today has struck me as being remotely legitimate, except that it is the day in which incompetence came to the rescue of democracy. We will all remember that.

I would like to ask the gentleman from Florida (Mr. GOSS), we have had some concern here, does that mean that votes will still be at 6:00? There was some suggestion that votes might be earlier. Will we still have a 6:00 p.m. vote at the earliest on Tuesday?

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

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

Mr. GOSS. Mr. Speaker, it is my understanding that the plan at this time is that votes are still scheduled not before 6:00, but that is subject to change.

Mr. FRANK. I appreciate it. When we say not before 6:00, not like today, that will not mean, we hope, at 3:00 in the morning, but in fact 6:00 p.m., and I appreciate that.

I just also want to say to my friend, the gentleman from California (Mr. DREIER), who appears to be keeping track, that he should put me down as leaning against on the budget.

Mr. DREIER. I thank the gentleman very much. I will put that on the whip count.